Council Meeting Date: November 23, 2020 **Agenda Item**: 9(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussing Ordinance No. 907 - Amending Development Code Sections 20.20, 20.30, 20.40, 20.50, and 20.80 for Policy Amendments
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Nora Gierloff, Planning Manager
ACTION:	___ Ordinance ____ Resolution ____ Motion __X_ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:
Amendments to the Development Code (Shoreline Municipal Code Title 20) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for these legislative decisions and is responsible for holding a public hearing on proposed Development Code amendments and making a recommendation to the City Council on each amendment.

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

Although most of the proposed Development Code amendments in this batch of amendments are aimed at "cleaning up" the code and are more administrative in nature, other amendments are more substantive and have the possibility of changing policy direction for the City. The Council reviewed and discussed the administrative and clarifying amendments in Exhibit A and B to proposed Ordinance No. 907 at their meeting on November 9, 2020. The amendments included in this staff report address the policy amendments in Exhibit C to proposed Ordinance No. 907. The adoption of proposed Ordinance No. 907 is currently scheduled for December 7, 2020.

RESOURCE/FINANCIAL IMPACT:
The proposed amendments have no 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. 907. Staff

further recommends adoption of Ordinance No. 907 when it is brought back to Council for potential adoption on December 7, 2020. Staff also recommends that Council review and provide direction to staff on the policy questions associated with proposed amendment #16 in this staff report.

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

BACKGROUND

The City's Development Code is codified in Title 20 of the Shoreline Municipal Code (SMC). Amendments to Title 20 are used to ensure consistency between the City's development regulations and the City's Comprehensive Plan, to reflect amendments to state rules and regulations, or to respond to changing conditions or needs of the City.

Pursuant to SMC 20.30.070, amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for these types of decisions and is responsible for holding an open record Public Hearing on any proposed amendments and making a recommendation to the City Council on each amendment.

The 2020 'batch' of Development Code amendments is comprised of 53 amendments. The proposed Development Code amendments include administrative changes (reorganization and minor corrections), clarifying amendments, and policy amendments.

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

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

At the conclusion of the Public Hearing, the Planning Commission recommended approval of 53 amendments (one amendment is recommended for inclusion into the Housing Action Plan for additional study). A memo to the City Council from the Planning Commission regarding their recommendation is included as **Attachment B**.

The Planning Commission-recommended Development Code amendments are included in proposed Ordinance No. 907. Although most of the proposed Development Code amendments in this batch of amendments are aimed at "cleaning up" the code and are more administrative in nature, other amendments are more substantive and have the possibility of changing policy direction for the City. The Council reviewed and discussed the administrative and clarifying amendments in Exhibit A and B to proposed Ordinance No. 907 at their meeting on November 9, 2020. The staff report for the November 9th Council discussion can be found at the following link: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport110920-9b.pdf.

Tonight, the Council will discuss the policy amendments in Exhibit C to proposed Ordinance No. 907, which are also included in this staff report. Adoption of proposed Ordinance No. 907 is currently scheduled for December 7, 2020.

DISCUSSION

All the proposed policy Development Code amendments (Exhibit C) are listed below. There are 21 policy amendments. Each amendment includes a description of the amendment, justification for the amendment and staff/Planning Commission recommendations.

Policy Amendments

Amendment #1
20.20.028 – E definitions

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

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

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #2
20.30.040 – Ministerial decisions – Type A

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
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

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

Justification – This amendment adds Final Formal Plats to the Type A actions Table. This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action in accordance with RCW 58.17.100 so as to allow administrative review and approval of final formal plats if the preliminary formal plat was reviewed by the Planning Commission, Hearing Examiner, or City Council.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #3
20.30.060 – Quasi-judicial decisions – Type C
Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE (1), (2)	City Council		20.30.345
4.~~3~~. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
5.~~4~~. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
6.~~5~~. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
~~6. Final Formal Plat~~	~~None~~	~~Review by Director~~	~~City Council~~	~~30 days~~	~~20.30.450~~

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

[1] Including consolidated SEPA threshold determination appeal.
[2] HE = Hearing Examiner.
[3] Notice of application requirements are specified in SMC 20.30.120.
[4] Notice of decision requirements are specified in SMC 20.30.150.
[5] A plat alteration does not require a neighborhood meeting.

Justification – There are two amendments to this section.

1. The first amendment removes Final Formal Plats from the Type C actions Table. This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action in accordance with RCW 58.17.100 that allows administrative review and approval of final formal plats because the preliminary formal plat was reviewed by Hearing Examiner and approved by the City Council.

2. The second amendment also adds site-specific Comprehensive Plan map amendments to the table. Generally, Comprehensive Plan map amendments are processed as Legislative actions since they can affect large areas of land or are general in nature as to apply citywide. A Site-specific Comprehensive Plan map amendment acts in the same way as a Rezone of Property and Zoning Map Change meaning that the request only applies to one or a small number of parcels and not citywide. These requests should be processed as Type C actions and follow the same procedures as a rezone.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #4
20.30.100 Application.

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.

2. Prior to purchase, acquisition, or owner authorization, a regional transit authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop any light rail transit facility or any portion of a light rail transit system for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.

3. Nothing in this subsection shall prohibit the regional transit authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.

4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.

5. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.

6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

7. Application(s) for any Type A, B, or C permits shall not be accepted and/or issued for any lot, tract, or parcel of land following the issuance of a notice and order to correct regarding activity occurring on that lot, tract or parcel of land, unless the identified violations are corrected or required to be corrected as a condition of approval and all fees or penalties satisfied prior to application except when the permit is required to obtain compliance or where an enforceable compliance plan to resolve the violation(s) has been entered into by the City.

Justification – Unlike many jurisdictions, Shoreline does not have a provision that states it will not accept applications or issue permits following the issuance of a Notice of Violation for a parcel until all outstanding violations are corrected prior to application or when the permit is needed to correct the violations, or the applicant has entered a compliance plan. Currently, the City cannot stop an applicant from submitting a development application and the City approving the permit even though there is an ongoing and outstanding violation on the parcel. The proposed amendment will restrict an applicant from obtaining development permits until outstanding land use violations

are corrected. It is common practice in other jurisdictions in the region to restrict development on a site, or sites, until a violation has been remedied.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #5

20.30.110 Determination of completeness and requests for additional information.

A. An application shall be determined complete when:

1. It meets the procedural requirements of the City of Shoreline;
2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.

B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.

C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. In this case the applicant may request a refund of the application fee minus the City's cost of processing. The Director may grant ~~a~~ 90-day extensions ~~on a one-time basis~~ if the applicant requests the extension in writing prior to the expiration date and documents that the failure to take a substantial step was due to circumstances beyond the control of the applicant. ~~The applicant may request a refund of the application fee minus the City's cost of processing.~~

D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action.

Justification – This amendment increases the number of extensions of time that may be granted to an applicant for the resubmittal of information requested by the City. 90-days can be too short in some circumstances when responding to multiple issues and questions. The main purpose of this amendment is to help applicants avoid having their permit applications expire which results in wasted resources for the applicant and City.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #6
20.30.290 – Deviation from the Engineering Standards (Type A action)

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

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

1. The granting of such deviation will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;

2. The authorization of such deviation will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;

3. The deviation is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II;

4. A deviation from engineering standards may ~~shall~~ only be granted if the proposal meets the following criteria:

    a. Conform to the intent and purpose of the Code;
    b. Produce a compensating or comparable result which is in the public interest; and
    c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment;

5. Deviations from road standards must meet the objectives for fire protection. Any deviation from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal;

6. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must meet the objectives for appearance and environmental protection;
7. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must be shown to be justified and required for the use and situation intended;

8. Deviations from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:

a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration;
b. Construction of the facility can, in practice, be successfully carried out; and
c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;

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

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

Justification – This amendment changes “shall” to “may” on the advice of the City Attorney because this is a discretionary decision by the Department Director.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #7
20.30.295 – Temporary use

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

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

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;

2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;

3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;

4. Hours of operation of the temporary use are specified;

5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and

6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

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

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

1. The site must be owned or leased by either a host or managing agency.

2. The application fee for a temporary use permit (TUP) for a transitional encampment or emergency temporary shelter is waived.

3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.

4. For transitional encampments, t~~T~~he applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center. No identification is required for people to utilize an emergency temporary shelter.

5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment or shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; ~~and exclusion of sex offenders~~. Transitional encampments must also include provisions that, at minimum, prohibit sex offenders. For transitional encampments, ~~T~~the applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure ~~is~~

~~being~~ will be met and will continue to be updated during the duration of the encampment.

6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions but shall in no case be greater than 100 residents at any one time. Any proposed site shall meet the site requirements in subsection (D)(7) of this section and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.

7. Site Requirements for Transitional Encampments.

a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.

b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for safety. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, taking into account site conditions that extend along the entire encampment area, including but not limited to:

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

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

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

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

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

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

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

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

j. Provide adequate sanitary facilities.

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

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

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

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

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

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

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

Justification – The proposed amendment will allow emergency temporary shelters for those that are homeless and for those shelters to be regulated similarly to Transitional Encampments. The only difference between the two uses is that emergency temporary shelters are located within existing structures and can be located in any zone in the City. Also, emergency temporary shelters are usually established during times of inclement weather and natural disasters. In order to provide shelter to our most

vulnerable populations, some requirements of admittance must be waived such as the requirement for valid identification.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #8
20.30.310 – Zoning Variance

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

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

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;

2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;

4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;

5. The variance is compatible with the Comprehensive Plan;

6. The variance does not create a health or safety hazard;

7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:

   a. The property or improvements in the vicinity, or
   b. The zone in which the subject property is located;

8. The variance does not relieve an applicant from:

   a. Any of the procedural or administrative provisions of this title, or
   b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
   c. Use or building restrictions, or

d. Any provisions of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II;

9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;

10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; or

11. The variance is the minimum necessary to grant relief to the applicant.

Justification – This amendment changes "shall" to "may" on the advice of the City Attorney because this is a discretionary decision by the Department Director.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #9
20.30.333 – Critical Area Special Use Permit (Type C Action)

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

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

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

Justification – This amendment changes "shall" to "may" on the advice of the City Attorney because this is a discretionary decision by the Department Director.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #10
20.30.336 – Critical Areas Reasonable Use Permit (CARUP) (Type C Action)

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

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

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

Justification – This amendment changes "shall" to "may" on the advice of the City Attorney because this is a discretionary decision by the Department Director.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #11
20.30.345 – Site-specific comprehensive plan land use map amendment

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

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

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

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; and

2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; and

3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare; and

4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan goals and policies; and

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

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

C. Amendment Procedures.

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

2. Site Specific Land Use Map Amendment Review.

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

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

c. The Hearing Examiner's recommendation shall be consolidated with the Planning Commission's recommendations on other docketed amendments and transmitted to the City Council for concurrent review of

the proposed amendment consistent with the criteria set forth in subsection B of this section and taking into consideration the recommendations of the Hearing Examiner and the Department. The City Council may deny, approve, or modify the Hearing Examiner's recommendation.

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

Justification – The City has historically processed site-specific Comprehensive Plan map amendments and concurrent rezones as Type-L Legislative Decisions. Practically, these decisions are more like rezones since the combined Comprehensive Plan map amendment and rezone only apply to one or two properties and not large areas of land like those lands covered under an area-wide rezone such as a Subarea Plan. Treating site-specific Comprehensive Plan map amendments as quasi-judicial decisions will allow the neighborhood impacted the greatest to be informed by direct mail, newspaper, and signs on the property to allow greater public involvement by the neighbors most affected.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #12
20.30.440 – Installation of improvements

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

B. Completion – Bonding. The applicant shall either complete the improvements before the final plat is submitted to the Director for ~~City Council~~ approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.

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

Justification – This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action to a Type A administrative action in accordance with RCW 58.17.100 which allows administrative review and approval of final formal plats since the preliminary formal plat was reviewed by the Hearing Examiner and approved by the City Council. Since Final Formal Plats will be approved by the Director and not

the City Council, the installation of improvements related to a Final Formal Plat shall also be submitted and approved by the Director.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #13
20.30.450 – Final plat review procedures

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

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

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

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

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

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

Justification – This amendment takes the process for approving Final Formal Plats from a qausi-judicial Type C action to a Type A administrative action in accordance with RCW 58.17.100 which allows administrative review and approval of final formal plats since the preliminary formal plat was reviewed by the Hearing Examiner and approved by the City Council. The amendment also strikes the requirement for the applicant to

submit mylar copies of the plat to staff. King County records does not require plat documents to be printed on mylar for recording. Paper is acceptable to them if it meets the formatting requirements. This is also consistent with state recording requirements under WAC 332-130-050, which allows documents printed on "standard material" (paper) to be recorded if deemed acceptable by the County. Further, King County is the primary jurisdiction responsible for storing records of properties; Shoreline is not obligated to store these files. It is useful for staff to have these files easily accessible for staff and customers. Mylar is advantageous in that is does not deteriorate as quickly as paper. However, digital files do not deteriorate at all, and are available from King County almost immediately after a document has been recorded (though the PDF copies are marked as "unofficial"). Eliminating the requirement for mylars would streamline the final plat and lot line adjustment processes. Staff would no longer need to prepare the mylars for storage after recording, and customers would no longer need to run copies back-and-forth between City Hall and the Recorder's Office.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #14
20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)**(19)**	45%	50%	65%	75%	85%	85%	90%	90%

Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

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

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(1) Repealed by Ord. 462.

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

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

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

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

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

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

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

(9) Base height for public and private K through 12 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

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

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

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

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

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

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

Justification – This amendment allows greater hardscape maximums for schools. Schools in Shoreline are primarily developed on land zoned R-6 which is intended for single-family residential uses. As such, the building coverage and hardscape requirements are low when building elementary, middle, and high schools in the R-6 zone. New or redeveloped schools are limited to 35% building coverage and 50% total hardscape. In addition, schools have been exchanging grass playfields for artificial turf fields which allow more opportunities for recreation on a year-round basis, something the City needs for schools and league sports. Because turf is calculated toward total hardscape, many times, the school cannot make improvements and meet the City's hardscape requirements. This amendment will allow the schools to provide all the necessary elements of a school (parking, circulation, sport courts, turf fields, and pathways) while also complying with the City's strict stormwater codes.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #15
20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft **(20)**
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft **(20)**
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(1) Repealed by Ord. 462.

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

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

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

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

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

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

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

(9) Base height for public and private K through 12 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

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

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

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

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

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

(20) Setback may be reduced to 0-feet when a direct pedestrian connection is provided to an adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots, or transit access facilities.

Justification – This amendment will allow the reduction of side and rear setbacks in the MUR-70' zone when new development is adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots or transit access facilities. The amendment will mostly apply to parcels that are abutting Sound Transit owned stations and facilities. In one case, a developer wants to develop multifamily buildings on a site adjacent to a future light rail station. The design of the building will allow access to the Sound Transit station at 145th Street. Since the subject property line is considered the rear of the building, the Development Code calls for a 5-foot setback. Staff recommends this requirement should be amended if the site and building design of a new project increases access and walkability to a station or other mass-transit facility.

Recommendation – Planning Commission recommends that this amendment be approved.

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

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

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

2. Fractions below 0.50 shall be rounded down.

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

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

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

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

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

4. Base Density Bonus

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

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

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

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

1. Only single-story dwelling units are allowed.

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

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

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

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

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

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

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

Recommendation – *This is a policy decision for the Council to consider adding to the PCD work plan. The City is currently developing a Housing Action Plan and staff recommends that this proposed amendment be considered as one of the options in the Housing Toolkit. This would let it be analyzed in context with the other policy options being proposed to meet the City's housing needs.*

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

> *Goal LU I: Encourage development that creates a **variety of housing**, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.*
>
> Allowing an additional single-story dwelling on lots greater than 10,000 square feet in the R-4 and R-6 zones will create more variety of housing in our residential neighborhoods, but the City already allows Accessory Dwelling Units. The difference between the two is the applicant's proposal will allow two separate units to be built without the restriction of being owner-occupied. Both units can be segregated and sold or rented separately.
>
> *Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while **accommodating anticipated growth**.*
>
> The applicant's proposal will accommodate additional growth in the City's residential neighborhoods. The City recently completed the 2020 Urban Land Capacity Study where the City must show capacity to accommodate growth over the next 20 years. This report shows the City can support increased population over the next 20 years and beyond with or without the applicant's proposal.
>
> *LU5: **Review and update infill standards** and procedures that promote quality development and consider the existing neighborhood.*
>
> *Goal H V: Integrate new development with consideration to design and scale that complements existing neighborhoods and provides effective transitions between different uses and intensities.*
>
> This proposal does consider the existing neighborhood by limiting the height of any new structure being built under the proposed regulations. The City's Accessory Dwelling Regulations allow an ADU to be built up to the height of the zone which is 35 feet. This amendment will restrict a second structure to be

limited to 20 feet. Since the amendment limits the height of a second single family home, the design and scale will be less intrusive to the neighborhood.

Some policies that discourage the amendment include:

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

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

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

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

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

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

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

If the Council is interested in supporting this amendment, staff needs direction on other sections of the Development Code:

- The Development Code allows Accessory Dwelling Units as an accessory use to the primary residential use. If this amendment goes forward, will the City allow an addition ADU with each new unit built under these proposed provisions?
- Building coverage and hardscape are regulated in SMC 20.50.020(1). Are the proposed structures built under these provisions required to comply with these standards? For example, the R-6 zone allows 35% building coverage and 50% total hardscape. Should staff amend these standards to allow greater building coverage and hardscape?
- Should the City allow a parking reduction if the proposed development is within one-half mile of a high-capacity transit facility? The current code allows parking

reductions for multifamily buildings within one-quarter mile from a high-capacity transit station.

Amendment #17
20.50.235 – Threshold – Required building design (New Section).

20.50.235 Threshold – Required building design.

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

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

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

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

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

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #18
Exception 20.50.360 – Tree replacement and site restoration

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

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

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

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

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

3. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

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

i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property

ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.

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

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

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

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

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for

construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.

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

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

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

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

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

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

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

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

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;

2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and

3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

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

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

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

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

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #19

20.50.390(E) – Electric vehicle parking standards

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

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

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

Justification – This proposed amendment deletes the electric vehicle requirements from 20.50.390(A) and creates a new table in 20.50.390(E). The City of Seattle has recently adopted amendments that require electric vehicle parking standards in all areas of the city that require off-street parking. Currently, the City of Shoreline requires electric vehicle infrastructure be provided for multifamily dwelling units only. This proposed amendment will require EV facilities in all types of residential development. This amendment will require close coordination with single-family residential permit reviewers since all new single-family homes will require an EV ready parking space.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #20
20.70.340 Sidewalks, walkways, paths and trails.

A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.

B. Walkways, paths or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City's planned street system, may be located across private property in a pedestrian easement or tract restricted to that purpose.

C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.

D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.

<u>E. On development projects that front onto two parallel public rights-of-ways where the nearest public connection between the parallel rights-of-way is at least 250 linear feet from any point of the development, a paved shared-use path shall be required within a public easement to connect the parallel rights-of-way. The shared-use path may also function as an alley way for limited vehicular access.</u>

Justification – This amendment provides a mechanism to require midblock pedestrian connections through large blocks. This would most likely be implemented in the MUR zones, primarily near the station areas where there are larger aggregations of property. The midblock connections could be like alley ways and will create a more walkable neighborhood and break up some of the City's superblocks.

Recommendation – Planning Commission recommends that this amendment be approved.

Amendment #21
20.80.220 Geological hazard - Classification

SMC 20.80.220 Geological hazard - Classification

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

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

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

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

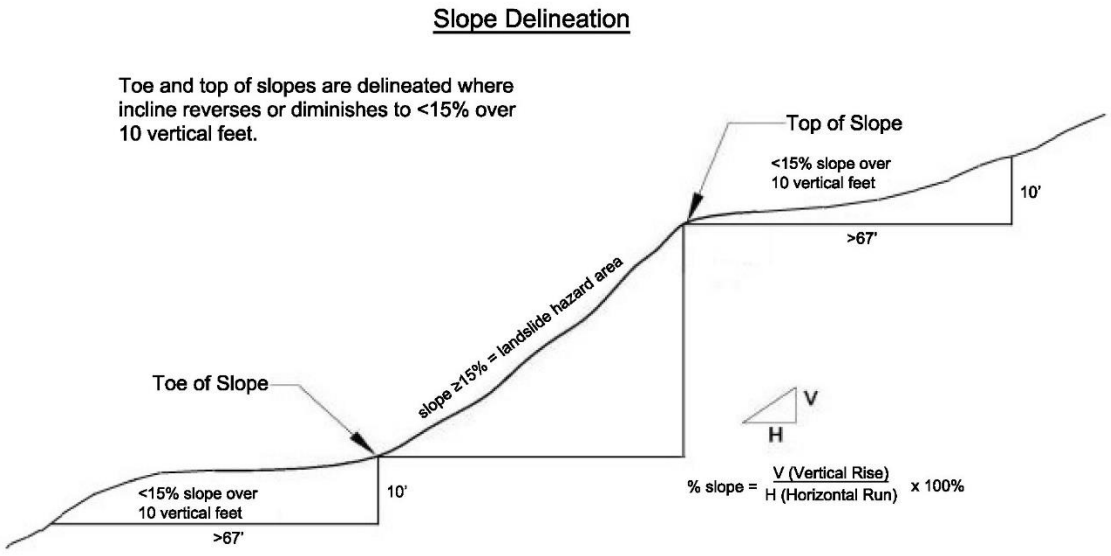

Figure 20.80.220(A): Illustration of slope calculation for determination of top and toe of landslide hazard area.

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

1. **Moderate to High Risk.**

a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for very high-risk areas in subsection (B)(2) of this section;

b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay and do not meet the criteria for very high-risk areas in subsection (B)(2) of this section; or

c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for very high risk in subsection (B)(2)(a) or (b) of this section.

2. **Very High Risk.**

a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);

b. Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or

c. All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 vertical feet of relief.

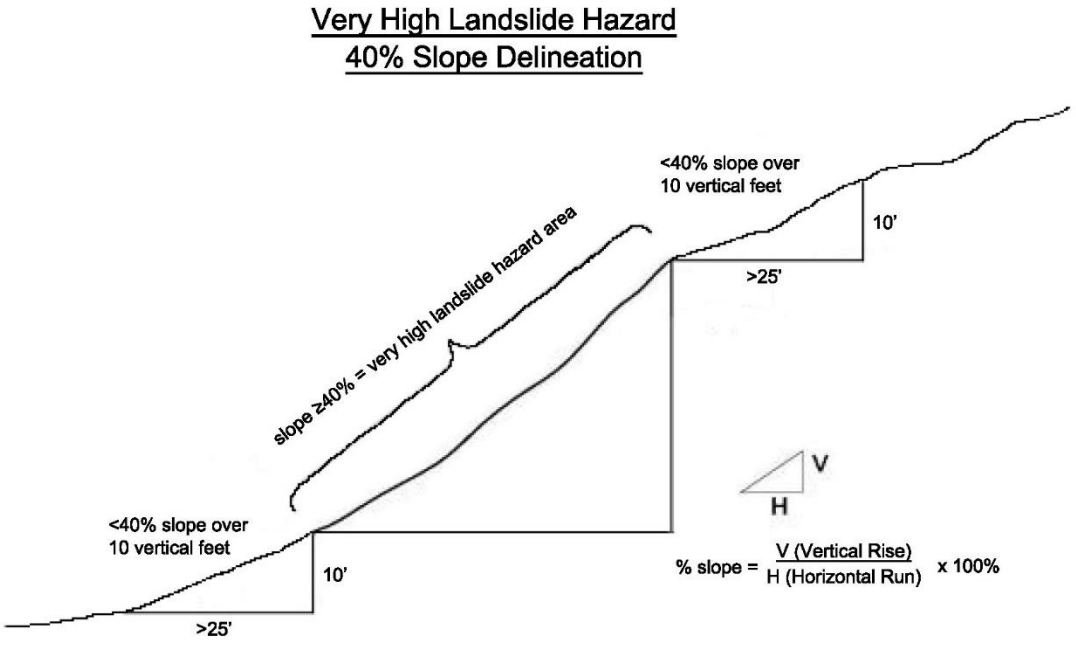

Figure 20.80.220(B): Illustration of very high-risk landslide hazard area delineation (no midslope bench).

C. **Seismic Hazard Areas.** Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to risk of ground shaking, lateral spreading, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) or peat deposits and have a shallow ground water table. These areas are designated as having “high”

and “moderate to high” risk of liquefaction as mapped on the Liquefaction Susceptibility and Site Class Maps of Western Washington State by County by the Washington State Department of Natural Areas.

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

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

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

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

Examples of other jurisdiction’s code provisions:

City of Redmond

RMC 21.64.010(D)(1)(c)

(c) Activities occurring in areas of 40 percent slope or greater with a vertical elevation change of up to 10 feet based upon City review of a soils report prepared by a geologist or geotechnical engineer which demonstrates that no significant adverse impact will

result from the exemption. In addition, the construction of a single-family dwelling unit in man-made steep slopes which were created as part of an approved legal grading activity shall be exempt provided the applicant submits documentation from a qualified professional that the slope was man-made and there will be no resulting significant adverse impacts. This latter exemption applies to one stand-alone single-family residence and is not to be construed to apply to a series of proposed dwellings as part of a subdivision or short plat application;

City of Issaquah

IMC 18.10.580(E)

(E) Limited Exemptions:

1. Slopes forty (40) percent and steeper with a vertical elevation change of up to twenty (20) feet may be exempted from the provisions of this section (through Level 1 Review or through the appropriate land use permitting process), based on the City review and acceptance of a soils report prepared by a geologist or licensed geotechnical engineer when no adverse impact will result from the exemption.
2. Any slope which has been created through previous, legal grading activities may be regarded as part of an approved development proposal. Any slope which remains equal to or in excess of forty (40) percent following site development shall be subject to the protection mechanisms for steep slopes.

City of Edmonds

EMC 23.80.020(B)(4) and (8)

Within City of Edmonds potential landslide hazard areas include:

(4) Any slope of 40 percent or steeper that exceeds a vertical height of 10 feet over a 25-foot horizontal run. Except for rockeries that have been engineered and approved by the engineer as having been built according to the engineered design, all other modified slopes (including slopes where there are breaks in slopes) meeting overall average steepness and height criteria should be considered potential landslide hazard areas);

(8) Any slopes that have been modified by past development activity that still meet the slope criteria

City of Kenmore

KMC 18.55.650(C)

Slopes Created by Previous Grading. Artificial slopes meeting the criteria of a landslide hazard area based on slope steepness and height that were created through previous permitted grading or are legally nonconforming may be further altered or graded, provided the applicant provides information from a qualified professional demonstrating that the naturally occurring slope, as it existed prior to the permitted grading, did not meet any of the criteria for a landslide hazard area and that a new hazard will not be created. Previously graded slopes meeting the criteria of a landslide hazard area that were not permitted or were illegally created are considered to be landslide hazard areas.

City of Sammamish

SMC 21A.50.260(6)

The following are exempt from the provisions of this section:

(a) Slopes that are 40 percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on the City's review of

and concurrence with a soils report prepared by a licensed geologist or geotechnical engineer; and
(b) The approved regrading of any slope that was created through previous legal grading activities.

Recommendation – Planning Commission recommends that this amendment be approved.

RESOURCE/FINANCIAL IMPACT

The proposed amendments have no 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. 907. Staff further recommends adoption of Ordinance No. 907 when it is brought back to Council for potential adoption on December 7, 2020. Staff also recommends that Council review and provide direction to staff on the policy questions associated with proposed amendment #16 in this staff report.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 907
Attachment A, Exhibit C – Proposed Policy Amendments
Attachment B – October 2, 2020 Memorandum to the City Council from the Shoreline Planning Commission

ORDINANCE NO. 907

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED BY THE CITY COUNCIL ON DECEMBER 7, 2020.

_____
Mayor Will Hall

ATTEST:

_____
Jessica Simulcik Smith
City Clerk
Date of Publication: , 2020
Effective Date: , 2020

APPROVED AS TO FORM:

_____
Margaret King
City Attorney

DEVELOPMENT CODE AMENDMENTS – Policy Amendments

20.20 Amendments

Amendment #1
20.20.028 – E definitions

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

20.30 Amendments

Amendment #2
20.30.040 – Ministerial decisions – Type A

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
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

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW

or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #3
20.30.060 – Quasi-judicial decisions – Type C

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

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Site-Specific Comprehensive Plan Map Amendment	Mail, Post Site, Newspaper	HE (1), (2)	City Council		20.30.345
4.~~3~~. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
5.~~4~~. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
6.~~5~~. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
~~6. Final Formal Plat~~	~~None~~	~~Review by Director~~	~~City Council~~	~~30 days~~	~~20.30.450~~

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

[1] Including consolidated SEPA threshold determination appeal.

[2] HE = Hearing Examiner.

[3] Notice of application requirements are specified in SMC 20.30.120.

[4] Notice of decision requirements are specified in SMC 20.30.150.

[5] A plat alteration does not require a neighborhood meeting.

Amendment #4
20.30.100 Application.

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.

2. Prior to purchase, acquisition, or owner authorization, a regional transit authority may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment in order to develop any light rail transit facility or any portion of a light rail transit system for property that has been duly authorized by the public agency for acquisition or use. No work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.

3. Nothing in this subsection shall prohibit the regional transit authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.

4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.

5. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.

6. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

7. Application(s) for any Type A, B, or C permits shall not be accepted and/or issued for any lot, tract, or parcel of land following the issuance of a notice and order to correct regarding activity occurring on that lot, tract or parcel of land, unless the identified violations are corrected or required to be corrected as a condition of approval and all fees or penalties satisfied prior to application except when the permit is required to obtain compliance or where an enforceable compliance plan to resolve the violation(s) has been entered into by the City.

Amendment #5
20.30.110 Determination of completeness and requests for additional information.

A. An application shall be determined complete when:

1. It meets the procedural requirements of the City of Shoreline;
2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.

B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.

C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. In this case the applicant may request a refund of the application fee minus the City's cost of processing. The Director may grant ~~a~~ 90-day extensions ~~on a one-time basis~~ if the applicant requests the extension in writing prior to the expiration date and documents that the failure to take a substantial step was due to circumstances beyond the control of the applicant. ~~The applicant may request a refund of the application fee minus the City's cost of processing.~~

D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action.

Amendment #6
20.30.290 – Deviation from the Engineering Standards (Type A action)

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

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

1. The granting of such deviation will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;

2. The authorization of such deviation will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;

3. The deviation is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II;

4. A deviation from engineering standards may ~~shall~~ only be granted if the proposal meets the following criteria:

   a. Conform to the intent and purpose of the Code;
   b. Produce a compensating or comparable result which is in the public interest; and
   c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment;

5. Deviations from road standards must meet the objectives for fire protection. Any deviation from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal;

6. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must meet the objectives for appearance and environmental protection;
7. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must be shown to be justified and required for the use and situation intended;

8. Deviations from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:

   a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration;
   b. Construction of the facility can, in practice, be successfully carried out; and

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

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

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

Amendment #7
20.30.295 – Temporary use

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

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

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;

2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;

3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;

4. Hours of operation of the temporary use are specified;

5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and

6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

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

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

1. The site must be owned or leased by either a host or managing agency.

2. The application fee for a temporary use permit (TUP) for a transitional encampment or emergency temporary shelter is waived.

3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.

4. For transitional encampments, t~~T~~he applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center. No identification is required for people to utilize an emergency temporary shelter.

5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment or shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; ~~and exclusion of sex offenders~~. Transitional encampments must also include provisions that, at minimum, prohibit sex offenders. For transitional encampments, ~~T~~the applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure ~~is being~~ will be met and will continue to be updated during the duration of the encampment.

6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions but shall in no case be greater than 100 residents at any one time. Any proposed site shall meet the site requirements in subsection (D)(7) of this section and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.

7. Site Requirements for Transitional Encampments.

   a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.

   b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for

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

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

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

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

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

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

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

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

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

j. Provide adequate sanitary facilities.

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

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

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

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

12. ~~10~~. Transitional encampments and emergency temporary shelters ~~Encampments~~ may be allowed to stay under the temporary use permit for up to 90 days. A TUP extension may be granted for a total of 180 days on sites where hosts or agencies in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City but does not require an additional neighborhood meeting or additional application materials or fees.

13. ~~11~~. Host or managing agencies may not host a transitional encampment or temporary emergency shelter on the same site within 180 days of the expiration date of the TUP for a transitional encampment or temporary emergency shelter.

14. ~~12~~. At expiration of the permit, the host or managing agency shall restore the property to the same or similar condition as at permit issuance.

Amendment #8
20.30.310 – Zoning Variance

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

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

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;

2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;

4. The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;

5. The variance is compatible with the Comprehensive Plan;

6. The variance does not create a health or safety hazard;

7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:

   a. The property or improvements in the vicinity, or
   b. The zone in which the subject property is located;

8. The variance does not relieve an applicant from:

a. Any of the procedural or administrative provisions of this title, or
b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
c. Use or building restrictions, or
d. Any provisions of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II;

9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;

10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; or

11. The variance is the minimum necessary to grant relief to the applicant.

Amendment #9
20.30.333 – Critical Area Special Use Permit (Type C Action)

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

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

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

Amendment #10
20.30.336 – Critical Areas Reasonable Use Permit (CARUP) (Type C Action)

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

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

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

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Amendment #11
20.30.345 – Site-specific comprehensive plan land use map amendment

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

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

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

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; and

2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; and

3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare; and

4. The amendment is warranted in order to achieve consistency with the Comprehensive Plan goals and policies; and

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

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

C. Amendment Procedures.

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

2. Site Specific Land Use Map Amendment Review.

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

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

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

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

Amendment #12
20.30.440 – Installation of improvements

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

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

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

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

Amendment #13
20.30.450 – Final plat review procedures

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

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

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

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

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

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

20.50 Amendments

Amendment #14
20.50.020 Dimensional requirements.

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

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

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)

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

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

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

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

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

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

(1) Repealed by Ord. 462.

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

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

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

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

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

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

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

(9) Base height for public and private K through 12 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-

foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

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

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

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

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

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

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

Amendment #15
20.50.020 Dimensional requirements.

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

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

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

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

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

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

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

(1) Repealed by Ord. 462.

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

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

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

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

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

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

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

(9) Base height for public and private K through 12 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

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

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

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

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

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

(20) Setback may be reduced to 0-feet when a direct pedestrian connection is provided to an adjacent to light rail transit stations, light rail transit parking garages, transit park and ride lots, or transit access facilities.

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

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

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

2. Fractions below 0.50 shall be rounded down.

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

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

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

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

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

4. Base Density Bonus

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

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

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

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

1. Only single-story dwelling units are allowed.

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

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

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

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

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

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

Amendment #17
20.50.235 – Threshold – Required building design (New Section).

20.50.235 Threshold – Required building design.

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

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

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

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

Amendment #18
Exception 20.50.360 – Tree replacement and site restoration

20.50.360 Tree replacement and site restoration.

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

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

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

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

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

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

3. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

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

i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property

ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;

2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and

3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

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

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

Amendment #19
20.50.390(E) – Electric vehicle parking standards

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

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

1. An EV-ready space is a space that provides a complete electric circuit with 208/240 volt, 40-ampere capacity charging receptable outlet or termination point, including electrical service capacity.

2. For multifamily and non-residential uses, one accessible parking space shall be an EV-ready space.

3. If the formula for determining the number of EV-ready spaces results in a fraction, the number of required spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Amendment #20
20.70.340 Sidewalks, walkways, paths and trails.

A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.

B. Walkways, paths or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City's planned street system, may be located across private property in a pedestrian easement or tract restricted to that purpose.

C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.

D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.

E. On development projects that front onto two parallel public rights-of-ways where the nearest public connection between the parallel rights-of-way is at least 250 linear feet from any point of the development, a paved shared-use path shall be required within a public easement to connect the parallel rights-of-way. The shared-use path may also function as an alley way for limited vehicular access.

20.80 Amendments

Amendment #21
20.80.220 Geological hazard - Classification

SMC 20.80.220 Geological hazard - Classification

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

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

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

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

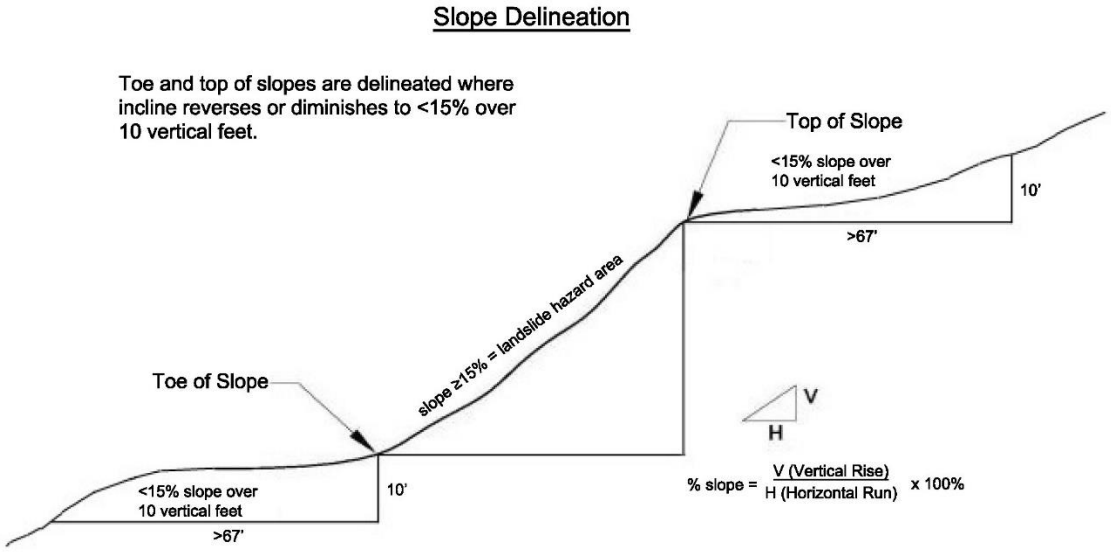

Figure 20.80.220(A): Illustration of slope calculation for determination of top and toe of landslide hazard area.

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

1. **Moderate to High Risk.**

a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for very high-risk areas in subsection (B)(2) of this section;

b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay and do not meet the criteria for very high-risk areas in subsection (B)(2) of this section; or

c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for very high risk in subsection (B)(2)(a) or (b) of this section.

2. **Very High Risk.**

a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);

b. Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or

c. All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 vertical feet of relief.

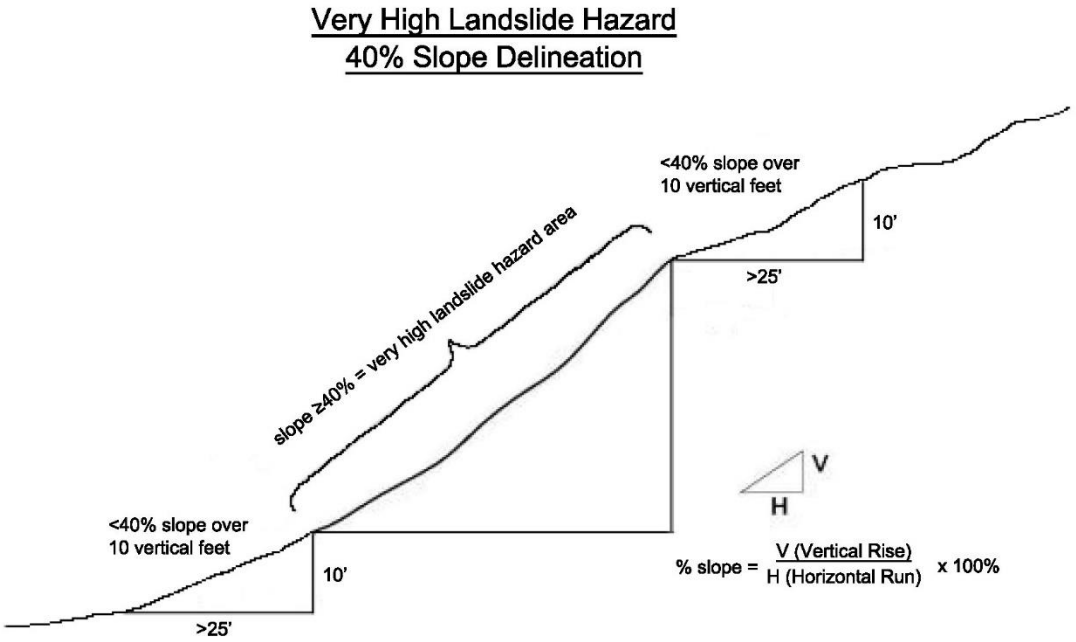

Figure 20.80.220(B): Illustration of very high-risk landslide hazard area delineation (no midslope bench).

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

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

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

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

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

TO: Honorable Members of the Shoreline City Council

FROM: Jack Malek, Vice Chair
Shoreline Planning Commission

DATE: October 2, 2020

RE: 2020 Development Code "Batch" Amendments

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

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

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