AGENDA
PLANNING COMMISSION REGULAR MEETING

Thursday, January 5, 2012
7:00 p.m.

Shoreline City Hall
Council Chamber
17500 Midvale Ave N.

		Estimated Time
1.	**CALL TO ORDER**	7:00 p.m.
2.	**ROLL CALL**	7:01 p.m.
3.	**APPROVAL OF AGENDA**	7:02 p.m.
4.	**DIRECTOR'S COMMENTS**	7:03 p.m.
5.	**APPROVAL OF MINUTES**	7:08 p.m.

a. November 17 Regular Meeting b. December 1 Regular Meeting

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

6.	**GENERAL PUBLIC COMMENT**	7:10 p.m.
7.	**STUDY ITEMS**	7:15 p.m.
	a. Comprehensive Plan Major Update	
	• Staff Presentation	
	• Public Comment	
	b. Development Code Amendments	7:45 p.m.
	• Staff Presentation	
	• Public Comment	
8.	**DIRECTOR'S REPORT**	9:20 p.m.
9.	**NEW BUSINESS**	9:25 p.m.
	a. 2012 Comprehensive Plan Amendment Docket	
10.	**REPORTS OF COMMITTEES & COMMISSONERS/ANNOUNCEMENTS**	9:40 p.m.
11.	**AGENDA FOR** January 19	9:43 p.m.
12.	**ADJOURNMENT**	9:45 p.m.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236.

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These Minutes Subject to
January 5th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

November 17, 2011 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present	Staff Present
Chair Wagner	Steve Cohn, Senior Planner, Community & Development Services
Vice Chair Perkowski	Miranda Redinger, Associate Planner, Community & Development Services
Commissioner Behrens	Steve Szafran, Associated Planner, Community & Development Services
Commissioner Broili	Jeff Forry, Permit Services Manager
Commissioner Moss	Jessica Simulcik Smith, Planning Commission Clerk
Commissioners Absent	**Others Present**
Commissioner Esselman	Barbara Nightingale, Washington State Department of Ecology
Commissioner Kaje	

CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:01 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski and Commissioners Behrens, Broili and Moss. Commissioners Kaje and Esselman were absent.

APPROVAL OF AGENDA

The agenda was approved as presented.

DIRECTOR'S COMMENTS

Mr. Cohn announced that the City Council conducted a study session on the Planning Commission's recommendation regarding quasi-judicial hearings. They did not have any questions, and the item will come before them for final action in two weeks.

APPROVAL OF MINUTES

The minutes of October 27th, 2011 were approved as amended.

GENERAL PUBLIC COMMENT

No one in the audience expressed a desire to address the Commission during this portion of the meeting.

STAFF REPORTS

Study Session: Shoreline Master Program

Mr. Cohn explained that staff's hope is the Commission will be comfortable enough after the study session to move the draft Shoreline Master Program (SMP) forward to a public hearing.

Ms. Redinger reviewed that the Shoreline Management Act (SMA) was adopted in 1972 for the purpose of encouraging water-dependent and water-oriented uses, promoting public access, and protecting the shoreline natural resources. She explained that the SMA applies to all marine coastal areas, rivers and streams of a certain size, which in Shoreline is the Puget Sound coastline, only. It also applies to adjacent shorelands located 200 feet from the ordinary high-water mark and associated wetlands. The SMA regulates all land-use activities within the shoreline jurisdiction, including overwater structures, buildings, and land development activities.

Ms. Redinger reviewed the activities that have occurred as part of the SMP update process, which started in 2007. She also reminded the Commission of the larger items that still need to be resolved (see Staff Report).

Ms. Redinger advised that when the Commissioners are comfortable with the draft regulations, the next step is to finalize the Cumulative Impacts Analysis and compile the SMP packet, which will include the regulations, summaries of many of the background documents, and appendices such as the Critical Areas Ordinance. Once the SMP packet has been assembled, a State Environmental Policy Act (SEPA) analysis will be completed and the public will be invited to comment. Once the comment period is closed, the Planning Commission will conduct a public hearing and make a recommendation to the City Council. After City Council adoption, it will be submitted to the DOE for final review and approval. Staff anticipates a public hearing before the Commission could be scheduled in January or February. Ms. Redinger used a map to review the proposed environment designations.

Vice Chair Perkowski asked staff to provide more information about Table 20.230.082. Ms. Redinger said the table designates the minimum native vegetation conservation or setback areas required for each of the environments. Vice Chair Perkowski asked what would be allowed within the native vegetation conservation or setback areas within the Waterfront Residential Environment. Ms. Redinger answered that no buildings or accessory structures would be allowed to intrude into these areas. However, she recognized there is already supporting concrete and other things to prevent erosion when the waves go over top of the bulkheads. Ms. Redinger said the proposed setback is consistent with the historic

setback. This avoids the creation of additional non-conformity because nearly all the houses have been constructed up to that line.

Vice Chair Perkowski asked if additional development standards for the native vegetation conservation areas are provided elsewhere in the draft SMP. Ms. Redinger responded that these areas are mentioned a number of times throughout the SMP, mostly in the definition section. Vice Chair Perkowski asked if Section 20.230.2000.A would apply to all native vegetation conservation areas in all environments. Ms. Redinger answered affirmatively. Vice Chair Perkowski asked if a property owner would be allowed to expand their impervious surface into a setback area. Mr. Forry answered that a shoreline variance would be required to increase any existing structure within a setback area. If approved, restoration and mitigation would be formed and subject to DOE approval.

Vice Chair Perkowski asked why the document indicates that the bulk standards for the Point Wells Urban and Point Wells Urban Conservancy Environments are yet to be determined. Ms. Redinger explained that bulk standards will be determined by the underlying zoning, which has not yet been established. In response to Vice Chair Perkowski's request for clarification of Table 20.230.082, Mr. Forry explained that 50% is the maximum hardscape allowed on a given piece of property in the R-6 zone, not taking into consideration the protected area. However, that does not mean a property owner would be allowed to put 50% impervious surface coverage within the setback area. Expansion within the protected area would be prohibited without special approval. Vice Chair Perkowski suggested this section should be clarified.

Commissioner Behrens asked if minutes were prepared for the community meeting that was held in August with residents on 27th Avenue Northwest. Ms. Redinger said the City does not have minutes for this meeting, but it might be possible for staff to obtain summary notes.

Commissioner Behrens noted that throughout the SMP, there are numerous references to the Washington Administrative Code (WAC) and the Shoreline Municipal Code (SMC). He suggested that providing the actual WAC and SMC language at the end of the report would help clarify how the various documents relate to each other. Mr. Forry commented that it would not be practical to include all of the SMP implementing language found in the WAC since it equates to roughly 75 pages. He suggested that staff provide a brief narrative of the WAC, using the summary documents the DOE has prepared regarding the SMP.

As they review the draft document, Chair Wagner encouraged the Commissioners to remember the comment made by the Chair of the American Planning Association that "if you say yes to one thing, you say no to something else." She encouraged the Commissioners to clearly understand the cost benefit of each of the proposed changes. She noted that clear goals have been set out to not unconstitutionally infringe upon private property rights, to manage things in an equitable manner, to achieve no net loss, and to restore the shoreline areas. However, these goals must be balanced against the need to develop public and private recreational opportunities.

The Commission reviewed each of the issues identified in the Staff Report that have not been previously resolved:

- **Non-Conforming Structures.** Chair Wagner advised that staff is recommending the SMP would apply the same non-conformance standards that are applicable elsewhere in the City. The alternative option would be to make the standards more stringent for non-conforming uses. Ms. Redinger said the latter approach would require the City to establish a threshold for what level of improvement would trigger needing to come into compliance with the regulations.

  Chair Wagner asked if it would be a burden for staff to administer different non-conformance standards for the shoreline environments. Mr. Forry said a different standard would be more difficult to implement. Staff has experience administering the current non-conformance standards, which currently apply to all properties in the City, and it would take some time to educate them about different SMP requirements. He also cautioned that this approach presents an opportunity for more mistakes.

  Chair Wagner asked if the City received any public comment regarding the non-conformance standards. Ms. Redinger answered that the topic is mentioned in several comment letters the Commissioners received in their desk packet, which support the current draft language.

- **Individual, Joint-Use or Community Docks.** Commissioner Moss summarized that staff is recommending the compromise position of a joint-use dock, which would be for two adjoining parcels. She said she understands that a community dock would be for four or more parcels, but she questioned if public access would be allowed. Ms. Redinger answered that if a community dock is built for a multi-unit residential complex, it would likely be open to the public. However, if four home-owners created a community dock, it would likely be for their private use, particularly if the only access to the dock is through private property.

  Vice Chair Perkowski noted that Section 20.230.170 provides development standards for piers and docks and includes general discussion about docks, but the only specific dimensional standard is for width (no wider than 8 feet). He asked where this number came from. He said he submitted information via Plancom from the Washington Department of Fish and Wildlife (Land-Use Planning for Salmon, Steelhead and Trout, a Land Use Planners Guide to Salmonid Habitat Protection and Recovery, and Protecting Near Shore Habitat and Function in Puget Sound). He summarized that all three of these documents mention the Army Corps of Engineers' recommendation of a width of no more six feet for joint-use docks. In addition, the SMP Handbook and the DOE recommend that municipalities establish a maximum length for piers. He suggested the City carefully consider these recommendations as they establish development standards for piers and docks.

  Vice Chair Perkowski questioned how the City could complete the Cumulative Impact Analysis for docks and piers without establishing certain parameters for width and length. Mr. Forry explained that docks over saltwater are regulated differently than those over freshwater. The threshold is very low for when a Substantial Development Permit would be required from the DOE. Although a dock over navigable waters could be exempt from the SMP, it would still be subject to an Army Corp of Engineers Section II Permit. Rather than trying to identify a lot of lengthy criteria, staff recommends the City allow the higher level permits required by the DOE

and the Army Corps of Engineers to provide guidance. This allows the City to keep the SMP at a manageable size, given the number of actions they could potentially see.

Vice Chair Perkowski suggested the City's SMP should provide clearer guidance rather than leaving it up to the other permits. Ms. Redinger agreed that it would be appropriate to change the maximum width for docks and piers from eight feet to six feet for public hearing purposes. She invited Vice Chair Perkowski to direct staff to other documents that provide guidance on maximum length and width. Again, Vice Chair Perkowski referred to the documents he submitted via Plancom. Mr. Forry said staff reviewed SMP's from other jurisdictions to determine how they address standards for docks and piers. The spectrum was broad, and there was no background analysis to support the numbers that were used. None were directly in line with the documents provided by Vice Chair Perkowski from the DOE and the Army Corps of Engineers. Staff agreed to review the documents and propose some standards for width, length, etc. The Commission would discuss the issue further at their next meeting.

Ms. Redinger said she reviewed the draft Cumulative Impact Analysis and found there are no docks, piers or over-water structures along Puget Sound within the City limits. Because the analysis was created before the City designated a separate Waterfront Residential Environment, there are no specific comments about this change. The analysis is also outdated because standards have since been added to the SMP for marinas in an attempt to reach the goal of no net loss. Vice Chair Perkowski pointed out that the Cumulative Impact Analysis must consider the impact of full build out.

- **Breakwaters, Jetties, Groins and Weirs.** Chair Wagner reviewed that staff is recommending these uses remain grouped together because they deal with wave deflection and channelization. Ms. Redinger added that these uses are all prohibited unless part of a restoration or other permitted project.

- **Allowing docks, piers and marinas at Point Wells.** Ms. Redinger explained that docks, piers and marinas have been separated in the use table, as suggested by the Commission. As per the use table, marinas would only be permitted in the Point Wells Urban Environment.

  Vice Chair Perkowski expressed concern that the proposed SMP provision that allows public docks, piers and marinas in the Point Wells Urban Environment is inconsistent with the recently adopted Point Wells Subarea Plan, which includes a policy statement that no new overwater structures should be permitted because of the sensitivity of the nearshore environment. He said he is not opposed to allowing the existing pier to be repaired in its current footprint, but no new overwater structures should be allowed. Ms. Redinger suggested that new language could be added to specify no new marina would be allowed. They could also provide specific standards to guide the future rehabilitation and/or replacement of the existing pier.

  Commissioner Broili pointed out that a new marina would require an additional breakwater. Ms. Redinger said a new breakwater would only be allowed in conjunction with a permitted project. The breakwater would be considered an accessory use to a permitted marina. Commissioner

Broili asked how this would impact the SMP's goal of no net loss. Chair Wagner referred to her earlier comment about balancing all of the various goals. For example, the goal of no net loss must be balanced with the goal of providing recreational uses. The Commission asked staff to find out if there is currently a breakwater at Point Wells; and if so, is it sufficient to accommodate a marina.

Vice Chair Perkowski observed that not only would a breakwater be necessary, but a new bulkhead would also be required to accommodate a marina at Point Wells. Ms. Redinger said there is already a bulkhead in the Point Wells Urban Environment, and that is why the two Point Wells Environments were separated. The natural ecological function is still intact in the Urban Conservancy Point Wells Environment. She also emphasized that the proposed SMP does not allow for additional armoring along the shoreline.

Commissioner Behrens pointed out that a very elaborate road system is necessary for the Edmonds Marina to function properly. Given the current Point Wells Subarea Plan, he questioned if there would be sufficient land to provide an adequate road-system to support a marina at Point Wells. Ms. Redinger said that if emergency vehicles can access the marina, there should be ample room for vehicles and boat trailers to turn around. The volume of traffic would be addressed as part of the traffic analysis and mitigation required for a proposed project. Commissioner Behrens suggested staff visit the Edmonds Marina to visualize whether this type of traffic could be moved through the Point Wells site. Mr. Forry agreed that a marina that supports a lot of vehicle traffic as opposed to water-based traffic may not pencil out at Point Wells given the current SMP and Development Code regulations.

Commissioner Behrens asked staff to provide examples of potential commercial uses associated with a marina. Mr. Cohn answered that commercial uses could include restaurants, bait shops, boat sales, fuel sales, boat equipment, etc. He said the Commission could remove marinas as an allowed use. However, if it is left in for public hearing purposes, the Commission would likely get more comments on the issue. He noted that a marina has never been part of the current developer's proposal.

Commissioner Broili pointed out that Point Wells is not part of the City of Shoreline. Mr. Cohn agreed and explained that the SMP requires the City to not only plan for shorelines within their jurisdiction, but also those located within the urban growth boundary that could be annexed. The City has identified Point Wells as an area that could be annexed into the City.

Commissioner Broili said he would prefer to remove marinas as a potential use in the Point Wells Urban Environment. There is no place along the City's shoreline for a marina to locate without major impacts. Ms. Redinger asked the Commission if they see a benefit of including standards for redevelopment of the existing dock. Commissioner Broili said he is not opposed allowing the existing dock to be redeveloped, but he is opposed to allowing marinas because they result in major impacts over and above those associated with the existing dock. Mr. Forry commented that it would take an extraordinary amount of time to create acceptable development regulations to allow marinas at Point Wells. Chair Wagner said that if marinas are prohibited,

then the language should clarify what would be allowed as part of any redevelopment of the existing dock.

Commissioner Moss said she attended a community meeting for the proposed Point Wells development several months ago where there was discussion about the potential of recreational uses such as canoes. While this would not necessarily fall within the category of a marina, it is a very different use than the current industrial use. If the Point Wells development goes forward as currently proposed, it would behoove the City to create some standards for what the dock could look like and what uses would be allowed. Chair Wagner said it would be helpful for staff to provide a brief explanation about what currently exists at Point Wells (breakwater, bulkhead, etc.).

Commissioner Behrens reminded the Commission of the SMP goal to create recreational uses along the shoreline. It might be appropriate to allow docks and piers at Point Wells in association with a recreational application. He agreed that the SMP should provide development standards for the existing dock. For example, he would not likely support a fuel station on the dock. Mr. Forry said that, as per the proposed SMP language, a fuel station on the existing dock would be considered an expansion of an existing non-conforming use, which would require an extraordinary permitting process. Chair Wagner pointed out that, as proposed, a developer would be allowed to replace the non-conforming fuel use. She asked if it would be possible to prohibit this particular non-conforming use in the future. Mr. Forry explained that the current non-conforming use standards would allow a current, active non-conforming use to continue, as long as the non-conforming use is not expanded. However, if the non-conforming use is not maintained and used, it would no longer be vested. Mr. Cohn pointed out that the fuel dock is currently part of the industrial use and no fuel is sold to individual customers.

- **Common-line setback.** Ms. Redinger explained that this concept was proposed by the Richmond Beach Preservation Association as a way to protect view sheds. Staff is not recommending the concept because it complicates existing development rights that people had when their property was purchased. They would not be allowed to build to the same 20-foot setback as their neighbors have already done.

Commissioner Moss asked how the goals and objectives of the SMP would be measured. Ms. Redinger said that, generally, they do not set metrics for these types of goals and objectives. However, staff is working to develop a website for tracking metrics of environmental sustainability, and the website will likely be ready by January. At this time, the plan is to include the SMP goals and objectives on the website as an informational page. However, other than restoration, the website would not track the specific shoreline metrics. Mr. Forry added that many of the goals, objectives and policy statements in the SMP are intended to provide guidance to document users. Because the SMP is one of the tools for substantive authority when dealing with projects that are subject to SEPA review, it provides flexibility in applying additional conditions when necessary for higher level permits.

Commissioner Moss suggested that the goals and objectives in the circulation and recreational elements should be switched. This change would result in a more logical sequence since it appears that the objectives are broader reaching.

Commissioner Broili asked how the City would measure "no net loss of ecological function." Mr. Forry said the theory behind "no net loss" is that standards should be provided for setbacks, height, bulk, etc. to require sufficient mitigation so there is "no net loss" and in some cases a net gain of ecological functions within the shore lands. The City does not have a metric to track this other than the Cumulative Impact Analysis.

Barbara Nightingale, DOE, said the DOE has provided a spreadsheet of potential indicators, which is based on what jurisdictions already have rather than adding the burden of a new monitoring system. For example, aerial photographs could show how much impervious surface is creeping towards the shoreline. However, these indicators might not be relevant to the type of shoreline that currently exists in the City and what they expect in the future. Some jurisdictions are trying to build conservation zones back into areas where structures have historically been developed right up to the lake.

Ms. Nightingale said the first review of the implementation of the SMP would be in eight years. At that time, the City would evaluate how well they did with their goal of "no net loss." She agreed that a marina at Point Wells would result in significant ecological loss, based on the reasons discussed by the Commission. The Cumulative Impact Analysis reviews each of the specific SMP regulations and the degraded ecological conditions they are intended to address. In the case of Shoreline, there is an existing railroad, a park that is in a natural condition and residential development that is protected by existing bulkheads. She reminded the Commission that property owners have a right to protect their structures with bulkheads. While the DOE typically promotes natural vegetation conservation, requiring natural vegetation near the bulkheads would not have a significant positive impact. She summarized that the existing 20-foot setback is reasonable to provide visual access to the water and protect the shoreline. The proposed setback requirements for geological and landslide hazard areas are acceptable and well written, too.

Ms. Nightingale clarified that it would not be appropriate for the City to rely on the DOE's Shoreline Development Permit and/or the Army Corps of Engineers Regional General Permit to provide dock standards. The WAC requires that these specific standards be included local SMP's. She noted that the Regional General Permit does not provide guidelines related to dock length. However, it is important that sufficient length be allowed so that boats do not sit on the sub straight during times of extreme low tide.

Commissioner Moss commented that the Planning and Development Services Director's title has been changed to Planning and Community Development Director.

Vice Chair Perkowski said he has reviewed a fair number of SMP's, which typically have both use and development standards. While the proposed SMP includes a use table, there are no development standard sections for each environment. Instead, it simply refers to the underlying zoning. He asked staff to share the rationale for this approach. Mr. Forry said they opted for the current approach as a

matter of consistency with the existing zoning criteria. Based on feedback from the consultant, there did not appear to be a need to be more restrictive than the existing development regulations for each of the shoreline environment classifications. Instead the existing zoning criteria would apply. Given that the proposed language requires greater setback from the ordinary high-water mark than what currently exists, staff felt this approach would meet the goals and objectives of the SMP. Vice Chair Perkowski clarified that the proposed language makes it clear that the underlying zoning would apply unless there is a conflict, in which case the regulations that provide more shoreline protection would apply.

Ms. Redinger advised that a number of changes were made to the Definitions Section, as requested by the Commission. Commissioner Moss suggested that staff double check the proposed definition for "Community Pier or Dock" to make sure it is consistent with the Commission's earlier discussion. Ms. Redinger said that, as currently proposed, individual docks and piers would not be allowed. She agreed that the definition should be changed to clarify that is it better for multiple households to share a dock, rather than building multiple docks.

Commissioner Moss referred to Section 20.220.030.A.3 and recalled that at an earlier meeting, Commissioner Kaje suggested that the more specific WAC language related to existing structures should be incorporated into the draft SMP. Ms. Redinger said she discussed this issue with Ms. Nightingale, who indicated that the proposed language is already specific enough.

Commissioner Moss asked if Section 20.220.120.C refers to the City of Shoreline's Hearing Examiner or a specific Shoreline Hearings Board. Mr. Forry suggested the language be clarified by using the term "Washington State Hearing's Board". Chair Wagner asked staff to word search the language to make sure "shoreline" is used appropriately throughout the document.

Commissioner Behrens asked who would be responsible for enforcing Regulations 1 and 6 in Section 20.230.020.A. Mr. Forry said this would be the Planning Director's responsibility. Commissioner Behrens noted that Section 20.220.110.C should also be clarified. Mr. Forry agreed to word search the document and update it accordingly.

Commissioner Moss asked if the provisions found in Regulation 8 in Section 20.230.020.A are consistent with the City's current tree code. Mr. Forry answered that the language is actually much more restrictive than the current tree code. It is intended to enhance the buffer (setback) area with vegetation and keep it maintained.

Commissioner Moss expressed her belief that Section 20.230.040.A.1.b, which allows an exception for individual multi-family structures containing more than four dwelling units, appears to be in conflict with Section 20.230.040.B.1. She also suggested that perhaps Section 20.230.040.B.3.f should be a separate subcategory. Staff agreed to review these two issues and report back.

Commissioner Moss asked for clarification of the term "access deemed necessary," which is found in Section 20.230.100.A.3. Ms. Nightingale explained that public access is something that should be promoted on publicly-owned land, and one way to accomplish this is to provide trails or public access around parks. Through trail plans, cities can demonstrate their intent to provide public access over a

period of time. She acknowledged that many issues come up where public access has not been provided in the past on privately owned property. There may be opportunities to improve access as part of commercial redevelopment, but this is not always possible for various reasons. In these cases, developers could partner with the City and help fund a public park and/or trail in another location. Overall, public access would be improved either way. Commissioner Moss commented that the most significant opportunity for commercial redevelopment within the City's shoreline areas is at Point Wells. She expressed concern that the term "deems necessary" seems too open ended. She suggested staff consider more specific language. Mr. Forry clarified that, in this case, the term is used in the context of a policy as opposed to a regulatory statement. Regulatory statements provide more guidance for staff to make these decisions.

Commissioner Behrens recalled that the Point Wells Subarea Plan would not allow a developer to build a commercial structure against the water. Ms. Redinger reminded the Commission that the Point Wells Subarea Plan was based on the draft SMP language.

Vice Chair Perkowski noted that several public comments expressed concern that the City would require the removal of armoring that protects the single-family residential homes. He emphasized that all the Commissioners understand the importance of repairing and maintaining the existing bulkheads to protect current development. They are not proposing that they be eliminated. He invited the public to share their specific concerns so they can be clarified and addressed.

Commissioner Moss referred to Section 20.230.180.A.8 and agreed it makes sense to allow one geotechnical report to be prepared for multiple properties. However, she asked if there would be a limit on the length of time the report would be applicable. Mr. Forry answered that the validity of a geotechnical report would be determined on a case by case basis. Typically, the City checks to ensure that the person who completed the original report is still licensed and available to answer additional questions that come up. The City could also require the applicant to revise the original report if they believe conditions have changed significantly.

PUBLIC COMMENT

Chair Wagner emphasized that this public comment period should not be confused with an official public hearing, and public comments would not be entered into the official record that is forwarded to the City Council. She invited members of the audience to submit their written testimony to the Commission via staff prior to the formal public hearing so it can be incorporated into the official record.

Richard Kink, Shoreline, Richmond Beach Preservation Association, thanked staff for all of the time and effort they have put into drafting the proposed SMP. He also thanked the Commissioners for their thoughts and comments on the draft document. He advised that he would submit written comments regarding tonight's discussion in the near future. In the interim, he invited the Commissioners to visit 27th Avenue Northwest and meet with property owners to discuss the unique characteristics of their neighborhood.

DIRECTOR'S REPORT

Mr. Cohn suggested the Commission make a decision soon about their second meeting in December.

UNFINISHED BUSINESS

Commissioner Moss reminded the Commission that when they recently reviewed Comprehensive Plan amendments related to the Transportation Master Plan, staff recommended that they defer Amendment 2 (SMC 20.070.010 and 020) to allow staff more time to gather information. She questioned when this issue would be back before the Commission for consideration. Mr. Szafran said staff anticipates this item will come before the Commission in late January or early February.

NEW BUSINESS

Commissioner Behrens suggested that the City should develop a system for recording community meetings so the public comments can be utilized by the Commission as background information. The Commission agreed to raise this issue the next time they meet jointly with the City Council. Ms. Simulcik Smith agreed to add this item to the "parking lot list."

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

None of the Commissioners commented during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Cohn announced that a public hearing on Medical Marijuana Collective Gardens is scheduled for December 1st. The Commission would also review their bylaws.

ADJOURNMENT

The meeting was adjourned at 9:15 P.M.

_____	_____
Michelle Linders Wagner	Jessica Simulcik Smith
Chair, Planning Commission	Clerk, Planning Commission

TIME STAMP
November 17, 2011

CALL TO ORDER: 00:09

ROLL CALL: 00:13

APPROVAL OF AGENDA: 00:31

DIRECTOR'S COMMENTS: 00:40

APPROVAL OF MINUTES: 01:53

GENERAL PUBLIC COMMENT: 03:46

STUDY SESSION ON SHORELINE MASTER PROGRAM: 04:43

Staff Report: 04:43
Commission Questions: 12:51
Discussion of Unresolved Issues: 27:35
Additional Commission Questions: 1:01:19

PUBLIC COMMENT: 2:02:57

DIRECTOR'S REPORT: 2:05:30

UNFINISHED BUSINESS: 2:05:55

NEW BUSINESS: 2:08:11

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 2:11:54

AGENDA FOR NEXT MEETING: 2:11:58

ADJOURNMENT 2:13:30

DRAFT

These Minutes Subject to
January 5th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

December 1, 2011 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present	Staff Present
Vice Chair Perkowski	Steve Cohn, Senior Planner, Community & Development Services
Commissioner Behrens	Paul Cohen, Senior Planner, Community & Development Services
Commissioner Broili	Steve Szafran, Associate Planner, Community & Development Services
Commissioner Esselman	Ian Sievers, City Attorney
Commissioner Kaje	Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent
Chair Wagner
Commissioner Moss

CALL TO ORDER

Vice Chair Perkowski called the regular meeting of the Shoreline Planning Commission to order at 7:01 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Vice Chair Perkowski and Commissioners Behrens, Broili, Esselman and Kaje. Chair Wagner and Commissioner Moss were absent.

APPROVAL OF AGENDA

The agenda was approved as submitted.

DIRECTOR'S COMMENTS

Mr. Cohn did not provide any comments during this portion of the meeting.

APPROVAL OF MINUTES

The minutes of November 3, 2011 were approved as amended.

GENERAL PUBLIC COMMENT

No one in the audience expressed a desire to comment during this portion of the meeting.

LEGISLATIVE PUBLIC HEARING – MEDICAL MARIJUANA COLLECTIVE GARDENS (MMCG)

Vice Chair Perkowski reviewed the rules and procedures for the legislative public hearing and then opened the hearing.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Cohen reviewed that the Commission held a study session to discuss code amendments for medical marijuana collective gardens (MMCG) on November 3rd. At that time a Commissioner pointed out that Section 20.40.445.D.6, which requires that production, processing or delivery of cannabis cannot be visible to the public from outside of the building or structure, might contradict the current Development Code that requires commercial development to have 50% of their first floor façade in transparent windows. Staff determined that the two requirements do not necessarily conflict, but it could be difficult for someone to meet both. However, an MMCG could have transparent windows to a lobby and the locate the remainder of the operation behind. If the Commission concludes that more clarity is necessary, they could recommend an amendment to Section 20.50.280.B (mixed use – commercial design standards) to exempt MMCGs from the transparent window requirement.

Commissioner Broili noted that although ground floor windows must be transparent, the code would not prevent a property owner from putting a curtain or false wall in front of the building. Mr. Cohen agreed that the code allows sufficient flexibility to enable property owners to meet both requirements without taking up an enormous amount of space.

Commissioner Behrens said he visited MMCG sites in Shoreline and found that both would be consistent with the proposed code language. Both have clear windows, with lobbies at the entrances where people are screened before they are allowed to access the remainder of the building. None of the operation is visible to the public from the outside.

Mr. Cohen summarized that staff is not recommending that Section 20.50.280.B be amended because they believe both requirements could be met at the same time.

Mr. Cohen recalled that on November 3rd the Commission discussed the requirement for a 1,000-foot separation between MMCG's and schools. Concern was raised that because commercial areas where MMCG's are likely to locate are narrow, the separation requirement may force these businesses to the edges of the commercial zones and closer to residential areas. Concern was also raised that the

separation requirement would disperse the MMCGs, making it more difficult to monitor and enforce the code requirements. However, law enforcement representatives have suggested that the potential concentration of MMCGs could result in a bigger draw for criminal activity. The Commission also discussed whether or not the City should adopt a cap on the number of MMCGs allowed citywide instead of a separation requirement. However, there is no information available about what the appropriate cap should be.

Mr. Cohen said staff also recommends that a Safety License be required under Section 20.40.244.D.8, which would allow the City to monitor the operation and location of MMCGs. Commissioner Behrens asked if the proposed language is intended to require Safety Licenses for MMCGs that do not need Business Licenses. Mr. Cohen said staff is proposing that all MMCGs would require a Safety License, and those that are not cooperatives would also require a Business License. Mr. Sievers further explained that supplemental Safety Licenses can be required for uses that have more potential to harm the public welfare, and they offer the City the ability to do additional inspections to ensure the regulations are being followed.

Commissioner Kaje referred to the minutes from the November 3rd study session, in which Sergeant Neff stated that "it is important, from a law enforcement standpoint, to keep the MMCG's within the business district. They can become problematic when located in residential areas because it is hard for law enforcement to know where they are. If law enforcement knows where all the dispensaries or MMCG's are located, it is easier for them to police the areas to prevent burglaries." Sergeant Neff further stated on November 3rd that she does not have a strong feeling about whether or not the 1,000-foot separation requirement would be beneficial, and that the concept was brought forward by the City Council.

Mr. Sievers recalled that at the November 3rd Study Session he discussed Senate Bill 5073. He specifically noted that Governor Gregoire vetoed a large portion of the bill, leaving inconsistencies in the remaining portions. The curative act that was intended to recover some of the substance of SB5073 was proposed by law enforcement agencies and contains a new provision that only one MMCG should be located on a parcel. Law enforcement's opposition to multiple MMCGs operating off a single parcel leads him to suggest that aggregation is not a good thing.

Mr. Cohen recalled that concern was expressed on November 3rd that Section 20.40.445.D.1 was not explicit about whether or not a patient would be allowed to hire a provider, who is not a patient, to grow for them. Because the intent of the State legislation is to allow a patient to hire a provider, staff has recommended language to make this issue clearer. City Attorney Sievers suggested the proposed language should be changed by replacing "and" with "or." Mr. Cohen agreed that would be appropriate.

Commissioner Behrens asked if the proposed language in Section 20.40.445.D.1 would limit the size of a cooperative to a maximum of 10 people. Mr. Cohen answered affirmatively and explained that it could include a combination of patients and patient providers. Commissioner Behrens asked if staff has contacted existing MMCGs to determine how this limitation would impact their ability to operate. He expressed concern about placing so many regulations on MMCGs that they cannot effectively function. City Attorney Sievers said he previously explained to the City Council that the legislation was not

intended to allow large, commercial MMCG operations, and the Legislature amended the provisions related to how quickly designated providers could be changed. He recommended to the City Council that the City's interim ordinance be amended to place a limit on how quickly an MMCG would change providers, but the City Council did not adopt the amendment because they were concerned that it would prevent MMCGs from being commercially viable.

Commissioner Broili said his understanding is that MMCGs are intended to be cooperatives and not businesses. They are not intended for the transaction of money, but to provide a product to patients. He also questioned whether this is an issue the Planning Commission should even address since their purview is zoning and code issues only.

Commissioner Kaje expressed concern that changing Section 20.40.445.D.1 to include providers seems contrary to their previous discussion. He summarized that the intent of this section is to limit the number of people with prescriptions for medical marijuana who can participate in an operation. He requested further clarification regarding the intent of the proposed amendment. Mr. Sievers clarified that the intent has always been to allow patients with disabling illness to have someone grow marijuana for them. He pointed out that Governor Gregoire's veto message states that the legislation was intended to cover only ten patients or their providers. He expressed his belief that the proposed amendment is consistent with the legislature's intent, as well as the direction provided previously to both the City Council and the Planning Commission. He emphasized that changing the word "and" to "or" would make it clear that an MMCG could only service the needs of 10 patients.

Commissioner Behrens commented that even if a MMCG is not set up for profit, the City should make sure the restrictions are not so cumbersome that it is unfeasible for MMCG's to operate.

Mr. Cohen advised that a last-minute concern was raised about Section 20.40.445.B, which requires a 1,000-foot separation from schools and other collective gardens. He suggested that additional language should be added to define how the separation between collective gardens would be measured. He recommended it be the distance between the building entries of the collective gardens.

Commissioner Esselman referred to the map and pointed out that the separation line for Einstein Middle School intersects with the shopping area that bisects Richmond Beach Road. She asked if an MMCG could be located in this shopping area given that school children tend to "hang out" on the north side. Mr. Cohen advised that while a MMCG could not locate in the northern portion of the shopping center because it is too close to the school; however the use would be allowed on the portion of shopping center property that is outside of the 1,000-foot separation line. Because of the proposed separation requirements, only one MMCG would be allowed in the shopping area. Commissioner Esselman suggested that the community might have a significant concern if an MMCG is allowed within the northern most portion of the shopping area.

Commissioner Esselman suggested that the map should also identify a 1,000-foot separation line around the Sunset School site. While no school is currently located on the site, it is identified in the district's land bank as a potential school site. If the student population increases, a school might be constructed on the site in the future. Mr. Cohen asked if the definition of "schools" includes all school property, or

just functioning schools. Mr. Sievers said the intent is to protect the students that are using the property, but he suggested they could add additional language to include vacant school sites. Mr. Cohen suggested that the Sunset School site could be added to the map if and when it becomes a functioning school.

Commissioner Behrens asked if there is a commercial area close to the Sunset School site. Commissioner Esselman answered no. Commissioner Behrens pointed out that the Shoreline Center is not an active school yet a separation line was drawn around it. He observed that there is no commercial property near this site, either. He questioned the need to draw separation circles around schools when there is no potential for MMCGs to locate within 1,000 feet. Commissioner Broili agreed and suggested that, for clarity, the boundaries should be removed around schools that do not have adjacent business districts.

Vice Chair Perkowski observed that the proposed language does not reference enforcement and penalties for code violations. Mr. Cohen said the general code enforcement provisions would apply for all code violations, and all MMCGs would be required to meet all Development Code requirements. There is no need for specific code enforcement language in this particular section.

Ms. Simulcik Smith announced that the following additional exhibits were received after the Commission packet was sent out:

- Exhibit 7 – Comment Letter from Peter Mueller, with an article from *THE SEATTLE TIMES* as an attachment.
- Exhibit 8 – Article from *THE HUFFINGTON POST.*
- Exhibit 9 – Article from *THE SEATTLE TIMES.*

Mr. Cohen said staff received a last minute public comment from Mr. Mueller expressing confusion about patients versus providers, but this issue has been resolved. Concern was also raised about whether or not distribution and delivery could occur on the same site. To address this issue, staff recommends that the definition for "medical marijuana collective gardens" be changed to simply read, "Facility used by qualifying patients or their provider(s) for the producing, processing, transporting or delivery of cannabis for medical use." Mr. Sievers referred to Mr. Mueller's point that although the proposed language only allows one collective garden per tax parcel, there would be no limitation on the number of delivery sites on a tax parcel. Rather than placing a limitation on the number of delivery sites in each of the subsections, the new definition would make it clear that only one of any of the uses listed would be allowed per tax parcel. Mr. Cohen advised some minor changes in other sections of the proposed code language would be necessary to be consistent with the new definition.

Vice Chair Perkowski asked if it is necessary to add a definition for "qualifying patient." Mr. Sievers explained that it is illegal in Washington State for a person to have marijuana unless he/she is qualified with a prescription. He did not believe a definition would be necessary.

Commissioner Broili cautioned that discussing regulations related to how MMCGs are operated goes beyond the realm of the Commission's responsibility. Once again, he reminded them to focus their

discussion on the proposed code amendments related to zoning. Commissioner Kaje pointed out that as the Commission deliberates on the proposed separation requirements, it is important for them to understand exactly what needs to be separated. However, he agreed with Commissioner Broili that the Commission's responsibility is to deal with land use issues and policy.

Mr. Sievers referred to Section 20.40.445.D.4 and explained that because the registry provision was part of the statute that was vetoed, patients cannot provide this type of identification. Because the requirement for valid documentation would be part of the Safety License requirement, he suggested this provision be removed from the proposed language.

Mr. Cohen announced that the State Environmental Protection Act (SEPA) review has been completed. No public comments were received, and staff will issue a Determination of Non-Significance on December 5th. There will be a 14-day public comment period for the determination. He also announced that the Commission received an additional public comment from Peter Mueller, which was provided in the Commission's desk packet.

Mr. Cohen referred to information provided in the Staff Report to explain how the proposed amendment meets the three Development Code criteria (SMC 20.30.350). He reviewed the criteria as follows:

1. *The amendment is in accordance with the Comprehensive Plan.* There is no language about MMCGs in the Comprehensive Plan, but there are some general comments in the framework goals and policies. Framework Goal 3 calls for supporting the provisions of human services to meet community needs, and Framework Goal 10 calls for respecting neighborhood character and engaging the community in decisions that affect them.

2. *The amendment will not adversely affect the public health, safety or general welfare.* The amendment is intended to improve public health by providing collective gardens for patients to raise prescribed medical marijuana.

3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.* The provisions of the amendment would not be contrary to the best interest of the citizens and property owners because they would:

    - Enact State Bill 5073
    - Ensure adequate separation between MMCGs and residential and school properties
    - Require adequate regulations to ensure the community of potential size and location
    - Require registration through a Safety License to monitor the businesses

Mr. Cohen referred to Attachment F, which provides draft language for a Commission recommendation. He noted that the amendment is scheduled to go before the City Council for a study session on December 12th. Staff anticipates the City Council will adopt the amendment on January 9th, prior to expiration of the 6-month moratorium. The Commission noted that Attachment F was not included in the Staff Report. Mr. Cohen said Attachment F provides basic language for introducing the proposed code to the City Council, but it does not include the actual proposed code language.

Mr. Cohen announced that two notices were sent out for the public hearing. The first notice was sent out for the initial hearing that was scheduled for November 17th but postponed to December 2nd. A second notice was sent out to clarify the date of the hearing.

In reference to earlier Commission discussion about focusing their discussion on land use issues only, Commissioner Behrens pointed out that, with the exception of Provision 7, none of the other provisions in Section 20.40.445.D deal specifically with land use issues. Mr. Cohn noted that these provisions are intended to place parameters around the activity that goes on with the MMCG land use. It is appropriate to place all provisions related to MMCGs in one location in the Development Code. He said this same approach has been used in other code sections, such as home occupations. Commissioner Kaje said he understands that the provisions may need to be located in a single place within the Development Code. However, he recommended the Commission focus their discussion and deliberation to points within their purview and knowledge base.

Public Testimony

Peter Mueller, Shoreline, said he is an attorney and a Federal prosecutor with considerable experience administering Federal drug statutes. He commended the staff and City Council for responsively responding to a very complex and difficult issue that was rendered even more complex by the joint actions of Governor Gregoire and the Legislature. He referred to his legal comments that were submitted to the Commission in writing, one of which was addressed by the proposed new definition for "medical marijuana collective gardens."

Mr. Mueller said he is sensitive to the Commission's concern that their purview is land use issues rather than policy issues, which are the purview of the City Council. He announced that on November 30th, Governor Gregoire, in conjunction with the governor of Rhode Island, submitted a very comprehensive petition to the Drug Enforcement Administration (DEA) requesting that they reschedule cannabis from Schedule 1 to Schedule 2. If this change is made, all of the problems that local governments and law enforcement agencies are experiencing would be eliminated. It would solve the problem of getting the substance to patients who need it in a compassionate way while controlling its abuse and proliferation, which has been demonstrated over and over again in those states that have grappled with trying to make medical marijuana available. If the DEA acts on this petition, patients will be able to obtain the substance based on a normal prescription by a qualified medical practitioner, and it would be administered and compounded by a qualified pharmacist through a regular pharmacy. Most importantly, it would be compounded and distributed in a way that does not require patients to smoke the substance.

Mr. Mueller referred to a statement issued on October 31st by Gil Kerlikowski, Director of the Office of National Drug Control Policy, on behalf of President Obama in response a petition the White House received asking for legalization of marijuana. The point of the statement is that the National Institute of Health has recognized that substance abuse by teenagers of marijuana is a much more serious problem than any recreational use by adults. Although he is a lawyer, he said the real reason he is present is because he is a dad, and he knows the substance is dangerous to kids. Making it available to the community through the loose structure involved in the proposed amendment is not good. He suggested

Shoreline step back and give the DEA a chance to respond to Governor Gregoire, and this may solve the entire problem.

Kirk Bayle said he is an attorney with a focus on medical marijuana businesses and defense. He said he represents A Green Cure, which is located in Shoreline on Northeast 145th Street and Highway 99. He said he has worked very closely with Pete Holmes's office in creating the City of Seattle's ordinance, and they are currently working on their zoning issues. He has also worked with the City of Issaquah to draft an ordinance that will allow some medical marijuana access points or collective gardens in their city.

Mr. Bayle explained that the purpose of the proposed ordinance is to create a safer community through regulations. It is important for citizens to feel safe, but it is also important that the patients who need cannabis can continue to have safe access to the substance. He referred the Commission to Revised Code of Washington (RCW) 69.51A.025, which codifies the medical marijuana statute (SB5073) and states, "nothing in this chapter or in the rules adopted to implement it precludes a qualifying patient or designated provider from engaging in the private, unlicensed, non-commercial production, possession, transportation, delivery or administration of cannabis for medical use as authorized under RCW 69.51A." That means people can have collective gardens without a license. They can have three on a block if they want. Because law enforcement has indicated it is easier to patrol 1, 2 or 3 access points, the medical marijuana community wants to consolidate the locations. They support regulation and the creation of guidelines so the businesses can operate and patients can continue to have access to their medicine.

Mr. Bayle referred to Section 20.40.445 of the proposed code language (Attachment B) and said his clients do not take issue with Provision D.6 regarding visibility because it is a civil infraction to use or display medical cannabis in public. He also said his clients do not object to Provision B, which calls for a 1,000-foot separation between MMCG and schools and other MMCGs. He noted that this use has proliferated in some areas of Seattle because they do not require a separation between MMCG access points. He suggested that the 1,000-foot separation requirement would create safer communities and continue to allow patients to have access to their medicine. He said he does not have a position on whether or not a patient should be allowed to hire a provider. He suggested this may be something for the City Council to consider. He also has no position regarding the proposed new definition for "medical marijuana collective gardens."

Mr. Bayle said he does object to Provision D.1, which would limit a MMCG to no more than ten qualifying patients at any given time. This provision would eliminate the current businesses because it would be financially unfeasible to operate. He suggested that Provision D.1 has been blurred because some employees of Shoreline are opposed to having medical marijuana facilities in the suggested areas. He said he was present at the City Council meeting when they addressed this issue, and it was their intention to resolve the issue rather than passing it on to the Planning Commission.

Commissioner Behrens asked Mr. Bayle to comment on the City Attorney's recommendation to strike Provision D.4, which would require a patient to provide valid documentation. He asked if businesses have internal mechanisms to ensure that people use MMCGs appropriately. Mr. Bayle answered that his

clients require patients to provide authorization and a copy of their valid Washington ID. These items are entered into the system and checked every time. He pointed out that City Attorney Sievers' comments were related to the registry, which was vetoed by the Legislature.

Greg Logan, Shoreline, said it is important to make the distinction that MMCGs are collectives and not businesses. However, as noted by Commissioner Behrens, collectives need funds to cover their costs. He also agreed with Commissioner Esselman that the Richmond Beach Business area would not necessarily be an appropriate place for an MMCG. Aurora Avenue seems to be a satisfactory location for these uses. Regarding Mr. Mueller's comments about Governor Gregoire's petition to the DEA, Mr. Logan observed that people have been asking the DEA to address this issue for many years. Because the DEA has chosen not to take action, it is important for the City to move forward with its own provisions. He noted that people who use medical cannabis do not need to smoke at all. It's more advantageous to take it in edible form, and it can also be vaporized and made into creams.

Mr. Logan said he is also familiar with Mr. Kerlikowski's letter and found it to be self-interest Federal Government propaganda. He believes that the National Institute of Health is more involved in espousing this issue than genuinely and adequately expressing what is known through cultural and personal experiences. He said he is also concerned about kids abusing marijuana, but he also grew up in a time when kids abused the substance and most of them became professionals and did not go on to use heroin. He said his hunch is that people who get medical cannabis are not interested in giving it away. While this is a concern, he suggested there are ways to address the issue without limiting access.

Final Questions by the Commission

Commissioner Kaje referred to the map that was prepared to identify potential MMCG sites based on the proposed 1,000-foot separation requirement. He pointed out that, as proposed, an MMCG could exclude another MMCG by locating in the center of the Ballinger Neighborhood commercial area. He said he was interested to hear from Mr. Bayle that the medical marijuana community is not concerned about the proposed 1,000-foot separation requirement, particularly given the City's very limited commercial areas except along Aurora Avenue North. Mr. Cohen agreed that locating an MMCG in the center of the Ballinger Neighborhood commercial area could preclude options for another MMCG in the area.

Deliberations

COMMISSIONER KAJE MOVED TO AMEND THE DEVELOPMENT CODE REGARDING MEDICAL MARIJUANA COLLECTIVE GARDENS (MMCGs) AS PROPOSED BY STAFF. COMMISSIONER ESSELMAN SECONDED THE MOTION.

Commissioner Kaje said he believes the proposed amendment is an important step. He said he has a strong feeling that the amendment will be temporary because the State will probably clean up the situation they left to local governments. He encouraged the Commissioners to focus on key elements of the proposed amendment that are within their purview, with the understanding that the issue will likely come before them again with better direction from the State Legislature and City Council.

Mr. Cohen reminded the Commission of staff's recommendation to replace the definition of "medical marijuana collective gardens" with the language provided. He also reminded the Commission of staff's recommendation to add more information to define how the 1,000-foot separation between two collective gardens would be measured. In addition, staff has recommended that the words "or their providers" be added to Section 20.40.445.D.1. Lastly, the City Attorney has recommended that Section 20.40.445.D.4 be removed in its entirety.

COMMISSIONER KAJE MOVED TO AMEND SECTION 20.20.34.M BY REPLACING THE PREVIOUS DEFINITION FOR MEDICAL MARIJUANA COLLECTIVE GARDENS WITH: "FACILITY USED BY QUALIFYING PATIENTS OR THEIR PROVIDER(S) FOR THE PRODUCING, PROCESSING OR DELIVERY OF CANNABIS FOR MEDICAL USE." COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Kaje said he is not sure the word "transporting" adds value to the definition, and it could actually add confusion. Using the word "delivery" adequately describes the intent. City Attorney Sievers concurred.

THE MOTION TO AMEND THE MAIN MOTION WAS APPROVED UNANIMOUSLY.

COMMISSIONER KAJE MOVED TO AMEND SECTION 20.40.445.B TO READ, "A COLLECTIVE GARDEN OR FACILITY FOR DELIVERY OF CANNABIS PRODUCED BY THE GARDEN MAY NOT BE LOCATED WITHIN 1,000 FEET OF SCHOOLS MEASURED IN A STRAIGHT LINE FROM THE CLOSEST SCHOOL PROPERTY LINE TO THE NEAREST BUILDING ENTRY TO A COLLECTIVE GARDEN." COMMISSIONER BROILI SECONDED THE MOTION.

Vice Chair Perkowski pointed out that because the Commission recommended a new definition for a MMCG, it is no longer necessary to include the phrase "or facility for delivery of cannabis produced by the garden." Commissioner Kaje concurred.

Commissioner Kaje said he is opposed to using distance separation as a way to limit the number of MMCG's because he did not hear any compelling evidence from the City's law enforcement staff that it would be better to spread the uses out. While he respects the opinion of the commenter who said it was okay to spread the uses out, it is important to keep in mind that the City's has a unique geography of business districts. Many of them are very small. He said he does not believe that the separation requirement is an appropriate tool for limiting the number of MMCGs. There are better ways to accomplish this goal such as identifying specific locations where the use is allowed. He said he does, however, believe it is appropriate to separate MMCGs from schools.

COMMISSIONER KAJE CHANGED HIS MOTION TO AMEND SECTION 20.40.445.B TO READ, "A COLLECTIVE GARDEN MAY NOT BE LOCATED WITHIN 1,000 FEET OF ANY SCHOOL MEASURED IN A STRAIGHT LINE FROM THE CLOSEST SCHOOL PROPERTY

LINE TO THE NEAREST BUILDING ENTRY TO A COLLECTIVE GARDEN." COMMISSIONER BROILI AGREED TO THE CHANGE.

Commissioner Behrens expressed his belief that the market place is a better way to regulate the location of MMCGs. There may be a temporary surge in MMCGs. Those that operate well will stay in business, and those that are marginal and don't follow the rules will soon find themselves out of business. He said he is not opposed to a separation requirement from schools, but he pointed out there are not similar restrictions for taverns.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KAJE MOVED TO AMEND SECTION 20.40.445.D.1 TO READ, "NO MORE THAN TEN QUALIFYING PATIENTS, OR THEIR PROVIDERS, MAY PARTICIPATE IN A SINGLE COLLECTIVE GARDEN AT ANY TIME." COMMISSIONER BROILI SECONDED THE MOTION.

Commissioner Kaje said he respects the comments provided by Mr. Bayle about whether or not an MMCG could be viable with only ten patients, but he is not in a position to speak knowledgeably about the issue at this time. He recalled that at the study session, staff indicated this provision was intended to be consistent with State law. He expects the issue will be revisited at some point in the future. Commissioner Behrens felt it would be more appropriate to strike Provision D.1. Commissioner Kaje said this is something the Commission could consider after they have voted the motion on the floor.

THE MOTION CARRIED 4-1, WITH COMMISSIONER BEHRENS VOTING IN OPPOSITION.

COMMISSIONER BROILI MOVED TO DELETE SECTION 20.40.445.D.4 AS RECOMMENDED BY THE CITY ATTORNEY. COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

VICE CHAIR PERKOWSKI MOVED TO ADD SECTION 20.40.445.D.8 TO READ, "TO ESTABLISH A LEGAL, COLLECTIVE GARDEN A SAFETY LICENSE MUST BE OBTAINED FROM THE CITY OF SHORELINE." COMMISSIONER BEHRENS SECONDED THE MOTION.

Vice Chair Perkowski advised that this new language would address his earlier question about how MMCGs would be established and tracked. Commissioner Kaje said a Safety License requirement could also be a potential tool for limiting the number of MMCGs. While there has been mixed testimony about whether licensing should be required, this decision is not within the Commission's purview.

THE MOTION CARRIED 4-0, WITH COMMISSIONER BROILI ABSTAINING.

COMMISSIONER BEHRENS MOVED THAT SECTION 20.40.445.D.1 BE DELETED. THE MOTION DIED FOR LACK OF A SECOND.

Vice Chair Perkowski questioned if Section 20.40.445.D should be amended to reflect the new definition for medical marijuana collective gardens, which was approved earlier. Mr. Sievers agreed it would be appropriate to amend the language to be consistent with the new definition.

COMMISSIONER KAJE MOVED TO AMEND SECTION 20.40.445.D TO READ, "QUALIFYING PATIENTS MAY CREATE AND PARTICIPATE IN COLLECTIVE GARDENS FOR THE PURPOSE OF PRODUCING, PROCESSING AND DELIVERING CANNABIS FOR MEDICAL USE SUBJECT TO THE FOLLOWING CONDITIONS:" VICE CHAIR PERKOWSKI SECONDED THE MOTION.

Commissioner Behrens asked if the amendment would allow someone from the collective garden to transport cannabis to a patient who can legally have the substance but cannot come to the site to pick it up. Commissioner Kaje said this issue is addressed in Section 20.40.445.C. The amendment is to make the language more consistent with the definition that was previously amended. Mr. Sievers pointed out that a person who delivers cannabis to a patient would be considered the provider. He added that the proposed amendment would allow a single provider to deliver to all the patients of the collective. A patient can also be a provider.

Mr. Cohen suggested that the words, "for the purpose of producing, processing and delivering cannabis for medical use" could be removed because they are already included as part of the definition for MMCGs. Commissioner Kaje pointed out that it would not be possible to amend the motion at this point. However, the Commission could vote the motion down and place a new motion on the floor.

THE MOTION FAILED UNANIMOUSLY.

COMMISSIONER KAJE MOVED TO AMEND SECTION 20.40.445.D TO READ, "QUALIFYING PATIENTS MAY CREATE AND PARTICIPATE IN COLLECTIVE GARDENS SUBJECT TO THE FOLLOWING CONDITIONS." COMMISSIONER BROILI SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kaje reviewed the Development Code Amendment Criteria as follows:

1. *The amendment is in accordance with the Comprehensive Plan.* As staff noted, there is no specific language in the Comprehensive Plan about MMCGs, but there is language regarding the provision of human services, respecting neighborhood character, etc. The amendment is in accordance with the Comprehensive Plan.

2. *The amendment will not adversely affect the public health, safety or general welfare.* The proposed amendment would benefit patients and their health. By putting appropriate limitations on location there would be no adverse affects to the public health.

3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.* As noted by staff, the proposed amendment enacts a State Bill. The Commission

chose to recommend elimination of the separation requirement, but they have clearly provided for separation from schools and residential areas.

Commissioner Kaje summarized that the proposed amendment meets the Development Code Amendment Criteria as laid out in SMC 20.33.50.

Vice Chair Perkowski pointed out that while Section 20.40.445.D.7 states that no odors shall be allowed to migrate beyond the interior portion of the building or structure, it does not define the type of odor. While he understands the intent, the language is vague. Commissioner Broili suggested there are advantages to leaving the language vague. For example, it gives enforcement a tool to close a MMCG down if it becomes an obstruction. Once again, Commissioner Kaje reminded the Commission that this is not likely the last time this issue will come before the Commission and City Council.

Vote by Commission to Recommend Approval or Denial or Modification

THE MAIN MOTION TO AMEND THE DEVELOPMENT CODE REGARDING MEDICAL MARIJUANA COLLECTIVE GARDENS (MMCGs) AS PROPOSED BY STAFF AND AMENDED BY THE COMMISSION WAS UNANIMOUSLY APPROVED.

Closure of Public Hearing

Vice Chair Perkowski closed the public hearing.

Commissioner Kaje reminded staff that the Commission did not receive Attachment F. Mr. Cohn advised that Attachment F is a draft transmittal letter from the Chair of the Commission to the City Council. The Commission does not generally review transmittal letters; it was provided by staff for the Commission's information. He noted that the transmittal letter will need to be updated to outline the reasons for the Commission's recommendation, and the actual recommendation will be attached.

DIRECTOR'S REPORT

Mr. Cohn reported that the City Council adopted the Planning Commission's recommendation that the Commission no longer conduct hearings and make recommendations on quasi-judicial actions. All quasi-judicial actions will now go to the Hearing Examiner, including Master Plan Permits. The City Council also accepted the Commission's recommendation regarding the Southeast Shoreline Neighborhood Subarea Plan by a vote of 4-3.

Ms. Simulcik Smith advised that the upcoming Commission vacancy will be advertised in the next edition of *CURRENTS*, which will reach Shoreline residents on December 19th. Applications will be accepted through the end of January. A City Council Committee will be appointed to review the applications and interview applicants in February and March and make a final recommendation to the City Council. She noted that letters will be sent to Planning Commissioners whose terms expire on March 31st, inviting them to apply.

Mr. Cohn announced that this is the last Planning Commission meeting he will attend. He said it has been a pleasure to work with the Planning Commissioners.

UNFINISHED BUSINESS

Planning Commission Bylaw Amendments

Ms. Simulcik Smith reviewed that the Planning Commission was presented with potential Bylaw amendments on July 21st and October 6th. She referred to the Staff Report, which answers the questions raised by the Commission at their October 6th meeting. She advised that changes were made to the Bylaws based on Commission comments and direction. The staff and Commission reviewed the proposed changes as follows:

- **Article II – Membership.** Ms. Simulcik Smith recalled that there was some discussion about whether a Commissioner appointed to fill a vacant term would be eligible for two additional consecutive terms. They considered two potential options: 1) Commissioners who fulfill a vacated term are eligible to apply for reappointment for two additional consecutive term; and 2) Commissioners who serve less than two years of a vacated term are eligible to apply for reappointment for two additional consecutive terms. She noted that Option 2 is supported by Roberts Rules of Order, which states that, "for purposes of determining eligibility to continue in an office under such a provision, an officer who has served more than half a term is considered to have served a full term in that office."

  The Commission agreed to incorporate the language used in Roberts Rules of Order as noted by staff. If a Commissioner serves more than half of a vacated term, they would not be eligible for two additional consecutive terms.

- **Article V, Section 3 – Order of Business.** Ms. Simulcik Smith recalled that the Commission requested clarification about the agenda items "New Business" and "Unfinished Business." She referred to the explanation from Roberts Rules of Order, which was outlined in the Staff Report. She said staff is proposing to alter the Order of Business for regular meetings by changing the agenda item "Staff Reports" to "Public Hearings" and adding a new item called "Study Items" and each of these new items will have a time slot for public comment. Both "Unfinished Business" and "New Business" would remain as regular agenda items. She referred to the criteria outlined in the Staff Report, which would be used for inserting topics under the appropriate agenda items. She also shared a few examples of items that would be considered "New Business" and "Unfinished Business."

  The Commission concurred with staff's recommendation to change the order of business.

- **Article V, Section 4 – Public Comment and Testimony.** Ms. Simulcik Smith advised that the newest changes made in this section mirror the changes proposed to Section 3 (Order of Business). The three comment periods would be "General Public Comment," "Public Hearing

Testimony," and "Study Item Public Comment." There would be no public comment period after items inserted under "Unfinished Business" or "New Business."

Commissioner Kaje observed that the second sentence in the second paragraph could be misconstrued to mean that public comment would be allowed after the staff report and after initial questions by the Commission. The Commission agreed to change the language to read, "During public hearings and study sessions, public testimony/comment will occur after the initial questions by the Commission that follow the presentation of each staff report."

The Commission questioned the need to include the last sentence of the second paragraph. Ms. Simulcik Smith explained that this sentence mainly applies to quasi-judicial hearings, but some of the procedures have been adopted for legislative hearings, as well. She said she does not believe the two sentences conflict with each other.

The Commission accepted this amended as recommended by staff and amended by the Commission.

- **Article VI, Section 4 – Voting.** Ms. Simulcik Smith recalled that there was some confusion about the term "present members may abstain for cause." Roberts Rules of Order makes it clear that abstaining is deciding not to vote at all and calling for abstentions is asking someone to make their vote. Staff is recommending that the words "for cause" be stricken from the Bylaws.

  The Commission concurred with this amendment as proposed by staff.

- **Article VI, Section 5 – Recesses/Continuations.** Ms. Simulcik Smith said staff recommends adding "adjournment" to the title, because Section 5 contains language regarding adjournment. Language was also added to state that "meetings can be adjourned by a majority vote of the Commission or by the Chair when it appears that there is no further business.**"** This is consistent with Roberts Rules of Order. In addition, a section was added to outline the process the Commission must use when recessing for a short break. She suggested the language should be further altered to allow the Commission to enter into a recess by a majority vote or by consensus, which is the Commission's typical process. The Commission agreed that the first sentence in the second paragraph should be changed by inserting the words "or by consensus" after "majority vote."

  The Commission accepted the proposed change to Article VI, Section 5 as amended.

- **New Article.** Ms. Simulcik Smith advised that this language talks about how each individual Commissioner should handle their personal opinions when they differ from the recommendation of the Commission. She referred to the Assistant City Attorney's response to each of the scenarios Commissioner Kaje offered for when this situation could come into play. Commissioner Kaje said he appreciates the Assistant City Attorney's guidance on this issue. However, rather than trying to capture all of the scenarios in the proposed New Article, he

suggested they be left out of the Bylaws and instead be used to review with new Commissioners to illustrate the types of situations that may come up.

Commissioner Behrens expressed concern about how a Commissioner would know if his/her opinion is contrary to the majority opinion of the Commission when speaking before a community group or other government agency. Commissioner Kaje clarified that, with the exception of the Chair and Vice Chair, individual Commissioners cannot speak on behalf of the Commission. He suggested the language should make it clear that as a good practice, individual Commissioners should make groups aware that they are not speaking on behalf of the Commission. The remainder of the Commission concurred.

The Commission agreed to postpone a final decision on the language for the new article to allow staff to create language that better expresses the Commission's intent.

- **Written Testimony.** Ms. Simulcik Smith recalled that the Commission talked about the challenge of how to thoughtfully review written testimony when it is submitted just before or during a public hearing. Mr. Cohn summarized the guidance the Commission received just prior to the meeting from the Assistant City Attorney's regarding this issue. He summarized that if the Commission wants to limit written testimony, the Assistant City Attorney recommends they set a deadline ahead of time so the public has a clear understanding that written testimony submitted after the deadline may not be included as part of the Commission's consideration. Ms. Simulcik Smith said the Assistant City Attorney also said the Commission could choose to suspend the rules to allow written testimony, and then take a recess to read it. Commissioner Behrens questioned how the Commission would decide if written testimony submitted after the deadline is important enough to suspend the rules without taking the time to read it first. Mr. Cohn said that if numerous written comments are submitted, the Commission could decide to continue the public hearing.

  The Commission discussed the pros and cons of setting a deadline for written comments. The deadline could be advertised on the public hearing notice, as well as on the City's website. It was pointed out that the Commission wants to hear public opinions, but they cannot give their written comments the attention they deserve when they are submitted the day of the hearing. They also discussed whether or not written comments submitted prior to or during a public hearing should be included as part of the record that is forwarded to the City Council along with the Commission's recommendation. Some Commissioners expressed concern about having a hard and fast rule that prevents the Commission from considering good written testimony because it is submitted after the deadline.

  The Commission agreed to postpone final action on amendments related to written testimony and deadlines.

- **Article IX – Appearance of Fairness.** Ms. Simulcik Smith reminded the Commission that, effective November 28th, the City Council made the decision to send all quasi-judicial actions to the Hearing Examiner.

The Commission agreed that because they will no longer be conducting quasi-judicial public hearings, this section should be deleted from the Bylaws.

NEW BUSINESS

No new business was scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Behrens referred to a sample copy of a patient information and authorization release form for patients who use Medical Marijuana Collective Gardens. The form mirrors those used by most doctors and may have some value to the City Council's future discussion and final action on the proposed Development Code amendments related to Medical Marijuana Collective Gardens. He suggested the document be forwarded to the City Council for informational purposes.

AGENDA FOR NEXT MEETING

Vice Chair Perkowski announced that the Commission's December 15th meeting has been cancelled.

Mr. Szafran will be presenting two applications to the Commission on January 5th: Miscellaneous Development Code amendments and the draft 2012 Comprehensive Plan Amendment Docket. In addition, staff will review the first steps in the process to update the Comprehensive Plan.

ADJOURNMENT

The meeting was adjourned at 9:40 P.M.

_____	_____
Michelle Linders Wagner	Jessica Simulcik Smith
Chair, Planning Commission	Clerk, Planning Commission

TIME STAMP
December 1, 2011

ROLL CALL – 0:20

APPROVAL OF AGENDA – 0:36

DIRECTOR'S COMMENTS – 0:44

APPROVAL OF MINUTES – 0:50

GENERAL PUBLIC COMMENT – 1:53

PUBLIC HEARING – MEDICAL MARIJUANA COLLECTIVE GARDENS – 2:23

Staff Overview and Presentation of Preliminary Staff Recommendation and Questions by the Commission to Staff – 3:35

Public Testimony – 58:02

Final Questions by the Commission – 1:14:10

Deliberations – 1:16:26

Vote by Commission to Recommend Approval or Denial or Modification – 1:51:00

Closure of Public Hearing – 1:52:05

DIRECTOR'S REPORT – 1:53:35

UNFINISHED BUSINESS

Planning Commission Bylaw Amendments – 1:56:30

NEW BUSINESS – 2:37:03

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS – 2:37:08

AGENDA FOR NEXT MEETING – 2:38:27

ADJOURNMENT

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Study Session on Comprehensive Plan Update process
DEPARTMENT: Planning & Community Development
PRESENTED BY: Miranda Redinger, Associate Planner
Joseph W. Tovar, FAICP, P&CD Director

☐ Public Hearing ☒ Study Session ☐ Recommendation Only
☐ Discussion ☐ Update ☐ Other

INTRODUCTION & BACKGROUND

The State Growth Management Act requires that cities and counties update their Comprehensive Plans on a regular basis (RCW 36.70A.130(5)); in the case of King County, the state requirement is for the update to be completed by June 30, 2015. Earlier this year, Shoreline's City Council directed staff and the Planning Commission to aim to complete the update sooner, by the end of 2012. It is important to Council that the Plan be updated to reflect the Vision that was adopted in April of 2009 (Attachment A), before that document becomes outdated.

With that direction in mind, staff has been actively reviewing the policies that comprise the Plan elements, focusing on streamlining the Plan, to develop a document that says what it needs to say, but does not include more details or policies than necessary. The current Plan is about 300 pages long. Approximately half of that is background information, and the remaining pages (approximately 150) include a large number of policies. Many of these appear to date back to the original version of the Plan, when it included a "wish list" of actions that the fledgling city wanted to accomplish.

The Council has affirmed that the first phase of the update was to remove policies that are obsolete, either because they refer to projects that have been accomplished or mostly accomplished (such as the redevelopment of infrastructure on Aurora Avenue) or because the policy language has been superseded by local or state regulation. Staff also found policy statements that were redundant to other policies in the document, provided background but were not intended as policy, or used regulatory language too specific for a general guiding document. Staff labeled each policy proposed for deletion with these categories (background, obsolete, redundant, regulatory, or superseded) and provided more specific reasoning in comment boxes.

The Update will also include additions. The additions may be due to updated GMA or other requirements, policies inserted to help promote the Vision, or other policies that reflect changed circumstances or policy guidance from functional Master Plans adopted since the most recent Plan update in 2006. Because the Transportation; Surface

Approved By: **Project Manager** MR **Planning Director** JWT

Water; and Parks, Recreation and Open Space Master Plans have been updated recently, staff will be incorporating language directly from these documents into the Comprehensive Plan.

DISCUSSION

Components of the Update- The Comprehensive Plan Update has two major components:

1. Commission review

   Over the next 5-6 months, the Commission will review two elements a month, in a study session with staff. If the element is especially lengthy, or in the case of Natural Environment, new, a study session might cover only one element. The concept is to go through each element, discuss the proposed deletions and additions, and review the supporting analysis. As noted above, the Commission will want to make sure that the policies reflect and promote the adopted City Vision as well as functional Master Plans. Commission will also need to discuss the Land Use map and make changes so it supports policies in the elements. In the proposed schedule below, staff recommends having a preliminary discussion about the map to analyze potential issues and opportunities in April, when only one element is scheduled, and another discussion in June in conjunction with the Land Use element.

2. Enhanced public involvement and outreach

   A major requirement of GMA is public participation. RCW 36.70A.140 deals with public participation, and states "Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments."

   In considering this requirement, staff proposes the following outreach ideas:

   - Speaker series, followed by open houses – approximately 5 speakers each dealing with a Comprehensive Plan topic, potentially one per month;
   - Presentation at Council of Neighborhoods or other community groups;
   - Comprehensive Plan Update webpage;
   - Articles in *Currents*;
   - Creation of list of interested people who will be emailed when new information is available on the website or in a Planning Commission packet; and
   - Public Hearing.

Update Schedule

Staff proposes the following timeline for the Commission and public to learn about and comment on the proposed revised elements.

- January- June 2012: Monthly study sessions on Plan elements where Commission will develop preliminary recommendation for public hearing draft.
- The draft schedule is as follows:
    1. February- Community Design and Parks
    2. March- Utilities/Capital Facilities and Transportation
    3. April- Natural Environment and Land Use Map
    4. May- Housing and Economic Development
    5. June- Land Use and Land Use Map
- June-September: SEPA review of public hearing draft and Environmental Impact Statement.
- September-October: Public Hearing, deliberations, and recommendation to Council
- December 2012: Council review and adoption

NEXT STEPS

Staff will return in February with a draft of revised Community Design and Parks elements and supporting analyses. The Commission packet will include strikethrough drafts (with explanation for the proposed additions and deletions) and a "clean" copy that depicts only the proposed language.

We look forward to discussing this with you on January 5, 2012. If you have questions or comments prior to the meeting, please contact Miranda Redinger at (206) 801-2513 or by email at mredinger@shorelinewa.gov.

ATTACHMENTS

Attachment A: Vision 2029, a framework for the Comprehensive Plan Update

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CITY OF SHORELINE

VISION 2029

Imagine for a moment that it is the year 2029 and you are in the City of Shoreline. This vision statement describes what you will see.

VISION 2029

Shoreline in 2029 is a thriving, friendly city where people of all ages, cultures, and economic backgrounds love to live, work, play and, most of all, call home. Whether you are a first-time visitor or long-term resident, you enjoy spending time here.

There always seems to be plenty to do in Shoreline -- going to a concert in a park, exploring a Puget Sound beach or dense forest, walking or biking miles of trails and sidewalks throughout the city, shopping at local businesses or the farmer's market, meeting friends for a movie and meal, attending a street festival, or simply enjoying time with your family in one of the city's many unique neighborhoods.

People are first drawn here by the city's beautiful natural setting and abundant trees; affordable, diverse and attractive housing; award-winning schools; safe, walkable neighborhoods; plentiful parks and recreation opportunities; the value placed on arts, culture, and history; convenient shopping, as well as proximity to Seattle and all that the Puget Sound region has to offer.

The city's real strengths lie in the diversity, talents and character of its people. Shoreline is culturally and economically diverse, and draws on that variety as a source of social and economic strength. The city works hard to ensure that there are opportunities to live, work and play in Shoreline for people from all backgrounds.

Shoreline is a regional and national leader for living sustainably. Everywhere you look there are examples of sustainable, low impact, climate-friendly practices come to life – cutting edge energy-efficient homes and businesses, vegetated roofs, rain gardens, bioswales along neighborhood streets, green buildings, solar-powered utilities, rainwater harvesting systems, and local food production to name only a few. Shoreline is also deeply committed to caring for its seashore, protecting and restoring its streams to bring back the salmon, and to making sure its children can enjoy the wonder of nature in their own neighborhoods.

A CITY OF Neighborhoods

Shoreline is a city of neighborhoods, each with its own character and sense of place. Residents take pride in their neighborhoods, working together to retain and improve their distinct identities while embracing connections to the city as a whole. Shoreline's neighborhoods are attractive, friendly, safe places to live where residents of all ages, cultural backgrounds and incomes can enjoy a high quality of life and sense of community. The city offers a wide diversity of housing types and choices, meeting the needs of everyone from newcomers to long-term residents.

Newer development has accommodated changing times and both blends well with established neighborhood character and sets new standards for sustainable building, energy efficiency and environmental sensitivity. Residents can leave their car at home and walk or ride a bicycle safely and easily around their neighborhood or around the whole city on an extensive network of sidewalks and trails.

No matter where you live in Shoreline there's no shortage of convenient destinations and cultural activities. Schools, parks, libraries, restaurants, local shops and services, transit stops, and indoor and outdoor community gathering places are all easily accessible, attractive and well maintained. Getting around Shoreline and living in one of the city's many unique, thriving neighborhoods is easy, interesting and satisfying on all levels.

Neighborhood CENTERS

The city has several vibrant neighborhood "main streets" that feature a diverse array of shops, restaurants and services. Many of the neighborhood businesses have their roots in Shoreline, established with the help of a local business incubator, a long-term collaboration between the Shoreline Community College, the Shoreline Chamber of Commerce and the city.

Many different housing choices are seamlessly integrated within and around these commercial districts, providing a strong local customer base. Gathering places - like parks, plazas, cafes and wine bars - provide opportunities for neighbors to meet, mingle and swap the latest news of the day.

Neighborhood main streets also serve as transportation hubs, whether you are a cyclist, pedestrian or bus rider. Since many residents still work outside Shoreline, public transportation provides a quick connection to downtown, the University of Washington, light rail and other regional destinations. You'll also find safe, well-maintained bicycle routes that connect all of the main streets to each other and to the Aurora core area, as well as convenient and reliable local bus service throughout the day and throughout the city. If you live nearby, sidewalks connect these hubs of activity to the surrounding neighborhood, bringing a car-free lifestyle within reach for many.

The Signature BOULEVARD

Aurora Avenue is Shoreline's grand boulevard. It is a thriving corridor, with a variety of shops, businesses, eateries and entertainment, and includes clusters of some mid-rise buildings, well-designed and planned to transition to adjacent residential neighborhoods gracefully. Shoreline is recognized as a business-friendly city. Most services are available within the city, and there are many small businesses along Aurora, as well as larger employers that attract workers from throughout the region. Here and elsewhere, many Shoreline residents are able to find family-wage jobs within the City.

Housing in many of the mixed-use buildings along the boulevard is occupied by singles, couples, families, and seniors. Structures have been designed in ways that transition both visually and physically to reinforce the character of adjacent residential neighborhoods.

The improvements put in place in the early decades of the 21st century have made Aurora an attractive and energetic district that serves both local residents and people from nearby Seattle, as well as other communities in King and Snohomish counties. As a major transportation corridor, there is frequent regional rapid transit throughout the day and evening. Sidewalks provide easy access for walking to transit stops, businesses, and connections to adjacent neighborhoods.

Aurora has become a green boulevard, with mature trees and landscaping, public plazas, and green spaces. These spaces serve as gathering places for neighborhood and city-wide events throughout the year. It has state-of-the-art stormwater treatment and other sustainable features along its entire length.

As you walk down Aurora you experience a colorful mix of bustling hubs – with well-designed buildings, shops and offices – big and small – inviting restaurants, and people enjoying their balconies and patios. The boulevard is anchored by the vibrant Town Center, which is focused between 175th and 185th Street. This district is characterized by compact, mixed-use, pedestrian-friendly development highlighted by the Shoreline City Hall, the Shoreline Historical Museum, Shorewood High School, and other civic facilities. The interurban park provides open space, recreational opportunities, and serves as the city's living room for major festivals and celebrations.

A HEALTHY Community

Shoreline residents, city government and leaders care deeply about a healthy community. The city's commitment to community health and welfare is reflected in the rich network of programs and organizations that provide human services throughout the city to address the needs of all its residents.

Shoreline is a safe and progressive place to live. It is known region wide for the effectiveness of its police force and for programs that encourage troubled people to pursue positive activities and provide alternative treatment for non-violent and non-habitual offenders.

BETTER FOR THE Next Generation

In Shoreline it is believed that the best decisions are informed by the perspectives and talents of its residents. Community involvement in planning and opportunities for input are vital to shaping the future, particularly at the neighborhood scale, and its decision making processes reflect that belief. At the same time, elected leaders and city staff strive for efficiency, transparency and consistency to ensure an effective and responsive city government.

Shoreline continues to be known for its outstanding schools, parks and youth services. While children are the bridge to the future, the city also values the many seniors who are a bridge to its shared history, and redevelopment has been designed to preserve our historic sites and character. As the population ages and changes over time, the City continues to expand and improve senior services, housing choices, community gardens, and other amenities that make Shoreline such a desirable place to live.

Whether for a 5-year-old learning from volunteer naturalists about tides and sea stars at Richmond Beach or a 75-year-old learning yoga at the popular Senior Center, Shoreline is a place where people of all ages feel the city is somehow made for them. And, maybe most importantly, the people of Shoreline are committed to making the city even better for the next generation.

Framework GOALS

The original framework goals for the city were developed through a series of more than 300 activities held in 1996-1998. They were updated through another series of community visioning meetings and open houses in 2008-2009. These Framework Goals provide the overall policy foundation for the Comprehensive Plan and support the City Council's vision. When implemented, the Framework Goals are intended to preserve the best qualities of Shoreline's neighborhoods today and protect the City's future. To achieve balance in the City's development the Framework Goals must be viewed as a whole and not one pursued to the exclusion of others.

Shoreline is committed to being a sustainable city in all respects.

FG 1: Continue to support exceptional schools and opportunities for lifelong learning.

FG 2: Provide high quality public services, utilities, and infrastructure that accommodate anticipated levels of growth, protect public health and safety, and enhance the quality of life.

FG 3: Support the provision of human services to meet community needs.

FG 4: Provide a variety of gathering places, parks, and recreational opportunities for all ages and expand them to be consistent with population changes.

FG 5: Encourage an emphasis on arts, culture and history throughout the community.

FG 6: Make decisions that value Shoreline's social, economic, and cultural diversity.

FG 7: Conserve and protect our environment and natural resources, and encourage restoration, environmental education and stewardship.

FG 8: Apply innovative and environmentally sensitive development practices.

FG 9: Promote quality building, functionality, and walkability through good design and development that is compatible with the surrounding area.

FG 10: Respect neighborhood character and engage the community in decisions that affect them.

FG 11: Make timely and transparent decisions that respect community input.

FG 12: Support diverse and affordable housing choices that provide for Shoreline's population growth, including options accessible for the aging and/or developmentally disabled.

FG 13: Encourage a variety of transportation options that provide better connectivity within Shoreline and throughout the region.

FG 14: Designate specific areas for high density development, especially along major transportation corridors.

FG 15: Create a business friendly environment that supports small and local businesses, attracts large businesses to serve the community and expand our jobs and tax base, and encourages innovation and creative partnerships.

FG 16: Encourage local neighborhood retail and services distributed throughout the city.

FG 17: Strengthen partnerships with schools, non-governmental organizations, volunteers, public agencies and the business community.

FG 18: Encourage Master Planning at Fircrest School that protects residents and encourages energy and design innovation for sustainable future development.

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Development Code Amendments
DEPARTMENT: Planning & Community Development
PRESENTED BY: Steven Szafran, AICP

☐ Public Hearing ☒ Study Session ☐ Recommendation Only
☐ Discussion ☐ Update ☐ Other

Introduction

The purpose of this study session is to:

- Briefly review the proposed Development Code Amendments
- Respond to questions regarding the proposed amendments
- Gather public comment
- Deliberate and, if necessary, ask further questions of staff
- Develop a recommended set of Development Code Amendments for the public hearing

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 legislative decisions and is responsible for holding an open record Public Hearing on the docket of proposed Development Code Amendments and making a recommendation to the City Council on each amendment.

Background

Amendments to the Development Code are used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, State of Washington rules and regulations, or to respond to changing conditions or needs of the City. This group of development code amendments includes five components:

- Critical Areas - Modify Chapter 20.80 regarding certain aspects of the City's critical areas ordinance, including:

    1. Landslide hazard area and steep slope classifications;
    2. When critical areas reports are required;
    3. Exemptions from critical area regulations

- Code Enforcement - Modify Chapter 20.30 including:

Approved By: **Project Manager** **Planning Director** JWT

1. Allowing P&CD to partially waive penalties in conjunction with code enforcement actions (Note: Code already allows City to fully waive penalties).

- Home Occupations - Modify Chapter 20.30 and 20.40 regarding home occupations, including;

    1. Delete home occupation as an administrative permit type;
    2. Add additional conditions such as activities prohibited, sales by appointment, and adding advertizing sign standards.

- Development - Modify miscellaneous development regulations in Chapters 20.20, 20.20.40, and 20.70, including;

    1. Definition of a multi-family dwelling;
    2. Attached accessory dwelling units;
    3. Wireless telecommunication facilities;
    4. Building addresses; and
    5. Frontage improvements

- Procedure - General administrative changes throughout the development code, including;

    1. Submittal documents required at permit submittal;
    2. Master development plan standards;
    3. Changing the title "Engineering Guide" to "Engineering Development Manual" throughout the development code; and
    4. Deleting Group Homes from the indexed criteria and adding Group Homes to the use table.

Proposed amendments can be found in **Attachment A.**

Discussion

❖ **Critical Areas**

The amendments proposed to Chapter 20.80 are a result of conflicting rules located in the definition section and descriptions in the critical areas chapter. In addition, staff is revising classification for slopes and places greater emphasis on geotech reports for determining exemptions and required buffers. These proposed amendments will aid in greater clarity and ease of use by the reader.

20.20.018, 20.20.032, and 20.20.046 - The definitions for Erosion Hazard Areas, Landslide Hazard Areas, and Steep Slope Hazard areas have been moved from 20.20 (Definitions) to 20.80(Critical Areas). These sections were moved because regulations should not be located within a definition and it is logical for geological hazard area definitions to be located within the geological hazard area regulations section of the critical area chapter since this is the only chapter that relies upon these definitions.

20.80.030 Exemptions – This section refers to when a development is exempt from critical area regulations. Section F exempts all slopes with a vertical change of up to 10 feet based on a report from a qualified geologist or geotechnical engineer. Section G exempts all activities on steep slopes created through prior permitted activity, regardless of height, based on a geotechnical report from a qualified geologist or geotechnical engineer.

20.80.110 Critical areas reports required – The intent of this amendment is to ensure that the critical area reports prepared adequately address the requirements of the Code and provide complete recommendations regarding the applicant's proposal. The proposed amendment basically recodifies the process the City used prior to 2006.

The current process instituted the creation of a Qualified Professional program. Arborists, Geotechnical Engineers, Engineering Geologists, Wetland and Stream scientist submit applications to be placed on the City's Qualified Professional list. (Note: P&CD does not have the authority to remove professionals from the list for example if their critical area reports are routinely incomplete). Applicants could then choose a Qualified Professional from the City's list to prepare critical area reports as required for permit applications involving critical areas and buffers.

Since the qualified professional is employed by the applicant, the scope of the work is controlled by the applicant. The applicant is the qualified professional's customer. Staff has found it difficult to get complete and accurate critical area reports using this process. In some cases applicants do not grant staff direct access to discuss the findings and recommendations within a critical area report with the qualified professional that prepared the report. Staff routinely has to ask applicants to have their qualified professionals revise critical area reports to adequately respond to code requirements. Finally, in some cases staff has to charge the applicant for a third party review (review of the report by a peer) of the critical area report submitted.

Under the proposed amendment, the City would develop a scope of work with one of the qualified consultants under contract with the City on behalf of an applicant that is required to submit a critical areas report. The qualified consultant would prepare an estimate to complete this scope of work. The applicant would be presented with the estimate. Should the applicant wish to proceed with the application, they would pay the estimated cost of the critical area report as part of the permit application fee. The City would pay the qualified professional using these fees when the critical area report is completed. This alleviates the need to ask for additional information from the applicant to supplement deficient reports and the need to have 3rd party reviews. This equates to savings for the applicant and more accurate information upon which the City can make decisions regarding permits in critical areas.

20.80.220 Classification – Section B is completely new language that defines what a landslide hazard area is. This section is still being studied by staff. Staff will have proposed language by the time of the Planning Commission study session.

20.80.230 Required buffer areas – Sections B and C are being modified to allow a 15-foot minimum buffer for moderate and high landslide hazard areas based on a report from a qualified geotechnical professional. Previously, the City allowed this provision to apply to very high landslide hazard areas. Staff is still studying the language in this section. Staff will present proposed language by Planning Commission's study session.

❖ **Code Enforcement**

20.30.770 Enforcement provisions – Current regulations allow the Director to waive civil penalties stemming from code enforcement actions. This amendment will allow a partial waiver of civil penalties in addition to the ability to completely waive penalties after code compliance has been achieved.

❖ **Home Occupations**

20.30.040 – Summary of Type A actions – Now that the City has a business license program, the City has the means of tracking home occupations without requiring a separate permit. The review from P&CD has become redundant to the business license process.

20.40.400 Home Occupation – This amendment will prohibit on-site metal and scrap recycling and allow on-site sales by appointment only. Since the code already allows on-site services by appointment, there will be no additional impacts if the code allows sales by appointment also. Section J will allow a small sign for a home based business without a permit.

❖ **Administrative Changes**

These changes are administrative in nature and do not change development regulations.

20.30.100 Application – Previously, the City did not specify what constituted a complete development application. This code amendment will specify necessary submittal materials through an Administrative Order prepared yearly by the Department Director.

20.30.353 Master Development Plan – This proposed amendment will fix confusing language in the code. The use of the word "existing" is confusing. The current language seems to indicate that existing uses may develop or redevelop without a master plan permit in place. A master plan permit is required if the uses exist or not.

20.40.390 and 20.40.120 Group Homes – The City repealed the definition of Community Residential Facilities I and II in 2002, and the group home definition

just references Community Residential Facilities. Group homes were never listed as a use in the residential use table. This amendment will add group homes to the table.

20.40.495, 20.50.260, 20.50.330, 20.50.420, 20.70, 20.70.020 – The Engineering Development Guide is now called the Engineering Development Manual. This amendment will change the term in the above sections of the code.

❖ **Miscellaneous Development Regulations**

The following proposed amendments cover various topics will make administering the code clearer, more predictable and equitable for the residents of Shoreline.

20.20.016 Dwelling, Multifamily – This amendment is based on an Administrative Order that defines two or more duplexes (or four units or more) on a single lot as multifamily development. The intent of the multifamily development standards is to provide amenities that benefit a larger number of people-specifically common open space and tot lots. Requiring common open spaces on small projects like duplexes would limit full development potential when the duplexes often offer private open space such as patios and decks.

The Administrative Order defining multifamily dwelling is in **Attachment C.**

20.40.210 Accessory dwelling units – Currently a resident in Shoreline is allowed an attached or detached ADU that is no more than 50% of the living area of the primary dwelling unit. This amendment will allow an attached ADU to be more than 50% of the primary living space. Many of the ADU permits the City reviews are for split level homes where one level is converted to an ADU. In most of the examples, the levels are approximately the same size. In the case of attached ADU's, impacts are not increased and the homeowner benefits from not making costly modifications.

An unintended consequence may be a property owner who builds an addition for an ADU that takes full advantage of the maximum 35% building coverage and 50% hardscape requirements. For example, a property owner with a 7,200 square foot lot and a 1,500 square foot home may add 1,020 for the ADU.

Examples of Accessory Dwelling Unit permits are in **Attachment D.**

20.40.600 Wireless telecommunication facilities/satellite dish and antennas – This proposed amendment to "G" does a couple things: cleans up objective language in the code (encourages, believes, etc...), requires stealth installations or antennas that are hidden. Provision "H" better spells out regulations for in-kind replacements, modifications, and the addition of new antennas.

20.70.250 Street naming and numbering – The proposed amendment in #3 requires that building addresses comply with adopted building and fire codes.

20.70.320 Frontage Improvements – This amendment applies to properties that are being developed, redeveloped, or modified in some way that triggers frontage improvements and currently have substandard frontage improvements in the right-of-way. The proposed amendment will require a property owner to bring existing improvements up to current standards. This amendment also adds language to alert applicants to the availability of the Engineering Deviation process for those cases where keeping the existing frontage improvements is appropriate. The proposed amendment also adds a number "4" which requires a property owner to install frontage improvements when development consists of more than one dwelling on a single parcel.

Parking Lot Amendments

The Planning Commission has a number of amendments in the parking lot that have developed from past discussions. The amendments are listed below. Staff has not evaluated the below amendments at this point. Staff is asking the Commission to look at the amendments and direct staff to either abandon the proposals or bring them back at some point in the future. Current development code language is included as **Attachment B**.

20.30.680 Appeals – In 2010 a code amendment was passed stating for Type C actions that do not go to the Hearing Examiner, no administrative appeal of the DNS is allowed. Recently amendments to the Development Code now require all Type C actions be heard by the Hearing Examiner so this code provision is now defunct.

20.30.350 Amendments to the Development Code – In 2010 staff proposed an amendment that would strike one of the decision criteria for modifying the Development Code. The Commission had asked staff to evaluate the decision criteria and possibly make improvements.

20.40.400(H)(2) Home Occupations – Currently, the code uses height, weight, and length for vehicles associated with a home occupation. The Commission had suggested the City use classes of vehicles instead.

20.50.310 Exemptions – In 2010, an amendment allowed clearing of invasive plants from a critical area on City owned property. The Commission thought this exemption should be looked at for privately owned property as well. This topic may be discussed as part of the Vegetation Management Plan work item to be scheduled in 2012-2013.

20.50.470 and 20.50.480 Street Frontage Landscaping and Street Trees – The Commission had questioned building setbacks in commercial zones. Since that time the City has adopted the Transportation Master Plan and revised the Engineering Development Manual that requires certain landscaping standards on a certain class of street. The City has also adopted new standards for the Town Center and MUZ zones that require a greater level of design and landscaping.

20.50.520(O) General Standards for Landscape Installation and Maintenance – An amendment in 2010 changed the last sentence in "O" to say, "Mature tree and shrub

root zones may overlap utility trenches as long as 80% of the root zone is unaffected". The Commission was uneasy about the wording of this sentence.

Next Steps

Staff will gather all comments from the study session and make necessary changes. The completed code amendments will be presented at the public hearing.

The Public Hearing is scheduled on February 2, 2012

Attachments

Attachment A – Proposed Development Code Amendments in legislative form.
Attachment B – Parking Lot Amendments
Attachment C – Administrative Order for Multifamily Design Standards
Attachment D – Examples of Attached Accessory Dwelling Units

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20.20.018 E definitions.

~~Erosion Hazard Areas~~ ~~Those areas in the City of Shoreline underlain by soils which are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the USDA Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include, but are not limited to, any occurrence of River Wash (Rh) or Coastal Beaches (Cb) and the following when they occur on slopes 15 percent or steeper:~~

~~A. The Alderwood gravely sandy loam (AgD);~~

~~B. The Alderwood and Kitsap soils (AkF);~~

~~C. The Beausite gravely sandy loam (BeD and BeF);~~

~~D. The Kitsap silt loam (KpD);~~

~~E. The Ovall gravely loam (OvD and OvF);~~

~~F. The Ragnar fine sandy loam (RaD); and~~

~~G. The Ragnar-Indianola Association (RdE).~~

20.20.032 L definitions.

~~**Landslide Hazard Areas**~~ ~~Those areas in the City of Shoreline subject to severe risks of landslides, including the following:~~

~~A. Any area with a combination of:~~

~~1. Slopes steeper than 15 percent;~~

~~2. Impermeable soils, such as silt and clay, frequently interceded with granular soils, such as sand and gravel; and~~

~~3. Springs or ground water seepage;~~

~~B. Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch;~~

~~C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;~~

~~D. Any area which shows evidence of or is at risk from snow avalanches; or~~

~~E. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.~~

20.20.046 S definitions.

~~**Steep Slope Hazard Areas**~~ ~~Those areas in the City of Shoreline on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:~~

~~A. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and~~

~~B. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.~~

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

A. Alterations in response to emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the City as soon as possible. Only the minimum intervention necessary to reduce the risk to public health, safety, or welfare and/or the imminent risk of damage to private property shall be authorized by this exemption. The City shall confirm that an emergency exists and determine what, if any, additional applications and/or measures shall be required to protect the environment consistent with the provisions of this chapter, and to repair any damage to a preexisting resource;

B. Public water, electric and natural gas distribution, public sewer collection, cable communications, telephone, utility and related activities undertaken pursuant to City-approved best management practices, and best available science with regard to protection of threatened and endangered species, as follows:

1. Normal and routine maintenance or repair of existing utility structures or rights-of-way;

2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by the City of Shoreline, which approves the new location of the facilities;

3. Replacement, operation, repair, modification or installation or construction in an improved City road right-of-way or City-authorized private roadway of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less;

4. Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances, only when required by the City of Shoreline, which approves the new location of the facilities; and

5. Replacement, operation, repair, modification, relocation, installation or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances when such facilities are located within an improved public right-of-way or City-authorized private roadway;

C. Maintenance, operation, repair, modification or replacement of publicly improved roadways and associated stormwater drainage systems as long as any such alteration does not involve the expansion of roadways or related improvements into previously unimproved rights-of-way or portions of rights-of-way;

D. Maintenance, operation or repair of publicly improved recreation areas as long as any such activity does not involve the expansion of uses and/or facilities into a previously unimproved portion of a preexisting area. Maintenance, operation and repair of publicly improved recreation areas within designated fish and wildlife habitat areas shall be permitted if all activities are performed consistent with the development standards of this chapter, best available science or adaptive management plans as recognized by the City;

E. Activities affecting isolated Type IV wetlands which are individually smaller than 1,000 square feet.

F. Activities occurring ~~in areas which may be considered~~ on ~~small steep~~ all slopes ~~(areas of 40 percent slope or greater~~ with a vertical elevation change ~~of~~ up to, but not greater than ~~20~~ 10 feet~~)~~ such as a natural slope, berm, retaining walls or excavations may be exempted based upon City review of a geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110 which demonstrates that no adverse impact will result from the exemption.

G. Activities occurring on steep slopes created through prior permitted site development activity , ~~such as berms, retaining walls, excavations and small natural slopes, and activities on steep slopes created through prior legal grading activity~~ may be exempted regardless of height based upon City review of a ~~soils~~ geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110 which demonstrates that no adverse impact will result from the exemption;

H~~G~~. Minor conservation and enhancement of critical areas that does not alter the location, dimensions or size of the critical area or buffer, and results in improvement of the critical area functions;

I~~H~~. Removal of hazardous trees in accordance with SMC 20.50.310(A)(1);

J.~~I~~. Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies;

K.~~J~~. When it can be demonstrated that there will be no undue adverse effect, the following activities may be allowed within critical areas and their buffers: educational

activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation-related activities, bicycling and hiking, that will not have an undue adverse effect on the critical area;

LK. Normal and routine maintenance and operation of existing landscaping and gardens, provided they comply with all other regulations in this chapter;

ML. Minor activities not mentioned above and determined by the City to have minimal impacts to a critical area;

NM. Notwithstanding the exemptions provided by this section, any otherwise exempt activities occurring in or near a critical area should meet the purpose and intent of SMC 20.80.010 and should consider on-site alternatives that avoid or minimize impacts; and

ON. Mitigation projects related to utilities construction in critical areas or their buffers. (Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(G), 2000. Formerly 20.80.070.).

20.80.110 Critical areas reports required.

If uses, activities or developments are proposed within critical areas or their buffers, an applicant shall ~~provide~~ pay the City for environmental reviews, including site-specific information ~~and analysis determined by the City~~ that must be obtained by expert investigation and analysis. Expert investigations and analysis shall be presented in a report that conforms with the specific critical areas report guidelines approved by the Director. ~~The site specific information must be obtained by expert investigation and analysis.~~ This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are ~~approved by the~~ employees of the City or under contract to the City and who shall be directed by and report to the Director or his/her designee. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

20.80.220 Classification.

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

A. Landslide Hazard Areas. Landslide hazard areas are classified as follows:

Areas of slopes of 15 percent or more with more than 10 feet of rise, which also display any of the following characteristics:

a) Areas of historic failures, including those areas designated as Quaternary slumps, earth flows, mudflows, or landslides.
b) Areas that have shown movement during the Holocene Epoch (past 13,500 years) or that are underlain by landslide deposits.
c) Slopes that are parallel or subparallel to plains of weakness in subsurface materials.
d) Slopes exhibiting geomorphological features indicative of past failures, such as hummocky ground and back-rotated benches on slopes.
e) Areas with seeps indicating a shallow ground water table on or adjacent to the slope face.
f) Areas of potential instability because of rapid stream incision, stream bank erosion, and undercutting by wave action.

1. Moderate Hazard: Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till.

2. High Hazard: Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay.

3. Very High Hazard: Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage), areas of landslide deposits regardless of slope, and all ~~steep~~ slopes 40 ~~hazard area sloping~~ percent or steeper.

B. Steep Slopes. Steep slopes are classified as followed:

Slopes of 40% or more that have a rise of at least 10 feet and exceed 1000 square feet in area.

B. Landslide Hazard Areas are those areas in the City of Shoreline regulated as a Landslide Hazard Area in SMC 20.80.220(A) with slopes 15 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

1. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 15 percent from slopes that are 15 percent or steeper. A distinct topographic break is an area that is at least 15 feet wide measured horizontally and slopes less than 10% ...Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

2. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 15 percent from slopes 15 percent or steeper. A distinct topographic break is an area that is at least 15 feet wide measured horizontally and slopes less than 10%. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

C.~~B~~. Seismic Hazard Areas. Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) and have a shallow ground water table.

D.~~C~~. Erosion and Sedimentation Hazards. 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" to ~~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).~~ (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(B), 2000).

The text in red comes from the City of Bellevue. They have two categories, landslide hazards and steep slopes.

20.80.230 Required buffer areas.

A. Required buffer widths for geologic hazard areas shall reflect the sensitivity of the hazard area and the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the area.

B. In determining the appropriate buffer width, the City shall consider the recommendations contained in a geotechnical report required by these regulations and prepared by a qualified consultant.

C. For very high landslide hazard areas, the standard buffer shall be 50 feet from all edges of the landslide hazard area. Larger buffers may be required as needed to eliminate or minimize the risk to people and property based on a geotechnical report prepared by a qualified professional. The standard buffer may be reduced to a minimum of 15 feet when technical studies demonstrate that the reduction will not increase the risk of the hazard to people or property on-or-off-site.

D. ~~Landslide hazard area buffers may be reduced to a minimum of 15 feet when technical studies demonstrate that the reduction will not increase the risk of the hazard to people or property on- or off-site~~. In conformance with SMC 20.80.100, a qualified geotechnical professional shall determine whether buffers are required for moderate and high landslide hazard areas, and, if required, the width of the buffers.

E. Landslide hazard areas and their associated buffers shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical landslide hazard and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records and Elections. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(C), 2000).

20.30.770 Enforcement provisions.

D. Civil Penalties.

7. Civil penalties may be waived or partially waived ~~or reimbursed to the payer~~ by the Director~~, with the concurrence of the Finance Director, under the following circumstances:~~ or civil penalties may be ~~or~~ reimbursed to the payer by the Director, with the concurrence of the Administrative Services ~~Finance~~ Director, under the following circumstances:

a. The notice and order was issued in error; or

b. The civil penalties were assessed in error; or

c. Notice failed to reach the property owner due to unusual circumstances; or

d. Compelling ~~new~~ information warranting waiver or partial waiver has been presented to the Director since the notice and order was issued and documented with the waiver decision. Waivers and partial waivers will not be considered until the property has been brought into compliance as described in SMC 20.30.770.D.6.

20.40.400 Home occupation.

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.

B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).

C. No more than two nonresident FTEs working on site shall be employed by the home occupation(s).

D. The following activities shall be prohibited in residential zones:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting; and

3. Parking and storage of heavy equipment.

4. On-site metals and scrap recycling

E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

1. One stall for each nonresident FTE employed by the home occupation(s); and

2. One stall for patrons when services are rendered on site.

F. Sales shall be by appointment or limited to:

1. Mail order sales; and

2. Telephone or electronic sales with off-site delivery.

G. Services to patrons shall be arranged by appointment or provided off site.

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

1. No more than two such vehicles shall be allowed;

2. Such vehicles shall not exceed gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or

2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or

3. Fluctuations in line voltage off premises; or

4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.

J. ~~Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign; and meet all other requirements as outlined in this section may not require a home occupation permit.~~ One sign not exceeding four square feet may be installed without a sign permit per 20.50.610(O). It may be mounted on the house, fence or freestanding on the property (monument style). Any additional signage is subject to permit under SMC 20.50.

H. All home occupations must comply with business license requirements, subject to Shoreline Municipal Code Title 5.

Note: Daycares, community residential facilities such as group homes, animal keeping, bed and breakfasts and boarding houses are regulated elsewhere in the Code. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

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	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. ~~Home Occupations~~, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

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

3. 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.

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

B. All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall include:

1. An application form with the authorized signature of the applicant.

2. The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).

3. The documents specified in the Administrative Order prepared pursuant to20.30.100C.

C. The Director shall specify the submittal requirements, including type, detail, and number of copies for an application to be complete annually by Administrative Order. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department.

D. **Expiration.** Absent statute or ordinance provisions to the contrary, any application for which a determination of completeness has been issued and for which no substantial steps have been taken to meet permit approval requirements for a period of 180 days after issuance of the determination of completeness will expire and become null and void. The Director may grant a 180-day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 4(c), 2000).

20.30.353 Master Development Plan.

D. Development Standards. ~~Existing uses shall be subject to the following development standards~~:

1. Density is limited to a maximum of 48 units per acre;

2. Height is limited to a maximum of 65 feet;

3. Buildings must be set back at least 20 feet from property lines at 35 feet building height abutting all R-4 and R-6 zones. Above 35 feet buildings shall be set back at a ratio of two to one;

4. New building bulk shall be massed to have the least impact on neighboring single-family neighborhood(s) and development on campus;

5. At a minimum, landscaping along interior lot lines shall conform with the standards set forth in SMC 20.50.490;

6. ~~New c~~ Construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible. Landscaping of parking areas shall at a minimum conform with the standards set forth in SMC 20.50.500;

7. Development permits for parking shall include a lighting plan for review and approval by the Planning Director. The lighting shall be hooded and directed such that it does not negatively impact adjacent residential areas;

8. The location, material, and design of any walkway within the campus shall be subject to the review and approval of the Planning Director; and

9. Where adjacent to existing single-family residences, ~~existing and new~~ campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen. The amount and type of plant materials shall be subject to the review and approval of the Planning Director.

These standards may be modified to mitigate significant off-site impacts of implementing the master development plan in a manner equal to or greater than the code standards.

Chapter 20.40
Zoning and Use Provisions

Sections:

20.40.370 Funeral home/crematory.
20.40.372 Gambling.
20.40.380 Golf facility.
~~20.40.390 Group homes.~~
20.40.400 Home occupation.
20.40.410 Hospital.
20.40.420 Interim recycling facility.
20.40.430 Kennels and catteries.
20.40.435 Library adaptive reuse.
20.40.440 Manufactured homes.
20.40.450 Medical office/outpatient clinic.
20.40.460 Mobile home parks.
20.40.470 Performing arts companies/theaters.
20.40.480 Public agency or utility office.
20.40.490 Public agency or utility yard.
20.40.495 Recreational vehicle.
20.40.500 School bus base.
20.40.505 Secure community transitional facility.
20.40.510 Single-family attached dwellings.
20.40.520 Specialized instruction school.
20.40.530 *Repealed.*
20.40.535 Tent city.
20.40.540 *Repealed.*
20.40.550 Transit park and ride lot.
20.40.560 Trucking and courier service.
20.40.570 Unlisted use.
20.40.580 *Repealed.*
20.40.590 Veterinary clinics and hospitals.
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.
20.40.610 Work release facility.

~~**20.40.390 Group homes.**~~

~~See Community Residential Facilities I and II. (Ord. 238 Ch. IV § 3(B), 2000).~~

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	MUZ & I
RESIDENTIAL GENERAL							
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		
GROUP RESIDENCES							
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C	C	P	P	P	P
	Community Residential Facility-II			P-i	P-i	P-i	P-i
	Group Homes	C	C	P	P	P	P
721310	Dormitory		C-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING							
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel					P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i
MISCELLANEOUS							
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i

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

(Ord. 560 § 3 (Exh. A), 2009; Ord. 408 § 2, 2006; Ord. 368 § 1, 2005; Ord. 352 § 1, 2004; Ord. 301 § 1, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 238 Ch. IV § 2(B, Table 1), 2000).

20.40.495 Recreational vehicle.

Recreational vehicles (RVs) may be occupied for temporary lodging for up to two weeks (two weeks equals one occupancy) on a lot with the permission of the property owner subject to the following conditions:

A. Limited to one recreational vehicle per lot plus additional recreational vehicles for every additional 10,000 square feet of lot, above the minimum lot size for a particular zone;

B. No more than two occupancies per calendar year per lot;

C. Such occupancy does not create a public health hazard or nuisance;

D. RV must be parked on approved surface that meets the off-street parking construction standards in Tthe Eengineering ~~guide~~ Development Manual;

E. RV may not be parked in yard setbacks;

F. RV may be occupied for temporary lodging for up to 30 days if connected to approved utilities including water and wastewater disposal;

G. No business occupation shall be conducted in said recreational vehicle;

H. Recreational vehicles shall not use generators;

I. Any deviation from time limits, number of occupancies per year, and number of recreational vehicles allowed may be proposed through a temporary use permit, SMC 20.40.540. (Ord. 301 § 1, 2002).

20.50.260 Lighting – Standards.

A. Accent structures and provide security and visibility through placement and design of lighting.

B. Parking area light post height shall not exceed 25 feet.

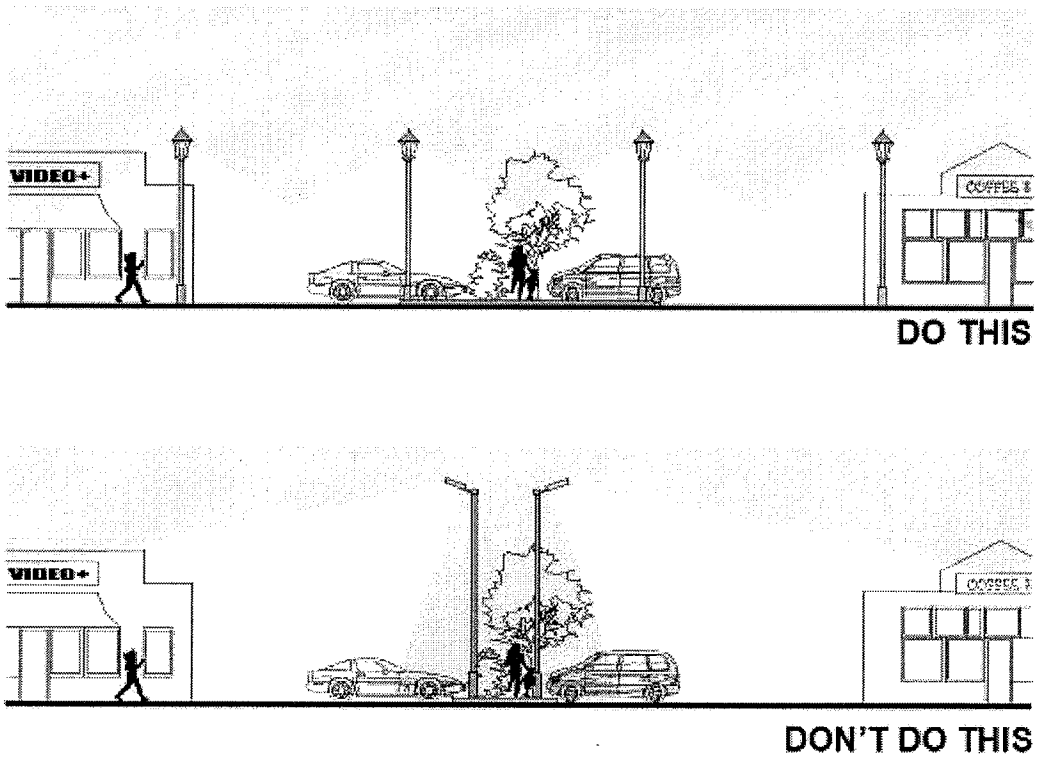

Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

C. All building entrances should be well lit to provide inviting access and safety. Building-mounted lights and display window lights should contribute to lighting of pedestrian walkways.

D. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by Tthe Eengineering Development Manual provisions. It shall be designed to minimize glare on abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting.

E. Outdoor lighting shall be shielded and downlit from residential land uses. (Ord. 469 § 1, 2007; Ord. 238, Ch. V § 4(B-2), 2000).

20.50.330 Project review and approval.

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

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from Tthe Eengineering Development Manual ~~standards~~.

2. The proposal complies with all standards and requirements for the underlying permit.

3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.

4. The project complies with all requirements of Tthe Eengineering Development Manual ~~standards~~ and SMC 13.10.200, Surface Water Management Code and adopted standards.

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

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

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

2. Providing a hazardous tree assessment;

3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or

4. Conducting a post-construction site inspection and evaluation.

C. Conditions of Approval. The Director may specify conditions for work at any stage of the application or project as he/she deems necessary to ensure the proposal's

compliance with requirements of this subchapter, critical area standards, Tthe Eengineering Development Manual ~~standards~~, the adopted stormwater management regulations, and any other section of the Shoreline Development Code, or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.

20.50.420 Vehicle access and circulation – Standards.

A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted Eengineering Development Mmanual.

B. Driveways for nonresidential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.

C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequacy of Public Facilities.

D. No dead-end alley may provide access to more than eight required off-street parking spaces.

E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.

2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 469 § 1, 2007; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

Chapter 20.70
Engineering and Utilities Development Standards

Sections:

20.70.020 Engineering Development Manual ~~Guide~~.

~~Pursuant to SMC 20.10.050, the Director is authorized to prepare and administer an "Engineering Development Guide."~~ The Engineering Development Manual adopted in SMC 12.10.100 ~~Guide~~ includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development. The specifications shall include, but are not limited to:

A. Street widths, curve radii, alignments, street layout, street grades;

B. Intersection design, sight distance and clearance, driveway location;

C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;

D. Streetscape specifications (trees, landscaping, benches, other amenities);

E. Surface water and stormwater specifications;

F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and

G. Other improvements within rights-of-way. (Ord. 591 § 2 (Exh. B), 2010).

20.20.016 Dwelling, Multifamily	Multifamily dwellings include: townhouses, apartments, mixed use buildings, single-family attached, and ~~two or~~ more than two duplexes located on a single parcel.

20.40.210 Accessory dwelling units.

A. Only one accessory dwelling unit per lot, not subject to base density calculations.

B. Accessory dwelling unit may be located in the principal residence, or in a detached structure.

C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.

Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above.

D. Detached accessory dwelling units shall not be larger than 50 percent of the living area of the primary residence.

E. One additional off-street parking space shall be provided for the accessory dwelling unit.

F. Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.

G. Accessory dwelling unit shall comply with all applicable codes and standards.

H. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principle dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. IV § 3(B), 2000).

20.40.600

(G)General ~~Siting~~ Criteria.

~~1. The City of Shoreline encourages...~~

~~2. The City of Shoreline believes...~~

~~3. The development of single-user...~~

~~4. Co-location shall be encouraged for all...~~

~~5.~~ 1. The following shall be considered by the applicants as preferred locations for WTF:

a. Existing site or tower where a legal WTF is currently located.

b. Publicly used structures such as water towers; utility poles, and other structure and/or buildings.

2. Stealth installations – i.e. antennas either hidden within existing structures(e.g.church steeples, cupolas) or mounted in new structures designed to look like non-purpose-built towers (e.g. flag poles, fire towers, light standards) – are preferred.

3. If not concealed within a stealth structure, structure-mounted antennas shall be camouflaged, either boxed or painted, to blend in with the surrounding structure.

4. Pole or tower-mounted antennas shall be low profile and flush-mounted.

(H)Modification. ~~From time to time, the applicant and/or co-applicant...~~

~~1. Addition to, or replacement...~~

~~2. Change of the WTF design...~~

Excluding "in-kind" replacements, modifications to existing sites, including the addition of new antennas, shall meet all requirements of this section.

1. Additions to existing facilities shall incorporate stealth techniques to limit visual impacts.

2. the resultant diameter to that of the existing at same elevation level.

2. The antennas shall be mounted as close to the pole as possible.

2. Additions to existing structure mounted and building mounted facilities shall meet all requirements of this chapter.

SMC 20.70.150.D. All buildings must display addresses as follows:

1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.

2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.

3. The address number~~s~~ figures shall comply with currently adopted building and fire codes. ~~be easily legible figures, not less than three~~ four ~~inches high if a residential use or individual multifamily unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night.~~ (Ord. 238 Ch. VII § 3(C), 2000).

SMC 20.70.320 Frontage improvements

Frontage improvements shall be ~~provided and~~ upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map (Fig. A), the Master Street Plan contained in Appendix D of the Transportation Master Plan and the Engineering Development ~~Guide~~ Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7 and to mitigate direct impacts of land use approvals. Deviations from the Engineering Development Manual may be considered through a Deviation from the Engineering Standards as set forth in SMC 20.30.290.

A. Standard frontage improvements consist of curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements, and pavement overlay to one-half of each right-of-way abutting a property as defined for the specific street classification. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage, and channelization.

B. Frontage improvements are required for:

1. All new multifamily, nonresidential, and mixed-use construction;

2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, as long as the original building footprint is a minimum of 4,000 square feet, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

3. Subdivisions.

4. Development consisting of more than one dwelling unit on a single parcel.

Exception:

i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.

C. Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or Capital Improvement Project scheduled to be completed within five years of permit issuance. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future

assessments on the property resulting from an LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

D. Required improvements shall be installed by the applicant prior to final approval or occupancy.

E. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440. (Ord. 591 § 2 (Exh. B), 2010).

20.30.350 Amendment to the Development Code (legislative action).

A. Purpose. An amendment to the Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

B. Decision Criteria. The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

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

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

3. **The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline. (Ord. 238 Ch. III § 7(g), 2000).**

20.30.680 Appeals.

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

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

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

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

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

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

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

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

court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action. (Ord. 591 § 1 (Exh. A), 2010; Ord. 352 § 1, 2004; Ord. 238 Ch. III § 9(t), 2000).

20.40.400 Home occupation.

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.

B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).

C. No more than two nonresident FTEs working on site shall be employed by the home occupation(s).

D. The following activities shall be prohibited in residential zones:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting; and

3. Parking and storage of heavy equipment.

E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

1. One stall for each nonresident FTE employed by the home occupation(s); and

2. One stall for patrons when services are rendered on site.

F. Sales shall be limited to:

1. Mail order sales; and

2. Telephone or electronic sales with off-site delivery.

G. Services to patrons shall be arranged by appointment or provided off site.

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

1. No more than two such vehicles shall be allowed;

2. **Such vehicles shall not exceed gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.**

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or

2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or

3. Fluctuations in line voltage off premises; or

4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.

J. Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign; and meet all other requirements as outlined in this section may not require a home occupation permit.

Note: Daycares, community residential facilities such as group homes, bed and breakfasts and boarding houses are regulated elsewhere in the Code. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

20.50.310 Exemptions from permit.

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

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

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

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

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

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

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

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

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

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

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

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.

4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

5. Removal of trees from property zoned MUZ and I, CB and NCBD, and NB and O, unless within a critical area or critical area buffer.

6. **Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:**

a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and

b. Performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property, and King County Best Management Practices for Noxious Weed and Invasive Vegetation; and

c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and

d. All work is performed above the ordinary high water mark and above the top of a stream bank; and

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

20.50.470 Street frontage landscaping – Standards.

A. A 10-foot width of Type II landscaping located on site along the front property line is required for all development including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces. See SMC 20.50.470(D) for street frontage screening standards in the MUZ zone.

B. A 20-foot width of Type II landscaping located on site along the property line is required for nonresidential development including institutional and public facilities in residential zones.

C. **For buildings located consistent with the provisions of SMC 20.50.230, Exceptions to Table 20.50.230(1), the width of frontage landscaping between the building and the property line may be reduced in commercial zones if two-inch caliper street trees are provided. The maximum spacing shall be 40 feet on center. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.**

D. All parking, outdoor storage, and equipment storage areas serving new development in the MUZ shall be screened from the public right-of-way. These uses shall be located behind buildings, within underground or structured parking, or behind a four-foot masonry wall with a 10-foot Type II landscape buffer between the wall and the property line. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 238 Ch. V § 7(B-2), 2000).

20.50.480 Street trees and landscaping within the right-of-way – Standards.

A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required in all commercial, office, industrial, multifamily zones, and for single-family subdivisions on all arterial streets.

B. Frontage landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.

C. **Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).**

20.50.520 General standards for landscape installation and maintenance.

A. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

B. All new turf areas, except all-weather or sand-based athletic fields, shall be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep or have an organic content of five percent or more to a depth of six inches.

C. Except as specifically outlined for turf areas in subsection (B) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

D. Landscape areas, except turf or areas of established ground cover, shall be covered with at least two inches of mulch to minimize evaporation.

E. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged.

F. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.

G. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are at least 10 feet in height and not allowed within street rights-of-way.

H. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered to avoid the appearance of a single row of trees.

I. All fences shall be placed on the inward side of any required perimeter landscaping when adjacent to a public right-of-way and on the outward side of the required landscaping or on the property line when adjacent to private property.

J. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.

K. New landscape material shall be indigenous plant species within areas of undisturbed vegetation, within critical areas or their buffers or within the protected area of significant trees; provided, that pesticide and chemical fertilizer may be restricted within these landscaped areas.

L. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All landscaping shall either be installed or the installation shall be secured with a letter of

credit, escrow, or performance bond for 125 percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.

M. Trees and vegetation, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition.

N. Applicants shall provide a landscape maintenance and replacement agreement to the City prior to issuance of a certificate of occupancy.

O. **Landscape plans and utility plans shall be coordinated. The placement of trees and large shrubs shall accommodate the location of required utilities both above and below ground. Location of plants and trees shall be based on the mature canopy and root zone. Root zone shall be determined using the International Society of Arboriculture's recommended calculation for identifying tree protection area. Mature tree and shrub canopies may not reach an aboveground utility such as street lights and power lines. Mature tree and shrub root zones may overlap utility trenches as long as 80 percent of the root zone is unaffected.**

P. Adjustment of plant location does not reduce the number of plants required for landscaping.

Q. Sight distance triangle for visual clearances shall be established and maintained. The criteria for sight distance and visual clearances are contained in and consistent with the Engineering Development Guide for all driveway exits and entrances and street corners. (Ord. 591 § 1 (Exh. A), 2010; Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 7(B-7), 2000).

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CITY OF SHORELINE

Planning and Development Services
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ADMINISTRATIVE ORDER #000089 090106

INTERPRETATION OF DEVELOPMENT CODE

CODE SECTION: 20.20.016 Definitions; 20.50.120-.210 Multifamily Design Standards

Interpretation of "Dwelling, Multifamily" definition as it refers to duplexes. Do duplex projects of two or more structures where the dwelling units are on individual lots meet the definition of "Dwelling, Multifamily" and would the project be subject to the multifamily development standards?

FINDINGS:

- An application for a Preliminary Short Plat has been submitted to divide a 7,200 Sq. Ft. parcel zoned R-24 into four (4) zero-lot-line lots.
- The proposal involves construction of two (2) duplexes – with each dwelling unit situated on individual lots.
- The definition of "Dwelling, Multifamily" includes "two or more duplexes." No reference is made to number of parcels or how many dwelling units are on a lot.
- "Multifamily" development standards starting at SMC 20.50.120 require common recreational open space and a tot/children play area.

DECISION:

Multifamily design standards do not apply to projects of two or more duplexes unless a single parcel ends up having four or more dwelling units on it. In the above case, the applicant could have avoided multifamily design standards by applying for a 2-lot short plat, building a duplex on each lot, then applying again for two more short plats to divide those two lots resulting in each dwelling unit on its own lot. It appears the intent of the multifamily design standards, especially those regarding common recreational areas and tot play areas was meant for multiple dwelling units on a single parcel. Further, requiring common/play areas on small projects of this scale would limit the full development potential and contradict the high density designation of the property as identified in the City of Shoreline's Comprehensive Plan.

original signed by Joe Tovar 9/6/06

Director's Signature **Date**

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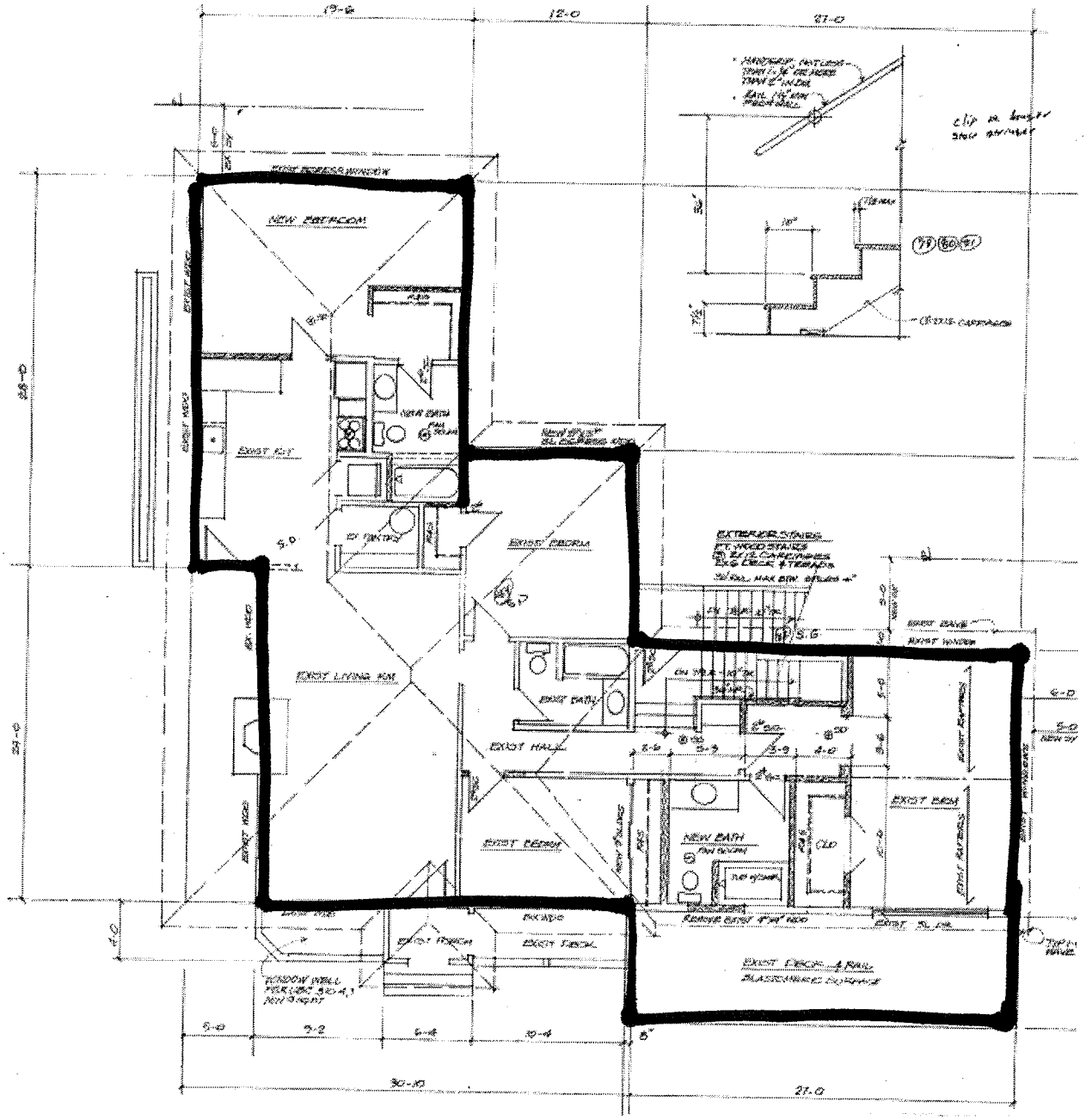
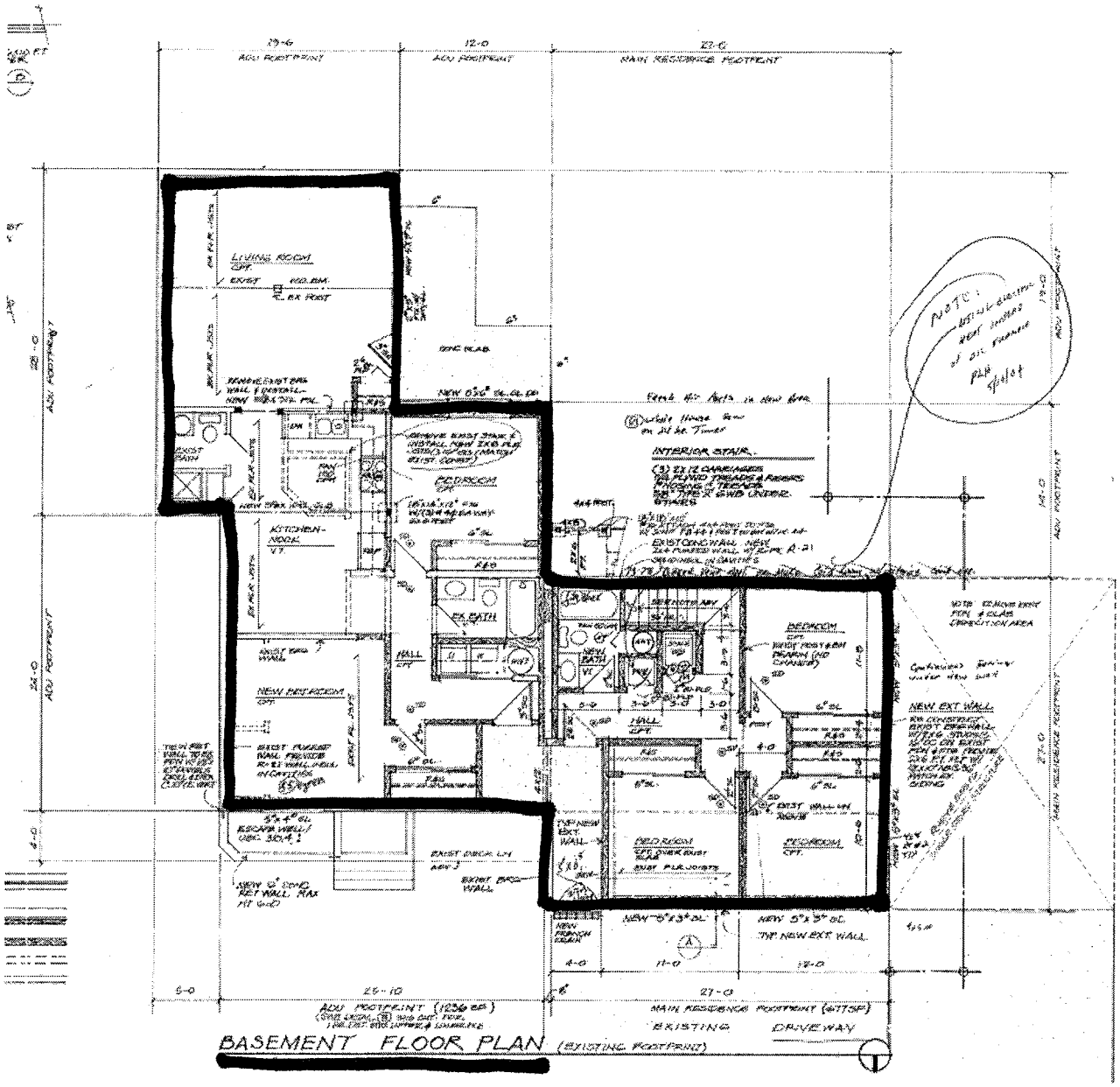

NEW FIREPLACE
EXIST LIVING RM
EXIST HALL
EXIST BATH
NEW BATH
EXIST BEDRM
EXIST PORCH
EXIST DECK
EXTERIOR STAIRS
EXIST DECK & RAIL
19-6
12-0
21-0
30-10
MAIN FLOOR PLAN



BASEMENT FLOOR PLAN (EXISTING FOOTPRINT)

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2012 Comprehensive Plan Docket
DEPARTMENT: Planning & Community Development
PRESENTED BY: Steven Szafran, AICP, Associate Planner

☐ Public Hearing ☐ Study Session ☒ Recommendation Only
☐ Discussion ☐ Update ☐ Other

INTRODUCTION

The State Growth Management Act limits review of proposed Comprehensive Plan Amendments (CPAs) to no more than once a year. To ensure that the public can view the proposals within a citywide context, the Growth Management Act directs cities to create a docket that lists the amendments to be considered in this "once a year" review process.

BACKGROUND

There are two exceptions to "once a year" review. One exception applies to the first time adoption of a subarea plan, such as the Town Center Subarea Plan. The second applies to amendments adopted under an "emergency" authority, as was done with the Richmond Beach Road amendment you discussed last year. The City Council is permitted to review and adopt these exceptions independent from the once a year rule.

Comprehensive Plan Amendments usually take two forms: Privately-initiated amendments and city-initiated amendments. Anyone can propose an amendment to the Comprehensive Plan. Comprehensive Plan Amendments must be submitted by the last business day of the year and there is no fee for general text amendments. This year there was one privately-initiated amendment and one city-initiated amendment. The City Council, in its review of the proposed amendments (which usually occurs near the end of the year), looks at the proposed amendments as a package in order to consider the combined impacts of the proposals.

The docketed amendments are tied to other work on functional (stand-alone) projects that the Commission will see during the year. The Comprehensive Plan Update is currently scheduled for review during the 2012 calendar year. The Shoreline Community College Master Development Plan will be before the Commission in June or July.

If you have questions about the docket process or any item on the proposed docket, please contact Steven Szafran, AICP, at sszafran@shorelinewa.gov or 206-801-2512.

Approved By: **Project Manager** **Planning Director**

PROPOSAL & ANALYSIS

This year there was one privately-initiated amendment and one city-initiated amendment.

- **Shoreline Community College**:

The college has requested a comprehensive plan amendment to add student housing as an approved use. When Council approved the Campus Land Use Designation and SCZ zoning in 2009, the uses currently on the campus were allowed and any new uses would require an amendment to the Comprehensive Plan. The college requested a similar comprehensive plan amendment in 2010 but failed to submit a comprehensive plan amendment application to the City.

Currently, the Shoreline Development Code allows dormitories in the R-18, R-24, R-48, Office, Neighborhood Business, Community Business, North City, Mixed Use and Industrial Zones if accessory to a school, college, university, or church. Dormitories are a conditional use if located in the R-8 and R-12 zoned as an accessory use to the above mentioned uses.

- **Comprehensive Plan Update**

The City of Shoreline is requesting a major update to the Comprehensive Plan in 2012. The last time the plan had a major update was in 2005. The Growth Management Act requires the City to update the Comprehensive Plan on or before June 2015 but the Council's approved work program anticipates completion by the end of 2012. Council has made the completion of the Comprehensive Plan update a priority for 2012 in order to fully integrate 2029 Vision Statement adopted in 2009. The Comprehensive Plan update will fill a big portion of the Commission's work schedule over the next year.

TIMING AND SCHEDULE

- Docket request press release and website - November 28, 2011
- Docket submittal deadline – December 30, 2011
- Planning Commission – January 5, 2012
- Council Study Session – February 6, 2012
- Council adoption of the Docket– February 27, 2012

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council on the Comprehensive Plan Amendment Docket.

ATTACHMENT

Attachment A – Proposed 2012 Docket

2012 COMPREHENSIVE PLAN AMENDMENT DOCKET

The State Growth Management Act generally limits the City to amending its Comprehensive Plan once a year and requires that it create a Docket (or list) of the amendments to be reviewed.

The following items are "docketed" and on the work plan for the Planning Commission's review in 2012 (they are not listed in priority order):

- Major update of the City of Shoreline's Comprehensive Plan.

  Estimated timeframe for Council review/adoption: December, 2012

- Amend LU 43 by adding student housing to the Shoreline Community College Campus as an approved use.

  Estimated timeframe for Council review/adoption of Shoreline Community College Master Development Plan: Summer/Fall 2012.