

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendments #301858  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Steven Szafran, AICP, Senior Planner

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 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 official 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.

Any member of the public at any time may request a development code amendment without fee. This group of development code amendments has two citizen initiated amendments and 19 City-initiated amendments. The list of development code amendments is organized by Chapters of the Development Code below (see **Attachment 1** for amendments in legislative form):

**Chapter 20.20 – Definitions**

20.20.048 – "T" definitions.

Approved By:

Project Manager 

Planning Director 

**Chapter 20.30 – Procedures and Administration**

20.30.085 - Early community input meeting.

20.30.090 - Neighborhood meeting.

20.30.180 - Public notice of public hearing.

20.30.280 – Nonconformance.

20.30.353 – Master development plan.

20.30.410 - Preliminary subdivision review procedures and criteria.

20.30.730 - General provisions.

20.30.770 - Enforcement provisions.

**Chapter 20.40 – Zoning and Use Provisions**

20.40.120 – Residential uses.

20.40.130 – Nonresidential uses.

20.40.240 – Animals.

20.40.340 – Duplex.

**Chapter 20.50 – General Development Standards**

Table 20.50.020 – Standards – Dimensional requirements.

20.50.050 – Building height – Standards.

20.50.310 – Exemptions from permit.

20.50.390 - Required parking tables.

20.50.400 - Reductions to minimum parking requirements.

20.50.410 - Parking design standards.

20.50.500 - Internal landscaping for parking areas.

**Chapter 20.60 – Adequacy of Public Facilities**

20.60.040 - Adequate water supply.

## **Discussion and Analysis**

### **Chapter 20.20 – Definitions**

**20.20.048 - “Tree, Significant”**. The amendment proposes to strike the words “healthy, windfirm and nonhazardous” from the definition. Even though a tree may be unhealthy or hazardous, any significant tree, under the current code, must be accounted for in terms of removal, replacement and retention.

### **Chapter 20.30 – Procedures and Administration**

**20.30.085 Master Development Plan** - requires an early community input meeting. It makes more sense to include this requirement in the general noticing section than divorced in another part of the code. Also, this section of the code does not specify what the notification radius is for the early community input meeting. It was the City’s intent to require a 1,000 foot notification radius for all notices for a master development plan permit.

**20.30.090 Master Development Plan** - adds the proper notification radius for neighborhood meetings. Currently, the code requires a 500-foot notification radius for all neighborhood meetings. However, it was the City’s intent to establish a 1,000 foot notification radius for these permits.

**20.30.180 Master Development Plan** - adds the proper notification radius for public notice of public hearing. Again, these permits should have a greater notification radius and be consistent with the early community input meeting, neighborhood meeting and notice of public hearing.

**20.30.280 Nonconformance** - has two amendments. The first amendment adds the reference to Chapter 13.12 when repair or reconstruction of a nonconforming structure is necessary. This amendment is necessary because new floodplain regulations have been adopted by the City and newly repaired or reconstructed structures must comply with the new regulations. The second amendment adds new language for when the City creates a nonconforming situation. For example, an advertizing sign or building may not meet setbacks if the City takes right-of-way for street improvements such as road widening or sidewalk construction. If this is the case, the sign or structure will be considered lawful as a nonconforming use or structure.

**20.30.353 Master Development Plan** - has two proposed amendments. The first amendment allows a new use on a Campus zoned property through an approved master development plan. This amendment is required since the adoption of the 2012 Comprehensive Plan. The second amendment adds noticing requirements for the early community input meeting. This amendment is related to 20.30.085 above. The two code sections will be consistent with each other.

**20.30.410 Subdivisions** - is the preliminary subdivision review procedures and criteria. The proposed amendments make it clear that city staff, not City Council, require dedication of land for public use through development applications or building permits.

**20.30.730 Code Enforcement** - This proposed amendment requires the responsible party to pay all penalties and costs before an enforcement case may be closed.

**20.30.770 Code Enforcement** - is the enforcement provisions. The proposed amendment requires the responsible party to pay all penalties before the City can close an enforcement case. The proposed amendment also allows reduction of accrued penalties if voluntary compliance is achieved and the City is reimbursed its reasonable staff and professional costs.

### **Chapter 20.40 – Zoning and Use Provisions**

**20.40.120 Residential Use Table** - This development code amendment is based on an administrative order (see **Attachment 2**) to allow community residential facilities (facilities for counseling, rehabilitation, and medical supervision excluding drug and alcohol detoxification) as a conditional use in the R8 and R12 zones. The code allows boarding homes and apartments as a conditional use in the R8-R12 zones so this amendment will treat the CRFII facility as a like use.

**20.40.130 Nonresidential Use Table.** This proposed amendment is one of two privately initiated development code amendments (see **Attachment 3**). The owners of the Animal Surgical Clinic of Seattle would like to expand their building and parking onto a parcel zoned R24. Currently, a veterinarian clinic is not allowed as a use in the R18 through R48 zone. However, there are like uses of varying intensities that are allowed through a conditional use permit in the R-18 through R-48 such as medical offices, nursing and personal care facilities, hospitals, and professional offices. Staff does not have any objections to add veterinarian clinics as a conditional use in the multi-family zones.

**20.40.240 Animal Code** - This amendment is a staff initiated rewrite of the entire animal section. The old animal code is out of date, vague and does not address most of the questions and concerns of the residents of Shoreline. The rewrite now has a purpose section, allows for chickens, restricts roosters, supports urban agriculture, and allows for small livestock such as goats and llamas.

**20.40.340 Duplex Index Criteria.** Last year, the definition for multifamily was amended to state that more than two duplexes are considered multifamily development. This proposed amendment is being revised to match that adopted language.

### **Chapter 20.50 – General Development Standards**

**Table 20.50.020 Residential Density and Dimension Table** - The proposed amendment will delete exception #6 which states maximum building coverage shall be 35% and the maximum hardscape shall be 50% for single family detached in the R12 zone. This exception was originally put in place a number of years ago as a reaction to a single family subdivision in an R12 zone. At the time, neighbors believed that single family homes on R12 sized lots were out of character with the neighborhood and single family homes shouldn't be built on smaller lots. Staff believes that this exception is out of date

and overly restrictive in terms of dictating what sort of housing type may be located on a parcel.

**20.50.050 Residential Building Height** - The proposed amendment will allow renewable energy and environmental building features to be built above maximum building heights. A similar amendment was recently passed for environmental features over the maximum building height in the commercial zones.

**20.50.310 Golf Courses** – (see **Attachment 4**). Seattle Golf and Country Club submitted this amendment in February 2012 and seeks to amend the code by allowing golf courses to be completely exempt from the tree conservation, land clearing and site grading standards in the code. Typically, a site that has many trees, such as CRISTA Ministries, has tree regulations imposed by the master development plan permit. In the case of the Seattle Golf Club, a golf course by nature needs to be free of trees in order to play the game. Also, trees create shading on the course which restricts grass from growing making it difficult to maintain the playing surface. Staff does not support a total exemption from the tree section of the development code. However, staff does support alternative language presented in **Attachment 5**.

**20.50.390 Parking Tables** - The proposed amendment is located in the exception section of the tables. The proposed amendment will add a requirement “D” that states any amount of surface parking lot that is over the minimum required number of stalls shall be paved with permeable pavement. This amendment will provide an environmental benefit if a developer proposes to “over park” a new development.

**20.50.400 Minimum Parking Requirements.** The proposed addition would allow an applicant to use permeable pavement on at least 20% of the area of the parking as a criteria for the Director to reduce overall parking up to 25%. This amendment will provide greater environmental protection as a way to reduce overall parking spaces.

**20.50.410 Parking Design Standards** - the proposed amendment will add a requirement for any parking space abutting a wall shall provide an additional 18 inches above the minimum space width to provide space to exit the vehicle.

**20.50.500 Internal Landscaping for Parking.** Staff has proposed adding two items under letter “E”. The first is allowing gaps in curbs to allow for stormwater runoff. The second item is natural drainage landscapes (such as rain gardens, bio-filtration swales and bioretention planters) when designed in compliance with the stormwater design manual.

**20.60.040 Adequate Water Supply** - The proposed amendment will strike the requirement that the applicant can demonstrate that the existing water supply system available to serve the site complies with any limitation or condition imposed by the City approved comprehensive plan of the water purveyor. The wording in this section allows a District’s water plan to preempt City code.

**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 tentatively scheduled on May 16, 2013*

**Attachments**

- Attachment 1 – Proposed Development Code Amendments - Legislative Form.
- Attachment 2 – Administrative Order
- Attachment 3 – Animal Surgical Clinic of Seattle - Application
- Attachment 4 – Seattle Golf and Country Club - Application
- Attachment 5 – Alternative Language for SMC 20.50.310

**20.20.048 T definitions.**

Tree, Significant     Any ~~healthy, windfirm, and nonhazardous~~ tree eight inches or greater in diameter in breast height if it is a conifer and 12 inches or greater in diameter at breast height if ~~deciduous~~ if it is a non-conifer.

**20.30.085 Early community input meeting.**

Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1000 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 1000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department. Tape recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal.



**20.30.090 Neighborhood meeting.**

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

A. The purpose of the neighborhood meeting is to:

1. Ensure that potential applicants pursue early and effective citizen participation in conjunction with their proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
2. Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to resolve concerns at an early stage of the application process.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
2. The notice shall be provided at a minimum to property owners located within 500 feet (1000 feet for Master Development Plan Permits) of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.
3. The notice shall be postmarked 10 to 14 days prior to the neighborhood meeting.
4. The neighborhood meeting shall be held within the City limits of Shoreline.
5. The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
6. The neighborhood meeting agenda shall cover the following items:
  - a. Introduction of neighborhood meeting organizer (i.e., developer, property owner, etc.);

- b. Description of proposed project;
- c. Listing of permits that are anticipated for the project;
- d. Description of how comments made at the neighborhood meeting are used;
- e. Provide meeting attendees with the City's contact information;
- f. Provide a sign-up sheet for attendees.

**20.30.180 Public notice of public hearing.**

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 15 days prior to the hearing, through use of these methods:

- **Mail.** Mailing to owners of real property located within 500 feet (1000 feet for Master Development Plan Permit) of the subject property;

- **Newspaper.** The Department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located;

- **Post Site.** Posting the property (for site-specific proposals).

Information regarding Master Development Plan public hearings will be posted on the City's website and cable access channel. (Ord. 591\* § 1 (Exh. A), 2010; Ord. 581 § 1 (Exh. 1), 2010; Ord. 317 § 1, 2003; Ord. 238 Ch. III § 5(b), 2000).

**20.30.280 Nonconformance.**

A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of a land use regulation that rendered it nonconforming, shall be considered nonconforming if:

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or
2. The use or structure does not comply with the development standards or other requirements of this Code;
3. A change in the required permit review process shall not create a nonconformance.

B. **Abatement of Illegal Use, Structure or Development.** Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

C. **Continuation and Maintenance of Nonconformance.** A nonconformance may be continued or physically maintained as provided by this Code.

1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.
2. **Discontinuation of Nonconforming Use.** A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.
3. **Repair or Reconstruction of Nonconforming Structure.** Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:
  - a. The extent of the previously existing nonconformance is not increased; and
  - b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction.
  - c. The provisions of Chapter 13.12 Floodplain Management are met when applicable.

4. **Modifications to Nonconforming Structures.** Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity.

D. **Expansion of Nonconforming Use.** A nonconforming use may be expanded subject to approval of a conditional use permit unless the Indexed Supplemental Criteria (SMC 20.40.200) requires a special use permit for expansion of the use under the Code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area.

E. **Nonconforming Lots.** Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of this Code; provided, that:

1. All other applicable standards of the Code are met; or a variance has been granted;
2. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
3. The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
4. No unsafe condition is created by permitting development on the nonconforming lot; and
5. The lot was not created as a "special tract" to protect critical area, provide open space, or as a public or private access tract. (Ord. 515 § 1, 2008; Ord. 352 § 1, 2004; Ord. 238 Ch. III § 6, 2000).

**F. Nonconformance created by government action.**

1. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by the City or a county, state, or federal agency creates noncompliance of the use or structure regarding any requirement of this code, such use or structure shall be deemed lawful and subject to regulation as a nonconforming use or structure under this section.

2. Existing signs that are nonconforming may be relocated on the same parcel if displaced by government action provided setback standards are met to the extent feasible. If an existing conforming or nonconforming sign would have setbacks reduced below applicable standards as a result of government action, the sign may be relocated on the same parcel to reduce the setback

nonconformity to the extent feasible. To be consistent with 20.50.590(A) the signs shall not be altered in size, shape, or height.

3. A nonconforming lot created under this subsection shall qualify as a building site pursuant to RCW 58.17.210 provided the lot cannot be combined with a contiguous lot(s) to create a conforming parcel.

**20.30.353 Master Development Plan.**

**A. Purpose.** The purpose of the master development plan is to define the development of property zoned campus or essential public facilities in order to serve its users, promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes for all uses that are permitted outright or through conditional or special use processes in the underlying zones.

**B. Decision Criteria.** A master development plan shall be granted by the City only if the applicant demonstrates that:

1. The project is designated as either campus or essential public facility in the Comprehensive Plan and Development Code and is consistent with goals and polices of the Comprehensive Plan.
2. The master development plan includes a general phasing timeline of development and associated mitigation.
3. The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.
4. The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods.
5. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.
6. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

7. The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

8. The applicant shall demonstrate that proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

**C. Amendments.** Minor amendments to an approved master development plan may be approved by the Director if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

1. An increase in the square footage of any proposed building or structure by 10 percent or less; or
2. A change of 15 percent or less in the number of new parking spaces, parking spaces created by re-striping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles; or
3. A change in the original phasing timeline for mitigation of the master development plan; or
4. Changes to building placement when located outside of the required setbacks and any required setbacks for critical areas; or
5. A cumulative increase in impervious surface of 10 percent or less or a cumulative decrease in tree cover of 10 percent or less; or
6. Other specific changes as noted in the master development plan.

Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master development plan. Major amendments to an approved master development plan shall be processed as a new master development plan.

**D. 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. 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, 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.

**E. New Uses or New Development Standards.** In order to allow a new use or new uses on a campus zoned site, a new use or uses may be approved as part of a Master Development Plan Permit. New uses established through a Master Development Permit will be added to permitted uses in SMC 20.40.150 Campus uses ~~an amendment to the Comprehensive Plan and Development Code is required.~~

**F. Early Community Input.** Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual

site plans. The meeting notice shall be provided at a minimum to property owners located within 1000 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 1000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department. Tape recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal.

**G. Master Plan Vesting Expiration.** A master development plan's determination of consistency under RCW 36.70B.040 shall vest for 10 years after issuance or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. After 10 years, the Planning Commission may review the master development plan permit for consistency with current City's vision, goals, strategies (such as the Economic Development Strategy, Housing Strategy, Environmental Sustainability Strategy) Comprehensive Plan and other sections of the Development Code. If changes are recommended, staff shall initiate a major amendment under this section to achieve consistency unless the revision is approved by the owner. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 507 § 4, 2008).

**20.30.410 Preliminary subdivision review procedures and criteria.**

**C. Dedications and Improvements.**

1. The City Council may require dedication of land in the proposed subdivision for public use.
2. Only the City Council may approve a dedication of park land. ~~The council may request a review and written recommendation from the Planning Commission~~<sup>3</sup>. In addition, the City Council may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.

**20.30.730 General provisions.**

A. For the purposes of this subchapter, any person who causes or maintains a Code Violation and the owner, lessor, tenant or other person entitled to control, use, or occupancy of property where a Code Violation occurs shall be identified as the responsible party and shall be subject to enforcement action as provided in this subchapter.

However, if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances, as determined by the Director. Should the responsible party not correct the violation, after service of the notice and order, civil penalties and abatement costs may be assessed.

B. It shall be the responsibility of any person identified as a responsible party to bring the property into a safe and reasonable condition to achieve compliance. Payment of fines, applications for permits, acknowledgment of stop work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances. The date set for compliance in the notice and order takes precedence over any date established for the expiration of any required permit(s) and will be subordinate only to written extension of the notice and order.

C. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance. A violation shall be considered ongoing until the responsible party has come into compliance and has notified the Director of this compliance, and an official inspection has verified compliance and all assessed penalties and costs have been paid to the City.

D. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code Violations in any other manner authorized by law. (Ord. 515 § 1, 2008; Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 238 Ch. III § 10(b), 2000).

**20.30.770 Enforcement provisions.**

A. **Infraction.** Whenever the Director has determined that a Code Violation has occurred, the Director may issue a Class 1 civil infraction, or other class of infraction specified in the particular ordinance violated, to any responsible party, according to the provisions set forth in Chapter 7.80 RCW.

B. **Misdemeanor.** Any person who willfully or knowingly causes, aids or abets a Code Violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in the county jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. A misdemeanor complaint or notice of infraction may be filed as an alternative, or in addition to, any other judicial or administrative remedy provided in this subchapter or by law or other regulation.

C. **Suspension, Revocation or Limitation of Permit.**

1. The Director may suspend, revoke or limit any permit issued whenever:

- a. The permit holder has committed a Code Violation in the course of performing activities subject to that permit;
- b. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
- c. The permit was issued in error or on the basis of materially incorrect information supplied to the City; or
- d. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or cancelled.

2. Such suspension, revocation or modification shall be carried out through the notice and order provisions of this subchapter and shall be effective upon the compliance date established by the notice and order. Such revocation, suspension or cancellation may be appealed to the Hearing Examiner using the appeal provisions of this subchapter. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order.

D. **Civil Penalties.**

1. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed

for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter shall be double the amount of the initial penalties.

2. Any responsible party who has committed a violation of the provisions of Chapter 20.80 SMC, Critical Areas, or Chapter 20.50 SMC, General Development Standards (tree conservation, land clearing and site grading standards), will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection (D)(1) of this section, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:

- a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:
  - i. The resulting increase in market value of the property; and
  - ii. The value received by the responsible party; and
  - iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and
- b. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

3. An additional penalty of \$2,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate.

4. A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24-consecutive-month period, and will incur double the civil penalties set forth above.

5. Under RCW 59.18.085, if, after 60 days from the date that the City first advanced relocation assistance funds to displaced tenants, the landlord does

not repay the amount of relocation assistance advanced by the City, the City shall assess civil penalties in the amount of \$50.00 per day for each tenant to whom the City has advanced a relocation assistance payment.

6. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the responsible party has come into compliance with the notice and order and has notified the Director of this compliance, and an official inspection has verified compliance and all assessed penalties and costs have been paid to the City.

7. a. Civil penalties will be waived by the Director or will be reimbursed to the payer by the Director, with the concurrence of the Administrative Services Director, under the following documented circumstances:

- i. The notice and order was issued in error; or
- ii. The civil penalties were assessed in error; or
- iii. Notice failed to reach the property owner due to unusual circumstances;

b. Civil penalties accrued under 20.30.770. D.1 will be reduced by the Director to 20 percent of accrued penalties if voluntary compliance is achieved and the City is reimbursed its reasonable staff and professional costs attorney's fees incurred in enforcing the notice and order.

#### E. Abatement.

1. All public nuisances are subject to abatement under this subchapter.
2. **Imminent Nuisance and Summary Abatement.** If a condition, substance, act or nuisance exists which causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the person responsible for the property and the violation as soon as reasonably possible after the abatement. The Director shall make the determination of a condition, substance, act or other occurrence constituting an imminent nuisance requiring summary abatement. Costs, both direct and indirect, of the abatement may be assessed as provided in this chapter.

3. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this subchapter, may abate such conditions by demolition, repair, removal, or securing the site and have abatement costs collected as taxes by the King County Treasury pursuant to SMC 20.30.775. If an occupied rental dwelling or its premises are declared unfit and required to be vacated by a notice and order, and the landlord fails to pay relocation assistance as set forth in RCW 59.18.085, the City shall advance relocation assistance funds to eligible tenants in accordance with RCW 59.18.085.

**F. Additional Enforcement Provisions.** The enforcement provisions of this section are not exclusive, and may be used in addition to other enforcement provisions authorized by the Shoreline Municipal Code or by state law, including filing for injunctive relief or filing of a civil action. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 466 § 2, 2007; Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 251 § 2(D), 2000; Ord. 238 Ch. III § 10(c), 2000. Formerly 20.30.740).



Table 20.40.120 Residential uses.

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>RESIDENTIAL GENERAL</b>									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
<b>GROUP RESIDENCES</b>									
	Boarding House	C-i	C-i	P-i	P-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	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>TEMPORARY LODGING</b>									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	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	P-i	
<b>MISCELLANEOUS</b>									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>P = Permitted Use   S = Special Use</b> <b>C = Conditional Use   -i = Indexed Supplemental Criteria</b>									

Table 20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	<b>RETAIL/SERVICE</b>								
532	Automotive Rental and Leasing						P	P	P only in TC- 1
81111	Automotive Repair and Service					P	P	P	P only in TC- 1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Collective Gardens					P-i	P-i	P-i	
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities		C	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations					P	P	P	P
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC- 1

812910	Kennel or Cattery							C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing								S	P
441	Motor Vehicle and Boat Sales								P	P only in TC- 1
	Professional Office			C	C	P	P	P	P	P
5417	Research, Development and Testing								P	P
484	Trucking and Courier Service							P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals				C-i	P-i	P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade								P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	<b>P = Permitted Use   S = Special Use</b> <b>C = Conditional Use   -i = Indexed Supplemental Criteria</b>									

### 20.40.240 Animals – Keeping of

1. Purpose. Establish regulations for the keeping of animals that will minimize nuisances and disturbances caused by animals, minimize the impact of livestock on the environment and prevent cruelty to animals.

2. Permitted accessory use. The keeping of pets, and the raising, keeping and breeding of small animals, bees and livestock are allowed as an accessory use to residential uses in any zone, subject to the regulations of this section and SMC Title 6, Animals. Keeping of animals related to commercial uses is not subject to this section and is covered in SMC Title 6.

3. Small animals. The maximum numbers of small animals are as follows, small animals on the premises less than 2 months in age are excluded from the density limitations:

a. Small animals which are kept exclusively in a dwelling as household pets including those kept in aquariums, terrariums, cages or similar containers shall not be limited in number, except as may be provided in SMC Title 6, and SMC 20.30.740.

b. Regardless of the total numbers of animals allowed in this section, the total number of unaltered adult cats and dogs per household shall not exceed three, provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area. See Title 6 for exceptions.

c. The total maximum of a combination of small animals allowed outside, including dogs and cats, shall be limited to three per household on lots of less than 20,000 square feet. One additional small animal is allowed with each additional 5,000 square feet of site area over 20,000 square feet, up to a maximum of 20. See Title 6 for exceptions and licensing information.

d. Chickens (hens), rabbits and similarly sized animals: Any combination of six (6) chickens (excluding roosters), rabbits and similarly sized animals may be kept on any lot in addition to the small animals permitted in the preceding subsections. On lots of at least one-half acre, such animals may be kept at the rate of twelve (12) for each one-half acre.

e. Birds (other than domestic fowl) shall be kept in an aviary or loft that meets the following standards:

1. The aviary or loft shall provide one-half cubic foot for each parakeet, canary or similarly sized birds, one cubic foot for each pigeon, small parrot or similarly sized bird, and two cubic feet for each large parrot, macaw or similarly sized bird.

2. Aviaries or lofts shall not exceed 2,000 square feet in footprint.
3. The aviary is set back at least 10 feet from any property line, and 20 feet from any neighboring dwelling unit.
4. Beekeeping is limited as follows:
  - a. Beehives are limited to four hives on sites less than 20,000 square feet;
  - b. Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25' per side then the hive may be placed in the center of the widest point of the lot on a lot, so long as it is at least 50 feet wide.
  - c. Must register with the Washington State Department of Agriculture;
  - d. Must be maintained to avoid overpopulation and swarming.

5. Livestock (Farm Animals):

The maximum number of livestock shall be as follows:

- a. Large livestock such as horses, cattle and similar sized livestock animals: One-half acre minimum for each animal of area available for the animal's occupancy; with a two-acre minimum lot size.
  - b. Small livestock such as sheep, goats: Subject to the provisions of (3) above. Male goats must be de-horned and neutered.
  - c. Livestock under six months of age are excluded from the density limitations.
6. Categorization of animals. In the event that animals are proposed that do not clearly fall within the size categories established by this code, the Director shall determine an appropriate category based on that which is most similar to the animal in question and its impact on neighboring properties and the environment.
7. Prohibited Animals. In addition to the exotic animals prohibited in SMC Title 6, the keeping of swine over 120 lbs and 20 inches tall, roosters, peacocks and peahens, mink, nutria and foxes shall be prohibited.
8. Exemptions. The following animals are exempt from the provisions of this chapter:
- a. Service Animals as defined by SMC Title 6.

b. Temporary uses of animals such as goats for the purpose of vegetation management.

9. Maintenance and operational standards. All animal keeping shall comply with all of the following maintenance and operational standards.

- a. Odor and vector control. All animal enclosures, including but not limited to pens, coops, cages and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. They shall provide adequate ventilation and protection from the elements, pests and predators. There must be adequate space within the enclosures so that each animal has room to fully extend themselves and turn around.
- b. Enclosures. Enclosures for large livestock must be set back at least 20 feet from any property line.
- c. Animal Waste. Manure shall not be allowed to accumulate within setback areas. Each site shall be maintained in a neat and sanitary manner.
- d. Containment. All animals shall be effectively contained on the site, and shall not be allowed to run free on any parcel in a separate ownership or in a public right-of-way.
- e. Waterway protection. All animal keeping shall adhere to the Best Management Practices as required by the City's adopted Stormwater Manual.

~~A. The raising, keeping, breeding or fee boarding of small animals are subject to SMC Title 6, Animal Control Regulations.~~

~~B. Small animals which are kept exclusively indoors as household pets shall not be limited in number, except as may be provided in SMC Title 6. Other small animals, excluding cats kept indoors as household pets, shall be limited to five, of which not more than four may be unaltered cats and dogs. Cats kept indoors shall not be limited in number.~~

~~C. Other small animals, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (F) of this section; provided, that all unaltered~~

animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a kennel or cattery.

D.— Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.

E.— Animals considered to be household pets shall be treated as other small animals, when they are kept for commercial breeding, boarding or training.

F.— Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:

1.— Birds shall be kept in an aviary or loft that meets the following standards:

a.— The aviary or loft shall provide one half cubic foot for each parakeet, canary or similarly sized birds, one cubic foot for each pigeon, small parrot or similarly sized bird, and two cubic feet for each large parrot, macaw or similarly sized bird.

b.— Aviaries or lofts shall not exceed 2,000 square feet in footprint.

c.— The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

2.— Small animals other than birds shall be kept according to the following standards:

a.— All animals shall be confined within a building, pen, aviary or similar structure.

b.— Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line.

c.— Rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.

d.— Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.

e.— Beekeeping is limited as follows:

i.— Beehives are limited to four hives on sites less than 20,000 square feet;

ii.— Hives must be at least 25 feet from any property line;

iii.— Must register with the Washington State Department of Agriculture;

~~iv. Must be maintained to avoid overpopulation and swarming.~~

~~f. Prohibited Animals. The keeping of mink, foxes, and/or hogs shall be prohibited. (Ord. 406 § 1, 2006; Ord. 238 Ch. IV § 3(B), 2000).~~



**20.40.340 Duplex.**

Duplex may be permitted in R-4 and R-6 zones subject to compliance with dimensional and density standards for applicable R-4 or R-6 zone and subject to single-family residential design standards.

~~Two or~~ More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

**20.50.020 Standards – Dimensional requirements.****A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones**

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

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

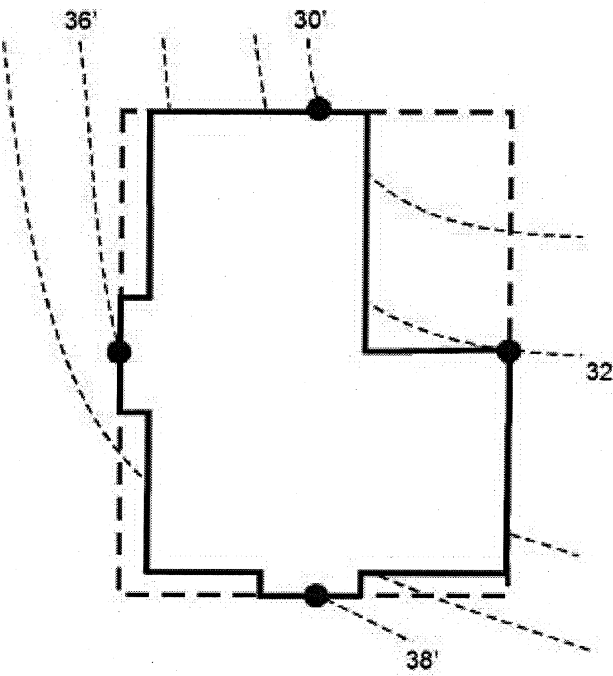
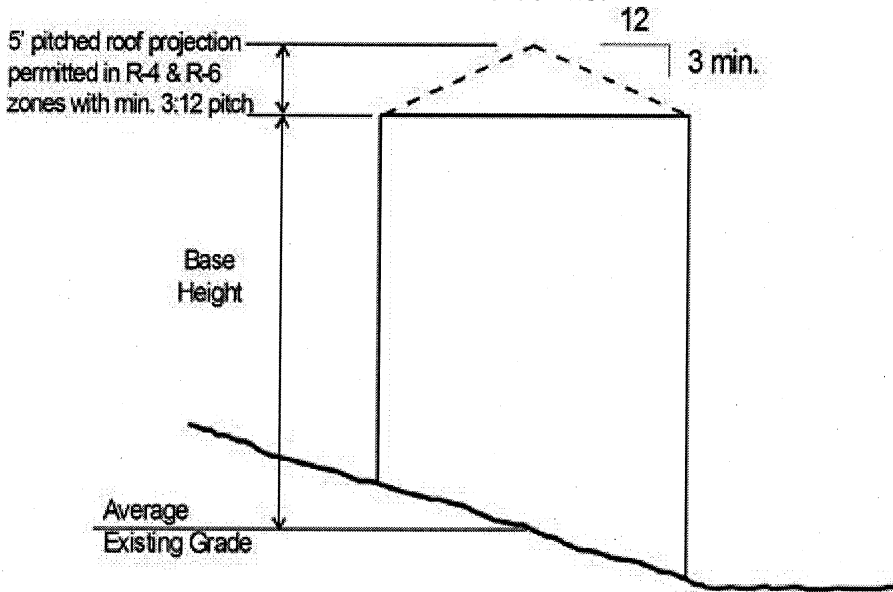
	roof)	roof)			roof)	roof)	roof) (8)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

*Exceptions to Table 20.50.020(1):*

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.
- (3) For single family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.
- ~~(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single family detached development located in the R-12 zone.~~
- ~~(6) (7)~~ The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.
- ~~(7) (8)~~ For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, MB, TC, NCB, NCBD, MUZ, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.
- ~~(8) (9)~~ Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

**20.50.050 Building height – Standards.**

The base height for all structures shall be measured from the average existing grade to the highest point of the roof. The average existing grade shall be determined by first delineating the smallest rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the rectangle; provided, that the measured elevations do not include berms.



$$\text{Average Existing Grade} = \frac{30' + 32' + 36' + 38'}{4} = 34'$$

**Figure 20.50.050(A): Building height measurement.**

Exception 20.50.050(1): The ridge of a pitched roof on the principal house in R-4 and R-6 zones may extend up to 35 feet; provided, that all parts of the roof above 30 feet must be pitched at a rate of not less than three to 12.

Exception 20.50.050(2): The ridge of a pitched roof on the building in the R-18 through R-48 zones may extend up to 40 feet; provided, that all parts of the roof above 35 feet must be pitched at a rate of not less than four to 12. (For further exceptions to height limits in the R-48 zone, see Exceptions 20.50.020(8) and (9).)

Exception 20.50.050(3): The following structures may be erected above the height limits in residential zones:

- Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance;
- Fire or parapet walls, skylights, flagpoles, chimneys, renewable energy systems such as solar collectors and small scale wind generators, and utility line towers and poles; and
- Steeples, crosses, and spires when integrated as an architectural element of a building. (Ord. 352 § 1, 2004; Ord. 238 Ch. V § 1(B-4), 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. Normal and routine maintenance of existing golf courses, provided that the use of chemicals does not impact any critical areas or buffers. This exception shall not include clearing and grading for expansion of such golf courses, nor does it include any areas within a critical area or buffer.

7.6. 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.

**B. Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.
2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located



in a special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

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

<b>RESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Single detached/townhouse:	2.0 per dwelling unit
Apartment:	
Studio units:	.75 per dwelling unit
One-bedroom units:	.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

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

<b>RESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Community residential facilities:	1 per 2 units
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units

**Table 20.50.390C – General Nonresidential Parking Standards**

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
General services uses:	1 per 300 square feet
Government/business services uses:	1 per 500 square feet
Manufacturing uses:	.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

**Table 20.50.390D – Special Nonresidential Standards**

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
Bowling center:	2 per lane
Houses of Worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area

Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Fuelservice stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area

**Table 20.50.390D – Special Nonresidential Standards (Continued)**

<b>NONRESIDENTIAL USE</b>	<b>MINIMUM SPACES REQUIRED</b>
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on-site.
Hospital:	1 per bed

Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
Retail and mixed trade:	1 per 400 square feet
Self-service storage:	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

Exception 20.50.390(A)(1): If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Exception 20.50.390(A)(2): When the City of Shoreline has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses.

Exception 20.50.390(A)(3): Where other provisions of this Code stipulate higher maximum parking or reduced minimum parking requirements, those provisions shall apply.

Exception 20.50.390(A)(4): Minimum parking requirements may be reduced through provisions in SMC 20.50.400.

B. Off-street parking ratios expressed as number of spaces per square feet shall be based on the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include, but are not limited to, building maintenance areas, storage areas, closets, or restrooms.

C. For all nonresidential uses, the maximum amount of allowed parking shall not exceed 50 percent over the minimum required number of stalls. Any proposal for parking that exceeds 10 percent over the minimum required number of stalls must be approved by the Director.

D. Any amount of surface parking lot that is over the minimum required number of stalls shall be paved with permeable pavement. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 6(B-1), 2000).

**20.50.400 Reductions to minimum parking requirements.**

- A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:
1. On-street parking along the parcel's street frontage.
  2. Shared parking agreement with adjoining parcels and land uses that do not have conflicting parking demands.
  3. High-occupancy vehicle (HOV) and hybrid or electric vehicle (EV) parking.
  4. Conduit for future electric vehicle charging spaces, per National Electrical Code, equivalent to the number of required disabled parking spaces.
  5. High-capacity transit service available within a one-half mile walk shed.
  6. A pedestrian public access easement that is 8 feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
  7. Concurrence with King County Right-sized Parking data, census tract data, and other parking demand study results.
  8. The applicant uses permeable pavement on at least 20% of the area of the parking lot.
- B. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.
- C. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.
- D. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low-income housing units that are 60% of AMI or less as defined by the U.S. Department of Housing and Urban Development.

**20.50.410 Parking design standards.**

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

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers.

C. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.750.

D. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;
4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

Exception 20.50.410(D)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

E. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410E below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. Regardless of the parking angle, one-way aisles shall be at



least 10 feet wide, and two-way aisles shall be at least 20 feet wide. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.

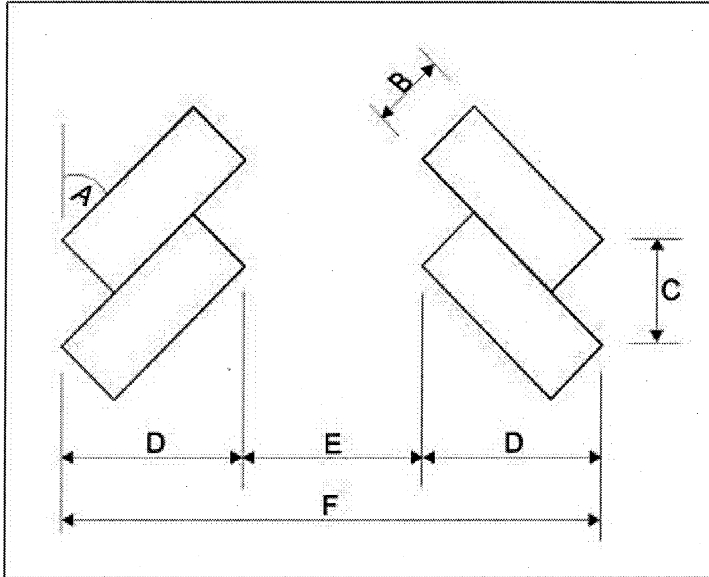
**Table 20.50.410E – Minimum Parking Stall and Aisle Dimensions**

A	B	C	D	E	F
Parking Angle	Stall Width (feet)	Curb Length (feet)	Stall Depth (feet)	Aisle Width (feet)	Unit Depth (feet)
				1-Way 2-Way	1-Way 2-Way
0	8.0* Min. 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 12.0 20.0	** ** 29.0 37.0 30.0 38.0
30	8.0* Min. 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 20.0 10.0 20.0 10.0 20.0	** ** 42.0 53.0 44.0 54.0
45	8.0* Min. 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 20.0 12.0 20.0 12.0 20.0	** ** 50.0 58.0 51.0 59.0
60	8.0* Min. 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 20.0 18.0 20.0 18.0 20.0	** ** 58.0 60.0 60.0 62.0
90	8.0* Min. 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 20.0 20.0	23.0 23.0 23.0 23.0 23.0 23.0	** ** 63.0 63.0 63.0 63.0

Notes:

\* For compact stalls only

\*\* Variable, with compact and standard combinations

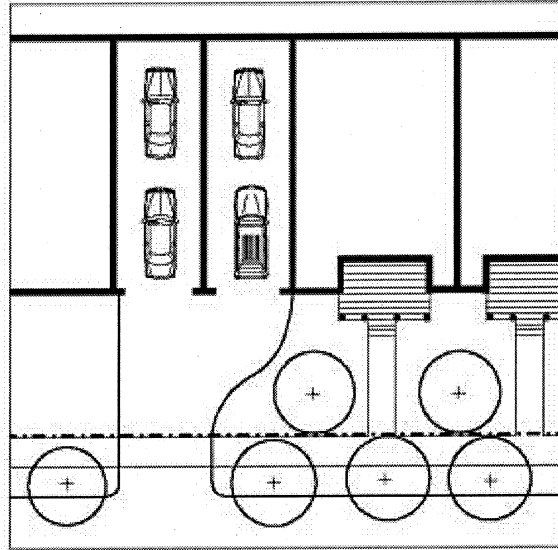


**Figure 20.50.410(E)(1): Diagram of corresponding parking dimensions A through F from Table 20.50.410.**

Exception 20.50.410(E)(1): The parking space depth may be reduced up to 18 inches when vehicles overhang a walkway under the following conditions:

1. Wheel stops or curbs are installed that provide a maximum 18-inch overhang; and
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

Exception 20.50.410(E)(2): Tandem or end-to-end parking is allowed in residential developments. Single-family, duplex and townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

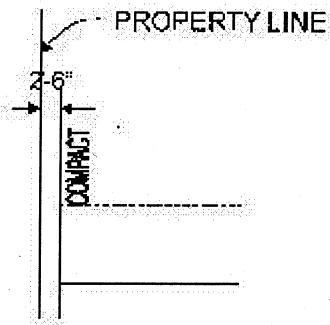


**Figure Exception to 20.50.410(E)(2): Illustration of tandem parking.**

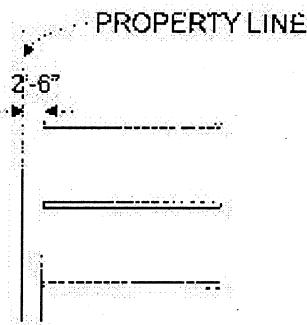
Exception 20.50.410(E)(3): Vanpool/carpool parking areas shall meet the following minimum design standards;

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter (curb to curb) of 52 feet, five inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.

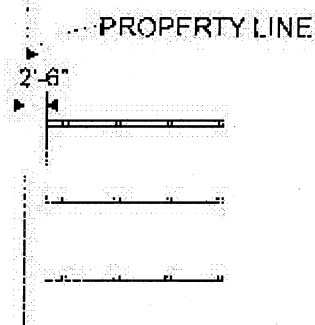
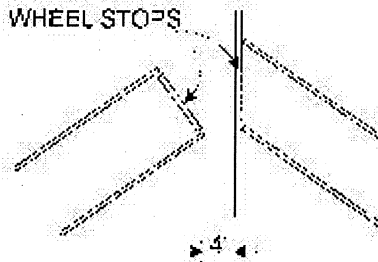
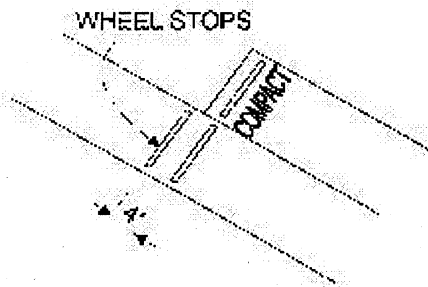
F. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with Washington State Department of Transportation standards. Wheel stops are required where a parked vehicle encroaches on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typical approved markings and wheel stop locations are illustrated in Figure 20.50.410(F).



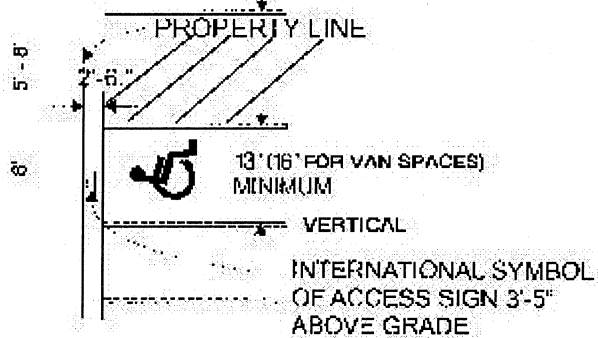
COMPACT MARKING



PAINTED HORSESHOE MARKING

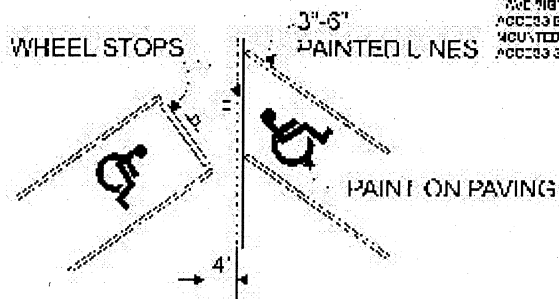
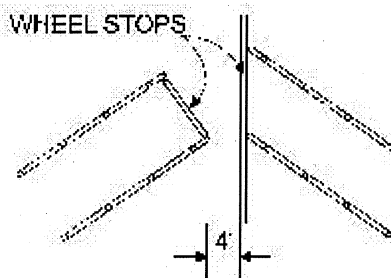


METAL OR PLASTIC TRAFFIC MARKING



DISABLED PERSONS PARKING

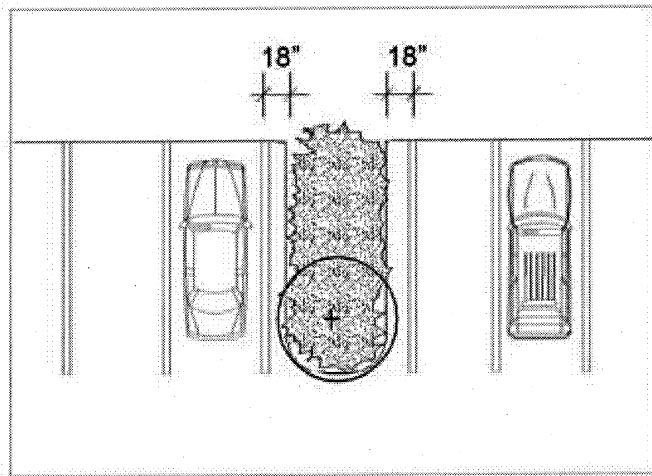
WHITE ON ABLE  
SACKED, NO. 7, C  
ABOVE GRADE WITH  
THE NOTICE STATE  
DISABLED PARKING  
PERMIT REQUIRED.  
VAN SPACE SHALL  
BE 16' MIN. VAN  
ACCESSIBLE.  
MOUNTED BELOW  
ACCESSIBLE.



**Figure 20.50.410(F): Pavement marking and wheel stop standards.**

***Note that parking spaces must meet setbacks from property lines where required by the zone.***

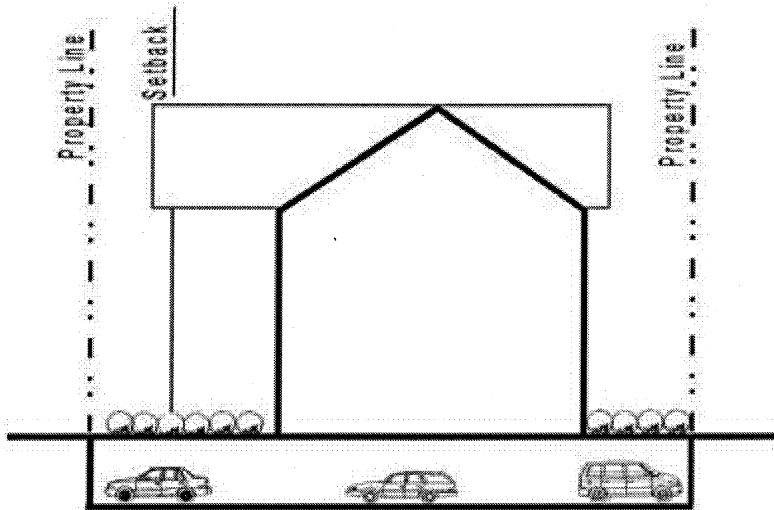
G. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. In a parking garage, any space abutting a wall shall provide an additional 18 inches above the minimum space width requirement to provide space to exit the vehicle. The additional width shall be separated from the adjacent parking space by a parking space division stripe. This requirement does not apply to single-family and duplex developments.



**Figure 20.50.410(G): Illustration of buffer between parking and landscaping.**

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

Exception 20.50.410(H)(1): If parking is located below grade, parking may be located within the required setback; provided, that the portion of the parking structure located within setback is landscaped or serves as pedestrian access.



**Figure Exception to 20.50.410(H)(1): Illustration of underground parking.**

- I. Any parking stalls located in enclosed buildings must be totally within the enclosed building.
- J. Off-street parking and access for physically handicapped persons shall be provided in accordance with WAC 51-40-1100 Chapter 11 – Accessibility and subsequent addendum.
- K. Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below in Table 20.50.410K.

**Table 20.50.410K**

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6

160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

L. Every building engaged in retail, hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the standards listed in Table 20.50.410L.

**Table 20.50.410L**

<b>GROSS FLOOR AREA</b>	<b>REQUIRED NUMBER OF LOADING SPACES</b>
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

M. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by the Engineering Development Guide. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.

N. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

O. Multi-story self-service storage facilities shall provide two loading spaces, single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet inches, and

shall be surfaced, improved and maintained as required by the Engineering Development Guide.

P. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this section.

Q. All parking lot lighting should be nonglare and shielded to minimize direct illumination of abutting properties and adjacent streets. (Ord. 560 § 4 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 391 § 4, 2005; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-3), 2000).



**20.50.500 Internal landscaping for parking area.**

Required parking area landscaping shall include landscape areas that are located in areas within or adjacent to parking areas. However, landscaping designed to meet perimeter landscaping requirements cannot also be used to meet parking lot landscaping requirements.

A. Multifamily developments with common parking areas shall provide planting areas in parking lots at a rate of 20 square feet per parking stall.

B. Commercial, office, industrial or institutional developments shall provide landscaping at a rate of:

1. Twenty square feet per parking stall when 10 to 30 parking stalls are provided or;
2. Twenty-five square feet per parking stall when 31 or more parking stalls are provided.

C. Trees shall be provided and distributed throughout the parking area at a rate of one tree for every 10 parking stalls.

D. Permanent curbs or structural barriers shall be provided to protect shrub and trees from vehicle bumpers. Landscaping under vehicle overhang shall not be included in required landscape area calculations.

E. Parking area landscaping shall require:

1. At least 60 square feet with a lineal dimension of no less than four feet;
2. Shrubs planted from five-gallon containers or at 24 inches in height and spaced no more than four feet apart on center;
3. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart; and
4. Trees planted at least 1.5 inches caliper in size.
5. Gaps in curbs are allowed for stormwater runoff.
6. Natural drainage landscapes (such as rain gardens, bio-filtration swales and bioretention planters) when designed in compliance with the stormwater design manual.

**20.60.040 Adequate water supply.**

All development proposals shall be served by an adequate public water supply system as follows:

A. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant can demonstrate that:

1. The existing water supply system available to serve the site complies with the requirements of adopted rules and regulations of the applicable government, agency, or district; ~~and~~

~~2. The existing water supply system available to serve the site complies with any limitation or condition imposed by the City approved comprehensive plan of the water purveyor; and~~

2. The proposed improvements to an existing water system or a proposed new water supply system have been reviewed by the Department and determined to comply with the design standards and conditions specified above.

B. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved water system and any system improvements are installed to serve each building or lot respectively;

C. For recording a final plat, final short plat or binding site plan, either the approved water supply system or system improvements shall be installed or bonded to serve each lot, within two years of recording; and

D. For a zone reclassification the timing of installation of required water system improvements is included in the approving ordinance. (Ord. 238 Ch. VI § 2(B), 2000).



*Planning & Community Development*

17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

**ADMINISTRATIVE ORDER #000120-013113**

**SITE – SPECIFIC DETERMINATION  
1548 NE 175<sup>TH</sup> STREET**

**CODE SECTION: SMC 20.40.120; 20.40.100(H)**

**I. ISSUE**

A potential property owner would like to establish a home at 1548 NE 175<sup>th</sup> Street for more than 11 people with severe brain injuries that will be staffed with caregivers 24 hours a day. Can this be an allowed use in the R-12 zone? Why is housing for persons who do not explicitly need assistance from caregivers allowed as a Conditional Use in boarding houses for more than 11 people, while a CRF II is not expressly allowed in the R-12 zone?

**II. FINDINGS:**

**Site**

**Zoning:** Residential 12 units per acre

**Lot size:** 34,385 sq. ft.

**Comprehensive Plan:** High Density Residential (Allows up to 48 dwelling units per acre)

**Maximum # of potential dwelling units on site:** 10 units

**Codes & Policies**

**Relevant Comprehensive Plan Goals and Policies:**

**FG12:** *Support diverse and affordable housing choices that provide for Shoreline’s population growth, including options accessible for older adults and people with disabilities.*

**Goal H VI:** *Encourage and support a variety of housing opportunities for those with special needs, specifically older adults and people with disabilities.*

**H27:** *Support opportunities for older adults and people with disabilities*

*to remain in the community as their housing needs change, by encouraging universal design or retrofitting homes for lifetime use.*

Shoreline Municipal Code (SMC):

The proposed use meets the definition of a Community Residential Facility (CRF) II.

**SMC 20.20.020 Definitions**

<b>Community Residential Facility (CRF)</b>	<p><i>Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:</i></p> <p><i>A. CRF-I – Nine to 10 residents and staff;</i></p> <p><i>B. CRF-II – Eleven or more residents and staff.</i></p> <p><i>If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF). (Ord. 515 § 1, 2008).</i></p>
<b>Family</b>	<p><i>An individual; two or more persons related by blood or marriage, a group of up to eight persons who may or may not be related, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.</i></p>

20.40.110.H. *The Director is authorized to make reasonable accommodations to provisions of the Code that apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments, when such reasonable accommodations may be necessary in order to comply with such acts. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site. (Ord. 609 § 9, 2011; Ord. 425 § 2, 2006; Ord. 238 Ch. IV § 2(B), 2000).*

20.40.120 Residential type uses.

<b>NAICS #</b>	<b>SPECIFIC LAND USE</b>	<b>R4- R6</b>	<b>R8-R12</b>	<b>R18- R48</b>	<b>NB &amp; O</b>	<b>CB &amp; NCBD</b>	<b>MUZ &amp; I</b>
<b>RESIDENTIAL GENERAL</b>							
	Accessory Dwelling Unit	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>

	<i>Affordable Housing</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
	<i>Apartment</i>		<i>C</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
	<i>Duplex</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>		
	<i>Home Occupation</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
	<i>Manufactured Home</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>			
	<i>Mobile Home Park</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>			
	<i>Single-Family Attached</i>	<i>P-i</i>	<i>P</i>	<i>P</i>	<i>P</i>		
	<i>Single-Family Detached</i>	<i>P</i>	<i>P</i>	<i>C</i>	<i>C</i>		
<b>GROUP RESIDENCES</b>							
	<i>Boarding House</i>	<i>C-i</i>	<i>C-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
	<i>Community Residential Facility-I (Less than 11 residents and staff)</i>	<i>C</i>	<i>C</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
	<i>Community Residential Facility-II</i>			<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
721310	<i>Dormitory</i>		<i>C-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>

20.40.260 Boarding houses.

- A. *Rooming and boarding houses and similar facilities, such as fraternity houses, sorority houses, off-campus dormitories, and residential clubs, shall provide temporary or longer-term accommodations which, for the period of occupancy, may serve as a principal residence.*
- B. *These establishments may provide complementary services, such as housekeeping, meals, and laundry services.*
- C. *In an R-4 or R-6 zone a maximum of two rooms may be rented to a maximum of two persons other than those occupying a single-family dwelling.*
- D. *Must be in compliance with health and building code requirements.*
- E. *The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of one parking stall for each room.*
- F. *Boarding houses require a boarding house permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).*

**III. CONCLUSIONS**

CRF II facilities are not allowed in the R-12 zone. However, Boarding Houses and Apartments are allowed as Conditional Uses in the R-12 zone.

The current R-12 zoning of the property could allow up to a 10 dwelling unit apartment building of which up to 8 unrelated people could theoretically live in each unit. In addition, Boarding Houses are allowed in the R-12 zone as a conditional use with no maximum limit on the number of rooms that can be rented. The proposal of a CFR II of 12 people plus staff is reasonably within the impacts and nature of a 10 unit apartment building or a Boarding House providing rooms to 12 people. To not allow a project of the proposed scope would be unreasonable and not meet the Federal Fair Housing Act. However, the proposal must meet all other Development Code standards.

To be consistent with the Development Code's requirement of a CRF I in the same R-12 zone, the City will also require a Conditional Use Permit prior to establishing the new use and any construction permits. The purpose of the Conditional Use Permit is to notify the neighborhood and to possibly condition the project to be compatible with the surrounding single family neighborhood.

**IV. DECISION:**

A CRF II may be allowed in an R-12 zone as a Conditional Use. The property owner or authorized agent must apply for and obtain a Conditional Use Permit prior to changing the use at 1548 NE 175<sup>th</sup> Street from Single Family Detached to a Community Residential Facility (CRF) II.

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Director's Signature

---

Date

**Please complete the following:**

Applicant for Amendment Animal Surgical Clinic of Seattle (ASCS) Contact: Russell Patterson

Address 14810 15th Avenue NE City Shoreline State WA Zip 98155

Phone 206-545-4322 Email ascsvets@msn.com

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**PLEASE SPECIFY:** Shoreline Development Code Chapter 20.40 Section 20.40.130

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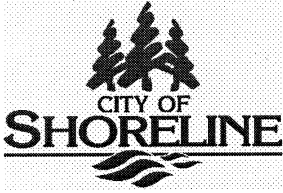
**AMENDMENT PROPOSAL:** Please describe your amendment proposal.

Animal Surgical Clinic of Seattle (ASCS) proposes a development code amendment to the table in SMC 20.40.130. The amendment would include Veterinary Clinics and Hospitals as a conditional use in high density residential zones (R18-R48), subject to the supplemental criteria in SMC 20.40.590.

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**REASON FOR AMENDMENT:** Please describe your amendment proposal.

This amendment will facilitate the expansion of the ASCS facility located at 14810 15th Avenue NE. ASCS needs additional space to continue operations in Shoreline; this development code amendment is necessary to facilitate expansion of the ASCS facility. Given the variety of nonresidential uses allowed outright or as a conditional use in high density residential zones, the exclusion of veterinary clinics appears to be an unintentional omission.



**City of Shoreline**

**Planning & Community Development**

17500 Midvale Avenue North Shoreline, WA 98133-4905

Phone: (206) 801-2500 Fax: (206) 801-2788

Email: [pcd@shorelinewa.gov](mailto:pcd@shorelinewa.gov) Web: [www.shorelinewa.gov](http://www.shorelinewa.gov)

**DEVELOPMENT CODE  
AMENDMENT  
APPLICAITON**

**Please note: Amendment proposals may be submitted at any time, however if is not submitted prior to the deadline for consideration during the annual amendment cycle ending the last business day of the year, the amendment proposal will not be considered until the next annual amendment cycle.**

**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.

**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;
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.



**DECISION CRITERIA EXPLANATION:**

Please describe how the amendment is in accordance with the Comprehensive Plan.

The proposed text amendment is consistent with the range of nonresidential uses currently allowed in high density residential zones as well as with Comprehensive Plan policy LU3 which specifically allows for some commercial uses in the high density residential designation. Furthermore, the proposal is consistent with Comprehensive Plan policy ED13 which recognizes the economic importance of supporting and retaining small businesses and creating an environment where they can flourish.

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Please describe how the amendment will not adversely affect the public health, safety and general welfare.

Adding veterinary clinics as a conditional use would allow the City of Shoreline to evaluate specific impacts of individual development proposals on a case-by-case basis. The conditional use process would allow for the protection of the public health, safety and general welfare through the imposition of conditions – such as prohibiting outdoor animal runs in locations where they would be disruptive to surrounding land uses.

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Please describe how the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

A range of nonresidential uses – such as churches and daycares – are permitted outright in high density residential zones and a host of other nonresidential uses – such as book stores, video stores, restaurants, offices, schools, libraries and museums – are allowed with a conditional use permit. Veterinary clinics and hospitals do not create impacts that are greater than the range of other conditional uses now allowed in the R18-R48 zones.

Specific impacts of a development proposal can be adequately reviewed and conditioned to protect the best interest of Shoreline citizens and property owners through the conditional use permit process (SMC 20.30.300) which specifically requires applicants to demonstrate that the proposal is compatible with the character and appearance of surrounding development; will not hinder neighborhood circulation; will not discourage development or use of neighboring properties; is not in conflict with the health and safety of the community; will not result in detrimental over-concentration of a particular use; and will not adversely affect public services to the surrounding area.

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**Please attach additional sheets if necessary.**

**Please submit your request to the City of Shoreline, Planning & Community Development.**

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**SEATTLE GOLF & COUNTRY CLUB**  
**DEVELOPMENT CODE AMENDMENT**

**February 16, 2012**

FEB 24 2012

# **Seattle Golf & Country Club Development Code Amendment**

## **Table of Contents**

Shoreline Development Code Amendment Request Form	1
Seattle Golf Club Request for Amendment to Development And Tree Code Letter dated January 31, 2012	2



6 A - Attachment 4  
**Shoreline Development Code**  
**Amendment Request Form**

Planning & Community Development

**Please note: Amendment proposals may be submitted at any time, however if it is not submitted prior to the deadline for consideration during that annual amendment cycle, ending the last business day of the year, the amendment proposal will not be considered until the next annual amendment cycle.**

- 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;
  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.

**17500 Midvale Avenue North, Shoreline, Washington 98133-4905**

Telephone (206) 801-2500 Fax (206) 801-2788 [pcd@shorelinewa.gov](mailto:pcd@shorelinewa.gov)

The Shoreline Municipal Code is located at [mrsc.org](http://mrsc.org)



**Planning & Community Development**

**Please complete the following:**

Applicant for Amendment: Seattle Golf Club

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

Phone - Day: 206 - 362 - 5444 Evening:     -     -    

**Please specify:**

**Shoreline Development Code-Chapter     Section**  
**SMC 20.50.290-20.50.370**

**Amendment Proposed:**

Please describe your amendment proposal.

See January 31, 2012 letter previously provided. Briefly though, the proposed amendment is the addition of a provision to SMC 20.50.290-20.50.370 to exempt ordinary and routine maintenance by golf courses in Shoreline from the Development Code.

**Reason for Amendment:**

Please describe why the amendment is necessary.

See January 31, 2012 letter previously provided. Briefly though, the stated purpose of Shoreline Development Code is to "reduce the environmental impacts of site development while promoting the reasonable use of land." SMC 20.50.290. Ordinary and routine maintenance of a golf course is not the same as development of a site, but is necessary for it to have the "reasonable use" of its land.

**Decision Criteria Explanation:**

1. Please describe how the amendment is in accordance with the Comprehensive Plan.  
See January 31, 2012 letter previously provided. Briefly though, as pointed out above the Development Code arguably does not pertain to ordinary or routine maintenance of a golf course. A proposed exemption to expressly permit such activities is not inconsistent with the Comprehensive Plan.
  
2. Please describe how the amendment will not adversely affect the public health, safety or general welfare.  
See January 31, 2012 letter previously provided. Briefly though, if the Development Code does apply to ordinary and routine maintenance of golf courses like Seattle Golf Course (SGC), it would require it to obtain a permit to move more than 50 cubic yards of soil, as well as for removal of more than 6 "significant trees" in 36 months. If one assumes that an average private property owner's property is ½ acre, it is a useful exercise to extrapolate the 6 significant trees and 50 cubic yards of soil to SGC's 155 acres. One way to think of it would be that SGC's 155 acres are covered by 310 single family residences on ½ acre plots. In such a case, the residents of those imaginary residences would collectively be able to remove up to 1,860 trees in 36 months and move up to 15,500 cubic yards of soil without permit. While SGC has no desire to remove 1,860 trees, if its land were developed that many trees could be removed without a permit. Moreover, even if an exemption is granted, the removal of more trees in connection with any development or non-maintenance project would remain subject to the Development Code. As a result, there would be no adverse addect on public health, safey or welfare.
  
3. Please describe how the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.  
See January 31, 2012 letter previously provided. Briefly though, SGC has been a good steward of the what is now the city of Shoreline for more than 100 years, holds about 2% of the land in the city, and proposes to continue to maintain and operate this property and its more than 6,000 trees as it has always done. To maintain this use of 2% of the city is in the best interests of the city, but SGC is entitled to the reasonable use of its property.

**Please attach additional sheets if necessary**

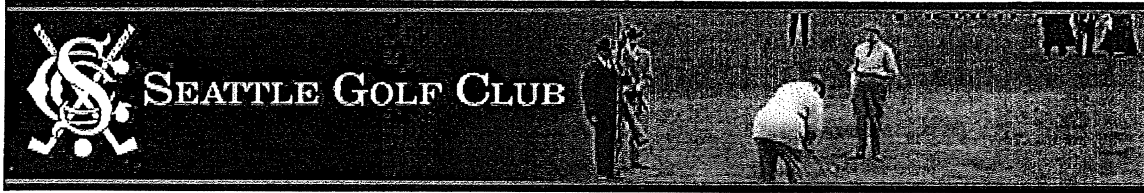
**Please submit your request to the City of Shoreline, Planning & Community Development.**

1/2012

**17500 Midvale Avenue North, Shoreline, Washington 98133-4905**

Telephone (206) 801-2500 Fax (206) 801-2788 [pcd@shorelinewa.gov](mailto:pcd@shorelinewa.gov)

The Development Code (Title 20) is located at [mrsc.org](http://mrsc.org)



210 NW 145<sup>th</sup> Street  
Shoreline, WA 98177

January 31, 2012

**Planning Commission**  
Shoreline City Hall  
17500 Midvale Avenue N  
Shoreline, WA 98133

Re: Request for Amendment to Development & Tree Code – February 2 & 16 Meetings  
*Transmitted by Email only to [plancom@shorelinewa.gov](mailto:plancom@shorelinewa.gov)*

Dear Planning Commission Members:

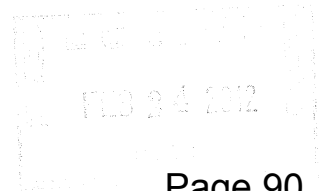
Seattle Golf Club (“SGC”) has resided in its current location since 1908 and is laid out over 155 acres in the South West corner of Shoreline. According to the United States Census Bureau, the city of Shoreline has a total area of 11.7 square miles (30.3 km<sup>2</sup>), of which SGC’s 155 acres (.611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

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

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

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

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





**Planning Commission**

January 31, 2012

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

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

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

Similar exemptions exist for golf courses in Seattle (by virtue of their being considered “parks” under Seattle Mun. Code 18.12.030(9)), for tree clearing (Seattle Mun. Code Secs. 25.09.320 & 25.09.045) and grading permit requirements (Seattle Mun. Code Secs. 22.170.060(B)(8), without distinction as to public or private golf courses. Exemptions for golf courses, again without distinction as to public or private course in Bellevue as well (Bellevue Municipal Code Sec. 3.43.020(H)).

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

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

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

**Planning Commission**

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During the past several months, SGC has been in discussions with the city of Shoreline on how to deal with the special requirements of SGC, interpretation of and compliance with existing law, and how to minimize the expense to the city in working through these issues. In its most recent meeting with Paul Cohen of the Shoreline Department Planning & Community Development ("Planning Department"), SGC came to know of the public hearings scheduled for February 2 and 16.

*Stated succinctly, SGC respectfully requests that this Commission consider an amendment to the Code to make normal and routine maintenance golf course operations exempt from Subchapter 5, as is the case in numerous municipalities, as well as in unincorporated King County.*

In reviewing this request, please consider that the stated purpose of Subchapter 5 is to "reduce the environmental impacts of site development while promoting the reasonable use of land." SMC 20.50.290 (emphasis added), as well as the effect of SMC 20.50.350 which would permit the clearing of up to 70 to 80 percent of SGC's trees as part of a site development. *SGC is not seeking a permit for "site development," but rather a Code exemption allowing for the "reasonable use" of its land.*

**Other Background History**

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

- Promotion of practices consistent with the city's natural topography and vegetative cover.
- Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the city and provide continuity and screening between developments.
- Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities.
- Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution.

Aside from the precedent presented from other local municipalities, and even King County, as to why an exemption from the grading and clearing is appropriate, there is a practical basis for such an exemption.

Assuming that Subchapter 5 applies to the ordinary and routine maintenance to SGC, it requires permits for private property owners who move more than 50 cubic yards of soil, as well as for

**Planning Commission**

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removal of more than 6 “significant trees” in 36 months. If one assumes that an average private property owner’s property is ½ acre, it is a useful exercise to extrapolate the 6 significant trees and 50 cubic yards of soil to SGC’s 155 acres. One way to think of it would be that SGC’s 155 acres are covered by 310 single family residences on ½ acre plots. In such a case, the residents of those imaginary residences would collectively be able to remove up to 1,860 trees in 36 months and move up to 15,500 cubic yards of soil without permit.<sup>2</sup>

In seeking an exemption from the Code, SGC would be able to engage in normal and routine maintenance activities, including without limitation, the following activities:

1. **Aerification and Sanding of Fairways, Greens and Tee Areas.** SGC has for the last decade or more, aerified the grass areas of the golf course periodically and as a by-product of this process, had grass plugs totaling more than 50 cubic yards that it recycles and reuses throughout the golf course. Additionally, in concert with aerification, SGC applies sand to its golf course once or twice a year totaling more than 50 yards in each application. Under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each time it aerifies or sands portions of its golf course.
2. **Periodic Augmentation and Replacement of Bunker Sand.** SGC’s golf course incorporates 85 fairway and greenside sand bunkers. The bunkers require periodic maintenance, including supplementing the sand from time to time and replacing the sand on a periodic basis as well. These activities can total more than 50 cubic yards in any given application and in any give year. Again, under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each time it augments or replaces bunker sand on its golf course.
3. **Removal of Necessary Healthy Significant Trees.** One of the greatest assets of SGC is the more than 6,000 trees which enhance its grounds. Unless kept in equilibrium, these same trees can become great liabilities as they compete for sunlight with grass and other non-tree vegetation. If normal and routine removal of trees necessary to keep such equilibrium is not permitted, the playability of the golf course is unreasonably affected. Currently, under a strict interpretation of Subchapter 5, SGC is permitted to remove only up to 6 significant trees<sup>3</sup> in any 36 month period. Again, while this sort of restriction makes sense for a ½ acre residential property, it makes little sense on a 155 acre property with more than 6,000 trees.

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<sup>2</sup> (which is well within the outer limits established in SMC 20.50.350).

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

**Planning Commission**

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

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

We intend to be present at the February 2, public hearing to insure your receipt and consideration of this letter, as well as on February 16 when the specific discussion of the amendments to the Tree Code takes place. We also welcome any questions and thoughts you may have on assisting us in achieving our objectives in the most expeditious and appropriate manner.

Very truly yours,

SEATTLE GOLF CLUB



Lawrence C. Calvert, President

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<sup>4</sup> This requirement is expressly waivable by the Director under the Exceptions to SMC 20.50.360(C) as: (i) strict compliance with the provisions of this Subchapter 5 restricts SGC's reasonable use of the property as a golf course, (ii) there are special circumstances related to the large size, shape, topography, location and surroundings of SGC's property, and (iii) granting the requested waiver will not be detrimental to the public welfare or injurious to other property in the vicinity given the negligible effect of removal of trees for reasons stated when compared to the total number of trees on SGC's property.

**Planning Commission**

January 31, 2012

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

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

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

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

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

**Snoqualmie Municipal Code 15.20.030 Clearing and permit – When required.**

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

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

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

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

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

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

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

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

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

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

**Planning Commission**

January 31, 2012

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- (2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;
- (3) Any grading within a publicly owned road right-of-way, provided this does not include clearing or grading that expands further into a critical area or buffer;
- (4) Clearing or grading by a public agency for the following routine maintenance activities:
- (a) Roadside ditch cleaning, provided the ditch does not contain salmonids;
  - (b) Pavement maintenance;
  - (c) Normal grading of gravel shoulders;
  - (d) Maintenance of culverts;
  - (e) Maintenance of flood control or other approved surface water management facilities;
  - (f) Routine clearing within road right-of-way;
- (5) Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a critical area as regulated in Chapter 21A.50 SMC;
- (6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter 21A.50 SMC;
- (7) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;
- (8) The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:
- (a) Normal and routine maintenance of existing lawns and landscaping, including up to 50 cubic yards of top soil, mulch, or bark materials added to existing landscaped areas subject to the limitations in critical areas and their buffers as set out in Chapter 21A.50 SMC;
  - (b) Emergency tree removal to prevent imminent danger or hazard to persons or property;
  - (c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in critical areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;
  - (d) *Normal and routine maintenance of existing public park properties and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in critical areas;* (Emphasis added).

**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. Normal and routine maintenance of sand traps and fairways provided that the use of chemicals does not impact any critical areas or buffers. This exception shall not include tree cutting, clearing and grading for expansion of such golf courses, nor does it include any areas within a critical area or buffer.

7 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.

**B. Partial Exemptions.** With the exception of the general requirements listed in SMC [20.50.300](#), the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter [20.20](#) SMC, Definitions) and associated removal of understory vegetation from any property.
2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located

in a special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).