

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, September 18, 2008**  
**7:00 p.m.**

**Shoreline Conference Center**  
**18560 1<sup>st</sup> Ave. NE | Mt. Rainier Room**

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S COMMENTS</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b> a. September 4, 2008	7:08 p.m.
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.
<i>During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, Item 6 will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly stating their first and last name and city of residence.</i>	
<b>7. PUBLIC HEARING <i>Quasi-Judicial Public Hearing</i></b>	7:15 p.m.
<b>A. Rezone Request at 753 N 185th Street</b>	
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Applicant Testimony	
3. Questions by the Commission to Staff and Applicant	
4. Public Testimony or Comment	
5. Final Questions by the Commission	
6. Deliberations	
7. Vote by Commission to Recommend Approval or Denial or Modification	
<b>8. STUDY SESSION</b>	8:15 p.m.
<b>A. Stormwater Development Code Amendments</b>	
<b>9. DIRECTOR'S REPORT</b>	9:00 p.m.
<b>10. UNFINISHED BUSINESS</b>	9:10 p.m.
<b>11. NEW BUSINESS</b>	9:15 p.m.
<b>12. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>	9:25 p.m.
<b>13. AGENDA FOR November 6, 2008</b>	9:35 p.m.
a. Stormwater Development Code Amendments	
b. Code Amendments #2	
<b>14. ADJOURNMENT</b>	9:40 p.m.

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 206-801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 206-801-4236.*

This page intentionally blank

**CITY OF SHORELINE**  
**SUMMARY MINUTES OF REGULAR MEETING**  
**OF THE PLANNING COMMISSION**

September 4, 2008  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

---

---

**Commissioners Present**

Chair Kuboi  
Vice Chair Hall  
Commissioner Behrens  
Commissioner Broili  
Commissioner Kaje  
Commissioner Perkowski  
Commissioner Piro  
Commissioner Pyle

**Staff Present**

Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Associate Planner, Planning & Development Services  
Flannary Collins, Assistant City Attorney  
Renee Blough, Technical Assistant, Planning & Development Services

**Guest**

Keith McGlashan, Shoreline City Council Member

**Commissioners Absent**

Commissioner Wagner

**CALL TO ORDER**

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuboi, Vice Chair Hall, and Commissioners Behrens, Broili, Kaje, Perkowski, Piro and Pyle. Commissioner Wagner was excused.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**DIRECTOR'S COMMENTS**

Mr. Cohn announced that Mr. Tovar would not be present at the meeting. He said he would provide a full director's report after the rezone hearing.

## **APPROVAL OF MINUTES**

The minutes of August 7, 2008 were accepted as amended.

## **GENERAL PUBLIC COMMENT**

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

## **PUBLIC HEARING ON JAMES ALAN SALON REZONE APPLICATION**

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing and opened the hearing. He reminded everyone that the application before the Commission is a rezone application, and not an application for a specific project. He cautioned that projects are not approved at the rezone stage. Instead, rezones set the ground work for property owners to apply for development permits at a later date for specific projects. He reviewed the following five criteria the Commission would consider when reviewing the rezone application. He noted that the proposed rezone would change the subject property from Community Business (CB) to Regional Business (RB). If approved, any type of project that is a permitted use under the development standards for RB zoning could potentially be built on the site. He advised that the staff presentation would describe the CB and RB zones and identify the development standards that would apply to each one. He cautioned that all comments by the applicant and the public must address the rezone criteria, since these are what the Commission must base their recommendation on. He asked them to avoid discussing a specific project, as no specific project has been proposed for the site at this time.

Chair Kuboi invited all those who intended to provide testimony during the hearing (public and staff) to swear and affirm that their testimony would be the truth. He reminded the Commissioners of the Appearance of Fairness Laws and invited them to disclose any ex parte communications they may have received outside of the hearing. Commissioner Broili disclosed that he and Commissioner Behrens both received an email that was forwarded to staff and circulated amongst the Commission. He said he does not believe the email would influence his decision. Commissioner Behrens explained that because he read the email trail prior to reading the actual email, he chose not to read the document in question. He also noted that both his daughter and his wife have been regular customers at the James Alan Salon for many years. However, he does not believe this would prejudice his decision in any way. Commissioner Hall said he has not had any communications with the proponents or opponents during this current application period. However, he did speak with individuals following the Commission's 2007 action related to the subject property. He noted that because the proposal is different he does not believe this communication would have an impact on his decision. At the invitation of Chair Kuboi, no one in the audience expressed concern about any of the Commissioners participating in the hearing and recommendation process.

## **Staff overview and Presentation of Preliminary Staff Recommendation**

Mr. Szafran provided a brief staff overview of the application. He displayed the Comprehensive Plan map, which identifies one of the subject parcels as mixed use and the other as community business. He

noted that the property owner also owns an adjacent parcel to the west that is not part of the rezone application. He displayed the zoning map, which shows that the two subject parcels are currently zoned Community Business (CB). He noted that surrounding properties are currently developed with a Verizon utility building, a Masonic Temple, a Fire Station, as well as retail, office, single-family homes and multi-family development. He provided pictures of the subject properties, as well as surrounding properties.

Mr. Szafran referred to the chart that outlined the difference in uses and development standards between the requested RB zoning and the existing CB zoning. He noted the major difference would be the number of residential units allowed. The RB zone would allow up to 110 units per acre, which would yield a maximum of 36 units on the subject properties. The current CB zoning would only allow 16 units. The RB zone would allow an additional five feet, as well. The setback requirement would be greater in the RB zone, but the amount of impervious surface allowed would also be greater. The uses allowed in the RB and CB zones are essentially the same, except vehicle sales, research, construction retail and warehousing uses are only allowed in RB zones.

Mr. Szafran reviewed that the applicant submitted a rezone application for the subject parcels in 2006. At that time the two parcels were zoned R-48 and Office, and the request was to change the zoning to RB. The Planning Commission recommended CB zoning, which was ultimately approved by the City Council in March of 2007. However, the following circumstances have changed since that time:

- When the 2006 application was reviewed, the Commission was also considering a proposed development code amendment to eliminate residential density caps in the CB zones that are within close proximity to Aurora Avenue and Ballinger Way. This development code amendment was later denied by the City Council. Therefore, the density in all CB zones is currently set at 48 units per acre.
- The City Council has indicated that they want to look closer at the maximum density permitted in RB zones. Currently, there is a moratorium on development in RB zones at residential densities greater than 110 units per acre.
- The Aurora Avenue Improvement Project will improve circulation near the Linden Avenue/185<sup>th</sup> Street/Aurora Avenue Corridors. He displayed a map to illustrate what these improvements would include.
- Transition area zoning was adopted by the City Council in May, which would apply to all commercial properties zoned CB, RB and Industrial (I) that are adjacent to single-family zones. However, these new zoning standards would not be applicable to the subject parcels.

Mr. Szafran reported that staff received 40 comment letters in support of the proposed rezone, and 2 that were opposed. Concern was raised that the subject parcels gain access from local streets rather than arterial streets, which is partially true. He explained that Linden Avenue north of 185<sup>th</sup> Street is categorized as a local street. South of 185<sup>th</sup> Street, Linden Avenue becomes a neighborhood collector street. However, he emphasized that 185<sup>th</sup> Street is an arterial street. Mr. Szafran said a suggestion was also made that higher buildings should be located along Aurora Avenue North, with a shearing effect

going down to the single-family residential zones. He pointed out that the current CB zone already allows a height of 60 feet, and the RB zone would only allow an additional 5 feet. He noted that circulation should improve when eastbound 185<sup>th</sup> Street is changed to provide two through lanes, as well as right and left turn lanes. Vice Chair Hall inquired if improvements are planned for westbound 185<sup>th</sup> Street as it approaches Aurora Avenue, and Mr. Szafran answered no. At the request of Chair Kuboi, Mr. Szafran reviewed how the proposed rezone would be consistent with the four rezone criteria.

- ***Is the rezone consistent with the Comprehensive Plan?*** Mr. Szafran said the proposed RB rezone would be consistent with Comprehensive Plan Land Use Element Goals I and V because a more intense commercial zone would promote redevelopment and allow for a greater mix of uses. In addition, RB zoning would permit a greater number of dwelling units or slightly more commercial space in close proximity to area services than the CB zoning would allow.
- ***Will the rezone adversely affect the public health, safety or general welfare?*** Mr. Szafran said staff does not believe the rezone would adversely affect the public health, safety or general welfare. He explained that the Comprehensive Plan designation allows for the level of development proposed, and the City's development standards for the RB zone would protect against uses that would be contrary to the public health, safety or general welfare. If the site is developed with residential uses, it could have a positive impact on public health. In addition, placing density closer to area amenities such as shopping, restaurants, and public transportation would encourage walking or biking rather than driving. He summarized that the proposed density would create better health opportunities than would the existing CB zoning.
- ***Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*** Mr. Szafran advised that both the RB and CB zoning designations would be consistent with the Comprehensive Plan vision for the area. Efficient use of land, higher densities in appropriate areas that are close to services and transportation, and an improved circulation pattern on 185<sup>th</sup> Street and Aurora Avenue North would support more intense development on the site.
- ***Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*** Mr. Szafran suggested the proposed zoning would have minimal impact to the properties in the immediate vicinity. He noted that the two parcels have Mixed Use and Community Business land use designations, so commercial zoning is already appropriate. In addition, the RB and CB zoning designations are very similar, with RB zoning allowing for somewhat more intense commercial uses than does CB zoning. Staff believes that the more intense uses allowed in an RB zone would not likely locate on a relatively small site.

Mr. Szafran said another major distinction between the CB and RB zones is density. CB zoning would allow 16 units on the subject parcels, and RB zoning would allow up to 36 units. He said staff believes density should be located in areas that are less intrusive to the single-family neighborhoods, are in close proximity to amenities and transit, and are located on major collector and arterial streets that do not impact local streets.

Mr. Szafran said the height difference between RB and CB zoning is 5 feet. RB zoning could obtain a height of up to six stories, where a CB zone would most likely be limited to five. He suggested the multi-family zoning that surrounds the subject properties would provide a good transition so height would not impact the single-family zones.

Mr. Szafran said analysis shows that the heaviest traffic impacts would occur if the property were developed with offices uses. The likely impacts would be no different whether the site is zoned RB or CB. A building constructed under either zoning district would likely be a similar size because of parking constraints due to the cost of developing more than one level of underground parking.

- ***Will the rezone have merit and value for the community?*** Mr. Szafran said the proposed rezone would allow commercial and residential expansion to meet the changing needs of the community. He said recent actions by the City Council ensure that new buildings comply with transition area requirements, and the density of the RB zone is capped at 110 units per acre. When the previous application for RB zoning was submitted, there was no guarantee of a unit maximum on the site since there was no numerical density cap. With the 110 units per acre limit, the maximum number of units allowed on the site would be 36.

Mr. Szafran concluded his presentation by recommending the Commission approve the proposed RB zoning for the two subject parcels.

Commissioner Behrens pointed out that the RB density cap is only a temporary situation. He noted that, at some point, elements would be imposed on how RB zones could be developed. Therefore, even if the City were to grant a rezone to RB, they don't know exactly what the building requirements are going to be. Mr. Szafran agreed, but said the Commission must work with the zoning language that is currently in place.

Commissioner Behrens noted there are two very large developments taking place north of the subject parcels (Echo Lake and Market Place, and the City's housing and sustainability strategies suggest the Commission consider cumulative effects. He asked if staff has done any modeling or projected traffic studies to see how the proposals north of 185<sup>th</sup> on Aurora Avenue would impact the intersection. Mr. Cohn answered the traffic that was modeled as part of the Aurora Corridor Project was greater than the two large projects combined would generate. Commissioner Behrens summarized that the traffic modeling would assume a higher level of traffic than what is anticipated as a result of the two large developments.

Commissioner Behrens recalled that on previous occasions, the Commission discussed concern about piecemeal attempts to rezone properties. He asked how the density would be impacted if all three sites were rezoned to CB in a cumulative fashion. Mr. Cohn suggested that the zoning and ownership of the third parcel is not germane to the rezone application that is currently before the Commission. Commissioner Behrens said he was more concerned about zoning than ownership of the third parcel. He expressed concern about having a mixture of zoning on the three parcels. Mr. Szafran clarified that the Comprehensive Plan identifies the third parcel as Medium Density Residential, and CB zoning would not be consistent.

### **Applicant Testimony**

**James Abbott, James Alan Salon**, advised that he is one of the property owners of the subject parcels. He said he supports the City's recommendation for approval of the RB rezone application. In response to Vice Chair Hall's earlier question, Mr. Abbott clarified that when the east side of Aurora Avenue was developed with the Gateway Plaza Project, 12 feet of right-of-way was dedicated to the City for widening 185<sup>th</sup> Street as part of the Aurora Corridor Project. He summarized that the Aurora Corridor profile would include six lanes, with a business access/transit lane in each direction. Mr. Abbot again said he supports the staff's recommendation to approve the proposed rezone application, and he offered to respond to any questions the Commission might have.

### **Questions by the Commission to Staff and Applicant**

None of the Commissioners had further questions for the staff and applicant.

### **Public Testimony or Comment**

**Marlin Gabbert, Shoreline**, spoke in favor of the proposed rezone. He expressed his belief that the proposed RB zoning would allow a greater density and some flexibility in terms of developing the property for the community good. He said the present zoning limits the residential density, but it doesn't limit the amount of office space. Under the current zoning, a potential developer could construct up to 60,000 square feet of office space on the parcels, as long as sufficient parking could be provided. He further explained that the large amount of office space allowed by the current zoning could result in a much greater traffic impact to the community. He referred to studies indicating that multi-family uses would have less traffic impact than office space. He said studies also show that residential densities support retail development better than office uses in the same area. He encouraged the Commission to recommend approval of the rezone because it would be better for the community. It would also provide a better transition between the high-density commercial and single-family residential uses.

**Angie Sutphen, Shoreline**, said she supports the proposed rezone application. The salon business has been located in the community for a long time, and she supports the opportunity for them to grow their business and create more business space that is within walking distance of the residential neighborhood. She also supports the creation of more apartment housing in the area.

**Pearl Noreen, Shoreline**, strongly urged the Commission to recommend approval of the proposed rezone because it supports the City's economic, sustainability and housing strategies. It also supports Shoreline's growth plan and is consistent with the City's Comprehensive Plan. She said that on three occasions over the last three years, she was part of a presentation to ask the City Council for funds to support the new Dale Turner YMCA. It seemed a logical request given that the cities of SeaTac, Monroe, and Sammamish had contributed \$1 million each to support new YMCA's in their respective cities. However, each time the Shoreline City Council turned down their request because there was no money available. If there is no money to support a non-profit project that would create 250 jobs, spend



\$19 million in construction dollars and create a space for 5,000 families to recreate, then the City is in a financial crisis. She pointed out that the City is in desperate need of revenue and tax dollars from new businesses. The City Council was willing to significantly reduce the gambling tax to ensure the sustainability of the casinos, so she questioned why they are not willing to rezone to attract new businesses. She summarized that rezoning brings money to the City.

**Cindy Neff, Shoreline**, said she was present to read a letter into the record that was written by the owner of Windermere Shoreline in response to the rezone application. The letter noted that the Windermere property is located directly across from the former James Alan Salon on Linden Avenue, and the salon has been an excellent neighbor for many years. The letter indicated support of the proposed rezone since it would be of great benefit to the whole community. It suggests that Shoreline is a growing City and needs to retain and attract well-respected businesses and employees. The letter noted the length of time the property has been vacant. It is currently in a deteriorated state, which is detrimental to the Windermere property and an invitation for vandalism. Secondly, the letters stated a concern about the apparent length of time it has taken for the applicant to obtain approval of the rezone. The City indicated that the reason for the delay was because a proposed code amendment could impact the subject properties. The letter pointed out that the proposed code amendment has been brought before the City Council four times with a recommendation of approval by both the Planning Commission and City staff. Each time, the City Council has sent the matter back to the Planning Commission for further study. The letter concluded that the process is taking an inordinate amount of time. The letter summarized that the subject parcels are an ideal location for the intended purposes, and the rezone should be approved without further delay. In addition to the letter supporting the proposed rezone, Ms. Neff indicated her support of the proposed change, too.

Vice Chair Hall said his understanding is that this is a different application than what was submitted and approved two years ago. Mr. Szafran said the new application was submitted July 24, 2008. However, it is identical to the application that was submitted in 2006. Commissioner Pyle suggested that Ms. Neff may have been confused because the notice referred to the adoption of a previous SEPA determination that was made in 2006. He explained that under Washington State Law, the City is allowed to use a former Determination of Non-Significance. In this case, instead of redoing SEPA, the City chose to simply use the old analysis that considered all the environmental factors at the time.

**Les Nelson, Shoreline**, said he read through minutes of the 2006 and 2007 Planning Commission hearings at which the subject parcels were discussed. He recalled that RB zoning was deemed inappropriate for the parcels, and the Commission recommended CB zoning, instead. CB zoning would limit development to 48 dwelling units per acre. Mr. Nelson suggested that none of the conditions evaluated in 2007 to arrive at the CB recommendation have changed, so he questioned why staff is now recommending RB zoning.

Mr. Nelson clarified that no Comprehensive Plan amendment was required to rezone the subject parcels to CB, with the associated limitation of 48 dwelling units per acre. However, he suggested a Comprehensive Plan amendment to change the land use designation to Regional Business would be required to change the zoning to RB. He said he also disagrees with staff's decision to resurrect a two-year-old SEPA application that accompanied a previous rezone application. While a decision was made

previously, it is important to recognize that the public has changed and they are addressing different issues related to sustainability, etc. Mr. Nelson said he tried to find notice of the public hearing on the City's website, but it was very difficult to locate. He suggested they address this issue since the problem seems to come up over and over again. The hearing should have been included in the list of public meetings that were scheduled for the month.

**Boni Biery, Shoreline**, said she has lived just one block from the subject parcels for the past 43 years. She agreed that the James Alan Salon has been a very good neighbor. However, she has some concerns about the proposed rezone and the staff report's implication that unless the rezone is approved, there would be no increase in housing opportunities, businesses, etc. She pointed out that, currently, the property is developed with an empty home and an empty business, and the existing CB zoning would allow the property to develop with a mixture of uses that would provide additional housing and tax revenue for the City. The proposed RB zoning would allow the same type of development, but at a greater density. She expressed her belief that RB zoning would be too intense given that the subject parcels are only one block away from single-family residential development. She said she has tried to get the City to address traffic concerns in her neighborhood for the past six years, but they do not have a way to solve the problems. She said there is no reason to assume that established habits of using Linden Avenue North and Firlands Way as cut-through streets to get to the park and ride, Aurora Village, Fred Meyer, etc. would change. In terms of sustainability, she noted that the subject parcels are at the very crest of the Boeing Creek drainage basin, and increasing impervious surface by 10% would have an impact on all downstream properties.

**Jack Malek, Shoreline**, said he is a local area realtor. He said he supports the staff's recommendation to rezone the property to RB. The new zone would be consistent with the City's current economic strategy. In addition, it would allow the City to accommodate their growth targets. The subject parcels are close to the Aurora Corridor, where transit and other opportunities are available to support growth.

**Tyler Abbott, Shoreline**, said he is one of the applicants for the proposed rezone. He referred to the question that was raised earlier about the timing of the initial rezone application. He explained that the property owners originally attempted to rezone the property to RB, but when the application was presented to the Planning Commission, staff changed their recommendation from RB to CB in light of code amendments that were being considered. The intent was that the new zoning code would meet the applicant's requirements, but would not allow unlimited density. The applicant supported the staff's recommendation, but if they had known the outcome of the proposed code amendments, they would have stuck with their original request for RB zoning. Mr. Abbott advised that a traffic study was completed as part of their building permit application, and there would potentially be 12 more daily trips if the property were developed as RB as opposed to CB. He summarized that likely development under the current CB zone would create more traffic since office and business uses would not be limited and they typically generate more traffic than multi-family uses.

### **Final Questions by the Commission**

Commissioner Kaje asked staff to clarify State Law related to reusing SEPA. Ms. Collins explained that SEPA Determinations do not become stale. She noted that the previous application was for RB zoning,

and the new application is for the same. However, because the density allowed in an RB zone is now lower, the impacts would be less. She concluded that the existing SEPA Determination would still be applicable because it analyzed the impacts for an RB rezone that had unlimited density. She said staff determined there were not sufficient changes to warrant a new SEPA analysis. Mr. Cohn added that because SEPA doesn't go stale and none of the impacts have changed, there would be no reason to disclose additional impacts. Whether or not the original SEPA determination was appealed has nothing to do with why it is being used for a second time.

Commissioner Pyle pointed out that SEPA would still be required at the time of building permit application. The current SEPA Determination is a non-project action. Mr. Cohn agreed and added that once a building permit application has been submitted, staff would be able to identify impacts and necessary mitigation associated with a specific project. Commissioner Piro clarified there has been no changes in SEPA requirements or other factors that would warrant a new SEPA Determination. Mr. Cohn pointed out that the City regulations have changed, and this was reflected in the SEPA Checklist, but SEPA requirements have not changed.

Commissioner Piro summarized that the existing CB zoning would allow 16 dwelling units on the subject parcels, and the proposed RB zoning would allow up to 36. He asked staff to speak about this difference in the context of the City's current ability to meet their growth targets for accommodating housing. Mr. Cohn answered that the current growth targets would not require any changes to the current Comprehensive Plan designations. However, this assumes the City would not always apply the lowest zoning designation to each Comprehensive Plan designation area. He added that regardless of the growth targets, they know the City will continue to grow. If growth is to happen, the Commission has previously agreed that the additional density should be located close to areas that are well served by transit and other infrastructure.

Commissioner Pyle recalled that one concern is that the amount of impervious surface would increase from 85% to 95% if the rezone application is approved. He noted that the City is close to adopting a new stormwater manual. He questioned if any changes are expected in the new manual that would better detain and treat stormwater on site than what the current manual allows. If the objective of the new manual is to retain and treat stormwater on site without conveyance and to work towards watershed planning, he would feel more comfortable agreeing to a rezone that would increase the amount of impervious surface. Mr. Cohn said the proposed manual would suggest the City move in the direction described by Commissioner Pyle. However, the new manual would not likely be adopted until at least February 2009. With or without a change in zoning, any application submitted before adoption of the new manual would be vested under the existing stormwater requirements.

Commissioner Pyle emphasized that several more intense uses would be allowed in an RB zone than in a CB zone. Mr. Cohn agreed and noted that these differences are identified in the staff report, as well. He expressed his belief that given the parcels are located more than a block away from Aurora Avenue North, many of the additional uses allowed in an RB zone would not likely occur because there would not be sufficient traffic to support the uses.

Commissioner Pyle suggested that if staff wants to avoid considering potential projects as part of rezone applications, they should avoid naming particular types of development such as the James Alan Salon. To narrow the discussion, he suggested the staff report avoid referring to issues that are not pertinent to the conversation. Mr. Cohn agreed that would be appropriate.

Commissioner Pyle referred to Table 20.50.020.2, which addresses the dimensional standards associated with the RB and CB zones. The RB zone allows for greater height, but it requires greater setbacks from residential zones. However, the impervious limitation is stricter in the CB zone. He suggested that with creative options, a developer could potentially construct a bulkier building under the current CB zone that has more perceived impact to the community than the RB zone. The number of units constructed inside of a box would not ultimately change the size of the box. The size of a building would be driven more by market forces. Mr. Cohn agreed that market forces would drive the size of a building, and this would be true for both residential and office/retail uses.

Commissioner Pyle expressed his belief that while it is a property owner's right to apply for a rezone, it doesn't seem like it is the right time to rezone the property, especially given the current turbulence associated with the RB zone. He expressed concern that the Commission is essentially considering a rezone of a parcel to RB when they don't know the fate of the RB zone. Commissioner Piro cautioned that the goal of the moratorium is not to freeze redevelopment in RB zones. Instead, it establishes a limit of 110 dwelling units per acre. As the zoning code currently exists, the rezone would allow up to 36 dwelling units on the subject parcels, and the current zoning only allows 16. In addition, there are marginal differences in height, setbacks, uses, and impervious surface. He expressed his belief that it is legitimate for an applicant to request a rezone to RB as it currently exists in the zoning code. Ms. Collins agreed that the applicants have every right to apply for a rezone to RB, based on the interim regulations that are currently in place. Whatever changes are made to the RB zone in the future would apply to all properties that are zoned RB, including the subject parcels. Ms. Collins said the Commission must act on the rezone application based on the interim regulations and not based on what they may be at some future point in time.

Commissioner Broili asked if it would be appropriate for the Commission to place a condition on a rezone. Ms. Collins said the City no longer does contract rezones with conditions.

### **Deliberations**

**COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE APPLICATION TO REZONE THE SUBJECT PARCELS TO REGIONAL BUSINESS AS PRESENTED IN THE STAFF REPORT. COMMISSIONER HALL SECONDED THE MOTION.**

Commissioner Piro said he supports the findings of fact found in the staff report, as well as the recommendations made by staff during their presentation. He agreed there are some distinctions between the RB and CB zoning designations. For example, RB zoning would allow for additional dwelling units, which could potentially create more impact to surrounding properties. On the other hand, it would help the City provide additional dwelling units within close proximity to Aurora Avenue

North where transit and other infrastructure is available, and this is consistent with stated City goals. In addition, allowing more units in this area would take pressure off of other areas in the community. He said he appreciated the attention both Commissioner Pyle and Commissioner Broilli brought to the issue of impervious surface, and that is a concern of his, too. However, he expressed his belief that having something that is more compact and tight on the site could potentially result in less impervious surface than scattering the 36 dwelling units in other locations throughout the City. He said he plans to support the rezone as proposed.

Vice Chair Hall agreed with Commissioner Piro's comments. He reminded the Commission that they no longer have the ability to recommend that conditions be placed on a rezone. In addition, conditions surrounding the subject properties have changed since the original rezone application was reviewed. He recalled that a few citizens voiced concern about traffic impacts, and he agreed that traffic would continue to be a concern as the City grows. He expressed his belief that the more units that could be constructed in close proximity to transit opportunities, the less impact there would be on the existing network of streets as whole. However, he agreed that those living adjacent to the subject properties would suffer a disproportionate impact. He emphasized that as they approach development in the future, it will be critical to slowly move away from the idea that everyone would drive a car. Instead, they must have alternatives in place. Therefore, he said he plans to support the proposed rezone.

Commissioner Behrens said he would likely support the proposed rezone. He noted that the CB and RB zoning designations are very similar, and the bulk of a potential development would not be significantly different in either zone. He said he likes the fact that an RB zoning designation would require a 15-foot setback adjacent to single-family zones. While it would not be required, he suggested it is probable that this setback area would likely include plantings and grass strips. If you compare the 90% impervious surface allowed in a CB zone with 95% allowed in an RB zone and then include the 15-foot setback area, the difference would be even less. He referred to the developments that are currently taking place to the north and said he is counting on the City staff to thoroughly consider the traffic impacts and come up with a good plan.

Commissioner Kaje reminded the Commission that when they review an application to determine its consistency with the Comprehensive Plan, they must balance the various element and issues addressed by the Comprehensive Plan. He expressed his belief that with this application, as well as a few others that have come before the Commission, it appears that staff has cherry picked the goals that happen to jive with their recommendation, but a similar effort was not given to looking at what goals might be in conflict. If the Commission is to balance the various elements and goals of the Comprehensive Plan, the staff report should provide a list of all the goals and identify which ones are consistent with the application, and which ones are not. He pointed out that in order for the Commission to consider the rezone proposal without reviewing a specific project, they must carefully consider whether or not all of the uses that would be allowed in the RB zone are consistent with the Comprehensive Plan. Commissioner Kaje referred to Comprehensive Plan Land Use Goal 84, which requires the Commission to consider and evaluate the immediate, long-range and cumulative environmental impacts of policy and development decisions. While a SEPA review was conducted on the proposed rezone, he is not sure they've had a full vetting of the balancing of goals.

Commissioner Broili said that based on the information provided in the staff report regarding the site, location, arterials, etc., he felt RB zoning would be appropriate. However, he is concerned that because the updated stormwater code would come later, whatever development is proposed on the site would not be subject to the more stringent standard. He is greatly bothered when he sees potential new development or redevelopment that is not bound by the more stringent approach to stormwater management and other environmental controls.

Commissioner Perkowski said he plans to support the proposed rezone application because he believes the subject properties are an excellent location for RB zoning. He said he agrees with the comments put forth by Commissioner Piro and Vice Chair Hall.

Chair Kuboi said he would be inclined to support the rezone application, as well. He recalled that he was the chair of the Housing Strategy Committee, and one of the mantras coming from that discussion was the need to increase the amount of flexibility as to what projects could be built on a site. The proposed rezone would expand the flexibility to provide more housing options. He reviewed that a number of comments spoke about the merit and value the rezone would provide to the community. He referred to Commissioner Kaje's comments regarding the need for the staff report to provide a more thorough review of all of the potential uses that would be allowed by the rezone. However, he voiced his concern that these types of actions often need to be looked at from the perspective of the likely outcomes as opposed to worst case scenarios. The staff report offered some perspective as to how future development would be limited by the parking and other requirements. He summarized his belief that the likely development outcomes would provide an overall benefit to the community and be consistent with the Comprehensive Plan.

#### **Vote by Commission to Recommend Approval or Denial or Modification**

**THE MOTION TO RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PROPOSED IN THE STAFF REPORT WAS APPROVED 5-1-2, WITH CHAIR KUBOI, VICE CHAIR HALL, COMMISSIONER PERKOWSKI, COMMISSIONER BROILI, AND COMMISSIONER PIRO VOTING IN FAVOR, COMMISSIONER KAJE VOTING IN OPPOSITION, AND COMMISSIONER PYLE AND COMMISSIONER BEHRENS ABSTAINING.**

#### **DIRECTOR'S REPORT**

##### **Agenda Planner**

Mr. Cohn referred the Commission to the agenda planner that outlines the meeting agendas for the remainder of the year. He noted that the September 18<sup>th</sup> agenda would include a public hearing and a study session on the Stormwater Development Code amendments. He cautioned that while the Commission would review the draft amendments, the public hearing would not be scheduled for at least a month and a half later. He said the September 18<sup>th</sup> agenda would also include a subcommittee report regarding design review. He noted that a semi-annual joint meeting between the Planning Commission and City Council has been scheduled for September 22<sup>nd</sup>, at which point there will be some discussion

regarding the visioning process and what role the Commission would play. There would also likely be some discussion about design review and the proposal to have the Hearing Examiner review most quasi-judicial items. Commissioner Broili announced that the Design Review Subcommittee would meet on September 16<sup>th</sup>, in preparation of the Commission's September 18<sup>th</sup> discussion.

Mr. Cohn pointed out that while the regular Commission meetings have been cancelled for the month of October, Commissioners have been invited to attend and participate in public meetings associated with the visioning process. He noted that a public hearing on the Stormwater Development Code amendments has been scheduled for November 6<sup>th</sup>, assuming the Commission is comfortable moving forward after their September 18<sup>th</sup> meeting. Also on November 6<sup>th</sup>, the Commission would conduct a study session on Package 2 of the Development Code amendments. On November 20<sup>th</sup>, the Commission would review the City's Shoreline Master Program. An open house would likely be held at 6:00 p.m. followed by the Commission's study session.

### **Design for Livability Conference**

Mr. Cohn advised that staff has already signed up Commissioners Perkowski and Kaje to attend the Design for Livability Conference, and they recently received two free tickets from the Cascade Lands Conservancy that are available to other Commissioners who are interested in attending. Commissioner Broili indicated his desire to attend the conference.

### **UNFINISHED BUSINESS**

There was no unfinished business scheduled on the agenda.

### **NEW BUSINESS**

#### **Follow-Up on Proposal to Have Hearing Examiner Review Most Quasi-Judicial Items**

Mr. Cohn reminded the Commission of their retreat discussion about moving quasi-judicial hearings to the Hearing Examiner. The Commission agreed this would be a good idea due to their present workload. Mr. Cohn advised that Mr. Tovar is still quite convinced the Commission's 2009 workload would be significant, but it has not been entirely mapped out. Mr. Tovar suggested the Commission discuss this possibility with the City Council, but wait to make a final recommendation to the City Council until after the 2009 workload has been laid out later in 2008.

Vice Chair Hall pointed out that had the City Council chosen to place quasi-judicial hearings in the Hearing Examiner's hands, the previous hearing would have been conducted before the Hearing Examiner. Everyone would have had a full opportunity to participate, and notice would be given, but he suggested it might be more appropriate for the nine-member Commission to decide whether or not an application has value and merit to the community. He said he still has significant reservations about telling the community that quasi-judicial matters would be heard by an attorney who is hired by the City. Commissioner Broili agreed with Vice Chair Hall's concern, but he questioned if these values would be better addressed by the code and regulations that are put forward by the Planning Commission.

Vice Chair Hall agreed that is a good question, but he recalled earlier discussions amongst the staff and Commission about the fact that the current zoning regulations are flawed, and fixing the flaws is important. While he agreed with staff that there is a lot of work for the Commission to do, he is not convinced that the Commission's workload limitation should be the only factor considered. They must also keep in mind the City's budget.

Commissioner Pyle pointed out that he would likely have been prepared to vote on the previous rezone application if the Commission had taken the time previously to review the code language and determine what they want to see in RB zones. He expressed concern that the Commission does not have enough time to work on the actual zoning issues before them, yet they are being asked to rezone properties to zones that are unclear and in constant fluctuation. He said he sees the value of sending quasi-judicial hearings to the hearing examiner for one year so the Commission can focus their effort and time on rewriting some sections of the code. Then they would be better prepared to assume this responsibility again.

Chair Kuboi agreed with Commissioner Pyle. However, before the Commission could present this recommendation to the City Council, they must be able to show them how they would use time that is freed up. In addition to focusing on what the Commission would give up, they should also spend time articulating the specific benefits of the change. Even if the Commission's time is freed up, they must consider whether or not the Commission would be ultimately constrained by the limited amount of staff time and resources. He said it might not be appropriate to discuss this concept with the City Council until their 2009 work plan has been developed to support the change. Commissioner Piro recalled that the Commission discussed that they would still handle some quasi-judicial items, but this list was never adequately defined. He agreed the Commission must articulate the issues better before they discuss the idea further with the City Council.

Commissioner Behrens recalled that at the previous joint City Council/Planning Board meeting, a City Council Member suggested they consider a system by which they use a rotating pool of hearing examiners, and he felt this proposal had some merit.

Commissioner Broili respectfully disagreed that the Commission should discard the discussion of having the hearing examiner review most quasi-judicial items. If the Commission has to continually conduct rezone hearings, they would have less time to establish a good Development Code foundation. Their proposal to the City Council should identify the priorities and goals they want to achieve in 2009, as well as the steps that would be necessary to accomplish each one.

Chair Kuboi clarified that he was suggesting the proposal be taken off the joint City Council/Planning Commission meeting agenda until they have more concrete information to present as part of their proposal. Commissioner Broili suggested the Commission at least make a brief statement outlining their proposal and why they feel it is appropriate. This would not require a detailed discussion, but they should let the City Council know that it is an important issue to the Commission. Commissioner Perkowski suggested they invite the City Council to review their 2009 workload and identify any items they want the Commission to address, as well. They could also ask the City Council to provide guidance as to how they should prioritize the workload.



Vice Chair Hall said it is likely the City Council would indicate their desire to hold off on any decision until after the visioning process has been completed. He expressed his belief that a vision must be identified before appropriate codes could be created to provide a strong foundation. He suggested that once the visioning process is completed, it might be easier for the Commission to prioritize their 2009 workload.

Chair Kuboi summarized the Commission's consensus that they would like to have an active role in determining where their newfound time would be directed in the future. Much of their support for the concept would be based on whether or not the change would allow the Commission to better accomplish their goals and objectives.

### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

None of the Commissioners provided reports during this portion of the meeting.

### **AGENDA FOR NEXT MEETING**

Chair Kuboi announced that the September 18<sup>th</sup> agenda would include a review of the proposed Stormwater Development Code amendments and a subcommittee report on design review.

Commissioner Piro asked if the staff has had any interaction or participation with the work underway with the Puget Sound Partnership. Mr. Cohn said staff would respond to this question at the Commission's next meeting.

### **ADDITIONAL PUBLIC COMMENTS**

**Boni Biery, Shoreline**, referred to the rezone proposal that was heard by the Commission earlier in the meeting. She said she doesn't have a problem with the proposed Regional Business (RB) zoning if the density was limited to 48 units per acre, but the current RB language allows up to 110 units per acre. She said she is not opposed to density up to a reasonable limit. She pointed out that Echo Lake Project was limited to about 90 units per acre, and this property is located directly across the street from a park and ride. The rezone proposal that was presented to the Commission earlier in the meeting would result in a potential 110 unit per acre development just one block from her house and on a residential street that already has more traffic than the City can control. She summarized that the circumstances are unique, and the City has not been able to find a way to deal with the traffic.

Ms. Biery questioned why everyone was held to only two minutes of public comment when there was plenty of time left after the meeting. The limit meant she and others had very little opportunity to say the things that could have been said that might have changed the Commission's recommendation. She noted that she has no recourse now that the Commission has issued their recommendation.

Commissioner Piro said one of the most valuable ways to participate in the public process is to submit comments to the Commission in writing. These documents are forwarded to the Commission for review

prior to the hearing. Commissioner Broili pointed out that it is difficult for the Commission to know at the beginning of a hearing how long the testimony will go on. The Commission has had numerous occasions when they have stayed until long after the time the meeting was supposed to be closed. This has created frustration because they didn't have enough time to accomplish everything. Vice Chair Hall pointed out that the Commission received and reviewed the email that was submitted by Ms. Biery, as well as other written comments that were received. Ms. Biery said her concern is that once a property is rezoned, neighboring property owners have no control over how the property is used. While she agreed that the James Alan Salon has been a good neighbor, some of the uses allowed in the RB zone might not be appropriate in this location.

Commissioner Behrens said that each time the Commission reviews a proposal, they consider the issue of traffic. He agreed that the intersection near the subject properties is one of the most congested in the City, and they do not have good traffic corridors in the City. He suggested the Commission ask the City Council to consider long-term traffic solutions as part of the visioning process. Traffic impacts must be addressed, and the public should be encouraged to voice their concerns and recommendations. He recognized these changes would take time and cost a lot of money, but changes should take place in an organized fashion.

### **ADJOURNMENT**

The meeting was adjourned at 9:26 P.M.

---

Sid Kuboi  
Chair, Planning Commission

---

Renee Blough  
Clerk, Planning Commission

**CITY OF SHORELINE  
STAFF REPORT TO PLANNING COMMISSION**

**INITIAL FINDINGS, CONCLUSIONS AND RECOMMENDATION**

---

**PROJECT INFORMATION SUMMARY**

**Project Description:** Rezone application to change the zoning designation of one parcel from R-12 to Community Business (CB).

**Project File Number:** 201736

**Project Address:** 753 North 185<sup>th</sup> Street, Shoreline, WA 98133

**Property Owner:** Richmond Masonic Temple Association.

**SEPA Threshold:** Determination of Non-Significance (DNS)

**Staff Recommendation:** Recommend approval of a rezone to Community Business.

**FINDINGS OF FACT**

*Current Development*

1. The parcel at issue is located at 753 North 185<sup>th</sup> Street, generally on the southwest corner of North 185<sup>th</sup> Street and Linden Avenue North.
2. 753 North 185<sup>th</sup> Street (tax ID # 7285900065) is 13,051 square feet and is developed with the Richmond Masonic Lodge. The site is zoned R-12 and has a Comprehensive Plan Land Use designation of Community Business (“CB”).
3. The surrounding neighborhood has experienced development recently: four townhomes have been developed west of the 742 N. 185<sup>th</sup> Street parcel. Also, there is a current rezoning request at 753 N.185<sup>th</sup> Street (the Masonic Temple) to change the zoning from R-12 to CB.
4. There are existing sidewalks along N 185<sup>th</sup> Street adjacent to the applicant’s property. No sidewalks exist along Linden Ave N. A traffic signal with crosswalks is located at the intersection of Linden Ave N and N 185<sup>th</sup> Street.
5. The existing building on-site is listed in Shoreline’s Historic Inventory List.

*Proposal*

6. The applicant proposes to rezone the parcel to Community Business (“CB”).

## AGENDA ITEM 7.A

7. Staff analysis of the proposed rezone includes information submitted in a pre-application meeting conducted on January 24, 2008 and two separate neighborhood meetings conducted on March 9 and March 30, 2008.
8. A Public Notice of Application was posted, mailed and advertised on July 17, 2008.
9. A Public Notice of Hearing was posted, mailed and advertised on August 7, 2008.
10. Two comment letters were received as of the date of the issuance of the staff report. The comment letters cited concerns about the Masonic Lodge being on Shoreline's Historic Inventory List and potential traffic issues. See *Attachment 1*.
11. The Planning Department issued a SEPA Determination of Non-Significance on August 7, 2008. The DNS was not appealed.
12. An open record public hearing is being held by the Planning Commission for the City of Shoreline on September 18, 2008.
13. The City's Long Range Planner, Steven Cohn, and Associate Planner Steve Szafran, have reviewed the proposal and recommend that the parcels be rezoned to Community Business.

### *Comprehensive Plan Land Use Designations.*

14. The site is designated Community Business in the Comprehensive Plan. Parcels to the west and east also have a Comprehensive Plan Land Use designation of Community Business. Parcels to the north, across N 185<sup>th</sup> Street, have land use designations of Community Business, Mixed-Use, and Medium Density Residential. The MU designation allows R-8 through R-48 residential zoning and all commercial and industrial zoning. Parcels to the south have High Density (HDR) and Medium Density Residential (MDR) Designations. The HDR designation allows R-12 through R-48 zoning and the MDR designation allows R-8 and R-12 zoning. See *Attachment 2 (Comprehensive Plan Map)*.
15. The Comprehensive Plan describes Community Business as areas within the Aurora Corridor, North City and along Ballinger Way. This designation provides for retail, office, and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, or R-48.

*Current Zoning and Uses*

16. Parcels immediately to the west of the subject parcels are zoned Office, R-18, and R-12 and developed with medical offices, condos, a fire station and other office uses. The parcel to the south is zoned R-48 and developed with an apartment building. The Fred Meyer shopping center is zoned RB and located directly east of this parcel. To the north is the former James Alan Salon building zoned CB. See *Attachment 3 (Zoning Map)*.

*Proposed Zoning*

17. The proposal is to change the zoning on the site from R-12 to Community Business (CB). Under SMC 20.30.060, a rezone is a Type C action, decided by the City Council upon recommendation by the Planning Commission. The decision criteria for deciding a rezone, as set forth in SMC 20.30.320, are:
- a. The rezone is consistent with the Comprehensive Plan; and
  - b. The rezone will not adversely affect the public health, safety or general welfare; and
  - c. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
  - d. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
  - e. The rezone has merit and value for the community.
18. The purpose of a Community Business zoning district, as set forth in the Shoreline Municipal Code 20.40.040, is to “provide for the location for a wide variety of business activities, such as convenience and comparison retail, personal services for local service, and to allow for apartments and higher intensity mixed use developments.

*Impacts of the Zone Change*

19. The following table outlines the development standards for the current zoning (R-12) and the proposed zoning (CB):

	<b>R-12</b>	<b>CB</b>
Front Yard Setback	10'	0'
Side Yard Setback	5'	10'
Rear Yard Setback	5'	10'
Max. Impervious Surface	75%	85%
Height	35'	60'
Density (residential development)	12 du/ac	48 du/ac
Total Units (potential)	4	14

### 20. Traffic Impacts

Since the proposed CB zoning permits a variety of uses, specific impacts are uncertain at this time. However, two scenarios can be defined to provide a reasonable set of bookends regarding traffic impacts.

- a. Scenario 1: Develop the property as office. A reasonable development assumption is that as an office, ½ of the parking would be on grade and another full level of underground parking would be available. This results in 75-85 stalls. Setting aside some stalls for visitors, it is reasonable to assume 80 employees. These could be housed in a 21,000 square foot building, which would suggest a 3 or 4 story building on this site.

This scenario would generate 266 trips daily (3.32 daily trips, half of them are inbound and half outbound) and 39 trips during the PM rush hour (.48 trips during each hour of the PM peak).

- b. Scenario 2: Develop the property as housing. Because there is a maximum density in the CB zone, the number of units, and by extension, the traffic impacts, can be defined. Under a CB zone, 14 units could be developed. The ITE trip generation handbook estimates 6.72 daily trips per unit (half inbound and half outbound) and .62 average trips during one hour during the PM peak. If 14 units are built, this translates to an additional 94 trips during the day and 9 more trips during rush hour.

#### Future Aurora Corridor Improvements

The City recognizes the concerns about this intersection and has developed plans to improve the eastbound travel lanes of 185<sup>th</sup> Street. This will include a left and right turn only lanes to Aurora Avenue as well as two through lanes continuing on 185<sup>th</sup> Street. These improvements will alleviate some of the traffic backups that occur on 185<sup>th</sup> Street.

#### City of Shoreline Historic Inventory List

Because the current development on the property is listed on the historic inventory, staff contacted King County for suggestions about how to address the possibility that a site on the Historic Inventory might be demolished. The County suggested a number of options, which include asking the developer to place the building up for sale, and if the building cannot be sold and moved, to make a historical record of the building. Staff will inform a potential owner of the property that the City will place certain requirements on them if they intend to demolish the building. These requirements will be part of the SEPA for building/site development permits and not part of this rezone.

**CONCLUSIONS**

1. The purpose of a rezone is to provide a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Rezone criteria must be established by substantial evidence.
2. The notice and meeting requirements set out in SMC 20.30 for a Type C action have been met in this case.

*Rezone criteria*

*Is the rezone consistent with the Comprehensive Plan?*

The rezone is consistent with the following goals and policies of the comprehensive plan:

3. Goals LUI, LU III, LUIV, LUV, Land Use Policies LU1, LU18, LU20, LU25, LU30, LU31, LU36, LU102, LU155, H1, H2, H28, T17, T27, T29, T35, T47, every goal and policy within the Economic Development Element, CD 48, CD 49, and CD 61.
4. Goal LUI, “Ensure that the land use pattern of the City encourages needed, diverse, and creative development, protects existing uses, safeguards the environment, reduces sprawl, promotes efficient use of land, encourages alternative modes of transportation and helps to maintain Shoreline’s sense of community”.
5. Goal LUIII, “Encourage a variety of quality housing opportunities and appropriate infrastructure suitable for the needs of Shoreline’s present and future residents”.
6. Goal LUIV, “Encourage attractive, stable, quality residential and commercial neighborhoods that provide a variety of housing, shopping, employment and services”.
7. Goal LUV, “To assure that a mix of uses, such as service, office, retail, and residential, are allowed either in low intensity buildings placed side by side or within the same building in designated areas, on arterials, or within close walking distance of high frequency transit, serving a neighborhood commercial and residential function”.
8. Policy LU1, “Preserve environmental quality by taking into account the land’s suitability for development and directing intense development away from natural hazards and important natural resources”.

## AGENDA ITEM 7.A

9. Policy LU30, “Encourage a mix of residential and commercial development in close proximity to create retail synergy and activity”.
10. Policy LU36, “Provide opportunities and amenities for higher density residential communities to form within or adjacent to the Aurora Corridor in harmony with the surrounding neighborhoods”.
11. Policy LU155, “Support the expansion of public mass transit and encourage cycling and walking in the City as an alternative to dependence on individual vehicles”.
12. Policy H2, “Provide incentives to encourage residential development in commercial zones as a support to commercial areas”.
13. Policy T17, “Utilize the Arterial Classification Map as a guide in balancing street function with land uses. Minimize through traffic on local streets”.
14. Policy CD48, “Develop attractive, functional, and cohesive commercial areas that are harmonious with adjacent neighborhoods, by considering the impacts of land use, building scale, views and through traffic”.
15. Policy CD61, “Work cooperatively with other jurisdictions, agencies, organizations, and property owners to preserve historic resources”.

The rezone may be inconsistent with the following goals and policies of the Comprehensive Plan:

16. Policy LU84, “Consider and evaluate the immediate, long-range, and cumulative environmental impacts of policy and development decisions consistent with the SEPA and GMA”.

Full environmental impacts cannot be addressed at this time. The City is uncertain what will be built on the site at this time since this rezone is a non project action. Full environmental impacts will be addressed when and if an applicant submits building permits for a specific project.
17. Policy LU96, “Encourage the use of green building methods and materials that may reduce impacts on the built and natural environment”.

The City has recently adopted the Sustainability Strategy but Shoreline’s Development Code does not require green building methods.
18. Policy T47, “Monitor traffic growth on collector arterials and neighborhood collectors and take measures to keep volumes within reasonable limits”.

The site is accessible by a Minor Arterial (N 185<sup>th</sup> Street) and a Neighborhood Collector Street (Linden Ave N). Linden Ave N will be impacted by any new development but has the capacity to handle additional trips.



## AGENDA ITEM 7.A

19. Policy PR1, “Monitor changes in both existing and planned population and evaluate how the Parks, Recreation and Cultural Services Department can adapt to the changing population and varying needs”.
20. Policy PR9, “Develop and distribute multi-use neighborhood, community and regional park facilities throughout the City to satisfy varying levels of citizen needs”.

If the property is developed with residential uses, park facilities and open spaces are scarce in this area though the interurban trail is easily accessible.

21. Policy CD58, “Review proposed changes to historic landmark sites and structures to ensure that these resources continue to be part of the community”.

The structure on site is on Shoreline’s Historic Inventory List. This status will not be changed because of the rezone as the rezone is only changing the zoning designation of the site. Specific building impacts will be addressed by subsequent SEPA Determinations.

*Will the rezone adversely affect the public health, safety or general welfare?*

22. The GMA planning process of developing Comprehensive Plan designations which allows this level of development and the City’s development standards in its zoning regulations for the CB zone protect against uses that would be contrary to the public health, safety or general welfare.

23. If the site is developed with residential uses, it could have a positive impact on public health. Placing density closer to area amenities such as shopping, restaurants and public transportation, encourages walking or biking rather than driving. Density in this instance creates better health opportunities than before.

*Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*

24. CB as well as Neighborhood Business, Office, and residential zoning categories R-12 through R-48 are consistent with the Comprehensive Plan vision for the area (Community Business). Specifically, CB is a better fit for this site because recent land use actions have been approved in close proximity of this site (#201753 was approved for CB zoning and recently recommended for a change to RB), adjacent land uses include medical/office buildings, apartments, the Fred Meyer shopping center and the former James Alan Salon.

25. Efficient use of land, higher densities in appropriate areas, close to services and transportation and an improved circulation pattern on 185<sup>th</sup> and Aurora support more intense development on this site and the proposed CB zoning.

*Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*

26. Concerns have been raised about the historical status of the building on-site and pedestrian and traffic safety issues by the proposed CB zoning.

(a) Historic Inventory List

The Current building on-site is listed on Shoreline’s Historic Inventory List. Staff has contacted King County’s Historic Preservation Officer, who had specific procedures for these types of properties. Specific requirements will be placed on the applicant if and when building permits are applied for. These requirements include archival documentation (photos, plans, additional research) and require a good faith effort to advertise the building for sale to be moved to another site and the cost of demolition and disposal contributed to the move. Digital photos by a professional photographer would be available to King County as well as the Shoreline Museum. A historic preservation professional will be required to do supplemental research on the property and Lodge that is acceptable by King County’s Historic preservation Officer.

(b) Traffic and Pedestrian Circulation

Analysis shows that the heaviest traffic impacts will occur if the property is developed as office uses. Future improvements to N. 185<sup>th</sup> Street and the Aurora Corridor by the Aurora Corridor Improvement Project will help traffic flow in this area, specifically traveling east-bound on N. 185<sup>th</sup> Street. Sidewalks, traffic signals, and crosswalks are all available at the corner of N. 185<sup>th</sup> Street and Linden Ave. N.

*Will the rezone have merit and value for the community?*

27. The proposed rezone will allow commercial and residential expansion to meet the changing needs of the community. The CB zoning category will allow commercial uses, residential uses or a mix of both uses. New buildings will have to comply with transition area requirements and the densities of the CB zone are capped at 48 units per acre.

28. This criterion is met since the rezone provides an opportunity to accommodate more jobs and multi-family dwelling units in an area not immediately adjacent to existing single-family neighborhoods and in close proximity to services and transportation.

**RECOMMENDATION**

The Planning Commission recommends that the City Council approve a rezone of one parcel located at 753 N. 185<sup>th</sup> Street from R-12 to Community Business.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Planning Commission Chair

**ATTACHMENTS**

Attachment 1- Public Comment Letters

Attachment 2- Vicinity Map of Comprehensive Plan Land Use Designations

Attachment 3- Vicinity Map of Zoning Designations

This page intentionally blank

**ITEM 7.A - ATTACHMENT A**

August 4, 2008

City of Shoreline

Planning Department


RE: Rezone Application on parcel #7285900065  
Richmond Masonic Temple  
753 N. 185th Street

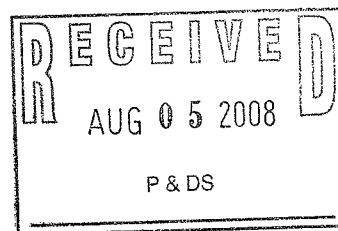
To whom it may concern:

The Richmond Masonic Temple is listed on the historic properties document prepared by King County for the City of Shoreline when the city was incorporated. The City of Shoreline funded a historical marker on the property as part of the neighborhood improvement grants. Unlike many historical properties in Shoreline this site has maintained its original purpose (Masonic Lodge) and significance in the community as a place for dances and meetings. The newspaper for the communities of Richmond Highlands and Richmond Beach in the 1920s had numerous articles about activities held at the Masonic Lodge. When the City of Shoreline created a comprehensive plan the designation for community landmark was established but has never been used by the city. Our only community landmark plaque is on the Shoreline Museum and it was designated a landmark by King County before Shoreline was a city.

Before any SEPA Determination of Non significance (DNS) is issued by the city on this property full documentation of the efforts to designate this site as a community landmark needs to be included. The participation and consultation with the designated Kind County Landmark's Commission representative needs to be included and well documented. The issue is "Community Landmark" not National Historic Site. In the City of Shoreline comprehensive plan and the agreement with King County there are very clear directions for the correct process to follow before the city issues a DNS at this site. Being as the Comprehensive Plan has goals that address historic properties in Shoreline, a full statement needs to be included in the SEPA report as to why the city of Shoreline never acted on the responsibility it has to include this site in its Community Landmarks. A statement in the DNS needs to address the efforts that the city made to enlist the participation of the property owner in the landmark process after the community members nominated it as a significant landmark.

I participated in the committee that chose the Masonic Lodge as a site for a historical marker, and suggested the language that is inscribed on the stone. The City of Shoreline should not and can not minimize in the SEPA record all the community's effort to recognize this significant property.

  
Ken Howe  
745 N. 184th Street  
Shoreline, Washington



**From:** aspi5@mac.com on behalf of Cassandra Aspinall [aspi5@mac.com]  
**Sent:** Sunday, July 27, 2008 5:33 PM  
**To:** Steve Szafran  
**Cc:** PDS  
**Subject:** Richmond Masonic Temple Assoc #201736

I live in a neighboring household to the 753 185th St parcel and received your Notice of Rezone Application. I must complain that this notice is completely impossible to understand in regards to the description of the Environmental Review.

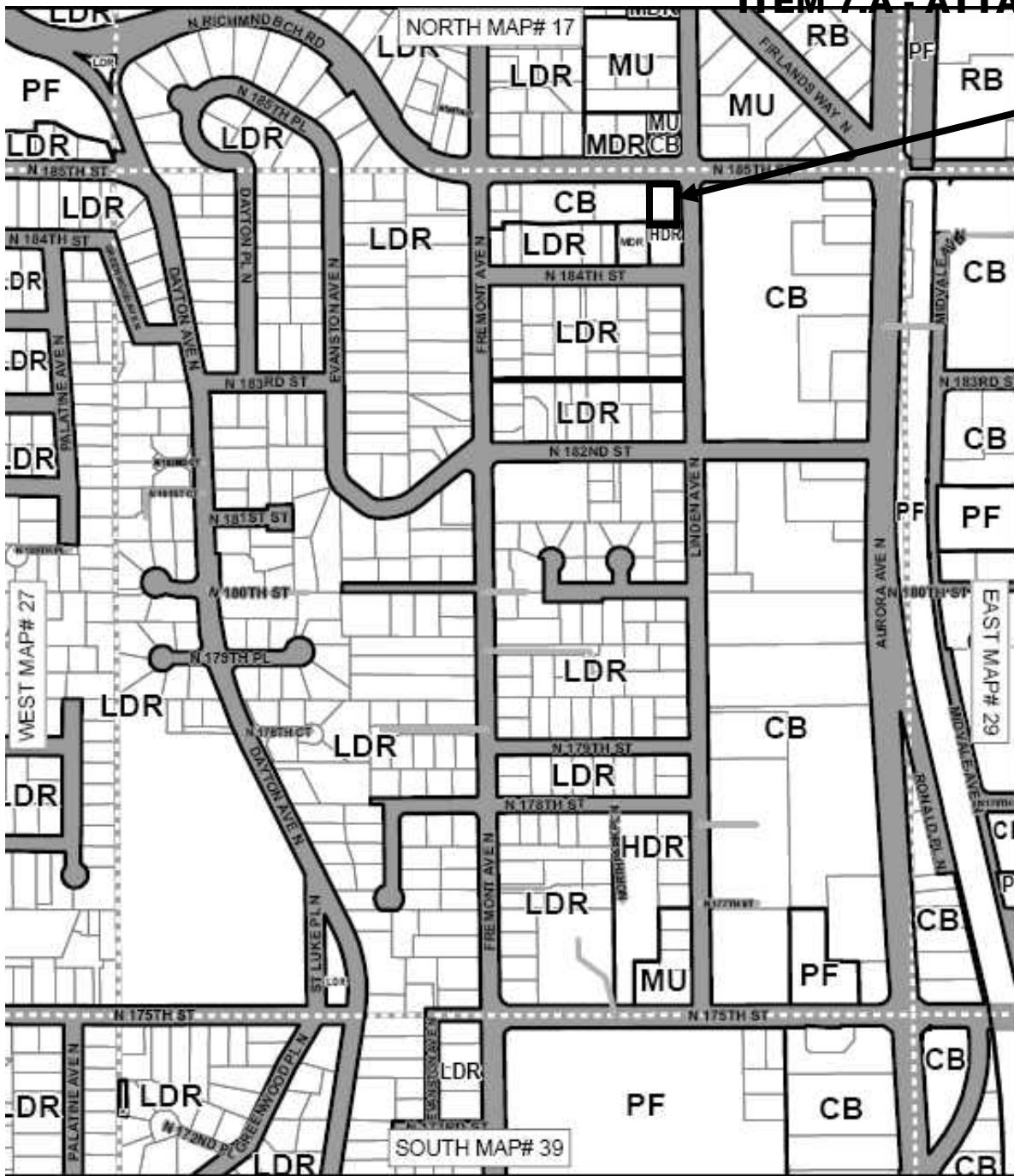
I live at 18531 Linden Ave. N, and even before the project for the James Alan Salon and this proposal move forward there are significant traffic and pedestrian safety issues. The intersection at 185th and Linden is often impassable due to high volume, timing of the light and the lack of a left turn arrow in all directions. There have been many traffic accidents as cars take risks to turn left, or block the intersection in their desperation to make progress on Linden or on 185th towards or away from Aurora Ave. Cars parked on the parking strip make it impossible to walk in the area safely, and as sidewalks are constructed in many areas around us, the area between 188th and 185th on Linden remains untouched.

I will do my best to attend the public hearing, but my husband and I work full time and have 3 children which makes it hard to carve this time out.

As there are now 2 very large projects being considered in this same intersection, I hope you will consider having a discussion about how the construction will impact the area in light of both proposals together, versus looking at them separately.

Thank you.

Cassy Aspinall



Site

CITY OF SHORELINE COMPREHENSIVE PLAN  
LAND USE MAP

Land Use Designation Legend

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| BaSSA Ballinager Special Study Area | PF Public Facility                |
| BrSSA Briarcrest Special Study Area | PSSA Paramount Special Study Area |
| CB Community Business               | PrOS Private Open Space           |
| HDR High Density Residential        | PubOS Public Open Space           |
| LDR Low Density Residential         | RB Regional Business              |
| MDR Medium Density Residential      | SFI Single Family Institution     |
| MU Mixed Use                        | SSA Special Study Area            |
| NCBD North City Business District   |                                   |

Feature Legend

- |                  |                    |
|------------------|--------------------|
| - Map Tile Lines | - Unclassified ROW |
| - City Boundary  | - Parcel Line      |



MAP # 28  
1:3,600

0 75 150 300 450 600 Feet

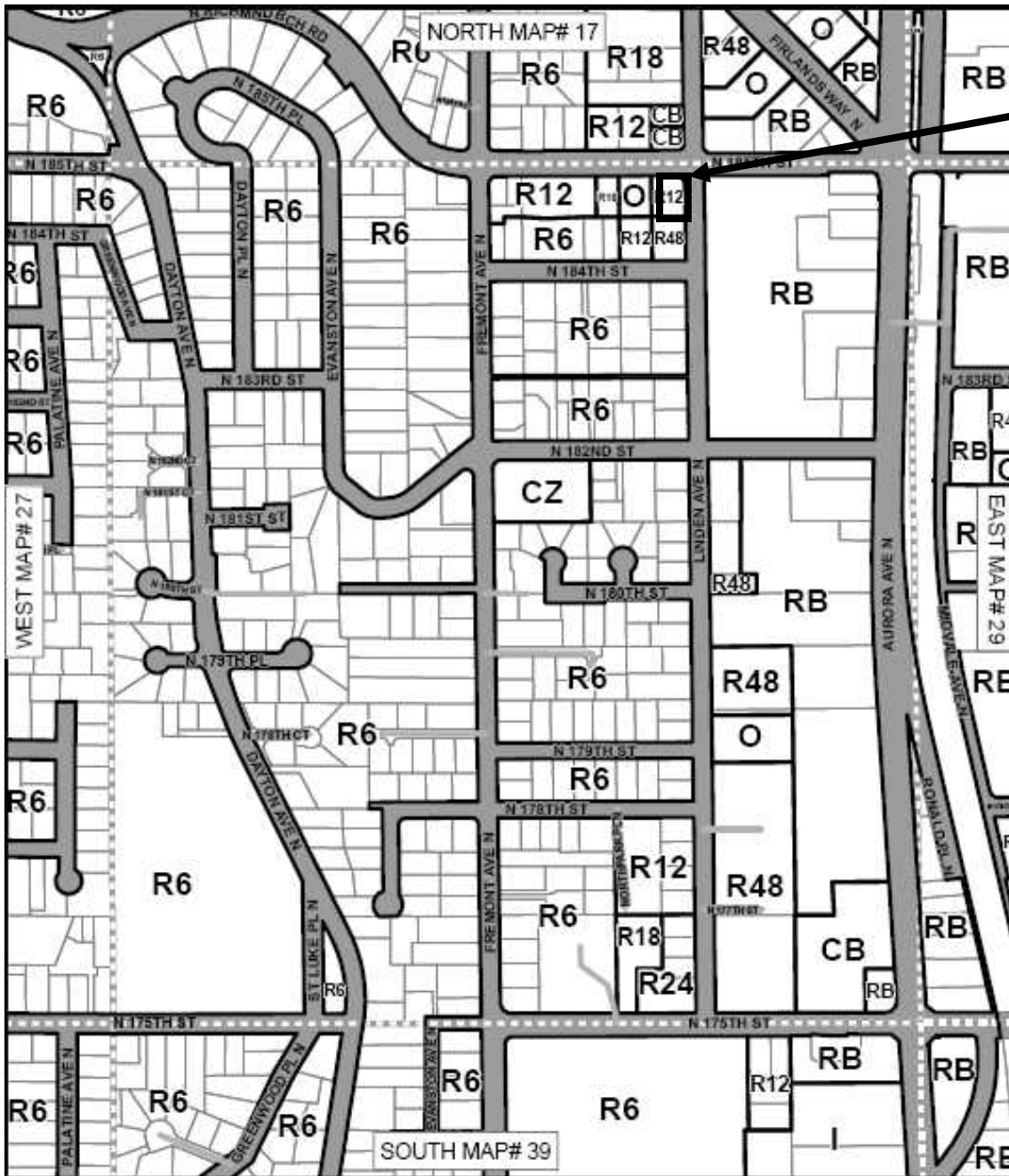
No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Representation of official Comprehensive Plan land use map adopted by City Ordinance No. 292. Shows amendments through June 21, 2006.



NW1/4-S7-T26N-R4 E

**ITEM 7.A - ATTACHMENT C**



**Site**

**CITY OF SHORELINE ZONING MAP**

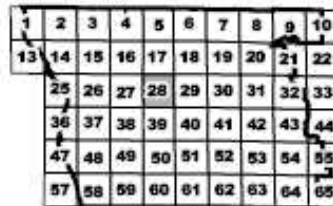
Plot Date: 5/4/2007

**Zoning Legend**

- R4 Residential, 4 units/acre
- R6 Residential, 6 units/acre
- R8 Residential, 8 units/acre
- R12 Residential, 12 units/acre
- R18 Residential, 18 units/acre
- R24 Residential, 24 units/acre
- R48 Residential, 48 units/acre
- CZ Contract Zone
- NB Neighborhood Business
- NCBD North City Business District
- CB Community Business
- O Office
- RB Regional Business
- RB-CZ Regional Business-Contract Zone
- I Industrial

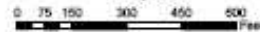
**Feature Legend**

- Map Tile Lines
- City Boundary
- Unclassified ROW
- Parcel Line



**MAP # 28**

1:3,600



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

Representation of official zoning map adopted by City Ordinance No. 292. Shows amendments through December, 2006.



NW1/4-S7-T26N-R4 E



---

**Commission Meeting Date:** September 18, 2008

**Agenda Item:** 8.A

---

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

<p><b>AGENDA TITLE:</b> Study session on amendments to the Development Code <b>DEPARTMENT:</b> Planning and Development Services <b>PRESENTED BY:</b> Jeff Forry, Permit Services Manager</p>
---

**BACKGROUND**

The City's current storm water management program consists of a combination of programs and requirements from King County, including King County Code (KCC) Title 9 and the Phase I National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit that were in place prior to incorporation. Since incorporation in August 1995, the City's storm water management program has been modified piecemeal to address new requirements. At this time, the regulatory language supporting the City's storm water management program is located in Chapter 13.10 and Chapter 20 of the Shoreline Municipal Code (SMC). The City's Engineering Development Guide and the 1998 King County Surface Water Design Manual also contain elements of the storm water management program.

In July 2005, prior to the Department of Ecology (Ecology) finalizing the current Western Washington NPDES Phase II Municipal Stormwater Permit (for small cities), the City adopted its first Surface Water Master Plan (SWM Plan). The City received its NPDES Phase II Permit from Ecology on January 17, 2007 and has five years to achieve compliance according to the milestone dates and annual reporting requirements. The City's SWM Plan anticipated many of the permit's requirements, which include a recommendation to update the City's storm water management program.

In order to consolidate the surface water management program, revisions to two chapters of the SMC – Chapter 13.10 and Chapter 20, various administrative procedures, and technical manuals are necessary. The specific amendments that affect the Planning Commission are revisions to Chapter 20 of the SMC. The amendments include revising definitions, removing the surface water management technical criteria that are to be included a new surface water design manual, and refining the adequacy of public facilities provisions.

Additional work plan items that do not directly affect the Commission, but are enumerated for clarity include:

- A new Surface Water Management Code to replace chapter 13.10 SMC. The code will adopt a surface water technical manual, include the necessary "legal authorities" now found in KCC Title 9, and implement and enhance

## **AGENDA ITEM 8.A**

new and current programs required by the Phase II Municipal Stormwater permit,

- Technical criteria and procedures to support new Code,
- Addendum to the adopted storm water technical manual so that it does not conflict with the Shoreline Development Code, appropriately identifies city departmental authorities, and maps for implementation, and
- Maps to complement the adopted manual that show erosion, critical areas, flow control, water quality, and infiltration located in Shoreline

This is the first time the Commission has been asked to consider these particular revisions; staff will present the changes and supporting rationale at the study session for Commission review and comment. It is anticipated that the Commission could conduct a public hearing on the amendments in November, 2008.

The proposed modifications are attached in legislative format (with underlining and strikeouts). In most cases, staff has included a written summary of the background and thinking that preceded the requested changes.

Jeff Forry, Planning and Development Services will attend the study session to respond to your comments. If you have questions before then, please contact Jeff by phone at 206.801.2521 or by email [jforry@ci.shoreline.wa.us](mailto:jforry@ci.shoreline.wa.us) prior to the meeting.

### **ATTACHMENTS**

- A: Proposed Development Code revisions
- B: Code section matrix
- C: Overview of Title 13 amendments

Surface Water Manual Update  
Development Code Revisions

**ITEM 8.A - ATTACHMENT A**

**PROPOSED DEVELOPMENT CODE AMENDMENTS**

SMC Section		Proposed Amendment	Rationale for Amendment	Notes
<b>Chapter 20.20 Definitions</b>				
<b>20.20.010-.060</b>	Definitions	Add, clarify, and delete terms	Various terms should be reviewed for consistency with the proposed SWM. Some definitions may be cross-referenced.	
<b>Chapter 20.30 Procedures and Administration</b>				
<b>20.30.290</b>	Variance from the engineering standards	None proposed	Review authorities / decision maker	
<b>20.30.750</b>	Declaration of public nuisance, enforcement	Add section declaring violation of 13.10 SMC a public nuisance	Language needed to comply within NPDES and coorelate to enforcement provisions in 13.10 SMC	
<b>Chapter 20.40 Zoning and Use Provisions</b>				
<b>20.40.140</b>	Permitted Uses - Other uses	Review	Regional stormwater facility is defined as a "utility facility". A utility facility requires a CUP.	
<b>Chapter 20.50 General Development Standards</b>				
<b>20.50.020(1) Table</b>	Densities and Demensions in Residential Zones	1. Refernce to cottage housing in maximum impervious surface footnote should be removed. 2. Maximum impervious surface should only be considered under the SWM and not at landuse consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDSCAPE	
<b>20.50.020(2) Table</b>	Densities and Demensions for Residential Development in Nonresidential Zones	Maximum impervious surface should only be considered under the SWM and not at landuse consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDSCAPE	
<b>20.50.150</b>	Storage space an service area location and screening - Standards	Review	Review for consistency with illicit discharge purpose, policies, and 13.10.300 SMC	
<b>20.50.160</b>	Open Space - Standards	Review	Section lists criteria for stormwater runoff tracts. May want to include "easements". Review for consistency with SWM	
<b>20.50.230 Table</b>	Dimensions for Commercial Development in Commercial Zones	Maximum impervious surface should only be considered under the SWM and not at landuse consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDSCAPE	
<b>20.50.290-370</b>	Tree Conservation, Land Clearing and Site Grading Standards	Review	Comprehensive review required. May need to incorporate reference to TESC requirements.	

Surface Water Manual Update  
Development Code Revisions

**ITEM 8.A - ATTACHMENT A**

<b>20.50.410</b>	Parking design standards	Clarify parking and driving surfaces	Parking on "approved" surfaces for all types of uses should be clarified and possibly a definition for "approved surfaces" should be provided.	
Chapter 20.60 Adequacy of Public Facilities				
<b>20.60.060</b>	Purpose	Delete	No other adequacy provision has a stated purpose. Delete or incorporate into primary purpose of chapter.	
<b>20.60.070</b>	General provisions	Retitle and amend	Rename section to Adequate Surface Water Management System. Move some clarifying language to this section.	
<b>20.60.080-100</b>		Delete	Language to be incorporated into 13.10.;200 SMC	
<b>20.60.110</b>	Construction timing and final approval	Delete	Move to 20.50 or 13.10 SMC	
<b>20.60.120</b>	Water Quality	Delete	Move to 13.10.300 SMC	
<b>20.60.130</b>	Best mangemant practices	Delete	Move to 13.10.200 SMC or include in EDG/addenda to SWM	
Chapter 20.70 Engineering Standards				
<b>20.70.020</b>	Engineering Development Guide	Clarify	May need clarifying language. Add reference to administrative provisions of 13.10 SMC	
<b>20.70.030</b>	Required improvements	Add "street" to title		
<b>20.70.035</b>	Required drainage improvements	New section	Place criteria in this section to qualify some general information and point to 13.10 SMC	
<b>20.70.060-.070</b>	Dedication of stormwater facilities		Is this the correct location for these sections?	
Chapter 20.80 Critical Areas				
<b>20.80.010-500</b>	Critical Areas		Review for potential conflicts	
Chapter 20.90 North City Business District				
<b>20.90.040 Table</b>	NCBD Site Development Standards		Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDSCAPE	

## ITEM 8.A - ATTACHMENT B

20.20.010-.060

Definitions that must be revised or reviewed

**BMP Manual**

~~A stormwater best management practices manual that presents BMPs and procedures for existing facilities and activities and for new development activities not covered by the City Surface Water Design Manual.~~

*The proposed Stormwater Manual contains BMP's a separate BMP manual is not being employed.*

**Critical Drainage Area**

~~An area which has been formally determined by the department as designated by the City Manager to require more restrictive regulation than City wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.~~

*Replaced by Special Drainage Areas.*

**Deviation to the Engineering Standards**

A mechanism to allow the City to grant an adjustment or exception/variance to the application of engineering standards.

*Term renamed to eliminate confusion with a formal land use variance. An adjustment or exception is based on the evaluation of technical engineering criteria and as such is not a "variance".*

**Erosion**

~~The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.~~

The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Also, detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

*Redefined for consistency.*

**Hardscape**

Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt.

*New term to replace "impervious" when discussing lot coverage.*

## ITEM 8.A - ATTACHMENT B

*Hardscape applies to the physical covering of the lot or tract with development.*

### **Hardscape Area**

The total area of a lot or parcel that is covered by hardscape features and surfaces.

### **High-use Site**

~~A commercial or industrial site that:~~

- ~~A. Has an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;~~
- ~~B. Is subject to petroleum storage or transfer in excess of 1,500 gallons per year, not including delivered heating oil; or~~
- ~~C. Is subject to use storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons net weight (trucks, buses, trains, heavy equipment, etc.). Also included is any road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 1,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements. (1998 King County Surface Water Design Manual)~~

High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:

- A. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;
- B. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;
- C. An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or

## ITEM 8.A - ATTACHMENT B

D. A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

*Consistency with Stormwater Manual*

**Impervious Surface** ~~Any material that prevents absorption of stormwater into the ground. A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.~~

*Consistency with Stormwater Manual*

**Infiltration Rate** ~~The rate of water entry into the soil expressed in inches per hour.~~

*Term is not used in the Development Code*

**Pervious Surface** ~~Any material that permits full or partial absorption of stormwater into previously unimproved land.~~

*Term is not used in the Development Code*

**Regional Stormwater Management Facility** A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin, ~~by the surface water management (SWM) division or a project proponent.~~ Such facilities protect downstream areas identified by the City SWM as having previously existing or predicted significant regional basin flooding or erosion problems.

*Clarify wording*

## ITEM 8.A - ATTACHMENT B

**Runoff** ~~Water not absorbed by the soil in the landscape area to which it is applied.~~

*Term is not used in the Development Code*

**Special Drainage Areas** An area which has been formally determined by the City to require more restrictive regulation than City-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development

*Critical Drainage Areas was renamed in the Stormwater Manual*

**Stormwater Manual** The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology ("Stormwater Manual")

*New title of Surface Water Design Manual*

**Wetpond** ~~An artificial water body constructed as a part of a surface water management system.~~

*Term is not used in the Development Code*



## ITEM 8.A - ATTACHMENT B

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

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

This page intentionally blank

## ITEM 8.A - ATTACHMENT B

20.30.290 ~~Variance~~ Deviation from the engineering standards (Type A action).

- A. Purpose.** ~~Variance-Deviation~~ from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant..
- B. Decision Criteria.** The ~~Department~~ Director shall grant an engineering standards ~~deviationvariance~~ only if the applicant demonstrates all of the following:
1. The granting of such ~~deviationvariance~~ will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
  2. The authorization of such ~~deviationvariance~~ will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
  3. A ~~devitaionvariance~~ from engineering standards shall only be granted if the proposal meets the following criteria:
    - a. Conform to the intent and purpose of the Code;
    - b. Produce a compensating or comparable result which is in the public interest;
    - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgement.
  4. ~~DeviationsVariances~~ from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.
  5. ~~DeviationsVariances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must meet the objectives for appearance and environmental protection.

## ITEM 8.A - ATTACHMENT B

6. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must be shown to be justified and required for the use and situation intended.
7. Deviations~~Variances~~ from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
  - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
  - b. Construction of the facility can, in practice, be successfully carried out;
  - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
8. Deviations~~Variances~~ from utility standards shall only be granted if following facts and conditions exist:
  - a. The devitaion~~variance~~ shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
  - b. The devitaion~~variance~~ is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
  - c. The granting of such devitaion~~variance~~ is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 7(a), 2000).

*Terminology changed from variance to deviation to minimize confusion with a land use variance. Variances have different standard of review and approval criteria.*

## ITEM 8.A - ATTACHMENT B

### 20.30.750 Declaration of public nuisance, enforcement.

- A. A Code Violation, as used in this subchapter, is declared to be a public nuisance and includes violations of the following:
1. Any City land use and development ordinances or public health ordinances;
  2. Any public nuisance as set forth in Chapters 7.48 and 9.66 RCW;
  3. Violation of any of the Codes adopted in Chapter [15.05](#) SMC;
  4. Any accumulation of refuse, except as provided in Chapter [13.14](#) SMC, Garbage Code;
  5. Nuisance vegetation; and
  6. Discarding or dumping of any material onto the public right-of-way, waterway, or other public property.
- [7. Violation of any of the provisions of Chapter 13.10 SMC](#)
- B. No act which is done or maintained under the express authority of a statute or ordinance shall be deemed a public nuisance. (Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 251 § 2(E), 2000; Ord. 238 Ch. III § 10(d), 2000).

*Added to implement enforcement provisions contained in revised 13.10 SMC and to comply with NPDES.*

This page intentionally blank

## ITEM 8.A - ATTACHMENT B

### 20.40.140 Other uses.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
<b>EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION</b>							
	Adult Use Facilities					P-i	P-i
71312	Amusement Arcade						P
71395	Bowling Center				C	P	P
6113	College and University				S	P	P
56192	Conference Center	C-i	C-i	C-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C			
	Gambling Uses (expansion or intensification of existing nonconforming use only)				S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i			
514120	Library	C	C	C	P	P	P
71211	Museum	C	C	C	P	P	P
	Nightclubs (excludes Adult Use Facilities)					C	P
7111	Outdoor Performance Center						S
	Parks and Trails	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)					P-i	P-i
6111	School District Support Facility	C	C	C	C	P	P
6111	Secondary or High School	C	C	C	C	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	P	P	P
71399	Sports/Social Club	C	C	C	C	P	P
6114 (5)	Vocational School	C	C	C	C	P	P
<b>GOVERNMENT</b>							
9221	Court					P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i
92212	Police Facility				S	P	P
92	Public Agency or Utility Office	S-i	S-i	S	S	P	P
92	Public Agency or Utility Yard	P-i	P-i	P-i			P-i
221	Utility Facility	C	C	C	P	P	P
	<u>Utility Facility, Regional stormwater management</u>	P	P	P	P	P	P
<b>HEALTH</b>							
622	Hospital	C-i	C-i	C-i	C-i	P-i	P-i
6215	Medical Lab					P	P
6211	Medical Office/Outpatient Clinic	C-i	C-i	C-i	P	P	P
623	Nursing and Personal Care Facilities			C	C	P	P
<b>REGIONAL</b>							
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i

## ITEM 8.A - ATTACHMENT B

	Secure Community Transitional Facility						SCTFS-i
	Transfer Station	S	S	S	S	S	S
	Transit Bus Base	S	S	S	S	S	S
	Transit Park and Ride Lot	S-i	S-i	S-i	P	P	P
	Work Release Facility						S-i
<b>P = Permitted Use</b> <b>S = Special Use</b> <b>C = Conditional Use</b> <b>-i = Indexed Supplemental Criteria</b> <b>SCTFS = Secure Community Transitional Facility Special Use</b>							

*Added to table to clarify differences between general utility facilities and stormwater management facilities.*



## ITEM 8.A - ATTACHMENT B

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

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

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (1)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
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
Min. Front Yard Setback (2) (3)	20 ft	20 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
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (6)	35%	35%	45%	55%	60%	70%	70%
Max. <u>Impervious Surface Hardscape Area</u> (2)(6)	45%	50%	65%	75%	85%	85%	90%

*(6) The maximum building coverage shall be 35 percent and the maximum impervioushardscape area shall be 50 percent for single-family detached development located in the R-12 zone, excluding cottage housing.*

*Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.*

## ITEM 8.A - ATTACHMENT B

**Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones**

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)	35 ft	60 ft	65 ft (2)
Maximum <del>Impervious Surface</del> <b>Hardscape Area</b>	85%	85%	95%

*Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.*

## ITEM 8.A - ATTACHMENT B

**Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones**

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

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) and Industrial (I) Zones
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, RB, and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (5)	35 ft (3)	60 ft	65 ft (4)
Max. <del>Impervious Surface</del> <u>Hardscape Area</u>	85%	85%	90%

*Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.*

This page intentionally blank

**20.50.160 Open space – Standards**

Exception 20.50.160(A)(3): Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:

1. The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;
2. The detention pond shall be constructed to meet the following conditions:
  - a. The side slope of the stormwater facilities shall not exceed grade 1:3 (one vertical to three horizontal) unless slopes are existing, natural and covered with vegetation,
  - b. Any bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard,
  - c. The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing, and
  - d. The stormwater facilities shall be designed so they do not require fencing pursuant to the ~~surface water design manual~~. Stormwater Manual.

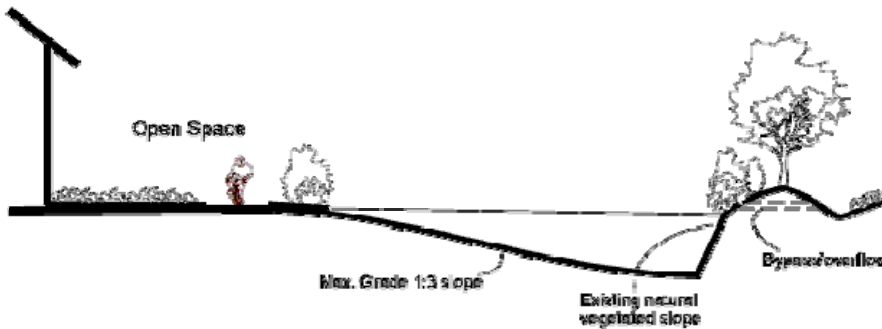


Figure Exception to 20.50.160(A)(2) and (3): Example of stormwater facility design which does not require fencing.

*Term changed to reflect changes in 13.10 SMC*

## ITEM 8.A - ATTACHMENT B

### 20.50.230 Site planning – Setbacks and height – Standards.

**Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones**

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

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) and Industrial (I) Zones
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, RB, and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (5)	35 ft (3)	60 ft	65 ft (4)
Max. <del>Impervious Surface</del> <u>Hardscape Area</u>	85%	85%	90%

*Terminology changed to implement land use provisions for lot coverage and mass. Change will eliminate discussions relative to reducing “impervious surfaces” when the original intent was to limit the development footprint. Impervious surfaces are regulated by the Stormwater Manual and are limited based on design conditions.*

### Subchapter 5. Tree Conservation, Land Clearing and Site Grading Standards – Sections 25.50.290 thru .370

A comprehensive review of this chapter is necessary.

#### 20.50.310 Exemptions from permit

- B. **Partial Exemptions.** With the exception of the general requirements listed in SMC [20.50.300](#), the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:
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 ~~critical~~ special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

*Terminology changed to be consistent with Stormwater Manual.*

This page intentionally blank



## ITEM 8.A - ATTACHMENT B

### 20.50.320 Specific activities subject to the provisions of this subchapter.

All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

- A. The construction of new residential, commercial, institutional, or industrial structures or additions.
- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a ~~critical~~ special drainage area.
- D. Removal of more than six significant trees from any property.
- E. Any clearing or grading within a critical area or buffer of a critical area.
- F. Any change of the existing grade by four feet or more.
- G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.
- H. Any land surface modification not specifically exempted from the provisions of this subchapter.
- I. ~~Construction or creation of new~~ Development that creates new, replaced or a total of new plus replaced impervious surfaces over ~~1,500~~ 2000 square feet in size, or 500 square feet in size if located in a landslide hazard area or ~~critical~~ special drainage area.
- J. Any construction of public drainage facilities to be owned or operated by the City.
- K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

## ITEM 8.A - ATTACHMENT B

- L. Any modification of, or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition).
  
- M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(D), 2000).

*The threshold is changed to be consistent with the Stormwater Manual. Threshold is more restrictive than current regulations .*

## ITEM 8.A - ATTACHMENT B

### 20.50.330 Project review and approval.

- A. **Review Criteria.** The Director shall review the application and approve the permit, or approve the permit with conditions; provided, that the application demonstrates compliance with the criteria below.
1. The proposal complies with SMC [20.50.340](#) through [20.50.370](#), or has been granted a ~~variance~~ deviation from the engineering standards.
  2. The proposal complies with all standards and requirements for the underlying permit.
  3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
  4. The project complies with all requirements of the engineering standards and ~~the SMC 13.10.200 Surface Water Design Manual~~ Management Code and adopted standards.
  5. All required ~~bonds~~ financial quarentees or other assurance devices are posted with the City.

*Terminology changed to implement Stormwater Manual and Surface Water Management Code.*

## ITEM 8.A - ATTACHMENT B

### 20.50.340 Basic operating conditions and standards of performance.

- A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in ~~the adopted stormwater management design manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards.

*Terminology changed to implement Stormwater Manual and Surface Water Management Code.*

## ITEM 8.A - ATTACHMENT B

### ~~20.60.060 Purpose.~~

~~The purpose of this subchapter is to describe requirements for new development to:~~

~~A. Reduce flooding, erosion, and sedimentation;~~

~~B. Prevent and mitigate habitat loss;~~

~~C. Enhance groundwater recharge; and~~

~~D. Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection. (Ord. 238 Ch. VI § 3(A), 2000).~~

### **20.60.070 General provisions Adequate surface water management system.**

All new development shall be served by an adequate surface water management system as follows:

- A. The proposed system is adequate if the site of the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City as defined in chapter 13.10 SMC, Surface Water Management Code and adopted standards.
- B. For the issuance of a building permit, preliminary plat approval, or other land use approval, the applicant shall demonstrate that:
  1. The existing surface water management system available to serve the site complies with the requirements of adopted rules and regulations; or
  2. The proposed improvements to an existing surface water management system or a proposed new surface water management system comply with the design standards specified above.

*Terminology changed to implement Stormwater Manual and Surface Water Management Code. Technical provisions for adequacy are located in the Stormwater Manual.*

~~For a formal subdivision, special use permit or zone reclassification, the phased installation of required surface water management improvements~~

## ITEM 8.A - ATTACHMENT B

~~shall be stated in the approving ordinance. Such phasing may require that a financial guarantee be deposited. (Ord. 238 Ch. VI § 3(B), 2000).~~

Comment: May want to move to section 20.30.360-480 regarding subdivisions.

### ~~20.60.080 Development proposal requirements.~~

~~A drainage review is required when any development proposal is subject to a City permit and any of the following:~~

- ~~A. Would add 1,500 square feet or more of new impervious surface;~~
- ~~B. Would construct or modify a public or private drainage system;~~
- ~~C. Contains or is within 100 feet of a floodplain, stream, lake, wetland or closed depression, or a critical area overlay district;~~
- ~~D. Is located within or within 100 feet of a landslide hazard area and would add 500 square feet or more of new impervious surface;~~
- ~~E. Is located within or within 100 feet of an identified critical drainage area;~~
- ~~F. Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site; or~~
- ~~G. Is a redevelopment project proposing \$500,000 or more of site improvements and would create 1,500 square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface. (Ord. 238 Ch. VI § 3(C), 2000).~~

### ~~20.60.090 Core surface water and stormwater requirements.~~

~~Every development proposal with drainage review required must meet each of the following core requirements in addition to those described in the Surface Water Design Manual.~~

- ~~A. **Core Requirement #1: Discharge at the Natural Location.** All surface water and stormwater runoff from a development proposal shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems.~~

## ITEM 8.A - ATTACHMENT B

- ~~B. **Core Requirement #2: Off-site Analysis.** The initial application submittal for development proposals shall include an off-site analysis report that contains an assessment of potential off-site drainage impacts associated with a development proposal, called a level one downstream analysis; and proposed appropriate mitigations to those impacts.~~
- ~~C. **Core Requirement #3: Flow Control.** If a development proposal would add a minimum of 1,500 square feet of new impervious surface and any related land-cover conversion, the proposal shall include facilities to meet a minimum of level two flow control requirements and the flow control implementation as specified in the Surface Water Design Manual.~~
- ~~D. **Core Requirement #4: Conveyance System.** All engineered conveyance system elements for development proposals shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual.~~
- ~~E. **Core Requirement #5: Erosion and Sediment Plan.** All development proposals that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control, in accordance with the adopted Best Management Practices (BMP) Manual, that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties.~~
- ~~F. **Core Requirement #6: Maintenance and Operation.** Development proposals shall include provisions for the maintenance of all drainage facilities. It is the responsibility of the applicant/property owner to:~~
- ~~1. Make these provisions in compliance with City maintenance standards as described in the Surface Water Design Manual, or~~
  - ~~2. Make provisions by which the City is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.~~
- ~~G. **Core Requirement #7: Financial Guarantees and Liability.** All drainage facilities constructed or modified for development projects, except downspout infiltration and dispersion systems for single-family residential~~

## ITEM 8.A - ATTACHMENT B

~~lots, must comply with the liability requirements and the financial guarantee requirements of the City.~~

~~H. **Core Requirement #8: Water Quality.** Development proposals shall provide water quality treatment facilities to treat polluted surface water and stormwater runoff generated by the addition and/or replacement of 1,500 square feet or more of pollution-generating impervious surface or one acre or more of pollutant-generating pervious surfaces. At a minimum, the facilities shall reduce pollutant loads by meeting the applicable annual average performance goals listed below for 95 percent of the annual average runoff volume:~~

~~1. Basic water quality: remove 80 percent of the total suspended solids;~~

~~2. Sensitive lake protection: remove 50 percent of the total phosphorus; and~~

~~3. Resource stream protection: remove 50 percent of the total zinc. (Ord. 238 Ch. VI § 3(D), 2000).~~

### ~~20.60.100 Special requirements.~~

~~Every development proposal required to have drainage review shall meet all of the special requirements that apply to the site. The Department shall review each development proposal and determine if any of the special requirements apply.~~

~~A. **Special Requirement #1: Other Adopted Area Specific Requirements.** This requirement applies to development proposals located in a designated critical drainage area, erosion hazard area, basin plan, or shared facility plan.~~

~~B. **Special Requirement #2: Floodplain/Floodway Delineation.** If a development proposal contains or is adjacent to a stream, lake, wetland or closed depression, then the 100-year floodplain boundaries, and floodway (if available or if improvements are proposed floodplain), shall be delineated on the site improvement plans, and on any final subdivision maps.~~

~~C. **Special Requirement #3: Flood Protection Facilities.** If a development proposal contains or is adjacent to a Class 1 or 2 stream with an existing flood protection facility, or proposes to construct a new one, then the flood protection facility(s) shall be analyzed and/or designed as specified in the Surface Water Design Manual.~~



## ITEM 8.A - ATTACHMENT B

~~D. **Special Requirement #4: Source Control.** If a development proposal requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent possible. Water quality source controls shall be applied in accordance with City Code and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.~~

~~E. **Special Requirement #5: Oil Control.** If a development proposal is a high-use site or is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual. (Ord. 238 Ch. VI § 3(E), 2000).~~

### ~~20.60.110 Construction timing and final approval.~~

~~A. No work for a permitted development related to permanent or temporary storm drainage control shall proceed without the approval of the Director.~~

~~B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:~~

~~1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan;~~

~~2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.~~

~~C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the Director of the Department only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities (when approved in writing by the Director of the Department to minimize impacts that may result from construction during inappropriate times of the year) then a bond will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.~~

## ITEM 8.A - ATTACHMENT B

~~D. When required to construct a drainage facility, the applicant shall maintain a combined single limit per occurrence liability policy. This policy shall:~~

- ~~1. Be in the amount established by the City;~~
- ~~2. Name the City as an additional insured and protect City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last.~~

~~— Proof of this required liability policy is required prior to commencing construction of any drainage facility. (Ord. 238 Ch. VI § 3(F), 2000).~~

### ~~20.60.120 Water quality.~~

~~A. The purpose of this section is to protect the City's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this section prohibits the discharge of contaminants into surface water, stormwater and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of City of Shoreline.~~

~~B. Discharges into City Waters. It is unlawful for any person to discharge any contaminants into surface water, stormwater, ground water, or Puget Sound. Contaminants include, but are not limited, to the following:~~

- ~~1. Trash or debris;~~
- ~~2. Construction materials;~~
- ~~3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;~~
- ~~4. Antifreeze and other automotive products;~~
- ~~5. Metals in either particulate or dissolved form;~~
- ~~6. Flammable or explosive materials;~~

## ITEM 8.A - ATTACHMENT B

- ~~7. Radioactive material;~~
- ~~8. Batteries;~~
- ~~9. Acids, alkalis, or bases;~~
- ~~10. Paints, stains, resins, lacquers, or varnishes;~~
- ~~11. Degreasers and/or solvents;~~
- ~~12. Drain cleaners;~~
- ~~13. Pesticides, herbicides, or fertilizers;~~
- ~~14. Steam cleaning wastes;~~
- ~~15. Pressure washing wastes;~~
- ~~16. Soaps, detergents, or ammonia;~~
- ~~17. Spa or chlorinated swimming pool water;~~
- ~~18. Chlorine, bromine, and other disinfectants;~~
- ~~19. Heated water;~~
- ~~20. Animal and human wastes;~~
- ~~21. Sewage;~~
- ~~22. Recreational vehicle waste;~~
- ~~23. Animal carcasses;~~
- ~~24. Feed wastes;~~

## ITEM 8.A - ATTACHMENT B

~~25. Bark and other fibrous materials;~~

~~26. Collected lawn clippings, leaves, or branches;~~

~~27. Silt, sediment, or gravel;~~

~~28. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test;~~

~~29. Chemicals not normally found in uncontaminated water;~~

~~30. Any hazardous material or waste, not listed above.~~

~~C. Any connection that could convey anything not composed entirely of natural surface water and stormwater directly to surface, storm, or ground water is considered an illicit connection and is prohibited with the following exceptions:~~

~~1. Connection conveying allowable discharges;~~

~~2. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State Waste Discharge Permit; and~~

~~3. Connections conveying effluent from onsite sewage disposal systems to subsurface soils.~~

~~D. The following types of discharges shall not be considered prohibited discharges unless the Director determines that the type of discharge, whether singly or in combination with others, is causing significant contamination to surface, storm, or ground water, or damage to a built or natural surface or stormwater conveyance system, including erosion damage:~~

~~1. Potable water;~~

~~2. Potable water line flushing;~~

## ITEM 8.A - ATTACHMENT B

- ~~3. Uncontaminated water (including sedimentation) from crawl space pumps or footing drains;~~
  - ~~4. Lawn watering;~~
  - ~~5. Residential car and boat washing;~~
  - ~~6. Dechlorinated swimming pool water;~~
  - ~~7. Materials placed as part of an approved habitat restoration or bank stabilization project;~~
  - ~~8. Natural uncontaminated surface water or ground water;~~
  - ~~9. Flows from riparian habitats and wetlands;~~
  - ~~10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;~~
  - ~~11. Common practices for water line or water well disinfection; and~~
  - ~~12. Other types of discharges as determined by the Director.~~
- ~~E. A person shall not be in violation of discharge regulations if the following conditions exist:~~
- ~~1. That person has properly designed, constructed, implemented and is maintaining BMPs, and contaminants continue to enter surface water and stormwater or ground water;~~
  - ~~2. The person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.~~
- ~~—The said person however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or~~

## ITEM 8.A - ATTACHMENT B

~~other discharges that allow contaminants to enter surface water and stormwater or ground water.~~

- ~~3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this section, to avoid an imminent threat to public health or safety, shall be exempt from this section. In such a case, steps should be taken to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, recurrences shall be restricted by evaluating BMPs and the site plan, where applicable. The City shall be notified of the occurrence as close to the incident date as is feasible. (Ord. 238 Ch. VI § 3(G), 2000).~~

*Moved to new subchapter in SMC 13.10.300 Enforcement authority – Public Works.*

**20.60.130 Best management practices.**

~~A. The City adopts “Urban Landuse BMPs, Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin” (DOE SWMM), and future amendments by reference as the Source Control BMP Manual for the City of Shoreline.~~

**B. Applicability.**

~~1. Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the City’s manual, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make their plan available to City upon request. Qualifying exemptions include, but are not limited to, persons who are:~~

~~a. Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;~~

~~b. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;~~

~~c. Implementing BMPs in compliance with the management program of the City’s municipal NPDES permit;~~

~~d. Identified by the Director as being exempt from this section.~~

~~2. Persons conducting normal single-family residential activities will not be required to implement the BMPs prescribed in the City’s BMP Manual, unless the Director determines that these activities pose a hazard to public health, safety, or welfare. (Ord. 238 Ch. VI § 3(H), 2000).~~

*Stormwater Manual contains the required BMP’s and the administrative authorities to implement the various requirements.*

**20.70.030 Required street improvements.**

*Title clarifies content of this section.*

**20.70.035 Required stormwater drainage facilities**

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. Stormwater drainage improvements shall meet the minimum requirements of the Stormwater Manual.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. These provisions shall apply to all development and redevelopment, as defined in the Stormwater Manual.

*Provides enabling language to direct users to appropriate standards.*



## ITEM 8.A - ATTACHMENT B

20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.

- A. The property owner and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility that is:
1. Under a maintenance guarantee or defect guarantee;
  2. A private road conveyance system;
  3. Released from all required financial guarantees prior to date of this Code;
  4. Located within and serving only one single-family residential lot;
  5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
  6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
  7. Previously terminated for assumption of maintenance responsibilities by the Department; or
  8. Not otherwise accepted by the City for maintenance.
- B. Prior to the issuance of any of the permits for any multifamily or nonresidential project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the property owner of a City determination that maintenance and/or repairs

## ITEM 8.A - ATTACHMENT B

are necessary to the facility and a reasonable time limit in which such work is to be completed.

1. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the county.
  
  2. The City may enforce the restrictions set forth in the declaration of covenant provided in the ~~Surface Water Design Manual~~ [SMC 13.10.200 Surface Water Management Code and adopted standards.](#)
- C. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case by case basis. (Ord. 238 Ch. VII § 2(C-2), 2000).

*Terminology changed to implement Stormwater Manual and Surface Water Management Code.*

Table 20.90.040 – North City Business District Site Development Standards

Standards	Main Street 1	Main Street 2
Maximum front (street setback)	0 ft. (3) (4)	10 ft. (1) (3) (4)
Minimum side and rear yard setback from nonresidential zones	0 ft. (5)	0 ft. (5)
Minimum side and rear yard setback from residential zones	15 ft.	15 ft.
Base height	60 ft.	60 ft.
Upper floor setback (transition line) for all portions of a building along street and edges along adjacent residential zones	10 ft. (2) (4)	10 ft. (2) (4)
Maximum <del>impervious surface</del> <a href="#">Hardscape Area</a>	85%	85%

**Chapter 13.10**  
**Surface Water Management Code**

**Subchapter 1. Surface Water Utility**

*Note to reader: This subchapter established the SWM utility, who is in charge of it, how fund dollars can be used, points to the fee schedule, and establishes right of entry to measure impervious surface or other stormwater related items on private property to ensure the proper fee is charged.*

- 13.10.100 Purpose
- 13.10.110 Authority
- 13.10.120 General Provisions
- 13.10.130 Rates
- 13.10.140 Right of Entry

**Subchapter 2. Surface Water Management Code**

*Note to reader: This subchapter establishes the authority, standards, and inspections required to ensure stormwater from development and redevelopment activities do not adversely impact residents, businesses, City infrastructure, or aquatic resources.*

- 13.10.200 Purpose
- 13.10.205 Definitions
- 13.10.210 Adoption of Stormwater Management Manual
- 13.10.215 Authority
- 13.10.220 Applicability and Standards
- 13.10.225 Minimum Requirements
- 13.10.230 Special Drainage Areas
- 13.10.235 Inspections
- 13.10.240 Record Drawings and Certifications
- 13.10.245 Operation and Maintenance

**Subchapter 3. Water Quality**

*Note to reader: This subchapter establishes the authority and inspections required to prevent degradation of water quality in the City's stormwater system and waters of the State from any activity (except for those permitted by the Western Washington Municipal Stormwater Permit).*

- 13.10.300 Purpose
- 13.10.310 Definitions
- 13.10.315 Authority
- 13.10.320 Discharges Into City Waters
- 13.10.330 General Requirements
- 13.10.340 Inspections and Investigations

**Subchapter 4. Violations**

- 13.10.400 Violations
- 13.10.410 Violation of Federal and State Guidelines