

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

<p>AGENDA TITLE: Study Session on Proposed Development Code Revisions, Application 301606</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PRESENTED BY: Steve Cohn, Senior Planner Steven Szafran, AICP, Associate Planner</p>

SUMMARY

Periodically staff presents a group of Development Code amendments for consideration. These amendments are usually developed by staff, but at times, members of the public also propose amendments.

BACKGROUND / ANALYSIS

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

The proposed amendments include submittals from the Planning and Development Services Director, City Attorney, and Public Works. The public has not proposed any of the amendments.

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

TIMING & SCHEDULE

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

DATE DES	CRIPITION
April 2010	<ul style="list-style-type: none">• Notify Commerce of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.• Issue SEPA Notice of Application.
May 2010	<ul style="list-style-type: none">• Proposed Amendments advertised in <u>Seattle Times</u>, city website, and posting locations throughout the city.• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.• Planning Commission Public Hearing on proposed amendments.• Planning Commission deliberation and record recommendation to City Council on approval or denial of proposed amendments (unless further meetings are required).
June 2010	<ul style="list-style-type: none">• City Council consideration and decision on proposed amendments.

PROPOSED AMENDMENTS

The purpose of this study session is to:

- Review the proposed development code revisions
- Allow staff to respond to questions regarding the proposed revisions
- Identify any additional information that staff should research prior to the hearing

The amendments listed below will be included in the public hearing, unless the Commission decides at the April 15 study session to remove them. The amendments are described below together with a summary of the staff's thinking as to why the change should be considered.

The amendments are organized into four categories:

1. Past administrative orders that must be codified
2. Minor amendments that are clarifying
3. Amendments that are in direct conflict with state law and must be changed
4. Policy changes that require greater analysis by the Planning Commission

Because there are a number of proposed changes, staff intends to summarize the amendments proposed in categories 1 through 3 and use most of the study session time discussing amendments in Category 4 with the Commission. If Commissioners would like staff to focus on specific amendments in Categories 1-3 in its presentation, please contact staff prior to the April 15 meeting so that we can prepare additional background information.

Category 1: Amendment based on the need to codify an issued Administrative Order:

20.30.680 Appeals

The amendment corrects a conflict with State law requiring that procedural SEPA appeals be consolidated with the predecisional hearing if one is held and also be heard by the same hearing body or officer. In our code the SEPA appeal is heard by the Hearing Examiner in all cases but the predecisional hearing is held by the Planning Commission for most Type C actions. The amendment removes the administrative appeal for a DNS on Type C actions where the Planning Commission makes the recommendation after hearing. Alternative amendments would be to have the Hearing Examiner hold predecisional hearings on all Type C actions or have the Planning Commission conduct SEPA appeals.

The amendment also removes substantive SEPA appeals including conditions in a DNS or denial based on SEPA authority for all Type C actions. Substantive appeals unlike procedural SEPA threshold appeals may not be consolidated with a predecisional hearing on the merits of the proposal, but must be consolidated with an administrative appeal of the decision itself. There is no appeal authority of Type C action, these SEPA appeals must be brought together with appeal of the underlying decision in Superior Court. Former B ,C and D are combined in new A (1) and (2) to specify when substantive appeals are allowed rather than using the existing "if any" language.

Finally the provision allowing an extra seven days for a SEPA appeal is clarified to add the additional requirement of WAC197-11-680(3)(vi)(D) that the permit decision is filed at the same time as the DNS and not simply all DNS that receive public comment. The City uses the optional DNS process for most permits which avoids duplicate comment on the DNS and for which additional appeal time is not required.

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

~~B. Appeals of threshold determinations are procedural SEPA appeals which are conducted by the Hearing Examiner pursuant to the provisions of Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals, subject to the following:~~

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal and procedural appeals shall be consolidated in all cases with substantive

SEPA appeals, if any, involving decisions to condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

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

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

4. ~~All SEPA~~ An appeals of a DNS for actions classified in SMC 20.60.060 as Type A, B, or those C actions with the Hearing Examiner as Review Authority, and appeals of decisions to condition or deny actions pursuant to RCW 43.21C.060 classified as Type A or B actions, in Chapter 20.30 SMC, Subchapter 2, Types of Actions, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A, B, or C actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. For all other actions not classified as Type A, B, or C actions in Chapter 20.30 SMC, Subchapter 2, Types of Actions, no administrative appeal of a DNS is permitted.

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

~~C. The Hearing Examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.~~

~~D. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. See Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearing and Appeals.~~

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

Category 2: Minor amendments that clarify existing language:

20.20.016 D definitions.

This is a new definition to assist in the application of certain criteria for accessory structures and detached dwellings. Ordinance 406 changed every reference to "Director or designee" to just "Director", but the intent was to change it everywhere except the definition section.

Detached Buildings with exterior walls separated by a distance of 5 feet. To be consistent with this definition projections between buildings must be separated by a minimum of 3 feet.

Director Planning and Development Services Director or designee.
(Ord. 406 § 1, 2006).

20.20.046 S Definitions

These three new definitions incorporate into the Development Code a previous Administrative Order signed by the Planning and Development Services Director.

1. Secure Community Transitional Facility (SCTF) - A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTFs shall not be considered Community Residential Facilities.

2. Senior Citizen Affordable Housing

Households with:

- A. Income no greater than 60% of the King County median gross income, adjusted for household size; and
- B. At least one occupant is 55 years of age or older; and
- C. A maximum of 3 occupants per dwelling unit.

3. Senior Citizen Assisted Housing - Housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 55 years of age or older per unit, and must include at least two of the following support services:

- A. Common dining facilities or food preparation service
- B. Group activity areas separate from dining facilities
- C. A vehicle exclusively dedicated to providing transportation services to housing occupants
- D. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.

Table 20.30.060.

This amendment removes the Street Vacation process from the Development Code and references Chapter 12.17 of the Shoreline Municipal Code; the process set forth in the Development Code conflicted with that set forth in Chapter 12.17. Chapter 12.17 is an existing chapter entitled “Street Vacation” that sets forth all requirements, timelines and approvals required by state law.

8. Street Vacation	PC (3) See Chapter 12.17 SMC	PC (3) See Chapter 12.17 SMC	City Council See Chapter 12.17 SMC	120 days See Chapter 12.17 SMC	See Chapter 12.17 SMC
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20.30.070 Legislative Decisions

This amendment removes the words “open record” before public hearing; legislative hearings are public hearings, but they are not considered “open record” public hearings. The term “open record public hearings” only applies to quasi-judicial hearings, not legislative hearings. The term “open record public hearing” is defined in state law and, by definition, does not apply to legislative hearings. The word “usually” is removed as well because all legislative decisions include a hearing; the word “the” is removed just as a language clean-up.

Table 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Open Record Public Hearing	Decision Making Authority (in accordance with State law)	Section
1. Amendments and Review of the Comprehensive Plan	PC(1)	City Council	20.30.340
2. Amendments to the Development Code	PC(1)	City Council	20.30.350

(1) PC = Planning Commission

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

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

There is no administrative appeal of legislative actions of the City Council but they may be appealed together with any SEPA threshold determination according to State law.

20.30.150 Public notice of decision.

This is a cleanup amendment. The Notice of Decision shall be posted for all Type B and C actions, not just site specific proposals.

For Type B and C actions, the Director shall issue and mail a notice of decision to the parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision. The notice of decision may be a copy of the final report, and must include the threshold determination, if the project was not categorically exempt from SEPA. The notice of decision will be posted and published in the newspaper of general circulation for the general area in which the proposal is located ~~and posted for site-specific proposals.~~

20.30.160 Expiration of vested status of land use permits and approvals.

Master Development Plan Permits have different vesting timelines and need to be indicated in this code section.

Except for subdivisions and master development plans or where a shorter duration of approval is indicated in this Code, vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

20.30.460 Effect of changes in statutes, ordinances, and regulations ~~rezones~~.

Change in the section title only. The language states below that the zoning or code has been changed so the title needs to reflect not just rezones, but any change in statutes, ordinances, and regulations.

The owner of any lot in a final plat filed for record shall be entitled to use the lot for the purposes allowed under the zoning in effect at the time of filing of a complete application for five years from the date of filing the final plat for record, even if the property zoning designation and/or the Code has been changed. (Ord. 352 § 1, 2004; Ord. 238 Ch. III § 8(k), 2000).

20.30.410 Preliminary subdivision review procedures and criteria.

Review criteria: The following criteria shall be used to review proposed subdivisions:

C. Dedications and improvements.

~~1. The City Council may require dedication of land in the proposed subdivision for public use.~~

1. ~~2.~~ Only the City Council may approve a dedication of park land. The council may request a review and written recommendation from the Planning Commission.

~~3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.~~

~~4. Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.~~

~~D. Improvements.~~

2. In addition, the City Council may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities and Chapter 20.70 SMC, Engineering and Utilities Development Standards necessary to mitigate project impacts to utilities, right-of-way, stormwater systems.

a. Required improvements which may include be required, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

~~2. Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.~~

~~Time limit: Approval of a preliminary formal subdivision or preliminary short subdivision shall expire and have no further validity at the end of three years of preliminary approval.~~

~~3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.~~

~~4. Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.~~

20.30.200 General description of appeals.

The SMC is currently silent on how Type A decisions are appealed. The changes here clarify how to appeal a Type A – no administrative appeal, so appeals are made to the Superior Court.

A. Administrative decisions (Type B) are appealable to the Hearing Examiner who conducts an open record appeal hearing.

B. Appeals of City Council decisions, ministerial decisions (Type A) without an administrative appeal, and appeals of an appeal authority's decisions shall be made to the Superior Court.

20.30.740 Declaration of public nuisance, enforcement.

This amendment completes the cross references in the SMC.

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. Violation of provisions of Chapter 12.15 SMC, Use of Right of Way;
54. Any accumulation of refuse, except as provided in Chapter 13.14 SMC, Solid Waste Code;
65. Nuisance vegetation;
76. Discarding or dumping of any material onto the public right-of-way, waterway, or other public property; and
87. Violation of any of the provisions of Chapter [13.10](#) SMC, Surface Water Management Code.

20.50.030 Lot width and lot area – Measurements.

All easements, including access easements, need to fit within the required lot width.

A. Lot width shall be measured by scaling a circle within the boundaries of the lot; provided, that any ~~access~~ easement shall not be included within the circle.

20.50.110 Fences and walls – Standards.

Sections removed from Development Code with revisions to 20.70.

- A. The maximum height of fences located along a property line shall be six feet, subject to the site clearance provisions of in the Engineering Development Guide SMC 20.70.170-20.70.180, and 20.70.190(C). (Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high).
- B. All electric, razor wire, and barbed wire fences are prohibited.
- C. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet. (Ord. 406 § 1, 2006; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 2(B-5), 2000).

20.50.125 Thresholds – Required site improvements.

All references to 20.70.030 have changed to 20.70 in all sections that relate to thresholds (20.50.125, .225, .385, .455, and .535).

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). [20.70](#) (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.225 Thresholds – Required site improvements.

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). [20.70](#) (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.385 Thresholds – Required site improvements.

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). [20.70](#) (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.455 Thresholds – Required site improvements.

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). [20.70](#) (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.535 Thresholds – Required site improvements.

Note: For thresholds related to off-site improvements, see SMC [20.70.030](#). [20.70](#) (Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.470 Street frontage landscaping – Standards.

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

Language was ambiguous and fragmented in this section.

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

Statement was fragmented.

- C. Frontage landscaping between the building and the property line may can be substituted reduced in multifamily, commercial, office, and industrial zones with two-inch caliper if street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees if the building is located consistent with the provisions of SMC 20.50.230, Exceptions to Table 20.50.230(1).

This section eliminates the technical standards. The street section in the Engineering Development Guide determines the type of treatments for street trees/landscaping.

- ~~D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC 20.50.520(O) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).~~

Sight-distance criteria are part of the technical standards in the Engineering Development Guide. Without the specific criteria in (E) this section wasn't needed.

- ~~DE. Any new development in the MUZ shall require All surface parking areas, outdoor storage areas, and equipment storage areas serving new development in the MUZ to shall be screened from the public right-of-way and adjacent residential land uses. Street frontage screening shall consist of locating the above areas behind buildings, in underground or structured parking, or behind a 4-foot masonry wall with a 10 foot width of Type II landscaping between the wall and property line, behind buildings, within underground or structured parking back of sidewalk. When adjacent to single family residential, a 20-foot width of Type I landscaping is required.~~

This section has been modified to clarify intent.

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

Technical specifications for tree placement Best Management Practices are part of the standards contained in the Engineering Development Guide and these provisions may conflict. Term “trees” replaced with “landscaping to allow for alternative forms of amenity treatments based on road design.

A. ~~Street trees must be two-inch caliper and planted no more than 40 feet on center and selected from the City-approved street tree list. Placement of street trees can be adjusted to avoid conflict with driveways, utilities, and other functional needs while including the required number of trees. When frontage improvements are required by SMC 20.70.210 Street trees landscaping is are required for in all commercial, office, industrial, multifamily zones, and for single-family subdivisions for all arterial streets.~~

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

C. ~~Trees must be:~~

- ~~1. Planted in a minimum four-foot wide continuous planting strip along the curb; or~~
- ~~2. Planted in tree pits minimally four feet by four feet where sidewalk is no less than eight feet wide. If the sidewalk is less than eight feet wide, a tree grate may be used if approved by the Director; or~~
- ~~3. Where an existing or planned sidewalk abuts the curb, trees may be planted four feet behind that sidewalk on the side opposite the curb~~

D. ~~Street trees will require five-foot staking and root barriers between the tree and the sidewalk and curb.~~

E. ~~Tree pits require an ADA compliant iron grate flush with the sidewalk surface.~~

BF. Street trees landscaping must meet the standards for the specific street classification abutting the property as depicted requirements in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City approved street tree list.

20.50.520 General standards for landscape installation and maintenance – Standards.

These amendments rewrite the sections to add clarity and to generally read better.

- O. Landscape plans and utility plans shall be coordinated. ~~In general,~~ The placement of trees and large shrubs ~~shall should adjust to~~ accommodate the location of required ~~utilities utility routes~~ both above and below ground. Location of plants and trees shall be based on the ~~plant's~~ mature canopy and root mat width. Root mat width is assumed to be the same width as the canopy. ~~unless otherwise documented in a credible print source.~~ Mature tree and shrub canopies may not reach an above ground utility such as street lights and power-lines. Mature tree and shrub root mats may overlap utility trenches as long as ~~approximately~~ 80 percent of the root mat area is unaffected.
- P. Adjustment of plant location does not reduce the number of plants required for landscaping.
- Q. Site distance ~~triangle shall be established for~~ and visual clearances consistent with ~~SMC 20.70.170 the Engineering Development Guide driveway exits and entrances and street corners~~ shall be maintained.

20.60.140 Adequate streets.

This amendment is self-explanatory.

- A. Development Proposal Requirements. All new proposals for development that would generate 20 or more new trips during the p.m. peak hour must submit a traffic study at the time of application. The estimate of the number of trips a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers. The traffic study shall include at a minimum:....

20.80.110 Critical areas reports required.

Critical area reports should also be required for non-designated critical areas as not all critical areas have been identified within the City limits.

If uses, activities or developments are proposed within ~~designated~~ critical areas or their buffers, an applicant shall provide site-specific information and analysis as determined by the City. The site-specific information must be obtained by expert investigation and analysis. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC [20.20.042](#), who are approved by the City or under contract to the City. (Ord. 515 § 1, 2008; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006).

20.80.350 Mitigation performance standards and requirements.

This amendment is self-explanatory.

Monitoring Program and Contingency Plan.

1. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.
2. A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable financial guarantee is required to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal 125 percent of the cost of the mitigation project and include the cost for monitoring for a minimum of five years. The bond may be reduced in proportion to work successfully completed over the period of the bond. The bonding period shall coincide with the monitoring period.

Category 3: Amendments necessary to comply with state law:

20.30.180 Public notice of public hearing.

This corrects the public notice time period for open record hearings from 14 days to 15 days. RCW 36.70B.110(3) requires 15 day notice. Planning and Development Services, in practice, gives 15 day notice; this is just a clean-up to ensure our code reflects state law.

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 44 15 days prior to the hearing, through use of these methods:

20.30.410 Preliminary subdivision review procedures and criteria.

Changes to this section are intended to establish time limits for the expiration of preliminary and final approval of subdivisions that are consistent with the RCW. Recent bill signed by the governor established new time limits that sunset in 2014. Additional modifications are intended to reduce the wordiness and provide consistency with other code language regarding dedications.

The ~~preliminary~~ short subdivision may be referred to as a short plat – Type B action.

The ~~preliminary~~ formal subdivision may be referred to as long plat – Type C action.

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

All lots in a final short plat or final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for the period specified in RCW 58.17.170 from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150 (1) and (3) for the period specified in RCW 58.17.170 after final plat approval unless the Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

20.30.353 G. Master Plan Vesting Expiration.

The Shoreline Community College found .353G ambiguous in its reference to 10 and 5 year reviews and the status of vesting under the plans. It is also unclear how revisions for consistency would be processed.

This amendment removes the conflicting five year reference and allows master development plans to vest for ten year periods from issuance or major amendment. Under its approval criteria, the plan may serve as a developer agreement and include phasing that extends development rights beyond 10 years under conditions approved in the plan. Approval is an investment of considerable staff and community resources and should be valid for more than the standard two years for other land use approvals, or five year for plats. Unlike a CUP or SUP that can and should revert to underlying zoning if not used, the master development plan permit is the zoning for campus zones. Capital planning for the state campuses also requires a longer implementation period.

Rather than a mandatory plan expiration and renewal, the master development plan permit vesting will expire, but the plan will continue, with the City reserving the right to make revisions for consistency with current codes and policies after ten years, and this revision may be coordinated with other code changes when they occur rather than waiting for the next five year review opportunity. The staff revisions may be accepted by the owner, or if not, the city will initiate a major amendment at no cost to the owner, which is processed as a new master development plan (Type C action). Section .160 amendments support the amendment to .353G.

A master development plan's determination of consistency under RCW 36.70B.040 shall vest for ten years after issuance or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. After ten years, the Planning Commission may review the master development plan permit for consistency with current City's vision, Goals, Strategies (such as the Economic Development Strategy, Housing Strategy, Environmental Sustainability Strategy) comprehensive Plan and other sections of the Development Code. If changes are recommended, staff shall initiate a major amendment under this section to achieve consistency unless the revision is approved by the owner.

Category 4: Amendments that would result in changing current City Policy:

20.40.210 Accessory dwelling units.

In discussions of the Citywide Vision Statement, the Housing Strategy, and the SE Neighborhoods Subarea, there was support for allowing detached accessory dwelling units on lots smaller than 10,000 square feet. Staff had been considering proposing this change as a pilot project for the SE Neighborhoods subarea, but because there has been support in various citywide discussions, it is being proposed as a citywide code amendment.

Currently, attached ADUs are permitted in all residential zones if development meets the setback requirements in that zone; however, detached ADUs are only permitted on lots of more than 10,000 square feet. The 10,000 square feet rule is arbitrary and unnecessarily limiting, especially if there is potential for re-use of an existing building, such as a detached garage. This makes more sense from a sustainability standpoint. If the development can meet all of the setbacks and coverage regulations, they should be able to have a detached ADU regardless of lot size.

- B. Accessory dwelling unit may be located in the principal residence, or in a detached structure. ~~on a lot that is at least 10,000 square feet in area.~~

20.30.350 Amendment to the Development Code (legislative action).

Criteria 2 and criteria 3 (proposed to be removed) are identical and duplicative. If it's not adverse to the public health, safety and welfare, then it is in the best interest of the citizens and property owners.

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

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; ~~and~~
3. ~~The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.~~

20.30.760 Notice and orders.

(H) is removed because the Planning and Development Services Department wants more flexibility on when to revoke or modify a Notice and Order. The City does not want to have to defend the revocation or modification that does not specifically meet the requirements in section (H).

- F. Service of a notice and order shall be made on any responsible party by one or more of the following methods:

1. Personal service may be made on the person identified as being a responsible party.
2. Service directed to the landowner and/or occupant of the property may be made by posting the notice and order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.
3. Service by mail may be made for a notice and order by mailing ~~two copies, postage prepaid, one by ordinary first class mail and the other~~ by certified mail, to the responsible party at his or her last known address, at the address of the violation, or at the address of their place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. The City may mail a copy, postage prepaid, by ordinary first class mail. Service by mail shall be presumed effective upon the third business day following the day the notice and order was mailed.

The failure of the Director to make or attempt service on any person named in the notice and order shall not invalidate any proceedings as to any other person duly served.

- G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated, the Director shall issue a certificate of compliance to the parties listed on the notice and order. The responsible party is responsible for filing the certificate of compliance with the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.
- H. ~~The Director may revoke or modify a notice and order issued under this section if the original notice and order was issued in error or if a party to an order was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation. Whenever there is new information or a change in circumstances, the Director may add to, rescind in whole or part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this section.~~
- H. I. Failure to correct a Code Violation in the manner and within the time frame specified by the notice and order subjects the responsible party to civil penalties as set forth in SMC 20.30.770.
 1. Civil penalties assessed create a joint and several personal obligation in all responsible parties. The City Attorney may collect the civil penalties assessed by any appropriate legal means.
 2. Civil penalties assessed also authorize the City to take a lien for the value of civil penalties imposed against the real property of the responsible party.
 3. The payment of penalties does not relieve a responsible party of any obligation to cure, abate or stop a violation.

(Ord. 515 § 1, 2008; Ord. 469 § 1, 2007; Ord. 466 §§ 2, 3, 2007; Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 238 Ch. III § 10(f), 2000. Formerly 20.30.770).

20.30.770 Enforcement provisions.

Staff has concluded that a fine of 1,000 dollars does not change behavior in some offenders, that is to say, even with the existing fine, there are some repeat offenders. The code enforcement officer believes by doubling the fine, offenders may be more willing to comply with the City's regulations.

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

- a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:
 - i. The resulting increase in market value of the property; and
 - ii. The value received by the responsible party; and
 - iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and
- ~~b. A penalty of \$1,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and~~

~~b. e.~~ A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

3. A penalty of \$1,000 \$2,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and

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

5. ~~4.~~ Under RCW 59.18.085, if, after 60 days from the date that the City first advanced relocation assistance funds to displaced tenants, the landlord does not repay

the amount of relocation assistance advanced by the City, the City shall assess civil penalties in the amount of \$50.00 per day for each tenant to whom the City has advanced a relocation assistance payment.

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

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

- a. The notice and order was issued in error; or
- b. The civil penalties were assessed in error; or
- c. Notice failed to reach the property owner due to unusual circumstances; or
- d. Compelling new information warranting waiver has been presented to the Director since the notice and order was issued and documented with the waiver decision.

20.40.400 Home occupation.

This amendment is based on discussions between the Assistant Director of PADS and City Council. The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

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

- A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.
- B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).
- C. No more than ~~one~~ two nonresident FTEs working on-site shall be employed by the home occupation(s).
- D. The following activities shall be prohibited in residential zones:
 1. Automobile, truck and heavy equipment repair;
 2. Auto body work or painting; and
 3. Parking and storage of heavy equipment.

- E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:
 - 1. One stall for a each nonresident FTE employed by the home occupation(s); and
 - 2. One stall for patrons when services are rendered on-site.
- F. Sales shall be limited to:
 - 1. Mail order sales; and
 - 2. Telephone or electronic sales with off-site delivery.
- G. Services to patrons shall be arranged by appointment or provided off-site.
- H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
 - 1. No more than ~~one~~ two such vehicles shall be allowed;
 - 2. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and
 - 3. Such vehicles shall not exceed a ~~weight capacity of one ton~~ gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.
- I. The home occupation(s) shall not use electrical or mechanical equipment that results in:
 - 1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or
 - 2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or
 - 3. Fluctuations in line voltage off-premises; or
 - 4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.
- J. Home occupations that are entirely internal to the home; have no employees in addition to the resident(s); have no deliveries associated with the occupation; have no on-site clients; create no noise or odors; do not have a sign, and meet all other requirements as outlined in this section may not require a home occupation permit.

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

20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

The change in #2 is necessary because it is structurally impossible to extend a pole without increasing its diameter. The deletion of 4c is necessary because wireless facilities located on private property do not get advertized but wireless facilities within the right-of-way do.

F. Structure-Mounted Wireless Telecommunication Facilities Standards.

1. Wireless telecommunication facilities located on structures other than buildings, such as light poles, flag poles, transformers, existing monopoles, towers and/or tanks shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. (Figures 9 and 10.)
2. The maximum height of structure-mounted facilities shall not exceed the base height limits specified for each zoning designation in this title regardless of exceptions for the particular mounting structure; provided the facility may extend up to 15 feet above the top of the structure on which the facility is installed, including those built at or above the maximum height allowed in a specific zone, so long as the diameter of any portion of a facility in excess of the allowed zoning height does not exceed the ~~shortest~~ widest diameter of the structure ~~at the point of attachment~~. The height and diameter of the existing structure prior to replacement or enhancement for the purposes of supporting wireless facilities shall be utilized to determine compliance with this subsection. Only one extension is permitted per structure.
3. Wireless telecommunication facilities located on structures other than buildings shall be painted with nonreflective colors in a color scheme that blends with the background against which the facility will be viewed.
4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall satisfy the following requirements and procedures:
 - a. Only wireless telecommunication providers holding a valid franchise in accordance with SMC [12.25.030](#) shall be eligible to apply for a right-of-way permit, which shall be required prior to installation in addition to other permits specified in this chapter. Obtaining a right-of-way site permit in accordance with this title may be an alternative to obtaining both a franchise and a right-of-way permit for a single facility at a specific location.
 - b. All supporting ground equipment locating within a public right-of-way shall be placed underground, or if located on private property shall comply with all development standards of the applicable zone.
 - ~~c. Right of way permit applications are subject to public notice by mailing to property owners and occupants within 500 feet of the proposed facility, posting the site and publication of a notice of application, except permits for those facilities that operate at one watt or less and are less than 1.5 cubic feet in size proposed by a holder of a franchise that includes the installation of such wireless facilities as part of providing the services authorized thereby.~~

~~c.~~d. To determine allowed height under subsection (F)(2) of this section, the zoning height of the zone adjacent to the right-of-way shall extend to the centerline except where the right-of-way is classified by the zoning map. An applicant shall have no right to appeal an administrative decision denying a variance from height limitations for wireless facilities to be located within the right-of-way.

~~d.~~ e. A notice of decision issued for a right-of-way permit shall be distributed using procedures for an application. Parties of record may appeal the approval to the Hearing Examiner but not the denial of a permit.

20.50.040 Setbacks – Designation and measurement.

This code amendment allows stairs to be on a slope between the sidewalk and the front of the house.

I. Projections into Setback.

~~6.~~ Building stairs less than three feet and six inches in height, Entrances and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard.

7. Uncovered building stairs or ramps less than three feet and six inches in height & 44 inches wide may project to the property line subject to site distance requirements.

~~8.~~ 7. Arbors are allowed in required yard setbacks if they meet the following provisions:

In any required yard setback, an arbor may be erected:

a. With no more than a 40-square-foot footprint, including eaves;

b. To a maximum height of eight feet;

c. Both sides and roof shall be at least 50 percent open, or, if latticework is used, there shall be a minimum opening of two inches between crosspieces.

~~9.~~ 8. No projections are allowed into a regional utility corridor.

~~10.~~ 9. No projections are allowed into an access easement. (Ord. 515 § 1, 2008; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 1(B-3), 2000).

20.50.310 Exemptions from permit.

The purpose of this amendment is to allow the removal of noxious weeds and invasive vegetation, especially blackberries in critical areas without a clearing and grading permit. The main impetus for this amendment is to accommodate ongoing volunteer blackberry removal projects in Shoreline's parks.

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

6. Removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or within a three foot radius of a tree on a steep slope located in a City Park when:
 - a. undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and
 - b. performed in accordance with the City of Shoreline Best Management Practices for Noxious Weed and Invasive Vegetation Removal hand out; and
 - c. the cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and
 - d. all work is performed above the ordinary high water mark and above the top of a stream bank; and
 - e. no more than a 3,000 sq. ft. of soil may be exposed at any one time.

Table 20.50.390D – Special Nonresidential Standards (Continued)

Staff believes warehousing and storage uses are overparked, creating unnecessary parking stalls that are unused and creating greater areas of impervious surface.

Warehousing and storage: 1 per 300 square feet of office, plus 0.5 ~~0.9~~ per 1,000 square feet of storage area

20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.

This amendment refers to pedestrian access on private property. The 44 inch and 36 inch requirements are required by ADA accessibility in the City's building codes.

- C. The pedestrian path from the street front sidewalk to the building entry shall be at least ~~44~~ 60 inches (~~or five feet~~) wide for commercial and multifamily residential structures, and at least 36 inches (~~or three feet~~) for single-family and duplex developments.

Chapter 20.70 Engineering and Utilities Development Standards

This amendment is a major rewrite of the entire chapter of 20.70. Listed below are explanations under each section of the chapter. See Attachment A for complete rewrite.

Subchapter 1. General Engineering Provisions

20.70.010 Purpose.

Reworded purpose statement. Removed regulatory language.

20.70.020 Engineering Development Guide.

Reworded for clarification and added to cite 20.10.050. A clear link to the authority granted to the director to publish standards and procedures is established.

~~20.70.030~~ Required street improvements.

Moved to 20.70.210 – Subchapter 4

Clarified when frontage improvements are required to address nexus to impact. Clarification led to a change in voluntary contributions (fee in-lieu) collected for system improvement. Provides consistency with RCW 82.02 and court decisions regarding voluntary payments.

~~20.70.035~~ Required stormwater drainage facilities.

Moved to 20.70.220 – Subchapter 4

Subchapter 2. Dedications - Section Renumbered/reorganized

20.70.040 Purpose.

Summarized purpose statement and added a new General section to identify when dedications could be required

20.70.050 Dedication of right-of-way.

Clarified wording

20.70.060 Dedication of stormwater facilities – Drainage facilities accepted by the City.

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

Combined .060 and .070 into one section.

20.70.080 Dedication of open space.

Wording modified to include critical areas.

20.70.090 Easements and tracts.

Added language to tracts to clarify that they do not represent a building site.

Subchapter 3. Streets - Section Renumbered/reorganized

20.70.100 Purpose.

Wording changes throughout to incorporate Transportation Master Plan

20.70.110 Street classification.

20.70.120 Street plan.

20.70.130 Street trees.

Deleted to eliminate confusion. Chapter 12 SMC regulates activities in the right-of-way. Specific criteria for street landscaping/trees are based on the street classification and specific street segment. This will be further clarified by the Transportation Master Plan. Landscaping provisions requiring street trees have also been modified to permit flexibility.

20.70.140 Truck routes.

Deleted section. Discussion of truck routes is not necessary.

20.70.150 Street naming and numbering.

20.70.160 Private streets.

20.70.170 Sight clearance at intersections – Purpose.

20.70.180 Sight clearance at intersections – Obstruction of intersection.

20.70.190 Sight clearance at intersections – Sightline setbacks for intersection types.

20.70.200 Sight clearance at intersections – Obstructions allowed.

Deleted sections. They conflict with WSDOT Manual and do not provide a comprehensive evaluation of access management. General engineering principles for access management have been added to the Engineering Development Guide.

Subchapter 4. Sidewalks, Walkways, Paths and Trails

Created new subchapter 4 and incorporated required improvements for frontage, stormwater, pathways. Wording in these sections was changed to meet reformatting.

20.70.210 Purpose.

20.70.220 Required installation.

20.70.230 Location.

Subchapter 5. Utility Standards

Clarified language by adding the term service connection. Title 13 regulates when Utilities must underground their facilities, the Development Code specifies when development triggers for undergrounding of service connections.

Reformatted section

20.70.440 Undergrounding of electric and communication facilities – Purpose.

20.70.470 Undergrounding of electric and communication facilities – When required.

NEXT STEPS

The study session provides an opportunity for the Commission to ask questions about the proposal to prepare for the upcoming public hearing. A public hearing on these items is scheduled for May 6.

If you have questions about any of the proposed amendments, please contact Steve Szafran at sszafran@shorelinewa.gov or (206) 801-2512 prior to the study session.

ATTACHMENT

1: Chapter 20.70 – Proposed rewrite

Chapter 20.70
Engineering and Utilities Development Standards

Subchapter 1. General Engineering Provisions

- 20.70.010 Purpose.
- 20.70.020 Engineering Development Guide

Subchapter 2. Dedications

- 20.70.110 Purpose.
- 20.70.120 General.
- 20.70.130 Dedication of right-of-way.
- 20.70.140 Dedication of stormwater facilities.
- 20.70.150 Dedication of open space.
- 20.70.160 Easements and tracts.

Subchapter 3. Streets

- 20.70.210 Purpose.
- 20.70.220 Street classification.
- 20.70.230 Street plan.
- 20.70.240 Private streets.
- 20.70.250 Street naming and numbering.

Subchapter 4. Required Improvements

- 20.70.310 Purpose
- 20.70.320 Frontage improvements.
- 20.70.330 Stormwater drainage facilities.
- 20.70.340 Sidewalks, walkways, paths and trails.

Subchapter 5. Utility Standards

- 20.70.410 Purpose.
- 20.70.420 Utility installation and relocation.
- 20.70.430 Undergrounding of electric and communication service connections.

SUBCHAPTER 1. General Engineering Provisions

20.70.010 Purpose.

The purpose of this chapter is to establish engineering regulations and standards to implement the Comprehensive Plan and provide a general framework for relating the standards and other requirements of this Code to development.

20.70.020 Engineering Development Guide.

Pursuant to SMC Section 20.10.050 The Director is authorized to prepare and administer an “Engineering Development Guide”. The Engineering Development Guide includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development.

SUBCHAPTER 2. Dedications

20.70.110 Purpose.

The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City. Dedication shall occur at the time of recording for subdivisions, and prior to permit issuance for development projects.

20.70.120 General

Dedications may be required in the following situations:

- A. When it can demonstrated that the dedications of land or easements within the proposed development or plat are necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply;
- B. To accommodate motorized and nonmotorized transportation, landscaping, utilities, surface water drainage, street lighting, traffic control devices, and buffer requirements as required in 20.70.210;
- C. Prior to the acceptance of a private street, private stormwater drainage system or other facility for maintenance;.
- D. The development project abuts an existing substandard public street and additional right-of-way is necessary to incorporate future frontage improvements as set forth in the Transportation Master Plan and the Engineering Development Guide for public safety; or
- E. Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

20.70.130 Dedication of Right-of-Way

- A. The Director may grant some reduction in the minimum right-of-way requirement where it can be demonstrated that sufficient area has been provided for all frontage improvements.
- B. The City may accept dedication and assume maintenance responsibility of a private street only if the following conditions are met:
 - 1. All necessary upgrades to the street to meet City standards have been completed;

2. All necessary easements and dedications entitling the City to properly maintain the street have been conveyed to the City;
3. The Director has determined that maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community served by the private road; and
4. The City has accepted maintenance responsibility in writing.

20.70.140 Dedication of stormwater facilities

- A. The City is responsible for the maintenance, including performance and operation, of drainage facilities which the City has accepted for maintenance. The City may require the dedication of these facilities as required in 20.70.210.
- B. The City may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:
 1. All necessary upgrades to the facilities to meet City standards have been completed;
 2. All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;
 3. The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
 - a. Flooding;
 - b. Downstream erosion;
 - c. Property damage due to improper function of the facility;
 - d. Safety hazard associated with the facility;
 - e. Degradation of water quality or in-stream resources; or
 - f. Degradation to the general welfare of the community; and
 4. The City has accepted maintenance responsibility in writing.
- C. The Director may terminate the assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:
 1. Flooding;
 2. Downstream erosion;
 3. Property damage due to improper function of the facility;
 4. Safety hazard associated with the facility;
 5. Degradation of water quality or in-stream resources; or
 6. Degradation to the general welfare of the community.
- D. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the persons holding title to the property for which the facility was required.

20.70.150 Dedication of open space.

A. The City may accept dedications of open space and critical areas which have been identified and are required to be protected as a condition of development.

Dedication of such areas to the City will be considered when:

1. The dedicated area would contribute to the City's overall open space and greenway system;
2. The dedicated area would provide passive recreation opportunities and nonmotorized linkages;
3. The dedicated area would preserve and protect ecologically sensitive natural areas, wildlife habitat and wildlife corridors;
4. The dedicated area is of low hazard/liability potential; and
5. The dedicated area can be adequately managed and maintained.

20.70.160 Easements and tracts

The purpose of this section is to address the usage of easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s).

A. **Easements.**

1. Easements may be used for facilities used by a limited number of parties. Examples of situations where easements may be used include, but are not limited to:
 - a. Access for ingress and egress or utilities to neighboring property;
 - b. Design features of a street necessitate the granting of slope, wall, or drainage easements; and
 - c. Nonmotorized easements required to facilitate pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers even if the facility is not specifically shown on the City's adopted nonmotorized circulation plan maps.
2. Easements granted for public use shall be designated "City of Shoreline Public Easement." All easements shall specify the maintenance responsibility in the recording documents.

B. **Tracts**

1. Tracts should be used for facilities that are used by a broader group of individuals, may have some degree of access by the general public, and typically require regular maintenance activities. Examples of facilities that may be located in tracts include private streets, drainage facilities serving more than one lot, or critical areas.
2. Tracts are not subject to minimum lot size specifications for the zone, although they must be large enough to accommodate the facilities located within them.
3. Tracts created under the provisions of this subchapter shall not be considered a lot of record unless all zoning, dimensional, and use provisions of this code can be met.

SUBCHAPTER 3. Streets

20.70.210 Purpose.

The purpose of this subchapter is to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occurs in an orderly manner.

20.70.220 Street classification.

Streets and rights-of-way are classified in the Transportation Master Plan.

20.70.230 Street plan.

Streets shall be designed and located to conform to the adopted plans. Where not part of an adopted plan streets shall be designed to provide for the appropriate continuation of existing streets.

The Public Works Department shall maintain a list of public streets maintained by the City.

20.70.240 Private streets.

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and
- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
 1. The street would ultimately serve four or fewer single-family lots; or
 2. The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or
 3. The private street would serve developments where no circulation continuity is necessary.

20.70.250 Street naming and numbering.

The purpose of this section is to establish standards for designating street names and numbers, and for addressing the principal entrances of all buildings or other developments.

- A. All streets shall be named or numbered in the following manner:

1. Public or private street names and/or numbers shall be consistent with the established grid system as determined by the Department. Named streets can only be assigned when the numbered grid is determined infeasible by the Department. The Department may change the existing public or private street name if it is determined to be inconsistent with the surrounding street naming system.
 2. All streets shall carry a geographic suffix or prefix. Streets designated as “Avenues” shall carry a geographic suffix and be in a north-south direction, and streets designated as “Streets” shall carry a geographic prefix and be in an east-west direction. Diagonal streets are treated as being either north-south or east-west streets. Names such as lane, place, way, court, and drive may be used on streets running either direction.
 3. Only entire street lengths or distinct major portions of street shall be separately designated.
 4. In determining the designation, the Department shall consider consistency with the provisions of this section and emergency services responsiveness including Emergency-911 services.
- B. Building addresses shall be assigned as follows:
1. New Buildings. The assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.
 2. New Lots. The assignment of addresses for new lots created by subdividing shall occur during project review and be included in the recording documents.
 3. Previously Unassigned Lots. Lots with no address of record shall be assigned an address and the property owner shall be notified of the address.
 4. The assignment of addresses shall be based on the following criteria:
 - a. Even numbers shall be used on the northerly side of streets named as east-west and on the easterly side of streets named as north-south.
 - b. Odd numbers shall be used on the southerly side of streets named as east-west and on the westerly side of streets named as north-south. Addresses shall be assigned whole numbers only.
 - c. In determining the address assignment, the Department shall consider the consistency with the provisions of this section, consistency with the addressing needs of the area, and emergency services.
- C. All buildings must display addresses as follows:
1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.
 2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.
 3. The address numbers shall be easily legible figures, not less than three inches high if a residential use or individual multifamily unit, nor less than five

inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night.

SUBCHAPTER 4. Required Improvements.

20.70.310 Purpose

The purpose of this subchapter is to provide safe and accessible transportation facilities for all modes of travel as described in the Comprehensive Plan, Transportation Master Plan, and the Parks, Recreation and Open Space Plan.

20.70.320 Frontage improvements.

Frontage improvements required for subdivisions pursuant to RCW 58.17 and SMC 20.30, Subchapter 7 and to mitigate identified impacts shall be provided pursuant to this section. When required frontage improvements shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment

- A. Standard frontage improvements consist of curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlay to one-half of each right-of-way abutting a property as defined for the specific street classification. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles. The improvements can include items such as transit bus shelters, bus pullouts, utility under grounding, street lighting, signage, and channelization.
- B. Frontage improvements are required for:
 - 1. All new multifamily, nonresidential, and mixed-use construction;
 - 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, as long as the original building footprint is a minimum of 4,000 square feet, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
 - 3. Subdivisions;Exception:
 - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
 - 4. New development on vacant lots platted before August 31, 1995.
- C. Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future

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

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

For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440.

20.70.330 Surface water facilities.

- A. All development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements that meet the minimum requirements of 13.10 SMC.
- B. Development proposals that do not require City-approved plans or a permit must meet the requirements specified in 13.10 SMC.
- C. Required improvements shall be installed by the applicant prior to final approval or occupancy.
- D. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440.

20.70.340 Sidewalks, Walkways, Paths and Trails.

- A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.
- B. Other sidewalks or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City’s planned street system, may be located across private property in pedestrian right-of-way restricted to that purpose.
- C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.
- D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval.

SUBCHAPTER 5. Utility Standards

20.70.410 Purpose.

The purpose of this subchapter is to establish when new and existing service connections including, but not limited to, telephone, cable television, electrical power, natural gas, water, and sewer, are to be installed and/or placed underground.

20.70.420 Utility installation

Required utility improvements shall be installed by the applicant prior to final approval or occupancy. For subdivisions the applicant shall complete the improvements prior to final plat approval or post a bond or other surety with the utility provider.

**20.70.430 Undergrounding of electric and communication service connections –
When required**

- A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located within and directly serving the development from the public right-of-way excluding existing or relocated street crossings.
- B. Undergrounding of service connections and new electrical and telecommunication facilities defined in chapter 13.20 SMC shall be required with new development as follows:
 - 1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.
 - 2. All new residential construction and new accessory structures or the creation of new residential lots.
 - 3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection.
- C. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:
 - 1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and
 - 2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.