

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proposed Amendments to the Development Code
DEPARTMENT: Planning and Development Services
PRESENTED BY: Jeff Forry, Permit Services Manager

SUMMARY

In April of 2010 the Council adopted a series of goals that provide direction to departments and assistance in developing their respective workplans. Included in Council goal number one is a desire to implement the Community Vision by updating key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools.

A summary of proposed amendments can be found in **Attachment 1 and 2**. Generally the amendments proposed include:

▪ **Issue 1 – Environmental Review Procedures**

Raise the thresholds on the exempt levels for environmental review under SEPA

1. 4 dwelling units to 20 dwelling units
2. Commercial buildings 4,000 sq ft and 20 parking stalls to 12,000 sq ft and 40 parking stalls
3. Parking lots for 20 parking spaces to 40 parking spaces

Clarify appeal procedures for Type C actions

▪ **Issue 2 – Engineering Standards – Chapter 20.70**

Modify various sections to be consistent with other technical standards

The purpose of this study session is to:

- Briefly review the proposed revisions to the Development Code
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary

BACKGROUND / ANALYSIS

Issue 1 – Environmental Review Procedures

One “planning tool” relied upon by staff and the public is SEPA and the City’s adopted environmental review procedures. Due to changes in the Revised Code of Washington (RCW), Washington Administrative Code (WAC), and the Municipal Code, the environmental procedures are due for review and update. An adjustment to categorical exemptions will assist in providing for a clear, timely and predictable permit process. “Categorical exemptions” are exemption actions identified in state law which do not significantly affect the environment.

State Environmental Policy Act

Washington’s State Environmental Policy Act (SEPA) was first adopted in 1971. Among other things, the law required all state and local governments within the state to:

- “Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment;” and

- Ensure that "...environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations..." [RCW 43.21C.030.(2)(a) and (2)(b)]

The policies and goals in SEPA supplement those of state agencies, counties, cities, and districts. Any governmental action may be conditioned or denied pursuant to SEPA. Provided, that the conditions or denials are based on policies adopted by the City and incorporated into adopted regulations, plans, or codes.

The environmental review process in SEPA is designed to work with other regulations to provide a comprehensive review of a proposal. Most regulations focus on particular aspects of a proposal, while SEPA requires the identification and evaluation of probable significant impacts for all elements of the environment. Combining the review processes of SEPA and other laws reduces duplication and delay by combining study needs, comment periods and public notices, and allowing agencies, applicants, and the public to consider all aspects of a proposal at the same time. A proposal can be either project proposals (new construction, fill and grade, etc.) or non project proposals (Comprehensive plans, Zoning, Development regulations, etc.).

Findings

The City Council adopted the City's initial Comprehensive Plan in 1998 and a significant update of the plan in 2005. To implement the Comprehensive Plan the City has enacted appropriate zoning.

The City Council also adopted the Shoreline Development Code in 2000 which included the minimum SEPA categorical exemptions listed in WAC 197-11-800 (1).

After the Comprehensive Plan, zoning and Development Code were adopted, the City enacted additional environmental standards and regulations for stormwater, tree retention, traffic / sewer / water concurrency, street improvements and updated the critical areas regulations based on the best available science.

Development applications are reviewed for compliance with the environmental regulations, and also for compliance with the Shoreline Municipal Code, including Title 13 (Stormwater Manual), Chapter 20.30 Subchapter 7 (Subdivisions), and other applicable standards all of which have been determined to be consistent with the Comprehensive Plan goals and policies. Increases in the SEPA categorical exemption thresholds are supported by local conditions, since compliance with adopted and updated regulations and standards will provide adequate mitigation for the environmental impacts of projects up to the maximum exemptions allowed by WAC 197-11-800(1)(c).

Increasing the SEPA categorical exemption threshold levels in accordance with WAC 197-11-800 (1) allowances will increase certainty for applicants and the public while maintaining environmental standards. The adoption of agency SEPA procedures is exempt from SEPA review under WAC 197-11-800(19)

Staff has evaluated the goals of GMA as set forth in RCW 36.70A.020 and determined that the proposed amendments reflect the appropriate balancing of the public interests served by the planning goals of the GMA

Analysis

The City of Shoreline SEPA regulations are in Title 20 of Shoreline's Municipal Code (SMC). The City's original SEPA regulations were adopted in 1995. In order to comply with SEPA rules in WAC 197-11 and model SEPA ordinance in WAC 173-806 the City adopted Ordinance No. 238 in 2000. The environmental ordinance in use today is essentially the same ordinance that was adopted 15 years ago having under gone only two minor amendments. The follow areas are under consideration:

1. Adoption by reference.

SMC 20.30, Subchapter 8, adopts significant portions of the SEPA rules (WAC 197-11) by reference. Sections of WAC 197-11 have been added and/or removed since the City adopted them in 1995, particularly in regards to SEPA and GMA integration. This update reviewed changes in WAC 197-11 and the adoption lists in SMC 20.30, Subchapter 8 to ensure the City is up-to-date and compliant with state regulations.

2. Model Code.

SMC 20.30, Subchapter 8, is largely based off the model code in WAC 173-806. As with WAC 197-11, there have been changes to WAC 173-806 since 1995. This update provides for consistency with WAC 173-806 and updates to SMC 20.30, Subchapter 8 where appropriate to ensure the City is up-to-date and compliant with state regulations.

3. Categorical exemptions - Flexible thresholds.

State SEPA rules allow local jurisdictions to modify the categorically exempt threshold levels for certain minor new construction activities. The City of Shoreline has only modified one of these flexible thresholds. These activities and their thresholds are as follows:

a. The construction or location of any residential structures of four dwelling units.

Can be modified up to 20 dwelling units.

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

Does not apply in Shoreline.

c. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.

Can be modified up to 12,000 square feet and 40 automobiles.

d. The construction of a parking lot designed for twenty automobiles.

Can be modified up to 40 automobiles.

e. Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

The City has adjusted this exemption up to the maximum 500 cubic yards.

4. 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.

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.

5. Critical Areas – Elimination of SEPA evaluation for categorically exempt proposals within critical areas

WAC 197-11-908

1. *Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW [36.70A.060](#)). The selection of exemptions that will not apply may be made from the following subsections of WAC [197-11-800](#): (1), (2)(a) through (h), (3), (5), (6)(a), (13)(c), (23)(a) through (g), and (24)(c), (e), (g), (h).*

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC [197-11-906](#)).

2. *Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.*

GMA cities and counties considering adjustments to their categorical exemptions should consider whether the exemption would apply to a project proposed within a critical area. It is generally recommended that a new exemption not apply in critical areas unless the city or county has updated its critical areas policies and regulations to include best available science under RCW 36.70A.172.

The City's critical area regulations were originally adopted under Ordinance 238 and subsequently amended by Ordinance 324 and 398. The City's critical areas regulations include best available science. The City also employs qualified professionals as necessary in reaching its decisions on development in or adjacent to critical areas. Accordingly, there is no net loss of environmental evaluation cause by raising the categorical exemption thresholds.

Periodic review of adopted standards and regulations is necessary to insure that there is consistency between polices and the regulations. Council goal number one supports this activity. In reviewing Chapter 20.70 the following issues were identified.

1. Many of the codified standards in Chapter 20.70 of the SMC are excerpts from various technical manuals that are not referenced in the chapter so their origins are unknown. Technical standards are subject to change and some of the information contained in this chapter is inconsistent with technical engineering manuals employed by the City, State and other local agencies.
2. The City requires frontage improvements for a variety of development activities including individual new single family residences and additions or remodels to single family dwellings where the value exceeds 50% of the improved value of the property. Frontage improvements are intended to offset the impact of the development activity.

Evaluation of this practice indicates that it is inconsistent with the policies in the Comprehensive Plan. Several court cases at the state and federal level has caused re-thinking of this requirement.

Background

Standards revisions

Generally, technical manuals are adopted in their entirety by reference. Subsequent to the adoption of Chapter 20.70 an Engineering Development Guide (EDG) was published. The EDG is prepared under the authority granted the department in section 20.70.020 SMC and contains specifications, standardized details, and design standards. The current edition of the EDG establishes the technical manuals (including the 2005 DOE Stormwater Manual) and standards employed for public works projects and development.

Frontage improvements

Comprehensive Plan policy T35 provides that development regulations “require all commercial, multi-family and residential short plat and long plat developments to provide for sidewalks or separated all weather trails, or payment in-lieu of sidewalks.” This policy provides clear direction relative to the types of projects that must install sidewalks aka frontage improvements. The mitigation of the impacts on infrastructure for this level of development is provided for in various locations in the Revised Code of Washington (RCW) and through the use of the City’s substantive authority under SEPA. The policy that was developed after the adoption of the Development Code does not extend to individual single family dwellings..

For determining the level of impact of development the Revised Code of Washington defines “development activity” as any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land, that creates additional demand and need for public facilities. In reviewing current regulations a nexus cannot be drawn to demonstrate that the level of mitigation required for development or redevelopment of an existing platted single family lot is reasonably related to the development. Nor can it be demonstrated this level of development “creates additional” demand and need for public facilities.

AMENDMENTS AND ISSUES

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~striketroughs~~ for proposed text deletions and underlines for proposed text additions.

Docketed Amendments:

These proposed amendments were reviewed and supported by a staff panel and are being supported and forwarded by the Director:

ATTACHMENTS

Attachment 1: Amendments to 20.30, Subchapter 8 – Environmental Procedures

Attachment 2: Amendments to Chapter 20.70 – Engineering and Utilities Development Standards.

20.30.040 Ministerial decisions – Type A.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

~~However, permit applications, including certain categories of building permits, and~~ Permits for projects that require a SEPA threshold determination; are only subject to the public notice requirements, target timelimits, and appeal authority specified in Table 20.30.050 for SEPA threshold determinations.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

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. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540

7.A - ATTACHMENT 1

13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

20.30.550 Categorical exemptions and threshold determinations – Adoption by reference.

The City adopts the following sections of the SEPA Rules by reference, as now existing or hereinafter amended, as supplemented in this subchapter:

WAC

- 197-11-300 Purpose of this part.
 - 197-11-305 Categorical exemptions.
 - 197-11-310 Threshold determination required.
 - 197-11-315 Environmental checklist.
 - 197-11-330 Threshold determination process.
 - 197-11-335 Additional information.
 - 197-11-340 Determination of nonsignificance (DNS).
 - 197-11-350 Mitigated DNS.
 - 197-11-355 Optional DNS process.
 - 197-11-360 Determination of significance (DS)/initiation of scoping.
 - 197-11-390 Effect of threshold determination.
 - 197-11-800 Categorical exemptions (~~flexible thresholds~~).
- Note: the lowest exempt level applies unless otherwise indicated.*
- 197-11-880 Emergencies.
 - 197-11-890 Petitioning DOE to change exemptions.

(Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(g), 2000).

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; ~~2) the proposal would alter the existing conditions within a critical area or buffer;~~ or ~~2~~3) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of ~~four~~ 20 dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building with ~~4,000~~ 12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ 40 automobiles.
- C. The construction of a parking lot designed for ~~20~~ 40 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

20.30.680 Appeals

- 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 [20.30.060](#) as Type A, B, or those C actions with the Hearing Examiner as Review Authority 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 Type L or Type C actions with the Planning Commission as Review Authority 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~~

7.A - ATTACHMENT 1

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

**Chapter 20.70
Engineering and Utilities
Development Standards**

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 cite to 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 lead 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 has 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 other technical standards 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.

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 be 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

7.A - ATTACHMENT 2

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

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.