# PLANNING COMMISSION
## REGULAR MEETING
## AGENDA

Thursday, December 1, 2016
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave North

| | | Estimated Time |
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| **1.** | **CALL TO ORDER** | 7:00 |
| **2.** | **ROLL CALL** | 7:05 |
| **3.** | **APPROVAL OF AGENDA** | 7:07 |
| **4.** | **APPROVAL OF MINUTES** | 7:08 |

a. November 17, 2016 Draft Minutes

**Public Comment and Testimony at Planning Commission**

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

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| **5.** | **GENERAL PUBLIC COMMENT** | 7:10 |
| **6.** | **PUBLIC HEARING** | 7:15 |

a. Deep Green Incentives Program
- Staff Presentation
- Public Testimony

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| **7.** | **PUBLIC HEARING** | 8:00 |

a. 2016 Development Code Amendments
- Staff Presentation
- Public Testimony

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| **8.** | **DIRECTOR'S REPORT** | 8:30 |
| **9.** | **UNFINISHED BUSINESS** | 8:35 |
| **10.** | **NEW BUSINESS** | 8:36 |
| **11.** | **REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS** | 8:37 |
| **12.** | **AGENDA FOR DECEMBER 15, 2016** | 8:38 |
| **13.** | **ADJOURNMENT** | 8:40 |

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

## The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing amendments to the Shoreline Development Code (SMC Title 20) that apply citywide. The Planning Commission is holding a public hearing on the following Development Code amendments: 1. the first group of amendments will implement a new Deep Green incentive program for buildings that provide exceptional environmental and energy efficiency. 2. the second group of amendments are general updates to the Development Code that include definitions, uses such as fuel stations and light manufacturing, accessory dwelling units, unit lot subdivisions, planned action determinations, beekeeping, setbacks, extension of vesting for Special Use Permits for public agencies, and general administrative corrections, procedural changes, policy changes, clarifying language, and codifying administrative orders.

**This may be your only opportunity to submit written comments.** Written comments must be received at the address listed below before **5:00 p.m. December 1, 2016**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Steven Szafran 17500 Midvale Avenue N, Shoreline, WA 98133 or email to sszafran@shorelinewa.gov.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, December 1, 2016 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

**Questions or More Information:** Please contact Steven Szafran, AICP, Senior Planner at (206) 801-2512.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

DRAFT

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION
## MINUTES OF REGULAR MEETING

November 17, 2016 — Shoreline City Hall
7:00 P.M. — Council Chamber

**Commissioners Present**
Chair Craft
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Mork
Commissioner Moss-Thomas

**Staff Present**
Rachael Markle, Director, Planning & Community Development
Paul Cohen, Senior Planner, Planning & Community Development
Julie Ainsworth Taylor, Assistant City Attorney
Kendra Dedinski, Traffic Engineer
Lisa Basher, Planning Commission Clerk

**Commissioners Absent**
Vice Chair Montero

### CALL TO ORDER

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

### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Craft and Commissioners Chang, Maul, Malek, Mork and Thomas. Vice Chair Montero was absent.

### APPROVAL OF AGENDA

The agenda was accepted as presented.

### APPROVAL OF MINUTES

The minutes of November 3, 2016 were adopted as amended.

### GENERAL PUBLIC COMMENT

There were no general public comments.

## PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENTS

Chair Craft reviewed the rules and procedures for the public hearing and then opened the hearing.

### Staff Presentation

Mr. Cohen reviewed that the public hearing is on the 2016 Comprehensive Plan amendments. He explained that the State's Growth Management Act (GMA) limits review of proposed Comprehensive Plan amendments to no more than once a year. To ensure the public can view the proposals within a citywide context, the GMA directs cities to create a docket (or list) of amendments that may be considered each year. The City Council set the final docket in June, with 8 amendments (3 privately-initiated and 5 city-initiated). He reviewed each of the amendments as follows:

- **Amendment 1** would amend Land Use Policy LU-47, which considers annexation of 145th Street adjacent to the southern border of the City. This amendment was also on the 2015 Comprehensive Plan Amendment Docket and was bumped to 2016. The City is currently engaged in the 145th Street Corridor Study and is working towards annexation of 145th Street. Staff is recommending that the amendment be placed on the 2017 docket to be more in line with these other projects.

- **Amendment 2** is consideration of amendments to the Point Wells Subarea Plan and has also been on the City's docket for a while. The City anticipated that the Transportation Corridor Study on mitigating adverse impacts from the BSRE's proposed development of Point Wells would be completed in 2016. However, delays in Snohomish County's review of the BSRE's Draft Environmental Impact Statement (DEIS) have delayed the City's review of the DEIS and the completion of the Traffic Corridor Study as described in Subarea Plan Policy PW-12. Staff is recommending that this same Comprehensive Plan amendment be docketed for 2017.

- **Amendment 3** would amend the Parks, Recreation and Open Space (PROS) Plan to add goals and policies to the Parks Element of the Comprehensive Plan based on policies identified in the 185th Street Station Subarea Plan. The City, through analysis contained in the Environmental Impact Statement (EIS) for the 185th Street Station, has identified a need for more parks, recreation and open space. The City will work with the Parks Board and the community to determine the process of locating new park space within the subarea, establishing a means to fund new park spaces (i.e. park impact fees), determining a ratio of park space per new resident in the subarea, and any other park issues that arises during the public process. Staff is recommending that this amendment be carried over to the 2017 docket, with the understanding that the updated PROS Plan will most likely be adopted in 2017.

- **Amendment 4** would amend Transportation Policy T-44 by adding a Volume Over Capacity (V/C) Ratio for collector arterial streets. The amendment was privately initiated and was carried over from the 2015 docket. The City Council directed staff to study the proposed amendment as part of the Transportation Master Plan (TMP) update, which has not yet begun. Staff has reviewed the proposal in consideration of existing TMP modeling efforts. Staff believes that expanding the .90 V/C standard to apply to the collector arterials would have current and future implications and require

growth projects to address deficiencies in our transportation impact fee structure. Staff is not recommending approval of the amendment.

- **Amendment 5** would clean up Land Use Policies LU-63, LU-64, LU-65, LU-66 and LU-67. These all reference outdated King County Countywide Planning Policies. Policy FW-32 (establish a countywide process for siting essential public facilities) and Sl-1 (consideration of alternative siting strategies) are no longer in the Countywide policies. The amendments also correct references to policy numbers that have changed.

- **Amendment 6** is a privately-initiated amendment that would amend Point Wells Subarea Plan Policy PW-12 by adding the following language, *"As a separate limitation in addition to the foregoing, the maximum number of new vehicle trips a day entering the City's road network from/to Point Wells shall not exceed the spare capacity of Richmond Beach Road west of 8th Avenue NW under the City's .90 V/C standard based on Richmond Beach Road being a 3-lane road (the .90 V/C standard may not be exceeded at any location west of 8th Avenue NW along Richmond Beach Road."* Staff does not support the amendment, as it is already addressed by the City's Level of Service (LOS) Standards. While the applicant has pointed out it is not staff's place to recommend changes to the proposed amendment, the City's Capital Improvement Program (CIP) includes a project to restripe Richmond Beach Road in this segment from four lanes to three. This would be the future roadway configuration, which would limit capacity more than it is today. Therefore, the capacity is driven by the future CIP.

- **Amendment 7** would amend the Southeast Neighborhood Subarea Plan to move policies related to the 145th Street Station Subarea Plan, amend the text, and amend the boarders of the Southeast Neighborhood Subarea Plan to fit with the 145th Street Station Subarea Plan.

- **Amendment 8** would add a new Point Wells Subarea Plan Policy adopting a V/C ratio of 0.65 or lower for Richmond Beach Drive north of NW 196th Street. This privately-initiated amendment would add a new policy to the implementation section of the Point Wells Subarea Plan. The City Council discussed the merits of the amendment at their June 13, 2016 meeting and agreed that the amendment would provide the community assurance that the City will study a V/C ratio of .65 or lower for Richmond Beach Drive north of NW 196th Street and would not exceed .90 on Richmond Beach Road measured at any point west of 8th Avenue. Staff supports the language in the proposed amendment and believes the supplemental LOS Standard provides an appropriate limit for the street in consideration of the existing neighborhood and future growth at the Point Wells site.

Mr. Cohen summarized that staff's overall recommendation is to carry Amendments 1, 2 and 3 over to the 2017 docket, approve Amendments 5, 7 and 8, and deny Amendments 4 and 6.

Commissioner Malek asked if Amendment 8 addresses what is in Amendment 6 by limiting the V/C ratio. Ms. Dedinski answered that the language in Amendment 6 is duplicated in Amendment 8. Staff's recommendation is to approve Amendment 8, which would make Amendment 6 unnecessary.

Commissioner Malek requested clarification about staff's concerns relative to the potential wide-range implications of Amendment 4. Ms. Dedinski explained that the V/C Ratio, if expanded to collector

arterials as proposed in the amendment, would have widespread citywide implications. Based on the current model contained in the 2011 TMP, the amendment would result in failures for collector arterials in the City already. That means the City would have to add growth projects into its current transportation impact fee structure, and this would increase the cost of trips to developers. It would also require that the City be on the hook for improving the roadways, which ultimately means expanding the roadways. Expansion might not be the vision of the neighborhood. The better way to address the issue is when the TMP is updated in 2017. Especially when dealing with the subarea plans, the City needs to take a hard look at how collector arterial are addressed as the nature of the roadways are going to change as development occurs in the subareas.

Chair Craft clarified that some of the issues that would have to be taken into consideration now would include addressing the capacity on the collector arterials, meaning that the streets would likely have to be widened to increase the opportunity for capacity. Ms. Dedinski agreed. For example, the projected traffic model shows that the V/C Ratio is over .90 on Fremont Avenue N, so it would be necessary to add one or two lanes to address the capacity issue. That might not be what the neighborhood wants. It is a collector arterial, and is not intended to encourage more traffic.

Commissioner Malek asked how neighborhoods can reconcile their opposition to wider roadways with increased density. He asked about the costs of mitigating the impacts of increased density. Ms. Dedinski said she does not have the ability to provide specific cost information. However, widening a roadway, while still providing the standard sidewalks, etc., would likely require some costly right-of-way acquisition. At this point, staff does not have enough background information to make that type of decision.

Commissioner Malek summarized that the City's proposal is to move forward with an update of the TMP, and the information contained in the updated TMP will be used to address the overall picture. Ms. Dedinski explained that the work done in 2011 was a great start at addressing LOS Standard issues, and the Transportation Impact Fee Program is relatively new for the City. There is an opportunity for refinement when the TMP, modeling and traffic analysis are revisited in 2017.

Chair Craft said he appreciates the City's deliberate and holistic approach of looking at the issue in a broader citywide scenario. This will allow the issues to be addressed in an order that would be predictable and recognizable for the community. The community would have an opportunity to have significant input and discussion. The proposed amendment jumps ahead without the appropriate public input and notification, as well as the City's analysis. Ms. Dedinski agreed and added that the focus of staff's recommendation on Amendment 8 is to get at the heart of the specific and unique issues that Richmond Beach is facing without having the wider implications.

Commissioner Thomas referred to Amendment 8 and asked if adopting the .65 V/C Ratio has already been assessed or if it is something that requires further study. Ms. Dedinski said Amendment 8 was proposed in 2015, and it was studied based on direction from the City Council.

Commissioner Mork noted that Amendment 3 calls for exploring the possibility of a park impact fee or dedication program. She asked if a park impact fee that is adopted in 2017 would have to wait until 2018 to be implemented if Amendment 3 is postponed until 2017. Ms. Dedinski answered that park

impact fees are already being considered as part of the PROS Plan update and will be on the 2017 docket for approval. The Park impact fee is outside of the Comprehensive Plan and can be adopted at any time. Commissioner Mork questioned the need for Amendment 3. Mr. Cohen said the recommendation to defer is to make the amendment more applicable or apparent that the policy would be addressed as part of the PROS Plan update. The Parks Department does not necessarily disagree with the amendment, but believe it is premature. Commissioner Mork asked if there is a downside to approving the amendment in 2016. Mr. Cohen referred to the Parks Department comments that words such as "explore" are pretty soft at this point. Although they are recommending that the amendment be deferred to 2017, staff would not be opposed to its approval in 2016.

Commissioner Mork expressed concern that the City start down the path as soon as possible on acquiring additional park land, etc. Postponing the amendment sends the message that the City is "sitting on its hands." Chair Craft said he supports the Parks Department's belief that the issues outlined in the amendment would be studied as part of the PROS Plan update and the recommendation would proceed under a more comprehensive look at parks. On the other hand, the language in Amendment 3 is sufficiently benign. It makes the point without prescribing specific actions to take place. Mr. Cohen explained that the policy and the PROS Plan will be linked together. If the PROS Plan update was not scheduled in the near future, it might be more important to adopt the amendment sooner rather than later.

Commissioner Maul summarized that, if Amendment 3 is adopted, the PROS Plan would address how the issues in Amendment 3 would be solved. Commissioner Thomas commented that adopting the amendment would identify specific things that need to be addressed in the PROS Plan. Perhaps this would send a stronger message that the issues are important.

Commissioner Chang referred to Amendment 2 and voiced concern that the proposed language anticipates that the vehicle trips per day on Richmond Beach Road would increase. She questioned if that is the direction the City wants to head. She suggested they should hold onto the 4,000-trip maximum for future negotiations. Commissioner Malek agreed that the amendment appears to skip ahead to a presumption that traffic volumes will increase. Director Markle said it is important to remember that the City has its own subarea plan for Point Wells that anticipates the property will develop, but to a lesser degree than what is proposed in Snohomish County. Through that redevelopment, they would expect the number of trips to increase, as well. Ms. Dedinski said the idea is to account for some level of trips given the current planned annexation area. Commissioner Thomas said staff's recommendation would simply move the amendment to the next calendar year because it is not going to be resolved in 2016 anyway.

Commissioner Maul noted that the Comprehensive Plan already identifies a 4,000-trip maximum. Commissioner Malek recalled public comments that the City already raised the maximum trip limit to 4,000, and concern was raised that the limits would increase even more. Ms. Dedinski said the limit on the street will remain capped at 4,000 trips until there is a completed and agreed-upon transportation corridor study from the developer. Commissioner Malek recalled that, at one time, there was a suggestion that substantially more trips be allowed, and the final agreement was 4,000. Any movement in the cap would be disconcerting. Ms. Dedinski advised that the initial traffic study the City conducted with consultants had an average daily volume limit of about 8,250, recognizing other infrastructure

limitations. Commissioner Thomas recalled that the way the street was classified resulted in a daily volume limit of 8,250. At that time, there was concern that something specific had to be done to reduce the number, and an emergency meeting was held to amend the Comprehensive Plan. Commissioner Chang questioned what the number would be with the 3-lane configuration, and said she is concerned that the City is already talking about increasing the volume when annexation is not going to happen anytime soon. Ms. Dedinski said the thought is that the amendment could be carried over into 2017 since there is nothing to suggest anything would be approved in the next year.

Commissioner Malek asked about the status of the Traffic Corridor Analysis from BSRE. Ms. Dedinski answered that the analysis is indefinitely on hold. She recalled that the developer was asked to revise his project submittal. Commissioner Maul asked if 8,250 is what full build out of Point Wells would produce. Ms. Dedinski answered that when the Point Wells Subarea Plan was put together nearly a decade ago, the City studied what the maximum trips coming from the site would be before infrastructure failures occurred along the corridor as a result of development. Given the current configuration, the road capacity was identified as 8,250. If the street were redesigned to 3 lanes, the directional capacity would be 960 vehicles per hour. Generally, when talking about capacity, it is an hourly volume rather than an average daily traffic volume, which is what most of the references in the documents speak to. Typically, the peak-hour volume is about 8% to 12% of the daily volume. The capacity of a 3-lane configuration would be inherently lower than with a 4-lane configuration.

**Public Testimony**

There were no public comments.

**Commission Deliberation and Action**

**COMMISSIONER THOMAS MOVED THAT THE COMMISSION FORWARD THE 2016 COMPREHENSIVE PLAN AMENDMENT DOCKET TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS RECOMMENDED BY STAFF. CHAIR CRAFT SECONDED THE MOTION.**

Commissioner Thomas summarized that a lot of study has been done by staff, and the Commission has reviewed the amendments a number of times.

**COMMISSIONER MORK MOVED TO AMEND THE MAIN MOTION TO SEND AMENDMENT 3 FORWARD AS PART OF THE 2016 DOCKET AS OPPOSED TO POSTPONING IT TO THE 2017 DOCKET. COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Mork commented that it is very important to send a message to the Shoreline residents and the City Council that the Commission is very interested in parks.

**THE MOTION TO AMEND WAS UNANIMOUSLY APPROVED.**

**COMMISSIONER THOMAS MOVED TO AMEND THE MAIN MOTION TO ALTER THE LANGUAGE IN AMENDMENT 5 BY ADDING THE WORD "ADDITIONAL" BETWEEN "AND" AND "CRITERIA." COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Thomas reviewed that, as currently proposed, the language in LU-63 refers to LU-65 and the language in LU-65 refers to LU-63. The proposed amendment would make it clear that the criteria in LU-63 and LU-65 would both apply.

Chair Craft asked if the proposed amendment would materially change the intent of the language. Assistant City Attorney Ainsworth-Taylor indicated she does not see a problem with the proposed amendment. It simply makes it clearer that the criteria in both LU-63 and LU-64 must be considered.

**THE MOTION TO AMEND WAS UNANIMOUSLY APPROVED.**

**COMMISSIONER THOMAS MOVED TO AMEND THE MAIN MOTION TO CHANGE THE LANGUAGE IN LU-65 OF AMENDMENT 5 TO READ, *"USE THIS SITING PROCESS TO SITE THE ESSENTIAL PUBLIC FACILITIES THAT MEET THE CRITERIA IN LU-63."* COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Thomas expressed her belief that the word "interim" was included in the language as an oversight, since this is no longer an interim process. Mr. Cohen voiced support for the proposed amendment, which is intended to clarify the policy.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Chang asked members of the Point Wells Subcommittee to comment on Amendment 2. Commissioner Malek said he supports the staff's recommendation that the amendment be moved to 2017 for further study. However, he shares Commissioner Chang's concern that the language assumes an increase in traffic.

**COMMISSIONER MALEK MOVED TO AMEND THE MAIN MOTION TO CHANGE AMENDMENT 2 BY REPLACING THE WORD "INCREASING" WITH "OF." COMMISSIONER CHANG SECONDED THE MOTION FOR DISCUSSION.**

Commissioner Maul reminded the Commission that staff is recommending that Amendment 2 be forwarded to the 2017 docket. Therefore, he questioned if changing the language would really be necessary at this time. Assistant City Attorney Ainsworth-Taylor clarified that, if the amendment is accepted by the City Council, the amended language would be forwarded to the 2017 docket.

Commissioner Malek agreed with Commissioner Chang's concern about including language that implies an increase in the number of trips. The idea of the study is to determine a number of plus or minus.

Commissioner Mork asked if "trips" is a weird nomenclature for how traffic planners normally think about traffic. Ms. Dedinski agreed it is unique. Commissioner Mork asked if this is an opportunity to try and put it in the correct units. Ms. Dedinski answered that it is okay as it is, but that is essentially

why staff is recommending the supplemental LOS of .65 for Richmond Beach Drive. It adds an extra measure, as well as being consistent with the GMA provisions.

**THE MOTION CARRIED UNANIMOUSLY.**

**THE MAIN MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.**

Chair Craft closed the public hearing.

**STUDY ITEM: DEVELOPMENT CODE AMENDMENTS CONTINUED FROM OCTOBER 20TH MEETING**

**Staff Presentation**

Mr. Cohen recalled that the Commission had a study session on the 2016 Development Code amendments on September 15th and requested additional information on two of them (Amendments 5 and 13). Staff is now proposing five additional Development Code amendments and two Municipal Code amendments. The purpose of the study session is to allow staff to respond to the questions and concerns that were raised at the September 15th meeting, introduce the new amendments, and gather public comment. He reviewed the amendments as follows:

- **Amendment 13.** The Commission pulled Amendment 13 from the general batch. Amendments related to self-service storage facilities are now included as a separate batch of amendments, for which the Commission held a study session on October 6th and a public hearing on November 3rd.

- **Amendment 5.** The Commissioners raised questions about Amendment 5, which pertains to unit lot development. To address the Commission's concerns, Ray Allshouse, the City's Building Official explained that the City's current fire code requirements include a provision that any new building that is greater than 4,800 square feet must be sprinkled and there are no exceptions. He also explained that there are provisions in the model residential building code that lay out specific requirements for separation walls and the proposed amendment would not reduce these requirements in any way, shape or form. Lastly, he advised that because the lateral dimensions of a unit lot development would be greater, it would be more resistive to lateral forces.

- **New Amendment 2.** This amendment would add the term "Non-Vegetated Surface" to the Impervious Surface Definition. This is one of four amendments recommended by the Department of Ecology (DOE) to incorporate Low-Impact Development (LID) and Best Management Practices (BMPs) into the Development Code.

- **New Amendment 7.** This amendment is intended to address the expiration of the vested status for land use permits and approvals. It adds an exception to vesting timelines for Special Use Permits (SUPs) granted to public agencies, which includes Sound Transit. He explained that a time limit on a project that may go on for ten or more years needs to be addressed so the applicant does not have to come back to the Hearing Examiner for additional SUPs.

- **New Amendment 10.** This amendment also addresses the SUP. It increases the vesting period for SUPs issued to public agencies because of the long development timelines for projects. As written, a public agency can request a modification to the SUPs expiration provisions allowing for vesting of the SUP for a period of up to five years from the date of the Hearing Examiner approval; or if the SUP provides for phased development, for a period up to 10 years from the date of the Hearing Examiner approval.

- **New Amendment 9.** This amendment would simply change "Director" to "Director of Public Works" for approval of a Deviation from Engineering Standards applications. He explained that Public Works is the department that processes and approves these deviations.

- **New Amendment 25.** This amendment fixes the dimensional requirements for Mixed Use Residential (MUR) Zones. He explained that front yard setbacks in the MUR-70' Zone differ, depending on what kind of street they are located on. This minor amendment would strike "up to" in the front setback standards. These words create confusion because Exception 14, which accompanies the table, states that, "*The exact setback along 145th and 185th Streets, up to the maximum described, will be determined by the Public Works Department through a development application.*"

- **New Amendment 1.** This amendment would delete SMC 16.10, which is the Shoreline Management Plan. The City adopted a new Shoreline Master Program in 2012, and it is part of the Development Code that replaces SMC 16.10.

- **New Amendment 2.** This amendment would strike SMC 16.20, which is the fee schedule. The City lists all of its fees in SMC 3.01, making SMC 16.20 redundant and unnecessary.

Mr. Cohen summarized that there is a total of 37 proposed Development Code amendments and two Municipal Code Amendments. A public hearing on the entire batch of code amendments is scheduled for December 1, 2016.

**Public Comment**

There were no public comments.

**DIRECTOR'S REPORT**

Director Markle advised that staff recently started the practice of providing a monthly update on what is new in development permitting. She distributed copies of the report that was shared with the City Manager for the month of October. She explained that the report lists the applications the City received in October for significant projects. She reviewed the list as follows:

- Ground Evolution. The application is for five row houses located at 1620 – 185th Street within the 185th Street Station Subarea.

- Self-Storage Facility. The application is for a heated storage facility on 165th Street. This is one of the two that were permitted before the moratorium was put in place. A permit has now been issued.

- Anderson House and Anderson Plaza. The application is for a substantial remodel of a residential care facility and nursing home. The project was approved in September, but the applicant has not picked up the permit yet.

- Public Health Lab. The application is for remodel work at the Public Health Lab.

- Potalla. The application is for redevelopment of the Denny's Triangle site by Shoreline Place on Aurora Avenue North and Westminster Avenue. The proposal is for 309 units in a 2 to 5-story development. The receiver is looking for a buyer to purchase the site. Staff continues to review the building permit in hopes that a buyer will come forward.

- RLD Aurora Square. The application is for a 6-story, 160-unit development, with some retail. The permit is still under review.

- Shoreline Multi Family. The application is for a project on 10th Avenue, within the 185th Street Station Subarea. Staff is currently waiting for the applicant to respond to their corrections. The applicant has until February to submit revisions or the permit will expire. Currently, the applicant is having difficulty obtaining financing because the first two floors are proposed as storage, as there is not enough room for parking to accommodate more residential units. The City denied the applicant's request for a parking reduction. A parking reduction cannot be granted until the station has been built.

- Vision House. The application is for an expansion of the existing project.

- Arrabella 2. This application is for a reduced number of units (81). The applicant had some issues with property lines.

- City Project. The City has submitted permits to construct a third floor on the police station.

- Single-Family Residents. The application is for redevelopment of a property in the Highlands, which happened to have a substantial valuation.

- Sound Transit. The City has officially started the permitting process with Sound Transit for the Lynnwood Link extension. A pre-application meeting was held for the Special Use Permit (SUP).

- 2-Story Office Warehouse Facility. This project is proposed for the Ballinger area.

Director Markle reported that Sound Transit conducted an open house for the 30%-in-progress designs for the station on November 16th. For those who were unable to attend, the materials from the presentation can be viewed at www.lynnwoodlink.participate.online.com. There were a number of great photographic design images for the public to view and get a feel for the station design. Mr. Cohen

added that there would be a few more community meetings on the station design as Sound Transit gets to higher percentages of completion. These additional meeting dates will be announced at a later date.

Mr. Cohen provided copies of the Commission's draft letter to the City Council. He noted that it needs to be finalized and signed so it can be forwarded to the City Council in preparation for their joint meeting with on November 28th. Staff has not received any comments from Commissioners to date. However, the draft was updated to identify three topics the Commission wanted to emphasize.

Commissioner Moss-Thomas recalled that, at their last meeting, the Commission agreed that the proposed amendments relative to Transitional Homeless Encampments should be an item of discussion at the joint meeting. Mr. Cohen reported that staff is planning to come back to the Commission on December 16 with alternative code language based on the comments that were received at the public hearing. However, the amendments would not be presented to the City Council until after the first of the year.

Commissioner Malek suggested that the letter should be updated to make the point that the Commission would like to reconsider cottage housing as part of an approved zoning option as they work with staff to update the single and multi-family development standards. Chair Craft felt that more general language is appropriate, since the Commission has not reached a consensus relative to cottage housing. As drafted, the letter brings it to the City Council's attention as one option to consider when updating the single and multi-family development standards. After further discussion, the Commission agreed that a separate bullet item should be added to indicate the Commission's desire to talk about the different types of housing, and cottage housing could be listed as an example.

Mr. Cohen agreed to update the letter and forward it to Chair Craft for a signature.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

There was no new business.

## REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Thomas announced that she and Commissioner Mork attended the American Planning Conference in Portland, Oregon. They both participated in the walking tour of light rail developments going down to Milwaukee Street. It was very interesting to hear about the City's progress and approach and how they engaged the community and found developers to do the station area improvements.

Commissioner Mork reported that she attended Sound Transit's community meeting on November 16th. She commented that the City provided its own table, which was very well received. It was helpful to show the bicycle and pedestrian routes.

## AGENDA FOR NEXT MEETING

Mr. Cohen advised that a public hearing on the 2016 Development Code Amendments is scheduled for December 1st. The Deep Green amendments will also come back on December 1st for a public hearing. Ms. Basher reminded the Commissioners of their dinner meeting with the City Council on November 28th at 5:45 p.m.

## ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

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| Easton Craft | Lisa Basher |
| Chair, Planning Commission | Clerk, Planning Commission |

**Planning Commission Meeting Date: December 1, 2016** **Agenda Item: 6a**

# PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** **Deep Green Incentive Program**
**DEPARTMENT:** **Planning & Community Development**
**PRESENTED BY:** **Miranda Redinger, Senior Planner**

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

## INTRODUCTION AND BACKGROUND

On September 30, 2013, Council adopted the Shoreline Climate Action Plan, thereby committing to reduce community greenhouse gas (GHG) emissions 80% by 2050 (80x50), with an interim target of 50% reduction by 2030 (50x30). In 2014, the City reaffirmed that commitment by signing the King County-Cities Climate Collaboration (K4C) Joint County-City Climate Commitments, joining with the County and other cities in similar targets.

Since the selection of these specific targets was based on scientific consensus of what it would take to prevent the most devastating impacts of climate change, an analysis of what was feasible still needed to be completed. Through its partnership with the K4C, the City of Shoreline had the opportunity to work with Climate Solutions' New Energy Cities Program to perform a Carbon Wedge Analysis, which developed strategies for the City to achieve these "ambitious but achievable" targets. Council was introduced to the analysis and strategies at their October 14, 2014 meeting. The staff report from that meeting is available here: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2014/staffreport101314-9a.pdf.

On September 14, 2015, the Council discussed several of the strategies identified through the Climate Action Plan, Carbon Wedge Analysis, and K4C Climate Commitments, and selected three priority recommendations for 2016-2019:

- Adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program

- Examining feasibility of District Energy or Combined Heat and Power in areas that are likely to undergo redevelopment, including the light rail station subareas, Aurora Square/Shoreline Place, and Town Center; and
- Conducting a Solarize campaign, including exploring adoption of Solar-Ready regulations, and building on partnerships with local educational, professional, and non-profit organizations dedicated to increasing solar power generation in Shoreline.

The staff report from that meeting is available here: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport091415-9b.pdf.

On February 1, 2016, the Council discussed the three identified priority strategies in further detail. The staff report from that meeting is available here: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport020116-8a.pdf.

On February 18, 2016, the Planning Commission received a presentation from City staff and staff from the International Living Future Institute (ILFI) to introduce the Living Building Challenge and Petal Recognition Program, which are that organization's certification programs for high-performing green buildings. The staff report from that meeting is available here: http://www.shorelinewa.gov/home/showdocument?id=25137.

On October 20, 2016, the Planning Commission discussed draft Ordinance No. 760 and implementing regulations for the Deep Green Incentive Program (DGIP). The staff report from that meeting is available here: http://www.shorelinewa.gov/home/showdocument?id=29219.

## DISCUSSION

Exhibit A to Attachment A articulates regulatory changes proposed to Sections 20.20, 20.30, and 20.50 of the Shoreline Municipal Code that would implement the DGIP if it were to be adopted by Ordinance No. 760. Following the October 20 discussion, several revisions were proposed by the Public Works Department for Commission consideration:

- Reduce available parking reduction from 100%/75%/50% based on tier to 75%/55%/40%;
- Remove stormwater fee waiver, this will be considered through the update of the Surface Water Master Plan, currently underway; and
- Revise language with regard to Transportation Impact Fee waiver, which is currently proposed to be based on a project-level Transportation Impact Analysis, rather than on tiers.

### PARKING REDUCTION

Several concerns were raised regarding the prospect of 100% parking reduction for Tier 1- Living Building Challenge. Following discussions with the City Manager's Office, which included input from the Public Works Director, City Engineer, and Traffic Engineer, staff now proposes the following tiered system for potential parking reductions:

- Tier 1 – Living Building Challenge Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;
- Tier 2 – Emerald Star or Living Building Petal Certification: up to 55% reduction in parking required under 20.50.390 for projects meeting the program criteria;
- Tier 3 - LEED Platinum or Net Zero Energy Building Certification (NZEB): up to 40% reduction in parking required under 20.50.390 for projects meeting the program criteria.

It should be noted that this reduction is not guaranteed, but will be based on review of a Transportation Impact Analysis submitted with the building permit application. Staff also discussed this revised proposal with representatives from the International Living Future Institute and Built Green. This revised parking requirement would not create a code barrier to certification under their programs, which focus on other design considerations such as ventilation and provision of electrical vehicle charging stations.

**FEE WAIVER**

The October 20 staff report and presentation included a variety of potential fee waivers as part of the incentive program, including for the required preapplication meeting, permit application, stormwater, and Transportation Impact fees. The level of fee waiver was based on the tiered system, but varied based on the relationship of a particular certification system and the type of fee being waived.

In the first example below, Living Buildings and Water Petal Recognition projects receive a higher level of exemption from stormwater fees because these programs have more stringent standards for stormwater control and infiltration, whereas an NZEB project does not contain this requirement. In the second example below, the tiered system is based on the overall comprehensiveness of the program.

1. A project may be granted a waiver for 100% of *stormwater* fees for Tier 1 – Living Building Challenge or Tier 2 – Emerald Star for single-family or Petal Recognition, only if the project will utilize the Water Petal. A project may be granted a waiver of 75% of stormwater fees for Tier 2 – Emerald Star multi-family. A project may be granted a waiver of 50% of stormwater fees for Tier 2 - Petal Recognition if the project will utilize the Energy or Materials Petal or Tier 3 – LEED Platinum. NZEB projects will be subject to stormwater fees.
2. A project qualifying for Tier 1 - Living Building Challenge may be granted a waiver of 100% City-imposed *development fees*. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-

imposed development fees. A project qualifying for Tier 3 – LEED Platinum or NZEB may be granted a waiver of 50% of City-imposed development fees.

The Public Works Department raised some concerns about the impact of this potential waiver, so two revisions have been made to Attachment A, Exhibit A. First, the stormwater fee waiver cited above has been removed. Some type of waiver will be examined in more detail as part of the update of the Surface Water Master Plan, which is currently underway. Second, a reduction in the Transportation Impact Fee will be considered based on the Transportation Impact Analysis submitted as part of the permit application. If a project proponent can demonstrate that trips will be reduced through location, amenities, or other methods, this would provide the appropriate nexus for fee reduction.

## TIMING AND SCHEDULE

Following a recommendation by the Planning Commission, Ordinance No. 760 and implementing regulations are scheduled for a study session before the City Council on February 6, 2017, with potential adoption on March 6, 2017.

## RECOMMENDATION

The Commission should propose any desired revisions to the draft Ordinance No. 760 and implementing regulations and make a recommendation to the City Council.

## ATTACHMENTS

Attachment A- Draft Ordinance No. 760 adopting the DGIP
Exhibit A- Draft regulations implementing DGIP

Attachment A
December 1, 2016
Planning Commission Public Hearing

# ORDINANCE NO. 760

## AN ORDINANCE OF THE CITY OF SHORELINE AMENDING THE UNIFIED DEVELOPMENT CODE, SHORELINE MUNICIPAL CODE TITLE 20, TO IMPLEMENT A DEEP GREEN INCENTIVE PROGRAM

WHEREAS, buildings are responsible for a large portion of negative environmental impacts, accounting for approximately 50% of U.S. carbon emissions and contributing to climate change, persistent toxins in the environment, raw resource consumption, impacts to water supply, habitat loss, and other related concerns; and

WHEREAS, the Deep Green Incentive Program establishes goals for building owners, architects, design professionals, engineers, and contractors to build in a way that provides for a sustainable future through buildings informed by their ecoregion's characteristics that generate all of their own energy with renewable resources, capture and treat all of their water, and operate efficiently with maximum beauty; and

WHEREAS, Deep Green and Living Buildings require a fundamentally different approach to building design, permitting, construction, and operations that may necessitate flexibility in current codes and regulatory processes in order to support their development; and

WHEREAS, The City of Shoreline (City) has been a leader in encouraging sustainable building through construction of a LEED Gold City Hall; adoption of regulations through the 185th and 145th Street Station Subarea Plans that require green building in areas near future light rail stations; identifying energy and water efficient buildings as a primary strategy to meet its greenhouse gas reduction targets adopted through the Climate Action Plan; and initiated other processes, regulations, and incentives to encourage the private market to follow the City's lead; and

WHEREAS, the goal of this ordinance and implementing regulations is to encourage the development of buildings that meet the criteria for certification under the International Living Future Institute, Built-Green, or US Green Building Council programs, through a variety of incentives; and

WHEREAS, the City Council designated adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program as priority strategies for 2016-2019 on September 14, 2015, thereby requesting the Department of Planning & Community Development and the Planning Commission to develop recommendations for implementing the Living Building Program within the City of Shoreline;

NOW, THEREFORE, this ordinance establishes a Deep Green Incentive Program supporting the development of new buildings and the retrofitting of existing buildings that meet the standards defined by the International Living Future Institute, Built Green, or the US Green Building Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** **Amendment of the Unified Development Code, SMC Title 20.** The amendments to the Unified Development Code, SMC Title 20, attached hereto as Exhibit A are adopted. Amendments are to Chapters 20.20, 20.30, and 20.50.

**Section 2.** **Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

**Section 3.** **Effective Date.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after.

**PASSED BY THE CITY COUNCIL ON _____, 2017.**

_____
Christopher Roberts
Mayor

**ATTEST:**

_____
Jessica Simulcik Smith
City Clerk

**APPROVED AS TO FORM:**

_____
Margaret King
City Attorney

Date of Publication: _____
Effective Date: _____

DRAFT

**Draft Development Code Regulations to Implement City of Shoreline
Deep Green Incentive Program
Ordinance 760, Exhibit A**

**20.20.016 D definitions.**

**Deep Green**- refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality than required by the Building Code. With regard to the Deep Green Incentive Program, this definition is divided into tiers. Tier 1 refers specifically to the standards of International Living Future Institute's (ILFI) Living Building Challenge™ certification program; Tier 2 refers specifically to the standards of the ILFI Petal Recognition™ certification program or Built Green's Emerald Star™ certification program; and Tier 3 refers specifically to the standards of the US Green Building Council's Leadership in Energy and Environmental Design™ (LEED) Platinum certification program or ILFI's Net Zero Energy Building™ (NZEB) certification program.

**20.20.032 L definitions.**

**Living Building™**- generates all of its own energy with renewable resources, captures and treats all of its water, and operates efficiently and for maximum beauty. With regard to the Deep Green Incentive Program, it refers specifically to the International Living Future Institute's Living Building Challenge™ program, which is comprised of seven performance areas. These areas, or "Petals", are place, water, energy, health and happiness, materials, equity, and beauty.

**20.30.045 Neighborhood meeting for certain Type A proposals.**

A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones.

1. developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or
2. developments requesting departures under the Deep Green Incentive Program, as per Ordinance No. 760.

This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC 20.30.090 for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

**20.30.080 Preapplication meeting.**

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project that may impact a critical area or its buffer consistent with SMC 20.80.045.

A preapplication meeting is required prior to submitting an application for any project requesting departures through the Deep Green Incentive Program to discuss why departures are necessary to achieve certification through International Living Future Institute, Built Green, or US Green Building Council programs. A representative from

prospective certifying agency will be invited to the meeting, but their attendance is not mandatory. The fee for the preapplication meeting will be waived.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas worksheet and, if available, preliminary critical area reports. Plans presented at the preapplication meeting are nonbinding and do not "vest" an application. (Ord. 724 § 1 (Exh. A), 2015; Ord. 439 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(a), 2000).

**20.30.297 Administrative Design Review (Type A).**

1. Administrative Design Review approval of departures from the design standards in SMC 20.50.220 through 20.50.250 and SMC 20.50.530 through 20.50.610 shall be granted by the Director upon their finding that the departure is:
   a) Consistent with the purposes or intent of the applicable subsections; or
   b) Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 6, 2011).
2. Projects applying for certification under the Living Building Challenge, Petal Recognition, Emerald Star, Leadership in Energy and Environmental Design Platinum, or Net Zero Energy Building programs may receive departures from development standards under SMC 20.40, 20.50, 20.60, and/or 20.70 upon the Director's finding that the departures meet A and/or B above, and as further described under 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above.

**20.30.770 Enforcement provisions.**

**D. Civil Penalties.**

8. Deep Green Incentive Program.

a. Failure to submit the supplemental reports required by subsection 20.50.630(F) by the date required- within six months and two years of issuance of the Certificate of Occupancy- is subject to civil penalties as specified in 20.30.770(D)(1) and 20.30.770(D)(4).
b. If the project does not meet the requirements after two years of occupancy as detailed under SMC 20.50.630(F)(5)(a-c), the applicant or owner will required to pay the following:
   i. Failure to demonstrate compliance with the provisions contained in subsection 20.50.630(F)(5)(a-c) is subject to a maximum penalty of five percent of the construction value set forth in the building permit for the

structure. This fee may be reduced at the discretion of the Director based on the extent of noncompliance.

ii. In addition, the applicant or owner shall pay any permit or other fees that were waived by the City.

**20.50.400 Reductions to minimum parking requirements.**

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.

B. A project applying for parking reductions under the Deep Green Incentive Program may be eligible for the following, based on the certification they intend to achieve:

1. Tier 1 – Living Building Challenge Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the full International Living Future Institute (ILFI) Challenge criteria;
2. Tier 2 – Living Building Petal or Emerald Star Certification: up to 55% reduction in parking required under 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;
3. Tier 3 - LEED Platinum or Net Zero Energy Building Certification: up to 40% reduction in parking required under 20.50.390 for projects meeting the respective US Green Building Council or ILFI program criteria.

~~B~~C. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

~~C~~D. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.

~~D~~E. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development.

~~E~~F. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail station. These parking reductions may not be combined with parking reductions identified in subsections A, B, and ~~E~~D of this section.
~~F~~G. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section. (Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 6(B-2), 2000).

*The entire Code section below constitutes a new subchapter so underline format is not used.*

**Subchapter 9: 20.50.630 – Deep Green Incentive Program (DGIP)**

A. **Purpose.** The purpose of this section is to establish an incentive program for Living and Deep Green Buildings in the City of Shoreline. The goal of the DGIP is to encourage development that meets the International Living Future Institute's (ILFI) Living Building Challenge™ (LBC), Petal Recognition™ (PR), or Net Zero Energy Building™ (NZEB) programs; Built Green's Emerald Star™ (ES) program; and the US Green Building Council's (USGBC) Leadership in Energy and Environmental Design™ (LEED) Platinum programs by:

1. encouraging development that will serve as a model for other projects throughout the city and region resulting in the construction of more Living and Deep Green Buildings; and
2. allowing for departures from Code requirements to remove regulatory barriers.

B. **Project qualification**

1. Application requirements. In order to request exemptions, waivers, or other incentives through the Deep Green Incentive Program, the applicant or owner shall submit a summary demonstrating how their project will meet each of the requirements of the relevant certification program, such as including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems.
2. Qualification process. An eligible project shall qualify for the DGIP upon determination by the Director that it has submitted a complete application pursuant to SMC 20.30.297 Administrative Design Review, and has complied with the application requirements of this subsection.
3. The project must be registered with the appropriate third-party certification entity such as the International Living Future Institute, Built Green, or US Green Building Council.
4. Projects requesting departures under the DGIP shall meet the current version of the appropriate certification program, which will qualify them for one of the following tiered packages of incentives:
   a. Tier 1 - Living Building Certification: achieve all of the Imperatives of the ILFI Living Building Challenge;

b. Tier 2 – Emerald Star or Living Building Challenge Petal certification: satisfy requirements of Built Green program or three or more ILFI Petals, including at least one of the following- Water, Energy, or Materials; or

c. Tier 3- LEED Platinum or NZEB: satisfy requirements of the respective USGBC or ILFI programs.

C. **Director's Determination.** All Shoreline Deep Green Incentive Program projects are subject to review by the Director under Section 20.30.297. Any departures from the Shoreline Development Code (SMC Title 20) must be approved by the Director prior to submittal of building permit application.

D. **Incentives.** A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project qualifying for Tier 1 - Living Building Challenge may be granted a waiver of 100% City-imposed preapplication and permit application fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-imposed application fees. A project qualifying for Tier 3 – LEED Platinum or NZEB may be granted a waiver of 50% of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
3. Departures from Development Code requirements when in compliance with SMC 20.50.630(E).

E. **Departures from Development Code requirements**: The following requirements must be met in order to approve departures from Development Code requirements:

1. The departure would result in a development that meets the goals of the Shoreline Deep Green Incentive Program and would not conflict with the health and safety of the community. In making this recommendation, the Director shall consider the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures.
2. A Neighborhood Meeting is required for projects departing from standards in the R-4 or R-6 zones.
3. Departures from the following regulations may be granted for projects qualifying for the Shoreline Deep Green Incentive Program:
    a. SMC 20.50.020. Residential density limits:
        i. Tier 1 – Living Building Challenge Certification: up to double the allowed density for projects meeting the full Challenge criteria;
        ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
        iii. Tier 3 - LEED Platinum or NZEB Certification: up to 50% bonus for the base density allowed under zoning designation for projects meeting the program criteria.

b. SMC 20.50.390. Parking requirements:
    i. Tier 1 – Living Building Challenge Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;
    ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 55% reduction in parking required under 20.50.390 for projects meeting the program criteria;
    iii. Tier 3 - LEED Platinum or NZEB Certification: up to 40% reduction in parking required under 20.50.390 for projects meeting the program criteria.
c. Setback and lot coverage standards, as determined necessary by the Director;
d. Use provisions, as determined necessary by the Director
e. Standards for storage of solid-waste containers;
f. Open space requirements;
g. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;
h. Structure height bonus up to 10 feet for a development in a zone with a height limit of 35 feet or less; or a structure height bonus up to 20 feet for development in a zone with a height limit greater than 45 feet; and
i. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone.

F. **Compliance with minimum standards**

1. For projects requesting departures, fee waivers, or other incentives under the Deep Green Incentive Program, the building permit application shall include a report from the design team demonstrating that the project is likely to achieve the elements of the program through which it intends to be certified.
2. For projects applying for an ILFI certification (Tiers 1, 2, or 3), after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that an LBC Preliminary Audit has been scheduled; such as a paid invoice and date of scheduled audit. After construction and within twelve months of issuance of Certificate of Occupancy, the applicant or owner must show a preliminary audit report from ILFI demonstrating project compliance with the Place, Materials, Indoor Air Quality, and Beauty/Inspiration Imperatives that do not require a performance period.
3. For projects aiming for Built Green Emerald Star certification (Tier 2), after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that the project successfully met Built Green Emerald Star certification by way of the Certificate of Merit from the program.

4. For projects pursuing LEED certification (Tier 3), the applicant or owner must show, after construction and within six months of issuance of the Certificate of Occupancy, that the project has successfully completed the LEED Design Review phase by way of the final certification report.
5. No later than two years after issuance of a final Certificate of Occupancy for the project, or such later date as requested in writing by the owner and approved by the Director for compelling circumstances, the owner shall submit to the Director the project's certification demonstrating how the project complies with the standards contained in this subsection. Compliance must be demonstrated through an independent certification from a third party such as ILFI, Built Green, or USGBC/Green Building Cascadia Institute (GBCI). A request for an extension to this requirement must be in writing and must contain detailed information about the need for the extension.
    a. For projects pursuing ILFI certification (Living Building Challenge, Petal Recognition, or Net Zero Energy Building), performance based requirements such as energy and water must demonstrate compliance through certification from ILFI within the two year timeframe noted above.
    b. For projects pursuing Built Green certification post-occupancy compliance must be demonstrated with analysis proving 12 consecutive months of net zero energy performance and/or 70% reduction in occupant water use. It is the owner's responsibility to submit utility information to Built Green so analysis can be conducted and shown to the Director.
    c. For projects pursuing LEED certification, the applicant or owner must show proof of certification by way of the final LEED Construction Review report and LEED Certificate issued by USGBC/GBCI.
6. If the Director determines that the report submitted provides satisfactory evidence that the project has complied with the standards contained in this subsection, the Director shall send the owner a written statement that the project has complied with the standards of the Shoreline Deep Green Incentive Program. If the Director determines that the project does not comply with the standards in this subsection, the Director shall notify the owner of the aspects in which the project does not comply. Components of the project that are included in order to comply with the minimum standards of the Shoreline Deep Green Incentive Program shall remain for the life of the project.
7. Within 90 days after the Director notifies the owner of the ways in which the project does not comply, or such longer period as the Director may allow for justifiable cause, the owner may submit a supplemental report demonstrating that alterations or improvements have been made such that the project now meets the standards in this subsection.
8. If the owner fails to submit a supplemental report within the time allowed pursuant to this subsection, the Director shall determine that the project has failed to demonstrate full compliance with the standards contained in this

subsection, and the owner shall be subject to penalties as set forth in subsection 20.30.770.

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# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION
## MINUTES OF REGULAR MEETING

November 17, 2016 — Shoreline City Hall
7:00 P.M. — Council Chamber

**Commissioners Present**
Chair Craft
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Mork
Commissioner Moss-Thomas

**Staff Present**
Rachael Markle, Director, Planning & Community Development
Paul Cohen, Senior Planner, Planning & Community Development
Julie Ainsworth Taylor, Assistant City Attorney
Kendra Dedinski, Traffic Engineer
Lisa Basher, Planning Commission Clerk

**Commissioners Absent**
Vice Chair Montero

### CALL TO ORDER

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

### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Craft and Commissioners Chang, Maul, Malek, Mork and Thomas. Vice Chair Montero was absent.

### APPROVAL OF AGENDA

The agenda was accepted as presented.

### APPROVAL OF MINUTES

The minutes of November 3, 2016 were adopted as amended.

### GENERAL PUBLIC COMMENT

There were no general public comments.

## PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENTS

Chair Craft reviewed the rules and procedures for the public hearing and then opened the hearing.

### Staff Presentation

Mr. Cohen reviewed that the public hearing is on the 2016 Comprehensive Plan amendments. He explained that the State's Growth Management Act (GMA) limits review of proposed Comprehensive Plan amendments to no more than once a year. To ensure the public can view the proposals within a citywide context, the GMA directs cities to create a docket (or list) of amendments that may be considered each year. The City Council set the final docket in June, with 8 amendments (3 privately-initiated and 5 city-initiated). He reviewed each of the amendments as follows:

- **Amendment 1** would amend Land Use Policy LU-47, which considers annexation of 145th Street adjacent to the southern border of the City. This amendment was also on the 2015 Comprehensive Plan Amendment Docket and was bumped to 2016. The City is currently engaged in the 145th Street Corridor Study and is working towards annexation of 145th Street. Staff is recommending that the amendment be placed on the 2017 docket to be more in line with these other projects.

- **Amendment 2** is consideration of amendments to the Point Wells Subarea Plan and has also been on the City's docket for a while. The City anticipated that the Transportation Corridor Study on mitigating adverse impacts from the BSRE's proposed development of Point Wells would be completed in 2016. However, delays in Snohomish County's review of the BSRE's Draft Environmental Impact Statement (DEIS) have delayed the City's review of the DEIS and the completion of the Traffic Corridor Study as described in Subarea Plan Policy PW-12. Staff is recommending that this same Comprehensive Plan amendment be docketed for 2017.

- **Amendment 3** would amend the Parks, Recreation and Open Space (PROS) Plan to add goals and policies to the Parks Element of the Comprehensive Plan based on policies identified in the 185th Street Station Subarea Plan. The City, through analysis contained in the Environmental Impact Statement (EIS) for the 185th Street Station, has identified a need for more parks, recreation and open space. The City will work with the Parks Board and the community to determine the process of locating new park space within the subarea, establishing a means to fund new park spaces (i.e. park impact fees), determining a ratio of park space per new resident in the subarea, and any other park issues that arises during the public process. Staff is recommending that this amendment be carried over to the 2017 docket, with the understanding that the updated PROS Plan will most likely be adopted in 2017.

- **Amendment 4** would amend Transportation Policy T-44 by adding a Volume Over Capacity (V/C) Ratio for collector arterial streets. The amendment was privately initiated and was carried over from the 2015 docket. The City Council directed staff to study the proposed amendment as part of the Transportation Master Plan (TMP) update, which has not yet begun. Staff has reviewed the proposal in consideration of existing TMP modeling efforts. Staff believes that expanding the .90 V/C standard to apply to the collector arterials would have current and future implications and require

growth projects to address deficiencies in our transportation impact fee structure. Staff is not recommending approval of the amendment.

- **Amendment 5** would clean up Land Use Policies LU-63, LU-64, LU-65, LU-66 and LU-67. These all reference outdated King County Countywide Planning Policies. Policy FW-32 (establish a countywide process for siting essential public facilities) and Sl-1 (consideration of alternative siting strategies) are no longer in the Countywide policies. The amendments also correct references to policy numbers that have changed.

- **Amendment 6** is a privately-initiated amendment that would amend Point Wells Subarea Plan Policy PW-12 by adding the following language, *"As a separate limitation in addition to the foregoing, the maximum number of new vehicle trips a day entering the City's road network from/to Point Wells shall not exceed the spare capacity of Richmond Beach Road west of 8th Avenue NW under the City's .90 V/C standard based on Richmond Beach Road being a 3-lane road (the .90 V/C standard may not be exceeded at any location west of 8th Avenue NW along Richmond Beach Road."* Staff does not support the amendment, as it is already addressed by the City's Level of Service (LOS) Standards. While the applicant has pointed out it is not staff's place to recommend changes to the proposed amendment, the City's Capital Improvement Program (CIP) includes a project to restripe Richmond Beach Road in this segment from four lanes to three. This would be the future roadway configuration, which would limit capacity more than it is today. Therefore, the capacity is driven by the future CIP.

- **Amendment 7** would amend the Southeast Neighborhood Subarea Plan to move policies related to the 145th Street Station Subarea Plan, amend the text, and amend the boarders of the Southeast Neighborhood Subarea Plan to fit with the 145th Street Station Subarea Plan.

- **Amendment 8** would add a new Point Wells Subarea Plan Policy adopting a V/C ratio of 0.65 or lower for Richmond Beach Drive north of NW 196th Street. This privately-initiated amendment would add a new policy to the implementation section of the Point Wells Subarea Plan. The City Council discussed the merits of the amendment at their June 13, 2016 meeting and agreed that the amendment would provide the community assurance that the City will study a V/C ratio of .65 or lower for Richmond Beach Drive north of NW 196th Street and would not exceed .90 on Richmond Beach Road measured at any point west of 8th Avenue. Staff supports the language in the proposed amendment and believes the supplemental LOS Standard provides an appropriate limit for the street in consideration of the existing neighborhood and future growth at the Point Wells site.

Mr. Cohen summarized that staff's overall recommendation is to carry Amendments 1, 2 and 3 over to the 2017 docket, approve Amendments 5, 7 and 8, and deny Amendments 4 and 6.

Commissioner Malek asked if Amendment 8 addresses what is in Amendment 6 by limiting the V/C ratio. Ms. Dedinski answered that the language in Amendment 6 is duplicated in Amendment 8. Staff's recommendation is to approve Amendment 8, which would make Amendment 6 unnecessary.

Commissioner Malek requested clarification about staff's concerns relative to the potential wide-range implications of Amendment 4. Ms. Dedinski explained that the V/C Ratio, if expanded to collector

arterials as proposed in the amendment, would have widespread citywide implications. Based on the current model contained in the 2011 TMP, the amendment would result in failures for collector arterials in the City already. That means the City would have to add growth projects into its current transportation impact fee structure, and this would increase the cost of trips to developers. It would also require that the City be on the hook for improving the roadways, which ultimately means expanding the roadways. Expansion might not be the vision of the neighborhood. The better way to address the issue is when the TMP is updated in 2017. Especially when dealing with the subarea plans, the City needs to take a hard look at how collector arterial are addressed as the nature of the roadways are going to change as development occurs in the subareas.

Chair Craft clarified that some of the issues that would have to be taken into consideration now would include addressing the capacity on the collector arterials, meaning that the streets would likely have to be widened to increase the opportunity for capacity. Ms. Dedinski agreed. For example, the projected traffic model shows that the V/C Ratio is over .90 on Fremont Avenue N, so it would be necessary to add one or two lanes to address the capacity issue. That might not be what the neighborhood wants. It is a collector arterial, and is not intended to encourage more traffic.

Commissioner Malek asked how neighborhoods can reconcile their opposition to wider roadways with increased density. He asked about the costs of mitigating the impacts of increased density. Ms. Dedinski said she does not have the ability to provide specific cost information. However, widening a roadway, while still providing the standard sidewalks, etc., would likely require some costly right-of-way acquisition. At this point, staff does not have enough background information to make that type of decision.

Commissioner Malek summarized that the City's proposal is to move forward with an update of the TMP, and the information contained in the updated TMP will be used to address the overall picture. Ms. Dedinski explained that the work done in 2011 was a great start at addressing LOS Standard issues, and the Transportation Impact Fee Program is relatively new for the City. There is an opportunity for refinement when the TMP, modeling and traffic analysis are revisited in 2017.

Chair Craft said he appreciates the City's deliberate and holistic approach of looking at the issue in a broader citywide scenario. This will allow the issues to be addressed in an order that would be predictable and recognizable for the community. The community would have an opportunity to have significant input and discussion. The proposed amendment jumps ahead without the appropriate public input and notification, as well as the City's analysis. Ms. Dedinski agreed and added that the focus of staff's recommendation on Amendment 8 is to get at the heart of the specific and unique issues that Richmond Beach is facing without having the wider implications.

Commissioner Thomas referred to Amendment 8 and asked if adopting the .65 V/C Ratio has already been assessed or if it is something that requires further study. Ms. Dedinski said Amendment 8 was proposed in 2015, and it was studied based on direction from the City Council.

Commissioner Mork noted that Amendment 3 calls for exploring the possibility of a park impact fee or dedication program. She asked if a park impact fee that is adopted in 2017 would have to wait until 2018 to be implemented if Amendment 3 is postponed until 2017. Ms. Dedinski answered that park

impact fees are already being considered as part of the PROS Plan update and will be on the 2017 docket for approval. The Park impact fee is outside of the Comprehensive Plan and can be adopted at any time. Commissioner Mork questioned the need for Amendment 3. Mr. Cohen said the recommendation to defer is to make the amendment more applicable or apparent that the policy would be addressed as part of the PROS Plan update. The Parks Department does not necessarily disagree with the amendment, but believe it is premature. Commissioner Mork asked if there is a downside to approving the amendment in 2016. Mr. Cohen referred to the Parks Department comments that words such as "explore" are pretty soft at this point. Although they are recommending that the amendment be deferred to 2017, staff would not be opposed to its approval in 2016.

Commissioner Mork expressed concern that the City start down the path as soon as possible on acquiring additional park land, etc. Postponing the amendment sends the message that the City is "sitting on its hands." Chair Craft said he supports the Parks Department's belief that the issues outlined in the amendment would be studied as part of the PROS Plan update and the recommendation would proceed under a more comprehensive look at parks. On the other hand, the language in Amendment 3 is sufficiently benign. It makes the point without prescribing specific actions to take place. Mr. Cohen explained that the policy and the PROS Plan will be linked together. If the PROS Plan update was not scheduled in the near future, it might be more important to adopt the amendment sooner rather than later.

Commissioner Maul summarized that, if Amendment 3 is adopted, the PROS Plan would address how the issues in Amendment 3 would be solved. Commissioner Thomas commented that adopting the amendment would identify specific things that need to be addressed in the PROS Plan. Perhaps this would send a stronger message that the issues are important.

Commissioner Chang referred to Amendment 2 and voiced concern that the proposed language anticipates that the vehicle trips per day on Richmond Beach Road would increase. She questioned if that is the direction the City wants to head. She suggested they should hold onto the 4,000-trip maximum for future negotiations. Commissioner Malek agreed that the amendment appears to skip ahead to a presumption that traffic volumes will increase. Director Markle said it is important to remember that the City has its own subarea plan for Point Wells that anticipates the property will develop, but to a lesser degree than what is proposed in Snohomish County. Through that redevelopment, they would expect the number of trips to increase, as well. Ms. Dedinski said the idea is to account for some level of trips given the current planned annexation area. Commissioner Thomas said staff's recommendation would simply move the amendment to the next calendar year because it is not going to be resolved in 2016 anyway.

Commissioner Maul noted that the Comprehensive Plan already identifies a 4,000-trip maximum. Commissioner Malek recalled public comments that the City already raised the maximum trip limit to 4,000, and concern was raised that the limits would increase even more. Ms. Dedinski said the limit on the street will remain capped at 4,000 trips until there is a completed and agreed-upon transportation corridor study from the developer. Commissioner Malek recalled that, at one time, there was a suggestion that substantially more trips be allowed, and the final agreement was 4,000. Any movement in the cap would be disconcerting. Ms. Dedinski advised that the initial traffic study the City conducted with consultants had an average daily volume limit of about 8,250, recognizing other infrastructure

limitations. Commissioner Thomas recalled that the way the street was classified resulted in a daily volume limit of 8,250. At that time, there was concern that something specific had to be done to reduce the number, and an emergency meeting was held to amend the Comprehensive Plan. Commissioner Chang questioned what the number would be with the 3-lane configuration, and said she is concerned that the City is already talking about increasing the volume when annexation is not going to happen anytime soon. Ms. Dedinski said the thought is that the amendment could be carried over into 2017 since there is nothing to suggest anything would be approved in the next year.

Commissioner Malek asked about the status of the Traffic Corridor Analysis from BSRE. Ms. Dedinski answered that the analysis is indefinitely on hold. She recalled that the developer was asked to revise his project submittal. Commissioner Maul asked if 8,250 is what full build out of Point Wells would produce. Ms. Dedinski answered that when the Point Wells Subarea Plan was put together nearly a decade ago, the City studied what the maximum trips coming from the site would be before infrastructure failures occurred along the corridor as a result of development. Given the current configuration, the road capacity was identified as 8,250. If the street were redesigned to 3 lanes, the directional capacity would be 960 vehicles per hour. Generally, when talking about capacity, it is an hourly volume rather than an average daily traffic volume, which is what most of the references in the documents speak to. Typically, the peak-hour volume is about 8% to 12% of the daily volume. The capacity of a 3-lane configuration would be inherently lower than with a 4-lane configuration.

**Public Testimony**

There were no public comments.

**Commission Deliberation and Action**

**COMMISSIONER THOMAS MOVED THAT THE COMMISSION FORWARD THE 2016 COMPREHENSIVE PLAN AMENDMENT DOCKET TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS RECOMMENDED BY STAFF. CHAIR CRAFT SECONDED THE MOTION.**

Commissioner Thomas summarized that a lot of study has been done by staff, and the Commission has reviewed the amendments a number of times.

**COMMISSIONER MORK MOVED TO AMEND THE MAIN MOTION TO SEND AMENDMENT 3 FORWARD AS PART OF THE 2016 DOCKET AS OPPOSED TO POSTPONING IT TO THE 2017 DOCKET. COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Mork commented that it is very important to send a message to the Shoreline residents and the City Council that the Commission is very interested in parks.

**THE MOTION TO AMEND WAS UNANIMOUSLY APPROVED.**

**COMMISSIONER THOMAS MOVED TO AMEND THE MAIN MOTION TO ALTER THE LANGUAGE IN AMENDMENT 5 BY ADDING THE WORD "ADDITIONAL" BETWEEN "AND" AND "CRITERIA." COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Thomas reviewed that, as currently proposed, the language in LU-63 refers to LU-65 and the language in LU-65 refers to LU-63. The proposed amendment would make it clear that the criteria in LU-63 and LU-65 would both apply.

Chair Craft asked if the proposed amendment would materially change the intent of the language. Assistant City Attorney Ainsworth-Taylor indicated she does not see a problem with the proposed amendment. It simply makes it clearer that the criteria in both LU-63 and LU-64 must be considered.

**THE MOTION TO AMEND WAS UNANIMOUSLY APPROVED.**

**COMMISSIONER THOMAS MOVED TO AMEND THE MAIN MOTION TO CHANGE THE LANGUAGE IN LU-65 OF AMENDMENT 5 TO READ, *"USE THIS SITING PROCESS TO SITE THE ESSENTIAL PUBLIC FACILITIES THAT MEET THE CRITERIA IN LU-63."* COMMISSIONER MAUL SECONDED THE MOTION.**

Commissioner Thomas expressed her belief that the word "interim" was included in the language as an oversight, since this is no longer an interim process. Mr. Cohen voiced support for the proposed amendment, which is intended to clarify the policy.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Chang asked members of the Point Wells Subcommittee to comment on Amendment 2. Commissioner Malek said he supports the staff's recommendation that the amendment be moved to 2017 for further study. However, he shares Commissioner Chang's concern that the language assumes an increase in traffic.

**COMMISSIONER MALEK MOVED TO AMEND THE MAIN MOTION TO CHANGE AMENDMENT 2 BY REPLACING THE WORD "INCREASING" WITH "OF." COMMISSIONER CHANG SECONDED THE MOTION FOR DISCUSSION.**

Commissioner Maul reminded the Commission that staff is recommending that Amendment 2 be forwarded to the 2017 docket. Therefore, he questioned if changing the language would really be necessary at this time. Assistant City Attorney Ainsworth-Taylor clarified that, if the amendment is accepted by the City Council, the amended language would be forwarded to the 2017 docket.

Commissioner Malek agreed with Commissioner Chang's concern about including language that implies an increase in the number of trips. The idea of the study is to determine a number of plus or minus.

Commissioner Mork asked if "trips" is a weird nomenclature for how traffic planners normally think about traffic. Ms. Dedinski agreed it is unique. Commissioner Mork asked if this is an opportunity to try and put it in the correct units. Ms. Dedinski answered that it is okay as it is, but that is essentially

why staff is recommending the supplemental LOS of .65 for Richmond Beach Drive. It adds an extra measure, as well as being consistent with the GMA provisions.

**THE MOTION CARRIED UNANIMOUSLY.**

**THE MAIN MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.**

Chair Craft closed the public hearing.

**STUDY ITEM: DEVELOPMENT CODE AMENDMENTS CONTINUED FROM OCTOBER 20TH MEETING**

**Staff Presentation**

Mr. Cohen recalled that the Commission had a study session on the 2016 Development Code amendments on September 15th and requested additional information on two of them (Amendments 5 and 13). Staff is now proposing five additional Development Code amendments and two Municipal Code amendments. The purpose of the study session is to allow staff to respond to the questions and concerns that were raised at the September 15th meeting, introduce the new amendments, and gather public comment. He reviewed the amendments as follows:

- **Amendment 13.** The Commission pulled Amendment 13 from the general batch. Amendments related to self-service storage facilities are now included as a separate batch of amendments, for which the Commission held a study session on October 6th and a public hearing on November 3rd.

- **Amendment 5.** The Commissioners raised questions about Amendment 5, which pertains to unit lot development. To address the Commission's concerns, Ray Allshouse, the City's Building Official explained that the City's current fire code requirements include a provision that any new building that is greater than 4,800 square feet must be sprinkled and there are no exceptions. He also explained that there are provisions in the model residential building code that lay out specific requirements for separation walls and the proposed amendment would not reduce these requirements in any way, shape or form. Lastly, he advised that because the lateral dimensions of a unit lot development would be greater, it would be more resistive to lateral forces.

- **New Amendment 2.** This amendment would add the term "Non-Vegetated Surface" to the Impervious Surface Definition. This is one of four amendments recommended by the Department of Ecology (DOE) to incorporate Low-Impact Development (LID) and Best Management Practices (BMPs) into the Development Code.

- **New Amendment 7.** This amendment is intended to address the expiration of the vested status for land use permits and approvals. It adds an exception to vesting timelines for Special Use Permits (SUPs) granted to public agencies, which includes Sound Transit. He explained that a time limit on a project that may go on for ten or more years needs to be addressed so the applicant does not have to come back to the Hearing Examiner for additional SUPs.

- **New Amendment 10.** This amendment also addresses the SUP. It increases the vesting period for SUPs issued to public agencies because of the long development timelines for projects. As written, a public agency can request a modification to the SUPs expiration provisions allowing for vesting of the SUP for a period of up to five years from the date of the Hearing Examiner approval; or if the SUP provides for phased development, for a period up to 10 years from the date of the Hearing Examiner approval.

- **New Amendment 9.** This amendment would simply change "Director" to "Director of Public Works" for approval of a Deviation from Engineering Standards applications. He explained that Public Works is the department that processes and approves these deviations.

- **New Amendment 25.** This amendment fixes the dimensional requirements for Mixed Use Residential (MUR) Zones. He explained that front yard setbacks in the MUR-70' Zone differ, depending on what kind of street they are located on. This minor amendment would strike "up to" in the front setback standards. These words create confusion because Exception 14, which accompanies the table, states that, "*The exact setback along 145th and 185th Streets, up to the maximum described, will be determined by the Public Works Department through a development application.*"

- **New Amendment 1.** This amendment would delete SMC 16.10, which is the Shoreline Management Plan. The City adopted a new Shoreline Master Program in 2012, and it is part of the Development Code that replaces SMC 16.10.

- **New Amendment 2.** This amendment would strike SMC 16.20, which is the fee schedule. The City lists all of its fees in SMC 3.01, making SMC 16.20 redundant and unnecessary.

Mr. Cohen summarized that there is a total of 37 proposed Development Code amendments and two Municipal Code Amendments. A public hearing on the entire batch of code amendments is scheduled for December 1, 2016.

**Public Comment**

There were no public comments.

**DIRECTOR'S REPORT**

Director Markle advised that staff recently started the practice of providing a monthly update on what is new in development permitting. She distributed copies of the report that was shared with the City Manager for the month of October. She explained that the report lists the applications the City received in October for significant projects. She reviewed the list as follows:

- Ground Evolution. The application is for five row houses located at 1620 – 185th Street within the 185th Street Station Subarea.

- Self-Storage Facility. The application is for a heated storage facility on 165th Street. This is one of the two that were permitted before the moratorium was put in place. A permit has now been issued.

- Anderson House and Anderson Plaza. The application is for a substantial remodel of a residential care facility and nursing home. The project was approved in September, but the applicant has not picked up the permit yet.

- Public Health Lab. The application is for remodel work at the Public Health Lab.

- Potalla. The application is for redevelopment of the Denny's Triangle site by Shoreline Place on Aurora Avenue North and Westminster Avenue. The proposal is for 309 units in a 2 to 5-story development. The receiver is looking for a buyer to purchase the site. Staff continues to review the building permit in hopes that a buyer will come forward.

- RLD Aurora Square. The application is for a 6-story, 160-unit development, with some retail. The permit is still under review.

- Shoreline Multi Family. The application is for a project on 10th Avenue, within the 185th Street Station Subarea. Staff is currently waiting for the applicant to respond to their corrections. The applicant has until February to submit revisions or the permit will expire. Currently, the applicant is having difficulty obtaining financing because the first two floors are proposed as storage, as there is not enough room for parking to accommodate more residential units. The City denied the applicant's request for a parking reduction. A parking reduction cannot be granted until the station has been built.

- Vision House. The application is for an expansion of the existing project.

- Arrabella 2. This application is for a reduced number of units (81). The applicant had some issues with property lines.

- City Project. The City has submitted permits to construct a third floor on the police station.

- Single-Family Residents. The application is for redevelopment of a property in the Highlands, which happened to have a substantial valuation.

- Sound Transit. The City has officially started the permitting process with Sound Transit for the Lynnwood Link extension. A pre-application meeting was held for the Special Use Permit (SUP).

- 2-Story Office Warehouse Facility. This project is proposed for the Ballinger area.

Director Markle reported that Sound Transit conducted an open house for the 30%-in-progress designs for the station on November 16th. For those who were unable to attend, the materials from the presentation can be viewed at www.lynnwoodlink.participate.online.com. There were a number of great photographic design images for the public to view and get a feel for the station design. Mr. Cohen

added that there would be a few more community meetings on the station design as Sound Transit gets to higher percentages of completion. These additional meeting dates will be announced at a later date.

Mr. Cohen provided copies of the Commission's draft letter to the City Council. He noted that it needs to be finalized and signed so it can be forwarded to the City Council in preparation for their joint meeting with on November 28th. Staff has not received any comments from Commissioners to date. However, the draft was updated to identify three topics the Commission wanted to emphasize.

Commissioner Moss-Thomas recalled that, at their last meeting, the Commission agreed that the proposed amendments relative to Transitional Homeless Encampments should be an item of discussion at the joint meeting. Mr. Cohen reported that staff is planning to come back to the Commission on December 16 with alternative code language based on the comments that were received at the public hearing. However, the amendments would not be presented to the City Council until after the first of the year.

Commissioner Malek suggested that the letter should be updated to make the point that the Commission would like to reconsider cottage housing as part of an approved zoning option as they work with staff to update the single and multi-family development standards. Chair Craft felt that more general language is appropriate, since the Commission has not reached a consensus relative to cottage housing. As drafted, the letter brings it to the City Council's attention as one option to consider when updating the single and multi-family development standards. After further discussion, the Commission agreed that a separate bullet item should be added to indicate the Commission's desire to talk about the different types of housing, and cottage housing could be listed as an example.

Mr. Cohen agreed to update the letter and forward it to Chair Craft for a signature.

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

There was no new business.

## REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Thomas announced that she and Commissioner Mork attended the American Planning Conference in Portland, Oregon. They both participated in the walking tour of light rail developments going down to Milwaukee Street. It was very interesting to hear about the City's progress and approach and how they engaged the community and found developers to do the station area improvements.

Commissioner Mork reported that she attended Sound Transit's community meeting on November 16th. She commented that the City provided its own table, which was very well received. It was helpful to show the bicycle and pedestrian routes.

## AGENDA FOR NEXT MEETING

Mr. Cohen advised that a public hearing on the 2016 Development Code Amendments is scheduled for December 1st. The Deep Green amendments will also come back on December 1st for a public hearing. Ms. Basher reminded the Commissioners of their dinner meeting with the City Council on November 28th at 5:45 p.m.

## ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

| | |
|---|---|
| _____ | _____ |
| Easton Craft | Lisa Basher |
| Chair, Planning Commission | Clerk, Planning Commission |

**Planning Commission Meeting Date: December 1, 2016 Agenda Item: 7a**

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

| | |
|---|---|
| **AGENDA TITLE:** | **2016 Development Code Amendments Public Hearing** |
| **DEPARTMENT:** | **Planning & Community Development** |
| **PRESENTED BY:** | **Steven Szafran, AICP, Senior Planner**<br>**Paul Cohen, Planning Manager** |

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

## Introduction

Every year, miscellaneous Development Code amendments are collected and presented to the Planning Commission and City Council for study and possible adoption. There are 37 proposed Development Code amendments and two Municipal Code amendments for 2016.

The purpose of this public hearing is to:

- Respond to questions and concerns by Commission;
- Review proposed Development Code amendments presented at the September 15th and November 17th Planning Commission meetings;
- Respond to questions regarding the proposed development regulations;
- Gather public comment; and
- Develop a recommendation to forward to City Council.

Amendments to Shoreline Municipal Code (SMC) Title 20 (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 reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

## Background

The 2016 batch of Development Code amendments are generally minor changes to clarify existing regulations, reduce confusion, codify Administrative Orders, and respond to the changing needs of the City. There are minor amendments to 20.20 – Definitions, 20.30 – Procedures and Administration, 20.40 – Zoning and Use Provisions, 20.50 – General Development Standards, 20.70 – Engineering & Utilities Development Standards, and 20.100 – Special Districts.

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

The Planning Commission reviewed the proposed Development Code amendments at a study session on September 15th and on November 17th. The staff report for September 15th can be found here: http://www.shorelinewa.gov/home/showdocument?id=27891 . The staff report for November 17th can be found here: http://www.shorelinewa.gov/home/showdocument?id=29497 . There are proposed amendments that may be of interest to the community that staff would like to point out below:

- Unit Lot Development (20.20.050, 20.30.410(D))

  Unit Lot Development is an improved process to create more housing options and home ownership opportunities by reducing unnecessary regulatory barriers.

- Single-family residential setbacks and expansion of nonconforming structures

  Staff is proposing to eliminate the requirement that both of the side-setbacks in the R-4 and R-6 zone must equal fifteen (15) feet with the minimum side-setback being five (5) feet. Staff is suggesting that five (5) feet should be the minimum setback on each side yard.

  A related amendment is to delete SMC 20.50.090 in its entirety. This is the section that allows a homeowner to add onto a home that is nonconforming to setbacks. Staff believes by making the side-setbacks more flexible (5-feet minimum on each side), more homeowners will be able to expand their homes without the homes becoming nonconforming.

- Beekeeping

  Staff received a request from a small beekeeping business owner to review the City's beekeeping regulations in comparison to Seattle's. Recent changes to the City's beekeeping regulations have resulted in making it more difficult to site hives in Shoreline than in Seattle. Amendments are proposed for the public and Commission to consider that would change Shoreline's required setbacks for hives from adjacent properties to be more like Seattle's.

- Fences in single family front yards

  The Code currently recommends but does not require fences in front yards to be 3.5 feet or less in height when located on the property line in the R-4 and R-6 zones. Staff has proposed an amendment to remove this provision from the Code as a recommendation it is not enforceable. Should the height limit be removed? Or would the community like to require the limitation instead of just recommending it?

- Prohibit new fuel stations as a use in Town Center

  Town Center is envisioned to be the heart of the City, the civic center. Allowed uses are intended to foster this sense of place and community. In an effort to

- Allowing Light Manufacturing in the Mixed Business zone
  Light manufacturing is a Special Use in the Mixed Business zone and is allowed outright in the Town Center 2, 3, and 4 zones. Since the uses in the Mixed Business zone are generally intended to be more intense than those in the Town Center 2, 3 and 4 zones and the fact that there is very limited land available for light manufacturing in Shoreline, staff proposed an amendment to allow light manufacturing in the Mixed Business zone outright for the public and Commission's consideration.

- SMC 20.30.160 – Expiration of Vested Status for Land Use Permits and Approvals.

  This amendment, along with SMC 20.30.330, adds an exception to the vesting timelines for Special Use Permits granted to public agencies which include Sound Transit. These amendments will increase the vesting period for Special Use Permits issued to public agencies because of the long development timelines for large public projects such as light rail.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to 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.

All of the proposed amendments to the Development Code are included in **Attachment 1**. Each amendment includes a description of the amendment, justification for the amendment and staff recommendations for the amendment.

**Recommendation**
Staff recommends approval of the proposed Development Code amendments as listed in **Attachment 1.**

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**Next Steps**

**The 2016 batch of Development Code amendments schedule is as follows:**

| | |
|---|---|
| January 9 | City Council Discussion of Development Code amendments |
| February 6 | Adoption of Development Code amendments |

**Attachments**

Attachment 1 – Proposed 2016 Development Code Amendments
Attachment 2 – Ordinance No. 713 – Repeal of SMC 16.10 Shoreline Management Plan
Attachment 3 – Ordinance No. 714 – Fee Schedule

**DEVELOPMENT CODE AMENDMENT BATCH 2016**

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| 27 | 20.50.040.I. 4, 5, and 6 – Setbacks | Setbacks for Uncovered Porches and Decks |
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| 29 | 20.50.090 – Additions to Existing Single-Family Residence (SFR) | Additions to Existing, Non-Conforming SFR |
| 30 | 20.50.110 – Fences and Walls | Delete 3.5 foot Fence Height Limit |
| 31 | 20.50.240(C)(1)(a) – Site Frontage | Strike “On Private Property” |
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| 34 | 20.50.540(G) – Sign Design | Add Reference to Aurora Square CRA Sign Code |
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| | **20.70 – Engineering & Utilities Development Standards** | |
| | | |
| 35 | 20.70.020 – Engineering Development Manual | Corrects Reference to EDM and Deletes Text |
| 36 | 20.70.430 – Undergrounding of Electric and Communication Service Connections | Delete Section and Refer to Title 13 |
| | | |
| | **20.100.020 – Aurora Square Community Renewal Area** | |
| | | |
| 37 | 20.100.020 – Aurora Square Community Renewal Area (CRA) | Add a Reference to Ordinance 705 |
| | | |
| | **Municipal Code Amendments** | |

| | | |
|---|---|---|
| 1 | 16.10 – Shoreline Management Plan | Delete Section |
| 2 | 16.20 – Fee Schedule | Delete Section |

**Amendment #1**
**20.20.016 – D Definitions**

*This proposed Development Code amendment will amend the definitions of various types of dwellings. The amendment will also combine these dwelling types into three distinct categories.*

***Justification** – The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the dwelling definitions seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *The definition of apartments will be retained but will be updated to read more clearly.*
- *Duplexes and townhomes will be defined in the single-family attached definition.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

*With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.*

*This proposed Development Code amendment is related to amendments 15, 18, 21, and 22.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

| | |
|---|---|
| Dwelling, Apartment | A building containing ~~three or more~~ multiple dwelling units that are usually ~~may be are~~ located one over the other in a multi-unit configuration. |
| Dwelling, Duplex | A house containing two individual single-family dwelling units that are separated from each other by one-hour fire wall or floor but not including approved accessory dwelling unit. |
| Dwelling, Live/Work | A structure or portion of a structure: (1) that combines a residential dwelling with a commercial use in a space for an activity that is allowed in the zone; and (2) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. 706 § 1 (Exh. A), 2015). |
| Dwelling, Multifamily | Multifamily dwellings are separate housing units contained within one building or several buildings within one complex. Multifamily dwellings may have units located above one over another. Apartments and mixed-use buildings with apartments are considered multifamily dwellings. ~~include: townhouses, apartments, mixed use buildings, single-family attached, and more than two duplexes located on a single parcel.~~ (Ord. 631 § 1 (Exh. 1), 2012; Ord. 299 § 1, 2002). |
| Dwelling, | A building containing ~~three or more~~ more than one dwelling unit attached by |

| | |
|---|---|
| Single-Family Attached | common vertical wall(s), such as townhouse(s), rowhouses, and duplex(s). Single-family attached dwellings shall not have units located one over another (except duplexes may be one unit over the other).(Ord. 469 § 1, 2007). |
| Dwelling, Single-Family Detached | A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit. |
| ~~Dwelling, Townhouse~~ | ~~A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhomes may be located on a separate (fee simple) lot or several units may be located on a common parcel. Townhomes are considered single-family attached dwellings or multifamily dwellings.~~ |

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**Amendment #2**
**20.20.026 – I Definitions**

*This proposed amendment will update the definition of impervious surface by replacing "hard surface" with "non-vegetated surface".*

***Justification** – The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

*In 2015, the City contracted Brown and Caldwell (BC) to review the following codes, standards and documents;*

- *Shoreline Municipal Code (SMC Chapter 12-20)*
- *Engineering Development Manual (EDM)*
- *Comprehensive Land Use Plan*
- *Stormwater Management Program (SWMP) Plan*
- *Critical Area Ordinance (CAO) standards*

*There are four proposed Development Code amendments that are recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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

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**Amendment #3**
**20.20.040 – P Definitions**

*This proposed amendment will update the definition of private stormwater management facility by adding the word "infiltrate" as a way to control surface water.*

***Justification** – The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

**Private Stormwater Management Facility** – A surface water control structure installed by a project proponent to retain, detain, infiltrate or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.

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**Amendment #4**
**20.20.046 – S Definitions**

*There are two proposed amendments to the S Definitions. The first amendment is a minor amendment that updates the definition of formal and short subdivisions. The second amendment adds a definition for "Stormwater Manual".*

***Justification*** *– The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

*Subdivision, Formal - A subdivision of ten ~~five~~ or more lots.*
*Subdivision, Short - A subdivision of nine ~~four~~ or fewer lots.*

***Justification*** *- The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development. The City does not have a definition of Stormwater Manual.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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

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**Amendment #5**
**20.20.050 – U Definitions**

*The City is open to consider improved processes and standards in order to create more housing options, reduce unnecessary barriers, and redefine other types of ownership. A Unit Lot Development (ULD) is an alternative approach to the division of property. Other jurisdictions such as Seattle and Mountlake Terrace, have adopted ULD code amendments. This proposed amendment will add a definition of Unit Lot Development. Amendment #13 contains the regulations for ULD.*

***Justification*** *– A ULD is a subdivision of ownership into fee simple units and does not require the same Building and Fire Code requirements for traditional, attached housing with a property line between the units. Traditional attached housing requires that each unit must be structurally independent and have fire separation as if they were not attached structures. This amendment allows the Building and Fire codes to treat a ULD as one building, such as an apartment building, for fire separation and structural requirements rather than as stand-alone units because of a property line internal to the development.*

*Also, a ULD allows separate ownership of housing units within a "parent lot" without requiring condominium ownership and the State restrictions that accompany it. The ULD is permitted in zones where density supports multiple units on one lot. Currently, multiple units on one lot are allowed in all zones in Shoreline with different unit density limits per acre.*

*Under Amendment #13 these units will be considered individual units but part of one structure that cannot be segregated from one another. A ULD is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code.*

*Amendment #24 is a related amendment that will add ULD into Exception 2 in Tables 20.50.020(1) and 20.50.020(2).*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Unit Lot Development (ULD) – A Unit Lot Development (also known as a "Fee Simple lot") is the subdivision of land for single-family attached dwelling *units*, such as townhouses, rowhouses, or other single-family attached dwellings, or any combination of the above types of single-family attached dwelling units in all zones in which these uses are permitted.

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**Amendment #6**
**Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority**

*This amendment will strike "home occupations" from the Type A permit table and add "planned action determination" to the table.*

***Justification** – The City no longer requires or processes Home Occupation permits. A home occupation is applied for through the City Clerk's office through the business licensing program. When the City instituted the business licensing program, the home occupation permit process became redundant.*

*The second amendment adds the Planned Action Determination of Consistency to the Type A action table. The determination of consistency is required for projects that require SEPA review within Planned Action areas such as the 145th and 185th Street Station Subareas.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

| Action Type | Target Time Limits for Decision (Calendar Days) | 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, | 120 days | 20.40.120, 20.40.250, 20.40.260, |

| | | |
|---|---|---|
| Boarding House | | ~~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 | 20.30.295 |
| 13. Clearing and Grading Permit | 60 days | 20.50.290 – 20.50.370 |
| 14. Administrative Design Review | 28 days | 20.30.297 |
| 15. Floodplain Development Permit | 30 days | 13.12.700 |
| 16. Floodplain Variance | 30 days | 13.12.800 |
| **17. Planned Action Determination** | **14 days** | **20.30.360** |

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**Amendment #7**
**20.30.160 – Expiration of Vested Status of Land Use Permits and Approvals**

*This proposed amendment adds an exception to the vesting timelines for Special Use Permits granted to public agencies.*

***Justification** – Projects proposed by public agencies, such as Sound Transit, are usually long, complex, and may require multiple phases to complete. This amendment will add a vesting provision to the Special Use Permit that allows a longer vesting period to account for projects that may take many years to complete. This provision gives the public agency the flexibility for longer vesting timeframes.*

*This amendment is related to amendment #10 which defines the vesting timelines for Special Use Permits for public agencies.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Except for subdivisions~~, and~~ master development plans and Special Use Permits for Public Agency uses or where a different 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.

If a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal.

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**Amendment #8**
**20.30.280 – Nonconformance.**

*This Development Code provision speaks to the additions of single-family homes which are a nonconforming use in the MUR-45' and MUR-70' zones. The structures may be conforming in terms of setbacks, lot coverage, and height but the use is not. This is why staff is recommending that this provision move from expansions of nonconforming structures to expansions of the nonconforming use section.*

***Justification** – This proposed amendment is moving a section of the Development Code. The provision of "single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones" should not be in expansions of a nonconforming structure section but in the expansion of a nonconforming use section.*

*The second amendment to this section is adding when a change of use occurs. The amendment allows the Director, or designee, to require upgrades to a building if a change of use occurs. These upgrades may include fire sprinklers, electrical, mechanical, or other provisions of the building code. The provision also allows the Director to require additional parking spaces if the new use necessitates an increase in parking demand.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or

2. The use or structure does not comply with the development standards or other requirements of this code;

3. A change in the required permit review process shall not create a nonconformance.

B. Abatement of Illegal Use, Structure or Development. Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development

standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

C. Continuation and Maintenance of Nonconformance. A nonconformance may be continued or physically maintained as provided by this code.
1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

2. Discontinuation of Nonconforming Use. A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.

3. Repair or Reconstruction of Nonconforming Structure. Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

a. The extent of the previously existing nonconformance is not increased;
b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and
c. The provisions of Chapter 13.12 SMC, Floodplain Management, are met when applicable.

4. Modifications to Nonconforming Structures. Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity. ~~Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones~~. Modification of structures that are nonconforming with regards to critical areas may only be permitted consistent with SMC 20.80.040.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit unless the indexed supplemental criteria (SMC 20.40.200) require a special use permit for expansion of the use under the code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area. Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.

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

1. All other applicable standards of the code are met; or a variance has been granted;
2. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
3. The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
4. No unsafe condition is created by permitting development on the nonconforming lot; and
5. The lot was not created as a “special tract” to protect critical area, provide open space, or as a public or private access tract.

F. Nonconformance Created by Government Action.
1. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by the City or a County, State, or Federal agency creates noncompliance of the use or structure regarding any

requirement of this code, such use or structure shall be deemed lawful and subject to regulation as a nonconforming use or structure under this section.

2. Existing signs that are nonconforming may be relocated on the same parcel if displaced by government action provided setback standards are met to the extent feasible. If an existing conforming or nonconforming sign would have setbacks reduced below applicable standards as a result of government action, the sign may be relocated on the same parcel to reduce the setback nonconformity to the extent feasible. To be consistent with SMC 20.50.590(A), the signs shall not be altered in size, shape, or height.

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

G. Change of Use – Single Tenant.
If any applicant proposes a change of use on a lot used or occupied by a single tenant or use, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply to the entire lot. If the development is nonconforming due to the number of parking spaces provided for the existing use, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

H. Change of Use – Multi-Tenant.
If any applicant proposes a change of use on a portion of a lot occupied by multiple tenants or uses, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply only to that geographic portion of the lot related to the use or tenant space on which the change is proposed. If the multi-tenant lot is nonconforming due to the number of parking spaces provided for the existing uses, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

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**Amendment #9**
**20.30.290 – Deviation from the engineering standards (Type A action).**

*This proposed amendment will change who will approve a deviation from engineering standards from the Director to the Director of Public Works.*

***Justification** – The Deviation from Engineering Standards is a request to deviate from certain engineering standards such as driveway widths, number of driveways, street frontage standards, or right-of-way improvements. These applications are submitted in the Planning & Community Development Department, usually accompanied by a building permit, and then routed to the Public Works Department for approval. This Development Code Amendment will make it clear the Director of Public Works makes the final decision this application.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Purpose. Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal.

B. Decision Criteria. The Director of Public Works shall grant an engineering standards deviation only if the applicant demonstrates all of the following:

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**Amendment #10**
**20.30.330 – Special Use Permit – SUP (Type C Action)**

*This proposed amendment will increase the vesting period for Special Use Permits issued to public agencies.*

***Justification** – Projects proposed by public agencies, such as Sound Transit, are usually long, complex, and may require multiple phases to complete. This amendment will add a vesting provision to the Special Use Permit that allows a longer vesting period to account for projects that may take many years to complete. This provision gives the public agency the flexibility for longer vesting timeframes.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use including essential public facilities on unclassified lands, unzoned lands, or when not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. The special use permit shall not be used to preclude the siting of an essential public facility.
B. Decision Criteria (Applies to All Special Uses). A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district, City or region;

2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;

3. The special use will not materially endanger the health, safety and welfare of the community;

4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;

5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;

7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;

8. The special use is not in conflict with the basic purposes of this title; and

9. The special use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Plan, SMC Title 20, Division II.

C. Decision Criteria (Light Rail Transit Facility/System Only). In addition to the criteria in subsection B of this section, a special use permit for a light rail transit system/facilities located anywhere in the City may be granted by the City only if the applicant demonstrates the following standards are met:

1. The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City's guiding principles for light rail system/facilities and Sound Transit's design criteria manual used for all light rail transit facilities throughout the system and provides equitable features for all proposed light rail transit system/facilities;

2. The use will not result in, or will appropriately mitigate, adverse impacts on City infrastructure (e.g., roads, sidewalks, bike lanes (as confirmed by the performance of an access assessment report or similar assessment) to ensure that the City's transportation system (motorized and nonmotorized) will be adequate to safely support the light rail transit system/facility development proposed. If capacity or infrastructure must be increased to meet the decision criteria set forth in this subsection C, then the applicant must identify a mitigation plan for funding or constructing its proportionate share of the improvements; and

3. The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with the City's guiding principles for light rail system/facilities.

D. Vesting of Special Use Permits requested by Public Agencies. A public agency may, at the time or application or at any time prior to submittal of the SUP application to the City Hearing Examiner, request a modification in the vesting expiration provisions of SMC 20.30.160, allowing for vesting of the SUP for a period of up to five years from the date of hearing examiner approval or, if the SUP provides for phased development, for a period of up to ten years from date of hearing examiner approval. If permitted, the expiration date for vesting shall be set forth as a condition in the SUP.

**Amendment #11**
**20.30.357 – Planned Action Determination**

*The Planned Action Determination is a new addition to the Development Code.*

***Justification*** *–This determination is required for applications that want to be considered a planned action and rely on the environmental documentation that was prepared for the planned action area. The new Development Code language proposed establishes a purpose and decision criteria section. Staff has also developed a planned Action form that an applicant must use when submitting for a Planned Action Determination.*

***Staff recommendation****– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Purpose. The purpose of a planned action determination is decide if a project qualifies as a planned action project thereby not requiring additional substantive and procedural review under SEPA .

Decision criteria. For a site-specific project to qualify as a planned action, the applicant shall submit a Planned Action Determination Checklist on a form prescribed and provided by the Department and demonstrate that:

1. The project is located within one of the City's designated Planned Action Areas;

2. The uses and activities of the project are consistent with qualifying land use categories described in the relevant Planned Action EIS;

3. The project is within and does not exceed the planned action thresholds established for the relevant Planned Action Area;

4. The project is consistent with the Shoreline Municipal Code and the Shoreline Comprehensive Plan, including any goals and policies applicable to the Planned Action Area;

5. If applicable, the project's significant adverse environmental impacts have been identified in the relevant Planned Action EIS;

6. If applicable, the project's significant adverse environmental impacts have been mitigated by application of mitigation measures identified for the Planned Action Area and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;

7. The project complies with all applicable local, state, and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and

8. The project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a planned action project.

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**Amendment #12**
**20.30.380 – Subdivision Categories**

*This amendment seeks to strike lot line adjustments as a subdivision category.*

***Justification** – Lot line adjustments are not a subdivision of land. Also, lot line adjustments provisions are found in 20.30.400 and do not need to be included in 20.30.380.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.~~

A. ~~B~~. Short Subdivision: A subdivision of nine or fewer lots.

B. ~~C~~. Formal Subdivision: A subdivision of 10 or more lots.

C. ~~D~~. Binding Site Plan: A land division for commercial, industrial, and mixed use type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified.

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**Amendment #13**
**20.30.410 – Preliminary subdivision review procedures and criteria.**

*There are two proposed amendments to this section. The first amendment establishes a procedure for Unit Lot Developments. This amendment allows a developer to create fee simple lots (each unit located on its own lot) without having to construct the units to Building Code standards for standalone units. The building is considered one unit even though the units are sold individually with a generally a small lot created from a larger "parent lot". This eliminates the need to construct each unit as if it may someday need to be structurally independent of the other units. Constructing the building as one structure is more cost effective. This process also creates a home ownership opportunity for people to buy a unit and the property on which the unit is located.*

***Justification** – The proposed amendment will allow single family attached-developments to be subdivided for fee simple ownership and to allow application of International Building Code (IBC), National Electrical Code (NEC), and International Fire Code (IFC) to consider the units together as constituting one building, notwithstanding the property lines separating the units Please also see the justification for Amendment #5 – Definition of Unit Lot Development (ULD).*

*The second amendment to this section is part of a group of amendments recommended by the Department of Ecology to comply with the City's NPDES Permit. Amendment A.4 below is related to NPDES requirements in Amendments #3 and #4.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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

The 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 Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

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

A. **Environmental.**

1. Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.

2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.

3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as floodplains, landslide hazards, or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section, Chapter 20.80 SMC Critical Areas, and Chapter 13.12 SMC, Floodplain Management.

4. Low Impact Development (LID) techniques shall be applied where feasible to minimize impervious areas, manage storm water, preserve on-site natural features, native vegetation, open space and critical areas.

B. **Lot and Street Layout.**

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.

2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.

3. Each lot shall meet the applicable dimensional requirements of the Code.

4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

C. **Dedications and Improvements.**

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

2. Only the City may approve a dedication of park land.

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

a. Required improvements may include, 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.

D. Unit Lot Development.

1. The provisions of this subsection apply exclusively to Unit Lot Developments for single-family attached dwelling units or zero lot line developments in all zones in which these uses are permitted.

2. Unit Lot Developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.

3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020 Exception 2.

4. Access easements and joint use and maintenance agreements shall be executed for use of a common garage or parking area, common open space, and other similar features, to be recorded with King County Records and Licensing Services Division.

5. Within the parent lot or overall site, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, to be recorded with King County Records and Licensing Services Division.

6. The unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.

7. The applicant shall record a covenant on the plat that states, "*These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code".*

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**Amendment #14**
**20.30.470 – Further division – Short subdivisions.**

*The proposed Development Code amendment changes the number of lots in a short plat from four to nine.*

***Justification** – The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this subchapter for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than nine ~~four~~ parcels, nothing in this subchapter shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of nine ~~four~~ lots within the original short subdivision boundaries.

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USE TABLES: Amendments 15-18

**Amendment #15**
**20.40.120 – Residential uses.**

***Justification** – This amendment is related to amendments 1, 18, 21 and 22. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *Apartments are a housing type within the multifamily dwelling category.*
- *Duplexes and townhomes are a housing type within the single-family attached dwelling category.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

*With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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**Amendment #16**
**20.40.130 – Nonresidential uses**

*This proposed amendment will remove fuel and service stations as a permitted use in the Town Center 2, 3, and 4 zones.*

***Justification** – Automotive Fueling and Service Stations are exclusively automotive uses. These uses detract from the goal of enhancing the pedestrian experience in TC-2, TC-3, and TC-4 zones. Prohibiting Automotive Fueling and Service Stations in TC-2, TC-3, and TC-4 zones, removes the conflict between the needs of a purely automotive use and those uses that encourage pedestrian and gathering zones is removed.*

*Ample alternative locations are available to Fuel and Service Station operators. Automotive Fueling and Service Stations are allowed to be located in Neighborhood Business (NB), Community Business (CB), Mixed Business (MB), zones of the City, notably in the Town Center (TC)-1 and MB zones along Aurora Ave N immediately to the north and south of Town Center. Most commercial uses generate revenue for the city. However, because Shoreline obtains tax revenue from fueling stations regardless of where the fuel is sold in the state, no incremental increase in City revenues will be experienced from increasing fuel sales in TC-2, TC-3, and TC-4 zones.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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**Amendment #17**
**20.40.130 – Nonresidential uses**

*This proposed amendment will make light manufacturing an approved use in the Mixed-Business (MB) zone. Currently, light manufacturing requires a Special Use Permit in the MB zone.*

***Justification** – The City permits outright light manufacturing land uses in TC zones and in MB zones with a Special Use Permit. Town Center is small area and to require a Special Use Permit in MB seems unnecessary considering these zones all border Aurora Avenue. Based on the intent of these two zones, if a Special Use permit is needed it would be better served in the TC zones and to be permitted outright in the MB zones. A recent example is a small t-shirt print shop and wholesaler was deterred because the Special Use Permit was too expensive and the decision and conditions unpredictable to apply. The t-shirt shop is not a big proposal but it*

*raises the question: does Shoreline provide enough opportunity for light manufacturing locate here? Is the MB zone the appropriate place to allow light manufacturing since it already allows wholesale and warehouse uses, car repair, etc.?*

*The proposed definition from the manual of A Glossary of Zoning and, Development and Planning Terms for "Light Manufacturing" is: "The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assemble, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing."*

***Staff recommendation** –Permit Light Manufacturing outright in MB zones rather than through a Special Use Permit and add a Light Manufacturing definition to SMC 20.20.016 that clearly defines the type of uses allowed.*

*Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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**Amendment #18**
**Table 20.40.160 – Station Area Uses**

***Justification** – This proposed amendment is related to amendments 1, 15, 21, and 22. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to combine housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions and use tables.*

- *The definition of apartments will be retained but will be updated to read more clearly.*
- *Duplexes and townhomes will be defined in the single-family attached definition.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

*With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Table 20.40.120 Residential Uses

| NAICS # | SPECIFIC LAND USE | R4-R6 | R8-R12 | R18-R48 | TC-4 | NB | CB | MB | TC-1, 2 & 3 |
|---|---|---|---|---|---|---|---|---|---|
| RESIDENTIAL GENERAL | | | | | | | | | |
| | Accessory Dwelling Unit | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Affordable Housing | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Apartment | | C | P | P | P | P | P | P |
| | ~~Duplex~~ **Amendment #15** | ~~P-i~~ | ~~P-i~~ | ~~P-i~~ | ~~P-i~~ | ~~P-i~~ | - | - | - |
| | Home Occupation | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Manufactured Home | P-i | P-i | P-i | P-i | | | | |
| | Mobile Home Park | P-i | P-i | P-i | P-i | | | | |
| | Single-Family Attached | P-i | P | P | P | P | | | |
| | Single-Family Detached | P | P | P | P | | | | |

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

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**20.40.130 Nonresidential uses.**

Table 20.40.130 Nonresidential Uses

| NAICS # | SPECIFIC LAND USE | R4-R6 | R8-R12 | R18-R48 | TC-4 | NB | CB | MB | TC-1, 2 & 3 |
|---|---|---|---|---|---|---|---|---|---|
| RETAIL/SERVICE | | | | | | | | | |
| 532 | Automotive Rental and Leasing | | | | | | P | P | P only in TC-1 |
| 81111 | Automotive Repair and Service | | | | | P | P | P | P only in TC-1 |
| 451 | Book and Video Stores/Rental (excludes Adult Use Facilities) | | | C | C | P | P | P | P |
| 513 | Broadcasting and Telecommunications | | | | | | | P | P |

Table 20.40.130 Nonresidential Uses

| NAICS # | SPECIFIC LAND USE | R4-R6 | R8-R12 | R18-R48 | TC-4 | NB | CB | MB | TC-1, 2 & 3 |
|---|---|---|---|---|---|---|---|---|---|
| 812220 | Cemetery, Columbarium | C-i | C-i | C-i | C-i | P-i | P-i | P-i | P-i |
| | Houses of Worship | C | C | P | P | P | P | P | P |
| | Construction Retail, Freight, Cargo Service | | | | | | | P | |
| | Daycare I Facilities | P-i | P-i | P | P | P | P | P | P |
| | Daycare II Facilities | P-i | P-i | P | P | P | P | P | P |
| 722 | Eating and Drinking Establishments (Excluding Gambling Uses) | C-i | C-i | C-i | C-i | P-i | P-i | P-i | P-i |
| 812210 | Funeral Home/Crematory | C-i | C-i | C-i | C-i | | P-i | P-i | P-i |
| 447 | Fuel and Service Stations **Amendment #16** | | | | | P | P | P | ~~P~~ |
| | General Retail Trade/Services | | | | | P | P | P | P |
| 811310 | Heavy Equipment and Truck Repair | | | | | | | P | |
| 481 | Helistop | | | S | S | S | S | C | C |
| 485 | Individual Transportation and Taxi | | | | | | C | P | P only in TC-1 |
| 812910 | Kennel or Cattery | | | | | | C-i | P-i | P-i |
| | Library Adaptive Reuse | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| 31 | Light Manufacturing **Amendment #17** | | | | | | | P ~~S~~ | P |
| | Marijuana Operations – Medical Cooperative | P | P | P | P | P | P | P | P |
| | Marijuana Operations – Retail | | | | | P | P | P | P |
| | Marijuana Operations – Processor | | | | | | | S | P |
| | Marijuana Operations – Producer | | | | | | | P | |

Table 20.40.130 Nonresidential Uses

| NAICS # | SPECIFIC LAND USE | R4-R6 | R8-R12 | R18-R48 | TC-4 | NB | CB | MB | TC-1, 2 & 3 |
|---|---|---|---|---|---|---|---|---|---|
| 441 | Motor Vehicle and Boat Sales | | | | | | | P | P only in TC-1 |
| | Professional Office | | | C | C | P | P | P | P |
| 5417 | Research, Development and Testing | | | | | | | P | P |
| 484 | Trucking and Courier Service | | | | | | P-i | P-i | P-i |
| 541940 | Veterinary Clinics and Hospitals | | | C-i | | P-i | P-i | P-i | P-i |
| | Warehousing and Wholesale Trade | | | | | | | P | |
| | Wireless Telecommunication Facility | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | | | | | | | | | |

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

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**20.40.160 Station Area Uses**

| NAICS # | SPECIFIC LAND USE | MUR-35' | MUR-45' | MUR-70' |
|---|---|---|---|---|
| RESIDENTIAL | | | | |
| | Accessory Dwelling Unit | P-i | P-i | P-i |
| | Affordable Housing | P-i | P-i | P-i |
| | Apartment | P | P | P |
| | Bed and Breakfast | P-i | P-i | P-i |
| | Boarding House | P-i | P-i | P-i |

| NAICS # | SPECIFIC LAND USE | MUR-35' | MUR-45' | MUR-70' |
|---|---|---|---|---|
| | ~~Duplex, Townhouse, Rowhouse~~ **Amendment #18** | ~~P-i~~ | ~~P-i~~ | ~~P-i~~ |
| | Home Occupation | P-i | P-i | P-i |
| | Hotel/Motel | | | P |
| | Live/Work | P (Adjacent to Arterial Street) | P | P |
| | Microhousing | | | |
| | Single-Family Attached | P-i | P-i | P-i |
| | Single-Family Detached | P-i | | |

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**Amendment #19**
**20.40.230 – Affordable housing**

*The proposed amendment updates critical area language contained in this section that was missed when the City updated the Critical Areas Ordinance as part of Ordinance 724 which is the City's Critical Areas.*

***Justification** – Ordinance 724 updated many sections of the Development Code for consistency of terms and references. Section 20.40.230(A) was revised by this ordinance, however the reference to the critical area regulations in Section 20.40.230(A)(5) was missed.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) and provisions for accessory dwelling units~~, and (c) projects which are limited by the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II~~.

5. All land use applications for which the applicant is seeking to include the area designated as a critical area ~~overlay district~~ in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified ~~consultant~~ professional and the City to address the requirements of the critical area~~ overlay district chapter~~ regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

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**Amendment #20**
**20.40.240 – Animals – Keeping of**

*The proposed amendment will amend the rules related to beekeeping.*

***Justification** – The City has a business, Rainy Day Bees, which tends to bees in hives that belong to them but are on other people's private property on a voluntary basis. It is used on underutilized yards. Shoreline recently adopted an ordinance about beekeeping that is stricter than Seattle's regulations. Briefly, Seattle and other municipalities allow for hives to be closer to the property line if there is a fence or hedge or if the hives are elevated. Shoreline has no exemptions; the hives must be 25 feet from the nearest property line. Rainy Day Bees are being forced to locate most of their hives in Seattle.*

*This amendment will make Shoreline's rules for beekeeping aligns with that of Seattle's and promote Shoreline as a beekeeping friendly city.*

- *Pros to this proposal include: Health benefits from the end product: honey;*
- *Financial boost: supports small businesses like Rainy Day Bees;*
- *Health of bees: Urban bees tend to be more resilient;*

*Cons to this proposal include:*
- *Overcrowding: More urban bees competing for potentially limited pollen sources;*
- *Increased threat of stings: Can be eliminated with proper placement and management of hives.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

F. Beekeeping is limited as follows:

1. Beehives are limited to no more than four hives, each with only one swarm, on sites less than 20,000 square feet.

2. ~~Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25 feet per side, then the hive may be placed in the center of the widest point of the lot on a lot, so long as it is at least 50 feet wide.~~

2. Hives shall not be located within 25 feet of any lot line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.

3. Must register with the Washington State Department of Agriculture.

4. Must be maintained to avoid overpopulation and swarming.

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**Amendment #21**
**20.40.340 – Duplex.**

***Justification*** *- The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. This proposed amendment is related to amendments 1, 15, 18, and 22. The proposed amendment will strike the indexed criteria for duplexes and move the entire section into the indexed criteria for single-family attached dwellings. This proposed amendment matches the other changes in this batch that includes duplexes with single-family attached dwellings. The criteria for duplexes in the R-4 and R-6 will not be completely deleted from the Development Code. The conditions for duplexes in the R-4 and R-6 zones will be moved to the conditions for single-family attached dwellings in SMC 20.40.510.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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

~~More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards.~~

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**Amendment #22**
**20.40.510 – Single-family attached dwellings.**

***Justification*** *– Proposed amendments 1, 15, 18, and 21 amend dwelling types in the definition section and the use tables. This proposed amendment strikes letter "A" since single-family attached dwellings include more than just triplexes and townhomes. Letter "C" is an outdated set of guidelines that may or may not apply to a development project. There are specific sections of the Development Code that regulate the items in the below list and therefore do not need to be included in this section. These include:*

1. *SMC 20.50.350 is the section that regulates minimum tree retention requirements.*
2. *The Development Code is silent on view restrictions so this item is not enforceable.*
3. *SMC 20.80.280 regulates fish and wildlife habitat conservation areas.*
4. *SMC Table 20.50.020 lists required setbacks along property lines while SMC 20.50.460 requires landscaping within those required setbacks.*
5. *The Critical Areas Ordinance has been recently updated to regulate development in geologic hazard areas.*
6. *The Development Code is largely silent on the protection of historic features and therefore not enforceable.*

*This amendment also adds the indexed criteria for duplexes since the definition of single-family attached dwellings now include duplexes.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

**20.40.510 – Single-family attached dwellings.**

~~A. Single-family attached dwellings include triplexes and townhouses.~~

~~B.~~ Single-family attached dwellings in R-4 and R-6 zones shall comply with applicable R-4 and R-6 dimensional and density standards, and ~~multifamily~~ single-family residential design standards.

~~C. Single-family attached dwellings shall comply with one or more of the following:~~
~~1. The development of the attached dwelling units enable protection and retention of windfirm trees; or~~
~~2. The development of the attached dwelling units enable preservation of scenic vistas; or~~
~~3. The development of the attached dwelling units enable creation of buffers along fish and wildlife habitat conservation areas and wetlands; or~~
~~4. The development of the attached dwelling units enable creation of buffers among incompatible uses; or~~
~~5. The development of the attached dwelling units protects slopes steeper than 15 percent; or~~
~~6. The development of the attached dwelling units would allow for retention of natural or historic features.~~

~~B. D. The single-family attached dwelling development shall not result in greater density than would otherwise be permitted on site. (Ord. 238 Ch. IV § 3(B), 2000).~~

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**Amendment #23**
**20.40.600 – Wireless Telecommunications Facilities/ Satellite Dish and Antennas**

*This proposed amendment will delete the requirement that a Notice of Decision be issued for a wireless communication permit when attached to a right-of-way permit.*

***Justification** – This is a Type A process which does not require a public notice of application nor decision.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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 located 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. 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. 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.~~

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**Amendment #24 and #25**
**20.50.020 – Dimensional requirements.**

*Amendment #24 deletes the requirement for a combined side setback of 15 feet in the R-6 zone and adds Unit Lot Development to exception #2 of the Tables.*

***Justification** – The City currently requires 15-foot setbacks for two side yards combined with a minimum 5-foot setback in R-4 and R-6 zones. Setbacks are used to create separation between residences. However, since either neighbor on each side of residence can experience a 5-foot setback how does the combined setback benefit each neighbor? The indirect benefit of a greater sideyard setback may be the overall size of the house on the property. Lot coverage maximums are a better regulation to affect the density and open space to surrounding neighbors. This amendment complements Amendment #29.*

*Amendment #25 makes a minor change to the setbacks in the MUR zones. Staff is proposing to strike "up to" in the table to clear up confusion and will provide the explanation of the front setback in the exceptions section immediately following the table.*

*Please refer to Amendment #5 for the justification for adding Unit Lot Development to Exception #2.*

***Staff recommendation** – Staff recommends that these amendments be included in the 2016 Development Code amendment batch.*

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

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

| Residential Zones | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| STANDARDS | R-4 | R-6 | R-8 | R-12 | R-18 | R-24 | R-48 | TC-4 |
| Base Density: Dwelling Units/Acre | 4 du/ac | 6 du/ac (7) | 8 du/ac | 12 du/ac | 18 du/ac | 24 du/ac | 48 du/ac | Based on bldg. bulk limits |
| Min. Density | 4 du/ac | 4 du/ac | 4 du/ac | 6 du/ac | 8 du/ac | 10 du/ac | 12 du/ac | Based on bldg. bulk limits |
| Min. Lot Width (2) | 50 ft | 50 ft | 50 ft | 30 ft | 30 ft | 30 ft | 30 ft | N/A |
| Min. Lot Area (2) (13) | 7,200 sq ft | 7,200 sq ft | 5,000 sq ft | 2,500 sq ft | 2,500 sq ft | 2,500 sq ft | 2,500 sq ft | N/A |
| Min. Front Yard Setback (2) (3) | 20 ft | 20 ft | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft |
| Min. Rear Yard Setback (2) (4) (5) | 15 ft | 15 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| Min. Side Yard Setback (2) (4) (5) | 5 ft min. ~~and 15 ft total sum of two~~ | 5 ft min. ~~and 15 ft total sum of two~~ | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| Base Height (9) | 30 ft (35 ft with pitched roof) | 30 ft (35 ft with pitched roof) | 35 ft | 35 ft | 35 ft (40 ft with pitched roof) | 35 ft (40 ft with pitched roof) | 35 ft (40 ft with pitched roof) (8) | 35 ft |
| Max. Building Coverage (2) (6) | 35% | 35% | 45% | 55% | 60% | 70% | 70% | N/A |
| Max. Hardscape (2) (6) | 45% | 50% | 65% | 75% | 85% | 85% | 90% | 90% |

Table 20.50.020(2) – Densities and Dimensions in Mixed-Use Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

**Table 20.50.020(2) Dimensional Standards for MUR Zones**

| STANDARDS | MUR-35' | MUR-45' | MUR-70' (10) |
|---|---|---|---|
| Base Density: Dwelling Units/Acre | N/A | N/A | N/A |
| Min. Density | 12 du/ac(16) | 18 du/ac | 48 du/ac |
| Min. Lot Width (2) | N/A | N/A | N/A |
| Min. Lot Area (2) | N/A | N/A | N/A |
| Min. Front Yard Setback (2) (3) | 0 ft if located on an arterial street<br><br>10 ft on nonarterial street<br><br>~~Up to~~ 20 ft if located on 145th Street (14) | 15 ft if located on 185th Street (14)<br><br>0 ft if located on an arterial street<br><br>10 ft on nonarterial street<br><br>~~Up to~~ 20 ft if located on 145th Street (14) | ~~Up to~~ 15 ft if located on 185th Street (14)<br><br>~~Up to~~ 20 ft if located on 145th Street (14)<br><br>0 ft if located on an arterial street<br><br>10 ft on nonarterial street |
| Min. Rear Yard Setback (2) (4) (5) | 5 ft | 5 ft | 5 ft |
| Min. Side Yard Setback (2) (4) (5) | 5 ft | 5 ft | 5 ft |
| Base Height (9) | 35 ft (15) | 45 ft (15) | 70 ft (11) (12)(15) |
| Max. Building Coverage (2) (6) | N/A | N/A | N/A |
| Max. Hardscape (2) (6) | 85% | 90% | 90% |

*Exceptions to Table 20.50.020(1) and Table 20.50.020(2):*
*(1) Repealed by Ord. 462.*

*(2) These standards may be modified to allow zero lot line and Unit Lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.*

*(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.*

*(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.*

*(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.*

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

*(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.*

*(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.*

*(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.*

*(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.*

*(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.*

*(12) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.*

*(13) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.*

*(14) The exact setback along 145th Street and 185th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.*

*(15) Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.*

*(16) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.*

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**Amendment #26**
**20.50.021 – Transition Areas**

*This proposed amendment will move the transition standards from SMC 20.100.020, the Aurora Square Community Renewal Area (CRA), to SMC 20.50.021.*

***Justification** – This amendment is related to amendment #36. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision*

*should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Development in commercial zones: NB, CB, MB and TC-1, 2 and 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC 20.50.460), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC 20.50.370. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

<u>D. For development within the Aurora Square Community Renewal Area; maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.</u>

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**<u>Amendment #27</u>**
**20.50.040.I 4, 5,and 6 – Setbacks – Designation and measurements**

*This amendment proposes clarity to existing confusing and contradictory language for decks, porches and stairs and ramps in required yard setbacks.*

***Justification -*** *The amendment to section #4 will allow the projection of decks, under 18 inches in height, into the front yard in addition to side and rear yards. A patio is permitted in front yard setbacks as well as side and rear yards then the impacts or uses of these amenities are mostly the same.*

*The amendment to section, #5, cleans-up confusing language about how far an uncovered porch or deck more than 18 inches above the finished grade may project into the front, side, and rear setbacks. Currently, the language allows decks above 18 inches in height to extend 18 inches into the sideyard which is greater than 6 feet 6 inches. This language is obtuse and it is more direct to say that these cannot be built within 5 feet of the property line. The amendment also clarifies the contradiction of why a deck above 18 inches is allowed in the front yard but not a deck under 18 inches in height in section #4.*

*The amendment to section #6 clears up confusion about the size of porches in setbacks. Currently, #6 allows covered entries to extend 5 feet into the setback if they are 60 square feet or greater. Staff thinks the intention is not to allow decks without a maximum size but to allow covered entries less than 60 feet to extend 5 feet into the setback.*

*The amendment to section #7 will allow building stairs or ramps to project to the property line, subject to conditions, for the purpose of retrofitting an existing residence. Some houses have a short, steep grade to the front sidewalk. If the intent is to allow residents to retrofit their access then limiting the height of stairs or ramps for the purpose of entry limiting their height seems prohibitive. This becomes especially relevant if residents have limited mobility.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project 5 feet into the required front, rear and side yard setbacks but not within 5 feet of a property line:

~~a. Eighteen inches into a side yard setback which is greater than six feet, six inches; and~~

~~b. Five feet into the required front and rear yard setback.~~

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback. ~~that are at least 60 square feet in footprint area may project up to five feet into the front yard setback.~~

7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than ~~than 30 inches from grade to stair tread and~~ 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

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**Amendment #28**
**20.50.070 – Site planning – Front yard setback – Standards.**

*The proposed amendment will move the requirement for a 20-foot driveway from the exceptions section and move it into the regulation.*

***Justification*** *– The requirement for a 20-foot driveway should not be in the exception section but should be a stand-alone requirement.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

**20.50.070 – Site planning – Front yard setback – Standards.**

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.

*Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots; provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed. If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20 feet required setback. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)*

~~For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.~~

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**Amendment #29**
**20.50.090 – Additions to existing single-family house - Standards**

*The proposed amendment is related to amendment #24 and deletes the provisions that allow a homeowner to add on and expand a home that is nonconforming to setbacks.*

***Justification*** *– Additions to existing single-family house are allowed, within limits, to expand a non-conforming structure within a yard setback. The allowance is based on an existing, nonconforming façade that is more than 60% of the entire façade to be able to expand the nonconformance. The intent is to allow flexibility when retrofitting an existing structure but its standards are not logical or statistically based and are confusing to administer.*

*1) Why would we allow a nonconformance to expand?*
*2) Why is nonconformance greater than 60% needed to allow the expansion?*

*3) Therefore, why would a percentage less than 60% not be more qualified to expand since it would be less of a nonconformance, and*
*4) Why is there no limit to how much the nonconforming façade can expand?*

*There is no other nonconformance allowance for decks, hardscape, height, or lot coverage in the Development Code. SMC 20.30.280 – Nonconformance addresses this issue which limits structure expansion to the "degree of an existing nonconformity" and "limited to 50% of the use area (building coverage"). The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks. By approving amendment #24, Table 20.50.020(1) regarding setbacks, property owners will have greater flexibility with other alternatives to expand their homes without expanding a nonconformance that is difficult to administer and is not logical.*

***Staff Recommendation*** *– Repeal the entire code section. The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks.*

~~SMC 20.50.090 Additions to existing single-family house—Standards.~~

~~A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:~~

~~1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;~~
~~2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;~~
~~3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;~~
~~4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and~~
~~5. This provision applies only to additions, not to rebuilds. When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.~~

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**Amendment #30**
**20.50.110 – Fences and walls - Standards**

*The proposed amendment will delete the suggestion that fences in the front yard be limited to 3.5 feet in height.*

***Justification** – This provision is a design standard for appearance or defensible space. It is inconsistent with the allowance for 6-foot fences in all other yards of a residential property. It is also written as a recommendation and not as a requirement. The intent of the existing code can be met with the requirement for sight clearance standards and the preference of the property owner. Staff believes that the fence lower height limit is more a design standard for the purpose of street appeal. It also contradicts the code allowance for arbors in any setback up to 6 feet in height.*

***Staff recommendation** – Staff recommends that this amendment be approved in the 2016 Development Code amendment batch.*

20.50.110 Fences and walls – Standards.

A. The maximum height of fences located along a property line shall be six feet, subject to the sight clearance provisions in the Engineering Development Manual. ~~(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.

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**Amendment #31**
**20.50.240 – Site Design**

***Justification** – The phrase "on private property" is redundant and confusing. Buildings and parking structures are only developed on private property.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:

a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks ~~if on private property~~. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;

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**Amendment #32**
**20.50.330 – Project review and approval**

*This proposed Development Code amendment is recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.*

***Justification** – The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual.

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

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

4. The project complies with all requirements of the City's Stormwater Management Manual as set for the in SMC 13.10.200 and applicable provisions of SMC 13.10, Engineering Development Manual and SMC 13.10, Surface Water Management Code and adopted standards.

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

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**Amendment #33**
**20.50.390 – Minimum off-street parking requirements - Standards**

*This proposed amendment will match up the parking requirement for self-service storage facilities with the ITE trip generation calculator for mini-warehouse uses, which do not generate as much parking as the City has been requiring.*

***Justification*** *– The City uses the trip generation calculator to assess Transportation Impact Fees. This figure also matches more closely traffic impact analyses that have been prepared for such uses. The proposed minimum spaces required may look strange but that is the number cited by multiple parking demand studies submitted by various self-service storage providers. For example, an 80,000 square foot self-service storage facility would be required to provide 11 parking spaces.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Table 20.50.390D – Special Nonresidential Standards

| **NONRESIDENTIAL USE** | **MINIMUM SPACES REQUIRED** |
|---|---|
| Bowling center: | 2 per lane |
| Houses of worship | 1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes |
| Conference center: | 1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces |
| Construction and trade: | 1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area |
| Courts: | 3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area |
| Daycare I: | 2 per facility, above those required for the baseline of that residential area |
| Daycare II: | 2 per facility, plus 1 for each 20 clients |
| Elementary schools: | 1.5 per classroom |
| Fire facility: | (Director) |
| Food stores less than 15,000 square feet: | 1 per 350 square feet |
| Funeral home/crematory: | 1 per 50 square feet of chapel area |
| Fuel service stations with grocery, no service bays: | 1 per facility, plus 1 per 300 square feet of store |

| NONRESIDENTIAL USE | MINIMUM SPACES REQUIRED |
|---|---|
| Fuel service stations without grocery: | 3 per facility, plus 1 per service bay |
| Golf course: | 3 per hole, plus 1 per 300 square feet of clubhouse facilities |
| Golf driving range: | 1 per tee |
| Heavy equipment repair: | 1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area |
| High schools with stadium: | Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium |
| High schools without stadium: | 1 per classroom, plus 1 per 10 students |
| Home occupation: | In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site |
| Hospital: | 1 per bed |
| Middle/junior high schools: | 1 per classroom, plus 1 per 50 students |
| Nursing and personal care facilities: | 1 per 4 beds |
| Outdoor advertising services: | 1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area |
| Outpatient and veterinary clinic offices: | 1 per 300 square feet of office, labs, and examination rooms |
| Park/playfield: | (Director) |
| Police facility: | (Director) |
| Public agency archives: | 0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area |
| Public agency yard: | 1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area |
| Restaurants: | 1 per 75 square feet in dining or lounge area |

| NONRESIDENTIAL USE | MINIMUM SPACES REQUIRED |
|---|---|
| Self-service storage facility: | 1 per .000130 square feet of storage area, plus 2 for any resident director's unit |
| Specialized instruction schools: | 1 per classroom, plus 1 per 2 students |
| Theater: | 1 per 3 fixed seats |
| Vocational schools: | 1 per classroom, plus 1 per 5 students |
| Warehousing and storage: | 1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area |
| Wholesale trade uses: | 0.9 per 1,000 square feet |
| Winery/brewery: | 0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area |

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**Amendment #34**
**20.50.540(G) – Sign design**

***Justification*** *– The Aurora Square Community Renewal Area is a special district and has a unique set of signage requirement. Staff recommends inserting a reference into this section to point the reader to the specific sign regulations of the CRA because the sign code uses zones and the CRA is in the MB zone.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

G. Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below.

Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

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**Amendment #35**
**20.70.020 – Engineering Development Manual.**

***Justification*** *– The proposed Development Code amendment will strike the reference to SMC 12.10.100, which does not exist, and replace the reference with 12.10.015 which is the chapter that includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. The remainder of the section will be deleted since the requirements for development are located in the Engineering Development Manual.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

The Engineering Development Manual adopted pursuant to SMC 12.10.~~100~~.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. ~~The specifications shall include, but are not limited to:~~

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

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

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

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

~~E. Surface water and stormwater specifications;~~

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

~~G. Other improvements within rights-of-way.~~

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**Amendment #36**
**20.70.430 – Undergrounding of electric and communication service connections.**

***Justification*** *– The proposed Development Code amendment to Section 20.70.430 will delete the language regarding the undergrounding of utilities from the Development Code. SMC 20.70.430 is in conflict with the Shoreline Municipal Code Title 13 when undergrounding is required for certain development activities. The proposed amendment will direct the reader to Title 13 for specific undergrounding requirements.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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 shall be required as defined in Chapter 13.20.050 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 to the structure.~~

~~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.~~

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**Amendment #37**
**20.100.020 – Aurora Square Community Renewal Area (CRA).**

***Justification*** *– Council adopted the Aurora Square Community Renewal Area Planned Action in August 2015. The planned action contains development regulations, design standards, signage standards, residential unit thresholds, commercial building thresholds and other goals and policies to shape future development in that area. The proposed Development Code amendment will alert the reader to the planned action so specific development standards can be met.*

*The second amendment to this section will move "A" to SMC 20.50.021. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

All development proposed within the Aurora Square Community Renewal Area shall comply with provisions of Ordinance 705 – Aurora Square Community Renewal Area Planned Action.
~~A. This chapter establishes the development regulations specific to the CRA.~~
~~1. Transition Standards. Maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.~~

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**Municipal Code Amendments**

**Amendment #1**
**SMC 16.10 – Shoreline Management Plan**

This proposed amendment will repeal SMC Chapter 16.10 in its entirety.

***Justification*** *– SMC 16.10 was the chapter that regulated the City's Shoreline Master Program which referred to King County's regulations as Shoreline did not have its own program. The Council adopted the City's own Shoreline Master Program in 2013, making Chapter 16.10 unnecessary.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~Sections:~~

~~**16.10.010 Authority to adopt.**~~

~~**16.10.020 Adoption of administrative rules.**~~

~~**16.10.030 Adoption of certain other laws.**~~

~~**16.10.040 Reference to hearing bodies.**~~

~~**16.10.010 Authority to adopt.**~~

~~Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160 and 90.58.280, the city adopts by reference Title 25 of the King County Code (Exhibit A, attached to the ordinance codified in this chapter) as presently constituted, as the interim shoreline management code. Exhibit A is hereby incorporated by reference as if fully set forth herein. [Ord. 93 § 1, 1996; Ord. 23 § 1, 1995]~~

~~**16.10.020 Adoption of administrative rules.**~~

~~Pursuant to Chapter 25.32 KCC of the shoreline management plan, there are hereby adopted by reference any and all implementing administrative rules now in effect regarding shoreline management that have been adopted either pursuant to King County Code Chapter 2.98, Rules of county agencies, or Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the "county" or to "King County" shall~~

~~refer to the city of Shoreline, and any reference to county staff shall refer to the city manager or designee. [Ord. 23 § 2, 1995]~~

**~~16.10.030 Adoption of certain other laws.~~**

~~To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the shoreline management code is necessary or convenient to establish the validity, enforceability or interpretation of the shoreline management code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference. [Ord. 23 § 3, 1995]~~

**~~16.10.040 Reference to hearing bodies.~~**

~~To the extent that the shoreline management code refers to planning commissions, board of appeals, hearing examiner, or any other similar body, the city council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending. [Ord. 23 § 4, 1995]~~

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**Amendment #2**
**SMC 16.20 – Fee Schedule**

This proposed amendment will delete SMC Chapter 16.20 in its entirety.

***Justification*** *- On August 12, 1996, the Shoreline City Council adopted Ordinance No. 101, revising fees for land use and building permit development applications which were codified as Shoreline Municipal Code Chapter 16.20. On February 28, 2000, the Shoreline City Council adopted Ordinance No. 230 establishing Title 20 Unified Development Code of the Shoreline Municipal Code. Given the enactment of Title 20, the provisions of Shoreline Municipal Code Chapter 16.20 Fee Schedule are no longer necessary as all of the City's fees are codified in SMC Chapter 3.01.*

***Staff recommendation*** *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~Sections:~~

**~~16.20.010 Land use and development fee schedule.~~**

**~~16.20.020 Fee collection – King County authority.~~**

**~~16.20.030 Administration.~~**

**~~16.20.040 Refund of application fees.~~**

**~~16.20.010 Land use and development fee schedule.~~**

~~A. The city manager or designee is authorized to charge applicants for development and land use permits received by the city's permit center, in the amounts set forth in the development services fee schedule.~~

B. Fee Schedule. See SMC 3.01.010, 3.01.015 and 3.01.020. [Ord. 256 § 1, 2000; Ord. 101 § 1, 1996]

**16.20.020 Fee collection – King County authority.**

Pursuant to the August 1995 "Interlocal Agreement Relating to the Use of City-Owned Real Property", King County is authorized to collect fees pursuant to the county's adopted fee schedule, as presently constituted or hereafter amended, for those applications to be processed by the county pursuant to the interlocal agreement. [Ord. 101 § 2, 1996]

**16.20.030 Administration.**

The director of development services is authorized to interpret the provisions of this chapter and may issue rules for its administration. [Ord. 101 § 3, 1996]

**16.20.040 Refund of application fees.**

Any fee established in this chapter which was erroneously paid or collected will be refunded. Refunds for applications, permits, or approvals which are withdrawn or canceled shall be determined by the director of development services. [Ord. 101 § 4, 1996]

**ORDINANCE NO. 713**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPEALING SHORELINE MUNICIPAL CODE CHAPTER 16.10 SHORELINE MANAGEMENT PLAN.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, on June 26, 1995, the Shoreline City Council adopted Ordinance No. 23, incorporating by reference King County Code Title 25 as the City's interim shoreline management code; and

WHEREAS, on August 5, 2013, the Shoreline City Council adopted Ordinance No. 668 enacting the City of Shoreline's Shoreline Master Program, incorporating it into the City's Comprehensive Plan, and establishing Shoreline Municipal Code Title 20 Division II Shoreline Master Plan; and

WHEREAS, the provisions of Ordinance No. 668 are codified as Chapters 20.200, 20.210, 20.220, and 20.230 of the Shoreline Municipal Code; and

WHEREAS, given the enactment of Title 20 Division II, the provisions of Shoreline Municipal Code Chapter 16.10 Shoreline Management Plan are no longer necessary and should be repealed in their entirety; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to repeal Shoreline Municipal Code Chapter 16.10; and

WHEREAS, pursuant to RCW 90.58 and WAC 173-26, the City has provided the Washington State Department of Ecology with notice of its intent to repeal Shoreline Municipal Code Chapter 16.10; and

WHEREAS, on November 17, the City of Shoreline Planning Commission reviewed the proposal to repeal the code provisions; and

WHEREAS, on December 1, the City of Shoreline Planning Commission held a public hearing on the proposal to repeal the code provisions so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted unanimously to approve the proposal to repeal the code provisions; and

WHEREAS, on January 9, the City Council held a study session on the proposal to repeal the code provisions; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the proposal to repeal the code provisions and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the provisions of Shoreline Municipal Code Chapter 16.10 are no longer necessary and should be repealed;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Repeal.** Shoreline Municipal Code Chapter 16.10 Shoreline Management Plan is repealed in its entirety.

**Section 2. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON 6, February, 2017.**

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Mayor Shari Winstead

ATTEST:

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Jessica Simulcik-Smith
City Clerk

APPROVED AS TO FORM:

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Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

**ORDINANCE NO. 714**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPEALING SHORELINE MUNICIPAL CODE CHAPTER 16.20 FEE SCHEDULE.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, on August 12, 1996, the Shoreline City Council adopted Ordinance No. 101, revising fees for land use and building permit development applications which were codified as Shoreline Municipal Code Chapter 16.20; and

WHEREAS, On February 28, 2000, the Shoreline City Council adopted Ordinance No. 230 establishing Title 20 Unified Development Code of the Shoreline Municipal Code; and

WHEREAS, given the enactment of Title 20, the provisions of Shoreline Municipal Code Chapter 16.20 Fee Schedule are no longer necessary and should be repealed in their entirety; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to repeal Shoreline Municipal Code Chapter 16.20; and

WHEREAS, on November 17, the City of Shoreline Planning Commission reviewed the proposal to repeal the code provisions; and

WHEREAS, on December 1, the City of Shoreline Planning Commission held a public hearing on the proposal to repeal the code provisions so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted unanimously to approve the proposal to repeal the code provisions; and

WHEREAS, on January 9, the City Council held a study session on the proposal to repeal the code provisions; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the proposal to repeal the code provisions and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the provisions of Shoreline Municipal Code Chapter 16.20 are no longer necessary and should be repealed;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASINGTON DO ORDAIN AS FOLLOWS:

**Section 1. Repeal.** Shoreline Municipal Code Chapter 16.20 Fee Schedule is repealed in its entirety.

**Section 2. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON 6, February, 2017.**

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Mayor Shari Winstead

ATTEST:

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Jessica Simulcik-Smith
City Clerk

APPROVED AS TO FORM:

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Margaret King
City Attorney

Date of Publication: , 2017
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