Planning Commission Meeting Date: June 5, 2014 **Agenda Item**

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Development Code Amendments #301935**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Steven Szafran, AICP, Senior Planner**

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

Introduction to the Planning Commission Public Hearing

The purpose of this meeting is to conduct a public hearing on proposed amendments to Title 20 of the Shoreline Municipal Code (Development Code) (**Attachment 1**). Any and all persons interested in providing comments on the proposed Development Code Amendments are encouraged to do so orally in person at this meeting or in writing via email, U.S. mail, or at the meeting.

The Planning Commission conducted a study session on May 1, 2014. The staff report from the study session that provides the background and analysis for the proposal is included for reference as **Attachment 2.**

The purpose of this staff report is to respond to specific questions raised by the Commission and public comment.

Study Session Questions

1. *Is there an inconsistency between Daycare II facilities being either a permitted use with indexed criteria or a Conditional Use in the R-4 and R-6 zones in SMC 20.30.130 - use tables?*

   Daycare II Facilities are listed as a permitted use (P-i) in the R-4 through R-12 zones with additional criteria. The reason Conditional Use are not shown in the land use table is because the criteria in the index (SMC 20.30.320) better distinguishes with R-4/R-6 zones or R-8/R-12 zones and when they are allowed and with what kind of approval is needed. The way the code amendment is written in SMC 20.40.320; Daycare II facilities are only allowed through an approved Conditional Use Permit in the R-8 and R-12 zone OR as a reuse of an existing place of worship or school facility without expansion in the R-4 through R-12 zone.

2. *Should the City require second story additions to be setback when the current structure is already nonconforming to setbacks?*

   The Development Code allows adding horizontally to a structure with nonconforming setbacks but is unclear if it includes adding height to a structure as well.

Approved By: **Project Manager** **Planning Director** for RM

The Planning Commission questioned how the City interprets setbacks when adding on to structures with nonconforming setbacks. City staff has interpreted the code to allow limited additions to this nonconformance as long as the addition is extended horizontally and not vertically. Staff believes that adding onto nonconforming structures horizontally constitutes less of an impact than allowing second story additions to that same structure.

3. *The Commission recommended the following changes in section 20.50.240 – Site design. First, should first floor ceiling heights in commercial zones require a minimum 12 feet? Second, the wording in section F1 is should be clearer. Third, the Commission questioned locating play areas adjacent to parking lots and finally, the word "strictly" has been added to section J2.*

Based on the Planning Commission discussion, staff is recommending this amendment be withdrawn and the current Development Code language be left unchanged which allows modification through an Administrative Design Review application.

The Commission recommended changing the term "full commercial development" in section F1. Staff agrees and is recommending changing the language to: Public places are required for the commercial portions of development at a rate of 4 square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet.

The proposed language in section G.1.c. removes parking lots so that multifamily open spaces may be located adjacent to parking lots. The Commission expressed concerns about locating play areas adjacent to parking lots.

The last change to SMC 20.50.240 adds the word strictly to the last sentence in J.2. The sentence now reads, "Painting mechanical equipment strictly as a means of screening is not permitted".

4. *Should Seattle Golf Club be exempt from the clearing and grading standards as listed in the proposed language in SMC 20.50.310?*

Some Planning Commission members questioned portions of the amendment submitted by the Seattle Golf Club. The Commission questioned items 7c, 7e, 7f and 7h. Item 7c would allow land surface modifications including change of the existing grade by four feet or more. Item 7e would allow the removal of significant trees as required maintaining and providing reasonable use of a golf course. Item 7f would exempt golf courses from providing replacement trees when removing significant trees and item 7h is the stockpiling and storage of organic materials.

The Commission discussed adding an upper limit to item 7c instead of the proposed language which will allow an unlimited change of existing grade. The Development Code currently requires a clearing and grading permit when the existing grade is changed by four feet or more. A permit is also required when earthwork of 50 cubic yards or more is done. The Commission may wish to amend the requirement for a permit to change grade by 4 feet or more or some other standard that allows for golf

courses to make alterations that are reasonable for normal golf course operations. Also, the Commission may wish to limit the threshold to 1,000 cubic yards of material which is the SEPA Threshold for earthwork instead of the original proposal which did not set limits.

The applicant has proposed amending the language in item 7c by allowing a change in the existing grade up to forty feet without a clearing and grading permit.

Item 7e will allow Seattle Golf Club to remove an unspecified number of significant trees up to 65% of the existing total tree count without obtaining a clearing and grading permit to maintain and provide reasonable use of a golf course. It is unclear from the proposed Development Code language what normal and routine maintenance of a golf course is. The proposed code language attempts to describe normal and routine maintenance as the preservation and enhancement of greens, tees, fairways, pace of play, and visual quality. If approved, the Seattle Golf Club may remove an unspecified number of trees, without replacement, with no record or inventory of trees removed.

The applicant has provided an alternative to the language presented at the study session. The alternative language is presented as **Attachment 4**. The language proposed by the applicant attempts to relieve concerns over permit exemptions for grade changes and removal of significant trees. Staff supports raising the significant tree retention to 50% as proposed by the applicant. 50% significant tree retention is greater than the 30% significant tree retention currently required by SMC 20.50.350 (B2) and mirrors recent approvals for tree retention at CRISTA and Shoreline Community College.

The applicant has proposed two alternatives for item 7e which is the section that exempts significant tree removal from a clearing and grading permit. The first alternative increases the retention requirement for significant trees from 35% to 50%. The second alternative retains the requirement for 35% significant tree retention but adds a qualifier that suggests that removal of up to 65% of the significant trees onsite is not normal and routing maintenance.

The final amendment proposed by the applicant adds language to item 7f. Item 7f would allow golf courses to be exempt from tree replacement requirements in SMC 20.50.360(C). The language proposed by the applicant retains the request to be exempted from SMC 20.50.360(C) but adds a statement about making a reasonable effort to replant trees and complying with a number of goals. The Commission could recommend alternative language such as reducing the number of replacement trees to .5 for every tree removed or 1 replacement tree for every tree removed with the option for offsite tree replacement at either a reduced rate or in accordance with SMC 20.50.360 (L).

The Commission discussed item 7h which would allow golf courses to stockpile and store organic materials without a permit. Currently, the threshold for stockpiling and storage is 50 cubic yards of material without obtaining a permit. Staff recommends establishing a maximum threshold for stockpiling and storage such as 1,000 cubic yards which is the threshold for SEPA review. Any stockpiling or storage of organic

material is subject to the City's National Pollutant Discharge Elimination System permit which is enforced by the Department of Ecology.

5. *The Planning Commission discussed bike parking and has questions about the demand and future need for bike parking. Are .5 bicycle parking spaces per unit a good place to start?*

Staff explained at the study session that the current Development Code requirement of 1 parking space per studio or 1-bedroom and 2 parking spots per unit having 2 or more bedrooms is excessive and feedback from developers has been negative. Seattle conducted a bicycle parking study which recommended .2 to .6 bicycle parking spaces per unit in dense urban centers such as Capitol Hill, U-District and Queen Ann.

Staff believes that .5 long-term bicycle parking spots is a reasonable number considering dense urban centers around Seattle have roughly the same parking requirements as Shoreline's proposed bicycle parking requirement.

6. *Should temporary signs be expanded to allow a sign per each street frontage?*

The Commission recommended expanding this code amendment to include temporary signs on each street frontage for houses of worship and schools. Some schools, such as Shorewood High School, are large and front multiple streets. Sites like this should be allowed to advertize special events on each of the frontages since they are large sites and the signs are temporary in nature. The proposed language has been revised to allow temporary signs on each street frontage for schools and places of worship.

Additional Amendments

At the study session, the Commission directed staff to search the Development Code in order to find outdated references to the department name. Staff found five additional code sections that refer to the Department's old name. The following sections will be updated to reflect the department's current name – Planning & Community Development Department:

SMC 20.30.085 – Early community input meeting
SMC 20.30.090 – Neighborhood meeting
SMC 20.30.315 – Site development permit
SMC 20.30.340 – Amendment and review of the Comprehensive Plan
SMC 20.50.610 – Exempt signs

Public Comment

The Planning Commission received two public comment letters (see **Attachment 5**). The first letter was from the Innis Arden Club and the second letter was from T. Richard Leary. Both letters comment on the proposed amendment submitted by Seattle Golf Club (SGC) to SMC 20.50.310. The issues raised in both letters are listed below and include a staff response in *italics*.

- **Preferential Treatment of One Property Owner** – The Innis Arden Club believes the proposed amendment to SMC 20.50.310 is a special exemption for one large property owner. *Though the amendment applies to any golf course, there is only one in Shoreline and it is unlikely that more will be developed.*

- **Vegetation Management Plans (VMPs)** – The Innis Arden Club believes that the City adoption of regulations for VMPs could establish a framework for City review and provide appropriate flexibility to many landowners throughout the City. *SGC chose to submit an amendment to SMC 20.50.310 to exempt golf courses from a clearing and grading permit. The City evaluated the proposal by SGC and made a recommendation to the Commission based on their submittal. However, any property owner can submit a code amendment that allows VMPs and the City will evaluate those as well.*

- **Lack of Critical Area Review** – The Innis Arden Club and Mr. Leary state the City failed to evaluate the SGC site for critical areas. *Staff looked at materials provided by the applicant and critical area maps and noted that there is a wetland on SGC's property. The SGC property also potentially contains moderate to steep slopes. It is unknown if the slopes present any landslide hazard dangers. The proposed language in SMC 20.50.310 would require 50% significant tree retention. The current code language requires 30% significant tree retention on properties that contain one or more critical areas. The proposed exemption must meet critical area regulations.*

- **No Significant Tree Baseline Established at the Seattle Golf Club** – *SGC did not submit an inventory of significant trees on their property, nor are they required to for a Development Code amendment proposal.*

- **Tree Replacement** – The Innis Arden Club states that proposed tree replacement requirements are not consistent with the Comprehensive Plan. *Goal NE X states, "Maintain and improve the city's tree canopy". The proposed amendment in SMC 20.50.310 will require 50% significant tree retention on golf course instead of 30% that is currently required.*

  Policy NE3 balances the conditional right of private property owners to develop and alter their land with protection of native vegetation and critical areas.

  Policy NE18 directs the City to establish regulations to protect mature trees and other vegetation from the adverse impacts of commercial development.

  Policy NE 19 says to minimize removal of healthy trees, and encourage planting of native species in appropriate locations.

  The proposed language in SMC 20.50.310 balances significant tree removal regulations with the use of the Seattle Golf Club. Requiring 50% significant tree retention strengthens the current code requirement of 30% significant tree retention while allowing the Seattle Golf Club to use their property conductive to current use.

- **SEPA Review** – The Innis Arden Club believes the City erred in its SEPA review. *The City issued a SEPA Determination of Nonsignificance and advertized the DNS through the appropriate notifications. The DNS stated one public comment due date where the State SEPA Register stated another. The City honored the date provided by the State which stated a longer comment period than the one provided by staff. The final SEPA Checklist was labeled as "draft" when it was really the final signed copy. The information contained in the SEPA Checklist did not change from either copy.*

  The Commission is not responsible for SEPA review. There is no administrative appeal of the SEPA determination. However, any member of the public may appeal the SEPA determination with the development code amendments to King County Superior Court.

Recommendation

Staff recommends approval of the proposed batch of Development Code amendments with the following modifications as shown on Attachment 1.

Attachments

Attachment 1 – Proposed Development Code Amendments in Legislative Form.
Attachment 2 – Study Session Staff Report with Attachments
Attachment 3 – Proposed Development Code Amendments in Standard Form
Attachment 4 – Supplement to Seattle Golf Club's Amendment Request
Attachment 5 – Public Comment Letters

Attachment 1 -
Proposed Amendments Legislative

Amendment #1
20.10.050 Roles and responsibilities.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments ~~and quasi-judicial matters~~. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a ~~A~~ plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Amendment #3
20.20.016 D definitions.

Department - Planning &~~and~~ Community Development ~~Development Services~~ Department.

Director – Planning & ~~and~~ Community Development ~~Services~~ Director or designee. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006).

Amendment #4
20.20.040 P definitions.

Public ~~Agency or~~ Utility Office - An office for the administration of any governmental or utility activity or program, ~~with no outdoor storage and including, but not limited to:~~

A. ~~Executive, legislative, and general government, except finance;~~

~~B. Public finance, taxation, and monetary policy;~~

~~C. Administration of human resource programs;~~

~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~

~~F. International affairs;~~

~~G. Legal counsel and prosecution; and~~

~~H. Public order and safety.~~

Public ~~Agency or~~ Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

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

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination*, or subsection 20.30.045*.

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

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

Action Type	Target Time Limits for Decision (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, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
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

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1

(Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling units on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). (Refer to Chapter 20.30.090 SMC for meeting requirements.)

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas	Mail, Post Site,	HE (1), (2)		120 days	20.30.336

Reasonable Use Permit	Newspaper				
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.40.505
~~8. Street Vacation~~	~~Mail, Post Site, Newspaper~~	~~HE (1), (2)~~	~~City Council~~	~~120 days~~	~~See Chapter 12.17 SMC~~
8. ~~9.~~ Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

Amendment #8
20.30.085 Early community input meeting.

Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1,000 feet of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 1,000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning & ~~and~~ Community Development Services Department. Digital audio recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal. (Ord. 669 § 1 (Exh. A), 2013).

Amendment #9
20.30.090 Neighborhood meeting.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.

2. The notice shall be provided at a minimum to property owners located within 500 feet (1,000 feet for master development plan permits) of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning & ~~and~~ Community Development ~~Services~~ Department.

Amendment #10
20.30.120 Public notices of application.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

3. The location and description of the project;

4. The requested actions and/or required studies;

5. The date, time, and place of an open record hearing, if one has been scheduled;

6. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;

Amendment #11
20.30.315 Site development permit.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning & ~~and~~ Community Development ~~Services~~:

Amendment #12
20.30.340 Amendment and review of the Comprehensive Plan (legislative action).

4. Amendment proposals will be posted on the City's website and available at the Department of Planning & ~~and~~ Community Development ~~Services~~.

Amendment #13
20.30.370 Purpose.

Subdivision is a mechanism by which to divide land into lots, parcels, sites, ~~units~~, plots, ~~condominiums~~ or tracts, ~~or interests~~ for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #14
20.30.380 Subdivision categories.

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.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial, industrial, ~~condominium~~ 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. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #15
20.30.390 Exemption (from subdivisions).

The provisions of this subchapter do not apply to the exemptions specified in the State law and, ~~including but not limited to:~~

~~A. Cemeteries and other burial plots while used for that purpose;~~
~~B. Divisions made by testamentary provisions, or the laws of descent;~~
~~C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a binding site plan in accordance with the Code standards;~~
~~D. D~~divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

~~Divisions under subsections (A) and (B) of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met~~ (Ord. 238 Ch. III § 8(d), 2000).

Amendment #16
20.30.480 Binding site plans – Type B action.

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access,

interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. S~~The~~ site~~s~~ ~~that is~~ subject to ~~the~~ binding site plan~~s~~ shall consist of one or more contiguous lots legally created.

2. S~~The s~~ite~~s~~ ~~that is~~ subject to ~~the~~ binding site plan~~s~~ may be reviewed independently, ~~for fully developed sites;~~ or concurrently with a commercial development permit application. ~~for undeveloped land; or in conjunction with a valid commercial development permit.~~

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~B. *Repealed by Ord. 439.*~~

B ~~C~~. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C ~~D~~. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. ~~Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.~~ (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #17
20.30.680 Appeals.

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

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

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

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

4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

~~5. For Type C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.~~

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

Amendment #18

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**

Amendment #18

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**
	Collective Gardens					**P-i**	**P-i**	**P-i**	
	Construction Retail, Freight, Cargo Service							**P**	
	Daycare I Facilities	**P-i**	**P-i**	**P**	**P**	**P**	**P**	**P**	**P**
	Daycare II Facilities	**P-i**	**P-i ~~C~~**	**P**	**P**	**P**	**P**	**P**	**P**
722	Eating and Drinking Establishments (Excluding Gambling Uses)	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
812210	Funeral Home/Crematory	**C-i**	**C-i**	**C-i**	**C-i**		**P-i**	**P-i**	**P-i**
447	Fuel and Service Stations					**P**	**P**	**P**	**P**
	General Retail Trade/Services					**P**	**P**	**P**	**P**
811310	Heavy Equipment and Truck Repair							**P**	
481	Helistop			**S**	**S**	**S**	**S**	**C**	**C**
485	Individual Transportation and Taxi						**C**	**P**	**P only in TC-1**
812910	Kennel or Cattery						**C-i**	**P-i**	**P-i**
	Library Adaptive Reuse	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
31	Light Manufacturing							**S**	**P**
441	Motor Vehicle and Boat Sales							**P**	**P only in TC-1**
	Professional Office			**C**	**C**	**P**	**P**	**P**	**P**
5417	Research, Development and Testing							**P**	**P**

Amendment #18

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
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					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #19

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i

6111	Elementary School, Middle/Junior High School	**C**	**C**	**C**	**C**				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					**S-i**	**S-i**	**S-i**	**S-i**
71391	Golf Facility	**P-i**	**P-i**	**P-i**	**P-i**				
514120	Library	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
71211	Museum	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	Nightclubs (excludes Adult Use Facilities)						**C**	**P**	**P**
7111	Outdoor Performance Center							**S**	**P**
	Parks and Trails	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						**P-i**	**P-i**	**P-i**
6111	School District Support Facility	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6111	Secondary or High School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6116	Specialized Instruction School	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
71399	Sports/Social Club	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6114 (5)	Vocational School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
GOVERNMENT									
9221	Court						**P-i**	**P-i**	**P-i**
92216	Fire Facility	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Interim Recycling Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
92212	Police Facility					**S**	**P**	**P**	**P**
92	Public ~~Agency or~~ Utility Office <u>/Yard</u>	**S-i**	**S-i**	**S**	**S**	**S**	**P**	**P**	
92	~~Public Agency or Utility Yard~~	**P-i**	**P-i**	**P-i**	**P-i**			**P-i**	
221	Utility Facility	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	~~Utility Facility, Regional Stormwater Management~~	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
HEALTH									
622	Hospital	**C-i**	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**

6215	Medical Lab						**P**	**P**	**P**
6211	Medical Office/Outpatient Clinic	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
623	Nursing and Personal Care Facilities			**C**	**C**	**P**	**P**	**P**	**P**
REGIONAL									
	School Bus Base	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	
	Secure Community Transitional Facility							**S-i**	
	Transfer Station	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Bus Base	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Park and Ride Lot	**S-i**	**S-i**	**S-i**	**S-i**	**P**	**P**	**P**	**P**
	Work Release Facility							**S-i**	

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

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #20
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within an existing school or church.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Cconditional Uuse Ppermit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #21
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~
~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #22
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit

Type of WTF	Building	Conditional Use (CUP)	Special Use (~~C~~SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers and monopoles	X	X		X (if applicable)
Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #23
20.50.020 Dimensional requirements.

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

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

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)	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 ft min. and 15 ft	5 ft min. and 15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft

(5)	total sum of two	total sum of two						
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%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

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

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

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

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

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

(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.

Amendment #24
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 ~~extend up to the height limit and 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.

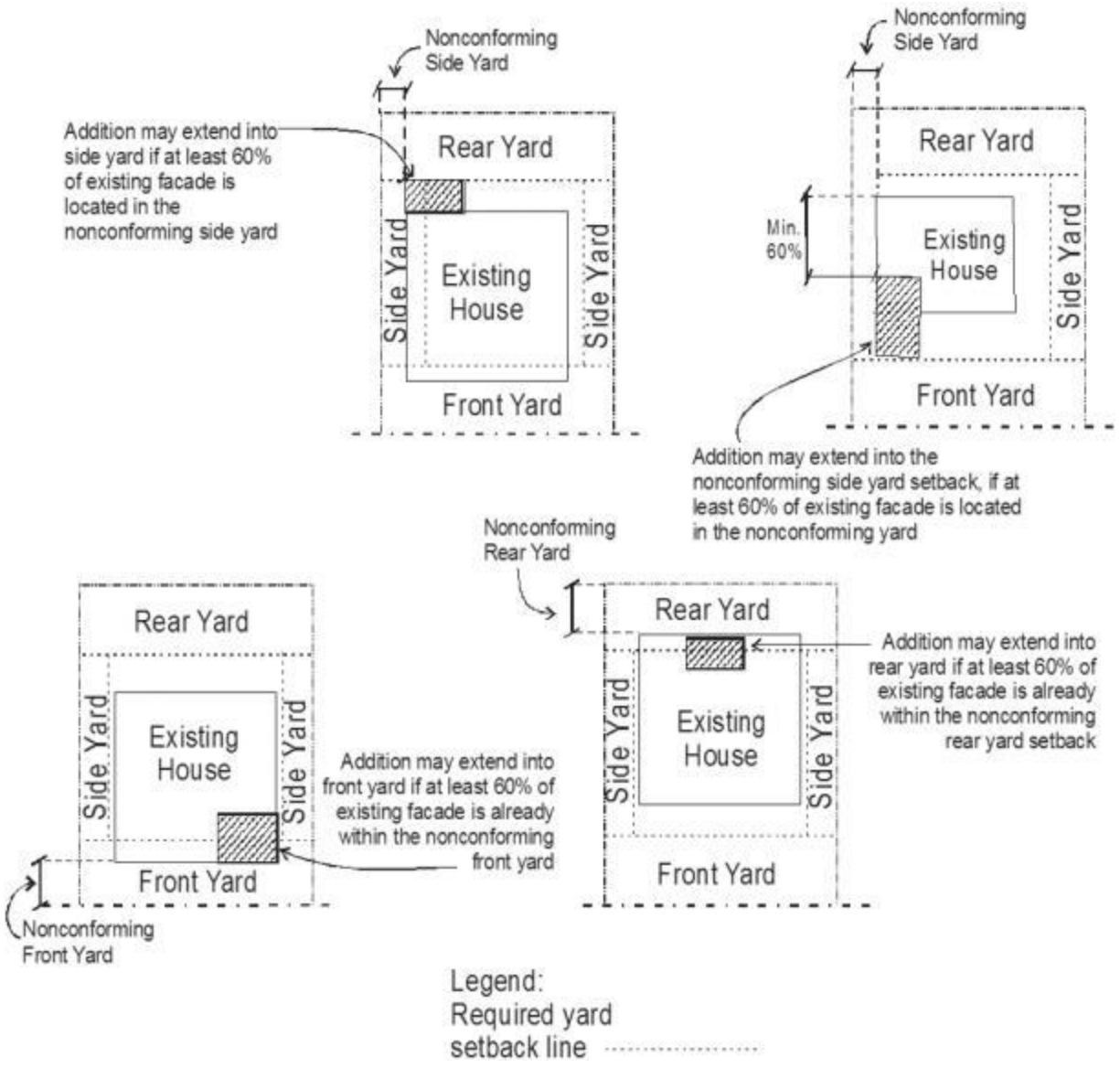

Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #25
20.50.240 Site design (Commercial Code Amendments).

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development ~~the town center subarea~~ as expressed in the Comprehensive Plan.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings 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 a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code ~~standards~~. These spaces may be used for any permitted land use;

c. Minimum window area shall be 50 percent of the ground floor facade ~~and located between the heights of 30 inches and 10 feet above the ground~~ for each front ~~facade~~ façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

F. **Public Places.**

1. Public places are required for the commercial portions of development at a rate of 4,000 square feet of public place per 20 square feet of net commercial floor area ~~acre~~ up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:
a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.



Public Places

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to ~~parking lots and~~ service areas without <u>full</u> screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.

Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

Amendment #26
20.50.310 Exemptions from permit.

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

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. Statement of Purpose. Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health

and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of ~~the Department of~~ Planning & Community ~~and~~ Development Department ~~Services~~ and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.

4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, unless within a critical area of critical area buffer.

6. Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:

a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and

b. Performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property, and King County best management practices for noxious weed and invasive vegetation; and

c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and

d. All work is performed above the ordinary high water mark and above the top of a stream bank; and

e. No more than 3,000 square feet of soil may be exposed at any one time.

7. Normal and routine maintenance of existing golf courses provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, "normal and routine maintenance" means grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

a. Aerification and sanding of fairways, greens and tee areas.

b. Augmentation and replacement of bunker sand.

c. Any land surface modification including change of the existing grade by four feet, as required to maintain a golf course and provide reasonable use of the golf course facilities.

d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.

e. Removal of significant trees as required to maintain and provide reasonable use of a golf course. Normal and routine maintenance, as this term pertains to removal of significant trees, includes activities such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 50 percent of significant trees on a golf course shall be retained.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course.

g. Routine maintenance of golf course infrastructures and systems such as irrigation systems and golf cart paths as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

Amendment #27
20.50.440 Bicycle facilities – Standards.

A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building's entrance;

Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	~~1~~.5 per ~~studio or 1-bedroom~~ unit except for units where individual garages are provided. ~~2 per unit having 2 or more bedrooms~~
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1). The Director may authorize a reduction in long term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2). Ground floor units with direct access to the outside may be exempted from the long term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or

6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).
7. Campus zoned properties and transit facilities. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Amendment #28
20.50.532 Permit required.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

~~C~~D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #29
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds. Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. ~~, which will be~~ Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #30
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. ~~Outdoor advertising signs (~~bBillboards~~)~~ now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

~~2~~3. Shall be kept in good repair and maintained.

~~3~~4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this Code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the

size of the reader board does not increase and the provisions of 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

Amendment #31
20.50.600 Temporary signs.

A. General Requirements. Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per street frontage per business, place of worship, or school;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs ~~in commercial zones~~ not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

Amendment #32
20.50.610 Exempt signs.

N. Parks signs constructed in compliance with the Parks Sign Design Guidelines and Installation Details as approved by the Parks Board and Planning & ~~and~~ Community Development Director. Departures from these approved guidelines may be reviewed as departures through the administrative design review process and may require a sign permit for installation.

Amendment #33
20.80.240 Alteration.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.
D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

2. For all other proposals, the applicant shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the ~~Uniform~~ International Building Code.

Amendment #34
20.80.310 ~~Designation and p~~Purpose.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~as defined by the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94)~~. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #35
20.80.320 Designation, delineation, and ~~C~~classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

C. Wetlands, as defined by this ~~section~~ subchapter, shall be classified according to the following criteria:

~~A~~ 1. "Type I wetlands" are those wetlands which meet any of the following criteria:

~~1~~a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or

priority, or the presence of critical or outstanding actual or potential habitat for those species; or

~~2.~~ b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

~~3.~~ c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

~~4.~~ d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

~~B.~~ 2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

~~1.~~a. Wetlands greater than one acre (43,560 sq. ft.) in size;

~~2.~~ b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

~~3.~~ c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

~~C.~~ 3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

~~D.~~ 4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

Amendment #36
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual

and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035. ~~Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1997 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.~~

Planning Commission Meeting Date: May 1, 2014 **Agenda Item 6.b**

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: **Development Code Amendments #301935**
DEPARTMENT: **Planning & Community Development**
PRESENTED BY: **Steven Szafran, AICP, Senior Planner**

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

Introduction

The purpose of this study session is to:

- Review the proposed Development Code Amendments
- Respond to questions regarding the proposed amendments
- Gather public comment
- Deliberate and, if necessary, ask further questions of staff
- Develop a recommended set of Development Code Amendments for the Public Hearing

Amendments to 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 review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code Amendments and making a recommendation to the City Council on each amendment.

Background

SMC 20.30.350 states, "An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City". Development Code Amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders approved by the Director.

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 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

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

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

This group of Development Code amendments has one privately initiated amendment and 30 Director initiated amendments. The proposed Development Code amendments are organized in the following groups: administrative changes, procedural changes, local policy changes, clarification of existing language, codifying administrative orders, updating references, and citizen initiated amendments.

Administrative changes
20.10.050 – Roles and responsibilities (Quasi-judicial hearings shifted from Planning Commission to Hearing Examiner)
20.20.016 – D definitions (Department)
20.30.040 – Type A actions
20.30.680 – Appeals
20.40.600 – Wireless telecommunication facilities
20.50.020 – Dimensional requirements (adding R-18)
20.50.240 – Site design (Commercial code amendments)

Procedural changes
20.30.045 – Neighborhood meeting for certain Type A actions
20.30.060 – Summary of Type C actions
20.30.120 – Public notices of application
20.30.480 – Binding site plans

Local policy changes
20.40.130 – Nonresidential uses (adding daycare II facilities as an accessory use to churches and schools)
20.40.320 – Daycare facilities
20.50.440 – Bicycle facilities (amending long-term bicycle parking requirements)
20.50.532 – Permit required (for a sign)
20.50.550 – Prohibited signs
20.50.590 – Nonconforming signs
20.50.600 – Temporary signs

Clarifying Existing Language
20.20.012 – B definitions (binding site plan)
20.30.370 – Purpose (of a subdivision)
20.30.380 – Subdivision categories
20.30.390 – Exemptions (from subdivisions)
20.40.140 – Other uses (combining public agency with public utility yard and/or office)

Codifying Administrative Orders
20.20.040 – P definitions
20.40.480 & 490 – Indexed Criteria for Public Agency or Utility Office and Pubic Agency or Utility Yard
20.50.090 – Additions to existing single-family house

Updating references

20.80.240 – Alteration (updates reference to the International Building Code)
20.80.310 – Designation and purpose (of a wetland)
20.80.320 – Designation, delineation, and classification (of a wetland)
20.80.330 – Required buffer areas (for wetlands)

Privately Initiated Amendment
20.50.310 – Exemptions from permit (exempting golf courses from clearing and grading permits)
Attachment 2 contains the applicant's application and proposal.

Discussion and Analysis

The purpose of the study session is for staff to introduce each of the amendments to the Planning Commission and for the Commission to discuss the merits of each amendment in order as listed in Attachment 1.

When staff reaches the privately initiated amendment, the applicant will have an opportunity to present the request and take any questions from the Commission.

The justification and analysis for each of the proposed amendments are found in **Attachment 1** under each of the respective amendments.

Next Steps

Staff will gather all comments from the study session and make necessary changes. Staff will present the completed and/or modified code amendments at the public hearing.

The Public Hearing is scheduled on June 5, 2014

Attachments

Attachment 1 – Proposed 2014 Development Code Amendments
Attachment 2 – Seattle Golf Club's Development Code amendment application
Attachment 3 – Public comment

DEVELOPMENT CODE AMENDMENT BATCH 2014

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Amendment #1
20.10.050 Roles and responsibilities.

Justification – The Hearing Examiner is responsible for quasi-judicial matters and not the Planning Commission. The shift of qausi-judicial hearing responsibilities changed 3 years ago and this amendment reflects that change.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments ~~and quasi-judicial matters~~. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Justification - This amendment matches the definition of Binding Site Plan with the description under the process section in chapter 20.30.480 Binding Site Plans – Type B Action. The definition does not adequately explain what a binding site plan is only what it should show. The checklist for a Binding Site Plan describes the information included with an application.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a ~~A~~ plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Amendment #3
20.20.016 D definitions.

Justification – The department definition refers to the department's old name. This amendment will update the department's name to the correct title.

Department - Planning ~~&and~~ Community Development ~~Development Services~~ Department.

Amendment #4
20.20.040 P definitions.

Justification – This amendment is based on an Administrative Order issued by the City for the Shoreline Water District Utility Yard and a Special Use Permit. This amendment seeks to simplify what is a public agency or a utility office. The amended definition also does not preclude outdoor storage since this is often an accessory use to a public agency office or a public utility office. This amendment is companion to 20.40.140 and should be considered together.

Public Agency Office or Public Utility Office - An office for the administration of any governmental or utility activity or program, ~~with no outdoor storage and including, but not limited to:~~

A. ~~Executive, legislative, and general government, except finance;~~

~~B. Public finance, taxation, and monetary policy;~~

~~C. Administration of human resource programs;~~

~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~

~~F. International affairs;~~

~~G. Legal counsel and prosecution; and~~

~~H. Public order and safety.~~

Public Agency Yard or Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

Justification – These amendments will provide early notice of certain larger Type A developments to residents in the neighborhood and to provide a forum for discussion and possible mitigation of impacts. Residents do not currently receive any notification when multiple homes are built on a single parcel. Conversely, if one lot is being subdivided into three parcels, notification would be given to surrounding home owners. This amendment will provide the same level of neighborhood notification when multiple homes proposed to be built on one lot or one lot is being subdivided into multiple lots.

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

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination*, or subsection 20.30.045*.

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

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

Action Type	Target Time Limits for Decision (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, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
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

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1 (Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling units on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). (Refer to Chapter 20.30.090 SMC for meeting requirements.)

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

Justification - The procedures for street vacations are regulated elsewhere in State law and SMC Title 12, and are slightly different than either Type C or Type L Actions as

defined in the table below. Listing a Street Vacation as a Type C Action in this table is incorrect and creates confusion as to the process.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.40.505
~~8. Street Vacation~~	~~Mail, Post Site, Newspaper~~	~~HE (1), (2)~~	~~City Council~~	~~120 days~~	~~See Chapter 12.17 SMC~~
8. ~~9.~~ Master	Mail, Post Site,	HE (1), (2)		120 days	20.30.353

Development Plan	Newspaper			

Amendment #8
20.30.120 Public notices of application.

Justification – The recently adopted SMP specifies public comment periods for three different types of Shoreline permits: Shoreline Substantial Development Permit, Shoreline Variance, and a Shoreline Conditional Use Permit. The below amendment will add the necessary public comment periods into the appropriate section of the code.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

1. The location and description of the project;

2. The requested actions and/or required studies;

3. The date, time, and place of an open record hearing, if one has been scheduled;

4. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. <u>The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;</u>

Amendment #9
20.30.370 Purpose.

Justification – This amendment deletes condominiums from the subdivision section of the code. Condominiums are not subdivisions of land – they are a type of ownership and the City does not regulate forms of ownership (Condos, apartments, rentals).

Subdivision is a mechanism by which to divide land into lots, parcels, sites, ~~units~~, plots, ~~condominiums~~ or tracts, ~~or interests~~ for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #10
20.30.380 Subdivision categories.

Justification - A condominium does not necessarily need a Binding Site Plan unless parcels of land are actually being created. The City does not regulate condominiums as such – they reflect a type of ownership and not a subdivision of land.

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.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial, industrial, ~~condominium~~ 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. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #11
20.30.390 Exemption (from subdivisions).

Justification – The code listed uses that are exempt from the subdivision section of the code. Most of this section is governed by State Law and does not need to be repeated here, especially as it is subject to change.

The provisions of this subchapter do not apply to the exemptions specified in the State law and, ~~including but not limited to:~~

~~A. Cemeteries and other burial plots while used for that purpose;~~
~~B. Divisions made by testamentary provisions, or the laws of descent;~~
~~C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a binding site plan in accordance with the Code standards;~~
~~D.~~ Ddivisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

~~Divisions under subsections (A) and (B) of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met~~ (Ord. 238 Ch. III § 8(d), 2000).

Amendment #12
20.30.480 Binding site plans – Type B action.

Justification – Section A is not written well and seems to imply an either/or method of review, when in fact the word "may" means the review could be done in whatever way is appropriate depending on the circumstances. This language clarifies how the City may review Binding Site Plans. This section has been re-numbered to reflect past amendments.

New language in Section C has been added. Minor changes to Binding Site Plans should not require full process. This amendment allows such changes to be processed the same way as other subdivisions (20.30.420).

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. S~~The~~ site<u>s</u> ~~that is~~ subject to ~~the~~ binding site plan<u>s</u> shall consist of one or more contiguous lots legally created.

2. S~~The s~~ite<u>s</u> ~~that is~~ subject to ~~the~~ binding site plan<u>s</u> may be reviewed independently, ~~for fully developed sites;~~ or concurrently with a commercial development permit application. ~~for undeveloped land; or in conjunction with a valid commercial development permit.~~

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~B. *Repealed by Ord. 439.*~~

B ~~C~~. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C ~~D~~. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. ~~Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.~~ (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #13
20.30.680 Appeals.

Justification – The amendment is needed since the Hearing Examiner does hear all Type C actions.

A. Any interested person may appeal a threshold determination or the conditions or denials of a requested action made by a nonelected official pursuant to the procedures

set forth in this section and Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

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

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

4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

~~5. For Type C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.~~

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

Amendment #14

Table 20.40.130 Nonresidential Uses

Justification – This amendment proposes to add Daycare Facilities II as a permitted use in the R-6 and R-8 zones with additional criteria (P-I means permitted with additional criteria). The additional criterion is explained in the 20.40.320 amendment.

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
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Collective Gardens					P-i	P-i	P-i	
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i ~~C~~	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations					P	P	P	P
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

Amendment #14

Table 20.40.130 Nonresidential Uses

Justification – This amendment proposes to add Daycare Facilities II as a permitted use in the R-6 and R-8 zones with additional criteria (P-I means permitted with additional criteria). The additional criterion is explained in the 20.40.320 amendment.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
31	Light Manufacturing							S	P
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
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					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #15

Table 20.40.140 Other Uses

Justification – A Public Agency Office should be combined with a Public Utility Office and/or Yard in the use table below. These uses are commonly collocated. Also, under the current code, public agency offices and utility offices are regulated more stringently than public agency yards and utility yards. Yards are generally more impactful than offices. Therefore, this proposal is seeking to make public agency offices, public utility offices, public agency yards, and public utility yards a Special Use in the R-4 through R-12 zone.

A public agency would include such uses as City Hall, Hamlin Maintenance Yard, and King County Metro Bus Barn. A public utility includes the City, Ronald Wastewater, North City Water, and any other municipal or special purpose district. A public utility does not include other commercial providers such as Comcast, Verizon, and Century Link which would be required to locate their office/yards in a commercial zoning district.

The definition of a utility facility includes regional stormwater management and does not need to be separated.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						**P-i**	**P-i**	
71312	Amusement Arcade							**P**	**P**
71395	Bowling Center					**C**	**P**	**P**	**P**
6113	College and University					**S**	**P**	**P**	**P**
56192	Conference Center	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
6111	Elementary School, Middle/Junior High School	**C**	**C**	**C**	**C**				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					**S-i**	**S-i**	**S-i**	**S-i**
71391	Golf Facility	**P-i**	**P-i**	**P-i**	**P-i**				

514120	Library	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
71211	Museum	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	Nightclubs (excludes Adult Use Facilities)						**C**	**P**	**P**
7111	Outdoor Performance Center							**S**	**P**
	Parks and Trails	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						**P-i**	**P-i**	**P-i**
6111	School District Support Facility	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6111	Secondary or High School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6116	Specialized Instruction School	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
71399	Sports/Social Club	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6114 (5)	Vocational School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
GOVERNMENT									
9221	Court						**P-i**	**P-i**	**P-i**
92216	Fire Facility	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Interim Recycling Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
92212	Police Facility					**S**	**P**	**P**	**P**
92	Public Agency Office/Yard or Public Utility Office /Yard	**~~S-i~~**	**~~S-i~~**	**S**	**S**	**S**	**P**	**P**	
92	~~Public Agency or Utility Yard~~	**~~P-i~~**	**~~P-i~~**	**~~P-i~~**	**~~P-i~~**			**~~P-i~~**	
221	Utility Facility	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	~~Utility Facility, Regional Stormwater Management~~	**~~C~~**	**~~C~~**	**~~C~~**	**~~C~~**	**~~P~~**	**~~P~~**	**~~P~~**	**~~P~~**
HEALTH									
622	Hospital	**C-i**	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**
6215	Medical Lab						**P**	**P**	**P**
6211	Medical Office/Outpatient Clinic	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**

623	Nursing and Personal Care Facilities			**C**	**C**	**P**	**P**	**P**	**P**
REGIONAL									
	School Bus Base	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	
	Secure Community Transitional Facility							**S-i**	
	Transfer Station	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Bus Base	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Park and Ride Lot	**S-i**	**S-i**	**S-i**	**S-i**	**P**	**P**	**P**	**P**
	Work Release Facility							**S-i**	

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

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #16
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within and existing school or church.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Cconditional Uuse Ppermit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #17
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard

Justification – The criteria listed below for public agency or utility offices and public agency or utility yards cause confusion and do not provide enough flexibility for when these types of uses locate in a residential area.

For example, the Shoreline Water District recently requested a Special Use Permit to locate their utility office and yard to an existing church site. The code allowed the District to apply for a SUP but only if they also met the criteria under 20.40.480. The first criteria required the District to reuse the church building since that was the surplused nonresidential facility. The District, and the City, was limited by this requirement by making the District reuse the church even though the church was much bigger in terms of space than the District required and the plans proposed by the District would have been much smaller and less intrusive to the neighborhood.

Staff has proposed requiring a Special Use Permit to locate in a residential area without any indexed criteria. This will allow staff to impose conditions that are appropriate for the site in which one of these uses will go or deny the use if the stringent criteria for a Special Use Permit are not met. This will allow staff to be flexible with building design and allow new proposal to better fit into existing residential areas.

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~

~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #18
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

Justification – This amendment corrects an error in Table 20.40.600. The acronym for Special Use Permit should be SUP not CUP.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit			
Type of WTF	Building	Conditional Use (CUP)	Special Use (~~C~~SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers and monopoles	X	X		X (if applicable)
Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #19
20.50.020 Dimensional requirements.

Justification – This amendment fills a gap in exception number 8 of Table 20.50.020. R18 should also be included in the exemption along with other multifamily zones above and below R-18.

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:	4 du/ac	6 du/ac	8	12	18 du/ac	24 du/ac	48 du/ac	Based

Dwelling Units/Acre		(7)	du/ac	du/ac				on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft 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%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

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

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

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

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

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

(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.

Amendment #20
20.50.090 Additions to existing single-family house – Standards.

Justification – The City allows a home owner to make additions that are nonconforming to setbacks as long as the addition is the same height as the existing height of the house. If a home owner wants to add on to a home horizontally as well as vertically, then the portion of the addition that is higher has to meet current setbacks. For example, if an existing home is 3 feet from the side property line, the owner may extend the home as long as the home goes not closer than 3 feet from the property line. If the owner also wants to add a story onto the addition, the second story must be stepped-back to meet the existing side yard setback requirement of five feet.

The City has made code interpretations that extending a building along the same horizontal plane will not adversely impact an adjacent property owner. The City has also interpreted the code to say that increasing the height of that same addition will negatively impact an adjacent property owner. This code amendment reflects the City's past interpretations of the code.

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 ~~extend up to the height limit and 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.

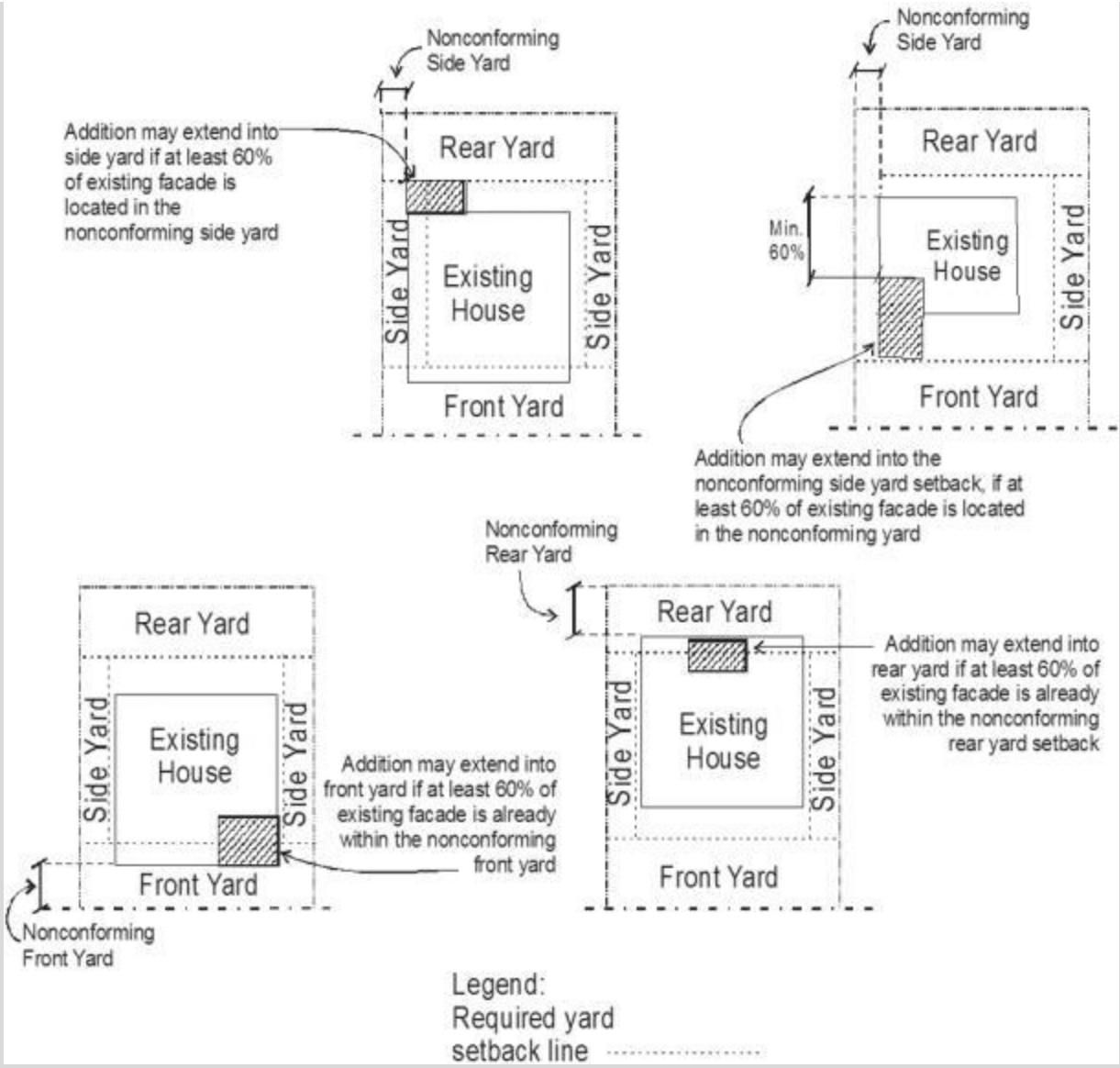


Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #21
20.50.240 Site design (Commercial Code Amendments).

Justification – The term "town center" was missed in the last commercial code consolidation amendment. It is no longer a separate subarea from the remaining commercially zoned property and should be deleted but included under "commercial development".

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development ~~the town center subarea~~ as expressed in the Comprehensive Plan.

Justification – The previous standard was misinterpreted as required for commercial spaces. The International Building Code doesn't require 12-foot ceilings for commercial spaces. Twelve-foot ceilings, especially on smaller projects, make it difficult for the floor plates to match with the remainder of the building ceiling heights.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings 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 a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be ~~12-foot height and~~ 20-foot depth and built to commercial building code ~~standards~~. These spaces may be used for any permitted land use;

Justification – The current code is too inflexible and would not include windows below 30 inches in height or windows above 10 feet in height. A building with a full glass façade and doors would be penalized unnecessarily.

c. Minimum window area shall be 50 percent of the ground floor facade ~~and located between the heights of 30 inches and 10 feet above the ground~~ for each front ~~facade~~ façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

Justification – The existing standard doesn't take into consideration mixed uses. A mixed use that is 90% multifamily with a 10% commercial would have a huge public place based on the lot size plus the multifamily open space. Based on current development proposals this standards is improbable to meet. The proposed amendment allows the multifamily open space and the public place requirement to be on the same site and proportional to each use.

F. **Public Places.**

1. Public places are required for full commercial development at a rate of 1~~,000~~ square foot of public place ~~eet~~ per 20 square feet of net commercial floor area ~~acre~~ up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:
a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.



Public Places

Justification – Parking lots and open space are not incompatible and may be OK with limited site area to fit all the requirements on site.

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to ~~parking lots and~~ service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

Justification – Environmental equipment such as solar panels cannot be screened to perform as desired. It is logical to exempt such equipment from this code section.

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.

Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

Amendment #22
20.50.310 Exemptions from permit.

Justification – This code amendment is being proposed by the Seattle Golf Course (SGC) to allow them to enhance, update, and maintain their property. These activities are ongoing and they would like to be exempt from activity that includes grading and tree removal and replacement. The applicant points out that King County, Seattle, and Bellevue exempt golf courses from their clearing, grading, and tree removal regulations.

Also attached, is a public comment regarding the inclusion of Innis Arden reserve tracts with the same exemption of golf courses.

The SGC property is approximately 155 acres with many large trees. The number of trees has only been estimated without an exact survey (see attached map). This is Shoreline's only golf course. Their intent is to retain most of the trees they have because they are necessary to define fairways as well as contribute to the attractiveness of the golf course. See their attached proposal and documentation that justifies their proposal.

Staff has worked with the applicant to modify their proposal so that both are in agreement. Staff suggests that the SGC be exempt from the permitting and procedures of regulating tree removal as long as they are aware of the minimum tree retention percentage of 35%. This percentage is above the development code minimum of 30% for property with a critical area (the central pond). The SGC request this exemption mostly because they are constantly modifying and maintaining at a larger scale than other properties in Shoreline and therefore would be constantly requesting and revising approvals from the City. Staff recommends the code amendment because the Staff believes that the SGC will not diminish their tree retention percentage below 35% and that golf courses are an unique type of land use that warrant a different application of the clearing, grading and tree code.

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

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. Statement of Purpose. Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of the Department of Planning and Development Services and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as

tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.

4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, unless within a critical area of critical area buffer.

6. Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:

a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and

b. Performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property, and King County best management practices for noxious weed and invasive vegetation; and

c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and

d. All work is performed above the ordinary high water mark and above the top of a stream bank; and

e. No more than 3,000 square feet of soil may be exposed at any one time.

7. Normal and routine maintenance of existing golf courses provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, "normal and routine maintenance" means grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

a. Aerification and sanding of fairways, greens and tee areas.

b. Augmentation and replacement of bunker sand.

c. Any land surface modification including change of the existing grade by four feet or more, as required to maintain a golf course and provide reasonable use of the golf course facilities.

d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.

e. Removal of significant trees as required to maintain and provide reasonable use of a golf course. Normal and routine maintenance, as this term pertains to removal of significant trees, includes activities such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 35 percent of significant trees on a golf course shall be retained.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course.

g. Routine maintenance of golf course infrastructures and systems such as irrigation systems and golf cart paths as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

Amendment #23
20.50.440 Bicycle facilities – Standards.

Justification – SMC 20.50.440 was amended in 2013 to provide for more long-term bicycle parking; however there has been feedback from developers indicating that the new standard is difficult to meet with other development standard. Shoreline's standards are among the highest in the region and the highest in suburban cities. Additional research from Seattle's Comprehensive Neighborhood Parking Study indicates that the proposed long-term bike parking is more among the norm in the area. The other

amendments in the following section provide for flexibility in how to provide the long-term spaces.

A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building's entrance;

   Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	~~1~~.5 per ~~studio or 1-bedroom~~ unit except for units where individual garages are provided. ~~2 per unit having 2 or more bedrooms~~
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1). The Director may authorize a reduction in long term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2). Ground floor units with direct access to the outside may be exempted from the long term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or

6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).
7. Campus zoned properties and transit facilities. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Amendment #24
20.50.532 Permit required.

Justification – Intent of these sign code amendments is to prohibit installation of new electronic changing message or reader board signs in existing, nonconforming signs in zones where electronic changing message or reader board signs are prohibited. An exception is proposed that would allow for replacement where the electronic changing message unit is legal nonconforming. Previously installation of these digital signs in existing cabinets was treated as copy replacement. This has allowed for installation or replacement of digital signs without review and sometimes in signs which exceed the current maximum sign area size for the zone.

Changing message center signs conflict with the purpose (SMC 20.50.530) of the sign code chapter if they are installed in significant number or size or if they have fast flashing and animation rates because of potential for adverse impacts to nearby properties with light pollution and to traffic safety as well as contributing to visual clutter which impacts the aesthetics of business properties.

The proposed change also removes the undefined term "outdoor advertising signs" and retains "billboards" which is a defined term.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

~~C~~D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #25
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds. Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. ~~, which will be~~ Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #26
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. ~~Outdoor advertising signs (b~~Billboards~~)~~ now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

~~2~~3. Shall be kept in good repair and maintained.

~~3~~4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this Code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the size of the reader board does not increase and the provisions of 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

Amendment #27
20.50.600 Temporary signs.

Justification – Current temporary sign standards do not provide a means for non-residential uses in residential zones to temporarily advertise event or programs. A-board signs are prohibited as are electronic message centers in residential zones. As currently worded it is not clear whether a temporary signs could be considered for approval under a Temporary Use Permit or Administrative Design Review. This change allows use of banners for schools and churches comparable to what is allowed without permit in commercial zones. Separate provisions for signs without a permit are available for home occupations, adult family homes, and daycares under 20.50.540(J). Government agencies are allowed to install incidental signs without limits under 20.50.610(D) which is commonly used by public schools, but this provision is limited to two square feet for all other incidental signs.

A. General Requirements. Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all

residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per business;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs ~~in commercial zones~~ not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

Amendment #28
20.80.240 Alteration.

Justification – The City adopted the International Building Code in 2004 and this code amendment reflects the updated code.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.

D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

2. For all other proposals, the applicant shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the ~~Uniform~~ International Building Code.

Amendment #29
20.80.310 ~~Designation and p~~Purpose.

Justification – RCW 36.70A.175 requires that wetlands are to be delineated in accordance with the manual adopted per RCW 90.58.380. RCW 90.58.380 states the Ecology must adopt a manual that implements and is consistent with the 1987 manual in use on Jan 1, 1995 by the Army Corps of Engineers and the US Environmental Protection Agency. If the corps and the EPA adopt changes or a different manual is adopted, Ecology shall consider those changes and may adopt rules implementing them.

This is what Ecology has done with WAC 173-22-035. The proposed amendments to 20.80.310 and 20.80.330 mirror the language. However, 20.80.330 doesn't need to include the language that all wetlands meeting the designation criteria are designated as critical areas. SMC 20.80.310 already does this. There is no need to repeat the language in 20.80.330 since this is where buffers are regulated.

The below amendments delete the identification/delineation phrase in 20.80.310 and 20.80.330 and move it into 20.80.320 and change that title to "Identification, Delineation, and Classification". This keeps "Purpose" being just purpose and then creates an identification/delineation/designation section.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~as defined by the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94)~~. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #30
20.80.320 Designation, delineation, and ~~C~~classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

C. Wetlands, as defined by this ~~section~~ subchapter, shall be classified according to the following criteria:

~~A~~ 1. "Type I wetlands" are those wetlands which meet any of the following criteria:

~~1~~a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or priority, or the presence of critical or outstanding actual or potential habitat for those species; or

~~2~~ b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

~~3~~ c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

~~4~~ d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

~~B~~ 2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

~~1~~a. Wetlands greater than one acre (43,560 sq. ft.) in size;

~~2~~ b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

~~3~~ c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

~~C~~ 3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

~~D~~ 4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

Amendment #31
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035. ~~Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1997 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.~~

SEATTLE GOLF & COUNTRY CLUB

CODE INTERPRETATION REQUEST

February 16, 2012

Seattle Golf & Country Club
Code Interpretation Request

Table of Contents

Attachment 2
Staff Report from May 1

CITY OF SHORELINE

CODE INTERPRETATION REQUEST SUBMITTAL CHECKLIST

Planning & Community Development

The following information is typically needed in order to submit an application for review. Depending on the scope of work, some items may not apply or may be combined. If you have a question on required items, please call (206) 801-2500 or stop by our office. Read each item carefully and provide all applicable information. **All construction drawings must be drawn to an architectural scale (e.g. 1/4" = 1'), while site plans and civil drawings must be drawn to an engineering scale (e.g. 1" = 20').** NOT POSSIBLE

- [x] **City of Shoreline Application Form** (attached).
- [x] **Letter to the Director:** Clearly indicate the Development Code provisions (provide a reference to Chapters, Sections and Page Numbers and specific text) that you wish to have interpreted. Accurately and clearly describe any circumstances that may clarify your request for interpretation.

  Please note: A request for interpretation of the Development Code is not intended to replace a pre-application conference for a specific project or to replace the variance, special use or reasonable use application requirements.

- [x] **Critical Areas Worksheet (if the request is site specific).** HART CROWSER LETTER
- [x] **Site Plan – two (2) copies** to clarify your request and drawn approximately to scale, such as 1" = 20' on 8 1/2" x 11" or 8 1/2" x 14" paper.
  - Graphic scale and north arrow.
  - Property lines with dimensions.
  - Centerline of adjacent streets, alleys or roads and their names.
  - Any information that will clarify the request.

BEST EFFORT TO COMPLY BY PROVIDING ATTACHED SITE PLAN

Submittal Fee: $149.50 ($149.50 hourly rate, 1-hour minimum). ATTACHED

Please note: Fees effective 1/2012 and are subject to change.

NOTE: Please be sure that all drawings are clear and information is legible. Number each page consecutively and staple them together with the site plan as your first sheet. No pencil drawings will be accepted. Applications may not be accepted after 4:00 pm.

OTHER PERMITS THAT MAY BE REQUIRED:
Building Permit
Site Development

City of Shoreline applications and submittal checklists may be downloaded from our website www.shorelinewa.gov under "Popular Links" select "Permits".

17500 Midvale Avenue North, Shoreline, Washington 98133-4905
Telephone (206) 801-2500 Fax (206) 801-2788 pcd@shorelinewa.gov
The Development Code (Title 20) is located at mrsc.org

Attachment 2
Staff Report from May 1

Print Form

City of Shoreline

Planning & Community Development

17500 Midvale Avenue North Shoreline, WA 98133-4905
Phone: (206) 801-2500 Fax: (206) 801-2788
Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

PERMIT APPLICATION

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address: (Leave blank if address is not assigned) 210 NW 145th Street, Shoreline, WA 98177

Parcel Number (Property Tax Account Number) 132603-9018

Legal Description (Attach separate sheet for long Legal Description) T26N, R3E, Section 13, SE ¼

PROPERTY OWNER INFORMATION

Name Seattle Golf Club Email mattschuldt@seattlegolfclub.com

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

Phone 206–362– 5444 Phone Cell

Owner's Authorized Agent

Name Matt Schuldt Email mattschuldt@seattlegolfclub.com

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

Phone 206–362– 1209 Phone Cell

PROJECT INFORMATION

Type of Application: ☐ Single Family ☐ Multi-Family ☐ Non-Residential ☐ Legislative

Building/Construction: ☐ New Construction ☐ Addition/Remodel ☐ Change of Use ☐ Demolition ☐ Mechanical ☐ Plumbing ☐ Other ☐ Fire Sprinkler ☐ Fire Alarm

Land Use: ☐ Clearing & Grading ☐ Subdivision ☐ Short Plat ☐ Site Development ☐ Zoning Variance ☐ Engineering Variance ☐ Use - Home Occupation ☐ Use - Bed & Breakfast ☐ Use - Temporary Use ☐ Conditional Use ☒ Code Interpretation ☐ Rezone

PROJECT DESCRIPTION

Request for interpretation by the Director that Shoreline Municipal Code Subchapter 5 of Title 20 of the Development Code (SMC 20.50.290-20.50.370) is not applicable to the normal and routine maintenance activities of a golf course located within the city of Shoreline, Washington, and that no clearing and grading permit is necessary in connection with such normal and routine maintenance activities.

Construction Value Not Applicable

CONTRACTOR INFORMATION

Company Name Not Applicable Email

Contact Person Phone

Address City State Zip

Contractor's Registration # Expiration Date

I am the property owner or authorized agent of the property owner. I certify that to the best of my knowledge, the information submitted in support of this permit application is true and correct. I certify that I will comply with all applicable City of Shoreline regulations pertaining to the work authorized by the issuance of a permit. I understand that issuance of this permit does not remove the owner's responsibility for compliance with state or federal laws regulating construction or environmental laws. I grant permission for City staff and agents to enter areas covered by this permit application for the sole purpose of inspecting these areas in order to process this application and to enforce code provisions related to the issued permit(s).

Signature _____ / _____ **Date** _____

Property Owner **and/or** **Authorized Agent**

Attachment 2
Staff Report from May 1

CRITICAL AREAS WORKSHEET

- [x] Yes [ ] No Is there any standing or running water on the surface of the property or on any adjacent property at any time during the year?
- [ ] Yes [x] No Does the site have steep slopes with little to no vegetation?
- [x] Yes [ ] No Has any portion of the property or any adjacent property ever been identified as a wetland or swamp?
- [ ] Yes [x] No Does the site contain high percentages of silt and/or very fine sand?
- [ ] Yes [x] No Are any willows, skunk cabbage, alders, cottonwoods, or cattails present on your property or adjacent properties?
- [ ] Yes [x] No Does the site contain ground water seepage or springs near the surface of the ground?
- [ ] Yes [x] No Are there any indications on any portion of the property or on any adjacent property of rockslides, earthflows, mudflows, landslides, or other slope failure?

Please indicate which line best represents the steepest slope found on your property. [ ] 0%-5% [ ] 5%-10% [x] 10%-15% [ ] 15%-20% [ ] 20%-25% [ ] 25%+

Please describe the site conditions for any "yes" answer:

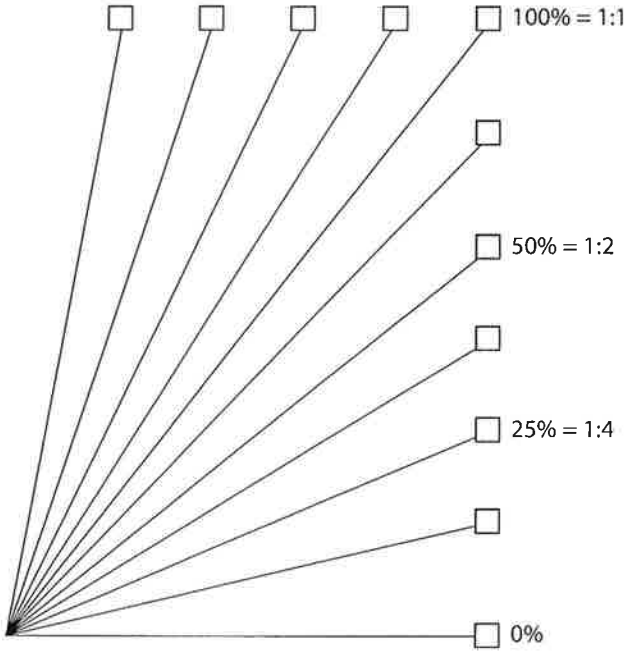
The property consists of about 155 acres, primary use is a golf course which contains one natural pond and several man made ponds. A Wetland delineation of the property was recently prepared for the property owner in connection with its efforts to work with the Shoreline Dept. Planning & Community Development to obtain this code interpretation, or in the alternative, a permit to conduct its normal and routine maintenance activities if necessary. Hart Crowser letter dated January 20, 2012, attached

Who prepared this information? Matt Schuldt.

How to Determine the Slope of a Hillside

The slope is considered the vertical measure as it relates to the horizontal measure. For example if a slope has a rise of one foot over a four foot horizontal distance the slope would be be 1:4 or a 25% slope.

(Check appropriate slope percentage box and mark correct box on diagram below.)



Attachment 2
Staff Report from May 1

210 NW 145th Street
Shoreline, WA 98177

February 16, 2012

Shoreline Planning & Community Development
17500 Midvale Avenue N.
Shoreline, WA 98133

Re: Request for Code Interpretation Subchapter 5 of Title 20 of the Development Code
Hand Delivered

Ladies and Gentlemen:

Seattle Golf Club ("SGC") has resided in its current location since 1908 and is laid out over 155 acres in the South West corner of Shoreline. According to the United States Census Bureau, the city of Shoreline has a total area of 11.7 square miles (30.3 km²), of which SGC's 155 acres (.611 km²) cover slightly more than 2% of the city of Shoreline. SGC's Course Superintendent estimates SGC to have more than 6,000 trees covering its acreage, which is almost certainly more than 2% of the trees in the city of Shoreline, given the fact that this acreage has few structural improvements other than the golf course itself.

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

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

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

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

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

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

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

A similar express exemption exists for golf courses in Seattle (by virtue of their being considered "parks" under Seattle Mun. Code 18.12.030(9)), for tree clearing (Seattle Mun. Code Secs. 25.09.320 & 25.09.045) and grading permit requirements (Seattle Mun. Code Secs. 22.170.060(B)(8), without distinction as to public or private golf courses. An express exemption for golf courses, again without distinction as to public or private courses, exists in the Bellevue code as well (Bellevue Municipal Code Sec. 3.43.020(H)).

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

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

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

During the past several months, SGC has been in discussions with Paul Cohen of the Shoreline Planning & Community Development department ("Planning Department") on how to deal with

the special requirements of SGC, interpretation of and compliance with existing law, and how to minimize the expense to the city in working through these issues.

Stated succinctly, SGC respectfully seeks an interpretation of Subchapter 5 which excludes the need to obtain permits for normal and routine maintenance on golf courses, and that such activities are distinguishable from site development activities which are properly addressed by Subchapter 5, to harmonize Shoreline's Development Code with the numerous local municipalities cited, as well as with King County.

Such an interpretation is consistent with the stated purpose of Subchapter 5, which is to "reduce the environmental impacts of ***site development while promoting the reasonable use of land***." SMC 20.50.290 (emphasis added), as well as the effect of SMC 20.50.350 which would permit the clearing of up to 70 to 80 percent of SGC's trees as part of a site development. ***SGC is not engaging in "site development," but believes that its interpretation of Subchapter 5 is implied by the stated purpose and remaining substantive provisions of Subchapter 5, as well as how numerous neighboring jurisdictions have expressly limited their development codes.***

Further support is found in Shoreline's Clearing & Grading Permit Checklist[2] (see Exhibit B), which requires certain submissions which SGC is incapable of providing. For example, SGC cannot provide "site plans and civil drawings must be drawn to an engineering or architectural scale (e.g. 1" = 20' or 1/4" = 1')" for a site that is 155 acres large in a meaningful (and relatively inexpensive) way. Nor can it provide a depiction on a site plan with each of its 6,000+ trees[3]. As can be seen from Exhibit B, there are numerous other required items that are inapplicable to or unreasonable for SGC to comply with.

Other Background History

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

- Promotion of practices consistent with the city's natural topography and vegetative cover.
- Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the city and provide continuity and screening between developments.

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[2] SCG is contemporaneously seeking a clearing and grading permit in an abundance of caution and desire to avoid violation of Subchapter 5 if this code is interpreted to require such a permit.

[3] Mr. Cohen, at a recent meeting with SGC agreed to modify these requirements in the manner indicated on Exhibit B which includes identification and measurement of about 110 "significant trees."

- Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities.
- Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution.

Aside from the precedent presented from other local municipalities, and even King County, there is a practical basis as to why an interpretation of Subchapter 5 which permits normal and routine maintenance of golf courses is appropriate.

With all respect, a conclusion that Subchapter 5 applies to the ordinary and routine maintenance of a 155 acre golf course in the same manner as it applies to an average private property owner's ½ acre property[4] seems unreasonable and certainly beyond the purpose and intent of Subchapter 5 set out above. To put this in perspective, SGC's 155 acres if they were developed in ½ acre parcels would be covered by 310 single family residences. In such a case, the residents of those imaginary residences would collectively be able to remove up to 1,860 trees in 36 months and move up to 15,500 cubic yards of soil without permit.[5]

SGC has no intent to make any sort of radical change to its property, but rather seeks an interpretation from the Planning Department that golf course normal and routine maintenance is not subject to Subchapter 5, which would allow SGC to engage in the following activities and other normal maintenance to allow it the reasonable use of its acreage:

1. **Aerification and Sanding of Fairways, Greens and Tee Areas**. SGC has for the last decade or more, aerified the grass areas of the golf course periodically and as a by-product of this process, had grass plugs totaling more than 50 cubic yards that it recycles and reuses throughout the golf course. Additionally, in concert with aerification, SGC applies sand to its golf course once or twice a year totaling more than 50 yards in each application. Under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each time it aerifies or sands portions of its golf course.

2. **Periodic Augmentation and Replacement of Bunker Sand.** SGC's golf course incorporates 85 fairway and greenside sand bunkers. The bunkers require periodic maintenance, including supplementing the sand from time to time and replacing the sand on a periodic basis as well. These activities can total more than 50 cubic yards in any given application and in any give year. Again, under a strict interpretation of Subchapter 5, this activity could arguably require SGC to apply for and receive permits from Shoreline each

[4] Permits required for private property owners moving more than 50 cubic yards of soil, as well as for removal of more than 6 "significant trees" in 36 months.
[5] Which is well within the outer limits established in SMC 20.50.350.

time it augments or replaces bunker sand on its golf course. In addition, crows at various times of the year damage turf which occasionally requires the transplantation of turf from various parts of the golf course, which adds to the normal and routine maintenance which could arguably require permit, see Exhibit C for photos of such damage.

3. **Removal of Necessary Healthy Significant Trees**. One of the greatest assets of SGC is the more than 6,000 trees which enhance its grounds. Unless kept in equilibrium, these same trees can become great liabilities as they compete for sunlight with grass and other non-tree vegetation. If normal and routine removal of trees necessary to keep such equilibrium is not permitted, the playability of the golf course is unreasonably affected. Currently, under a strict interpretation of Subchapter 5, SGC is permitted to remove only up to 6 significant trees[6] in any 36 month period. Again, while this sort of restriction makes sense for a ½ acre residential property, it makes little sense on a 155 acre property with more than 6,000 trees.

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

5. **No Required Replanting for Removed Trees**. Subchapter 5 also generally requires that four (4) trees be planted for each significant tree removed if more than six (6) significant trees are removed (SMC 20.50.360(C)).[7] Such a requirement makes no sense in connection with trees removed to increase sunlight on adjacent non-tree vegetation or to improve playability. In such cases, the replanting of trees at or near the location of the removed trees would be inappropriate. On the other hand, replanting of trees has always been part of the normal and routine maintenance of the golf course where trees are removed because they are diseased or hazardous and are critical to play. Indeed, SGC in the last week or so added more than 6 significant trees to improve the golf course, without mandate from any governmental authority. See photographs in Exhibit C.

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

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

We welcome any questions and thoughts you may have on in considering the proposed interpretation of Subchapter 5 in the most expeditious and appropriate manner.

Very truly yours,

SEATTLE GOLF CLUB

Lawrence C. Calvert

Lawrence C. Calvert, President

Exhibit A

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

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

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

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

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

Snoqualmie Municipal Code 15.20.030 Clearing and permit – When required.

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

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

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

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

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

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

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

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

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

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

(2) Maintenance of existing driveways or private access roads within their existing road prisms; provided, that the performance and restoration requirements of this chapter are met and best management practices are utilized to protect water quality;

(3) Any grading within a publicly owned road right-of-way, provided this does not include clearing or grading that expands further into a critical area or buffer;

(4) Clearing or grading by a public agency for the following routine maintenance activities:

(a) Roadside ditch cleaning, provided the ditch does not contain salmonids;

(b) Pavement maintenance;

(c) Normal grading of gravel shoulders;

(d) Maintenance of culverts;

(e) Maintenance of flood control or other approved surface water management facilities;

(f) Routine clearing within road right-of-way;

(5) Cemetery graves; provided, that this exception does not apply except for routine maintenance if the clearing or grading is within a critical area as regulated in Chapter 21A.50 SMC;

(6) Minor stream restoration projects for fish habitat enhancement by a public agency, utility, or tribe as set out in Chapter 21A.50 SMC;

(7) Any clearing or grading that has been approved by the director as part of a commercial site development permit and for which a financial guarantee has been posted;

(8) The following activities are exempt from the clearing requirements of this chapter and no permit shall be required:

(a) Normal and routine maintenance of existing lawns and landscaping, including up to 50 cubic yards of top soil, mulch, or bark materials added to existing landscaped areas subject to the limitations in critical areas and their buffers as set out in Chapter 21A.50 SMC;

(b) Emergency tree removal to prevent imminent danger or hazard to persons or property;

(c) Normal and routine horticultural activities associated with commercial orchards, nurseries, or Christmas tree farms subject to the limitations on the use of pesticides in critical areas as set out in Chapter 21A.50 SMC. This does not include clearing or grading in order to develop or expand such activities;

(d) ***Normal and routine maintenance of existing public park properties and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in critical areas***; (Emphasis added).

Exhibit B
Shoreline Clearing and Grading Checklist

*ANNOTATIONS IN BODY OF CHECKLIST MADE BY PAUL COHEN DURING VISIT ON 1/27/12 TO DISCUSS IMPOSSIBILITY TO PROVIDE ARCHITECTURAL SCALE DRAWINGS AND DISCUSS OTHER REASONABLE REQUIREMENTS FOR SUBMISSION WITH CLEARING AND GRADING PERMIT. George Treperinas and Matt Schuldt attended this meeting for Seattle Golf Club. TYPED CAP NOTES BY TREPERINAS

CITY OF SHORELINE

CLEARING AND GRADING PERMIT SUBMITTAL CHECKLIST

Planning & Community Development

The following information is typically needed in order to submit an application for review. Depending on the scope of work, some items may not apply or may be combined. If you have a question on required items, please call (206) 801-2500 or stop by our office. Read each item carefully and provide all applicable information. **All site plans and civil drawings must be drawn to an engineering or architectural scale (e.g. 1" = 20' or 1/4" = 1').** 1"=40' 1"=4'

☐ **City of Shoreline Permit Application** (attached) YES

☐ **Critical Areas Worksheet** (attached). Note: a critical area report may be required if a critical area exists on or adjacent to the site. HART CROWSER — BIOLOGIST LETTER ATTACHED

☐ **Cross Sections** – At least **three (3) copies** are required, one in each direction, showing the existing and proposed contours, as well as the horizontal and vertical scale. (This requirement may be waived if the project does not involve grading).

☐ **Environmental Checklist** or any State Environmental Policy Act (SEPA) determination, if applicable. (SEPA fees are in addition to grading permit fees, please see the State Environmental Policy Act (SEPA) requirements handout for additional details). SEE WAC 197-11-800(13)(c) SEPA EXEMPTION

Geotechnical Report – two (2) copies of the soils report or geotechnical evaluations. This provision may be waived if the project does not include grading within a geologic hazard area.

Plan for Temporary and/or Permanent Erosion and Sedimentation Control Facilities: These facilities must be designed in accordance with the *Department of Ecology Stormwater Management Manual for Western Washington.*

☐ **Site Plans – three (2 full size and 1 reduced - maximum 11" x 17") copies** drawn to an engineering scale (e.g. 1" = 20'). Permit applications for co-locations only may not require as detailed of a site plan.

- Site address
- Name, address, and phone number of the person who prepared the drawing.
- Graphic scale and north arrow.
- Location, identification and dimensions of all proposed and existing buildings and their uses.
- Note structure height. The structure height must be calculated based on the average existing grade. The calculation is to be illustrated on the elevations.
- Dimensions of all property lines. LEGAL DECRIPTION IN PERMIT
- ~~Building/structure setbacks from front, side,~~ and rear property lines.
- ~~Buildings within 50' of the proposed structure.~~
- Easements, including utility, drainage, access, open space. Include the King County recording number for existing easements. NONE IN AFFECTED AREA
- Location of existing parking spaces, include ~~traffic flow and all internal walkways.~~

☐ **Tree Retention, Protection, and Planting Plan**

- Location of all critical areas and buffers on or adjacent to the site. HART CROWSER LETTER ATTACHED
- Location, size, species, and condition of all existing trees on the property. ATTACHED
- Clearing limits. ATTACHED
- Identification of trees to be removed, trees to be preserved, and location of planted trees. ATTACHED
- Proposed tree protection measures and tree and vegetation planting details.
- Calculation of required tree retention percentage. IN PERMIT LETTER ADDRESSED IN PERMIT LETTER
- Calculation or required replacement trees.
- The Tree Retention, Protection, and Planting Plan may be combined with the Site Plan or the Grading Plan if no landscaping plan is required. GRADING PLAN IN PERMIT LETTER
- The Director may waive these requirements if the applicant can demonstrate that they are removing no more than six significant trees. Please see the *Tree Cutting* handout and the Tree Conservation, Land Clearing, and Site Grading Standards in the Shoreline WAIVER SOUGHT IN PERMIT LETTER FOR STATED REASONS

ATTACHED AERIAL AND DETAIL PICTURES TO IDENTIFY EXACT LOCATIONS. TREES LISTED BY ARBORCOM TAG NUMBERS ALL SUBJECT TO REMOVAL

17500 Midvale Avenue North, Shoreline, Washington 98133-4905
Telephone (206) 801-2500 Fax (206) 546-8761 pds@shorelinewa.gov
The Development Code (Title 20) is located at mrsc.org

Development Code for additional information and specific requirements.

☐ **Additional Requirements**:

- A registered engineer, licensed in the State of Washington must stamp (1) Plans that include permanent drainage facilities, if such facilities are proposed and (2) Plans for grading in landslide hazard areas.

ADDRESSED IN PERMIT LETTER

- Identify in writing the source of fill material, destination of excavated material, travel routes for hauling material, methods of clean-up and how to minimize problems of dust, mud and traffic circulation.

HART CROWSER LETTER

- Properties with critical areas and their buffers as defined in the Critical Areas Ordinance may require submittal of special reports, and may require implementation of mitigation measure as described in that Chapter.

☐ A certified arborist may be required to prepare a professional evaluation to include the anticipated effects of proposed construction of the viability of trees on site, provide a hazardous tree assessment, develop plans for supervising and/or monitoring implementation of required tree protection or replacement measures, and/or conduct a post construction site inspection.

Submittal Fee: $448.50 ($149.50 hourly rate, 3 hour minimum). ATTACHED

The initial deposit may be reduced for projects that do not include grading.

Please note: Fees effective 1/2012 and are subject to change.

NOTE: Please be sure that all drawings are clear and information is legible. Number each page consecutively and staple them together with the site plan as your first sheet. No pencil drawings will be accepted. Applications may not be accepted after 4:00 pm.

City of Shoreline applications and submittal checklists may be downloaded from our website www.shorelinewa.gov under "Popular Links" select "Permits".

Exhibit C
Photos of Recent Trees Planted as Normal and Routine Maintenance of golf course

Photos of Damage by Birds to be Repaired as Normal and Routine Maintenance of golf course

HARTCROWSER
Delivering smarter solutions

www.hartcrowser.com

January 20, 2012

Mr. George Treperinas
Karr Tuttle Campbell
1201 3rd Avenue, Suite 2900
Seattle, WA 98101

Re: Wetland Reconnaissance Investigation
Seattle Golf Club
Shoreline, Washington
12749-01

Dear George:

We conducted a reconnaissance-level wetland investigation on December 30, 2011 at the Seattle Golf Club located at 210 Northwest 145th Street in Shoreline, Washington. Our investigation included observation of the potential presence and extent of three wetland indicator parameters including hydrophytic vegetation, hydric soils, and hydrology. We identified one wetland area on site associated with an existing pond. This letter is a summary of our findings.

SITE DESCRIPTION

The Seattle Golf Club was established in 1908 at its current location. The golf course is situated on approximately 151 acres and contains paved and unpaved pathways, greens, fairways, ponds, a driving range, a club house, and several forested areas. The golf course currently contains five ponds of which one (Pond 11/18) is a natural feature. Based on King County aerial photographs, Pond 11/18 was the only natural water feature present at the site prior to 1936. The remaining four ponds were created after 1936 as the golf club became fully developed. Water levels in the five ponds fluctuate regularly depending on the season, precipitation patterns, and aesthetic needs at the site. In addition, the golf course is operated and maintained year round.

The golf course is surrounded by developed parcels of land, and located in an urban residential neighborhood.

The relatively small forested portions of the golf course are dominated by Douglas fir (*Pseudotsuga menziesii*) and Western redcedar (*Thuja plicata*) with big-leaf maple (*Acer macrophyullum*), English laurel (*Prunus laurocerasis*), sword fern (*Polystichum munitum*), trailing blackberry (*Rubus ursinus*), mowed grasses, and other native and non-native plants present in the understory. Small and

120 Third Avenue South, Suite 110
Edmonds, Washington 98020-8411
Fax 425.778.9417
Tel 425.775.4682

localized patches of Himalayan blackberry (*Rubus armeniacus*), English ivy (*Hedera helix*), and English laurel are present throughout the golf course. The majority of the golf course contains mowed and maintained grasses. In addition, portions of Pond 11/18 were planted with lily pads in 1997 and 1998. While these plants qualify as hydrophytic (wetland) vegetation, they were intentionally installed for aesthetic purposes and are not considered naturally occurring for the purposes of this investigation.

In general, the golf course slopes toward the central portion of the site and Pond 11/18, which is located at one of the lowest points on the property.

The property includes one wetland area located along the southern shoreline of Pond 11/18 within the central portion of the property. This area will be discussed below.

WETLAND FINDINGS

Methods

We identify wetlands and their boundaries based on our standard methodology, professional judgment, and existing site conditions during field analysis, including information provided by the client. The Routine Determinations method described by the Washington State Department of Ecology (Ecology) in the Washington State Wetlands Identification and Delineation Manual (Ecology 1997) in conjunction with the US Army Corps of Engineers Wetland Delineation Manual (1987) and Regional Supplement (2010) is applied to comply with local, state, and federal regulations. Positive wetland indicators must be present with few exceptions for the following three parameters for an area to be identified as a jurisdictional wetland: (1) hydrophytic vegetation, (2) hydric soil, and (3) wetland hydrology. We use standard methods to determine whether the criteria are met for each of the parameters.

We walked the property and visually inspected the vegetation and topography to determine if further investigations were warranted. In multiple locations we examined the soil to a depth of 12 to 16 inches, in areas that were either topographic low points and/or contained vegetation that may have been indicative of wetland conditions.

On-site Wetland

One on-site wetland area is located along a portion of the southern edge of Pond 11/18 (see attached Sketch Map). The wetland area consists of four small vegetated areas totaling approximately 723 square feet (sf) in size. The largest of these areas totals approximately 560 sf,

localized patches of Himalayan blackberry (*Rubus armeniacus*), English ivy (*Hedera helix*), and English laurel are present throughout the golf course. The majority of the golf course contains mowed and maintained grasses. In addition, portions of Pond 11/18 were planted with lily pads in 1997 and 1998. While these plants qualify as hydrophytic (wetland) vegetation, they were intentionally installed for aesthetic purposes and are not considered naturally occurring for the purposes of this investigation.

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and the smallest totals approximately 2 sf. Pond 11/18 does not meet the size requirement of 20 acres for a lacustrine (lake) system, and therefore the identified wetland area is classified as a depressional wetland system under the hydrogeomorphic (HGM) classification system (Brinson 1993).

Greater than 50 percent of the dominant vegetation is facultative (FAC) or facultative wetland (FACW), or obligate (OBL), which meets the hydrophytic vegetation criteria. The wetland areas contained similar dominant emergent vegetation including creeping spikerush (*Eleocharis palustris*, OBL), soft rush (*Juncus effusus*, FACW), and grasses. Based on the Cowardin classification system (Cowardin et al. 1979), the on-site wetland contains one class: a palustrine emergent persistent seasonally flooded (PEM1C) wetland.

At the time of our investigation, we observed wetland primary hydrology indicators including inundation and saturation within the upper 12 inches of the soil. Soils were saturated to the existing soil surface near the shoreline of the pond and inundated waterward of the shoreline. These conditions are expected to have been present and to continue to be present for at least one month during the growing season, which fulfills the criteria for wetland hydrology.

In addition, we observed soils consisting of sandy silt. Gravelly sand was observed below the sandy silt layer at a depth ranging from 4 to 10 inches below ground surface. In our test pits within the wetland area, we observed low-chroma colors that indicate the presence of hydric soils. No redoxymorphic concentrations (mottles) were observed. In general, soils were dark brown in color (10YR 3/1 to 10YR 2/1).

Regulatory Requirements

Based on our reconnaissance-level evaluation and the current Shoreline Municipal Code (SMC) 20.80.320(D), the on-site wetland areas appear to be rated as a Category IV wetland. The total wetland area (723 sf) is less than 2,500 square feet. A natural outlet to Pond 11/18 does not exist and therefore the pond and associated wetlands are considered hydrologically isolated. Finally, the wetland area has only one, unforested, wetland class: emergent. SMC requires a standard 35-foot buffer for Category IV wetlands (SMC 20.80.330(B)).

Currently, the 35-foot standard buffer associated with the on-site Category IV wetland contains maintained greens, tee boxes, benches, and a portion of a paved pathway. SMC 20.80.030(K) provides for "normal and routine maintenance and operation of existing landscaping and gardens" and SMC 20.80.030(L) covers "minor activities not mentioned above and determined by the City to have minimal impacts to the critical area." The golf course grounds and associated landscape features are subject to normal and routine maintenance and operation by the Seattle Golf Club and meet the exemption requirements under the SMC. In addition, it is our professional opinion that

continued maintenance and operational activities within the 35-foot buffer will not have a negative impact on the existing wetland area.

SUMMARY

We investigated the subject property for the presence or absence of wetland conditions. One Category IV wetland area was identified on the golf course along the southern shoreline of Pond 11/18. Based on the SMC 20.80, the wetland requires a standard 35-foot buffer.

LIMITATIONS

Work for this project was performed, and this letter report prepared, in accordance with generally accepted professional practices for the nature and conditions of the work completed in the same or similar localities, at the time the work was performed. It is intended for the exclusive use of Karr Tuttle Campbell and the Seattle Golf Course for specific application to the referenced property. This report is not meant to represent a legal opinion. No other warranty, express or implied, is made.

Photos and a sketch map of the property are attached to this letter report for reference.

If you have any questions, please contact Celina Abercrombie at (425) 329-1173. We thank you for this opportunity to provide our wetland consulting services.

Sincerely,

HART CROWSER, INC.

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Attachments: Sketch Map
Photographs

REFERENCES

Brinson, M., 1993. A Hydrogeomorphic Classification for Wetlands. Wetlands Research Program Technical Report WRP-DE-4. August 1993.

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe, 1979. Classification of Wetlands and Deepwater Habitats of the United States. Office of Biological Services, US Fish and Wildlife Service, FWS/OBS-79/31, Washington, DC.

Ecology (Washington State Department of Ecology), 1997. Washington State Wetlands Identification and Delineation Manual. Ecology, Publication No. 96-94, Olympia, Washington.

Hruby, T., 2004. Washington State Wetland Rating System for Western Washington - Revised. Washington State Department of Ecology Publication #04-06-025.

Pojar, J., and MacKinnon, A., 1994. Plants of the Pacific Northwest Coast. Lone Pine Publishing, Redmond, Washington.

Reed, P.B., Jr., 1988. National List of Plant Species that Occur in Wetlands: Northwest (Region 9). US Fish and Wildlife Service, Biological Report 88(26.9), Washington, DC.

Reed, P.B. et al., 1993. Supplement to List of Plant Species that Occur in Wetlands; Northwest (Region 9). U.S. Fish and Wildlife Service, Inland Freshwater Ecology Section, Supplement to Biological Report 88 (26.9), St. Petersburg, Florida.

Shoreline Municipal Code (SMC). Chapter 20.80 - Critical Areas. 2003.

Snyder, D.E., Gale, P.S., and Pringle, R.F., 1973. Soil Survey of King County Area, Washington. USDA, Soil Conservation Service, Washington, DC. November 1973.

Soil Conservation Service (SCS), 1990. Washington Hydric Soil List. US Department of Agriculture.

US Army Corps of Engineers, 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region, ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-13. Vicksburg, MS: US Army Engineer Research and Development Center.

US Army Corps of Engineers, 1987. Corps of Engineers Wetland Delineation Manual. Technical report Y-87-1, National Technical Information Service, Springfield, Virginia.

Attachment 2
Staff Report from May 1

Greetings all:

Please advise as to the status of the attached "Draft" SEPA Checklist. Has it been finalized and a threshold determination been issued? If the threshold determination is anything other than a DS, please note for the record that The Innis Arden Club Inc. objects to the threshold determination. Such a broad-brush set of amendments, depending on prior SEPA items extending back almost two decades, does not begin to address the impacts of the varied proposals encompassed in the Checklist. They have significant adverse impacts that have neither been disclosed nor mitigated.

This is particularly the case with regard to the special Code amendment for the Seattle Golf Club noted in the Checklist as follows:

"All amendments except one are City-wide non-project actions. SMC 20.50.310 applies to all golf courses within the City of Shoreline. As of today, Shoreline has one golf course – Seattle Golf Club. The SGC is located at 210 NW 145th Street, Shoreline, WA 98177."

The particulars of the special made-to-order amendment for the Seattle Golf Club have not been widely disseminated to the public, but apparently drafted in private between the Seattle Golf Club and City Staff. The factual environmental premises for the amendments as stated in the SEPA Checklist are questionable (e.g. absence of impact on critical areas, etc.) and appear to have been tailored to facilitate adoption with a minimum of public scrutiny and review. This is not the first time this issue of special legislation for the Golf Club has arisen. Last time, the City assured that the Golf Club proposal had been dropped. Apparently, however, it was resurrected when "the coast was clear."

The Innis Arden Club has for years asked that the City facilitate a more rational approach to maintenance of large tracts. For example, the Club has repeatedly formally requested adoption of Comprehensive Plan and Code amendments to foster Vegetation Management Plans (VMP) such as the longstanding one agreed upon by the City and Innis Arden. That VMP was summarily, unilaterally abrogated by former Planning Director Joseph Tovar with no discussion or negotiation when he took control of the Planning Department.

VMPs would yield substantial benefits to the City and to entities such as Innis Arden or the Golf Club which manage large tracts. The City has repeatedly rebuffed Innis Arden's requests for renewal of the VMP approach. It has repeatedly refused to even schedule the concept for Planning Department and City Council consideration. Now, it turns out that a special Code amendment to give the Golf Club alone relief has been privately drafted and slated for City adoption by September. Golf Clubs are no more environmentally benign than Innis Arden open space or residential tracts. A strong case could be made that they are less so, particularly in light of the unnatural state required for golf play. Again, this is not to say that the Golf Club would be inappropriately included in a comprehensive City review of the situation in which the Golf Club, the Innis Arden Club, and other properties are now placed by the Code. It is to say that the Golf Club's environmental impacts and its over-all use do not justify singling out the Golf Club for a special concessionary Code amendment.

The Innis Arden Club emphasizes that it supports a comprehensive reform effort with participation by all similarly situated entities (owners with responsibility for maintenance of large tracts including open space) to eliminate the needlessly burdensome aspects of the current regulatory system particularly with regard to vegetation. The Innis Arden Club does object however to piecemeal revision of the Code specifically for one owner (here the Seattle Golf Club) without regard to over-all environmental impacts or equity.

Please provide immediately the latest text of the proposed Code amendments, including in particular the amendment for the Seattle Golf Club. Please also provide the identity of the Seattle Golf Club amendment's author(s), the documentation on which the amendment is based (including, if any, qualified expert inspection reports and analysis of the Seattle Golf Club site to assess impacts) and all other particulars concerning the amendment's origin and review.

Meanwhile, as noted, this initial comment should be placed on the record for the Code amendments and their SEPA review.

Thank you,

Peter Eglick

Attorney for The Innis Arden Club Inc.

Attachment 3 -
Proposed Amendments Standard

Amendment #1
20.10.050 Roles and responsibilities.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Amendment #3
20.20.016 D definitions.

Department - Planning &Community Development Department.

Amendment #4
20.20.040 P definitions.

Public Utility Office - An office for the administration of any governmental or utility activity or program.

Public Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

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

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination*, or subsection 20.30.045*.

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

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

Action Type	Target Time Limits for Decision (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, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
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

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1 (Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling units on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). (Refer to Chapter 20.30.090 SMC for meeting requirements.)

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision [3], [4]	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE [1], [2]	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE [1], [2]	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE [1], [2]		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE [1], [2]		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE [1], [2]		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE [1], [2]		120 days	20.40.505
8. Master Development Plan	Mail, Post Site, Newspaper	HE [1], [2]		120 days	20.30.353

Amendment #8
20.30.120 Public notices of application.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

1. The location and description of the project;

2. The requested actions and/or required studies;

3. The date, time, and place of an open record hearing, if one has been scheduled;

4. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;

Amendment #9
20.30.370 Purpose.

Subdivision is a mechanism by which to divide land into lots, parcels, sites, plots, or tracts, for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or tracts;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #10
20.30.380 Subdivision categories.

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.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

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. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #11
20.30.390 Exemption (from subdivisions).

The provisions of this subchapter do not apply to the exemptions specified in the State law and divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads (Ord. 238 Ch. III § 8(d), 2000).

Amendment #12
20.30.480 Binding site plans – Type B action.

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. Sites subject to binding site plans shall consist of one or more contiguous lots legally created.

2. Sites subject to binding site plans may be reviewed independently or concurrently with a commercial development permit application.

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

B. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #13
20.30.680 Appeals.

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

1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to approve, condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

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

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

4. All SEPA appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC 20.30.150, Public notice of decision; provided, that the appeal period for a DNS for Type A or B actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

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

Amendment #14

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**
812220	Cemetery, Columbarium	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Houses of Worship	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Collective Gardens					**P-i**	**P-i**	**P-i**	

Amendment #14

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
	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					**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							**S**	**P**
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**	

Amendment #14

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
	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					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #15

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i				

514120	Library	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
71211	Museum	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
	Nightclubs (excludes Adult Use Facilities)						**C**	**P**	**P**
7111	Outdoor Performance Center							**S**	**P**
	Parks and Trails	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						**P-i**	**P-i**	**P-i**
6111	School District Support Facility	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6111	Secondary or High School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6116	Specialized Instruction School	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
71399	Sports/Social Club	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
6114 (5)	Vocational School	**C**	**C**	**C**	**C**	**C**	**P**	**P**	**P**
GOVERNMENT									
9221	Court						**P-i**	**P-i**	**P-i**
92216	Fire Facility	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Interim Recycling Facility	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
92212	Police Facility					**S**	**P**	**P**	**P**
92	Public Utility Office /Yard	**S**	**S**	**S**	**S**	**S**	**P**	**P**	
221	Utility Facility	**C**	**C**	**C**	**C**	**P**	**P**	**P**	**P**
HEALTH									
622	Hospital	**C-i**	**C-i**	**C-i**	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**
6215	Medical Lab						**P**	**P**	**P**
6211	Medical Office/Outpatient Clinic	**C-i**	**C-i**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
623	Nursing and Personal Care Facilities			**C**	**C**	**P**	**P**	**P**	**P**
REGIONAL									
	School Bus Base	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	**S-i**	

	Secure Community Transitional Facility							**S-i**	
	Transfer Station	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Bus Base	**S**	**S**	**S**	**S**	**S**	**S**	**S**	
	Transit Park and Ride Lot	**S-i**	**S-i**	**S-i**	**S-i**	**P**	**P**	**P**	**P**
	Work Release Facility							**S-i**	

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

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #16
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within and existing school or church.

A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Conditional Use Permit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #17
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~
~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #18
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit			
Type of WTF	Building	Conditional Use (CUP)	Special Use (SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers and monopoles	X	X		X (if applicable)

Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #19
20.50.020 Dimensional requirements.

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

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

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)	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	35%	35%	45%	55%	60%	70%	70%	N/A

Coverage (2) (6)								
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

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

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

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

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

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

(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.

Amendment #20
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 extend up to the height limit and 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.

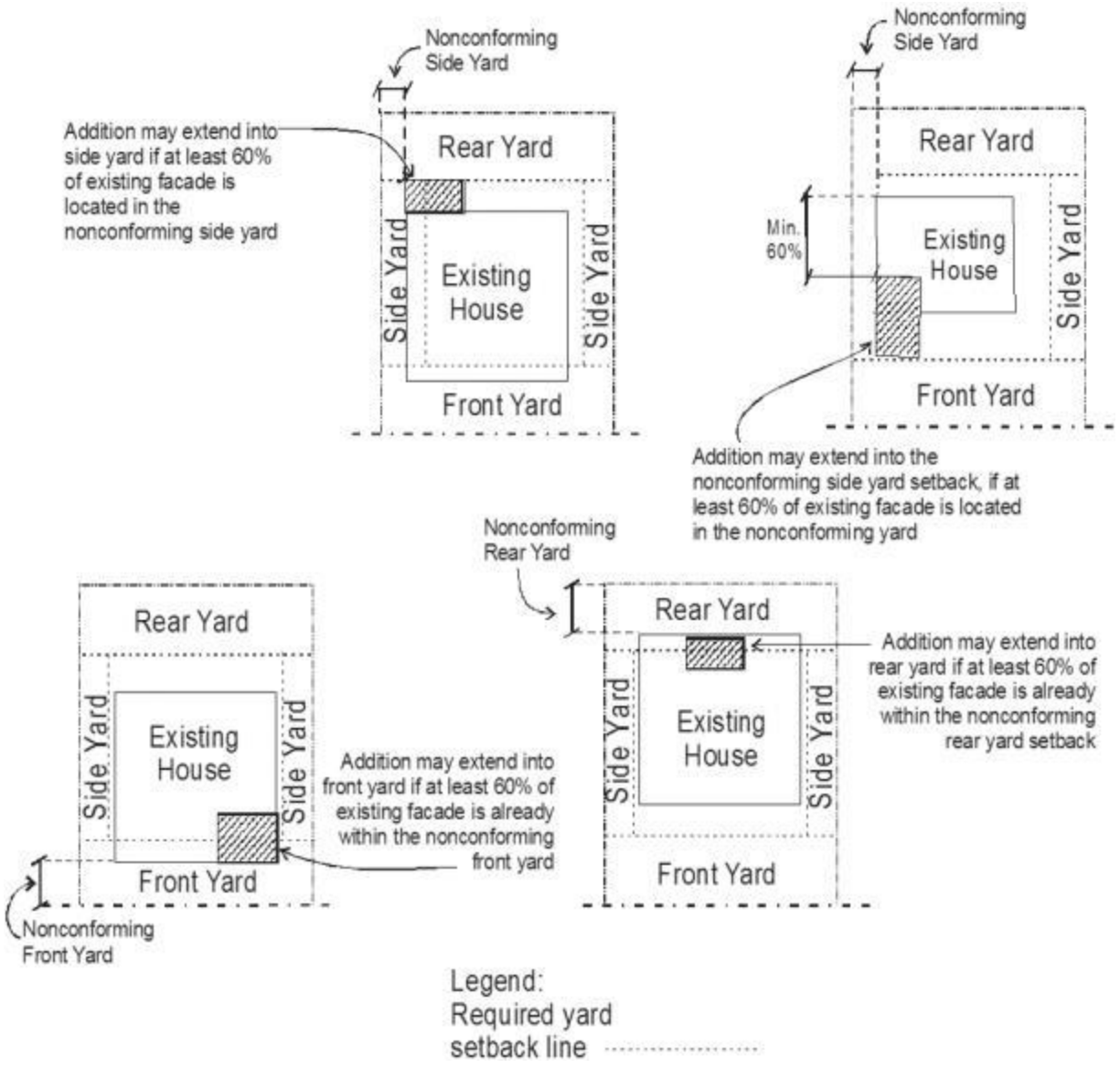


Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #21
20.50.240 Site design (Commercial Code Amendments).

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development as expressed in the Comprehensive Plan.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings 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 a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use;

c. Minimum window area shall be 50 percent of the ground floor facade for each front façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

F. **Public Places.**

1. Public places are required for full commercial development at a rate of 4 square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:
a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.

Public Places

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.

Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

Amendment #22
20.50.310 Exemptions from permit.

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

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. Statement of Purpose. Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health

and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, “Director” means the Director of Planning & Community Development Department and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.

4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, unless within a critical area of critical area buffer.

6. Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:

a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and

b. Performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property, and King County best management practices for noxious weed and invasive vegetation; and

c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and

d. All work is performed above the ordinary high water mark and above the top of a stream bank; and

e. No more than 3,000 square feet of soil may be exposed at any one time.

7. Normal and routine maintenance of existing golf courses provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, “normal and routine maintenance” means grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

a. Aerification and sanding of fairways, greens and tee areas.

b. Augmentation and replacement of bunker sand.

c. Any land surface modification including change of the existing grade by four feet or more, as required to maintain a golf course and provide reasonable use of the golf course facilities.

d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.

e. Removal of significant trees as required to maintain and provide reasonable use of a golf course. Normal and routine maintenance, as this term pertains to removal of significant trees, includes activities such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 35 percent of significant trees on a golf course shall be retained.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course.

g. Routine maintenance of golf course infrastructures and systems such as irrigation systems and golf cart paths as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

Amendment #23
20.50.440 Bicycle facilities – Standards.

A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building's entrance;

Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	.5 per unit except for units where individual garages are provided.
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1). The Director may authorize a reduction in long term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2). Ground floor units with direct access to the outside may be exempted from the long term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or
6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).

7. Campus zoned properties and transit facilities. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Amendment #24
20.50.532 Permit required.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #25
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds. Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #26
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. Billboards now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

3. Shall be kept in good repair and maintained.

4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this Code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the size of the reader board does not increase and the provisions of 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

Amendment #27
20.50.600 Temporary signs.

A. General Requirements. Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per street frontage per business, place of worship, or school;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

Amendment #28
20.80.240 Alteration.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.
D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

2. For all other proposals, the applicant shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the International Building Code.

Amendment #29
20.80.310 Purpose.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #30
20.80.320 Designation, delineation, and classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

C. Wetlands, as defined by this subchapter, shall be classified according to the following criteria:

1. "Type I wetlands" are those wetlands which meet any of the following criteria:

a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or priority, or the presence of critical or outstanding actual or potential habitat for those species; or

b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

a. Wetlands greater than one acre (43,560 sq. ft.) in size;

b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

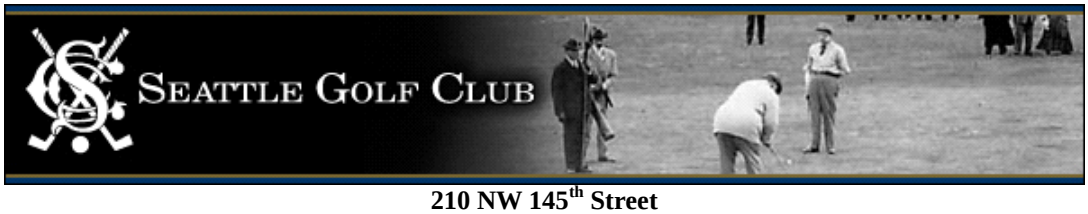
3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

Amendment #31
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

Attachment 4 -
Supplement to SGC Amendment



210 NW 145th Street
Shoreline, WA 98177

May 13, 2014

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

Re: Seattle Golf Club – ***Second*** Supplement to Request for Amendment to Development & Tree Code
Transmitted by Email only to plancom@shorelinewa.gov

Dear Planning Commission Members:

Thank you for the opportunity to participate in your study session on May 1, 2014. This letter is a second supplement to the request for amendment to the Development & Tree Code by Seattle Golf Club ("SGC") which seeks amendment to SMC 20.50.310[1] to include the proposed new subsection presented to you on May 1st.

This supplement addresses the questions and concerns you raised during the study session and to circulate certain proposed revisions to the subsection which address the questions and concerns raised. ***A revised subsection redlined from the version previously submitted is set out below***, which I am circulating to the Department of Planning & Community Development for the first time in this letter and welcome their input as well before the hearing date.

After leaving the study session, I was thinking about the important questions Commissioner Scully had raised with respect to subsections e and f. Only then did I realize that I had neglected to share important background on the proposed language. Extensive discussions were had on developing suitable language for these subsections first between me and Messrs. Cohen and Szafran, and later between me and Director Markle.

Beginning with discussions regarding subsection e, SGC initially proposed having no limits in this section so long as tree removal was normal and routine. Director Markle proposed that a cap in the tree removal subsection was necessary. Her proposal was not hard to agree to as tree removal ***to maintain a golf course*** is typically a pretty simple question of fact that you as Commissioners and Director Markle could easily resolve. As such, it would be difficult for a golf course to make wholesale changes and later argue in good faith were "normal and routine maintenance". At the same time, having flexibility in normal and routine tree removal allows SGC the luxury of not being too aggressive in removing trees if there is an arbitrary cap which it bumps up against on an annual (or some other periodic) basis. Moreover, SGC's survival for another 100 years in its present form requires it to maintain a relationship with the city of Shoreline (and its members) which is positive and transparent, where activities it conducts under the guise of being normal and routine, are truly normal and routine.

[1] Found in Subchapter 5 of Title 20.50 (collectively the sections include SMC 20.50.290-20.50.370 and are hereafter referred to as "Subchapter 5".

Given this background, Ms. Markle and I discussed different ways of expressing a cap on the tree removal section, first by using a raw number of trees, which may not fit very well if there is ever another golf course in Shoreline which has less than SGC's estimated 6,000 trees, and both felt that using a simple percentage of existing trees would be a better way to express a cap. The percentage proposed in subsection e was used in light of the threshold limitation of removal having to be "normal and routine" and is well short of the trees which could be removed if SGC filed a permit to develop its 155 acres under Subchapter 5 at SMC 20.50.350 which provides clear "[d]evelopment standards for clearing activities" that includes "Minimum Retention Requirements" that would allow SGC to obtain a permit to clear up to 70 or 80 percent of its significant trees. Indeed, pursuant to Exception to 20.50.350(B), the Director has discretion to reduce minimum significant tree retention percentage even beyond the baseline 70 to 80% for a number of reasons including cases where "strict compliance with the provisions of this Code may jeopardize reasonable use of property" or where "there are special circumstances related to the size, shape, topography, location or surroundings of the subject property."

My recollection is that we settled in on the percentage that was presented to you in subsection e, but certainly this subsection could be revised in at least a couple of different ways which would make clear that just because the percentages are listed in the subsection, that does not suggest that wholesale clearcutting of timber from a golf course would be normal or routine. I'm confident that we can strike an appropriate balance with respect to this subsection e – ***see the proposed revisions to this section below***.

Dealing with Subsection f is more challenging for SGC the reasons that I expressed during the study session. The space limitations of our golf course, and presumably any other golf course that might eventually be incorporated in the city of Shoreline, make satisfying the standard tree replacement requirements nearly impossible. Indeed, the Director has already made a factual determination of this and used her discretion to reduce tree replacement percentage in the Permit (referenced in my last letter) because "strict compliance with the provisions of this Code may jeopardize reasonable use of property" and because "there are special circumstances related to the size, shape, topography, location or surroundings of the subject property." Having said this, I think that subsection f can be revised to make tree replacement more imperative– ***see the proposed revision to this section below***.

We also discussed the language of proposed subsection c, which is admittedly awkward as it is drawn from SMC 20.50.320(f) – which generally requires a clearing and grading permit for "a change of the existing grading by four feet or more". During the study session I responded to the commissioner's questioning of this provision by discussing the need to extend and create new tee boxes and greens from time to time.

There are other normal and routing activities which this section may be important from time to time. For instance, when we are sanding greens and fairways semi-annually, we have mountains of sand delivered to our golf course and technically, these piles often exceed 4 feet. We similarly create piles of organic material when aerification of the golf course occurs which exceed 4 feet. Yet a separate circumstance recently arose when our provider of bunker sand went out of business. This required us to purchase and stockpile sand for use during coming years which, which piles are currently about 25 feet in height. Our goal is to ensure our normal and routine operations, including the forgoing operations (and others that we cannot currently anticipate) be exempt from permit.

Please also consider that any danger implicit in changing grade by 4 feet or more in a residential community is significant if it compromises any surrounding structures which are adjacent to any proposed grade change. With respect to normal and routine operations on a golf course, there are no structures at risk of compromise. We have proposed a revision to subsection c to provide a cap that we are unlikely to exceed – ***see the proposed revision to this section below***. Please consider this along with the other proposed revisions.

Proposed New SMC 20.50.310 Subsection – Exemption for Golf Course Normal and Routine Maintenance.

7. Normal and routine maintenance of ~~existing~~ golf courses, provided that the use of chemicals does not impact any critical areas or buffers. For purposes of this section, "normal and routine maintenance" of golf courses includes clearing and grading activities such as those listed below; except for clearing and grading (i) for the expansion of such golf courses, and (ii) clearing and grading within critical areas or buffers of such golf courses:

a. Aerification and sanding of fairways, greens and tee areas.

b. Augmentation and replacement of bunker sand.

c. Any land surface modification including change of the existing grade ~~by~~ up to fo~~u~~rty feet ~~or more~~, as required to maintain a golf course and provide reasonable use of the golf course facilities.

d. Any maintenance or repair construction involving installation of private storm drainage pipes up to 12 inches in diameter.

e. [ORIGINAL] Removal of significant trees as required to maintain and provide reasonable use of a golf course, such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 35 percent of significant trees on a golf course shall be retained.

[1st ALTERNATE] e. Removal of significant trees as required to maintain and provide reasonable use of a golf course, such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least ~~35~~ 50 percent of significant trees on a golf course shall be retained.

[2nd ALTERNATE] e. Removal of significant trees as required to maintain and provide reasonable use of a golf course, such as the preservation and enhancement of greens, tees, fairways, pace of play, preservation of other trees and vegetation which contribute to the reasonable use, visual quality and economic value of the affected golf course. At least 35 percent of significant trees on a golf course shall be retained, which required retention percentage does not suggest that the removal of significant trees up to this retention percentage is normal or routine maintenance of a golf course.

f. Golf courses are exempt from the tree replacement requirements in SMC 20.50.360(C). ~~Trees will be replanted based on enhancing, and maintaining the character of, and promoting the reasonable use of any golf course~~ because strict compliance with the tree replacement requirements precludes the reasonable use of golf course property and because there are special circumstances related to the size, shape, topography, location or surroundings of golf course properties which make this exemption appropriate. Notwithstanding the foregoing reasons for this exemption, golf courses have an

affirmative obligation to use reasonable efforts to replant trees and comply with the following goals:

- ***Promotion of practices consistent with the natural topography and vegetative cover of the golf course;***
- ***Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of golf course and provide continuity and screening between the golf course and neighboring properties;***
- ***Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;***
- ~~f.~~ ***Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution.***

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g. Routine maintenance of golf course infrastructures and systems, such as irrigation systems and golf cart paths, as required.

h. Stockpiling and storage of organic materials for use or recycling on a golf course in excess of 50 cubic yards.

We welcome you to bring any additional questions or thoughts you may have to our attention in the most expeditious and appropriate manner so that we can do our best to address them in an appropriate manner.

Very truly yours,

SEATTLE GOLF CLUB

George Treperinas, Secretary

cc: Rachael Markle (email only)
Paul Cohen (email only)
Steve Szafran (email only)

Attachment 5 -
Public Comment Letters

EKW LAW
EGLICK KIKER WHITED PLLC

Peter J. Eglick
Eglick@ekwlaw.com

May 15, 2014

Via Facsimile (206-546-2788)
And E-mail(rmarkle@shorelinewa.gov, (sszafran@shorelinewa.gov), (pcohen@shorelinewa.gov)

Rachel Markle, Director
Steve Szafran, Planning Commission Liaison
Paul Cohen, Planning Manager
Department of Planning &
Community Development
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

RE: Comments by The Innis Arden Club, Inc. Concerning the SEPA DNS for Amendment Seattle Golf Club Exemptions from permit requirements

Dear Director Markle and Messieurs Szafran and Cohen:

These comments are submitted by The Innis Arden Club Inc. (Innis Arden) concerning the proposed SEPA Determination of NonSignificance for the proposal to amend the Development Code to exempt the Seattle Golf Club (SGC) from clearing and grading permit requirements for tree stewardship activities. Whether or not the DNS is withdrawn (and it should be), these comments should also be considered by the Planning Commission when it takes up the merits of the Golf Club exemption amendment. As explained in detail below, the DNS and the proposed exemption are misguided. In particular, for SEPA purposes there is no basis for the assumption that the exemption will not result in significant adverse impacts on the environment. Further, there is a strong probability that it could and will have such an effect – and that the amendment is drafted in such a way to allow that to occur. This is poor policy and planning, as well as, not coincidentally, contrary to SEPA and the GMA.

The Innis Arden Club is concerned that special Code exemptions for a few adopted without careful attention to issues of compliance and impact are not an appropriate approach and threaten to leave others to shoulder the regulatory burden with regard to trees and maintenance of what some have called the "urban forest". This concern need not translate into leaving the Seattle Golf Club disappointed. However, instead of a piecemeal process of special exemptions without well-considered parameters and definitions, the Code should instead be amended to establish a framework for City review and adoption of Vegetation Management Plans (VMPs) that provide appropriate flexibility within a verifiable framework. The Code would specify the mechanism and criteria for VMPs. The complexity of a specific VMP would depend on the nature of the large site or sites in question. In contrast to this rational, GMA and SEPA-compliant approach, the piecemeal alternative currently being pursued by the Department -- a special exemption for one large property owner -- is ill-advised and legally questionable, especially given the significant questions uncovered in our review. The solution is not to disappoint the Golf Club, but to accommodate it-- and other large stakeholders such as Innis Arden willing to step up -- through adding Code authority for development of stewardship plans for large tracts.

With this principle in mind, the following preclude adoption of the SEPA DNS proposed by the Department:

1. The SEPA Checklist fails to disclose critical areas, including potential landslide hazard areas on the site for which the exemption amendment is being adopted. As shown on the attached map, even on a rough check, there are several such areas on the SGC site.

2. The SEPA Checklist does not recognize the potential streams and wetlands on the site when, for example, water related golf course features are often manifestations of natural rather than man-made systems.

3. The SEPA Checklist fails to disclose that the site for which the exemption is being adopted was formally determined by the Department a decade ago to contain critical areas. A recent explanation for this omission – that the prior formal determination was for a different parcel – is not supported by record documents.

4. The SEPA Checklist fails to disclose the current extent of vegetation including significant trees on the site for which the exemption is being adopted. The Department has acknowledged that there is no baseline inventory of trees against which to measure the exemption's retention requirements regardless of percentage, rendering the requirement nominal rather than actual. This is the case regardless of what alternative retention language is considered.

5. The impacts of the proposal are not disclosed and addressed in that the factors cited in the Checklist and in the proposed amendments as bases for removal of significant trees specifically for a golf course are noncompliant with, inconsistent with, and fail to be guided by the numerous provisions of the Comprehensive Plan which do not allow such an

approach. To cite just one example, "economic value of the affected golf course" is not found in the Comprehensive Plan as a basis for removal of significant trees.

6. The proposal would allow existing (and now, under a May 13, 2014 amended proposal by SGC in concert with the Department, apparently any new) golf courses to avoid tree replacement requirements, generally applicable under the Code and Comprehensive Plan, on bases not consistent with, in compliance with, or guided by the Comprehensive Plan

7. The Checklist assumes that the proposal will apply to only one facility. However, neither golf course, nor golf facility is defined in the Code. A worst case impact approach should therefore have been utilized in light of other large tracts that could readily with a few minor actions claim to contain a golf facility.

8. SEPA notice was not proper. The notice apparently published by the City misstated the comment period, when compared to that published in the SEPA Register, which governs. New SEPA notice must therefore be provided and a new SEPA comment period commenced and concluded before any DNS can become final. It also appears that the SEPA Checklist for the exemption was labeled as a "DRAFT" on at least one version distributed to the public.

All of the factors noted above demonstrate individually and as a whole that there are unmitigated probable significant adverse impacts associated with the proposal. The City should therefore either withdraw the proposal and/or require preparation of an Environmental Impact Statement on it. In the alternative, the City should as a substitute draft and adopt a tree stewardship plan Code provision that will address the needs of large tract owners in a framework that is not skewed toward one use or owner and that respects the mandates of the Comprehensive Plan. InnisArden stands ready to work with the Department and SGC to develop such an approach on a fast track.

Please make sure that these comments are placed on the record in the above matter and distributed to the Planning Commission.

Sincerely,

EGLICK KIKER WHITED PLLC

Peter J. Eglick
Attorneys for The Innis Arden Club Inc.

cc: Client
Shoreline Planning Commission (*plancom@shorelinewa.gov*)

Attachment 5 -
Public Comment Letters
SEATTLE GOLF CLUB

iMAP

Date: 5/14/2014 Source: King County iMAP - Property Information (http://www.metrokc.gov/GIS/iMAP)

King County

Attachment 5 -
Public Comment Letters

May 16, 2014

Rachel Markle, Director
Steve Szafran, Planning Commission Liaison
Paul Cohen, Planning Manager
Department of Planning & Community Development
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133

Re: Seattle Golf Club Exemptions from permit requirements

Dear Ms. Markle, Mr. Szafran, and Mr. Cohen,

After reviewing the letter sent to you by the Innis Arden Club dated May 15, 2014 I decided to look at the Seattle Golf and Country Club using the King County iMap website. I discovered two areas not mentioned in the letter that should be included in your deliberation.

When I used the parcel number to define all of the area that includes the Seattle Golf and Country Club, I discovered two sections that are in the lower left of the attached drawing that are part of the property. The light green lines define a 5 ft elevation level. The upper left section appears to include the clubhouse; it also has behind it a steep portion of land that has an approximate slope of 50%. This steep slope also appears to be heavily forested. The lower left section also has an approximate slope of 50% and appears to be heavily forested. I point this out since in a meeting that Innis Arden board members and lawyers Jane Kiker and Peter Eglick had with City Manager Debby Tarry that included several of her subordinates, Ms Markel implied that the golf course property is essentially just a large, flat lawn. Clearly there are extensive significant trees and hazardous steep slopes that have not been considered.

Please make sure that these comments are placed on the record in the above matter and distributed to the Planning Commission.

Sincerely yours,

T. Richard Leary
Cc: Innis Arden Board
Planning Commission (plancom@shorelinewa.gov)
Peter Eglick and Jane Kiker, EKW Law


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