

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, November 6, 2008  
7:00 p.m.**

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

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S COMMENTS</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b>	7:08 p.m.
a. September 18, 2008      b. October 27, 2008	
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.

*During the General Public Comment period, the Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled later on the agenda. Each member of the public may comment for up to two minutes. However, the General Public Comment period will generally be limited to twenty minutes. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Speakers are asked to come to the front of the room to have their comments recorded and must clearly state their first and last name, and city of residence. During Public Hearings, the public testimony or comment follows the Staff Report. The rules for procedure for Public Hearings before the Planning Commission are further defined in Resolution No. 182.*

<b>7. PUBLIC HEARING</b> <i>Legislative Public Hearing</i>	7:15 p.m.
<b>A. Stormwater Development Code Amendments</b>	
1. Staff Overview and Presentation of Preliminary Staff Recommendation	
2. Questions by the Commission to Staff and Applicant	
3. Public Testimony or Comment	
4. Final Questions by the Commission	
5. Closure of Public Hearing	
6. Deliberations	
7. Vote by Commission to Recommend Approval or Denial or Modification	
<b>8. DIRECTOR'S REPORT</b>	8:15 p.m.
<b>9. UNFINISHED BUSINESS</b>	8:25 p.m.
<b>10. NEW BUSINESS</b>	8:30 p.m.
<b>11. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>	8:50 p.m.
<b>12. AGENDA FOR November 20, 2008</b>	8:56 p.m.
Shoreline Master Program Open House & Study Session	
<b>13. ADJOURNMENT</b>	9:00 p.m.

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

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# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 18, 2008  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### Commissioners Present

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

### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Associate Planner, Planning & Development Services  
Flannary Collins, Assistant City Attorney  
Jill Mosqueda, Drainage Review Engineer  
Jeff Forry, Permit Services Manager, Planning & Development Services  
Belinda Boston, Clerk, Planning & Development Services

### Commissioners Absent

Commissioner Pyle

### Guests

Keith McGlashan, City Council  
Cindy Ryu, Mayor of Shoreline (left the meeting at 7:20 p.m.)

### CALL TO ORDER

Chair Kuboi called the regular meeting of the Shoreline Planning Commission to order at 7:08 p.m.

### ROLL CALL

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

### APPROVAL OF AGENDA

The Commission approved the agenda as presented.

### DIRECTOR'S COMMENTS

Mr. Cohn noted that the Director's comments would be postponed to later in the meeting.

## **APPROVAL OF MINUTES**

The minutes of September 8, 2008 were approved as corrected.

## **GENERAL PUBLIC COMMENT**

**Les Nelson, Shoreline**, complained that it is still difficult to find information about Planning Commission meetings on the City's website. He suggested that the meeting announcement and agenda should be featured on the website's home page. He said he has brought this problem to staff's attention on numerous occasions, but it has still not been resolved.

Commissioner Piro pointed out that the City has a program that electronically sends out announcements of Planning Commission meetings to people on the list. Mr. Cohn said that the Planning Commission information is also accessible from the Planning Division's home page. He said staff has been working to implement additional changes to address Mr. Nelson's concerns, but they have to wait until the new website is up and running. Chair Kuboi added that the Planning Commission meetings have also been advertised on the list of "what's happening" in Shoreline on the right side of the home page, but this meeting was not included for some reason. Mr. Cohn agreed that staff would make sure the meeting is included on the list in the future.

**Cindy Ryu, Mayor of Shoreline**, thanked the Commissioners for their service. She said she is looking forward to the joint Planning Commission/City Council Dinner Meeting that is scheduled for September 22<sup>nd</sup>. She pointed out that she would not stay for the hearing.

## **PUBLIC HEARING ON REZONE REQUEST FOR PROPERTY LOCATED AT 753 NORTH 185<sup>TH</sup> STREET**

Chair Kuboi reviewed the rules and procedures for the quasi-judicial public hearing. He reminded the Commission of the Appearance of Fairness Rules. He opened the public hearing and invited the Commissioners to disclose any communications they might have received about the subject of the hearing outside of the hearing. None of the Commissioners disclosed ex parte communications, and no one in the audience expressed a concern, either.

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

Mr. Szafran said the application is to rezone property located at 753 North 185<sup>th</sup> Street from R-12 (Single-Family Residential) to Community Business (CB). He displayed a Comprehensive Plan Map for the area, which identifies the parcel as Community Business. Property to the north is identified on the map as Community Business, Medium-Density Residential, and Mixed-Use. Properties directly to the south are designated as High-Density Residential, with Medium and Low-Density Residential towards the west.

Mr. Szafran displayed a zoning map of the area and explained that parcels immediately to the west of the subject parcel are zoned Office (O), R-18 and R-12 and developed with medical offices, condos, a

fire station and other office uses. The parcel to the south is zoned R-48 and developed with an apartment building. The Fred Meyer shopping center is zoned RB and located directly east of the subject parcel. To the north is the former James Alan salon building, which is currently zoned CB. He advised that the building currently located on the subject parcel has been designated on Shoreline's Historic Inventory List. He also provided numerous photographs to identify the existing conditions on surrounding properties.

Mr. Szafran advised that the proposal is to change the zoning on the site from R-12 to CB. He referred to a chart outlining the differences between the proposed CB zoning and the Regional Business (RB) and Neighborhood Business (NB) zones. He summarized that the CB zone would allow 14 dwelling units on the site, a 60-foot height limit, 85% impervious surface, and 10-foot setbacks from adjacent residential properties. The NB zone would allow 7 dwelling units on the site, as well as a 35-foot height limit if developed as commercial only and a 50-foot height limit if developed as mixed-use. The setbacks and impervious surface requirements would be the same for both the NB and CB zones. Currently, the RB zone would allow up to 33 dwelling units, a 65-foot height limit, a setback requirement of 15 feet, and more impervious area.

Mr. Szafran reported that the City received two comment letters regarding the proposed rezone. One voiced a concern about traffic in the area, and it noted there were no sidewalks available. The other voiced a concern that the SEPA Determination ignored the historical significance of the site. Mr. Szafran noted that the Aurora Corridor Project would improve traffic circulation in the area, and the parking demand would be addressed on site. Therefore, the proposal should not impact existing parking areas on Linden Avenue. Mr. Szafran pointed out that the current proposal only deals with land use and not a specific project so the City would deal with the historical impact of the existing building if and when a building permit comes in.

Mr. Szafran referred to a map outlining the proposed improvements associated with the Aurora Corridor Project. He also explained how the proposal would meet the zoning criteria as follows:

- ***Is the rezone consistent with the Comprehensive Plan?*** Mr. Szafran noted that the staff report lists numerous specific Comprehensive Plan goals and policies that would be met by the rezone application, as well as six policies that might not be fully met. He summarized that, overall, the rezone would be consistent with the Comprehensive Plan designation of Community Business.
- ***Will the rezone adversely affect the public health, safety or general welfare?*** Mr. Szafran said staff does not believe the rezone would adversely affect the public health, safety or general welfare. He explained that if the site were developed with residential uses, the impacts could be positive because the greater residential density and commercial development would be located on arterial and collector streets and away from single-family neighborhoods. These services would also be located closer to existing retail centers.
- ***Is the rezone warranted in order to achieve consistency with the Comprehensive Plan?*** Mr. Szafran said staff believes the rezone is warranted to achieve consistency with the Comprehensive Plan, which calls for more efficient use of land and higher densities in appropriate areas that are close to services

and transportation. The Aurora Corridor Project would result in improved circulation patterns on 185<sup>th</sup> and Aurora Avenue, which would support more intense development on the subject property.

- ***Will the rezone be materially detrimental to uses or property in the immediate vicinity of the subject rezone?*** Mr. Szafran said staff does not believe the rezone would be detrimental to uses or property in the area.
- ***Will the rezone have merit and value for the community?*** Mr. Szafran said staff believes the rezone would have merit and value for the community since it would provide an opportunity to accommodate more jobs and multi-family dwelling units in an area that is not immediately adjacent to existing single-family neighborhoods. The subject parcel is also in close proximity to services and transportation.

Mr. Szafran said staff recommends approval of the application to rezone the subject property from R-12 to CB.

Commissioner Kaje thanked staff for providing a thorough assessment of which Comprehensive Plan goals and policies the proposal would be consistent with, as well as those it would not be consistent with. He noted that the staff report indicates the proposed rezone would be consistent with Policy CD61, which talks about working cooperatively with other jurisdictions, agencies, organizations and property owners to preserve historic resources. On the other hand, the staff report also suggests that the issue of historic inventory is not on the table for discussion at this time. He suggested these two statements are inconsistent.

Chair Kuboi invited staff to provide more clarification about whether or not the issue of historic preservation is germane to the Commission's deliberation on the rezone application. Mr. Cohn said staff does not believe a discussion regarding historic preservation is germane to the Commission's deliberation. However, because the issue was raised in a comment letter, staff attempted to address the concern. He noted that the property could be redeveloped under the current zoning, as well as any alternative zoning. City Attorney Collins agreed that the Commission should not address the issue of historic preservation as part of their deliberation on the rezone application. Instead, the issue would be addressed later when and if a building permit application is submitted.

### **Applicant Testimony**

**Shimon Shriki, Applicant**, reminded the Commission that the purpose of the rezone is to enable him to redevelop the property into something else. Therefore, he suggested it is important to deal with the issue of historic preservation now. If the building has to remain on the subject parcel, there would be no ability to redevelop the site in another fashion. Chair Kuboi again reminded Mr. Shriki that the rezone action would have no bearing on the issue of historic preservation. Mr. Shriki questioned the point of rezoning the parcel if redevelopment would never be possible. Vice Chair Hall emphasized that it is important to keep in mind that even if the property is not rezoned, a property owner could submit a building permit based on the current zoning. A decision regarding the historic value of the property would be made at the building permit stage. The Commission does not have the authority to address

historic preservation. Mr. Shriki said his understanding was that the building had no historical value. He said they have a company that is interested in moving the structure to another location.

Commissioner Behrens requested clarification from the City Attorney as to whether the City has the ability to prevent the property owner from tearing the building down. Commissioner Hall clarified his earlier comment that even if the Commission recommended denial of the rezone, they could not prevent someone from tearing down the building. Again, City Attorney Collins reminded the Commission that historic preservation is not something they should consider in conjunction with the rezone application. Mr. Cohn clarified that the building is on the City's Historical Inventory, but it is not on either the King County or Washington State Registers of Historic Properties. Mr. Cohn suggested this subject could be addressed after the hearing.

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

Commissioner Behrens asked staff to delineate the borders of the Aurora Corridor Project. Mr. Szafran said the western boundary is Linden Avenue and the eastern boundary is Midvale Avenue. Commissioner Behrens also asked staff to provide more information about how the proposed rezone would be consistent with Comprehensive Plan Policies LU20 and LU31. Mr. Szafran clarified that LU20 and LU31 were mistakenly included in the list of policies the rezone would be consistent with. Commissioner Behrens referred to LU55, which refers to the expansion of public mass transit and encouraging cycling and walking in the City as an alternative to dependence on individual vehicles. He asked if the Aurora Corridor Project would include expansion of bicycle lanes or trails. Mr. Szafran said there are no specific plans to expand bicycle lanes, but there are plans to redevelop the sidewalks in front of the subject property.

Commissioner Behrens asked staff to describe how transit would play a supportive role for the proposed rezone. He particularly asked for clarification regarding the number of parking spaces that would be required. Mr. Cohn clarified that the numbers provided in the staff report were based on staff's assumption of the number of employees that could be housed in the new structure on the subject property, plus an additional five stalls for visitors. Commissioner Behrens pointed out that if the new building is used as a medical or dental office, it would generate more traffic beyond just the people that work there. While he understands the numbers are assumptions only, he expressed concern that it assumes a lot of the people working and visiting the building would use the transit system. Mr. Cohn clarified that, at this time, staff doesn't know what the building would be used for or how large it would be. The numbers identified in the staff report came from the ITE Manual for a general office building.

Commissioner Behrens said he lives close to the subject parcel, and he uses the transit service in the area. He noted that there is not a lot of transit service available on Aurora Avenue, except during peak hours. Mr. Cohn said it is important to keep in mind that the County has made a commitment to provide rapid-ride service along Aurora Avenue at regular intervals throughout the day.

Commissioner Behrens referred to Comprehensive Plan Policy T17, which is supposed to minimize through traffic on local streets. He asked staff to share how the proposed rezone could impact Linden Avenue. Mr. Szafran responded that the subject parcel would not gain access from any local street.

While Linden Avenue is identified as a collector street in this location, 185<sup>th</sup> Street serves as an arterial. Commissioner Behrens agreed but noted that traffic from the site would access Linden Avenue North, which is a collector and not an arterial, and this would have an impact on the residential neighborhood. Mr. Szafran said that because there is no specific development proposal, staff cannot identify the direction traffic would flow from the site. However, he agreed that Linden Avenue could potentially be impacted.

Commissioner Behrens referenced Comprehensive Plan Policy T47, which states the City should monitor traffic growth on collector arterials and neighborhood collectors and take measures to keep volumes within reasonable limits. Once again, he pointed out that Linden Avenue is a collector street that has been identified as being somewhat stressed. He asked if something could be done in this location to address the problem. Mr. Szafran said the City's Traffic Engineer has indicated the traffic counts on Linden Avenue are not heavy, and a redeveloping the subject parcel would not unduly stress the street. Chair Kuboi noted that while one of the citizen letters characterized Linden Avenue as stressed, the Public Works Department has indicated that the current traffic on Linden Avenue does not meet their definition of "stressed."

Commissioner Broili said that he understands that staff must make some parking assumptions as part of their review of the rezone application. However, he expressed concern that the balance between employees and potential customers is out of line. Commissioner Piro expressed his belief that it is robust to assume there would be 75 vehicles for 75 employees. This would assume no one would carpool or use the transit system. Mr. Cohn explained that the assumption was driven by the amount of parking that would fit in a 1.5 story space and not on how tall the building was, etc. Staff used the ITE Manual to identify a rough estimate of the number of trips a project would generate based on the number of parking stalls that could be provided. He clarified that the assumptions were intended to give the Commission an idea of what might be built. While staff could have done more analysis, it is important to keep in mind that they do not know the types of uses that will be located on the site in the future.

### **Public Testimony or Comment**

**Wendy DiPeso, Shoreline**, suggested the Commission consider the possibility of changing the process so a rezone request can be heard in conjunction with a building permit application. She pointed out that this would help the Commission and public better understand what to expect of the site. It would also allow them to mitigate any neighborhood concerns prior to approval of the rezone and building application. In addition, it would save developers both time and money if the City's expectations were clear and upfront and would ensure there is no staff bias in support of a developer. Why approve a rezone application if the developer's ultimate plan is something the citizens of Shoreline will not accept?

Chair Kuboi said there is a natural tendency to want to talk about rezones and projects as part of the same discussion. However, he clarified that the City's current process requires the Planning Commission to evaluate a proposal based on five rezone criteria, and none of them are project specific. He explained that in the past, the City did contract rezones that were premised on a particular project. However, that is no longer an option in Shoreline. He expressed his belief that intertwining the specific



merits of a rezone versus the perceived merits of and actual project could easily convolute the discussion. He noted that any changes to the current process would require a separate legislative action. Commissioner Broili explained that staff makes decisions based on existing codes, and the appropriate way to deal with staff bias, either perceived or real, is to strengthen the codes so there are no gray areas. This would take the emotional aspect out of the review so staff decisions could be based solely on the code and regulations.

Commissioner Behrens said he appreciates the thorough reports that are prepared by staff. However, he suggested that instead of providing a recommendation as part of the report, staff could merely present the facts for the Commission's review. This would be another way to make staff reports appear absolutely neutral.

**Les Nelson, Shoreline**, expressed concern that if the historic preservation discussion is postponed until a development permit application has been submitted, neither the Commission nor the public would not have the ability to comment. He suggested that perhaps the City should consider options for moving the building to a location near the new City Hall, which would create a type of City Center. It could also be relocated to a property close to the Historical Museum, but if they wait until the development permit stage, it would be too late for groups to work together to relocate the structure. He suggested the Commission consider opportunities for them to play a role in the process of preserving historic structures. The Commission agreed to put this topic on their list of parking lot agenda items.

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

None of the Commissioners had additional questions of the staff, the applicant or the public.

### **Deliberations**

**VICE CHAIR HALL MOVED THE COMMISSION RECOMMEND APPROVAL OF THE REZONE APPLICATION BASED ON THE FINDINGS AND RECOMMENDATIONS PRESENTED BY STAFF. COMMISSIONER PIRO SECONDED THE MOTION.**

Vice Chair Hall said he was glad Commissioner Behrens brought up issues related to transit and bicycle opportunities. He noted that the subject parcel is located close to the Aurora Corridor and the Interurban Trail, and it is better to put this more intense development on Linden Avenue and 185<sup>th</sup> Street than in many other locations in the City. He agreed it would be a challenge to obtain adequate bus service along the Aurora Corridor, but he noted that transit agencies tend to wait to add service until there is adequate demand.

Vice Chair Hall applauded staff for trying to create assumptions as part of their report. Because the Commission cannot consider the actual type of development that might be proposed by the applicant, it is helpful to have some assumptions. At the same time, the Commission should not assume that the assumptions represent what would actually be built or that they represent the absolute worst case scenario. In terms of parking stalls, for example, if the Fred Meyer site were to develop into something much larger, the subject parcel could become a parking garage. He cautioned that if the Commission

relies on any set of assumptions when making a recommendation on a rezone application, whether presented by the applicant or staff, they must keep in mind that the property could be sold the next day and something totally different could be built. The challenge to the Commission is to recognize that anything allowed under the Development Code could potentially be built on the subject parcel.

Vice Chair Hall pointed out that the City's adopted Economic Development Strategy addresses the need to redevelop the commercial areas. It is important to keep in mind that any redevelopment is likely to take place at a higher density or higher intensity of use than what currently exists. Every proposal that is submitted to the Planning Division is likely to have some incremental impact on traffic. The Commission needs to be cognizant of whether or not the codes are adequate enough to protect the neighborhoods; and if not, they need to recommend changes. They must also make sure the City's long-range plan includes a long-term transportation plan to meet the needs of future development. He concluded that he supports the proposed rezone because the associated incremental parking and traffic impacts would be acceptable due to the site's proximity to the center of the City and the main transportation corridor.

Commissioner Piro said he appreciates the concerns raised by Commissioners Broili and Behrens regarding the long-term ramifications of the proposal. He noted that the parameters the Commission must work within enables them to not be limited to one specific project, but an array of possibilities given the rezone potential. He referred to the list provided by staff to identify which Comprehensive Plan policies the rezone proposal would be consistent with, as well as those it might not be consistent with. He noted that good issues were raised as a result of this process.

Commissioner Piro expressed his belief that redevelopment and infill provides a way for Shoreline to manage growth and meet growth management objectives, housing targets, economic development strategies, sustainability strategies, etc. It is important to strategically identify opportunities for locating and advancing more compact urban form, and clearly this can be done along the Aurora Corridor. He summarized that the modest additional intensity that would occur as a result of the proposed rezone would be a significant step towards achieving the City's overall objectives.

Commissioner Wagner said her biggest concerns about this site, as well as other rezones the Commission has considered in this same area, are related to traffic. She said she takes her daughter to a daycare in the vicinity of the subject parcel, so she can appreciate the concerns raised about traffic. However, she is comfortable recommending approval of the proposed rezone because it is the right place for greater density, particularly given the site's close proximity to Aurora Avenue. She said her concerns were further addressed by staff's analysis on Page 26 of the staff report, which identifies where the heaviest traffic impacts would be and how the Aurora Corridor Improvement Project would address concerns associated with cumulative impacts.

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

**THE MOTION TO RECOMMEND APPROVAL OF THE REZONE APPLICATION AS PROPOSED WAS APPROVED 7-1, WITH COMMISSIONER BEHRENS VOTING IN OPPOSITION.**

THE COMMISSION TOOK AT 5-MINUTE BREAK AT ABOUT 8:20 P.M. THEY RECONVENED THE MEETING AT 8:25 P.M.

### **STUDY SESSION ON STORMWATER DEVELOPMENT CODE AMENDMENTS**

Mr. Tovar introduced Jeff Forry, who is the Manager of the Permit Services Team. He explained that the Permit Services Team deal with permit applications every day of the week, and they are responsible for making sure sites are engineered so they comply with the City's Development Code, Stormwater Manual and Engineering Development Guide. He invited Mr. Forry to provide an overview of the proposed Development Code amendments related to surface water. He noted that the proposed amendments are intended to help the City do a better job of managing surface water and come close to the objectives articulated in the newly adopted sustainability strategy.

Mr. Forry advised that a work group consisting of representatives from the Public Works and Planning and Development Services Divisions prepared the draft regulations. He said the purpose of the current proposal is to modify the Development Code and amend a chapter to the Shoreline Municipal Code (SMC) to implement a new Stormwater Manual. He noted that the documents provided to the Commission were intended to be working documents, so some typographical errors and some editorial clarifications still need to be made prior to the public hearing.

Mr. Forry recalled that on July 11, 2005, the City Council adopted the City's current Surface Water Master Plan, which was subject to a number of public hearings in conjunction with the Comprehensive Plan update. The plan identifies deficiencies in existing ordinances and incorporates goals and policies from the Comprehensive Plan. The State Department of Ecology (DOE) issued the City a National Pollution Discharge Elimination System (NPDES) Permit on February 16, 2007, which requires the City to implement new regulations that are equivalent to the DOE manual by August, 2009.

Mr. Forry explained that the City's current stormwater regulations were adopted when the City incorporated in 1995 and have been modified piecemeal to address new requirements. The language is based on a 1992 version of the King County Surface Water Code. He advised that the regulatory language supporting the City's stormwater management program is located in Chapters 13 and 20 of the Shoreline Municipal Code (SMC). He advised that the NPDES Permit requires implementation of the DOE equivalent manual, and the City's current Surface Water Management Plan also recommends implementation of this manual. In addition, the sustainable strategies that were recently adopted also place an emphasis on updating the Surface Water Management Code to provide acceptable levels of service.

Mr. Forry noted that the King County 2005 Manual has not been deemed an equivalent manual by the DOE, and there is no timeline for this to occur. Staff considered what impact the DOE Manual would have on the local regulations and how much modification would be required to directly implement the document. He summarized that implementing the King County Manual would require the City to amend their Critical Areas Ordinance, Clearing and Grading Ordinance, some of the land use provisions, etc. These amendments might change the flavor of Shoreline, and they did not feel it would be the

appropriate direction to go. It would involve a time consuming process, and in the end, the City still wouldn't have an equivalent manual in place to comply with the NPDES Permit requirements.

Mr. Forry explained that the DOE Manual is designed specifically for western Washington, and there are five volumes that contain best management practices for implementing stormwater control for both water quality and flow control. It also contains all the technical provisions and the minimum criteria for determining what projects to apply the standards to. It includes the engineering methodologies and the best management practices for flow control through low-impact development techniques and site planning. The DOE Manual is designed to look at proposals from a forested condition, and it provides for a higher level of review as part of the preliminary review process. It emphasizes minimum site disturbance and it offers expanded tools to developers and city staff to achieve water quality standards. It also offers expanded source control for water quality issues and provides for low-impact development. He said the DOE Manual's goal is to minimize impact to sites during construction, achieve post construction compliance, enhance vegetation, and minimize tree removal.

Mr. Forry specifically highlighted the following amendments:

- **Section 20.30.040 and Table 20.30.290 (Engineering Standards).** Mr. Forry explained that the engineering standards provide the technical guidance for development in the City, including street sections and drainage issues. In order to be consistent with the DOE, the word "variance" would be changed to "deviation." He explained that staff could approve a deviation to the standards if an applicant provides an engineering analysis showing another acceptable method of achieving compliance. He emphasized that while deviation would be allowed, the City would not grant a reduction in the standard.
- **Section 20.50.230 (Impervious Surface Standards).** Mr. Forry explained that when staff attempts to apply the impervious surface standards in the Development Code, they always end up debating with developers because they want to apply low-impact development options in order to reduce the impervious surface from a land use standpoint. Staff believes the maximum impervious surface should be considered under the Surface Water Manual (SWM) and not as a land use consideration. Therefore, staff is recommending the term "impervious surface" be changed to "hardscape." This is a slightly different concept that would actually shrink the developable envelope on a property. For example, if a development has a large driveway that exceeds the thresholds for maximum impervious surface, they would typically provide pervious concrete to mitigate their impervious impact, but this would not lessen the development impact. There would still be a mass of development on the property that still exceeds the 50% parameter. Staff believes it would be helpful to move away from conflicts between land use and surface water by dividing the issues and keeping them unique. Hardscape would include pervious and impervious surfaces, gravel walkways and driveways, etc. The intent of the proposed amendment is to keep the footprint of development on sites to a minimum.
- **Section 20.50.310.B.2 (Clearing and Grading Standards).** Mr. Forry reminded the Commission that the City's current Surface Water Manual was adopted in 1995 and amended in 1998. At that time, the City Council chose to use 1,500 square feet of new impervious surface as the threshold for the drainage review requirement. He pointed out that the DOE Manual includes a threshold of 2,000

square feet; but it relates to new, added or a combination of new/added impervious surface. Changing the threshold to 2,000 square feet would not only be consistent with the DOE Manual, it would also give the City more opportunity to review proposals at the development stage using a lower threshold. He summarized that although a 2,000 square foot threshold appears to be greater than the City's existing 1,500 square foot threshold, it would include both new and existing impervious surface.

- **Section 20.60.070 (Adequacy of Public Facilities).** Mr. Forry pointed out that because the surface water management technical criteria would be included as part of the Storm Water Manual (SWM), the technical information that is currently contained in Chapter 20 should be removed. Rather than repeating all of the technical information, Chapter 20 would refer to the new SWM. He summarized that at this time, staff is not proposing any amendments to the technical criteria contained in the DOE Manual.

Mr. Forry advised that staff would provide each of the Commissioners with a copy of the proposed amendments to Shoreline Municipal Code 13.10 when they become available. He explained that, as proposed, a new Surface Water Management Code would replace SMC 13.10 and would adopt a surface water technical manual, incorporate the necessary "legal authorities" now found in the King County Manual, and implement and enhance new and current programs required by the NPDES Permit. He emphasized that this item would be heard separately by the City Council. The Planning Commission would be charged with evaluating and forwarding a recommendation to the City Council regarding the proposed amendments to the Development Code, using the proposed amendments to SMC 13.10 and the DOE Manual as background information.

Commissioner Broili asked Mr. Forry to clarify his earlier comment that the changes made to the King County Manual would not favor the City of Shoreline. Mr. Forry answered that the changes were written around King County's specific codes for critical areas, development regulations and zoning regulations. In order to adopt the manual, the City would have to evaluate their entire Development Code and apply the same rationale to their existing land use, zoning and critical areas regulations. He reminded the Commission that the City's adopted Surface Water Master Plan recommends adoption of the DOE's equivalent manual. There was no indication in the master plan that it would be desirable to adopt the King County Manual. He noted that doing so would be a monumental task and would not meet the requirements of the NPDES Permit, either.

Vice Chair Hall recalled that the staff report talks about adopting maps to compliment the adopted SWM, particularly a map related to critical areas. He said he sees critical areas as part of the Growth Management Act (GMA) development regulations. He pointed out that if the critical areas ordinances is amended in the future, all sections of the code that contain the critical areas map would have to be amended, as well. Mr. Forry clarified that the maps would not be adopted as part of the code. Instead, the currently adopted mapping information would be inserted into a technical manual that is provided to applicants.

Vice Chair Hall referred to the proposed amendment that would change the term "impervious surface" to "hardscape" and questioned if it would be appropriate to use the same percentages and only change what they apply to. He agreed it would be appropriate to distinguish between "hardscape" and

“impervious surface,” but the Commission must carefully review the percentages to determine if they would still be appropriate.

Vice Chair Hall raised the question of whether or not a regional stormwater facility should be outright permitted in all zones, or if a conditional use permit should be required in some zones. For example, if a regional detention facility is proposed, should the surrounding property owners have an opportunity to participate in the decision making process through a conditional use permit requirement.

Vice Chair Hall said he understands the proposed amendment that would change the term “variance” to “deviation,” as it applies to the engineering standards. However, he noted that citizens often express frustration and confusion when these distinctions are made. The public gets the perception that the words in the code may not be implemented if a developer goes through a variance or deviation process.

If the SWM purports to regulate development, Vice Chair Hall said it would be important to clearly understand the implications of stormwater no longer being a Growth Management Act (GMA) development regulation. For example, any future amendments to the stormwater code would not come before the Planning Commission, since they only deal with development regulations. He referred to the proposed amendment to Section 20.30.750, which provides a list of code violations that would be determined to be public nuisances. He noted the list includes violations of the stormwater code (SMC 13.10), and this could end up blurring the current distinction between GMA development regulations and the stormwater code. Lastly, Vice Chair Hall referred to Section 20.60.070.B and inquired if the distinctly different language in Items 1 and 2 was intentional.

Commissioner Kaje referred to the new definition for “impervious surface” on Page 39 of the Staff Report. He suggested the term “under natural conditions prior to development” is vague and should be changed to clarify it means “forested condition.” Mr. Forry pointed out that the definition for “impervious surface” came directly from the DOE Manual. Ms. Mosqueda explained that the DOE allows jurisdictions to model their surface water flow to prairie forested land or to existing conditions if 40% of the down stream basin was developed in 1985. At this time, staff is working to determine if any of the City’s downstream basins were developed to 40% in 1985. Commissioner Kaje suggested the definition be more specific to clearly capture the intent. Mr. Forry agreed to offer clarification for the definition to address concerns raised by the Commission.

Commissioner Kaje referred to Section 20.30.290.A, which describes the purpose for a deviation. He expressed his belief that the term “unnecessary hardship on the applicant” appears vague. He suggested the language be changed to provide some boundaries for determining “unnecessary hardship.” He pointed out that Section 20.30.290.B.8.c provides more clarification regarding the threshold for a deviation. Staff agreed to review this section and provide some recommended language for Section 20.30.290.A to address Commissioner Kaje’s concern.

Mr. Forry encouraged Commissioners to forward their questions regarding the proposed amendments to him. He agreed to formulate a formal response to the Commission as soon as possible. In addition, he agreed to provide clarification about the points that were raised by the Commission during the meeting.

Mr. Forry noted that the amendments are tentatively scheduled for a public hearing before the Planning Commission on November 6<sup>th</sup>. Commissioner Kaje pointed out that the Commission would not have any meetings in October so there would be no opportunity for additional Planning Commission discussion prior to the hearing. Vice Chair Hall suggested the Commission could move the process along more quickly if they forward their comments to staff in writing. Staff could provide a written response to all Commissioners, and all written correspondence could be incorporated into the public record. This would allow the Commission to focus on comments from the community at the hearing. He cautioned that adding another study session prior to the public hearing would likely result in the need to postpone their visioning work. Chair Kuboi agreed it would be appropriate to attempt to hold the hearing on November 6<sup>th</sup>. Mr. Cohn pointed out that the next available date for the hearing would be December 4<sup>th</sup>.

Commissioner Broili said he is unclear how the proposed amendments would tie in with the technical requirements for stormwater management. For example, where in the code would low-impact development be addressed. Mr. Forry said all of this information is contained in the DOE Manual that would be adopted by the City. He noted that the DOE Manual, by nature, is low-impact development. Ms. Mosqueda said the Puget Sound Low-Impact Development Manual would also be applicable. Commissioner Broili inquired if the proposed language amendments would provide a strong enough code to enforce the provisions in the listed manuals. Mr. Forry said the new language proposed for SMC 13.10 would allow for sufficient enforcement.

Commissioner Broili referred to Section 20.30.750, which provides language to enable the City to enforce the stormwater management regulations. He pointed out that in his neighborhood, property owners actually paved over pervious areas that are owned by the City, even though the practice is in violation of the current code. The concern was brought to the attention of the City, but it took six months for them to address the problem. He said he supports adoption of the DOE Manual for Western Washington, but it must be accompanied by code language that allows the City to adequately enforce the regulations. Mr. Forry said the language in the Development Code has already established a comprehensive code enforcement program, which includes education. In addition, the City has a fairly robust inspection and compliance program, and he anticipates they will continue to pursue this as a high priority.

Commissioner Broili said he supports the proposed amendments related to the concept of “hardscapes.” He said that in his profession, he has to deal with roofscapes, hardscapes, and landscapes. He suggested the City utilize this same concept because there are mitigation tools for each of these scenarios.

Mr. Forry suggested that prior the public hearing, staff could provide an overview of the DOE Manual, but he does not recommend the Commission evaluate the entire technical manual.

## **DIRECTOR’S REPORT**

Mr. Tovar reported that the City retained the services of a videographer and narrator to produce a DVD that would be used at each of the community visioning meetings in October. Staff is currently working with the Mayor, Deputy Mayor, Chair Kuboi and Vice Chair Hall to create a script that outlines the flow

of each of the meetings. They have also discussed the next steps in the process, such as the town hall meeting and the Council's review of the public comments. He recalled that staff previously talked to the Commission about reviewing the three adopted strategies and identifying the pieces that might belong in the vision statement or framework statement. He noted that these issues would all be topics of discussion at the joint City Council/Planning Commission Dinner Meeting on September 22<sup>nd</sup>. He advised that staff previously sent each of the Commissioners the existing visioning statement, with some framework goals. They also sent the Commissioners the materials from the Cities of Redmond, Kirkland, Bothell and Mountlake Terrace. He agreed to send this same information to the City Council prior to the hearing. He suggested that at the joint meeting, staff could present their concept of what would happen at the public meetings and what the sequence of events would be. He noted that the discussion groups at each of the meetings would be recorded to some extent to make sure that everyone has an opportunity to express their opinions and ideas. At the end of the discussion groups, each participant would be invited to submit their written thoughts to the City to become part of the record.

Chair Kuboi said that while the DVD asks some high-level questions, the discussion group process is not necessarily designed to elicit a lot of detail. Mr. Tovar pointed out that the examples staff provided from other cities are not extremely detailed in nature, either. Chair Kuboi expressed concern that while the Commission has seen examples of what they think the end product could look like, the City Council has not had this opportunity. He said it is important to have some discussion at the joint meeting as to what the City Council envisions as an end product.

Vice Chair Hall said he has extraordinarily high confidence that no matter how much they ask the public to speak regarding the general vision for the City, they will tend to focus on their individual streets and what they want to happen. He suggested the biggest challenge would be managing the disconnect between the anticipated finished product and the specific details most people will want to discuss. He recalled Deputy Mayor Scott's question of how the City Council and Planning Commission could become even better at listening to people so they know they have been heard, even if their words don't end up in the finished document.

Vice Chair Hall said that in the meeting with the Deputy Mayor and Mayor, they were able to set the agenda for the joint City Council/Planning Commission meeting. They also agreed on the sequence and priorities of the discussion items. They agreed to discuss the visioning process first, including the role of both the Planning Commission and City Council. The second item of discussion would be related to Planning Commission's recommendation on master plans, which the City Council is still struggling with. They are concerned about how much specific verbiage should be included in the document, how much ability staff should have to administer the language, and how much the Planning Commission and City Council should be involved. Mr. Tovar said the issue is really about how much the City Council can rely on the Planning Commission to review quasi-judicial master plan permit applications and make a recommendation for the City Council to consider as part of their closed-record review. The City Council would prefer to handle master plans legislatively because there would be fewer rules about who they can talk to about the application. A quasi-judicial review would not allow this same type of free exchange.



Vice Chair Hall said the joint meeting agenda would also include a brief update on the Planning Commission's subcommittee work on design review. In addition, the Commission could describe that advantages they would gain by passing some of the rezone hearings to the Hearing Examiner.

Chair Kuboi reported that Deputy Mayor Scott mentioned a desire to have objectives set up in advance to evaluate whether or not the visioning process is successful. He invited the Commissioners to consider possible parameters that could be used to measure success. He stressed the importance of being able to affirm that the process was valid and inclusive and that valid data and information was obtained.

Chair Kuboi also suggested the master plan discussion should focus on the issues that are creating the most discomfort and concern amongst the City Council. Vice Chair Hall noted that Mayor Ryu expressed concern that the City Council is spending too much time dealing with land use issues when they have a number of other items to deal with. He noted the Commission struggles with balance, too. How much time should they spend on rezones versus handing them off to the Hearing Examiner, etc? He said he invited the City Council to describe how the Commission could deliver their product in a manner that allows them to be more efficient at decision making.

Commissioner Kaje questioned if plans have been made to involve the non-English speaking members of the community in the visioning process. Mr. Tover said the project manager has been working on this issue, and the plan is to provide Korean and Spanish interpreters to help facilitate some discussions with at least these two communities. Commissioner Kaje asked about the possibility of providing translations of the DVD that was prepared by the City. Mr. Tover said they may have to rely upon a translator who is familiar with the script to speak along with the DVD at the events that are designed to accommodate the Korean and Spanish members of the community. Commissioner Kaje said one measure of success is whether or not the outreach program was inclusive of all parts of the community. Vice Chair Hall suggested that distribution success could be measured by how many comments they get in various languages. In addition, staff could prepare a map that identifies the addresses of each of the people who provide comments to measure whether or not the outreach effort obtained input from all geographic areas of the community. Mr. Tovar pointed out that the venues for the public meetings are scheduled in various locations throughout the City.

### **UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

### **NEW BUSINESS**

Commissioner Broili recalled Commissioner Behren's earlier suggestion that the staff report no longer include a staff recommendation. Instead, the staff report could focus on the facts of the proposal only. He recommended the Commission consider this approach for future applications. He expressed his concern that the Commission could be somewhat influenced by the staff's opinion. Mr. Tovar voiced his belief that it is the staff's responsibility to make recommendations to the Commission. He suggested that changing the current process would involve an extensive conversation between the staff and the

Commission at some future point. Mr. Cohn reminded the Commission that in a quasi-judicial process in which the Commission is acting as the judge, it is up to the staff to develop and present a case. Even if the staff did not specifically state their recommendation at the end of their report, the report itself makes a case one way or the other.

Commissioner Behrens expressed concern that neither side should be viewed as a prosecutor or a defender. He said he precisely read through the Planning Commission's rules for open hearings, which clearly outlines that the City would present the staff report and then the applicant and his/her experts would be invited to speak. He said he relies on the City staff to provide background information, which is critical in their decision making process. However, it should not be the City staff's responsibility to provide evidence and testimony in support of an application. This should be the burden of the applicant. He pointed out that after an applicant's presentation, both the proponents and opponents should be given an opportunity to speak. This would allow the Commission to hear a balance of comments both pro and con. In quasi-judicial hearings, the role of the City staff should be to provide the proponents and opponents a background to paint their arguments against. He summarized that it might not be appropriate for the City staff to be an advocate in one way or another in quasi-judicial hearings. The Commission agreed to place this issue on their list of "parking lot" agenda items.

Mr. Tovar recalled that Commissioner Behrens also talked earlier about the process by which things are designated historic and how the City goes about protecting them. He explained that historic properties can be addressed through regulations or through the SEPA review process. However, he suggested this would also be a valid issue to talk about as part of the visioning process.

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

Chair Kuboi reminded the Design Review Committee that they are scheduled to provide a report at the September 22<sup>nd</sup> joint City Council/Planning Commission meeting. He suggested that if they are unable to get together before that date, they should communicate via email, compare their thoughts, and perhaps come to some preliminary consensus. It was noted that the report at the joint meeting is the last item on the agenda, so the committee would likely only have a brief opportunity to provide an update.

### **AGENDA FOR NEXT MEETING**

It was discussed that there would be no Planning Commission meetings in October. Instead, the Commissioners were invited to participate in the public forums to discuss a vision for Shoreline. The November 6<sup>th</sup> agenda would include public hearings on the Stormwater Development Code amendments, as well as a review of the second package of Development Code amendments.

### **ADJOURNMENT**

The meeting was adjourned at approximately 9:50 P.M.

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Sid Kuboi

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Belinda Boston

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

October 27, 2008  
7:00 P.M.

Shoreline Historical Museum

**Commissioners Present**

Vice Chair Hall  
Commissioner Behrens  
Commissioner Broili  
Commissioner Kaje  
Commissioner Perkowski  
Commissioner Wagner

**Staff Present**

Steve Cohn, Senior Planner, Planning & Development Services  
Steve Szafran, Associate Planner, Planning & Development Services  
Flannary Collins, Assistant City Attorney  
Jessica Simulcik Smith, Planning Commission Clerk

**Commissioners Absent**

Chair Kuboi  
Commissioner Piro  
Commissioner Pyle

**CALL TO ORDER**

Vice Chair Hall called the special meeting of the Shoreline Planning Commission to order at 7:04 p.m.

**ROLL CALL**

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

**REMAND OF RECOMMENDATION**

Vice Chair Hall announced the only item on the agenda for the evening was a Remand of Recommendation, from the City Council, to rezone from Community Business (“CB”) to Regional Business (“RB”) the properties located at 18501 and 18511 Linden Avenue North.

Mr. Cohn reminded the Commission that they are being asked to develop a set of Findings of Fact and Conclusions. He suggested they introduce the documents being supplemented into the record that bring forward new facts and then discuss both the old and new facts prior to reaching a decision.

Mr. Szafran introduced new materials provided to the Commissioners this evening. The first was a set of photographs requested by Vice Chair Hall that illustrate development on adjacent sites in 2007 (when the first rezone recommendation occurred) as well as photographs of the sites as they appear today. The second set are maps created by Commissioner Kaje that show current parcels along Aurora Avenue zoned RB. The third are a set of maps provided by staff that show potential sites that could be zoned CB or RB based on the City's Comprehensive Plan.

Mr. Cohn directed the Commission to the Proposed Supplemental Findings before them that were also sent out earlier in the week. He pointed out two minor changes to the draft document. The first change was removing the word "criteria" from the last sentence in paragraph A. The second was deleting the apostrophe from "Commission's" in the first sentence in paragraph C.

Vice Chair Hall reopened the deliberation on the rezone to consider supplemental information and reminded the Commission that this is a quasi-judicial matter and the Appearance of Fairness rules are applicable. He invited the Commissioners to disclose any communications they might have received about the subject of the hearing since the closure of the hearing.

Commissioner Kaje disclosed that Councilmember Way approached him at an off-site conference where both were in attendance and informed him of City Council's decision to remand the item back to Planning Commission. The nature of the conversation had to do with procedure and did not go into detail about the project. He felt he could still be impartial. None of the other Commissioners disclosed ex-parte communications, and no one in the audience expressed a concern over any of the Commissioners participating.

**COMMISSIONER BROILI MOVED TO SUPPLEMENT THE HEARING RECORD WITH THE NEW MATERIALS PROVIDED IN THE MEETING PACKET ALONG WITH THE PHOTOGRAPHS AND MAPS INTRODUCED AT THE MEETING. COMMISSIONER BEHRENS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Kaje asked for clarification on the color maps staff provided. Mr. Szafran explained that the colors and patterns on the maps show two things: parcels currently zoned RB and parcels that could potentially be zoned RB. Commissioner Kaje then explained the two maps he provided were to show how the City of Shoreline has used CB and RB zoning designations to-date. When creating the map, two things jumped out at him; CB has not been used very much, and most parcels along Aurora are zoned RB. He said he saw very few examples of existing RB that look like the two James Alan Salon parcels in terms of size or where they are situated on the Aurora Corridor. His reasoning for putting the maps together was to illuminate how this proposal fits in with what the City has done in the past. He concluded that if these parcels are rezoned, it would reflect a different pattern than what the City has done in the past. Commissioner Behrens complimented Commissioner Kaje on how his maps were clear, precise and easy to read. Commissioner Perkowski asked what data was used to create the maps. Commissioner Kaje said he used King County data from 2008.

Commissioner Behrens asked staff to clarify what parcels are included in the rezone request before them. Mr. Cohn said the property addresses listed under the project information summary on the

proposed Supplemental Findings are correct (18501 and 18511 Linden Avenue North). Commissioner Behrens asked whether there was a third property involved as well. Staff noted that there is a third adjacent property owned by the same company but it is not part of the rezone. Commissioner Behrens asked if this third piece of property would be used to hold any part or portion of what will be built. Mr. Cohn responded that if the third property is developed, it must meet regulations of R-12 zoning.

Commissioner Behrens shared his idea of how to create a structure for the parcels that is stepped. He proposed making the middle piece of property RB and the two side pieces CB so that the building envelope would taper. Commissioner Broili reminded the Commission of the decision at hand, whether or not to recommend a rezone, therefore they should not focus on a potential future structure.

Vice Chair Hall recounted the rezone proposal's history stating that the Commission previously recommended approval of the rezone request on a 5-1-2 vote and forwarded its recommendation to the City Council. The Council remanded this rezone request to the Planning Commission to supplement the record with information from the previous rezone request; the record includes more than 200 pages. The Commission has been asked to review these materials and either make the same recommendation or make a new recommendation based on the expanded record. He suggested that the Commissioners make sure all information is in the supplemental record before developing Conclusions and reminded the Commission that its recommendation goes back to the City Council for approval.

**COMMISSIONER BROILI MOVED TO APPROVE THE REZONE OF PROPERTIES LOCATED AT 18501 AND 18511 LINDEN AVENUE NORTH FROM CB TO RB AS PRESENTED. COMMISSIONER WAGNER SECONDED THE MOTION.**

Commissioner Broili recalled that the Commission has reviewed this proposal twice and he is convinced it is a reasonable request. The parcels are located on a major arterial (185<sup>th</sup> Street) and one block off Aurora Avenue. While he appreciates Commissioner Kaje's point about historical practices, he can not find a reason to change his previous decision on the rezone request based on any of the new material.

Commissioner Wagner recalled that the Commission has had many conversations over where the right place for development and increased density is. She believes, given the current state of the world's finances, it speaks great volumes that people still want to invest in our community, and the City should continue to make things possible that we think are good for the City. The Commission and public have talked about the importance of "third places" and there has been plenty of testimony that the James Alan Salon is a pillar of the community providing that place for people to meet. Spouses, mothers and daughters have been visiting the salon for many years. Commissioner Wagner pointed out two major concerns that she had in the past and previously shared with the public: traffic and parking. She explained that she is now comfortable with both. Staff has shown that the traffic will be addressed in the City's long-range plans for assessing traffic on Aurora as part of the second and third phases of the Aurora Corridor Project, and stated her belief that parking regulations and requirements will be taken care of at the time of development.

Commissioner Wagner referred to the Supplemental Finding of Fact where it says the Planning Commission previously recommended approval of the rezone to CB rather than RB. She believes

Commissioner Kaje's maps demonstrate that RB is more consistent than CB with what we expect along and near Aurora and is more in line with the City's long-range direction. She said the Commission often talks about the differences between CB and RB and the biggest concern is density. Recently the City Council changed the RB zone from allowing unlimited density to capping it off at 110 units per acre. So the circumstances of the proposal have changed since the first rezone request when the Planning Commission recommended CB. In the case of this rezone, surrounding properties are also in the process of redeveloping, unlike when the Commission reviewed it in 2007. Rezoning to RB is even more appropriate this time since redevelopment of this site will not have the same type of impact as it would have had two years ago.

Commissioner Kaje stressed that he has no doubt about the quality of the business and its dedication to the community but what concerns him is even though (as Commissioner Wagner pointed out) we see a lot of RB along Aurora, what we don't see is small fragmented parcels zoned RB that incrementally expand the RB zoning away from Aurora. It looks like over time the City has designated blocks of RB with low to medium residential surrounding it. He wonders why the City doesn't use transitional zoning along the edges instead, and questions why the City doesn't use a more transitional zoning in this case. From his work on the City of Shoreline Housing Committee he believes intersections like this are the place to put the density but it concerns him that it looks like a new application of RB. He is worried over setting a precedent that other little lots can come in and request the same thing.

Commissioner Kaje admitted that the City probably doesn't have the perfect tool and is forced to try to fit things in using CB and RB. He said he read through the record from the first rezone request and found competing arguments over consistency with the Comprehensive Plan and agreed that CB would fit well if only it allowed more residential units. He said that he's leaning towards not supporting the proposal for reasons having nothing to do with the proposed site development. He said that he would like to see the City develop a better tool than RB zoning for sites like this.

Commissioner Behrens expressed that he is going to change his vote from abstaining to voting against. He agrees with much of what Commissioner Kaje said. He feels a third of an acre is much too small a piece of property to be zoned RB. He believes an appropriate use of RB is a larger unit of property where you can fit more density in without forcing it into a small area. He said he read past compelling arguments from both Commissioners and City staff that supported CB at this location. Previous comments from residents around the area also noted the Comprehensive Plan envisioned the area as a rational boundary between single-family and business uses and the blending of the two land use designations would be negative. Commissioner Behrens commended James Alan Salon, noting that both his wife and daughter have been going there for years and he would like to see the salon stay in Shoreline.

Commissioner Perkowski stated he will still recommend approval of the rezone as nothing has changed his opinion that it would be an excellent location for RB. He said he does not agree that near term traffic impact analysis should be viewed as a deal breaker, and that he believes our current car centric behavior will change over time. He is also troubled with short term thinking about traffic. He admitted there will be an awkward stage moving from a car centric to transit oriented society but it shouldn't keep us from thinking long term.

Commissioner Wagner asked Commissioner Kaje to clarify specifically what are the concerns RB brings to this location. He answered that there are some uses that could occur under RB (not allowed in CB) that are undesirable for this location but noted that there was some testimony that these uses may not be likely to locate on this site. Commissioner Wagner also questioned whether Commissioner Kaje considered the potential zoning of the surrounding properties. He said he did take this into consideration but looked at it a different way. He pointed out that much of the south side of 185<sup>th</sup> is up against single-family zoning, so even though the current Comprehensive Plan designation would allow an RB zoning designation, he would be hard pressed to accept arguments to place it there. He questioned if the approach of applying the most intense zoning (RB) in little increments that push out into neighborhoods was the best way to provide transition. Because he believes that more residential density is appropriate on this site, he feels the City needs to get to work on other solutions that currently don't exist.

Commissioner Broili said he doesn't disagree with Commissioner Kaje that we need to work towards creating better tools to get us where we need to go, but it is not necessary to penalize this property. From every other perspective it meets the criteria for what the Commission has approved in the past. RB makes sense. Commissioner Broili said he wants to recommend approval of this proposal and then make sure the next time the Commission is faced with a similar situation, it has better tools to achieve a better outcome.

Vice Chair Hall agreed that the City doesn't have the appropriate tool to deal with the parcels. He recalled that in 2007 the Commission suggested that a hybrid of a zoning designation between CB and RB would be appropriate here. The Commission made a recommendation to do that but the City Council chose not to accept the Commission's recommendation. He noted it is his understanding that the Council has been hesitant to look at individual solutions until it adopts a new Vision for the City, which is currently underway.

Commissioner Hall stated that he has attended a couple of the Visioning meetings and two themes he has heard are: 1) a desire to protect single-family residential neighborhoods, and 2) recognition that growth will be coming and there is a need to accommodate it in appropriate places. He noted that the proposed rezone of this property to RB goes right to criteria the Commission used when they looked at this the first time which is why he wanted to remind the Commissioners of photos of the small homes that were adjacent to the property when they looked at the rezone in 2007. At that time, the Commission raised concerns about unlimited density right next to small houses. Since then, the adjacent houses have been removed and now there are forty foot townhomes. He believes that the new townhomes create a stair step transition to the single-family homes to the west. The fact that there is no single-family zone adjacent to the two parcels we are looking at rezoning relieves his concern about the impact this development would have. Vice Chair Hall also noted that the Planning Commission never reached the conclusion that RB was inconsistent with the Comprehensive Plan because the Commission never voted on this question. The only question the Commission voted on was whether a CB designation was consistent with the Comprehensive Plan.

Vice Chair Hall noted the changes that have occurred since 2007 when the Commission first considered the appropriateness of RB zoning on this site. There is new information on the record: the Aurora

Corridor Project improvements at the intersection of 185<sup>th</sup> and Aurora and a limit on density in RB. Commissioner Hall also noted that, even though RB allows a slightly taller building (65 feet as compared to 60 feet in CB), as a tradeoff, it requires an additional 5 feet more in setback.

Commissioner Hall agreed that there is a need to work on a mixed use zone where the Commission can address problems like this with a form based solution. His final point was that the testimony the Commission heard at the recent hearing was different than the testimony they heard in 2007. There is substantial new testimony in support of the rezone, with much less opposition. With townhomes in place, and things evolving in our community, the neighborhood may already be moving towards the higher density the Comprehensive Plan anticipates.

Commissioner Broili noted that in 2007 the Commission believed that they would consider form-based zoning in the near future. He wanted to develop a tool that would be more amenable to achieve goals the City wanted to achieve.

Commissioner Kaje asked a clarifying question of why SEPA didn't have to be re-done for the 2008 rezone request. Mr. Cohn said SEPA looks at impacts and the original application had a higher impact than the second application proposal. The proposed change that placed a maximum density in RB limited the potential maximum density on the site, so the proposal would have less impact than the earlier proposal. The Assistant City Attorney agreed. Commissioner Kaje asked why there was no supplemental checklist for a non-project action in the record supplied to the Commission. Staff noted that there was not a supplemental checklist in the file. Vice Chair Hall reminded the Commission since no one had appealed the original environmental determination, it is presumed to be valid.

Commissioner Behrens had two things to add to the record, the first being building density. He noted that the 2007 record included testimony that a developing this site at 48 dwellings per acre would result in significantly larger units than a development built at a higher density. It is his belief that larger units are more appropriate for multi-family dwellings because it would result in more families moving into these units. Families are likely to include school age children. He believes that this would result in a more stable type of tenant and one that is less likely to move. This would be better for the community. As for traffic impacts, Commissioner Behrens agrees that when and the intersection at 185<sup>th</sup> and Aurora is reconfigured it will have positive impact on the traffic flow on 185<sup>th</sup>. However, he is concerned about traffic along Linden which is used as a bypass to Aurora. He is concerned that higher density on this site will result in increased traffic through residential communities. He would be more inclined to support this if there was a traffic analysis in the package that showed a way of controlling traffic particularly along Linden and a way to regulate it. He noted that the street near 152<sup>nd</sup> and Aurora is now a dead-end street which is a step in the right direction. Traffic should be kept out of neighborhoods and encouraged to go onto arterials.

**COMMISSIONER BROILI CALLED FOR THE QUESTION.**

**THE MAIN MOTION TO APPROVE THE REZONE OF PROPERTIES LOCATED AT 18501 AND 18511 LINDEN AVENUE NORTH FROM "CB" TO "RB" WAS APPROVED 4-2 WITH COMMISSIONERS BEHRENS AND KAJE VOTING AGAINST.**



The Commission discussed what to add to the Supplemental Findings and Conclusions.

Two Supplemental Findings:

- There are no single family dwellings within half a block of these parcels.
- Commission did not make a decision on RB in 2007. It did not decide on this issue.

Two Supplemental Conclusions:

- This is an appropriate location for higher density
- At time we recommended a rezone to CB we believed that development code amendments would be forwarded very quickly that would enable higher density to be achieved at this site. Those amendments were not approved and therefore this rezone is an appropriate mechanism to allow greater density at this site.

### **ADJOURNMENT**

The meeting was adjourned at 8:30 P.M.

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Will Hall  
Vice Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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

<p><b>AGENDA TITLE:</b> Public Hearing on amendments to the Development Code <b>DEPARTMENT:</b> Planning and Development Services <b>PRESENTED BY:</b> Jeff Forry, Permit Services Manager</p>
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**BACKGROUND**

The Commission held a study session to consider proposed revisions to the Development Code on September 18, 2008. During the study session a public hearing was scheduled for November 6, 2008. This hearing is an opportunity for the public to comment and the Commission to review requested changes and additional information.

Based on comments at the study session and subsequent inquiries from the Commission one clarifying revision to the proposed amendments is included. In addition, the questions raised by the Commission and staff responses are included in this report.

A copy of the proposed amendments to Title 13, (Surface Water Management Code) of the Shoreline Municipal Code was provided to the Commission for reference, but this document is not being considered at this hearing. The City Council will hold a separate hearing on the amendments to Title 13.

Following tonight's hearing, staff recommends that the Commission discuss the amendments and develop a recommendation to forward to the City Council for adoption.

The proposed modifications are attached in legislative format (with underlining and strikeouts). In most cases, included a written analysis of the change has been included.

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

**ATTACHMENTS**

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

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## Item 7.A - Attachment A

20.20.010-.060

### Definitions that must be revised or reviewed

#### **BMP Manual**

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

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

#### **Critical Drainage Area**

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

*Replaced by Special Drainage Areas.*

#### **Deviation to the Engineering Standards**

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

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

#### **Erosion**

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

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

*Redefined for consistency.*

#### **Hardscape**

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

*New term to replace "impervious" when discussing lot coverage. Hardscape applies to the physical covering of the lot or tract with development.*

## Item 7.A - Attachment A

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

**High-use Site**      A commercial or industrial site that:

~~A. Has an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;~~

~~B. Is subject to petroleum storage or transfer in excess of 1,500 gallons per year, not including delivered heating oil; or~~

~~C. Is subject to use storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons net weight (trucks, buses, trains, heavy equipment, etc.). Also included is any road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 1,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements. (1998 King County Surface Water Design Manual)~~

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

A. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;

B. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;

C. An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or

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

*Consistency with Stormwater Manual*

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

*Consistency with Stormwater Manual*

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

*Term is not used in the Development Code*

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

*Clarify wording*

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

*Critical Drainage Areas was renamed in the Stormwater Manual*

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

*New title of Surface Water Design Manual*

**Wetpond**

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

*Term is not used in the Development Code*



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

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

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

**A. Purpose.** ~~Variance~~ Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal. ~~that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.~~

**B. Decision Criteria.** The ~~Department~~ Director shall grant an engineering standards deviation~~variance~~ only if the applicant demonstrates all of the following:

1. The granting of such deviation~~variance~~ will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such deviation~~variance~~ will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A devitaion~~variance~~ from engineering standards shall only be granted if the proposal meets the following criteria:
  - a. Conform to the intent and purpose of the Code;
  - b. Produce a compensating or comparable result which is in the public interest;
  - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
4. Deviations~~Variances~~ from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.
5. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must meet the objectives for appearance and environmental protection.

## Item 7.A - Attachment A

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

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

**20.30.750 Declaration of public nuisance, enforcement.**

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

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

## Item 7.A - Attachment A

### 20.40.140 Other uses.

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

**Item 7.A - Attachment A**

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

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

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

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

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (1)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (6)	35%	35%	45%	55%	60%	70%	70%
Max. <del>Impervious Surface</del> <u>Hardscape Area</u> (2)(6)	45%	50%	65%	75%	85%	85%	90%

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

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

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

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

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



**20.50.160 Open space – Standards**

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

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

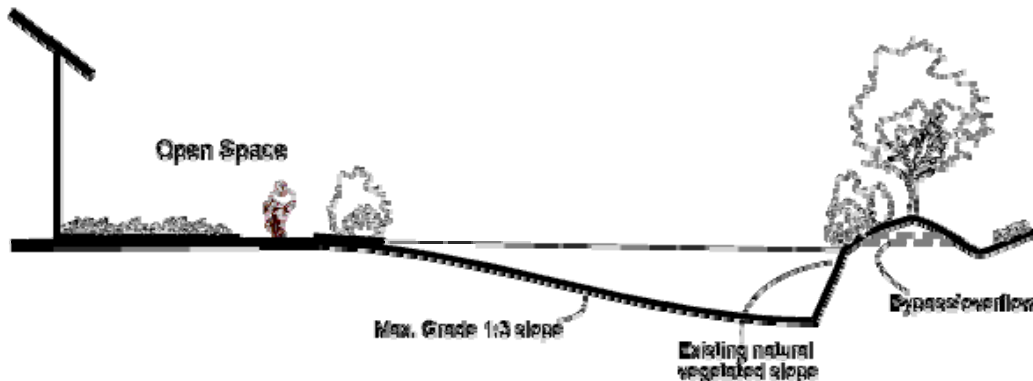


Figure Exception to 20.50.160(A)(2) and (3): Example of stormwater facility design which does not require fencing.

*Term changed to reflect changes in 13.10 SMC*

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

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

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

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

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

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

**20.50.310 Exemptions from permit**

B. **Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.
2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a ~~critical~~ special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

*Terminology changed to be consistent with Stormwater Manual.*

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

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

- A. The construction of new residential, commercial, institutional, or industrial structures or additions.
- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a ~~critical~~ special drainage area.
- D. Removal of more than six significant trees from any property.
- E. Any clearing or grading within a critical area or buffer of a critical area.
- F. Any change of the existing grade by four feet or more.
- G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.
- H. Any land surface modification not specifically exempted from the provisions of this subchapter.
- I. ~~Construction or creation of new~~ Development that creates new, replaced or a total of new plus replaced impervious surfaces over ~~4,500~~ 2000 square feet in size, or 500 square feet in size if located in a landslide hazard area or ~~critical~~ special drainage area.
- J. Any construction of public drainage facilities to be owned or operated by the City.
- K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

## Item 7.A - Attachment A

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

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

**20.50.330 Project review and approval.**

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

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a ~~variance~~ deviation from the engineering standards.
2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the engineering standards and ~~the SMC 13.10.200 Surface Water Design Manual~~ Management Code and adopted standards.
5. All required ~~bonds~~ financial guarantees or other assurance devices are posted with the City.

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

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

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

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

**~~20.60.060 Purpose.~~**

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

- ~~A. Reduce flooding, erosion, and sedimentation;~~
- ~~B. Prevent and mitigate habitat loss;~~
- ~~C. Enhance groundwater recharge; and~~
- ~~D. Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection. (Ord. 238 Ch. VI § 3(A), 2000).~~

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

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

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

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

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



## Item 7.A - Attachment A

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

### **20.60.080 Development proposal requirements.**

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

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

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

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

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

## Item 7.A - Attachment A

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

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

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

- ~~1. Basic water quality: remove 80 percent of the total suspended solids;~~
- ~~2. Sensitive lake protection: remove 50 percent of the total phosphorus; and~~
- ~~3. Resource stream protection: remove 50 percent of the total zinc. (Ord. 238 Ch. VI § 3(D), 2000).~~

~~**20.60.100 Special requirements.**~~

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

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

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

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

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

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

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

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

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

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

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

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

## Item 7.A - Attachment A

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

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

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

### **~~20.60.120 Water quality.~~**

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

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

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

## Item 7.A - Attachment A

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

## Item 7.A - Attachment A

- ~~25. Bark and other fibrous materials;~~
- ~~26. Collected lawn clippings, leaves, or branches;~~
- ~~27. Silt, sediment, or gravel;~~
- ~~28. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test;~~
- ~~29. Chemicals not normally found in uncontaminated water;~~
- ~~30. Any hazardous material or waste, not listed above.~~

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

- ~~1. Connection conveying allowable discharges;~~
- ~~2. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State Waste Discharge Permit; and~~
- ~~3. Connections conveying effluent from onsite sewage disposal systems to subsurface soils.~~

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

- ~~1. Potable water;~~
- ~~2. Potable water line flushing;~~

## Item 7.A - Attachment A

- ~~3. Uncontaminated water (including sedimentation) from crawl space pumps or footing drains;~~
- ~~4. Lawn watering;~~
- ~~5. Residential car and boat washing;~~
- ~~6. Dechlorinated swimming pool water;~~
- ~~7. Materials placed as part of an approved habitat restoration or bank stabilization project;~~
- ~~8. Natural uncontaminated surface water or ground water;~~
- ~~9. Flows from riparian habitats and wetlands;~~
- ~~10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;~~
- ~~11. Common practices for water line or water well disinfection; and~~
- ~~12. Other types of discharges as determined by the Director.~~

~~E. A person shall not be in violation of discharge regulations if the following conditions exist:~~

- ~~1. That person has properly designed, constructed, implemented and is maintaining BMPs, and contaminants continue to enter surface water and stormwater or ground water;~~
- ~~2. The person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.~~

~~—The said person however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or~~



## Item 7.A - Attachment A

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

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

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

**~~20.60.130 Best management practices.~~**

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

**~~B. Applicability.~~**

- ~~1. Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the City’s manual, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make their plan available to City upon request. Qualifying exemptions include, but are not limited to, persons who are:
  - ~~a. Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;~~
  - ~~b. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;~~
  - ~~c. Implementing BMPs in compliance with the management program of the City’s municipal NPDES permit;~~
  - ~~d. Identified by the Director as being exempt from this section.~~~~
- ~~2. Persons conducting normal single-family residential activities will not be required to implement the BMPs prescribed in the City’s BMP Manual, unless the Director determines that these activities pose a hazard to public health, safety, or welfare. (Ord. 238 Ch. VI § 3(H), 2000).~~

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

**20.70.030 Required street improvements.**

*Title clarifies content of this section.*

**20.70.035 Required stormwater drainage facilities**

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

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

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

## Item 7.A - Attachment A

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

A. The property owner and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility that is:

1. Under a maintenance guarantee or defect guarantee;
2. A private road conveyance system;
3. Released from all required financial guarantees prior to date of this Code;
4. Located within and serving only one single-family residential lot;
5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
7. Previously terminated for assumption of maintenance responsibilities by the Department; or
8. Not otherwise accepted by the City for maintenance.

B. Prior to the issuance of any of the permits for any multifamily or nonresidential project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the property owner of a City determination that maintenance and/or repairs

## Item 7.A - Attachment A

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

1. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the county.
  
2. The City may enforce the restrictions set forth in the declaration of covenant provided in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards.

C. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case by case basis. (Ord. 238 Ch. VII § 2(C-2), 2000).

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

Table 20.90.040 – North City Business District Site Development Standards

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

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Surface Water Manual Update  
Development Code Revisions

**Item 7.A - Attachment B**

**PROPOSED DEVELOPMENT CODE AMENDMENTS**

SMC Section		Proposed Amendment	Rationale for Amendment	Notes
<b>Chapter 20.20 Definitions</b>				
<b>20.20.010-.060</b>	Definitions	Add, clarify, and delete terms	Various terms should be reviewed for consistency with the proposed SWM. Some definitions may be cross-referenced.	
<b>Chapter 20.30 Procedures and Administration</b>				
<b>20.30.040 Table</b> <b>20.30.290</b>	Variance from the engineering standards	Rename to be consistent with DOE manual	Review authorities / decision maker	
<b>20.30.750</b>	Declaration of public nuisance, enforcement	Add section declaring violation of 13.10 SMC a public nuisance	Language needed to comply within NPDES and correlate to enforcement provisions in 13.10 SMC	
<b>Chapter 20.40 Zoning and Use Provisions</b>				
<b>20.40.140</b>	Permitted Uses - Other uses	Add Utility Facility, Regional Stormwater	Regional stormwater facility is defined as a "utility facility". A utility facility requires a CUP.	
<b>Chapter 20.50 General Development Standards</b>				
<b>20.50.020(1) Table</b>	Densities and Dimensions in Residential Zones	1. Reference to cottage housing in maximum impervious surface footnote should be removed. 2. Maximum impervious surface should only be considered under the SWM and not at land use consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDCAPE	
<b>20.50.020(2) Table</b>	Densities and Dimensions for Residential Development in Nonresidential Zones	Maximum impervious surface should only be considered under the SWM and not at land use consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDCAPE	
<b>20.50.160</b>	Open Space - Standards	Review	Section lists criteria for stormwater runoff tracts. May want to include "easements". Review for consistency with SWM	
<b>20.50.230 Table</b>	Dimensions for Commercial Development in Commercial Zones	Maximum impervious surface should only be considered under the SWM and not at land use consideration.	Revisions in application of the impervious surface percentages is necessary to establish consistency with SWM. Impervious % should be renamed HARDCAPE	
<b>20.50.290-370</b>	Tree Conservation, Land Clearing and Site Grading Standards	Review	Comprehensive review required. May need to incorporate reference to TESC requirements.	
<b>20.50.410</b>	Parking design standards	Clarify parking and driving surfaces	Parking on "approved" surfaces for all types of uses should be clarified and possibly a definition for "approved surfaces" should be provided.	
<b>Chapter 20.60 Adequacy of Public Facilities</b>				

Surface Water Manual Update  
Development Code Revisions

**Item 7.A - Attachment B**

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



## Item 7.A - Attachment C

### Questions Raised by Planning Commissioners - *Staff response in italics*

Will Hall

Here are the issues I touched on last night with the stormwater code. Some of these are questions that staff can answer. Others are things I may want the commission to debate. I may offer amendments related to #2 and #3. There may be nothing we can do about #4, but I would at least like staff to take a hard look at it, perhaps even seek input from someone outside the planning profession so we can challenge our assumptions: we are not bound by the way we have always done things.

1. Relationship between stormwater regulations and development regulations.
  - o Do the stormwater regulations effectively regulate development, and if so, should they be severed from GMA and land use?
  - o Does the reference to chapter 13.10 SMC in SMC 20.30.750 effectively incorporate the stormwater regulations into the GMA development regulations by treating violations as development code violations?
  - o Do we (the big picture, Shoreline community we) desire to sever the stormwater regulations from GMA development codes? This would mean that changes do not go before the planning commission, challenges could not be brought before the growth management hearings board, developers would need to comply with regulations in both places to design land use proposals, etc.

*The function of surface and stormwater management is a utility by definition. The City of Shoreline's utility regulations are detailed in Title 13 of the Shoreline Municipal Code (SMC), including the surface water management code. The GMA requires the Comprehensive Plan include a utilities element, but that element only needs to include general & proposed locations and capacity of existing/proposed utilities. The proposed changes to the Development Code meet the GMA requirements – see proposed SMC 20.60.070.*

*The Commission may wish to comment on this relationship, but ultimately these questions will be answered by the Council. The Council will be holding a public hearing on the new stormwater regulations (Chapter 13.10) in the Municipal Code and will make a decision on the amendments to the Surface Water Management Code (Title 13 SMC) and the Commission's recommendations on the amendments to the Development Code (Title 20 SMC).*

*As for SMC 20.30.750, that section references all code violations and is not just limited to Development Code violations. At some point in the future, we actually may want to think of reshuffling the code enforcement/code violation sections - removing them from the Development Code and placing it in Title 2 or Title 9 of the Municipal Code, since it's really more comprehensive than just Development Code violations.*

*Although future changes to the stormwater regulations will not be presented to the Planning Commission, this is the case for all utilities. The Commission will still be able consider stormwater issues during the preliminary subdivision approval process.*

## Item 7.A - Attachment C

*At the subdivision approval stage, the applicant must provide a conceptual drainage plan, which the Commission will consider in its decision to approve/deny the subdivision (or condition if SEPA is involved).*

2. Hardscape versus impervious area.
  - Since hardscape is different from impervious area, should we consider whether the percentage limits that are in the current code for impervious area are what we want for hardscape?
  - Do we (again, community) want to treat pervious and impervious hardscape differently? That is, would we want to allow greater lot coverage if it is pervious than if it is impervious?

*“Hardscape” is a way to characterize total lot coverage of all improvements. “Hardscape” surfaces include driveways (both gravel and paved – pervious or impervious pavements), walking surfaces, buildings, etc. Using “impervious surface” to describe lot coverage has caused confusion and difficulty in administering the Development Code. Each land use designation has a specific threshold for maximum hardscape areas (formerly impervious surface). The percent of lot coverage varies by zoning designation from 45% in the R-4 zone to 90% in the Regional Business zone.*

*If only the R-6 zone is considered (50% lot coverage) on a typical lot of 7,200 square feet, the maximum hardscape would equal 3,600 square feet. It also means there is 3,600 square feet of lot area that is not encumbered by structures and other constructed improvements.*

*Pervious pavement and other best management practice (BMP’s) credits should only be applied based as a function of a surface water management plan for the individual property. The intent is to reduce the impact of the hardscape through the use of BMP’s, but not increase the mass of improvements on the property.*

*Pervious pavement provides additional mass on the site. The intent is to limit the development envelop (which the code already does). Increasing mass even though it is pervious further increases the footprint of development and provides larger surfaces for thermal heating, less landscaping/lawn, etc.*

*This is simply a change in terminology to aid in the application of the standards contained in the Development Code and does not result in more restrictive regulations. The change does not preclude the use of BMP’s to meet LID criteria.*

3. Policy question: Should regional stormwater utility facilities be permitted outright or should they be conditional uses in some zones?

*The need for regional stormwater utility facilities is dictated by the utility system needs and should not be a land use consideration. This type of facility requires environmental review under SEPA. An additional level of administrative review would be redundant.*

4. Policy question: Notwithstanding the technical differences in process and criteria, does it serve the community to use different words (deviation,

## Item 7.A - Attachment C

variance) for different situations where the city can allow things to be done differently than the specific provisions in codes, rules, and manuals? I brought up a similar issue on a previous proposal. When the public reads sections of the code or comprehensive plan, they tend to assume that they will be implemented according to the plain language in that section. It can be confusing to explain why buildings are taller than the height limit, why developments are denser than the name of the zone implies, etc. There are different words for how we allow things to be done differently: variance, deviation, exemption, exception, applicability, modification. Professional planners, developers and lawyers may understand the distinction, but does this serve the public?

*The Planning Enabling Act (RCW 36.70) defines a variance as “the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.”*

*A deviation is a term that is typically applied to technical standards. Deviation gives the connotation of a different path to compliance. Using the term deviation vs. variance in this case provides a clear distinction between an adjustment to an engineering standard and varying from the Development Code (zoning ordinance).*

5. Technical question: Why is different language used in SMC 20.60.070(B)(1) and (2)?

*The language has been revised to be consistent.*

Mike Broili

1. ITEM 8.A – Attachment B, PG 37 – I like the replacement of “impervious” with the term “hardscape”. However I would like to suggest breaking the description of lot coverage into three categories (Roofscapes, Hardscapes & Landscapes) which better describe all aspects of a given site as to their functional relationship to the lot. Roofscapes must be impermeable in order to protect the integrity and functionality of the building. Hardscapes can be permeable as long as are they load bearing and Landscapes are everything that doesn’t fall into the first two categories and are required to meet WDOE Stormwater Management Manual for Western Washington, Chapter V, BMP T5.13 in all new and redevelopment.

*Currently the Development Code regulates lot development in several ways, including building setbacks, building coverage and impervious surface. Building coverage is used in-lieu of “roofscapes” and provides a more comprehensive evaluation of building impacts than “roofscapes”. Building coverage is limited to a maximum percentage of the lot area (35% in the R-6 zone). This minimizes over-developing the lot. Hardscape area and building coverage are terms used to minimize mass on a site as opposed to the drainage impacts that are dealt with in the stormwater manual.*

## Item 7.A - Attachment C

*BMP T5.13 may not be appropriate in all cases. Each new development and redevelopment proposal must be evaluated on its own merit and BMP's applied that will provide the most comprehensive approach for water quality and flow control based on the site conditions in an effort to control the project's impact on the surface water utility. In any case, out of context BMP's should not be applied globally through the Development Code.*

2. ITEM 8.A – Attachment B, PG 39 – I too have a problem with the use of “natural conditions” in the first paragraph of Impervious Surface. It is vague and should refer to restoring historical hydrological functions.

*The definition was revised to be consistent with the terminology used in the proposed Stormwater Manual. An attempt has been made to standardize as many of the duplicate definitions as possible and the terminology proposed is not used in the new manual. “Natural conditions” are delineated, but not necessarily defined, in the proposed Stormwater Manual.*

*By including the phrase “restoring historical hydrological functions” standards would be included in the definition instead of the regulations.*

3. ITEM 8.A – Attachment B, PG 43 Under “A. Purpose.” What constitutes “unnecessary hardship”? This needs to be specific so it is clear that deviation will only be allowed if NO OTHER OPTIONS are available to the applicant. Personally I believe and can support an argument that if all LID design practices are applied, 95% of development proposals can be developed to a zero storm water discharge level. If not, then development should not be allowed; not all sites are appropriate for development. Presently it is the city and ultimately taxpayers who end up paying for stormwater management. I'm of the opinion that hydrological restoration costs are the responsibility of the property owner/developer and these costs should not be externalized, it should be the developer/property owner who bears the burden of all costs to restore hydrological function in the development or redevelopment of a site.

*This process does not only apply to stormwater criteria, but roadway and other engineering design. The Stormwater Manual provides a comprehensive approach to applying BMP's. While some development proposals can meet a “zero” net discharge many redevelopment proposals will be impacted by this concept. Not allowing development could result in an implied taking.*

*The wording has been changed to better reflect the purpose.*

4. ITEM 8.A – Attachment B, PG 44 7. C. – This section should also include a monitoring requirement in addition to maintenance.

*Provisions for monitoring and maintenance when appropriate would be a condition of approval. The Stormwater Manual also defines maintenance and monitoring requirements for certain BMP's.*

## Item 7.A - Attachment C

5. General Concern. How are the Stormwater Management Manual for Western Washington, the Low Impact Development; *Technical Guidance Manual for Puget Sound* and the Shoreline Development Code linked and where in the Code is it stated that the manuals are enforceable requirements for all new and redevelopment?

*The proposed Surface Water Management Code, Section 13.10.20, states:*

*.... All activities which have the potential to impact surface water and stormwater shall comply with the standards set forth in the current version of the following unless specifically exempted by the Stormwater Manual.*

- 1. Stormwater Manual;*
- 2. Western Washington Phase II Municipal Stormwater Permit, issued by the Washington Department of Ecology; and*
- 3. City of Shoreline Engineering Development Guide.*

*B. Low Impact Development. Low impact development techniques shall be employed wherever feasible. When low impact development techniques are employed, the design and construction shall be consistent with the most recent version of Low Impact Development Technical Guidance for Puget Sound (Puget Sound Action Team & Washington State University, Pierce County Extension), or consistent with techniques approved by the Public Works Director.*

*The Stormwater Manual is defined as the most recent version of the Stormwater Management Manual for Western Washington published by Washington State Department of Ecology.*

*By definition this manual applies to all development and redevelopment. The connection to the Development Code is made in section 20.60.070, Adequate surface water management system. This section requires all development be served by an adequate surface water management system. To be deemed adequate the applicant must demonstrate how the proposal complies with the technical standards in 13.10 SMC and the Stormwater Manual.*

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**Chapter 13.10  
Surface Water Management Code**

**Subchapter 1. Surface Water Utility**

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

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

**Subchapter 2. Surface Water Management Code**

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

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

**Subchapter 3. Water Quality**

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

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

**Subchapter 4. Violations**

- 13.10.400 Violations
- 13.10.410 Violation of Federal and State Guidelines

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