PLANNING COMMISSION
REGULAR MEETING
AGENDA

Thursday, September 7, 2017
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave North

		Estimated Time
1.	**CALL TO ORDER**	7:00
2.	**ROLL CALL**	7:01
3.	**APPROVAL OF AGENDA**	7:02
4.	**APPROVAL OF MINUTES**	7:03

a. July 20, 2017 Meeting Minutes - Draft
b. August 3, 2017 Meeting Minutes - Draft

Public Comment and Testimony at Planning Commission

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

5.	**GENERAL PUBLIC COMMENT**	7:05
6.	**STUDY ITEM**	7:10

a. 2017 Development Code Amendments
- Staff Presentation
- Public Comment

b. Fire Department Comprehensive Plan Amendment 8:10
- Staff Presentation
- Public Comment

7.	**DIRECTOR'S REPORT**	8:40
8.	**UNFINISHED BUSINESS**	8:45
9.	**NEW BUSINESS**	8:46
10.	**REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS**	8:47
11.	**AGENDA FOR SEPTEMBER 21, 2017 – Public Hearing**	8:48

a. 2017 Comprehensive Plan Amendments (PROS, TMP, 2016 carryover)
b. Fire Department Comprehensive Plan Amendment

12.	**ADJOURNMENT**	8:50

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

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

July 20, 2017 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Mork
Commissioner Malek

Staff Present
Rachel Markle, Director, Planning and Community Development
Uke Dele, Surface Water and Environmental Services Manager
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent
Commissioner Maul
Commissioner Thomas

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The July 6, 2017 minutes were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: SURFACE WATER MASTER PLAN UPDATE

Staff Presentation

Ms. Dele explained that storm water is rainwater that falls on impervious surfaces (roofs, sidewalks, driveways, streets and saturated surfaces). Rainwater runs along these surfaces and collects pollutants and toxins until it is collected in the storm water system. Storm water is typically not treated, and it eventually drains into surface waters (streams, creeks, lakes and ponds). The quality of the water decreases due to the amount of pollution it collects, and the quantity increases due to the number of impervious surfaces. Managing storm water is important to protect and improve the quality of the surface waters and to reduce flooding and property damage.

Ms. Dele advised that, in Shoreline, the Surface Water Utility is responsible for managing the storm water system, and this is done by maintaining and monitoring the drainage of storm water infrastructure and ensuring that the system functions properly to keep the water flowing and to reduce flooding.

Ms. Dele advised that the storm water utility's current goals include flood protection, water-quality protection and aquatic-habitat protection. The goals are accomplished via programs that meet regulatory requirements and reflect the community's priorities. She noted that the utility must also follow the requirements of the National Pollution Discharge Elimination System (NPDES) Permit. The NPDES permit allows the utility to discharge water from the storm water system into the state's surface waters. The utility is funded by storm water management fees that are paid by rate payers. The utility is an enterprise, so the rates paid are for the utility to provide the services.

Ms. Dele reviewed that the City adopted its first Surface Water Master Plan as part of the 2005 Comprehensive Plan. The initial plan prioritized surface water projects that included capital improvement projects and operational/maintenance programs to reduce flooding and address drainage issues at that time. After major flooding occurred in the Ronald Bog area of Thornton Creek in 2009, the City completed its first basin plan (Thornton Creek Watershed Plan), which included a floodplain analysis and a list of prioritized projects to reduce flooding. In 2011, the City updated its Surface Water Master Plan and established a prioritized schedule for doing basin planning for the remaining 10 basins in the City.

Ms. Dele summarized that the 2005 plan focused on addressing immediate needs at the time with projects that reduced major flooding throughout the City. It also prioritized surface water projects that included Capital Improvement Projects (CIP) and a maintenance program to reduce flooding and address drainage issues. The 2011 plan was more programmatic and built on the efforts of the 2005 master plan and 2009 basin plan. In addition to establishing a management plan until the basin plans were completed, it also included a condition assessment on the storm water pipes that resulted in a Pipe Repair and Replacement Program to address critical pipes as they are being recommended for repair and replacement in the various basin plans. It also included an Asset Management Framework (Cityworks), which provides tools for staff to capture work done against the assets. Cityworks has set the utility in a position of being able to analyze the level of effort and cost associated with maintenance of the system. The 2011 master plan also set the City in a position to meet the requirements of the current NPDES permit for the 2013-2018 permit cycle. The 2017 master plan will help the City meet the requirements of the 2018-2022 NPDES cycle.

Ms. Dele advised that, with the completion of the final basin plan, the consulting team is now ready to compile all of the information into a Comprehensive Surface Water Master Plan that includes all of the

identified activities from the basin plans. In addition, the City is also incorporating more Low-Impact Development (LID) requirements and projects. It is important to coordinate future projects and sources of funding for storm water related projects in the various plans. Lastly, the City is anticipating more stringent NPDES permit requirements in the 2008-2022 permit cycle.

Ms. Dele advised that on June 6, 2016 the City Council authorized the City Manager to execute a professional services agreement with Brown and Caldwell, a consulting team. The work on the 2017 plan started in July of 2016. Not only will the 2017 plan update the 2011 plan, it will also provide a framework for moving forward. It will be a comprehensive plan that provides recommendations for programs, rates and funding. It will also provide direction to the City Council on where policies may need to be updated or do not currently exist. A key element of the 2017 plan is defining the Level of Service (LOS) the utility will provide to its customers. Through the basin plans, condition assessment, and operation and maintenance activities, a growing list of projects have been identified to address the growing needs in the surface water system. Having defined LOS targets will help frame the activities and projects in the context of the customers' expectations. It will also help inform the City Council on the actions and cost impacts of the services the utility will be providing for the next five to ten years.

Ms. Dele said another objective of the 2017 master plan is to develop an Asset Management Framework that the utility can use to articulate how well it is providing expected LOS at the lowest life cycle cost. For example, one of the LOS is to manage public health, safety and environmental risk from flooding and failed infrastructures, and the actions needed to meet that LOS are dependent on the LOS target. If the LOS target is zero flooding and/or no property damage due to failed infrastructure, the utility must increase or adjust its maintenance activities, and this could translate into additional cost to meet the expected LOS. Increased costs result in increased rates.

Ms. Dele said the 2017 master plan represents progress on many fronts in developing a Comprehensive Management Plan for the utility. The elements of the plan include updating the LOS to guide utility activities; evaluating the current activities of the utility to identify gaps and resource needs to fill the gaps via a prioritized list of projects and program recommendations; analyzing the cost of the activities; and presenting a plan of activities that the utility will focus on for the next six years.

Again, Ms. Dele said two key objectives of the master plan is to match the LOS provided by the utility with the expectations of the customers, and to prioritize the projects and programs and establish a management strategy for implementing the activities within a corresponding financial strategy. This requires having a clear understanding of the customers' expectations and preferences. To accomplish the objectives, staff and the consultant team had two workshop discussions, and the recommended LOS were presented to the public at an open house and via a public survey. She briefly reviewed the recommended LOS and LOS targets identified in the plan as follows:

- LOS A – Manage public health, safety and environmental risk from impaired water quality, flooding and failed infrastructure.
- LOS B – Provide consistent, equitable standards of service to the citizens of Shoreline at a reasonable cost, within rates and budget.

- LOS C – Comply with regulatory requirements for the urban drainage system. This means that the utility must meet not only the NPDES Permit requirements, but also Federal Emergency Management Agency (FEMA) regulations.
- LOS D – Engage in transparent communication through public education and outreach.

Ms. Dele said the basin plans identified over 100 projects that need to be done to address needs found in the system. To prioritize these projects over the next six years, the utility needed to come up with a process that was fair and met the established LOS. The projects identified in the basin plans were refined and similar projects were combined. Programs were developed to address those that are geared towards ongoing projects. Using the established criteria and objectives, each project was scored and ranked. Once the projects were scored and ranked, they were aligned with management strategies that would help facilitate the discussion of timing and resources to accomplish the work. The prioritized projects were examined through three management strategies, which range from minimum to optimum based on how well they address regulatory requirements, system needs and LOS. She reviewed that each of the projects were categorized into the following general management strategies:

- Minimum – Projects and programs that meet the minimum in terms of existing system needs and regulatory requirements.
- Proactive – Minimum plus new high-priority projects and new/enhanced programs that address high priority long-term needs, as well as anticipated new regulatory requirements.
- Optimum – Proactive plus additional priority projects and programs that enhance water quality and aquatic habitat beyond what is already required.

Ms. Dele reviewed that the utility has engaged the public through open houses and a survey. She reported that 23 residents attended the open house that was held in September of 2016, at which the recommendations for LOS were presented. Eight residents attended the second open house on July 13, 2017 where the management strategy was presented. An internet LOS Survey was conducted September 2-16, 2016, and a Management Strategy Survey was conducted July 5-16, 2017. About 171 residents responded to the LOS Survey, and the results indicated that 63% of residents were not familiar with the utility or its services and 59% had concerns with storm water services. The Management Strategy Survey received 140 responses and key results indicated that 48% preferred the "proactive" management style. About 29% agreed with increased fees to fund services, but 27% strongly disagreed. The consulting team is still analyzing the results from the last survey, and the findings will be incorporated into the plan that is recommended to the City Council.

Ms. Dele reviewed that the next step for the master plan is to refine the project and program recommendations and present them to the City Council on August 7th. Feedback from the City Council will be used to develop a plan that reflects the public's expectations and how the LOS will be met. The Commission will have a workshop discuss on the draft plan in 2018, and it is slated for adoption by the City Council in 2018 as part of the 2018 Comprehensive Plan Update.

Commission Questions

Vice Chair Montero asked how successful the previous two Surface Water Master Plans have been. Ms. Dele answered that the previous plans have been successful and within budget. The 2005 plan addressed

a number of flooding issues and they are not experiencing as much flooding now. Although the 2011 plan did not include major flooding projects, it created a schedule for basin planning, which has now been completed.

Commissioner Malek asked if the master plan characterizes flooding based on the amount of dollars. Ms. Dele answered no. However, this approach is used by insurance agencies. Commissioner Malek said he lives in Richmond Beach, where the LOS from 2001 and 2007 was poor and his house would routinely flood during heavy rain. Since the 2011 plan was adopted, the LOS has improved significantly. The effort has been appreciated.

Commissioner Chang asked if the new NPDES Permit requirements will be more stringent. Ms. Dele said the NPDES Permit is a water regulation that is based on the Clean Water Act, and it will become more stringent as more experience is gained about how to maintain the systems. The 2013 NPDES Permit has certain requirements that were not addressed as part of the 2011 plan. For example, the utility is not currently meeting the requirement to maintain catch basins within six months after finding a defect. It is anticipated that the next NPDES Permit requirements will be even more stringent, but the details are not known yet.

Commissioner Chang asked if the utility is doing any capacity assessments, given the growth that is planned. Ms. Dele answered that capacity monitoring is one of the recommended projects, and a process similar to the one used for basin planning will be utilized, starting with the high-priority areas where increased capacity is anticipated.

Commissioner Chang asked if the utility charges an impact fee to fund projects. Ms. Dele answered that there is no impact fee, and projects are funded via a surface water fee. She explained that surface water fees are based on the type of property. Single-family residential properties pay a standard rate and commercial properties pay an escalating rate.

Commissioner Mork asked Ms. Dele to provide more information about funding sources. Ms. Dele said King County is the utility's collecting agency, and surface water fees are paid as part of property taxes. However, it is a fee and not a tax. Commissioner Mork asked if the surface water fee has been consistent since 2011, and Ms. Dele explained that the 2011 plan established a rate structure for the next five years, and the rate has increased by 4% to 5% per year. If the rates were not increased as recommended in the plan, the utility would not be able to fund all of the projects and programs recommended in the plan.

Commissioner Mork asked if the City of Shoreline has been found in violation of the NPDES Permit. Ms. Dele explained that if a utility is aware it will not meet a NPDES deadline, it must self-report by sending a letter of non-compliance to the Department of Ecology (DOE) explaining what is going on and how the utility intends to meet the requirement. The City is not in compliance with all of the requirements, but it is not necessarily in violation, either. The City has always been open with the DOE in letting them knowing when they will be in compliance.

Commissioner Malek asked about the benefits of compliance versus non-compliance. Ms. Dele said that utility is required to be in compliance with the NPDES Permit, and there are fines associated with non-

compliance. There is also the threat of suit from environmental groups. Commissioner Malek asked if non-compliance can impact the City's ability to obtain federal grant funding. Ms. Dele answered no.

Commissioner Chang asked if the plan is to continue collecting surface water fees via King County property taxes, or will there likely be an impact fee at some point in the future. Ms. Dele answered that is one option to consider. Chair Craft said it appears the study is more about how effective the City is at collecting fees rather than whether or not the fees are sufficient to meet all of the NPDES requirements. Ms. Dele said the rate study will also identify how well the utility will be able to meet the LOS based on the amount of money it will collect. Chair Craft asked if it would also provide options for generating more revenue if the utility is not collecting sufficient fees to cover the cost of needed projects and programs. Ms. Dele answered that various funding options to pay for the recommended LOS would be studied as part of the financial analysis.

Commissioner Mork asked if Commissioner Chang is suggesting that the utility consider an impact fee for new construction that adds impermeability. Commissioner Chang answered affirmatively. She explained that, as new construction occurs, infiltration must be the top priority. However, storm water that cannot be infiltrated will go into an overflow and then into the storm water system. At some point, there may not be sufficient infrastructure to handle the additional storm water. She said she would like to see a list of the recommended projects to get a better sense of the magnitude of what will be required. Ms. Dele said increased storm water from development will be addressed via a storm water permit. When creating policy, it was discovered that the City needs to establish a more comprehensive system for development that cannot infiltrate on site, as required by the NPDES Permit. This could involve an additional fee or projects to handle the extra capacity.

Chair Craft asked for examples of what would constitute a high-priority project. Ms. Dele responded that some of the highest priority projects are those related to recurring flooding and property damage. One established LOS is to manage the utility to protect the public and prevent property damage. An example is the 25th Avenue Northeast Project, where the City has received several claims for property damage due to flooding.

Chair Craft observed that one of the biggest concerns is the neighborhood on the bluff (Richmond Beach) where all of the storm water from impervious surfaces impacts residential homes and causes erosion. While this may not be a priority, there are opportunities to infiltrate storm water along large swaths of area with impermeable surfaces. The City of Seattle has done a good job addressing these types of issues by creating swales, etc.

Ms. Dele said the new and enhanced programs that are recommended for "proactive" management include increasing funding for small works projects that do not fall under the CIP. A large number of projects have been identified, and there are not enough resources to do all of them within the next six years. The intent is to prioritize the projects in a way that is transparent and clear.

Chair Craft commented that the Commission would review the draft master plan again in 2018. Ms. Dele said the update was unable to meet the deadline for the 2017 Comprehensive Plan Update, and it will now be included as part of the 2018 update. A more complete plan will be presented to the Commission for review and a recommendation to the City Council in 2018.

Commissioner Malek noted that the idea is to retain as much water on each individual property as possible and slowly release any surplus into the storm water system. A development is required to have a certain amount of open space where water can be absorbed. Ms. Dele said the goal is to ensure that water is getting back to the ground water in the cleanest way possible, which involves managing the water on site as much as possible. Commissioner Malek suggested the City consider a reward system rather than a punitive system to encourage property owners to retain storm water on site. Chair Craft pointed out that the lack of storm water management at the top of the hill near 8th Avenue in Richmond Beach has created a situation where runoff is significant because there is no on-site infiltration. The entire commercial area where the QFC is located has no drains so water sheets onto the street and runs down the hill. There has been significant erosion over the past five years, and he is concerned about the City's potential liability.

Commissioner Mork said there is also a problem with storm water at Shoreline Place. A previous presentation talked about combining storm water improvements made at Shoreline Place with projects on other commercial properties. She asked how this concept would fit in with the proposed plan. Ms. Dele said maintaining storm water on site is a DOE requirement. One of the basin plans recommends a regional project at Boeing Creek, which will handle a large quantity of water from properties in the area. A feasibility study will be done to determine how best to fund and implement the project. They cannot expect all of the rate payers to pay for something that only benefits a small group of people.

Chair Craft pointed out that the existing facility at Boeing Creek handles quite a large swath of drainage. He asked if the project would increase the radius from which Boeing Creek draws storm water from other areas. Ms. Dele answered no and said it would be designed to handle the increased runoff from development, and slowly release it into the drainage system.

Commissioner Chang asked if there is a map of the City that shows areas where infiltration is likely not feasible. Ms. Dele answered that the information is not currently available to residents. However, there is a list of criteria in the Engineering Design Manual for determining whether or not a site is feasible for infiltration, and it is available online.

Commissioner Mork asked if the new NPDES Permit requirements would place more stringent requirements on the City of Shoreline for protecting the environment, particularly as it relates to fish. Ms. Dele said the NPDES Permit primarily focuses on water quality and aquatic habitat. It does not necessarily help address flooding issues and how much money should be spent on retrofit projects.

Public Testimony

There was no public testimony.

DIRECTOR'S REPORT

Director Markle reported that 2017 and 2018 are shaping up to be a big year for permitting and development. There is a steady stream of applications coming in, and many of the school district's bonded projects have started coming in and will require a considerable amount of work by staff in 2017 and 2018. In addition, Shoreline Community College is still planning to move forward with its dormitory project in October 2017, and they are looking to open the new facility in the fall of 2019. There has been a lot of

activity on the North City Post Office site, and it looks like a permit will come in by the end of the year for a 240-unit apartment building. Staff will continue to work with Sound Transit permits, as well.

Director Markle advised that the upcoming City Council meeting will include a discussion about the affordable housing fee-in-lieu and the recommended plan for staffing an affordable housing program. There will also be an update on the implementation of light rail subarea projects and policies. Staff will also report on the District Energy Feasibility Study. She noted that the person presenting the District Energy Feasibility Study to the City Council will also make a presentation as part of the Green Speaker Series on July 25th at 7:00 p.m. in the Council Chambers. Both meetings will be available on video for Commissioners to view.

Director Markle announced that the Hearing Examiner will be busy with land use items, as well. A rezone application for three parcels on North 167th Street will go before the Hearing Examiner on August 23rd before moving to the City Council for a final decision. In addition, the hearing examiner will hear the special use permit application for the North City Water District Maintenance Facility on August 1st. They are looking to complete the project in early 2019, so the building permit application will come in in 2018.

Director Markle announced that the City's "Night Out Against Crime" is August 1st, and the North City Jazz Walk is August 15th. The Ridgecrest Ice Cream Social is August 17th.

Vice Chair Montero asked what is going on at the Aurora Square and Westminster Triangle properties. Director Markle advised that the most recent report is that the receiver is still in control of the Westminster Triangle and working towards permitting and environmental cleanup associated with a dry cleaner business that was previously located on the site. The Economic Development Manager continues to work on the Aurora Square project, but there is no new activity to report.

NEW BUSINESS

There was no new business.

UNFINISHED BUSINESS

There was no unfinished business.

REPORTS FROM COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Mork thanked staff for the great storm water presentation.

AGENDA FOR NEXT MEETING

Director Markle announced that a public hearing on the Wireless Communication Facility Amendments is scheduled for August 3rd.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

_____	_____
Easton Craft	Carla Hoekzema
Chair, Planning Commission	Clerk, Planning Commission

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

August 3, 2017 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Malek
Commissioner Mork

Staff Present
Rachael Markle, Director, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent
Commissioner Maul
Commissioner Thomas

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

GENERAL PUBLIC COMMENT

Mia Norden, Shoreline, said she lives in the Innis Arden Neighborhood and was present to discuss an ongoing issue. When she first looked into buying her home over 10 years ago, she was warned that Innis Arden is an area where people continually fight over view. Unfortunately, this un-neighborly reputation has only grown. The issue not only negatively impacts the home values in the neighborhood, but the City of Shoreline's tax base, as well. For example, because of complaints of view obstruction from her two neighbors, she has been ordered by the Innis Arden Board to bring the trees into compliance with neighborhood covenants. However, the property is considered to be in a critical area because of potential landslide risks, and the process of obtaining the required permit to cut the trees is understandably time

consuming. Her permit is presently being reviewed by the City, and she has informed her neighbors and the board of her wish to comply with the neighborhood's tree covenant, as well as City code. She understands that the City wants to protect homeowners from potential soil disturbance that could cause a landslide, and requiring a geotechnical report to confirm the stability of the soil, and if necessary a mitigation plan, is understandably crucial. Although she has filed for a permit, the attorney representing the Innis Arden Board continues to exert pressure on her and City employees for a quicker permit issuance. She believes that this pressure on City employees is completely out of line, and she respects the hardworking staff who have helped them through the permit process.

Ms. Norden provided copies of the attorney's letter to her and the City. She advised that the pushiness has been going on for years, and some residents have succumbed to the pressure by illegally removing trees. She asked the Commission to advise her of the right City person to contact to help restore civility to the process in her neighborhood. The pressure on residents of the neighborhood is unacceptable, and she would appreciate the Commission's help guiding her in representing the residents to make Innis Arden a better place to live and a better neighbor to the surrounding neighborhoods in Shoreline. None of the Innis Arden residents want more negative media coverage on the issue because it impacts their home values. She provided her contact information, and asked for information on how to proceed.

PUBLIC HEARING: WIRELESS TELECOMMUNICATION FACILITIES (WTF) DEVELOPMENT CODE AMENDMENT

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

Staff Presentation

Assistant City Attorney Ainsworth-Taylor explained that the Federal Government has essentially preempted the regulation of WTFs by local governments via legislation adopted in 1996 limiting how cities could apply zoning for WTFs. Later legislation in 2012 (Spectrum Act) placed further limitations on cities' ability to regulate WTFs. The Federal Communications Commission (FCC) is charged with creating regulations to implement 6409 of the Spectrum Act, which say that the cities cannot deny and shall approve any Eligible Facilities Modifications (EFM) to an eligible support structure that does not substantially change the physical dimensions. Basically, EFMs are for any wireless tower (built solely and specifically for the purpose of wireless facilities) or base structure (any structure with an antenna facility on it). A "substantial change" is one that modifies the physical dimensions, and the starting facility is used as the baseline. If multiple EFMs are attached to a structure, the original base structure will set the standard. Once an EFM goes beyond the substantial change parameter, the City's regular process for WTF permitting will be utilized.

Assistant City Attorney Ainsworth-Taylor emphasized that the proposed amendments outlined in Proposed Ordinance 782 are only applicable to eligible existing support structures, and not those that are built in the future. The City can request certain information from an applicant, but it cannot require any document to illustrate that the facilities are needed.

Assistant City Attorney Ainsworth-Taylor said one big piece of the Spectrum Act and the FCC's implementing regulations is the "shot clock," which establishes a very tight timeline for the City to take

action on an application. The City is allowed 60 days from the time the application is filed. This is different than how the City treats other applications, where the timeline starts when a file is determined complete. However, the City can toll the clock within certain time parameters, but then it rolls on. If the City does not make a decision in 60 days, the application is automatically deemed approved.

Assistant City Attorney Ainsworth-Taylor advised that the proposed amendment to Shoreline Municipal Code (SMC) 20.40 will create a new section (SMC 20.40.605), expressly addressing all of the Eligible Facilities Modifications under the Spectrum Act and the FCC's implementing rules. It includes all of the FCC's definitions for EFMs and establishes an application process with the 60-day shot clock and tolling. It also denotes that applicants would still be subject to the City's building and safety regulations. If an application does not meet the EFM criteria, it would be processed under the City's WTF regulations. The amendment also includes a baseline modification provision to make it clear that the measurement would be based on the original structure.

Assistant City Attorney Ainsworth-Taylor said SMC 20.40.600, the City's current WTF regulations, would also be amended to denote that the provisions would not apply to EFMs. If there are any issues, appeals would go to Superior Court under a Land Use Policy Act (LUPA) provision.

Assistant City Attorney Ainsworth-Taylor explained that, following the public hearing and the Commission's deliberation, they will be asked to make a recommendation to the City Council. The City Council will hold a study session regarding the proposed amendments on September 11th, with final adoption slated for September 26th.

Commissioner Chang recognized that the proposed amendments are consistent with the Federal requirements, but she voiced concern that some of the language could be misinterpreted and permit something that is unintended. Assistant City Attorney Ainsworth-Taylor answered that the language follows the FCC regulations tightly, changing just a few things to conform more with the City's aspect and the FCCs implementing regulations that the City was allowed to adopt based on its own practices. All of the definitions are distinct to the EFM application rather than relying on regular development code definitions. The amendment also includes a separate provision for how to measure when EFMs are built on existing EFMs.

Chair Craft asked if the City has a map of the existing and eligible support structures within the City. Director Markle answered no. She advised that the information tends to be proprietary. Assistant City Attorney Ainsworth-Taylor added that the City knows where the monopoles are located, but how WTFs are aligned on private structures is more difficult to locate because they can be camouflaged and not visible. Chair Craft asked if WTFs are required to obtain a permit, and Director Markle answered affirmatively. The City has a record of the WTFs that have been permitted since its incorporation.

Chair Craft said it is anticipated that the next generation of WTFs will be much smaller and more spread out. Assistant City Attorney Ainsworth-Taylor advised that the newer technology would be permitted under separate small-cell regulations, which will come before the Commission at a later time.

Vice Chair Montero asked if the EFM process would require a permit from both the City and the Federal Government. Assistant City Attorney Ainsworth-Taylor answered that only one permit would be required

at the City level. The applicant would be required to submit licensing information to the Federal Government, but it would not involve the City.

Vice Chair Montero asked if an applicant must identify any potential health hazards when applying for a permit. Assistant City Attorney Ainsworth-Taylor clarified that, as long as the application meets the FCC regulations for radio frequency, the City can no longer request health studies.

Public Testimony

Nancy Morris, Shoreline, pointed out that the WTF amendment is intended to expedite 5G technology throughout communities without allowing any recourse to stop its deployment. She encouraged people to speak out against 5G deployment on the basis that it threatens the safety of not only humans, but wildlife and pollinators. No one has any idea of the impacts of 5G, as no long-term study has ever been done and there are no plans to have a study done. The FCC is using outdated, excessively-permissive microwave safety information that is over 30 years old and has been criticized by various agencies such as the Department of the Interior and the National Institutes of Health. The Department of the Interior accused the Federal Government of employing outdated radiation standards set by the FCC, a federal agency with no expertise in health. The standards are no longer applicable because they control only for overheating and do not protect organisms from the adverse effects of exposure to the low-intensity radiation produced by cell phones and cell towers. She noted that there is compelling research available now that warns of the continued increasing exposure to humans by microwave frequencies. Continuing to increase the microwave background exposure without thinking in terms of the "Precautionary Principle" puts everyone at risk.

Ms. Morris advised that the primary motivation for 5G by wireless companies is to ultimately connect "everything" to the internet, which can only be for the purposes of consumer control and company profits. The wireless industries usually tout imaginary and irrational benefits with no discussion of the risks to us as a society (babies, children, elderly, and those with chronic illnesses) that include cyber-security threats, hacking vulnerability and microwave exposures reaching a tipping point to harm the health of humans, wildlife and trees. The 5G deployment is relying on the 1996 Telecommunications Act to continue to deny state and local governments and municipalities the right to bar the installation of wireless technology on environmental/health grounds. This is perhaps the greatest offense to local rule of all time, according to physicist, Dr. Ronald M. Powell, a nationally recognized expert on impact of electromagnetic fields on human health.

Ms. Morris emphasized that the FCC has still not considered the tremendous potential of wired technologies, especially fiber optics) to provide higher data rates, greater cyber security, and greater safety for human health. These technologies should not be excluded due to any cost comparison with wireless technologies. She expressed her belief that the 1996 Wireless Telecommunications Act should be thrown out.

Sonia Hoglander, Representative for the Advocacy Group, Safe Utility Meters Alliance Northwest, which represents many citizens in Shoreline, as well as people around the Puget Sound area. She said she is an electrical engineer and a building biologist and is opposed to deployment of anymore microwave radiation technology. They are already over-exposed and collectively suffering the consequences. She

referred to an analysis titled, *"Wireless Communications Technologies: New Study Findings confirm Risks of Nonionizing Radiation"* by Peter Hensinger and Isabel Wilke. The analysis was published in March of 2016 and sums up the health impact as follows: *"Digital mobile devices emit nonionizing radiation. The risks of electromagnetic fields (EMF) to human health have been known from medical and military research since the 1950s. This article documents the latest study findings regarding the endpoints of genotoxicity, fertility, blood-brain barrier, cardiac functions, cognition and behavior. A verified mechanism of damage is oxidative cell stress. Users are only insufficiently informed about the risk of wireless communication technologies; prevention policies are not introduced. The uncertainties regarding the risk among the public are not due to unclear research findings, but to the industry's controlling influence over politics and the media."*

Ms. Hoglander advised that on May 19, 2017, the Division of Environmental and Occupational Disease Control and the California Department of Public Health finally released by court order the *Cell Phones and Health Fact Sheet,* which was written in 2009 and revised in 2014, but then suppressed. It states, *"Cell phones, like other electronic devices, emit a kind of energy called radiofrequency EMFs. Health officials are concerned about possible health effects from cell phone EMFs because some recent studies suggest that long-term cell phone use may increase the risk of brain cancer and other health problems."*

In addition, Ms. Hoglander pointed out that a heated debate on California Senate Bill 649 to fast track "small cell" transmitters includes an exemption to fire houses based on health. This exemption request was based on a 2004 pilot study by Susan D. Foster of California firefighters who worked up to 90 hours per week in fire stations with cell towers in close proximity to the two stations where firefighters work, eat and sleep. The men were experiencing profound neurological symptoms following activation of the towers in 1999. The symptoms experienced by the firefighters, all of whom had passed rigorous physical and cognitive exams prior to being hired, included but were not limited to the following: headaches, extreme fatigue, sleep disruption, anesthesia-like sleep where the men woke up for 911 calls "as if they were drugged," inability to sleep, depression, anxiety, unexplained anger, getting lost on 911 calls in town they grew up in, a 20-year medic forgetting basic CPR in the midst of resuscitating a coronary victim, immune suppression, manifest in frequent colds and flu-like symptoms.

Ms. Hoglander referred to a letter from the Law Offices of Harry V. Lehmann, PC, dated July 19, 2017, which warns the California Assembly Appropriations Committee of the risk of transferring liability of harm caused by radiation from the cell antennas from the Telecom to the State. He writes: *"It is a matter of well-established public record that the international re-insurance industry has long refused to insure any aspect of the telecom industry for injuries caused by cellular devices or installations. There is no net. The only avenue left to the cellular industry, other than just honestly facing up to the mess and helping solve it, is to shift the legal responsibility to the government."* The re-insurance company Swiss Re, stated this in their emergency risk report in June of 2013, in Impact on Insurance Industry "casualty" category titled, *Unforeseen Consequences of Electromagnetic Fields.* It states, *"If a direct link between EFM and human health problems were established, it would open doors for new claims and could ultimately lead to large losses under product liability covers."*

Ms. Hoglander submitted references for the information she presented.

Planning Commission Deliberation and Recommendation

VICE CHAIR MONTERO MOVED THAT THE COMMISSION FORWARD PROPOSED ORDINANCE 782 (AMENDMENTS TO THE WIRELESS TELECOMMUNICATION FACILITIES DEVELOPMENT CODE) TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL. COMMISSIONER MORK SECONDED THE MOTION.

Chair Craft said it is unfortunate that the Commission has no opportunity or ability to change any of the proposed amendments, as they have been set forth by the FCC's regulations. However, based on the testimony provided, he felt there was a need for further investigation at some point in the future.

Commissioner Mork asked Assistant City Attorney Ainsworth-Taylor to explain the consequences if the City does not adopt the proposed amendments. Assistant City Attorney Ainsworth-Taylor said the amendments are intended to provide guidance to staff as they process permits for EFMs. If the amendments are not adopted, the FCC's regulations would be the superseding rules because Federal regulations pre-empt the City's regulations. Chair Craft summarized that the rules would apply regardless, and adding it to the City's code would provide clear direction to staff.

Commissioner Malek commented that the amendments are confined to a set of guidelines for staff that are consistent with those of the FCC so there is no deviation. Adopting the amendments does not mean that people cannot challenge the regulations in a court of law or some other venue. He voiced appreciation for the in-depth information that was provided during the public hearing.

THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Director Markle did not have any items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports from committees or Commissioners.

AGENDA FOR NEXT MEETING

Chair Craft reminded the Commissioners that the August 17 meeting was cancelled. Mr. Szafran advised that the next Commission meeting will be September 7, and the agenda will include a study session on the 2017 Development Code amendments and a discussion of the Fire Department's Capital Facilities Plan, which is part of the Comprehensive Plan Docket.

ADJOURNMENT

The meeting was adjourned at 7:30 p.m.

_____	_____
Easton Craft	Carla Hoekzema
Chair, Planning Commission	Clerk, Planning Commission

Planning Commission Meeting Date: September 7, 2017 **Agenda Item: 6a**

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**2017 Development Code Amendments**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Steven Szafran, AICP, Senior Planner**

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

Introduction

The purpose of this study session is to:

- Review the 2017 batch of Development Code regulations;
- Provide information for issues identified by staff;
- Ask direction on options for certain Development Code regulations;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Background

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

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all of the following are satisfied:

1. The amendment is in accordance with the Comprehensive Plan; and

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

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

The 2017 batch of Development Code amendments (2017 Batch Amendments) consist of 40 Director-initiated amendments and two privately-initiated amendments. The first proposed private amendment would allow for the creation of an accessory dwelling unit (ADU) without the requirement that the property owner live in one of the units and will also remove the requirement for an additional parking space for the ADU.

The second proposed privately-initiated amendment would apply tree retention and replacement provisions to properties zoned MUR-70'.

The 2017 Batch Amendments are organized by the Development Code chapter: 20.20 – Definitions, 20.30 – Procedures and Administration, 20.40 – Zoning and Use Provisions, 20.50 – General Development Standards, 20.70 – Engineering and Utilities Development Standards, and 20.80 – Critical Areas.

Attachment 1 includes all of the proposed 2017 Batch Amendments. Each amendment includes a justification for the amendment, a description of the amendment in legislative format, and staff's recommendation.

The proposed 2017 Batch Amendments include administrative changes (re-organization and minor corrections), clarifications, and policy amendments that have the potential to substantively change development patterns throughout the city. The last column of the Table of Contents on **Attachment 1** indicates if the proposed amendment is either an administrative update, clarification, or policy change. All of the amendments are listed in order of Chapter. The proposed changes are generally as follows:

20.20 – Definitions

- 20.20.012 – B Definitions – Add definition for Brewpubs
- 20.20.016 – D Definitions – Update Dwelling and Driveway definition
- 20.20.018 – E Definitions – Update Engineer and Enhancement definitions
- 20.20.024 – H Definitions – Update Hardscape definition
- 20.20.034 – M Definition – Add Microbrewery, Microdistillery, and Mitigation

20.30 – Procedures and Administration

- 20.30.045 & 20.30.050 – Neighborhood Meetings for Certain Type A Proposals and Administrative Decisions – This amendment will no longer require a neighborhood meeting for Short Plats, Binding Site Plans, and multiple detached single-family homes. Instead, a new type of notice will be required and sent to property owners within 100-feet of the proposed development.
- 20.30.060 – Quasi-judicial decisions - Numbering Change Only

- 20.30.400 – Lot line adjustment – Adding Lot Merger to Lot Line Adjustment Section
- 20.30.430 – Site development permit for required subdivision improvements – Clarifies that a second Site Development Permit is not required if one has been submitted during permitting stage

20.40 – Uses

- 20.40 – Zoning and Use Provisions – Numbering Change Only
- 20.40.130 – Adds Brewpubs, Microbreweries, and Microdistilleries to Table 20.40.130 (Non-residential uses)
- 20.40.130 – Adds Shipping Containers to Table 20.40.130 (Non-residential uses)
- 20.40.150 – Adds Shipping Containers to Table 20.40.150 (Campus uses)
- 20.40.160 – Adds Brewpubs, Microbreweries, and Microdistilleries to Table 20.40.160 (Station Areas)
- 20.40.210 – Accessory Dwelling Units – Deletes Owner Residency requirements and eliminates Parking Requirements for an ADU
- 20.40.235 – Removes Catalyst Program and Clarifies Affordable Housing Requirements
- 20.40.438 – Updates SMC Reference Only
- 20.40.505 – Fixes Numbering Error Only
- 20.40.504 – Clarifies Screening Requirements for Self-Storage Developments

20.50 – General Development Standards

- 20.50.020(1) and (2) – Adds Additional Setbacks for Parcels Fronting 145th Street
- 20.50.020(3) – Creates setback between MUR and Commercial zones and Raises Height In MB to 70-feet
- 20.50.021 – Add Director of Public Works
- 20.50.040 – Proposal to Allow Eaves in Setbacks up to 4 feet and Clarify No Projections into 5-Foot Setback
- 20.50.240 – Amends Ground Floor Commercial Standards, Deletes Administrative Design Review Process for Access in Station Areas
- 20.50.310 – Moves Emergency Exemptions for Tree Removal and Adds Tree Protection in the MUR-70’ Zone
- 20.50.350 – Update Reference and Clarify Tree Removal Exceptions
- 20.50.360 – Require Tree Retention and Replacement in the MUR-70’ Zone
- 20.50.410 – Clarifies Parking Stall Dimensions When Space is Adjacent to a Building Column
- 20.50.470 – Clarify Street Front Parking Lot Landscaping Standards
- 20.50.490 – Updates Section to be Consistent With Multifamily Definition

20.70 – Engineering & Utilities Development Standards

- 20.70.440 (New Section) – New Section to Add Access Widths for New Development

20.80 – Critical Areas

- 20.80.025(A) and (B) – Clarifies How to Check for Critical Areas When Development is Proposed
- 20.80.030(F) – Updates a Development Code Reference only
- 20.80.040(C) – Clarifies When Critical Areas Regulations apply for Structural Additions
- 20.80.045(B) – Clarifies when and if a Critical Area Report is Required
- 20.80.050 – Defines Current Condition of Critical Areas
- 20.80.080 – Critical Area Reconnaissance
- 20.80.090 – Allow Yards to Exist within Critical Areas Buffer
- 20.80.350 – Add Unit if Measurement to the Wetland Mitigation Ratio Table
- 20.230.200(B)(4) – Updates Development Code Reference Only
- 13.12.700(C)(3) – Updates Development Code Reference Only

Next Steps

The 2017 batch of Development Code amendments schedule is as follows:

September 7	Planning Commission meeting: Discuss 2017 Batch Amendments (part 1)
October 5	Planning Commission meeting: Discuss 2017 Batch Amendments (part 2)
November 2	Planning Commission Public Hearing
December 2017/January 2018	City Council Study Session and Adoption of 2017 Development Code Batch Amendments

Attachment

Attachment 1 – Proposed 2017 Development Code Amendments
Attachment 2 – Notice of Construction Example
Attachment 3 – Example of a 100-foot Notification Radius
Attachment 4 – Dittbrenner Development Code Amendment Application
Attachment 5 – Walgamott Development Code Amendment Application

DEVELOPMENT CODE AMENDMENT BATCH 2017

TABLE OF CONTENTS

28	20.50.490	Clarification of Multifamily	A
29	20.70.440 (New Subchapter)	Access Widths for New Development	C
30	20.80.025(A) and (B)	Clarify How to Check for Critical Areas	C
31	20.80.030(F)	Updates Reference Only	A
32	20.80.040(C)	Allowed Activities in Critical Areas	P
33	20.80.045(B)	Critical Area Reports Required	C
34	20.80.050	Current Condition of Critical Areas	P
35	20.80.080	Critical Area Reconnaissance	P
36	20.80.090	Existing Condition of Buffer Areas	P
37	20.80.350	Clarify Wetland Mitigation Areas	C
38	20.230.200(B)(4)	Updates Reference Only	A
39	13.12.700(C)(3)	Updates Reference Only	A
40	20.40.130 and 20.40.150	Shipping Containers	P

A = Administrative
C = Clarification
P = Policy

DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1 (SS)
20.20.012 – B Definitions

Justification – The City has seen an increased interest in locating brewpubs and microbreweries in various neighborhoods. The Shoreline Development Code does not have a listed land use for brewpub or microbrewery. The definition and use of a microbrewery is a related amendment. This amendment will add a definition of brewpub. This use will also be listed in the use tables, Table 20.40.130 and Table 20.40.160 (see Amendment #11 and #12 below).

> Brewpub - A restaurant that manufactures fermented malt beverages on premises for either consumption on premise in hand-capped or sealed containers in quantities sold directly to the consumer.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #2 (SS)(TJ)
20.20.016 – D Definitions

There are two amendments to the "D" definitions.

1. *Justification – The purpose of this amendment is to clarify the difference between an apartment structure and a single-family attached dwelling structure. This definition of apartment has been misinterpreted to include single-family attached dwellings. This issue came to light from a request to build townhomes in the MUR-70' zone. Single-family attached dwellings are not allowed in the MUR-70' zone. The applicant called their proposed project "apartments" when the project was actually townhomes.*

Staff proposes to strike the word "usually" which then means apartments must always be located above one another. In all of the recent mixed-use buildings in Shoreline, the apartment units have been located above one another. Staff is also proposing to add the sentence, "Apartments are not considered single-family attached dwellings". These changes will make it clearer that apartments are not single-family attached dwellings.

> Dwelling, Apartment – A building containing multiple dwelling units that are ~~usually~~ located above other dwelling units ~~in a multi-unit configuration and/~~or above commercial spaces. Apartments are not considered single family attached dwellings.

2. Justification – This amendment clarifies that a shared driveway serves up to four dwelling units, not properties. This change will make the definition of shared driveways consistent with the Engineering Development Manuals standards for shared driveways.

Driveway, Shared – A jointly owned and maintained tract or easement serving up to four dwelling ~~two or more~~ units ~~properties~~.

***Staff recommendation** – Staff recommends that these amendments be included in the 2017 Development Code amendment batch.*

Amendment #3 (TJ)(PC)
20.20.018 – E Definitions

There are two amendments to the "E" definitions.

1. *Justification –Delete the term City Engineer. City Engineer is not used anywhere in the Development Code. The term Public Works Director is used in the Development Code and that term will stay in the Development Code.*

~~Engineer, City – City Engineer having authorities specified in State law or authorized representative.~~

2. *Justification – Chapter 20.80 SMC, critical areas regulations, uses these terms, under the general term of "mitigation", to refer to the restoration, remediation, resource creation, or compensatory mitigation of damaged critical areas. The standards and the meaning are either the same or overlapping and many have no definition. This causes confusion when looking for the separate standards that might be applied to each. The only standards in the CAO are under "mitigation standards" in each subsection. That section has the list of preferred actions in the current definition so are redundant and regulatory in the definition section. Staff proposes to retain the enhancement definition because that is for a project to improve and existing critical area without current impacts. However, staff proposes to remove all the terms other than "mitigation" as separate definitions and remove them from the text of the CAO. The list of criteria under "mitigation" is regulatory and specified in each of the critical area mitigation performance standards.*

Enhancements - Alteration of an existing resource to improve or increase its characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from ~~resource creation or restoration~~ mitigation projects.

***Staff recommendation** – Staff recommends that these amendments be included in the 2017 Development Code amendment batch.*

Amendment #4 (PC)
20.20.024 – H Definitions

Justification – The existing definition of impervious surface (20.20.026 I) is almost identical to the proposed amendment for hardscape except that the proposed hardscape definition includes pervious pavement, open decking, landscape rockeries, and gravel. These surfaces were included in hardscape to address the topic of "heat islands", which can hold heat and warm the surrounding area. However, there is no evidence of how much hardscape may contribute to global warming or if it is detrimental to the local environment. Rock or concrete is capable of countering with "cold islands" in the cooler months. The City's Development Review Engineers (DREs) allow impervious concrete, decks, and rockeries because these items allow water to be absorbed into the ground by moving through or around these objects. However, DREs use the hardscape calculation as their impervious surface calculations. Developers frequently confuse the two definitions.

The intent of regulating hardscape is to limit the development footprint/envelope/massing and increase vegetated areas. The City's current definition of hardscape was intentionally adopted in order to limit the footprint/envelope of development and mass of built structures and increase vegetated areas.

Recommendation - Staff recommends using consistent and parallel definitions for impervious surfaces and for hardscape. This also ensures consistency with dimensional standards of tables 20.50.020 for the sake of consistency and explanation to the public which already utilized the term hardscape.

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.~~ a non-vegetated surface that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development and casus water to run off the surface in greater quantities or at an increased rate of flow over pre development natural conditions. Common impervious surface areas are rooftops, patios, walkways, driveways, parking area constructed from either concrete, asphalt, compacted gravel, oiled dirt, concrete or packed earth. Rock garden and walls, pervious pavements, gravel foot paths, decks that drain to open ground underneath, pavers with pervious joints less than 4 square feet each are not included. Artificial turf with subsurface drain fields has a 50% hardscape and 50% pervious value.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #5 (SS)(PC)
20.20.034 – M Definitions

There are three proposed amendments to "M" definitions.

1. *Justification –The City has seen an increased interest in locating micro-distilleries and microbreweries in various neighborhoods. The Shoreline Development Code does not have a listed land use for such uses. Both uses are a small, often boutique-style operation producing beer or spirit alcohol products in small quantities. This amendment will add a definition of microbrewery and micro-distillery. They will also be listed in the use tables, Table 20.40.130 and Table 20.40.160 (See Amendments #11 and #12).*

Microbrewery – A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, consumption on or off premise. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery – A small operation that produces distilled spirts. In addition to production, tastings and sales of products for off premises use are allowed.

Justification - The CAO uses the "Mitigation" definition to also list regulatory criteria. That criteria belongs in the regulations which already exists under SMC 20.80.053 provisions and each of the types of critical area.

In addition, in the definition and in the mitigation code sections there are a wide variety of terms or mitigating actions that have no definition and are frequently redundant or overlapping of each other (restoration, remediation, resource creation, rehabilitation, revegetation, compensatory mitigation, replanting). These terms may be useful in describing the actions or issues that need to be addressed. The code also use these terms with "plan" such as a "restoration plan". Since these terms are used under mitigation plan performance standards it is confusing to know what these other plans are and should include since there are no standards that accompany them. Is the mitigation plan the same as the restoration plan? Rather than sort out these terms staff recommends that the city retain the terms except to remove "plan" if it follows that term.

Mitigation – The action taken to minimize, rectify, reduce, or eliminate adverse impacts over time and/or compensate for the loss of ecological functions resulting from development or use. ~~Avoiding, minimizing, or compensating for adverse impacts., including use of any or all of the following actions listed in descending order of preference:~~

~~A. Avoiding the impact by not taking a certain action or parts of an action;~~
~~B. Minimizing the impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;~~
~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area or buffer to the conditions existing at the time of initiation of the project;~~
~~D. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through biological, engineered, or other methods;~~
~~E. Reducing or eliminating the impact or hazard over time by preservation or maintenance operations during the life of the development proposal;~~
~~F. Compensating for the impact by replacing, enhancing or providing substitute critical areas and environments; and~~
~~G. Monitoring the hazard or required mitigation and taking appropriate corrective measures when necessary.~~

~~Mitigation for individual actions may include a combination of the above measures.~~

Staff recommendation *– Staff recommends that these amendments be included in the 2017 Development Code amendment batch.*

20.30 Amendments

Amendment #6 (SS)
20.30.045 Neighborhood meeting for certain Type A proposals.
20.30.050 Administrative Decision – Type B

Justification – The proposed Development Code amendment will strike the requirement of a neighborhood meeting for 1) Developments of more than one single-family detached dwelling unit on a single parcel, 2) Binding Site Plans (building parcels or pads in a commercial zone), and 3) Preliminary Short Subdivisions. In place of the neighborhood meeting, The City is proposing to send a Notice of Development to adjacent property owners within a 100-foot radius of the proposed development site. See ***Attachment 2*** *for an example of a Notice of Construction from the City of Mukilteo and* ***Attachment 3*** *for an example of a 100-foot notification radius).*

The Notice of Development is a new type of notice for the City and is intended to alert the adjacent homeowner when a specific development proposal has been approved. The City will continue to send a Notice of Application to residents within 500-feet of the project. The Notice of Development will include more specific development information and will alert neighbors that a development project has been approved by the City.

There are three main reasons for this proposal. The first reason is neighborhood meetings give neighbors and the community a false expectation that comments gathered at the neighborhood meetings can change a development proposal. This is especially true for subdivisions. If an applicant meets all of the requirements of the Development Code, Engineering Design Manual, and the State requirements for a subdivision and the City finds that the proposed subdivision has made the appropriate provisions for the public health, safety, welfare and requirement elements and that the public use and interest will be served, the subdivision will be approved. The neighbors can comment and give suggestions to a potential developer but the developer does not have a duty to change their plans based on community input.

For example, the City has processed 45 short plat applications between 2010 and 2017. For those 45 neighborhood meetings, there were 197 people in attendance. The City received comments from the neighborhood meeting in the form of a neighborhood meeting report submitted by the applicant as part of the application submittal package. Comments mostly

spoke to four topics: trees, traffic, parking, and density (more homes where one home existed before). Although the City received well-thought out and articulate comments, as long as the applicant meets all City and State requirements, staff will approve the application.

The second reason is in most cases, such as a townhome development, a project can be built then later subdivided. The building permit for a townhome project does not require a neighborhood meeting. If a project meets all of the Development Code standards for setbacks, density, and building height, the City will issue a building permit and construction may occur. When and if the developer decides to subdivide the townhomes into individual lots, the subdivision process currently requires a neighborhood meeting. The meeting occurs after the project is built in most cases. From a procedural standpoint, this process does not make sense.

Lastly, the notices for a neighborhood meeting are sent to property owners up to 500-feet from the development proposal. A wide notification radius is helpful for projects that can have a larger impact on a neighborhood such as a Special Use Permit or Conditional Use Permit. But for a subdivision or multiple homes on one lot, it is the adjacent property owner that experiences the impact of new construction. The City will implement a new form of notice that informs the adjacent property owner of a new development approval. The notice will include the specifics of the project, contractor information, and a contact at the City.

As part of the proposal, staff is recommending a 100-foot notification radius for the Notice of Development. A notification radius of 100 was chosen to ensure that not only neighbors adjoining the site are notified but also properties across the street are notified as well.

It should be noted that the City is still sending a Notice of Application and a Notice of Decision (if requested) to all residents within 500-feet of the proposed project. The proposed Notice of Development is a third notice which will replace the neighborhood meeting.

20.30.045 Neighborhood meeting for certain Type A proposals.

A. A neighborhood meeting shall be conducted by the applicant for temporary use permits for transitional encampment proposals.

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

~~1. Developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or~~

1. ~~2.~~ Developments requesting departures under the Deep Green Incentive Program, Chapter 20.50 SMC, Subchapter 9.

~~This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC 20.30.090 for meeting requirements).~~

20.30.050 Administrative decisions – Type B.

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision (1), (2), (3)	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan (4)	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision (4)	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner

(1) Public hearing notification requirements are specified in SMC 20.30.120.
(2) Notice of application requirements are specified in SMC 20.30.120.
(3) Notice of decision requirements are specified in SMC 20.30.150.
(4) These Type B Actions do not require a neighborhood meeting. A Notice of Development will be sent to adjacent properties.

Staff recommendation *– Staff recommends that these amendments be included in the 2017 Development Code amendment batch.*

Amendment #7 (SS)

20.30.060 Quasi-judicial decisions – Type C.

Justification – This is a numbering change only in Table 20.30.060(7) – SCTF Special Use Permit. There are no substantive changes to the provision itself.

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

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	**20.40.5025~~5~~**
8. Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #8 (BL)
20.30.400 Lot line adjustment and lot merger – Type A action.

Justification – Lot mergers and lot line adjustments are similar in nature and should follow the same process. A Lot Merger is an administrative process to join one or more lots and is

included in the Type A action table. The process for Lot Mergers is not addressed in the Development Code so this amendment will add lot mergers into SMC 20.40.400.

20.30.400 Lot line adjustment and lot merger – Type A action.

A. Lot line adjustment and lot merger are ~~is~~ exempt from subdivision review. All proposals for lot line adjustment and lot merger shall be submitted to the Director for approval. The Director shall not approve the proposed lot line adjustment or lot merger if the proposed adjustment will:

1. Create a new lot, tract, parcel, site or division;

2. Would otherwise result in a lot which is in violation of any requirement of the Code.

B. Expiration. An application for a lot line adjustment and lot merger shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City, upon a showing by the applicant of reasonable cause.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #9 (SS)
20.30.430 Site development permit for required subdivision improvements – Type A action.

Justification – Currently, the Development Code requires an applicant submit a Site Development Permit when a Preliminary Short Subdivision is applied for even if a prior Site Development Permit was approved during the building permit stage of the development process. The proposed Development Code amendment will state that a separate, or second, Site Development Permit, is not required if one was approved or is in the process of being approved through a building permit.

Engineering plans for improvements required as a condition of preliminary approval of a subdivision shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval. A separate Site Development Permit is not required if a Site Development Permit was reviewed and approved through a building permit. Permit expiration time limits for site development permits shall be as indicated in SMC 20.30.165.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

20.40 Amendments

Amendment #10 (SS)
Subchapter 3. Index of Supplemental Use Criteria

Justification – This amendment is a numbering change only. There are no substantive changes to the provision itself.

20.40.502~~5~~ Secure community transitional facility.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #11 (SS)
20.40.130 Nonresidential uses.

Justification – The following amendment is related to Amendments 1, 5 and 12. This proposed amendment will add Brewpubs, Microbreweries, and Microdistillery to the nonresidential use table. Brewpubs are proposed to be an allowed use in the NB, CB, MB, and TC-1, 2, and 3 zones. Microbreweries and Microdistillery are proposed to be an allowed use in the CB, MB, and TC 1, 2, and 3 zones. Brewpubs are most like Eating and Drinking Establishments and are proposed to be in the same zones. Microbreweries and Microdistilleries are a more intense use that can have more of a wholesale and distribution component. Because of this, Microbreweries and Microdistilleries will be prohibited in the Neighborhood Commercial zone and allowed in the CB, MB, and TC 1, 2, and 3 zones.

Table 20.40.130

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Brewpub					**P**	**P**	**P**	**P**
	Microdistillery						**P**	**P**	**P**
	Microbrewery						**P**	**P**	**P**

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #12 (SS)
20.40.160 Station area uses.

Justification – This amendment is related to Amendments 1, 5, and 11 and will add Brewpubs, Microbreweries, and Microdistilleries to the Station Area Use Table.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Brewpub	**P (Adjacent to Arterial Street)**	**P (Adjacent to Arterial Street)**	**P**
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	Microbrewery	**P (Adjacent to Arterial Street)**	**P (Adjacent to Arterial Street)**	**P**
	Microdistillery	**P (Adjacent to Arterial Street)**	**P (Adjacent to Arterial Street)**	**P**
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i

P = Permitted Use C = Conditional Use

S = Special Use -i = Indexed Supplemental Criteria

A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #13 (Private - Dittbrenner)/(PC)
20.40.210 Accessory dwelling units.

Justification – There are three proposed amendments to the Accessory Dwelling Units indexed criteria. Two of the amendments are citizen initiated and the last amendment is city-initiated.

First, a private citizen, Cindy Dittbrenner, has proposed two changes to the Accessory Dwelling Unit indexed criteria. For the applicant's justification for this amendment, refer to ***Attachment 4****.*

The first proposal is to eliminate the requirement for the property owner to occupy either the main residence or the accessory dwelling unit. The second proposal is to eliminate the required parking space for the ADU.

Staff is concerned that this proposal will change the character of single-family neighborhoods throughout Shoreline. This amendment will literally allow single-family neighborhoods to transition to multifamily neighborhoods by outright allowing for rent duplexes or detached dwelling units on every parcel zoned R-4 and R-6.

The current conditions that are required for the establishment of ADUs are there to minimize the impact to single-family neighborhoods. The requirement of the owner living in one of the units ensures that the property is maintained. The requirement for an additional off-street parking space ensures that the neighborhood streets are not burdened by additional cars. ADUs are a way to increase density of existing single-family neighborhoods, provide homeowners with the option of additional living space and rental potential, and maintains the character and aesthetic of the single-family neighborhood.

Second, the additional amendment to this section is staff proposed. Accessory structures and Accessory Dwelling Units are two different land uses. Accessory structures by code are uninhabited spaces (sheds, garages, storage). Many older accessory structures do not meet current setbacks. Currently, Accessory Dwelling Units (ADU) may be able to convert accessory structures to an ADU with substandard setbacks. The minimal that an accessory structure can be demolished in order to reestablish the same setbacks is the old foundation. All dwelling units should meet setbacks for safety and the privacy of the adjoining property.

A. Only one accessory dwelling unit per lot, not subject to base density calculations.

B. Accessory dwelling unit may be located in the principal residence, or in a detached structure.

~~C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.~~

~~Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above.~~ [Reflects Private Citizen-Initiated Amendment]

C. ~~D.~~ Accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence.

Exception to SMC 20.40.210(D): An accessory dwelling unit interior to the residence may be larger than 50 percent of the primary residence where the unit is located on a separate floor and shares a common roof with the primary residence.

~~E. One additional off-street parking space shall be provided for the accessory dwelling unit.~~ [Reflects Private Citizen-Initiated Amendment]

D. ~~F.~~ Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.

E. ~~G.~~ Accessory dwelling unit shall comply with all applicable codes and standards. Dwelling units that replace existing accessory structures must meet current setback standards. [Reflects Staff Proposed Amendment]

F. ~~H.~~ Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated.

Staff recommendation *– Staff recommends that the two citizen-initiated ADU amendments be excluded from the 2017 Development Code amendments batch and the city-initiated ADU amendment be included in the 2017 Development Code amendment batch.*

Amendment #14 (RM)(MR)
20.40.235 Affordable housing, light rail station subareas.

Justification – There are several proposed amendments to SMC 20.40.235.

The first set of amendments add a reference to SMC 3.27, which is the Chapter for property tax exemptions (PTE), and reference code language regarding permit and impact fee reductions or waivers. In order for a project to be eligible for PTE, the project must comply with eligibility standards and guidelines described in SMC 3.27.040. A new provision also explains that to be eligible for PTE, as per State code, a developer must also build 20 percent of the units to the affordability standard (as opposed to the 10 percent option also available in 20.40.235). Another new provision explains that to be eligible for permit and impact fee reductions or waivers, units must be affordable to those earning 60% or less of the King County Area Median Income.

Another amendment will strike the reference to the City's Catalyst Program related to Transfer of Development Rights. The City will revisit the issue of TDR's when Council provides direction at the end of 2017 or early 2018.

The last amendment reflects that fee-in-lieu for mandatory affordable housing is only available for partial units.

A. The purpose of this index criterion is to implement the goals and policies adopted in the Comprehensive Plan to provide housing opportunities for all economic groups in the City's light rail station subareas. It is also the purpose of this criterion to:

1. Ensure a portion of the housing provided in the City is affordable housing;

2. Create an affordable housing program that may be used with other local housing incentives authorized by the City Council, such as a multifamily tax exemption program, and other public and private resources to promote affordable housing;

3. Use increased development capacity created by the mixed-use residential zones to develop voluntary and mandatory programs for affordable housing.

B. Affordable housing is voluntary in MUR-35' and mandatory in the MUR-45' and MUR-70' zones. The following provisions shall apply to all affordable housing units required by, or allowed through, any provisions of the Shoreline Municipal Code:

1. The City provides various incentives and other public resources to promote affordable housing. Specific regulations providing for affordable housing are described below:

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
Mandatory Participation	Yes	Yes	Yes	No
Incentives (3)(4)	Height may be increased above 70 ft.; no density limits; and may be eligible for: 12-year property tax exemption (PTE) ~~upon~~ designation ~~authorization by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3~~and no density limits.~~	Entitlement of 70 ft. height; no density limits; and m~~M~~ay be eligible for 12-year property tax exemption (PTE) ~~upon authorization~~ designation ~~by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3 ~~and entitlement of 70 ft. height and no density limits.~~	Entitlement of 45 ft. height; no density limits; and ~~M~~may be eligible for 12-year property tax exemption (PTE) ~~and permit fee reduction upon authorization~~ designation ~~by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3~~entitlement of 45 ft. height and no density limits.~~	No density limits; and ~~M~~may be eligible for 12-year property tax exemption (PTE) ~~and permit fee reduction upon authorization designation by City Council~~ pursuant to ~~RCW 84.14 and~~ SMC 3.27; permit fee reduction pursuant to 20.40.235(F); and impact fee reduction pursuant to Title 3

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
				~~and no density limits.~~
Studio, 1 bedroom (3)(4)	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		
2+ bedrooms (3)(4)	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

2. Payment in lieu of constructing any fractional portion of mandatory units is available upon City Council's establishment of a fee in lieu formula. See subsection (E)(1) of this section. Full units are not eligible for fee in lieu option and must be built on-site.

~~3. Catalyst Program. The first 300 multifamily units constructed for rent or sale in any MUR zone may be eligible for an eight-year property tax exemption (PTE) upon designation by the City Council pursuant to RCW 84.14 and SMC 3.27 with no affordability requirement in exchange for the purchase of transfer of development right (TDR) credits at a rate of one TDR credit for every four units constructed upon authorization of a TDR program by City Council.~~

3. In order to be eligible for a property tax exemption pursuant to SMC chapter 3.27, 20% of units must be built to affordability standards.

4. In order to be eligible for permit or impact fee reductions or waivers, units must be affordable to households making 60% or less of the King County Area Median Income.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #15 (JT)
20.40.438 Light rail transit system/facility.[1]

Justification – This amendment will strike the reference to SMC 3.01.010 and replace with SMC 3.01. Section 3.01.010 is a reference to Planning and Community Development fees. Light rail transit system/facilities are subject to all fees imposed by the City and not just Planning and Community Development Department fees.

F. Project and Permitting Processes Light Rail System/Facility.

1. Accelerated Project and Permitting Process.

a. All City permit reviews will be completed within a mutually agreed upon reduced number of working days within receiving complete permit applications and including subsequent revisions in accordance with a fully executed accelerated project and permitting staffing agreement between the City and the project proponent.

b. The fees for permit processing will be determined as part of the accelerated project permitting staffing agreement.

c. An accelerated project and permitting staffing agreement shall be executed prior to the applicant's submittal of the special use permit application; or the applicant may choose to utilize the City's standard project and permitting processes set forth in subsection (F)(2) of this section.

2. Standard Project and Permit Process.

a. All complete permit applications will be processed and reviewed in the order in which they are received and based on existing resources at the time of submittal.

b. Cost. Permit fees will be charged in accordance with Chapter 3.01 SMC ~~SMC 3.01.010~~. This includes the ability for the City to charge its established hourly rate for all hours spent in excess of the estimated hours for each permit.

c. Due to the volume of permits anticipated for development of a light rail system/facilities in the City, in absence of an accelerated project permitting staffing agreement, the target time limits for decisions denoted in Chapter 20.30 SMC may be extended by the Director if adequate staffing is not available to meet demand.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #16 (SS)
20.40.505 Secure community transitional facility.

Justification – This amendment only changes the numbering of the section. There are no substantive changes to the provision itself.

20.40.505~~5~~2 Secure community transitional facility.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #17 (PC)
20.40.504 Self-storage facility.

Justification – There are two clarifications added to the screening and fencing requirements for self-storage facilities.

SMC 20.40.504(C)(4) is the section that requires loading docks, entrances, or bays be screened. The section does not say from where or what loading docks, entrances, or bays need to be screened. Staff is proposing to add types of screening and "from adjacent right-of-ways" since the intent is to screen these parts of the development from the street.

SMC 20.40.504 (C) (5),The code is currently unclear if fences and walls are required for self-storage facilities so this amendment clarifies that if a fence or wall is provided, it needs to meet the provisions of 20.40.504 (C)(5).

The third amendment for SMC 20.40.504 (C) (9) is only to remove unnecessary formatting.

A. Location of Self-Storage Facilities.
1. Self-storage facilities shall not be permitted on property located on a corner on an arterial street. For the purposes of this criterion, corners are defined as all private property adjacent to two or more intersecting arterial streets for a minimum distance of 200 feet in length by a width of 200 feet as measured from the property lines that face the arterials.

2. Self-storage facilities shall not be permitted in the Aurora Square Community Renewal Area.

3. In the Community Business zone, self-storage facilities are allowed adjacent to Ballinger Way NE, 19th Ave NE and Bothell Way NE only.

B. Restrictions on Use of Self-Storage Facilities.

1. The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in storage. Storage units shall not be used for activities such as: residences, offices, workshops, studios, hobby or rehearsal areas.
Self-storage units shall not be used for:

a. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other industrial activity is prohibited.

b. Conducting garage or estate sales is prohibited. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.

c. Storage of flammable, perishable or hazardous materials or the keeping of animals is prohibited.

2. Outdoor storage is prohibited. All goods and property stored at a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is permitted.

C. Additional Design Requirements.

1. Self-storage facilities are permitted only within multistory structures.

2. Self-storage facilities shall not exceed 130,000 square feet.

3. All storage units shall gain access from the interior of the building(s) or site – no unit doors may face the street or be visible from off the property.

4. Loading docks, entrances or bays shall be screened with screens, fences, walls, or evergreen landscaping from adjacent right-of-ways.

5. If a ~~F~~fence~~s~~ or ~~and~~ wall~~s~~ around an~~d~~ ~~including~~ entry is proposed then they shall be compatible with the design and materials of the building(s) and site. Decorative metal or wrought iron fences are preferred. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of precast concrete blocks are prohibited. Fences or walls are not allowed between the main or front building on the site and the street. Landscape areas required by the design guidelines or elsewhere in this code shall not be fenced.

6. Each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of 20 percent glass. All other building elevations shall include windows (or translucent cladding materials that closely resemble windows) such that not less than seven and one-half percent of said elevations provide either transparency or the illusion of transparency when viewed from the abutting street or property.

7. Unfaced concrete block, painted masonry, tilt-up and precast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.

8. Exterior colors, including any internal corridors or doors visible through windows, shall be muted tones.

9. Prohibited cladding materials include: ~~(a)~~ unbacked, noncomposite sheet metal products that can easily dent; ~~(b)~~ smooth face CMUs that are painted or unfinished; ~~(c)~~ plastic or vinyl siding; and ~~(d)~~ unfinished wood.

10. Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping the fixtures for other purposes.

11. Self-storage facilities are required to be Leadership in Energy and Environmental Design (LEED) certified.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

20.50 Amendments

Amendment #18 (MR)
20.50.020(1) and (2) – Densities and Dimensions in MUR Zones

Justification – As was done with the MUR zones along NE 185th and 145th Streets, setbacks need to be expanded along the entire length of NE 145th Street so that no new buildings extend into the area that may need to be acquired to expand the roadway. This can be accomplished simply by referencing the existing exception 14 to Tables 20.50.020 (1) and (2) below. An additional exception has been added to Table 20.50.020 (3) in Amendment #19 for the same purpose.

Table 20.50.020(1)

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

(14) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in

Table 20.50.020(2), will be determined by the Public Works Department through a development application.

Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.

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

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

Exceptions to Table 20.50.020(1) and Table 20.50.020(2):

(1) Repealed by Ord. 462.

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

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

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

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

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

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

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

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

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

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

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

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

(14) (14) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

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

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

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #19 (SS)(DE)(MR)
20.50.020(3) – Dimensional requirements.

Justification – There are three amendments below.

The first amendment adds a setback between commercial zones and MUR zones. The initial development regulations adopted to implement the 185th and 145th Street Station Subarea Plans failed to include a setback requirement when an MUR zone is adjacent to a commercial zone. The proposal is to allow a 0-foot setback for MUR-70' when adjacent to commercial zones. The MUR-70' zone is most like commercial zones in terms of development potential and should follow the same guidelines for development. The proposal for the MUR-35' and MUR-45' zones is different. The MUR-35' and MUR-45' zones are less intense and are most like the R-12 through R-48 zones. The proposed setback standard is 15-feet from commercial zones, the same setback established for the R-12 through R-48 zones.

The second amendment changes the building height in the Mixed Business (MB) zone to 70 feet. A building height of 70 feet is currently allowed in the Town Center 1, 2, and 3 zones as well as MUR-70'. When the City developed the Town Center Subarea Zone, a 65 feet height limit was proposed. However, building designers encouraged an increase of 5' in the height limit to create better living spaces. A 65' six-story building typically has 8' ceiling heights in its five wood-framed stories; adding 5' to the height allows those units to enjoy 9' ceiling heights with larger windows and an enhanced sense of volume. Meanwhile, a 5' increase is not sufficient to allow an additional story, so the change does not modify the impact of the building.

The 70' height limit for the Town Center zones has validated the benefits of the increase, so Staff recommends that the height limit of the MB zone also be raised to 70'.

The third amendment adds an exemption to clarify that the setback along the length of 145th Street will be determined by Public Works through a development application.

Table 20.50.020(3) – Dimensions for Development in Commercial Zones
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Commercial Zones				
STANDARDS	**Neighborhood Business (NB)**	**Community Business (CB)**	**Mixed Business (MB)**	**Town Center (TC-1, 2 & 3)**
Min. Front Yard Setback (Street) (1) (2) (5); (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' Zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35', and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ~~65~~ ft	70 ft
Hardscape (4)	85%	85%	95%	95%

Exceptions to Table 20.50.020(3):
(1) Front yards may be used for outdoor display of vehicles to be sold or leased.
(2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.
(3) The following structures may be erected above the height limits in all commercial zones:
a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC 20.40.600) are not included in this exception.
b. Parapets, firewalls, and railings shall be limited to four feet in height.
c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.
d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.

e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.
(4) Site hardscape shall not include the following:
a. Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.
b. Intensive vegetative roofing systems.
(5) The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

***Staff recommendation** – Staff recommends that these amendments be included in the 2017 Development Code amendment batch.*

Amendment #20 (TJ)
20.50.021 – Transition Areas

Justification – The proposed amendment clarifies that the Director of Public Works shall determine that all vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless technically not feasible or in conflict with State law addressing access to State highways.

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

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

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

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director of Public Works to be technically not feasible or in conflict with State law addressing access to State

highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #21 (KS)
20.50.040 Setbacks – Designation and measurement.

Justification – There are two proposed amendments for this section.

The first amendments will allow additions to single family homes to line up with the eave of the existing structure, provided the eave does not project closer than four feet to the property line. Currently, the code does not allow eaves to project into a five-foot side yard setback, so the home owner has two choices, either move the addition to allow space for the eave or don't provide an eave at all. If the addition is moved over, the addition appears piecemeal and not integrated into the original structure. If the eave is left off, no weather protection is provided and the addition does not match the original structure. This proposal will allow additions to appear integrated into the original structure and provide weather protection which contributes to better maintained homes.

The second amendment clarifies the need to make sure that projections, of any type, are not allowed into 5-foot minimum setbacks. For side yards, this is pretty well covered, but since we also have a number of zones where the rear yard setback is only 5 feet (R-8 through R-48, TC-4, all MUR zones), some of the wording leaves potential room for projections into 5-foot minimum rear yard setbacks which was not intended.

I. Projections into Setback.

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot yard setback except:

a. Gutters;

b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or

c. On-site drainage systems.

d. Where allowed by the International Building Code and International Fire Code minimum fire separation distance requirements, required yard setback distance from adjacent property lines may be decreased by a maximum of four inches for the sole purpose of adding insulation to the exterior of the existing building structural frame. Existing buildings

not conforming to development standards shall not extend into required yard setback more than what would be allowed for a conforming structure under this exception.

e. Rain barrels, cisterns and other rainwater catchment systems may extend into a required yard setback according to the following:

i. Cisterns, rain barrels or other rainwater catchment systems no greater than 600 gallons shall be allowed to encroach into a required yard setback if each cistern is less than four feet wide and less than four and one-half feet tall excluding piping.

ii. Cisterns or rainwater catchment systems larger than 600 gallons may be permitted in required yard setbacks provided that they do not exceed 10 percent coverage in any required yard setback, and they are not located closer than two and one-half feet from a side or rear lot line, or 15 feet from the front lot line. If located in a front yard setback, materials and design must be compatible with the architectural style of the building which it serves, or otherwise adequately screened, as determined by the Director.

iii. Cisterns may not impede requirements for lighting, open space, fire protection or egress.

2. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into required setbacks, except into any five-foot yard required setback ~~a side yard setback that is less than seven feet~~, provided such projections are:

a. Limited to two per facade;

b. Not wider than 10 feet;

c. Not more than 24 inches into a side yard setback ~~(which is greater than seven feet)~~; or

d. Not more than 30 inches into a front and rear yard setback.

3. Eaves shall not project ~~more than~~:

a. ~~Eighteen inches into a required side yard setback and shall not project a~~At all into a five-foot required setback except eaves may be allowed in order to accommodate a single-family house addition to align with the existing structure, provided the eave shall not encroach closer to the side yard property line than four feet;

b. ~~More than t~~Thirty-six inches into a front yard and/or rear yard setback. Eaves shall not project into any five-foot yard required setback, and shall not project more than:

a. Eighteen inches into a required side yard setback ~~and shall not project at all into a five-foot setback~~ except eaves may be allowed in order to accommodate a single-family house addition to align with the existing structure, provided the eave shall not encroach closer to the side yard property line than four feet;

b. Thirty-six inches into a front yard and/or rear yard setback.

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

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

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback, but shall not be allowed into any five-foot yard setback.

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

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

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

b. A maximum height of eight feet;

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

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

10. No projections are allowed into an access easement.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #22 (PC)
20.50.240 (C) Site Frontage

Justification – There are two proposed amendments to this section.

The first amendment deletes the requirements for minimum space dimensions on the ground floor in commercial and mixed-use zones. The original code amendment to require 12-foot ceilings was proposed because staff believed that all commercial space per IBC were required to have that height. The intent was to set up the potential of commercial uses with the flexibility, in the meantime, to allow apartments in these spaces. However, the IBC does not require 12 feet for a commercial use. For the minimum habitable commercial or residential space, the Building Official suggests a minimum 10 foot ceiling to allow space for ceiling mechanical equipment, though not required, to ease conversion to commercial uses. Most every developer since the code change 5 years ago has requested to depart from the Commercial Design Standards to lower the ceiling height to use those spaces for apartments. From an aesthetic concern, first floor frontages require 50% window area and awnings over sidewalks. The flexibility to use these first floor frontage spaces would remain.

The second amendment to this section is related to access in the 145th and 185th Street Station Subareas. The intent of the code section is desirable by staff and consistent with the intent of the Station Area Subarea Plans to discourage frequent driveway cuts directly on to both 145th and 185th. However, the phrase "unable to obtain access from side streets or alleys" is problematic when the City has no way of knowing whether a developer tried to or can obtain the preferred accesses nor require them to obtain it. In addition, Administrative Design Reviews (ADRs) under SMC 20.30.297, specifically refer to the standards under the sign code and the commercial design standards. Relying on an ADR to resolve a design problem that is black and white - either you have rights to access or you don't - is not the intent of that process. It is more direct and plausible if the City requires the alternative access if an adjoining public side street or alley exists or will be required to be constructed by Public Works. Also, the existing extent of this requirement on 185th and 145th Avenues does not match with the Subareas' boundaries. To be consistent with the Subareas and SMC 20.50.240(C)(1), this requirement should apply to all MUR zones on 145th and 185t.h.

C. Site Frontage.

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

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

b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;

c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 10~~2~~-foot height and 20-foot depth ~~and built to commercial building code~~. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

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

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

g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb

and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;

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

i. New development in MUR zones on 185th Street and NE 145th Street; and 5th Avenue between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. ~~If new development is unable to gain access from a side street or alley, an applicant may provide alternative access through the administrative design review process;~~ and

j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

Staff recommendation *– Staff recommends that these amendments be included in the 2017 Development Code amendment batch.*

Amendment #23 (KS)(Private - Walgamott)
20.50.310 Exemptions from permit

Justification – There are two proposed amendments to this section.

First, to clarify language in this section about when an after-the-fact permit may be required for removal of an active or imminent hazard tree. Currently, this provision is somewhat confusing and has been interpreted/administered differently by different staff. This amendment clarifies that an after-the-fact permit is only required if the City determines that emergency removal was not warranted. This amendment also includes a correction for a prior typographical error.

*Second, this is a citizen-initiated request to amend this section (**Attachment 5**). The proposed amendment would exclude the MUR-70' zone from SMC 20.50.310(A) which is the complete exemption from tree conservation, land clearing, and site grading section of the code. The applicant has stated that by exempting the MUR-70' zone from tree requirements, there will adverse effects on shade, habitat, climate control, pollution, and aesthetics. The Council discussed the issue of trees in the MUR zones at length during the adoption process of both the 145th and 185th Street Station Subarea Plans in 2015. It was determined at that time that tree retention and replacement standards are appropriate in the MUR-35' and MUR-45' zones since those two zones are similar to other residential zones that have the necessary open space to retain and plant new trees. The MUR-70' zone is similar to other commercial and mixed-use zones throughout the City and the retention and replacement of trees will make development more difficult.*

In addition to proposing that developers in the MUR-70 zone not be completely exempt, this request proposed three suggested requirements: (1) provide incentives for the retention of large trees, such as tax breaks, bonus height/units (2) require a 1 to 3 replacement ratio for trees of 30"+DBH and for these trees (street or habitat settings) to be located within ¼ mile of the site;

(c) require a minimum of 1 tree that will mature to significant DBH be incorporated in landscaping plan for site. The proposed language for these new requirements are located in Amendment #27.

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

~~1. Emergency situation on private property involving danger to life or property or substantial fire hazards.~~
~~a. **Statement of Purpose**. Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.~~

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

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

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

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

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

4. ~~5.~~ Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, ~~and MUR-70'~~ unless within a critical area or ~~of~~ critical area buffer. [Reflects both Private Citizen-Initiated Amendment and staff amendment to fix prior typographical error.]

5. ~~6.~~ Removal and restoration of vegetation within critical areas or their buffers consistent with the provisions of SMC 20.80.030(E) or removal of trees consistent with SMC 20.80.030(G) unless a permit is specifically noted under SMC 20.80.030(E).

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 a maximum of six significant trees (excluding trees greater than 30 inches DBH per tree) in accordance with Table 20.50.310(B)(1) (see Chapter 20.20 SMC, Definitions).

Table 20.50.310(B)(1) – Exempt Trees

Lot size in square feet	Number of trees
Up to 7,200	3
7,201 to 14,400	4
14,401 to 21,780	5
21,781 and above	6

2. The removal of any tree greater than 30 inches DBH, or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).

3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.

4. Emergency tree removal on private property. A tree may be removed in whole or part if it is creating an active and imminent hazard to life and structural property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events, so as to require immediate action within a time too short to allow full compliance with this chapter. After removal, the property owner shall provide the City with photographic or other types of evidence to demonstrate the hazard and the need for emergency removal. If upon review of this evidence the City determines that emergency removal was not warranted, then the property owner will be required to obtain the necessary permits and mitigate for the tree removal as set forth in this chapter.

Staff recommendation *– Staff recommends that the first amendment be included in the 2017 Development Code amendment batch. Staff recommends the second, citizen initiated, amendment not be included in the 2017 Development Code amendment batch.*

Amendment #24 (KS)
Exception 20.50.350(B)

There are two proposed exceptions
Justification – The wording of this exception makes it unclear whether BOTH (1) AND (2) are required in order to grant the exception, or EITHER (1) OR (2) may be the basis for granting the exception. My initial understanding was that both are needed, based on the use of the phrase "in addition", but the Director's interpretation of this exception concluded that this meant (1) and (2) are two alternative sets of criteria and that the exception may be granted if either is fulfilled. If this is the case, then the wording needs to be made clearer. I am also recommending that we remove the phrase "and approve by the City" in regards to arborists as we no longer maintain lists of qualified professionals, and add additional wording to be consistent with our current code definition of a certified arborist.

Exception 20.50.350(B):
1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist ~~and approved by the City~~ that retention of the minimum percentage of trees is not advisable on an individual site; OR.

2. The Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:

- *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
- *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
- *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

3. If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC 20.50.360 for all significant trees removed beyond the minimum allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC 20.50.350(B).

4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #25 (Private - Walgamott)
20.50.360(C) Tree replacement and site restoration.

Justification – This is a privately initiated amendment (Attachment #5) and is related to Amendment #23. See Amendment #23 for justification.

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1) may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.

2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.

3. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:

i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.

ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.

iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.

iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

c. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.

4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.

5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.

6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.

D. Tree Retention and Replacement in the MUR-70' Zone. Tree removal in the MUR-70' zone shall comply with the following requirement:

1. Removal of 30-inch diameter or larger trees shall be replaced by three trees within a quarter mile of the property and maintained for three years.

2. One tree must be planted and maintained onsite.

3. Incentives for greater tree retention shall be provided by the Director. Incentives include tax breaks, additional building height, and reduced parking.

E. ~~D.~~ The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

F. ~~E.~~ The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

G. ~~F.~~ Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.

H. ~~G.~~ The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

I. ~~H.~~ All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.

J. ~~I.~~ Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to

be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;

2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and

3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

K. ~~J.~~ Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

L. ~~K.~~ Performance Assurance.

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.

2. A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.

3. The Director shall exempt individual single-family lots from a maintenance bond, except where a clearing violation has occurred or tree replacement is located within critical areas or critical area buffers.

M. ~~L.~~ Monitoring. The Director may require submittal of periodic monitoring reports as necessary to ensure survival of replacement trees. The contents of the monitoring report shall be determined by the Director.

N. ~~M.~~ Discovery of Undocumented Critical Areas. The Director may stop work authorized by a clearing and grading permit if previously undocumented critical areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site.

Staff recommendation *– Staff does not recommend that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #26 (PC)
20.50.410(F) Parking Design Standards

Justification – Structural items, such as columns, are becoming more prevalent in underground parking areas. They are frequently placed between two parking spaces and tight enough in that space to make it difficult to park, open doors, and exit the vehicle. Staff not only calculates the number of parking spaces and their dimensions but also the ease of parking. If parking becomes difficult, then some of the required spaces become unusable.

F. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410F below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. For these Director's determinations for parking angles not shown in Table 20.50.410F, parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design. Structural columns or permanent structures cannot be placed within the minimum parking stall dimension, impede the opening of vehicle doors or the ability of passengers to walk from the parking space.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #27 (SS)
20.50.470 Street frontage landscaping

Justification – This proposed amendment makes it clear that SMC 20.50.470 (A) through (D) only applies to street-front landscaping between a building and the right-of-way. Currently, the Development Code language is unclear when this section applies to a specific development. Adding "for parking lots" in the title of the section will make it clear this section only applies to parking lots along the street frontage.

SMC 20.50.470 Street frontage landscaping for parking lots.

A. Provide a five-foot-wide, Type II landscaping that incorporates a continuous masonry wall between three and four feet in height. The landscape shall be located between the public sidewalk or residential units and the wall; or

B. Provide at least 10-foot-wide, Type II landscaping.

C. All parking lots shall be separated from ground-level, residential development by the required setback and planted with Type I landscaping.

D. Vehicle Display Areas Landscaping. Shall be determined by the Director through administrative design review under SMC 20.30.297. Subject to the Director's discretion to reduce or vary the depth, landscaped areas shall be at least 10 feet deep relative to the front property line. Vehicle display areas shall be framed by appropriate landscape materials along the front property line. While allowing the vehicles on display to remain plainly visible from the public rights-of-way, these materials shall be configured to

create a clear visual break between the hardscape in the public rights-of-way and the hardscape of the vehicle display area. Appropriate landscape construction materials shall include any combination of low (three feet or less in height) walls or earthen berms with ground cover, shrubs, trees, trellises, or arbors.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #28 (SS)
20.50.490 Landscaping along interior lot line – Standards.

Justification – This proposed amendment is a clean-up amendment. The Definitions of various types of dwellings were updated in 2016 which included multifamily development. At that time, the number of units that comprised a multifamily development was deleted. This amendment will delete the number of units from this section which is consistent with the definition of multifamily.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development ~~of more than four units~~ shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback.

C. A 20-foot width of Type I landscaping shall be provided for institutional and public facility development adjacent to single-family residential zones. Portions of the development that are unlit playgrounds, playfields, and parks are excluded.

D. Parking lots shall be screened from single-family residential uses by a fence, wall, plants or combination to block vehicle headlights.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

20.70 Amendments

Amendment #29 (SS)(BL)(TJ)
20.70.440 – Access (New Subchapter)

Justification – There has been confusion about required driveway widths for certain types of development. This proposed Subchapter of the Engineering and Utilities Development Standards will list the appropriate driveway widths for certain types of development. The Public Works Department has recently updated the Engineering Development Manual and includes five types of driveways:

1. *Residential*
2. *Shared*
3. *Multifamily*
4. *Commercial*
5. *Private Street*

The Development Code has different types of development types and this amendment will marry the specific types to the appropriate driveway type in the Engineering Development Manual. Once the development type and number of units proposed are known, the applicant can then be referred to the Engineering Development Manuel where the driveway type and specific design standards are located.

This amendment will clear-up any confusion about what type and width of driveway is required for a specific type of development.

The title page of Chapter 20.70 will also be updated to include the new Subchapter and Sections.

Subchapter 6. Access Standards

20.70.440 Purpose.
20.70.450 Access Widths.

20.70.440 Purpose**.**
The purpose of this subchapter is to establish basic dimensional standards for access widths when applied to certain types of development. Access widths are described and defined in the Engineering Development Manual.

20.70.450 Access widths

A. Table 20.70.450 – Access Widths

Dwelling Type and Number	**Engineering Development Manual Access Types and Width**
1 unit	Residential
2-4 units	Shared

5 or more units	Multifamily
Commercial, Public Facility	Commercial
Circular	Per Criteria in EDM
5 or more units without adjacent development potential	Private Street

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

20.80 Amendments

Amendment #30 (PC)
20.80.025(A) and (B) Critical area maps

Justification – Some refinements to the code are needed to further clarify whether or not a critical area exists on a property. Under SMC 20.80.025(A) the city describes resources to determine the existence of a critical area. However, in SMC 20.80.25(B) it leaves it open to the property owner and qualified professional to determine the presence or absence of a critical area. That could be applied and need to be proven for every property in the city. If the City does not have the resources to establish all critical areas for property owners to rely on then we cannot assume there is a critical area unless proven otherwise. The intent is to give the property owner clear steps to assure if they need to continue and comply with the CAO. Staff recommends that we provide clarity on this matter by amending this code section as follows.

A. The approximate location and extent of identified critical areas within the City's planning area are shown on the critical areas maps adopted as part of this chapter, including but not limited to the maps identified in SMC 20.80.222, 20.80.272 and 20.80.322. These maps shall be used for informational purposes as a general guide only for the assistance of ~~only to assist~~ property owners and other interested parties. Boundaries and locations indicated on the maps are generalized. Critical areas and their buffers may occur within the City, which have not previously been mapped. A site inspection or an application's Critical Area Worksheet may also indicate the presence of a critical area.

B. Based on an indicated critical area in subsection A., the actual presence or absence, ~~a type, extent, boundaries~~, delineation and classification of critical areas shall be identified in the field by a qualified professional, and confirmed ~~determined~~ by the City, according to the procedures, definitions and criteria established by SMC 20.80.080(D)(1 and 2). In the event of any conflict

between the critical area location and designation shown on the City's maps and the criteria or standards of this chapter, the criteria and standards shall prevail.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #31
20.80.030 – Exemptions

Justification – This amendment is related to amendment #23, amendment #38, and amendment #39. The amendment is simply updating the reference to SMC 20.50.310(B)(4).

F. **Active Hazard Trees.** Removal of active or imminent hazardous trees in accordance with SMC 20.50.310(B)(4)~~(A)(1)~~;

Amendment #32 (PC)
20.80.040 (C) Allowed activities.

Justification *– Chapter 20.80 SMC has a subsection that addresses structural modifications within critical areas. 1. The references to "additions" apply only to the last sentence of C. Additions into a critical area or buffer are not allowed activities unless they are vertical additions. 2. To make allowed modifications there will need to be a margin around the structure to allow construction access to make those modifications. 3. If existing, nonconforming structures are located in a critical area and a proposed addition is entirely outside the critical area then a proposed addition would not require conformance with SMC 20.80.*

C. Allowed Activities. The following activities are allowed:

1. Structural modification of, additions to, maintenance, repair, or replacement of legally nonconforming structures consistent with SMC 20.30.280, which do not meet the building setback or buffer requirements for wetlands, fish and wildlife habitat conservation areas, or geologic hazard areas if the modification, addition, replacement or related activity does not increase the existing building footprint of the structure or area of hardscape lying within the critical area or buffer. Within landslide hazard areas additions that add height to a nonconforming structure may only be allowed with review of a critical area report demonstrating that no increased risk of the hazard will occur. If such modifications, alterations, repair, or replacement require encroachment into a critical area or a critical area buffer to perform the work, than encroachment may be allowed subject to restoration of the area of encroachment to a same or better condition ~~Where nonconforming structures are partially located within critical areas or their buffers, additions are allowed with a critical area report delineating the critical area(s) and required buffers showing that the addition is located entirely outside the critical area or buffer;~~

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #33 (PC)
20.80.045 Critical areas preapplication meeting.

Justification - Critical area reports are expensive and their recommendations may become, in the final analysis, unnecessary especially for the single family owner. It is the City's responsibility to provide clarity to the property owner. A critical area report for development "adjacent" or "likely to impact" could encompass a huge area. However, it may be needed if an adjoining critical area could be classified to include the proposed development. If it is questionable that critical area report is needed, the City should allow the property owner to first submit a much reduced delineation study and then, if required, supplemental information to fill out a complete critical area report.

A. A preapplication meeting, pursuant to SMC 20.30.080, is required prior to submitting an application for development or use of land or prior to starting a development activity or use of the land that may be regulated by the provisions of this chapter unless specifically exempted in SMC 20.80.030.

B. A determination may be provided through the preapplication meeting regarding whether critical area reports are required, and if so what level of detail and what elements may be necessary for the proposed project. . An applicant may submit a critical area delineation and classification study prior to the City determining that a full critical area report is required.

This determination does not preclude the Director from requiring additional critical area report information during the review of the project. After a site visit and review of available information for the preapplication meeting, the Director may determine:

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #34 (PC)
20.80.050 Alteration of Critical Areas

Justification – The provisions of this subsection clarify that critical areas shall be maintained in their natural state or current, legal condition. It includes critical areas in their natural state but does not include clarification of what "current condition" means. This is important considering

the amount of existing development on relatively small parcels where a critical area may be on the adjacent property and its buffer laps over onto the subject property.

In general, critical areas and their buffers shall be maintained in their existing~~, natural~~ state including undisturbed, native vegetation to maintain the functions, values, resources, and public health and safety for which they are protected or allowed as the current, developed legally established condition such as graded areas, structures, pavement, gardens and lawns ~~including developed areas such as grading, structures, pavement, gardens, and lawns.~~ Alteration of critical areas, including their established buffers, may only be permitted subject to the criteria and standards in this chapter, and compliance with any Federal and/or State permits required. Unless otherwise provided in this chapter, if alteration of the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best available science in accordance with an approved critical areas report, so as to result in no overall net loss of critical area functions and values and no increased risk of hazards.

***Staff recommendation** – Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #35 (PC)
20.80.080 Critical Area Reports – Requirements

Justification – Critical areas can be on an adjacent property with the critical area's buffers extending onto the property where development is proposed. Currently under SMC 20.80.080(D)(1) Reconnaissance of adjoining properties within 200-300 feet of the subject property are required to be included in the report. When the buffer area extends onto the property where the development is proposed and does not meet the isolated critical area standards, reconnaissance is restricted if a qualified professional is denied access to the property. This is a problem in a suburban/urban area where lots are smaller and have been previously altered.

A. Report Required. If uses, activities, or developments are proposed within, adjacent to, or are likely to impact critical areas or their buffers, an applicant shall provide site-specific information and analysis in the form of critical area report(s) as required in this chapter. Critical area reports are required in order to identify the presence, extent, and classification/rating of potential critical areas, as well as to analyze, assess, and mitigate the potential adverse impact to or risk from critical areas for a development project. Critical area reports shall use standards for best available science in SMC 20.80.060. Critical area reports for two or more types of critical areas must meet the report requirements for each type of critical area. The expense of preparing the critical area report(s) shall be borne by the applicant. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100.

D. Critical Area Report Types or Sections. Critical area reports may be met in stages through multiple reports or combined in one report. A critical area report shall include one or more of the

following sections or report types unless exempted by the Director based on the extent of the potential critical area impacts. The scope and location of the proposed project will determine which report(s) alone or combined are sufficient to meet the critical area report requirements for the impacted critical area type(s). The typical sequence of required sections or reports that will fulfill the requirements of this section include:

1. Reconnaissance. The existence, general location, and type of critical areas in the vicinity of a project site (off site within 300 feet for wetlands and fish and wildlife habitat conservation areas and off site within 200 feet for geologic hazards, shorelines, floodplains, and aquifer recharge areas) of a project site (if allowed by the adjoining property owners). Determination of whether the project will adversely impact or be at risk from the potential critical areas based on maximum potential buffers and possible application of SMC 20.80.220(A)3), .280(D)(7) or SMC .330(G)(10) should be addressed;

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #36 (PC)
20.80.090 Buffer Areas

Justification – Buffer areas are required to be an undisturbed area of native vegetation. One purpose of 20.80 is that critical areas are not impacted. The intent is that if there has been a previous buffer code violation where an ideal buffer existed then it should be restored. If a previously legally established use or activity has been in the buffer area, the City does not require restoration. In many cases, buffers are people's yard with gardens and lawn, sheds, and driveways. Limited additional development in these buffers or mitigating damage or alteration to the native vegetation in order to not impact the critical area makes sense. However, to require that they remove all non-native vegetation and yard uses does not. Per 20.80.050, the existing condition of critical areas should be allowed to remain or mitigated if impacted by the proposed development.

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. In all cases the standard buffer shall apply unless the Director determines that additional buffer width is necessary or reduced buffer is sufficient to protect the functions and values consistent with the provisions of this chapter and the recommendations of a qualified professional. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands. ~~Buffers shall consist of an undisturbed area of native vegetation established to achieve the purpose of the buffer. If the buffer area has previously been disturbed, it shall be revegetated pursuant to an approved mitigation or restoration plan~~. Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of

the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas.

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

Amendment #37 (CL)
20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.

Justification - This proposal provides clarification that the unit of measurement for wetland mitigation is area (square feet). For example, if one (1) square foot of wetland is being impacted, then four (4) square feet shall be created or reestablished. Currently no unit of measurement is provided.

E. **Wetland Mitigation Ratios[1].**

Table 20.80.350(G). Wetland mitigation ratios apply when impacts to wetlands cannot be avoided or are otherwise allowed consistent with the provisions of this chapter.

Category and Type of Wetland[2]	Creation or Reestablishment (Area – in square feet)	Rehabilitation (Area – in square feet)	Enhancement (Area – in square feet)	Preservation (Area – in square feet)
Category I: Based on total score for functions	4:1	8:1	16:1	20:1
Category I: Mature forested	6:1	12:1	24:1	24:1
Category I: Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
Category II: Based on total score for functions	3:1	6:1	12:1	20:1
Category III (all)	2:1	4:1	8:1	15:1
Category IV (all)	1.5:1	3:1	6:1	10:1

Table 20.80.350(G). Wetland mitigation ratios apply when impacts to wetlands cannot be avoided or are otherwise allowed consistent with the provisions of this chapter.

Category and Type of Wetland[2]	Creation or Reestablishment (Area – in square feet)	Rehabilitation (Area – in square feet)	Enhancement (Area – in square feet)	Preservation (Area – in square feet)

[1] Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a or 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (Ecology Publication No. 06-06-011a, March 2006, or as revised).

[2] Category and rating of wetland as determined consistent with SMC 20.80.320(B).

Staff recommendation *– Staff recommends that this amendment be included in the 2017 Development Code amendment batch.*

20.230 Amendments

Amendment #38
20.230.200 – Land Disturbing Activity Policies

Justification - This amendment is related to amendment #23, amendment #31, and amendment #39. The amendment is simply updating the reference to SMC 20.50.310(B)(4).

B. Land Disturbing Activity Regulations.
1. All land disturbing activities shall only be allowed in association with a permitted shoreline development.

2. All land disturbing activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan. Clearing invasive, nonnative shoreline vegetation listed on the King County Noxious Weed List is permitted in the shoreline area with an approved clearing and grading permit provided best management practices are used as recommended by a qualified professional, and native vegetation is promptly reestablished in the disturbed area.

3. Tree and vegetation removal shall be prohibited in required native vegetation conservation areas, except as necessary to restore, mitigate or enhance the native vegetation by approved permit as required in these areas.

4. All significant trees in the native vegetation conservation areas shall be designated as protected trees consistent with SMC 20.50.330 and removal of hazard trees must be consistent with SMC 20.50.310(B)(4)(~~A)(1~~).

SMC Title 13 Amendment

Amendment #39
SMC 13.12.700(C)(3) – Permits

Justification - This amendment is related to Amendment #23, Amendment #31, and Amendment #38. The amendment is simply updating the reference to SMC 20.50.310(B)(4).

C. Permit Exemptions. Activities that do not meet the definition of "development" in SMC 13.12.105 are allowed in the regulatory floodplain and do not require a floodplain development permit. The following are examples of activities not considered development or "manmade changes to improved or unimproved real estate":

1. Routine maintenance of landscaping that does not involve grading, excavation, or filling;

2. Removal of noxious weeds and replacement of nonnative vegetation with native vegetation provided no earth movement occurs;

2. Removal of hazard trees consistent with the requirements of SMC 20.50.310(B)(4) ~~(A)(1)~~ or SMC 20.80.030(H);

Amendment #40 (PC)
Table 20.40.130 and Table 20.40.150– Shipping Containers

Justification – Shipping containers have been a contemporary land use that were previously addressed in the Development Code. They were previously allowed only in commercial areas with a Conditional Use Permit. Currently, shipping containers are not a listed land use but are allowed with design standards in the Commercial Design Standards which apply to all commercial zones. All buildings in commercial zones must comply with building design

standards in SMC 20.50.250. The exception is in self-storage development where they are prohibited (SMC 20.40.504 (B)(2)).

Since the Land Use tables do not list or address shipping containers, the City is receiving requests from single family development to place shipping containers on their property. Staff believes that the request to use shipping containers comes in waves/trends depending on their availability and cost. Normally, if a land use is not listed in the tables, we require a code interpretation to determine how an unlisted land use should be regulated.

Staff would like to clarify this land use issue by adding shipping containers as a land use in the land use tables and prohibits them in all Residential zones (R-4 through R-48) and to allow them in all commercial zones (consistent with the commercial design standards) and campus zones.

20.40.130 Nonresidential uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Shipping Container					P	P	P	P

20.40.150 Campus uses.

NAICS #	**SPECIFIC LAND USE**	**CCZ**	**FCZ**	**PHZ**	**SCZ**
	Shipping Container	P	P	P	P

CITY OF MUKILTEO

City of Mukilteo

11930 Cyrus Way, Mukilteo, WA 98275
(425) 263-8000
www.mukilteowa.gov
permittech@mukilteowa.gov

Project Construction Notice

A construction permit has been issued in your neighborhood.

If you experience difficulties during project construction, please try to resolve them with the project owner and contractor. If it is ineffective to work with the project owner or contractor, or if you have any questions about the project, call the city contact person listed below.

Shawna Gossett
11930 Cyrus Way, Mukilteo, WA 98275
(425)-263-8060 Fax (425)-212-2068

Lender information is required for any construction project costing more than five (5) thousand dollars. This notice shall be posted in plain view for the duration of the construction project by the prime contractor (RCW 60.04.230)

Mukilteo Municipal Code, Section 9.46.080 restricts construction noise between the hours of 9:00 p.m. and 7:00 a.m. Monday – Friday and 7:00 p.m. and 9:00 a.m. on weekends and holidays. Damages from construction activities are a civil matter between private parties and is not something the City can arbitrate. If you experience problems in this area; you may contact Everett District Small Claims Court or an attorney.

SFR-ADD-2016-022 **Single Family Residence - Addition**

SITE ADDRESS: 1007 CAMPBELL AVE MUKILTEO

PROJECT DESCRIPTION: Addition

PARCEL: 00527505700004

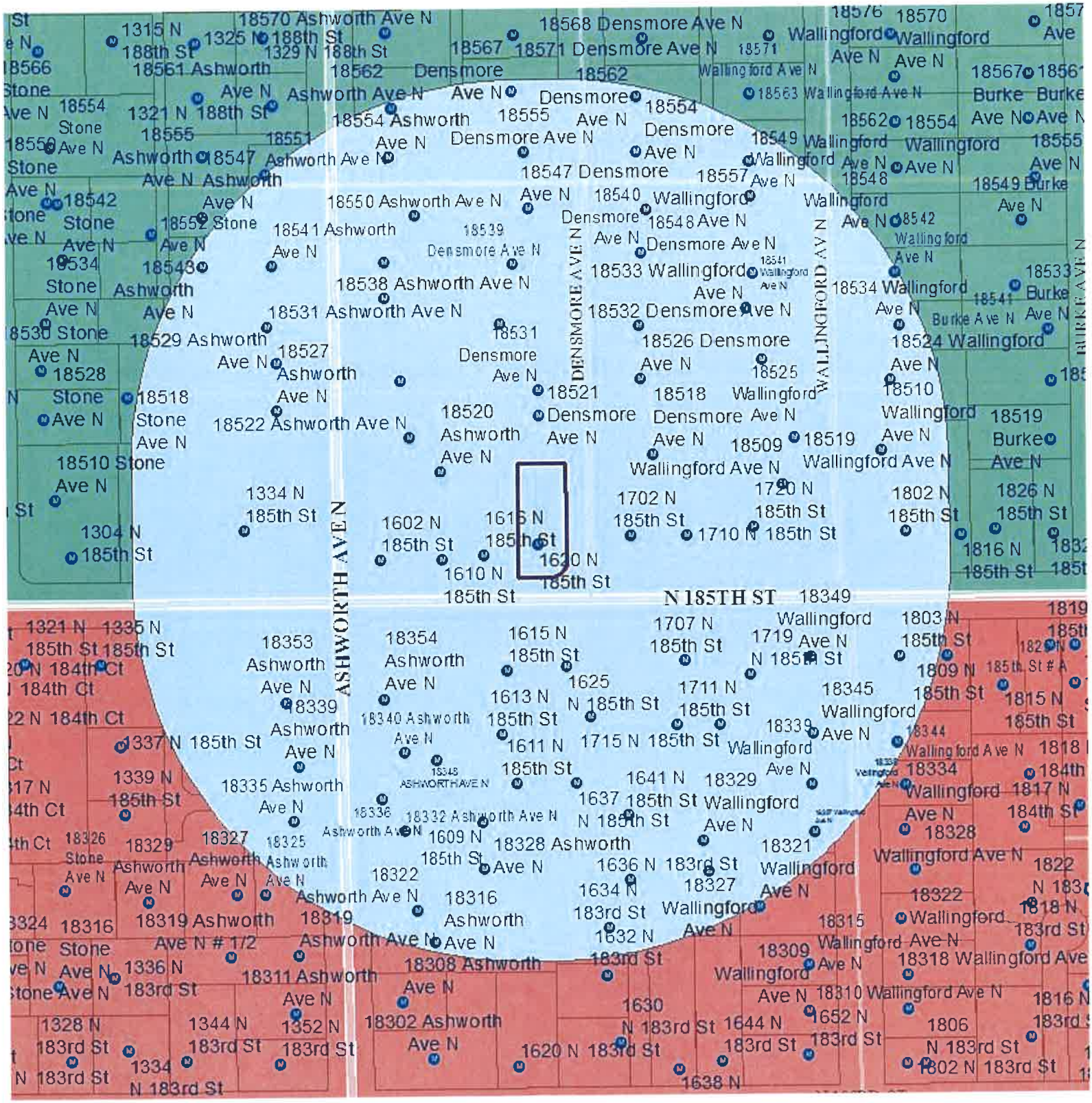
APPLICANT: ORTEGA STUART & HARTHUN KARA
1007 CAMPBELL AVE
MUKILTEO, WA 98275-2035
360-518-4142

OWNER: ORTEGA STUART & HARTHUN KARA
1007 CAMPBELL AVE
MUKILTEO, WA 98275-2035
360-518-4142

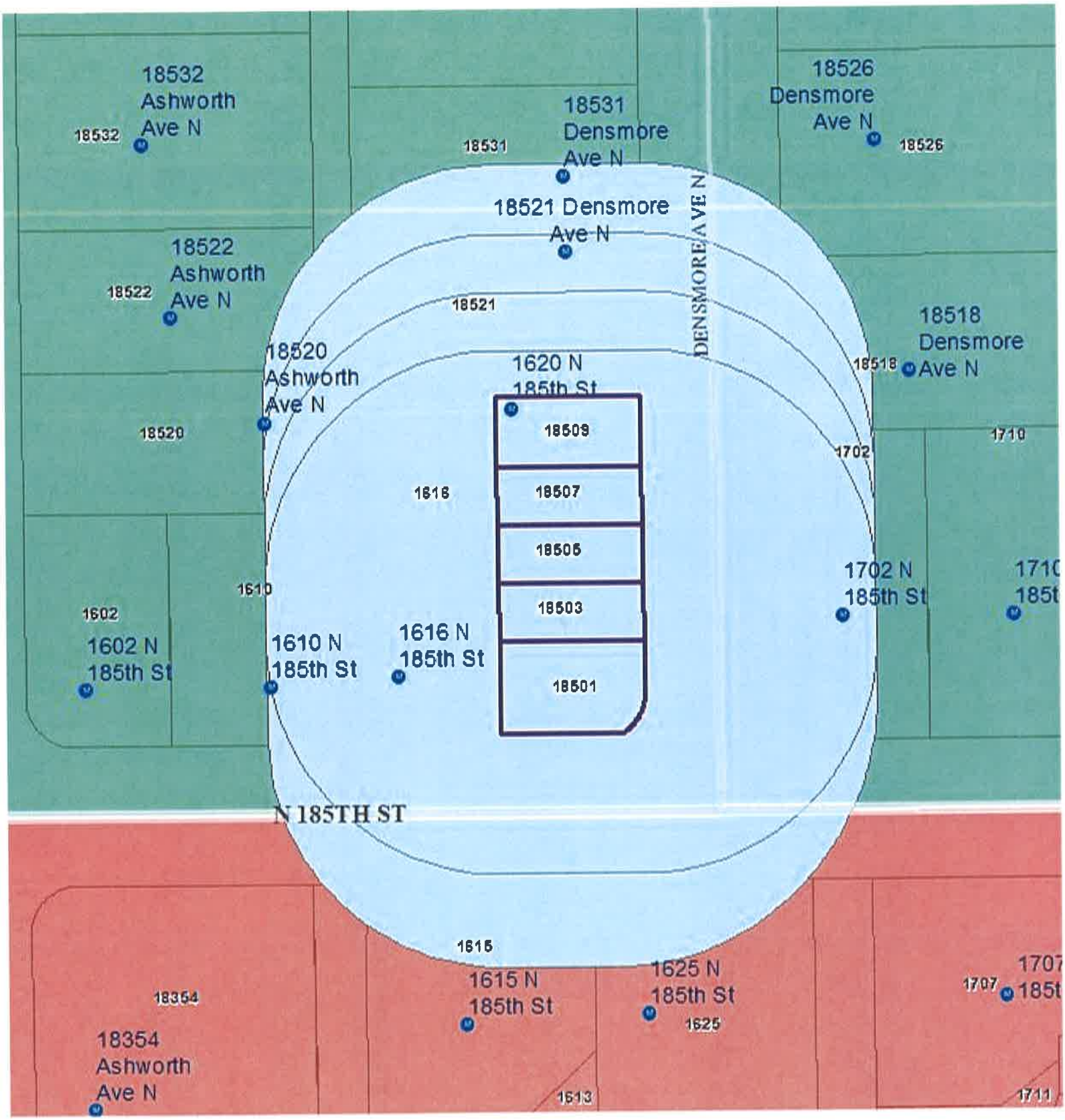
CONTRACTOR: PARAMOUNT CONSTRUCTION LLP
1007 Campbell Ave
MUKILTEO, WA 98275

LENDER: BANNER BANK
25 N MULLAN RD
SPOKANE, WA 99206
509-227-5496

Example of 100-foot Notificaiton Radius - Attachment 3



Example of 100-foot Notificaiton Radius - Attachment 3



City of Shoreline
Planning & Community Development
17500 Midvale Avenue North Shoreline, WA 98133-4905
Phone: (206) 801-2500 Fax: (206) 801-2788
Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov
Permit Hours: M - F * 8:00 a.m. to 4:00 p.m.

DEVELOPMENT CODE AMENDMENT APPLICAITON

Please note: Amendment proposals may be submitted at any time, however if is not submitted prior to the deadline for consideration during the annual amendment cycle ending the last business day of the year, the amendment proposal will not be considered until the next annual amendment cycle.

Purpose: An amendment to the Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

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

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

Please complete the following:

Applicant for Amendment Cindy Dittbrenner, Resident

Address 15833 11th Ave NE City Shoreline State WA Zip 98155

Phone 206-499-4836 Email flintisol@gmail.com

PLEASE SPECIFY: Shoreline Development Code Chapter 20.40 Section 210

AMENDMENT PROPOSAL: Please describe your amendment proposal.

Remove the owner-occupancy requirement for accessory dwelling units (ADUs; mother-in-law apartments). Current code requires that the owner of the property must reside in either the main house or the ADU. Consider either removal of this requirement or amending it to require the owner to occupy one of the residences for at least one year after the ADU is constructed (City of Seattle is considering amending it to one year).

Consider also removing the requirement for off-street parking.

REASON FOR AMENDMENT: Please describe your amendment proposal.

See attached.

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Please describe how the amendment is in accordance with the Comprehensive Plan.

See attached.

Please describe how the amendment will not adversely affect the public health, safety and general welfare.

See attached.

Please describe how the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

See attached.

Please attach additional sheets if necessary.

Please submit your request to the City of Shoreline, Planning & Community Development.

Cindy Dittbrenner
15833 11th Ave NE
Shoreline, WA 98155

August 8, 2016

Re: Development Code Amendment Application – ADU owner-occupancy requirement

Dear Rachael Markle:

Thank you for considering my attached Development Code Amendment Application. I had intended to submit this two months ago but had my son, Peter, two weeks early so wasn't able to complete it. My husband and I are just not coming out of our sleep deprived haze so I was able to take the time to research the information I thought you might find relevant in making your decision. I'm hoping you will consider this amendment in this year's batch of code amendment requests but understand I have missed the deadline.

On a personal level, this amendment would allow my husband and I to retain ownership of our home if we have to leave the area for him to complete a post-doc position after earning his PhD. We anticipate needing to rent out both units for two years before we return to live in the main house as we are now.

On a broader community level, this amendment would remove barriers that discourage many from building ADUs. The City of Seattle is considering similar code amendments to incentivize the construction of ADUs to address a housing shortage, increase urban density, increase diversification of neighborhoods, and provide low-income housing options in single-family residential areas. They have completed research into this issue including a public opinion survey and have proposed a comprehensive package of code amendments that they are currently reviewing. We have the opportunity to take advantage of the resources our neighboring city has put into this issue, allowing us to make informed changes to our code while not expending large staff resources.

The link to the City of Seattle's documents is provided in the amendment form. I'm happy to find additional information for you if you have any more questions.

Thank you for considering this request!

Sincerely,

Cindy Dittbrenner

City of Shoreline Development Code Amendment Application

Applicant: Cindy Dittbrenner

Revision to Development Code 20.40.210

Describe proposal:

Remove the owner-occupancy requirement for accessory dwelling units (ADUs; mother-in-law apartments). Current code requires that the owner of the property must reside in either the main house or the ADU. Consider either removal of this requirement or amending it to require the owner to occupy one of the residences for at least one year after the ADU is constructed (City of Seattle is considering amending it to one year).

Consider also removing the requirement for off-street parking.

Reason for amendment:

Accessory Dwelling Units (ADUs) provide many benefits to neighborhoods including an increase in affordable housing. In order to encourage more ADU construction, the City of Seattle completed a survey in 2015 of 160 homeowners that had built ADUs to assess the barriers they faced. Nearly half reported that the requirement to reside in either the main house or ADU was a barrier to their decision to construct. This data suggests that others may have been deterred from constructing an ADU because of the future restrictions they would have faced if they chose not to reside on the property.

The proposed amendment would remove this owner occupancy requirement within the City of Shoreline and therefore encourage construction of detached and attached ADUs. We have the opportunity to act on this now using the public opinion research completed by our neighbor, the City of Seattle, without expending a lot of city resources researching this issue within Shoreline.

ADU's provide the following benefits to the City and its residents:

- ADUs increase the availability of housing in urban areas, addressing a rental shortage as well as allowing for more efficient use of current housing and infrastructure.
- ADUs can provide a more affordable housing option for people who would otherwise not be able to afford a home in a particular area. This can help diversify neighborhoods and address housing shortages.
- ADUs provide housing options for multi-generational families wishing to reside together.
- Additional income from renting out ADUs can allow homeowner's to afford to remain in their homes.
- ADU's provide a feasible way to increase density while maintaining the character and aesthetic of single-family neighborhoods.

Based on the research conducted by Seattle, Councilmember O'Brien is proposing similar code amendments to Seattle's development code. The proposal is more comprehensive than what is

proposed here. Justification and additional information can be found in the May, 2016 Directors report on this website (scroll down to report icon):

http://www.seattle.gov/council/meet-the-council/mike-obrien/backyard-cottages

The City of Shoreline may wish to include some of the additional code amendments Seattle is considering as well, although they are outside the scope of what I have proposed here.

How this amendment is in accordance with Comprehensive Plan:

This code amendment is in accordance with the following goals and policies in "Element 3: Housing" of the Comprehensive Plan, in particular, Policy H6 below:

Goals

Goal H I: Provide sufficient development capacity to accommodate the 20 year growth forecast and promote other goals, such as creating demand for transit and local businesses through increased residential density along arterials; and improved infrastructure, like sidewalks and stormwater treatment, through redevelopment.

Goal H II: Encourage development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.

Goal H III: Preserve and develop housing throughout the city that addresses the needs of all economic segments of the community, including underserved populations, such as households making less than 30% of Area Median Income.

Goal H VI: Encourage and support a variety of housing opportunities for those with special needs, specifically older adults and people with disabilities.

Policies

H1: Encourage a variety of residential design alternatives that increase housing choice.

H3: Encourage infill development on vacant or underutilized sites.

H6: Consider regulations that would allow cottage housing in residential areas, and revise the Development Code to allow and create standards for a wider variety of housing styles.

H7: Create meaningful incentives to facilitate development of affordable housing in both residential and commercial zones, including consideration of exemptions from certain development standards in instances where strict application would make incentives infeasible.

H8: Explore a variety and combination of incentives to encourage market rate and non-profit developers to build more units with deeper levels of affordability.

H27: Support opportunities for older adults and people with disabilities to remain in the community as their housing needs change, by encouraging universal design or retrofitting homes for lifetime use.

How the amendment will not adversely affect the public health, safety and general welfare:

A report completed by the City of Seattle concluded that proposed code amendments to encourage ADU construction would likely not result in so much construction as to overwhelm single family neighborhoods. Further code amendments could be considered in the future if needed.

Other nearby cities have adopted similar code amendments to encourage ADU construction after concluding these structures did not adversely affect the public.

- Portland has removed the owner-occupancy requirement and the requirement for additional parking as well as other permit restrictions which has resulted in an increase in ADU construction.
- Vancouver, B.C. and Los Angeles do not have owner-occupancy requirements in an attempt to encourage construction of ADUs.

How the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline:

This amendment provides the following benefits to current citizens and property owners:

- Diversification of neighborhoods provides many cultural benefits to current residents.
- Alternative housing allows for multi-generational families to reside together.
- ADUs provide additional income allowing homeowners to afford to remain in their homes.

Opponents may be concerned that adding density changes the character of single-family neighborhoods and want to avoid the construction of duplexes. Current code limits the size of the ADU to half the size of the existing house, thus already addressing part of this concern. ADUs are a way to increase density of existing single-family neighborhoods while maintaining the character and aesthetic. To further address this concern, the City of Seattle is proposing to change the perpetual owner-occupancy requirement to one-year. This would prevent speculative developers from acquiring property and building additional housing that doesn't fit the character of the neighborhood while also allowing the owner flexibility to continue living on site in the future or not.

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City of Shoreline
Planning & Community Development
17500 Midvale Avenue North Shoreline, WA 98133-4905
Phone: (206) 801-2500 Fax: (206) 801-2788
Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov
Permit Hours: M - F * 8:00 a.m. to 4:00 p.m.

Print Form

DEVELOPMENT CODE AMENDMENT APPLICAITON

Please note: Amendment proposals may be submitted at any time, however if is not submitted prior to the deadline for consideration during the annual amendment cycle ending the last business day of the year, the amendment proposal will not be considered until the next annual amendment cycle.

Purpose: An amendment to the Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

Decision Criteria: The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:
1. The amendment is in accordance with the Comprehensive Plan;
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

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Please complete the following:

Applicant for Amendment Amy Walgamott

Address 14802 5th Ave NE City Shoreline State WA Zip 98155

Phone 206 853 7701 Email Wigglemott@gmail.com

PLEASE SPECIFY: Shoreline Development Code Chapter 20 Section 50 (310)

AMENDMENT PROPOSAL: Please describe your amendment proposal.
Specifically for the 145th St. Station subarea (Rezoned MUR70), I propose that developers not be completely exempt from the City's tree regulations. I would suggest the following amendments:
The city will:

a) provide incentives for builders in the MUR70 area to retain large trees (build around), especially with diameters above 20 inches at 4.5 feet, such as tax breaks, additional height or units, etc., and/or

b) require cut trees of 30-inch diameter to be replaced by 3 trees within a quarter mile of the property and taken care of for 3 years (could include street trees, but prefer habitat-providing settings, and/or

c) require landscaping to include planting of eventual significant trees (at least one per parcel acquired) and room for them to grow.

REASON FOR AMENDMENT: Please describe your amendment proposal.
The city of Shoreline prides itself on being a Tree City and on their tree canopy (30% more than Seattle). With the large rezone area in the substation area to MUR70 and the tree regulation exemption that currently goes with that, the adverse affect on shade, habitat, climate-control, pollution and aesthetics would be huge for local residents and residents of the city as a whole.
The rezone to MUR 70 encompasses 11 blocks, from 1st Ave NE to 8th Ave NE, and NE 145th, to NE 153rd St. This is a massive area to submit to tree clearing without requiring replanting or tree preservation.

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DECISION CRITERIA EXPLANATION:

Please describe how the amendment is in accordance with the Comprehensive Plan.

My amendment is in accordance with all the goals of Element 6 of the Comprehensive Plan regarding Natural Environment, specifically goals NE I, NE IV, NE V, and NE X. In addition, these are extremely relevant:

Vegetation Protection

NE18. Develop educational materials, incentives, policies, and regulations to conserve native vegetation on public and private land for wildlife habitat, erosion control, and human enjoyment. The City should establish regulations to protect mature trees and other native vegetation from the adverse impacts of residential and commercial development, including short-plat development.

NE19. Minimize removal of healthy trees, and encourage planting of native species in appropriate locations.

Please describe how the amendment will not adversely affect the public health, safety and general welfare.

Planting trees has beneficial effects on citizens, including health, mental health, economics and comfort. See more attached.

Please describe how the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Keeping and planting trees is in the best interest of citizens of Shoreline. Trees provide great shade, climate control wildlife habitat and more. I've attached a document titled "Benefits of Trees" from the Arbor Day Foundation that lists some great statistics.

Please attach additional sheets if necessary.

Please submit your request to the City of Shoreline, Planning & Community Development.

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Benefits of Trees

Trees can add value to your home, help cool your home and neighborhood, break the cold winds to lower your heating costs, and provide food for wildlife.

The Value of Trees to a Community

The following are some statistics on just how important trees are in a community setting.

The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day. *U.S. Department of Agriculture*

If you plant a tree today on the west side of your home, in 5 years your energy bills should be 3% less. In 15 years the savings will be nearly 12%. *Dr. E. Greg McPherson, Center for Urban Forest Research*

A mature tree can often have an appraised value of between $1,000 and $10,000. *Council of Tree and Landscape Appraisers*

In one study, 83% of realtors believe that mature trees have a 'strong or moderate impact' on the salability of homes listed for under $150,000; on homes over $250,000, this perception increases to 98%. *Arbor National Mortgage & American Forests*

Landscaping, especially with trees, can increase property values as much as 20 percent. *Management Information Services/ICMA*

One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen. This is enough to meet the annual needs of 18 people. *U.S. Department of Agriculture*

There are about 60– to 200-million spaces along our city streets where trees could be planted. This translates to the potential to absorb 33 million more tons of CO^2 every year, and saving $4 billion in energy costs. *National Wildlife Federation*

Trees properly placed around buildings can reduce air conditioning needs by 30 percent and can save 20–50 percent in energy used for heating. *USDA Forest Service*

Trees can be a stimulus to economic development, attracting new business and tourism. Commercial retail areas are more attractive to shoppers, apartments rent more quickly, tenants stay longer, and space in a wooded setting is more valuable to sell or rent. *The Arbor Day Foundation*

Healthy, mature trees add an average of 10 percent to a property's value. *USDA Forest Service*

The planting of trees means improved water quality, resulting in less runoff and erosion. This allows more recharging of the ground water supply. Wooded areas help prevent the transport of sediment and chemicals into streams. *USDA Forest Service*

In laboratory research, visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension. *Dr. Roger S. Ulrich Texas A&M University*

Nationally, the 60 million street trees have an average value of $525 per tree. *Management Information Services*

PLACEMENT HOLDER

For Planning Commission Meeting on

Thursday, September 7, 2017

Agenda Item:

#6b Fire Department Comprehensive Plan Amendment

Report document expected 8/31/2017

Please contact Planning Commission Clerk if you have any questions (206) 801-2514 or

choekzema@shorelinewa.gov