PLANNING COMMISSION
PUBLIC HEARING MEETING
AGENDA

Thursday, November 2, 2017
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave N
Seattle, WA 98122

	Estimated Time
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF AGENDA	7:03
4. APPROVAL OF MINUTES a. October 19, 2017 Draft Minutes	7:04

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. PUBLIC HEARING a. 2017 Development Code Amendments • Staff Presentation • Public Testimony	7:15
7. DIRECTOR'S REPORT	8:15
8. UNFINISHED BUSINESS	8:16
9. NEW BUSINESS	8:17
10. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	8:18
11. AGENDA FOR November 16, 2017 (Meeting cancelled)	8:19
12. ADJOURNMENT	8:20

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

October 19, 2017 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Craft
Vice Chair Montero
Commissioner Chang
Commissioner Maul
Commissioner Malek
Commissioner Thomas

Staff Present
Rachael Markle, Director, Planning and Community Development
Paul Cohen, Planning Manager, 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 Mork

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, Maul and Thomas. Commissioner Mork was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of October 5, 2017 were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: 2017 DEVELOPMENT CODE AMENDMENTS – CONTINUATION #3

Staff Presentation

Mr. Szafran reviewed that the Commission discusssed the Policy Development Code Amendments on October 5th and requested more information regarding Amendments 4, 5 13, 22, 36 and 40. He provided the requested feedback as follows:

- **Amendment 4 (SMC 20.20.024) – Hardscape Definitions.** Mr. Szafran recalled that the Commission had concerns that the proposed definition would allow a site to be covered with hard surfaces, including pervious pavements. Originally, staff proposed to parallel Public Works' definition of "hard surfaces" with Planning and Community Development's definition of "hardscape." Staff is now recommending that the two definitions be separate since they have different purposes in each department. Staff also recommends that the definition of "hardscape" should be updated to make it more reasonable to administer. Mr. Cohen explained that, although there is some overlap, the purposes of the two definitions are different. Planning is concerned with open space and aesthetics, whereas Public Works is concerned about surface and stormwater management. There was concern that if the two definitions were blended together, the definition for "hard surfaces" could possibly allow pervious pavement across the entire property and still meet the requirement. The new definition would be amended to add exceptions for "retaining walls, gravel or paver paths with open spaces that are less than 4-feet wide, and decks that drain to soil underneath. In addition, artificial turf with subsurface drain fields would have a 50% impervious and 50% pervious value.

  Commissioner Thomas summarized that the new language appears to be concerned with compact gravel that can be driven over. Mr. Cohen agreed and commented that the exception for 4-foot wide gravel and paver paths is intended to accommodate pedestrian uses. Commissioner Thomas suggested that the word "compact" should be added before "gravel." Commissioner Maul pointed out that crushed gravel compacts nicely, and King County classifies it as "hard surface." On the other hand, water can permeate through river rock and washed rock because it is round and does not compact. Mr. Cohen clarified that round rock is considered gravel, and river rock is a larger version of gravel. Crushed rock has flat surfaces and can be rolled and compacted by vehicles rolling over it. Again, Commissioner Thomas suggested that adding the word "compact" would provide an extra layer of clarification. Mr. Szafran explained that, based on the proposed definition, if gravel is used for an area wider than 4-feet, it would count has hardscape. Commissioner Chang voiced concern that adding the word "compacted" might imply that a machine would be used to compact the material as opposed to material that becomes naturally compacted over time. Mr. Cohen agreed and said staff would make sure it stays for pedestrian uses and not for vehicular uses.

  Commissioner Chang asked if the proposed definition would allow someone to build a deck across the entire yard, as long as the spacing allows rain to go through. Mr. Cohen answered affirmatively. While that is not likely, the definition would allow for larger decks without considering it part of the hardscape. Commissioner Maul said that, in the City of Seattle, decks less than 30 inches above grade do not count towards lot coverage. Mr. Cohen said, as per the City's code, decks below 18 inches in height do not need a structural permit and can extend into

the setback. However, they are considered hardscape. The proposed amendment would exclude them from being included as hardscape, as long as they allow water to drain into the ground underneath. Chair Craft said he does not believe the intent is to allow someone to put a deck over their entire backyard, yet the definition would allow that exact thing to occur. Mr. Cohen commented that the Commission could put a dimensional limit on decks or eliminate them from the exclusion so they count as part of overall lot coverage.

Commissioner Malek commented that with most of new construction includes some outside living space. The Northwest is a temperate climate, and builders are taking advantage of seasonal square footage, which equates to bigger decks. Requiring pervious decks to be included in the "hardscape" calculation will make it more difficult for staff to administer the code. He does not see people, in general, adding value to their homes by covering their entire backyards with deck. The proposed amendment is consistent with the trend and what people are trying to do in terms of landscaping, adding vegetation for privacy and creating more active outdoor space.

Mr. Cohen said it appears the Commission would prefer that decks not be an exclusion unless they can come up with a rationale for a maximum size. Director Markle suggested that perhaps decks could be treated the same as artificial turf, which would have a 50% hardscape and 50% pervious value. The majority of the Commission concurred with this approach.

Commissioner Malek referred to the proposed provision for artificial turf and shared an example of a veterinarian who uses a permeable type of artificial turf for his dog run. Because it drains completely, it is clean and hygienic. He suggested that perhaps the City's current code is a little outdated. While he is not against maintaining existing vegetation, the City needs to be sensible and keep pace with what people are asking for and what they are buying for their homes.

- **Amendment 5 (SMC 20.20.034) – M Definitions – Microbrewery and Microdistillery.** Mr. Szafran said the Commission commented that both microbreweries and microdistilleries are like uses and should have similar definitions in terms of accessory uses. In addition, the Commission felt there should be a limit on the number of barrels per year to distinguish a microbrewery from a regular brewery. Staff is proposing that the definition for "microbrewery" be amended to incorporate the definition found in the *Glossary of Zoning, Development and Planning Terms*, which defines microbreweries as producing no more than 15,000 barrels per year (31 gallons in a barrel). Staff is also proposing that the definition for "microdistillery" be amended to place a limit of no more than 4,800 barrels per year. The definition would also be amended to allow the development to include other uses such as a standard restaurant, bar or live entertainment, as otherwise permitted in the zoning district.

  Commissioner Chang recalled that staff is proposing that the uses be extended to the Neighborhood Business (NB) zone, and she would like more information about what that would mean. Mr. Szafran said the uses do not currently exist in the City's code, and staff is proposing that the use table be amended to add brewpubs as permitted uses in the NB zone, but not microbreweries and microdistilleries. As proposed, microbreweries and microdistilleries would not start until the Community Business (CB) level.

Commissioner Malek asked how the impacts would change when a microdistillery ramps up production to the level of a microbrewery. Mr. Cohen said the significant difference would be volume, which could increase truck traffic.

Vice Chair Montero asked if the word "live" is necessary before "entertainment." Mr. Cohen commented that "live entertainment" could be considered a type of concert venue. Typically, live bands are louder. However, Commissioner Thomas noted that the entertainment would still have to conform to the noise ordinance. Mr. Cohen said there is a definition for "live entertainment" in the planning definitions. He agreed to bring the definition to the Commission's next meeting.

Commissioner Malek commented that, while he does not want to limit opportunities for business, he also does not want businesses to overwhelm neighborhoods. The Commission had a brief discussion about the difference between brewpubs, microbreweries, and microdistilleries. While the proposed definitions help the Commission understand the difference between a microdistillery and a microbrewery, it was suggested that it would be helpful to have a definition for "brewpub," as well.

Liz Poitras, Shoreline, agreed with Amendment 5, which would add production limits for breweries and distilleries to the definitions. She also referred to Amendment 11 and noted that the definition for microbreweries and microdistilleries includes the language, *"The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district."* She said this implies that the brewery or distillery can be just a place of manufacture. She noted in the table for Amendment 11, microbreweries and microdistilleries are not allowed in the NB zone, with the reasoning that they are a more intense use that can have more of a wholesale and distribution component. She reminded the Commission that "*the purpose of the NB zone is to allow for low-intensity office, business and service uses located on or with convenient access to arterial streets. In addition, these zones serve to accommodate medium and higher density residential, townhouses, and mixed-use types of development, while serving as a buffer between higher-intensity uses and residential zones."* She further reminded them that *"the purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45' and MUR-70') is to provide for a mix of predominantly multi-family development ranging in height from 35 feet to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary."* She said she sees similarities between the NB and MUR-35' zone on an arterial. Therefore, she proposed that Amendment 12 be changed to not allow microbreweries and microdistilleries in any MUR-35' or MUR-45' zone, even if on an arterial. The arterials that would qualify for MUR-35' zones, in both station areas, have R-6 zones abutting the MUR-35' lots that are on the arterial. She expressed her belief that the R-6 zones next to MUR-35' and MUR-45' zones should be given equal quality-of-life protection as R-6 zone next to the NB zones.

Ms. Poitras asked if there would be any restrictions as to how many brewpubs or breweries could be in any area, such as in one block. Since this type of manufacturer can be flammable, they should not be next to single-family homes. She asked if the City has rules for establishing and monitoring these operations and will there be ongoing inspections of the sites. She asked if these types of provisions need to be added to City code.

Mr. Szafran said there is not currently a proposal to limit the number, and any microbrewery or brewpub would have to obtain a tenant improvement permit, which would involve fire inspections and permits, as well. Chair Craft acknowledged that microbreweries and microdistilleries use flammable materials, but other businesses, do as well. There is not a specialized definition of "flammability" the Commission could consider as part of the code.

Tom Poitras, Shoreline, said his wife's main point was that microbreweries and microdistilleries are not allowed in the NB zones, which are similar to the MUR-35' zone. She asked that the same quality of life should be protected in the MUR zones as is protected in the NB zones.

Chair Craft commented that Ms. Poitras' point is well taken and makes sense, in his opinion, given that development in these two zones will be primarily residential. Commissioner Thomas agreed. Although she felt it would be appropriate to allow brewpubs in the MUR-35' and MUR-45' zones, but not microdistilleries and microbreweries. Commissioner Chang concurred. Commissioner Malek agreed that the uses should be prohibited in the MUR-35' zone, but not the MUR-45' zone. The Commission asked staff to provide examples at the public hearing to demonstrate what would and would not be the reality if the uses are allowed in the MUR-35' and MUR-45' zones.

- **Amendment 13 (SMC 20.40.210) – Accessory Dwelling Units.** Mr. Cohen advised that this amendment has three parts, two of which are citizen proposals. The first proposal would eliminate the requirement for the property owner to occupy either the main residence or the accessory dwelling unit (ADU). The second proposal would eliminate the required parking space for the ADU, and the third proposal would require existing structures with nonconforming setbacks to meet setbacks if they are converted to an ADU. He voiced concern that eliminating the owner-occupancy requirement could change the character of single-family neighborhoods. It would allow single-family neighborhoods to transition from home owners who need some income to stay to allow rental of duplex to two-detached dwelling units. After further discussion with staff and the applicant, the Commission requested language be added to the proposed amendment to require a time period that a resident must live in either the principle home or ADU before being allowed to rent both units. The intent of the change to prevent developers from building ADUs as a form of getting more housing on property.

  Mr. Cohen said Seattle's ADU provisions were referenced in the Commission's last discussion. Seattle is currently studying the issue and one of the nine proposals would include removal of the current owner-occupancy requirement so that both units could be rented. However, an amendment is not anticipated until sometime in 2018. He summarized that, without an adopted Seattle code amendment or their experience administering it, staff has no reason to believe it would work for Shoreline. Shoreline neighborhoods have little to gain by requiring an owner to live on site for a year and then have the initial concern around ownership and residency reappear a year later when the owner can live elsewhere. Staff recommends that the amendment not be recommended to the City Council until a larger community can discuss it along with other residential development issues.

  Mr. Cohen referred to Seattle's Housing Affordability and Livability Agenda (HALA), which is looking for ways to build more affordable housing in the City. That is the intent of their proposal

to change the owner-occupancy requirement. In his opinion, Shoreline's goals are a bit different. While they want affordability, the ADU provisions are more about allowing people to bring in a little bit more income so they can stay in the property they currently have.

Commissioner Chang said she supports retaining the owner-occupancy requirement, as recommended by staff. She felt that eliminating this requirement would significantly alter the character of the single-family neighborhoods, where a height limit of 35 feet with a pitched roof is allowed. The change should not be made without a broader discussion. Commissioner Thomas and Vice Chair Montero concurred.

Commissioner Thomas referred to staff's proposed amendment related to setbacks. She asked if the proposed language would prohibit a property owner from converting a nonconforming garage into an ADU. Mr. Cohen answered that the garage could be converted to an ADU, but the building would have to be modified to meet setbacks. The portion of the garage that falls within the setback could not be converted to habitable space. Commissioner Thomas voiced concern that the requirement would create an unnecessary obstacle. She felt that if the garage is already being used, a property owner should be allowed to convert it to habitable space. Mr. Szafran said a property owner could maintain the existing shell of a nonconforming garage, but build an interior wall that moves the living space back a few feet to meet the setback requirement.

- **Amendment 22 (SMC 20.50.240(C) – Site Frontage.** Mr. Szafran said this amendment deletes the requirement for minimum space dimensions on the ground floor in commercial and mixed-use zones. The Commissioners voiced concern that if the provision is deleted from the code, developers will not build commercial spaces with enough ceiling room to provide attractive commercial spaces that retailers and restaurants want and need. Further, the Commission mentioned that Amendment 19 would increase the maximum height in the Mixed Business (MB) zone from 65 to 70 feet. They discussed that increasing the height in the MB zone would be an appropriate trade-off for leaving the requirement for higher ceiling heights in commercial zones. At this time, staff is not proposing any changes to this proposed amendment.

  Mr. Cohen clarified that the amendment has two parts. First, staff recommended that the ceiling height requirement be eliminated and that Development in commercial zones simply be required to build to commercial standards, which does not require a 12-foot ceiling. Some Commissioners felt the ceiling height requirement should be maintained to encourage opportunities for more commercial uses to locate in the spaces. Secondly, the amendment would change the height limit in the Mixed Business (MB) zone from 65 to 70 feet to match that of the MUR and Town Center (TC) zones. Staff's current proposal is to remove the ceiling height requirement, but still require awnings and glass frontage so it can be used for either residential or commercial uses.

  Mr. Cohen recalled that, at the last meeting, Commissioner Maul indicated support for increasing the height limit in the MB zone, but only if 12-foot ceilings are required. He asked if Commissioner Maul also wants to maintain the 12-foot ceiling height requirement in the other commercial zones. Commissioner Maul said he does not support eliminating the ceiling height requirement in any zone. He recognized that doing so would allow developers another story. He suggested the City give a 5-foot height bonus for projects that have a 12-foot ceiling height.

Commissioner Thomas agreed with Commissioner Maul that the 12-foot ceiling height requirement should be maintained for commercial zones. Allowing an additional 5 feet in building height helps mitigate the concern about the extra story.

Mr. Cohen said that if the ceiling height requirement is maintained for commercial zones, it would include the MB zone. Therefore, it is not necessary to tie the height increase to the ceiling height requirement. Chair Craft summarized that the Commission would be amenable to requiring a 12-foot ceiling but also increasing the building height in the MB zone to 70 feet.

Commissioner Maul explained that a 65-foot building height does not accommodate 7-story structures, regardless of whether there is a ground floor ceiling height requirement of 12 feet. Increasing the height limit to 70 feet would accommodate a 7-story structure, but the ground floor ceiling height would only be 10 feet. That means that increasing the height limit alone would not eliminate situations where developers want to waive the ground floor ceiling height requirement. If they increase the height limit to 70 feet but not require a 12-foot ceiling on the ground floor, most developers will want to do 7-story buildings. If enough 7-story buildings are constructed, the density will increase, and retail space will become more desirable. A 12-foot ceiling is much more attractive to retail uses than a 10-foot ceiling. If the City wants to encourage 7-story buildings, it could allow a 4 to 5-foot building height bonus, but require a ground floor ceiling height of 12 feet. This approach would increase the maximum height limit to 74 or 75 feet. Another option is to maintain the 65-foot height limit in the MB zone, with a 5-foot height bonus for a 12-foot ground floor ceiling height. The Commission concurred that they did not want to eliminate the ground floor height requirement.

Mr. Szafran said the intent of increasing the maximum building height to 70 feet was to allow developers taller ceiling heights on each floor. Commissioner Maul felt the opposite would occur. It would likely encourage reduced floor heights and another story. The Commission summarized their desire to recommend approval of Amendment 19, which increases building height in the MB zone to 70 feet, and recommend denial of Amendment 22, so that the 12-foot ground floor ceiling height is maintained. Mr. Cohen agreed to rework the proposed amendments to be consistent with the Commission's discussion.

- **Amendment 36 (SMC 20.80.090) – Buffer Areas.** Mr. Szafran advised that staff originally proposed that two sentences be deleted because of conflicts with earlier sections. However, the Commission and Assistant City Attorney voiced concern that the proposed changes do not communicate that the City's preference is to keep critical area buffers as undisturbed areas of native vegetation. Based on Commission discussion, staff is now proposing the second to the last sentence be reworded to read, *"The purpose of a buffer is to provide an undisturbed area of native vegetation."* This change reiterates what the City would like to see happen, as well as provide direction as to what an ideal buffer area is.

  Chair Craft summarized that changing the sentence is intended to mitigate the need for the language that has been crossed out. Mr. Cohen said the intent was to change the tone of the sentence to clearly state the purpose of a buffer. Commissioner Chang said the purpose of the change is to make it so the City does not have to ask for restoration or revegetation of a yard area

within the ability. She asked if it would also give the City the ability to ask for restoration or revegetation. Mr. Cohen answered that this is a general statement, and the specific provisions related to restoration and revegetation are elsewhere in the code. The intent is to change the tone of the language to emphasize the purpose of the buffer versus a requirement. Board Member Chang noted that the previous sentence also starts with "the purpose of the buffer." She suggested that perhaps the two sentences could be combined. Assistant City Attorney Ainsworth Taylor suggested that the sentence be altered to read, "To fulfill this purpose, a buffer should provide an undisturbed area of native vegetation."

- **Amendment 40 (Table 20.40.130 and Table 20.40.150) – Shipping Containers.** Mr. Szafran said staff does not currently have a proposal for the Commission's consideration. Staff needs to study the issue further and will propose an amendment for the Commission to consider at their next meeting. Commissioner Thomas summarized that a proposal would be presented at their next meeting, just prior to the public hearing.

DIRECTOR'S REPORT

Director Markle said she missed the last Commission meeting because she was attending the International Making Cities Livable Conference where the City's 145th Street Subarea Plan was awarded 4th Place in an international competition. The City received praise for the development code portion of the plan and how it proposed to implement it. She advised that this international board has been meeting together since the 1970s, and it is quite well respected in the planning community.

Director Markle asked if Commissioners would like to tour the 3rd Floor of the Administration Building where the Planning and Community Development Department recently relocated. The Commissioners agreed to schedule the tour for November 16th as the first item on the agenda. Members of the public in attendance at the meeting would be invited to attend, as well.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports of committees or Commissioners.

AGENDA FOR NEXT MEETING

Chair Craft announced that the November 2nd meeting is scheduled as a public hearing for the Development Code amendments. If necessary, the public hearing could be continued to the second

meeting in November 16th meeting. The amendments are scheduled to go before the City Council on January 22nd.

ADJOURNMENT

The meeting was adjourned at 8:18 p.m.

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

Planning Commission Meeting Date: November 2, 2017 **Agenda Item: 6a**

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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

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

Introduction

Every year, miscellaneous Development Code amendments are collected and presented to the Planning Commission and City Council for study and possible adoption. There are 41 proposed Development Code amendments for 2017.

The purpose of this public hearing is to:

- Review proposed Development Code amendments;
- Respond to the Commission's questions regarding the proposed development regulations;
- Gather public comment; and
- Develop the Planning Commission's recommendation to forward to City Council.

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

Background

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.

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

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for 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
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 (Batch) consist of 39 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 Mixed-Use Residential 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.

The Planning Commission reviewed the proposed Development Code amendments at study sessions on September 7th, October 5, and on October 19th.

The staff report for September 7th can be found here:
http://www.cityofshoreline.com/home/showdocument?id=32073.

The staff report for October 5th can be found here:
http://www.cityofshoreline.com/home/showdocument?id=32576.

The staff report for October 19th can be found here:
http://www.shorelinewa.gov/home/showdocument?id=32736.

Amendments Needing Further Analysis

The Planning Commission reviewed the Batch at the October 5 and October 19 meeting and requested more information regarding Amendment #1, Amendment #4, Amendment #5, Amendment #11, Amendment#12, Amendment #22, Amendment #23, Amendment #24, and Amendment #38.

Amendment #4
SMC 20.20.024 – Hardscape Definitions

On October 19, Commission discussed this amendment and had concerns that, potentially, a site could be covered with hard surfaces including a deck over the entire yard. Staff agrees with Commission that parameters should be established to guard against a homeowner building a deck that covers the entire yard. Staff proposes that following amendment:

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. Retaining walls, gravel or paver paths with open spacing that are less than 4 feet wide~~, and decks that drain to soil underneath are not included~~. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50% hardscape and 50% pervious value.

Amendments #1, #5, #11, and #12
SMC 20.20.012 - Brewpubs
SMC 20.20.034 – M Definitions – Microbrewery and Microdistillery
SMC 20.40.130 – Nonresidential uses
SMC 20.40.160 – Station Area Uses

The City has seen an increased interest in locating brewpubs, microdistilleries and microbreweries in various neighborhoods. The Shoreline Development Code does not include these uses. This amendment will add a definition of brewpubs, microbrewery and microdistillery. They will also be listed in the use tables, Table 20.40.130 and Table 20.40.160 (See Amendments #11 and #12).

The Commission commented that Brewpubs, Microbreweries and Microdistilleries should be added to the City's use tables but Microbreweries and Microdistilleries are more intense and should not be allowed in some of the less intense zoning districts. The Commission also wanted to include a clear definition of Brewpubs.

The *Glossary of Zoning, Development, and Planning Terms* defines Brewpubs as an eating place that includes the brewing of beer as an accessory use. The area used for brewing shall not exceed 25 percent of the floor area of the commercial space. The brewery shall not produce more than 1,500 barrels of beer or ale per year. Staff is proposing the following definition of Brewpub:

Brewpub – An eating place that includes the brewing of beer as an accessory use. The brewery shall not produce more than 1,500 barrels of beer or ale per year.

Microbrewery – A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, consumption on or off premise. Production is limited to no more than 15,000 barrels per year. 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 of no more than 4,800 barrels per year. In addition to production, tastings and sales of products for off premises use are allowed. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

The Commission was supportive of adding Brewpubs to the Neighborhood Business, Community Business, Mixed-Business, and Town Center 1, 2, and 3 zones. The Commission was also supportive of adding Brewpubs to the MUR-35', MUR-45', and MUR-70' zones. However, the Commission believes Microbreweries and Microdistilleries are more intense than a Brewpub and should be excluded from the MUR-35' zone. There was not consensus if Microbreweries and Microdistilleries should be excluded from the MUR-45' zone.

Staff has proposed to delete Microbreweries and Microdistilleries in the MUR-35' zone from the table below.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
COMMERCIAL				
	Brewpub	**P (Adjacent to Arterial Street)**	**P (Adjacent to Arterial Street)**	**P**
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Microbrewery	~~**P (Adjacent to Arterial Street)**~~	**P (Adjacent to Arterial Street)**	**P**
	Microdistillery	~~**P (Adjacent to Arterial Street)**~~	**P (Adjacent to Arterial Street)**	**P**

Amendment #22 and #23
20.50.100 and 20.50.150

Shipping containers were previously an allowed land use in the Development Code. At that time they were allowed only in commercial areas with a Conditional Use Permit. Currently, shipping containers are not a listed land use but are allowed if they can comply with design standards in the Commercial Design Standards Chapter and the Building Code which apply to all commercial zones.

In discussing this issue, the Commission raised concerns about whether a shipping container is a land use to be permitted or restricted, how can we distinguish it from other portable storage containers such as moving PODS, and how do we address shipping containers converted into habitable space for businesses or housing.

Staff agrees with Commission that shipping containers are not a use and should not be located in the use tables. Shipping Containers are currently defined in SMC 20.20.046,

> *Shipping Containers – Steel or wooden containers used for shipping and storage of goods or materials. The typical dimensions for these containers are eight feet, six inches high, 20 to 40 feet long with a width of seven feet.*

More appropriately, shipping containers should be addressed in the design standards section of the code. Staff has proposed to add the following language to address shipping containers:

Under Single-Family Design Standards –
20.50.100 Location of accessory structures within required yard setbacks – Standards.

A. No accessory structure shall be located within any required setback.
B. Prohibited Structures. Shipping containers are prohibited within any parcel.

Under Single-family Attached and Multifamily Design Standards –
20.50.150 Storage space for the collection of trash, recyclables, and compost – Standards.

Developments shall provide storage space for the collection of garbage, recyclables, and compost consistent with Shoreline's current service provider as follows:

A. The storage space shall be provided at the rate of:

1. One 16-foot by 10-foot (10 feet by 10 feet for garbage containers and six feet by 10 feet for recycle and food waste containers) collection area for every 30 dwelling units in a multifamily building except where the development is participating in a City-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

2. The storage space for residential developments shall be apportioned and located in collection points as follows:

a. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.

b. There shall be one collection point for every 30 dwelling units.

c. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

d. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

e. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on site, or project into any public right-of-way.

B. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.

3. Collection points shall be identified by signs not exceeding two square feet.

4. A six-foot wall or fence shall enclose any outdoor collection point.

5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 10 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of garbage, recyclables, and compost shall be ensured by using weatherproof containers or by providing a roof over the storage area.

C. Site service areas, such as garbage enclosures, away from street fronts and pedestrian access.

D. Prohibited Structures. Shipping containers are prohibited within any parcel.

Amendment #24
20.50.240 (C) – Site Frontage

This amendment deletes the requirement for minimum space dimensions on the ground floor in commercial and mixed-use zones. The original Code that requires 12-foot ceilings was adopted because staff believed that all commercial space per International Building Code is 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 Commission commented that if the provision for 12-foot ceilings is deleted from the Code, developers will not build commercial spaces with enough ceiling room to provide attractive commercial spaces that retailers and restaurants need and want. The Commission mentioned that Amendment #19 will increase the maximum height in the Mixed-Business (MB) zone from 65 to 70 feet. The Commission further stated that increasing the height in the MB zone is an appropriate trade-off of leaving the requirement for higher ceiling heights in commercial zones.

This portion of Amendment #24 is no longer supported by staff.

The second amendment in this section relates to access to new development in the MUR zones. The proposed language is unclear in that if a parcels does not have access to an existing, adjoining public side-street or alley then the developer could not develop the property. This is not the intent of the amendment. Staff has revised the language to make it clear that if a parcel has access to a side-street or alley, the City will require access from those streets. If a parcel does not have access to a side-street or alley, then a parcel may take access from the adjacent right-of-way.

Amendment #38
20.80.090 – Buffer Areas

The purpose of buffer areas are to provide protection of critical areas in an undisturbed area of native vegetation. However, critical areas and their buffers have been modified over the years. 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 people remove all non-native vegetation and yard uses does not. Per SMC 20.80.050, the existing condition of critical areas, if legally established, should be allowed to remain or mitigated if impacted by the proposed development.

The Commission is concerned that the proposed language does not communicate the City's preference is to keep critical area buffers as undisturbed areas of native vegetation. Based on the Commission's direction, staff proposes the following amendment which adds on to the previous purpose statement rather than having two separate purpose statements:

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 and consists of ~~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.

In conclusion, the decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code if:

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

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

Recommendation
Staff recommends approval of the proposed Development Code amendments to SMC Title 20 and Title 13 as described in **Attachment 1.**

Next Steps

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

January 22	City Council Discussion of Development Code amendments
February 2018	Adoption of Development Code amendments

Attachments

Attachment 1 – Proposed 2017 Development Code Amendments

DEVELOPMENT CODE AMENDMENT BATCH 2017

TABLE OF CONTENTS

A = Administrative
C = Clarification
P = Policy
Highlighted section have been updated since October 23

Number	Section	Topic	Type
1	20.20.012	Brewpubs	P
2	20.20.016	Apartment, driveways	C
3	20.20.018	Engineer, Enhancement	A and C
4	20.20.024	Hardscape	C
5	20.20.034	Microbrewery, Microdistillery and Mitigation	P and C
6	20.30.045 & 20.30.050	No Neighborhood Meetings for certain Type B Permits	P
7	20.30.060	Numbering Change Only	A
8	20.30.400	Adding Lot Merger to Lot Line Adjustment	A
9	20.30.430	Site Development Permits	A
10	20.40	Numbering Change Only	A
11	20.40.130	Adds Brewpubs, Microbreweries, and Microdistilleries to Table 20.40.130	P
12	20.40.160	Adds Brewpubs, Microbreweries, and Microdistilleries to Table 20.40.160	P
13	20.40.210	Accessory Dwelling Units – Delete Owner and Parking Requirements (amendments a and b), Require Conversion of Nonconforming Structures to ADUs to Meet Require Setbacks (amendment c)	P
14	20.40.235	Removes Catalyst Program and Clarifies Affordable Housing Requirements	C
15	20.40.438	Updates SMC Reference Only	A
16	20.40.505	Fixes Numbering Mistake Only	A
17	20.40.504	Clarifies Self-Storage Indexed Criteria	C
18	20.50.020(1)	Densities and Dimensions in Residential Zones	A
19	20.50.020(3)	Creates setback between MUR and Commercial zones, Raise Height In MB to 70-feet	P
20	20.50.021	Add Director of Public Works	A
21	20.50.040	Allow Eaves in Setbacks up to Four Feet and Clarify No Projects into 5-Foot Setback	C and P
22	20.50.100	Shipping Containers	P
23	20.50.150	Shipping Containers	P
24	20.50.240	Deletes Ground Floor Commercial Standards, Deletes ADR Process for Access in Station Areas	P

25	20.50.310	Moves Emergency Exemptions for Tree Removal and Add Tree Protection in the MUR-70' Zone	C and P
26	20.50.350	Update Reference and Clarify Tree Exceptions	A and C
27	20.50.360	Require Tree Retention and Replacement in the MUR-70' Zone	P
28	20.50.410	Columns and Parking Stall Clearance	C
29	20.50.470	Clarify Street Front Parking Lot Landscaping Standards	C
30	20.50.490	Clarification of Multifamily	A
31	20.70.440 (New Subchapter)	Access Widths for New Development	C
32	20.80.025(A) and (B)	Clarify How to Check for Critical Areas	C
33	20.80.030(F)	Updates Reference Only	A
34	20.80.040(C)	Allowed Activities in Critical Areas	P
35	20.80.045(B)	Critical Area Reports Required	C
36	20.80.050	Current Condition of Critical Areas	P
37	20.80.080	Critical Area Reconnaissance	P
38	20.80.090	Existing Condition of Buffer Areas	P
39	20.80.350	Clarify Wetland Mitigation Areas	C
40	20.230.200(B)(4)	Updates Reference Only	A
41	13.12.700(C)(3)	Updates Reference Only	A

DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1
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 – An eating place that includes the brewing of beer as an accessory use. The brewery shall not produce more than 1,500 barrels of beer or ale per year.

Staff recommendation** – Staff recommends **APPROVAL

Amendment #2
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* ***APPROVAL***

Amendment #3
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* ***APPROVAL***

Amendment #4
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. Retaining walls, gravel or paver paths with open spacing that are less than 4 feet wide. Artificial turf with subsurface drain fields and decks that drain to soil underneath have a 50% hardscape and 50% pervious value.

Staff recommendation** – Staff recommends **APPROVAL

Amendment #5
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. Production is limited to no more than 15,000 barrels per year. 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 of no more than 4,800 barrels per year. In addition to production, tastings and sales of products for off premises use are allowed. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

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* ***APPROVAL***

20.30 Amendments

Amendment #6
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 homeowners 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

Action	Notice Requirements: Application and Decision (1), (2), (3)	Target Time Limits for Decision	Appeal Authority	Section
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* ***APPROVAL***

Amendment #7

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:					

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
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* ***APPROVAL***

Amendment #8
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* ***APPROVAL***

Amendment #9
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* ***APPROVAL***

20.40 Amendments

Amendment #10
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* ***APPROVAL***

Amendment #11
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* ***APPROVAL***

Amendment #12
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			
	Marijuana Operations – Processor			

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	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* ***APPROVAL***

Amendment #13
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.~~ **(amendment a)**

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.~~ **(amendment b)**

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. **(amendment c)**

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* ***DENIAL*** *of amendments a and b. Staff recommends* ***APPROVAL*** *of amendment c.*

Amendment #14
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 ~~and no density limits.~~

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
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* ***APPROVAL***

Amendment #15
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* ***APPROVAL***

Amendment #16
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.

20.40.50~~5~~2 Secure community transitional facility.

Staff recommendation** – Staff recommends **APPROVAL

Amendment #17
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* ***APPROVAL***

20.50 Amendments

Amendment #18
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
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

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
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~~ 22 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~~ 22 ft if located on 145th Street (14)	15 ft if located on 185th Street (14) ~~20~~ 22 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 **APPROVAL

Amendment #19
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* ***APPROVAL***

Amendment #20
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* ***APPROVAL***

Amendment #21
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.

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

a. ~~Eighteen inches~~ Into a required five-foot setback, ~~and shall not project at all into a five-foot setback;~~

b. More than thirty-six inches into front and rear yard required setbacks.

Exception SMC 20.50.040(I)(3): When adjoining a legal, non-conforming eave, a new eave may project up to 20% into the required setback or may match the extent of the legal, non-conforming eave, whichever is lesser.

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* ***APPROVAL***

Amendment #22
20.50.100 Location of accessory structures within required yard setbacks – Standards.

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 to the single-family, single-family attached, and multifamily design standards and continue to allow them in all commercial zones (consistent with the commercial design standards) and campus zones.

This amendment is related to Amendment #23.

A. No accessory structure shall be located within any required setback.

B. Prohibited Structures. Shipping Containers are prohibited within any parcel.

Exception 20.50.100(1): One uninhabited freestanding structure less than 10 feet high and 200 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback. This structure shall retain a fire separation distance as specified in adopted building codes.

Exception 20.50.100(2): If the accessory structure, which is less than 200 square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.

Staff recommendation** – Staff recommends **APPROVAL

Amendment #23
20.50.150 Storage space for the collection of trash, recyclables, and compost – Standards.

Justification – This amendment is related to Amendment #22.

C. Site service areas, such as garbage enclosures, away from street fronts and pedestrian access.
D. Shipping Containers are not allowed.

Staff recommendation** – Staff recommends **APPROVAL

Amendment #24
20.50.240 (C) Site Frontage

Justification – This amendment to this 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 **(amendment a);**

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 NE 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 an existing, adjoining public side street or public/private alley, an applicant may provide ~~alternative~~ access from the adjacent right-of-way ~~through the administrative design review process~~ **(amendment b)**; and

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

Staff recommendation *– Staff recommends* ***DENIAL*** *of amendment a. Staff recommends* ***APPROVAL*** *of amendment b.*

Amendment #25
20.50.310 Exemptions from permit

Justification – There are three 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. 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.

The third amendment is to fix a small grammatical error.

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.~~ **(amendment a)**

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'~~ (**amendment b**) unless within a critical area or ~~of~~ **(amendment c)** critical area buffer.

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

Table 20.50.310(B)(1) – Exempt Trees

Lot size in square feet	Number of trees
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**.(amendment a)**

Staff recommendation *– Staff recommends* ***APROVAL*** *of amendments a and c. Staff recommends* ***DENIAL*** *of amendment b.*

Amendment #26
Exception 20.50.350(B)

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 **APPROVAL

Amendment #27
20.50.360(C) Tree replacement and site restoration.

Justification – This is a privately initiated amendment and is related to Amendment #25. See Amendment #25 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.

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

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 recommends* ***DENIAL***

Amendment #28
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 impede the opening of vehicle doors or the ability of passengers to walk from the parking space.

Staff recommendation *– Staff recommends* ***APPROVAL***

Amendment #29
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* ***APPROVAL***

Amendment #30
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* ***APPROVAL***

20.70 Amendments

Amendment #31
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* ***APPROVAL***

20.80 Amendments

Amendment #32
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 by staff 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* ***APPROVAL***

Amendment #33
20.80.030 – Exemptions

Justification – This amendment is related to amendment #25, amendment #40, and amendment #41. 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)~~;

Staff recommendation *– Staff recommends* ***APPROVAL***

Amendment #34
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 modification, alteration, repair, or replacement requires encroachment into a critical area or a critical area buffer to perform the work, then 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* ***APPROVAL***

Amendment #35
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* ***APPROVAL***

Amendment #36
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* ***APPROVAL***

Amendment #37
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 <u>of a project site</u> (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 (<u>if allowed by the adjoining property owners</u>). 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* ***APPROVAL***

Amendment #38
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 and consists of ~~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* ***APPROVAL***

Amendment #39
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

[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* ***APPROVAL***

20.230 Amendments

Amendment #40
20.230.200 – Land Disturbing Activity Regulations ~~Policies~~

Justification - This amendment is related to amendment #25, amendment #33, and amendment #41. 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~~).

Staff recommendation *– Staff recommends* ***APPROVAL***

SMC Title 13 Amendment

Amendment #41
SMC 13.12.700(C)(3) – Permits

Justification - This amendment is related to Amendment #25, Amendment #33, and Amendment #40. 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;

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

Staff recommendation *– Staff recommends* ***APPROVAL***