

2018 Development Code Amendments - Attachment 1

2018 BATCH OF DEVELOPMENT CODE AMENDMENTS (Changes from September 6 shown in blue)

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DEVELOPMENT CODE AMENDMENTS

20.20 Amendments

Amendment #1

20.20.012 – B definitions

Justification – Using the current definition of “building coverage”, it is unclear whether this includes covered but unenclosed structures or portions of structures, such as carports, covered decks or porches. The current definition of “building” is “Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.” As opposed to the definition of “building coverage”, it is clear that the definition of “building” includes any structure or portion of a structure which has a roof supported by columns or walls, which would include covered but unenclosed structures or portions of structures, such as carports, covered decks or porches. In administering the building coverage standards, City staff have been referencing the building definition and interpreting this to mean that the building coverage does include roofed areas, but this is not made explicit in the building coverage definition. This amendment seeks to make the definition of “building coverage” consistent with the definition of “building”.

Additionally, this is supported by the intent of the standards for maximum building coverage when they were adopted. One of the specific goals for the regulation of building coverage was to limit the mass of built structures. Roofed areas such as carports, covered decks, and porches add to the massing of a building. The inclusion of these structures or portions of structures in the definition of “building”, support their inclusion in the definition and calculation of building coverage.

Lastly, this amendment proposes to remove the limitation of this measurement to the ground floor only, as bump outs on upper stories of buildings also add to the massing.

Building Coverage – ~~The ratio percentage of the horizontal roof area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot of all buildings on a lot~~ to the total lot area.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #2

20.20.024 – H definitions

Justification - Staff is proposing an amendment to add a definition for a Homeless Shelter to support corresponding changes in Amendment 12 - Land Use Table and Amendment 15 - Criteria.

A Homeless shelter is housing for homeless people on an ongoing basis in a structure(s) that meets adopted codes. Currently, the Development Code does not include this land use.

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See Amendment #15 for proposed Homeless Shelter indexed criteria.

Homeless Shelter – A facility operated within a building to provide short-term, temporary or transitional housing for individuals or families who are otherwise homeless and have no immediate living options available to them. Such facilities may provide support services, food, sanitation, and other services as an accessory use.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #3

20.20.032 – L definitions

Justification – The Development Code currently contains a definition for “trellis”, but does not contain standards for trellises. Standards for arbors do exist under Chapter 20.50, but there is currently no definition for “arbor”. Creating a unified definition that applies to different types of landscape structures is needed in order to clarify the applicability of the requirements. The term “Landscape Structure” will apply to all structures that support trees and plants such as trellises, arbors, and pergolas.

Landscape Structure – A frame supporting open latticework or beams and open rafters, such as an arbor, pergola, gazebo, or trellis. Landscape structures are often used as a screen or a support for growing vines or climbing plants, an entry feature with an arch, or to better define an outdoor space. They may be freestanding or attached to another structure.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #4

20.20.044 – R Definitions

Justification – The Development Code neglected to update the citation for the definition of garbage from Title 13.14, the Solid Waste Code when new definitions were added that also resulted in renumbering.

Refuse – Includes, but is not limited to, all abandoned and disabled vehicles, all appliances or parts thereof, vehicle parts, broken or discarded furniture, mattresses, carpeting, all old iron or other scrap metal, glass, paper, wire, plastic, boxes, old lumber, old wood, and all other waste, garbage (as defined by SMC 13.14.010(15 19)) or discarded material.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #5

20.20.046 – S definitions

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Justification – The Development Code does not currently contain a definition for “sign”. This is needed in order to clarify the applicability of the sign code.

Sign – Any material, structure, device, fixture, placard, or part thereof, that is visible from a public right-of-way or surrounding properties, that incorporates graphics, letters, figures, symbols, trademarks, or written copy for the purposes of conveying a particular message to public observers, such as promoting or identifying any establishment, product, goods, service, or event. Painted wall designs or patterns which do not represent a product, service, or registered trademark, and which do not identify the user or establishment, are not considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #6

20.20.048 – T definitions

Justification – This amendment is based on Amendment 3 which is a unified definition for “landscape structure” that includes arbors, pergolas, and trellises. Therefore, a separate definition for “trellis” is no longer needed and should be removed to eliminate any confusion and duplicate information.

~~Trellis – A frame supporting open latticework used as a screen or a support for growing vines or plants.~~

Staff recommendation – Staff recommends that this amendment be approved.

20.30 Amendments

Amendment #7

20.30.040 – Summary of Type A Actions

Justification – Newly adopted Ordinance No. 818, amendment to the Noise Code, has resulted in the creation of a new variance process that also requires it to be categorized as a Type A, B, or C land use action. Staff has determined that a Type A action is the appropriate method of processing noise variance requests so that it can be managed administratively by the permitting authority or department.

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

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Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
17. Planned Action Determination	14 days	20.30.357
<u>18. Noise Variance</u>	<u>30 days</u>	<u>9.05</u>

Staff recommendation – Staff recommends that this amendment be approved.

20.40 Amendments

Amendment #8

Subchapter 3 – Index of Supplemental Use Criteria

Justification – This amendment will add Homeless Shelter to the index of uses that have supplemental criteria.

20.40.405 – Homeless Shelter

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #9

20.40.020 – Zones and map designations.

Justification – This amendment will add the Town Center 4 (TC-4) zone to the residential zoning category in the table. TC-4 is a primarily residential zone that acts as a transition between more intense Town Center zoning designations and lower density residential zones.

- A. The locations and boundaries of the zoning districts shall be shown on the map accompanying the ordinance codified in this section and entitled, “Official Zoning Map, Shoreline, Washington”. The Official Zoning Map and all notations, references, and amendments thereto are hereby adopted by this section.
- B. The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48 <u>and TC-4</u> (Numerical designator relating to base density in dwelling units per acre) Mixed-Use Residential 35', 45', and 70' (Numerical designator relating to height in feet)

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ZONING	MAP SYMBOL
NONRESIDENTIAL	
Neighborhood Business	NB
Community Business	CB
Mixed Business	MB
Campus	CCZ, FCZ, PHZ, SCZ ¹
Town Center District	TC-1, TC-2, TC-3, TC-4
Planned Area	PA

¹ CCZ refers to the CRISTA Campus; FCZ refers to the Fircrest Campus; PHZ refers to the Public Health Laboratory Campus; and SCZ refers to the Shoreline Community College Campus.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #10

20.40.030(C) Residential zones.

Justification – This amendment will add the Town Center 4 zone to the residential zones section of the code. TC-4 is a primarily residential zone that acts as a transition between more intense Town Center zoning designations and lower density residential zones. Also, delete R-36 since the city has never had an R-36 zoning category.

- A. The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character.
- B. The purpose of medium density residential, R-8 and R-12 zones, is to provide for a mix of single-family homes, duplexes, triplexes, townhouses, and community facilities in a manner that provides for additional density at a modest scale.
- C. The purpose of high density residential, R-18, R-24, ~~R-36~~, and R-48, and TC-4 zones, is to provide for a mix of predominantly apartment and townhouse dwelling units and other compatible uses.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #11

20.40.046 – Mixed-use residential (MUR) zones.

Justification – This is an administrative amendment to add a missing “in” in 20.40.046 (D).

- A. The purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45', and MUR-70') is to provide for a mix of predominantly multifamily development ranging in height from 35 feet to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary.
- B. Specific mixed-use residential zones have been established to provide for attached single-family residential, low-rise, mid-rise and high-rise multifamily residential. The mixed-use residential zones also provide for commercial uses, retail, and other compatible uses within the light rail station subareas.
- C. Affordable housing is required in the MUR-45' and MUR-70' zone and voluntary in the MUR-35' Zone. Refer to SMC 20.40.235 for affordable housing light rail station subarea requirements.
- D. Four-Star Built Green construction is required in all MUR zones.
- E. All development within the MUR-70' zone that seeks additional height and alternative development standards shall be governed by a development agreement as provided in SMC 20.30.355.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #12

20.40.120 – Residential Uses

Justification – This amendment will add Homeless Shelters to the use table. It is related to Amendment #2 and Amendment #15. This use is proposed to be allowed in the MB, CB, and TC 1, 2, and 3 zones subject to indexed criteria in Amendment 15. Staff is proposing these zones since they are adjacent to streets with frequent bus service such as the King County Metro Rapid Ride E-Line.

Table 20.40.120 Residential Uses

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

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Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	<u>Homeless Shelter</u>						<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #13

20.40.160 – Station Area Uses

Justification – Unlisted Uses are only listed in the Station Area Use Table, however, Unlisted Uses apply to all use tables. This amendment will remove “unlisted uses” from the table and rely on SMC 20.40.110(G) to allow unlisted uses. SMC 20.40.110(G) states:

For the purposes of this Code, in most instances only broad use classifications that share similar characteristics are listed in the use tables. Where separate regulations or permit processes are necessary, uses are classified further. Some uses are identified with a detailed description provided in a referenced North American Industrial Classification System (NAICS) number. (This system classifies land uses by categories and provides subclassification for more detailed associated uses.) In case of a question as to the inclusion or exclusion of a particular proposed use, which is not identified in these tables, the use shall not be permitted unless allowed through a Code interpretation applying the criteria for Unlisted Use found in the Index of Supplemental Use Criteria (SMC 20.40.200 through 20.40.610). Temporary uses are allowed under criteria listed in SMC 20.30.295.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	S-i	S-i	S-i
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #14

20.40.235(C)(5) – Affordable housing, light rail station subareas

Justification – Currently, 20.40.235(C)(5) uses the term “waiver”, however, it is also referred to as an “exemption” under both the Development Code and RCW 82.02.060(3) authorizing the

low-income impact fee exemption. To be consistent with these code sections staff recommends to remove the term “waiver” and transportation impact fees because the exemption applies to include Parks and Fire impact fees.

C. Mixed-Use Residential Zone Affordable Housing Requirements. The following provisions shall apply to all affordable housing units required by or created through any incentive established in the Shoreline Municipal Code unless otherwise specifically exempted or addressed by the applicable code section for specific affordable housing programs or by the provisions of an approved development agreement:

5. Depending on the level of affordability, units provided by a not for profit entity may be eligible for an exemption from impact fees as provided in the impact fee chapters of SMC Title 3 ~~transportation impact fee waivers as provided in SMC 3.80.070(G).~~

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #15

20.40.405 – Homeless Shelter

Justification – The following proposed indexed criteria are intended to allow Homeless Shelters in certain zones while providing protection for the residents of the shelters and to also ensure the shelters do not impact adjacent uses. Staff researched jurisdictions in the region to find out how they regulated homeless shelters. Some jurisdictions regulate homeless shelters while others only regulate homeless encampments. Some jurisdictions do not address homeless shelters at all. Examples include:

- *The City of Everett – Everett allows “Temporary Shelter Homes” in some residential zones only as an accessory use to a church and most commercial zones subject to Conditional Use Permit. Everett defines Temporary Shelter Homes as a facility providing temporary housing for victims of domestic violence, the homeless, or other persons in need of temporary housing. Temporary shelter homes may also provide support services to assist residents become self-sufficient or make the transition to their own housing. This term does not include Class I or Class II group homes.*
- *The City of Tacoma – Tacoma regulates Confidential Shelter, Emergency, and Transitional Housing with the approval of a Conditional Use Permit. Shelters and Transitional Housing are allowed in residential zones with a limit on the number of residents and allowed in the commercial zones subject to Director approval.*
- *The City of Kirkland – Kirkland lists Homeless Encampments as a Temporary Use if accessory to a church. The City does not include indoor homeless shelters as a use in their Zoning Code.*
- *The City of Seattle – Seattle uses the term “Transitional Housing” to mean housing units owned, operated or managed by a nonprofit organization or governmental entity in which supportive services are provided to individuals and families that were formerly homeless, with the intent to stabilize them and move them to permanent housing within a period of not more than 24 months. Seattle also uses the term “shelter” to mean a facility with overnight sleeping accommodations, owned, operated, or managed by a nonprofit organization or governmental entity, the primary purpose of which is to provide*

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temporary shelter for the homeless in general or for specific populations of the homeless. Shelters and Transitional Housing are allowed in a variety of zones and also a variety of housing types. For example, Seattle includes tiny home villages and encampments as part of their transitional housing use.

Last year the City issued a Temporary Use Permit (TUP) for Mary's Place, which functioned as a homeless shelter at 16301 Aurora Ave N. The City considers Mary's Place a successful project and would like to use it as the model for developing regulations for homeless shelters as a land use.

The key problem had been the required time limit of TUP permits, which limits the allowed time for a housing service that is needed but difficult to establish. The TUP for Mary's Place was granted for 6 months and eventually received an extension. Staff would like to elevate this land use as a permitted use for housing people who are facing homelessness. Staff proposes homeless shelters be permitted in the Mixed Business, Community Business, and Town Center 1, 2, and 3 zones along the entirety of Aurora Avenue and minimally along Ballinger Way. These areas have excellent access to transit services which is a very important resource for homeless shelters.

Mary's Place has been a model example of a housing shelter for the City. They are a non-profit, social service organization that has multiple locations within King County. They proposed to operate a temporary indoor shelter for homeless families in an existing vacant building (formerly a restaurant) along Aurora Avenue in Shoreline. These type of shelters often use vacant buildings for temporary shelters - sometimes while the property is undergoing permit review for redevelopment. During the day, the families had access to the Family Center at 1155 N. 130th St. in Seattle. This center provides hygiene services, connections to housing and employment services and childcare and school enrollment services.

The intent of a homeless shelter is to provide temporary relief for those in need of housing. Homeless shelters are allowed in the Mixed-Business, Community Business and Town Center 1, 2, and 3 zones subject to the below criteria.

- A. The homeless shelter must be operated by a State of Washington registered nonprofit corporation; or a federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage a homeless shelter.
- B. The homeless shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection will be conducted by the Shoreline Fire Department prior to occupancy.
- C. The homeless shelter shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The homeless shelter shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates.
- D. The homeless shelter shall check that adult residents have government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. If adult residents do not have identification,

the operator of the shelter will assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

E. A parking plan shall be submitted and approved by the Director and at a minimum shall provide 1 parking space per staff or volunteer.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #16

20.40.504 Self-storage facility.

Justification – The word “gross” was inadvertently left out of the Ordinance No. 789 to distinguish between net and gross square feet.

C. Additional Design Requirements.

1. Self-storage facilities are permitted only within multistory structures.
2. Self-storage facilities shall not exceed 130,000 gross square feet.

Staff recommendation – Staff recommends that this amendment be approved.

20.50 Amendments

Amendment #17

20.50.020 Dimensional requirements.

There are two amendments to the residential and mixed-use dimensional tables.

1. Justification – This amendment will allow additional height for elevator shafts and other structures for roof access to amenities. The Development Code allows roof top open space or gardens. This is also used as an option to meet open space requirements in the Commercial Design Standards SMC 20.50.220. The Building Code requires that these open spaces be ADA accessible. To be ADA accessible, an elevator is needed.

2. Justification – The Development Code currently allows high schools to have a building height to 50 feet, theaters to 72 feet, and gymnasiums to 55 feet. Middle and elementary schools may

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also want to add these uses as well and therefore should not be excluded for the same purpose. See exemption to Table 20.50.020(1) and Table 20.50.020(2) for this amendment.

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

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (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	30 ft (35 ft with	35 ft	35 ft	35 ft (40 ft with	35 ft	35 ft (40 ft with	35 ft <u>(15)</u>

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Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
	pitched roof)	pitched roof)			pitched roof)	(40 ft with pitched roof) (15)	pitched roof) (15) (8)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

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

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 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 22 ft if located on 145th Street (14)	15 ft if located on 185th Street (14) 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

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STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)(15)	35 ft (45)	45 ft (45)	70 ft (11) (12) (45)
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.*

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(9) Base height for public and private K through 12 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.

0' zone may be modified with an approved development agreement.

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

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

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

(14) The exact setback along 145th Street (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 elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.

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

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #18

20.50.020(3) – Dimensions for Development in Commercial Zones

Justification – The same height exceptions for roof top structures in the Mixed-Use Residential (MUR) zones should also apply in the commercial zones.

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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 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 except as provided (3)(f) below. 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.
- f. Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.

(4) Site hardscape shall not include the following:

- a. Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.
- b. Intensive vegetative roofing systems.

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

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #19
20.50.040(l) – Projections Into Setback

Justification – Amendment #3 proposed a unified definition for landscape structures, which includes arbors, pergolas, and trellises. Amending this section will provide consistent dimensional standards for all types of landscape structures. Additionally, clarification is proposed on the applicability of maximum height and sight distance requirements to vegetation supported by landscape structures, which is needed for the safe movement of pedestrians, bicycles, and vehicles.

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.

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

8. Landscape structures ~~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. All ~~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;
 - d. Vegetation supported by a landscape structure may grow over the maximum height, subject to the sight clearance provisions in the Engineering Development Manual.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #20

20.50.120 Purpose.

Justification – This section of the Development Code is unclear and confusing when applying single-family attached and multifamily design standards to townhome projects in certain Mixed-Use Residential zones. This amendment will add a semicolon instead of a comma to clarify when developing townhomes in the MUR-45' zone, SMC 20.50.120 applies.

The purpose of this subchapter is to establish standards for multifamily and single-family attached residential development in: TC-4, PA 3, and R-8 through R-48 zones; the MUR-35' zone when located on a nonarterial street; and the MUR-45' zone when developing single-family attached dwellings as follows:

- A. To encourage development of attractive residential areas that are compatible when considered within the context of the surrounding area.
- B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.
- C. To meet the recreation needs of project residents by providing open spaces within the project site.
- D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.
- E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.
- F. To promote pedestrian accessibility within and to the buildings.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #21

20.50.122 – Administrative Design Review

Justification – The multifamily and single family attached design standards are outdated from when development in the City was administered by King County. The current design standards do not reflect the City’s desire to create attractive and innovative site and building design. These standards will be completely updated in the next year. In the interim, to ensure that development occurring before the adoption of updated design standards meets the City’s vision, staff recommends extending the use of the ADR process to the single-family attached and multifamily design standards.

20.50.122 – Administrative Design Review

Administrative Design Review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter or sign standards in Chapter 20.50 SMC, Subchapter 8.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #22

20.50.150 – Storage space for collection of garbage trash, recyclables, and compostables standards

Justification – The current standards are too specific and inflexible regarding sizes, numbers, and distances when their location and their visibility are more important.

Developments shall provide storage space for the collection of garbage, recyclables, and compostables consistent with the City’s current authorized collection company as follows:

A. Garbage, recyclables, and compostables receptacles shall be completely stored inside or screened outside unit garages without obstructing parking or vehicle movements. Alternatively, receptacles can be placed in common containers that are completely screened and covered from weather and that meet the collection service requirements for access. Receptacle Garbage enclosures should shall not be located between buildings that front on streets and rights-of-ways away from street fronts and pedestrian access.

~~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~~

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~~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.~~

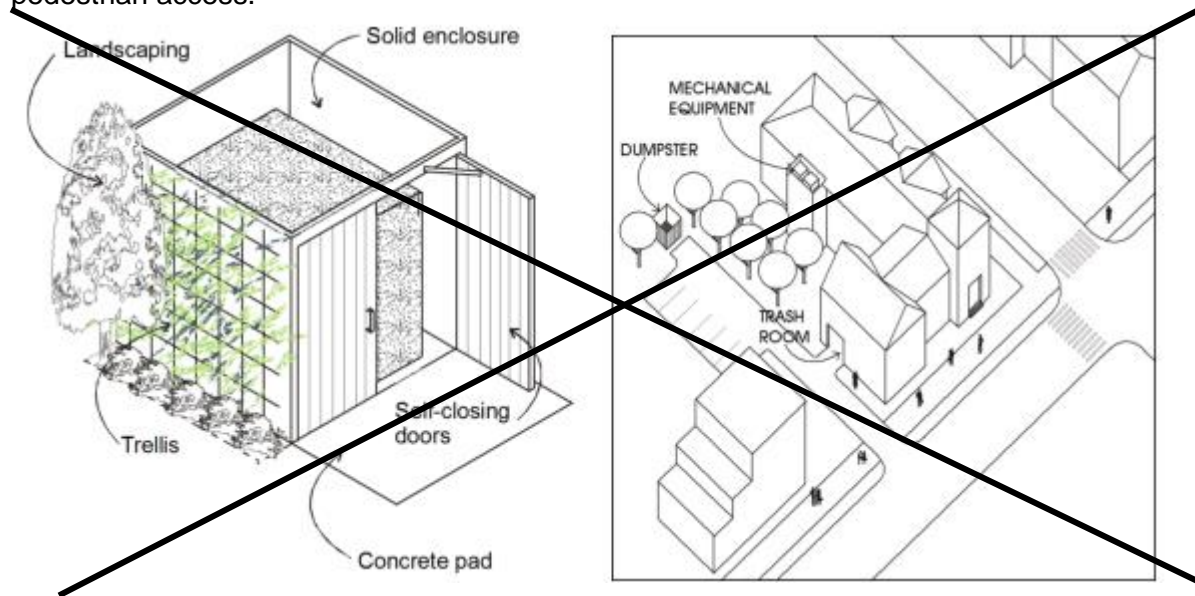
~~3. Collection points shall be identified by signs not exceeding two square feet.~~

~~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, should be away from street fronts and pedestrian access.~~



~~Figures 20.50.150(B) and (C): Examples of location and screening of service areas, which is intended to reduce their impact.~~

~~B. D. Shipping containers are not allowed.~~

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #23
20.50.240(C)(2) – Rights-of-Way Lighting

Justification – Pedestrian right-of-way lighting standards are administered through the Engineering Development Manual and should not be addressed or duplicated in the Development Code.

C. Site Frontage.

~~2. Rights-of-Way Lighting.~~

- ~~a. Pedestrian lighting standards shall meet the standards for Aurora Avenue pedestrian lighting standards and must be positioned 15 feet above sidewalks.~~
- ~~b. Street light standards shall be a maximum 25-foot height and spaced to meet City illumination requirements.~~

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #24

SMC 20.50.310(B) – Exemptions from permit.

Justification - This amendment is a privately-initiated amendment that proposes to extend the same exemption ratio of tree to property area beyond the current 21,781 square foot (1/2 acre) cap to be equitable toward property owners that have larger parcels.

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 three (3) significant trees on lots up to 7200 square feet and 1 additional significant tree for every additional 7200 square feet of lot area ~~up to a maximum of six significant trees (excluding trees greater than 30 inches DBH per tree) in accordance with Table 20.50.310(B)(1) (see Chapter 20.20 SMC, Definitions).~~

~~Table 20.50.310(B)(1) – Exempt Trees~~

~~Lot size in square feet Number of trees~~

~~Up to 7,200 — 3~~

~~7,201 to 14,400 — 4~~

~~14,401 to 21,780 — 5~~

~~21,781 and above — 6~~

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

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

Staff recommendation – Staff recommends that proposed amendments to this section be approved.

Amendment #25

20.50.340 – Basic Operating Conditions and Standards of Performance

Justification – Update lower case “p” to an upper case “P” under SMC 20.50.340 B.3.

A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the

maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in SMC 13.10.200, Surface Water Management Code and adopted standards.

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the Director:

1. Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the Director.

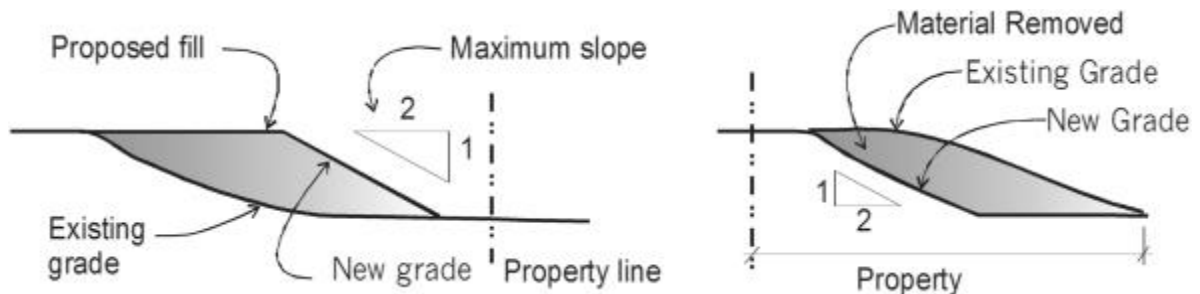


Figure 20.50.340(B): Illustration of fill and cut with maximum slope 2:1.

2. Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with the Surface Water Design Manual.
3. Preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, construction materials, brush and other debris.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #26

20.50.350(B)(6)(7) and (8) Development standards for clearing activities.

*Justification – This amendment is a privately-initiated amendment to development standards for tree clearing activities. The applicant has provided a justification for this amendment in **Attachment 2.***

- A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.
- B. Minimum Retention Requirements. All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:
 1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or

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2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.
3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during development through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures.
4. The minimum amount of trees to be retained cannot be removed for a period of 36 months and shall be guaranteed through an approved maintenance agreement.
5. The Director may require the retention of additional trees to meet the stated purpose and intent of this title, as required by the critical areas regulations, Chapter 20.80 SMC, or Shoreline Master Program, SMC Title 20, Division II, or as site-specific conditions demand using SEPA substantive authority.
6. Trees specified as required to be retained under a permit that are unlawfully damaged or removed shall be subject to repair if that is possible, or if not possible, replacement with four trees of the same species of the largest size commercially available. Significant trees damaged or removed without a permit shall be replaced with three trees of the same or similar species and expected mature size.
7. Permits for removal shall not be issued for significant trees located in the required setbacks of a development. If trees within five feet of a planned building cannot be saved without damage to the tree, each tree shall be replaced with a tree of the same or similar species and expected mature size, of the largest size commercially available.
8. Any development that results in a parcel size with less than 7,200 square feet per home will submit a landscape plan for review. Landscaping will include retention of all significant trees in setbacks, vegetation hedgerows between houses and existing homes, and low water landscaping.

Staff recommendation – Staff does not recommend this amendment for the following reasons:

1. *The City currently regulates unlawful tree removal in SMC 20.30.770(D)(2) Civil Penalties which are assessed to a responsible party who has committed a violation of the provisions of Chapter 20.50 or 20.80 SMC.*
2. *The proposed amendment seeks to require replacement trees in certain circumstances to be the “largest size commercially available”. Staff have been advised by many landscape professionals and arborists that trees that are large at the time of planting are less likely to survive and thrive. In fact, trees that are smaller at the time of planting typically can catch up and surpass in size those trees that are large at the time of planting. Large trees for planting are also more expensive and can be harder to find locally in stock.*
3. *The proposed amendment of 20.50.350(B)(6) requires four (4) replacement trees if a protected tree is damaged or removed during the construction of a permitted projects; and three (3) replacement trees if a significant tree is removed or damaged on a site that has no permit. Typically unpermitted work has greater penalties than permitted activities.*

4. *The Development Code does not require significant trees be preserved within required setbacks as long as the minimum retention is met. It is important that a property owner has some flexibility to design, construct, create solar access space or views, and replace trees so that they adapt better to a new development.*

5. *Replacement of the same type and species of tree that was removed may not be best option for the proposed development or the environment. Some trees and/or vegetation may be invasive or cause physical damaged to the site or structures. A variety of replacement trees should be provided to fit in with the new development, provide a variety of species, and provide visual interest to a site.*

6. *The Development Code does not require landscape plans for new single-family development. Staff reviews permits for setbacks, height, building coverage, hardscape, and other dimensional standards in SMC 20.50.020(1). As long as those standards are met, a property owner may landscape the property how they see fit.*

7. *Trees may be damaged accidentally during the development of a project. The City should not be unreasonable and penalize a home owner or developer if a tree was accidentally damaged during construction.*

Amendment #27

Exception 20.50.350(B)

Justification – SMC 20.50.350(B) sets forth the minimum tree retention requirements for non-exempt development. This provision as related the “exception” to this SMC provision

The City regularly requires private development to construct street frontage improvements. The City also has capital improvement projects that can impact private properties. Typically, frontage improvement standards have little flexibility in preserving trees because of the frontage standards and the construction around these trees can be damaging to the health of the trees. In either case, the street improvement’s construction and grading may require tree removal on private properties. These removed trees are out of the control of property owners and the result of needed public improvements. Therefore, staff recommend that these trees on private property that need to be removed by the City are needed to be removed based on a condition of permit approval, should not be included in the minimum tree retention ratio calculation of the affected private property.

For example, if a 7,200 parcel proposed for development has 12 significant trees, after the application of the partial exemption of 3 trees, the development would need to retain 20% - 1.8 or 2 trees. However, if 4 of the trees were within the area needed for required frontage improvements, the retention would be based on 5 trees (12 – (3 + 4)) or 1 tree retained.

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

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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 that retention of the minimum percentage of trees is not advisable on an individual site;
or

2. In addition, 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.

5. Prior to calculating tree retention requirements, significant trees required to be removed due to a condition of permit approval (e.g. to accommodate frontage improvements), shall be deducted.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #28
Exception 20.50.360(C)

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Justification – SMC 20.50.350(C) sets forth the minimum tree replacement requirements for non-exempt development. This provision is related to the “exception” for this SMC.

The City regularly requires private development to construct street frontage improvements. The City also has capital improvement projects that can impact private properties. Typically, frontage improvement standards have little flexibility in preserving trees because of the frontage standards and the construction around these trees can be damaging to the health of the trees. In either case, the street improvement’s construction and grading may require tree removal on private properties. These removed trees are out of the control of property owners and the result of needed public improvements. Therefore, staff recommend that these trees on private property that need to be removed by the City should not be included in the minimum tree replacement ratio calculation of the affected private property.

For example, if a development proposal removed 12 significant trees, 3 of which are partially exempt and 4 of which are required to be removed to accommodate frontage improvements, then the replacement would be based on 5 trees (12 – (3 + 4)) or 5 replacement trees (assuming there are all 8-12” DBH).

Exception 20.50.360(C):

- a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.
- b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:
 - i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
 - ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
 - iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
 - iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.
- c. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.
 4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.
 5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the

construction of a light rail system/facility, regardless of its location, may be replaced on the project site.

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

d. Prior to calculating tree replacement requirements, significant trees required to be removed due to a condition of permit approval (e.g. to accommodate frontage improvements), shall be deducted.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #29

20.50.360(K) – Tree Replacement and Site Restoration

*Justification – This amendment is a privately-initiated amendment to the development standards for tree clearing activities. The applicant has provided a justification for this amendment in **Attachment 2**.*

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.

4. Responsible parties with one or more infraction(s) issued by the City of Shoreline (like a Notice and Order or Stop Work) related to tree protection shall be subject to increased monitoring and bonding requirements, including mandatory bonding for a period of three years for the purposes of tree protection, initial, intermediate, and final inspection, and reports by a certified arborist selected by the Director and paid for by the responsible party on all future development projects until the party achieves a period of 10 years without a violation. Graduated fines and penalties for second and subsequent violations will be assessed.

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5. Replacement trees shall be bonded and a three year maintenance plan provided for approval. Implementation shall be monitored for any developer with an infraction (like a Notice and Order or Stop Work) related to trees, within the past 10 years.

Staff recommendation – Staff does not recommend this amendment for the following reasons:

1. The City has the ability to issue a Notice and Order and Stop Work notices per SMC 20.30.760. The City requires a maintenance bond for a period of three years for the replacement trees for a development project. After three years, the City will inspect the site to ensure the replacement trees have survived. If not, the owner is responsible for replacing the trees. The applicant has proposed a monitoring period of 10 years which staff does not support. Typically, after three years, staff has the ability to know if replacement trees are living and healthy. Monitoring replacement trees for a 10-year period is excessive and will required added staff resources (tracking and monitoring hundreds of trees).

2. In terms of penalties, the City already has the ability to assess the following penalties for unlawful tree removal:

*SMC 20.30.770(D) **Civil Penalties.***

1. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter shall be double the amount of the initial penalties.

2. Any responsible party who has committed a violation of the provisions of Chapter [20.50](#) SMC, General Development Standards (tree conservation, land clearing and site grading standards), or Chapter [20.80](#) SMC, Critical Areas, will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection (D)(1) of this section, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:

a. For violations within critical areas and required buffers, an amount determined pursuant to SMC [20.80.130](#)(E); or

b. For violations not located within critical areas and required buffers, an amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:

- i. The resulting increase in market value of the property; and*
 - ii. The value received by the responsible party; and*
 - iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and*
- c. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.*
- 3. An additional penalty of \$2,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate.*
- 4. A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24-consecutive-month period, and will incur double the civil penalties set forth above.*

Therefore, staff does not recommend further punishment of the responsible party in the form of additional bonding and monitoring which will likely fall on the new homeowner to complete verses the developer of the site.

Amendment #30

20.50.390 C – General Nonresidential Parking Standards

Justification – Table 20.40.130 lists “Professional Office” as an allowable use in a number of zoning districts, and it is defined in 20.20.040, but the City does not have a parking standard for it. This creates confusion for both the public and staff when applying the Development Code. To remedy this, staff proposes that it be added to the parking table. Of the local comparable jurisdictions researched, the off-street parking requirement for professional office ranged from 1 per 300 sf to 1 per 500 sf, so an average of 1 per 400 sf is recommended because Professional Offices uses (such as an attorney’s office) do not have the same amount of walk-in customer traffic as General Services uses (such as a hair salon). The use “Government/business services uses” is proposed to be deleted because it is not a listed use in Table 20.40.130, is not defined in 20.20, and can be administered under “Professional office uses”.

Table 20.50.390C – General Nonresidential Parking Standards

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NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
<u>Professional office uses:</u>	<u>1 per 400 square feet</u>
Government/business services uses:	1 per 500 square feet
Manufacturing uses:	0.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #31

20.50.390(D) Special Nonresidential Standards

Justification – A school typically has more staff members than number of classrooms. The minimum number of parking stalls required should provide at least enough for all staff members plus additional for volunteers, visitors, and students with vehicles. Staff has worked with the Shoreline School District to implement minimum parking requirements that take into account actual parking demand for elementary, middle, and high schools. The proposed changes to the parking requirements will result in more parking spaces than currently required. Based on recent permit applications from the District, the current parking requirements do not account for the total parking needs of the District’s schools.

Because the District is consistently providing additional parking at schools, the District is subject to Exception 20.50.390(A)(4)(D) which states, “ Any amount of surface parking lot that is over the minimum required number of stalls shall be paved with permeable pavement”. The proposed amendment to the parking standards will allow the District to provide the right amount of parking without the need to constantly go over the maximum parking requirements.

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of that residential area the underlying zone
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.2 4.5 per classroom <u>staff member</u>
High schools with stadium:	1 per classroom <u>staff member</u> plus 1 per 10 students, or <u>and</u> 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom <u>staff member</u> , plus 1 per 10 students
Middle/junior high schools:	4 1.2 per classroom <u>staff member</u> , plus 1 per 50 students
Vocational schools:	1 per classroom <u>staff member</u> , plus 1 per 5 2 students

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #32

20.50.410 – Parking Design Standards

Justification – The current reference, 51.40.110 Chapter 11, does not exist in the WAC. Also, the term “handicapped” is no longer appropriate and will be replaced with “disabled”.

K. Off-street parking and access for physically disabled ~~handicapped~~ persons shall be provided in accordance with ~~WAC 51-40-1100 Chapter 11 – Accessibility~~ current version of ICC A117.1, Section 1106, Table 1106.1, Chapter 502 ~~and subsequent addendum.~~

Staff recommendation – Staff recommends that this amendment be approved.

20.70 Amendments

Amendment #33

20.70.320 – Frontage improvements

Justification – SMC 20.70.320(C)(6) states that frontage improvements are required when a single-family land use is being converted to a commercial land use. SMC 20.70.320(C)(6) can trigger full frontage improvements even if the new use does not necessitate investments in the building that would exceed 50% of current or appraised valuation of existing structure.

The most likely type of business that can convert from single-family to commercial without spending over 50% of the structure value would be CPA firms, attorneys, etc. More intensive uses such as a restaurant conversion would most likely exceed the 50% valuation threshold and require the installation of frontage improvements.

One of the place-making goals in the 185th and 145th Station Subareas is to allow commercial businesses in the MUR-35' and MUR-45' zones is to attract businesses that will purchase homes and convert them pretty much "as-is" into businesses. At some point in the future the business might remodel or redevelop, and then it will definitely trigger the frontage improvement.

As currently written, this Code provision also applies to single family uses located in commercial zones. Therefore, a remodeling project for a commercial use in a commercial zone that does not exceed 50% of the valuation a structure would not be required to make frontage improvements; but a remodeling project for a single family use that is being converted to a commercial use in a commercial zone is required to make frontage improvements regardless of the cost of the project.

20.70.320

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels;

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2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;
3. For subdivisions;
4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt); or
5. One detached single-family dwelling in the MUR zones; ~~or~~
6. ~~When a single-family land use is being converted to a commercial land use, then full frontage improvements will be required.~~

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #34

20.70.320 Frontage improvements

Justification – This proposed amendment will allow the City to waive the requirement for frontage improvements in certain circumstances – primarily where the City will not see any future redevelopment or opportunity to get frontage along a roadway. An example would be where a property subdivides and there are no adjacent sidewalks and no likelihood that additional redevelopment would lead to more frontage improvements along the street. This amendment will prevent small segments of sidewalks that will never connect to the overall pedestrian system.

A. Standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan adopted in Chapter 12.10 SMC, and the Engineering Development Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.

B. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization.

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels;
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;
3. For subdivisions;
4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt);
5. One detached single-family dwelling in the MUR zones; or
6. When a single-family land use is being converted to a commercial land use, then full frontage improvements will be required.

D. Exemptions to frontage improvements are limited to:

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1. Subdivision, short plats, and binding site plans where all of the lots are fully developed.
2. Instances where the street will be improved as a whole through a capital improvement project or local improvement district within five years of permit issuance. In such cases, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from an LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

E. Waivers may be approved by the Director of Public Works to not require frontage improvements under the following circumstances if the Director determines:

1. The installation of the improvements will cause a safety hazard; or
2. Construction of improvements will adversely impact critical areas that cannot be mitigated; or
3. The current level of improvements in the rights-of-way will not be changed because there is limited opportunity for additional improvements through development or redevelopment or a City project along the rights-of-way within the foreseeable future. The current level and extent of the improvements in the right-of-way adjacent to the property will not be changed in the future.

The applicant shall utilize the Deviation from the engineering standards process specified in Section 20.30.290. The applicant shall address how the waiver satisfies the criteria for a deviation as well as the applicable conditions of this subsection. Supporting documentation and application fees shall be submitted with the waiver request.

F. E. All improvements required under this chapter shall be designed and constructed in accordance with the Engineering Development Manual. Deviation from the Engineering Development Manual may be considered through a deviation process as set forth in SMC 20.30.290.

G. F. Required improvements shall be installed by the applicant prior to final approval or occupancy.

G. Subdivisions improvements shall be completed prior to the final plat approval. A bond or other surety may be allowed as provided for in SMC 20.30.440 in lieu of completion of all improvements.

Staff recommendation – Staff recommends that this amendment be approved.

Amendment #35 **20.70.440 and .450 – Access widths**

Justification – Driveway widths and access types should be amended to accommodate the proposed type and the number of units of a development and to be consistent with the amended

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Engineering Development Manual. Circular drives are removed because that is not related to a type of development. “Adjacent development potential” should be removed because that is not defined.

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. These access widths are specified in the Engineering Development Manual.

20.70.450 Access Types and Widths.

A. Table 20.70.450 – Access Types and Widths.

Dwelling Type and Number	Engineering Development Manual Access Types and Width
<u>Single-family Detached</u> - 1 unit	Residential
<u>Single-family Detached</u> - 2 – 4 units	Shared
<u>Single-family Detached</u> - 5 or more units	<u>Multifamily Private or Public Street</u>
Commercial, pPublic fFacility	Commercial
Circular	Per Criteria in EDM
5 or more <u>Single-family Attached or Multifamily units</u> without adjacent development potential	<u>Multifamily Private Street</u>

Staff recommendation – Staff recommends that this amendment be approved.

20.80 Amendments

Amendment #36

20.80.082 – Mitigation plan requirements

Justification – The standards for critical area mitigation/restoration plans are based on Best Available Science as required by State mandate and defined per Shoreline Municipal Code 20.20.012 – “Current scientific information used in the process to designate, protect, mitigate impacts to, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-196-900 through 365-196-925.” However, there is no State mandated regulations or Best Available Science for the monitoring of mitigated/restored critical areas. In addition, it is possible to have more than one Best Available Science approach to critical area restoration.

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Critical areas protections adopted under the Growth Management Act have been in place in most jurisdictions for decades. Jurisdictions review and update their regulations as required by the State to be current with the Best Available Science and to apply their experience in the administration of these regulations. Although jurisdictions may protect critical areas in different ways, they must preserve the existing functions and values of their critical areas. If development harm critical areas, the jurisdiction must require compensatory mitigation to address the harm.

The State rule only encourages counties and cities to monitor and evaluate their efforts in critical areas protection and to incorporate new scientific information as it becomes available. No court decisions have held that local governments are required to adopt monitoring. Counties and cities may choose to incorporate lessons learned from monitoring as part of their periodic review of critical areas or shoreline programs under either the GMA or the SMA, though there is no requirement to wait for scheduled reviews to improve permit processes.

Our research shows two basic scientific approaches to monitoring based on which method of restoration is the most effective. Shoreline's current approach requires yearly monitoring of the restoration installation to be assessed yearly by the property owner's consultant followed by city staff inspection. If the critical area does not restore itself as planned then the critical area needs to be restored again. This steps repeats yearly for 5 years. At the end of 5 years, if the critical area is not restored to be at least 80% consistent with the original restoration plan, then the restoration plan needs to be amended. The plan may fail for a variety of reasons such as selecting a plant mix that doesn't succeed; improper maintenance of restoration site; aggressive plant invasives; animals ate the plants; etc. In addition, the current code does not articulate when there is an end point to this cycle of monitor fail and repeat. By staff experience, the restoration process that the consulting expert recommends usually does not go as planned. As a result, the City has to negotiate cooperation and enforce compliance with the property owner — sometimes after the ownership has changed.

A more "passive" restoration method removes the factor causing degradation, fences it, and lets nature do the work of restoration. This method allows natural regeneration of plant communities, recolonization by animals, and establishment of hydrology and soils. The result is usually what the critical area wants to be — not what we think it should be. The benefit of this method is that it is low cost and has a high degree of certainty that the restored critical area will be compatible with the surrounding landscape. To enhance this method, staff recommends that in addition to the fencing that plants are installed during the wet season and then let the natural regeneration recolonize the site. The most common concern is that invasive species of plants and animals will have an advantage. Staff's experience that this will occur anyway with a monitored critical area restoration, in part, because the existing vegetation outside the critical area will colonize a restored area.

Staff proposes a blend of the monitored and the passive mitigation approaches to critical area restoration. A restoration plan and its installation would still need to be approved and bonded. However, after planting in the wet season and installation of the protective fencing the restoration site restores itself. At the end of a 5-year maintenance plan if the site is not completely self-propagated then the site will have to be mitigated and enhanced one last time before bond monies are released or the bond money will be used to complete the work. Even though a protected CAO will be recorded on title, this approach also has the advantage of not involving a new property owner, who frequently does not know that they purchased a property that has a 5-year obligation to maintain it, hire a monitoring scientist yearly, and completing the restoration work.

20.80.082 Mitigation plan requirements.

When mitigation is required, the applicant shall submit for approval by the City a mitigation plan as part of the critical area report. Mitigation plans must meet the minimum requirements of SMC 20.80.080 and the applicable mitigation performance standards and requirements for the impacted type(s) of critical area(s) and buffer(s), including but not limited to SMC 20.80.250, 20.80.300, and 20.80.350. When the mitigation plan is submitted separately from other types or sections of the required critical area report(s), the mitigation plan must meet the minimum content requirements of SMC 20.80.080(E) by inclusion or reference to other existing report(s). The mitigation plan shall include:

A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the mitigation proposed and including:

1. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
2. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed.

B. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained at the end of the required maintenance monitoring period and whether or not the requirements of this chapter have been met.

C. Detailed Mitigation Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:

1. The proposed construction sequence, timing, and duration;
2. Site plans showing grading and excavation details with minimum two-foot contour intervals;
3. Erosion and sediment control features;
4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
5. Measures to protect and maintain plants until established;
6. Protective fencing completely surrounding the restored area with a 6-inch gap at the base is required for the duration of the 5-year maintenance period. Split rail fencing, at a minimum 3 feet in height, is acceptable; and
7. Planting shall occur within the first month of the rain season or temporary irrigation shall be installed.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

D. Monitoring Program and Contingency Plan.

1. A monitoring program shall be included in the mitigation plan and implemented by the applicant to determine the success of the mitigation project and any necessary

corrective actions. This program shall determine if the original goals and objectives of the mitigation plan are being met.

2. — A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. Contingency plans include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. Corrective measures will be required by the City when the qualified professional indicates, in a monitoring report, that the contingency actions are needed to ensure project success by the end of the monitoring period. A performance and maintenance bond, or other acceptable financial guarantee, is required to ensure the applicant's compliance with the terms of the mitigation agreement consistent with SMC 20.80.120, Financial guarantee requirements.

3. — Monitoring programs prepared to comply with this section shall include the following requirements:

a. — Best available scientific procedures shall be used to establish the success or failure of the project. A protocol outlining the schedule for site monitoring (for example, monitoring shall occur in years zero (as-built), one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met.

b. — For vegetation determinations, permanent sampling points shall be established.

c. — Vegetative success shall, at a minimum, equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent plant species at the end of the required monitoring period. Alternative standards for vegetative success, including (but not limited to) minimum survival standards following the first growing season, may be required after consideration of recommendations provided in a critical area report or as otherwise required by the provisions of this chapter.

d. — A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. Monitoring reports on the current status of the mitigation project shall be submitted, consistent with subsection E of this section, to the City on the schedule identified in the monitoring plan, but not less than every other year. The reports are to be prepared by a qualified professional and reviewed by the City, or a qualified professional retained by the City, and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, as applicable.

e. — Monitoring programs shall be established for a period necessary to establish that performance standards have been met, but not for less than a minimum of five years without approval from the Director. Monitoring programs for projects located within the shoreline jurisdiction must also comply with the standards in SMC 20.230.020 and may require a longer monitoring period.

f. — If necessary, failures in the mitigation project shall be corrected.

g. — Dead or undesirable vegetation shall be replaced with appropriate plantings.

h. — Damage caused by erosion, settling, or other geomorphological processes shall be repaired.

i. — The mitigation project shall be redesigned (if necessary) and the new design shall be implemented and monitored, as in subsection (D)(3)(d) of this section.

j. — Correction procedures shall be approved by a qualified professional and the City.

k. — If the mitigation goals are not obtained within the initial monitoring period, the applicant remains responsible for restoration of the impacted values and

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~~functions or hazard risk reduction until the mitigation goals agreed to in the mitigation plan are achieved.~~

~~E.— Monitoring Reports. Monitoring reports shall be submitted to the City consistent with the approved monitoring plan.~~

~~D.1.— The as-built report, required prior to final inspection, shall, at a minimum, include documentation of the following:~~

- ~~a.— Departures from the original approved plans;~~
- ~~b.— Construction supervision provided by the qualified professional;~~
- ~~c.— Approved project goals and performance standards;~~
- ~~d.— Baseline data for monitoring per the approved monitoring methods;~~
- ~~e.— Photos from established photo points; and~~
- ~~f.— A site plan showing final mitigation as constructed or installed.;~~

~~An as-built report for any approved mitigation project shall be prepared and signed off by the applicant's qualified professional and inspected for approval by the City.~~

~~monitoring points, and photo points.~~

~~2.— Subsequent monitoring reports shall, at a minimum, include:~~

- ~~a.— Monitoring visit observations, documentation, and analysis of monitoring data collected;~~
- ~~b.— Photos from photo points;~~
- ~~c.— Determination whether performance standards are being met; and~~
- ~~d.— Maintenance and/or contingency action recommendations to ensure success of the project at the end of the monitoring period.~~

~~3.— The applicant shall be responsible for the cost (at the current hourly rate) of review of monitoring reports and site inspections during the monitoring period, which are completed by the City or a qualified professional under contract with or employed by the City.~~

~~E. F.— Cost Estimates. The mitigation plan shall include cost estimates that will be used by the City to calculate the amounts of financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with SMC 20.80.120, Financial guarantee requirements. A Notice on Title shall be recorded with the property per SMC 20.80.100 with additional responsibility of implementing and completing the mitigation plan maintenance bond to be either the initial applicant or the current property owner at the time of completion. The mitigation plan shall be implemented and city-inspected with a 5-year maintenance bond.~~

~~E.G.— Approved Mitigation Projects — Signature. If at the end of the 5-year maintenance period, plant restoration standards have not been achieved then one final repair and replacements of the mitigation plan shall be required. Upon final inspection of the required repairs and replacements the City will release the maintenance bond.~~

Staff recommendation: Additional research is needed to verify this amendment would provide commensurate protection for the environment. Staff would like to further consult with the other jurisdictions and agencies that are also tasked with permitting in critical areas and therefore implementation of mitigation plans and monitoring programs. This is amendment is therefore removed by staff from the 2018 Development Code Batch of amendments. —Staff recommends that this amendment be approved.

Amendment #37

20.80.220 Geologic hazards – Classification.

Justification – The City of Edmonds potential landslide hazard areas include:

Any slope of 40 percent or steeper that exceeds a vertical height of 10 feet over a 25-foot horizontal run. Except for rockeries that have been engineered and approved by the engineer as having been built according to the engineered design, all other modified slopes (including slopes where there are breaks in slopes) meeting overall average steepness and height criteria should be considered potential landslide hazard areas);

Many of the geologic hazard areas in Shoreline have been altered or modified over the years of suburban development before there were geologic hazard area regulations. There are many alterations such as roads, drives, ditches, culverts, walls, houses, terracing, etc. that have interrupted or impeded the geologic hazard areas – especially the buffer areas around them. Many of these existing land modifications in buffer areas interrupt the function of geologic hazard areas such that the remaining buffer outside these interruptions are no longer hazardous or connected to its original geologic classification.

Code currently has provisions (below) in SMC 20.80.280(D) (7) for fish and wildlife habitat and in 20.80.330(G) (10) for wetlands (below) for modified and isolated.

(7) Development Proposals within Physically Separated and Functionally Isolated Stream Buffers. Consistent with the definition of “buffers” (SMC 20.20.012), areas that are functionally isolated and physically separated from stream due to existing, legally established roadways and railroads or other legally established structures or paved areas eight feet or more in width that occur between the area in question and the stream shall be considered physically isolated and functionally separated stream buffers. Once determined by the Director, based on a submitted critical area report to be a physically separated and functionally isolated stream buffer, development proposals shall be allowed in these areas.

(10) Small, Hydrologically Isolated Category IV Wetlands. The Director may allow small, hydrologically isolated Category IV wetlands to be exempt from the avoidance sequencing provisions of SMC 20.80.053 and subsection D of this section and allow alteration of such wetlands; provided, that a submitted critical area report and mitigation plan provides evidence that all of the following conditions are met:

1. The wetland is less than 1,000 square feet in area;

2. The wetland is a low quality Category IV wetland with a habitat score of less than three points in the adopted rating system;

3. The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance which are regulated as fish and wildlife habitat conservation areas in Chapter 20.80, Subchapter 3;

4. The wetland is not associated with riparian areas or buffers;

5. The wetland is not part of a wetland mosaic; and

6.— A mitigation plan to replace lost wetland functions and values is developed, approved, and implemented consistent with SMC 20.80.350.

The Critical Area regulations need to be fine-tuned to better fit in geologic hazard areas. The presentation of this amendment will be delayed until we receive the consultant recommendations and BAS to go with it.

The second amendment (B.2.c) is only an amendment for a more direct reading of the code and not a change in standards.

A.— **Landslide Hazard Areas.** Landslide hazard areas are those areas potentially subject to landslide activity based on a combination of geologic, topographic and hydro-geologic factors as classified in subsection B of this section with slopes 15 percent or steeper within a vertical elevation change of at least 10 feet or all areas of prior landslide activity regardless of slope. A slope is delineated by establishing its toe and top, and measuring the inclination over 10 feet of vertical relief (see Figure 20.80.220(A)). The edges of the geologic hazard are identified where the characteristics of the slope cross-section change from one landslide hazard classification to another, or no longer meet any classification. Additionally:

1.— The toe of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes above that are 15 percent or steeper when measured over 10 feet of vertical relief; and

2.— The top of a slope is a distinct topographic break which separates slopes inclined at less than 15 percent from slopes below that are 15 percent or steeper when measured over 10 feet of vertical relief.

3.— **Classified slopes that include existing or proposed engineered structures such as building foundations, retaining walls, and engineered slopes, roads and terraces grades, or construction stabilization plans, may be exempt from a landslide hazard classification with the support of current, geotechnical and engineer reports.**

B.— **Landslide Hazard Area Classification.** Landslide hazard areas are classified as follows:

2.— **Very High Risk**

a.— Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);

b.— Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or

c.— All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 feet of vertical feet of relief.

Staff recommendation — Staff recommends that this amendment be approved.

Amendment #38

20.230.200 – Land disturbing activity policies

Justification – This section contains regulations and not policies.

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20.230.200 – Land disturbing activity regulations ~~policies~~

Staff recommendation – Staff recommends that this amendment be approved.