



# PLANNING COMMISSION PUBLIC HEARING MEETING AGENDA

Thursday, December 6, 2018  
7:00 p.m.

Council Chamber – Shoreline City Hall  
17500 Midvale Ave N  
Shoreline, WA 98133

Estimated Time

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|---|------|
| <b>1. CALL TO ORDER</b>                           | 7:00 |
| <b>2. ROLL CALL</b>                               | 7:01 |
| <b>3. APPROVAL OF AGENDA</b>                      | 7:03 |
| <b>4. APPROVAL OF MINUTES</b>                     | 7:04 |
| a. <a href="#">November 1, 2018 Draft Minutes</a> |      |

## **Public Comment and Testimony at Planning Commission**

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

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| <b>5. GENERAL PUBLIC COMMENT</b>                                       | 7:05 |
| <b>6. PUBLIC HEARING</b>   | 7:10 |
| a. <a href="#">Potential Expansion of Deep Green Incentive Program</a> |      |
| - Public Testimony   |      |
| <b>7. STUDY ITEMS:</b>   | 7:15 |
| a. <a href="#">Shoreline Master Program (SMP) Review</a>               |      |
| <b>8. DIRECTOR'S REPORT</b>  | 7:45 |
| <b>9. UNFINISHED BUSINESS</b>  | 7:50 |
| <b>10. NEW BUSINESS</b>  | 7:51 |
| <b>11. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>     | 7:52 |
| <b>12. AGENDA FOR December 20, 2018 (meeting cancelled)</b>            | 7:53 |
| <b>13. ADJOURNMENT</b>   | 7:55 |

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

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF PUBLIC HEARING MEETING**

November 1, 2018  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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**Commissioners Present**

Chair Montero  
Vice Chair Mork  
Commissioner Craft  
Commissioner Davis  
Commissioner Lin  
Commissioner Maul  
Commissioner Malek

**Staff Present**

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

**CALL TO ORDER**

Chair Montero called the Public Hearing meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of October 18, 2018 were approved as submitted.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**PUBLIC HEARING: 2018 DEVELOPMENT CODE AMENDMENTS**

Chair Montero reviewed the rules and procedures for the hearing and then opened the public hearing. Mr. Szafran presented each of the amendments, Chair Montero invited public testimony (*there was none*), and the Commission took action as follows:

- **Amendment 1 (SMC 20.20.012.B) – Building Coverage Definition.** The current definition for “Building Coverage,” is unclear whether it includes covered but unenclosed structures or portions of structures such as carports, covered decks, and porches. The amendment would make the definition cover all of the roof area of all buildings on a lot.

**VICE CHAIR MORK MOVED THAT THE COMMISSION FORWARD AMENDMENT 1 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 2 (SMC 20.20.024.H) – Definitions.** This amendment would add a definition for “Homeless Shelter” and is related to Amendments 12 and 15.

**COMMISSIONER CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENT 2 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 3 (SMC 20.20.032.L) – Definitions.** This amendment would add a definition for “Landscape Structures.” A unified definition that applies to different types of landscape structures is needed in order to clarify the applicability of the requirements.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 3 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 4 (SMC 20.20.044.R) – Refuse Definition.** The Development Code neglected to update the citation for the definition of “Garbage” when the new definitions were added to Title 13. In addition to updating the citation, the amendment would renumber the definitions.

**COMMISSIONER CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENT 4 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. VICE CHAIR MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 5 (SMC 20.20.046.S) – Sign Definition.** This amendment would add a definition for “Sign” to the Development Code.

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COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 5 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **Amendment 6 (SMC 20.20.0480.T) – Trellis.** This amendment is based on Amendment 3, which is a unified definition for “Landscape Structure” that includes arbors, pergolas and trellises. As proposed, “trellis” would be deleted.

COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 6 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **Amendment 7 (SMC 20.30.040) – Noise Variance.** Newly adopted Ordinance No. 818 (Noise Code) resulted in the creation of a new variance process. The proposed amendment adds “Noise Variance” to the Type A Administrative Action Table.

COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 7 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **Amendment 8 (SMC 20.40.405) – Homeless Shelter.** This amendment was withdrawn.
- **Amendment 9 (SMC 20.40.020).** This amendment would add the Town Center (TC-4) zone to the residential zoning category on the table.

COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 9 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **Amendment 10 (SMC 20.40.030).** This amendment would add the TC-4 zone and delete the R-36 zoning category.

COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 10 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

- **Amendment 11 (SMC 20.40.046.D).** This amendment would add the missing word, “in.”

VICE CHAIR MORK MOVED THAT THE COMMISSION FORWARD AMENDMENT 11 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN.

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**COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 12 (SMC 20.40.120) – Homeless Shelter Use Table.** This amendment would add “Homeless Shelter” to the use table as an approved permitted use with indexed criteria in the Community Business (CB), Mixed Business (MB) and Town Center (TC) 1, 2 and 3 zones.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 12 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 13 (SMC 20.40.160) – Unlisted Uses.** The amendment would remove “Unlisted Uses” from the table.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 13 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 14 (SMC 20.40.235.C.5) – Add Exemption.** This amendment would remove the term “transportation impact fee waivers” because the exemption applies to all of the City’s impact fees.

**COMMISSIONER CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENT 14 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 15 (SMC 20.40.405) – Homeless Shelter Indexed Criteria.** This amendment adds indexed criteria for “Homeless Shelters.”

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 15 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MALEK SECONDED THE MOTION.**

Vice Chair Mork said she has listened to several presentations and read that absolute alcohol and drug-use restrictions may not be the best approach. She asked if the restriction is written specific to Mary’s Place or if it would apply to all homeless shelters. Mr. Szafran answered that the rules that were adopted as part of a previous Tent City application were used as a template for the proposed amendment, and the language is not specific to Mary’s Place. Vice Chair Mork commented that the most important requirement is that homeless shelters must be sponsored by an approved non-profit organization. She asked who is responsible for approving non-profit organizations. Mr. Szafran said non-profit organizations must be approved by the State of Washington. He noted that the proposed language also requires that a non-profit organization must have experience organizing and managing homeless shelters. Since sponsoring organizations must have experience and be approved by the State

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of Washington, Vice Chair Mork asked if it is mandatory to include the more specific requirement related to drug and alcohol use. Commissioner Maul said he would support the provision to prohibit alcohol and drugs in homeless shelters. Chair Montero noted that in most homeless shelters, drug and alcohol use is prohibited.

Commissioner Davis said she has also heard that this type of low-barrier, housing-first model for transitional housing can be very beneficial. However, homeless shelters are different in that they are more short-term. She can see the need for a sponsoring organization to present rules to the City as part of its application, but she does not feel these specific rules need to be written into the City's code.

Assistant City Attorney Ainsworth-Taylor clarified that, while State-approved non-profit or a Federally-approved 501c3 organizations are authorized to provide social services such as homeless shelters, no specific rules and regulations are attached to the designations. Based on this clarification, Vice Chair Mork agreed that the language should remain as proposed.

#### **THE MOTION CARRIED UNANIMOUSLY.**

- **Amendment 16 (SMC 20.40.504) – Self Storage.** This amendment would add the word “gross” before “square feet.” The word was inadvertently left out of Ordinance No. 789 that adopted self-storage requirements.

**VICE CHAIR MORK MOVED THAT THE COMMISSION FORWARD AMENDMENT 16 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 17 (SMC 20.50.020) – Height.** This amendment clarifies code provisions for increased height for gymnasiums and theater fly spaces for both public and private K-12 schools.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 17 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 18 (SMC 20.50.020.3) – Height in Commercial Zones.** Currently, the base height in the Mixed Use Residential (MUR) zones can be exceeded by 15 feet for rooftop structures. The proposed amendment would extend the provision to the commercial zones, as well.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 18 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

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- **Amendment 19 (SMC 20.50.040) – Landscape Structure in Setback.** This amendment would provide clarification on the applicability of maximum height and sight distance requirements to vegetation supported by landscape structures.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 19 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER DAVIS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 20 (SMC 20.50.120).** This section of the code is unclear and confusing when applying single-family attached and multi-family design standards to town home projects in certain mixed-use residential zones. The amendment would add a semicolon instead of a comma to make the provision easier to understand.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 20 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 21 (SMC 20.50.122) – Administrative Design Review for Single Family Residential Attached and Multifamily Residential.** This amendment adds an Administrative Design Review process to the Single Family Attached and Multifamily design standards.

**COMMISSIONER CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENT 21 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 22 (SMC 20.50.150) – Storage Space for Garbage.** This amendment changes the title of the section to, “Storage Space for Collection of Garbage, Recyclables and Compostables Standards.”

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 22 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 23 (SMC 20.50.240.C.2) – Lighting.** Pedestrian right-of-way standards are typically determined by Public Works through the Engineering Development Manual and should not be addressed or duplicated in the Development Code. The proposed amendment would delete right-of-way lighting from this provision.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 23 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS**

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**WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 24 (SMC 20.50.310.B) – Tree Removal and Lot Size.** This amendment would allow one additional significant tree to be removed for every 7,200 square feet of lot area.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 24 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 25 (SMC 20.50.340).** This amendment would simply capitalize the word “Preparation” since it is a title.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 25 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 26 (SMC 20.50.350.B) – Trees in Setbacks.** This privately-initiated amendment would change the development standards for tree clearing activities. Staff is recommending denial of the amendment for a number of reasons as outlined in the Staff Report.

Vice Chair Mork clarified that staff is concerned that the phrase “largest size commercially available” is problematic. Mr. Szafran agreed that is one of the concerns. He pointed out that the City currently regulates unlawful tree removal (SMC 20.30.770.D.2) and already has a process for imposing civil penalties for these types of activities. The proposed amendment seeks to require replacement trees that are the largest size commercially available, and staff has 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. Trees that are smaller at the time of planting can typically catch up and surpass the larger trees. Mr. Cohen added that the largest size commercially available could be a huge range, making it difficult to administer on an individual basis. Mr. Szafran said staff is also concerned that the amendment would prohibit the removal of significant trees that are within required setbacks. Staff likes to provide some flexibility for design, solar access, etc., which may require the removal of trees within the setback. Mr. Szafran noted that property owners would still be required to meet the tree retention and replacement requirements, and staff believes the existing system works well. Mr. Szafran said the amendment would also require a replacement tree of the same type that was removed; and in some cases, that might not be a desirable species.

**COMMISSIONER CRAFT MOVED THAT THE COMMISSION RECOMMEND DENIAL OF AMENDMENT 26. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 27 (SMC 20.50.350.B) and Amendment 28 (SMC 20.50.360.C) – Tree Retention and Replacement for Public Improvements.** These provisions set forth the minimum tree retention and

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replacement requirements. As proposed, trees on private property that need to be removed based on a City requirement should not be included in the minimum tree retention ratio calculation or the replacement requirement of the affected property owner.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 27 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION.**

Assistant City Attorney Ainsworth-Taylor advised that Amendment 27 was revised slightly from the language outlined in the Staff Report to clarify the intent. As currently proposed, the amendment would read, *“No tree replacement is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.”*

**COMMISSIONER CRAFT MOVED TO AMEND THE MOTION TO RECOMMEND THE REVISED LANGUAGE AS PROPOSED BY THE ASSISTANT CITY ATTORNEY. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

Ms. Ainsworth-Taylor advised that in the new language, the word “replacement” should have been “retention.” The language should read, *“No tree retention is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.”*

**COMMISSIONER CRAFT MOVED TO AMEND THE MOTION TO RECOMMEND THE REVISED LANGUAGE AS PROPOSED AND CORRECTED BY THE ASSISTANT CITY ATTORNEY. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**THE MAIN MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.**

Assistant City Attorney Ainsworth-Taylor advised that Amendment 28 was also revised slightly since the last meeting to clarify the intent. As currently proposed, the amendment would read, *“No tree replacement is required when a significant tree otherwise required to be retained must be removed to accommodate installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320.”*

**COMMISSIONER CRAFT MOVED THAT THE COMMISSION FORWARD AMENDMENT 28 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL BASED ON THE REVISED LANGUAGE PROPOSED BY THE ASSISTANT CITY ATTORNEY. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 29 (SMC 20.50.360.K) – Tree Replacement and Site Restoration.** This amendment was privately initiated, and staff recommends denial. The City already has the ability to issue Notice

and Order and Stop Work Notices. Per SMC 20.30.760, the City currently requires a maintenance bond for a period of three years for replacement trees required as part of a development project. After three years, the City inspects the site to ensure the trees have survived. If not, the owner is responsible for replacing them. The applicant of the amendment proposes a monitoring period of 10 years, which staff believes is excessive. Typically, after three years, staff has the ability to know if replacement trees are living and healthy. In terms of penalties, the City already has the ability to assess civil penalties for unlawful tree removal.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION RECOMMEND DENIAL OF AMENDMENT 29. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 30 (SMC 20.50.390.C) – Office Parking.** This amendment adds parking requirements for professional office uses. Also, because “Government/Business Services” is not listed as a use in the Development Code, the use would be deleted from this section as it can more easily be administered under “Professional Office.”

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 30 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 31 (SMC 20.50.390.D) – Required Parking.** This amendment would revise the parking standards for schools. In addition, the language for Daycare I would be updated by replacing “that residential area” with “the underlying zone.”

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 31 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 32 (SMC 20.50.410) – Disabled.** The term “handicap” is no longer appropriate and the proposed amendment would replace the term with “disabled.”

**VICE CHAIR MORK MOVED THAT THE COMMISSION FORWARD AMENDMENT 32 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 33 (SMC 20.70.320.C) – Frontage Improvements.** This amendment would delete the requirement for frontage improvements when a single-family land use is converted to a commercial land use. For clarification, Mr. Szafran explained that full frontage improvements would still be required when properties are redeveloped.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 33 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 34 (SMC 20.70.320) – Waivers for Frontage Improvements.** This proposed amendment would allow the City to waive the requirement for frontage improvements in certain circumstances, such as safety hazards, impacts to critical areas, or where the City does not see future redevelopment or the opportunity to get frontage improvements along a roadway.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 34 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 35 (SMC 20.70.450) – Access Widths.** Consistent with the Engineering Development Manual, this amendment would make the driveway widths and access types match up with the types of development. “Circular” drives would also be removed because they are not a type of development.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 35 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 36 (SMC 20.80.082) and Amendment 37 (SMC 20.80.220).** These amendments were withdrawn.
- **Amendment 38 (SMC 20.230.200) – SMP Shoreline Policies and Regulations.** This amendment updates the title of the section to be regulations and not policies.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD AMENDMENT 38 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS WRITTEN. COMMISSIONER CRAFT SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

### **DIRECTOR’S REPORT**

Director Markle referred to the list of permitted new development that was provided to Commissioners prior to the meeting. She announced that the self-storage facility at 167<sup>th</sup> and Aurora Avenue North has broken ground. She also announced that pre-applications have slowed down to a small degree, and most of those on the list are for townhome development.

Commissioner Maul requested an update on the Alexan project. Mr. Cohen advised that they are still working out some legal issues about ownership, but the permit has been issued and he anticipates they will proceed as planned.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

There was no new business.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Chair Montero reported that he attended the 185<sup>th</sup> Corridor Project Drop-In Storefront studio event, which was well done, well attended, and well received.

**AGENDA FOR NEXT MEETING**

Mr. Cohen announced that the November 15<sup>th</sup> meeting has been cancelled. The next regular meeting is December 6<sup>th</sup> and the topic of discussion will be the Shoreline Master Program (SMP) Update. The December 20<sup>th</sup> meeting has been cancelled, as well. A joint dinner meeting with the City Council is scheduled for February 11<sup>th</sup>. Prior to the meeting, staff will prepare a letter from the Commission to the City Council advising of their 2018 activities and outlining potential work items for 2019.

**ADJOURNMENT**

The meeting was adjourned at 7:42 p.m.

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William Montero  
Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission

## 6a. Staff Report - Potential Expansion of Deep Green Incentive Program

Planning Commission Meeting Date: December 6, 2018

Agenda Item: 6a

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

**AGENDA TITLE:** Potential Expansion of Deep Green Incentive Program

**DEPARTMENT:** Planning & Community Development

**PRESENTED BY:** Miranda Redinger, AICP, Senior Planner

Public Hearing

Study Session

Recommendation Only

Discussion

Update

Other

#### Public Hearing for Procedural Correction

A public hearing was originally conducted by the Planning Commission for the potential expansion of the Deep Green Incentive Program (DGIP) on October 18, 2018. At the conclusion of the hearing, the Planning Commission deliberated and provided its recommendation to the City Council. The Commission recommended that Council adopt revisions to SMC 20.50, as shown in legislative format as Attachment A.

After that meeting, it was discovered that the SEPA Determination of Nonsignificance (DNS) was not issued prior to the hearing, as required by SMC 20.30.540(C). Therefore, even though the Planning Commission has conducted a public hearing, to correct this procedural oversight, the DGIP is being returned to the Planning Commission for the limited purpose of holding a second public hearing in conformance with the SMC's SEPA provisions.

The DNS was issued on November 15, 2018, and is included as Attachment B. The SEPA Checklist was prepared on November 13, 2018, and is included as Attachment C. All materials have been noticed properly and submitted to appropriate agencies for review.

Staff is not recommending that the Planning Commission modify the recommendation it formulated on October 18, 2018. Rather, Staff is recommending that after allowing for additional public comment, if any, and considering the DNS, the Planning Commission affirm its October 18 recommendation.

For a full review record, the Planning Commission study sessions and hearing for the potential expansion of the DGIP are listed below and include a link to each of the staff reports.

Approved By: Project Manager



Planning Director



## **6a. Staff Report - Potential Expansion of Deep Green Incentive Program**

- August 2, 2018- <http://www.shorelinewa.gov/home/showdocument?id=39436>.
- September 6, 2018-<http://www.shorelinewa.gov/home/showdocument?id=40690>.
- October 18, 2018- <http://www.shorelinewa.gov/home/showdocument?id=41043>.

### **NEXT STEPS**

Council Study Session: January 14, 2019

Potential Council Adoption of Ordinance No. 839: February 4, 2019

### **RECOMMENDATION**

Staff recommends the Planning Commission affirm its recommendation of October 18, 2018, which made several revisions to SMC 20.50 and expanded the Deep Green Incentive Program (SMC 20.50.630) to add a fourth tier, as follows:

- Tier 1- Living Building Challenge or Living Community Challenge;
- Tier 2- Emerald Star or Petal Recognition;
- Tier 3- LEED Platinum, 5-Star, Zero Energy plus Salmon Safe, or PHIUS+ Source Zero plus Salmon Safe; or
- Tier 4- PHIUS+ or 4-Star.

### **ATTACHMENTS**

Attachment A- Planning Commission recommendation in legislative format

Attachment B- Determination of Nonsignificance

Attachment C- SEPA Checklist

# Potential Expansion of Deep Green Incentive Program - Att. A

## Amendments to Shoreline Municipal Code Title 20 Chapters 20.20, 20.30, and 20.50 Potential Expansion of Deep Green Incentive Program (DGIP)

### 20.20.016 D definitions.

**Deep Green-** refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality than required by the Building Code. With regard to the Deep Green Incentive Program, this definition is divided into tiers based on certification programs as follows:

- Tier 1- International Living Future Institute's (ILFI) Living Building Challenge™ or Living Community Challenge™;
- Tier 2- ILFI's Petal Recognition™ or Built Green's Emerald Star™; and
- Tier 3- US Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Platinum™; Built Green's 5-Star™; or ILFI's Net Zero Energy Building™ (NZEB) or Passive House Institute US's (PHIUS)+Shift Zero™, in combination with Salmon Safe™ where applicable.
- Tier 4- Built Green's 4-Star™ or PHIUS+™.

### 20.30.080 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any project requesting departures through the Deep Green Incentive Program to discuss why departures are necessary to achieve certification through International Living Future Institute, Built Green, US Green Building Council, Passive House Institute US, or Salmon Safe programs. A representative from the prospective certifying agency(ies) will be invited to the meeting, but their attendance is not mandatory. If the project would not otherwise require a preapplication meeting, the fee for the preapplication meeting will be waived.

### 20.30.297 Administrative Design Review (Type A).

1. Administrative Design Review approval of departures from the design standards in SMC 20.50.220 through 20.50.250 and SMC 20.50.530 through 20.50.610 shall be granted by the Director upon their finding that the departure is:
  - a) Consistent with the purposes or intent of the applicable subsections; or
  - b) Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential.
2. Projects applying for the Deep Green Incentive Program by certifying through for certification under the Living Building or Community Challenge, Petal Recognition, Emerald Star, LEED-Platinum, 5-Star, 4-Star, PHIUS+, PHIUS+ Source Zero/Salmon Safe, or Net Zero Energy Building/Salmon Safe programs may receive departures from development standards under SMC 20.40, 20.50, 20.60, and/or 20.70 upon the Director's finding that the departures meet A and/or B above, and as further described under 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above.

### 20.40.046(D) Mixed-Use Residential Zones

## Potential Expansion of Deep Green Incentive Program - Att. A

D. ~~Four-Star Built Green construction is required all MUR zones.~~ Construction in MUR zones must achieve green building certification through one of the following protocols: Built Green 4-Star or PHIUS+. If an affordable housing or school project is required to certify through the Evergreen Sustainable Development Standard, this protocol shall fulfill the requirement.

### 20.50.400 Reductions to minimum parking requirements.

B. A project applying for parking reductions under the Deep Green Incentive Program may be eligible for ~~commercial and multi-family projects~~ based on the intended certification they intend to achieve. ~~No parking reductions will be eligible for single-family projects.~~ Parking reductions are not available in R-4 and R-6 zones. Reductions will be based on the following tiers:

1. Tier 1 – Living Building or Living Community Challenge Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;
2. Tier 2 – Living Building Petal or Emerald Star Certification: up to 35% reduction in parking required under 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;
3. Tier 3 - LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or Net Zero Energy Building/Salmon Safe Certification: up to 20% reduction in parking required under 20.50.390 for projects meeting the respective US Green Building Council, Built Green, PHIUS, ~~or~~ ILFI and/or Salmon Safe program criteria.
4. Tier 4- PHIUS+ or 4-Star: up to 5% reduction in parking required under 20.50.390 for projects meeting the PHIUS or Built Green program criteria.

C. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

D. The Director may impose performance standards and conditions of approval on a project, including a financial guarantee.

E. Reductions of up to 50 percent may be approved by the Director for the portion of housing providing low income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development.

F. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail station. These parking reductions may not be combined with parking reductions identified in subsections A, ~~B,~~ and ~~E~~ of this section.

~~G. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.~~

### Subchapter 9: 20.50.630 – Deep Green Incentive Program (DGIP)

A. **Purpose.** The purpose of this section is to establish an incentive program for Living and Deep Green Buildings in the City of Shoreline. The goal of the DGIP is to encourage development that meets the International Living Future Institute's (ILFI) Living Building Challenge™, Living Community Challenge™, Petal Recognition™, or Net-Zero Energy Building™ (NZEB) programs; Built Green's Emerald Star™ ~~or,~~ 5-Star™, or 4-Star™ programs; the US Green Building Council's (USGBC) Leadership in



## Potential Expansion of Deep Green Incentive Program - Att. A

Energy and Environmental Design™ (LEED) Platinum program; Passive House Institute US™'s PHIUS+ or PHIUS+Source Zero programs; and/or the Salmon Safe™ program by:

1. encouraging development that will serve as a model for other projects throughout the city and region resulting in the construction of more Living and Deep Green Buildings; and
2. allowing for departures from Code requirements to remove regulatory barriers.

### B. Project qualification.

1. Application requirements. In order to request exemptions, waivers, or other incentives through the Deep Green Incentive Program, the applicant or owner shall submit a summary demonstrating how their project will meet each of the requirements of the relevant certification program, such as including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems.
2. Qualification process. An eligible project shall qualify for the DGIP upon determination by the Director that it has submitted a complete application pursuant to SMC 20.30.297 Administrative Design Review, and has complied with the application requirements of this subsection.
3. The project must be registered with the appropriate third-party certification entity such as the International Living Future Institute, Built Green, US Green Building Council, Passive House Institute US, or Salmon Safe.
4. Projects requesting departures under the DGIP shall meet the current version of the appropriate certification program, which will qualify them for one of the following tiered packages of incentives:
  - a. Tier 1 - Living Building Challenge or Living Community Challenge Certification: achieve all of the Imperatives of the ILFI programs;
  - b. Tier 2 – Emerald Star or Petal Certification: satisfy requirements of Built Green program or three or more ILFI Petals, including at least one of the following- Water, Energy, or Materials; or
  - c. Tier 3- LEED Platinum, 5-Star, PHIUS+ Source Zero plus Salmon Safe, or ~~NZEB~~ plus Salmon Safe: satisfy requirements of the respective USGBC, Built Green, PHIUS, ~~or ILFI~~, and/or Salmon Safe programs. The addition of Salmon Safe certification to PHIUS+ Source Zero or NZEB projects is not required for detached single-family projects; or
  - d. Tier 4- PHIUS+ or 4-Star: achieve all requirements of the PHIUS or Built Green programs.

**C. Director's determination.** All Shoreline Deep Green Incentive Program projects are subject to review by the Director under Section 20.30.297. Any departures from the Shoreline Development Code (SMC Title 20) must be approved by the Director prior to submittal of building permit application.

## Potential Expansion of Deep Green Incentive Program - Att. A

**D. Incentives.** A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project qualifying for Tier 1 - Living Building Challenge or Living Community Challenge may be granted a waiver of up to 100% City-imposed pre-application and permit application fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of up to 75% of City-imposed application fees. A project qualifying for Tier 3 – LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or NZEB/Salmon Safe may be granted a waiver of up to 50% of City-imposed application fees. A project qualifying for Tier 4- PHIUS+ or 4-Star may be granted a waiver of up to 25% of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
3. Departures from Development Code requirements when in compliance with SMC 20.50.630(E).
4. Expedited permit review without additional fees provided in SMC Chapter 3.01

**E. Departures from Development Code requirements.** The following requirements must be met in order to approve departures from Development Code requirements:

1. The departure would result in a development that meets the goals of the Shoreline Deep Green Incentive Program and would not conflict with the health and safety of the community. In making this recommendation, the Director shall consider the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures.
2. A Neighborhood Meeting is required for projects departing from standards in the R-4 or R-6 zones.
3. Departures from the following regulations may be granted for projects qualifying for the Shoreline Deep Green Incentive Program:
  - a. SMC 20.50.020. Residential density limits
    - i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 100% bonus for the base density allowed under zoning designation for projects meeting the full Challenge criteria;
    - ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
    - iii. Tier 3 - LEED Platinum, 5-Star, or PHIUS+ Source Zero/Salmon Safe or NZEB/Salmon Safe Certification: up to 50% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
    - iv. Tier 4- PHIUS+ or 4-Star: up to 25% bonus for the base density allowed under zoning designation for projects meeting the program criteria.

Minimum lot size of 10,000 square feet is required in all zones with a density maximum in order to request a density bonus. Density bonus is

## Potential Expansion of Deep Green Incentive Program - Att. A

not available in R-4 and R-6 zones. Any additional units granted would be required to be built to the same green building standard as the first.

- b. SMC 20.50.390. Parking requirements (not applicable in R-4 and R-6 zones):
  - i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;
  - ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 35% reduction in parking required under 20.50.390 for projects meeting the program criteria;
  - iii. Tier 3 - LEED Platinum, 5-Star, PHIUS+ Source Zero/Salmon Safe, or NZEB/Salmon Safe Certification: up to 20% reduction in parking required under 20.50.390 for projects meeting the program criteria.
  - iv. Tier 4- PHIUS+ or 4-Star Certification: up to 5% reduction in parking required under 20.50.390 for projects meeting the program criteria.
- c. Lot coverage standards, as determined necessary by the Director;
- d. Use provisions, as determined necessary by the Director
- e. Standards for storage of solid-waste containers;
- f. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;
- g. Structure height bonus up to 10 feet for development in a zone with height limit of 35 feet. Height bonus is not available in R-4, R-6, R-8, and MUR-35' zones. Structure height bonus up to 20 feet for development in a zone with a height limit of 45 feet or greater; and
- h. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone.

### F. Compliance with minimum standards.

1. For projects requesting departures, fee waivers, or other incentives under the Deep Green Incentive Program, the building permit application shall include a report from the design team demonstrating how the project is likely to achieve the elements of the program through which it intends to be certified.
2. For projects applying for an ILFI certification (Tiers 1, 2, or 3), after construction and within six (6) months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that an LBC Preliminary Audit has been scheduled; such as a paid invoice and date of scheduled audit. After construction and within twelve months of issuance of Certificate of Occupancy, the applicant or owner must show a preliminary audit report from ILFI demonstrating project compliance with the Place, Materials, Indoor Air Quality, and Beauty/Inspiration Imperatives that do not require a performance period.
3. For projects aiming for Built Green Emerald Star (Tier 2), ~~or~~ 5-Star (Tier 3), or 4-Star (Tier 4) certification, after construction and within six (6) months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that the

## Potential Expansion of Deep Green Incentive Program - Att. A

project successfully met Built Green certification by way of the Certificate of Merit from the program.

4. For projects pursuing LEED certification (Tier 3), the applicant or owner must show, after construction and within six (6) months of issuance of the Certificate of Occupancy, that the project has successfully completed the LEED Design Review phase by way of the final certification report.
5. For projects pursuing PHIUS+ (Tier 4) or PHIUS+ Source Zero certification (Tier 3), the applicant or owner must show, after construction and within six (6) months of issuance of the Certificate of Occupancy, that the project has successfully obtained the PHIUS+ or PHIUS+ Source Zero certification.
6. For projects pursuing Salmon Safe certification (Tier 3 in conjunction with NZEB or PHIUS+ Source Zero when applicable), the applicant or owner must show, after construction and within six (6) months of issuance of the Certificate of Occupancy, that the project has successfully obtained the Salmon Safe Certificate.
7. No later than two years after issuance of a final Certificate of Occupancy for the project, or such later date as requested in writing by the owner and approved by the Director for compelling circumstances, the owner shall submit to the Director the project's certification demonstrating how the project complies with the standards contained in this subsection. Compliance must be demonstrated through an independent certification from ILFI, ~~Built Green~~, or USGBC/Green Building Cascadia Institute (GBCI). A request for an extension to this requirement must be in writing and must contain detailed information about the need for the extension.
  - a. For projects pursuing ILFI certification (Living Building Challenge, Living Community Challenge, Petal Recognition, or ~~Net-Zero Energy Building~~), performance based requirements such as energy and water must demonstrate compliance through certification from ILFI within the two year timeframe noted above.
  - ~~b. For projects pursuing Built Green certification post-occupancy compliance must be demonstrated with analysis proving 12 consecutive months of net zero energy performance and/or 70% reduction in occupant water use. It is the owner's responsibility to submit utility information to Built Green so analysis can be conducted and shown to the Director.~~
  - c. For projects pursuing LEED certification, the applicant or owner must show proof of certification by way of the final LEED Construction Review report and LEED Certificate issued by USGBC/GBCI.
8. If the Director determines that the report submitted provides satisfactory evidence that the project has complied with the standards contained in this subsection, the Director shall send the owner a written statement that the project has complied with the standards of the Shoreline Deep Green Incentive Program. If the Director determines that the project does not comply with the standards in this subsection, the Director shall notify the owner of the aspects in which the project does not comply. Components of the project that are included in order to

## Potential Expansion of Deep Green Incentive Program - Att. A

comply with the minimum standards of the Shoreline Deep Green Incentive Program shall remain for the life of the project.

9. Within 90 days after the Director notifies the owner of the ways in which the project does not comply, or such longer period as the Director may allow for justifiable cause, the owner may submit a supplemental report demonstrating that alterations or improvements have been made such that the project now meets the standards in this subsection.
10. If the owner fails to submit a supplemental report within the time allowed pursuant to this subsection, the Director shall determine that the project has failed to demonstrate full compliance with the standards contained in this subsection, and the owner shall be subject to penalties as set forth in subsection 20.30.770.



17500 Midvale Avenue North  
Shoreline, WA 98133-4905  
(206) 801-2500 ♦ Fax (206) 801-2788

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

**NON-PROJECT INFORMATION**

DATE OF ISSUANCE: **November 15, 2018**  
PROPONENT: **City of Shoreline**  
LOCATION OF PROPOSAL: **Not Applicable – Non-Project Action.**

DESCRIPTION OF PROPOSAL: The City of Shoreline is proposing amendments to the Shoreline Development Code that apply citywide. Amendments update and expand the Deep Green Incentive Program and potentially revise SMC 20.20.016, 20.30.080, 20.30.297, 20.50.400, and 20.50.630.

PUBLIC HEARING BEFORE THE PLANNING COMMISSION **December 6, 2018**

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)**

The City of Shoreline, as lead agency for this proposal, has determined that the proposal, a non-project action (WAC 197-11-774), will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the completed environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, information from affected agencies, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 14 days after issuance.

RESONSIBLE OFFICIAL: **Rachael Markle, AICP**  
**Planning & Community Development, Director and SEPA Responsible Official**

ADDRESS: **17500 Midvale Avenue North** PHONE: **206-801-2531**  
**Shoreline, WA 98133-4905**

DATE: 11/13/18 SIGNATURE: 

**PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION**

Comments on this proposal must be submitted by December 6, 2018. Any aggrieved person may appeal this Threshold Determination and an appeal shall be filed within 14 days of issuance as provided in Chapter 20.30 SMC Subchapter 4 Land Use Hearings and Appeals. Appeals must be submitted in writing to the City Clerk with the appropriate filing fee and received no later than 5:00 pm on the last day of the appeal period. The written appeal must contain specific factual objections related to the environmental impacts of the proposal.

The file and copy of the Comprehensive Plan amendments and all related documents, including this SEPA Determination of Nonsignificance, are available for review at the Shoreline City Hall, 17500 Midvale Ave N., 3<sup>rd</sup> floor – Planning & Community Development or by contacting Miranda Redinger, AICP, Senior Planner at [mredinger@shorelinewa.gov](mailto:mredinger@shorelinewa.gov) or by calling 206-801-2513.

## SEPA ENVIRONMENTAL CHECKLIST

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## **A. Background**

1. Name of proposed project, if applicable:  
Deep Green Incentive Program
2. Name of applicant:  
City of Shoreline
3. Address and phone number of applicant and contact person:

## Potential Expansion of Deep Green Incentive Program - Att. C

Miranda Redinger, AICP, Senior Planner  
mredinger@shorelinewa.gov (206) 801-2513

4. Date checklist prepared:  
November 13, 2018
5. Agency requesting checklist:  
City of Shoreline
6. Proposed timing or schedule (including phasing, if applicable):  
Planning Commission Public Hearing: December 6, 2018  
City Council Adoption: January or February 2019
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
No
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.  
The City commissioned a study to compare a baseline project against three green building protocols. With regard to environmental performance, the study analyzed energy and water savings for each of the three green building protocols.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.  
No
10. List any government approvals or permits that will be needed for your proposal, if known.  
None
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)  
The City of Shoreline is proposing amendments to the Shoreline Development Code that apply citywide; specifically, the proposal is to expand the Deep Green Incentive Program. The proposed expansion would create incentives available to green building projects certifying under Passive House Institute US (PHIUS) and Built Green 4-Star protocols citywide, as well as allowing PHIUS+ and Evergreen Sustainable Development Standard certifications to fulfill the green building requirement within Shoreline's two light rail station subareas.
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.  
The proposed regulation will apply citywide.



## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

#### a. General description of the site:

(Circle one): Flat, rolling, hilly, steep slopes, mountainous, other treed, urban, paved, developed

#### b. What is the steepest slope on the site (approximate percent slope)?

The City contains areas of slopes over 40 percent in some areas, especially on the western most and eastern most portions of the City.

#### c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Recent geologic mapping of King County (Booth and Wisher, 2006) identifies the City as being underlain primarily by glacially derived or glacially overridden soils.

#### d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Landslide hazard areas within the City of Shoreline occur predominantly along the western perimeter of the city, where the highlands descend to Puget Sound, or within steeply incised natural drainages, such as Boeing and McAleer Creeks.

#### e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

This proposal is not site specific.

#### f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

To address erosion and sedimentation impacts, grading and stormwater codes of agencies and municipalities require preparation of a SWPPP before grading permits are issued. Such plans are prepared based upon the requirements of the adopted Surface Water Design Manual. If the area of ground disturbance exceeds one acre, then a National Pollutant Discharge Elimination System (NPDES) permit is also required. Projects seeking NPDES permit coverage typically conform to the conditions of the Department of Ecology's (Ecology) Construction Stormwater General Permit (CSWGP), which includes implementation of an SWPPP and protocols for monitoring site discharges for compliance with water quality standards.

Minimum requirements and best management practices (BMPs) for SWPPP s are established by the Washington State Department of Ecology in the *Stormwater Management Manual for Western Washington* (Stormwater Manual; Ecology, 2012); municipalities typically adopt these minimum requirements and BMP design standards, or their equivalents, as part of their stormwater management requirements for site development. The City of Shoreline has adopted the Stormwater Manual and the *Low Impact Technical Guidance Manual for Puget Sound* (LID Manual; Washington State University and Puget Sound Partnership, 2012). The City also encourages the use of emerging technologies that are part of the Washington Department of Ecology's Technology Assessment Protocol (TAPE). These BMPs, together with the erosion and sedimentation control BMPs of the Stormwater Manual, constitute the BAS for prevention of erosion and the treatment of sediment-laden runoff.

## Potential Expansion of Deep Green Incentive Program - Att. C

Amendments in the 2018 batch include language that addresses Building Coverage. Staff is suggesting that the definition of Building Coverage be amended to clarify the calculation of building coverage on a parcel.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

This is a non-project action. The City has regulations about how much a particular site may be covered by buildings and hardscape. These regulations are adjusted based on the particular zoning of a parcel.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

The City currently regulates surface water, stormwater, and erosion with the Department of Ecology Stormwater Manual for Western Washington and the Engineering Development Manual.

### 2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

This is a non-project action so this question does not apply. The City has regulations to control the amount of emissions being released into the air. The City also tracks carbon emissions which can be viewed at <http://www.shorelinewa.gov/our-city/environment/sustainable-shoreline-2>. Since the intent of this project is to expand incentives for green building, the more projects that take advantage of the program, the greater reduction in emissions for the City.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

This is a non-project action so this question does not apply.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This is a non-project action so this question does not apply. The City has a plan and goals to reduce greenhouse gas emissions 80% by 2050.

### 3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

This proposal is not site specific. The City of Shoreline has numerous streams, lakes, ponds and wetlands within the city's boundaries.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

No.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

## Potential Expansion of Deep Green Incentive Program - Att. C

Does not apply.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Does not apply.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Does not apply. Floodplain regulations are addressed in SMC 13.12.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Does not apply.

### b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Does not apply.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals . . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Does not apply.

### c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Does not apply.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Does not apply.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Does not apply.

### d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

None proposed.

## 4. Plants

- a. Check the types of vegetation found on the site:

## Potential Expansion of Deep Green Incentive Program - Att. C

- X deciduous tree: alder, maple, aspen, other
- X evergreen tree: fir, cedar, pine, other
- X shrubs
- X grass
- \_\_\_ pasture
- \_\_\_ crop or grain
- \_\_\_ Orchards, vineyards or other permanent crops.
- X wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- X water plants: water lily, eelgrass, milfoil, other
- X other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Does not apply.

c. List threatened and endangered species known to be on or near the site.

Does not apply. The City of Shoreline is home to a number of priority species.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Does not apply.

e. List all noxious weeds and invasive species known to be on or near the site.

Does not apply.

### 5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other:

Fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

b. List any threatened and endangered species known to be on or near the site.

This is a nonproject action. Does not apply.

c. Is the site part of a migration route? If so, explain.

This is a nonproject action. Does not apply.

d. Proposed measures to preserve or enhance wildlife, if any:

This is a nonproject action. Does not apply.

e. List any invasive animal species known to be on or near the site.

This is a nonproject action. Does not apply.

**6. Energy and Natural Resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This is a nonproject action. Does not apply.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

This is a nonproject action. Does not apply.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

This is a nonproject action. Does not apply. It is worth noting that since this an expansion of a green building incentive program, the more projects that utilize it, the greater the energy conservation, which means reduced greenhouse gas emissions.

**7. Environmental Health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

This is a nonproject action. However, several green building protocols that would be rewarded under this incentive program prohibit the use of toxic chemicals and other "red-list" materials.

Describe any known or possible contamination at the site from present or past uses.

This is a nonproject action. Does not apply.

- 1) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

This is a nonproject action. Does not apply.

- 2) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

This is a nonproject action. Does not apply.

- 3) Describe special emergency services that might be required.

This is a nonproject action. Does not apply.

- 4) Proposed measures to reduce or control environmental health hazards, if any:

This is a nonproject action. Does not apply.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

This is a nonproject action. Does not apply.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hour's noise would come from the site.

This is a nonproject action. Does not apply.

3) Proposed measures to reduce or control noise impacts, if any:

This is a nonproject action. Does not apply.

## **8. Land and Shoreline Use**

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This is a nonproject action. Does not apply.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

This is a nonproject action. Does not apply.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

This is a nonproject action. Does not apply.

c. Describe any structures on the site.

This is a nonproject action. Does not apply.

d. Will any structures be demolished? If so, what?

This is a nonproject action. Does not apply.

e. What is the current zoning classification of the site?

This is a nonproject action. Does not apply.

f. What is the current comprehensive plan designation of the site?

This is a nonproject action. Does not apply.

g. If applicable, what is the current shoreline master program designation of the site?

This is a nonproject action. Does not apply.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This is a nonproject action. Does not apply.

i. Approximately how many people would reside or work in the completed project?

## Potential Expansion of Deep Green Incentive Program - Att. C

This is a nonproject action. Does not apply.

j. Approximately how many people would the completed project displace?

This is a nonproject action. Does not apply.

k. Proposed measures to avoid or reduce displacement impacts, if any:

This is a nonproject action. Does not apply.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This is a nonproject action. Does not apply.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

This is a nonproject action. Does not apply.

### 9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This is a nonproject action. Does not apply.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This is a nonproject action. Does not apply.

c. Proposed measures to reduce or control housing impacts, if any:

This is a nonproject action. Does not apply.

### 10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

This is a nonproject action. Does not apply.

b. What views in the immediate vicinity would be altered or obstructed?

This is a nonproject action. Does not apply.

b. Proposed measures to reduce or control aesthetic impacts, if any:

This is a nonproject action. Does not apply.

### 11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This is a nonproject action. Does not apply.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This is a nonproject action. Does not apply.

c. What existing off-site sources of light or glare may affect your proposal?

This is a nonproject action. Does not apply.

d. Proposed measures to reduce or control light and glare impacts, if any:

This is a nonproject action. Does not apply.

## 12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

This is a nonproject action. Does not apply.

b. Would the proposed project displace any existing recreational uses? If so, describe.

This is a nonproject action. Does not apply.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

This is a nonproject action. Does not apply.

## 13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

This is a nonproject action. Does not apply.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

This is a nonproject action. Does not apply.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [h

This is a nonproject action. Does not apply.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

This is a nonproject action. Does not apply.

## 14. Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

This is a nonproject action. Does not apply.

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?



## Potential Expansion of Deep Green Incentive Program - Att. C

This is a nonproject action. Does not apply.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

This is a nonproject action. Does not apply.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

This is a nonproject action. Does not apply.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

This is a nonproject action. Does not apply.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

This is a nonproject action. Does not apply.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

This is a nonproject action. Does not apply.

- h. Proposed measures to reduce or control transportation impacts, if any:

This is a nonproject action. Does not apply.

### 15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

This is a nonproject action. Does not apply.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

This is a nonproject action. Does not apply.

### 16. Utilities

- a. Circle utilities currently available at the site:

Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_

This is a nonproject action. Does not apply.

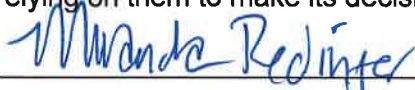
- c. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

This is a nonproject action. Does not apply.

### C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_



Name of signee: Miranda Redinger, AICP

Position and Agency/Organization: Senior Planner, City of Shoreline

Date Submitted: November 13, 2018

### D. supplemental sheet for nonproject actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Expanding the Deep Green Incentive Program should allow more projects to avoid discharges to water; emissions to air; and production, storage, or release of toxic or hazardous substances.

Proposed measures to avoid or reduce such increases are:

Green Building Certification Agencies will require energy and water modeling, and in some cases verify performance, before awarding certification. Additionally, the City will comply with the State Department of Ecology, Fish and Wildlife, and expert analysis when new construction occurs.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposed amendments would be unlikely to affect plants, animals, fish, or marine life directly, although increasing the number of green buildings in Shoreline would positively impact habitats and species generally.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Increasing the number of green buildings in Shoreline would positively impact habitats and species generally.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal will not deplete natural resources since the intent is to conserve them.

Proposed measures to protect or conserve energy and natural resources are:

Green buildings protect or conserve energy and natural resources.

## Potential Expansion of Deep Green Incentive Program - Att. C

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

There are no proposed amendments to the Critical Area Ordinance or amendments that will affect parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The current Development Code will continue to protect resources and reduce critical area impacts.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The City updated the Shoreline Management Program in 2012 and does not anticipate any changes based on this proposal.

Proposed measures to avoid or reduce shoreline and land use impacts are:

There are no new proposed code amendments to avoid or reduce shoreline and land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal will not increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

There are no proposed code amendments to reduce or respond to such demands. However, green building certification protocols often award points for including measures that reduce automobile dependence.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal will not conflict with local, state, or federal laws.

## 7a. Staff Report - Shoreline Master Program Review

Planning Commission Meeting Date: December 6, 2018

Agenda Item: 7a

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

**AGENDA TITLE:** Periodic Review of Shoreline Master Program (SMP)  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Miranda Redinger, AICP, Senior Planner  
Kate Skone, Associate Planner

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Study Session | <input type="checkbox"/> Recommendation Only |
| <input type="checkbox"/> Discussion     | <input type="checkbox"/> Update                   | <input type="checkbox"/> Other               |

#### INTRODUCTION AND BACKGROUND

As part of its pre-incorporation procedures in 1995, the City adopted by reference Title 25 of the King County Code to serve as its Interim Shoreline Master Program (SMP) (Ordinance No. 23). The City's current SMP was adopted on August 5, 2013 via Ordinance No. 668 and became effective on September 2, 2013. It is contained in Appendix A of the Comprehensive Plan and SMC Title 20, Division II, SMC 20.200 to 20.230.

The City's current SMP is available at the following link:  
<http://www.shorelinewa.gov/home/showdocument?id=18579>

In 2003, the Shoreline Management Act (SMA), chapter 90.58 RCW, was amended to require cities to regularly update their SMPs. For the City of Shoreline, RCW 90.58.080(2) requires the City to update its SMP on or before June 30, 2019, and then once every eight years after the date of approval by the Department of Ecology (Ecology). Thus, it is now time to perform a Periodic Review of the current SMP to comply with .080(2).

The purpose of the statutorily-mandated review is to assure that the City's SMP complies with the SMA and its implementing guidelines, WAC 173-26 to 173-27, and to assure consistency of the SMP with the City's comprehensive plan and development regulations adopted under the Growth Management Act (GMA), chapter 36.70A RCW, and other local requirements.

#### ***What is the Shoreline Management Act?***

Recognizing that shorelines were among the most valuable and fragile of Washington's natural resources, the SMA was passed by Legislature in 1971 and adopted by the public in a 1972 referendum. The SMA acknowledged the demand for a planned,

Approved By: Project Manager 

Planning Director 

## 7a. Staff Report - Shoreline Master Program Review

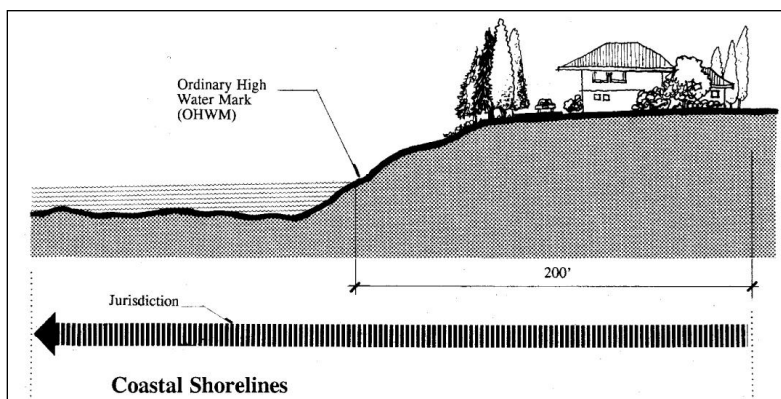
rational, and concerted effort, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines (RCW 90.58.020). However, unlike GMA comprehensive plans and development regulations, a local jurisdiction's SMP is consolidated into the "State Master Program" administered by the Department of Ecology as part of a cooperative program between local government and the State. It is for this reason, unlike the GMA, the City's SMP does not become effective until it has been approved by Ecology. In other words, it is Ecology, not the City of Shoreline, that has final approval authority.

The SMA has three broad policies:

1. **Encourage water-dependent and water-oriented uses:** "[U]ses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shorelines"
2. **Promote public access:** "[T]he public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."
3. **Protect shoreline natural resources,** including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life...."

### ***Where does the Shoreline Management Act apply?***

The SMA applies to all "shorelines of the state" and "shorelands." Under the SMA, "shorelines of the state" include all shorelines and shorelines of statewide significance. The Puget Sound coastline is a shoreline of statewide significance, and the only area in the City of Shoreline subject to the SMA. Shorelines, in general, include all rivers and streams having a mean annual flow of 20 cubic feet per second or greater, and lakes over 20 acres in size.



"Shorelands" is defined as the land extending landward 200 feet in all directions from the ordinary high-water mark (measured on a horizontal plane) and all associated wetlands. The SMA jurisdiction can be expanded to include the entire contiguous floodplain associated with "shorelines of the state."

## 7a. Staff Report - Shoreline Master Program Review

### ***What does the SMP regulate?***

The SMP is both a planning and a regulatory tool. The SMP is comprised of two components. First, like a GMA comprehensive plan, it sets forth goals and policies that provide a basis for regulations that govern use and development. Second, it contains “use regulations” that regulate development within the jurisdictional boundaries of the SMP through the issuance of permits – substantial development permits, conditional use permits, and variance permits. All use or development activities within the shoreline jurisdiction must meet the goals, policies, and regulations in the SMP regardless of the type of shoreline permit required. This includes over-water structures, new buildings and structures, and land development activities such as clearing, grading, or filling. Policies and regulations developed under the SMA guidelines are designed to achieve the following:

- Achieve no net loss of ecological functions necessary to sustain shoreline natural resources
- Use the most current, accurate, and complete scientific and technical information for development of policies and regulations
- Ensure that each permitted development causes no net loss of ecological functions
- Ensure that exempt development in the aggregate causes no net loss of ecological functions
- Address and fairly allocate the burden of mitigating cumulative impacts of development among development opportunities
- Plan for restoration of ecological functions where they have been impaired
- Promote restoration of ecological functions through a combination of regulatory and nonregulatory programs by a combination of public and private actions
- Prioritize reservation of areas for protecting and restoring ecological functions over provision for water-dependent uses and other uses, and limit non-water-oriented uses in the shoreline
- Require mitigation of adverse impacts of individual developments in accordance with the following sequence:
  - Avoidance of impact
  - Minimization of impact
  - Rectification of impact
  - Reduction or elimination of impact over time
  - Compensation with substitute resources
  - Monitoring
- Require mitigation in proportion to and not in excess of that necessary to ensure no net loss of ecological functions
- Provide preference for compensatory mitigation, when mitigation is required, to be located within the immediate vicinity of the impact
- Ensure that new development meets vegetation conservation objectives
- When there is uncertainty about the extent or condition of an existing ecological resource, ensure that the resource is protected

## 7a. Staff Report - Shoreline Master Program Review

### ***What Shorelines and Shorelands are in the City of Shoreline?***

The current SMP identifies shorelines by environmental designations (See Exhibit A- Shoreline Environmental Designations Map). The only areas meeting the Ecology threshold for inclusion are along the Puget Sound coastline.

### **DISCUSSION**

Proposed changes to the SMP fall primarily into two categories: those required by Ecology to incorporate changes in State guidance since the 2013 SMP, and those recommended by the City, primarily to integrate changes that were adopted through the Critical Areas Ordinance (CAO) in 2015 into the SMP. The bulleted lists below describe the types of changes that will be proposed. Staff will present actual code language in legislative format at the January 17, 2019 Study Session.

### **State Required Updates**

Not all State-mandated changes will apply to the City of Shoreline, but they include:

- Adjusting the cost threshold for substantial development to \$7,047 (current threshold is \$5,718);
- Clarifying that the definition of “development” does not include dismantling or removing structures by adding the phrase, “Development does not include dismantling or removing structures if there is no other associated development or re-development.” to the current definition;
- Clarifying exceptions to local review under the SMA;
- Clarifying permit filing procedures consistent with a 2011 statute;
- Clarifying that forestry practices that only involve timber cutting are not SMA “developments” and do not require Substantial Development Permits (SDP);
- Clarifying that the SMA does not apply to lands under exclusive federal jurisdiction;
- Clarifying “default” provisions for nonconforming uses and development
- Exempting retrofitting existing structures to comply with the Americans with Disabilities Act; and
- Updating wetlands critical area guidance to incorporate the 2014 wetlands rating system.

For more information about State required updated, see Ecology’s Checklist Guidance at:

<https://fortress.wa.gov/ecy/ezshare/sea/ShorelinePlannerToolbox//ChecklistGuidance.pdf>

### **City Recommended Updates**

RCW 90.58.090(4) and RCW 36.70A.480(3) required a SMP to provide for management of designated critical areas located within the shorelines of the state. The current SMP incorporates by reference the 2006 critical areas regulations adopted by

## 7a. Staff Report - Shoreline Master Program Review

Ordinance No. 398. In 2015, via Ordinance No. 723, the City did an extensive update to its critical area regulations. Since incorporation of the 2015 regulations into the City's SMP required review and approval by Ecology, the 2006 regulations remain applicable within the shoreline jurisdictional area due to a time consideration. This can make pertinent regulations difficult to locate, which can result in gaps and a lack of clarity.

The updated SMP will:

- Incorporate the 2015 CAO by embedding it within the SMP
- Codify rather than adopt the CAO by reference
- Make the pertinent CAO regulations easier to locate in the code, rather than as an attachment to the SMP
- Provide the ability to amend CAO language as necessary to fit the shoreline jurisdiction, which will increase clarity and fill gaps

Specific changes to types of critical areas may include:

- General Provisions (for all critical area types in the shoreline jurisdiction)
  - Improve clarity and predictability
    - Improve standards for critical area reports and mitigation plans
    - Clarify allowed activities and exemptions
    - Improve standards for critical area review process, including involvement of qualified third-party reviewers
    - Modify problematic and unclear code sections
  - Bring standards into alignment with Best Available Science (BAS)
  - Update definitions related to critical areas
- Geologic Hazard Areas
  - Improve standards for hazards assessment
  - Update definitions of geologic hazard types consistent with BAS and to eliminate redundancy
  - Alteration no longer prohibited in very high landslide hazards or their buffers. Used to require Critical Areas Reasonable Use Permit (CARUP) or Critical Areas Special Use Permit (CASUP); now permitted with geotechnical analysis and recommendations, assuming consistency with code requirements and design criteria
  - Buffers for moderate to high risk landslide hazard areas based on recommendation by qualified professional (with potential for no buffer), rather than minimum buffer
  - Modify classifications so that bulkheads would not be classified as geologic hazards (instead, considered an engineered/abated hazard)
- Streams and Fish & Wildlife Habitat Conservation Areas
  - Combine Streams with Fish & Wildlife Habitat section based on State model code provisions
  - Update standards based on State recommendations, including adoption of the State Water Typing System



## **7a. Staff Report - Shoreline Master Program Review**

- Address sites where existing, legally established roadways, railroads, paved areas, or other structures occur between the site and the stream
- Development proposals are allowed in these areas if a critical area report determines and the Director concurs that it is a physically separated and functionally isolated stream buffer
- Wetlands
  - Fewer substantive changes, since the existing SMP wetlands subchapter was already updated in 2013 from what was originally in the 2006 CAO
  - Update wetland rating standards consistent with Washington State DOE 2014 Wetland Rating System for Western Washington
  - Address sites where existing, legally established roadways, railroads, paved areas, or other structures occur between the site and the wetland. Development proposals are allowed in these areas if a critical area report determines and the Director concurs that it is a physically separated and functionally isolated wetland buffer

### **Public and Stakeholder Outreach**

As stated in RCW 90.58.130 and WAC 173-26-090, a Public Participation Plan (PPP) is required to be established so as to inform, involve, invite, and encourage participation by all interested persons, private entities, tribes, and governmental agencies. The City has prepared a PPP for the Periodic Review. It anticipates an Open House, which will take place prior to the January 17, 2019 Study Session where the Planning Commission and public will review potential changes in legislative format. The PPP also anticipates development of a web page, Frequently Asked Questions sheet, outreach to neighboring jurisdictions and tribes, and opportunities to create a dialog with Neighborhood Associations that border the coastline and with residents of 27<sup>th</sup> Avenue NW (otherwise known as Apple Tree Lane).

### **NEXT STEPS**

January 17, 2019- Planning Commission Study Session, including public Open House prior to meeting

February 21, 2019- Planning Commission Public Hearing (intended to also fulfill joint DOE review and public comment period)

March 2019- Council Study Session

April 2019- Council Resolution to Adopt

May 2019- Ecology approval of SMP

June 2019- Council adopts final SMP by Ordinance

### **RECOMMENDATION**

No action is required at this time. This introductory Study Session is an opportunity for the Commission to become familiar with the existing SMP and the Periodic Review process, and to ask questions of staff.

# 7a. Staff Report - Shoreline Master Program Review

## EXHIBIT A



Path: J:\2\RM\maps\PA\GIS\Comp\Plan\2012\ShorelineMasterProgram\SMP\_EnvironmentDesignations\_Updated.mxd