

20.30.040 Ministerial decisions – Type A.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination, or SMC 20.30.045.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

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

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
18. Noise Variance	30 days	9.05

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 850 § 1 (Exh. A), 2019; Ord. 767 § 1 (Exh. A), 2017; Ord. 731 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1 (Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

20.30.060 Quasi-judicial decisions – Type C.

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.

There is no administrative appeal of Type C actions.

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

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

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.502
8. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353

⁽¹⁾Including consolidated SEPA threshold determination appeal.

⁽²⁾HE = Hearing Examiner.

⁽³⁾Notice of application requirements are specified in SMC 20.30.120.

⁽⁴⁾Notice of decision requirements are specified in SMC 20.30.150.

(Ord. 789 § 1 (Exh. A), 2018; Ord. 695 § 1 (Exh. A), 2014; Ord. 621 § 2, 2011; Ord. 591 § 1 (Exh. A), 2010; Ord. 581 § 1 (Exh. 1), 2010; Ord. 568 § 2, 2010; Ord. 534 § 2, 2009; Ord. 507 § 4, 2008; Ord. 406 § 1, 2006; Ord. 324 § 1, 2003; Ord. 309 § 3, 2002; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(c), 2000).

20.30.130 Optional consolidated permit process.

An applicant may elect to submit a consolidated project permit application. Such request shall be presented by the applicant in writing and simultaneously with submittal of all applications to be consolidated. The Director shall determine the appropriate procedures for consolidated review and actions. If the application for consolidated permit process requires action from more than one hearing body, the decision authority in the consolidated permit review process shall be the decision making authority with the broadest discretionary powers. (Ord. 238 Ch. III § 4(f), 2000).

20.30.160 Expiration of vested status of land use permits and approvals.

Except for subdivisions, master development plans and special use permits for public agency uses or where a different duration of approval is indicated in this Code, vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City’s final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

If a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal. (Ord. 767 § 1 (Exh. A), 2017; Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. III § 4(i), 2000).

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

A. **Purpose.** Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal.

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

1. The granting of such deviation will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;

2. The authorization of such deviation will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. The deviation is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II;
4. A deviation from engineering standards shall only be granted if the proposal meets the following criteria:
 - a. Conform to the intent and purpose of the Code;
 - b. Produce a compensating or comparable result which is in the public interest; and
 - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment;
5. Deviations from road standards must meet the objectives for fire protection. Any deviation from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal;
6. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must meet the objectives for appearance and environmental protection;
7. Deviations from drainage standards contained in the Stormwater Manual and Chapter 13.10 SMC must be shown to be justified and required for the use and situation intended;
8. Deviations from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
 - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration;
 - b. Construction of the facility can, in practice, be successfully carried out; and
 - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
9. Deviations from utility standards shall only be granted if following facts and conditions exist:
 - a. The deviation shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
 - b. The deviation is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 - c. The granting of such deviation is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity. (Ord. 767 § 1 (Exh. A), 2017; Ord. 724 § 1 (Exh. A), 2015; Ord. 531 § 1 (Exh. 1), 2009; Ord. 406 § 1, 2006; Ord. 238 Ch. III § 7(a), 2000).

20.30.297 Administrative Design Review (Type A).

A. 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:

1. Consistent with the purposes or intent of the applicable subsections; or
2. Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential.

B. Projects applying for certification under the Living Building or Community Challenge, Petal Recognition, Emerald Star, LEED-Platinum, 5-Star, or Net Zero Energy Building/Salmon Safe programs may receive departures from development standards under Chapters 20.40, 20.50, 20.60, and/or 20.70 SMC upon the Director's finding that the departures meet subsections (A)(1) and/or (2) of this section, and as further described under SMC 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above. (Ord. 760 § 1 (Exh. A), 2017; Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 6, 2011).

20.30.333 Critical area special use permit (Type C action).

A. **Purpose.** The purpose of the critical areas special use permit is to allow development by a public agency or public utility when the strict application of the critical areas standards would otherwise unreasonably prohibit the provision of public services. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.

B. **Decision Criteria.** A critical areas special use permit shall be granted by the City only if the utility or public agency applicant demonstrates that:

1. The application of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, would unreasonably restrict the ability of the public agency or utility to provide services to the public;
2. There is no other practical alternative to the proposal by the public agency or utility which would cause less impact on the critical area;
3. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity;
4. This special use permit process shall not allow the use of the following critical areas for regional retention/detention facilities except where the Hearing Examiner makes a finding that the facility is necessary to protect public health and safety or repair damaged natural resources:
 - a. Type S or Type F anadromous streams or buffers;
 - b. Category I wetlands or buffers with plant associations of infrequent occurrence; or
 - c. Category I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant, using best available science, that there will be no impact on such habitat;
5. Any alterations permitted to the critical area are mitigated in accordance with SMC 20.80.082 and relevant mitigation standards for the impacted critical area(s);
6. Consistent with SMC 20.80.050, Alteration of critical areas, the proposal attempts to protect the existing critical area functions and values consistent with the best available science and attempts to mitigate adversely impacted critical area functions and values to the fullest extent possible; and
7. The proposal is consistent with other applicable regulations and standards.

C. **Permit Conditions.** The Director may condition the proposed activity as necessary to mitigate the impacts to critical areas and to conform to the standards required by Chapter 20.80 SMC, Critical Areas. (Ord. 724 § 1 (Exh. A), 2015; Ord. 641 § 4 (Exh. A), 2012; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(I), 2000. Formerly 20.80.090.).

20.40.140 Other uses.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i				
514120	Library	C	C	C	C	P	P	P	P
71211	Museum	C	C	C	C	P	P	P	P
	Nightclubs (excludes Adult Use Facilities)						C	P	P
7111	Outdoor Performance Center							S	P
	Parks and Trails	P	P	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						P-i	P-i	P-i
6111	School District Support Facility	C	C	C	C	C	P	P	P
6111	Secondary or High School	C	C	C	C	C	P	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	C-i	P	P	P	P
71399	Sports/Social Club	C	C	C	C	C	P	P	P
6114 (5)	Vocational School	C	C	C	C	C	P	P	P
GOVERNMENT									
9221	Court						P-i	P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i

NAICS #	SPECIFIC USE	R4- R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
92212	Police Facility					S	P	P	P
92	Public Agency Office/Yard or Public Utility Office/Yard	S-i	S-i	S	S	S	P	P	
221	Utility Facility	C	C	C	C	P	P	P	P
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i
REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	Light Rail Transit System/Facility	S-i	S-i	S-i	S-i	S-i	S-i	S-i	S-i
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

<p>P = Permitted Use</p> <p>C = Conditional Use</p>	<p>S = Special Use</p> <p>-i = Indexed Supplemental Criteria</p>
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(Ord. 824 § 1 (Exh. A), 2018; Ord. 739 § 1 (Exh. A), 2016; Ord. 731 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
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NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Adult Family Home	P		
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Residential Care Facility	C-i		
	Single-Family Attached	P-i	P-i	
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Brewpub	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	Microbrewery		P (Adjacent to Arterial Street, cannot abut R-6 zone)	P
	Microdistillery		P (Adjacent to Arterial Street, cannot abut R-6 zone)	P
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION				
	Amusement Arcade		P -A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P -A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
GOVERNMENT				
	Fire Facility	C-i	C-i	C-i
	Police Facility	C-i	C-i	C-i
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S
	Utility Facility	C	C	C
HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing Facilities		P-i (Adjacent to Arterial Street)	P
OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	S-i	S-i	S-i
	Transit Park and Ride Lot		S	P

P = Permitted Use	C = Conditional Use
S = Special Use	-i = Indexed Supplemental Criteria
A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.	

(Ord. 850 § 1 (Exh. 1), 2019; Ord. 824 § 1 (Exh. A), 2018; Ord. 789 § 1 (Exh. A), 2018; Ord. 767 § 1 (Exh. A), 2017; Ord. 762 § 1 (Exh. A), 2017; Ord. 756* § 1 (Exh. A), 2016; Ord. 739 § 1 (Exh. A), 2016; Ord. 735 § 2, 2016; Ord. 734 § 5, 2016; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015).

*Code reviser’s note: Ord. 756 included a row in error in Table 20.40.160 for “Collective Gardens.” This row is not included in the code as it was specifically deleted by Ord. 734.

Subchapter 3.**Index of Supplemental Use Criteria****20.40.438 Light rail transit system/facility.¹**

A. A light rail transit system/facility shall be approved through a special use permit as specified in SMC 20.30.330.

B. A light rail transit system/facility, stations and parking garages shall conform to the required standards below:

1. Table 20.50.020(2) – Dimensional standards of the MUR-70' zone;
2. SMC 20.50.220 through 20.50.250 – Commercial design standards;
3. SMC 20.50.290 through 20.50.370 – Tree conservation, land clearing and site grading standards;
4. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
5. SMC 20.50.450 through 20.50.520 – Landscaping;
6. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' zone;
7. Chapter 20.60 SMC – Adequacy of Public Facilities;
8. Chapter 20.70 SMC – Engineering and Utilities Development Standards; and
9. Chapter 20.80 SMC – Critical Areas.

C. The light rail transit system/facility improvements located between the stations shall comply with the applicable subchapters and sections below:

1. SMC 20.50.290 through 20.50.370 – Tree conservation, land clearing and site grading standards;
2. SMC 20.50.450 through 20.50.520 – Landscaping;
3. Chapter 20.60 SMC – Adequacy of Public Facilities;
4. Chapter 20.70 SMC – Engineering and Utilities Development Standards; and
5. Chapter 20.80 SMC – Critical Areas.

D. **Modification of Subsections B and C of This Section Requirements.** Due to the unique nature of a regional light rail transit system and its facilities, strict application of this Code's development standards will not always be possible. If the applicant demonstrates that compliance with one or more of the development standards or requirements set forth in subsections B and C of this section would make siting, development or operation of the facilities impossible or impracticable (as that term is defined by WAC 365-196-550 and/or other law), would result in reduced public benefits, or alternative actions could meet or exceed the intended goals of such requirements, then the City may waive or modify such requirements as part of the special use permit process in accordance with this section.

E. The following supplemental submittal items are required to permit a light rail transit facility or light rail transit system within the City:

1. A construction management plan or agreement will be completed before any building permit may be issued for the proposal.
2. A post construction parking operational management plan or agreement will be completed before light rail service begins and will include management and enforcement techniques to guard against such impacts as off-site parking in surrounding neighborhoods.

3. An access assessment report is required for light rail transit system/facilities. The access assessment report will analyze, identify and prioritize multimodal access improvements. The access assessment report is intended to supplement the analysis and mitigation included in any environmental review document prepared for the proposed project. In general the access assessment report will address: improvements near the stations for pedestrians and bicycles, paratransit riders, and “kiss and ride” users. A more specific scope for the access assessment report will be agreed to by the applicant and the City. The City may require third party review of the access assessment report at the applicant’s expense.

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

1. Accelerated Project and Permitting Process.

- a. All City permit reviews will be completed within a mutually agreed upon reduced number of working days within receiving complete permit applications and including subsequent revisions in accordance with a fully executed accelerated project and permitting staffing agreement between the City and the project proponent.
- b. The fees for permit processing will be determined as part of the accelerated project permitting staffing agreement.
- c. An accelerated project and permitting staffing agreement shall be executed prior to the applicant’s submittal of the special use permit application; or the applicant may choose to utilize the City’s standard project and permitting processes set forth in subsection (F)(2) of this section.

2. Standard Project and Permit Process.

- a. All complete permit applications will be processed and reviewed in the order in which they are received and based on existing resources at the time of submittal.
- b. **Cost.** Permit fees will be charged in accordance with Chapter 3.01 SMC. This includes the ability for the City to charge its established hourly rate for all hours spent in excess of the estimated hours for each permit.
- c. Due to the volume of permits anticipated for development of a light rail system/facilities in the City, in absence of an accelerated project permitting staffing agreement, the target time limits for decisions denoted in Chapter 20.30 SMC may be extended by the Director if adequate staffing is not available to meet demand. (Ord. 789 § 1 (Exh. A), 2018; Ord. 741 § 1 (Exh. A), 2016; Ord. 739 § 1 (Exh. A), 2016; Ord. 706 § 1 (Exh. A), 2015).

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20.50.020 Dimensional requirements.

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

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

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

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
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STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line and unit lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.
- (3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.
- (7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

- (8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots, the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.
- (9) Base height for public and private K through 12 schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.
- (10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.
- (11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.
- (12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.
- (13) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.
- (14) The minimum lot area may be reduced proportional to the amount of land needed for dedication of facilities to the City as defined in Chapter 20.70 SMC.
- (15) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.
- (16) Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities.
- (17) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.
- (18) The minimum front yard setback in the MUR-70' zone may be reduced to five feet on a nonarterial street if 20 percent of the significant trees on site are retained.

Table 20.50.020(3) – Dimensions for Development in Commercial Zones

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

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) (5) (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC	20 ft	20 ft	20 ft	20 ft

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
20.50.021)				
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35' and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	70 ft	70 ft
Hardscape (4)	85%	85%	95%	95%

Exceptions to Table 20.50.020(3):

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.
- (2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.
- (3) The following structures may be erected above the height limits in all commercial zones:
 - a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding except as provided in subsection (3)(f) of these exceptions. WTF provisions (SMC 20.40.600) are not included in this exception.
 - b. Parapets, firewalls, and railings shall be limited to four feet in height.
 - c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.
 - d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.
 - e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.
 - f. Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.
- (4) Site hardscape shall not include the following:
 - a. Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.
 - b. Intensive vegetative roofing systems.
- (5) The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

B. Base Density Calculation. The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1).

2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3-acre site: $2.3 \times 6 = 13.8$
The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3-acre site: $2.3 \times 24 = 55.2$
The base density for the site would be 55 dwelling units.

Example #3 – R-6 zone, 13,999-square-foot site: $(13,999/43,560 = .3214 \text{ acres})$ so $.3214 \times 6 = 1.92$.
The base density for single-family detached dwellings on this site would be one unit.

Example #4 – R-6 zone, 14,400-square-foot site $(14,400/43,560 = .331 \text{ acres})$ so $.331 \times 6 = 1.986$.
The base density for the site would be two units.

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

C. All areas of a site may be used in the calculation of base density (prior to any dedication for City facilities as required in Chapter 20.70 SMC), except that submerged lands shall not be credited toward base density calculations.

D. When a lot is divided by a zone boundary, the following rules shall apply:

1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.

2. When a lot contains residential zones of varying density, the following shall apply:

a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density.

b. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:

The transfer enhances the efficient use of needed infrastructure;

The transfer contributes to preservation of critical areas, or other natural features; and

The transfer does not result in significant adverse impacts to adjoining lower-density properties.

Example: A development site is 3.8 acres. 1.5 acres is zoned R-12 and 2.3 acres is zoned R-24. The base density for the R-12 portion: $1.5 \times 12 = 18$ dwelling units, for the R-24 portion: $2.3 \times 24 = 55.2$ rounded to 55 dwelling units. The overall base density for the site is $18 + 55 = 73$ dwelling units. (Ord. 850 § 1 (Exh. A), 2019; Ord. 833 § 1 (Exh. A), 2018; Ord. 789 § 1 (Exh. A), 2018; Ord. 767 § 1 (Exh. A), 2017; Ord. 756 § 1

(Exh. A), 2016; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 682 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 4 (Exh. A), 2009; Ord. 536 § 1, 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 500 § 1, 2008; Ord. 462 § 1, 2006; Ord. 439 § 1, 2006; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 293 §§ 1,2, 2001; Ord. 266 § 1, 2001; Ord. 238 Ch. V § 1(B-1), 2000).

20.50.021 Transition areas.

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

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

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

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director of Public Works to be technically not feasible or in conflict with State law addressing access to State highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

D. For development within the Aurora Square Community Renewal Area, maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required. (Ord. 789 § 1 (Exh. A), 2018; Ord. 767 § 1 (Exh. A), 2017; Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 10, 2011; Ord. 560 § 1 (Exh. A), 2009).

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3), the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter will prevail. (Ord. 756 § 1 (Exh. A), 2016; Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013).

20.50.225 Administrative design review.

Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter or sign standards in Chapter 20.50 SMC, Subchapter 8. (Ord. 654 § 1 (Exh. 1), 2013).

20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Refer to SMC 20.50.120 when developing single-family attached and

detached dwellings in the MUR-35' and MUR-45' zones. Site improvements standards of signs, parking, lighting, and landscaping shall be required:

- A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
- B. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.
- C. When a single-family land use is being converted to a commercial land use then full site improvements will be required. (Ord. 756 § 1 (Exh. A), 2016; Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013).

20.50.240 Site design.

A. Purpose.

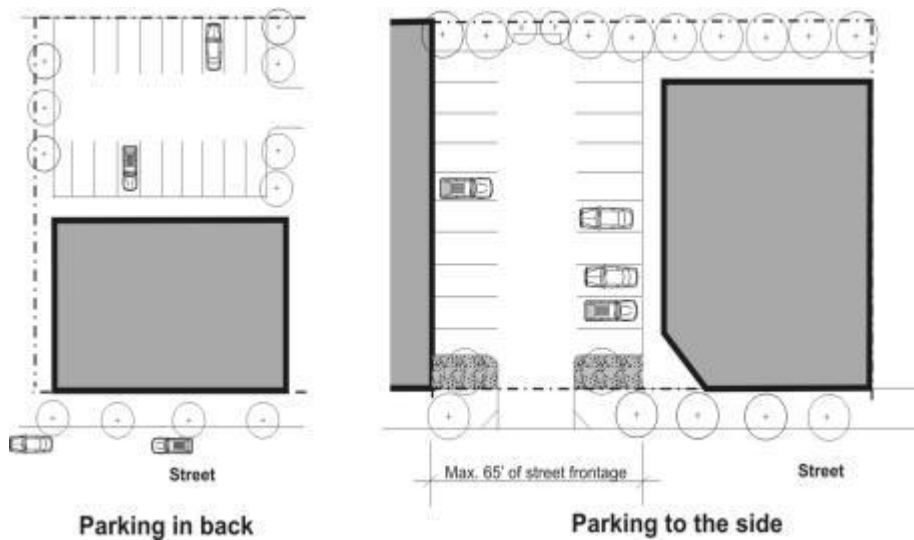
- 1. Promote and enhance public walking and gathering with attractive and connected development.
- 2. Promote distinctive design features at high visibility street corners.
- 3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.
- 4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development as expressed in the Comprehensive Plan.

B. Overlapping Standards. Site design standards for on-site landscaping, sidewalks, walkways, public access easements, public places, and open space may be overlapped if their separate, minimum dimensions and functions are not diminished.

C. Site Frontage.

- 1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45' and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
 - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;
 - b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;
 - c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
 - d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
 - e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

- f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;
- g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;
- h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards;

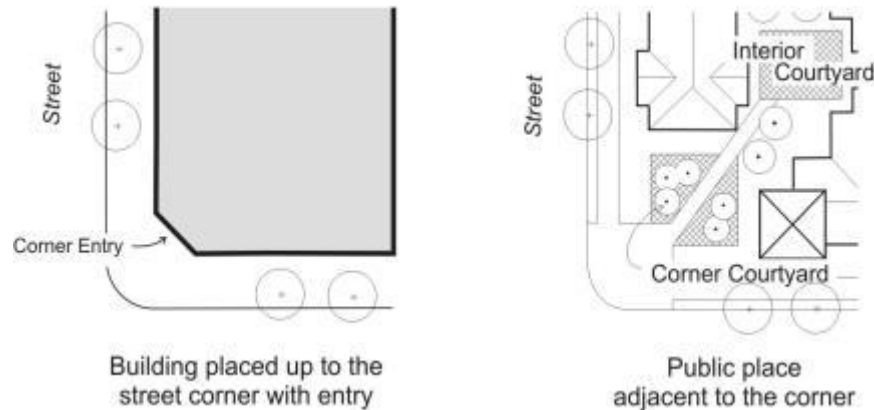


Parking Lot Locations Along Streets

- i. New development in MUR zones on 185th Street, 145th Street, and 5th Avenue NE between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. If new development is unable to gain access from an existing, adjoining public side street or public/private alley, an applicant may provide access from the adjacent right-of-way; and
- j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

D. Corner Sites.

- 1. All building and parking structures located on street corners (except in MUR-35') shall include at least one of the following design treatments on both sides of the corner:
 - a. Locate a building within 15 feet of the street corner. All such buildings shall comply with building corner standards in subsection (D)(2) of this section;
 - b. Provide a public place at the corner leading directly to building entries;
 - c. Install 20 feet of depth of Type II landscaping for the entire length of the required building frontage;
 - d. Include a separate, pedestrian structure on the corner that provides weather protection or site entry. The structure may be used for signage.



Street Corner Sites

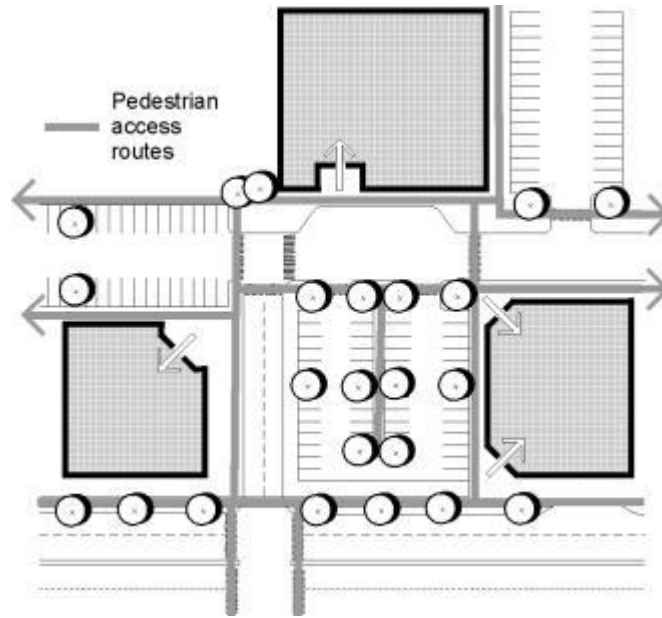
2. Corner buildings and parking structures using the option in subsection (D)(1)(a) of this section shall provide at least one of the elements listed below to 40 lineal feet of both sides from the corner:
 - a. Twenty-foot beveled building corner with entry and 60 percent of the first floor in non-reflective glass (included within the 80 lineal feet of corner treatment).
 - b. Distinctive facade (i.e., awnings, materials, offsets) and roofline designs beyond the minimum standards identified in SMC 20.50.250.
 - c. Balconies for residential units on all floors above the ground floor.



Building Corners

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent street sidewalks and Interurban Trail where adjacent (except in the MUR-35' zone).
 - a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicles or raised six inches and be at least eight feet wide;
 - b. Continuous pedestrian walkways shall be provided along the front of all businesses and the entries of multiple commercial buildings;



Well-connected Walkways

- c. Raised walkways at least eight feet wide shall be provided for every three, double-loaded aisles or every 200 feet of parking area width. Walkway crossings shall be raised a minimum three inches above drive surfaces;
- d. Walkways shall conform to the Americans with Disabilities Act (ADA);



Parking Lot Walkway

- e. Deciduous, street-rated trees, as required by the Shoreline Engineering Development Manual, shall be provided every 30 feet on average in grated tree pits if the walkway is eight feet wide or in planting beds if walkway is greater than eight feet wide. Pedestrian-scaled lighting shall be provided per subsection (H)(1)(b) of this section.

F. Public Places.

1. Public places are required for the commercial portions of development at a rate of four square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.
2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.
3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.
5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:
 - a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
 - b. Pedestrian access to abutting buildings;
 - c. Pedestrian-scaled lighting (subsection H of this section);
 - d. Seating and landscaping with solar access at least a portion of the day;
 - e. Not located adjacent to dumpsters or loading areas; and
 - f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.
 - g. Accessible potable water and electrical power shall be supplied to a public facing portion of the exterior of high-capacity transit centers, stations and associated parking.



Public Places

G. Multifamily Open Space.

1. All multifamily development shall provide open space.

- a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;
- b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;
- c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to service areas without full screening; and
- d. Open space shall provide seating that has solar access at least a portion of the day.



Multifamily Open Spaces

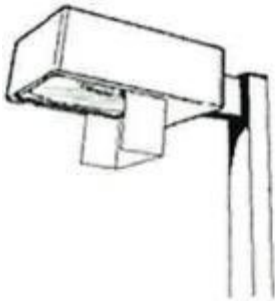
H. **Outdoor Lighting.**

1. All publicly accessible areas on private property shall be illuminated as follows:
 - a. Minimum of one-half footcandle and maximum 25-foot pole height for vehicle areas;
 - b. One to two footcandles and maximum 15-foot pole height for pedestrian areas; and
 - c. Maximum of four footcandles for building entries with the fixtures placed below second floor.
2. All private fixtures shall be shielded to prevent direct light from entering neighboring property.
3. **Prohibited Lighting.** The following types of lighting are prohibited:
 - a. Mercury vapor luminaires.
 - b. Outdoor floodlighting by floodlight projection above the horizontal plane.
 - c. Search lights, laser source lights, or any similar high intensity light.
 - d. Any flashing, blinking, rotating or strobe light illumination device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel.

Exemptions:

1. Lighting required for emergency response by police, fire, or medical personnel (vehicle lights and accident/crime scene lighting).
2. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
3. Signs and sign lighting regulated by Chapter 20.50 SMC, Subchapter 8.
4. Holiday and event lighting (except for outdoor searchlights or strobes).
5. Sports and field lighting.
6. Lighting triggered by an automatic emergency or security alarm system.

DO THIS



External Shield

DON'T DO THIS



**Unshielded
PAR Floodlights**



**Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures**

I. Service Areas.

1. All developments shall provide a designated location for trash, composting, recycling storage and collection, and shipping containers. Such elements shall meet the following standards:
 - a. Located to minimize visual, noise, odor, and physical impacts to pedestrians and residents;
 - b. Paved with concrete and screened with materials or colors that match the building;
 - c. Located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, nor require a hauling truck to project into public rights-of-way; and
 - d. Refuse bins shall not be visible from the street.



Trash/Recycling Closure with Consistent Use of Materials and Landscape Screening

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.



Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted. (Ord. 850 § 1 (Exh. A), 2019; Ord. 789 § 1 (Exh. A), 2018; Ord. 767 § 1 (Exh. A), 2017; Ord. 756 § 1 (Exh. A), 2016; Ord. 741 § 1 (Exh. A), 2016; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

20.50.250 Building design.

A. Purpose.

1. Emphasize quality building articulation, detailing, and durable materials.

2. Reduce the apparent scale of buildings and add visual interest for the pedestrian experience.
3. Facilitate design that is responsive to the commercial and retail attributes of existing and permitted uses.

B. Building Articulation.

1. Commercial buildings fronting streets other than state routes shall include one of the two articulation features set forth in subsections (B)(2)(a) and (b) of this section facing a street, parking lot, or public place. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations. Building facades less than 60 feet wide are exempt from this standard.



Building Facade Articulation

2. Commercial buildings fronting streets that are state routes shall include one of the two articulation features below no more than every 80 lineal feet facing a street, parking lot, or public place. Building facades less than 100 feet wide are exempt from this standard. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations.
 - a. For the height of the building, each facade shall be offset at least two feet in depth and four feet in width, if combined with a change in siding materials. Otherwise, the facade offset shall be at least 10 feet deep and 15 feet wide.
 - b. Vertical piers at the ends of each facade section that project at least two inches from the facade and extend from the ground to the roofline.
3. Multifamily buildings or residential portions of a commercial building shall provide the following articulation features at least every 35 feet of facade facing a street, park, public place, or open space. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations:

- a. Vertical building modulation 18 inches deep and four feet wide, if combined with a change in color or building material. Otherwise, the minimum depth of modulation is 10 feet and the minimum width for each modulation is 15 feet. Balconies may be used to meet modulation; and
- b. Distinctive ground or first floor facade, consistent articulation of middle floors, and a distinctive roofline or articulate on 35-foot intervals.



Multifamily Building Articulation



Multifamily Building Articulation

- 4. Rooflines shall be modulated at least every 120 feet by emphasizing dormers, chimneys, stepped roofs, gables, or prominent cornices or walls. Rooftop appurtenances may be considered a modulation. Modulation shall consist of a roofline elevation change of at least four feet every 50 feet of roofline.
- 5. Every 150 feet in building length along the streetfront shall have a minimum 30-foot-wide section that is offset by at least 20 feet through all floors.



Facade Widths Using a Combination of Facade Modulation, Articulation, and Window Design

6. Buildings shall recess or project individual windows above the ground floor at least two inches from the facade or use window trim at least four inches in width.



Window Trim Design

7. Weather protection of at least three feet deep by four feet wide is required over each secondary entry.



Covered Secondary Public Access

8. Materials.

- a. Metal siding shall have visible corner moldings or trim and shall not extend lower than four feet above grade. Masonry, concrete, or other durable material shall be incorporated between the siding and the grade. Metal siding shall be factory finished with a matte, nonreflective surface.



Masonry or Concrete Near the Ground and Proper Trimming Around Windows and Corners

- b. Concrete blocks of a singular style, texture, or color shall not comprise more than 50 percent of a facade facing a street or public space.



c. Stucco must be trimmed and sheltered from weather by roof overhangs or other methods and shall be limited to no more than 50 percent of facades containing an entry. Stucco shall not extend below two feet above the grade.



- d. The following exterior materials are prohibited:
- i. Chain-link fencing that is not screened from public view. No razor or barbed material shall be allowed;
 - ii. Corrugated, fiberglass sheet products; and
 - iii. Plywood siding. (Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013).

Subchapter 5.**Tree Conservation, Land Clearing and Site Grading Standards****20.50.290 Purpose.**

The purpose of this subchapter is to reduce the environmental impacts of site development while promoting the reasonable use of land in the City by addressing the following:

- A. Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills, and the destabilization of soils;
- B. Protection of water quality from the adverse impacts associated with erosion and sedimentation;
- C. Promotion of building and site planning practices that are consistent with the City's natural topography and vegetative cover;
- D. Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the City and provide continuity and screening between developments;
- E. Protection of critical areas from the impacts of clearing and grading activities;
- F. Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;
- G. Protection of anadromous fish and other native animal and plant species through performance-based regulation of clearing and grading;
- H. Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution;
- I. Rewarding significant tree protection efforts by granting flexibility for certain other development requirements;
- J. Providing measures to protect trees that may be impacted during construction;
- K. Promotion of prompt development, effective erosion control, and restoration of property following site development; and
- L. Replacement of trees removed during site development in order to achieve a goal of no net loss of tree cover throughout the City over time. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(A), 2000).

20.50.300 General requirements.

- A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.
- B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.
- C. Permit Required. No person shall conduct clearing or grading activities on a site without first obtaining the appropriate permit approved by the Director, unless specifically exempted by SMC 20.50.310.
- D. When clearing or grading is planned in conjunction with development that is not exempt from the provisions of this subchapter, all of the required application materials for approval of tree removal, clearing and rough grading of the site shall accompany the development application to allow concurrent review.
- E. A clearing and grading permit may be issued for developed land if the regulated activity is not associated with another development application on the site that requires a permit.

F. Replacement trees planted under the requirements of this subchapter on any parcel in the City of Shoreline shall be regulated as protected trees under SMC 20.50.330(D).

G. Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas chapter of the Shoreline Development Code, Chapter 20.80 SMC, Critical Areas, in addition to the standards of this subchapter. The standards which result in the greatest protection of the critical areas shall apply. (Ord. 640 § 1 (Exh. A), 2012; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(B), 2000).

20.50.310 Exemptions from permit.

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

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.
 - a. **Statement of Purpose.** Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.
 - b. For purposes of this section, "Director" means the Director of the Department and his or her designee.
 - c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.
3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally critical areas.
4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.
5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, and MUR-70' unless within a critical area or critical area buffer.
6. Removal and restoration of vegetation within critical areas or their buffers consistent with the provisions of SMC 20.80.030(E) or removal of trees consistent with SMC 20.80.030(G) unless a permit is specifically noted under SMC 20.80.030(E).

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

1. The removal of three significant trees on lots up to 7,200 square feet and one additional significant tree for every additional 7,200 square feet of lot area.

2. The removal of any tree greater than 30 inches DBH, or exceeding the numbers of trees specified in the table above, shall require a clearing and grading permit (SMC 20.50.320 through 20.50.370).
3. Landscape maintenance and alterations on any property that involve the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 850 § 1 (Exh. A), 2019; Ord. 833 § 1 (Exh. A), 2018; Ord. 789 § 1 (Exh. A), 2018; Ord. 724 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 640 § 1 (Exh. A), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

20.50.320 Specific activities subject to the provisions of this subchapter.

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

- A. The construction of new residential, commercial, institutional, or industrial structures or additions.
- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a special drainage area.
- D. Removal of more than six significant trees from any property.
- E. Any clearing, grading, or other land disturbing activity within a critical area or buffer of a critical area unless otherwise exempt from the provisions of this subchapter in SMC 20.50.310.
- F. Any change of the existing grade by four feet or more.
- G. Repealed by Ord. 640.
- H. Any land surface modification not specifically exempted from the provisions of this subchapter.
- I. Development that creates new, replaced or a total of new plus replaced impervious surfaces over 1,500 square feet in size, or 500 square feet in size if located in a landslide hazard area or special drainage area.
- J. Any construction of public drainage facilities to be owned or operated by the City.
- K. Any construction involving installation of private storm drainage pipes 12 inches in diameter or larger.
- L. Any modification of or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition.)
- M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 724 § 1 (Exh. A), 2015; Ord. 640 § 1 (Exh. A), 2012; Ord. 531 § 1 (Exh. 1), 2009; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(D), 2000).

20.50.330 Project review and approval.

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

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual.

2. The proposal complies with all standards and requirements for the underlying permit.
3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.
4. The project complies with all requirements of the City's Stormwater Management Manual as set forth in SMC 13.10.200 and applicable provisions in Chapter 13.10 SMC, Engineering Development Manual and Chapter 13.10 SMC, Surface Water Management Code and adopted standards.
5. All required financial guarantees or other assurance devices are posted with the City.

B. Professional Evaluation. In determining whether a tree removal and/or clearing is to be approved or conditioned, the Director may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist at the applicant's expense, where the Director deems such services necessary to demonstrate compliance with the standards and guidelines of this subchapter. Third party review of plans, if required, shall also be at the applicant's expense. The Director shall have the sole authority to determine whether the professional evaluation submitted by the applicant is adequate, the evaluator is qualified and acceptable to the City, and whether third party review of plans is necessary. Required professional evaluation(s) and services may include:

1. Providing a written evaluation of the anticipated effects of any development within five feet of a tree's critical root zone that may impact the viability of trees on and off site.
2. Providing a hazardous tree assessment;
3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
4. Conducting a post-construction site inspection and evaluation.

C. Conditions of Approval. The Director may specify conditions for work at any stage of the application or project as he/she deems necessary to ensure the proposal's compliance with requirements of this subchapter, critical area regulations, Chapter 20.80 SMC, or Shoreline Master Program, SMC Title 20, Division II, the Engineering Development Manual, the adopted stormwater management regulations, and any other section of the Shoreline Development Code, or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.

D. Designation of Protected Trees.

1. For the following areas, the retention and planting plan and any application and permit plans shall show all trees designated for protection: areas designated as "protected trees," "native growth protection areas," "critical areas," "critical area buffers," or such other designation as may be approved by the Director. Protected vegetation, including protected trees, shall not be modified, harmed or removed except as provided in this subchapter.
2. The Director may require that protected trees be permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and limitation of these protected areas shall be shown on the face of the deed, plat, binding site plan, or similar document and shall be recorded with the King County Recorder's Office or its successor. The recorded document shall include the requirement that the protected areas shall not be removed, amended or modified without the written approval of the City.

E. Preconstruction Meeting Required. Prior to the commencement of any permitted clearing and grading activity, a preconstruction meeting shall be held on site with the permittee and appropriate City staff. The project site shall be marked in the field as follows:

1. The extent of clearing and grading to occur;
2. Delineation and protection with clearing limit fencing of any critical areas and critical area buffers;

3. Trees to be removed and retained; and
4. Property lines. (Ord. 767 § 1 (Exh. A), 2017; Ord. 741 § 1 (Exh. A), 2016; Ord. 724 § 1 (Exh. A), 2015; Ord. 631 § 1 (Exh. 1), 2012; Ord. 531 § 1 (Exh. 1), 2009; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(E), 2000).

20.50.340 Basic operating conditions and standards of performance.

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

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

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

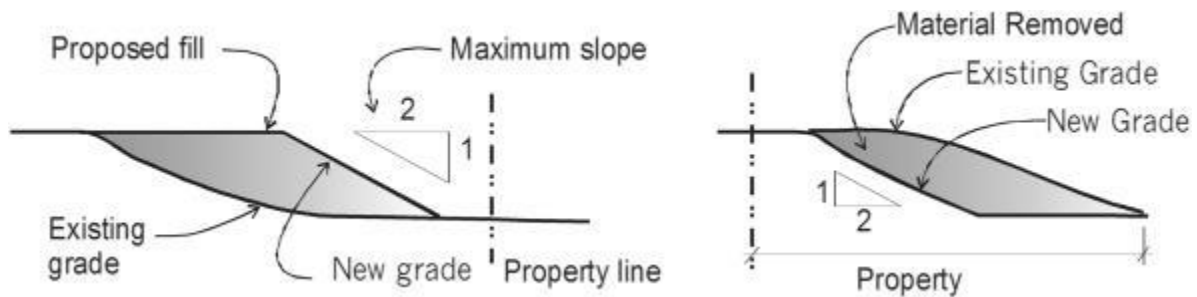


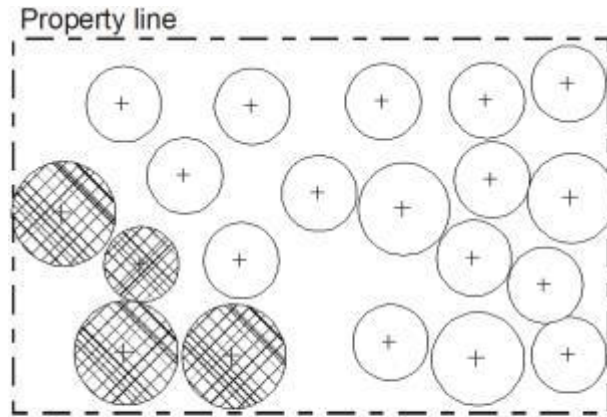
Figure 20.50.340(B): Illustration of fill and cut with maximum slope 2:1.

2. Erosion Control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with the Surface Water Design Manual.
3. preparation of Ground. The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, construction materials, brush and other debris.
4. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Only earth materials which have no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be used. In the absence of an approved soils engineering report, these provisions may be waived by the Director for minor fills not intended to support structures.
5. Drainage. Provisions shall be made to:
 - a. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;
 - b. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works;
6. Bench/Terrace. Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.
7. Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes. The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes. Slopes and setbacks shall be determined by the Director.

- C. Access Roads – Maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the Director to minimize problems of dust, mud and traffic circulation.
- D. Access Roads – Gate. Access roads to grading sites shall be controlled by a gate when required by the Director.
- E. Warning Signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the Director.
- F. Temporary Fencing. Temporary fencing, where required by the Director, to protect life, limb and property, shall be installed. Specific fencing requirements shall be determined by the Director.
- G. Hours of Operation. Hours of operation for tree cutting, clearing and grading, unless otherwise authorized by the Director, shall be between 7:00 a.m. and 7:00 p.m. weekdays and 9:00 a.m. to 9:00 p.m. on Saturdays and Sundays. Additionally, tree cutting (felling) shall further be limited to daylight hours.
- H. Traffic Control and Haul Plan. The applicant shall be required to submit a plan detailing traffic control and proposed timing, volume, and routing of trucks and equipment as determined to be necessary by the Director. (Ord. 850 § 1 (Exh. A), 2019; Ord. 531 § 1 (Exh. 1), 2009; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(F), 2000).

20.50.350 Development standards for clearing activities.

- A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.
- B. Minimum Retention Requirements. All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:
1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or
 2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.
 3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during development through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures.
 4. The minimum amount of trees to be retained cannot be removed for a period of 36 months and shall be guaranteed through an approved maintenance agreement.
 5. The Director may require the retention of additional trees to meet the stated purpose and intent of this title, as required by the critical areas regulations, Chapter 20.80 SMC, or Shoreline Master Program, SMC Title 20, Division II, or as site-specific conditions demand using SEPA substantive authority.



LEGEND


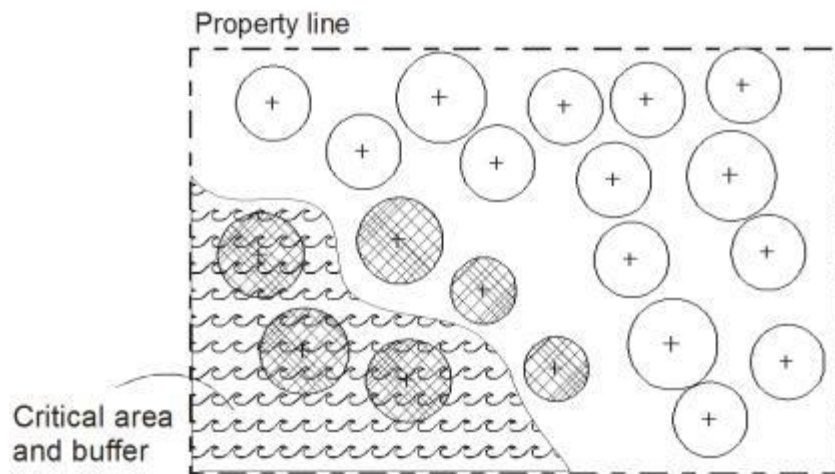
 Indicates trees to be retained

Figure 20.50.350(B)(1): Demonstration of the retention of 20 percent of the significant trees on a site containing no critical areas.



LEGEND


 Indicates significant trees to be retained

Figure 20.50.350(B)(2): Demonstration of the retention of 30 percent of the significant trees on a site containing a critical area.

Exception 20.50.350(B):

1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a

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

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

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

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

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

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

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

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

5. The Director may not require the retention of a significant tree that must be removed to accommodate the installation of a frontage improvement required as a condition of permit approval pursuant to SMC 20.70.320 when the applicant and the City demonstrate that a reasonable effort has been made to retain the significant tree. If approved for removal, this tree shall not be included in calculation of the minimum retention percentage for the site.

C. Incentives for Higher Levels of Tree Protection. The Director may grant reductions or adjustments to other site development standards if the protection levels identified in subsection B of this section are exceeded. On a case-by-case review, the Director shall determine the balance between tree protection that exceeds the established minimum percentage and variations to site development requirements. If the Director grants adjustments or reductions to site development standards under this provision, then tree protection requirements shall be recorded on the face of the plat, as a notice to title, or on some other legal document that runs with the property. Adjustments that may be considered are:

1. Reductions or variations of the area, width, or composition of required open space and/or landscaping;
2. Variations in parking lot design and/or any access driveway requirements;
3. Variations in building setback requirements;
4. Variations of grading and stormwater requirements.

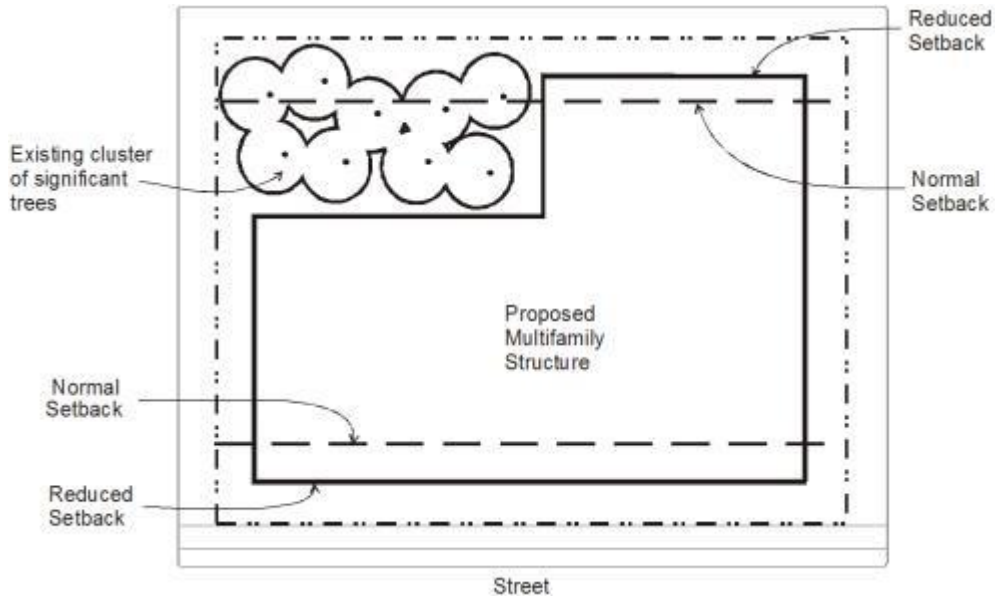


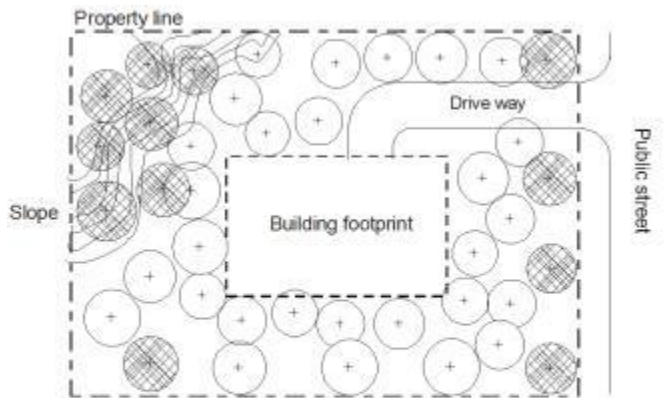
Figure 20.50.350(C): Example of aggregate setback to preserve a cluster of significant trees.

D. Site Design. Site improvements shall be designed and constructed to meet the following:



1. Site improvements shall be designed to give priority to protection of trees with the following characteristics, functions, or location including where the critical root zone of trees on adjoining property is within five feet of the development:
 - a. Existing stands of healthy trees that have a reasonable chance of survival once the site is developed, are well shaped to withstand the wind and maintain stability over the long term, and will not pose a threat to life or property.
 - b. Trees which exceed 50 feet in height.
 - c. Trees and tree clusters which form a continuous canopy.
 - d. Trees that create a distinctive skyline feature.
 - e. Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness.
 - f. Trees providing habitat value, particularly riparian habitat.
 - g. Trees within the required yard setbacks or around the perimeter of the proposed development.
 - h. Trees having a significant land stability function.
 - i. Trees adjacent to public parks, open space, and critical area buffers.
 - j. Trees having a significant water-retention function.
3. Building footprints, parking areas, roadways, utility corridors and other structures shall be designed and located with a consideration of tree protection opportunities.
4. The project grading plans shall accommodate existing trees and avoid alteration to grades around existing significant trees to be retained.

5. Required open space and recreational space shall be designed and located to protect existing stands of trees.
6. The site design and landscape plans shall provide suitable locations and adequate area for replacement trees as required in SMC 20.50.360.
7. In considering trees for protection, the applicant shall avoid selecting trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.
8. If significant trees have been removed from a closed, forested situation, an adequate buffer of smaller trees shall be retained or planted on the fringe of such significant trees as determined by a certified arborist.
9. All trees located outside of identified building footprints and driveways and at least 10 feet from proposed structures shall be considered as eligible for preservation. However, all significant trees on a site shall be considered when calculating the minimum retention percentage.

DO THIS



LEGEND

-  Appropriately retained trees - in clusters on a slope and along the street
-  Trees proposed for removal

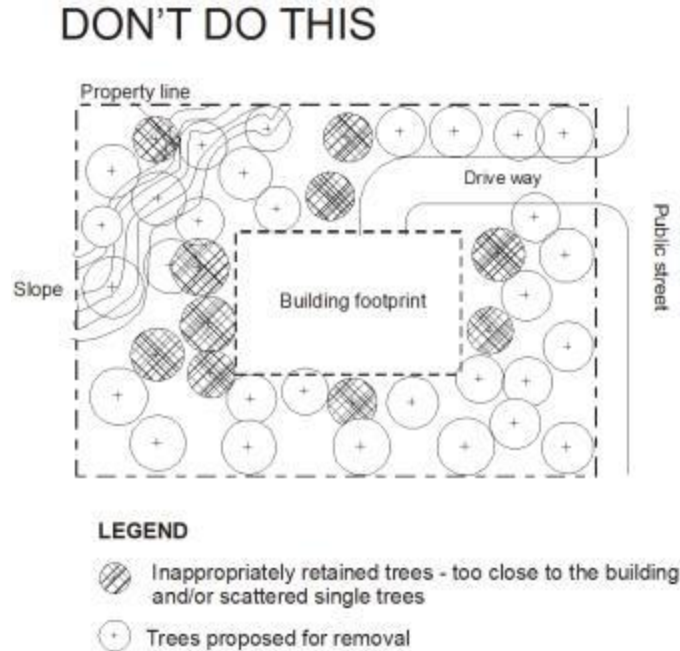


Figure 20.50.350(D): Example of the application of tree retention site design standards. Appropriate retention of a cluster of trees on a slope and frontage trees are shown above. Inappropriate retention of scattered single trees and trees near structures are shown below.

E. **Cutting and Pruning of Protected Trees.** Trees protected under the provisions of this section shall not be topped. Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture, such as the American National Standard for Tree Care Operations – Tree, Shrub, and Other Wood Plant Maintenance – Standard Practices (ANSI A300) or similar, and further the long-term health of the tree. Excessive pruning, including topping, stripping, or imbalances, shall not be allowed unless necessary to protect life and property. Protected trees may be pruned to enhance views using methods such as windowing, interlimbing, or skirting up, when completed by a qualified professional arborist and consistent with best management practices.

F. **Landmark Trees.** Trees which have been designated as landmark trees by the City of Shoreline because they are 30 inches or larger in diameter or particularly impressive or unusual due to species, size, shape, age, historical significance and/or are an outstanding row or group of trees, have become a landmark to the City of Shoreline or are considered specimens of their species shall not be removed unless the applicant meets the exception requirements of subsection B of this section. The Director shall establish criteria and procedures for the designation of landmark trees. (Ord. 850 § 1 (Exh. A), 2019; Ord. 789 § 1 (Exh. A), 2018; Ord. 741 § 1 (Exh. A), 2016; Ord. 724 § 1 (Exh. A), 2015; Ord. 640 § 1 (Exh. A), 2012; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(G), 2000).

20.50.360 Tree replacement and site restoration.

A. **Plans Required.** Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area report, mitigation or restoration plans, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

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

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
3. Minimum size requirements for replacement trees under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

- a. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.
- b. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:
 - i. There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
 - ii. Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
 - iii. Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
 - iv. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.
- c. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.
- d. The Director may not require the replacement of significant tree(s) approved for removal pursuant to SMC 20.50.350(B)(5).
 4. Replacement trees required for the Lynnwood Link Extension project shall be native conifer and deciduous trees proportional to the number and type of trees removed for construction, unless as part of the plan required in subsection A of this section the qualified professional demonstrates that a native conifer is not likely to survive in a specific location.
 5. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in SMC 20.50.350(D) or as a part of the development shall be at the same ratios in subsections (C)(1), (2), and (3) of this section with a minimum tree size of eight feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.
 6. Tree replacement related to development of a light rail transit system/facility must comply with this subsection C.
- D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.
- E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
- F. Replacement of removed trees with appropriate native trees at a ratio consistent with subsection C of this section, or as determined by the Director based on recommendations in a critical area report, will be required in critical areas.

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

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

I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;
2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and
3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

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

K. Performance Assurance.

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.
2. A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.
3. The Director shall exempt individual single-family lots from a maintenance bond, except where a clearing violation has occurred or tree replacement is located within critical areas or critical area buffers.

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

M. **Discovery of Undocumented Critical Areas.** The Director may stop work authorized by a clearing and grading permit if previously undocumented critical areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site. (Ord. 850 § 1 (Exh. A), 2019; Ord. 741 § 1 (Exh. A), 2016; Ord. 724 § 1 (Exh. A), 2015; Ord. 640 § 1 (Exh. A), 2012; Ord. 406 § 1, 2006; Ord. 398 § 1, 2006; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 5(H), 2000).

20.50.370 Tree protection standards.

The following protection measures shall be imposed for all trees to be retained on site or on adjoining property, to the extent off-site trees are subject to the tree protection provisions of this chapter, during the construction process:

A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.

B. Tree dripline areas or critical root zones as defined by the International Society of Arboriculture shall be protected. No fill, excavation, construction materials, or equipment staging or traffic shall be allowed in the dripline areas of trees that are to be retained.

C. Prior to any land disturbance, temporary construction fences must be placed around the dripline of trees to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained.

D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.

E. Where tree protection areas are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Leave Area – Keep Out" signs.

F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.

G. Retain small trees, bushes and understory plants within the tree protection zone to the maximum extent practicable.

H. **Preventative Measures.** In addition to the above minimum tree protection measures, the applicant should support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

1. Pruning of visible deadwood on trees to be protected or relocated;
2. Application of fertilizer to enhance the vigor of stressed trees;
3. Use of soil amendments and soil aeration in tree protection and planting areas;
4. Mulching over tree drip line areas; and
5. Ensuring proper watering during and immediately after construction and throughout the first growing season after construction.

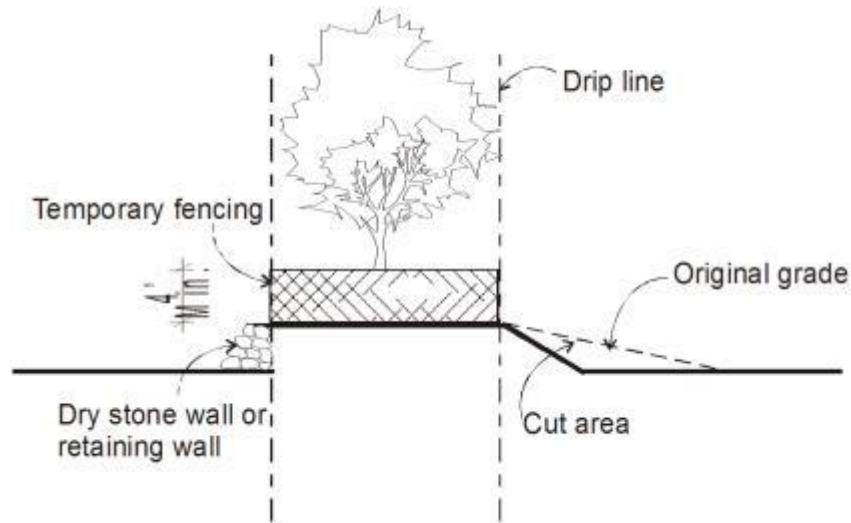


Figure 20.50.370: Illustration of standard techniques used to protect trees during construction.

Exception 20.50.370:

The Director may waive certain protection requirements, allow alternative methods, or require additional protection measures based on concurrence with the recommendation of a certified arborist deemed acceptable to the City. (Ord. 741 § 1 (Exh. A), 2016; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(I), 2000).

Subchapter 6.

Parking, Access and Circulation

20.50.380 Purpose.

The purpose of this subchapter is to establish standards for parking, access, pedestrian and vehicular circulation, and bicycle facilities as follows:

- A. To ensure that the parking and circulation aspects of all developments are well designed with regards to safety, efficiency and convenience of vehicles, bicycles, pedestrians, and transit.
- B. To provide convenient and safe access to all buildings and adequate parking for all developments.
- C. To reduce demand for parking by encouraging alternative means of transportation, including public transit, rideshare, and bicycles.
- D. To promote efficiency through reductions in the number of parking stalls, shared driveway access and shared parking facilities.
- E. To assure safe, convenient, efficient and adequately sized parking facilities.
- F. To increase pedestrian mobility and provide safe, pleasant and direct pedestrian access. (Ord. 238 Ch. V § 6(A), 2000).

20.50.385 Thresholds – Required site improvements.

Repealed by Ord. 654. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.390 Minimum off-street parking requirements – Standards.

- A. Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in Tables 20.50.390A through 20.50.390D.

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Single detached/townhouse:	2.0 per dwelling unit. 1.0 per dwelling unit in the MUR zones for single-family attached/townhouse dwellings.
Apartment:	Ten percent of required spaces in multifamily and residential portions of mixed use development must be equipped with electric vehicle infrastructure for units where an individual garage is not provided. ¹
Studio units:	0.75 per dwelling unit
One-bedroom units:	0.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

¹ Electric vehicle infrastructure requires that the site design must provide conduit for wiring and data, and associated ventilation to support the additional potential future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code Article 625.

If the formula for determining the number of electric vehicle parking spaces results in a fraction, the number of required electric vehicle parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential care facilities:	1 per 3 patients, plus 1 per FTE employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units

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

Table 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
Professional office uses:	1 per 500 square feet
Manufacturing uses:	0.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

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

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of the underlying zone
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.2 per staff member
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Fuel service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area
High schools with stadium:	1 per staff member plus 1 per 10 students, and 1 per 3 fixed seats in stadium
High schools without stadium:	1 per staff member, plus 1 per 10 students

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site
Hospital:	1 per bed
Middle/junior high schools:	1.2 per staff member
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
Self-storage facilities:	1 per 0.000130 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per staff member, plus 1 per 2 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

Exception 20.50.390(A)(1): If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Exception 20.50.390(A)(2): When the City of Shoreline has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses.

Exception 20.50.390(A)(3): Where other provisions of this Code stipulate higher maximum parking or reduced minimum parking requirements, those provisions shall apply.

Exception 20.50.390(A)(4): Minimum parking requirements may be reduced through provisions in SMC 20.50.400.

B. Off-street parking ratios expressed as number of spaces per square feet shall be based on the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include, but are not limited to, building maintenance areas, storage areas, closets, or restrooms.

C. For all nonresidential uses, the maximum amount of allowed parking shall not exceed 50 percent over the minimum required number of stalls. Any proposal for parking that exceeds 10 percent over the minimum required number of stalls must be approved by the Director.

D. Any amount of surface parking lot that is over the minimum required number of stalls shall be paved with permeable pavement. (Ord. 850 § 1 (Exh. A), 2019; Ord. 824 § 1 (Exh. A), 2018; Ord. 767 § 1 (Exh. A), 2017; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 6(B-1), 2000).

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.
8. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.
9. Replacement of all significant trees removed on a site zoned MUR-70' as follows:
 - a. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
 - b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
 - c. Minimum Size Requirements for Replacement Trees under This Provision. Deciduous trees shall be at least one and one-half inches in caliper and evergreens six feet in height.

B. A project applying for parking reductions under the Deep Green Incentive Program may be eligible for commercial and multifamily projects based on the certification they intend to achieve. No parking reductions will be eligible for single-family projects. Reductions will be based on the following tiers:

1. Tier 1 – Living Building or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 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 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;
 3. Tier 3 – LEED Platinum, 5-Star, or Net Zero Energy Building/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the respective US Green Building Council, Built Green, or ILFI and Salmon Safe 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. (Ord. 833 § 1 (Exh. A), 2018; Ord. 760 § 1 (Exh. A), 2017; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 6(B-2), 2000).

20.50.410 Parking design standards.

- A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.
- B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.
- C. Parking for residential units must be included in the rental or sale price of the unit. Parking spaces cannot be rented, leased, sold, or otherwise be separate from the rental or sales price of a residential unit.
- D. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.750.
- E. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:
1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;
 2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.

Exception 20.50.410(E)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

F. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410F below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. For these Director’s determinations for parking angles not shown in Table 20.50.410F, parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design. Structural columns or permanent structures can only encroach into a parking stall six inches the first four feet and the last four feet of the parking stall.

Table 20.50.410F – Minimum Parking Stall and Aisle Dimensions

A	B	C	D	E		F	
Parking Angle	Stall Width (feet)	Curb Length (feet)	Stall Depth (feet)	Aisle Width (feet)		Unit Depth (feet)	
				1-Way	2-Way	1-Way	2-Way
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min. 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min. 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min. 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min. 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	23.0	23.0	**	**
	Min. 8.5	8.5	20.0	23.0	23.0	63.0	63.0
	Desired 9.0	9.0	20.0	23.0	23.0	63.0	63.0

Notes:

* For compact stalls only. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

** Variable, with compact and standard combinations.

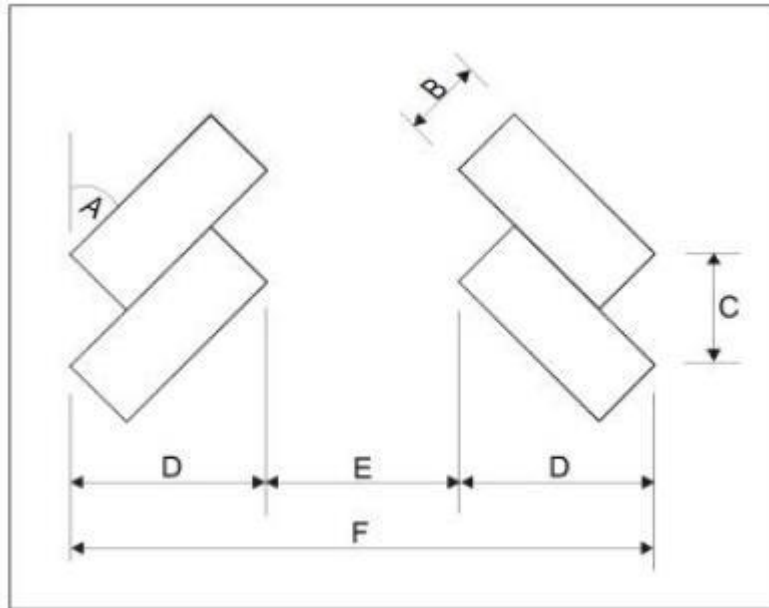


Figure 20.50.410(F)(1): Diagram of corresponding parking dimensions A through F from Table 20.50.410F

Exception 20.50.410(F)(1): The parking space depth may be reduced up to 18 inches when vehicles overhang a walkway under the following conditions:

1. Wheel stops or curbs are installed that provide a maximum 18-inch overhang; and
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

Exception 20.50.410(F)(2): Tandem or end-to-end parking is allowed in residential developments. Single-family, duplex and townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

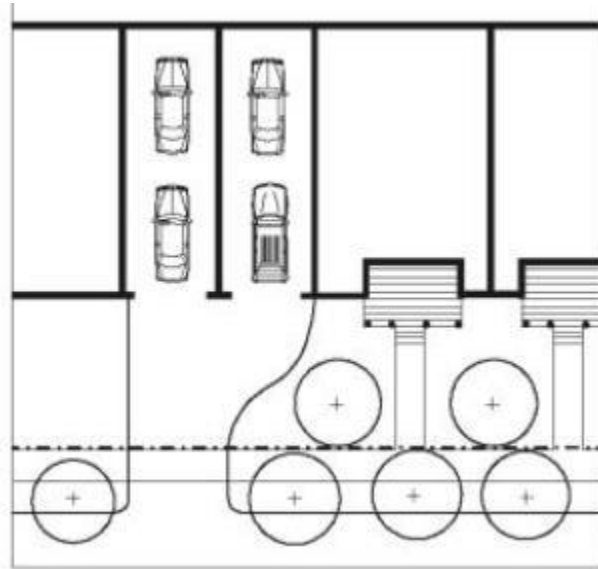
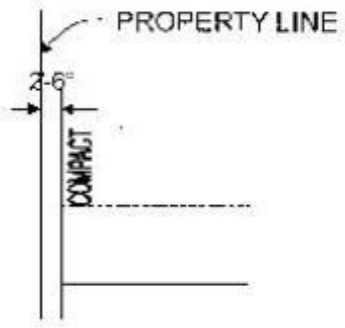


Figure Exception to 20.50.410(F)(2): Illustration of tandem parking.

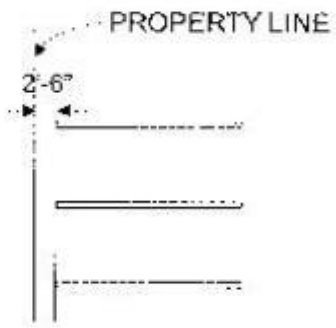
Exception 20.50.410(F)(3): Vanpool/carpool parking areas shall meet the following minimum design standards;

1. A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of 26 feet, four inches with a minimum turning diameter (curb to curb) of 52 feet, five inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.

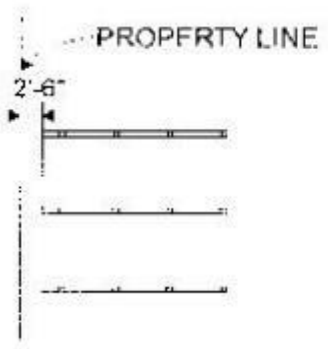
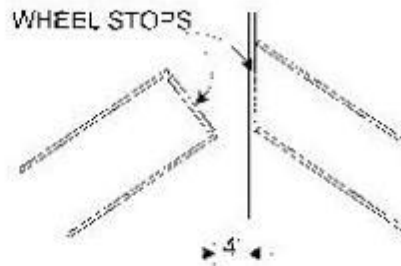
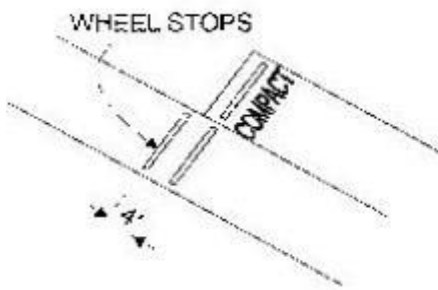
G. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with Washington State Department of Transportation standards. Wheel stops are required where a parked vehicle encroaches on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typical approved markings and wheel stop locations are illustrated in Figure 20.50.410(G).



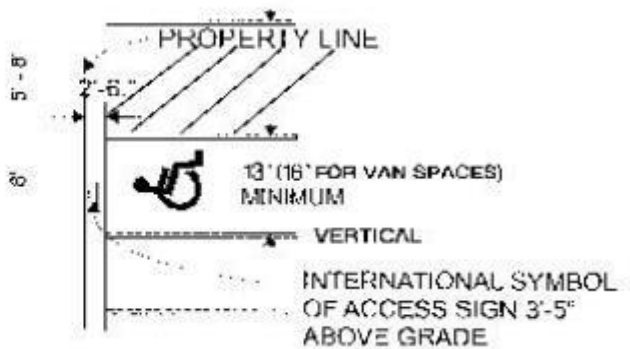
COMPACT MARKING



PAINTED HORSESHOE MARKING



METAL OR PLASTIC TRAFFIC MARKING



DISABLED PERSONS PARKING

HW 1105-10-10-11
 SACKERD, NO. 7
 ABOVE GRADE WITH
 THE NOTICE STATE
 DISABLED PARKING
 PERMIT REQUIRED.
 VAN SPACE MIN.
 ACCESSIBLE
 MOUNTED BELOW
 ACCESS SYMBOL

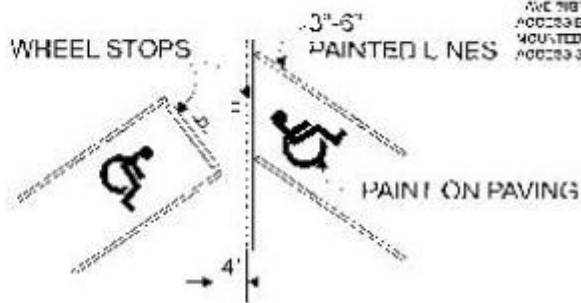
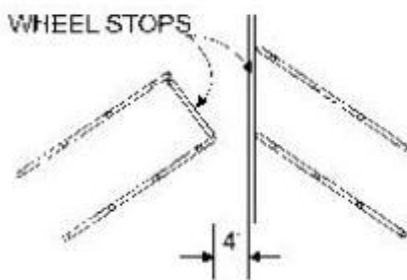


Figure 20.50.410(G): Pavement marking and wheel stop standards.

Note that parking spaces must meet setbacks from property lines where required by the zone.

H. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. In a parking garage, any space abutting a wall shall provide an additional 18 inches. The additional width shall be separated from the adjacent parking space by a parking space division stripe. This requirement does not apply to single-family and duplex developments.

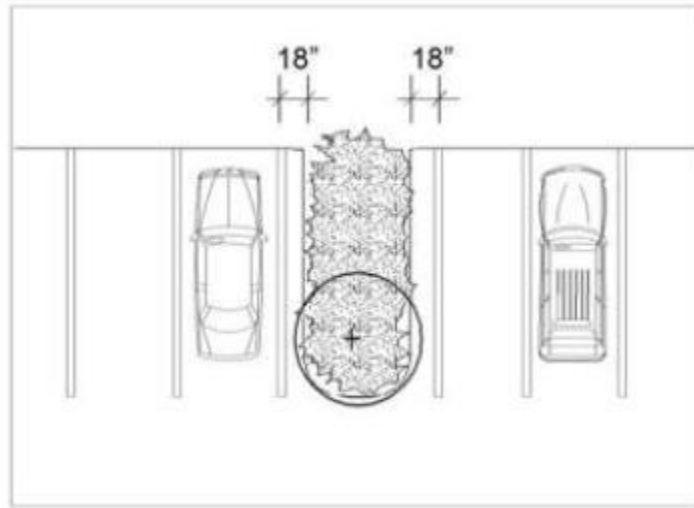


Figure 20.50.410(H): Illustration of buffer between parking and landscaping.

I. Required parking spaces shall be located outside of any required setbacks, provided driveways located in setbacks may be used for parking.

Exception 20.50.410(I)(1): If parking is located below grade, parking may be located within the required setback; provided, that the portion of the parking structure located within setback is landscaped or serves as pedestrian access.

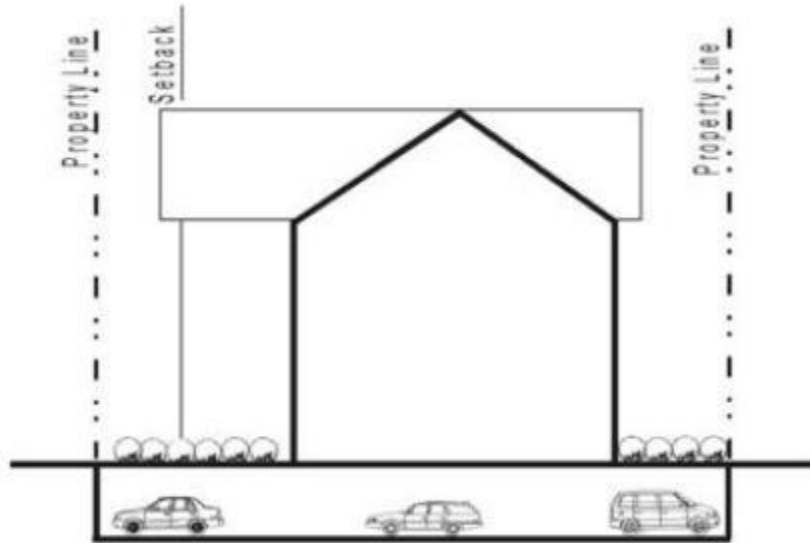


Figure Exception to 20.50.410(I)(1): Illustration of underground parking.

- J. Any parking stalls located in enclosed buildings must be totally within the enclosed building.
- K. Off-street parking and access for physically disabled persons shall be provided in accordance with the current version of ICC A117.1, Section 1106, Table 1106.1, Chapter 502.
- L. Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below in Table 20.50.410L.

Table 20.50.410L

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

- M. Every building engaged in retail, hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the standards listed in Table 20.50.410M.

Table 20.50.410M

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

N. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by the Engineering Development Guide. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.

O. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

P. Multi-story self-service storage facilities shall provide two loading spaces, single-story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by the Engineering Development Guide.

Q. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this section.

R. All parking lot lighting shall be nonglare and shielded to minimize direct illumination of abutting properties and adjacent streets.

S. Electric Vehicle Signage.

1. Electric vehicle charging stations available for public use shall have posted signage, as identified in this subsection, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

2. Signage for parking of electric vehicles shall include:

- a. Information about the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
 - b. As appropriate, directional signs at appropriate decision points to effectively guide motorists to the charging station space(s).
3. EV signage is exempt from a sign permit. (Ord. 850 § 1 (Exh. A), 2019; Ord. 789 § 1 (Exh. A), 2018; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 4 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 391 § 4, 2005; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-3), 2000).

20.50.420 Vehicle access and circulation – Standards.

- A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted Engineering Development Manual.
- B. Driveways for nonresidential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.
- C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequacy of Public Facilities.
- D. No dead-end alley may provide access to more than eight required off-street parking spaces.
- E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
- F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.
- G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:
 - 1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
 - 2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.
- H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 469 § 1, 2007; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.

Repealed by Ord. 731. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 6(C-1), 2000).

20.50.440 Bicycle facilities – Standards.

- A. Short-Term Bicycle Parking. Short-term bicycle parking shall be provided as specified in Table A. Short-term bicycle parking is for bicycles anticipated to be at a building site for less than four hours.

Table A: Short-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	1 per 10 dwelling units
Commercial and all other nonresidential uses	1 bicycle stall per 12 vehicle parking spaces (minimum of 1 space)

Installation of Short-Term Bicycle Parking. Short-term bicycle parking shall comply with all of the following:

1. It shall be visible from a building’s entrance;

Exception: Where directional signage is provided at a building entrance, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;
3. It shall be provided with illumination of not less than one footcandle at the parking surface;
4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;
5. It shall be provided with a rack or other facility for locking or securing each bicycle;
6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and
7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

B. Long-Term Bicycle Parking. Long-term bicycle parking shall be provided as specified in Table B. Long-term bicycle parking is for bicycles anticipated to be at a building site for four or more hours.

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	0.5 per unit except for units where individual garages are provided.
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

Installation of Long-Term Bicycle Parking. Long-term bicycle parking shall comply with all of the following:

1. It shall be located on the same site as the building;
2. It shall be located inside the building, or shall be located within 300 feet of the building’s main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;
3. Illumination of not less than one footcandle at the parking surface shall be available;
4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;
5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25 percent of the racks may be located on walls in garages.
6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

Exception 20.50.440(1): The Director may authorize a reduction in long-term bicycle parking where the housing is specifically assisted living or serves special needs or disabled residents.

Exception 20.50.440(2): Ground floor units with direct access to the outside may be exempted from the long-term bicycle parking calculation.

Exception 20.50.440(3): The Director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include, but not be limited to:

1. Park/playfield;
2. Marina;
3. Library/museum/arboretum;
4. Elementary/secondary school;
5. Sports club; or
6. Retail business and office (when located along a developed bicycle trail or designated bicycle route).
7. Campus zoned properties and transit facilities. (Ord. 695 § 1 (Exh. A), 2014; Ord. 663 § 1 (Exh. 1), 2013; Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. V § 6(C-2), 2000).

Subchapter 7.

Landscaping

20.50.450 Purpose.

The purposes of this subchapter are:

- A. To enhance the visual continuity within and between neighborhoods.
- B. To establish at least an urban tree canopy through landscaping and street trees.
- C. To screen areas of low visual interests and buffer potentially incompatible developments.
- D. To compliment the site and building design with landscaping. (Ord. 238 Ch. V § 7(A), 2000).

20.50.455 Thresholds – Required site improvements.

Repealed by Ord. 654. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.460 Landscaping – Types of landscaping screens – Standards.

A. Type I landscaping is a “full screen” that functions as a visual barrier. Type I landscaping shall minimally consist of:

1. A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscaped strip and spaced to form a continuous screen.
2. Eighty percent of trees and shrubs shall be evergreen.
3. Trees planted at 10 feet in height, at the rate of one tree per 10 linear feet of landscaped strip and spaced no more than 15 feet apart.
4. Shrubs planted from five-gallon containers or at 30 inches in height and spaced no more than three feet apart on center.
5. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart.

B. Type II landscaping is a “filtered screen” that functions as a partial visual separator to soften the appearance of parking areas and building elevations. Type II landscaping shall minimally consist of:

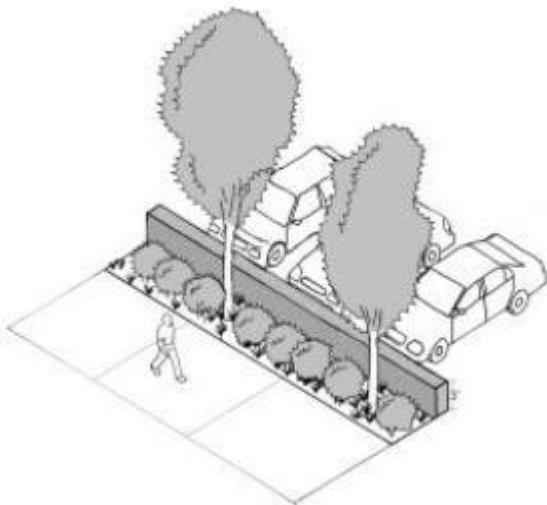
1. Trees generally interspersed throughout the landscaped strip and spaced to create a continuous canopy.
2. Provide a mix of deciduous and evergreen trees and shrubs.
3. Trees planted at 1.5-inch caliper, at the rate of one per 25 linear feet of landscaped strip and spaced no more than 30 feet apart on center.
4. Shrubs planted from five-gallon containers or at 24 inches in height and spaced no more than four feet apart on center.
5. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart.

C. Existing, healthy trees and shrubs, vegetated critical areas, landscaped bio-swales, or trees and their area within the dripline may substitute for required landscaping tree-for-tree and area-for-area. In order to promote the retention of existing mature trees during site development, credit shall be given for one additional required tree if the retained tree is significant (eight-inch diameter at breast height for conifer and 12-inch diameter at breast height if deciduous). (See Subchapter 5 of this chapter, Tree Conservation, Land Clearing, and Site Grading Standards, and Chapter 20.80 SMC, Critical Areas, for additional requirements).

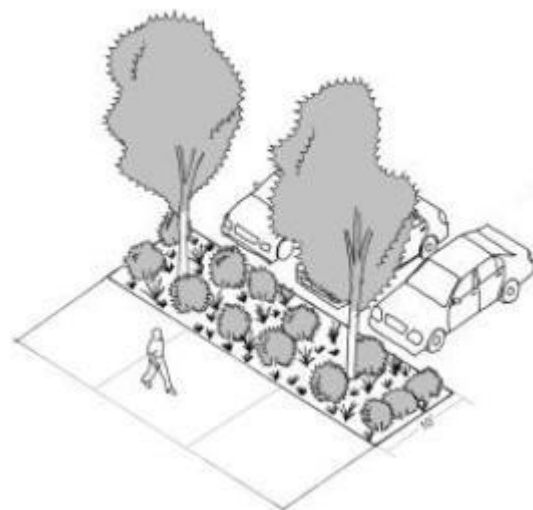
D. Detached single-family development shall be exempt from all landscape requirements with the exception of required street trees along arterials. (Ord. 238 Ch. V § 7(B-1), 2000).

20.50.470 Street frontage landscaping for parking lots.

- A. Provide a five-foot-wide, Type II landscaping that incorporates a continuous masonry wall between three and four feet in height. The landscape shall be located between the public sidewalk or residential units and the wall; or
- B. Provide at least 10-foot-wide, Type II landscaping.
- C. All parking lots shall be separated from ground-level, residential development by the required setback and planted with Type I landscaping.



20.50.470(A) Parking lot planting buffer with low wall



20.50.470(B) 10-foot parking lot buffer with Type II landscaping

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

from the public rights-of-way, these materials shall be configured to create a clear visual break between the hardscape in the public rights-of-way and the hardscape of the vehicle display area. Appropriate landscape construction materials shall include any combination of low (three feet or less in height) walls or earthen berms with ground cover, shrubs, trees, trellises, or arbors. (Ord. 789 § 1 (Exh. A), 2018; Ord. 654 § 1 (Exh. 1), 2013; Ord. 581 § 1 (Exh. 1), 2010; Ord. 560 § 4 (Exh. A), 2009; Ord. 238 Ch. V § 7(B-2), 2000).

20.50.480 Street trees and landscaping within the right-of-way – Standards.

A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required for all commercial, office, public facilities, industrial, multifamily developments, and for single-family subdivisions on all arterial streets.

B. Frontage landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.

C. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 739 § 1 (Exh. A), 2016; Ord. 731 § 1 (Exh. A), 2015; Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).

20.50.490 Landscaping along interior lot line – Standards.

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

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

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

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

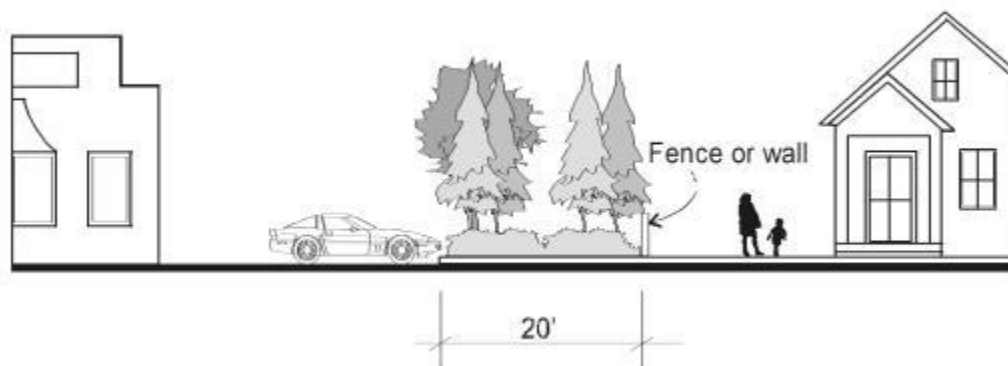


Figure 20.50.490(D): Example of parking screened from single-family house.

(Ord. 789 § 1 (Exh. A), 2018; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 7(B-4), 2000).

20.50.500 Internal landscaping for parking area.

Required parking area landscaping shall include landscape areas that are located in areas within or adjacent to parking areas. However, landscaping designed to meet perimeter landscaping requirements cannot also be used to meet parking lot landscaping requirements.

- A. Multifamily developments with common parking areas shall provide planting areas in parking lots at a rate of 20 square feet per parking stall.
- B. Commercial, office, industrial or institutional developments shall provide landscaping at a rate of:
 - 1. Twenty square feet per parking stall when 10 to 30 parking stalls are provided; or
 - 2. Twenty-five square feet per parking stall when 31 or more parking stalls are provided.
- C. Trees shall be provided and distributed throughout the parking area at a rate of one tree for every 10 parking stalls.
- D. Permanent curbs or structural barriers shall be provided to protect shrubs and trees from vehicle bumpers. Landscaping under vehicle overhang shall not be included in required landscape area calculations.
- E. Parking area landscaping shall require:
 - 1. At least 60 square feet with a lineal dimension of no less than four feet;
 - 2. Shrubs planted from five-gallon containers or at 24 inches in height and spaced no more than four feet apart on center;
 - 3. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart;
 - 4. Trees planted at least 1.5 inches caliper in size;
 - 5. Gaps in curbs are allowed for stormwater runoff; and
 - 6. Natural drainage landscapes (such as rain gardens, biofiltration swales and bioretention planters) when designed in compliance with the stormwater design manual. (Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 7(B-5), 2000).

20.50.510 Alternative landscape design.

Alternative landscape designs may be allowed, subject to City approval, if the design accomplishes equal or better levels of Type I or II landscaping.

- A. The average width of the perimeter landscape area may be reduced 25 percent along interior property lines where:
 - 1. Berms at least three feet in height (2:1 slope) or walls and fences at least six feet in height are incorporated into the landscape design; or
 - 2. Plant material that would be required is located elsewhere on site.
- B. When an existing structure precludes installation of the required site perimeter landscape area then the plant material shall be incorporated on another portion of the site. (Ord. 238 Ch. V § 7(B-6), 2000).

20.50.520 General standards for landscape installation and maintenance.

- A. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
- B. All new turf areas, except all-weather or sand-based athletic fields, shall be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep or have an organic content of five percent or more to a depth of six inches.

- C. Except as specifically outlined for turf areas in subsection (B) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.
- D. Landscape areas, except turf or areas of established ground cover, shall be covered with at least two inches of mulch to minimize evaporation.
- E. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged.
- F. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the “American Standard for Nursery Stock” manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.
- G. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are at least 10 feet in height and not allowed within street rights-of-way.
- H. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered to avoid the appearance of a single row of trees.
- I. All fences shall be placed on the inward side of any required perimeter landscaping when adjacent to a public right-of-way and on the outward side of the required landscaping or on the property line when adjacent to private property.
- J. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.
- K. New landscape material shall be indigenous plant species within areas of undisturbed vegetation, within critical areas or their buffers or within the protected area of significant trees; provided, that pesticide and chemical fertilizer may be restricted within these landscaped areas.
- L. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All landscaping shall either be installed or the installation shall be secured with a letter of credit, escrow, or performance bond for 125 percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.
- M. Trees and vegetation, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition.
- N. Applicants shall provide a landscape maintenance and replacement agreement to the City prior to issuance of a certificate of occupancy.
- O. Landscape plans and utility plans shall be coordinated. The placement of trees and large shrubs shall accommodate the location of required utilities both above and below ground. Location of plants and trees shall be based on the mature canopy and root zone. Root zone shall be determined using the International Society of Arboriculture’s recommended calculation for identifying tree protection area. Mature tree and shrub canopies may not reach an aboveground utility such as street lights and power lines. Mature tree and shrub root zones may overlap utility trenches as long as 80 percent of the root zone is unaffected.
- P. Adjustment of plant location does not reduce the number of plants required for landscaping.
- Q. Sight distance triangle for visual clearances shall be established and maintained. The criteria for sight distance and visual clearances are contained in and consistent with the Engineering Development Guide for all driveway exits and entrances and street corners. (Ord. 591 § 1 (Exh. A), 2010; Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 7(B-7), 2000).

Subchapter 8.

Signs

20.50.530 Purpose.

The purposes of this subchapter are:

- A. To provide standards for the effective use of signs as a means of identification that enhances the aesthetics of business properties and economic viability.
- B. To protect the public interest and safety by minimizing the possible adverse effects of signs on nearby properties and traffic safety.
- C. To establish regulations for the type, number, location, size, and lighting of signs that are complementary with the building use and compatible with their surroundings. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(A), 2000).

20.50.532 Permit required.

- A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.
- B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.
- C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with Exception 20.50.550(A)(2) and SMC 20.50.590.
- D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package.
- E. Applications for property located within the Aurora Square Community Renewal Area, as defined by Resolution 333, shall be subject to SMC 20.50.620. (Ord. 712 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013).

20.50.535 Thresholds – Required site improvements.

Repealed by Ord. 654. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.540 Sign design.

- A. **Sight Distance.** No sign shall be located or designed to interfere with visibility required by the City of Shoreline for the safe movement of pedestrians, bicycles, and vehicles.
- B. **Private Signs on City Right-of-Way.** No private signs shall be located partially or completely in a public right-of-way unless a right-of-way permit has been approved consistent with Chapter 12.15 SMC and is allowed under SMC 20.50.540 through 20.50.610.
- C. **Sign Copy Area.** Calculation of sign area shall use rectangular areas that enclose each portion of the signage such as words, logos, graphics, and symbols other than nonilluminated background. Sign area for signs that project out from a building or are perpendicular to street frontage are measured on one side even though both sides can have copy.
- D. **Building Addresses.** Building addresses should be installed on all buildings consistent with SMC 20.70.250(C) and will not be counted as sign copy area.
- E. **Materials and Design.** All signs, except temporary signs, must be constructed of durable, maintainable materials. Signs that are made of materials that deteriorate quickly or that feature impermanent construction are not

permitted for permanent signage. For example, plywood or plastic sheets without a sign face overlay or without a frame to protect exposed edges are not permitted for permanent signage.

F. Illumination. Where illumination is permitted per Table 20.50.540(G) the following standards must be met:

1. Channel lettering or individual backlit letters mounted on a wall, or individual letters placed on a raceway, where light only shines through the copy.
2. Opaque cabinet signs where light only shines through copy openings.
3. Shadow lighting, where letters are backlit, but light only shines through the edges of the copy.
4. Neon signs.
5. All external light sources illuminating signs shall be less than six feet from the sign and shielded to prevent direct lighting from entering adjacent property.



Individual backlit letters (left image), opaque signs where only the light shines through the copy (center image), and neon signs (right image).

G. Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below.

Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

	All Residential (R) Zones, MUR-35', Campus, PA 3 and TC-4	MUR-45', MUR-70', NB, CB and TC-3 (1)	MB, TC-1 and TC-2
MONUMENT Signs:			
Maximum Area Per Sign Face	4 sq. ft. (home occupation, day care, adult family home, residential care facilities, bed and breakfast) 25 sq. ft. (nonresidential use, residential subdivision or multifamily development) 32 sq. ft. (schools and parks)	50 sq. ft.	100 sq. ft.
Maximum Height	42 inches	6 feet	12 feet
Maximum Number	1 per street frontage	1 per street frontage	1 per street frontage

	All Residential (R) Zones, MUR-35', Campus, PA 3 and TC-4	MUR-45', MUR-70', NB, CB and TC-3 (1)	MB, TC-1 and TC-2
Permitted		Two per street frontage if the frontage is greater than 250 ft. and each sign is minimally 150 ft. apart from other signs on same property.	
Illumination	Permitted	Permitted	
BUILDING-MOUNTED SIGNS:			
Maximum Sign Area	Same as for monument signs	25 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.	50 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.
Maximum Height	Not to extend above the building parapet, soffit, or eave line of the roof. If perpendicular to building then 9-foot clearance above walkway.		
Number Permitted	1 per street frontage	1 per business per facade facing street frontage or parking lot.	
Illumination	Permitted	Permitted	Permitted
UNDER-AWNING SIGNS			
Maximum Sign Area	6 sq. ft. (Nonresidential uses, schools, residential subdivision or multifamily development)	12 sq. ft.	
Minimum Clearance from Grade	9 feet		
Maximum Height (ft.)	Not to extend above or beyond awning, canopy, or other overhanging feature of a building under which the sign is suspended		
Number Permitted	1 per business	1 per business per facade facing street frontage or parking lot.	
Illumination	Prohibited	Permitted	
DRIVEWAY ENTRANCE/EXIT:			
Maximum Sign Area	4 sq. ft. (Nonresidential uses, schools, residential subdivision or multifamily development)	8 sq. ft.	
Maximum Height	42 inches	48 inches	
Number Permitted	1 per driveway		
Illumination	Permitted	Permitted	

Exceptions to Table 20.50.540(G):

(1) The monument sign standards for MB, TC-1, and TC-2 apply on properties zoned NB, CB, and TC-3 where the parcel has frontage on a State Route, including SR 99, 104, 522, and 523.

(2) Sign mounted on fence or retaining wall may be substituted for building-mounted or monument signs so long as it meets the standards for that sign type and does not increase the total amount of allowable signage for the property.

H. Window Signs. Window signs are permitted to occupy maximum 25 percent of the total window area in zones MUR-45', MUR-70', NB, CB, MB, TC-1, TC-2, and TC-3. Window signs are exempt from permit if non-illuminated and do not require a permit under the building code.

I. A-Frame Signs. A-frame, or sandwich board, signs are exempt from permit but allowed only in the MUR-45', MUR-70', NB, CB, MB, and TC-1, TC-2, and TC-3 zones subject to the following standards:

1. Maximum one sign per business;
2. Must be directly in front of the business with the business' name and may be located on the City right-of-way where the property on which the business is located has street frontage;
3. Cannot be located within the required clearance for sidewalks and internal walkways as defined for the specific street classification or internal circulation requirements;
4. Shall not be placed in landscaping, within two feet of the street curb where there is on-street parking, public walkways, or crosswalk ramps;
5. Maximum two feet wide and three feet tall, not to exceed six square feet in area;
6. No lighting of signs is permitted;
7. All signs shall be removed from display when the business closes each day; and
8. A-frame/sandwich board signs are not considered structures.

J. Other Residential Signs. One sign maximum for home occupations, day cares, adult family homes and bed and breakfasts which are located in residential (R) zones, MUR-35' or TC-4 not exceeding four square feet in area is exempt from permit. It may be mounted on the residence, fence or freestanding on the property, but must be located on the subject property and not on the City right-of-way or adjacent parcels. (Ord. 824 § 1 (Exh. A), 2018; Ord. 767 § 1 (Exh. A), 2017; Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 4 (Exh. A), 2009; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(B), 2000).

20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.

Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in MUR-45', MUR-70', NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds.

Replacement of existing, legally established electronic changing message or reader boards in existing signs is allowed, but the intervals for changing or animating messages must meet the provisions of this section, as well as SMC 20.50.532 and 20.50.590. Maximum one electronic changing message or reader board sign is permitted per parcel. Digital signs which change or animate at intervals less than 20 seconds will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC 20.50.540(I).

C. Outdoor off-premises advertising signs (billboards).

- D. Signs mounted on the roof.
- E. Pole signs.
- F. Backlit awnings used as signs.
- G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 706 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

20.50.560 Monument signs.

- A. A solid-appearing base is required under at least 75 percent of sign width from the ground to the base of the sign or the sign itself may start at grade.
- B. Monument signs must be double-sided if the back is visible from the street.
- C. Use materials and architectural design elements that are consistent with the architecture of the buildings. (Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(D-1), 2000).

20.50.570 Building-mounted signs.

- A. Building signs shall not cover building trim or ornamentation.
- B. Projecting, awning, canopy, and marquee signs (above awnings) shall clear sidewalk by nine feet and not project beyond the awning extension or eight feet, whichever is less. These signs may project into public rights-of-way, subject to City approval. (Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 4 (Exh. A), 2009; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(D-2), 2000).

20.50.580 Under-awning signs.

These signs may project into public rights-of-way, subject to City approval. (Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(D-3), 2000).

20.50.590 Nonconforming signs.

- A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.
- B. Billboards now in existence are declared nonconforming and may remain subject to the following restrictions:
 1. Shall not be increased in size or elevation, nor shall be relocated to another location.
 2. Installation of electronic changing message or reader boards in existing billboards is prohibited.
 3. Shall be kept in good repair and maintained.
 4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given.

C. Electronic changing message or reader boards may not be installed in existing, nonconforming signs without bringing the sign into compliance with the requirements of this code, including Exception 20.50.550(A)(2).

Exception 20.50.590(C)(1): Regardless of zone, replacement or repair of existing, legally established electronic changing message or reader boards is allowed without bringing other nonconforming characteristics of a sign into compliance, so long as the size of the reader board does not increase and the provisions of SMC 20.50.532 and the change or animation provisions of Exception 20.50.550(A)(2) are met.

(Ord. 706 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

20.50.600 Temporary signs.

A. **General Requirements.** Certain temporary signs not exempted by SMC 20.50.610 shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. **Temporary On-Premises Business Signs.** Temporary banners are permitted in zones MUR-45', MUR-70', NB, CB, MB, TC-1, TC-2, and TC-3 or for schools and houses of worship in all residential zones to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per street frontage per business, place of worship, or school;
2. Be limited to 32 square feet in area;
3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and
4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. **Construction Signs.** Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC 20.30.295 or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 706 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

20.50.610 Exempt signs.

The following are exempt from the provisions of this chapter, except that all exempt signs must comply with SMC 20.50.540(A), Sight Distance, and SMC 20.50.540(B), Private Signs on City Right-of-Way:

- A. Historic site markers or plaques and gravestones.
- B. Signs required by law, including but not limited to:
 1. Official or legal notices issued and posted by any public agency or court; or
 2. Traffic directional or warning signs.
- C. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, not illuminated, and do not exceed four square feet in surface area.
- D. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency.
- E. State or Federal flags.
- F. Religious symbols.

- G. The flag of a commercial institution, provided no more than one flag is permitted per business premises; and further provided, the flag does not exceed 20 square feet in surface area.
- H. Neighborhood identification signs with approved placement and design by the City.
- I. Neighborhood and business block watch signs with approved placement of standardized signs acquired through the City of Shoreline Police Department.
- J. Plaques, signs or markers for landmark tree designation with approved placement and design by the City.
- K. Real estate signs not exceeding four square feet and five feet in height in residential zones and 24 square feet and seven feet in height in commercial zones located on subject parcel(s), not on City right-of-way. A single fixed sign may be located on the property to be sold, rented or leased, and shall be removed within seven days from the completion of the sale, lease or rental transaction.
- L. City-sponsored event signs up for no more than two weeks.
- M. Gateway signs constructed in compliance with the Gateway Policy and Guideline Manual.
- N. Parks signs constructed in compliance with the Parks Sign Design Guidelines and Installation Details as approved by the Parks Board and the Director. Departures from these approved guidelines may be reviewed as departures through the administrative design review process and may require a sign permit for installation.
- O. Garage sale signs not exceeding four square feet per sign face and not advertising for a period longer than 48 hours.
- P. City land-use public notification signs.
- Q. Menu signs used only in conjunction with drive-through windows, and which contains a price list of items for sale at that drive-through establishment. Menu signs cannot be used to advertise the business to passersby: text and logos must be of a size that can only be read by drive-through customers. A building permit may be required for menu signs based on the size of the structure proposed.
- R. Campaign signs that comply with size, location and duration limits provided in Shoreline Administrative Rules. (Ord. 695 § 1 (Exh. A), 2014; Ord. 654 § 1 (Exh. 1), 2013; Ord. 319 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(G), 2000).

Chapter 20.60
Adequacy of Public Facilities

Sections:

Subchapter 1. General Provisions

- 20.60.010 Purpose.
- 20.60.020 General requirements.

Subchapter 2. Wastewater, Water Supply and Fire Protection

- 20.60.030 Adequate wastewater (sewer) disposal.
- 20.60.040 Adequate water supply.
- 20.60.050 Adequate fire protection.

Subchapter 3. Surface and Stormwater Management

- 20.60.060 Repealed.
- 20.60.070 Adequate surface water management system.
- 20.60.080 –
- 20.60.130 Repealed.

Subchapter 4. Streets and Access

- 20.60.140 Adequate streets.
- 20.60.150 Adequate access.

Subchapter 1.

General Provisions

20.60.010 Purpose.

The purpose of this subchapter is to:

- A. Ensure that the adequate provision of public facilities and services is maintained as new development occurs; and to
- B. Fairly allocate the cost of those facilities and services. (Ord. 238 Ch. VI § 1(A), 2000).

20.60.020 General requirements.

A. All development proposals that require City approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:

1. Sewer and/or wastewater disposal;
2. Water supply;
3. Fire protection service;
4. Surface water and stormwater management; and
5. Streets and access.

B. Regardless of the number of related permits required for a single development proposal, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in

impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal.

C. All sewer and water connections within the City right-of-way shall be made in accordance with the applicable engineering standards specified in Chapter 20.70 SMC. (Ord. 238 Ch. VI § 1(B), 2000).

Subchapter 2.

Wastewater, Water Supply and Fire Protection

20.60.030 Adequate wastewater (sewer) disposal.

All development proposals shall be served by a public wastewater disposal system, including both collection and treatment facilities as follows:

- A. For the issuance of a building permit, preliminary plat approval, or other land use approval the disposal system for the project site has been approved by the Department as being consistent with adopted rules and regulations of the applicable government, agency, or district;
- B. For the issuance of a certificate of occupancy for a building or change of use permit, the approved wastewater disposal system is installed to serve each building or lot;
- C. For recording a final plat, final short plat or binding site plan the approved wastewater disposal system is installed or bonded to serve each lot respectively; and
- D. For a zone reclassification the timing of installation of required wastewater system improvements is contained in the approving ordinance. (Ord. 299 § 1, 2002; Ord. 238 Ch. VI § 2(A), 2000).

20.60.040 Adequate water supply.

All development proposals shall be served by an adequate public water supply system as follows:

- A. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant can demonstrate that:
 - 1. The existing water supply system available to serve the site complies with the requirements of adopted rules and regulations of the applicable government, agency, or district.
 - 2. The proposed improvements to an existing water system or a proposed new water supply system have been reviewed by the Department and determined to comply with the design standards and conditions specified above;
- B. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved water system and any system improvements are installed to serve each building or lot respectively;
- C. For recording a final plat, final short plat or binding site plan, either the approved water supply system or system improvements shall be installed or bonded to serve each lot, within two years of recording; and
- D. For a zone reclassification the timing of installation of required water system improvements is included in the approving ordinance. (Ord. 669 § 1 (Exh. A), 2013; Ord. 238 Ch. VI § 2(B), 2000).

20.60.050 Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

- A. The site of the development proposal is served by a water supply system that is consistent with the provisions of Chapter 15.05 SMC;
- B. The development proposal has adequate access to a street system or fire lane system that provides life safety/rescue access, and other adopted fire protection requirements for buildings;

C. The timing of installation of required fire protection improvements for development proposals shall be stated in the project approval or approving ordinance, and installed prior to occupancy. The improvements may be secured with a bond or similar security upon approval from the Director and the Fire Marshal. (Ord. 555 § 1 (Exh. 1), 2009; Ord. 238 Ch. VI § 2(C), 2000).

Subchapter 3.

Surface and Stormwater Management

20.60.060 Purpose.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(A), 2000).

20.60.070 Adequate surface water management system.

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

A. The existing or proposed system is adequate if the site of the development proposal is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City as defined in Chapter 13.10 SMC, Surface Water Management Code and adopted standards;

B. *Repealed by Ord. 531. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 238 Ch. VI § 3(B), 2000).*

20.60.080 Development proposal requirements.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(C), 2000).

20.60.090 Core surface water and stormwater requirements.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(D), 2000).

20.60.100 Special requirements.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(E), 2000).

20.60.110 Construction timing and final approval.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(F), 2000).

20.60.120 Water quality.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(G), 2000).

20.60.130 Best management practices.

Repealed by Ord. 531. (Ord. 238 Ch. VI § 3(H), 2000).

Subchapter 4.

Streets and Access

20.60.140 Adequate streets.

The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

A. **Level of Service.** The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; and
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.

These level of service standards apply throughout the City unless an alternative level of service for a particular street or streets has been adopted in the Comprehensive Plan Transportation Element.

3. Pedestrian and bicycle LOS within the Station Subareas shall be LOS D or better.

Pedestrian level of service (LOS) shall be evaluated for each direction along all arterial streets within a quarter mile radius of the light rail station. Pedestrian LOS for sidewalks shall be evaluated using Steps 6 and 7 from the Highway Capacity Manual (HCM) 2010, Chapter 17. In the absence of sidewalks, pedestrian LOS shall be determined using Exhibit 17-4 from the HCM. Each link within the quarter mile radius shall be evaluated. For questions regarding link boundaries, contact the City Traffic Engineer.

B. Development Proposal Requirements. All new proposals for development that would generate 20 or more new trips during the p.m. peak hour must submit a transportation impact analysis prepared by the applicant in accordance with the standards established in the City's Engineering Development Manual at the time of application. The estimate of the number of trips for a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers.

1. The traffic impact analysis shall include, at a minimum, an analysis of the following:
 - a. An analysis of origin/destination trip distribution proposed;
 - b. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and
 - c. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard.
2. If the traffic impact analysis identifies one or more intersections at which the adopted LOS standards are exceeded, the applicant shall mitigate the impacts in order to achieve and maintain the adopted LOS standard.

C. Concurrency Requirement. The City shall not issue a building permit until:

1. A concurrency test has been conducted and passed; or
2. The building permit has been determined to be one of the following that are exempt from the concurrency test:
 - a. Alteration or replacement of an existing residential structure that does not create an additional dwelling unit or change the type of dwelling unit.
 - b. Alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use as defined in the land use categories as set forth in the impact fee analysis land use tables.
 - c. Miscellaneous improvements that do not generate increased need for public facilities, including, but not limited to, fences, walls, residential swimming pools, and signs.
 - d. Demolition or moving of a structure.
 - e. Any building permit for development that creates no additional impacts, insignificant and/or temporary additional impacts on any transportation facility, including, but not limited to:
 - i. Home occupations that do not generate any additional demand for transportation facilities;
 - ii. Special events permits;

iii. Temporary structures not exceeding a total of 30 days.

f. Any building permit issued to development that is vested to receive a building permit pursuant to RCW 19.27.095.

D. Available Capacity for Concurrency.

1. The City shall determine the available capacity for concurrency as of the effective date of the ordinance codified in this section and record it in the concurrency trip capacity balance sheet.
2. The City shall update the available capacity in the concurrency trip capacity balance sheet within 12 months of any of the events listed below:
 - a. Update or amendment of the City's transportation element as it relates to concurrency management.
 - b. Total traffic volume increases by 30 percent compared to traffic volume at the time the concurrency trip capacity balance sheet was created, or was updated with new data from the traffic model.
 - c. More than 50 percent of the available capacity in the most recent calculation of available capacity has been reserved as a result of concurrency tests conducted by the City.
3. If none of the events listed in subsection (D)(2) of this section occurs within seven years of the most recent calculation of the available capacity, the City will update the available capacity recorded in the concurrency trip capacity balance sheet.
4. Each update of available capacity in the concurrency trip capacity balance sheet shall carry forward the reservations of capacity for any building permits for development that has not been completed prior to the update of available capacity.
5. In order to monitor the cumulative effect of exemptions from the concurrency test on the available capacity, the City shall adjust the available capacity in the concurrency trip capacity balance sheet to record the number of p.m. peak hour trips generated by exempt building permits in the same manner as though a concurrency test had been performed for the exempt building permits.

E. Concurrency Test.

1. Each applicant for a building permit that is not exempt from the concurrency test as provided in subsection (C)(2) of this section shall submit the type of development to be constructed pursuant to the building permit, the number of square feet of each type of development, and the number of dwelling units.
2. The City shall perform a concurrency test for each application for a building permit that is not exempt from the concurrency test.
3. The concurrency test is passed if the number of trips from an applicant's proposed development is equal to or less than available capacity in the concurrency trip capacity balance sheet that has been adjusted to subtract reserved trips. If the concurrency test is passed the City shall record the concurrency test results in the concurrency trip capacity balance sheet in order to reduce the available capacity by the number of trips that will be generated by the applicant's development. The reservation of capacity shall be valid for the same time as the building permit for which it was reserved.
4. The concurrency test is not passed if the number of trips from an applicant's proposed development is greater than available capacity after it has been adjusted to subtract reserved trips. If the concurrency test is not passed, the applicant may select one of the following options:
 - a. Amend the application to reduce the number of trips generated by the proposed development; or
 - b. Provide system improvements or strategies that increase the City-wide available capacity by enough trips so that the application will pass the concurrency test; or

c. Appeal the denial of the application for a concurrency test, pursuant to the provisions of subsection H of this section.

5. The City shall conduct concurrency tests for multiple applications impacting the same portions of the transportation network/intersection chronologically in accord with the date each application was deemed complete pursuant to SMC 20.30.110.

6. A concurrency test, and any results, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

F. Reservation of Availability Capacity Results of Concurrency Test.

1. Upon passage of a concurrency test, the City shall reserve capacity on behalf of the applicant in the concurrency trip capacity balance sheet.

2. A reservation of available capacity shall be valid for the same period as the approved building permit for which it was made, and may be extended according to the same terms and conditions as the underlying building permit.

3. A reservation of available capacity is valid only for the uses and intensities authorized for the building permit for which it is issued. Any change in use or intensity is subject to an additional concurrency test of the incremental increase in impact on transportation facilities.

4. A reservation of available capacity is nontransferable to another parcel of land or development proposal. A reservation of available capacity may be transferred to a subsequent purchaser of the land for the same uses and intensities.

5. A reservation of available capacity shall expire if the underlying building permit expires, the application or permit is withdrawn by the applicant, the permit is revoked by the City, application approval is denied by the City, or the determination of completeness expires.

G. Fees.

1. The City shall charge each applicant for a building permit that is not exempt from this section a concurrency test fee in an amount to be established by resolution by the City Council.

2. The City shall charge a processing fee to any individual that requests an informal analysis of capacity if the requested analysis requires substantially the same research as a concurrency test. The amount of the processing fee shall be the same as the concurrency test fee authorized by subsection (G)(1) of this section.

3. The fees authorized in subsection (G)(1) or (G)(2) of this section shall not be refundable, shall not be waived, and shall not be credited against any other fee.

H. Appeals. Determinations and decisions by the Director that are appealed by an applicant shall follow the procedures of Chapter 20.30 SMC for an Administrative Decision – Type B.

I. Authority. The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the concurrency requirements of this chapter. The Director of the Department of Public Works is authorized to adopt guidelines for the administration of concurrency, which may include the adoption of procedural rules to clarify or implement the provisions of this section. (Ord. 731 § 1 (Exh. A), 2015; Ord. 689 § 1 (Exh. A), 2014; Ord. 615 § 3, 2011; Ord. 581 § 1 (Exh. 1), 2010; Ord. 559 § 1, 2009; Ord. 238 Ch. VI § 4(A), 2000).

20.60.150 Adequate access.

All lots shall have access to a public right-of-way by direct access to a right-of-way; an easement recorded with the county that meets the standards of this section; or an access tract that meets the standards of this section.

A. Vehicular Access. All new development shall be served by adequate vehicular access as follows:

1. The circulation system of development shall intersect with existing and anticipated streets abutting the site at safe and convenient locations;
2. The circulation system of development shall provide direct connections to adjacent developments where appropriate; and
3. Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established shall establish safe access as follows:
 - a. Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services (e.g., fire protection, emergency medical service, mail delivery or trash collection); and
 - b. Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the City to all required off-street parking spaces on the premises.

B. Pedestrian Access. All new development shall establish safe pedestrian access as follows:

1. Pedestrian facilities connecting the street right-of-way to building entrances for transit patrons and other pedestrians;
2. Pedestrian facilities connecting commercial developments, where appropriate; and
3. Pedestrian facilities to provide safe access from parking areas to other areas of the development. (Ord. 238 Ch. VI § 4(B), 2000).

Chapter 20.70

Engineering and Utilities Development Standards

Sections:

Subchapter 1. General Engineering Provisions

- 20.70.010 Purpose.
- 20.70.020 Engineering Development Manual.

Subchapter 2. Dedications

- 20.70.110 Purpose.
- 20.70.120 Dedication of right-of-way.
- 20.70.130 *Repealed.*
- 20.70.140 Dedication of stormwater facilities.
- 20.70.150 Dedication of open space.
- 20.70.160 Easements and tracts.

Subchapter 3. Streets

- 20.70.210 Purpose.
- 20.70.220 Street classification.
- 20.70.230 Street plan.
- 20.70.240 Private streets.
- 20.70.250 Street naming and numbering.

Subchapter 4. Required Improvements

- 20.70.310 Purpose.
- 20.70.320 Frontage improvements.
- 20.70.330 Surface water facilities.
- 20.70.340 Sidewalks, walkways, paths and trails.

Subchapter 5. Utility Standards

- 20.70.410 Purpose.
- 20.70.420 Utility installation.
- 20.70.430 Undergrounding of electric and communication service connections.

Subchapter 6. Access Standards

- 20.70.440 Purpose.
- 20.70.450 Access types and widths.

Subchapter 1.

General Engineering Provisions

20.70.010 Purpose.

The purpose of this chapter is to establish engineering regulations and standards to implement the Comprehensive Plan and provide a general framework for relating the standards and other requirements of this Code to development. (Ord. 591 § 2 (Exh. B), 2010).

20.70.020 Engineering Development Manual.

The Engineering Development Manual adopted pursuant to SMC 12.10.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related

to the development of all streets and utilities and/or improvements within the City. (Ord. 767 § 1 (Exh. A), 2017; Ord. 631 § 1 (Exh. 1), 2012; Ord. 591 § 2 (Exh. B), 2010).

Subchapter 2.

Dedications

20.70.110 Purpose.

The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City. (Ord. 591 § 2 (Exh. B), 2010).

20.70.120 Dedication of right-of-way.

A. Dedication shall occur at the time of recording for subdivisions, and prior to permit issuance for development projects.

B. Dedications may be required in the following situations:

1. When it can be demonstrated that the dedications of land or easements within the proposed development or plat are necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply;
2. To accommodate motorized and nonmotorized transportation, landscaping, utilities, surface water drainage, street lighting, traffic control devices, and buffer requirements as required in Subchapter 4, Required Improvements, and Subchapter 5, Utility Standards;
3. Prior to the acceptance of a private street, private stormwater drainage system or other facility for maintenance;
4. When the development project abuts an existing substandard public street and additional right-of-way is necessary to incorporate future frontage improvements as set forth in the Transportation Master Plan and the Engineering Development Guide for public safety; or
5. Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

C. The City may accept dedication and assume maintenance responsibility of a private street only if the following conditions are met:

1. All necessary upgrades to the street to meet City standards have been completed;
2. All necessary easements and dedications entitling the City to properly maintain the street have been conveyed to and accepted by the City;
3. The Director has determined that maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community served by the private road. (Ord. 615 § 4, 2011; Ord. 591 § 2 (Exh. B), 2010).

20.70.130 Dedication of right-of-way.

Repealed by Ord. 615. (Ord. 591 § 2 (Exh. B), 2010).

20.70.140 Dedication of stormwater facilities.

A. The City is responsible for the maintenance, including performance and operation, of drainage facilities which the City has accepted for maintenance. The City may require the dedication of these facilities.

B. The City may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:

1. All necessary upgrades to the facilities to meet current City standards have been completed;

2. All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;

3. The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

- a. Flooding;
- b. Downstream erosion;
- c. Property damage due to improper function of the facility;
- d. Safety hazard associated with the facility;
- e. Degradation of water quality or in-stream resources; or
- f. Degradation to the general welfare of the community; and

4. The City has accepted maintenance responsibility in writing.

C. The Director may terminate the assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

1. Flooding;
2. Downstream erosion;
3. Property damage due to improper function of the facility;
4. Safety hazard associated with the facility;
5. Degradation of water quality or in-stream resources; or
6. Degradation to the general welfare of the community.

D. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the persons holding title to the property for which the facility was required. (Ord. 591 § 2 (Exh. B), 2010).

20.70.150 Dedication of open space.

A. The City may accept dedications of open space and critical areas which have been identified and are required to be protected as a condition of development. Dedication of such areas to the City will be considered when:

1. The dedicated area would contribute to the City's overall open space and greenway system;
2. The dedicated area would provide recreation opportunities and nonmotorized linkages;
3. The dedicated area would preserve and protect ecologically sensitive natural areas, wildlife habitat and wildlife corridors;
4. The dedicated area is of low hazard/liability potential; and
5. The dedicated area can be adequately managed and maintained. (Ord. 591 § 2 (Exh. B), 2010).

20.70.160 Easements and tracts.

The purpose of this section is to address easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s).

A. Easements.

1. Easements may be used for facilities used by a limited number of parties. Examples of situations where easements may be used include, but are not limited to:
 - a. Access for ingress and egress or utilities to neighboring property;
 - b. Design features of a street necessitate the granting of slope, wall, or drainage easements; or
 - c. Nonmotorized easements required to provide pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers even if the facility is not specifically shown on the City's adopted nonmotorized circulation plan maps.
2. Easements granted for public use shall be designated "City of Shoreline Public Easement." All easements shall specify the maintenance responsibility in the recording documents.

B. Tracts.

1. Tracts should be used for facilities that are used by a broader group of individuals, may have some degree of access by the general public, and typically require regular maintenance activities. Examples of facilities that may be located in tracts include private streets, drainage facilities serving more than one lot, or critical areas.
2. Tracts are not subject to minimum lot size specifications for the zone, although they must be large enough to accommodate the facilities located within them.
3. Tracts created under the provisions of this subchapter shall not be considered a lot of record unless all zoning, dimensional, and use provisions of this code can be met. (Ord. 591 § 2 (Exh. B), 2010).

Subchapter 3.

Streets

20.70.210 Purpose.

The purpose of this subchapter is to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occur in an orderly manner. (Ord. 591 § 2 (Exh. B), 2010).

20.70.220 Street classification.

Streets are classified in the Transportation Master Plan Street Classification Map (Fig. A). (Ord. 615 § 4, 2011; Ord. 591 § 2 (Exh. B), 2010).

20.70.230 Street plan.

Streets shall be designed and located to conform to the adopted plans. Where not part of an adopted plan, new streets shall be designed to provide for the appropriate continuation of existing streets.

The Public Works Department shall maintain a list of public streets maintained by the City. (Ord. 591 § 2 (Exh. B), 2010).

20.70.240 Private streets.

Local access streets may be private, subject to the approval of the City. If the conditions for approval of a private street cannot be met then a public street will be required. Private streets may be allowed when all of the following conditions are present:

- A. The private street is located within a tract or easement; and
- B. A covenant, tract, or easement which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with King County; and

- C. The covenant or easement includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- D. The private street would not hinder public street circulation; and
- E. The proposed private street would be adequate for transportation and fire access needs; and
- F. At least one of the following conditions exists:
 - 1. The street would ultimately serve four or fewer single-family lots; or
 - 2. The private street would ultimately serve more than four lots, and the Director determines that no other access is available; or
 - 3. The private street would serve developments where no circulation continuity is necessary. (Ord. 591 § 2 (Exh. B), 2010).

20.70.250 Street naming and numbering.

The purpose of this section is to establish standards for designating street names and numbers, and for addressing the principal entrances of all buildings or other developments.

- A. All streets shall be named or numbered in the following manner:
 - 1. Public or private street names and/or numbers shall be consistent with the established grid system as determined by the Department. Named streets can only be assigned when the numbered grid is determined infeasible by the Department. The Department may change the existing public or private street name if it is determined to be inconsistent with the surrounding street naming system.
 - 2. All streets shall carry a geographic suffix or prefix. Streets designated as “Avenues” shall carry a geographic suffix and be in a north-south direction, and streets designated as “Streets” shall carry a geographic prefix and be in an east-west direction. Diagonal streets are treated as being either north-south or east-west streets. Names such as lane, place, way, court, and drive may be used on streets running either direction.
 - 3. Only entire street lengths or distinct major portions of street shall be separately designated.
 - 4. In determining the designation, the Department shall consider consistency with the provisions of this section and emergency services responsiveness including Emergency-911 services.
- B. Building addresses shall be assigned as follows:
 - 1. New Buildings. The assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.
 - 2. New Lots. The assignment of addresses for new lots created by subdividing shall occur during project review and be included in the recording documents.
 - 3. Previously Unassigned Lots. Lots with no address of record shall be assigned an address and the property owner shall be notified of the address.
 - 4. The assignment of addresses shall be based on the following criteria:
 - a. Even numbers shall be used on the northerly side of streets named as east-west and on the easterly side of streets named as north-south.
 - b. Odd numbers shall be used on the southerly side of streets named as east-west and on the westerly side of streets named as north-south. Addresses shall be assigned whole numbers only.

c. In determining the address assignment, the Department shall consider the consistency with the provisions of this section, consistency with the addressing needs of the area, and emergency services.

C. All buildings must display addresses as follows:

1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.
2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.
3. The address number figures shall comply with currently adopted building and fire codes. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 591 § 2 (Exh. B), 2010).

Subchapter 4.

Required Improvements

20.70.310 Purpose.

The purpose of this subchapter is to provide safe and accessible transportation facilities for all modes of travel as described in the Comprehensive Plan, Transportation Master Plan, and the Parks, Recreation and Open Space Plan. (Ord. 591 § 2 (Exh. B), 2010).

20.70.320 Frontage improvements.

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

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

C. Frontage improvements are required:

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

D. Exemptions to frontage improvements are limited to:

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

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

1. The installation of the improvements will cause a safety hazard; or
2. Construction of improvements will adversely impact critical areas that cannot be mitigated; or
3. The current level of improvements in the rights-of-way of a local street adjacent to the R-4 or R-6 zone will not be changed because there is limited opportunity for additional improvements through development or redevelopment or a City project along the rights-of-way within the foreseeable future.

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

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

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

H. Subdivisions improvements shall be completed prior to the final plat approval. A bond or other surety may be allowed as provided for in SMC 20.30.440 in lieu of completion of all improvements. (Ord. 850 § 1 (Exh. A), 2019; Ord. 756 § 1 (Exh. A), 2016; Ord. 731 § 1 (Exh. A), 2015; Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 615 § 4, 2011; Ord. 591 § 2 (Exh. B), 2010).

20.70.330 Surface water facilities.

A. All development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements that meet the minimum requirements of Chapter 13.10 SMC.

B. Development proposals that do not require City-approved plans or a permit must meet the requirements specified in Chapter 13.10 SMC.

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

D. For subdivisions the improvements shall be completed prior to final plat approval or post a bond or other surety as provided for in SMC 20.30.440. (Ord. 591 § 2 (Exh. B), 2010).

20.70.340 Sidewalks, walkways, paths and trails.

A. Sidewalks required pursuant to SMC 20.70.320 and fronting public streets shall be located within public right-of-way or a public easement as approved by the Director.

B. Walkways, paths or trails provided to mitigate identified impacts should use existing undeveloped right-of-way, or, if located outside the City's planned street system, may be located across private property in a pedestrian easement or tract restricted to that purpose.

C. Required sidewalks on public and private streets shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment.

D. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval. (Ord. 591 § 2 (Exh. B), 2010).

Subchapter 5.

Utility Standards

20.70.410 Purpose.

The purpose of this subchapter is to establish when new and existing service connections, including telephone, cable television, electrical power, natural gas, water, and sewer, are to be installed and/or placed underground. (Ord. 591 § 2 (Exh. B), 2010).

20.70.420 Utility installation.

Required utility improvements shall be installed by the applicant prior to final approval or occupancy. For subdivisions the applicant shall complete the improvements prior to final plat approval or post a bond or other surety with the utility provider. (Ord. 591 § 2 (Exh. B), 2010).

20.70.430 Undergrounding of electric and communication service connections.

A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located on private property. Undergrounding of service connections and new electrical and telecommunication facilities on private property shall be required with new development as follows:

1. All new nonresidential construction including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.
2. All new residential construction and new accessory structures or the creation of new residential lots.
3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection to the structure.

B. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:

1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and
2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application. (Ord. 767 § 1 (Exh. A), 2017; Ord. 591 § 2 (Exh. B), 2010).

Subchapter 6.

Access Standards

20.70.440 Purpose.

The purpose of this subchapter is to establish basic dimensional standards for access widths when applied to certain types of development. These access widths are specified in the Engineering Development Manual. (Ord. 850 § 1 (Exh. A), 2019; Ord. 789 § 1 (Exh. A), 2018).

20.70.450 Access types and widths.

A. **Table 20.70.450 – Access Types and Widths.**

Dwelling Type and Number	Engineering Development Manual Access Types and Width
Single-Family Detached – 1 unit	Residential

Dwelling Type and Number	Engineering Development Manual Access Types and Width
Single-Family Detached – 2 – 4 units	Shared
Single-Family Detached – 5 or more units	Private or Public Street
Commercial, Public Facility	Commercial
Single-Family Attached or Multifamily	Multifamily

(Ord. 850 § 1 (Exh. A), 2019; Ord. 789 § 1 (Exh. A), 2018).

Chapter 20.80

Critical Areas

Sections:

Subchapter 1. Critical Areas – General Provisions

- 20.80.010 Purpose.
- 20.80.015 Applicability.
- 20.80.020 Relationship to other regulations.
- 20.80.025 Critical areas maps.
- 20.80.030 Exemptions.
- 20.80.040 Allowed activities.
- 20.80.045 Critical areas preapplication meeting.
- 20.80.050 Alteration of critical areas.
- 20.80.053 Mitigation requirements.
- 20.80.056 Voluntary critical area restoration projects.
- 20.80.060 Best available science.
- 20.80.070 Classification and rating of critical areas.
- 20.80.080 Critical area report – Requirements.
- 20.80.082 Mitigation plan requirements.
- 20.80.085 Pesticides, herbicides and fertilizers on City-owned property.
- 20.80.090 Buffer areas.
- 20.80.100 Notice to title.
- 20.80.110 Permanent field marking.
- 20.80.120 Financial guarantee requirements.
- 20.80.130 Unauthorized critical area alterations.

Subchapter 2. Geologic Hazard Areas

- 20.80.210 Geologic hazards – Designation and purpose.
- 20.80.220 Geologic hazards – Classification.
- 20.80.222 Geologic hazards – Mapping.
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Subchapter 3. Fish and Wildlife Habitat Conservation Areas

- 20.80.260 Fish and wildlife habitat – Description and purpose.
- 20.80.270 Fish and wildlife habitat – Classification and designation.
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- 20.80.280 Fish and wildlife habitat – Required buffer areas.
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- 20.80.300 Fish and wildlife habitat – Mitigation performance standards and requirements.

Subchapter 4. Wetlands

- 20.80.310 Wetlands – Purpose.
- 20.80.320 Wetlands – Designation and rating.
- 20.80.322 Wetlands – Mapping and delineation.
- 20.80.324 Wetlands – Development standards.
- 20.80.330 Wetlands – Required buffer areas.

- 20.80.340 Wetlands – Critical area report requirements.
- 20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.

Subchapter 5. Flood Hazard Areas

- 20.80.360 Flood hazard – Description and purpose.
- 20.80.370 Flood hazard – Designation and classification.
- 20.80.380 Flood hazard – Development limitations.
- 20.80.390 –
- 20.80.410 *Repealed.*

Subchapter 6. Aquifer Recharge Areas

- 20.80.420 Aquifer recharge – Description and purpose.
- 20.80.430 Aquifer recharge – Designation and classification.
- 20.80.440 Aquifer recharge – Alteration.
- 20.80.450 Aquifer recharge – Performance standards and requirements.

Prior legislation: Ords. 299, 352, 406, 515 and 731.

Subchapter 1.

Critical Areas – General Provisions

20.80.010 Purpose.

A. The purpose of this chapter is to establish supplemental standards for the protection of critical areas, as defined in SMC 20.20.014, in compliance with the provisions of the Washington Growth Management Act of 1990 (Chapter 36.70A RCW) and consistent with the goals and policies of the Shoreline Comprehensive Plan in accordance with the procedures of Chapter 20.30 SMC. The standards of this chapter, as incorporated into the Shoreline Master Program, in SMC 20.230.030(A) General Regulations (1), shall apply within the shoreline jurisdiction, where critical areas are present. If there are any conflicts or unclear distinctions between the Master Program and the City’s critical areas regulations, the most restrictive requirements apply as determined by the City.

B. By identifying and regulating development and alterations to critical areas and their buffers, it is the intent of this chapter to:

1. Protect the public from injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, seismic events, or soils subsidence;
2. Protect unique, fragile and valuable elements of the environment;
3. Reduce cumulative adverse environmental impacts to water quality, wetlands, streams, and other aquatic resources, fish and wildlife habitat, landslide hazards, and other geologically unstable features and protect the functions and values of critical areas from overall net loss;
4. Ensure the long-term protection of ground and surface water quality;
5. Alert members of the public, including appraisers, assessors, owners, potential buyers, or lessees, to the development limitations of critical areas and their required buffers;
6. Serve as a basis for exercise of the City’s substantive authority under the State Environmental Policy Act (SEPA) and the City’s Environmental Procedures (Chapter 20.30 SMC, Subchapter 8); and comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and its implementing rules;
7. Establish standards and procedures that are intended to protect critical areas while accommodating the rights of property owners to use their property in a reasonable manner; and

8. Provide for the management of critical areas to maintain their functions and values and to restore degraded ecosystems.

C. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current service levels below minimum standards. (Ord. 723 § 1 (Exh. A), 2015; Ord. 641 § 5 (Exh. A), 2012; Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(A), 2000).

20.80.015 Applicability.

A. Unless explicitly exempted, the provisions of this chapter shall apply to all land uses, development activity, and all structures and facilities within the City of Shoreline, whether or not a permit or authorization is required, that are within the maximum buffer distance for each critical area type, even if the critical area is on adjacent property. All persons within the City shall comply with the requirements of this chapter.

B. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation or to construct or alter any structure or improvement without first assuring compliance with the requirements of this chapter.

C. Approval of a permit or development proposal pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

D. The provisions of this chapter shall apply to any forest practices over which the City has jurisdiction pursuant to Chapter 76.09 RCW and WAC Title 222. (Ord. 723 § 1 (Exh. A), 2015).

20.80.020 Relationship to other regulations.

A. These critical area regulations shall apply as an overlay in addition to zoning, land use, and other regulations established by the City of Shoreline. In the event of any conflict between these regulations and any other regulations of the City, the regulations which provide greater protection to the critical areas shall apply.

B. Areas characterized by particular critical areas may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some critical areas. In the event of any conflict between regulations for particular critical areas in this chapter, the regulations which provide greater protection to critical areas shall apply.

C. These critical areas regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as necessary and locally adopted. Any conditions required pursuant to this chapter shall be included in the SEPA review and threshold determination.

D. Compliance with the provisions of this chapter does not constitute compliance with other Federal, State, and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, Hydraulic Permit Act (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollution Discharge Elimination System permits). The applicant is responsible for complying with these requirements, apart from the process established in this chapter. (Ord. 723 § 1 (Exh. A), 2015).

20.80.025 Critical areas maps.

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

B. Based on an indicated critical area in subsection A of this section, the actual presence or absence, delineation and classification of critical areas shall be identified in the field by a qualified professional, and confirmed by the

City, according to the procedures, definitions and criteria established by SMC 20.80.080(D)(1) and (2). In the event of any conflict between the critical area location or designation shown on the City's maps and the criteria or standards of this chapter, the criteria and standards shall prevail.

C. The critical areas maps shall be periodically updated by the City and shall reflect any permit activity, results of special studies and reports reviewed and approved by the City, amendments to the Comprehensive Plan Natural Environment Element, and Department-identified errors and corrections. (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(D), 2000. Formerly 20.80.020.).

20.80.030 Exemptions.

Notwithstanding the exemptions provided by this section, any otherwise exempt activities occurring in or near a critical area or critical area buffer should meet the purpose and intent of SMC 20.80.010 and should consider on-site alternatives that avoid or minimize impacts. To be exempt from this chapter does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense. The following activities shall be exempt from the provisions of this chapter, but are not exempt from applicable permits:

A. **Emergencies.** Alterations in response to emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the City no later than 30 days after the alteration. Only the minimum intervention necessary to reduce the risk to public health, safety, or welfare and/or the imminent risk of damage to private property shall be authorized by this exemption. The City shall confirm that an emergency exists and determine what, if any, additional applications and/or measures shall be required of the property owner to protect the critical area consistent with the provisions of this chapter, and to repair any damage to a preexisting resource. If the Director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement provisions of SMC 20.80.130, Unauthorized critical area alterations, shall apply.

After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary restoration and other mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical area report and restoration/mitigation plan. The person or agency undertaking the action shall apply for review; and the alteration, critical area report, and mitigation plan shall be reviewed by the City in accordance with the review procedures contained herein. Mitigation activities must be initiated within one year of the date of the emergency;

B. **Utility Operation, Maintenance, Repair, or Replacement.** Public water, electric and natural gas distribution, public sewer collection, cable communications, telephone, utility and related activities undertaken pursuant to City-approved best management practices, and best available science with regard to protection of threatened and endangered species, as follows:

1. Normal and routine maintenance or repair of existing utility structures or rights-of-way;
2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by the City of Shoreline, which approves the new location of the facilities;
3. Replacement, operation, repair, modification or installation or construction in an improved City road right-of-way or City-authorized private roadway of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less;
4. Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances, only when required by the City of Shoreline, which approves the new location of the facilities;
5. Replacement, operation, repair, modification, relocation, installation or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes,

mains, equipment or appurtenances when such facilities are located within an improved public right-of-way or City-authorized private roadway; and

6. Repair and maintenance of existing private connections to public utilities and private stormwater management facilities consistent with best management practices and best available science. Revegetation of disturbed areas is required to be native vegetation, unless the existing, nonnative vegetation is reestablished with no change to type or extent;

C. Roadway Operation, Maintenance, Repair, or Replacement. Maintenance, operation, repair, modification, or replacement of publicly improved roadways or City-authorized private roadway, and associated stormwater drainage systems; as long as any such alteration does not involve the expansion of roadways or related improvements into previously unimproved rights-of-way or portions of rights-of-way and does not alter a wetland or watercourse, such as culverts or bridges, or result in the transport of sediment or increased stormwater. Retention and replanting of native vegetation shall occur wherever possible along the right-of-way improvement and resulting disturbance;

D. Recreation Areas Operation, Maintenance, Repair, or Replacement. Maintenance, operation, repair, modification, or replacement of existing publicly improved recreation areas as long as any such activity does not involve the expansion of facilities and existing improvements into a previously unimproved portion of critical areas or required buffers. Maintenance, operation, repair, modification, and replacement of publicly improved recreation areas within designated fish and wildlife habitat areas shall be permitted if all activities are performed consistent with the development standards of this chapter, best available science or adaptive management plans as recognized by the City. Retention and replanting of native vegetation shall occur wherever possible in areas of land disturbance;

E. Minor Conservation and Enhancement. Minor conservation and enhancement of critical areas that does not alter the location, dimensions or size of the critical area or buffer, and results in improvement of the critical area functions and values, including the following removal activities:

1. Removal of noxious weeds or invasive vegetation as identified by the Washington State or King County Noxious Weed Control Board in a wetland buffer, stream buffer, other fish and wildlife habitat conservation areas and buffers, geologic hazard area (excluding very high risk landslide hazard areas), or the area within a three-foot radius of a tree in very high risk landslide hazard areas and buffers is allowed when:

- a. Undertaken with hand labor, including handheld mechanical tools;
- b. When prescribed by the King County Noxious Weed Control Board, the use of riding mowers, light mechanical cultivating equipment, herbicides, or biological control methods may be allowed only with permit and approval by the City on private property or when performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property;
- c. Plants that appear on the Washington State or King County Noxious Weed Control Board lists must be handled and disposed of in accordance with the best management practices appropriate to that species and approved by the City when permit review is applicable;
- d. Areas cleared by removal of noxious and/or invasive plant species must be revegetated with site-appropriate native species at natural densities and the site must be stabilized against erosion in accordance with the stormwater manual adopted by the City;
- e. All work is performed above the ordinary high water mark and above the top of a stream bank; and
- f. The following limits must not be exceeded:
 - i. Within City-owned property, no more than 3,000 square feet of soil may be exposed at any one time; or
 - ii. Within private property, not more than 500 square feet of area may be cleared, as calculated cumulatively over one year, without a permit and critical area report prepared by a qualified professional; or

2. Vegetation management consistent with a previously approved critical area mitigation, restoration, remediation, or enhancement plan that requires ongoing maintenance and vegetation management beyond final inspection and the required monitoring period for the permitted project;

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

G. **Nonimminent Hazard Trees.** Removal of not active or imminent hazardous trees in accordance with the following:

1. For hazardous circumstances that are not active or imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a tree evaluation form prepared by a qualified professional arborist as defined in SMC 20.20.042. Both the permit exemption request form and tree evaluation form shall be provided by the Director;
2. The permit exemption request form shall include a grant of permission for the Director and/or qualified professionals under contract with or employed by the City to enter the subject property to evaluate the circumstances. Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester;
3. No permit exemption request shall be approved until the Director reviews the submitted forms and conducts a site visit. The Director may require third party review of the request be performed by a qualified professional under contract with or employed by the City at the applicant's expense, and may require that the subject tree(s) and vegetation be cordoned off with yellow warning tape during the review of the request for exemption;
4. Approval to cut or clear trees may only be given upon recommendation of the qualified professional arborist that the condition constitutes an actual threat to life or property in homes, private yards, buildings, public or private streets and driveways, sidewalks, improved utility corridors, or access for emergency vehicles, and any trail, as proposed by the property owner and approved by the Director for purposes of this section;
5. The Director shall authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replacement of any significant trees. The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat may safely be retained. All work shall be done utilizing handheld implements only, unless the property owner requests and the Director approves otherwise in writing. The Director may require that all or a portion of cut materials be left on site;
6. The removed trees shall be replaced within one year consistent with the provisions of SMC 20.50.360. Where nonsignificant trees are approved for removal as hazardous, replacement shall be one tree for each tree removed. Replacement tree(s) shall be planted at a different, nearby location on the same property if it can be determined that the planting in the same location would create a new hazard or potentially damage the critical area; and
7. If a tree to be removed provides priority habitat, such as an eagle perch or occupied nest, a qualified professional shall be consulted, at the applicant's expense, to determine timing and methods of removal that will minimize and mitigate impacts;

H. **Site Investigation.** Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies;

I. **Passive Outdoor Activities.** When it can be demonstrated that there will be no undue adverse effect, the following activities may be allowed within critical areas and their buffers: educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, public beach access including water recreation-related activities, bicycling and hiking;

J. **Normal Maintenance.** Normal and routine maintenance and operation of existing landscaping and gardens including pruning of protected trees consistent with SMC 20.50.350(E);

K. **Chemical Applications.** The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, if necessary; provided, that their use shall be restricted in accordance with State Department of Fish and Wildlife Management recommendations and the regulations of the State Department of Agriculture and the U.S. Environmental Protection Agency;

L. **Minor Activities.** Minor activities not mentioned above and determined by the City to have minimal impacts to a critical area;

M. **Utility Mitigation Projects.** Mitigation projects related to utilities construction in critical areas or their buffers. (Ord. 723 § 1 (Exh. A), 2015; Ord. 640 § 1 (Exh. A), 2012; Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(G), 2000. Formerly 20.80.070.).

20.80.040 Allowed activities.

A. **Critical Area Report.** Activities allowed under this section shall have been reviewed and permitted or approved by the City and any other agency with jurisdiction, but do not require submittal of a separate critical area report, unless such submittal was required previously for the underlying permit. The Director may apply conditions to the underlying permit or approval to ensure that the allowed activity is consistent with the provisions of this chapter to protect critical areas.

B. **Best Management Practices.** All allowed activities shall be conducted using the best management practices that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall require the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.

C. **Allowed Activities.** The following activities are allowed:

1. **Modifications to Existing Structures within Critical Areas.** Structural modification of, addition to, maintenance, repair, or replacement of legally nonconforming structures consistent with SMC 20.30.280, which do not meet the building setback or buffer requirements for wetlands, fish and wildlife habitat conservation areas, or geologic hazard areas if the modification, addition, replacement or related activity does not increase the existing building footprint of the structure or area of hardscape lying within the critical area or buffer. Within landslide hazard areas additions that add height to a nonconforming structure may only be allowed with review of a critical area report demonstrating that no increased risk of the hazard will occur. If such modification, alteration, repair, or replacement requires encroachment into a critical area or a critical area buffer to perform the work, then encroachment may be allowed subject to restoration of the area of encroachment to a same or better condition.

2. **Demolition.** Demolition of structures located within critical areas or their buffers, excluding demolition of structures necessary to support or stabilize landslide hazard areas, and subject to approval of a stormwater pollution prevention plan consistent with the adopted stormwater manual and clearing limits that will adequately protect the critical area.

3. **Permit Requests Subsequent to Previous Critical Area Review.** A permit or approval sought as part of a development proposal for which multiple permits are required is exempt from the provisions of this chapter, except for the notice to title provisions, as applicable if:

- a. The City of Shoreline has previously reviewed all critical areas on the site; and
- b. There is no material change in the development proposal since the prior review; and
- c. There is no new information available which may alter previous critical area review of the site or a particular critical area; and

d. The permit or approval under which the prior review was conducted has not expired or, if no expiration date, no more than five years have lapsed since the issuance of that permit or approval; and

e. The prior permit or approval, including any conditions, has been complied with. (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 1(H), 2000. Formerly 20.80.080.).

20.80.045 Critical areas preapplication meeting.

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

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

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

1. **No Critical Areas Present.** If the Director's analysis indicates that the project area is not within or adjacent to a critical area or buffer and that the proposed activity is unlikely to degrade the functions or values of a critical area, then the Director shall determine that the critical area review is complete and note in the preapplication meeting summary letter the reasons that no further review is required.

2. **Critical Areas Present, But No Impact.** If the Director determines that there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed activity is unlikely to degrade the functions or values of the critical area, the Director may waive the requirement for a critical area report. A waiver may be granted if there is substantial evidence that all of the following requirements will be met:

- a. There will be no alteration of the critical area or buffer;
- b. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this chapter; and
- c. The proposal is consistent with other applicable regulations and standards.

A summary of this analysis and the findings shall be included in the preapplication meeting summary letter and any staff report or decision on the underlying permit.

3. **Critical Areas May Be Affected by Proposal.** If the Director determines that a critical area or areas may be affected by the proposal, then the Director shall notify the applicant that a critical area report(s) must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report. Additionally, the Director may indicate the sections or report types that must be included in the critical report(s) consistent with SMC 20.80.080. (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015).

20.80.050 Alteration of critical areas.

In general, critical areas and their buffers shall be maintained in their existing state including undisturbed, native vegetation to maintain the functions, values, resources, and public health and safety for which they are protected or allowed as the current, developed legally established condition such as graded areas, structures, pavement, gardens and lawns. Alteration of critical areas, including their established buffers, may only be permitted subject to the criteria and standards in this chapter, and compliance with any Federal and/or State permits required. Unless otherwise provided in this chapter, if alteration of the critical area is unavoidable, all adverse impacts to or from critical areas and buffers resulting from a development proposal or alteration shall be mitigated using the best

available science in accordance with an approved critical areas report, so as to result in no overall net loss of critical area functions and values and no increased risk of hazards. (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015).

20.80.053 Mitigation requirements.

Mitigation shall be sufficient to maintain or compensate for the impacted functions and values of the critical area and to prevent risk from a hazard posed by a critical area. Mitigation shall not be implemented until after the Director has provided approval of a critical areas report that includes a mitigation plan.

A. **Mitigation Sequencing.** This section applies to mitigation required with all critical areas reviews, approvals, and enforcement pursuant to this chapter. This section is supplemented with specific measures under subchapters for particular critical areas. Mitigation for specific development proposals may include a combination of the measures below and shall be designed and constructed in accordance with the provisions of this section. Before impacting any critical areas, an applicant shall demonstrate that the following actions have been taken in the following sequential order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of actions;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment or by restoring or stabilizing the hazard area through natural, engineering, or other methods;
4. Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring, measuring and reporting the impact to the Director and taking appropriate corrective measures.

B. Applicants must first demonstrate an inability to avoid or reduce impacts before the use of actions to mitigate potential impacts will be allowed. No activity or use shall be allowed that results in a net loss of the functions or values of critical areas.

C. **Type, Location, and Timing of Mitigation.** Unless it is demonstrated that a higher level of ecological functioning or greater reduction of hazard risk would result from an alternative approach or as otherwise allowed in this chapter, mitigation for adverse impacts shall be based on best available science and shall be in-kind, on-site, and prior to the activities that will disturb the critical area. Mitigation measures that cannot be implemented prior to the critical area impacts shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

1. The Director may authorize a one-time temporary delay in completing construction or installation of the mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the City. (Ord. 723 § 1 (Exh. A), 2015).

20.80.056 Voluntary critical area restoration projects.

A. When a critical area restoration project is proposed that is not required as mitigation for a development proposal, the City may grant relief from standard critical area buffer requirements if the restoration project involves:

1. The daylighting of a stream; or
2. Creation or expansion of a wetland that would increase the area of the wetland and/or wetland buffer.

B. At the time a restoration project is proposed, a buffer shall be established that will apply to the restoration project boundary. Restoration project buffers shall be established according to the following requirements:

1. A buffer may be applied to the restored portion of the stream or wetland that is not less than 75 percent of the standard buffer associated with the type of stream or category of wetland; or
2. The project proponent may request a reduced buffer of between 50 percent and 75 percent of the standard buffer associated with the type of stream or category of wetland. The following criteria will be used by the City in reviewing the request for a reduced buffer:
 - a. The Director determines that applying a 50 percent to 75 percent buffer would significantly limit the use of the property for existing or permitted uses, thus making the restoration project infeasible;
 - b. The proposed buffer relief is the minimum necessary to achieve the restoration project;
 - c. There will be a net environmental benefit from the restoration project with the reduced buffer;
 - d. Granting the proposed relief is consistent with the objectives of the critical area restoration project and consistent with purposes of the City's critical area regulations. (Ord. 723 § 1 (Exh. A), 2015).

20.80.060 Best available science.

A. **Protect Functions and Values of Critical Areas with Special Consideration to Anadromous Fish.** Critical area reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat, where applicable.

B. **Best Available Science to Be Consistent with Criteria.** The best available science is that scientific information, obtained through a valid scientific process, that is applicable to the critical area prepared by local, State, or Federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925 and RCW 36.70A.172.

C. **Characteristics of a Valid Scientific Process.** In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions, and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas. To determine whether information received during the permit review process is reliable scientific information, the Director shall determine whether the source of the information displays the characteristics of a valid scientific process. Such characteristics are as follows:

1. **Peer Review.** The information has been critically reviewed by other persons who are qualified scientific experts in that scientific discipline. The proponents of the information have addressed the criticism of the peer reviewers. Publication in a referenced scientific journal usually indicates that the information has been appropriately peer-reviewed;
2. **Methods.** The methods used to obtain the information are clearly stated and reproducible. The methods are standardized in the pertinent scientific discipline or, if not, the methods have been appropriately peer-reviewed to ensure their reliability and validity;
3. **Logical Conclusions and Reasonable Inferences.** The conclusions presented are based on reasonable assumptions supported by other studies and consistent with the general theory underlying the assumptions. The conclusions are logically and reasonably derived from the assumptions and supported by the data presented.

Any gaps in information and inconsistencies with other pertinent scientific information are adequately explained;

4. **Quantitative Analysis.** The data have been analyzed using appropriate statistical or quantitative methods;
5. **Context.** The information is placed in proper context. The assumptions, analytical techniques, data, and conclusions are appropriately framed with respect to the prevailing body of pertinent scientific knowledge; and
6. **References.** The assumptions, analytical techniques, and conclusions are well-referenced with citations to relevant, credible literature, and other pertinent existing information.

D. **Nonscientific Information.** Nonscientific information, such as anecdotal observations, nonexpert opinion, and hearsay, may supplement scientific information, but it is not an adequate substitute for valid and available scientific information.

E. **Absence of Valid Scientific Information.** Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function, for permitting an alteration of or impact to the critical area, the Director shall:

1. Take a “precautionary or a no-risk approach,” that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and
2. Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:
 - a. Address funding for the research component of the adaptive management program;
 - b. Change course based on the results and interpretation of new information that resolves uncertainties; and
 - c. Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 723 § 1 (Exh. A), 2015).

20.80.070 Classification and rating of critical areas.

To promote consistent application of the standards and requirements of this chapter, critical areas within the City of Shoreline shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance. Classification of critical areas shall be determined by the City using the following tools:

- A. Application of the criteria contained in these regulations;
- B. Consideration of the critical area reports submitted by qualified professionals in connection with applications subject to these regulations; and
- C. Review of maps adopted pursuant to this chapter. (Ord. 723 § 1 (Exh. A), 2015).

20.80.080 Critical area report – Requirements.

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

B. Preparation by Qualified Professional. Critical area report(s) shall be prepared by qualified professional(s) as defined in SMC 20.20.042, with the required training and experience specific to the type(s) of critical area(s) present consistent with the requirements of SMC 20.80.240, 20.80.290, and 20.80.340. Proof of licensing, credentials, and resume of the qualified professional(s) preparing the report must be submitted for review by the City to determine if the minimum qualifications are met.

C. Third Party Review of Critical Area Reports. Review of required critical area reports by a qualified professional under contract with or employed by the City will be required by the Director at the applicant's expense in any of the following circumstances:

1. The project requires a critical area reasonable use permit (CARUP), critical area special use permit (CASUP), or shoreline variance application; or
2. Third party review is specifically required by the provisions of this chapter for the critical area(s) or critical area buffer(s) potentially being impacted; or
3. When the Director determines such services are necessary to demonstrate compliance with the standards and guidelines of this chapter.

D. Critical Area Report Types or Sections. Critical area reports may be met in stages through multiple reports or combined in one report. A critical area report shall include one or more of the following sections or report types unless exempted by the Director based on the extent of the potential critical area impacts. The scope and location of the proposed project will determine which report(s) alone or combined are sufficient to meet the critical area report requirements for the impacted critical area type(s). The typical sequence of required sections or reports that will fulfill the requirements of this section include:

1. **Reconnaissance.** The existence, general location, and type of critical areas in the vicinity of a project site (off site within 300 feet for wetlands and fish and wildlife habitat conservation areas and off site within 200 feet for geologic hazards, shorelines, floodplains, and aquifer recharge areas) of a project site (if allowed by the adjoining property owners). Determination of whether the project will adversely impact or be at risk from the potential critical areas based on maximum potential buffers and possible application of SMC 20.80.220(A)(3), 20.80.280(D)(7) or 20.80.330(G)(10) should be addressed;
2. **Delineation.** The extent, boundaries, rating or classification, and applicable standard buffers of critical areas where the project area could potentially impact the critical area or its buffer including an assessment of the characteristics of or functions and values of the critical area and buffers identified;
3. **Analysis.** The proposal and impact assessment report documenting the potential project impacts to the critical area and buffers including a discussion of the efforts taken to avoid, minimize, and reduce potential impacts to those areas;
4. **Mitigation.** The measures that prevent or compensate for the potential impacts of the project designed to meet the requirements of this chapter, in SMC 20.80.082, Mitigation plan requirements, and the standards for the specific critical areas impacted. Mitigation includes, but is not limited to, adjustments to required buffer sizes, best practices to minimize impacts, and critical area or buffer enhancement, restoration, or preservation plans. Mitigation plans include habitat management plans, revegetation, or replanting plans, and restoration plans;
5. **Maintenance and Monitoring.** The goals of the mitigation proposed, performance standards for success, monitoring methods and reporting schedule, maintenance methods and schedule, and contingency actions. Maintenance and monitoring plans must be consistent with the mitigation performance standards and requirements of this chapter, including SMC 20.80.250, 20.80.300, and 20.80.350.

E. Minimum Report Contents. At a minimum, critical area reports shall contain the following:

1. The name and contact information of the applicant;

2. Adequate information to determine compliance with the requirements of the critical area regulations, this chapter, including critical area report, impact and hazard assessment, and mitigation requirements specific to each critical area type, as indicated in the corresponding sections of this chapter;
3. The dates, names, and qualifications of the qualified professional(s) preparing the report and documentation of any fieldwork performed on the site;
4. A description of the proposal, proposal location including address and parcel number(s), and a vicinity map for the project;
5. Identification of the development permit(s) requested and all other local, State, and/or Federal critical area-related permits required for the project;
6. A copy of the site plan for the development proposal including:
 - a. A map to standard engineering scale depicting critical areas, buffers, the development proposal, and any areas to be altered. In addition to plan size site plans, a legible, reduced (eight and one-half inches by 11 inches) copy will be required if noticing is required for the project; and
 - b. A scaled depiction and description of the proposed stormwater pollution prevention plan, consistent with the adopted stormwater manual, for the development and consideration of impacts to critical areas due to drainage alterations;
7. Identification and characterization of all critical areas, wetlands, water bodies, shorelines, and buffers within the vicinity of the proposed project area (off site within 300 feet for wetlands and fish and wildlife habitat conservation areas and off site within 200 feet for geologic hazards, shorelines, floodplains, and aquifer recharge areas);
8. A statement specifying the accuracy of the report and all assumptions made and relied upon;
9. A description of the methodologies used to conduct the critical areas investigation, including references;
10. An assessment of the probable impacts to the critical areas resulting from the proposed development of the site based upon identified findings;
11. A description of reasonable efforts made to apply mitigation sequencing pursuant to SMC 20.80.053, Mitigation requirements, to avoid, minimize, and mitigate impacts to critical areas; and
12. Plans for mitigation required to offset any critical areas impacts, in accordance with SMC 20.80.082, Mitigation plan requirements, and the corresponding mitigation performance standards sections of this chapter, including a discussion of the applicable development standards and cost estimates for determination of financial guarantee requirements.

F. **Existing Reports.** Unless otherwise provided, a critical areas report may incorporate, be supplemented by, or composed of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Director. At the discretion of the Director, reports previously compiled or submitted as part of a proposal for development may be used as a critical areas report to the extent that the requirements of this section and the report requirements for each specific critical area type are met. Critical areas reports shall be considered valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary. Supplemental critical area report(s) may be required to provide information and analysis to address changes to the project scope and potential impacts or to changes to applicable regulations that have been made subsequent to existing, valid critical area reports.

G. **Modifications to Report Requirements.**

1. **Limitations to Study Area.** The Director may limit the required geographic area of the critical areas report as appropriate if:

- a. The applicant, with assistance from the City of Shoreline, cannot obtain permission to access properties adjacent to the project area; or
 - b. The proposed activity will affect only a limited part of the subject site.
2. **Modifications to Required Contents.** The applicant may consult with the Director prior to or during preparation of the critical areas report to obtain approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation. In some cases, such as when it is determined that no geologic hazard area is present, a full report may not be necessary to determine compliance with the critical area regulations, this chapter, and in those cases a letter or reconnaissance only report may be required.
3. **Additional Information Requirements.** The Director may require additional information to be included in the critical areas report when determined to be necessary to the review of the proposed activity in accordance with this chapter. Additional information that may be required includes, but is not limited to:
- a. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
 - b. Grading and drainage plans; and
 - c. Information specific to the type, location, and nature of the critical area. (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015).

20.80.082 Mitigation plan requirements.

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

- A. **Environmental Goals and Objectives.** The mitigation plan shall include a written report identifying environmental goals and objectives of the mitigation proposed and including:
1. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria; identification of compensation goals; identification of resource functions; and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
 2. A review of the best available science supporting the proposed mitigation and a description of the report author's experience to date in restoring or creating the type of critical area proposed.
- B. **Performance Standards.** The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained at the end of the required monitoring period and whether or not the requirements of this chapter have been met.
- C. **Detailed Construction Plans.** The mitigation plan shall include written specifications and descriptions of the mitigation proposed, such as:
1. The proposed construction sequence, timing, and duration;
 2. Site plans showing grading and excavation details with minimum two-foot contour intervals;
 3. Erosion and sediment control features;

4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
5. Measures to protect and maintain plants until established.

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

D. Monitoring Program and Contingency Plan.

1. A monitoring program shall be included in the mitigation plan and implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives of the mitigation plan are being met.
2. A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. Contingency plans include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. Corrective measures will be required by the City when the qualified professional indicates, in a monitoring report, that the contingency actions are needed to ensure project success by the end of the monitoring period. A performance and maintenance bond, or other acceptable financial guarantee, is required to ensure the applicant's compliance with the terms of the mitigation agreement consistent with SMC 20.80.120, Financial guarantee requirements.
3. Monitoring programs prepared to comply with this section shall include the following requirements:
 - a. Best available scientific procedures shall be used to establish the success or failure of the project. A protocol outlining the schedule for site monitoring (for example, monitoring shall occur in years zero (as-built), one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met.
 - b. For vegetation determinations, permanent sampling points shall be established.
 - c. Vegetative success shall, at a minimum, equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent plant species at the end of the required monitoring period. Alternative standards for vegetative success, including (but not limited to) minimum survival standards following the first growing season, may be required after consideration of recommendations provided in a critical area report or as otherwise required by the provisions of this chapter.
 - d. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. Monitoring reports on the current status of the mitigation project shall be submitted, consistent with subsection E of this section, to the City on the schedule identified in the monitoring plan, but not less than every other year. The reports are to be prepared by a qualified professional and reviewed by the City, or a qualified professional retained by the City, and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, as applicable.
 - e. Monitoring programs shall be established for a period necessary to establish that performance standards have been met, but not for less than a minimum of five years without approval from the Director. Monitoring programs for projects located within the shoreline jurisdiction must also comply with the standards in SMC 20.230.020 and may require a longer monitoring period.
 - f. If necessary, failures in the mitigation project shall be corrected.
 - g. Dead or undesirable vegetation shall be replaced with appropriate plantings.
 - h. Damage caused by erosion, settling, or other geomorphological processes shall be repaired.

- i. The mitigation project shall be redesigned (if necessary) and the new design shall be implemented and monitored, as in subsection (D)(3)(d) of this section.
- j. Correction procedures shall be approved by a qualified professional and the City.
- k. If the mitigation goals are not obtained within the initial monitoring period, the applicant remains responsible for restoration of the impacted values and functions or hazard risk reduction until the mitigation goals agreed to in the mitigation plan are achieved.

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

- 1. The as-built report, required prior to final inspection, shall, at a minimum, include documentation of the following:
 - a. Departures from the original approved plans;
 - b. Construction supervision provided by the qualified professional;
 - c. Approved project goals and performance standards;
 - d. Baseline data for monitoring per the approved monitoring methods;
 - e. Photos from established photo points; and
 - f. A site plan showing final mitigation as constructed or installed, monitoring points, and photo points.
- 2. Subsequent monitoring reports shall, at a minimum, include:
 - a. Monitoring visit observations, documentation, and analysis of monitoring data collected;
 - b. Photos from photo points;
 - c. Determination whether performance standards are being met; and
 - d. Maintenance and/or contingency action recommendations to ensure success of the project at the end of the monitoring period.
- 3. The applicant shall be responsible for the cost (at the current hourly rate) of review of monitoring reports and site inspections during the monitoring period, which are completed by the City or a qualified professional under contract with or employed by the City.

F. **Cost Estimates.** The mitigation plan shall include cost estimates that will be used by the City to calculate the amounts of financial guarantees, if necessary, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted in accordance with SMC 20.80.120, Financial guarantee requirements.

G. **Approved Mitigation Projects – Signature.** On completion of construction, an as-built report for any approved mitigation project shall be prepared and signed off by the applicant's qualified professional and approved by the City. Signature of the qualified professional on the required as-built report and approval by the City will indicate that the construction has been completed as planned. (Ord. 723 § 1 (Exh. A), 2015).

20.80.085 Pesticides, herbicides and fertilizers on City-owned property.

Pesticides, herbicides and fertilizers which have been identified by State or Federal agencies as harmful to humans, wildlife, or fish shall not be used in a City-owned riparian corridor, shoreline habitat or its buffer, wetland or its buffer, except as allowed by the Director for the following circumstances:

- A. When the Director determines that an emergency situation exists where there is a serious threat to public safety, health, or the environment, and that an otherwise prohibited application must be used as a last resort.
- B. Compost or fertilizer may be used for native plant revegetation projects in any location.
- C. Limited pesticide and herbicide use may be applied pursuant to the King County Noxious Weed Control Board best management practices, specific to the species needing control, when that is determined to be the best method of control for the location. Federal, State, and local regulations of pesticides and water quality must be followed, including requirements for pesticide applicator licensing from the Washington State Department of Agriculture. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006).

20.80.090 Buffer areas.

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. In all cases the standard buffer shall apply unless the Director determines that additional buffer width is necessary or reduced buffer is sufficient to protect the functions and values consistent with the provisions of this chapter and the recommendations of a qualified professional. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands and consists of an undisturbed area of native vegetation. Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas. (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. VIII § 2(C), 2000. Formerly 20.80.180.)

20.80.100 Notice to title.

A critical area notice to title is required, as a condition of permit issuance or project approval, when a permit or development application is submitted for development on any property containing a critical area or buffer. The purpose is to inform subsequent purchasers of real property of the existence of critical areas. This requirement can be met through recording of a notice to title prepared by the City, establishment of a critical area tract, or recording of native growth protection area easement consistent with the following provisions:

A. **Notice to Title.** A notice to title is required when a permit is required for development on any property containing a critical area or buffer. The notice to title applicable to the property shall be approved by the Director and City Attorney for compliance with this provision and be filed by the property owner, at their expense, with the King County Recorder's Office. The title holder will have the right to challenge this notice and to have it extinguished if the critical area designation no longer applies. However, the titleholder shall be responsible for completing a critical area report, subject to approval by the Director, before the notice on title can be extinguished. The notice shall state that critical areas or buffers have been identified on the property and that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the land. A critical area tract or native growth protection area easement shall be required to meet the notice to title requirement as follows:

1. **Critical Area Tract.** Subdivisions, short subdivisions, and binding site plans shall establish a separate critical areas tract as a permanent protective measure for wetlands, fish and wildlife habitat conservation areas, and landslide hazard areas and their buffers. The plat or binding site plan for the project shall clearly depict the critical areas tract, and shall include all of the subject critical area, any required buffer, and any additional lands included voluntarily by the developer. Restrictions to development within the critical area tract shall be clearly noted on the plat or plan. Restrictions shall be consistent with this chapter for the entire critical area tract. Should the critical area tract include several types of critical areas, the developer may establish separate critical areas tracts; or
2. **Native Growth Protection Area.** NGPA easements shall be required on a property where no subdivision, short subdivision, or binding site plan is proposed or required. Unless otherwise required in this chapter, native growth protection area (NGPA) easements shall be recorded on title for all affected parcels prior to approval of a development agreement, issuance of a master development plan permit, or issuance of a site development or building permit, when two or more dwelling units and/or nonresidential development are proposed on one parcel, to delineate and protect those contiguous wetlands, fish and wildlife habitat conservation, and landslide hazard critical areas and their buffers. The easement to be recorded shall clearly

depict the critical area and the limits of the NGPA easement and shall include all of the subject critical area(s) and any required buffer(s). Restrictions to development within the NGPA easement shall be clearly noted in the easement and shall include the following:

- a. That native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, limiting chemical applications of hazardous substances (pesticides, herbicides, fertilizers), maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
- b. The right of the City to enforce the terms of the restriction.

B. Modifications and Waivers. Where the standards in this chapter allow for development within the identified critical areas, the Director may modify the language or dimensions of the required critical area tract or native growth protection area easement for consistency with the extent of the development to be permitted.

C. Proof of Notice. The applicant shall submit proof that the notice has been recorded on title before the City approves any development permit, including master development plan permits, for the property or, in the case of subdivisions, short subdivisions, binding site plans, or development agreements, at or before recording. (Ord. 723 § 1 (Exh. A), 2015).

20.80.110 Permanent field marking.

A. All critical areas tracts, easements, and dedications, or as recommended by a qualified professional, shall be clearly marked on the site using permanent markings, placed at least every 50 feet, which include the following text:

City of Shoreline Designated Critical Area. Activities, including clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations may be prohibited. Help protect and care for this area. Please contact the City of Shoreline with questions or concerns.

B. It is the responsibility of the landowner to maintain in perpetuity and replace if necessary all permanent field markings. (Ord. 723 § 1 (Exh. A), 2015).

20.80.120 Financial guarantee requirements.

Bonds, and other financial guarantees, and associated performance agreements or maintenance/defect/monitoring agreements shall be required for projects with required mitigation or restoration of impacts to critical areas or critical area buffers consistent with the following:

A. A performance agreement and bond, or other acceptable financial guarantee, are required from the applicant when mitigation required pursuant to a development proposal is not completed prior to final permit approval, such as final plat approval or final building inspection. The amount of the performance bond(s) shall equal 125 percent of the cost of the mitigation project (after City mobilization is calculated).

B. A performance agreement and bond, or other acceptable financial guarantee, are required from the applicant when restoration is required for remediation of a critical area violation. The amount of the performance bond(s) shall equal 125 percent of the cost of the mitigation project (after City mobilization is calculated).

C. A maintenance/defect/monitoring agreement and bond, or other acceptable financial guarantee, are required to ensure the applicant's compliance with the conditions of the approved mitigation plan pursuant to a development proposal or restoration plan for remediation of a violation. The amount of the maintenance bond(s) shall equal 25 percent of the cost of the mitigation project (after City mobilization is calculated) in addition to the cost for monitoring for a minimum of five years. The monitoring portion of the financial guarantee may be reduced in proportion to work successfully completed over the period of the bond. The bonding period shall coincide with the monitoring period. (Ord. 723 § 1 (Exh. A), 2015).

20.80.130 Unauthorized critical area alterations.

A. When a critical area or its buffer has been altered in violation of this chapter, all ongoing development work shall stop and the critical area shall be restored. The City shall have the authority to issue a stop work order to cease

all development, and order restoration measures at the owner's or other responsible party's expense to remediate the impacts of the violation of the provisions of this chapter.

B. Requirement for Restoration Plan. All development shall remain stopped until a restoration plan is prepared by the responsible party and an approved permit is issued by the City. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in subsection C of this section. The Director may, at the responsible party's expense, seek expert advice, including but not limited to third party review by a qualified professional under contract with or employed by the City, in determining if the plan meets the minimum performance standards for restoration. Submittal, review, and approval of required restoration plans for remediation of violations of this chapter, Critical Areas, shall be completed through a site development permit application process.

C. Minimum Performance Standards for Restoration.

1. For alterations to aquifer recharge areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration; provided, that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

- a. The pre-violation function and values of the affected critical areas and buffers shall be restored, including water quality and habitat functions;
- b. The pre-violation soil types and configuration shall be replicated;
- c. The critical area and buffers shall be replanted with native vegetation that replicates the vegetation historically, or pre-violation, found on the site in species types, sizes, and densities. The pre-violation functions and values should be replicated at the location of the alteration; and
- d. Information demonstrating compliance with the requirements in SMC 20.80.082, Mitigation plan requirements, and the applicable mitigation sections for the affected type(s) of critical area(s) and their buffer(s) shall be submitted to the Director with a complete site development permit application.

2. For alterations to flood hazard and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area; provided, that if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
- b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
- c. The hazard area and buffers shall be replanted with native vegetation sufficient to minimize the hazard.

D. Site Investigation. The Director is authorized to take such actions as are necessary to enforce this chapter. The Director shall present proper credentials and obtain permission before entering onto private property.

E. Penalties. Any responsible party violating of any of the provisions of this chapter may be subject to any applicable penalties per SMC 20.30.770 plus the following:

1. A square footage cost of \$3.00 per square foot of impacted critical area buffer; and a square footage cost of \$15.00 per square foot of impacted critical area; and
2. A per tree penalty in the amount of \$3,000 per nonsignificant tree and \$9,000 per significant tree, for trees removed from a critical area or critical area buffer in violation of the provisions of this chapter. (Ord. 723 § 1 (Exh. A), 2015).

Subchapter 2.

Geologic Hazard Areas

20.80.210 Geologic hazards – Designation and purpose.

A. Geologic hazard areas are those lands that are susceptible to erosion, landsliding, seismic, or other geological events as identified by WAC 365-190-120. These areas may not be suited for development activities because they may pose a threat to public health and safety.

Areas susceptible to one or more of the following types of hazards shall be designated as geologic hazard areas:

1. Landslide hazard;
2. Seismic hazard;
3. Erosion hazard.

B. The primary purpose of geologic hazard area regulations is to avoid and minimize potential impacts to life and property from geologic hazards, conserve soil resources, and minimize structural damage relating to seismic hazards. This purpose shall be accomplished through appropriate levels of study and analysis, application of sound engineering principles, and regulation or limitation of land uses, including maintenance of existing vegetation, regulation of clearing and grading activities, and control of stormwater. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(A), 2000).

20.80.220 Geologic hazards – Classification.

Geologic hazard areas shall be classified according to the criteria in this section as follows:

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

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

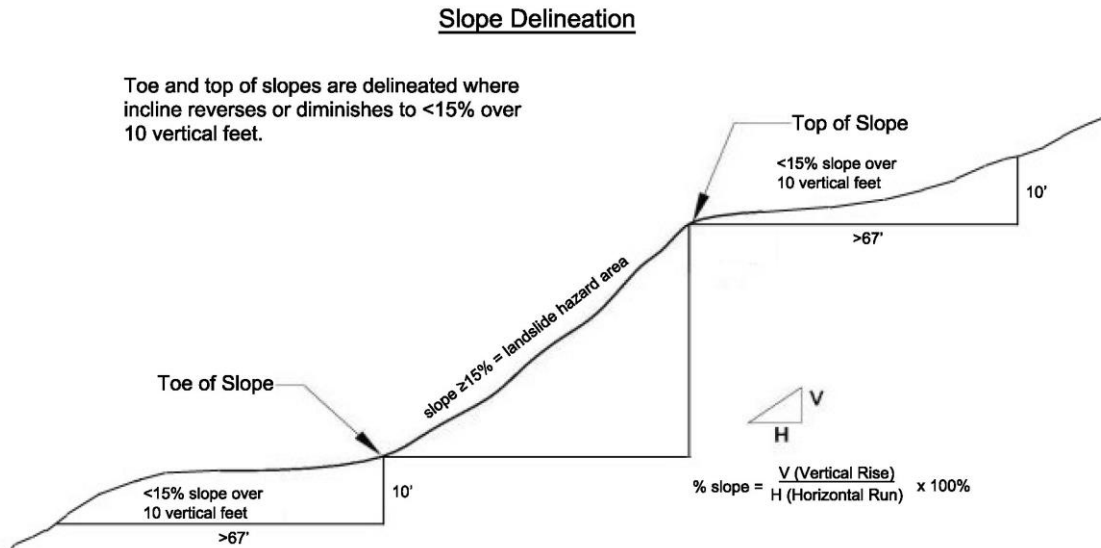


Figure 20.80.220(A): Illustration of slope calculation for determination of top and toe of landslide hazard area.

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

1. Moderate to High Risk.

- a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for very high risk areas in subsection (B)(2) of this section;
- b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay and do not meet the criteria for very high risk areas in subsection (B)(2) of this section; or
- c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for very high risk in subsection (B)(2)(a) or (b) of this section.

2. Very High Risk.

- a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage);
- b. Areas of landslide activity (scarps, movement, or accumulated debris) regardless of slope; or
- c. All slopes that are 40 percent or steeper and more than 20 feet in height when slope is averaged over 10 vertical feet of relief.

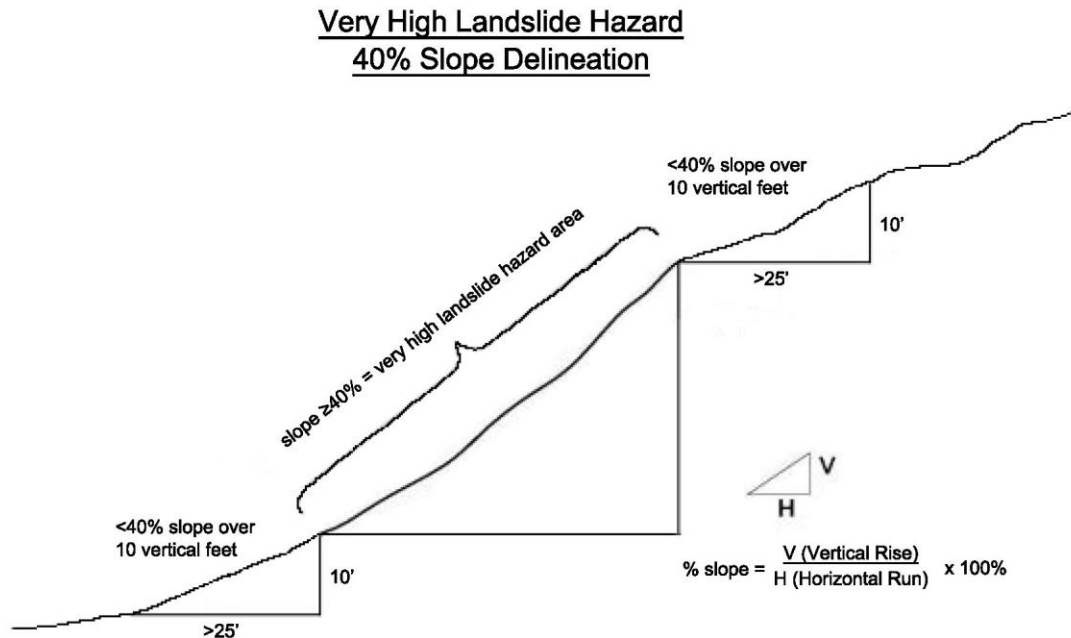


Figure 20.80.220(B): Illustration of very high risk landslide hazard area delineation (no midslope bench).

C. **Seismic Hazard Areas.** Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to risk of ground shaking, lateral spreading, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) or peat deposits and have a shallow ground water table. These areas are designated as having “high” and “moderate to high” risk of liquefaction as mapped on the Liquefaction Susceptibility and Site Class Maps of Western Washington State by County by the Washington State Department of Natural Areas.

D. **Erosion Hazard Areas.** Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service (formerly the Soil Conservation Service) as having “severe” or “very severe” erosion hazards. This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood-Kitsap (AkF), Alderwood gravelly sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD). (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(B), 2000).

20.80.222 Geologic hazards – Mapping.

A. The approximate location and extent of geologic hazard areas are shown on City of Shoreline geologic hazard data layers maintained in the City of Shoreline geographic information system (GIS). In addition, the following maps and resources providing information on the location and extent of geologic hazard areas are hereby adopted by reference as amended:

1. Washington Department of Ecology coastal zone atlas (for marine bluffs);
2. U.S. Geological Survey geologic maps, landslide hazard maps, and seismic hazard maps;
3. Washington State Department of Natural Resources seismic hazard maps for Western Washington, including, but not limited to, the Liquefaction Susceptibility and Site Class Maps of Western Washington State by County;
4. Washington State Department of Natural Resources slope stability maps; and
5. Soils maps produced by the U.S. Department of Agriculture, National Resources Conservation Service.

B. The critical areas maps and the resources cited above are to be used as a guide for the City of Shoreline Planning and Community Development Department, project applicants, and/or property owners and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation. (Ord. 723 § 1 (Exh. A), 2015).

20.80.224 Geologic hazards – Development standards.

A. Activities and uses shall be allowed in geologic hazard areas and their required buffers only as provided for in this chapter.

B. **Activities Allowed in All Geologic Hazard Areas and Buffers.** The activities listed below are allowed in the identified geologic hazard areas types pursuant to SMC 20.80.040, Allowed activities. Exemptions are listed in SMC 20.80.030, but do not apply within the shoreline jurisdiction. These activities do not require submission of a critical area report.

1. All allowed activities per SMC 20.80.040;
2. Installation of fences as allowed without a building permit in Chapter 20.50 SMC, General Development Standards;
3. Nonstructural interior remodel, maintenance, or repair of structures which do not meet the standards of this chapter, if the maintenance or repair does not increase the footprint or height of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair; and
4. **Erosion Hazard Areas.** If the project is located in an erosion hazard area and is not located in another type of critical area or critical area buffer and does not exceed any other threshold contained in SMC 20.50.320, then up to 1,500 square feet may be cleared on any lot in an erosion hazard area without a permit.

C. **Alteration.** The City may approve, condition, or deny proposals in a geologic hazard area based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include applicable stormwater management practices, limitations of proposed uses, modification of density, alteration of site layout, and other appropriate changes to the proposal.

Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health and safety and property or other critical area, the proposal shall be denied, except as granted by a critical area special use or critical area reasonable use permit per SMC 20.30.333 and 20.30.336, or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II, where the proposed development activity is located within the shoreline jurisdiction.

D. **Alteration of Moderate to High Risk Landslide Hazards.** Development activities and uses that result in unavoidable alterations may be permitted in moderate to high risk landslide hazard areas or their buffers in accordance with an approved geologic hazard critical area report. The recommendations contained within the critical area report shall be incorporated into the proposed alteration of the landslide hazard area or its buffers.

The critical area report shall certify that:

1. The risk of damage from the proposal, both on site, and off site, are minimal subject to the conditions set forth in the report;
2. The proposal will not increase the risk of occurrence of the potential landslide hazard; and
3. Measures to eliminate or reduce risks have been incorporated into the report's recommendations and project development plans.

E. **Alteration of Very High Risk Landslide Hazard Areas.** Alterations of a very high risk landslide hazard area and/or buffer may only occur for activities for which a critical area report with a hazards analysis is submitted and certifies that:

1. The development will not increase surface water discharge or sedimentation on site or to adjacent properties beyond pre-development conditions;
2. The development will not decrease slope stability on the site or on adjacent properties;
3. Such alterations will meet other critical areas regulations; and
4. The design criteria in subsection F of this section are met.

F. Design Criteria for Alteration of Very High Risk Landslide Hazard Areas. Development within a very high risk landslide hazard area and/or buffer shall be designed to meet the following basic requirements unless it can be demonstrated that an alternative project design provides greater short- and long-term slope stability while meeting all other provisions of this chapter. The requirement for long-term slope stability shall exclude designs that require regular and periodic maintenance to maintain their level of function. The basic development design criteria are:

1. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Proposed alteration of natural slopes, that does not include structures, shall not decrease the factor of safety for landslide occurrences below the limits of 1.3 for static conditions and 1.0 for seismic. Where the existing conditions are below these limits, the proposed development shall increase the factor of safety to these limits or will not be permitted. Analysis of dynamic conditions shall be based on the seismic event as established by the current version of the International Building Code;
2. New structures and improvements shall be clustered to avoid geologic hazard areas and other critical areas;
3. New structures and improvements shall minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography;
4. New structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation;
5. The proposed development shall not result in greater risk of the hazard or a need for increased buffers on neighboring properties;
6. Where the existing natural slope area cannot be retained undisturbed with native vegetation, the use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes; and
7. Development shall be designed to minimize impervious lot coverage and preserve native vegetation and trees to the maximum extent practicable.

G. Additional Requirements for Alteration of Very High Risk Hazard Landslide Areas.

1. Prior to application, the applicant shall meet the requirements of and conduct a neighborhood meeting consistent with SMC 20.30.090. The notification area shall be limited to:
 - a. All property owners whose properties adjoin the subject property; and
 - b. Properties that include part of the subject property's very high risk landslide hazard area and the standard 50-foot buffer, but not to exceed a maximum of 200 feet from the project clearing limits.
2. Prior to permit issuance, the property owner shall sign and record on title, at the owner's sole expense, a covenant in a form acceptable to the City, which:
 - a. Acknowledges and accepts the risks of development in the landslide hazard area;

- b. Waives any rights to claims against the City;
 - c. Indemnifies and holds harmless the City against claims, losses, and damages;
 - d. Informs subsequent owners of the property of the risks and the covenant; and
 - e. Advisability of obtaining added insurance.
3. Prior to permit issuance, the piling and excavation contractors shall submit insurance bonding documentation that includes coverage for subsidence and underground property damage, listing the City as an additional insured. The Director may require adequate bonds and/or insurance to cover potential claims for property damage that may arise from or be related to the following:
- a. Excavation or fill within a landslide-prone area when the depth of the proposed excavation exceeds four feet and the bottom of the proposed excavation is below the 100 percent slope line (45 degrees from a horizontal line) from the property line; or
 - b. In other circumstances where the Director determines that there is a potential for significant harm to any type of critical area or a critical area buffer during the construction process.
4. If the Building Official has reasonable grounds to believe that an emergency exists because significant changes in geologic conditions at a project site or in the surrounding area may have occurred since a permit was issued, increasing the risk of damage to the proposed development, to neighboring properties, or to nearby surface waters, the building official may, by letter or other reasonable means of notification, suspend the permit until the applicant has submitted a letter of certification. The letter of certification shall be based on such factors as the presence of known slides, indications of changed conditions at the site or the surrounding area, or other indications of unstable soils and meet the following requirements:
- a. The letter of certification shall be from the current project qualified professional geotechnical engineer of record stating that a qualified professional geotechnical engineer has inspected the site and area surrounding the proposed development within the 60 days preceding submittal of the letter; and that:
 - i. In the project geotechnical engineer's professional opinion no significant changes in conditions at the site or surrounding area have occurred that render invalid or out-of-date the analysis and recommendations contained in the technical reports and other application materials previously submitted to the City as part of the application for the permit; or that
 - ii. In the project geotechnical engineer's professional opinion, changes in conditions at the site or surrounding area have occurred that require revision to project criteria and that all technical reports and any necessary revised drawings that account for the changed conditions have been prepared and submitted.
5. The letter of certification and any required revisions shall be reviewed and approved by the City's third party qualified professional, at the applicant's expense, before the Building Official may allow work to continue under the permit.

H. Alteration of Seismic Hazard Areas. Development activities and uses in seismic hazard areas may be permitted, not subject to SMC 20.80.053(A)(1), based on review of a critical area report demonstrating that the project is consistent with SMC 20.80.053(A)(2) through (6). The report must certify that the risks of damage from the proposal, both on site and off site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations. The report must include the following:

1. For one-story and two-story detached residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on current mapping, site reconnaissance, research of nearby studies.

2. For all other proposals, the qualified professional shall conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to determine the site coefficient for use in the static lateral force procedure described in the International Building Code.

I. **Alteration of Erosion Hazard Areas.** Development activities and uses in erosion hazard areas may be permitted, not subject to SMC 20.80.053(A)(1), based on review of a critical area report demonstrating that the project is consistent with SMC 20.80.053(A)(2) through (6) and the following provisions:

1. All development proposals on sites containing erosion hazard areas shall include a stormwater pollution prevention plan consistent with the requirements of the adopted stormwater manual and a mitigation plan to ensure revegetation and permanent stabilization of the site. Specific requirements for revegetation in mitigation plans shall be consistent with the mitigation plan requirements in SMC 20.80.082 and the mitigation performance standards for geologic hazard areas in SMC 20.80.250. Revegetation for site stabilization may be combined with required landscape, tree retention, and/or other critical area mitigation plans as appropriate.
2. All subdivisions, short subdivisions or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
 - a. Except as provided in this section, existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;
 - b. If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to implement the revegetation plan in those areas that have been impacted prior to final inspection of the site development permit or the issuance of any building permit for the subject property;
 - c. Clearing of vegetation on individual lots may be allowed prior to building permit approval if the City determines that:
 - i. Such clearing is a necessary part of a large-scale grading plan,
 - ii. It is not feasible to perform such grading on an individual lot basis, and
 - iii. Drainage from the graded area will meet established water quality standards.
3. Where the City determines that erosion from a development site poses a significant risk of damage to downstream receiving water, the applicant shall be required to provide regular monitoring of surface water discharge from the site during the project construction or installation. If the project does not meet water quality standards, the City may suspend further development work on the site until such standards are met.
4. The City may require additional mitigation measures in erosion hazard areas, including, but not limited to, the restriction of major soil-disturbing activities associated with site development between October 1st and April 30th to meet the stated purpose contained in SMC 20.80.010 and 20.80.210.
5. The use of hazardous substances, pesticides and fertilizers in erosion hazard areas may be prohibited by the City. (Ord. 723 § 1 (Exh. A), 2015).

20.80.230 Geologic hazard areas – Required buffer areas.

A. Buffers for geologic hazard areas shall be maintained as undisturbed native vegetation consistent with SMC 20.80.090. Building and other improvement setbacks will be required in addition to buffers as recommended by the qualified professional to allow for landscaping, access around structures for maintenance, and location of stormwater facilities at safe distances from geologic hazard areas where native vegetation is not necessary to reduce the risk of the hazard.

B. Required buffer widths for geologic hazard areas shall reflect the sensitivity of the hazard area and the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the area.

C. In determining the appropriate buffer width, the City shall consider the recommendations contained in a geotechnical critical area report required by these regulations.

D. For moderate to high risk landslide hazard areas, the qualified professional shall recommend whether buffers should be required and the width of those buffers, as well as recommending any additional setbacks for buildings and stormwater facilities adequate to certify no increase in the risk of the hazard.

E. For very high risk landslide hazard areas, the standard buffer shall be 50 feet from all edges of the landslide hazard area. Larger buffers may be required as needed to eliminate or minimize the risk to people and property based on a geotechnical critical area report. The standard buffer may be reduced when geotechnical studies demonstrate, and the qualified professional certifies, that the reduction will not increase the risk of hazard to people or property, on or off site; however, the minimum buffer shall be 15 feet.

F. Landslide hazard areas and associated buffers shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical landslide hazard and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Recorder's Office. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(C), 2000).

20.80.240 Geologic hazards – Critical area report requirements.

A. **Report Required.** If the Director determines that the site of a proposed development includes, is likely to include, or is adjacent to a geologic hazard area, a critical area report shall be required, at the applicant's expense. Critical area report requirements for geologic hazard areas are met through submission to the Director of one or more geologic hazard critical area reports (also referred to as geotech or geotechnical engineering reports). In addition to the general critical areas report requirements of SMC 20.80.080, critical areas reports for geologic hazard areas must meet the requirements of this section. Critical areas reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

B. **Preparation by a Qualified Professional.** Critical areas reports for potential geologic hazard areas shall be prepared, stamped, and signed by a qualified geotechnical engineer or engineering geologist licensed in the State of Washington, with minimum required experience, per SMC 20.20.042, analyzing geologic, hydrologic, and ground water flow systems, and who has experience preparing reports for the relevant type of hazard. If mitigation measures are necessary, the report detailing the mitigation measures and design of the mitigation shall be prepared by a qualified professional with experience stabilizing geologic hazard areas with similar geotechnical properties and by a qualified vegetation ecologist, landscape architect, or arborist with experience designing and monitoring vegetative stabilization of geologic hazard areas.

C. **Third Party Review Required.** Critical areas studies and reports on geologically hazardous areas will be subject to third party review at the owner's sole expense as provided in SMC 20.80.080(C) and in any of the additional following circumstances:

1. A buffer reduction or alteration of the critical area or buffer is proposed for a very high risk landslide hazard areas; or
2. Mitigation is required within a very high risk landslide hazard area following any alterations allowed in response to emergencies per SMC 20.80.030(A).

D. **Minimum Report Contents for Geologic Hazard Areas.** A critical area report for geologic hazard areas shall include a field investigation, contain an assessment of whether or not each type of geologic hazard identified in SMC 20.80.210 is present or not present, and determine if the proposed development of the site will increase the risk of the hazard on or off site. The written critical area report(s) and accompanying plan sheet(s) shall contain the following information at a minimum:

1. The minimum report contents required per SMC 20.80.080(E);

2. Documentation of any fieldwork performed on the site, including field data sheets for soils, test pit locations, baseline hydrologic data, site photos, etc.;
3. A description of the methodologies used to conduct the geologic hazard areas delineations, classifications, hazards assessments and/or analyses of the proposal impacts including references;
4. **Site and Construction Plans.** The report shall include a copy of the site plans for the proposal, drawn at an engineering scale, showing:
 - a. The type and extent of geologic hazard areas, any other critical areas, and buffers on, adjacent to, off site within 200 feet of, or that are likely to impact or be affected by the proposal;
 - b. Proposed development, including the location of existing and proposed structures, fill, significant trees to be removed, vegetation to be removed, storage of materials, and drainage facilities;
 - c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report;
 - d. Height of slope, slope gradient, and cross-section of the project area;
 - e. The location of springs, seeps, or other surface expressions of ground water on or off site within 200 feet of the project area or that have the potential to affect or be affected by the proposal;
 - f. The location and description of surface water on or off site within 200 feet of the project area or that has the potential to be affected by the proposal; and
 - g. Clearing limits, including required tree protection consistent with SMC 20.50.370.
5. **Stormwater Pollution Prevention Plan (SWPPP).** For any development proposed with land-disturbing activities on a site containing a geologic hazard area, a stormwater pollution prevention plan (also known as an erosion and sediment control plan) shall be required. The SWPPP, in compliance with the requirements of Chapter 13.10 SMC, shall be included in the critical area report or be referenced if it is prepared separately.
6. **Assessment of Geological Characteristics.** The report shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior grading. Soils analysis shall be accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:
 - a. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site-specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
 - b. A summary of the existing site conditions, including:
 - i. Surface topography, existing features, and vegetation found in the project area and in all hazard areas addressed in the report;
 - ii. Surface and subsurface geology and soils to sufficient depth based on data from site-specific explorations;
 - iii. Geologic cross-section(s) displaying the critical design conditions;
 - iv. Surface and ground water conditions; and
 - c. A description of the vulnerability of the site to seismic and other geologic events.

7. **Analysis of Proposal.** The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the identified hazard area(s), the subject property, and affected adjacent properties. The hazards analysis component of the critical areas report shall include the following based on the type(s) of geologic hazard areas identified:

- a. Recommendations for the minimum buffer consistent with SMC 20.80.230 and recommended minimum drainage and building setbacks from any geologic hazard based upon the geotechnical analysis. Buffers must be maintained consistent with SMC 20.80.090; however, the qualified professional may recommend additional setbacks for drainage facilities or structures which do not have to be maintained as undisturbed native vegetation; and
- b. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion.

E. **Additional Technical Information Requirements for Landslide Hazard Areas.** The technical information required in a critical area report for a project within a landslide hazard area shall also include the following:

1. An estimate of the present stability of the subject property, the stability of the subject property during construction, the stability of the subject property after all development activities are completed, and a discussion of the relative risks and slide potential relating to adjacent properties during each stage of development, including the effect construction and placement of structures, clearing, grading, and removal of vegetation will have on the slope over the estimated life of the structure;
2. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
3. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on downslope properties;
4. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
5. Compliance with the requirements of SMC 20.80.224(D) for alterations proposed in moderate to high risk landslide hazard areas;
6. Compliance with the requirements of SMC 20.80.224(E) through (G) for alterations proposed in very high risk landslide hazard areas;
7. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for bearing and lateral loads, installation considerations, and estimates of settlement performance;
8. Recommendations for drainage and subdrainage improvements;
9. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
10. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.

F. **Additional Technical Information Requirements for Seismic Hazard Areas.** The technical information required in a critical area report for a project within a seismic hazard area shall also include the following:

1. A complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement);
2. Additionally, a geotechnical engineering report for a seismic hazard area shall evaluate the physical properties of the subsurface soils, especially the thickness of unconsolidated deposits and their liquefaction

potential. If it is determined that the site is subject to liquefaction, mitigation measures appropriate to the scale of the development shall be recommended and implemented; and

3. Any additional information or analysis necessary to demonstrate compliance with the standards for alteration in seismic hazard areas in SMC 20.80.224(H).

G. Limited Report Requirements for Stable Erosion Hazard Areas. When recommended by the qualified professional for sites only overlain by erosion hazard areas with suitable slope stability, and no other type of critical area or buffer, detailed critical areas report requirements may be waived. Report requirements for stable erosion hazard areas may be met through construction documents that shall include at a minimum a stormwater pollution plan prepared in compliance with requirements set forth in Chapter 13.10 SMC.

H. Mitigation of Long-Term Impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the preexisting level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the preexisting conditions following abandonment of the activity.

I. Additional Information. When appropriate due to the proposed impacts or the project area conditions, the Director may also require the critical area report to include:

1. Where impacts are proposed, mitigation plans consistent with the requirements of SMC 20.80.082 and the geologic hazards mitigation performance standards and requirements of SMC 20.80.250;
2. A request for consultation with the Washington Department of Fish and Wildlife (DFW), Washington Department of Ecology (Ecology), local Native American Indian tribes, or other appropriate agency; and
3. Detailed surface and subsurface hydrologic features both on and adjacent to the site. (Ord. 723 § 1 (Exh. A), 2015).

20.80.250 Geologic hazards – Mitigation performance standards and requirements.

A. Requirements for Mitigation. Mitigation is required for proposed adverse impacts and increased risks of alteration of geologic hazard areas and must be sufficient to result in no increased risk of the hazard consistent with the development standards in SMC 20.80.224. Mitigation plans shall be submitted as part of the required critical area report, consistent with the requirements of SMC 20.80.080, 20.80.082, and 20.80.240, and this section. When revegetation is required as part of the mitigation, then the mitigation plan shall meet the standards of SMC 20.80.350(H), excluding those standards that are wetland specific.

B. Preference of Mitigation Actions. Methods to achieve mitigation for alterations of geologic hazard areas shall be approached in the following order of preference:

1. **Protection.** Mitigation measures that increase the protection of the identified geologic hazard areas include, but are not limited to:
 - a. Increased or enhanced buffers;
 - b. Setbacks for permanent and temporary structures;
 - c. Reduced project scope; and
 - d. Retention of existing vegetation.
2. **Restoration.** Restoration of native vegetation.
3. **Engineered Stabilization.** Engineered design of geologic hazard stabilization to ensure no increased risk of the hazard due to the proposal with preference for bioengineering over structural engineered solutions.

C. **Performance Standards.** The following performance standards shall apply to any mitigation for development proposed within geologic hazard areas:

1. Geotechnical studies shall be prepared by a qualified professional to identify and evaluate potential hazards and to formulate mitigation measures;
2. Construction methods will reduce or not adversely affect geologic hazards;
3. Site planning to minimize disruption of existing topography and natural vegetation;
4. Significant trees shall be preserved, unless removal is unavoidable or otherwise allowed under the provisions of this chapter;
5. Minimize impervious surface coverage;
6. Replant disturbed areas as soon as feasible pursuant to an approved landscape plan. When planting is required, the following standards shall apply:
 - a. Native species, indigenous to the region, shall be used in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;
 - b. Plant selection shall be consistent with the existing or projected site conditions, including slope aspect, moisture, and shading;
 - c. Plants should be commercially available or available from local sources;
 - d. Plant species high in food and cover value for fish and wildlife shall be used;
 - e. Mostly perennial species should be planted;
 - f. Committing significant areas of the site to species that have questionable potential for successful establishment shall be avoided;
 - g. Plant selection, densities, and placement of plants must be determined by a qualified professional and shown on the design plans;
 - h. Stockpiling soil and construction materials should be confined to upland areas and contract specifications should limit stockpiling of earthen materials to durations in accordance with City clearing and grading standards, unless otherwise approved by the City;
 - i. Planting instructions shall be submitted which describe placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
 - j. Controlled release fertilizer shall be applied (if required) at the time of planting and afterward only as plant conditions warrant as determined during the monitoring process;
 - k. An irrigation system shall be installed, if necessary, for the initial establishment period; and
 - l. The heterogeneity and structural diversity of vegetation shall be emphasized in landscaping;
7. Clearing and grading regulations as set forth by the City, in SMC 20.50.290 through 20.50.370, shall be followed;
8. The use of retaining walls that allow maintenance of existing natural slope areas are preferred over graded slopes;
9. All construction specifications and methods shall be approved by a qualified professional and the City;

10. Construction management shall be provided by a qualified professional. Ongoing work on site shall be inspected by the City;
11. Site drainage design and temporary erosion and sedimentation controls, pursuant to an approved stormwater pollution prevention plan consistent with the adopted stormwater manual, shall be implemented during and after construction;
12. Undevelopable geologic hazard areas larger than one-half acre shall be placed in a separate tract, provided this requirement does not make the lot nonconforming;
13. A monitoring program shall be prepared for construction activities permitted in geologic hazard areas; and
14. Development shall not increase instability, create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion and adequate mitigation must be incorporated into the project design to comply with the requirements of SMC 20.80.224 and 20.80.230. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 3(E), 2000).

Subchapter 3.

Fish and Wildlife Habitat Conservation Areas

20.80.260 Fish and wildlife habitat – Description and purpose.

A. Fish and wildlife habitat conservation areas (or habitat conservation areas) are lands managed for maintaining populations of species in suitable habitats within their natural geographic distribution so that the habitat available is sufficient to support viable populations over the long term and isolated subpopulations are not created. Fish and wildlife habitat conservation areas include areas with which State and Federal designated threatened, endangered, and sensitive species have a primary association as well as priority species and habitats listed by the Washington State Department of Fish and Wildlife, including corridors which connect priority habitat, and those areas which provide habitat for species of local significance, which have been or may be identified in the City of Shoreline Comprehensive Plan. Fish and wildlife habitat conservation areas also include stream areas and buffers which provide important habitat corridors; help maintain water quality; store and convey stormwater and floodwater; recharge ground water; and serve as areas for recreation, education, scientific study, and aesthetic appreciation.

B. The purpose of fish and wildlife habitat conservation areas shall be to protect and conserve the habitat of fish and wildlife species and thereby maintain or increase their populations. The primary purpose of this section is to minimize development impacts to fish and wildlife habitat conservation areas and to:

1. Protect Federal and State listed habitats and species and give special attention to protection and enhancement of anadromous fish populations; and
2. Maintain a diversity of species and habitat within the City; and
3. Coordinate habitat protection to maintain and provide habitat connections; and
4. Help maintain air and water quality and control erosion. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 4(A), 2000).

20.80.270 Fish and wildlife habitat – Classification and designation.

A. The City designates the following fish and wildlife habitat conservation areas that meet one or more of the criteria in subsection B of this section, regardless of any formal identification, as critical area, and, as such, these areas are subject to the provisions of this chapter. These areas shall be managed consistent with best available science; including the Washington State Department of Fish and Wildlife's Management Recommendations for Priority Habitat and Species. The following fish and wildlife habitat conservation areas are specifically designated, and this designation does not preclude designation of additional areas as consistent with the criteria in subsection B of this section:

1. All regulated streams and wetlands and their associated buffers as determined by a qualified specialist.
2. The waters, bed and shoreline of Puget Sound up to the ordinary high water mark.

B. Fish and wildlife habitat conservation areas are those areas designated by the City based on review of the best available science; input from Washington Department of Fish and Wildlife, Washington Department of Ecology, U.S. Army Corps of Engineers, and other agencies; and any of the following criteria:

1. Areas Where State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association.

a. Federally designated endangered and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service should be consulted for current listing status. Federally designated endangered and threatened species known to be identified and mapped by the Washington State Department of Wildlife in Shoreline include, but may not be limited to, the following:

- i. Chinook (*Oncorhynchus tshawytscha*);
- ii. Southern resident orca or killer whales (*Orcinus orca*).

b. State designated endangered, threatened, and sensitive species are those fish and wildlife species native to the State of Washington that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered or threatened in a significant portion of their range within the State without cooperative management or removal of threats as identified by the Washington State Department of Fish and Wildlife. State designated endangered, threatened, and sensitive species are periodically recorded in WAC 232-12-014 (State endangered species) and WAC 232-12-011 (State threatened and sensitive species). The State Department of Fish and Wildlife maintains the most current listing and should be consulted for current listing status. State designated endangered, threatened, and sensitive species known to be identified and mapped by the Department of Fish and Wildlife in Shoreline include, but may not be limited to, the following:

- i. Northern goshawk (*Accipiter gentilis*);
- ii. Purple martin (*Progne subis*).

2. State Priority Habitats and Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the State Department of Fish and Wildlife (DFW) in the Priority Habitats and Species List. Priority habitats and species known to be identified and mapped by the Department of Fish and Wildlife in Shoreline include, but may not be limited to, the following:

- a. Biodiversity areas and corridors identified and mapped along Boeing Creek and in and around Innis Arden Reserve Park;
- b. Chinook/fall chinook (*Oncorhynchus tshawytscha*);
- c. Coho (*Oncorhynchus kisutch*);
- d. Dungeness crab (*Cancer magister*);
- e. Estuarine intertidal aquatic habitat;

- f. Geoduck (*Panopea abrupta*);
 - g. Northern goshawk (*Accipiter gentilis*);
 - h. Pacific sand lance (*Ammodytes hexapterus*);
 - i. Purple martin (*Progne subis*);
 - j. Resident coastal cutthroat (*Oncorhynchus clarki*);
 - k. Surf smelt (*Hypomesus pretiosus*);
 - l. Waterfowl concentrations at Ronald Bog (Ronald Bog is not a shoreline of the State subject to the SMP); and
 - m. Winter steelhead (*Oncorhynchus mykiss*).
3. **Commercial and Recreational Shellfish Areas.** These areas include all public and private tidelands or bedlands suitable for shellfish harvest, including shellfish protection districts established pursuant to Chapter 90.72 RCW.
4. Kelp and eelgrass beds and herring and smelt spawning areas.
5. **Waters of the State.** Waters of the State include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the State of Washington, as classified in WAC 222-16-030. Streams are those areas where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by fish or are used to convey streams naturally occurring prior to construction. A channel or bed need not contain water year-round; provided, that there is evidence of at least intermittent flow during years of normal rainfall. Streams shall be classified in accordance with the Washington Department of Natural Resources water typing system (WAC 222-16-030) hereby adopted in its entirety by reference and summarized as follows:
- a. Type S: streams inventoried as “shorelines of the State” under Chapter 90.58 RCW and the rules promulgated pursuant to Chapter 90.58 RCW;
 - b. Type F: streams which contain fish habitat. Not all streams that are known to exist with fish habitat support anadromous fish populations, or have the potential for anadromous fish occurrence because of obstructions, blockages or access restrictions resulting from existing conditions. Therefore, in order to provide special consideration of and increased protection for anadromous fish in the application of development standards, shoreline streams shall be further classified as follows:
 - i. **Anadromous Fish-Bearing Streams (Type F-Anadromous).** These streams include:
 - (A) Fish-bearing streams where naturally recurring use by anadromous fish populations has been documented by a government agency;
 - (B) Streams that are fish passable or have the potential to be fish passable by anadromous populations, including those from Lake Washington or Puget Sound, as determined by a qualified professional based on review of stream flow, gradient and natural barriers (i.e., natural features that exceed jumping height for salmonids), and criteria for fish passability established by the Washington Department of Fish and Wildlife; and
 - (C) Streams that are planned for restoration in a six-year capital improvement plan adopted by a government agency or planned for removal of the private dams that will result in a fish-passable connection to Lake Washington or Puget Sound; and

- ii. **Nonanadromous Fish-Bearing Streams (Type F-Nonanadromous).** These include streams which contain existing or potential fish habitat, but do not have the potential for anadromous fish use due to natural barriers to fish passage, including streams that contain resident or isolated fish populations.

The general areas and stream reaches with access for anadromous fish are indicated in the City of Shoreline Stream and Wetland Inventory and Assessment (2004) and basin plans. The potential for anadromous fish access shall be confirmed in the field by a qualified professional as part of a critical area report;

- c. Type Np: perennial nonfish habitat streams;
- d. Type Ns: seasonal nonfish habitat streams; and
- e. Piped stream segments: those segments of streams, regardless of their type, that are fully enclosed in an underground pipe or culvert. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 4(B), 2000).

20.80.272 Fish and wildlife habitat – Mapping.

A. **Mapping.** The approximate location and extent of fish and wildlife habitat areas are shown in the data layers maintained in the City of Shoreline geographic information system (GIS). In addition, the following maps and inventories are hereby adopted by reference as amended:

1. Washington Department of Fish and Wildlife Priority Habitat and Species maps;
2. Washington State Department of Natural Resources Official Water Type Reference maps;
3. Washington State Department of Natural Resources Puget Sound Intertidal Habitat Inventory maps;
4. Washington State Department of Natural Resources Shorezone Inventory;
5. Washington State Department of Natural Resources Natural Heritage Program mapping data;
6. Washington State Department of Health Annual Inventory of Shellfish Harvest Areas;
7. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington State Conservation Commission; and
8. Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.

B. The inventories and cited maps and resources are to be used as a guide for the City of Shoreline, project applicants, and/or property owners, and may be continuously updated as new fish and wildlife habitat conservation areas are identified or critical area reports are submitted for known fish and wildlife habitat conservation areas. The inventories, maps, and resources are a reference and do not provide a final critical area designation. (Ord. 723 § 1 (Exh. A), 2015).

20.80.274 Fish and wildlife habitat – General development standards.

A. Activities and uses shall be prohibited in fish and wildlife habitat conservation areas and associated buffers, except as provided for in this subchapter. Unless specifically exempted under SMC 20.80.030 and/or allowed under SMC 20.80.040, subsection C of this section or SMC 20.80.276, development activities and uses that result in alteration of fish and wildlife habitat conservation areas shall be subject to the critical area reasonable use and special use provisions of SMC 20.30.333 and 20.30.336, or subject to the provisions of the Shoreline Master Program where located within the shoreline jurisdiction.

B. Any proposed alterations permitted, consistent with special use or reasonable use review, to fish and wildlife habitat conservation area shall require the preparation of a habitat conservation area mitigation plan (commonly referred to as a habitat management plan) to mitigate for the adverse impacts of the proposal, consistent with the

recommendations specific to the habitat or species of the Washington State Department of Fish and Wildlife Priority Habitat Program. The habitat management plan shall be prepared by a qualified professional and reviewed and approved by the City, consistent with the standards for mitigation plans in SMC 20.80.082 and 20.80.300.

C. Activities Allowed in Fish and Wildlife Habitat Conservation Areas. These activities listed below are allowed in fish and wildlife habitat conservation areas subject to applicable permit approvals. Additional exemptions are listed in the provisions of SMC 20.80.030 and 20.80.040. These activities do not require the submission of a critical area report and are exempt from monitoring and financial guarantee requirements, except where such activities result in a loss of the functions and values of a fish and wildlife habitat conservation area. These activities include:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing habitat conservation area.
2. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the fish and wildlife habitat conservation area by changing existing topography, water conditions, or water sources.
3. Permitted alteration to a legally constructed structure existing within a fish and wildlife habitat conservation area buffer that does not increase the footprint of the development or hardscape or increase the impact to a fish and wildlife habitat conservation area.
4. Clearing, grading, and the construction of fences and arbors are allowed within the required 10-foot stream buffers for a piped stream segment. if no other critical area or buffer is present.

D. Nonindigenous Species. No plant, wildlife, or fish species not indigenous to the region shall be introduced into a fish and wildlife habitat conservation area unless authorized by a State or Federal permit or approval.

E. Mitigation and Contiguous Corridors. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors in accordance with a mitigation plan that is part of an approved critical area report to minimize the isolating effects of development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed.

F. Approvals of Activities. The Director shall condition approvals of activities allowed within or adjacent to a fish and wildlife habitat conservation area, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

1. Establishment of buffers;
2. Preservation of important vegetation and/or habitat features such as snags and downed wood specific to the priority wildlife species in the fish and wildlife habitat conservation area;
3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
4. Seasonal restriction of construction activities;
5. Establishment of a duration and timetable for periodic review of mitigation activities; and
6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.

G. Mitigation and Equivalent or Greater Biological Functions. Mitigation of alterations to fish and wildlife habitat conservation areas shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream from, downstream from, or within the same shoreline reach as the development proposal site. Mitigation shall address each function affected by the alteration to achieve functional equivalency or improvement on a per function basis. Mitigation shall be located on site except when demonstrated

that a higher level of ecological functioning would result from an off-site location. Mitigation shall be detailed in a fish and wildlife habitat conservation area mitigation plan, consistent with the requirements of SMC 20.80.300.

H. **Approvals and the Best Available Science.** Any approval of alterations or impacts to a fish and wildlife habitat conservation area shall be supported by the best available science.

I. **Buffers.**

1. **Establishment of Buffers.** The Director shall require the establishment of buffer areas for activities adjacent to fish and wildlife habitat conservation areas in order to protect fish and wildlife habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation or areas identified for restoration established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby and shall be consistent with the applicable management recommendations issued by the Washington Department of Fish and Wildlife.

2. **Seasonal Restrictions.** When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

3. **Habitat Buffer Averaging.** The Director may allow the recommended fish and wildlife habitat area buffer width to be reduced in accordance with a critical area report, the best available science, and the applicable management recommendations issued by the Washington Department of Fish and Wildlife, only if:

- a. It will not reduce stream or habitat functions;
- b. It will not adversely affect fish and wildlife habitat;
- c. It will provide additional natural resource protection, such as buffer enhancement;
- d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- e. The buffer width is not reduced by more than 25 percent in any location.

J. **Signs and Fencing of Fish and Wildlife Habitat Conservation Areas.**

1. **Temporary Markers.** The outer perimeter of the fish and wildlife habitat conservation area or buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary "clearing limits" fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Director prior to the commencement of permitted activities during the preconstruction meeting required under SMC 20.50.330(E). This temporary marking and fencing shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. **Permanent Signs.** As a condition of any permit or authorization issued pursuant to this chapter, the Director may require the applicant to install permanent signs along the boundary of a fish and wildlife habitat conservation area or buffer, when recommended in a critical area report or otherwise required by the provisions of this chapter.

- a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another material of equal durability and nonhazardous. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded consistent with the text specified in SMC 20.80.110 or with alternative language approved by the Director.
- b. The provisions of subsection (J)(2)(a) of this section may be modified as necessary to assure protection of sensitive features or wildlife.

3. **Fencing.** Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts. Permanent fencing shall be required at the outer edge of the fish and wildlife habitat conservation area buffer under the following circumstances; provided, that the Director may waive this requirement:

- a. As part of any development proposal for subdivisions, short plats, multifamily, mixed use, and commercial development where the Director determines that such fencing is necessary to protect the functions and values of the fish and wildlife habitat conservation area; provided, that breaks in permanent fencing may be allowed for access to allowed uses (subsection C of this section and SMC 20.80.280(D));
- b. As part of development proposals for public and private parks where the adjacent proposed use is active recreation and the Director determines that such fencing is necessary to protect the functions and values of the fish and wildlife habitat conservation area;
- c. When buffer averaging is part of a development proposal;
- d. When buffer reductions are part of a development proposal; or
- e. At the Director's discretion, to protect the values and functions of the fish and wildlife habitat conservation area, as demonstrated in a critical area report. If found to be necessary, the Director shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the fish and wildlife habitat conservation area or buffer, when fencing will prevent future impacts to the fish and wildlife habitat conservation area.
- f. The applicant shall be required to install a permanent fence around the fish and wildlife habitat conservation area or buffer when domestic grazing animals, only as allowed under SMC 20.40.240, are present or may be introduced on site.

K. **Subdivisions.** The subdivision and short subdivision of land in fish and wildlife habitat conservation areas and associated buffers is subject to the following:

1. Land that is located wholly within a fish and wildlife habitat conservation area or its buffer may not be subdivided;
2. Land that is located partially within a fish and wildlife habitat conservation area or its buffer may be divided; provided, that the developable portion of each new lot and its access is located outside of the fish and wildlife habitat conservation area or its buffer. The final lots must each meet the minimum lot size requirements of SMC 20.50.020.
3. Access roads and utilities serving the proposed subdivision may be permitted within the fish and wildlife habitat conservation area and associated buffers only if the applicant's qualified professional(s) demonstrate, and the City determines, that no other feasible alternative exists, all unavoidable impacts are fully mitigated, and the use is consistent with this chapter. (Ord. 723 § 1 (Exh. A), 2015).

20.80.276 Fish and wildlife habitat – Specific habitat development standards.

In addition to the provisions in SMC 20.80.274, the following development standards apply to the specific habitat types identified below:

A. **Endangered, Threatened, and Sensitive Species.**

1. No development shall be allowed within a fish and wildlife habitat conservation area or buffer with which State or Federally endangered, threatened, or sensitive species have a primary association, except that which is provided for by a management plan established by the Washington Department of Fish and Wildlife or applicable State or Federal agency.
2. Whenever activities are proposed adjacent to a fish and wildlife habitat conservation area with which State or Federally endangered, threatened, or sensitive species have a primary association, such area shall be

protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the City. Approval for alteration of the fish and wildlife habitat conservation area or its buffer shall not occur prior to consultation with the Washington Department of Fish and Wildlife for animal species, the Washington State Department of Natural Resources for plant species, and other appropriate Federal or State agencies.

B. Anadromous Fish.

1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:

- a. Subsection A of this section applies to anadromous fish where those populations are identified as endangered, threatened or sensitive species;
- b. Activities shall be timed to occur only during the allowable work window as designated by the Washington Department of Fish and Wildlife for the applicable species;
- c. An alternative alignment or location for the activity is not feasible;
- d. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas;
- e. Shoreline erosion control measures shall be designed to use bioengineering methods or soft armoring techniques, according to an approved critical area report; and
- f. Any impacts to the functions or values of the fish and wildlife habitat conservation area are mitigated in accordance with an approved critical area report.

2. Structures that prevent migration shall not be allowed in the portion of water bodies currently or historically used by anadromous fish. Fish bypass facilities shall be provided, consistent with RCW 77.57.030, that allow the upstream migration of adult fish and prevent fry and juveniles migrating downstream from being trapped or harmed.

3. Fills, when authorized by the City and all applicable joint aquatic resource permit application approvals, shall not adversely impact anadromous fish or their habitat or shall mitigate any unavoidable impacts and shall only be allowed for a water-dependent use.

C. Wetland Habitats. All proposed activities within or adjacent to fish and wildlife habitat conservation areas containing wetlands shall conform to the wetland development performance standards set forth in Chapter 20.80 SMC, Subchapter 4, Wetlands. If nonwetlands habitat and wetlands are present at the same location, the provisions of this subchapter or the Wetlands subchapter, whichever provides greater protection to the habitat, apply.

D. Streams. Activities, uses and alterations of streams shall be prohibited, subject to the reasonable use provisions (SMC 20.30.336) or special use provisions (SMC 20.30.333), unless otherwise allowed by the exemptions or allowed activities provisions of this chapter, or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II. No alteration to a stream buffer shall be permitted unless consistent with the provisions of this chapter and the specific standards for development outlined below.

1. **Type S and Type F-Anadromous Streams.** Development activities and uses that result in alteration of Type S and Type F-anadromous streams and their associated buffers shall be prohibited subject to the critical area reasonable use and critical area special use provisions of SMC 20.30.333 and 20.30.336, unless otherwise allowed by the exemptions or allowed activities provisions of this chapter, or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II, where the proposed development activity is located within the shoreline jurisdiction.

2. **Type F-Nonanadromous and Type Np Streams.** Development activities and uses that result in alteration of Type F-nonanadromous and Type Np streams are prohibited subject to the critical area reasonable

use and critical area special use provisions of SMC 20.30.333 and 20.30.336, unless otherwise allowed by the exemptions or allowed activities provisions of this chapter, or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II, where the proposed development activity is located within the shoreline jurisdiction.

3. **Type Ns Streams.** Development activities and uses that result in unavoidable impacts may be permitted in Type Ns streams and associated buffers in accordance with an approved critical area(s) report and compensatory mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions of streams and buffers shall be provided in compliance with the mitigation performance standards and requirements of these regulations.

4. **Stream Crossing.** Crossing of streams may be permitted based on the findings in a critical area report, subject to the limitations in subsections (D)(1), (2), and (3) of this section, and consistent with the following:

a. **Bridges.** Bridges shall be used to cross Type S and Type F-anadromous streams. Culverted crossings and other obstructive means of crossing Type S and Type F-anadromous streams shall be prohibited; and

b. **Culverts.** Culverts are allowed for crossing of Type F-nonanadromous, Np, and Ns streams when fish passage will not be impaired and when the following design criteria and conditions are met:

i. Oversized culverts, that allow for fish passage and floodplain or wetland connectivity, will be installed;

ii. Culverts for Type F streams must be designed for fish passage that will allow natural stream functions and processes to occur (i.e., sediment, wood, and debris transport) where appropriate;

iii. Gravel substrate will be placed in the bottom of the culvert to a minimum depth of one foot for Type F streams;

iv. A maintenance covenant shall be recorded on title with King County that requires the property owner to, at all times, keep any culvert free of debris and sediment to allow free passage of water and, if applicable, fish; and

v. The City may require that a culvert be removed from a stream as a condition of approval, unless it is demonstrated conclusively that the culvert is not detrimental to fish habitat or water quality, or removal would be detrimental to fish or wildlife habitat or water quality.

5. **Relocation.** Relocation of a Type S, F, or Np stream may be allowed, subject to the limitations in subsections (D)(1) and (2) of this section, and only when the proposed relocation is part of an approved mitigation or rehabilitation plan, will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream. Relocation of a Type Ns stream may be allowed, subject to the limitation in subsection (D)(3) of this section, and only when the proposed relocation will result in equal or better habitat and water quality and will not diminish the flow capacity of the stream.

6. **Restoring Piped Watercourses.** The City allows the voluntary opening of previously channelized/culverted streams and the rehabilitation and restoration of streams. Restoring piped watercourses may be approved, consistent with the following:

a. When piped watercourse sections are restored, a protective buffer shall be required of the stream section. The buffer distance shall be consistent with the buffer relief that may be granted consistent with SMC 20.80.056, Voluntary critical area restoration projects. The stream and buffer area shall include habitat improvements and measures to prevent erosion, landslide, and water quality impacts. Opened channels shall be designed to support fish and wildlife habitat and uninhibited fish access, unless determined to be unfeasible as demonstrated in a restoration plan reviewed and approved by the City;

b. Removal of pipes conveying streams shall only occur when the City determines that the proposal will result in an improvement of water quality and ecological functions and will not significantly increase the threat of erosion, flooding, slope stability, or other hazards; and

c. Where the buffer of the restored stream would extend onto an adjacent property, the applicant shall obtain a written agreement from the affected neighboring property owner prior to the City approving the restoration of the piped watercourse.

E. **Priority Species.** Fish and wildlife habitat conservation areas or buffers with which species that are not State or Federally listed as endangered, threatened, or sensitive species and are not anadromous fish species shall be subject to the following:

1. Development activities and uses that result in unavoidable impacts may be permitted in priority species habitat areas and associated buffers in accordance with an approved critical area(s) report and habitat management plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions of habitat and buffer areas shall be provided in compliance with the mitigation performance standards and requirements of these regulations. (Ord. 723 § 1 (Exh. A), 2015).

20.80.280 Fish and wildlife habitat – Required buffer areas.

A. Buffer widths for fish and wildlife habitat areas shall be based on consideration of the following factors: species-specific recommendations of the Washington State Department of Fish and Wildlife; recommendations contained in a habitat management plan submitted by a qualified professional; and the nature and intensity of land uses and activities occurring on the land adjacent to the site.

B. Low-impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat area. Examples of uses and activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, low-impact stormwater management facilities such as bioswales and other similar uses and activities; provided, that any impacts to the buffer resulting from such permitted facilities shall be fully mitigated.

C. **Standard Required Stream Buffer Widths.** Buffer widths shall reflect the sensitivity of the stream type, the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the stream area. Stream buffers shall be measured from the ordinary high water mark (OHWM) or the top of the bank, if the OHWM cannot be determined. Buffers shall be measured with rounded ends where streams enter or exit piped segments.

1. The following buffers are established for streams based upon the Washington State Department of Natural Resources water typing system and further classification based on anadromous or nonanadromous fish presence for the Type F streams:

Table 20.80.280(1)

Stream Type	Standard Buffer Width (ft)
Type S	150
Type F-anadromous	115
Type F-nonanadromous	75
Type Np	65
Type Ns	45

Stream Type	Standard Buffer Width (ft)
Piped Stream Segments	10

2. **Increased Stream Buffer Widths.** The recommended stream buffer widths shall be increased, as follows:

- a. When the qualified professional determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;
- b. When the flood hazard area exceeds the recommended stream buffer width, the stream buffer area shall extend to the outer edge of the flood hazard area;
- c. When a channel migration zone is present, the stream buffer width shall be measured from the outer edge of the channel migration zone;
- d. When the habitat area is in an area of high blowdown potential, the stream buffer width shall be expanded an additional 50 feet on the windward side; or
- e. When the habitat area is within an erosion or landslide hazard area, or buffer, the stream buffer width shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.

3. **Stream Buffer Width Averaging with Enhancement.** The Director may allow the recommended stream buffer width to be reduced in accordance with an approved critical area report and the best available science, on a case-by-case basis, by averaging buffer widths. Any allowance for averaging buffer widths shall only be granted based on the development and implementation of a buffer enhancement plan for areas of buffer degradation, consistent with the provisions in subsection (C)(4) of this section. Only those portions of the stream buffer existing within the project area or subject parcel shall be considered in the total buffer area for buffer averaging. Averaging of buffer widths may only be allowed where a qualified professional demonstrates that:

- a. The width reduction and buffer enhancement plan provides evidence that the stream or habitat functions, including those of nonfish habitat and riparian wildlife, will be:
 - i. Increased or maintained through plan implementation for those streams where existing buffer vegetation is generally intact native vegetation; or
 - ii. Increased through plan implementation for those streams where existing buffer vegetation is inadequate to protect the functions and values of the stream;
- b. The total area contained in the buffer area of each stream on the development proposal site is not decreased after averaging;
- c. The recommended riparian habitat area width is not reduced by more than 25 percent in any one location; and
- d. The width reduction will not be located within another critical area or associated buffer.

4. **Stream Buffer Enhancement Measures.** The measures determined most applicable and/or appropriate will be considered in buffer averaging requirements. These include but are not limited to:

- a. Removal of fish barriers to restore accessibility to fish.
- b. Enhancement of fish habitat using log structures incorporated as part of a fish habitat enhancement plan.

- c. Enhancement of fish and wildlife habitat structures that are likely to be used by wildlife, including wood duck houses, bat boxes, nesting platforms, snags, rootwads/stumps, birdhouses, and heron nesting areas.
- d. Additional enhancement measures may include:
 - i. Planting native vegetation within the buffer area, especially vegetation that would increase value for fish and wildlife, increase stream bank or slope stability, improve water quality, or provide aesthetic/recreational value; or
 - ii. Creation of a surface channel where a stream was previously underground, in a culvert or pipe. Surface channels which are “daylighted” shall be located within a buffer area and shall be designed with energy dissipating functions or channel roughness features such as meanders and rootwads to reduce future bank failures or nearby flooding;
 - iii. Removal or modification of existing stream culverts (such as at road crossings) to improve fish passage, stream habitat, and flow capabilities; or
 - iv. Upgrading of retention/detention facilities or other drainage facilities beyond required levels.

D. Stream Buffer Allowed Uses and Alteration. Activities and uses shall be prohibited in stream buffers, except as provided for in this chapter. Stream buffers shall be maintained as undisturbed or restored natural vegetation. No clearing or grading activities are allowed within required stream buffers except as allowed under SMC 20.80.030, 20.80.040, 20.80.274, or consistent with an approved buffer enhancement plan consistent with the provisions of this subchapter. No structures or improvements shall be permitted within the stream buffer area, including buildings, decks, docks, except as otherwise permitted or required under the Shoreline Master Program, SMC Title 20, Division II, or under one of the following circumstances:

- 1. **Approved Mitigation.** When the improvements are part of an approved rehabilitation or mitigation plan; or
- 2. **No Feasible Alternative.** Construction of new roads, utilities, and accessory structures, when no feasible alternative location exists; or
- 3. **Trails.** Construction of trails over and in the buffer of piped stream segments, and the construction of trails near other stream segments, consistent with the following criteria:
 - a. Trails should be constructed of pervious surface, with preference for natural materials. Raised boardwalks utilizing nontreated pilings may be acceptable;
 - b. Trails shall be designed in a manner that minimizes impact on the stream system;
 - c. Trails shall have a maximum trail corridor width of five feet; and
 - d. Trails should be located within the outer 25 percent of the buffer, i.e., that portion of the buffer that is farther away from the stream and located to avoid removal of significant trees; or
- 4. **Footbridges.** Construction of footbridges that minimize the impact to the stream system; or
- 5. **Informational Signs.** Construction and placement of informational signs or educational demonstration facilities limited to no more than one square yard surface area and four feet high, provided there is no permanent infringement on stream flow; or
- 6. **Stormwater Management Facilities.** Establishment of low-impact stormwater management facilities, such as stormwater dispersion outfalls and bioswales, may be allowed within stream buffers consistent with the adopted stormwater manual; provided, that:
 - a. No other location is feasible;

- b. Pipes and conveyance facilities only in the outer 25 percent of the standard buffer area as set forth in Table 20.80.280(1);
- c. Stormwater dispersion outfalls, bioswales, bioretention facilities, and other low-impact facilities consistent with the adopted stormwater manual may be allowed anywhere within stream buffers when determined by a qualified professional that the location of the facility will enhance the buffer area and protect the stream; and
- d. Such facilities are designed consistent with the requirements of SMC 20.70.330.

7. Development Proposals within Physically Separated and Functionally Isolated Stream Buffers.

Consistent with the definition of “buffers” (SMC 20.20.012), areas that are functionally isolated and physically separated from stream due to existing, legally established roadways and railroads or other legally established structures or paved areas eight feet or more in width that occur between the area in question and the stream shall be considered physically isolated and functionally separated stream buffers. Once determined by the Director, based on a submitted critical area report to be a physically separated and functionally isolated stream buffer, development proposals shall be allowed in these areas. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 4(C), 2000).

20.80.290 Fish and wildlife habitat – Critical area report requirements.

A. Report Required. If the Director determines that the site of a proposed development includes, is likely to include, or is adjacent to a fish and wildlife habitat conservation area, a critical area report shall be required. Critical area report requirements for fish and wildlife habitat conservation areas are generally met through submission to the Director of one or more fish and wildlife habitat critical area reports. In addition to the general critical area report requirements of SMC 20.80.080, critical area reports for fish and wildlife habitat conservation areas must meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

B. Preparation by a Qualified Professional. Critical areas reports for a habitat conservation area shall be prepared and signed by a qualified professional who is a biologist, ecologist, or other scientist with the minimum required experience, per SMC 20.20.042, related to the specific type(s) of fish and wildlife habitats identified.

C. Third Party Review Required. Critical areas studies and reports on fish and wildlife habitat conservation areas shall be, at the applicant’s sole expense, subject to third party review, consistent with SMC 20.80.080(C) and in any of the additional following circumstances:

- 1. Mitigation is required for impacts to Type S, Type F, or Type Np streams and/or buffers; or
- 2. Mitigation is required for impacts to Type Ns streams.

D. Minimum Report Contents for Fish and Wildlife Habitat Conservation Areas. The critical area written report(s) and accompanying plan sheet(s) shall contain the following information at a minimum:

- 1. The minimum report contents required per SMC 20.80.080(E);
- 2. Documentation of any fieldwork performed on the site, including field data sheets for delineations, water typing and other habitat conservation area classification, baseline hydrologic data, site photos, etc.;
- 3. A description of the methodologies used to conduct the delineations, classifications, or impact analyses, including reference;
- 4. **Site Plans.** A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
 - a. Maps (to scale) depicting delineated and surveyed fish and wildlife habitat conservation areas and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; clearing and grading limits; areas of proposed impacts to fish and wildlife habitat conservation areas and/or buffers (include square footage estimates); and

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the fish and wildlife habitat conservation areas associated with anticipated hydroperiod alterations from the project;

5. **Habitat Assessment.** A habitat assessment is an investigation of the project area to evaluate the potential presence or absence of designated critical fish or wildlife species or habitat. A critical area report for a fish and wildlife habitat conservation area shall contain an assessment of habitats including the following site- and proposal-related information at a minimum:

- a. Detailed description of vegetation on and adjacent to the project area and its associated buffer;
- b. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;
- c. A discussion of any Federal, State, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
- d. A detailed discussion of the direct and indirect potential impacts on habitat by the project, including potential impacts to water quality;
- e. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity and to be conducted in accordance with SMC 20.80.053;
- f. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs; and

6. **Additional Technical Information Requirements for Streams.** Critical area reports for streams must be consistent with the specific development standards for streams in SMC 20.80.276 and 20.80.280 and may be met through submission of one or more specific report types. If stream buffer enhancement is proposed to average stream buffer width, a stream buffer enhancement plan must be submitted in addition to other critical area report requirements of this section. If no project impacts are anticipated and standard stream buffer widths are retained, a stream delineation report, general critical areas report or other reports, alone or in combination, may be submitted as consistent with the specific requirements of this section. In addition to the basic critical area report requirements for fish and wildlife habitat conservation areas provided in subsections A through C of this section, technical information on streams shall include the following information at a minimum:

- a. A written assessment and accompanying maps of the stream and associated hydrologic features on and off site within 200 feet of the project area, including the following information at a minimum:
 - i. Stream survey showing the field delineated ordinary high water mark(s);
 - ii. Standard stream buffer boundary;
 - iii. Boundary for proposed stream buffers averaging, if applicable;
 - iv. Vegetative, faunal, and hydrologic characteristics;
 - v. Soil and substrate conditions; and
 - vi. Topographic elevations, at two-foot contours;
- b. A detailed description and functional assessment of the stream buffer under existing conditions pertaining to the protection of stream functions, fish habitat and, in particular, potential anadromous fisheries;

- c. A habitat and native vegetation conservation strategy that addresses methods to protect and enhance on-site habitat and stream functions;
- d. Proposed buffer enhancement, if needed, including a written assessment and accompanying maps and planting plans for buffer areas to be enhanced, including the following information at a minimum:
 - i. A description of existing buffer conditions;
 - ii. A description of proposed buffer conditions and how proposed conditions will increase buffer functions in terms of stream and fish habitat protection;
 - iii. Performance standards for measuring enhancement success through a monitoring period of at least five years; and
 - iv. Provisions for monitoring and submission of monitoring reports documenting buffer conditions, as compared to performance standards, for enhancement success;
- e. A discussion of ongoing management practices that will protect stream functions and habitat value through maintenance of vegetation density within the stream buffer.

E. Additional Information. When appropriate due to the type of habitat or species present or the project area conditions, the Director may also require the critical area report to include:

1. Where impacts are proposed, mitigation plans consistent with the requirements of SMC 20.80.082 and the fish and wildlife habitat mitigation performance standards and requirements of SMC 20.80.300;
2. Third party review to include any recommendations as appropriate by a qualified professional, under contract with or employed by the City, may be required at the applicant's expense of the critical area report analysis and the effectiveness of any proposed mitigating measures or programs;
3. A request for consultation with the Washington State Department of Fish and Wildlife (DFW), Washington Department of Ecology (Ecology), local Native American Indian tribes or other appropriate agency;
4. Copies of the joint aquatic resource permit application (JARPA) and related approvals, such as a hydraulic project approval (HPA) from the DFW, when applicable to the project; and
5. Detailed surface and subsurface hydrologic features both on and adjacent to the site. (Ord. 723 § 1 (Exh. A), 2015).

20.80.300 Fish and wildlife habitat – Mitigation performance standards and requirements.

A. Requirements for Mitigation. Where impacts cannot be avoided, and the applicant has exhausted all feasible design alternatives, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. Mitigation provisions shall be applied through the critical area reasonable use or critical area special use provisions in SMC 20.30.333 and 20.30.336, or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II, where the proposed development activity is located within the shoreline jurisdiction, unless mitigated alterations are specifically allowed by the provisions of this subchapter. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in this section.

B. Additional Requirements for Stream Mitigation. Significant adverse impacts to stream area functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence: avoidance, minimization, restoration and replacement. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

1. All feasible and reasonable measures will be taken to reduce impacts and losses to the stream, or to avoid impacts where avoidance is required by these regulations;

2. The restored, created or enhanced stream area or buffer will be available and persistent as the stream or buffer area it replaces; and
3. No overall net loss will occur in stream functions and values.

C. **Compensating for Lost or Impacted Functions.** Mitigation of alterations to fish and wildlife habitat shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site on a per function basis. Mitigation shall be located on site except when demonstrated that a higher level of ecological functioning would result from an off-site location. A mitigation plan may include the following:

1. Native vegetation planting plan;
2. Retention, enhancement or restoration plan of specific habitat features;
3. Plans for control of nonnative invasive plant or wildlife species; and
4. Stipulations for use of innovative, sustainable building practices.

D. **Preference of Mitigation Actions.** Methods to achieve compensation for fish and wildlife habitat functions and values shall be approached in the following order of preference:

1. **Protection.** Mitigation measures that increase the protection of the identified fish and wildlife habitat conservation areas may include but are not limited to:
 - a. Increased or enhanced buffers;
 - b. Setbacks for permanent and temporary structures;
 - c. Reduced project scope;
 - d. Limitations on construction hours;
 - e. Limitations on hours of operation; and/or
 - f. Relocation of access;
2. **Restoration.** Restoration of degraded habitat.
3. **Creation.** Creation (establishment) of wildlife habitat on disturbed upland sites such as those with vegetative cover consisting primarily of nonnative species. This should be attempted only when the site conditions are conducive to the habitat type that is anticipated in the design.
4. **Enhancement.** Enhancement of significantly degraded habitat in combination with restoration or creation. Enhancement alone will result in a loss of habitat acreage and is less effective at replacing the functions lost. Enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
5. **Preservation.** Preservation of high-quality, at-risk fish and wildlife habitat as compensation is generally acceptable when done in combination with restoration, creation, or enhancement; provided, that a minimum of 1:1 acreage replacement is provided by reestablishment or creation. Preservation of high-quality, at-risk fish and wildlife habitat may be considered as the sole means of compensation for habitat impacts when the following criteria are met:
 - a. Habitat impacts will not have a significant adverse impact on habitat for listed fish, or other ESA-listed species;
 - b. There is no net loss of habitat functions and values within the watershed or basin;

- c. The impact area is small (generally less than one-half acre) and/or impacts are occurring to a low-functioning system; and
- d. All preservation sites shall include buffer areas adequate to protect the habitat and its functions and values from encroachment and degradation.

E. Location and Timing of Stream Mitigation.

- 1. Mitigation shall be provided on site, unless on-site mitigation is not scientifically feasible due to the physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on site.
- 2. When mitigation cannot be provided on site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant, such as an easement, provided such mitigation is beneficial to the fish and wildlife habitat conservation area and associated resources. It is the responsibility of the applicant to obtain title to off-site mitigation areas. Mitigation may be considered on City-owned property, or on similar publicly owned property for which title is not available, through a City mitigation program if programmatic mitigation areas have been identified by the City.
- 3. In-kind mitigation shall be provided, except when the applicant demonstrates and the City concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.
- 4. Only when it is determined by the City that subsections (B)(1), (2), and (3) of this section are inappropriate and impractical shall off-site, out-of-kind mitigation be considered.
- 5. When stream mitigation is permitted by these regulations on site or off site, the mitigation project shall occur near an adequate water supply (stream, ground water) with a hydrologic connection to the mitigation area to ensure successful development or restoration.
- 6. Any agreed-upon mitigation proposal shall be completed prior to project construction, unless a phased schedule that assures completion concurrent with project construction has been approved by the City.
- 7. Restored or created streams, where permitted by these regulations, shall be an equivalent or higher stream value or function than the altered stream.

F. Performance Standards. The following mitigation measures shall be reflected in fish and wildlife habitat conservation area mitigation planning:

- 1. The maintenance and protection of habitat functions and values shall be considered a priority in site planning and design;
- 2. Buildings and structures shall be located in a manner that preserves and minimizes adverse impacts to important habitat areas. This may include clustering buildings and locating fences outside of habitat areas;
- 3. Retained habitat shall be integrated into open space and landscaping;
- 4. Where possible, habitat and vegetated open space shall be consolidated in contiguous blocks;
- 5. Habitat shall be located contiguous to other habitat areas, open space, or landscaped areas, both on and off site, to contribute to a continuous system or corridor that provides connections to adjacent habitat areas;
- 6. When planting is required, the following standards shall apply:
 - a. Native species, indigenous to the region, shall be used in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers;
 - b. Plant selection shall be consistent with the existing or projected site conditions, including slope aspect, moisture, and shading;

- c. Plants should be commercially available or available from local sources;
 - d. Plant species high in food and cover value for fish and wildlife shall be used;
 - e. Mostly perennial species should be planted;
 - f. Committing significant areas of the site to species that have questionable potential for successful establishment shall be avoided;
 - g. Plant selection, densities, and placement of plants must be determined by a qualified professional and shown on the design plans;
 - h. Stockpiling soil and construction materials should be confined to upland areas and contract specifications should limit stockpiling of earthen materials to durations in accordance with City clearing and grading standards, unless otherwise approved by the City;
 - i. Planting instructions shall be submitted which describe placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
 - j. Controlled release fertilizer shall be applied (if required) at the time of planting and afterward only as plant conditions warrant as determined during the monitoring process;
 - k. An irrigation system shall be installed, if necessary, for the initial establishment period;
 - l. The heterogeneity and structural diversity of vegetation shall be emphasized in landscaping; and
 - m. Significant trees shall be preserved;
7. All construction specifications and methods shall be approved by a qualified professional and the City; and
8. Construction management shall be provided by a qualified professional. Ongoing work on site shall be inspected by the City.

G. Mitigation Plan. Mitigation plans shall be submitted as part of the required critical area report consistent with the requirements of SMC 20.80.080, 20.80.082, and 20.80.290 and this section. When revegetation is required as part of the mitigation, then the mitigation plan shall meet the standards of SMC 20.80.350(H), excluding those standards that are wetland specific.

H. Monitoring Program and Contingency Plan. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met. The monitoring program will be established consistent with the guidelines contained in SMC 20.80.082(D). (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 4(E), 2000).

Subchapter 4.

Wetlands

20.80.310 Wetlands – Purpose.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bioswales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created

as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

B. Wetlands help to maintain water quality; store and convey stormwater and floodwater; recharge ground water; provide important fish and wildlife habitat; and serve as areas for recreation, education, scientific study and aesthetic appreciation.

C. The City's overall goal shall be to achieve no net loss of wetlands. This goal shall be implemented through retention of the function, value and acreage of wetlands within the City. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

D. The primary purpose of the wetland regulations is to avoid detrimental wetland impacts and achieve a goal of no net loss of wetland function, value and acreage; and where possible enhance and restore wetlands. (Ord. 723 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(A), 2000).

20.80.320 Wetlands – Designation and rating.

A. **Designation.** All areas meeting the definition of a wetland and identification criteria as wetlands pursuant to SMC 20.80.322, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this chapter.

B. **Rating.** All wetlands shall be rated by a qualified professional according to the current Washington State Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Western Washington 2014 (Ecology Publication No. 014-06-029, or as revised). Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the City, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities.

1. **Category I.** Category I wetlands are those that represent unique or rare wetland types, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime, or provide a high level of functions. The following types of wetlands are Category I:

- a. Relatively undisturbed estuarine wetlands larger than one acre;
- b. Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
- c. Bogs;
- d. Mature and old-growth forested wetlands larger than one acre;
- e. Wetlands in coastal lagoons; and
- f. Wetlands that perform many functions well (scoring 23 points or more based on functions).

2. **Category II.** Category II wetlands are those that are difficult, though not impossible, to replace and provide high levels of some functions. The following types of wetlands are Category II:

- a. Estuarine wetlands smaller than one acre, or disturbed estuarine wetlands larger than one acre;
- b. Interdunal wetlands larger than one acre or those found in a mosaic of wetlands; and
- c. Wetlands with a moderately high level of functions (scoring between 20 and 22 points).

3. **Category III.** Category III wetlands are those with a moderate level of functions, generally have been disturbed in some ways, can often be adequately replaced with a well-planned mitigation project, and are often

less diverse or more isolated from other natural resources in the landscape than Category II wetlands. The following types of wetlands are Category III:

- a. Wetlands with a moderate level of functions (scoring between 16 and 19 points); or
- b. Interdunal wetlands between 0.1 and one acre.

4. **Category IV.** Category IV wetlands are those with the lowest levels of functions (scoring below 16 points) and are often heavily disturbed. These are wetlands that should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and also need to be protected.

C. **Illegal Modifications.** Wetland rating categories shall not change due to illegal modifications or alterations. A wetland's category shall be based on the pre-modification/alteration analysis of the wetland.

D. At the time of adoption of the updated critical areas regulations, Ordinance 723, there were no identified Category I wetlands identified within the City of Shoreline. If this category of wetland is subsequently identified, any applicable standards may be added or modified by the Director based on Washington State guidance on protection of the identified type of resource where the adopted regulations do not address the specified type of wetland. (Ord. 723 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

20.80.322 Wetlands – Mapping and delineation.

A. **Mapping.** The approximate location and extent of wetlands are shown in the wetland data layer maintained in the City of Shoreline geographic information system (GIS). In addition, the following maps and inventories are hereby adopted by reference as amended:

1. City of Shoreline, Basin Characterization Reports and Stream and Wetland Inventory and Assessment, Tetra Tech (May 2004);
2. City of Shoreline stormwater basin plans as completed and updated;
3. Soils maps produced by the U.S. Department of Agriculture, National Resources Conservation Service; and
4. The National Wetlands Inventory, produced by the U.S. Fish and Wildlife Service.

B. **Reference Only.** The inventories and cited resources are to be used as a guide for the City of Shoreline, project applicants, and/or property owners, and may be continuously updated as new wetlands are identified or critical area reports are submitted for known wetlands. They are a reference and do not provide a final critical area designation.

C. **Identification and Delineation.** Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved Federal wetland delineation manual and applicable regional supplements per WAC 173-22-035. The exact location of a wetland's boundary shall be determined through the performance of a field investigation by a qualified professional. Wetland delineations are valid for five years; after such date the Director shall determine whether a revision or additional assessment is necessary.

D. **Pre-assessment.** To facilitate long-range planning using a landscape approach, the Director may identify and pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Director will prepare maps of wetlands that have been pre-assessed in this manner. (Ord. 723 § 1 (Exh. A), 2015).

20.80.324 Wetlands – Development standards.

A. Activities and uses shall be prohibited in wetlands and wetland buffers, except as provided for in this chapter.

B. **Activities Allowed in Wetlands.** The activities listed below are allowed in wetlands. Exemptions are listed in the provisions established in SMC 20.80.030 and additional allowed activities in 20.80.040, but do not apply within

the shoreline jurisdiction. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
2. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
3. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
4. Enhancement of a wetland through the select removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand labor and handheld equipment unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. Not more than 500 square feet of area may be cleared, as calculated cumulatively over one year, on private property without a permit. All removed plant material shall be taken away from the site and disposed of appropriately. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds or the King County Noxious Weed List must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
5. Permitted alteration to a legally constructed structure existing within a wetland or wetland buffer that does not increase the footprint of the development or hardscape or increase the impact to a wetland or wetland buffer.

C. **Category I Wetlands.** Development activities and uses that result in alteration of Category I wetlands and their associated buffers shall be prohibited subject to the reasonable use provisions and special use provisions of SMC 20.30.333 and 20.30.336, unless otherwise allowed by the exemptions or allowed activities provisions of this chapter, or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II, where the proposed development activity is located within the shoreline jurisdiction.

D. **Category II and III Wetlands.** Development activities and uses that result in alteration of Category II and III wetlands are prohibited, unless the applicant can demonstrate that:

1. The basic project proposed cannot reasonably be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact on a wetland;
2. All on-site alternative designs that would avoid or result in less adverse impact on a wetland or its buffer, such as a reduction to the size, scope, configuration, or density of the project are not feasible; and
3. Full compensation for the loss of acreage and functions and values of wetland and buffers due to unavoidable impacts shall be provided in compliance with the mitigation performance standards and requirements of this chapter.

E. **Category IV Wetlands, Except Small Hydrologically Isolated Wetlands.** Development activities and uses that result in unavoidable impacts may be permitted in Category IV wetlands and associated buffers in accordance with an approved critical area(s) report and compensatory mitigation plan, and only if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full compensation for the loss of acreage and functions and values of wetland and buffers shall be provided in compliance with the mitigation performance standards and requirements of these regulations.

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

1. The wetland is less than 1,000 square feet in area;
2. The wetland is a low quality Category IV wetland with a habitat score of less than three points in the adopted rating system;
3. The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance which are regulated as fish and wildlife habitat conservation areas in Chapter 20.80, Subchapter 3;
4. The wetland is not associated with riparian areas or buffers;
5. The wetland is not part of a wetland mosaic; and
6. A mitigation plan to replace lost wetland functions and values is developed, approved, and implemented consistent with SMC 20.80.350.

G. **Subdivisions.** The subdivision and/or short subdivision of land in wetlands and associated buffers are subject to the following:

1. Land that is located wholly within a wetland and/or its buffer may not be subdivided; and
2. Land that is located partially within a wetland and/or its buffer may be subdivided; provided, that an accessible and contiguous portion of each new lot is:
 - a. Located outside of the wetland and its buffer; and
 - b. Meets the minimum lot size requirements of SMC 20.50.020. (Ord. 723 § 1 (Exh. A), 2015).

20.80.330 Wetlands – Required buffer areas.

A. **Buffer Requirements.** The standard buffer widths in Table 20.80.330(A)(1) have been established in accordance with the best available science. The buffer widths shall be determined based on the category of wetland and the habitat score as assigned by a qualified wetland professional using the Washington State Wetland Rating System for Western Washington.

1. The use of the standard buffer widths requires the implementation of the mitigation measures in Table 20.80.330(A)(2), where applicable to the development type, to minimize the impacts of the adjacent land uses.
2. If an applicant chooses not to apply the appropriate mitigation measures in Table 20.80.330(A)(2), then a 33 percent increase in the width of all buffers is required. For example, a 75-foot buffer with the mitigation measures would be a 100-foot buffer without them.
3. The standard buffer widths assume that the buffer is a relatively intact native plant community in the buffer zone adequate to protect the wetland functions and values at the time of the proposed activity. If the existing buffer is bare ground, sparsely vegetated, or vegetated with nonnative or invasive species that do not perform needed functions, then the applicant must either develop and implement a wetland buffer restoration or enhancement plan to maintain the standard width to create the appropriate plant community or the buffer must be widened to ensure that adequate functions of the buffer are provided.

Table 20.80.330(A)(1) Wetland Buffer Requirements

Wetland Category	Buffer Width According to Habitat Score
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	Habitat Score of 3 – 4	Habitat Score of 5	Habitat Score of 6 – 7	Habitat Score of 8 – 9
Category I: Based on total score or Forested	75 ft	105 ft	165 ft	225 ft
Category I: Estuarine	150 ft (no change based on habitat scores)			
Category II: Based on total score	75 ft	105 ft	165 ft	225 ft
Category III (all)	60 ft	105 ft	165 ft	225 ft
Category IV (all)	40 ft (no change based on habitat scores)			

**Table 20.80.330(A)(2) Required Measures to Minimize Impacts to Wetlands
(Measures are required, where applicable to a specific proposal)**

Disturbance	Activities and Uses That Cause Disturbances	Required Measures to Minimize Impacts
Lights	<ul style="list-style-type: none"> • Parking lots • Warehouses • Manufacturing • Residential 	<ul style="list-style-type: none"> • Direct lights away from wetland.
Noise	<ul style="list-style-type: none"> • Manufacturing • Residential 	<ul style="list-style-type: none"> • Locate activity that generates noise away from wetland. • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. • For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10 ft heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff*	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Application of agricultural pesticides • Landscaping 	<ul style="list-style-type: none"> • Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered. • Establish covenants limiting use of pesticides and fertilizers within 150 ft of wetland. • Apply integrated pest management.
Stormwater runoff	<ul style="list-style-type: none"> • Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping 	<ul style="list-style-type: none"> • Retrofit stormwater detention and treatment for roads and existing adjacent development. • Prevent channelized flow from lawns that directly enters the buffer. • Use low intensity development techniques (per PSAT publication on LID techniques).
Change in water regime	<ul style="list-style-type: none"> • Impermeable surfaces • Lawns • Tilling 	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	<ul style="list-style-type: none"> • Residential areas 	<ul style="list-style-type: none"> • Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. • Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	<ul style="list-style-type: none"> • Tilled fields 	<ul style="list-style-type: none"> • Use best management practices to control dust.
Disruption of corridors or connections		<ul style="list-style-type: none"> • Maintain connections to off-site areas that are undisturbed. • Restore corridors.
<p>* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site. Additional mitigation measures may be required based on recommendation of a qualified professional, third party review, or State agency recommendations.</p>		

4. **Increased Wetland Buffer Area Width.** Buffer widths shall be increased, on a case-by-case basis as determined by the Director, when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by a critical area report, prepared by a qualified professional at the applicant's expense, showing that it is reasonably related to protection of the functions and values of the wetland. The critical area report must include, but not be limited to, the following criteria:

- a. The wetland is used by a plant or animal species listed by the Federal government or the State as endangered, threatened, candidate, sensitive, monitored, or documented priority species or habitats, or the wetland is essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- b. The adjacent land has slopes greater than 15 percent and is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- c. The adjacent land has minimal vegetative cover. In lieu of increasing the buffer width where existing buffer vegetation is inadequate to protect the wetland functions and values, development and implementation of a wetland buffer restoration/enhancement plan in accordance with SMC 20.80.350 may be substituted.

5. Buffer averaging to improve wetland protection may be permitted when all of the following conditions are met:

- a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or is a "dual-rated" wetland with a Category I area adjacent to a lower rated area;
- b. The buffer is increased adjacent to the higher functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion as demonstrated by a critical areas report from a qualified wetland professional;
- c. The total area of the buffer after averaging is equal to the area required without averaging; and
- d. The buffer at its narrowest point is never less than either three-fourths of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

6. Averaging, through a critical area reasonable use permit consistent with SMC 20.30.333 or critical area special use permit consistent with SMC 20.30.336 or a shoreline variance consistent with 20.220.040, may be permitted when all of the following are met:

- a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging;
- b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a critical areas report from a qualified wetland professional;
- c. The total buffer area after averaging is equal to the area required without averaging; and
- d. The buffer at its narrowest point is never less than either three-fourths of the required width or 75 feet for Category I and II, 50 feet for Category III, and 25 feet for Category IV, whichever is greater.

B. Measurement of Wetland Buffers. All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland.

C. Buffers on Mitigation Sites. All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. Buffers shall be based on the expected or target category of the proposed wetland mitigation site.

D. **Buffer Maintenance.** Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive nonnative weeds is required for the duration of the required monitoring period.

E. **Impacts to Buffers.** Requirements for the compensation for impacts to buffers are outlined in SMC 20.80.350.

F. **Overlapping Critical Area Buffers.** If buffers for two contiguous critical areas overlap (such as buffers for a stream and a wetland), the wider buffer applies.

G. **Allowed Wetland Buffer Uses.** The following uses may be allowed within a wetland buffer in accordance with the review procedures of this chapter; provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

1. **Conservation and Restoration Activities.** Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife.
2. **Passive Recreation.** Passive recreation facilities designed and in accordance with an approved critical area report, including:
 - a. Walkways and trails; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer 25 percent of the wetland buffer area, and located to avoid removal of significant trees. They should be limited to pervious surfaces no more than five feet in width for pedestrian use only. Raised boardwalks utilizing nontreated pilings may be acceptable; and/or
 - b. Wildlife viewing structures.
3. Educational and scientific research activities.
4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.
5. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops, and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
6. Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column is disturbed.
7. Enhancement of a wetland through the select removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand labor and handheld equipment unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. Not more than 1,500 square feet of area may be cleared, as calculated cumulatively over one year, on private property without a permit. All removed plant material shall be taken away from the site and disposed of appropriately. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds or the King County Noxious Weed List must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
8. **Stormwater Management Facilities.** Stormwater management facilities are limited to stormwater dispersion outfalls, bioswales, and other low-impact facilities consistent with the adopted stormwater manual. They may be allowed within the outer 25 percent of the buffer of Category III or IV wetlands only; provided, that:

- a. No other location is feasible;
- b. The location of such facilities will not degrade the functions or values of the wetland; and
- c. Stormwater management facilities are not allowed in buffers of Category I or II wetlands.

9. **Nonconforming Uses.** Repair and maintenance of nonconforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.

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

H. **Signs and Fencing of Wetlands and Buffers.**

1. **Temporary Markers.** The outer perimeter of the wetland buffer and the clearing limits identified by an approved permit or authorization shall be marked in the field with temporary “clearing limits” fencing in such a way as to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Director prior to the commencement of permitted activities during the preconstruction meeting required under SMC 20.50.330(E). This temporary marking and fencing shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. **Permanent Signs.** As a condition of any permit or authorization issued pursuant to this chapter, the Director may require the applicant to install permanent signs along the boundary of a wetland or buffer, when recommended in a critical area report or otherwise required by the provisions of this chapter.

a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post or another nontreated material of equal durability. Signs must be posted at an interval of one per lot or every 50 feet, whichever is less, and must be maintained by the property owner in perpetuity. The signs shall be worded consistent with the text specified in SMC 20.80.110 or with alternative language approved by the Director.

b. The provisions of subsection (H)(2)(a) of this section may be modified as necessary to assure protection of sensitive features.

3. **Fencing.** Fencing installed as part of a proposed activity or as required in this subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat. Permanent fencing shall be required at the outer edge of the critical area buffer under the following circumstances; provided, that the Director may waive this requirement:

a. As part of any development proposal for subdivisions, short plats, multifamily, mixed use, and commercial development where the Director determines that such fencing is necessary to protect the functions of the critical area; provided, that breaks in permanent fencing may be allowed for access to permitted buffer uses (subsection G of this section);

b. As part of development proposals for parks where the adjacent proposed use is active recreation and the Director determines that such fencing is necessary to protect the functions of the critical area;

c. When buffer averaging is part of a development proposal;

d. When buffer reductions are part of a development proposal; or

e. At the Director's discretion to protect the values and functions of a critical area as demonstrated in a critical area report. If found to be necessary, the Director shall condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence at the edge of the habitat conservation area or buffer, when fencing will prevent future impacts to the habitat conservation area;

f. The applicant shall be required to install a permanent fence around the wetland buffer when domestic grazing animals, only as allowed under SMC 20.40.240, are present or may be introduced on site. (Ord. 723 § 1 (Exh. A), 2015; Ord. 695 § 1 (Exh. A), 2014; Ord. 469 § 1, 2007; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(C), 2000).

20.80.340 Wetlands – Critical area report requirements.

A. **Report Required.** If the Director determines that the site of a proposed development includes, is likely to include, or is adjacent to, a wetland, a wetland critical area report shall be required. Critical area report requirements for wetland areas are generally met through submission to the Director of one or more wetland critical area reports. In addition to the general critical area report requirements of SMC 20.80.080, critical area reports for wetlands must meet the requirements of this section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

B. **Preparation by a Qualified Professional.** Critical area reports for wetlands shall be prepared and signed by a qualified professional who is a certified wetland scientist or a noncertified wetland scientist with the minimum required experience, per SMC 20.20.042, in the field of wetland science and with experience preparing wetland delineation, impact assessments, and mitigation plans.

C. **Third Party Review Required.** Critical areas studies and reports on wetland areas shall be subject to third party review consistent with SMC 20.80.080(C) and in any of the additional following circumstances:

1. Compensatory mitigation is required for impacts to Category I, II, or III wetlands and or buffers; or
2. Compensatory mitigation is required for impacts to Category IV wetlands.

D. **Minimum Report Contents for Wetlands.** The written critical area report(s) and accompanying plan sheet(s) shall contain the following information, at a minimum:

1. The minimum report contents required per SMC 20.80.080(E);
2. Documentation of any fieldwork performed on the site, including field data sheets for delineations, rating system forms, baseline hydrologic data, site photos, etc.;
3. A description of the methodologies used to conduct the wetland delineations, ratings, or impact analyses including references;
4. **Site Plans.** A copy of the site plan sheet(s) for the project must be included with the written report and must include, at a minimum:
 - a. Maps (to scale) depicting delineated and surveyed wetland(s) and required buffers on site, including buffers for off-site critical areas that extend onto the project site; the development proposal; other critical areas; clearing and grading limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates); and
 - b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project;
5. For each wetland identified on site and off site within 300 feet of the project site provide: the wetland rating, including a description of and score for each function, per wetland ratings (SMC 20.80.320(B)); required buffers (SMC 20.80.330); hydrogeomorphic classification; wetland acreage based on a professional

survey from the field delineation (acres for on-site portion and entire wetland area including off-site portions); Cowardin classification of vegetation communities; habitat elements; soil conditions based on site assessment and/or soil survey information; and to the extent possible, hydrologic information such as location and condition of inlet/outlets (if they can be legally accessed), estimated water depths within the wetland, and estimated hydroperiod patterns based on visual cues (e.g., algal mats, drift lines, flood debris, etc.). Provide acreage estimates, classifications, and ratings based on entire wetland complexes, not only the portion present on the proposed project site;

6. A description of the proposed actions, including an estimation of acres of impacts to wetlands and buffers based on the field delineation and survey and an analysis of site development alternatives, including a no-development alternative;
7. An assessment of the probable cumulative impacts to the wetlands and buffers resulting from the proposed development;
8. A description of reasonable efforts made to apply mitigation sequencing pursuant to SMC 20.80.053(A) to avoid, minimize, and mitigate impacts to critical areas and a discussion of measures, including avoidance, minimization, and compensation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land-use activity;
9. A conservation strategy for habitat and native vegetation that addresses methods to protect and enhance on-site habitat and wetland functions; and
10. An evaluation of the functions of the wetland and adjacent buffer. Include reference for the method used and data sheets.

E. **Additional Information.** When appropriate due to the proposed impacts or the project area conditions, the Director may also require the critical area report to include:

1. Where impacts are proposed, mitigation plans consistent with the requirements of SMC 20.80.082 and the wetland mitigation performance standards and requirements of SMC 20.80.350;
2. A request for consultation with the Washington State Department of Fish and Wildlife (DFW), Washington State Department of Ecology (Ecology), local Native American Indian tribes, and/or other appropriate agency;
3. Copies of the joint aquatic resource permit application (JARPA) and related approvals, such as a hydraulic project approval (HPA) from the DFW, when applicable to the project; and
4. Detailed surface and subsurface hydrologic features both on and adjacent to the site. (Ord. 723 § 1 (Exh. A), 2015).

20.80.350 Wetlands – Compensatory mitigation performance standards and requirements.

A. Requirements for Compensatory Mitigation.

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1), (Ecology Publication No. 06-06-011b, March 2006, or as revised).
2. Mitigation ratios shall be consistent with subsection E of this section.
3. Mitigation requirements may also be determined using the credit/debit tool described in “Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Operational Draft” (Ecology Publication No. 10-06-011, February 2011, or as revised) consistent with subsection E of this section.

B. Compensating for Lost or Impacted Functions. Compensatory mitigation shall address the functions and values affected by the proposed project, with an intention to achieve functional equivalency or improvement of

functions and values. The goal shall be for the compensatory mitigation to provide similar wetland functions and values as those lost, except when either:

1. The lost wetland provides minimal functions and values, and the proposed compensatory mitigation action(s) will provide equal or greater functions and values or will provide functions and values shown to be limiting within a watershed through a formal Washington State watershed assessment plan or protocol; or
2. Out-of-kind replacement of wetland type or functions and values will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.

C. **Preference of Mitigation Actions.** Methods to achieve compensation for wetland functions and values shall be approached in the following order of preference:

1. **Restoration.** Restoration of wetlands.
2. **Creation.** Creation (establishment) of wetlands on disturbed upland sites, such as those with vegetative cover consisting primarily of nonnative species. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.
3. **Enhancement.** Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions and values lost. Enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.
4. **Preservation.** Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement; provided, that a minimum of 1:1 acreage replacement is provided by reestablishment or creation. Preservation of high-quality, at-risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:
 - a. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA-listed species;
 - b. There is no net loss of habitat functions within the watershed or basin;
 - c. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost;
 - d. The impact area is small (generally less than one-half acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland); and
 - e. All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

D. **Type and Location of Compensatory Mitigation.** Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be either in kind and on site, or in kind and within the same stream reach, sub-basin, or drift cell (if estuarine wetlands are impacted). Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration, except when all of the following apply:

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include:
 - a. Anticipated replacement ratios for wetland mitigation;

- b. Buffer conditions and proposed widths;
 - c. Available water to maintain anticipated hydrogeomorphic classes of wetlands when restored; and
 - d. Proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland;
 3. Off-site locations shall be in the same sub-drainage basin, unless watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; and
 4. The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing, seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

E. Wetland Mitigation Ratios¹.

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

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

¹ Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a or 1b, Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance – Version 1 (Ecology Publication No. 06-06-01 1a, March 2006, or as revised).

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

F. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

G. Mitigation Performance Standards. The performance standards in this section shall be incorporated into mitigation plans submitted to the City for impacts to wetlands. The following performance standards shall apply to any mitigations proposed within Category I, II, III and IV wetlands and their buffers. Modifications to these

performance standards consistent with the guidance in Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication No. 06-06-011b, March 2006, or as revised) may be considered for approval by the Director as alternatives to the following standards:

1. Plants indigenous to the region (not introduced or foreign species) shall be used.
2. Plant selection shall be consistent with the existing or projected hydrologic regime, including base water levels and stormwater event fluctuations.
3. Plants should be commercially available or available from local sources.
4. Plant species high in food and cover value for fish and wildlife shall be used.
5. Mostly perennial species should be planted.
6. Committing significant areas of the site to species that have questionable potential for successful establishment shall be avoided.
7. Plant selection must be approved by a qualified professional.
8. The following standards shall apply to wetland design and construction:
 - a. Water depth shall not exceed six and one-half feet (two meters).
 - b. The grade or slope that water flows through the wetland shall not exceed six percent.
 - c. Slopes within the wetland basin and the buffer zone shall not be steeper than 3:1 (horizontal to vertical).
 - d. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark.
9. Substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals or solid/hazardous wastes) inorganic/organic materials.
10. Planting densities and placement of plants should be determined by a qualified professional and shown on the design plans.
11. The planting plan shall be approved by the City.
12. Stockpiling soil and construction materials should be confined to upland areas and contract specifications should limit stockpiling of earthen materials to durations in accordance with City clearing and grading standards, unless otherwise approved by the City.
13. Planting instructions shall be submitted which describe placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock.
14. Controlled release fertilizer shall be applied (if required) at the time of planting and afterward only as plant conditions warrant as determined during the monitoring process.
15. An irrigation system shall be installed, if necessary, for the initial establishment period.
16. All construction specifications and methods shall be approved by a qualified professional and the City.
17. Construction management shall be provided by a qualified professional. Ongoing work on site shall be inspected by the City.

H. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan must be included as part of the required critical area report. Compensatory wetland mitigation plans

must meet the minimum requirements SMC 20.80.082 and demonstrate compliance with SMC 20.80.053. Full guidance can be found in Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication No. 06-06-011b, March 2006, or as revised). The mitigation plan must meet the following additional standards:

1. Description of the existing wetland and buffer areas proposed to be impacted. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding land uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on wetland ratings (SMC 20.80.320(B));
2. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. Estimate future conditions in this location if the compensation actions are not undertaken (i.e., how would this site progress through natural succession);
3. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the targeted functions, hydrogeomorphic classification, and categories of wetlands;
4. A description of the proposed mitigation construction activities, construction/installation notes, and timing of activities;
5. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands);
6. Proof of establishment of notice on title for the wetlands and buffers on the project site, including the compensatory mitigation areas; and
7. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:
 - a. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions;
 - b. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be impacted and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation;
 - c. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions;
 - d. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes;
 - e. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this chapter;
 - f. A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, typical plant installation details and notes, total number of each species by community type, timing of installation; and

g. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring plan, contingency plan, and maintenance schedule, and actions. Standards for success shall be established based on the performance standards identified and the functions and values being mitigated based on the guidance in Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans (Version 1) (Ecology Publication No. 06-06-011b, March 2006, or as revised). (Ord. 789 § 1 (Exh. A), 2018; Ord. 723 § 1 (Exh. A), 2015; Ord. 581 § 1 (Exh. 1), 2010; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(E), 2000).

Subchapter 5.

Flood Hazard Areas

20.80.360 Flood hazard – Description and purpose.

A. A flood hazard area consists of the special flood hazard areas and protected areas as defined in Chapter 13.12 SMC, which comprise the regulatory floodplain.

B. It is the purpose of these regulations to ensure that the City of Shoreline meets the requirements of the National Flood Insurance Program and maintains the City as an eligible community for Federal flood insurance benefits. (Ord. 723 § 1 (Exh. A), 2015; Ord. 641 § 5 (Exh. A), 2012; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 6(A), 2000).

20.80.370 Flood hazard – Designation and classification.

Flood hazard areas shall be designated and classified pursuant to the requirements of the floodplain management regulations, Chapter 13.12 SMC, which include, at a minimum, all lands identified on the 100-year floodplain designations of the current Federal Emergency Management Agency (FEMA) flood insurance rate map for King County as identified in SMC 13.12.300. (Ord. 723 § 1 (Exh. A), 2015; Ord. 641 § 5 (Exh. A), 2012; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 6(B), 2000).

20.80.380 Flood hazard – Development limitations.

All development within designated flood hazard areas shall comply with Chapter 13.12 SMC, Floodplain Management, as now or hereafter amended, and is not subject to the regulations of this chapter. (Ord. 723 § 1 (Exh. A), 2015; Ord. 641 § 5 (Exh. A), 2012; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 6(C), 2000).

20.80.390 Zero-rise floodway – Development standards and permitted alterations.

Repealed by Ord. 641. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 6(D), 2000).

20.80.400 FEMA floodway – Development standards and permitted alterations.

Repealed by Ord. 641. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 6(E), 2000).

20.80.410 Flood hazard areas – Certification by engineer or surveyor.

Repealed by Ord. 641. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 6(F), 2000).

Subchapter 6.

Aquifer Recharge Areas

20.80.420 Aquifer recharge – Description and purpose.

A. Aquifer recharge areas provide a source of potable water and contribute to stream discharge during periods of low flow. Urban-type pollutants may enter watercourse supplies through potential infiltration of pollutants through the soil to ground water aquifers.

B. The primary purpose of aquifer recharge area regulations is to protect aquifer recharge areas by providing for regulation of land use activities that pose a risk of potential aquifer contamination and to minimize impacts through the application of strict performance standards. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 7(A), 2000).

20.80.430 Aquifer recharge – Designation and classification.

A. Aquifer recharge areas shall be designated and classified based on the soil and ground water conditions and risks to surface water during periods of low hydrology. Classification depends on the combined effects of hydrogeological susceptibility to contamination and contaminant loading potential, and includes upland areas underlain by soils consisting largely of silt, clay or glacial till, upland areas underlain by soils consisting largely of sand and gravel, and wellhead protection areas and areas underlain by soils consisting largely of sand and gravel in which there is a predominantly downward or lateral component to ground water flow.

B. At the time of adoption of the updated critical areas regulations, Ordinance 723, there were no identified critical aquifer recharge areas within the City of Shoreline. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 7(B), 2000).

20.80.440 Aquifer recharge – Alteration.

The following land uses and activities shall require implementation of best management practices (BMPs) as established by the Department of Ecology:

A. Land uses and activities that involve the use, storage, transport or disposal of significant quantities of chemicals, substances or materials that are toxic, dangerous or hazardous, as those terms are defined by State and Federal regulations.

B. On-site community sewage disposal systems.

C. Underground storage of chemicals.

D. Petroleum pipelines.

E. Solid waste landfills.

F. Stormwater management, including infiltration, and ground water recharge. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 7(C), 2000).

20.80.450 Aquifer recharge – Performance standards and requirements.

Any uses or activities located in an aquifer recharge area, as defined within this subchapter, that involve the use, storage, transport or disposal of significant quantities of chemicals, substances, or materials that are toxic, dangerous or hazardous, as those terms are defined by State and Federal regulations, shall comply with the following additional standards:

A. Underground storage of chemicals, substances or materials that are toxic, hazardous or dangerous is discouraged.

B. Any chemicals, substances or materials that are toxic, hazardous or dangerous shall be segregated and stored in receptacles or containers that meet State and Federal standards.

C. Storage containers shall be located in a designated, secured area that is paved and able to contain leaks and spills, and shall be surrounded by a containment dike.

D. Secondary containment devices shall be constructed around storage areas to retard the spread of any spills and a monitoring system should be implemented.

E. A written operations plan shall be developed, including procedures for loading/unloading liquids and for training of employees in proper materials handling.

F. An emergency response/spill clean-up plan shall be prepared and employees properly trained to react to accidental spills.

G. Any aboveground storage tanks shall be located within a diked containment area on an impervious surface. The tanks shall include overfill protection systems and positive controls on outlets to prevent uncontrolled discharges.

- H. Development should be clustered and impervious surfaces limited where possible.
- I. No waste liquids or chemicals of any kind shall be discharged to storm sewers.
- J. All development shall implement best management practices (BMPs) for water quality, as approved by the City, including the standards contained within the adopted stormwater manual, such as biofiltration swales and use of oil-water separators, and BMPs appropriate to the particular use proposed. (Ord. 723 § 1 (Exh. A), 2015; Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 7(D), 2000).