

ORDINANCE NO. 963

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING SUBCHAPTER 5 OF SHORELINE MUNICIPAL CODE CHAPTER 20.50, REPRESENTING A COMPONENT OF GROUP C OF PART TWO OF THE 2021 DEVELOPMENT CODE BATCH AMENDMENTS IN RESPONSE TO A CITIZEN PROPOSAL FOR THE IMPOSITION OF PENALTIES AND FINANCIAL GUARANTEE REQUIREMENTS WITHIN THE CITY'S TREE REGULATIONS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, Shoreline Municipal Code (SMC) Title 20, sets forth the City's Unified Development Code; and

WHEREAS, the 2021 Development Code Amendments are being processed in multiple batches with the first batch adopted by Ordinance No. 930 on May 3, 2021; and

WHEREAS, the second batch of the 2021 Development Code Amendments are comprised of three (3) groups: Group A are general administrative corrections, procedural changes, clarifying language, and codification of administrative orders; Group B are amendments to the administration and procedural aspect of SEPA; and Group C are primarily privately-initiated amendments to the City's tree regulations; and

WHEREAS, on February 28, 2022 and March 7, 2022, the City Council discussed the proposed amendments, as recommended by the Planning Commission, and determined to consider proposed amendments to the tree regulations in isolation and, on March 21, 2022, the City Council further discussed the proposed amendments to the tree regulations; and

WHEREAS, on March 21, 2022, the City Council largely accepted, with amendments, the Planning Commission's recommendation with the adoption of Ordinance No. 955; however, the City Council rejected the Planning Commission's denial of a citizen-initiated proposed amendment to Chapter 20.50 SMC, Subchapter 5 that would impose penalties and financial guarantees beyond those currently set forth in Chapter 20.30 SMC, Subchapter 9 Code Enforcement, and further considered that proposed amendment the March 21, 2022, meeting; and

WHEREAS, on March 28, 2022, the City Council further discussed and modified the proposed amendment and waived Council Rule of Procedure 3.6 to take action on this Ordinance; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on September 30, 2021; and

WHEREAS, the City provided public notice of the proposed amendments and the Planning Commission public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation and has determined that the proposed amendments to Chapter 20.50 SMC, Subchapter 5 are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendments. Unified Development Code. Chapter 20.50, Subchapter 5 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Transmittal of Amendments to Washington State Department of Commerce. Pursuant to RCW 36.70A.106, the Director of Planning and Community Development, or designee, is directed to transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of the date of passage of this Ordinance.


Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

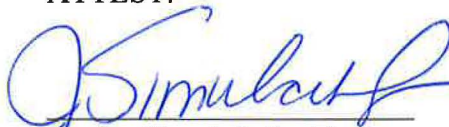
Section 5. Publication and Effective Dates. A summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

ORIGINAL


PASSED BY THE CITY COUNCIL ON MARCH 28, 2022


Keith Scully, Mayor

ATTEST:


Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:


Julie Ainsworth-Taylor
Assistant City Attorney
On behalf of Margaret King
City Attorney

Date of Publication: March 31, 2022
Effective Date: April 5, 2022

SMC 20.50.300 – General Requirements
Proposed Amendment to SMC 20.50.300 (H)

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

- a) A square footage cost of \$3.00 per square foot of trees and vegetation required for retention that are impacted; and
- b) A per tree penalty in the amount of \$9,000 per Significant tree and \$15,000 per tree 24” dbh and over for trees removed without appropriate permitting as required and/or in violation of the provisions of this subchapter.

6. Financial guarantee requirements. A financial guarantee, and associated performance agreements or maintenance/defect/monitoring agreements, shall be required for projects in the MUR-35’ and MUR-45’ zones when mitigation is required to address the unpermitted removal of significant trees and vegetation on a development site consistent with the following:

- a) A performance agreement and bond, or other acceptable financial guarantee, are required from the applicant when mitigation is required as a result of violating the provisions of this Subchapter if the mitigation 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 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 to correct a violation to trees and vegetation. 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 three 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.