

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

<b>AGENDA TITLE:</b>	Workshop on Official Docket of Proposed Amendments to the Development Code
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PREPARED BY:</b>	David Pyle, Planner
<b>PRESENTED BY:</b>	Rachael Markle, Assistant Planning Director and Kim Lehmborg Planner II

**SUMMARY**

Amendments to the Development Code are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

A summary of proposed amendments can be found in Tables I and II. The proposed amendment language is found in Exhibit I: Notebook of Proposed Amendments.

The purpose of this workshop is to:

- Briefly review the proposed Development Code Amendments, those docketed by the Director, and determine if any additional amendments need to be docketed
- Respond to questions regarding the proposed amendments
- Identify any additional information that may be necessary for the scheduled public hearing

**BACKGROUND / ANALYSIS**

To date, the City has received two formal applications from the public to amend the Development Code, these have been broken down into several specific amendments for tracking purposes. Staff has also submitted several amendment requests, both administrative and technical.

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code Section 20.30.100 states that "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the Development Code." Development Code amendments are accepted from the public at any time and there is no charge for their submittal.

All the proposed amendments included in Tables I and II (Attachments A and B, respectively), were considered for inclusion on the official docket. The Director has reviewed staff recommendations and docketed the amendments included on the official amendment list (see Table I, Attachment A ). Those proposed amendments that the director does not support and has chosen not to docket are included in Table II (Attachment B). The Planning Commission is being asked to review the proposed amendments and may choose to docket any additional proposals for consideration.

### **TIMING & SCHEDULE**

The following table is a chronology of the proposed Development Code amendment process for the current amendments.

<b>DATE</b>	<b>DESCRIPTION</b>
Ongoing	<ul style="list-style-type: none"><li>• Development Code amendments accepted by the Planning and Development Services. Department for consideration for docketing.</li></ul>
August & September 2005	<ul style="list-style-type: none"><li>• Staff worked to compile proposed amendments and edit proposed text.</li></ul>
September 2005	<ul style="list-style-type: none"><li>• Director review of proposed amendments and selection of proposed docket items.</li></ul>
October 20, 2005	<ul style="list-style-type: none"><li>• Planning Commission Workshop- introduction of proposed amendments.</li><li>• Planning Commission reviews amendments for possible additions to the docket.</li></ul>
November 2005	<ul style="list-style-type: none"><li>• SEPA Determination to be issued/advertised. Notify CTED of proposed changes and City Council Public Hearing NO LESS than 60 days prior to City Council Public Hearing.</li></ul>
TBD	<ul style="list-style-type: none"><li>• Proposed Amendments advertised in <u>Seattle Times</u> and <u>Shoreline Enterprise</u>.</li><li>• Written comment deadline minimum 14 day period advertised with notice. (Comment deadline must leave lead time to incorporate written comment into Planning Commission Public Hearing packet that is distributed no less than 7 days prior).</li></ul>
TBD	<ul style="list-style-type: none"><li>• Issue notice of public hearing 14 days prior to Planning Commission Public Hearing.</li></ul>
TBD	<ul style="list-style-type: none"><li>• Planning Commission Public Hearing on proposed amendments.</li><li>• Planning Commission deliberation and record recommendation to City Council on approval or denial of docketed amendments (unless further meetings are required).</li></ul>
TBD	<ul style="list-style-type: none"><li>• City Council consideration and decision on proposed amendments.</li></ul>

### **AMENDMENTS AND ISSUES**

Exhibit I includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~striketroughs~~ for proposed text deletions and underlines for proposed text additions. Note that there may be no proposed amendment language for several of the Log items. These are due to general proposals where no specific language was submitted. In some cases staff tried to interpret the intent of the comment or request and propose amending language. The following is a summary of the proposed amendments, with staff analysis.

#### **Docketed Amendments:**

These proposed amendments were reviewed and supported by a staff panel and are being supported and docketed by the Director:

**Amendment #D-1:** 20.50.100 This amendment is staff initiated and is the result of a change in building code and is important to achieve consistency between the Development Code and the International Codes adopted by the City. Currently, the City allows for the construction of up to one 120 sq. ft. structure (SMC 20.50.110(1) in the required side and rear yard setbacks as an exempt structure, while the International Residential Code IRC R105.2(1) allows for the construction of up to a 200 sq. ft. structure as an exempt structure (exempt of building code requirements). This change would allow for the placement of up to one 200 sq. ft. structure located in the required side and front yard setbacks without permit, as long as the structure meets the fire separation requirements of the building code.

**Amendment #D-2:** 20.20.048 This is a citizen initiated proposal to reduce the size requirement of a Landmark Tree from a minimum diameter at breast height of 30 inches to a diameter at breast height of 24 inches. Although this may lead to the request for designation of a tree that has not yet reached the maturity in its life cycle to be considered a Landmark Tree, the tree must be evaluated by an arborist as part of the designation process. Because the designation is ultimately up to an arborist, the reduction in size will have little effect on the eligibility of the tree to be considered a Landmark Tree. Furthermore, only the property owner may request a tree to be designated as a Landmark specimen. Other jurisdictions have a process for the designation of Landmark Trees, and research indicates the requirement is typically based on the characteristics of the specimen, which must be examined by a certified arborist.

**Amendment #D-3:** 20.50.300 This is an amendment that was submitted by the City Legal Staff and is meant to adjust some of the requirements of a clearing and grading permit. This change will adjust the requirements to 1) Require a clearing and grading permit for all development activity, 2) Allow for the issuance of a clearing and grading permit for activity on already developed land 3) Regulate replacement trees under 20.50.330(D) Protected Trees, and 4) Properly reference 20.80 Critical Areas as the standard for activity on sensitive lands. These changes will help clarify when a clearing and grading permit is required and how it will be administered.

**Amendment #D-4:** 20.20.110 & 20.50.210 This change has been initiated by City staff and is meant to adjust the fence standards. The change would eliminate a provision that requires the construction of an alternating fence on private roads, a standard that is currently being imposed only on private access drives. This proposed amendment also clarifies where the height of a fence that is built on top of a retaining wall is to be measured from and would eliminate the openwork type of fence as a requirement. The current requirement does not allow property owners to build a privacy fence on top of a retaining wall to provide screening from the uphill neighbor; this change would allow neighbors to build fences to add privacy for their windows and yards.

**Amendment #D-5:** 20.50.110, 20.50.210, & 20.50.270 This proposed amendment was initiated as part of the 2003 Development Code amendments and was remanded to staff for further study. Staff considered many variations of this proposal that would allow Police and other essential public facilities to use security fencing if it is appropriately screened from public areas. Under this proposed change, if the Police Department or any other essential public facility needed to use security fencing to keep the facility secure, they would be required to screen the fencing so that it is not visible from the street or other public areas.

**Amendment #D-6:** 20.30.150 This proposed amendment was initiated by City staff and is intended to clarify when to complete a public notice of decision, and specifies that a notice of decision shall be issued for Type B and C Actions, not Type L Actions. This is a technical change, and does not change any of the noticing requirements.

**Amendment #D-7:** 20.30.060 & 20.30.070 This proposed change was initiated by City legal staff and would change an application for street vacation from a Type L action to a Type C action.

Currently Street Vacation applications are listed as Type L actions. These actions are being processed as Quasi-Judicial actions and therefore should be changed to a Type C decisions.

**Amendment #D-8:** 20.30.160 This proposed change was initiated by City legal staff to help clarify how land use action approvals are vested. By changing this section to allow for an automatic extension of vesting, the applicant may be granted the full two years allowed before expiration of approved land use action if the land use decision is subject to legal injunction.

**Amendment #D-9:** 20.30.740 This proposed amendment was initiated by City legal staff and is intended to add enforcement capacity for clearing and grading activities to properly reference the Enforcement Provisions of the Development Code.

**Amendment #D-10:** 20.50.350 This proposed amendment was initiated by City staff to ensure the proper installation of tree protection measures. This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes tree protection measures are not installed properly and lead to significant impact on the trees root system and eventual decline in health. If the protection measures were not installed properly, City staff would have the ability to utilize the bond to hire a third party to properly install and maintain the protection measures.

**Amendment #D-11:** This proposal was initiated by City legal staff and would change every occurrence of "Code violation" to "Code Violation" for consistency throughout the Development Code. This is a technical change and does not affect the regulatory content of the Development Code.

**Amendment #D-12:** 20.50.480 This proposal was initiated by a citizen, David Anderson. The issue Mr. Anderson is trying to address with this amendment is the need for additional design flexibility based on site conditions when locating street trees. A specific example, tree grates are allowed to be used. The tree grate must be a minimum of 4 ft. by 4 ft. On a six foot sidewalk that could create as little as a 2 foot area that is free and clear of the tree grate for pedestrian use. This could cause access issues, especially as the tree grows and the grate potentially begins to buckle upwards. The proposed amendment would limit the use of tree grates to 8 foot sidewalks unless approved by the Director.

**Amendment #D-13:** 20.30.290 This proposed amendment was initiated by City staff and is necessary for consistency with the current adopted building codes. Currently, this section of the Development Code cites the "Uniform Fire Code", and needs to be corrected to properly cite the "International Fire Code" that has been adopted by the City.

**Amendment #D-14:** 20.30.100 This proposed amendment was initiated by City staff and is necessary to address a lack of expiration timelines for clearing and grading permit applications. Upon adoption of the International Building Code (IBC) the City lost requirements that were in place under the Uniform Building Code (UBC) for clearing and grading/site development permit application expiration. This proposed change would add clearing and grading permit application expiration regulations that are consistent with building permit application regulations.

**Amendment #D-15:** 20.40.240 This proposed amendment was initiated by City staff and is meant to change the description of cage sizes from square feet to cubic feet, and to make other minor technical corrections in the Code. Currently, the Development Code regulates cage/aviary sizes for birds in square feet. Aviary sizes should be regulated in cubic feet so as to provide for the best living environment for birds. The other changes are necessary to add clarity and consistency to the Development Code.

**Amendment #D-16:** 20.30.295 & 20.40.110 This proposed amendment was initiated by City staff. A temporary use permit was not listed in the use tables but was found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user.

**Amendment #D-17:** 20.30.140 This proposed amendment was initiated by City staff and is intended to clarify the content of this section, as this section regulates the internal processing of permit applications, not the expiration of application or permit.

**Amendment #D-18** 20.50.360 This proposed amendment was initiated by City staff. This proposed change amends the performance assurance section of the Code to specifically address both the performance bonds and maintenance bonds in different subsections. The intent of this change is to make it easier for the reader to identify the specific requirements of a performance guarantee from those of a maintenance agreement.

**Amendment #D-19:** 20.30.165 This proposed amendment was initiated by City staff. Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. This amendment adds a section to regulate the expiration of clearing and grading and site development permits.

**Amendment #D-20:** 20.30.430 This proposed amendment was initiated by City staff and is intended to clarify that section 20.30.430 governs the submittal and approval of site development permits for required subdivision improvements. This amendment also adds a reference to proposed section 20.30.265 to properly identify site development permit expiration limitations.

**Amendment #D-21:** 20.30.80-180 This proposal was initiated by a Planning Commissioner. No specific language was submitted, however based on the basic idea that improvements should be made to the neighborhood meeting process to better notify and inform interested persons about potential projects, staff proposed a few changes. Staff proposes to require the future applicant to provide more information in the meeting notice such as the description of the project, zoning of the property, site and vicinity maps and identification of the land use decision under consideration. Staff is also proposing to require the future applicant to cover basic information such as an introduction of the meeting organizer, description of the project proposal, list of anticipated permits the project may require, a description of how comments made at the meeting are used, and provide meeting attendees with the City's contact information should questions arise regarding future permitting of this project. This is proposed to address comments received by staff that the level of information provided at these meetings varies depending on the meeting organizer. Staff also proposes that the meeting summary submitted as part of the permit application be mailed out to meeting attendees (those persons that have signed up with a legible name and address) by staff. The purpose of this step would be to give meeting attendees the opportunity to correct or supplement the neighborhood meeting summaries. We have received a few comments that the summaries are not accurately reflecting the comments made at the meeting.

**Proposed Amendments Not Docketed (No Change Recommended):**

These proposed amendments were reviewed by a staff panel and are not supported by staff. The Director has not included these amendments with those docketed for recommendation. The Planning Commission should review these proposals and consider them. The Planning Commission may choose to docket any of these proposals.

**Amendment #NC-1:** 20.50.020 This proposed amendment regarding providing density bonuses for cottages, duplexes, triplexes and other types of higher density housing as long as the exteriors and scales of such housing mimic the appearances of existing single family housing was identified through comment received from Commissioner Kuboi. Staff does support the intent of the comment, but needs direction to develop an amendment that may be added to the docket. Request proposed language from the Planning Commission. Staff also believes it would take time and more public input to develop this concept. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

**Amendment #NC-2:** 20.50.020 & 20.50.050 This proposed change was citizen initiated. A reduction to the allowed building height in low density residential zones would be too restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two story home and would promote the construction of flat rooftops that are not effective with Washington weather. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

**Amendment #NC-3:** 20.50.310 & 20.50.320 This is a citizen initiated request to reduce the number of trees that can be removed as an exemption from 6 to 2. This change would be too restrictive for residential development, and for the homeowner in general. Some home owners have large numbers of trees and would like to add more light to their property. Lowering the number of trees allowed to be removed without a permit to two would impact property owners. This change would also be difficult to enforce due to lack of standard procedure and staff for tracking non-permitted tree removal. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

**Amendment #NC-4:** 20.50.350(B) This is a citizen initiated request to reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention. Also requesting to change the replacement standard in the exemptions section to require replacement with slightly larger stock. This change would not be compatible with other provisions of the Development Code. By increasing the number of retained trees on a site, it may lead to difficulty in the placement of a building footprint if trees are sporadically placed on the lot. Instead of increasing the required percentage for retention, those provisions providing incentive for voluntary tree retention through site planning should be reinforced. Staff panel recommends no change as proposed. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

**Amendment #NC-5:** 20.50.350(B) This proposed amendment was citizen initiated and is a request to add the following to the tree removal regulations: "At no time shall a development proposal or action reduce the number of potential significant trees below 3 trees per 1,000 square feet." and also to add the definition of potential significant tree. This is addressed in the minimum retention requirements section SMC 20.50.350, and by our replanting requirements. The removal of all trees beyond the six exempt currently requires replanting with tree stock identified in SMC 20.50.360. By creating a standard that is based on square footage it may allow some sites to remove more trees and not replant and others to plant more than should be required based on the existing site conditions. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

**Amendment #NC-6:** 20.20.048 This proposed amendment was citizen initiated, and is a request to change the definition of significant tree to reduce the size requirements from 8" to 6" and 12" to 9" DBH, respectively. Reducing the size requirements for significant trees would limit a property owner's ability to adjust the landscaping on their property. This change may also lead to increased limitations of development and redevelopment opportunity in the City. Property owners have the option to keep all the trees on their parcel if they choose. Staff panel recommends no change. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

**Amendment #NC-7:** 20.30.040 This is a citizen initiated proposal to change the noticing and application review requirements of a residential building permit. The citizen is proposing the addition of a noticing period with appeal process, essentially making the application a Type B Action. The noticing requirements of this proposed amendment would be very costly in terms of actual noticing and staff time. This would also allow for an appeal of a new single family home or remodel. Staff panel recommends no change. The Director has chosen not to pursue this

proposed amendment, however the Planning Commission may choose to add it to the official docket.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a “Type B” application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a “Type A” permit it would not be.
- **Precedent:** Requiring a notice period for a “Type A” ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Council Goal #4:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.

**Amendment #NC-8:** This is a citizen initiated proposal requesting a design review process for single family residential building permits. The citizen is concerned that new homes are being constructed that are out of proportion to the old neighborhood and that existing views may be blocked by these new homes. This proposal would institute a neighborhood review board to have authority over the design of a new home. Subjecting residential building permit applications that have proven compliance with the standards established by 20.50 to a design review board would add cost both in time and fees to the residential building permit process. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process to coordinate the neighborhood design review board function.
- **Permit Turn-around Time:** Creating additional review requirements outside of City site and structural review would add several weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to perform additional functions.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public process (design review) of such a permit may give the public the expectation that public input is part of the approval process; for a “Type A” permit it would not be.
- **Precedent:** Allowing a neighborhood review board to manipulate the design of personal residence would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Available Alternative:** Citizens may form home owners associations if persons in the neighborhood agree. These associations could form their own covenants and enforce through private means as long as the covenants do not conflict with federal, state and local regulations.

**Amendment #NC-9:** 20.30.040 This proposed amendment was citizen initiated in 2003 and was brought forward in 2004 during the Development Code Amendment process. The proposal to increase noticing requirements for commercial projects was remanded back to staff for further review. Staff considered lowering the threshold for SEPA review, however this would be a change to State law. Any additional requirements for tenant improvements, commercial additions, or commercial new constructions would impact commercial and economic redevelopment in Shoreline. The Director has chosen not to pursue this proposed amendment, however the Planning Commission may choose to add it to the official docket.

Things to consider:

- **Resources:** Additional administrative staff would need to be brought into the review process for publishing and mailing public notice.
- **Permit Turn-around Time:** Creating and publishing the public notice adds approximately two weeks to the permit process. Without additional staff resources to perform these duties, the turnaround time could be much longer as projects would have to wait for staff availability to prepare, publish and mail the notices. In addition, a “Type B” application that requires public notice also requires the applicant to have a pre-application meeting with City staff, and a neighborhood meeting with surrounding property owners prior to application. These requirements add another 3 – 4 weeks to the process for the applicant before the application is submitted.
- **Public Expectation:** Approval of a building permit not subject to SEPA is a ministerial decision, meaning that if the application meets Code requirements, it must be approved. Providing public notice of such a permit may give the public the expectation that public input is part of the approval process; for a “Type A” permit it would not be.
- **Precedent:** Requiring a notice period for a “Type A” ministerial action would set a precedent that may be counter to the public welfare. If these types of actions become subject to public scrutiny, an overall slowdown of essential governmental functions would be expected.
- **Council Goal #4:** Implementing an active economic improvement plan is a City Council goal. This proposal would slow down the permitting process, thus slowing down economic improvement.
- **Noticing Requirements for nearby jurisdictions:** The following table shows noticing requirements for some local jurisdictions, for comparison.

JURISDICTION	RADIUS	BUILDING PERMITS SUBJECT TO NOTICE	NOTES
Auburn	300'	Building permits subject to SEPA	
Bothell	300'	Building permits subject to SEPA	
Bremerton	300'	Building permits subject to SEPA	
Covington	1000'	Building permits subject to SEPA, Single-family houses of 10,000 sq. ft. or more.	
Edmonds	300'	Building permits subject to SEPA	
Federal Way	300'	Building permits subject to SEPA	
Issaquah	300'	Building permits subject to SEPA	
Kenmore	500'	Building permits subject to SEPA, Single-family houses of 10,000 sq. ft. or more	
Kent	300'	Building permits subject to SEPA	
Kirkland	300'	Building permits subject to SEPA	
Lake Forest Park	300'	Building permits subject to SEPA	
Lynnwood	300'	Building permits subject to Design Review (most building permits except for single-family).	Notice of impending decision is mailed.
Mount Lake Terrace	300'	Building permits subject to SEPA	
Mill Creek	No mailing radius for building permit not associated with land use action.	Building permits subject to SEPA – notices are posted and published in newspaper.	Actions requiring Public Hearing notices require a 500' radius mailing. Administrative permit decisions are mailed to adjacent property owners.



Monroe	500'	Building permits subject to SEPA	
Renton	300'	Building permits subject to SEPA	
Sammamish	500'	Building permits subject to SEPA	
University Place	300'	Building permits subject to SEPA	
Woodinville	500'	Building permits subject to SEPA	

### **OPTIONS**

1. Confirm that the Director's list of docketed amendments contains all of the amendments the Planning Commission would like to see on the Official Docket advertised for the 2005 Public Hearing on Proposed Development Code Amendments; or
2. Add selected amendments from Table II (items not docketed by the Director) to the Official Docket to be advertised for the 2005 Public Hearing on Proposed Development Code Amendments.

### **ATTACHMENTS**

**Attachment A:** Table 1 – Proposed Amendments Docketed by Director

**Attachment B:** Table 2 – Proposed Amendments not Docketed (No Change recommended).

**Attachment C:** Notebook of Proposed Development Code Amendments (Only the Planning Commissioners received hard copies of this large document). Copies of the notebook are available on line at [www.cityofshoreline.com](http://www.cityofshoreline.com) and at the Planning and Development Services Office at 17544 Midvale Avenue North in the City Hall Annex. If you have any questions regarding how to obtain or view a copy of this information, please call the Planning Commission Clerk at 206-546-1508.

**Table I**

**Requested Development Code Amendments- Docketed by Director**

Log #	Category	Requested Change	Requested By	Chapter	Section(s)	Title	Proposed Change	Staff Recommendation
D-1	Dimension	Change the size of allowed exempt structures to 200 Sq. Ft. to be consistent with the IRC.	City Planning Staff	20.50	100(1)	Location of accessory structures within required yard setbacks- Standards	Change allowed size from 120 Sq. Ft. to 200 Sq. Ft.and add requirement for fire separation as identified in the adopted building code.	Staff panel recommends adoption of this change for consistency between the Development Code and the Building Codes.
D-2	Trees	Reduce requirement of tree size for Landmark Tree to 24" DBH.	Boni Biery- Comprehensive Plan Amendment Comment	20.20	48	"T" Definitions	Reduce requirement of tree size for Landmark Tree to 24" DBH.	A reduction in size requirements for a landmark tree may allow for a request for the designation of a landmark tree that is only a significant tree and has not reached a maturity in it's life to be considered a landmark tree. However, this reduction in size only affects the eligibility of an application for designation as a landmark tree and does not exempt the application from being evaluated by a certified arborist. Furthermore, the application may only be filed by the property owner, who may desire to preserve the trees on their property. In this case there is no negative effect of reducing the requirements to 24" because the determination is ultimately up to an arborist, and the designation of a landmark tree may not be forced on a property owner. Staff panel neutral regarding this proposed change.
D-3	Clearing and Grading	Change the requirements to be more specific about when a C & G permit is required.	City Legal Staff	20.50	300	Clearing and Grading General Requirements	Remove 20.50.300 (E) , add provision that makes all replacement trees protected trees, modify language around when a clearing and grading permit is required, and modify language regarding compliance with the Critical Areas section of Development Code.	Staff panel recommends consideration of this proposed change.
D-4	Fence	Change fence requirements to make content amendments and allow for construction of a solid 6 foot fence on top of a retaining wall.	City Planning Staff	20.50	110 & 210	Fences and Walls- Standards	Change fence requirements to make content amendments and allow for construction of a solid 6 foot wall on top of a retaining wall. Eliminate language requiring an offset design for fences along private driveways.	The current provision in the code does not allow for the construction of a six foot solid fence on top of a wall, and limits a property owners ability to construct a privacy fence on top of a retaining wall allowing the uphill neighbor to have a full view into the downhill neighbor's yard. Change will also eliminate provision in the code that requires the construction of an alternating type fence on private roads. Staff panel found this to be too restrictive, and may promote the construction of fences and landscaping that can hide burglars/thieves. Staff panel recommends consideration of these proposed changes.
D-5	Security Fencing	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Police Department	20.50	110 (C), 210 (D), 270 (C & D)	Fences and Walls- Standards	Add provision to allow for barbed wire and razor wire fences for public and infrastructure facilities in residential and commercial zones so long as fence is effectively screened from neighboring public areas.	Staff panel recommends consideration of this proposed change.
D-6	Noticing	Add description to Administrative section of code clarifying when noticing is required for each type of permit.	City Planning Staff	Many	Many	Procedures and Administration	Add Clarifying language that the noticing requirement for notice of decision applies to Type B and C actions only.	Staff panel recommends consideration of this proposed change.
D-7	Administrative	Change Street Vacations to Type "C" actions.	City Legal Staff	20.30	70	Legislative Decisions	Change Street Vacations to Type "C" actions.	By changing a Street Vacation action to a Type C action, the appearance of fairness on ex parte communication would apply, and contact made with opponents or advocates of the vacation would be reserved until all evidence is submitted at the public hearing allowing all merits of the action to be identified prior to formation of opinion. Staff panel recommends consideration of this proposed change.
D-8	Vesting	Add provision that allows applicant to apply for a stay if subject to LUPA process.	City Legal Staff	20.30	160	Expiration of Vested Status of Land Use Permits and Approvals	Add language that automatically allows for an extension of vesting under 20.30.160 if the approved land use permit is subject to a pending legal action or appeal.	By changing this section to allow for an automatic extension of vesting the applicant may be granted the full two years before expiration of approved land use action while decision is not subject to legal injunction. Staff panel recommends consideration of this proposed change.
D-9	Technical	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language	City Legal Staff	20.30	740	Civil Penalties for Code violations	Amend section 20.30.740 D(2) to properly reference 20.50 and add legal language.	Technical amendment. Staff panel recommends consideration of this proposed change.

Table I

## Requested Development Code Amendments- Docketed by Director

D-10	Technical	Add provision to promote the protection of retained significant trees from damage during construction.	City Planning Staff	20.50	350	Tree Replacement and Site Restoration	Require the bonding of protection measures and tree maintenance to ensure survival and health for 36 months following construction.	This would allow staff the ability to enforce the installation of tree protection measures on site. Sometimes this is not installed properly and leads to significant impact on the trees root system and eventual decline in health. Staff panel recommends consideration of this proposed change.
D-11	Technical	Change every occurrence of "Code Violation" to a capital "V". Change every reference to Director or Designee to just Director.	City Legal Staff	Many	Many	Many	Change every occurrence of "Code Violation" to a capital "V".	This helps provide for consistency. Staff panel recommends consideration of this proposed change.
D-12	Technical	Create an alternative to allow for the planting of trees on the property line side of the sidewalk, not directly next to the street (Comment also forwarded to Jim Curtin in Engineering for consideration in next Engineering Guide update).	David Anderson-Comprehensive Plan Amendment Comment	20.5	480	Street Trees	SMC 20.50.480 (C) allows for this option based on an existing condition. Proposed change would allow for design flexibility based on site conditions, and may allow for improved visibility and safety in some situations. Change would also require that sidewalks with tree pits maintain a minimum four foot passage strip, instead of the two foot strip that is currently allowed through the use of tree pits with a six foot sidewalk.	Damage to streets and sidewalks by tree roots, and impact of restricted root growth to trees would also be minimized by moving trees to private property side of sidewalk. Staff agrees that change should be made to the engineering guide to show this alternate design, and to limit the placement of tree pits when sidewalk is less than eight feet wide. Engineering staff and Staff panel recommend consideration of this proposed change.
D-13	Technical	Change the reference to Fire Code to properly identify the IFC, not the UFC.	City Planning Staff	20.30	290 B(4)	Variance from the engineering standards (Type A action)	Change the reference to Fire Code to properly identify the IFC, not the UFC.	This helps provide for consistency. Staff panel recommends consideration of this proposed change.
D-14	Administrative	Add application expiration limitations.	City Planning Staff	20.30	100	Time limits	Change section 20.30.100 and 20.30.110 to include a clause regulating the expiration of a complete permit application.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development application expiration. Staff panel recommends consideration of this proposed change.
D-15	Technical	Make technical changes to the Animals section of Zoning and Use Provisions.	City Planning Staff	20.40	240	Animals	Technical changes to 20.40.240 to properly describe sizes of cages for birds and eliminate birds from the animal specific section.	These minor changes are due to some inconsistencies found in the code. Staff panel recommends consideration of this proposed change.
D-16	Technical	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	City Planning Staff	20.40	540	Temporary Use	Move temporary use permits from use provisions to the review and decision criteria section. Change reference in use tables to properly reflect this change.	A temporary use permit is not listed in the use tables but is found in the list of supplementary criteria. Moving the requirements for a temporary use permit to the permit review and decision criteria section for Type A permits better locates this section for the user. Staff panel recommends consideration of this proposed change.
D-17	Technical	Make technical change to heading of section 20.30.140	City Planning Staff	20.30	140	Time Limits	Make technical change to heading of section 20.30.140.	This change will help clarify the content of the section. Staff panel recommends consideration of this proposed change.
D-18	Clearing and Grading Permit Requirements	Change performance section to individually describe performance and maintenance bonds.	City Legal Staff	20.50	360	Tree replacement and site restoration	Change performance section to individually describe performance and maintenance bonds.	This change helps differentiate between a performance guarantee and maintenance bond. Staff Panel recommends consideration of this proposed change.
D-19	Administrative	Add section regulating the expiration of clearing and grading and site development permits.	City Planning Staff	20.30	165	Permit expiration timelines for Clearing and Grading and Site Development Permits	Add section 20.30.165 that addresses time limits and expiration of site development and clearing and grading permits.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Staff panel recommends consideration of this proposed change.
D-20	Administrative	Add reference to site development permit for subdivision section that references the new permit expiration limitations.	City Planning Staff	20.30	430	Site development permit for required subdivision improvements – Type A action.	Add reference in 20.30.430 to properly identify new section regulating expiration of site development permit.	Upon adoption of the IBC the City lost requirements that were in place under the UBC for clearing and grading/site development permit expiration. Staff panel recommends consideration of this proposed change.
D-21	Noticing	Revise neighborhood meeting standards and noticing requirements to better notify the public of potential land use actions and allow potential issues to be identified and resolved prior to Planning Commission public hearings.	Michael Broili	20.30	80-180	Procedures and Administration	No proposed language was submitted. Staff drafted some amendments to try and address the comment.	Provide more information in the neighborhood meeting notice to better alert neighbors to potential projects/change. Add some basic structure to the neighborhood meeting to insure that adequate information is being relayed to meeting attendees for the purposes of early discussions. By mailing the meeting summaries submitted by the applicant's to the meeting attendees, attendees could verify the information. This could address concerns that the applicant's minutes are not reflecting the comments at the meeting. Staff panel recommends consideration of this proposed change.
							Clarify that the meeting notice include a description of the project, zoning, site & vicinity maps and possible future land use decisions i.e. rezone, SEPA, etc.	
							Add minimum requirements for meeting content i.e. basic agenda for meeting.	
							Add a step to have the City mail submitted neighborhood minutes to all meeting attendees for additions, corrections, etc.	

Table II

Requested Development Code Amendments- Proposals Not Docketed by Director (No Change)

Log #	Category	Requested Change	Requested By	Comp. Plan Comment #	Chapter	Section(s)	Title	Proposed Change	Staff Recommendation
NC-1	Density	Include density bonuses for cottages, duplexes, triplexes and other higher density housing, as long as the exteriors and scales of such projects mimic the appearances of single family construction.	Sid Kuboi- Comment received during Cottage Housing review	N/A	20.50	020(1)	Densities and Dimensions in Residential Zones	Add provision that allows for an increase in density for duplexes and triplexes in R-4, R-6, and R-8 zones where the exterior design and scale is consistent with the surrounding neighborhood.	This proposed amendment was identified through comment received from Commissioner Kuboi. Staff does support the intent of the comment, but needs direction to develop an amendment that may be added to the docket. Staff also recommends devoting adequate time and resources in the careful development of such a proposal. Request proposed language from the Planning Commission.
NC-2	Dimension	Reduce building heights in R-4 and R-6 zones to no more than 2 stories and a maximum of 25 feet.	Margaret Robarge	N/A	20.50	20 & 50	Standards- Dimensional Requirements & Building Height- Standards	Reduce building heights in R-4 and R-6 zones to no more than 2 stories and a maximum of 25 feet.	This change would be very restrictive for residential development. A roof height of 25 feet would barely allow for the construction of a two story home and would promote the construction of flat rooftops that are not effective with Washington weather. Staff panel recommends no change.
NC-3	Trees	Reduce the number of trees that can be removed as an exemption from 6 to 2.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.50	310 & 320	Specific Activities Subject to the Provisions of this Subchapter (Clearing and Grading)	Reduce the number of trees that can be removed as an exemption from 6 to 2.	This change would be too restrictive for residential development, and for the homeowner in general. Some home owners have large numbers of trees and would like to add more light to their property. Lowering the number of trees allowed to be removed without a permit to two would impact property owners. Staff panel recommends no change.
NC-4	Trees	Reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.50	350 (B)	Development Standards for Clearing Activities- Minimum Retention Requirements	Reduce the number of trees that can be removed as part of a development permit from 20 and 30% retention to 30 and 45% retention. Also change the replacement standard in the exemptions section to require replacement with slightly larger stock.	This change would not be compatible with other provisions of the development code. By increasing the number of retained trees on a site, it may lead to difficulty in the placement of a building footprint if trees are sporadically placed on the lot. Instead of increasing the required percentage for retention, those provisions providing incentive for voluntary tree retention through site planning should be reinforced. Staff panel recommends no change as proposed.
NC-5	Trees	Require the number of trees on a parcel following a development action to meet a pre-defined tree to square footage ratio. All trees must be potential significant trees.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.50	350(B)	Development Standards for Clearing Activities- Minimum Retention Requirements	Add provision that at no time shall a development proposal or action reduce the number of potential significant trees below 3 trees per 1,000 square feet. Add definition of potential significant tree.	This is addressed in the minimum retention requirements section SMC 20.50.350, and by our replanting requirements. The removal of all trees beyond the six exempt currently requires replanting with tree stock identified in SMC 20.50.360. By creating a standard that is based on square footage it may allow some sites to remove more trees and not replant, and others to plant more than should be required based on the existing site conditions. Staff panel recommends no change.

Table II

Requested Development Code Amendments- Proposals Not Docketed by Director (No Change)

NC-6	Trees	Reduce the size of a significant tree to 6" and 9" DBH.	Boni Biery- Comprehensive Plan Amendment Comment	50	20.20	48	"S" Definitions	Change the definition of significant tree to reduce the size requirements from 8" to 6" and 12" to 9" DBH, respectively.	Reducing the size requirements for significant trees would limit a property owners ability to adjust the landscaping on their property. This change may also lead to increased limitations of development and redevelopment opportunity in the City. Property owners have the option to keep all the trees on their parcel if they choose. Staff panel recommends no change.
NC-7	Noticing	Add requirement for noticing on construction of all new single family homes and add appeal period for construction of all new single family homes.	Margaret Robarge	N/A	20.30	40	Ministerial Decisions- Type A	Make a residential building permit a Type B action.	The noticing requirements of this proposed amendment would be very costly in terms of actual noticing and staff time. This would also allow for an appeal of a new single family home or remodel. Staff panel recommends no change.
NC-8	Noticing	Add requirement that if new construction is appealed, a public meeting and revision process is held to generate alternative that is acceptable to appellant.	Margaret Robarge	N/A	20.30	40	Ministerial Decisions- Type A	Add requirement under Type B permits making residential building permits subject to a design review board.	Requiring residential building permit applications that have complied with the standards established by 20.50 to a design review board would impact property owners, and would add costs both in time and fees to the residential building permit process. Staff panel recommends no change.
NC-9	Noticing	Add a public notice process for all commercial projects with any expansion of the building footprint.	Leftover from 2003 process, remanded by City Council for more research and consideration.	N/A	20.30	560	Categorical Exemptions- Minor new construction	Reduce threshold for SEPA on commercial building footprints to require noticing for a smaller addition.	Requiring SEPA noticing for commercial projects less than 4000 square feet would be a change to State SEPA regulations. A jurisdiction can raise the threshold to a certain extent (up to 12,000 square feet) but may not lower the threshold for categorical exemptions. Any additional requirements for tenant improvements, commercial additions, or commercial new constructions would impact commercial and economic redevelopment in Shoreline. Staff panel recommends no change.