

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Proposed Amendments to the Development Code
DEPARTMENT: Planning and Development Services
PREPARED BY: Jeff Forry, Permit Services Manager Steven Cohn, Senior Planner

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.

The purpose of this public hearing is to:

- Briefly review the proposed Development Code Amendments
- Respond to questions regarding the proposed amendments
- Gather public comment
- Deliberate and, if necessary, ask further questions of staff
- Develop and forward a recommendation to the City Council

BACKGROUND / ANALYSIS

Amendments to the Development Code are 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. This group of development code amendments includes three components:

- Modify Chapter 20.30 regarding certain aspects of SEPA (State Environmental Policy Act), including:
 1. Remove requirement for SEPA review of categorically exempt projects within critical areas;
 2. Amend appeal process for Type C quasi-judicial actions.

- Rewrite Chapter 20.70 SMC including:
 1. Remove technical standards from Chapter 20.70 SMC;
 2. Modify provisions for single family frontage improvements.
- Adding a section to the SMC (Development Code, 20.30.340(c)) that formalizes the process to create an annual docket of Comprehensive Plan Amendment for Council review.

A summary of proposed amendments can be found in **Attachments 1-4**.

TIMING & SCHEDULE

The following is a chronology of the amendment process for the proposed amendments:

Application #301642 – Modify Chapter 20.30 re: SEPA and rewrite Chapter 20.70

Notice to Washington State Dept. of Commerce	June 15, 2010
Planning Commission Study Session	June 17, 2010
SEPA determination issued	June 30, 2010
Public Hearing Notice	August 30, 2010

Application #301650 – Adding a section to SMC 20.30.340 that addresses the Comprehensive Plan Amendment annual docket process

Notice to Washington State Dept. of Commerce	July 12, 2010
Planning Commission Study Session	July 15, 2010
SEPA determination	Categorically exempt per WAC 197-11-800
Public Hearing Notice	August 30, 2010

BACKGROUND / ANALYSIS

In April of 2010 the Council adopted a series of goals that provide direction to departments and assistance in developing their respective workplans. Included in Council goal number one is a desire to implement the Community Vision by updating key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools. Periodically staff reviews various sections of the Development Code with this goal in mind and identifies candidate amendments.

Issue 1 – Environmental Review Procedures

❖ Critical Areas

GMA (Growth Management Act) cities and counties considering adjustments to their categorical exemptions should consider whether the exemption would apply to a project proposed within a critical area. The administrative rules in WAC 197-11-908 provide that:

1. *Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW 36.70A.060). The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2)(a) through (h), (3), (5), (6)(a), (13)(c), (23)(a) through (g), and (24)(c), (e), (g), (h).*

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC 197-11-906).

2. *Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.*

It is generally recommended that exemptions not apply in critical areas unless the city or county has updated its critical areas policies and regulations to include best available science under RCW 36.70A.172.

The City's critical area regulations were originally adopted under Ordinance 238 and subsequently amended by Ordinance 324 and 398. The regulations, adopted under RCW 36.70A.060, include best available science and accordingly provide optimum levels of mitigation for categorically exempt projects. The City also employs qualified

professionals as necessary in reaching its decisions on development in or adjacent to critical areas. Accordingly, there is no net loss of environmental evaluation caused by eliminating environmental review for categorically exempt projects.

Staff is recommending removal of review under SEPA for projects proposed within critical areas and their buffers that are categorically exempt. It should be noted that in review the procedures in 20.30.560 the City has not taken steps to “select certain categorical exemptions” as required in WAC 197-11-908.

❖ **Appeals**

The amendment corrects a conflict with State law requiring that procedural SEPA appeals be consolidated with the predecision hearing if one is held. It also satisfies the requirement that the appeal be heard by the same hearing body or officer conducting the predecision hearing. Currently, in the City’s code the SEPA appeal is heard by the Hearing Examiner in all cases but the predecision hearing is held by the Planning Commission for most Type C actions. The Hearing Examiner is currently conducting predecision hearings on certain actions as authorized by the City Council. The amendment removes the administrative appeal for a DNS on Type C actions where the Planning Commission or Hearing Examiner makes the recommendation to City Council after the predecision hearing.

The amendment also removes administrative SEPA appeals that challenge the City’s use of its substantive authority under SEPA to condition a DNS or deny all Type C actions. Substantive appeals unlike procedural SEPA threshold appeals may not be consolidated with a predecision hearing on the merits of the proposal, but must be consolidated with an administrative appeal of the decision itself. There is no local agency appeal authority of Type C action, these SEPA appeals must be brought together with appeal of the underlying decision in Superior Court. Former subsections B, C and D are combined in new A (1) and (2) to specify when substantive appeals are allowed rather than using the existing “if any” language.

Finally the provision allowing an extra seven days for a SEPA appeal is clarified to emphasize that the additional requirement of WAC197-11-680(3)(vi)(D) applies only to a permit decision that is filed at the same time as the DNS and not simply all DNS that receive public comment. The City uses the optional DNS process for most permits which avoids duplicate comment on the DNS and for which additional appeal time is not required.

Comparison with Other Jurisdictions

At the June 17 study session, a Commissioner raised a question about how neighboring jurisdictions handle SEPA appeals. Staff has researched several codes and offers the following information:

Several cities were sampled and it was evident that they employ different methods to meet the statutory requirements for public hearings, decision makers, and SEPA appeals (and none are the same.) This is due to different governmental philosophies and interpretation of the regulations.

Each jurisdiction grants different authorities to planning commissions, hearing examiners, planning directors and city councils. Their processes and procedures reflect the authorities, making a direct comparison of such things as SEPA appeals extremely difficult. However, having talked with Shoreline's City Attorney, it is staff's understanding that the process being proposed (specifically-- SEPA appeal of Type C actions) is appropriate given the City's adopted procedures and is consistent with the concepts in SEPA.

Issue 2 – Engineering Standards – Chapter 20.70

Periodic review of adopted standards and regulations is necessary to insure that there is consistency between policies and the regulations. Review of the Engineering and Utility Development Standards (Chapter 20.70 SMC) was required as a result of the adoption of the 2005 Washington State Department of Ecology Stormwater Manual and modifications to technical manuals employed by the City during development review.

Given the number of recommended changes the chapter has been rewritten and reformatted. In reviewing Chapter 20.70 the following issues were identified:

1. Many of the codified standards were excerpts from various technical manuals that are not referenced in the chapter so their origins are unknown. Technical standards are subject to change and some of the information contained in this chapter is inconsistent with technical engineering manuals employed by the City, State and other local agencies.
2. The City requires frontage improvements for a variety of development activities including individual new single family residences and additions or remodels to single family dwellings where the value exceeds 50% of the improved value of the property. Frontage improvements are intended to offset the impact of the development activity.

Evaluation of this practice indicates that it is inconsistent with the policies in the Comprehensive Plan. Additionally, several court cases at the state and federal levels have caused re-thinking of this requirement.

Standards revisions

Generally, technical manuals are adopted in their entirety by reference. Subsequent to the adoption of Chapter 20.70 in 2000 an Engineering Development Guide (EDG) was published. The EDG is prepared under the authority granted the director in section 20.70.020 SMC and contains specifications, standardized details, and design

standards. The current edition of the EDG establishes the technical manuals (including the 2005 DOE Stormwater Manual) and standards employed for public works projects and development. The intent of the EDG is to provide a set of technical and procedural criteria.

During the most recent review cycle the EDG was reviewed against the provisions in Chapter 20.70. Inconsistencies were identified in the technical standards adopted in this chapter and the technical manuals employed in the EDG.

Procedural criteria are also published in Chapter 20.70. Criteria are established for dedications, streets, sidewalks, and the undergrounding of utilities. This criteria was evaluated against other sections of the SMC and revisions are proposed as necessary to maintain consistency.

Frontage improvements

Comprehensive Plan policy T35 provides that development regulations “require all commercial, multi-family and residential short plat and long plat developments to provide for sidewalks or separated all weather trails, or payment in-lieu of sidewalks.” This policy provides clear direction relative to the types of projects that must install sidewalks aka frontage improvements. The authority for mitigation of the impacts on infrastructure for this level of development is provided in the Revised Code of Washington (RCW) and through the use of the City’s substantive authority under SEPA. This policy was developed after the adoption of the Development Code and does not extend to individual single family dwellings.

For determining the level of impact of development, the RCW defines “development activity” as any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities. In reviewing current regulations a nexus cannot be drawn to demonstrate that the level of mitigation required for development or redevelopment of an existing platted single family lot is reasonably related to the development. Nor can it be demonstrated that this level of development “creates additional” demand and need for public facilities.

Issue 3 – Adding a section to SMC 20.30.340 that addresses the Comprehensive Plan Amendment annual docket process

Most cities have regulations that detail the process for developing a Comprehensive Plan docket, which is required by GMA. Shoreline never formalized its process, and while it did not vary a great deal from year to year, there has been some variation. To provide some certainty to the public, staff proposes a process which will be codified.

AMENDMENT CRITERIA

Section 20.30.350 lists the decision criteria for amendments to the Development Code. Amendments are the mechanism used by the City to bring the land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City. The City Council has identified a need to update key development regulations and to make the permit process clear, timely and predictable through appropriate planning tools. The proposed amendments have been reviewed for consistency with this vision and the following criteria:

1. The amendment is in accordance with the Comprehensive Plan.

One of the thirteen statutory goals of the GMA incorporated into the Comprehensive Plan is to “encourage predictable and timely permit process.” Inconsistencies in appeal processes between local ordinances and SEPA is a cause for delay and potential liabilities in the permitting process. Issue 1 strives to resolve this conflict.

To further support this goal, technical standards for development should support and supplement development regulations. Ad-hoc, piecemeal recital of various standards intertwined with regulation does not give a clear concise guide for City and private improvement projects. Cities routinely maintain administrative guides or manuals that provide the basis for technical engineering decisions. It is with this in mind and in accordance with the authorities in SMC 20.70 that the amendments to Chapter 20.70 SMC are proposed.

The Citizen Participation section of the Comprehensive Plan includes policies that encourage more active citizen participation. These would be enhanced with a formalized Comprehensive Plan Amendment Process so that, on a yearly basis, citizens will know when and where they can find information about proposed amendments and the schedule for review.

2. The amendment will not adversely affect the public health, safety or general welfare.

Re: SEPA. Amendments to the appeal provisions provide consistency between the City’s environmental regulations and SEPA. Providing consistency does not adversely affect the general public welfare.

Re: Engineering Standards. The constant of employing technical resources that are consistent with recognized standards provides for a safe-built environment. A safe-built environment protects the public health, safety and general welfare.

Re: Formalizing the Docket Process. Proposed amendment clarifies and codifies the rules for proposing amendments for the annual review process. This

will make the process more predictable, and will not adversely affect the public health, safety or welfare.

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The amendments are consistent with the Community Vision adopted as part of the City Council goals. In establishing these goals Council was acting on behalf of the citizens and property owners. Given the amendments are consistent with the vision they are “not contrary to the best interest” of the citizens.

AMENDMENT FORMAT

The attachments include a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. In some cases the amendments are too extensive to provide them in legislative format. In those instances a summary of the proposed changes is provided.

OPTIONS

1. Recommended approval of Proposed Development Code Amendments; or
2. Modify or delete selected Proposed Development Code Amendments.

NEXT STEPS

At the September 16 meeting, accept and consider public testimony and make a recommendation to the Council. If you have questions or comments prior to the meeting, please contact Steven Cohn at 206-801-2511 or email him at scohn@shorelinewa.gov.

ATTACHMENTS

- Attachment 1:** Amendments to 20.30, Subchapter 8 – Environmental Procedures
- Attachment 2:** Amendments to Chapter 20.70 – Engineering and Utilities Development Standards.
- Attachment 3:** Amendments to Chapter 20.30.340 – Amendment and Review of the Comprehensive Plan
- Attachment 4:** Administrative amendments supporting issues 1 & 2

ATTACHMENT 1

20.30.550 Categorical exemptions and threshold determinations – Adoption by reference.

The City adopts the following sections of the SEPA Rules by reference, as now existing or hereinafter amended, as supplemented in this subchapter:

WAC

- 197-11-300 Purpose of this part.
 - 197-11-305 Categorical exemptions.
 - 197-11-310 Threshold determination required.
 - 197-11-315 Environmental checklist.
 - 197-11-330 Threshold determination process.
 - 197-11-335 Additional information.
 - 197-11-340 Determination of nonsignificance (DNS).
 - 197-11-350 Mitigated DNS.
 - 197-11-355 Optional DNS process.
 - 197-11-360 Determination of significance (DS)/initiation of scoping.
 - 197-11-390 Effect of threshold determination.
 - 197-11-800 Categorical exemptions (~~flexible thresholds~~).
- Note: the lowest exempt level applies unless otherwise indicated.*
- 197-11-880 Emergencies.
 - 197-11-890 Petitioning DOE to change exemptions.

(Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(g), 2000).

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; ~~2) the proposal would alter the existing conditions within a critical area or buffer;~~ or 2~~3~~) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of four dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for 20 automobiles.
- C. The construction of a parking lot designed for 20 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

ATTACHMENT 1

20.30.680 Appeals

- A. Any interested person may appeal a threshold determination ~~or~~ and the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.
- ~~B. Appeals of threshold determinations are procedural SEPA appeals which are conducted by the Hearing Examiner pursuant to the provisions of Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals, subject to the following:~~
1. Only one administrative appeal of each threshold determination shall be allowed on a proposal. Procedural appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an action pursuant to RCW 43.21C.060 with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.
 2. As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.
 3. An appeal of a DS must be filed within 14 calendar days following issuance of the DS.
 4. All SEPA ~~an~~ appeals of a DNS for actions classified in SMC 20.30, Subchapter 2, Types of Actions, as Type A ~~or~~ B, ~~or C~~ actions in Chapter [20.30](#) SMC, Subchapter 2, Types of Actions, must be filed within 14 calendar days following notice of the threshold determination as provided in SMC [20.30.150](#), Public notice of decision; provided, that the appeal period for a DNS for Type A, ~~or~~ B, ~~or C~~ actions issued at the same time as the final decision shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.
 5. For Type L or Type C actions ~~with the Planning Commission as Review Authority~~ not classified as Type A, B, or C actions in Chapter [20.30](#) SMC, Subchapter 2, Types of Actions, no administrative appeal of a DNS is permitted.
 6. The Hearing Examiner shall make a final decision on all procedural SEPA determinations. The Hearing Examiner's decision may be appealed to superior court as provided in Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.
- ~~C. The Hearing Examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.~~
- ~~D. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. See Chapter [20.30](#) SMC, Subchapter 4, General Provisions for Land Use Hearing and Appeals.~~

ATTACHMENT 1

E.B. Notwithstanding the provisions of subsections (A) through (D) of this section, the Department may adopt procedures under which an administrative appeal shall not be provided if the Director finds that consideration of an appeal would be likely to cause the Department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The Director's determination shall be included in the notice of the SEPA determination, and the Director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action

ATTACHMENT 2

Chapter 20.70 Engineering and Utilities Development Standards

Subchapter 1. General Engineering Provisions

20.70.010 Purpose.

Reworded purpose statement. Removed regulatory language.

20.70.020 Engineering Development Guide.

Reworded for clarification and added cite to 20.10.050. A clear link to the authority granted to the director to publish standards and procedures is established.

20.70.030 Required street improvements.

Moved to 20.70.310 – Subchapter 4

Clarified when frontage improvements are required to address nexus to impact. Clarification lead to a change in voluntary contributions (fee in-lieu) collected for system improvement. Provides consistency with RCW 82.02 and court decisions regarding voluntary payments.

~~20.70.035~~ Required stormwater drainage facilities.

Moved to 20.70.220 – Subchapter 4

Subchapter 2. Dedications - Section Renumbered/reorganized

20.70.040 Purpose.

Summarized purpose statement and added a new General section to identify when dedications could be required

20.70.050 Dedication of right-of-way.

Clarified wording

20.70.060 Dedication of stormwater facilities – Drainage facilities accepted by the City.

20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.

Combined .060 and .070 into one section.

20.70.080 Dedication of open space.

Wording modified to include critical areas.

20.70.090 Easements and tracts.

Added language to clarify that tracts do not represent a building site.

Subchapter 3. Streets - Section Renumbered/reorganized

20.70.100 Purpose.

Wording changes throughout to incorporate Transportation Master Plan

20.70.110 Street classification.

20.70.120 Street plan.

~~20.70.130 Street trees.~~

Deleted to eliminate duplication. Landscaping chapter (20.50.480) provides Chapter 12 SMC regulates activities in the right-of-way. Specific criteria for street landscaping/trees are based on the street classification and specific street segment. This will be further clarified by the

ATTACHMENT 2

Transportation Master Plan. Landscaping provisions requiring street trees has also been modified to permit flexibility.

~~20.70.140 — Truck routes.~~

Deleted section. Discussion of truck routes is not necessary.

20.70.150 Street naming and numbering.

20.70.160 Private streets.

~~20.70.170 — Sight clearance at intersections — Purpose.~~

~~20.70.180 — Sight clearance at intersections — Obstruction of intersection.~~

~~20.70.190 — Sight clearance at intersections — Sightline setbacks for intersection types.~~

~~20.70.200 — Sight clearance at intersections — Obstructions allowed.~~

Deleted sections. Conflict with WSDOT Manual and other technical standards and do not provide a comprehensive evaluation of access management. General engineering principles for access management have been added to the Engineering Development Guide.

Subchapter 4. ~~Sidewalks, Walkways, Paths and Trails~~

Created new subchapter 4 and incorporated required improvements for frontage, stormwater, pathways. Wording in these sections was changed to meet reformatting.

~~20.70.210 — Purpose.~~

~~20.70.220 — Required installation.~~

~~20.70.230 — Location.~~

Subchapter 5. Utility Standards

Clarified language by adding the term service connection. Title 13 regulates when Utilities must underground their facilities, the Development Code specifies when development triggers for undergrounding of service connections.

Reformatted section

20.70.440 Undergrounding of electric and communication facilities – Purpose.

20.70.470 Undergrounding of electric and communication facilities – When required.

ATTACHMENT 2

Chapter 20.70 Engineering and Utilities Development Standards

Subchapter 1. General Engineering Provisions

- 20.70.010 Purpose.
- 20.70.020 Engineering Development Guide

Subchapter 2. Dedications

- 20.70.110 Purpose.
- 20.70.120 General.
- 20.70.130 Dedication of right-of-way.
- 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 Stormwater drainage facilities.
- 20.70.340 Sidewalks, walkways, paths and trails.

Subchapter 5. Utility Standards

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

ATTACHMENT 2

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.

20.70.020 Engineering Development Guide.

Pursuant to SMC Section 20.10.050 The Director is authorized to prepare and administer an "Engineering Development Guide". The Engineering Development Guide includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development. The specifications shall include, but are not limited to:

- A. Street widths, curve radii, alignments, street layout, street grades;
- B. Intersection design, sight distance and clearance, driveway location;
- C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;
- D. Streetscape specifications (trees, landscaping, benches, other amenities);
- E. Surface water and stormwater specifications;
- F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and
- G. Other improvements within rights-of-way.

SUBCHAPTER 2. Dedications

20.70.110 Purpose.

The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City.

20.70.120 General

- 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

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5. Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

20.70.130 Dedication of Right-of-Way

- A. The Director may grant some reduction in the minimum right-of-way requirement where it can be demonstrated that sufficient area has been provided for all frontage improvements.
- B. 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 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; and
 4. The City has accepted maintenance responsibility in writing.

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;

ATTACHMENT 2

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.

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 passive 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.

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.

ATTACHMENT 2

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.

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 occurs in an orderly manner.

20.70.220 Street classification.

Streets and rights-of-way are classified in the Transportation Master Plan.

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.

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.

20.70.250 Street naming and numbering.

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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

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on a portion of the site that is clearly visible and no greater than 20 feet from the street.

3. The address numbers shall be easily legible figures, not less than three inches high if a residential use or individual multifamily unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night.

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.

20.70.320 Frontage improvements.

Frontage improvements required for subdivisions pursuant to RCW 58.17 and SMC 20.30, Subchapter 7, and to mitigate identified impacts, shall be provided pursuant to this section. When required, frontage improvements shall be installed as described in the Transportation Master Plan and the Engineering Development Guide for the specific street classification and street segment

- A. Standard frontage improvements consist of curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements, and pavement overlay to one-half of each right-of-way abutting a property as defined for the specific street classification. 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 under grounding, street lighting, signage, and channelization.
- B. Frontage improvements are required for:
 1. All new multifamily, nonresidential, and mixed-use construction;
 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, as long as the original building footprint is a minimum of 4,000 square feet, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
 3. Subdivisions;
Exception:
 - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
 4. ~~New development on vacant lots platted before August 31, 1995.~~
- C. Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or Capital

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Improvement Project scheduled to be completed within five years of permit issuance. In such a case, 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.

- D. Required improvements shall be installed by the applicant prior to final approval or occupancy.
- E. 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.

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

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.

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.

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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.

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 within and directly serving the development from the public right-of-way, excluding existing or relocated street crossings.
- B. Undergrounding of service connections and new electrical and telecommunication facilities defined in chapter 13.20 SMC 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.
- C. 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.

Amendment to SMC 20.30.340, adding a section to describe the CPA annual docket process

The City of Shoreline's process for accepting and reviewing Comprehensive Plan amendments for the annual docket shall be as follows:

- A. Amendment proposals will be accepted throughout the year. The closing date for the current year's docket is the last business day in December.
- B. Anyone can propose an amendment to the Comprehensive Plan.
 - There is no fee for submitting a General Text Amendment to the Comprehensive Plan.
 - An amendment to change the land use designation, also referred to as a Site Specific Comprehensive Plan amendment requires the applicant to apply for a rezone application to be processed in conjunction with the Comprehensive Plan amendment. There are separate fees for a Site Specific CPA request and a rezone application.
- C. At least three weeks prior to the closing date, there will be general public dissemination of the deadline for proposals for the current year's docket. Information will include a staff contact, a re-statement of the deadline for accepting proposed amendments, and a general description of the amendment process. At a minimum, this information will be advertised in the newspaper and available on the City's website.
- D. Amendment proposals will be posted on the City's website and available at the Department of Planning and Development Services.
- E. The DRAFT Docket will be comprised of all complete Comprehensive Plan amendment applications received prior to the deadline.
- F. The Planning Commission will review the DRAFT docket and forward recommendations to the City Council.
- G. A summary of the amendment proposals will be published in the City's newspaper of record.
- H. The City Council will establish the FINAL docket at a public meeting.
- I. The City will be responsible for developing an environmental review of combined impacts of the proposals on the FINAL docket. Applicants for site specific Comprehensive Plan Amendments will be responsible for providing current accurate analysis of the impacts from their proposal.
- J. The FINAL docketed amendments will be reviewed by the Planning Commission in publicly noticed meetings.
- K. The Commission's recommendations will be forwarded to the City Council for adoption.

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 ^{(5),(6)}	Review Authority, Open Record Public Hearing ⁽⁴⁾	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days	20.30.410
2. Rezone of Property ⁽²⁾ and Zoning Map Change	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC ⁽³⁾	City Council	120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾⁽⁴⁾		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ⁽¹⁾⁽⁴⁾		120 days	20.30.336
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper ⁽⁷⁾	PC ⁽³⁾	City Council	120 days	20.40.505
8. Street Vacation	PC ⁽³⁾	PC ⁽³⁾	City Council	120 days	Chapter 12.17 SMC
9. Master Development Plan ⁽⁸⁾	Mail, Post Site, Newspaper ⁽⁷⁾	PC ⁽³⁾	City Council	120 days	20

Including consolidated SEPA threshold determination appeal.

~~⁽⁴⁾Including consolidated SEPA threshold determination appeal.~~

⁽²⁾The rezone must be consistent with the adopted Comprehensive Plan.

⁽³⁾PC = Planning Commission

⁽⁴⁾HE = Hearing Examiner

⁽⁵⁾Notice of application requirements are specified in SMC [20.30.120](#).

⁽⁶⁾Notice of decision requirements are specified in SMC [20.30.150](#).

⁽⁷⁾a. Notice of application shall be mailed to residents and property owners within 1,000 feet of the proposed site.

b. Enlarged notice of application signs (a minimum of four feet by four feet) as approved by the City of Shoreline shall be posted on all sides of the parcel(s) that front on a street. The Director may require additional signage on large or unusually shaped parcels.

c. Applicants shall place a display (nonlegal) advertisement approved by the City of Shoreline in the Enterprise announcing the notice of application and notice of public hearing.

⁽⁸⁾Information regarding master development plans will be posted on the City's website and cable access channel regarding the notice of application and public hearing.

20.50.520 General standards for landscape installation and maintenance – Standards.

O. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature canopy and root mat width. Root mat width is assumed to be the same width as the canopy unless otherwise documented in a credible print source. Mature tree and shrub canopies may reach an above ground utility such as street lights and power-lines. Mature tree and shrub root mats may overlap utility trenches as long as approximately 80 percent of the root mat area is unaffected. Adjustment of plant location does not reduce the number of plants required for landscaping. Site distance triangle shall be established for visual clearance consistent with the Engineering Development Guide ~~SMC 20.70.170~~ for all driveway exits and entrances and street corners.