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ORDINANCE NO. 695

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, IN ORDER TO CLARIFY EXISTING LANGUAGE, ELIMINATE REDUNDANCY AND INCONSISTENCY, AND REMAIN CURRENT WITH LEGAL MANDATES AND CITY POLICY CHANGES.

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

WHEREAS, in 2000 the City adopted Shoreline Municipal Code Title 20, the Unified Development Code; and

WHEREAS, Title 20 has been amended on several occasions since it original adoption; and

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

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

WHEREAS, the environmental impacts of the amendments to the Unified Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on April 24, 2014; and

WHEREAS, on May 1, 2014 the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, On June 5, 2014, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted unanimously to approve all but one of the Development Code amendments; and

WHEREAS, on July 14, 2014, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

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WHEREAS, the City provided public notice of the amendment and the public hearings as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON AUGUST 11, 2014.

Mayor Shari Winsted

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Julie Ainsworth-Taylor
Interim City Attorney

Date of Publication: August 14, 2014
Effective Date: August 19, 2014

Ord. 695 Exhibit A

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Amendment #1
20.10.050 Roles and responsibilities.

The elected officials, appointed commissions, Hearing Examiner, and City staff share the roles and responsibilities for carrying out the provisions of the Code.

The City Council is responsible for establishing policy and legislation affecting land use within the City. The City Council acts on recommendations of the Planning Commission or Hearing Examiner in legislative and quasi-judicial matters.

The Planning Commission is the designated planning agency for the City as specified by State law. The Planning Commission is responsible for a variety of discretionary recommendations to the City Council on land use legislation, Comprehensive Plan amendments ~~and quasi-judicial matters~~. The Planning Commission duties and responsibilities are specified in the bylaws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for quasi-judicial decisions designated by this title and the review of administrative appeals.

The Director shall have the authority to administer the provisions of this Code, to make determinations with regard to the applicability of the regulations, to interpret unclear provisions, to require additional information to determine the level of detail and appropriate methodologies for required analysis, to prepare application and informational materials as required, to promulgate procedures and rules for unique circumstances not anticipated within the standards and procedures contained within this Code, and to enforce requirements.

The rules and procedures for proceedings before the Hearing Examiner, Planning Commission, and City Council are adopted by resolution and available from the City Clerk's office and the Department. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 5, 2000).

Amendment #2
20.20.012 B definitions.

Binding Site Plan - A process that may be used to divide commercially and industrially zoned property, as authorized by State law. The binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. It may include a ~~A~~ plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

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Amendment #3
20.20.016 D definitions.

Department - Planning ~~&and~~ Community Development ~~Development Services~~ Department.

Director – Planning & ~~and~~ Community Development ~~Services~~ Director or designee. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006).

Amendment #4
20.20.040 P definitions.

Public Agency Office or Public Utility Office - An office for the administration of any public governmental or utility activity or program. ~~, with no outdoor storage and including, but not limited to:~~

~~A. Executive, legislative, and general government, except finance;~~

~~B. Public finance, taxation, and monetary policy;~~

~~C. Administration of human resource programs;~~

~~D. Administration of environmental quality and housing program;~~

~~E. Administration of economic programs;~~

~~F. International affairs;~~

~~G. Legal counsel and prosecution; and~~

~~H. Public order and safety.~~

Public Agency Yard or Utility Yard - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

Amendment #5
20.30.040 Ministerial decisions – Type A.

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

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public

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notice requirements specified in Table 20.30.050 for SEPA threshold determination, *or subsection 20.30.045*.

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

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions

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together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 654 § 1 (Exh. 1), 2013; Ord. 641 § 4 (Exh. A), 2012; Ord. 631 § 1 (Exh. 1), 2012; Ord. 609 § 5, 2011; Ord. 531 § 1 (Exh. 1), 2009; Ord. 469 § 1, 2007; Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

Amendment #6
20.30.045 - Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to Accessory Dwelling Units (ADUs). This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant applies for a Subdivision (Refer to Chapter 20.30.090 SMC for meeting requirements).

Amendment #7
20.30.060 Quasi-judicial decisions – Type C.

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

Action	Notice Requirements for Application and Decision (3), (4)	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE (1), (2)	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.330

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4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.40.505
~~8. Street Vacation~~	~~Mail, Post Site, Newspaper~~	~~HE (1), (2)~~	~~City Council~~	~~120 days~~	~~See Chapter 12.17 SMC~~
8. ~~9.~~ Master Development Plan	Mail, Post Site, Newspaper	HE (1), (2)		120 days	20.30.353

Amendment #8
20.30.085 Early community input meeting.

Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1,000 feet of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 1,000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the ~~City of Shoreline Planning and Community Development Services~~ Department. Digital audio recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal. (Ord. 669 § 1 (Exh. A), 2013).

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Amendment #9
20.30.090 Neighborhood meeting.

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.

2. The notice shall be provided at a minimum to property owners located within 500 feet (1,000 feet for master development plan permits) of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the ~~City of Shoreline Planning and Development Services~~ Department.

Amendment #10
20.30.120 Public notices of application.

A. Within 14 days of the determination of completeness, the City shall issue a notice of complete application for all Type B and C applications.

B. The notice of complete application shall include the following information:

1. The dates of application, determination of completeness, and the date of the notice of application;

2. The name of the applicant;

3. The location and description of the project;

4. The requested actions and/or required studies;

5. The date, time, and place of an open record hearing, if one has been scheduled;

6. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. <u>The public comment period shall be 30 days for a Shoreline Substantial Development Permit, Shoreline Variance, or a Shoreline Conditional Use Permit;</u>

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Amendment #11
20.30.315 Site development permit.

B. General Requirements. A site development permit is required for the following activities or as determined by the Director of Planning & ~~and~~ Community Development ~~Services~~:

Amendment #12
20.30.340 Amendment and review of the Comprehensive Plan (legislative action).

4. Amendment proposals will be posted on the City's website and available at the Department ~~of Planning and Development Services~~.

Amendment #13
20.30.370 Purpose.

Subdivision is a mechanism by which to divide land into lots, parcels, sites, ~~units~~, plots, ~~condominiums~~ or tracts, ~~or interests~~ for the purpose of sale. The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots or ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Critical Areas;

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K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

Amendment #14
20.30.380 Subdivision categories.

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial, industrial, ~~condominium~~ and mixed use type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified. (Ord. 238 Ch. III § 8(c), 2000).

Amendment #15
20.30.390 Exemption (from subdivisions).

The provisions of this subchapter do not apply to the exemptions specified in the State law and, ~~including but not limited to:~~

~~A. Cemeteries and other burial plots while used for that purpose;~~
~~B. Divisions made by testamentary provisions, or the laws of descent;~~
~~C. Divisions of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed on the land, when the City has approved a binding site plan in accordance with the Code standards;~~
~~D. D~~divisions of land which are the result of actions of government agencies to acquire property for public purposes, such as condemnation for roads.

~~Divisions under subsections (A) and (B) of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met~~ (Ord. 238 Ch. III § 8(d), 2000).

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Amendment #16
20.30.480 Binding site plans – Type B action.

A. Commercial and Industrial. This process may be used to divide commercially and industrially zoned property, as authorized by State law. On sites that are fully developed, the binding site plan merely creates or alters interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site concerning but not limited to: lot access, interior circulation, open space, landscaping and drainage; facility maintenance, and coordinated parking. The following applies:

1. S~~The~~ sites ~~that is~~ subject to ~~the~~ binding site plans shall consist of one or more contiguous lots legally created.

2. S~~The~~ sites ~~that is~~ subject to ~~the~~ binding site plans may be reviewed independently, ~~for fully developed sites;~~ or concurrently with a commercial development permit application. ~~for undeveloped land; or in conjunction with a valid commercial development permit.~~

3. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

~~B. *Repealed by Ord. 439.*~~

B ~~C~~. Recording and Binding Effect. Prior to recording, the approved binding site plan shall be surveyed and the final recording forms shall be prepared by a professional land surveyor, licensed in the State of Washington. Surveys shall include those items prescribed by State law.

C ~~D~~. Amendment, Modification and Vacation. The Director may approve minor changes to an approved binding site plan, or its conditions of approval. If the proposal involves additional lots, rearrangements of lots or roads, additional impacts to surrounding property, or other major changes, the proposal shall be reviewed in the same manner as a new application. ~~Amendment, modification and vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules and conditions as required for a new binding site plan application.~~ (Ord. 439 § 1, 2006; Ord. 238 Ch. III § 8(m), 2000).

Amendment #17
20.30.680 Appeals.

A. Any interested person may appeal a threshold determination or the conditions or denials of a requested action made by a nonelected official pursuant to the procedures

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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.

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 approve, 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 appeals of a DNS for actions classified in Chapter 20.30 SMC, Subchapter 2, Types of Actions, as Type A or B, or C actions for which the Hearing Examiner has review authority, 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 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 C actions for which the Hearing Examiner does not have review authority or for legislative actions, no administrative appeal of a DNS is permitted.~~

5. ~~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.

Amendment #18

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
532	Automotive Rental and Leasing						P	P	P only in TC-1

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Amendment #18

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
81111	Automotive Repair and Service					P	P	P	P only in TC-1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Collective Gardens					P-i	P-i	P-i	
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i ~~C~~	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations					P	P	P	P
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

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Amendment #18

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
31	Light Manufacturing							S	P
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use				S = Special Use					
C = Conditional Use				-i = Indexed Supplemental Criteria					

(Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 643 § 1 (Exh. A), 2012; Ord. 560 § 3 (Exh. A), 2009; Ord. 469 § 1, 2007; Ord. 317 § 1, 2003; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 277 § 1, 2001; Ord. 258 § 5, 2000; Ord. 238 Ch. IV § 2(B, Table 2), 2000).

Amendment #19

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	

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71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i				
514120	Library	C	C	C	C	P	P	P	P
71211	Museum	C	C	C	C	P	P	P	P
	Nightclubs (excludes Adult Use Facilities)						C	P	P
7111	Outdoor Performance Center							S	P
	Parks and Trails	P	P	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						P-i	P-i	P-i
6111	School District Support Facility	C	C	C	C	C	P	P	P
6111	Secondary or High School	C	C	C	C	C	P	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	C-i	P	P	P	P
71399	Sports/Social Club	C	C	C	C	C	P	P	P
6114 (5)	Vocational School	C	C	C	C	C	P	P	P
GOVERNMENT									
9221	Court						P-i	P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
92212	Police Facility					S	P	P	P
92	Public Agency Office/Yard or Public Utility Office /Yard	S-i	S-i	S	S	S	P	P	

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92	~~Public Agency or Utility Yard~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~			~~P-i~~	
221	Utility Facility	C	C	C	C	P	P	P	P
	~~Utility Facility, Regional Stormwater Management~~	~~C~~	~~C~~	~~C~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~
HEALTH									
622	Hospital	C-i	C-i	C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic	C-i	C-i	C-i	C-i	P	P	P	P
623	Nursing and Personal Care Facilities			C	C	P	P	P	P
REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

P = Permitted Use	**S = Special Use**
C = Conditional Use	**-i = Indexed Supplemental Criteria**

(Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 531 § 1 (Exh. 1), 2009; Ord. 309 § 4, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 258 § 3, 2000; Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Amendment #20
20.40.320 Daycare facilities.

Justification – Currently, the code does not allow Daycare II in R-4 and R-6 zones, which could include churches or schools that are typically in R-4 and R-6 zones. These daycares are usually a reuse of the existing facilities. Expansion of church or school in R-4 or R-6 zones would require a conditional use permit anyway. The intent of Daycare II in residential zones is to protect single family neighborhoods which can still be met if they are allowed within an existing school or church.

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A. Daycare I facilities are permitted in R-4 through R-12 zoning designations as an accessory to residential use, house of worship, or a school facility, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of 42 inches; and

2. Hours of operation may be restricted to assure compatibility with surrounding development.

B. Daycare II facilities are permitted in R-8 and R-12 zoning designations through an approved Cconditional Uuse Ppermit or as a reuse of an existing house of worship or school facility without expansion, provided:

1. Outdoor play areas shall be completely enclosed, with no openings except for gates, and have a minimum height of six feet.

2. Outdoor play equipment shall maintain a minimum distance of 20 feet from property lines adjoining residential zones.

3. Hours of operation may be restricted to assure compatibility with surrounding development

Amendment #21
20.40.480 Public agency or utility office &
20.40.490 Public agency or utility yard

~~**20.40.480 Public agency or utility office.**~~

~~A. Only as a re-use of a public school facility or a surplus nonresidential facility; or~~
~~B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and~~
~~C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).~~

~~**20.40.490 Public agency or utility yard.**~~

~~Public agency or utility yards are permitted provided:~~
~~A. Utility yards only on sites with utility district offices; or~~
~~B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).~~

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Amendment #22
20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

C. Permit Requirements.

Table 20.40.600(1) – Types of Permits Required for the Various Types of Wireless Telecommunication Facilities

	Type of Permit			
Type of WTF	Building	Conditional Use (CUP)	Special Use (~~C~~SUP)	Rights-of-Way Use
Building-mounted and structure-mounted wireless telecommunication facilities and facilities co-located onto existing tower	X			X (if applicable)
Ground-mounted camouflaged lattice towers and monopoles	X	X		X (if applicable)
Ground-mounted uncamouflaged lattice towers and monopoles	X		X	X (if applicable)

Amendment #23
20.50.020 Dimensional requirements.

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

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A

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Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Exceptions to Table 20.50.020(1):

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC 20.50.080.

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

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(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

Amendment #24
20.50.090 Additions to existing single-family house – Standards.

A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may ~~extend up to the height limit and may~~ include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:

1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;

2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;

3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;

4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and

5. This provision applies only to additions, not to rebuilds.

When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case by case basis.

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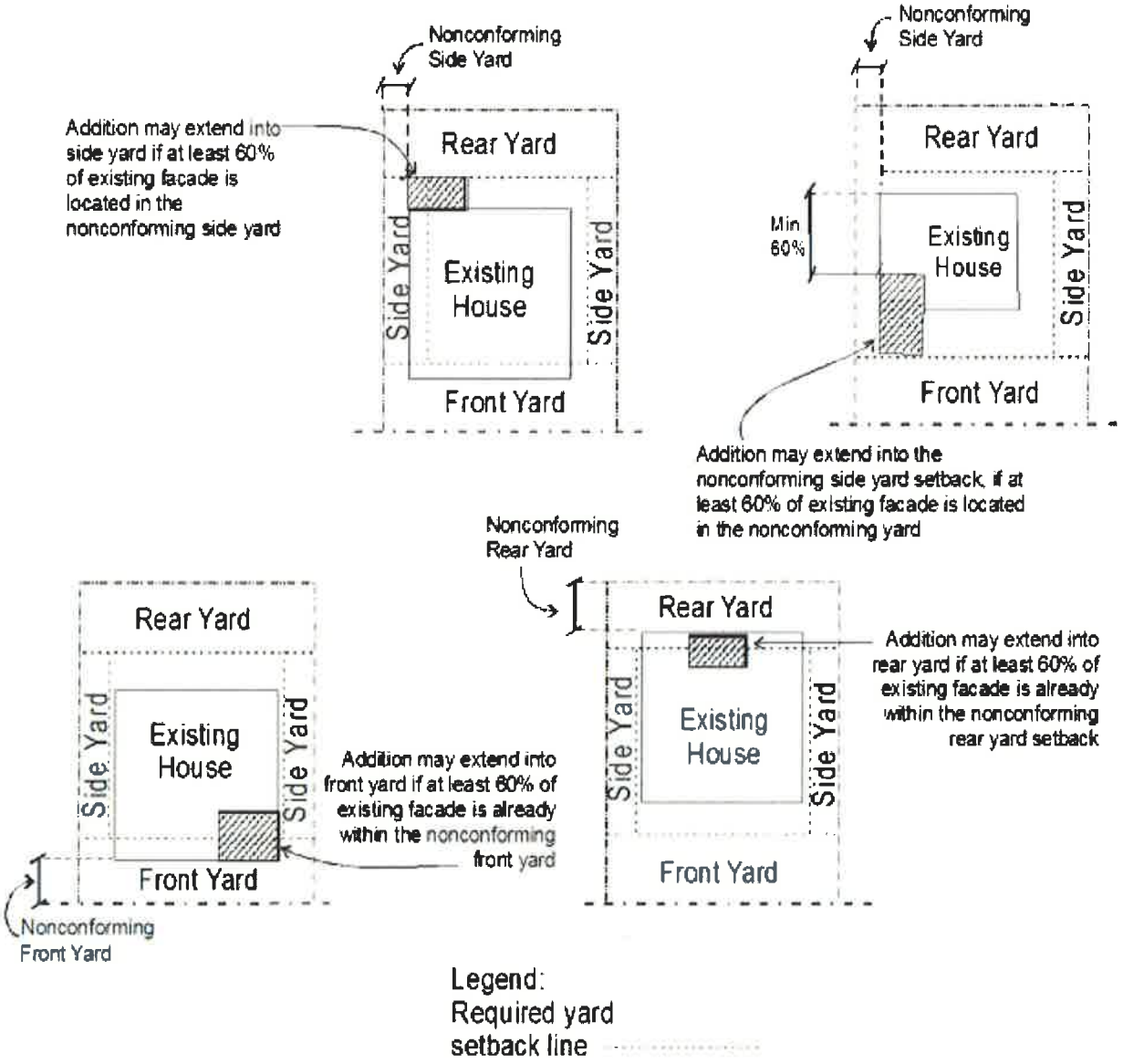

Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

Amendment #25
20.50.240 Site design (Commercial Code Amendments).

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.

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2. Promote distinctive design features at high visibility street corners.

3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.

4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development ~~the town center subarea~~ as expressed in the Comprehensive Plan.

C. **Site Frontage.**

1. Development abutting NB, CB, MB, TC-1, 2 and 3 shall meet the following standards:

a. Buildings shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or a utility easement is required between the sidewalk and the building;

b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code ~~standards~~. These spaces may be used for any permitted land use;

c. Minimum window area shall be 50 percent of the ground floor facade ~~and located between the heights of 30 inches and 10 feet above the ground~~ for each front ~~facade~~ façade which can include glass entry doors;

d. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

e. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

f. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

g. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards.

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F. **Public Places.**

1. Public places are required for the commercial portions of development at a rate of 4 ~~1,000~~ square feet of public place per 20 square feet of net commercial floor area ~~acre~~ up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.

6. The following design elements are also required for public places:
a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;

b. Pedestrian access to abutting buildings;

c. Pedestrian-scaled lighting (subsection (H) of this section);

d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.

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Public Places

G. **Multifamily Open Space.**

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to ~~parking lots and~~ service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.

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J. Utility and Mechanical Equipment.

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

Utilities Consolidated and Separated by Landscaping Elements

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

Amendment #26
20.50.310 Exemptions from permit.

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

1. Emergency situation on private property involving danger to life or property or substantial fire hazards.

a. Statement of Purpose. Retention of significant trees and vegetation is necessary in order to utilize natural systems to control surface water runoff, reduce erosion and associated water quality impacts, reduce the risk of floods and landslides, maintain fish and wildlife habitat and preserve the City's natural, wooded character. Nevertheless, when certain trees become unstable or damaged, they may constitute a hazard requiring cutting in whole or part. Therefore, it is the purpose of this section to provide a reasonable and effective mechanism to minimize the risk to human health

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and property while preventing needless loss of healthy, significant trees and vegetation, especially in critical areas and their buffers.

b. For purposes of this section, "Director" means the Director of the Department ~~of Planning and Development Department Services~~ and his or her designee.

c. In addition to other exemptions of SMC 20.50.290 through 20.50.370, a request for the cutting of any tree that is an active and imminent hazard such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events. After the tree removal, the City will need photographic proof or other documentation and the appropriate application approval, if any. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

2. Removal of trees and/or ground cover by the City and/or utility provider in situations involving immediate danger to life or property, substantial fire hazards, or interruption of services provided by a utility. The City retains the right to dispute the emergency and require that the party obtain a clearing permit and/or require that replacement trees be replanted as mitigation.

3. Installation and regular maintenance of public utilities, under direction of the Director, except substation construction and installation or construction of utilities in parks or environmentally sensitive areas.

4. Cemetery graves involving less than 50 cubic yards of excavation, and related fill per each cemetery plot.

5. Removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, unless within a critical area of critical area buffer.

6. Within City-owned property, removal of noxious weeds or invasive vegetation as identified by the King County Noxious Weed Control Board in a wetland buffer, stream buffer or the area within a three-foot radius of a tree on a steep slope is allowed when:

a. Undertaken with hand labor, including hand-held mechanical tools, unless the King County Noxious Weed Control Board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment, herbicides or biological control methods; and

b. Performed in accordance with SMC 20.80.085, Pesticides, herbicides and fertilizers on City-owned property, and King County best management practices for noxious weed and invasive vegetation; and

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c. The cleared area is revegetated with native vegetation and stabilized against erosion in accordance with the Department of Ecology 2005 Stormwater Management Manual for Western Washington; and

d. All work is performed above the ordinary high water mark and above the top of a stream bank; and

e. No more than 3,000 square feet of soil may be exposed at any one time.

Amendment #27
20.50.440 Bicycle facilities – Standards.

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

Table A: Short-Term Bicycle Parking Requirements

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

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

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

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

2. It shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route;

3. It shall be provided with illumination of not less than one footcandle at the parking surface;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a rack or other facility for locking or securing each bicycle;

6. The rack or other locking feature shall be permanently attached to concrete or other comparable material; and

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7. The rack or other locking feature shall be designed to accommodate the use of U-locks for bicycle security.

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

Table B: Long-Term Bicycle Parking Requirements

Type of Use	Minimum Number of Spaces Required
Multifamily	~~1~~.5 per ~~studio or 1-bedroom~~ unit except for units where individual garages are provided. ~~2 per unit having 2 or more bedrooms~~
Commercial and all other nonresidential uses	1 per 25,000 square feet of floor area; not less than 2 spaces

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

1. It shall be located on the same site as the building;

2. It shall be located inside the building, or shall be located within 300 feet of the building's main entrance and provided with permanent cover including, but not limited to, roof overhang, awning, or bicycle storage lockers;

3. Illumination of not less than one footcandle at the parking surface shall be available;

4. It shall have an area of not less than 18 inches by 60 inches for each bicycle;

5. It shall be provided with a permanent rack or other facility for locking or securing each bicycle. Up to 25% of the racks may be located on walls in garages.

6. Vehicle parking spaces that are in excess of those required by code may be used for the installation of long-term bicycle parking spaces.

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

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

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

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

Amendment #28
20.50.532 Permit required.

A. Except as provided in this chapter, no temporary or permanent sign may be constructed, installed, posted, displayed or modified without first obtaining a sign permit approving the proposed sign's size, design, location, and display.

B. No permit is required for normal and ordinary maintenance and repair, and changes to the graphics, symbols, or copy of a sign, without affecting the size, structural design or height. Exempt changes to the graphics, symbols or copy of a sign must meet the standards for permitted illumination.

C. Installation or replacement of electronic changing message or reader board signs requires a permit and must comply with SMC Exception 20.50.550(A)(2) and SMC 20.50.590.

~~C~~D. Sign applications that propose to depart from the standards of this subchapter must receive an administrative design review approval under SMC 20.30.297 for all signs on the property as a comprehensive signage package. (Ord. 654 § 1 (Exh. 1), 2013).

Amendment #29
20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.
Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that

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

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

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

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

Amendment #30
20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. ~~Outdoor advertising signs (b~~Billboards~~)~~ now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.

2. Installation of electronic changing message or reader boards in existing billboards is prohibited.

~~2~~3. Shall be kept in good repair and maintained.

~~3~~4. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

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

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

Amendment #31
20.50.600 Temporary signs.

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

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

1. Be limited to not more than one sign per street frontage per business, place of worship, or school;

2. Be limited to 32 square feet in area;

3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and

4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

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

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new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

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

Amendment #32
20.50.610 Exempt signs.

N. Parks signs constructed in compliance with the Parks Sign Design Guidelines and Installation Details as approved by the Parks Board and the ~~Planning and Community Development~~ Director. Departures from these approved guidelines may be reviewed as departures through the administrative design review process and may require a sign permit for installation.

Amendment #33
20.80.240 Alteration.

A. The City shall approve, condition or deny proposals in a geologic hazard area as appropriate based upon the effective mitigation of risks posed to property, health and safety. The objective of mitigation measures shall be to render a site containing a geologic hazard as safe as one not containing such hazard. Conditions may include limitations of proposed uses, modification of density, alteration of site layout and other appropriate changes to the proposal. Where potential impacts cannot be effectively mitigated to eliminate a significant risk to public health, safety and property, or important natural resources, the proposal shall be denied.

B. Very High Landslide Hazard Areas. Development shall be prohibited in very high landslide hazards areas or their buffers except as granted by a critical areas special use permit or a critical areas reasonable use permit.

C. Moderate and High Landslide Hazards. Alterations proposed to moderate and high landslide hazards or their buffers shall be evaluated by a qualified professional through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area or their buffers.

The geotechnical engineer and/or geologist preparing the report shall provide assurances that the risk of damage from the proposal, both on-site and off-site, are

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minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential landslide hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations.

D. Seismic Hazard Areas.

1. For one-story and two-story residential structures, a qualified professional shall conduct an evaluation of site response and liquefaction potential based on the performance of similar structures with similar foundation conditions; or

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

Amendment #34
20.80.310 ~~Designation and p~~Purpose.

A. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions ~~as defined by the Washington State Wetlands Identification and Delineation Manual (Department of Ecology Publication No. 96-94)~~. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, bio-swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

Amendment #35
20.80.320 Designation, delineation, and ~~C~~classification.

A. The identification of wetlands and the delineation of their boundaries shall be done in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035.

B. All areas identified as wetlands pursuant to the SMC 20.80.320(A), are hereby designated critical areas and are subject to the provisions of this Chapter.

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C. Wetlands, as defined by this ~~section~~ subchapter, shall be classified according to the following criteria:

~~A~~ 1. "Type I wetlands" are those wetlands which meet any of the following criteria:

~~1~~a. The presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical or priority, or the presence of critical or outstanding actual or potential habitat for those species; or

~~2~~ b. Wetlands having 40 percent to 60 percent open water in dispersed patches with two or more wetland subclasses of vegetation; or

~~3~~ c. High quality examples of a native wetland listed in the terrestrial and/or aquatic ecosystem elements of the Washington Natural Heritage Plan that are presently identified as such or are determined to be of heritage quality by the Department of Natural Resources; or

~~4~~ d. The presence of plant associations of infrequent occurrence. These include, but are not limited to, plant associations found in bogs and in wetlands with a coniferous forested wetland class or subclass occurring on organic soils.

~~B~~ 2. "Type II wetlands" are those wetlands which are not Type I wetlands and meet any of the following criteria:

~~1~~a. Wetlands greater than one acre (43,560 sq. ft.) in size;

~~2~~ b. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size and have three or more wetland classes; or

~~3~~ c. Wetlands equal to or less than one acre (43,560 sq. ft.) but greater than one-half acre (21,780 sq.ft.) in size, and have a forested wetland class or subclasses.

~~C~~ 3. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

~~D~~ 4. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class. (Ord. 398 § 1, 2006; Ord. 238 Ch. VIII § 5(B), 2000).

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Amendment #36
20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland's edge as delineated in accordance with the federal wetland delineation manual and applicable regional supplements approved by the Washington State Department of Ecology per WAC 173-22-035. ~~Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1997 Washington State Department of Ecology Wetland Delineation Manual or adopted successor.~~