AMENDED

ORDINANCE NO. 230

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE PROCEDURAL AND ADMINISTRATIVE PROVISIONS OF THE ZONING CODE, ADOPTING A 7200 SQUARE FOOT MINIMUM LOT SIZE AND A MINIMUM DENSITY OF FOUR UNITS PER ACRE FOR R-4 AND R-6 ZONES; AND ADOPTING A NEW TITLE 20 AND AMENDING SHORELINE MUNICIPAL CODE 18.12.030(A)

WHEREAS, pursuant to Ordinance No. 11, the City Council adopted Title 21A of the King County Code as the interim zoning code of the City of Shoreline; and

WHEREAS, Shoreline's first Comprehensive Plan was adopted on November 23, 1998 that included Goal No. 1 – "Develop and Adopt Permanent Codes that implement the Policies of the Comprehensive Plan"; and

WHEREAS, an extensive public participation process was conducted in developing a new code to implement the Comprehensive Plan including:

- Ten meetings of the 37-member Planning Academy between April and September 1999 which educated staff about the values of Shoreline's neighborhoods and individuals;
- Public review and requests for amendments from July 15 through August 13,1999;
- A Planning Commission and Academy joint workshop on Phase I of the Code held July 29, 1999;
- Public hearings on September 2, September 16, and October 21, 1999 by the Planning Commission and a unanimous recommendation to the City Council for approval of the Development Code, Phase I.
- A December 6, 1999 City Council workshop on the Academy work, Development Code Phase I status and issues, and on the preparation of Phase II; and
- A public hearing before the City Council to consider adoption of Phase I of the Development Code and minimum lot size and density for Low Density Residential zones; and

WHEREAS, the Council finds that Phase I of the Development Code and minimum lot size and density provisions of this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW;

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

Section 1. New Title. A new Title 20 to the Shoreline Municipal Code is adopted as set forth in Exhibit "A" which is attached hereto and incorporated herein.

Section 2. Amendment. Section 18.12.030 (A) of the Shoreline Municipal Code is amended as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 3. Repeal. The sections of the Shoreline Municipal Code set forth in Exhibit "C" are hereby repealed.

Section 4. Repeal. Ordinance No. 207 imposing a moratorium on applications for lots less than 7,200 square feet in R-4 and R-6 zones is hereby repealed.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date and Publication. A summary of this Ordinance consisting of the title shall be published in the official newspaper and the Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 28, 2000.

Ronald B. Hansen

Deputy Mayor Ronald B. Hansen

ATTEST:

Sharon Mattioli

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: March 2, 2000
Effective Date: March 7, 2000

TITLE 20

Chapter I
General Provisions

1. TITLE

This Title shall be known as the Unified Development Code for the City of Shoreline, Washington, hereafter referred to as the Code.

2. PURPOSE

It is the purpose of this Code :

- promote the public health, safety, and general welfare;
- guide the development of the City consistent with the Comprehensive Plan;
- carry out the goals and policies of the Comprehensive Plan by the provisions specified in the Code;
- provide regulations and standards that lessen congestion on the streets;
- encourage high standards of development;
- prevent the overcrowding of land;
- provide adequate light and air;
- avoid excessive concentration of population;
- facilitate adequate provisions for transportation, utilities, schools, parks, and other public needs.
- encourage productive and enjoyable harmony between man and his environment;
- promote efforts which will prevent or eliminate damage to the environment and biosphere;
- enrich the understanding of the ecological systems and natural resources important to the state and nation; and
- encourage attractive, quality construction to enhance City beautification.

3. AUTHORITY

The Code is a principal document for implementing the goals and policies of the City of Shoreline Comprehensive Plan, pursuant to the mandated provisions of the Growth Management Act of 1990, Subdivision Act, State Environmental Policy Act, and other applicable State and local requirements.

If the provisions of this Code conflict with any provision of the Revised Code of Washington (RCW) 58.17, the RCW shall prevail.

4. SCOPE

A. Hereafter, no building or structure shall be erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated except in compliance with the provisions of this Code and then only after securing all required permits and licenses.

B. Any building, structure, or use lawfully existing at the time of passage of this title, although not in compliance therewith, may be maintained as provided in Chapter III, Section 6, Nonconforming Uses and Structures.

5. 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 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 by-laws duly adopted by the Planning Commission.

The Hearing Examiner is responsible for 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.

6. INTERPRETATION OF TERMS

For the purposes of this Title, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined as follows:

- "Shall" is always mandatory, while "should" is not mandatory, and "may" is permissive.
- The present tense includes future, the singular includes the plural, and the plural includes the singular.
- "And" indicates that all connected items or provisions shall apply.
- "Or" indicates that the connected items or provisions may apply singularly or in any combination.
- "Either/or" indicates that the connected items or provisions shall apply singularly but not in combination.

Where terms are not specifically defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's International Dictionary of the English Language shall be considered in determining ordinarily accepted meanings.

Chapter II
Definitions (Place holder)

Chapter III
Procedures and Administration

1. PURPOSE

The purpose of this Chapter is to establish standard procedures, decision criteria, public notification, and timing for development decisions made by the City of Shoreline. These procedures are intended to:

- promote timely and informed public participation;
- eliminate redundancy in the application, permit review, and appeals processes;
- process permits equitably and expediently;
- balance the needs of permit applicants with neighbors;
- ensure that decisions are made consistently and predictably; and
- result in development that furthers City goals as set forth in the Comprehensive Plan.

These procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with land use procedures, decisions, and consolidated appeal processes.

2. ADMINISTRATION

The provisions of this Chapter supersede all other procedural requirements that may exist in other sections of the City Code.

When interpreting and applying the standards of this Code, its provisions shall be the minimum requirements.

Where conflicts occur between provisions of this Code and/or between the Code and other City regulations, the more restrictive provisions shall apply. Where conflict between the text of this Code and the zoning map ensue, the text of this Code shall prevail.

3. TYPES OF ACTIONS

There are four types of actions (or permits) that are reviewed under the provisions of this Chapter. The types of actions are based on who makes the decision, the amount of discretion exercised by the decision-making body, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

a) Ministerial decisions – Type A.

These decisions are based on compliance with specific, non-discretionary 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 which may impact critical areas that require a SEPA threshold determination, are subject to public notice requirements specified in Table 2 for SEPA threshold determination.

All permit review procedures and all applicable codes 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 codes and standards.

Table 1
Summary of Type A Actions and Target Time Limits for Decision

Action Type	Target Time Limits for Decision	Code-Pg. # (after codified-Section #) (listed # refers to the Draft Dev. Code issued Jan. 2000)
Type A:		
1. Accessory Dwelling Unit	30 days	pp. 100, 103 & 104
2. Lot Line Adjustment including Lot Merger	30 days	pp. 65 & 66
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	p. 69
5. Home Occupation, Bed & Breakfast, Boarding House	120 days	pp. 100, 107, 108, 111 & 112
6. Interpretation of Development Code	15 days	pp. 2, 3, & 43
7. Right-of-Way Use	30 days	pp. 256-260
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	pp. 219-224
10. Site Development Permit	30 days	p. 68
11. Variances from Engineering Standards	30 days	pp. 58 & 59
12. Temporary Use Permit	15 days	p. 116

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is subject to a SEPA threshold determination shall be appealable together with the SEPA threshold determination, as specified in Table 2.

b) Administrative decisions – Type B.

The Director makes these decisions based on standards and clearly identified criteria. A neighborhood meeting, conducted by the applicant, shall be required, prior to formal submittal of an application (as specified in Section 4.b). The purpose of such meeting is to receive neighborhood input and suggestions prior to application submittal.

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the City's decision under any required SEPA review.

All Director's decisions made under Type B actions are appealable in an open record appeal hearing. Such hearing shall consolidate with any appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.

All appeals shall be heard by the Hearing Examiner except appeals of Shoreline Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances that shall be appealable to the State Shorelines Hearings Board.

Table 2
Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision *	Target Time Limits for Decision	Appeal Authority	Code-Pg. # (after codified-Section #) (listed # refers to the Draft Dev. Code issued Jan 2000)
Type B:				
1. Binding Site Plan	Mail	90 days	HE	pp. 69 & 70
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	pp. 59 & 60.
3. Clearing and Grading Permit	Mail	60 days	HE	pp. 178-194
4. Preliminary Short Subdivision	Mail, Post Site, Newspaper	90 days	HE	pp. 66-68
5. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	pp. 71-84
6. Shoreline Substantial Development Permit , Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shoreline Hearing Board	Shoreline Master Program
7. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	pp. 60 & 61

Key: HE = Hearing Examiner

* Public hearing notification requirements are specified in Section 4.e).

c) Quasi-Judicial decisions – Type C.

These decisions are made by the City Council and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in Section 4.b).

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under 3.b).

There is no administrative appeal of Type C actions.

Table 3
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	Review Authority, Open Record Public Hearing [1]	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Code-Pg. # (after codified-Section #) (listed # refers to the Draft Dev. Code issued Jan. 2000)
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC [3]	City Council	120 days	pp. 66-68
2. Rezone of Property[2] and Zoning Map Change	Mail, Post Site, Newspaper	PC [3]	City Council	120 days	p. 61
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC [3]	City Council	120 days	p.p. 61 & 62
4. Critical Areas Special Use Permit (Placer)		*(Will be added after review of Phase II-Chapter VIII, Critical Areas Overlay District)*			
5. Critical Areas Reasonable Use Approval (Placer)					
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	p. 69

[1] Including consolidated SEPA threshold determination appeal.
[2] The rezone must be consistent with the adopted Comprehensive Plan.
[3] PC = Planning Commission

d) Legislative decisions.

These decisions are legislative, non-project decisions made by the City Council under its authority to establish policies and regulations regarding future private and public developments, and management of public lands.

Table 4
Summary of Legislative Decisions

Decision	Review Authority, Open Record Public Hearing	Decision Making Authority (in accordance with state law)	Code-Pg. # (after codified-Section #) (listed # refers to the Draft Dev. Code issued Jan. 2000)
1. Amendments and Review of the Comprehensive Plan	PC[1]	City Council	pp. 62 & 63
2. Amendments to the Development Code	PC[1]	City Council	p. 63
3. Street Vacation	PC[1]	City Council	p. 115

[1] PC = Planning Commission

Legislative decisions usually include a hearing and recommendation by the Planning Commission and the action by the City Council.

The City Council shall take legislative action on the proposal in accordance with state law.

The legislative action of the City Council may be appealed together with any SEPA threshold determination to the Superior Court.

4. PERMIT REVIEW PROCEDURES

a) Pre-application meeting.

A pre-application meeting is required prior to submitting an application for any Type B or Type C action, and/or for an application for a project located in a critical area.

Applicants for development permits under Type A actions are encouraged to participate in pre-application meetings with the City. Pre-application meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process.

Pre-application meetings are required prior to the neighborhood meeting. Plans presented at the pre-application meeting are non-binding and do not "vest" an application.

b) Neighborhood meeting.

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

The purpose of the neighborhood meeting is to:

- Ensure that applicants pursue early and effective citizen participation in conjunction with their application, giving the applicant the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
- Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants to resolve concerns at an early stage of the application process.

Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time, and location of the neighborhood meeting. The target area for such notification shall include, at a minimum, property owners located within 500 feet of the proposal and the Neighborhood Chair, as identified by Shoreline's Office of the Neighborhoods. If proposed development is within 500 feet of neighboring Neighborhoods, those chairs should also be notified.

The applicant shall provide to the City a written summary of the neighborhood meeting. The summary shall include the following:

- A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
- Who attended the meeting (list of persons and their addresses).
- A summary of concerns, issues, and problems expressed during the meeting.
- A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.

- A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.

(c) Application.

Who May Apply:

- The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site specific Comprehensive Plan Amendment.
- The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
- Any person may propose an amendment to the Comprehensive plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
- Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall require:

- An application form with the authorized signature of the applicant.
- The appropriate application fee based on the official fee schedule (SMC, Chapter 3.01).

The Director shall specify submittal requirements, including type, detail, and number of copies for an application to be complete. The permit application forms, copies of all current regulations, and submittal requirements that apply to the subject application shall be available from the Department.

(d) Determination of completeness.

A. An application shall be determined complete when: 1) it meets the procedural requirements of the City of Shoreline; 2) all information required in specified submittal requirements for the application has been provided, and; 3) is sufficient for processing the application, even though additional information may be required.

B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete, or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the 29th day after submittal.

C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and

void. The applicant may request a refund of the application fee minus the City's cost of processing.

D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action.

e) 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;
   8. The City staff Project Manager and phone number;
   9. Identification of the development regulations used in determining consistency of the project with the City's Comprehensive Plan; and
   10. Any other information that the City determines to be appropriate.

C. The notice of complete application shall be made available to the public by the Department, through any or all of the following methods (as specified in Tables 2 and 3):
   1. Mail: Mailing to owners of real property located within 500 feet of the subject property;
   2. Post Site: Posting the property (for site specific proposals);
   3. Newspaper: The Department shall publish a notice of the application in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comments period dates, and the location where the complete application may be reviewed.

D. The Department must receive all comments received on the notice of application by 5:00 p.m. on the last day of the comment period.

f) Optional consolidated permit process.

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

g) Time limits.

A. Decisions under Type A, B or C actions shall be made within 120 days from the date of a determination that the application is complete. Exceptions to this 120 day time limits are:

1. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
2. The time required to prepare and issue a draft and final Environmental Impact Statement (EIS) in accordance with the State Environmental Policy Act.
3. Any period for administrative appeals of project permits.
4. An extension of time mutually agreed upon in writing by the Department and the applicant.
5. Amendments to the Comprehensive Plan or Code.

B. The time limits set for Type A, B, and C actions do not include:

1. Any period of time during which the applicant has been requested by the Department to correct plans, perform studies or provide additional information. This period of time shall be calculated from the date the Department notifies the applicant of the need for additional information, until the date the Department determines that the additional information satisfies the request for such information or (14) days after the date the information has been provided to the Department, whichever is earlier.
2. If the Department determines that the additional information submitted to the Department by the applicant under Subsection 1 above is insufficient, the Department shall notify the applicant of the deficiencies, and the procedures provided in Subsection 1 shall apply as if a new request for studies has been made.

C. If the Department is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limit has not been met and an estimated date for issuance of the Notice of Decision.

h) Public notice of decision.

The Director shall issue a notice of decision to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The Notice of Decision may be a copy of the final report, and must include the threshold determination, if the project was not categorically exempt from SEPA.

The Notice of Decision shall be made public using the same methods used for the Notice of Application for the action.

i) Expiration of vested status of land use permits and approvals.

Except for long plats or where a shorter duration of approval is indicated in this Code, the vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term.

In such cases, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal.

5. GENERAL PROVISIONS FOR LAND USE HEARINGS AND APPEALS

a) Limitations on the number of hearings.

No more than one open record hearing shall be heard on any land use application. The appeal hearing on SEPA threshold determination of nonsignificance shall be consolidated with any open record hearing on the project permit.

b) Public notice of public hearing.

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 14 days prior to the hearing, through use of these methods:

- Mail: Mailing to owners of real property located within 500 feet of the subject property;
- Newspaper: The Department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located.

c) Effective date of decision.

Unless an administrative appeal is timely filed, a land use decision of the City shall be effective on the date the written decision is issued.

d) General description of appeals.

A. Administrative decisions are appealable to the Hearing Examiner who conducts an open record appeal hearing.

B. Appeals of City Council decisions and appeals of an appeal authority's decisions shall be made to the Superior Court.

e) Grounds for administrative appeal.

Any administrative appeal shall be linked to the criteria of the underlying land use decision. The grounds for filing an appeal shall be limited to the following:

A. The Director exceeded his or her jurisdiction or authority;

B. The Director failed to follow applicable procedures in reaching the decision;

C. The Director committed an error of law; or

D. The findings, conclusions or decision prepared by the Director or review authority are not supported by substantial evidence.

f) Filing administrative appeals.

A. Appeals shall be filed within 14 calendar days from the date of the issuance of the written decision. Appeals shall be filed in writing with the city clerk.

The appeal shall comply with the form and content requirements of the rules of procedure adopted in accordance with this Chapter.

B. Appeals shall be accompanied by a filing fee in the amount to be set in SMC, Chapter 3.01.

C. Within 10 calendar days following timely filing of a complete appeal with the City Clerk, notice of the date, time, and place for the open record hearing shall be mailed by the City Clerk to all parties of record.

g) Appeal process.

A. An appeal shall be heard and decided within 90 days from the date the appeal is filed.

B. Timely filing of an appeal shall delay the effective date of the Director's decision until the appeal is ruled upon or withdrawn.

C. The hearing shall be limited to the issues included in the written appeal statement. Participation in the appeal shall be limited to the City, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely filed complete written appeal statements and paid the appeal fee.

h) Judicial review.

No person may seek judicial review of any decision of the City, unless that person first exhausts the administrative remedies provided by the City.

i) Judicial appeals.

Any judicial appeal shall be filed in accordance with state law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within 21 calendar days after a final decision is issued by the City.

j) Conflicts.

In the event of any conflict between any provision of this Chapter and any other City ordinance, the provisions of this Chapter shall control. Specifically, but without limitation, this means that the provisions of this Chapter shall control with reference to authority to make decisions and the timeframe for making those decisions, including the requirements to file an appeal.

k) Dismissals.

The appeal authority may dismiss an appeal in whole or in part without a hearing, if the appeal authority determines that the appeal or application is untimely, frivolous, beyond the scope of the appeal authority's jurisdiction, brought merely to secure a delay, or that the appellant lacks standing.

6. NONCONFORMING USES, LOTS, AND STRUCTURES

Determining status:

A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of this Code that rendered it nonconforming, shall be considered nonconforming if:

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or
2. The use or structure does not comply with the development standards or other requirements of this Code.

B. A change in the required permit review process shall not create a nonconformance.

C. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

Abatement of illegal use, structure or development: Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

Continuation and maintenance of nonconformance: A nonconformance may be continued or physically maintained as provided by this Code.

Discontinuation of nonconforming use: A nonconforming use, when abandoned or discontinued, shall not be resumed, when land or building used for the nonconforming use ceased to be used for twelve (12) consecutive months.

Expansion of nonconforming use: A nonconforming use may be expanded subject to approval of a conditional use permit or a special use permit, whichever permit is required under the Code, or if no permit is required, then through a conditional use permit; provided, a nonconformance with the Code standards shall not be created or increased.

Repair or reconstruction of nonconforming structure: Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

a) The extent of the previously existing nonconformance is not increased; and

b) The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction.

Modifications to nonconforming structures: Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity.

Nonconforming lots: Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of this Code provided that:

a) All other applicable standards of the Code are met; or variance has been granted;

b) The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;

c) The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;

d) No unsafe condition is created by permitting development on the nonconforming lot; and

e) The lot was not created as a "special tract" to protect critical area, provide open space, or as a public or private access tract.

7. REVIEW AND/OR DECISION CRITERIA

a) VARIANCE FROM THE ENGINEERING STANDARDS (TYPE A ACTION)

A. **Purpose:** Variance from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.

B. **Decision Criteria:** The Department Director or designee shall grant an engineering standards variance only if the applicant demonstrates all of the following:

1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with state law;
3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
   - i. conform to the intent and purpose of the Code;
   - ii. produce a compensating or comparable result which is in the public interest;
   - iii. meet the objectives of safety, function and maintainability based upon sound engineering judgement.
4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the Uniform Fire Code, shall also require concurrence by the fire marshal.
5. Variance from drainage standards must meet the objectives for appearance and environmental protection.
6. Variances from drainage standards must be shown to be justified and required for the use and situation intended.
7. Variances from drainage standards for facilities that request use of an experimental water quality facility or flow control facilities must meet these additional criteria:
   - i. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
   - ii. Construction of the facility can, in practice, be successfully carried out;

iii. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;

8. A variance from utility standards shall only be granted if following facts and conditions exist:

   i. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;

   ii. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

   iii. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.

b) CONDITIONAL USE PERMIT-CUP (TYPE B ACTION)

A. **Purpose:** The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.

B. **Decision criteria:** A conditional use permit shall be granted by the City, only if the applicant demonstrates that:

1. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;

2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

5. The conditional use is not in conflict with the health and safety of the community;

6. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
7. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
8. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

c) ZONING VARIANCE (TYPE B ACTION)

A. **Purpose:** A zoning variance is a mechanism by which the City may grant relief from the zoning provisions and standards of the Code, where practical difficulty renders compliance with the Code an unnecessary hardship.

B. **Decision Criteria:** A variance shall be granted by the city, only if the applicant demonstrates all of the following:

1. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
2. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
3. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
4 The need for the variance is not the result of deliberate actions of the applicant or property owner, including any past owner of the same property;
5. The variance is compatible with the Comprehensive Plan;
6. The variance does not create a health and safety hazard;
7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:
   i. the property or improvements in the vicinity, or
   ii. the zone in which the subject property is located;
8. The variance does not relieve an applicant from:
   i. Any of the procedural or administrative provisions of this title, or
   ii. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or
   iii. Use or building restrictions, or

iv. Any provisions of Critical Areas Overlay District requirements, except for the required buffer widths;

9. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities;

10. The variance does not allow the establishment of a use that is not otherwise permitted in the zone in which the proposal is located; or

11. The variance is the minimum necessary to grant relief to the applicant.

d) REZONE OF PROPERTY AND ZONING MAP CHANGE (TYPE C ACTION)

A. **Purpose:** A rezone is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.

B. **Decision criteria:** The City may approve or approve with modifications an application for a rezone of property if:

1. The rezone is consistent with the Comprehensive Plan; and
2. The rezone will not adversely affect the public health, safety or general welfare; and
3. The rezone is warranted in order to achieve consistency with the Comprehensive Plan; and
4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and
5. The rezone has merit and value for the community.

e) SPECIAL USE PERMIT-SUP (TYPE C ACTION)

A. **Purpose:** The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use, not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit is granted

subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

B. Decision criteria:
A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety and welfare of the community;
4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title; and
9. The special use is not in conflict with the standards of the Critical Areas Overlay.

f) AMENDMENT AND REVIEW OF THE COMPREHENSIVE PLAN (LEGISLATIVE ACTION)

A. Purpose: A Comprehensive Plan amendment or review is a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis.

B. Decision criteria: The Planning Commission may recommend and the City Council may approve, or approve with modifications an amendment to the Comprehensive Plan if:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or
2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan Vision or corrects information contained in the Comprehensive Plan; or
3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.

g) AMENDMENT TO THE DEVELOPMENT CODE (LEGISLATIVE ACTION)

A. **Purpose:** An amendment to the Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

B. **Decision criteria:** The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

8. SUBDIVISIONS

a) Citation of section: This section may be cited as the City of Shoreline Subdivision Ordinance and shall supplement and implement the state regulations of plats, subdivisions and dedications.

b) Purpose: Subdivision is a mechanism by which to divide land into lots, parcels, sites, units, plots, condominiums, 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, 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, storm water 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;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description.

c) Subdivision categories:

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.
SHORT SUBDIVISION:	A subdivision of four or fewer lots.
FORMAL SUBDIVISION:	A subdivision of five or more lots.

BINDING SITE PLAN: A land division for commercial, industrial, and condominium 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.

d) **Exemption:** The provisions of this Section do not apply to the exemptions specified in the state law, 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. 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 subsection 1 and 2 of this section will not be recognized as lots for building purposes unless all applicable requirements of the Code are met.

e) **Lot Line Adjustment – Type A Action.**

A. Lot Line Adjustment is exempt from subdivision review. All proposals for lot line adjustment shall be submitted to the Director for approval. The Director shall not approve the proposed lot line adjustment if the proposed adjustment will:

1. Create a new lot, tract, parcel, site or division;
2. Would otherwise result in a lot which is in violation of any requirement of the Code.

B. Expiration: An application for a lot line adjustment shall expire one year after a complete application has been filed with the City. An extension up to an additional year may be granted by the City, upon a showing by the applicant of reasonable cause.

f) **Preliminary subdivision review procedures and criteria:** The preliminary short subdivision may be referred to as a short plat - Type B Action.

The preliminary formal subdivision may be referred to as long plat - Type C Action.

Review criteria: The following criteria shall be used to review proposed subdivisions:

A. Environmental.

1. Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the Critical Areas Overlay District Chapter and the Tree Conservation, Land Clearing and Site Grading Standards Section.
2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.
3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with paragraphs A(1) and (2) of this section.
4. The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.

B. Lot and Street Layout.

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.
2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.
3. Each lot shall meet the applicable dimensional requirements of the Code.
4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

C. Dedications.

1. The City Council may require dedication of land in the proposed subdivision for public use.
2. Only the City Council may approve a dedication of park land. The council may request a review and written recommendation from the Planning Commission.
3. Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.

D. Improvements.

1. Improvements which may be required, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

2. Improvements shall comply with the development standards for Adequacy of Public Facilities Chapter.

Time limit: Approval of a preliminary formal subdivision or preliminary short subdivision shall expire and have no further validity at the end of three years of preliminary approval.

g) Changes to approved subdivision.

A. Preliminary Subdivision. The Director may approve minor changes to an approved preliminary subdivision, 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.

B. Recorded Final Plats. An application to change a final plat that has been filed for record shall be processed in the same manner as a new application. This section does not apply to affidavits of correction of lot line adjustments.

h) Site Development Permit – Type A Action: Engineering plans for improvements required as a condition of preliminary approval of a subdivision, shall be submitted to the Department for review and approval of a site development permit, allowing sufficient time for review before expiration of the preliminary subdivision approval.

i) Installation of improvements:

A. Timing and Inspection Fee. The applicant shall not begin installation of improvements until the Director has approved the improvement plans, the Director and the applicant have agreed in writing on a time schedule for installation of the improvements, and the applicant has paid an inspection fee.

B. Completion – Bonding. The applicant shall either complete the improvements before the final plat is submitted for City Council approval, or the applicant shall post a bond or other suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director.

C. Acceptance – Maintenance Bond. The Director shall not accept the improvements for the City of Shoreline until the improvements have been inspected and found satisfactory, and the applicant has posted a bond or surety for 15 percent of the construction cost to guarantee against defects of workmanship and materials for two years from the date of acceptance.

j) Final plat review procedures:

A. Submission. The applicant may not file the final plat for review until the required Site Development Permit has been submitted and approved by the City.

B. Staff Review: Final Short Plat - The Director shall conduct an administrative review of a proposed final short subdivision and either sign the statements that all requirements of the Code have been met, or disapprove such action, stating their reasons in writing. Dedication of any interest in property contained in an approval of the short subdivision shall be forwarded to the City Council for approval.

C. City Council: Final Formal Plat - If the City Council finds that the public use and interest will be served by the proposed formal subdivision and that all requirements of the preliminary approval in the Code have been met, the final formal plat shall be approved and the mayor shall sign the statement of the City Council approval on the final plat.

D. Acceptance of Dedication. City Council approval of the final plat constitutes acceptance of all dedication shown on the final plat.

E. Filing for record: The applicant for subdivision shall file the original drawing of the final plat for recording with the King County Department of Records and Elections. One (1) reproduced full copy on mylar and/or sepia material shall be furnished to the Department.

k) Effect of rezones: The owner of any lot in a final plat filed for record shall be entitled to use the lot for the purposes allowed under the zoning in effect at the time of filing for five years from the date of filing the final plat for record, even if the property zoning designation and/or the Code has been changed.

l) Further division – Short subdivisions: A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this Section for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than four parcels, nothing in this section shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of four lots within the original short subdivision boundaries.

m) 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. The site that is subject to the binding site plan shall consist of one (1) or more contiguous lots legally created.
2. The site that is subject to the binding site plan 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. Condominium: This process may be used to divide land by the owner of any legal lot to be developed for condominiums pursuant to state law. A binding site plan for a condominium project shall be based on a building permit issued for the entire project.

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.

D. Amendment, modification and vacation:
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.

9. ENVIRONMENTAL PROCEDURES

a) Citation of section and authority.

This section may be cited as the City of Shoreline Environmental Procedures Ordinance. The City of Shoreline adopts this section under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This section contains this City's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, must be used in conjunction with this section.

b) Definitions – Adoption by reference.

The City adopts by reference the definitions contains in WAC 197-11-700 through 197-11-799, as now existing or hereinafter amended. The following abbreviations are used in this: Section

DEIS – Draft Environmental Impact Statement

DNS – Determination of Non-Significance

DOE – Department of Ecology

DS – Determination of Significance

EIS – Environmental Impact Statement

FEIS – Final Environmental Impact Statement

MTCA – Model Toxics Control Act

SEPA – State Environmental Policy Act

c) General requirements – Adoption by reference.

The City of Shoreline adopts the following sections of Chapter 197-11 WAC, as now existing or hereinafter amended, by reference, as supplemented in this Section:

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review - Reliance on existing plans, laws, and regulations.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated GMA/SEPA process.

197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial actions.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.

d) Designation of responsible official.

A. For those proposals for which the City is a lead agency, the responsible official shall be the Director or such other person as the Director may designate in writing.

B. For all proposals for which the City is a lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA Rules (WAC Chapter 197-11) that have been adopted by reference.

C. The responsible official shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

D. The responsible official shall be responsible for the City's compliance with WAC 197-11-550 whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

E. The responsible official shall retain all documents required by the SEPA rules and make them available in accordance with Chapter 42.17 RCW.

e) Lead agency determination and responsibilities.

A. When the City receives an application for or initiates a proposal that involves a nonexempt action, the responsible official shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the responsible official is aware that another agency is in the process of determining the lead agency.

B. When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless the responsible official determines a supplemental environmental review is necessary under WAC 197-11-600.

C. If the City, or any of its departments, receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the City must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the City may be initiated by the responsible official or any department.

D. The responsible official is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.

E. The responsible official shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

F. When the City is lead agency for a MTCA remedial action, the Department of Ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the responsible official shall decide jointly with the Department of Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

f) Timing and content of environmental review.

A. Categorical Exemptions. The City will normally identify whether an action is categorically exempt within ten days of receiving a complete application.

B. Threshold Determinations. When the City is lead agency for a proposal, the following threshold determination timing requirements apply:

1. If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application (RCW 36.70B.110). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.
2. If the City is lead agency and project proponent or is funding a project, the City may conduct its review under SEPA and may allow appeals

of procedural determinations prior to submitting a project permit application.

3. If an open record pre-decision hearing is required, the threshold determination shall be issued at least 15 days before the open record pre-decision hearing (RCW 36.70B.110 (6)(b)).
4. The optional DNS process in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required (refer to WAC 197-11-355(4)).

C. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the City's staff recommendation to the appropriate review authority. If the final EIS is or becomes available, it shall be substituted for the draft.

D. The optional provision of WAC 197-11-060(3)(c) is adopted.

g) 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: Section

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.*
197-11-880	Emergencies
197-11-890	Petitioning DOE to change exemptions.

h) Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water, the proposal would alter the existing conditions within an environmentally sensitive area or 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 twenty automobiles.

C. The construction of a parking lot designed for twenty automobiles.

D. Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

i) Categorical exemptions and threshold determinations - use of exemptions.

A. The determination of whether a proposal is categorically exempt shall be made by the responsible official.

B. The determination that a proposal is exempt shall be final and not subject to administrative review.

C. If a proposal is exempt, none of the procedural requirements of this Section shall apply to the proposal.

D. The responsible official shall not require completion of an environmental checklist for an exempt proposal.

E. If a proposal includes both exempt and nonexempt actions, the responsible official may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

1. The responsible official shall not give authorization for:
   - Any nonexempt action;
   - Any action that would have an adverse environmental impact; or
   - Any action that would limit the choice of alternatives.
2. The responsible official may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
3. The responsible official may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

j) Environmental checklist.

A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate, or other approval not exempted in this ordinance; except, a checklist is not needed if the City's responsible official and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. Except as provided in subsection E of this section, the checklist shall be in the form of WAC 197-11-960 with such additions that may be required by the responsible official in accordance with WAC 197-11-906(4).

B. For private proposals, the responsible official will require the applicant to complete the environmental checklist, providing assistance as necessary. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The responsible official may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
   1. The City has technical information on a question or questions that is unavailable to the private applicant; or
   2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration; or
   3. On the request of the applicant.

D. The applicant shall pay to the City the actual costs of providing information under subsections C(2) and C(3) of this section.

E. For projects submitted as planned actions under WAC 197-11-164, the City shall use its existing environmental checklist form or may modify the environmental checklist form as provided in WAC 197-11-315. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to the Department of Ecology to allow at least a thirty-day review prior to use.

F. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

k) Mitigated DNS

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the Department is lead agency; and
2. Precede the City's actual threshold determination for the proposal.

C. The responsible official's response to the request for early request shall:
1. Be written;
2. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
1. If the City indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS if the City determines that no additional information or mitigation measures are required.
2. If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate.
3. The applicant's proposed mitigation measures, clarifications, changes or conditions must be in writing and must be specific.
4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

E. A mitigated DNS is issued under either WAC 197-11-340(2), requiring a fourteen-day comment period and public notice, or WAC 197-11-355, which may require no additional comment period beyond the comment period on the notice of application.

F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the City.

G. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS.

H. If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the

proposal, the City should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3)(a) relating to the withdrawal of a DNS.

I. The City's written response under item (3) of this subsection shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the City to consider the clarifications or changes in its threshold determination.

l) Environmental Impact Statements (EIS) – Adoption by reference.

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

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

m) Environmental impact statements and other environmental documents - Additional considerations.

A. Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

B. Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the Department shall be responsible for preparation and content of EIS's and other environmental documents. The Department may contract with consultants as necessary for the preparation of environmental documents. The Department may consider the opinion of the applicant regarding the qualifications of the consultant but the Department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C. Consultants or sub-consultants selected by the Department to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

D. All costs of preparing the environment document shall be borne by the applicant.

E. If the responsible official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

F. The City may require an applicant to provide information the City does not possess, including information that must be obtained by specific investigations. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, or other provisions of regulations, statute, or ordinance. An applicant shall not be required to produce information under this provision which is not specifically required by this Section nor is the applicant relieved of the duty to supply any other information required by statute, regulation or ordinance.

G. In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the Department and consultant. The applicant shall continue to be responsible for all monies expended by the Department or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

H. The Department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately discloses: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts.

n) Comments and public notice - Adoption by reference.

The City adopts the following sections, as now existing or hereinafter amended, by reference as supplemented in this Section:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.

197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

o) Comments and public notice – Additional considerations.

A. For purposes of WAC 197-11-510, public notice shall be required as provided in *Chapter III – Permit Review Procedures*.

B. Publication of notice in a newspaper of general circulation in the area where the proposal is located, shall also be required for all nonproject actions and for all other proposals that are subject to the provisions of this Section but are not classified as Type A, B, or C actions.

C. The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure.

p) Using and supplementing existing environmental documents – Adoption by reference.

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

197-11-164	Planned actions – Definition and criteria
197-11-168	Ordinances or resolutions designating planned actions – Procedures for adoption
197-11-172	Planned actions – Project Review
197-11-600	When to use existing environmental documents
197-11-610	Use of NEPA documents
197-11-620	Supplemental environmental impact statements
197-11-625	Addenda – Procedures
197-11-630	Adoption – Procedures
197-11-635	Incorporation by reference – Procedures
197-11-640	Combining documents

q) SEPA decisions – Adoption by reference

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

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.

197-11-680 Appeals.

r) SEPA Decisions - Substantive authority.

A. The City may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific adverse environmental impacts identified in environmental documents prepared pursuant to this; Section and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The City has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in section (s) of this Section and cited in the permit, approval, license or other decision document.

B. The City may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final supplemental EIS; and
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in Subsection s) and identified in writing in the decision document.

s) SEPA Policies

A. The policies and goals set forth in this Section are supplementary to those in the existing authorization of the City of Shoreline.

B. For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of the City's substantive authority to condition or deny proposals under SEPA, subject to the provisions of RCW 43.21C.240 and Subsection r).

1. The policies of the State Environmental Policy Act, RCW 43.21C.020.
2. The Shoreline Comprehensive Plan, its appendices, subarea plans, surface water management plans, park master plans, and habitat and vegetation conservation plans.
3. The City of Shoreline Municipal Code.

t) Appeals

A. Any interested person may appeal a threshold determination and the conditions or denials of a requested action made by a non-elected official pursuant to the procedures set forth in this section and Chapter III, Subsection 5– 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 III, Subsection 5– General Provisions For Land Use Hearings and Appeals, subject to the following:

1. Only one appeal of each threshold determination shall be allowed on a proposal.
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 fourteen calendar days following issuance of the DS.
4. An appeal of a DNS for actions classified as Type A, B, or C actions in *Chapter III – Types of Actions* must be filed within fourteen calendar days following notice of the decision as provided in *Chapter III, Sec. (h) – Public Notice of Decision*, provided that the appeal period for a DNS for Type A, B, or C actions shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. For actions not classified as Type A, B, or C actions in *Chapter III – Types of Actions*, no administrative appeal of a DNS is permitted.
5. 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 III – 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 III – *General Provisions for Land Use Hearing and Appeals.*

E. 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.

u) Compliance with SEPA – Adoption by reference

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

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

v) Forms – Adoption by reference

The City adopts the following forms and sections of the SEPA Rules, as now existing or hereinafter amended, by reference:

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).

197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

w) Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this Section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Section.

18.12.030 Residential zones.

A. Densities and Dimensions

ZONES	RESIDENTIAL						
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**
Maximum Density: Dwelling Unit/Acre (7)	4 du/ac (4)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Minimum Density: Dwelling Unit/Acre	4 du/acre	4 du/acre	4 du/acre	4 du/acre	4 du/acre	4 du/acre	4 du/acre
Minimum Lot Width (1)	50 ft.	50 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Size (1)	7200 sq. ft.	7200 sq. ft.	2500 sq.ft.	2500 sq.ft.	2500 sq.ft.	2500 sq.ft.	2500 sq.ft.
Minimum Front Yard Setback (1)	20 ft.	20 ft.	10 ft. (5)	10 ft. (5)	10 ft. (5)	10 ft. (5)	10 ft. (5)
Minimum Side Yard Setback (1) (5)	5 ft., 15 ft. total two side yards (5) (10) (8)	5 ft., 15 ft. total two side yards (5) (10) (8)	5 ft. (8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)
Minimum Rear Yard Setback (1)	15 ft.	15 ft.	5 ft. (8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)	5 ft. (6,8)
Base Height (2a,b)	30 ft. (2a)	30 ft. (2a)	35 ft. (2b)	60 ft. (2b)	60 ft. (2b)	60 ft. (2b)	60 ft. (2b)
Maximum Building Coverage: Percentage (3)	35%	35%	55%	60%	60%	70%	70%
Maximum Impervious Surface: Percentage (3)	45%	50%	75%	85%	85%	85%	90%

EXHIBIT C
Ordinance No. 230

The following titles, chapters, and sections of the Shoreline Municipal Code (SMC) and references to King County Code (KCC) are to be repealed:

Undergrounding of Utilities

SMC Chapter 13.20 – Electric and Communication Facilities:

Repeal SMC Section 13.20.100 – Variance – Procedure

Repeal SMC Section 13.20.110 – Variance – Criteria

SEPA

Repeal SMC Chapter 14.05 – SEPA Policies

Planning

Repeal SMC Chapter 16.15 – Planning Code, which adopted KCC Title 20 (Planning) by reference; except:

KCC Chapter 20.12 – Countywide Planning Policies

KCC Chapter 20.36 – Open Space, Agriculture and Timber Lands Current Use Assessment

KCC Chapter 20.58 – Condominium Conversions

KCC Chapter 20.62 – Protection and Preservation of Landmarks, Landmark Sites and Districts

Permit Processing (SMC Title 16 Division II)

Repeal SMC Chapter 16.35 – General Provisions for Land Use Hearings and Appeals

Repeal SMC Chapter 16.40 – Permit Review Procedures

Repeal SMC Chapter 16.45 – Administrative Appeal Process

Subdivisions

Repeal SMC Title 17 – Subdivisions, which adopted KCC Title 19 (Subdivisions) by reference.

Zoning

SMC Chapter 18.08 – Permitted Uses:

SMC Section 18.08.050 – General Services Land Uses:

Repeal Development Condition 18.08.050 21.a.

(New high schools shall be permitted in urban residential zones subject to the review process set forth in SMC Title 16, Division II.)

SMC Chapter 18.12 – Development Standards – Density and Dimensions:

Revisions to development standards as specified on Attachment C.

SMC Chapter 18.26 – Development Standards – Wireless Telecommunication Facilities

SMC Chapter 18.32 – General Provisions - Nonconformance, Temporary Uses, and Re-Use of Facilities:

SMC Section 18.32.010 A – Purpose:

Repeal Part A – (Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;)

Repeal SMC Section 18.32.020 – Applicability.

Repeal SMC Section 18.32.030 – Determining status.

Repeal SMC Section 18.32.040 – Abatement of illegal use, structure or development.

Repeal SMC Section 18.32.050 – Continuation and maintenance of nonconformance.

Repeal SMC Section 18.32.060 – Re-establishment of discontinued nonconforming use.

Repeal SMC Section 18.32.070 – Repair or reconstruction of nonconforming structure.

Repeal SMC Section 18.32.080 – Modifications to nonconforming structures.

Repeal SMC Section 18.32.090 – Expansion of nonconformance.

SMC Chapter 18.38 –General Provisions – Property-Specific Development Standards/Special District Overlays:

Repeal SMC Section 18.38.080 – Special district overlay – UPD implementation.

Repeal SMC Section 18.39 – General Provisions – Urban Planned Developments

Repeal SMC Section 18.40 – Application Requirements/Notice Methods, <u>except</u>:

SMC Section 18.40.040 – Applications – Modifications to proposal.

SMC Section 18.40.050 – Applications – Supplemental information.

SMC Section 18.40.060 – Applications – Oath of accuracy.

SMC Section 18.40.070 – Applications – Limitations on refiling of applications.

Repeal SMC Chapter 18.41 – Commercial Site Development Permits

Repeal SMC Chapter 18.44 – Decision Criteria, <u>except</u>:

SMC Section 18.44.020 – Temporary use permit:

Repeal Part C (The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;)