ORDINANCE NO. 238

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ADOPTING A UNIFIED DEVELOPMENT CODE; AND ADOPTING A NEW TITLE 20, REPEALING ORDINANCE 230 SECTION 1, REPEALING SMC CHAPTERS 16.25 AND 16.30, AND REPEALING SMC TITLE 18

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;
- 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, Phase I of the Development Code amending procedural and administrative provisions of the zoning code, a minimum lot size, and density provisions was adopted on February 28, 2000 by the City Council following a public hearing; and

WHEREAS, Phase II of the Development Code adopting new development regulations for zoning, design, engineering, and critical areas together with over 400 amendments proposed during the public comment period was reviewed by the Planning Commission at a public hearing and three workshops; and

WHEREAS, the Planning Commission unanimously recommend approval of Phase II at its meeting of March 23, 2000, and

WHEREAS, the Unified Development Code was submitted to the State Department of Community, Trade and Economic Development for comment pursuant WAC 365-195-820 and its comments have been addressed in the Code amendments; and

WHEREAS, The Council finds that the Unified Development Code adopted by this ordinance is consistent with and implements the Shoreline Comprehensive Plan and complies 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. Repeal, New Title. Title 20 of the Shoreline Municipal Code and Section 1 of Ordinance 230 are repealed and a new Title 20 is adopted as set forth in Exhibit "A" which is attached hereto and incorporated herein.

Section 2. Repeal. The following titles and chapters of the Shoreline Municipal Code are hereby repealed in their entirety:

SMC Chapter 16.25 *Enforcement Code*
SMC Chapter 16.30 *Definitions*
SMC Title 18 *Zoning Code*

Section 4. 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 5. 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 JUNE 12, 2000.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

Date of Publication: June 16, 2000
Effective Date: June 21, 2000

Exhibit A
Ordinance No. 238

City of Shoreline

DEVELOPMENT CODE

September 2000

Codified, Indexed, and Published by

CODE PUBLISHING COMPANY

Seattle, Washington

(Revised 9/00)

Shoreline Development Code

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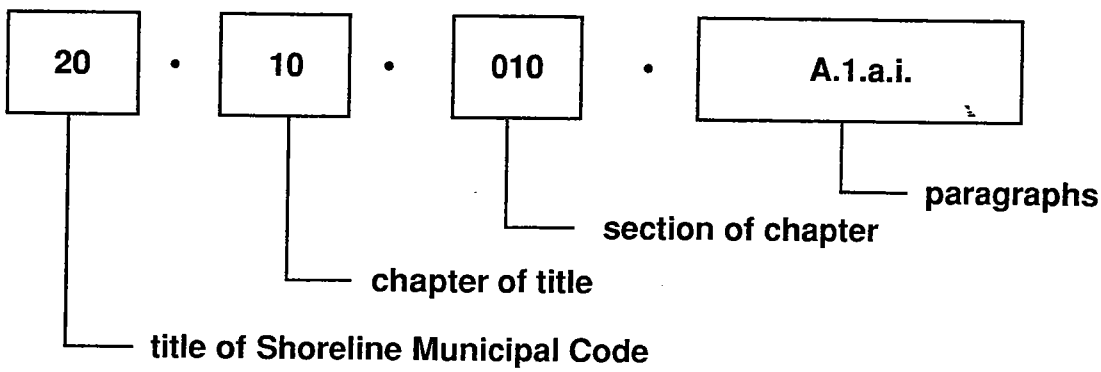
PREFACE

Citation to the Shoreline Development Code: This code is Title 20 of the Shoreline Municiapl Code and should be cited as SMC; i.e., "see SMC 20.10.010". An SMC chapter should be cited Chapter 20.10 SMC. An SMC section should be cited SMC 20.10.010. Through references should be made as SMC 20.10.010 through 20.10.040. Series of sections should be cited as SMC 20.10.010, 20.10.020, and 20.10.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus SMC 20.30.020 is Title 20, chapter 30, section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the Development Code, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

The numbering scheme used in the Development Code operates in the following manner:



Legislation: The legislative source of each section is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus "(Ord. 238 Ch. IV § 3(B), 2000)" refers to subsection 3(B) of Chapter IV of Ordinance No. 238. "Formerly" followed by a SMC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

Ordinance table: To convert an ordinance citation to its SMC number consult the ordinance table following the last chapter of the Development Code.

Index: The Development Code index follows the ordinance table. The index includes complete cross-referencing and is keyed to the section numbers described above.

Errors or omissions: Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be mailed to: Code Publishing Company, P. O. Box 51164, Seattle, WA 98115-1164, so that correction may be made in a subsequent update.

Computer access: The code is available in the following computer formats: ASCII text or *Folio* infobase.

Code Publishing Company
Seattle, WA
206-527-6831

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The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

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Chapter 20.10
General Provisions

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20.10.020 Purpose.
20.10.030 Authority.
20.10.040 Scope.
20.10.050 Roles and responsibilities.
20.10.060 Interpretation of terms.

20.10.010 Title.

This title shall be known as the Unified Development Code for the City of Shoreline, Washington, hereafter referred to as the Code. (Ord. 238 Ch. I § 1, 2000).

20.10.020 Purpose.

It is the purpose of this Code to:

- 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. (Ord. 238 Ch. I § 2, 2000).

20.10.030 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 Chapter 58.17 RCW, the RCW shall prevail. (Ord. 238 Ch. I § 3, 2000).

20.10.040 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 20.30 SMC, Subchapter 5, Nonconforming Uses and Structures. (Ord. 238 Ch. I § 4, 2000).

20.10.050 Roles and responsibilities.

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

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

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

The Hearing Examiner is responsible for the review of administrative appeals.

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

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

20.10.060 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. (Ord. 238 Ch. I § 6, 2000).

Chapter 20.20
Definitions*

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*Code reviser's note: Ordinance 238 provided all of the definitions initially set out in this chapter. History notes following definitions indicate amending ordinances only.

20.20.010 A definitions.

Abandonment To cease operation for a period of 12 or more consecutive months.

Abate To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a Code violation by such means, in such a manner, and to such an extent as the Director determines is necessary in the interest of the general health, safety and welfare of the community and the environment.

Abut To physically touch or border upon; or to share a common property line but not overlap.

Access A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Access Point The location of the intersection of a highway or street or driveway with a street.

Access Tract — A piece of real property jointly owned by the fee owners or more than one lot which abuts the tract and which is intended to provide ingress, egress or utility access.

Accessory Structure — A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use — A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Acre — A measure of land area containing 43,560 square feet.

Adult Cabaret — Any commercial premises, including any cabaret premises, to which any member of the public is invited or admitted and where an entertainer provides live adult entertainment to any member of the public.

Adult Entertainment

A. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

B. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

   1. Human genitals in a state of sexual stimulation or arousal,

   2. Acts of human masturbation, sexual intercourse or sodomy, or

   3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; or

C. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the activity on the premises. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with, or engaged in with fewer than all members of the public on the premises at the time, and which is commonly referred to as table dancing, couch dancing, lap dancing, private dancing and straddle dancing.

Adult Use Facility

An enterprise predominately involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, digital video discs (DVDs), goods, products, clothing, novelties, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined for observation or use by patrons therein or off-premises. Examples of such facilities include, but are not limited to, adult retail sales, book or video stores, and establishments offering panoramas, peep shows or topless or nude dancing.

Adverse Impact

A condition that creates, imposes, aggravates, or leads to inadequate, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

Alley

A service roadway providing a primary or secondary means of automobile, service vehicle or emergency vehicle access to abutting property and not intended for primary traffic or pedestrian circulation.

Amenity

A natural or created feature that enhances the aesthetic quality, visual appeal, or makes more attractive or satisfying a particular property, place, or area.

American with Disabilities Act (ADA)

A 1990 Federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services.

Annexation

The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Antenna

A device used to capture an incoming and/or to transmit an outgoing radio-frequency signal. Antennas include, but are not limited to, the following types: omni-directional (or "whip"), directional (or "panel"), parabolic (or "dish"), and ancillary antennas (antennas not directly used to provide wireless telecommunication services).

Appeal Authority

The hearing body that is authorized to conduct a hearing and issue a decision on an administrative appeal.

Appellant

A person, organization, association or other similar group who files a complete and timely appeal of a City decision.

Applicant

A person who is the owner of the subject property, or the authorized representative of the owner of the subject property, and who has applied for a permit.

Applicant Control Persons

All partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the panoram business, based on responsibility for management or control of the panoram business, regardless of whether such person's name appears on corporate filings, license applications, or other official documents of the applicant.

20.20.012 B definitions.

Base Flood — The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood."

Base Flood Elevation — The water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast — Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Beehive — A structure designed to contain one colony of honey bees (Apis mellifera).

Best Management Practices (BMPs) — A system of practices and management measures that minimize adverse impacts to an identified resource.

BMP Manual — A stormwater best management practices manual that presents BMPs and procedures for existing facilities and activities and for new development activities not covered by the City Surface Water Design Manual.

Billboard — A sign, including both the supporting structural framework and attached billboard faces, used principally for advertising a business activity, use, product, or service unrelated to the primary use or activity of the property on which the billboard is located; excluding off-premises directional, or temporary real estate signs.

Binding Site Plan — A plan drawn to scale, which identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, critical areas, parking areas, landscaped areas, surveyed topography, water bodies and drainage features and building envelopes.

Biologist — A person who has earned at least a Bachelor of Science degree in the biological sciences from an accredited college or university or who has equivalent educational training and experience.

Bond — A surety bond, cash deposit, escrow account assignment of savings, irrevocable letter of credit or other means acceptable to, or required by, the Director to guarantee work is in compliance with all applicable requirements.

Buffer — A designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazards or a designated area contiguous to a stream or wetland intended to protect the stream or wetland and be an integral part of the stream or wetland ecosystem.

Buildable Area — The area of a lot remaining after the minimum yard and open space requirements of the Development Code have been met, not including critical areas and their buffers.

Building	Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
Building Coverage	The ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.
Building Scale	The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

20.20.014 C definitions.

Caliper	American Nursery and Landscape Association standard for measurement of the diameter of a tree trunk. Caliper of the trunk shall be measured six inches above the ground.
Camouflaged, Wireless Telecommunication Facility	A wireless telecommunication facility that is disguised, hidden, or integrated with an existing structure that is not a monopole, guyed, or lattice tower, or placed within an existing or proposed structure.
Card Room	Commercial eating and/or drinking establishment licensed by the State Gambling Commission to conduct social card games.
Cattery	A place where adult cats are temporarily boarded for compensation, whether or not for training. An adult cat is of either sex, altered or unaltered, that has reached the age of six months.
Cemetery	Property used for the interring of the dead.
Certified Arborist	A person or firm with specialized knowledge of the horticultural requirements of trees, certified by the International Society of Arborculture or the National Arborist Association.
Church, Synagogue or Temple	A place where religious services are conducted, and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy. This definition does not include facilities for training of religious orders.
City	City of Shoreline, Washington.
City Council	The City of Shoreline City Council.
Clearing	The limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical or other means.
Clerk	The City of Shoreline employee or agent appointed by the Mayor as licensing official.

Coastal High Hazard Area

An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as zone V1-V30, VE, or V.

Code Violation

An act or omission contrary to:

A. Any ordinance of the City, or State or Federal laws that regulate or protect the public health or the use and development of land or water, whether or not such law or ordinance is codified; and/or

B. The conditions of any permit, notice and order or stop work order issued pursuant to any such law or ordinance.

Co-location, Wireless Telecommunication Facility

The use of a single support structure and/or site by more than one wireless communications provider.

Community Residential Facility (CRF)

Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:

A. CRF-I – Nine to 10 residents and staff;

B. CRF-II – Eleven or more residents and staff.

If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs.

Conditional Use

A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Development Code and authorized by the approving agency.

Conditional Use Permit (CUP)

A permit by the approving agency stating that the conditional use meets all conditions set forth in local ordinances.

Condominium

A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conference Center

An establishment developed primarily as a meeting facility, including only facilities for recreation, overnight lodging, and related activities provided for conference participants.

Consultant, Qualified

A person who is licensed to practice in the professional field of the requested consultation or who has equivalent educational training and at least four years of professional experience.

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, in common.

Contract Rezone

A concomitant agreement between the City and applicant, subject to development conditions, designed to achieve consistency with the Comprehensive Plan and to mitigate potential impacts of the rezone and resulting development.

Corridor, Transportation

A transportation corridor is a significant arterial or highway which is the primary route for inter-community travel in a metropolitan area or region. Transportation corridors typically accommodate a high percentage or regional commercial and mass transit use.

Corridor, Wildlife or Open Space

Wildlife or open space corridor are a series of undeveloped or minimally developed, interconnected public and private lands that supports the successful function of existing natural systems, provide opportunities for passive and active recreation (where appropriate), and enhances opportunities for wildlife mobility.

Corridor, Wireless Telecommunication Facility

A linear strip of land through the City, usually having a major street, road or other type of right-of-way running through its spine or center. A "communications corridor" represents a high-volume traffic facility (e.g., I-5) along which are found several personal wireless service facilities.

Cottage

A small, detached dwelling unit.

Cottage Housing

Detached single-family housing which has the following characteristics:

A. Each unit is of a size and function suitable for a single person or very small family;

B. Each unit has the construction characteristics of a single-family house;

C. Density of cottage housing is typically seven to 12 units per acre;

D. All units are located on a commonly owned piece of property and may have shared amenities (i.e., party room, tool shed, garden, orchard, workshop, parking areas;

E. Site is designed with a coherent concept in mind, including: shared functional open space, off-street parking, access within the site and from the site, and consistent landscaping.

Critical Areas

An area with one or more of the following environmental characteristics:

A. Steep slopes;

B. Flood plain;

C. Soils classified as having high water tables;

D. Soils classified as highly erodible, subject to erosion, or highly acidic;

E. Fault areas;

F. Stream corridors;

G. Estuaries;

H. Aquifer recharge areas;

I. Wetlands and wetland transition areas; and

J. Habitats of endangered species.

Critical Drainage Area An area which has been formally determined by the department as designated by the City Manager to require more restrictive regulation than City-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.

Crosswalkway A right-of-way dedicated to public use, 10 feet or more in width, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Cul-de-sac The bulb shaped turnaround at the end of a dead-end street.

Curb A cement, concrete or other improved boundary designed to delineate the edge of the street and to separate the vehicular portion from that provided for pedestrians.

20.20.016 D definitions.

Daycare An establishment for group care of nonresident adults or children.

A. Daycare shall include adult daycare centers and the following:

1. Adult daycare, such as adult day health centers or social daycare as defined by the Washington State Department of Social and Health Services;

2. Nursery schools for children under minimum age for education in public schools;

3. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and

4. Programs covering after-school care for school children.

B. Daycare establishments are subclassified as follows:

1. Daycare I – a maximum of 12 adults or children in any 24-hour period; and

2. Daycare II – over 12 adults or children in any 24-hour period.

Decision Making Authority The Director, City Council, or other entity created by the Council of the City to hear and decide applications as identified in the Development Code of the City.

Dedication	A conveyance of land by the owner of the land to some public use through a clause or covenant in a deed or some other instrument of conveyance or a duly filed plat.
Deed	A legal document conveying ownership of real property.
Density	The number of families, individuals, dwelling units, households, or housing structures per unit of land.
Density, Base	The base density is a number calculated by multiplying the site area (in acres) by the applicable number of dwelling units.
Department	Planning and Development Services Department.
Design	The appearance of a structure including such features as material, color, and shape.
Design Standards	A set of guidelines defining parameters to be followed in site and/or building design and development.
Developer	The person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.
Development	The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
Diameter/Diameter-breast-height (d.b.h.)	The diameter of any tree trunk, measured at four and one-half feet above average grade. For species of trees whose normal growth habit is characterized by multiple stems (e.g., hazelnut, vine maple) diameter shall mean the average diameter of all stems of the tree, measured at a point six inches from the point where the stems digress from the main trunk. In no case shall a branch more than six inches above average grade be considered a stem. For the purposes of Code enforcement, if a tree has been removed and only the stump remains, the size of the tree shall be diameter of the top of the stump.
Director	Planning and Development Services Director or designee.
Dripline	An area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.
Driveway	A privately maintained access to a single residential, commercial or industrial property.
Driveway, Shared	A jointly owned and maintained tract or easement serving two properties.
Dwelling, Apartment	A building containing three or more dwelling units that may be located one over the other in a multi-unit configuration.

Dwelling, Duplex — A house containing two individual single-family dwelling units that are separated from each other by one-hour fire wall or floor but not including approved accessory dwelling unit.

Dwelling, Single-Family Attached — A building containing more than one dwelling unit attached to two or more dwelling units by common vertical wall(s), such as townhouse(s). Single-family attached dwellings shall not have units located one over another.

Dwelling, Single-Family Detached — A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit.

Dwelling, Townhouse — A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhomes may be located on a separate (fee simple) lot or several units may be located on a common parcel. Townhomes are considered single-family attached dwellings or multifamily dwellings.

Dwelling Unit — Residential living facility as distinguished from temporary lodging or group home facility, such as hotel/motel room or dormitory.

20.20.018 E definitions.

Early Notice — The City's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of non significance (DNS) procedures).

Easement — A grant by the property owner of the use of a strip of land by the public, corporation or persons for specific purposes.

Egress — An exit.

Elevation

A. A vertical distance above or below a fixed reference level;

B. A fully dimensioned drawing of the front, rear, or side of a building showing features such as windows, doors, and relationship of grade to floor level.

Emergency — A situation which requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons, property, or the environment.

Engineer — A professional engineer licensed to practice in the State of Washington.

Engineer, City — City Engineer having authorities specified in State law or authorized representative.

Enhancement — An action which increases the functions and values of a stream, wetland or other sensitive area or buffer.

Equipment Enclosure, Wireless Telecommunication Facility

A small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

Erosion

The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.

Erosion Hazard Areas

Those areas in the City of Shoreline underlain by soils which are subject to severe erosion when disturbed. Such soils include, but are not limited to, those classified as having a severe to very severe erosion hazard according to the USDA Soil Conservation Service, the 1973 King County Soils Survey or any subsequent revisions or addition by or to these sources. These soils include, but are not limited to, any occurrence of River Wash (Rh) or Coastal Beaches (Cb) and the following when they occur on slopes 15 percent or steeper:

A. The Alderwood gravely sandy loam (AgD);

B. The Alderwood and Kitsap soils (AkF);

C. The Beausite gravely sandy loam (BeD and BeF);

D. The Kitsap silt loam (KpD);

E. The Ovall gravely loam (OvD and OvF);

F. The Ragnar fine sandy loam (RaD); and

G. The Ragnar-Indianola Association (RdE).

Excessive Pruning

Pruning more than four years of branch growth, unless necessary to restore the vigor of the tree or to protect life and property.

20.20.020 F definitions.

Facade

The front or face of a building emphasized architecturally.

Family

An individual; two or more persons related by blood or marriage, a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.

Federal Emergency Management Agency (FEMA) Floodway

The channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one foot.

Fence

A barrier for the purpose of enclosing space or separating lots, composed of:

A. Masonry or concrete walls, excluding retaining walls; or

B. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

Flood

The temporary overflowing of water onto land that is usually devoid of surface water.

Flood Fringe

That portion of the floodplain outside of the zero-rise floodway which is covered by floodwaters during the base flood, generally associated with standing water rather than rapidly flowing water.

Flood Hazard Areas

Those areas in the City of Shoreline subject to inundation by the base flood including, but not limited to, streams, lakes, wetlands and closed depressions.

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Insurance Administration has delineated some areas of flood hazard.

Flood Insurance Study for King County

The official report provided by the Federal Insurance Administration which includes flood profiles and the flood insurance rate map.

Flood Protection Elevation

An elevation which is one foot above the base flood elevation.

Floodplain

The total area subject to inundation by the base flood.

Floodproofing

Adaptations which will make a structure that is below the flood protection elevation substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.

Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway, Zero-rise

The channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than the FEMA floodway, but always contains the FEMA floodway.

Floor Area Ratio (FAR)

The gross floor area of all buildings or structures on a lot divided by the total lot area.

Floor Area, Gross

The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Franchise — A contractual agreement, under the authority of State law, between a utility and the City setting forth the Terms and conditions under which the City grants the utility authority to install and maintain facilities in the public rights-of-way.

20.20.022 G definitions.

Garbage — All putrescible material including animal and vegetable waste that is not contained as functioning compost.

Geologist — A person who has earned at least a Bachelor of Science degree in the geological sciences from an accredited college or university or who has equivalent educational training and at least four years of professional experience.

Geotechnical Engineer — A practicing geotechnical/civil engineer licensed as a professional civil engineer by the State of Washington who has at least four years of professional employment as a geotechnical engineer.

Grade

A. The average elevation of the land around a building;

B. The percent of rise or descent of a sloping surface.

C. Leveling or clearing land, a land disturbing activity.

Grade, Existing — The elevation of the ground surface in its natural state, before construction, grading, filling, or excavation.

Grading — Any excavation, filling, removing the duff layer or any combination thereof.

Groundcover — Living plants designed to grow low to the ground (generally one foot or less) and intended to stabilize soils and protect against erosion.

Guyed Tower — A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

20.20.024 H definitions.

Hazardous Substance — A substance as defined in RCW 70.105.010.

Height, Base — The height of a structure measured from the average existing grade to the highest point of the roof.

Helistop — An area on a roof or on the ground used for the takeoff and landing of helicopters for the purpose of loading or unloading passengers or cargo but not including fueling service, hangars, maintenance or overhaul facilities.

High-use Site

A commercial or industrial site that:

A. Has an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;

B. Is subject to petroleum storage or transfer in excess of 1,500 gallons per year, not including delivered heating oil; or

C. Is subject to use storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons net weight (trucks, buses, trains, heavy equipment, etc.). Also included is any road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 1,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements. (1998 King County Surface Water Design Manual)

Home Industry

A limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the premises as a residence or farm.

Home Occupation

Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

Household Pets

Small animals that are kept within a dwelling unit.

20.20.026 I definitions.

Impervious Surface

Any material that prevents absorption of stormwater into the ground.

Infiltration Rate

The rate of water entry into the soil expressed in inches per hour.

Ingress

Access or entry.

Issued

The date a recommendation or decision is mailed to the parties of record.

20.20.028 J definitions.

Junk Vehicle

A vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

A. Is three years old or older;

B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor or transmission;

C. Is apparently inoperable;

D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

20.20.030 K definitions.

Kennel — A place where adult dogs are temporarily boarded for compensation, whether or not for training. An adult dog is one of either sex, altered or unaltered, that has reached the age of six months.

20.20.032 L definitions.

Land Surveyor — See Surveyor.

Land Use Application — Any application for a land use action undertaken in accordance with the Development Code of the City of Shoreline.

Land Use Decision — A final determination by the City as defined in State law.

Landfill — A disposal site or part of a site at which refuse is deposited.

Landing — A road or driveway approach area to any public area or private road.

Landscape Architect — A person licensed by the State of Washington to engage in the practice of landscape architecture as defined by RCW 18.96.030.

Landscape Water Features — A pond, pool or fountain used as a decorative component of a development.

Landscaping — Live vegetative materials required for a development. Said materials provided along the boundaries of a development site is referred to as perimeter landscaping.

Landslide — Episodic downslide movement of a mass including, but not limited to, soil, rock or snow.

Landslide Hazard Areas — Those areas in the City of Shoreline subject to severe risks of landslides, including the following:

A. Any area with a combination of:

1. Slopes steeper than 15 percent;

2. Impermeable soils, such as silt and clay, frequently interceded with granular soils, such as sand and gravel; and

3. Springs or ground water seepage;

B. Any area which has shown movement during the Holocene epoch, from 10,000 years ago to the present, or which is underlain by mass wastage debris from that epoch;

C. Any area potentially unstable as a result of rapid stream incision, stream bank erosion or undercutting by wave action;

D. Any area which shows evidence of or is at risk from snow avalanches; or

E. Any area located on an alluvial fan, presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments.

Lattice Tower — A type of mount that is self-supporting with multiple legs and cross-bracing of structural metal.

Licensed Carrier — A company authorized by the FCC to build and operate a commercial mobile radio services system.

Livestock, Large — Cattle, horses, and other livestock generally weighing over 500 pounds.

Livestock, Small — Hogs, excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder which are kept as household pets or small animals, sheep, goats, miniature horses, llamas, alpaca and other livestock generally weighing under 500 pounds.

Loading Space — A space for the temporary parking of a vehicle while loading or unloading cargo or passengers.

Loop — Road of limited length forming a loop, having no other intersecting road, and functioning mainly as direct access to abutting properties. A loop may be designated for one-way or two-way traffic.

Lot — A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot Area — The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot Coverage — That portion of the lot that is covered by buildings.

Lot Depth — The average distance measured from the front lot line to the rear lot line.

Lot Frontage — The length of the front lot line measured at the street right-of-way line.

Lot Line — A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front — The lot line separating a lot from a street right-of-way, or as designated at the time of subdivision approval.

Lot Line, Rear — The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side — Any lot line other than a front or rear lot line.

Lot of Record — A lot that exists as shown or described on a plat or deed in the records of the local registry of deeds.

Lot Width — Lot width determined by lot width circle within the boundaries of the lot; provided, that no access easements are included within the circle.

Lot Width Circle — A circle scaled within a lot which establishes lot width and depth ratios.

Lot, Corner — A lot or parcel of land having frontage on two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, Flag — A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

Lot, Interior — A lot other than a corner lot.

Lot, Minimum Area Of — The smallest lot area established by the Code on which a use or structure may be located in a particular district.

Lot, Through — A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

20.20.034 M definitions.

Manual on Uniform Traffic Control Devices (MUTCD) — A manual that sets forth the basic principles that govern the design and usage of traffic control devices published by the Federal Highway Administration, United States Department of Transportation.

Manufactured Home — A factory assembled structure intended solely for human habitation installed on a permanent foundation with running gear removed and connected to utilities on an individual building lot.

Manufactured Home Park or Subdivision — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mitigation — The use of any or all of the following actions listed in descending order of preference:

A. Avoiding the impact by not taking a certain action;

B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;

C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive area or buffer;

D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;

E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments; and

F. Monitoring the impact and taking appropriate corrective measures.

Mobile Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "mobile home" does not include a "recreational vehicle."

Mobile Home Park or Subdivision — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Modification — The changing of any portion of a wireless telecommunication facility from its description in a previously approved CUP or SUP. Examples include, but are not limited to, changes in design or ownership.

Monitoring — Evaluating the impacts of development proposals on biologic, hydrologic and geologic systems and assessing the performance of required mitigation through the collection and analysis of data for the purpose of understanding and documenting changes in natural ecosystems, functions and features including, but not limited to, gathering baseline data.

Monopole — A self-supporting antenna, ground-mounted, consisting of a single shaft that is typically made of wood, steel, or concrete and provides a rack (or racks) for mounting antennas at its top.

Motor Vehicle and Boat Sales — An establishment engaged in the retail sale of new and/or used automobiles, recreational vehicles, motorcycles, trailers, and boats.

Mount — The structure or surface upon which wireless telecommunication facilities are mounted. There are three types of permanent mounts:

A. **Building-Mounted.** A wireless telecommunication facility mount fixed to the roof or side of a building;

B. **Ground-Mounted.** A wireless telecommunication facility mount fixed to the ground;

C. **Structure-Mounted.** A wireless telecommunication facility fixed to a structure other than a building, such as light standards, water reservoirs, and bridges.

20.20.036 N definitions.

Native Growth Protection Area (NGPA) — A tract or easement recorded with a City-approved subdivision established for the purposes of protecting vegetation, providing open space, maintaining wildlife corridors, maintaining slope stability, controlling runoff and erosion, and/or any other purpose designated in the subdivision approval.

Native Vegetation, Native Plant(s) — A tree, shrub or groundcover plant of a species that is native to western Washington.

Nonconforming Lot — A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building — A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use — A use or activity that was lawful prior to the adoption, revision or amendment of the Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonproject Action — A decision on policies, plans, or programs as defined in State law.

Noxious Weed — Any plant which is highly destructive, competitive or difficult to control by cultural or chemical practices, limited to those plants on the State noxious weed list contained in Chapter 16-750 WAC.

Nuisance Vegetation — Includes the following:

A. Any trees, plants, shrubs, vegetation or parts thereof, which overhang any sidewalk or street or which are situated on the property or on the portion of the street or sidewalk abutting thereon, in such a manner as to obstruct or impair the free and full use of the sidewalk or street, including the interruption or interference with the clear vision of pedestrians or person operating vehicles thereon, or interfering with sidewalks, streets, poles, wires, pipes, fixtures or any other part of any public utility situated in the street.

B. Shrubs, brush, vines, trees or other vegetation growing or which has grown and died, and organic debris, which constitutes a fire hazard, or provides a harborage for rats, rodents or horticultural pests.

20.20.038 O definitions.

Occupant — A person who is occupying, controlling or possessing real property, or his/her agent or representative.

Off-street Parking Space — An area accessible to vehicles, exclusive of roadways, sidewalks, and other pedestrian facilities, that is improved, maintained and used for the purpose of parking a motor vehicle.

Open Record Hearing — A hearing that creates the record through testimony and submission of evidence and information. An open record hearing may be either a predecision hearing or an appeal of a decision made without an open record hearing.

Open Space Ratio — Total area of open space divided by the total site area in which the open space is located.

Ordinance — The ordinance, resolution, or other procedure used by the City to adopt regulatory requirements.

Ordinary High Water Mark (OHWM) — The mark found by examining the bed and banks of a stream, lake, or tidal water and ascertaining where the presence and action of waters are so common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.

Outdoor Performance Center — An establishment for the performing arts with open air seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions.

Owner — An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Owner of Record — The person or entity listed as the owner of the property in the records of the King County Auditor.

Ownership Interest — Having property rights as a fee owner, contract purchaser, mortgagee, or deed of trust beneficiary or grantor.

20.20.040 P definitions.

Panoram, "Preview", "Picture Arcade" or "Peep Show" — Any device which, for payment of a fee, membership fee or other charge, is used to view, exhibit or display a film or videotape. All such devices are denominated by the terms "panoram" or "panoram device". The terms "panoram" or "panoram device" do not include games which employ pictures, views or video displays, or gambling devices regulated by the State.

Panoram Premises — Any premises or portion of any premises on which any panoram device is located and to which members of the public are admitted. The term "panoram premises" does not include movie or motion picture theater auditoriums capable of seating more than five people.

Panoram Station — A portion of any panoram premises on which a panoram device is located and where a patron or customer would ordinarily be positioned while watching the panoram device.

Parking Area — Any public or private area, within, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

Parking Lot Aisle — Portion of the off-street parking area used exclusively for the maneuvering and circulation of motor vehicles and in which parking is prohibited.

Parking Space — An area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle.

Parking Space Angle — The angle measured from a reference line, generally the property line or center line of an aisle, at which motor vehicles are to be parked.

Party of Record

A. A person who testifies at a hearing;

B. The applicant;

C. Persons submitting written testimony about a matter pending before the decision making authority; or

D. The appellant(s) and respondent(s) in an administrative appeal.

Pavement Width — Paved area on shoulder-type roads or paved surface between curb, thickened edge or gutter flow line on all other roads.

Permit — Written permission issued by the City, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

Permitted Use — Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person — Includes every natural person, firm, copartnership, corporation, association, or organization.

Pervious Surface — Any material that permits full or partial absorption of stormwater into previously unimproved land.

Plat

A. A map representing a tract of land showing the boundaries and location of individual properties and streets;

B. A map of a subdivision or site plan.

Plat, Final — A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

Plat, Preliminary — An accurate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, tracts, and other elements of a subdivision consistent with the requirements of the Code.

Plot

A. A single unit parcel of land;

B. A parcel of land that can be identified and referenced to a recorded plat or map.

Potable Water — Water suitable for human consumption.

Prime Wireless Location — A site, or area, designated by the City as suitable for location of wireless telecommunication facilities due to their potential for effective service provision to specific areas of the City.

Private Stormwater Management Facility

A surface water control structure installed by a project proponent to retain, detain or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.

Professional Office

An office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodity.

Protected Tree/Protected Vegetation

A tree or area of understory vegetation identified on an approved tree protection and replacement plan (or other plan determined to be acceptable by the Director) to be retained and protected during construction and/or permanently protected by easement, tract, or covenant restriction. A protected tree may be located outside or within a NGPA, sensitive area or sensitive area buffer.

Protection Measure

A practice or combination of practices (e.g., construction barriers, protective fencing, tree wells, etc.) used to control construction or development impacts to vegetation that is approved for protection.

Protective Fencing

A temporary fence or other structural barrier installed to prevent permitted clearing or construction activity from adversely affecting vegetation which is designated for retention.

Public Agency

Any agency, political subdivision or unit of local government of this State including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the State of Washington, the United States or any state thereof or any Indian tribe recognized as such by the Federal government.

Public Agency or Utility Office

An office for the administration of any governmental or utility activity or program, with no outdoor storage and including, but not limited to:

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

B. Public finance, taxation, and monetary policy;

C. Administration of human resource programs;

D. Administration of environmental quality and housing program;

E. Administration of economic programs;

F. International affairs;

G. Legal counsel and prosecution; and

H. Public order and safety.

Public Agency or Utility Yard

A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

20.20.044 R definitions.

Reasonable Use

A legal concept articulated by Federal and State courts in regulatory taking cases.

Record

The oral testimony and written exhibits submitted at a hearing. The tape recording of the proceeding shall be included as part of the record.

Recreational Vehicle

A vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to:

A. Travel trailer;

B. Folding camping trailer;

C. Park trailer;

D. Truck camper;

E. Motor home; and

F. Multi-use vehicle.

Recyclable Material

A nontoxic, recoverable substance that can be reprocessed for the manufacture of new products.

Refuse

Includes, but is not limited to, all abandoned and disabled vehicle parts, all appliances or parts thereof, broken or discarded furniture, mattresses, carpeting, all old iron or other scrap metal, glass, paper, wire, plastic, boxes, old lumber, old wood, and all other waste, garbage or discarded material.

Regional Stormwater Management Facility

A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin by the surface water management (SWM) division or a project proponent. Such facilities protect downstream areas identified by SWM as having previously existing or predicted significant regional basin flooding or erosion problems.

Relocation Facilities

Housing units within the City of Shoreline that provide housing to persons who have been involuntarily displaced from other housing units within the City of Shoreline as a result of conversion of their housing unit to other land uses.

Remediation

To restore a site to a condition that compiles with sensitive area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition which does not pose a probable threat to the environment or to the public health, safety or welfare.

Responsible Official

A person or persons designated by the City's SEPA procedures to undertake its procedural responsibility as lead agency.

Restoration

Returning a stream, wetland, other sensitive area or any associated buffer to a state in which its stability and functions approach its unaltered state as closely as possible.

Review Authority

The Planning Commission or other entity entitled to hold predecision open record hearings and make recommendations to the decision making body.

Right-of-Way

A. A strip of land acquired by reservation, dedication, forced dedication, prescription, easement or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses;

B. Generally, the right of one to pass over the property of another.

Right-of-Way Use Agreement

A contractual agreement between a utility and the City setting forth the terms and conditions under which the City grants the utility authority to install and maintain facilities in the public right-of-way.

Road

A public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

Road, Private

A private vehicular access that serves multiple parcels.

Runoff

Water not absorbed by the soil in the landscape area to which it is applied.

20.20.046 S definitions.

Salmonid

A member of the fish family salmonidae, including:

A. Chinook, coho, chum, sockeye and pink salmon;

B. Rainbow, steelhead and cutthroat salmon;

C. Brown trout;

D. Brook and dolly varden char;

E. Kokanee; and

F. Whitefish.

Scale

A. The relationship between distances on a map and actual ground distances;

B. The proportioned relationship of the size of parts to one another.

Scale of Development

The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

School Bus Base

An establishment for the storage, dispatch, repair and maintenance of coaches and other vehicles of a school transit system.

Schools, Elementary, and Middle/Junior High	Institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.
Schools, Secondary or High School	Institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through 12, including associated meeting rooms, auditoriums and athletic facilities.
Security Barrier	A wall, fence or berm that has the purpose of sealing an area from unauthorized entry or trespass.
Seismic Hazard Areas	Those areas in the City of Shoreline subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow ground water table or of other seismically induced settlement.
Self-Service Storage Facility	An establishment containing separate storage spaces that are leased or rented as individual units.
Senior Citizen	A person aged 62 or older.
SEPA	State Environmental Policy Act.
SEPA Rules	Chapter 197-11 WAC adopted by the Department of Ecology.
SEPA Threshold Determination	The decision by the responsible official of the lead agency whether or not an environmental impact statement is required for a proposal that is not categorically exempt.
Setback	The distance between the building and any lot line.
Setback Line	That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure must be erected or placed.
Setback, Aggregate	Total setback area that equals the sum of the minimum front yard, rear yard, and side yards setbacks.
Shorelines Hearing Board	A quasi-judicial body established with the State Environmental Hearings Office under State law.
Short Subdivision, Final	A surveyed map of a short subdivision to be recorded with the County.
Short Subdivision, Preliminary	A subdivision which has been preliminarily found to successfully meet all requirements for approval but whose improvements have not yet been constructed, are under construction or are completed but not yet inspected and found to be in compliance with the conditions of approval.
Shoulder	The paved or unpaved portion of the roadway outside the traveled way that is available for emergency parking or nonmotorized use.
Sidewalk	All hard-surface walkways within public rights-of-way in the area between the street margin and the roadway, including driveways.

Site Plan

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Special Overlay District (SO)

A special overlay (SO) district applies supplemental regulations to a development of any site, which is in whole or in part located in a special overlay district.

Special Use Permit

A permit issued by the City that must be acquired before a special exception use can be constructed.

Specialized Instruction School

An establishment engaged in providing specialized instruction in a designated field of study, rather than a full range of courses in unrelated areas, including, but not limited to:

A. Art;

B. Dance;

C. Music;

D. Cooking;

E. Driving; and

F. Pet obedience training.

Sports Club

An establishment engaged in operating physical fitness facilities and sports and recreation clubs, including:

A. Physical fitness facilities; and

B. Membership sports and recreation clubs.

Standing

A showing that a party's interests are arguably within the zone of interests protected by the land use review process, and that the decision may cause the party injury-in-fact.

State

The State of Washington.

Steep Slope Hazard Areas

Those areas in the City of Shoreline on slopes 40 percent or steeper within a vertical elevation change of at least 10 feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief. For the purpose of this definition:

A. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and

B. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

Stream Functions — Natural processes performed by streams including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, such as purifying water, acting as recharge and discharge areas for ground water aquifers, moderating surface water and stormwater flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

Streams — Those areas in the City of Shoreline where surface waters produce a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by salmonids or are used to convey streams naturally occurring prior to construction in such watercourses.

Street — A public or recorded private thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

Structure — Anything permanently constructed in or on the ground, or over the water, excluding fences and signs less than six feet in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill.

Subdivision — The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

Subdivision, Formal — A subdivision of five or more lots.

Subdivision, Short — A subdivision of four or fewer lots.

Submerged Land — Any land at or below the ordinary high water mark.

Substantial Development — Any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

Substantial Improvement — Any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the maintenance, repair, modification or addition is started or before the damage occurred, if the structure has been damaged and is being restored.

Surveyor — A person licensed by the State of Washington to engage in the practice of land surveying, as defined by RCW 18.43.020.

20.20.048 T definitions.

Temporary Use — A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Transfer Station — Staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off-site into larger transfer vehicles for transport to permanent disposal sites, and may also include recycling facilities involving collection or processing for shipment.

Transit Base — An establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system.

Transit Park and Ride Lot — Vehicle parking specifically for the purpose of access to a public transit system.

Transitional Housing Facilities — Housing units within the City of Shoreline owned by public housing authorities, nonprofit organizations or other public interest groups that provide housing to persons on a temporary basis for a duration not to exceed 24 months in conjunction with job training, self sufficiency training, and human services counseling, the purpose of which is to help persons make the transition from homelessness to placement in permanent housing.

Transmission Equipment — Equipment, such as antennas and satellites, or point-to-point microwave dishes, that transmit or receive radio signals.

Transmission Line Booster Station — An establishment containing equipment designed to increase voltage of electrical power transported through transmission and/or distribution lines to compensate for power loss due to resistance.

Transmission Structure — A structure intended to support transmission equipment or function as an antenna for AM radio or an earth station satellite dish antenna. The term does not include brackets, platforms, or other apparatus which mount transmission equipment onto transmission structures, buildings or other structures.

Transmitter Building — A building used to contain communication transmission equipment.

Transportation System Management (TSM) — Low-cost projects that can be implemented in a short time frame designed to increase the efficiency of existing transportation facilities. This also includes transit and/or ride sharing measures to decrease single occupancy vehicle trips.

Tree — A self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, with a potential at maturity for a trunk diameter of two inches and potential minimum height of 10 feet.

Tree and Vegetation Removal — Removal of a tree(s) or vegetation, through either direct or indirect actions including, but not limited to, clearing, cutting, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the dripline area of a tree which has the potential to cause irreversible damage to the tree, or relocation of an existing tree to a new planting location.

Tree, Broad-leafed — Trees with flat leaves, not scaled or needle shaped, which usually lose their foliage at the end of the growing season. Examples include maples, alders, willows, and Pacific Madrone.

Tree Canopy — The total area of the tree or trees where the leaves and outermost branches extend, also known as the "dripline."

Tree, Coniferous — Any of various mostly needle-leaved or scale-leaved, chiefly evergreen, cone-bearing gymnospermous trees, such as pines, spruces, and firs.

Tree, Deciduous — Trees that shed or otherwise loose their foliage at the end of the growing season, such as maples, alders, oaks, and willows.

Tree, Evergreen — Trees that maintain the majority of their foliage each year when grown in the Shoreline area. Examples of evergreen trees include pines, firs, Douglas fir, and the Pacific Madrone.

Tree, Hazardous — A tree that is dead, or is so affected by a significant structural defect or disease that falling or failure appears imminent, or a tree that impedes safe vision or traffic flow, or that otherwise currently poses a threat to life or property.

Tree, Landmark — Any healthy tree over 30 inches in diameter at breast height or any tree that is particularly impressive or unusual due to its size, shape, age, historical significant or any other trait that epitomizes the character of the species, or that is an regional erratic.

Tree, Significant — Any healthy, windfirm, and nonhazardous tree eight inches or greater in diameter breast height if it is a conifer and 12 inches or greater in diameter at breast height if deciduous.

Tree, Stand or Cluster — A group of three or more trees of any size or species, whose driplines touch.

20.20.050 U definitions.

Understory Vegetation — Small trees, shrubs, and groundcover plants, growing beneath and shaded by a significant tree which affect and are affected by the soil and hydrology of the area surrounding the significant tree roots.

Unlicensed Wireless Services — Commercial mobile services that can operate on public domain frequencies and that therefore need no Federal Communications Commission (FCC) license.

Use — An activity or function carried out on an area of land, or in a building or structure located thereon. Any use subordinate or incidental to the primary use on a site is considered an accessory use.

Utility — Persons or private or municipal corporations owning or operating, or proposing to own or operate facilities that comprise a system or systems for public service.

Utility Facility — A facility for the distribution or transmission of services to an area, including, but not limited to:

A. Telephone exchanges;

B. Water pumping or treatment stations;

C. Electrical substations;

D. Water storage reservoirs or tanks;

E. Municipal ground water well-fields;

F. Regional stormwater management facilities;

G. Natural gas gate stations and limiting stations;

H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users;

I. Sewer lift stations; and

J. Pipes, electrical wires and associated structural supports.

20.20.052 V definitions.

Variance — Written permission to depart from the requirements of a Development Code.

Vegetation — Any and all plant life growing at, below or above the soil surface.

Vocational School — Establishments offering training in a skill or trade to be pursued as a career, including:

A. Vocational schools; and

B. Technical institutes.

20.20.054 W definitions.

Warehousing and Wholesale Trade — Establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public.

Wastewater Treatment Facility

A plant for collection, decontamination and disposal of sewage, including residential, industrial and agricultural liquid wastes, and including any physical improvement within the scope of the definition of "water pollution control facility" set forth in WAC 173-90-015(4) as amended.

Water Dependent Use

A land use which can only exist when the interface between wet meadows, grazed land and water provides the biological or physical conditions necessary for the use.

Wetland Edge

The line delineating the outer edge of a wetland established by using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, 1987, jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil Conservation Service.

Wetland Functions

Natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining the availability and quality of water, acting as recharge and discharge areas for ground water aquifers and moderating surface water and stormwater flows, as well as performing other functions.

Wetland, Forested

A wetland which is characterized by woody vegetation at least 20 feet tall.

Wetland, Isolated

A wetland which has a total size less than 2,500 square feet excluding buffers, which is hydrologically isolated from other wetlands or streams and which does not have permanent open water.

Wetlands

Those areas in Shoreline which are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetpond

An artificial water body constructed as a part of a surface water management system.

Wildlife Shelter

A facility for the temporary housing of sick, wounded or displaced wildlife.

Wireless Telecommunication Facility (WTF)

An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. A WTF provides services which include cellular phone, personal communication services, other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). WTFs are composed of two or more of the following components:

A. Antenna;

B. Mount;

C. Equipment enclosure;

D. Security barrier.

Work Release Facility — A facility which allows the opportunity for convicted persons to be employed outside of the facility, but requires confinement within the facility when not in the place of employment.

20.20.058 Y definitions.

Yard — An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except by vegetation and except as may be specifically provided in the Code.

Yard, Front — A space extending the full width of the lot between any building and the front line and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear — A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Side — A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

20.20.060 Z definitions.

Zero Lot Line — The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zone — A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning — The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

Zoning Envelope — The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, and minimum yard setbacks.

Zoning Map — The map or maps that are a part of the Code and delineate the boundaries of zone districts.

Chapter 20.30
Procedures and Administration

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Subchapter 1.

General Provisions

20.30.010 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. (Ord. 238 Ch. III § 1, 2000).

20.30.020 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. (Ord. 238 Ch. III § 2, 2000).

Subchapter 2.

Types of Actions

20.30.030 Basis.

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. (Ord. 238 Ch. III § 3, 2000).

20.30.040 Ministerial decisions – Type A.

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

However, permit applications, including certain categories of building permits, and permits for projects which may impact critical areas that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 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 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	20.70.240 – 20.70.330
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	30 days	20.30.430
11. Variances from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540

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 20.30.050. (Ord. 238 Ch. III § 3(a), 2000).

20.30.050 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 SMC 20.30.090). 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 20.30.050 – 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	Section
Type B:				
1. Binding Site Plan	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Clearing and Grading Permit	Mail	60 days	HE	20.50.290 – 20.50.370
4. Preliminary Short Subdivision	Mail, Post Site, Newspaper	90 days	HE	20.30.410
5. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
6. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
7. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner

* Public hearing notification requirements are specified in SMC 20.30.120.

(Ord. 238 Ch. III § 3(b), 2000).

20.30.060 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 SMC 20.30.090.

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 SMC 20.30.050.

There is no administrative appeal of Type C actions.

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

Action	Notice Requirements for Application and Decision	Review Authority, Open Record Public Hearing [1]	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	PC [3]	City Council	120 days	20.30.410
2. Rezone of Property[2] and Zoning Map Change	Mail, Post Site, Newspaper	PC [3]	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	PC [3]	City Council	120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE [4]	City Council	120 days	20.80.090
5. Critical Areas Reasonable Use Approval	Mail, Post Site, Newspaper	HE [4]		120 days	20.80.120
6. Final Formal Plat	None	Review by the Director – no hearing	City Council	30 days	20.30.450

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

(Ord. 238 Ch. III § 3(c), 2000).

20.30.070 Legislative decisions.

These decisions are legislative, nonproject 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 20.30.070 – Summary of Legislative Decisions

Decision	Review Authority, Open Record Public Hearing	Decision Making Authority (in accordance with State law)	Section
1. Amendments and Review of the Comprehensive Plan	PC(1)	City Council	20.30.340
2. Amendments to the Development Code	PC(1)	City Council	20.30.350
3. Street Vacation	PC(1)	City Council	20.40.530

(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. (Ord. 238 Ch. III § 3(d), 2000).

Subchapter 3.

Permit Review Procedures

20.30.080 Preapplication meeting.

A preapplication 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 preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process.

Preapplication meetings are required prior to the neighborhood meeting. Plans presented at the preapplication meeting are nonbinding and do not "vest" an application. (Ord. 238 Ch. III § 4(a), 2000).

20.30.090 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. (Ord. 238 Ch. III § 4(b), 2000).

20.30.100 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 (Chapter 3.01 SMC).

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. (Ord. 238 Ch. III § 4(c), 2000).

20.30.110 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 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 twenty-ninth 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. (Ord. 238 Ch. III § 4(d), 2000).

20.30.120 Public notices of application.

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

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

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

2. The name of the applicant;

3. The location and description of the project;

4. The requested actions and/or required studies;

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

6. Identification of environmental documents, if any;

7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights;

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 20.30.050 and 20.30.060):

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. (Ord. 238 Ch. III § 4(e), 2000).

20.30.130 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. (Ord. 238 Ch. III § 4(f), 2000).

20.30.140 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 limit 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 (B)(1) of this section is insufficient, the Department shall notify the applicant of the deficiencies, and the procedures provided in subsection (B)(1) of this section 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. (Ord. 238 Ch. III § 4(g), 2000).

20.30.150 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. (Ord. 238 Ch. III § 4(h), 2000).

20.30.160 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. (Ord. 238 Ch. III § 4(i), 2000).

Subchapter 4.

General Provisions for Land Use Hearings and Appeals

20.30.170 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. (Ord. 238 Ch. III § 5(a), 2000).

20.30.180 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. (Ord. 238 Ch. III § 5(b), 2000).

20.30.190 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. (Ord. 238 Ch. III § 5(c), 2000).

20.30.200 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. (Ord. 238 Ch. III § 5(d), 2000).

20.30.210 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. (Ord. 238 Ch. III § 5(e), 2000).

20.30.220 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 Chapter 3.01 SMC.

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. (Ord. 238 Ch. III § 5(f), 2000).

20.30.230 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. (Ord. 238 Ch. III § 5(g), 2000).

20.30.240 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. (Ord. 238 Ch. III § 5(h), 2000).

20.30.250 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. (Ord. 238 Ch. III § 5(i), 2000).

20.30.260 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. (Ord. 238 Ch. III § 5(j), 2000).

20.30.270 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. (Ord. 238 Ch. III § 5(k), 2000).

Subchapter 5.

Nonconforming Uses, Lots, and Structures

20.30.280 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.

1. **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.

2. **Continuation and Maintenance of Nonconformance.** A nonconformance may be continued or physically maintained as provided by this Code.

3. **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 12 consecutive months.

4. **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.

5. **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.

6. **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.

7. **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. (Ord. 238 Ch. III § 6, 2000).

Subchapter 6.

Review and/or Decision Criteria

20.30.290 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:

   a. Conform to the intent and purpose of the Code;

   b. Produce a compensating or comparable result which is in the public interest;

   c. 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:

   a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,

   b. Construction of the facility can, in practice, be successfully carried out;

   c. 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:

   a. 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;

b. 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;

c. 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. (Ord. 238 Ch. III § 7(a), 2000).

20.30.300 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. (Ord. 238 Ch. III § 7(b), 2000).

20.30.310 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 or safety hazard;

7. The granting of the variance will not be materially detrimental to the public welfare or injurious to:

   a. The property or improvements in the vicinity, or

   b. The zone in which the subject property is located;

8. The variance does not relieve an applicant from:

   a. Any of the procedural or administrative provisions of this title, or

   b. Any standard or provision that specifically states that no variance from such standard or provision is permitted, or

   c. Use or building restrictions, or

   d. 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. (Ord. 238 Ch. III § 7(c), 2000).

20.30.320 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. (Ord. 238 Ch. III § 7(d), 2000).

20.30.330 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. (Ord. 238 Ch. III § 7(e), 2000).

20.30.340 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. (Ord. 238 Ch. III § 7(f), 2000).

20.30.350 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. (Ord. 238 Ch. III § 7(g), 2000).

Subchapter 7.

Subdivisions

20.30.360 Citation of section.

This subchapter may be cited as the City of Shoreline Subdivision Ordinance and shall supplement and implement the State regulations of plats, subdivisions and dedications. (Ord. 238 Ch. III § 8(a), 2000).

20.30.370 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, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

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

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

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

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

20.30.380 Subdivision categories.

A.	Lot Line Adjustment:	A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.
B.	Short Subdivision:	A subdivision of four or fewer lots.
C.	Formal Subdivision:	A subdivision of five or more lots.
D.	Binding Site Plan:	A land division for commercial, industrial, 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. (Ord. 238 Ch. III § 8(c), 2000).

20.30.390 Exemption.

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

20.30.400 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. (Ord. 238 Ch. III § 8(e), 2000).

20.30.410 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, Chapter 20.80 SMC, Special Districts, 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 subsections (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 of Chapter 20.60 SMC, Adequacy of Public Facilities.

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. (Ord. 238 Ch. III § 8(f), 2000).

20.30.420 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. (Ord. 238 Ch. III § 8(g), 2000).

20.30.430 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. (Ord. 238 Ch. III § 8(h), 2000).

20.30.440 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. (Ord. 238 Ch. III § 8(i), 2000).

20.30.450 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 reproduced full copy on mylar and/or sepia material shall be furnished to the Department. (Ord. 238 Ch. III § 8(j), 2000).

20.30.460 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. (Ord. 238 Ch. III § 8(k), 2000).

20.30.470 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 subchapter 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 subchapter 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. (Ord. 238 Ch. III § 8(l), 2000).

20.30.480 Binding site plans – Type B action.

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

1. The site that is subject to the binding site plan shall consist of one 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. (Ord. 238 Ch. III § 8(m), 2000).

Subchapter 8.

Environmental Procedures

20.30.490 Citation of section and authority.

This subchapter 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 subchapter. (Ord. 238 Ch. III § 9(a), 2000).

20.30.500 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 subchapter:

DEIS – Draft Environmental Impact Statement

DNS – Determination of Nonsignificance

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

(Ord. 238 Ch. III § 9(b), 2000).

20.30.510 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 subchapter:

WAC	
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.

(Ord. 238 Ch. III § 9(c), 2000).

20.30.520 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 (Chapter 197-11 WAC) 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. (Ord. 238 Ch. III § 9(d), 2000).

20.30.530 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. (Ord. 238 Ch. III § 9(e), 2000).

20.30.540 Timing and content of environmental review.

A. **Categorical Exemptions.** The City will normally identify whether an action is categorically exempt within 10 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 predecision hearing is required, the threshold determination shall be issued at least 15 days before the open record predecision 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. (Ord. 238 Ch. III § 9(f), 2000).

20.30.550 Categorical exemptions and threshold determinations – Adoption by reference.

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

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

(Ord. 238 Ch. III § 9(g), 2000).

20.30.560 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 20 automobiles.

C. The construction of a parking lot designed for 20 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. (Ord. 238 Ch. III § 9(h), 2000).

20.30.570 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 subchapter 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. (Ord. 238 Ch. III § 9(i), 2000).

20.30.580 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 30-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. (Ord. 238 Ch. III § 9(j), 2000).

20.30.590 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 15 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 14-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 subsection (C) of this section 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. (Ord. 238 Ch. III § 9(k), 2000).

20.30.600 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 subchapter:

WAC	
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.

(Ord. 238 Ch. III § 9(l), 2000).

20.30.610 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 EISs 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 subchapter 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. (Ord. 238 Ch. III § 9(m), 2000).

20.30.620 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 subchapter:

WAC
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.

(Ord. 238 Ch. III § 9(n), 2000).

20.30.630 Comments and public notice – Additional considerations.

A. For purposes of WAC 197-11-510, public notice shall be required as provided in Chapter 20.30, Subchapter 3, 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 subchapter 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. (Ord. 238 Ch. III § 9(o), 2000).

20.30.640 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:

WAC
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.

(Ord. 238 Ch. III § 9(p), 2000).

20.30.650 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 subchapter:

WAC
197-11-650 Purpose of this part.
197-11-655 Implementation.
197-11-660 Substantive authority and mitigation.
197-11-680 Appeals.

(Ord. 238 Ch. III § 9(q), 2000).

20.30.660 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 SMC 20.30.670 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 SMC 20.30.670 and identified in writing in the decision document. (Ord. 238 Ch. III § 9(r), 2000).

20.30.670 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 SMC 20.30.660.

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. (Ord. 238 Ch. III § 9(s), 2000).

20.30.680 Appeals.

A. Any interested person may appeal a threshold determination and the conditions or denials of a requested action made by a nonelected official pursuant to the procedures set forth in this section and Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals. No other SEPA appeal shall be allowed.

B. Appeals of threshold determinations are procedural SEPA appeals which are conducted by the Hearing Examiner pursuant to the provisions of Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals, subject to the following:

1. Only one 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 14 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 20.30 SMC, Subchapter 2, Types of Actions, must be filed within 14 calendar days following notice of the decision as provided in SMC 20.30.150, 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 20.30 SMC, Subchapter 2, 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 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearings and Appeals.

C. The Hearing Examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

D. Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. See Chapter 20.30 SMC, Subchapter 4, General Provisions for Land Use Hearing and Appeals.

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. (Ord. 238 Ch. III § 9(t), 2000).

20.30.690 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 subchapter:

WAC	
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.

(Ord. 238 Ch. III § 9(u), 2000).

20.30.700 Forms – Adoption by reference.

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

WAC	
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.

(Ord. 238 Ch. III § 9(v), 2000).

20.30.710 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this subchapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this subchapter. (Ord. 238 Ch. III § 9(w), 2000).

Subchapter 9.

Code Enforcement

20.30.720 Purpose.

This subchapter is an exercise of the City's power to protect the public health, safety and welfare; and its purpose is to provide enforcement of Code violations, abatement of nuisances, and collection of abatement expenses by the City. This subchapter shall be enforced for the benefit of the general public, not for the benefit of any particular person or class of persons.

It is the intent of this subchapter to place the obligation for Code compliance upon the responsible party, within the scope of this subchapter, and not to impose any duty upon the City or any of its officers, officials or employees which would subject them to damages in a civil action. (Ord. 238 Ch. III § 10(a), 2000).

20.30.730 General provisions.

A. For the purposes of this subchapter, any person who causes or maintains a Code violation and the owner, lessor, tenant or other person entitled to control, use, or occupancy of property where a Code violation occurs shall be identified as the responsible party and shall be subject to penalties as provided in this subchapter.

However, if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances, as determined by the Director. Should the owner not correct the violation, after service of the notice and order, civil fines and penalties may be assessed against the owner.

B. It shall be the responsibility of any person identified as a responsible party to bring the property into a safe and reasonable condition to achieve compliance. Payment of fines, applications for permits, acknowledgment of stop work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances.

C. The procedures set forth in this subchapter are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying or abating Code violations in any other manner authorized by law. (Ord. 238 Ch. III § 10(b), 2000).

20.30.740 Enforcement provisions.

A. Whenever the Director has determined that a Code violation has occurred, the Director may issue a Class 1 civil infraction to any responsible party, according to the provisions set forth in Chapter 7.80 RCW.

B. Any person who willfully or knowingly causes, aids or abets a Code violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed $1,000 and/or imprisonment in the county jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. A misdemeanor complaint or notice of infraction may be filed as an alternative, or in addition to any other judicial or administrative remedy provided in this subchapter or by law or other regulation.

C. The Director may suspend, revoke or limit any permit issued whenever:

1. The permit holder has committed a Code violation in the course of performing activities subject to that permit;

2. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;

3. The permit was issued in error or on the bases of materially incorrect information supplied to the City; or

4. Permit fees or costs were paid to the City by check and returned from a financial institution marked nonsufficient funds (NSF) or cancelled.

Such suspension, revocation or modification shall be carried out through the notice and order provisions of this subchapter and shall be effective upon the compliance date established by the notice and order. Such revocation, suspension or cancellation may be appealed to the Hearing Examiner using the appeal provisions of this subchapter. Notwithstanding any other provision of this subchapter, the Director may immediately suspend operations under any permit by issuing a stop work order. (Ord. 238 Ch. III § 10(c), 2000).

20.30.750 Declaration of public nuisance, enforcement.

Code violations detrimental to the public health, safety and environment are hereby declared public nuisances. All conditions determined to be public nuisances shall be subject to and enforced pursuant to the provisions of this subchapter except where specifically excluded.

A. A public nuisance is any violation of any City land use and development ordinance, public health ordinance, or violations of this subchapter including, but not limited to:

1. Any accumulation of garbage or refuse; except for such yard debris that is properly contained for the purpose of composting. This does not apply to material kept in garbage cans or approved containers maintained for regular collection;

2. Nuisance vegetation;

3. The discarding or dumping of any material onto the public right-of-way, waterway, or other public property;

B. All conditions defined as public nuisances shall be subject to abatement under this subchapter. (Ord. 238 Ch. III § 10(d), 2000).

20.30.760 Junk vehicles as public nuisances.

A. Storing junk vehicles upon private property within the City limits shall constitute a nuisance and shall be subject to the penalties as set forth in this section, and shall be abated as provided in this section; provided, however, that this section shall not apply to:

1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner, or the vehicle is not visible from the street or from other public or private property; or

2. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130.

B. Whenever a vehicle has been certified as a junk vehicle under RCW 46.55.230, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a public hearing may be requested before the Hearing Examiner. If no hearing is requested within 10 days from the certified date of receipt of the notice, the vehicle, or part thereof, shall be removed by the City with notice to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked.

C. If the landowner is not the registered or legal owner of the vehicle, no abatement action shall be commenced sooner than 20 days after certification as a junk vehicle to allow the landowner to remove the vehicle under the procedures of RCW 46.55.230.

D. If a request for hearing is received within 10 days, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or parts thereof shall be mailed by certified mail, with a five-day return receipt requested, to the land owner of record and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle identification number.

E. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner.

F. The City may remove any junk vehicle after complying with the notice requirements of this section. The vehicle shall be disposed of by a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked. The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such vehicle, including costs of administration and enforcement.

G. The costs of abatement and removal of any such vehicle or remnant part, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner has transferred ownership and complied with RCW 46.12.101. The costs of abatement and enforcement shall also be collected as a joint and several liability from the landowner on which the vehicle or remnant part is located, unless the landowner has shown in a hearing that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence. Costs shall be paid to the Finance Director within 30 days of the hearing and if delinquent, shall be filed as a garbage collection and disposal lien on the property. (Ord. 238 Ch. III § 10(e), 2000).

20.30.770 Notice and orders.

Whenever the Director has reason to believe that a Code violation exists or has occurred, the Director is authorized to issue a notice and order to correct the violation to any responsible party. A stop work order shall be considered a notice and order to correct. Issuance of a citation or stop work order is not a condition precedent to the issuance of any other notice and order.

A. Subject to the appeal provisions of SMC 20.30.790, a notice and order represents a determination that a Code violation has occurred and that the cited person is a responsible party.

B. Failure to correct the Code violation in the manner prescribed by the notice and order subjects the person cited to any of the compliance remedies provided by this subchapter, including:

1. Civil penalties and costs;

2. Continued responsibility for abatement, remediation and/or mitigation;

3. Permit suspension, revocation, modification and/or denial; and/or

4. Costs of abatement by the City, according to the procedures described in this subchapter.

C. Any person identified in the notice and order as a responsible party may appeal the notice and order within 14 days of issuance, according to the procedures described in SMC 20.30.790. Failure to appeal the notice and order within 14 days of issuance shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code violation, and that the named party is liable as a responsible party.

D. Issuance of a notice and order in no way limits the Director's authority to issue a criminal citation or notice of infraction.

E. The notice and order shall contain the following information:

1. The address, when available, or location of the Code violation;

2. A legal description of the real property where the violation occurred or is located;

3. A statement that the Director has found the named person to have committed a Code violation and a brief description of the violation or violations found;

4. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

5. The civil penalty assessed for failure to comply with the order;

6. A statement advising that the notice and order may be recorded against the property in the King County Office of Records and Elections subsequent to service;

7. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;

8. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, the Director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of all responsible parties;

9. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount as a lien against the property where the Code violation occurred and as a joint and several personal obligation of all responsible parties;

10. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the Hearing Examiner within 14 days of the date of issuance of the notice and order;

11. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent City permit applications on the subject property;

12. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a Code violation, and that the named party is liable as a responsible party; and

13. A statement advising the responsible party of his or her duty to notify the Director of any actions taken to achieve compliance with the notice and order.

F. Service of a notice and order shall be made on any responsible party by one or more of the following methods:

1. Personal service may be made on the person identified as being a responsible party.

2. Service directed to the landowner and/or occupant of the property may be made by posting the notice and order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.

3. Service by mail may be made for a notice and order by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the responsible party at his or her last known address, at the address of the violation, or at the address of their place of business. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day the notice and order was mailed.

The failure of the Director to make or attempt service on any person named in the notice and order shall not invalidate any proceedings as to any other person duly served.

G. Whenever a notice and order is served on a responsible party, the Director may file a copy of the same with the King County Office of Records and Elections. When all violations specified in the notice and order have been corrected or abated the Director shall file a certificate of compliance with the King County Office of Records and Elections, if the notice and order was recorded. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties, for which liens have been filed, are still outstanding and continue as liens on the property.

H. The Director may revoke or modify a notice and order issued under this section if the original notice and order was issued in error or if a party to an order was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation. Whenever there is new information or a change in circumstances, the Director may add to, rescind in whole or part or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notice and orders contained in this section.

I. Failure to correct a Code violation in the manner and within the time frame specified by the notice and order subjects the responsible party to civil penalties as set forth in SMC 20.30.780.

1. Civil penalties assessed create a joint and several personal obligation in all responsible parties. The City attorney may collect the civil penalties assessed by any appropriate legal means.

2. Civil penalties assessed also authorize the City to take a lien for the value of civil penalties imposed against the real property of the responsible party.

3. The payment of penalties does not relieve a responsible party of any obligation to cure, abate or stop a violation.

J. **Abatement of Unfit Premises and Collection of Costs.**

1. The Shoreline City Council finds that there exist within the City of Shoreline premises that are unfit for human habitation or other uses due to conditions that are inimical to the health and welfare of City residents.

2. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this subchapter, may abate such conditions and have abatement costs collected as taxes by the King County treasury pursuant to RCW 35.80.030.

3. The Uniform Code for the Abatement of Dangerous Buildings (UCADB), 1997 Edition, as published by the International Conference of Building Officials is adopted for abatement procedures under this section, subject to the following amendments:

a. Whenever used in the UCADB, "building official" shall mean the Director.

b. UCADB Sec. 302 is amended to read as follows:

SECTION 302 UNFIT BUILDINGS AND PREMISES.

For the purpose of this Code, any building, structure or premises which has any or all of the conditions or defects hereinafter described shall be deemed to be an unfit building or premises, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

...

15. Whenever any building, structure or premises, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, accumulation of garbage or refuse, or otherwise, is determined by the Director to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease to the occupants, occupants of neighboring dwellings or other residents of the City. When a structure or premises is declared unfit under this subsection, repair as used in the UCADB shall include removal of the condition.

...

c. UCADB Sec. 205, Board of Appeals, is hereby repealed.

d. UCADB Chapter 5, Appeal, is hereby repealed, and substituted with the appeal provisions specified in this subchapter.

e. UCADB Chapter 6, Procedures for Conduct of Hearing Appeals, is hereby repealed and substituted with the procedures for appeal as specified in this subchapter.

f. UCADB Chapter 9, Recovery of Cost of Repair or Demolition, is hereby repealed and the following provision is substituted:

The amount of cost of repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Director shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the City Finance Director of the assessment amount being due and owing, the County treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City. If the dwelling, building structure, or premises is removed or demolished by the Director, the Director shall, if possible, sell the materials from such dwelling, building, structure, or premises and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Director, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property, which shall be of equal rank with State, county and municipal taxes.

K. All monies collected from the assessment of civil penalties and for abatement costs and work shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of a fund or other appropriate accounting mechanism in the Department issuing the notice and order under which the abatement occurred. (Ord. 238 Ch. III § 10(f), 2000).

20.30.780 Civil penalties.

A. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of $500.00. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter, shall be double the amount of the initial penalties.

B. Any responsible party who has committed a violation of the provisions of Chapter 20.80 SMC, Special Districts, will not only be required to restore damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection A, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:

1. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:

   a. The resulting increase in market value of the property; and

b. The value received by the responsible party; and

c. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the section; and

2. A penalty of $1,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and

3. A penalty of $2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

C. A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24 consecutive month period, and will incur double the civil penalties set forth above.

D. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the responsible party has come into compliance with the notice and order and has notified the Director of this compliance.

E. Civil penalties may be waived or reimbursed to the payer by the Director, with the concurrence of the Finance Director, under the following circumstances:

1. The notice and order was issued in error; or

2. The civil penalties were assessed in error; or

3. Notice failed to reach the property owner due to unusual circumstances; or

4. Compelling new information warranting waiver has been presented to the Director since the notice and order was issued and documented with the waiver decision. (Ord. 238 Ch. III § 10(g), 2000).

20.30.790 Appeals and judicial enforcement.

A. **Administrative Appeal – Filing Requirements.**

1. Any person named in a notice and order, or any owner of the land where the violation for which a notice and order is issued, may file a notice of appeal within 14 days of the service of the notice and order.

2. A notice of appeal shall comply with the form, content and service requirements of SMC 20.30.220 and rules promulgated thereunder.

B. **Administrative Appeal – Procedures.**

1. The appeal hearing shall be conducted as provided for a Type B action under SMC 20.30.050 and Chapter 20.30, Subchapter 4, General Provisions for Land Use Hearings and Appeals, except that where specific provisions in that chapter conflict, the provisions of this section shall govern.

2. Enforcement of any notice and order of the Director issued pursuant to this section shall be stayed as to the appealing party during the pendency of any administrative appeal under this section, except when the Director determines that the violation poses a significant threat of immediate and/or irreparable harm and so states in any notice and order issued.

3. Enforcement of any stop work order of the Director issued pursuant to this section shall not be stayed during the pendency of any administrative appeal under this section.

4. When multiple stop work orders or notices and orders have been issued for any set of facts constituting a violation, the enforcement actions appeal may be consolidated.

C. **Administrative Appeal – Final Order.**

1. Following review of the evidence submitted, the Hearing Examiner shall make written findings and conclusions and shall affirm or modify the notice and order previously issued if the examiner finds that a violation has occurred. The examiner shall uphold the appeal and reverse the order if the examiner finds that no violation has occurred.

2. If an owner of property where a violation has occurred has affirmatively demonstrated that the violation was caused by another person or entity not the agent of the property owner and without the property owner's knowledge or consent, such property owner shall be responsible only for abatement of the violation. Strict compliance with permit requirements may be waived regarding the performance of such an abatement in order to avoid doing substantial injustice to a nonculpable property owner.

3. The Hearing Examiner's final order shall be final and conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by State law. (Ord. 238 Ch. III § 10(h), 2000).

Chapter 20.40
Zoning and Use Provisions

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Subchapter 1.

Zones and Zoning Maps

20.40.010 Purpose.

The City is divided into zones established in this Code for the following purpose:

A. To provide for the geographic distribution of land uses into zones that reflect the goals and policies of the Comprehensive Plan.

B. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.

C. To provide and efficient and compatible relationship of land uses and zones. (Ord. 238 Ch. IV § 1(A), 2000).

20.40.020 Zones and map designations.

The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	**R–4 through 48 (Numerical designator relating to base density in dwelling units per acre)**
NONRESIDENTIAL	
Neighborhood Business	**NB**
Office	**O**
Community Business	**CB**
Regional Business	**RB**
Industrial	**I**
Special Overlay Districts	**SO**

(Ord. 238 Ch. IV § 1(B), 2000).

20.40.030 Residential zones.

A. The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units, cottage housing and community facilities that are compatible with existing development and neighborhood character.

B. The purpose of medium density residential R-8 and R-12 zones, is to provide for a mix of single-family homes, duplexes, triplexes, townhouses, cottage housing and community facilities, in a manner that provides for additional density at a modest scale.

C. The purpose of high density residential R-18, R-24, R-36 and R-48 zones, is to provide for a mix of predominantly apartment and townhouse dwelling units and other compatible uses. (Ord. 238 Ch. IV § 1(C), 2000).

20.40.040 Nonresidential zones.

A. The purpose of the neighborhood business (NB) and the office (O) zones is to allow for low intensity office, business and service uses located on or with convenient access to arterial streets. In addition these zones serve to accommodate medium and higher density residential, townhouses, mixed use types of development, while serving as a buffer between higher intensity uses and residential zones.

B. The purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience and comparison retail, personal services for local service, and to allow for apartments and higher intensity mixed use developments.

C. The purpose of the regional business (RB) and industrial (I) zones is to provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities. Such zones require accessibility to regional transportation corridors. Development of higher buildings and mixed-uses, that are supportive of transit are encouraged in these zones. (Ord. 238 Ch. IV § 1(D), 2000).

20.40.050 Special overlay district.

The purpose of the special overlay (SO) district is to apply supplemental regulations as specified in this Code to a development of any site, which is in whole or in part located in a special overlay district (Chapter 20.80 SMC, Special Districts). Any such development must comply with both the supplemental SO and the underlying zone regulations. (Ord. 238 Ch. IV § 1(E), 2000).

20.40.060 Zoning map and zone boundaries.*

A. The location and boundaries of zones defined by this chapter shall be shown and delineated on the official zoning map(s) of the City, which shall be maintained as such and which are hereby incorporated by reference as a part of this Code.

B. Changes in the boundaries of the zones, shall be made by ordinance adopting or amending a zoning map.

C. Where uncertainty exists as to the boundaries of any zone, the following rules shall apply:

1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' lots;

2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and

4. If none of the rules of interpretation described in subsections (C)(1) through (3) apply, then the zoning boundary shall be determined by map scaling.

D. **Classification of Rights-of-Way.**

1. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys, or railroads, shall be considered unclassified.

2. Within street or alley rights-of-way, uses shall be limited to street purposes as defined by law.

3. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

4. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged. (Ord. 238 Ch. IV § 1(F), 2000).

*Code reviser's note: The official Shoreline Zoning Map is on file at the offices of the City. Contact City Hall for more information.

Subchapter 2.

Permitted Uses

20.40.100 Purpose.

A. The purpose of this subchapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained.

C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days.

Exception to SMC 20.40.100(C)(1): A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of a temporary use permit.

D. All applicable requirements of this Code, or other applicable State or Federal requirements, shall govern a use located in the City. (Ord. 238 Ch. IV § 2(A), 2000).

20.40.110 Use tables.

A. The land use tables in this chapter determine whether a specific use is allowed in a zone. The zone designation is located on the top of each column and the specific use is located on the horizontal rows.

B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that zone.

C. If the letter "**P**" appears in the box at the intersection of the column and the row, the use is **permitted** in that zone.

D. If the letter "**C**" appears in the box at the intersection of the column and row, the use is allowed subject to a **conditional use** permit.

E. If the letter "**S**" appears in the box at the intersection of the column and the row, the use is allowed subject to a **special use** permit.

F. If an "**-i**" appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above (**P**, **C** or **S**), the requirements of this Code, and the specific conditions indicated in the **Index** of Supplemental Use Criteria (SMC 20.40.200 through 20.40.610) for that type of use.

G. For the purposes of this Code, in most instances only broad use classifications, that share similar characteristics are listed in the use tables. Where separate regulations or permit process are necessary, uses are classified further. Some uses are identified with a detailed description provided in a referenced North American Industrial Classification System Code (NAICS) number. (This system classifies land uses by categories and provides sub-classification for more detailed associated uses.) In case of a question as to the inclusion or exclusion of a particular proposed use, which is not identified in these tables, the use shall not be permitted unless allowed through a Code interpretation applying the criteria for Unlisted Use found in the Index of Supplemental Use Criteria (SMC 20.40.200 through 20.40.610). Temporary uses are allowed under criteria listed in the Index.

H. The Director is authorized to make reasonable accommodations to provisions of the Code that apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal

Fair Housing Act and Fair Housing Act Amendments, when such reasonable accommodations may be necessary in order to comply with such acts. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site. (Ord. 238 Ch. IV § 2(B), 2000).

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
RESIDENTIAL GENERAL							
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Cottage Housing	C-i	P-i	P-i			
	Duplex	P-i	P	P	P		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		
GROUP RESIDENCES							
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-II			P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING							
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel					P	P
MISCELLANEOUS							
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i

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

(Ord. 238 Ch. IV § 2(B, Table 1), 2000).

20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
RETAIL/SERVICE TYPE							
532	Automotive Rental and Leasing					P	P
81111	Automotive Repair and Service				P	P	P
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	P	P	P
513	Broadcasting and Telecommunications						P
812220	Cemetery, Columbarium	C-i	C-i	C-i	P-i	P-i	P-i
	Churches, Synagogue, Temple	C	C	P	P	P	P
	Construction Retail, Freight, Cargo Service						P
	Daycare Facilities	P-i	P-i	P	P	P	P
722	Eating and Drinking Establishments (Excluding Card Rooms)	C-i	C-i	C-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i		P-i	P-i
447	Gasoline Service Stations				P	P	P
	General Retail Trade/Services				P	P	P
811310	Heavy Equipment and Truck Repair						C
481	Helistop			S	S	S	C
485	Individual Transportation and Taxi					C	S
812910	Kennel or Cattery					C-i	P-i
31	Light Manufacturing						S
441	Motor Vehicle and Boat Sales						P
5417	Research, Development and Testing						P
484	Trucking and Courier Service					P-i	P-i
541940	Veterinary Clinics and Hospitals				P-i	P-i	P-i
	Warehousing and Wholesale Trade						P
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i

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

(Ord. 238 Ch. IV § 2(B, Table 2), 2000).

20.40.140 Other uses.

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION							
	Adult Use Facilities					P-i	P-i
71312	Amusement Arcade						P
71395	Bowling Center				C	P	P
6113	College and University				S	P	P
56192	Conference Center	C-i	C-i	C-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C			
71391	Golf Facility	P-i	P-i	P-i			
514120	Library	C	C	C	P	P	P
71211	Museum	C	C	C	P	P	P
	Nightclubs (excludes Adult Use Facilities)					C	P
7111	Outdoor Performance Center						S
	Parks and Trails	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)					P-i	P-i
6111	School District Support Facility	C	C	C	C	P	P
6111	Secondary or High School	C	C	C	C	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	P	P	P
71399	Sports/Social Club	C	C	C	C	P	P
6114 (5)	Vocational School	C	C	C	C	P	P
GOVERNMENT							
9221	Court					P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i
92212	Police Facility				S	P	P
92	Public Agency or Utility Office	S-i	S-i	S	S	P	P
92	Public Agency or Utility Yard	P-i	P-i	P-i			P-i
221	Utility Facility	C-i	C-i	C-i	P-i	P-i	P-i
HEALTH							
622	Hospital	C-i	C-i	C-i	C-i	P-i	P-i
6215	Medical Lab					P	P
6211	Medical Office/Outpatient Clinic	C-i	C-i	C-i	P	P	P
623	Nursing and Personal Care Facilities			C	C	P	P
REGIONAL							
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i
	Transfer Station	S	S	S	S	S	S
	Transit Bus Base	S	S	S	S	S	S
	Transit Park and Ride Lot	S-i	S-i	S-i	P	P	P
	Work Release Facility						S-i

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

(Ord. 238 Ch. IV § 2(B, Table 3), 2000).

Subchapter 3.

Index of Supplemental Use Criteria

20.40.200 Purpose.

The purpose of this subchapter is to list alphabetically various uses or activities with supplemental criteria applicable to that use or activity. (Ord. 238 Ch. IV § 3(A), 2000).

-A-

20.40.210 Accessory dwelling units.

A. Only one accessory dwelling unit per lot, not subject to base density calculations.

B. Accessory dwelling unit may be located in the principal residence, or in a detached structure on a lot that is at least 10,000 square feet in area.

C. Either the primary residence or the accessory dwelling unit shall be occupied by an owner of the property or an immediate family member of the property owner. Immediate family includes parents, grandparents, brothers and sisters, children, and grandchildren.

Accessory dwelling unit shall be converted to another permitted use or shall be removed, if one of the dwelling units ceases to be occupied by the owner as specified above.

D. Accessory dwelling unit shall not be larger than 50 percent of the living area of the primary residence.

E. One additional off-street parking space shall be provided for the accessory dwelling unit.

F. Accessory dwelling unit shall not be subdivided or otherwise segregated in ownership from the primary residence.

G. Accessory dwelling unit shall comply with all applicable codes and standards.

H. Approval of the accessory dwelling unit shall be subject to the applicant recording a document with the King County Department of Records and Elections prior to approval which runs with the land and identifies the address of the property, states that the owner(s) resides in either the principle dwelling unit or the accessory dwelling unit, includes a statement that the owner(s) will notify any prospective purchasers of the limitations of this Code, and provides for the removal of the accessory dwelling unit if any of the requirements of this Code are violated. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.220 Adult use facilities.

A. Adult use facilities are subject to the requirements of Chapters 5.10 and 5.15 SMC.

B. Adult use facilities shall be prohibited within 400 feet of any residential zone, other adult use facility, school, licensed daycare, public park, community center, public library or church which conducts religious or educational classes for minors. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.230 Affordable housing.

A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) provisions for accessory dwelling units, (c) provisions for cottage housing, and (d) projects which are limited by the critical areas requirements.

1. Density for land subject to the provisions of this section may be increased by up to a maximum of 50 percent above the underlying base density when each of the additional units is provided for households in these groups:

   a. Extremely low income – 30 percent of median household income;

   b. Very low income – 31 percent to 50 percent of median household income;

   c. Low income – 51 percent to 80 percent of median household income;

   d. Moderate income – 80 percent of median household income;

   e. Median household income is the amount calculated and published by the United States Department of Housing and Urban Development each year for King County.

   (Fractions of 0.5 or greater are rounded up to the nearest whole number).

2. Residential Bonus Density for the Development of For-Purchase Affordable Housing. Density for land subject to the provisions of this section may be increased above the base density by the following amounts: (fractions of 0.5 or greater are rounded up to the nearest whole number):

   a. Up to a maximum of 50 percent above the underlying base density when each of the additional units or residential building lots are provided for households in the extremely low, very low, or low income groups.

3. A preapplication conference will be required for any land use application that includes a proposal for density bonus.

4. Residential bonus density proposals will be reviewed concurrently with the primary land use application.

5. All land use applications for which the applicant is seeking to include the area designated as a critical area overlay district in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified consultant and the City to address the requirements of the critical area overlay district chapter, Chapter 20.80 SMC, Special Districts.

B. The affordable units constructed under the provisions of this chapter shall be included within the parcel of land for which the density bonus is granted. Segregation of affordable housing units from market rate housing units is prohibited.

C. Prior to the final approval of any land use application subject to the affordable housing provisions, the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the affordable dwellings that are created pursuant to those sections remain affordable housing for a period of 30 years from the commencement date. The commencement date for for-purchase units shall

be the date of settlement between the developer and the first owner in one of the applicable income groups. The commencement date for rental units shall be the date the first lease agreement with a renter in one of the applicable income groups becomes effective. The applicant shall be responsible for the cost and recording of the covenant.

D. When dwelling units subject to this chapter will be constructed in phases, or over a period of more than 12 months, a proportional amount of affordable housing units must be completed at or prior to completion of the related market rate dwellings, or as approved by the Director.

E. If a project is to be phased, the proportion of affordable units or residential building lots to be completed with each phase shall be determined as part of the phasing plan approved by the Director.

F. In subdivisions where the applicant intends to sell the individual unimproved lots, it is the responsibility of the applicant to arrange for the affordable units to be built.

G. In single-family developments where there are two or more affordable units, side yard setbacks may be waived to allow for attached housing units for affordable units only. The placement and exterior design of the attached units must be such that the units together resemble as closely as possible a single-family dwelling. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.240 Animals.

A. The raising, keeping, breeding or fee boarding of small animals are subject to SMC Title 6, Animal Control Regulations.

B. Small animals which are kept exclusively indoors as household pets shall not be limited in number, except as may be provided in SMC Title 6. Other small animals, excluding cats kept indoors as household pets, shall be limited to five, of which not more than four may be unaltered cats and dogs. Cats kept indoors shall not be limited in number.

C. Other small animals, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square-feet, five per household on lots of 20,000 to 35,000 square feet, with an additional two per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to subsection (F) of this section; provided, that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a kennel or cattery.

D. Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.

E. Animals considered to be household pets shall be treated as other small animals, when they are kept for commercial breeding, boarding or training.

F. Small animals and household pets kept as an accessory use outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery approved through the conditional use permit process, subject to the following limitations:

1. Birds shall be kept in an aviary or loft that meets the following standards:

   a. The aviary or loft shall provide one-half square foot for each parakeet, canary or similarly sized birds, one square foot for each pigeon, small parrot or similarly sized bird, and two square feet for each large parrot, macaw or similarly sized bird.

b. Aviaries or lofts shall not exceed 2,000 square feet.

c. The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

2. Small animals other than birds shall be kept according to the following standards:

a. All animals shall be confined within a building, pen, aviary or similar structure.

b. Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line.

c. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2,000 square feet.

d. Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2,000 square feet.

e. Beekeeping is limited as follows:

i. Beehives are limited to four hives on sites less than 20,000 square feet;

ii. Hives must be at least 25 feet from any property line;

iii. Must register with the Washington State Department of Agriculture;

iv. Must be maintained to avoid overpopulation and swarming.

f. Prohibited Animals. The keeping of mink, foxes, and/or hogs shall be prohibited. (Ord. 238 Ch. IV § 3(B), 2000).

-B-

20.40.250 Bed and breakfasts.

Bed and breakfasts are permitted only as an accessory to the permanent residence of the operator, provided:

A. Serving meals to paying guests shall be limited to breakfast; and

B. The number of persons accommodated per night shall not exceed five, except that a structure which satisfies the standards of the Uniform Building Code as adopted by the City of Shoreline for R occupancies may accommodate up to 10 persons per night.

C. One parking space per guest room, plus two per facility.

D. Signs for bed and breakfast uses in the R zones are limited to one identification sign use, not exceeding four square feet and not exceeding 42 inches in height.

E. Bed and breakfasts require a home occupation permit. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.260 Boarding houses.

A. Rooming and boarding houses and similar facilities, such as fraternity houses, sorority houses, off-campus dormitories, and residential clubs, shall provide temporary or longer-term accommodations which, for the period of occupancy, may serve as a principal residence.

B. These establishments may provide complementary services, such as housekeeping, meals, and laundry services.

C. In an R-4 or R-6 zone a maximum of two rooms may be rented to a maximum of two persons other than those occupying a single-family dwelling.

D. Must be in compliance with health and building code requirements.

E. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of one parking stall for each room.

F. Boarding houses require a home occupation permit. (Ord. 238 Ch. IV § 3(B), 2000).

-C-

20.40.270 Cemeteries and columbariums.

Cemeteries and columbariums:

A. Columbariums only as accessory to a church; provided, that required landscaping and parking are not reduced.

B. Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.280 Community residential facilities I and II.

A. Type I community residential facilities are allowed as a conditional use in the R-4-6 and R-8-12 residential districts.

B. Type I and II facilities are permitted in the R-18-48, neighborhood business, community business, regional business and office districts only as part of a mixed use development subject to the conditions described below:

Residential uses in mixed use developments shall be provided as follows:

1. A minimum of 25 percent to a maximum of 50 percent of the total built floor area when located in NB zones; and

2. A minimum of 50 percent to a maximum of 75 percent of the total built floor area when located in CB, RB and O zones; provided, that the total percentage may be increased by an additional 15 percent with the approval of a conditional use permit. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.290 Conference center.

Permitted in a residential zone as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark or as a conditional use. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.300 Cottage housing.

A. The total floor area of each cottage unit shall not exceed 1,000 square feet. The maximum first floor or main floor area for an individual cottage housing unit shall be as follows:

- For at least 50 percent of the units in a cluster, floor area shall not exceed 650 square feet;
- For no more than 50 percent of the units in a cluster, the floor area may be up to 800 square feet.

B. The following number of cottage housing units shall be allowed in place of each single-family home allowed by the density of the zone:

- If all units do not exceed 650 square feet on main floor:
  2.00
- If any unit is between 651 and 800 square feet on main floor:
  1.75

C. Cottage homes shall be developed in clusters of a minimum of four to a maximum of 12 homes.

D. The height limit for all structures shall not exceed 18 feet. The ridge of pitched roofs with a minimum slope of six and 12 may extend up to 25 feet. All parts of the roof above 18 feet shall be pitched.

E Cottage home units shall be oriented around and have the covered porches or main entry from the common open space. The common open space must be at least 250 square feet per cottage home.

F. Cottage homes shall have a covered porch or entry at least 60 square feet in size.

G. All structures shall maintain 10 feet of separation within the cluster.

H. Parking for each cottage home unit shall be provided as follows:

- Units that do not exceed 650 square feet on main floor:
  1.5
- Units that exceed 650 square feet on main floor:
  2.0

I. Parking shall be:

- Clustered and separated from the common area by landscaping and/or architectural screen.
- Screened from public streets and adjacent residential uses by landscaping and/or architectural screen.

- Not be permitted within 40 feet of a public street, except within a 50 foot area fronting on a public street; parking spaces may be within 15 feet of a public street.

J. Setbacks for all structures from the property lines shall be an average of 10 feet, but not less than five feet, except 15 feet from a public street. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.310 Court.

A. No jail or correctional facilities allowed as an accessory use; and

B. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).

-D-

20.40.320 Daycare facilities.

A. Daycare I facilities are permitted in residential zones R-4 through R-12 only as an accessory to residential use, provided:

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

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

B. Daycare II facilities are permitted in residential zones R4 through R12 only by Conditional Use Permit, provided:

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

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

3. Hours of operation may be restricted to assure compatibility with surrounding development. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.330 Dormitory.

Dormitories are allowed only as an accessory to a school, college, university or church. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.340 Duplex.

Duplex may be permitted in R-4 and R-6 zones subject to compliance with dimensional and density standards for applicable R-4 or R-6 zone and subject to single-family residential design standards. (Ord. 238 Ch. IV § 3(B), 2000).

-E-

20.40.350 Eating and drinking establishments.

Eating and drinking establishments are permitted in residential zones R-4 through R-48 only by conditional use permit and permitted in NB, O, CB, and RB zones, provided:

A. Card rooms are not permitted.

B. Expansion of a nonconforming card room shall be subject to approval and issuance of a special use permit.

C. Minimum off-street parking for commercial eating and /or drinking establishment licensed by the State Gambling Commission to conduct social card games (card rooms) shall be one parking space per 75 square feet in dining or lounge areas, plus five parking spaces per card table. (Ord. 238 Ch. IV § 3(B), 2000).

-F-

20.40.360 Fire facility.

A. Any buildings from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such street;

B. No outdoor storage; and

C. If a fire facility abuts both an arterial and a nonarterial, all access and egress shall be via the arterial. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.370 Funeral home/crematory.

Permitted only as an accessory to a cemetery. (Ord. 238 Ch. IV § 3(B), 2000).

-G-

20.40.380 Golf facility.

Golf facilities are permitted within the residential district; provided, that structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.390 Group homes.

See Community Residential Facilities I and II. (Ord. 238 Ch. IV § 3(B), 2000).

-H-

20.40.400 Home occupation.

Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

A. The total area devoted to all home occupation(s) shall not exceed 20 percent of the floor area of the dwelling unit. Areas with attached garages and storage buildings shall not be considered in these calculations, but may be used to for storage of goods associated with the home occupation.

B. In residential zones, all the activities of the home occupation(s) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s);

C. No more than one nonresident shall be employed by the home occupation(s);

D. The following activities shall be prohibited in residential zones:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting;

3. Parking and storage of heavy equipment; and

4. Storage of building materials for use on other properties

E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

1. One stall for a nonresident employed by the home occupation(s); and

2. One stall for patrons when services are rendered on-site;

F. Sales shall be limited to:

1. Mail order sales; and

2. Telephone sales with off-site delivery;

G. Services to patrons shall be arranged by appointment or provided off-site;

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

No more than one such vehicle shall be allowed;

1. Such vehicle shall not park within any required setback areas of the lot or on adjacent streets; and

2. Such vehicle shall not exceed a weight capacity of one ton;

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s);

2. Visual or audible interference in radio or television receivers, or electronic equipment located off-premises; or

3. Fluctuations in line voltage off-premises.

4. Emissions of odor, bright lighting or noises greater than what is typically found in a neighborhood setting. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.410 Hospital.

A. When located in residential, office and neighborhood business zones, allowed only as a re-use of a surplus nonresidential facility; and

B. No burning of refuse or hazardous waste; and

C. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

-I-

20.40.420 Interim recycling facility.

A. Interim recycling facilities in the residential zones shall be limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

B. In NB, O, and CB zones all processing and storage of material shall be within enclosed buildings, except of drop box facilities for the collection and temporary storage of recyclable materials. Yard waste processing is not permitted. (Ord. 238 Ch. IV § 3(B), 2000).

-K-

20.40.430 Kennels and catteries.

Kennels and catteries are subject to the following requirements:

A. Run areas shall be completely surrounded by an eight-foot solid wall or fence; and

B. Kennels and catteries shall be on sites of 35,000 square feet or more, and buildings used to house animals shall be a minimum distance of 50 feet from property lines abutting residential zones; and

C. An animal waste disposal plan which ensures that all animal wastes are disposed of consistent with public health regulations. (Ord. 238 Ch. IV § 3(B), 2000).

-M-

20.40.440 Manufactured homes.

A. Any designated manufactured home meeting the definition of RCW 35A.63.145 and the certification requirements of RCW 43.22.340 may be used as a dwelling unit provided it is placed on a foundation and connected to all utilities required by the applicable building codes. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.450 Medical office/outpatient clinic.

A. Only allowed in residential zones as a re-use of a public school facility or a surplus nonresidential facility; and

B. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.460 Mobile home parks.

A. Mobile home parks established prior to the effective date of this Code shall continue to be governed by all standards relating to density, setbacks, landscaping, and off-street parking in effect at the time they were approved.

B. Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these mobile home parks shall be governed by the dimensional standards in effect when the parks were approved, unless two or more replacement mobile homes are proposed to be installed adjacent to each other under the flexible setback options set forth in this Code. Where internal setbacks are not specified the average of the prevailing setbacks on the pads to either side of the proposed new or replacement structure shall apply.

C. No spaces or pads in an existing mobile home park shall be used to accommodate recreational vehicles (RVs), except when specifically adapted to accommodate them.

D. New mobile home parks shall be at least three acres in area.

E. Mobile home parks shall be eligible to achieve the maximum density permitted in the zone by providing the affordable housing benefit for mobile home parks set forth in this Code.

F. Both insignia and noninsignia mobile homes may be installed in mobile home parks; provided, that noninsignia mobile homes shall meet the minimum livability and safety requirements set forth in Chapter 15.05 SMC;

G. At least one of the off-street parking spaces required for each mobile home shall be located on or adjacent to each mobile home pad.

H. There shall be a minimum of 10 feet of separation maintained between all mobile homes on the site.

I. Accessory structures shall be located no closer than:

1. Ten feet to mobile homes on adjacent spaces, unless constructed of noncombustible materials, in which case the minimum setback shall be five feet;

2. Five feet to accessory structures of mobile homes on adjacent spaces; and

3. Five feet to the mobile home or other accessory structures on the same space, except a carport or garage may be attached to the mobile home, and the separation may be waived when such structures are constructed of noncombustible materials.

J. All mobile homes and RVs supported by piers shall be fully skirted.

K. A mobile home park may include a storage area for RVs owned by residents of the park, provided the storage area contains no utility hookups and no RV within the storage area shall be used as living quarters.

L. All new or expanded mobile home parks shall provide open space as described in SMC 20.50.160. (Ord. 238 Ch. IV § 3(B), 2000).

-P-

20.40.470 Performing arts companies/theaters.

Plays/theatrical productions excluding those specified in adult use facilities. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.480 Public agency or utility office.

A. Only as a re-use of a public school facility or a surplus nonresidential facility; or

B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and

C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.490 Public agency or utility yard.

Public agency or utility yards are permitted provided:

A. Utility yards only on sites with utility district offices; or

B. Public agency yards are limited to material storage for road maintenance facilities. (Ord. 238 Ch. IV § 3(B), 2000).

-S-

20.40.500 School bus base.

Permitted as a special use only in conjunction with an existing or proposed school. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.510 Single-family attached dwellings.

A. Single-family attached dwellings include triplexes and townhouses.

B. Single-family attached dwellings in R-4 and R-6 zones shall comply with applicable R-4 and R-6 dimensional and density standards, and multifamily residential design standards.

C. Single-family attached dwellings shall comply with one or more of the following:

1. The development of the attached dwelling units enable protection and retention of windfirm trees; or

2. The development of the attached dwelling units enable preservation of scenic vistas; or

3. The development of the attached dwelling units enable creation of buffers along fish and wildlife habitat conservation areas and wetlands; or

4. The development of the attached dwelling units enable creation of buffers among incompatible uses; or

5. The development of the attached dwelling units protects slopes steeper than 15 percent; or

6. The development of the attached dwelling units would allow for retention of natural or historic features.

D. The single-family attached dwelling development shall not result in greater density than would otherwise be permitted on site. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.520 Specialized instruction school.

A. Specialized instruction schools are permitted; provided, that the majority of instruction must be within an enclosed structure; and

B. Permitted as a conditional use in the residential district provided:

1. Students are limited to 12 per one-hour session;

2. The majority of instruction must be within an enclosed structure; and

3. Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.

C. On lots over 2.5 acres:

1. Retail sales of items related to the instructional courses is permitted, provided total floor area for retail sales is limited to 2,000 square feet;

2. Sales of food prepared in the instructional courses is permitted, provided total floor area for food sales is limited to 1,000 square feet and is located in the same structure as the school;

3. Other incidental student-supporting uses are allowed, provided such uses are found to be both compatible with and incidental to the principal use. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.530 Street vacation.

A. A street vacation is a mechanism by which the City may, by legislative action, vacate public street or alley, or portions thereof, based on the following criteria and Chapter 35.79 RCW.

B. No petition to vacate a street or alley shall be approved unless the following criteria are met:

1. The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare.

2. The subject street or alley is not needed for general access, emergency services, utility facilities, or other similar purposes, nor is it a necessary part of a long range circulation plan, pedestrian/bicycle plan, and/or street improvement plan.

3. The subject vacation is consistent with the adopted Comprehensive Plan and other related regulations and policies.

4. The subject vacation shall not directly or indirectly result in adverse impact on historical or cultural resources, the natural environment, and/or otherwise negatively affect critical areas as defined in the critical areas overlay district. (Ord. 238 Ch. IV § 3(B), 2000).

-T-

20.40.540 Temporary use.

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use; and

2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use; and

3. Adequate parking is provided for the temporary use, and if applicable the temporary use does not create a parking shortage for the existing uses on the site; and

4. Hours of operation of the temporary use are specified; and

5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.

C. A temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.550 Transit park and ride lot.

A. Limited in residential zones to 50 stalls unless sited on an existing parking lot or in conjunction with a publicly owned or nonprofit facility (i.e., church, social service agency, etc.); and

B. New park and ride lots (not including new park and ride facilities located on existing parking lots) shall provide screening and/or Type I landscaping on interior setbacks that abut residentially zoned properties; and

C. New park and ride lots (not including new park and ride facilities located on existing parking lots) shall provide Type II landscaping along street frontages; and

D. New park and ride lots (not including new park and ride facilities located on existing parking lots) shall provide lighting directed to the interior of the site and away from adjacent residentially zoned properties. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.560 Trucking and courier service.

Trucking and courier service are limited to self-service household moving truck or trailer rentals. (Ord. 238 Ch. IV § 3(B), 2000).

-U-

20.40.570 Unlisted use.

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A Action) and by considering the following factors:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts, and

2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.580 Utility facility.

A. Limited to bulk gas storage tanks, which pipe to individual residences, but excluding liquefied natural gas storage tanks.

B. Excluding bulk gas storage tanks. (Ord. 238 Ch. IV § 3(B), 2000).

-V-

20.40.590 Veterinary clinics and hospitals.

Veterinary clinics and hospitals are permitted under the following provisions:

A. No burning of refuse or dead animals is allowed.

B. The portion of the building or structure in which animals are kept or treated shall be constructed so as to prevent incursion of noise from animals into any residential zone.

C. All run areas shall be surrounded by an eight-foot solid wall and surfaced with concrete or other impervious material.

D. The provisions of this Code relative to animal keeping are met. (Ord. 238 Ch. IV § 3(B), 2000).

-W-

20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

A. **Exemptions.** The following are exemptions from the provisions of this chapter and shall be permitted in all zones:

1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC).

2. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys.

3. The storage, shipment or display for sale of antenna(s) and related equipment.

4. Radar systems for military and civilian communication and navigation.

5. Handheld, mobile, marine and portable radio transmitters and/or receivers.

6. Wireless radio utilized for temporary emergency communications in the event of a disaster.

7. Licensed amateur (ham) radio stations and citizen band stations.

8. Earth station antenna(s) one meter or less in diameter and located in any zone.

9. Earth station antenna(s) two meters or less in diameter and located in the NB, CB, RB, O, or I zones.

10. Satellite dish antennas less than two meters in diameter, including direct to home satellite services, when an accessory use of a property.

11. Maintenance or repair of a communication facility, antenna and related equipment, transmission structure, or transmission equipment enclosures; provided, that compliance with the standards of this chapter is maintained.

12. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a facility until 30 days after the completion of such emergency activity.

B. **Prohibitions.** The following wireless telecommunication facilities are prohibited:

1. Guyed towers.

2. Roof-mounted lattice towers.

C. **Permit Requirements.**

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

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

D. **Building-Mounted Wireless Telecommunication Facilities Standards.**

1. Wireless telecommunication facilities located on the roof or on the side of the building shall be grouped together, integrated to the maximum possible degree with the building design, placed to the center of the roof and/or thoroughly screened from residential building views and from public views. (Figures 1 and 2.)

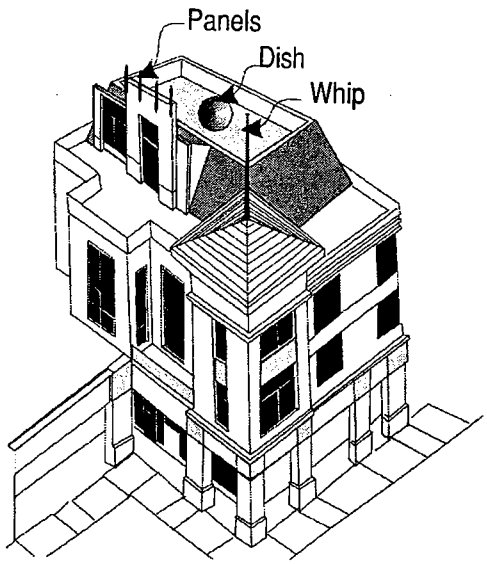

Figure 1 – Wireless facilities integrated into the roof design.

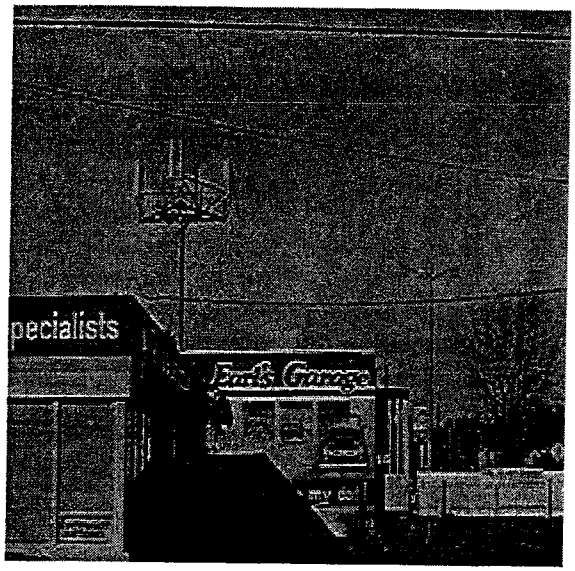

Figure 2 – Unintegrated roof-mounted facilities are not permitted.

2. The maximum height of roof-mounted facilities and equipment shall not exceed 15 feet above the top of the roof on which the facility is located. This standard shall apply to all buildings, including those built at the maximum height allowed in a specific zone.

3. Equipment for building-mounted wireless telecommunication facilities shall be located within the building in which the facility is placed or shall be incorporated into the roof design.

4. Building-mounted wireless telecommunication facilities shall be painted with nonreflective colors. Colors of these facilities and equipment enclosures shall blend in with the building colors.

E. **Ground-Mounted Wireless Telecommunication Facilities Standards.**

1. All ground-mounted wireless telecommunication facilities shall conform to the height and setbacks requirements specified in Table 2.

Table 20.40.600(2) – Height and Setback Standards for Ground-Mounted Wireless Telecommunication Facilities

Zone	Maximum Height	Setbacks
All Residential Zones: R-4 – R-48	Maximum height specified for each zone.	Minimum 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.
All Commercial Zones: (NB, CB, RB and O)	Maximum height specified for each zone.	Minimum 30 feet from all adjacent commercially zoned properties and 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.
Industrial Zone (I)	Maximum height specified for the zone.	Minimum 20 feet from all adjacent industrially zoned properties, 30 feet from all adjacent commercially zoned properties and 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.

2. All ground-mounted wireless telecommunication facilities shall conform to the following site development standards:

   a. To the greatest extent possible, ground-mounted facilities shall be located where existing trees, existing structures and other existing site features camouflage these facilities from prevalent views. (Figures 3, 4, 5 and 7.)

   b. Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility. (Figure 5.)

   c. A landscaping plan shall be required that shows the best use of the existing vegetation. Existing vegetation shall be supplemented with new landscaping to effectively screen the facility. Indigenous, drought tolerant plants or species proven adaptable to the local climate should be used. New landscaping must provide design continuity between the subject site and neighboring properties. (Figure 3.)

   d. Equipment enclosures shall be placed unobtrusively underground if site conditions permit and if technically feasible. When such placement is not feasible, they shall be incorporated in a building design. (Figure 3.)

   e. Above ground equipment shall be screened around the perimeter by a fence at least six feet high. The fence should be made of masonry, ornamental metal or wood, or some combination of these. (Figure 8.)

   f. The use of chain link, plastic, vinyl or wire fencing is prohibited, unless fully screened from public views by a minimum eight-foot wide landscaping strip. All landscaping shall meet the standards of Chapter 20.50 SMC, Subchapter 7, Landscaping Standards. (Figure 6.)

   g. Support structures, antennas and associated hardware and equipment shall be finished in such a manner as to blend with the background against which the wireless communication facility will be viewed.

Figure 3 – Supplement existing vegetation with new landscaping. Equipment enclosure shall be incorporated into a building design.

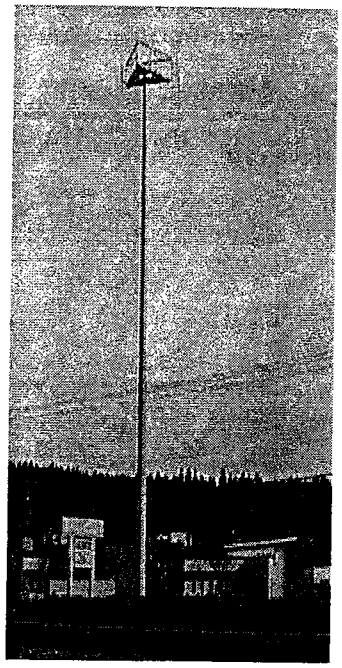

Figure 4 – Unintegrated facilities dominating the landscape are not permitted.

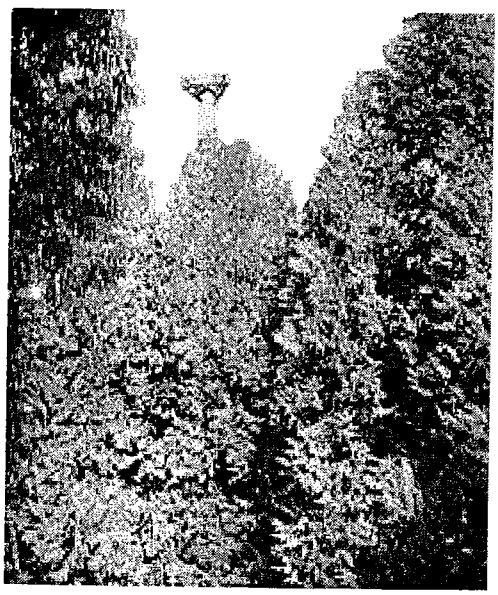

Figure 5 – Existing trees should be retained in order to conceal the WTF.

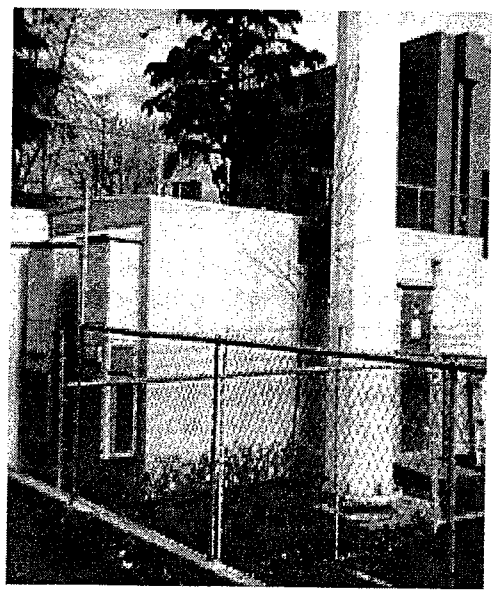

Figure 6 – Use of chain link fence without any landscape screen is prohibited.

Figure 7 – Unscreened facilities and chain link fencing are prohibited.

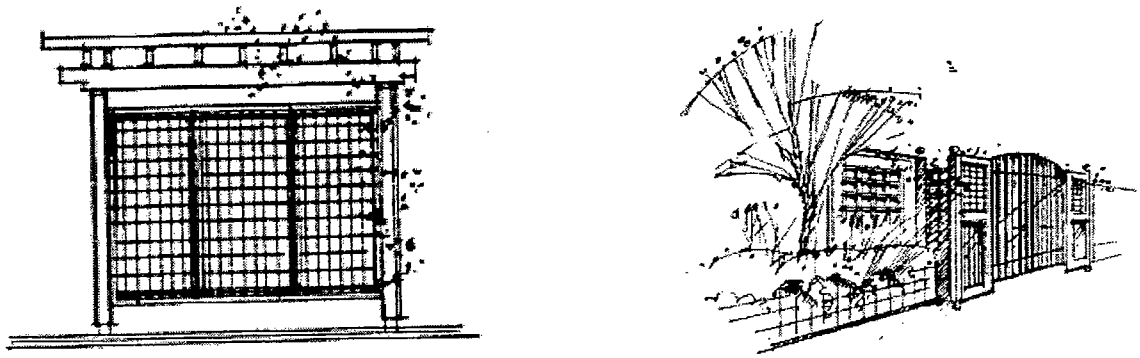

Figure 8 – Examples of screening and fencing of WTF from public views.

F. **Structure-Mounted Wireless Telecommunication Facilities Standards.**

1. Wireless telecommunication facilities located on structures other than buildings, such as light poles, flag poles, transformers, existing monopoles, towers and/or tanks shall be designed to blend with these structures and be mounted on them in an inconspicuous manner. (Figures 9 and 10.)

2. The maximum height of structure-mounted facilities shall not exceed the height limits specified for each zoning designation in this title.

3. Wireless telecommunication facilities located on structures other than buildings shall be painted with nonreflective colors in a color scheme that blends with the background against which the facility will be viewed.

4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall comply with right-of-way use permit requirements (Chapter 12.25 SMC).

Figure 9 – Antenna mounted on the light pole.

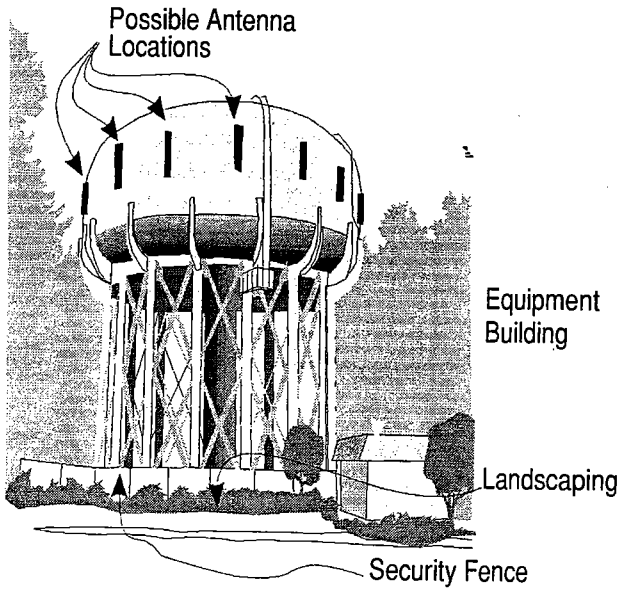

Figure 10 – Antenna mounted on the existing water tank.

G. **General Siting Criteria.**

1. The City of Shoreline encourages wireless telecommunication providers to plan more frequent, less conspicuous sites instead of attempting to stretch desirable range through use of taller than necessary towers.

2. The City of Shoreline believes that specific types of wireless telecommunication facilities are better placed in some locations of the City than in others. The City of Shoreline is committed to preserving those locations for existing and future carriers, and to avoid over development (saturation) of any prime location with WTFs. The City may request feasibility studies associated with applications for ground-mounted WTF which demonstrate that locations on existing structures have been explored as the preferred alternative.

3. The development of single-user WTFs tends to use up those few prime locations more quickly than if all these facilities were co-located. Generally, co-location on existing towers and attachment of antenna to existing structures and buildings are encouraged by less complex permit procedures.

4. Co-location shall be encouraged for all personal wireless service facility applications.

a. To the greatest extent that is technically feasible, new applicants shall be required to build mounts capable of accommodating at least one other carrier.

b. Co-locations shall be reviewed by the City on the basis of the site being built out (all available mounting capacity in use).

c. Any WTF that requires an SUP under the provisions of this chapter shall be separated by a minimum of 1,000 feet from any other facility requiring an SUP, unless located within an area designated as a prime wireless location by the City of Shoreline.

5. The following shall be considered by the applicants as preferred locations for WTF:

a. Existing site or tower where a legal WTF is currently located.

b. Publicly used structures such as water towers and other structures and/or buildings.

H. **Modification.** From time to time, the applicant and/or co-applicant may want to alter the terms of the CUP or SUP by modifying specific features of the WTF. If any of the following changes are proposed or occur, such modifications must be submitted to the City of Shoreline as a renewal of the CUP or SUP. This provision shall not apply to routine maintenance of WTF, including "in-kind" replacement.

1. Addition to, or replacement of, any equipment specified in the original design submittals.

2. Change of the WTF design as specified in the original permit submittals.

I. **Abandonment or Discontinuation of Use.**

1. At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier will notify the City of Shoreline development services group by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

2. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon the discovery of such discontinuation of operations.

3. Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

a. Removal of antennas, mount, equipment cabinets and security barriers from the subject property.

b. Transportation of the antennas, mount, equipment cabinets and security barriers to a repository outside of the City of Shoreline.

c. Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping provided by the WTF operator shall remain in place.

d. If a carrier fails to remove a personal wireless service facility in accordance with this section of this chapter, the City of Shoreline shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the WTF shall be charged to the landowner in the event the City of Shoreline removes the facility.

J. **Maintenance.**

1. The applicant shall maintain the WTF to standards that may be imposed by the City at the time of granting a permit. Such maintenance shall include, but not be limited to, painting, structural integrity, and landscaping.

2. In the event the applicant fails to maintain the facility, the City of Shoreline may undertake enforcement action as allowed by existing codes and regulations. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.610 Work release facility.

No work release facility shall be located closer than one mile from any public or private school servicing kindergarten through grade 12 students. (Ord. 238 Ch. IV § 3(B), 2000).

Chapter 20.50
General Development Standards

Sections:

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20.50.020 Standards – Dimensional requirements.
20.50.030 Lot width and lot area – Measurements.
20.50.040 Setbacks – Designation and measurement.
20.50.050 Building height – Standards.

Subchapter 2. Single-Family Detached Residential Design Standards

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20.50.070 Site planning – Front yard setback – Standards.
20.50.080 Site planning – Rear and side yard setbacks – Standards.
20.50.090 Additions to existing single-family house – Standards.
20.50.100 Location of accessory structures within required yard setbacks – Standards.
20.50.110 Fences and walls – Standards.

Subchapter 3. Multifamily and Single-Family Attached Residential Design Standards

20.50.120 Purpose.
20.50.130 Site planning – Setbacks – Standards.
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20.50.150 Storage space and service area location and screening – Standards.
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20.50.170 Pedestrian circulation and safety – Standards.
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20.50.190 Exterior materials – Standards.
20.50.200 Facade elements – Standards.
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Subchapter 4. Mixed-Use, Commercial and Other Nonresidential Development Design Standards

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20.50.230 Site planning – Setbacks and height – Standards.
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20.50.260 Lighting – Standards.
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Subchapter 5. Tree Conservation, Land Clearing and Site Grading Standards

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Subchapter 6. Parking, Access and Circulation

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20.50.420 Vehicle access and circulation – Standards.
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Subchapter 7. Landscaping Standards

20.50.450 Purpose.
20.50.460 Landscaping – Types of landscaping screens – Standards.
20.50.470 Street frontage landscaping – Standards.
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20.50.490 Landscaping along interior lot line – Standards.
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Subchapter 8. Signs

20.50.530 Purpose.
20.50.540 Sign standards.
20.50.550 Prohibited signs.
20.50.560 Site-specific sign standards – Monument signs.
20.50.570 Site-specific sign standards – Shopping center/mall type signs in CB, RB, and I Zones.
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20.50.590 Nonconforming signs.
20.50.600 Temporary signs.
20.50.610 Exempt signs.

Subchapter 1.

Dimensional and Density Standards for Residential Development

20.50.010 Purpose.

The purpose of this subchapter is to establish basic standards for residential development at a range of densities consistent with public health and safety and the adopted Comprehensive Plan.

Residential development is permitted in the seven residential (R) zones (R-4, R-6, R-8, R-12, R-18, R-24, and R-48) and in all nonresidential zones.

The basic standards for residential development shall be implemented in conjunction with all applicable Code provisions. (Ord. 238 Ch. V § 1(A), 2000).

20.50.020 Standards – Dimensional requirements.

A. Table 20.50.020(1) specifies densities and dimensional standards for residential development applicable in residential zones.

Table 20.50.020(2) specifies densities and dimensional standards for residential development in other zones.

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

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

STANDARDS	Low Density		Medium Density		High Density		
	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (1)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft	35 ft	35 ft
Max. Building Coverage	35%	35%	55%	60%	60%	70%	70%
Max. Impervious Surface	45%	50%	75%	85%	85%	85%	90%

Exceptions to Table 20.50.020(1):

(1) In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base density may be increased for cottage housing in R-6 (low density) zone subject to approval of a conditional use permit.

(2) These standards may be modified to allow zero lot line developments.

(3) For exceptions to front yard setback requirements, please see SMC 20.50.070.

(4) For exceptions to rear and side yard setbacks, please see SMC 20.50.080.

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

Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	No maximum
Min. Front (Street) Yard Setback	10 ft	10 ft	10 ft
Min. Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Min. Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)	35 ft	60 ft	65 ft
Max. Impervious Surface	85%	85%	95%

Exception to Table 20.50.020(2):

(1) Please see Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

B. **Base Density Calculation.** The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up.

2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3 acres site: 2.3 x 6 = 13.8
The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3 acres site: 2.3 x 24 = 55.2
The base density for the site would be 55 dwelling units.

C. All areas of a site may be used in the calculation of base density, except that submerged lands shall not be credited toward base density calculations.

D. When a lot is divided by a zone boundary, the following rules shall apply:

1. When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site.

2. When a lot contains residential zones of varying density, the following shall apply:

   a. Any residential density transfer within the lot shall be allowed from the portion with the lesser residential density to that of the greater residential density.

   b. Residential density transfer from the higher density zone to the lower density zone may be allowed only when:

      - The transfer enhances the efficient use of needed infrastructure;
      - The transfer contributes to preservation of critical areas, or other natural features; and
      - The transfer does not result in significant adverse impacts to adjoining lower-density properties.

   Example: A development site is 3.8 acres. 1.5 acres is zoned R-12 and 2.3 acres is zoned R-24. The base density for the R-12 portion: 1.5 x 12 = 18 dwelling units, for the R-24 portion: 2.3 x 24 = 55.2 rounded to 55 dwelling units. The overall base density for the site is 18 + 55 = 73 dwelling units. (Ord. 238 Ch. V § 1(B-1), 2000).

20.50.030 Lot width and lot area – Measurements.

A. **Lot width** shall be measured by scaling a circle within the boundaries of the lot; provided, that an access easement shall not be included within the circle.

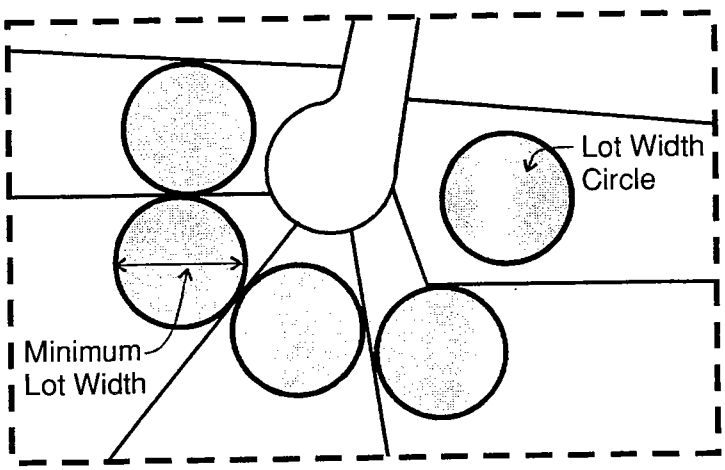


Figure 20.50.030(A): Lot width measurement example.

B. The **lot area** is the total horizontal land area contained within the boundaries of the lot. The minimum lot area is required to qualify as a building site. (Ord. 238 Ch. V § 1(B-2), 2000).

20.50.040 Setbacks – Designation and measurement.

A. The **front yard setback** is a required distance between the "front lot line" to a building line (line parallel to the front line), measured across the full width of the lot.

Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.

B. Except a lot abutting the intersection of two streets (corner lot), each lot must contain only one front yard setback and one rear yard setback. All other setbacks shall be considered side yard setbacks.

C. The rear and side yard setbacks shall be defined in relation to the designated front yard setback.

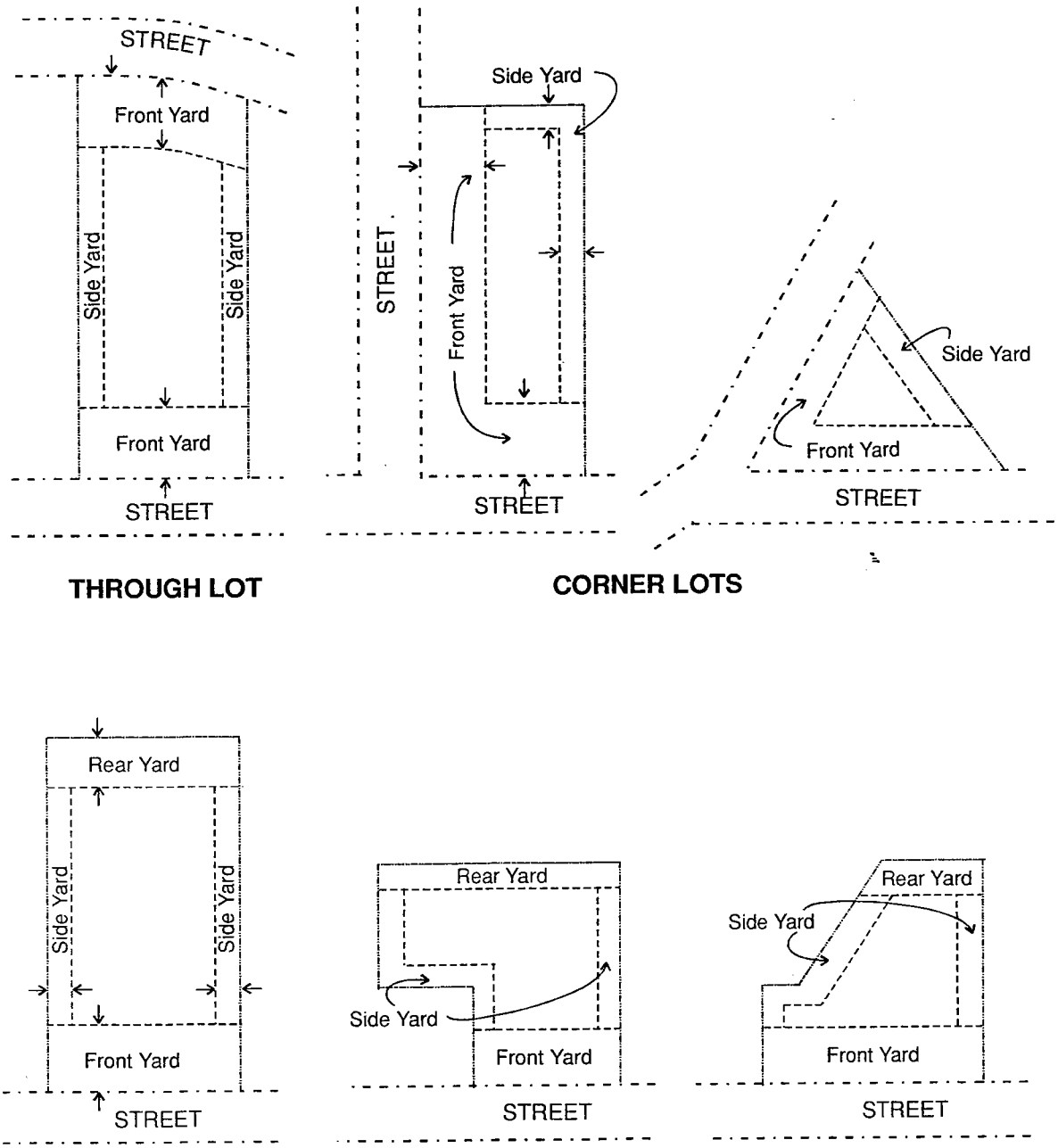


Figure 20.50.040(C): Examples of lots and required yards.

D. The **rear yard setback** is a required distance from the rear lot line to a line parallel to and measured perpendicularly from the rear lot line. (Rear lot line is the line opposite and/or most distant from the front line.)

E. The **side yard setback** is a distance measured from any side lot line to a line parallel to that line and that extends from the front yard setback line to the rear yard, front yard (on corner lots), or another side yard setback line.

F. **Allowance for Optional Aggregate Setback.** For lots with unusual geometry, flag lots with undesignated setbacks, or site conditions, such as steep slopes, an existing cluster of significant trees, or other unique natural or historic features that should be preserved without disturbance, the City may reduce the individual required setbacks, however, the total of setbacks shall be no less than the sum of the minimum front yard, rear yard, and side yards setbacks. In order to exercise this option, the City must determine that a public benefit is gained by relaxing any setback standard. The following criteria shall apply:

1. No rear or side yard setback shall be less than five feet.

2. The front yard setback adjacent to street shall be no less than 15 feet in R-4 and R-6 and 10 feet in all other zones. (See Exception 20.50.070(1).)

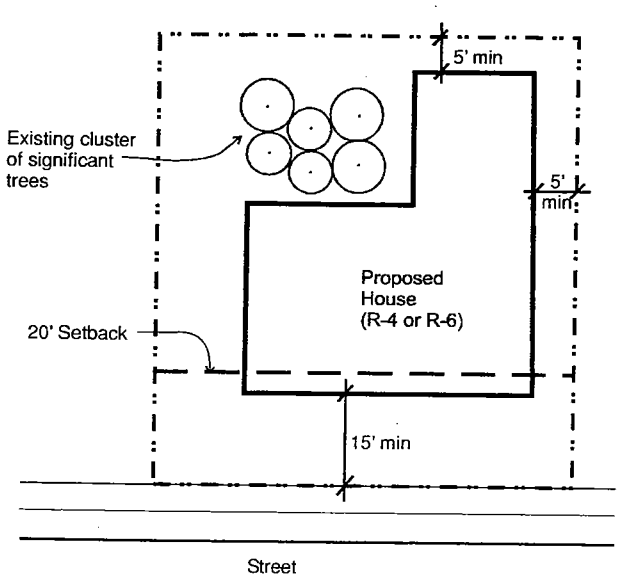


Figure 20.50.040(F): Example of optional aggregate setback to preserve a cluster of significant trees.

G. **Projections into Setback.**

1. Projections may extend into required yard setbacks as follows, except that no projections shall be allowed into any five-foot side yard setback except:

   a. Gutters;

   b. Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or

   c. On-site drainage systems.

2. Fire place structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into setbacks, except into a side yard setback that is less than seven feet, provided such projections are:

   a. Limited to two per facade;

   b. Not wider than 10 feet;

c. Not more than 24 inches into a side yard setback (which is greater than seven feet); or

d. Not more than 30 inches into a front and rear yard setback.

3. Eaves may not project more than:

a. Eighteen inches into an side yard setback which is greater than six feet, six inches;

b. Eaves may not project more than 36 inches into a front yard and/or rear yard setback.

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the rear and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project:

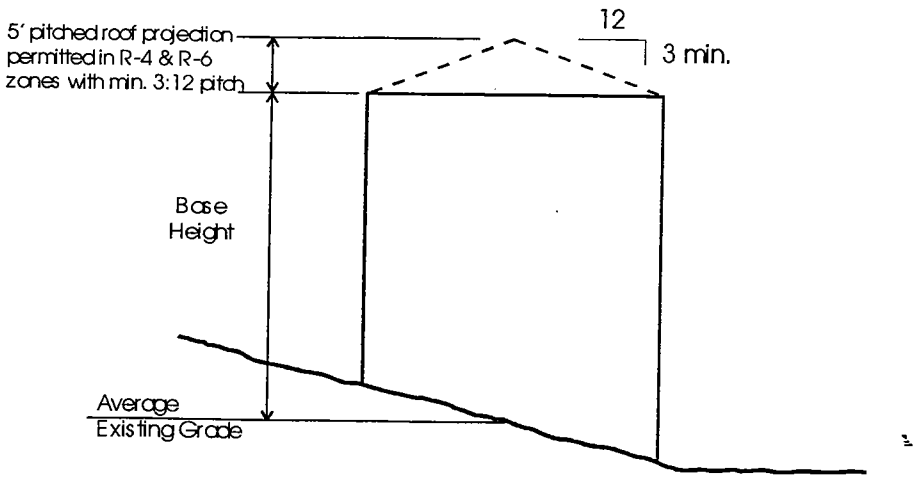
a. Eighteen inches into a side yard setback which is greater than six feet, six inches; and

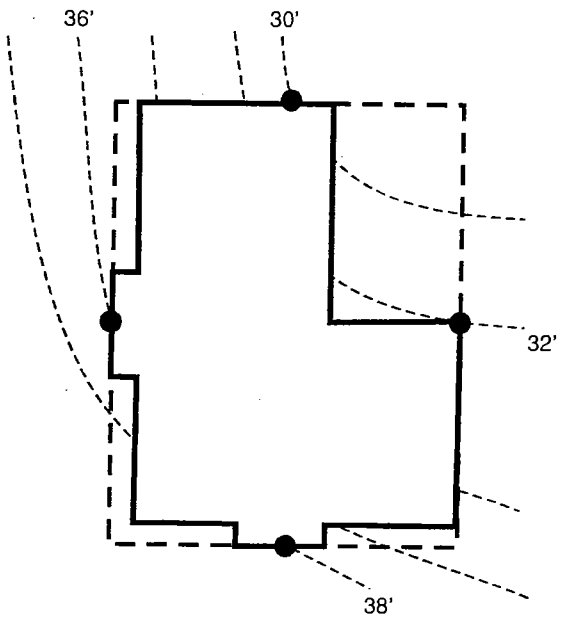
b. Five feet into the front and rear yard setback.

6. Building stairs less than three feet and six inches in height, entrances, and covered but unenclosed porches that are at least 60 square feet in footprint area may project up to five feet into the front yard. (Ord. 238 Ch. V § 1(B-3), 2000).

20.50.050 Building height – Standards.

The base height for all structures shall be measured from the average existing grade to the highest point of the roof. The average existing grade shall be determined by first delineating the smallest rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the rectangle; provided, that the measured elevations do not include berms.





Average Existing Grade = $\frac{30' + 32' + 36' + 38'}{4}$ = 34'

Figure 20.50.050(A): Building height measurement.

Exception 20.50.050(1): The ridge of a pitched roof on the principal house in R-4 and R-6 zones may extend up to 35 feet; provided, that all parts of the roof above 30 feet must be pitched at a rate of not less than three to 12.

Exception 20.50.050(2): The following structures may be erected above the height limits in residential zones:

- *Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance;*
- *Fire or parapet walls, skylights, flagpoles, chimneys, and utility line towers and poles; and*
- *Steeples, crosses, and spires when integrated as an architectural element of a building.* (Ord. 238 Ch. V § 1(B-4), 2000).

Subchapter 2.

Single-Family Detached Residential Design Standards

20.50.060 Purpose.

The purpose of this subchapter is to establish design standards for single-family detached residential development as follows:

A. To ensure that the physical characteristics of new houses through infill development are compatible with the character and scale of surrounding area, and provide adequate light, air, privacy, and open space for each house.

B. To establish a well-defined single-family residential streetscape by setting back houses for a depth that allows for landscaped front yard.

C. To reduce the visual impact of garages from the street views. (Ord. 238 Ch. V § 2(A), 2000).

20.50.070 Site planning – Front yard setback – Standards.

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots; provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed. If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20 feet required setback. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)

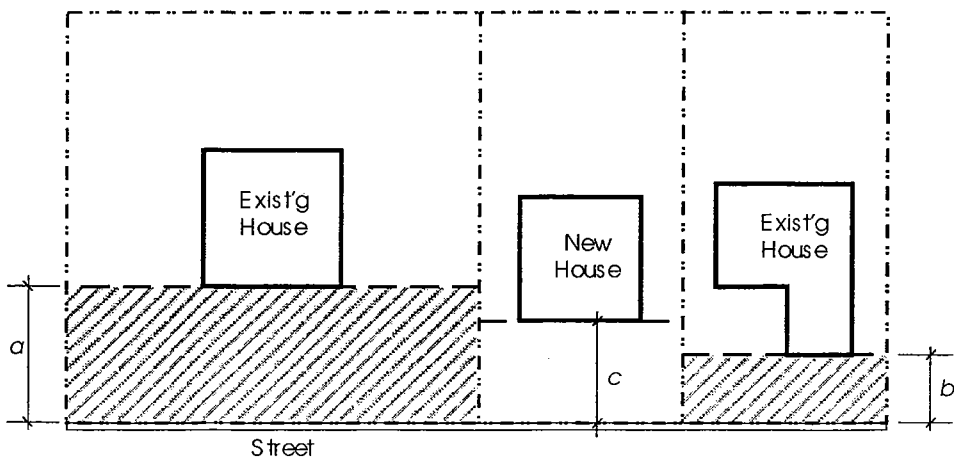


Figure Exception to 20.50.070(1): Minimum front yard setback (c) may be reduced to the average setback of houses located on adjacent lots (a and b).

Calculation: c (min) = (a +b) / 2.

Exception 20.50.070(2): The required front yard setback may be reduced to 15 feet provided there is no curb cut or driveway on the street and vehicle access is from another street or an alley.

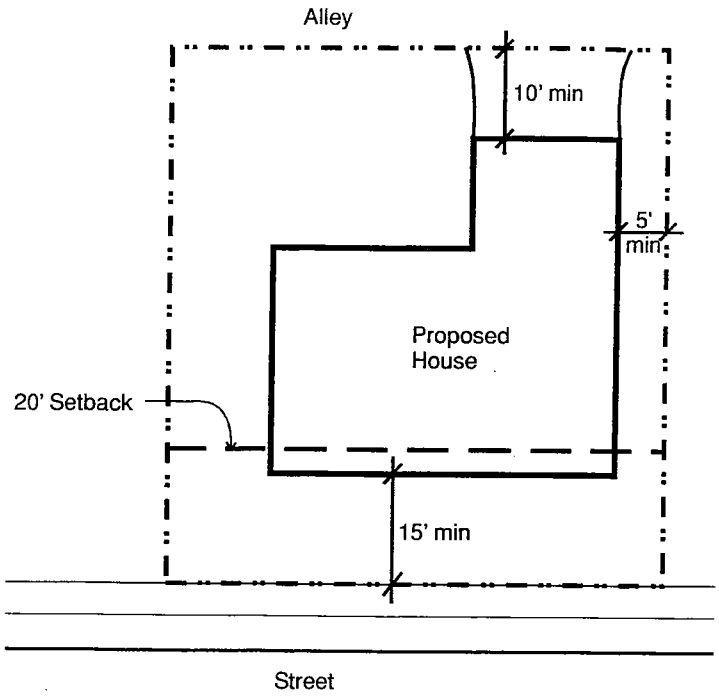


Figure Exception to 20.50.070(2): Minimum front yard setback may be reduced to 15 feet if there is no curb cut or driveway on the street and vehicle access is from another street or alley.

(Ord. 238 Ch. V § 2(B-1), 2000).

20.50.080 Site planning – Rear and side yard setbacks – Standards.

A. The rear yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

Exception to 20.50.080(A)(1): If the rear yard faces on an alley, the rear yard may be reduced to 10 feet, provided automobile access is the alley.

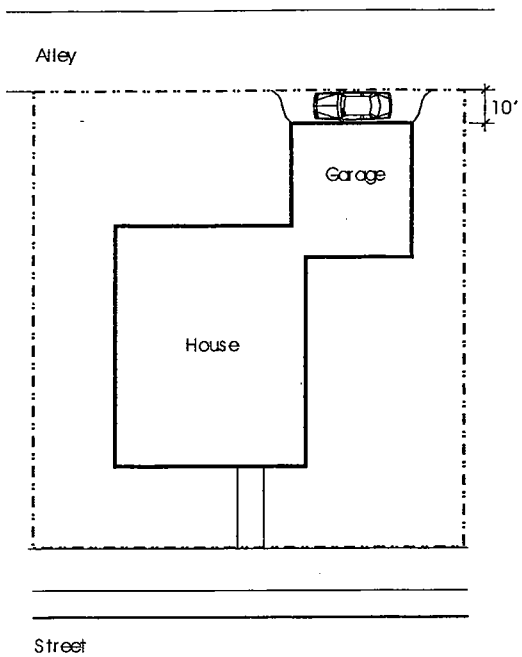


Figure Exception to 20.50.080(A)(1): Setting the garage back 10' from the alley reduces the garage's impacts to the street front and allows for parallel parking in front of the garage.

B. The side yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except that on irregular lots with more than two side yards, the sum of the two longest side yards must be minimum 15 feet, but none of the remaining side yard setbacks shall be less than five feet. If an irregular lot, such as a triangle lot, which contains only one designated side yard, it shall be a minimum of five feet.

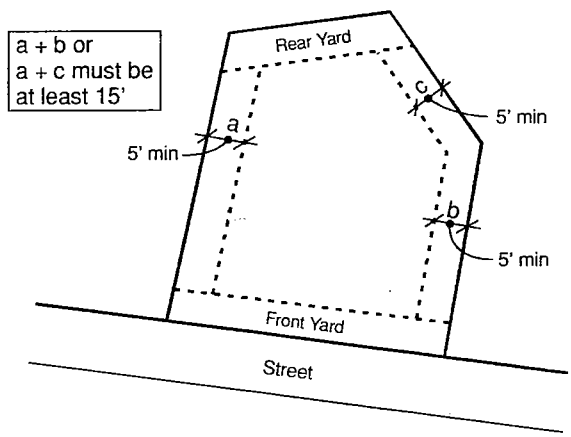


Figure 20.50.080(B): Side yard requirements for irregular lots.

(Ord. 238 Ch. V § 2(B-2), 2000).

20.50.090 Additions to existing single-family house – Standards.

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

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

2. **Rear Yard.** When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition;

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

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

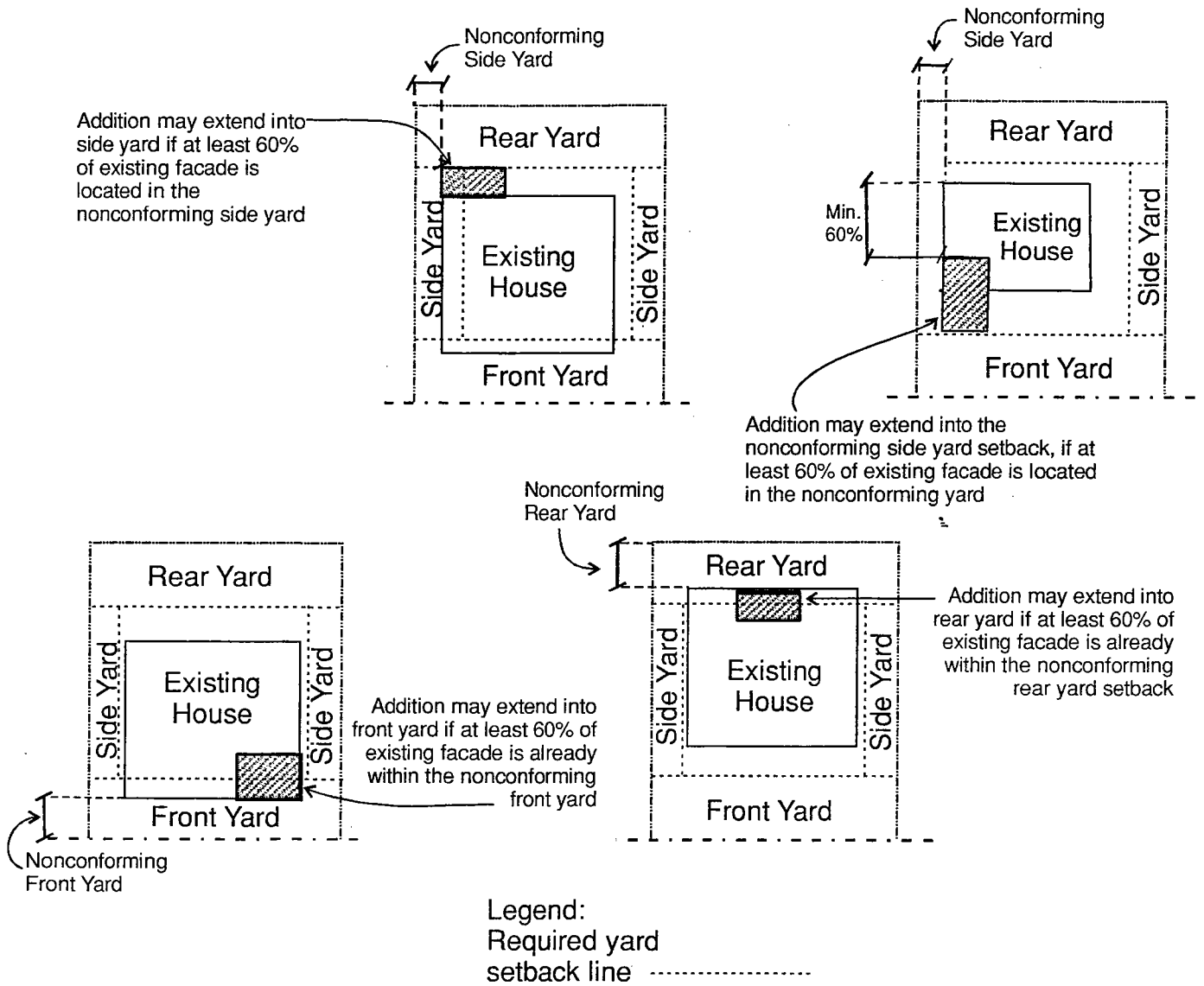


Figure 20.50.090(A): Examples of additions to existing single-family houses and into already nonconforming yards.

(Ord. 238 Ch. V § 2(B-3), 2000).

20.50.100 Location of accessory structures within required yard setbacks – Standards.

No accessory structure shall be located within any required setback.

Exception 20.50.100(1): One uninhabited structure less than 10 feet high and 120 square feet in footprint area, such as a storage shed or greenhouse, may be located within the required rear or side yard setback.

Exception 20.50.100(2): If the accessory structure, which is less than 120 square feet in footprint and less than 10 feet high, is located in the side yard, such structure shall be set back at least five feet further than the house from any street.

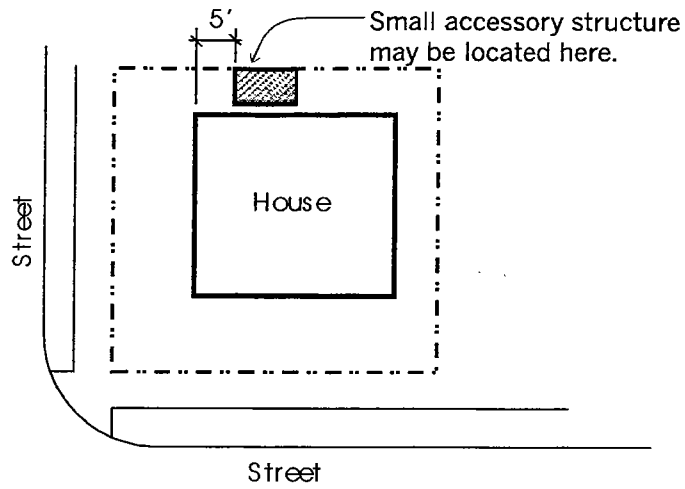


Figure Exception to 20.50.100(2): Permitted location of small accessory structure in side yard.

(Ord. 238 Ch. V § 2(B-4), 2000).

20.50.110 Fences and walls – Standards.

A. Fences and walls shall be a maximum three feet, six inches high between the front yard building setback line and the front property line.

Exception to 20.50.110(A)(1): For corner lots or any lots which have more than one front yard, the fence height of three feet, six inches applies to one front yard only.

B. Fences located along private roads serving lots, which are not fronting on a street, shall avoid creating a "tunnel" effect by varying the alignment or setback of the fence, softening the appearance of fence lines with planting, or similar techniques. In no instance shall a fence or wall be opaque for more than 50 feet of every 75 feet of length, or portion thereof.

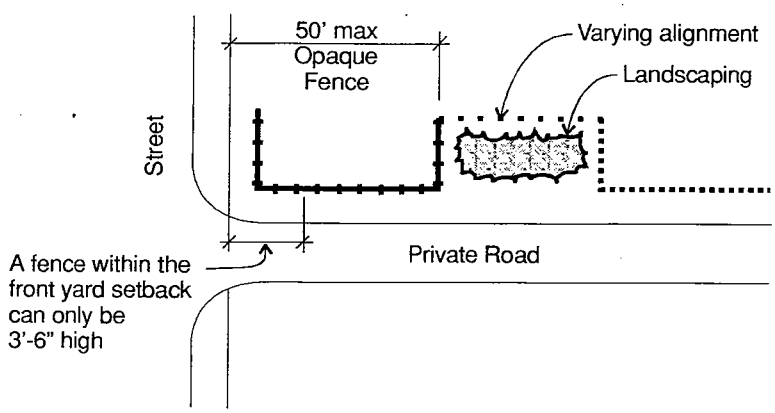


Figure 20.50.110(B): Fences along private roads.

C. The maximum height of fences located along a side and/or rear yard property line shall be six feet.

D. All electric, razor wire, and barbed wire fences are prohibited.

E. The height of a fence located on a retaining wall shall be measured from the bottom of that wall to the top of the fence. The portion of a fence, that is higher than six feet above the bottom of the retaining wall, shall be an openwork type of fence, such as lattice. The overall height of the fence located on the wall shall be maximum six feet (cumulative opaque and openwork portions of the fence).

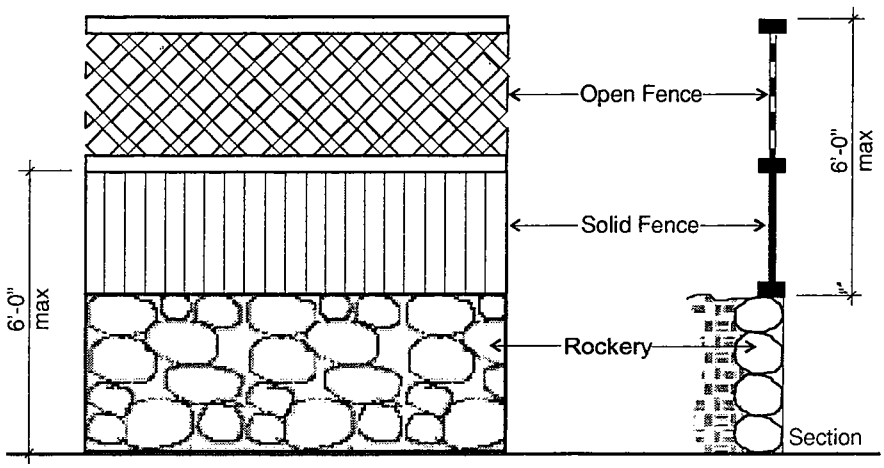


Figure 20.50.110(E): Example height measurement of fence located on the top of a retaining wall.

(Ord. 238 Ch. V § 2(B-5), 2000).

Subchapter 3.

Multifamily and Single-Family Attached Residential Design Standards

20.50.120 Purpose.

The purpose of this subchapter is to establish standards for multifamily and single-family attached residential development as follows:

A. To encourage development of attractive residential areas that are compatible when considered within the context of the surrounding area.

B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.

C. To meet the recreation needs of project residents by providing open spaces within the project site.

D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.

E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.

F. To promote pedestrian accessibility within and to the buildings. (Ord. 238 Ch. V § 3(A), 2000).

20.50.130 Site planning – Setbacks – Standards.

For developments consisting of three or more dwelling units located on a single parcel, the setback shall be 15 feet along any property line abutting R-4 or R-6 zones.

Exception to 20.50.130(1): Underground parking may extend into required setbacks, provided it is landscaped at the ground level.

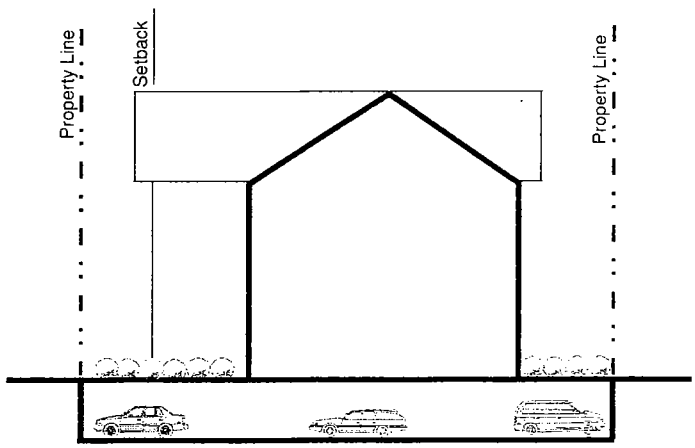


Figure Exception to 20.50.130(1): Diagram of multifamily structure with underground parking within a required setback.

(Ord. 238 Ch. V § 3(B-1), 2000).

20.50.140 Parking – Access and location – Standards.

A. Provide access to parking areas from alleys where possible.

B. For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.

C. Above ground parking shall be located behind or to the side of buildings. Parking between the street property line and the building shall be allowed only when authorized by the Director due to physical limitations of the site.

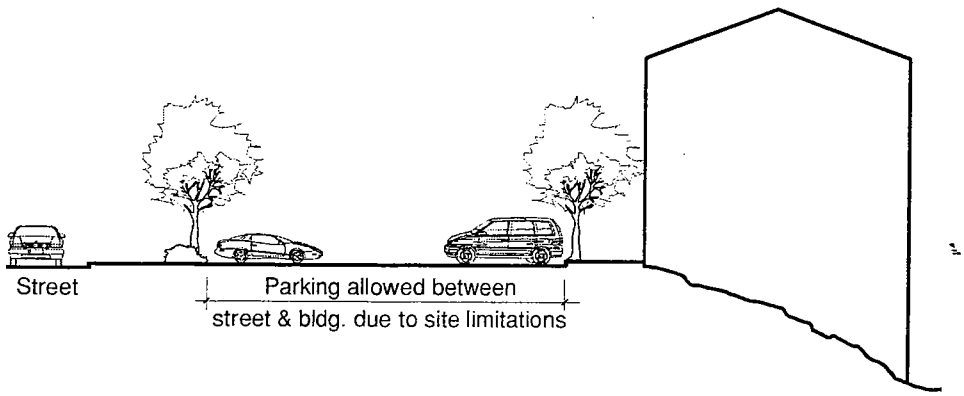


Figure 20.50.140(C): Example of parking location between the building and the street, which is necessary due to the steep slope.

D. Avoid parking layouts that dominate a development. Coordinate siting of parking areas, pedestrian connections and open space to promote easily accessible, centrally located open space.

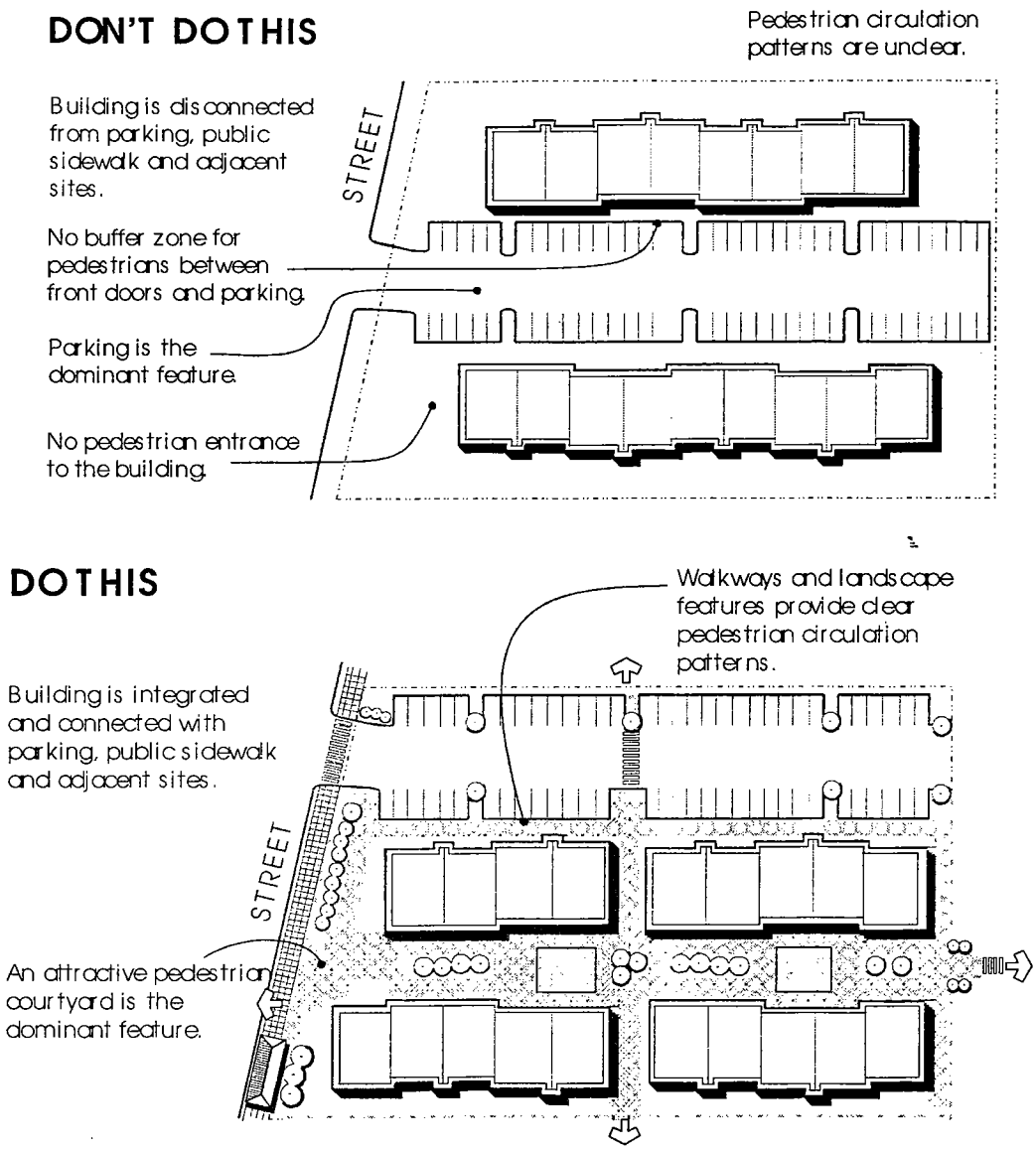


Figure 20.50.140(D): Avoid parking that dominates the site. Encourage parking located behind or on the side of buildings and common open space between buildings.

E. Break large parking areas into smaller ones to reduce their visual impact and provide easier access for pedestrians. Limit individual parking areas to no more than 30 parking spaces.

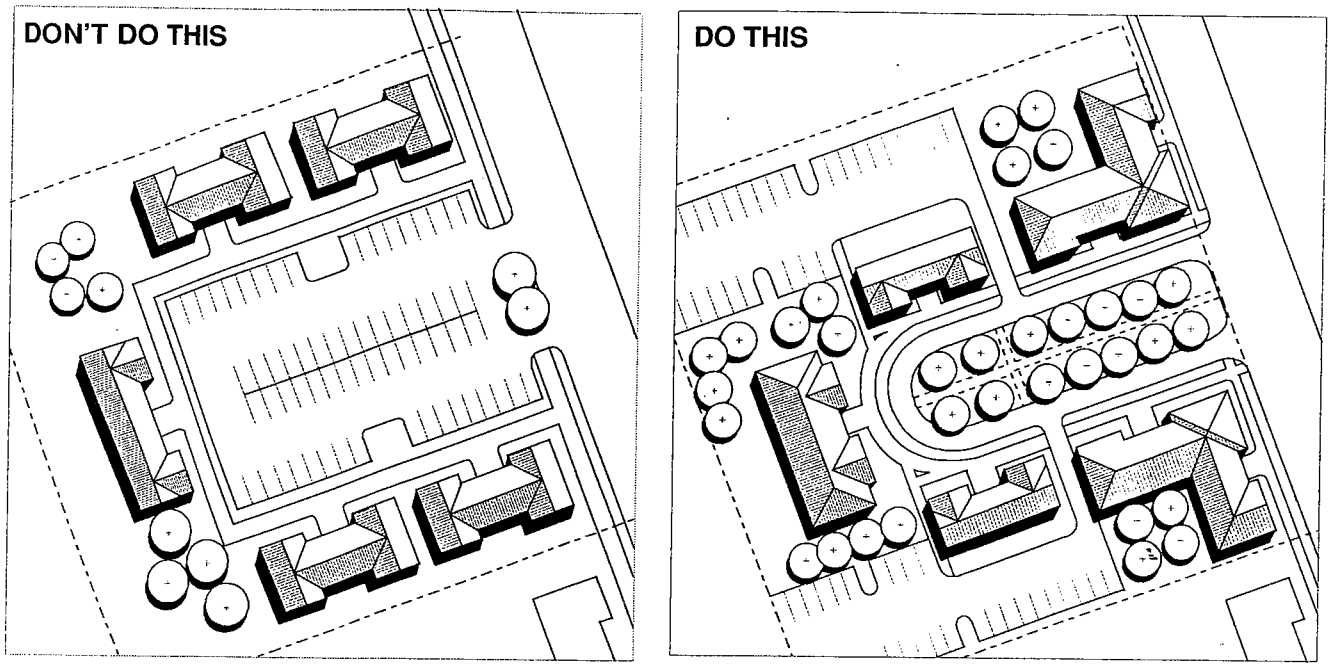


Figure 20.50.140(E): Examples of breaking up parking and siting it behind buildings. Such development creates an attractive open space and avoids the impact of a large central parking lot.

Exception to 20.50.140(E): Surface parking areas larger than 30 parking stalls may be allowed if they are separated from the street by a minimum 30 foot wide landscaped buffer, and the applicant can demonstrate that a consolidated parking area produces a superior site plan.

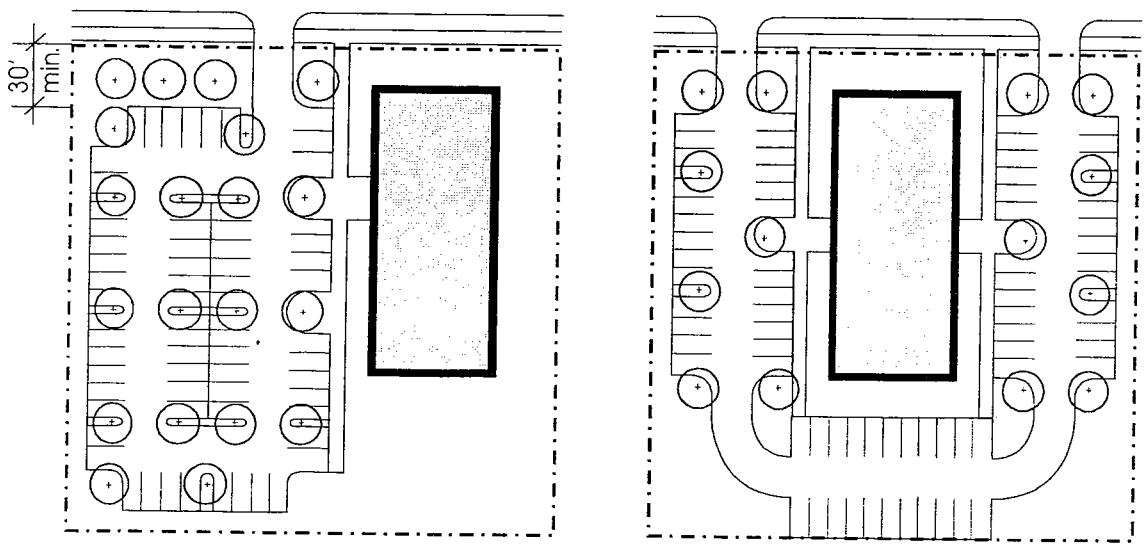


Figure Exception to 20.50.140(E): A consolidated parking scheme (left) with more than 30 spaces may be permitted if it is buffered from the street and produces improvements from a separated parking scheme (right), such as a better open space layout, fewer curb cuts, etc.

F. Minimize the impact of individual garage entrances where they face the street by limiting the curb cut width and visually separating the garage entrance from the street with landscaped areas. Emphasize pedestrian entrances in order to minimize the garage entrances.

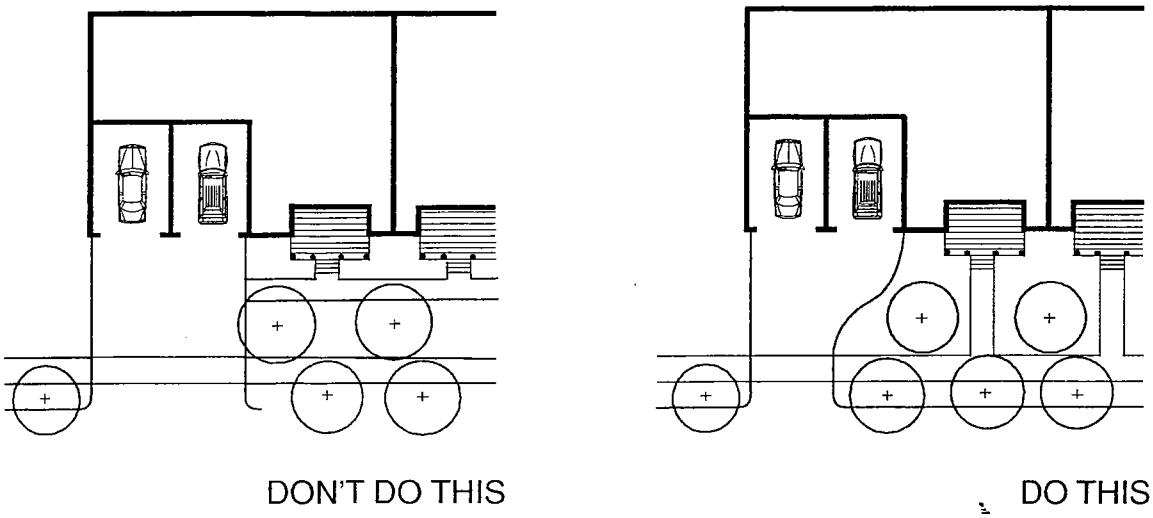


Figure 20.50.140(F): Example of limiting the impact of garage entrances by reducing their width, providing landscaping, and pedestrian access.

(Ord. 238 Ch. V § 3(B-2), 2000).

20.50.150 Storage space and service area location and screening – Standards.

Developments shall provide storage space for the collection of garbage and recyclables as follows:

A. The storage space shall be provided at the rate of:

1. One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a City-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

2. The storage space for residential developments shall be apportioned and located in collection points as follows:

   a. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.

   b. There shall be one collection point for every 30 dwelling units.

   c. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

   d. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

   e. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

B. The collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.

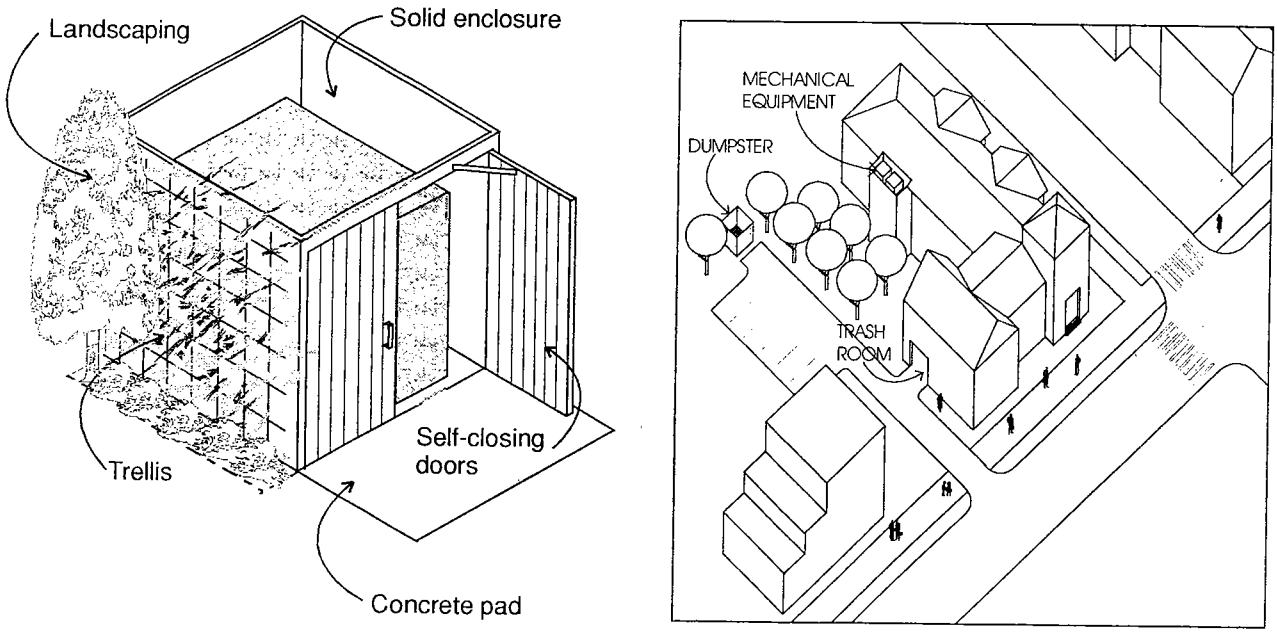
3. Collection points shall be identified by signs not exceeding two square feet.

4. A six foot wall or fence shall enclose any outdoor collection point.

5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of recyclables shall be ensured by using weatherproof containers or by providing a roof over the storage area.

C. Site service areas, such as garbage enclosures, away from street fronts and pedestrian access.



Figures 20.40.150(B) and (C): Examples of location and screening of service areas, which is intended to reduce their impact.

(Ord. 238 Ch. V § 3(B-3), 2000).

20.50.160 Open space – Standards.

A. Multifamily developments shall provide on-site common recreational open space areas as follows:

Minimum 170 square feet per three or more bedrooms unit;

Minimum 130 square feet per two bedrooms unit; and

Minimum 100 square feet per studio or one bedroom unit.

On-site recreational open space areas shall be centrally located, and visibly accessible from dwelling units and sited away from arterial streets and parking areas, with a grade and surface suitable for their intended use, and have a smallest dimension (width) of minimum 20 feet (except for trail segments).

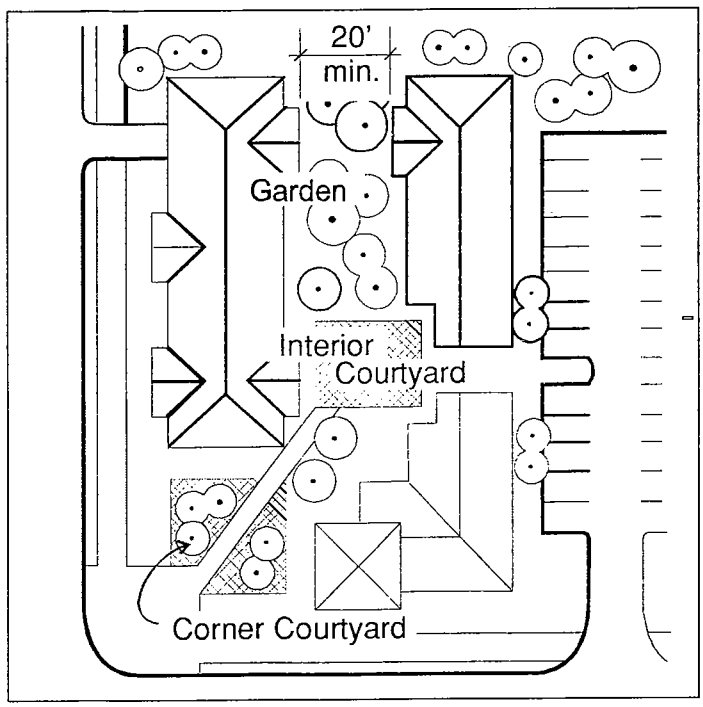


Figure 20.50.160(A): Usable outdoor open space can be created by careful siting buildings and appropriate landscape design.

Exception 20.50.160(A)(1): Indoor recreation areas may be credited towards the total recreation space requirement, when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Senior and special needs housing may include social areas, game and craft rooms, and other multipurpose entertainment and educational areas as part of their required recreational space.

Exception 20.50.160(A)(2): Private yards, patios, balconies or roof decks may be credited towards the total recreation space requirement, when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Private yards or patios shall have a minimum area of 100 square feet and a minimum dimension of 10 feet. Balconies and roof decks shall have a minimum area of 50 square feet and a minimum dimension of six feet.

Exception 20.50.160(A)(3): Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:

1. *The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;*

2. *The detention pond shall be constructed to meet the following conditions:*

   a. *The side slope of the stormwater facilities shall not exceed grade 1:3 (one vertical to three horizontal) unless slopes are existing, natural and covered with vegetation,*

   b. *Any bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard,*

   c. *The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing, and*

   d. *The stormwater facilities shall be designed so they do not require fencing pursuant to the surface water design manual.*

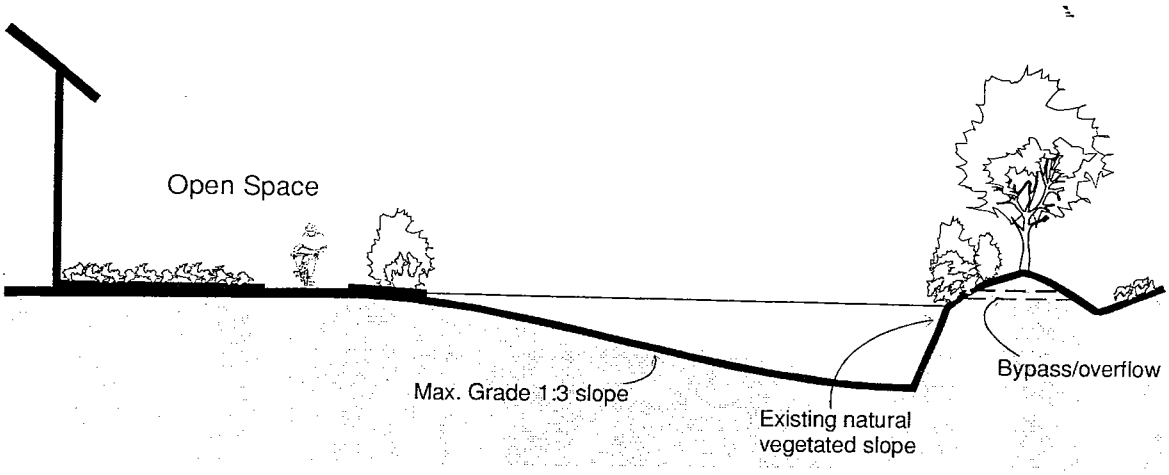


Figure Exception to 20.50.160(A)(2) and (3): Example of stormwater facility design which does not require fencing.

B. All apartment, townhouse, and mixed use developments, excluding age restricted senior citizen housing, shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-quarter mile that are developed as public parks or playgrounds and are accessible without crossing of arterial streets.

   If any play apparatus is provided in the play area, the apparatus shall meet consumer product safety standards for equipment, soft surfacing and spacing, and shall be located in an area that is:

   1. At least 400 square feet in size with no dimension less than 20 feet; and

   2. Adjacent to main pedestrian paths or near building entrances.

C. Recreation areas shall be connected by trail or walkway to any existing or planned public park, open space or trails on adjoining properties. (Ord. 238 Ch. V § 3(B-4), 2000).

20.50.170 Pedestrian circulation and safety – Standards.

A. Provide direct pedestrian access from building entries to public sidewalks, other buildings, on site open space, and parking spaces. Connect buildings in multifamily complexes such as courtyard bungalows with sidewalks or paved paths. Illuminate these areas with at least two foot-candles of light.

B. Avoid site configurations with entrapment areas such as dead-end exterior spaces or pathways where a pedestrian could be trapped by an aggressor.

C. Ensure that the site and buildings provides site lines that allow observation of outdoor spaces by building occupants. Site buildings so that windows, balconies and entries overlook pedestrian routes and parking areas and allow for informal surveillance of these areas, where possible.

D. Ensure that building entries are visible from the street or, if this is not possible, from other buildings and primary pedestrian routes. Illuminate building entries with at least four foot-candles of light.

E. Avoid tall opaque fences, hedges or other visual obstructions that allow an aggressor to hide. Choose plant materials in open areas that allow pruning so that site lines are maintained between three feet, six inches and six feet in height. Dense screening may be allowed where there is no danger of creating a place to hide. (Ord. 238 Ch. V § 3(B-5), 2000).

20.50.180 Building design – Building orientation and scale – Standards.

A. To the maximum extent feasible, primary facades and building entries shall face the street.

B. The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.

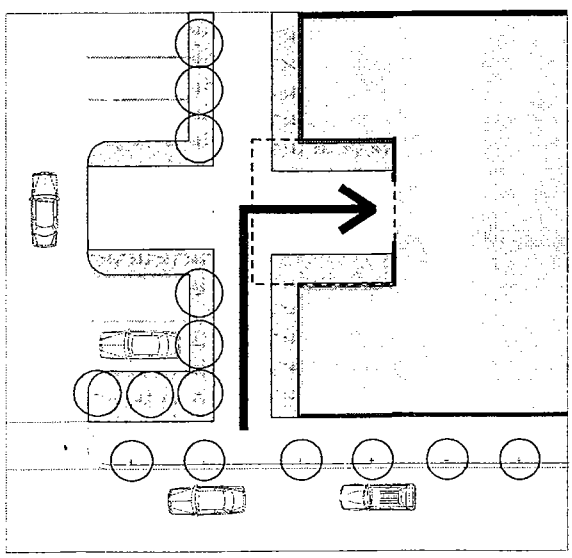


Figure 20.50.180(B): Example of connection of building entrance which is not located on a street but has a clear pedestrian walkway to it.

C. Break large buildings into smaller components to reflect the character and scale of surrounding neighborhood through repetition of roof lines, patterns of door and window placement, and use of the characteristic entry features.

Figure 20.50.180(C): Stepping repeating elements such as entry porches help large buildings fit better with adjacent single-family neighborhoods.

D. Break up a contiguous building facade facing the street or single-family zone (longer than 50 feet) by providing building elements, such as embellished entrances, courtyards, bays, balconies and other architectural elements dividing the facade visually. The maximum wall length without modulation shall be 30 feet.

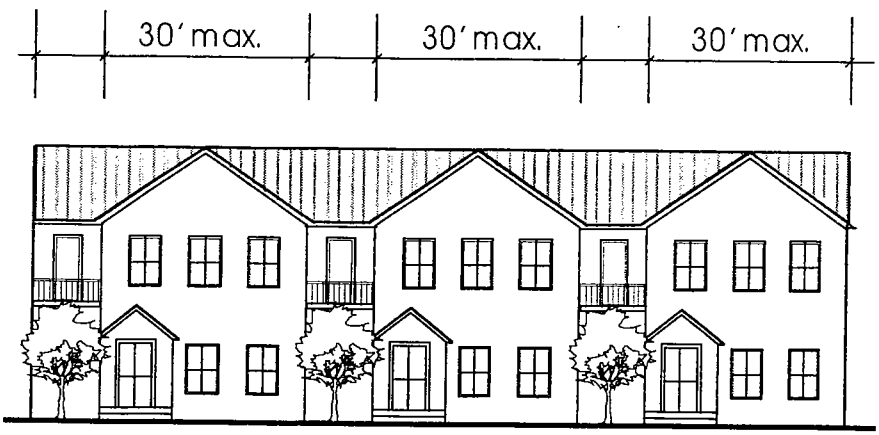


Figure 20.50.180(D): Example of articulation of facades that can help break down the scale of large buildings.

E. Break up the scale of large buildings by providing roofline variation on rooflines exceeding 60 feet. Roofline variation shall be achieved using one or more of the following methods:

1. Vertical offset in ridge line;
2. Horizontal offset in ridge line;
3. Variations in roof pitch;
4. Gables;

5. Dormers.

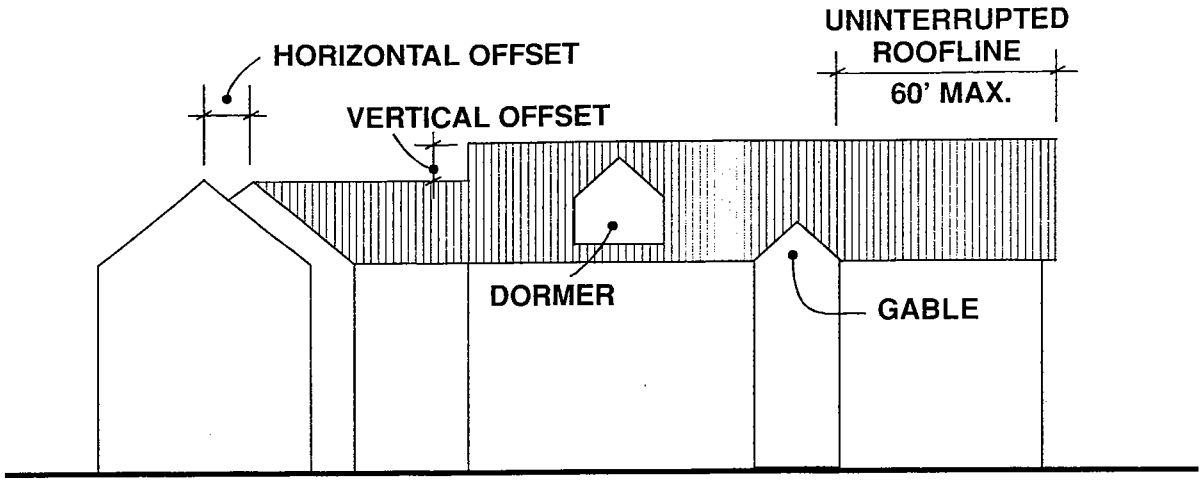


Figure 20.50.180(E): Examples of roofline variation techniques.

(Ord. 238 Ch. V § 3(C-1), 2000).

20.50.190 Exterior materials – Standards.

A. Building exteriors shall be constructed from quality and durable materials. Insubstantial materials, such as fiberglass, and materials such as mirrored glass, corrugated siding, exposed concrete block, and plywood or T-111 siding are not permitted.

B. The "blank" wall shall be articulated in one or more of the following ways:

1. Installing a vertical trellis in front of the wall with climbing vines or planting materials.

2. Providing a landscaped planting bed at and five feet wide in front of the wall with plant materials that can obscure at least 50 percent of the wall's surface within three years.

3. Providing texture or artwork (mosaic, mural, sculpture, relief, etc.) over the blank wall surface.

4. Other equivalent method that provides for enhancement of the wall.

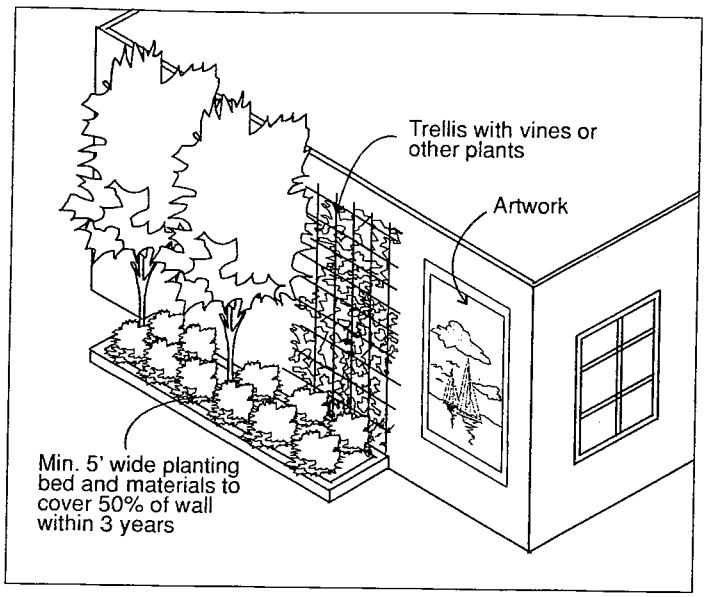


Figure 20.50.190(B): Examples of "blank" wall treatment.

(Ord. 238 Ch. V § 3(C-2), 2000).

20.50.200 Facade elements – Standards.

A. All new multifamily residential building facades shall feature at least three of the following design features:

1. Multiple rooflines or gables (beyond what is required in SMC 20.50.180(C)).
2. Windows and door treatment which embellishes the facade.
3. Porches.
4. Unique facade treatment, such as decorative materials, trellis, arcade and other design elements.
5. Dormers or fascia boards (at least 10 inches wide).
6. Bay windows.

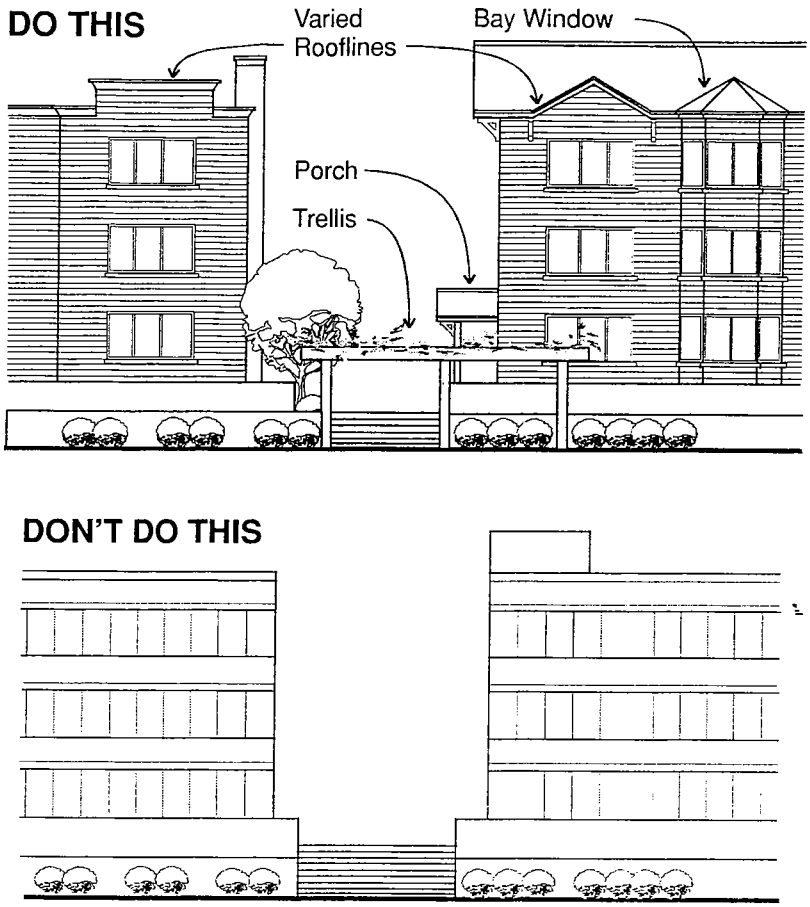


Figure 20.50.200(A): These two projects point out the importance of architectural elements. They are essentially the same building envelope except that the upper example employs varied roof lines, window details, facade articulation, a trellis, chimneys, entry details and other features that reduce the "visual bulk" impact of the facade.

(Ord. 238 Ch. V § 3(C-3), 2000).

20.50.210 Fences and walls – Standards.

A. Fences and walls shall be maximum three feet, six inches high between the front yard building setback line and the front property line for the street frontage that contains the main entrance to the building. Chain link fences are not permitted in the front yard setback for the street frontage that contains the main entrance to the building.

B. Fences located along private roads serving lots, which are not fronting on a street, shall avoid creating a "tunnel" effect by varying the alignment or setback of the fence, softening the appearance of fence lines with planting, or similar techniques. In no instance shall a fence or wall be opaque for more than 50 feet of every 75 feet of length, or portion thereof.

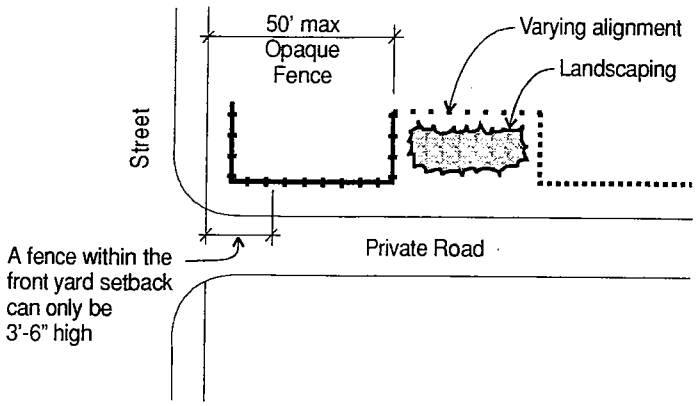


Figure 20.50.210(B): Fences along private roads.

C. The maximum height of fences located along a side and/or rear yard property line shall be six feet.

D. All electric, razor wire, and barbed wire fences are prohibited.

E. The height of a fence located on a retaining wall shall be measured from the bottom of that wall to the top of the fence. The portion of a fence, that is higher than six feet above the bottom of the retaining wall, shall be an openwork type of fence, such as lattice. The overall height of the fence located on the wall shall be maximum six feet (cumulative opaque and openwork portions of the fence). (Ord. 238 Ch. V § 3(C-4), 2000).

Subchapter 4.

Mixed-Use, Commercial and Other Nonresidential Development Design Standards

20.50.220 Purpose.

The purpose of this subchapter is to establish standards as follows:

A. To encourage design of commercial, office, mixed-use, and institutional developments that will enhance the area with a greater sense of quality.

B. To protect residential neighborhoods adjacent to commercial zones from intrusion in their privacy, character, and quality of life.

C. To provide a pedestrian environment with amenities, visual interest, and safety features which encourage more people to use these areas. (Ord. 238 Ch. V § 4(A), 2000).

20.50.230 Site planning – Setbacks and height – Standards.

Table 20.50.230(1) – Table of Site Development Standards

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

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) and Industrial (I) Zones
Min. Front Yard Setback (Street) (1)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, RB, and I Zones.	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (3)	35 ft (2)	60 ft	65 ft
Max. Impervious Surface	85%	85%	90%

Exceptions to Table 20.50.230(1):

(1) Front yard setback may be reduced to zero feet if adequate street improvements are available or room for street improvements is available in the street right-of-way.

(2) Please see Exception 20.50.230(3) for height bonus for mixed use development in NB and O zones.

(3) Please see Exception 20.50.230(4) for a description of structures that may be erected above the height limits in all zones.

Exception 20.50.230(1): ***Front Yard (Street) Setback****: Residential developments (excluding mixed use developments), parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces shall have a minimum 10 feet wide, fully landscaped separation measured from the back of the sidewalk.*

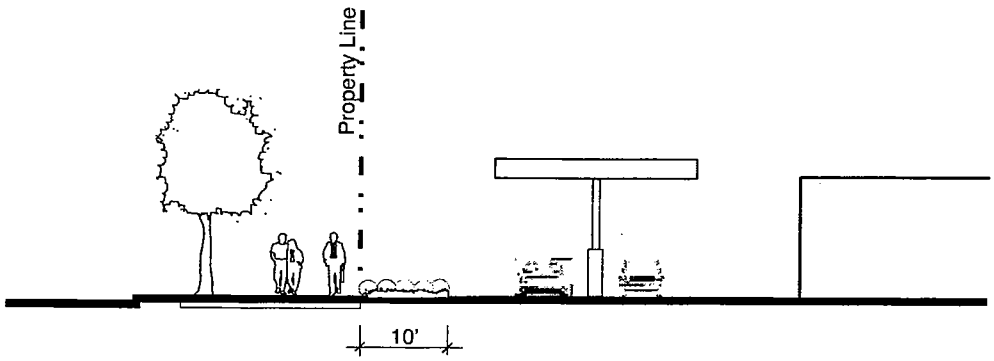


Figure Exception to 20.50.230(1): Example of landscaped setback between the sidewalk and a gas station.

Exception 20.50.230(2): Underground parking may extend into any required setbacks, provided it is landscaped at the ground level.

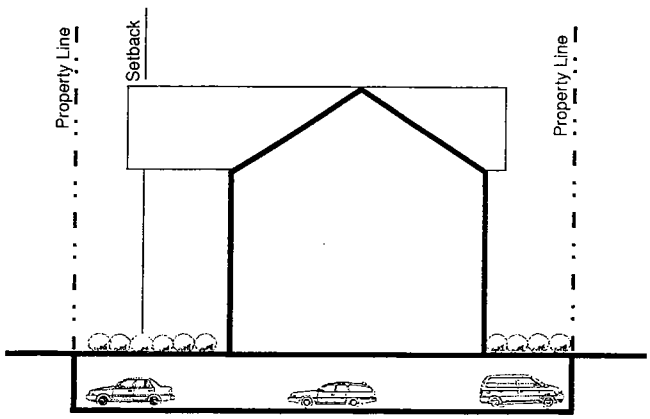


Figure Exception to 20.50.230(2): Diagram of multifamily structure with underground parking within a required setback.

Exception 20.50.230(3): ***Bonus for mixed use development in NB and O zones****: In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for mixed use development to four stories or up to 50 feet, if the added story is stepped back from the third story walls at least eight feet, and subject to the following requirement:*
Residential dwelling units shall occupy a minimum of 25 percent to a maximum of 90 percent of the total floor area of the building.

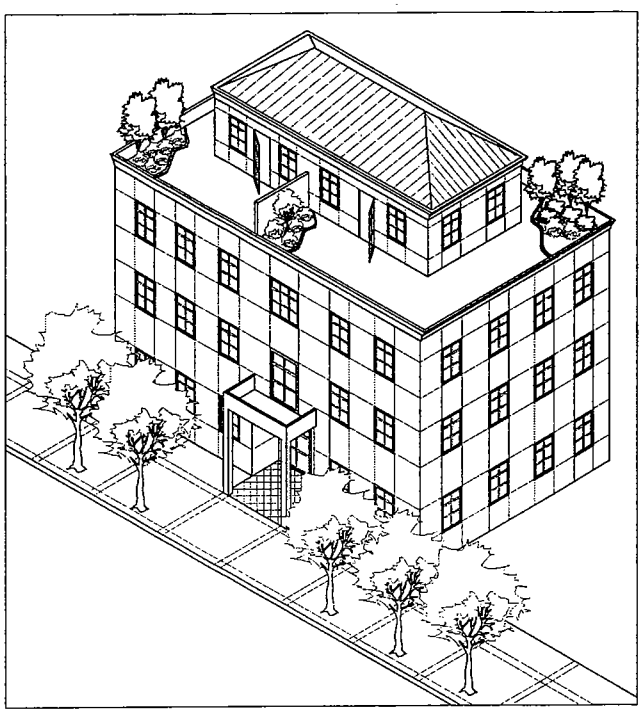


Figure Exception to 20.50.230(3): Example of bonus floor for mixed-use development.

Exception 20.50.230(4): The following structures may be erected above the height limits in all zones:

1. *Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or free standings;*

2. *Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district.* (Ord. 238 Ch. V § 4(B-1), 2000).

20.50.240 Site planning – Street frontage – Standards.

A. At least 50 percent of the commercial, office, institutional, or mixed use development street frontage shall be occupied by buildings. No more than 65 linear feet of street frontage shall be occupied by parking lot.

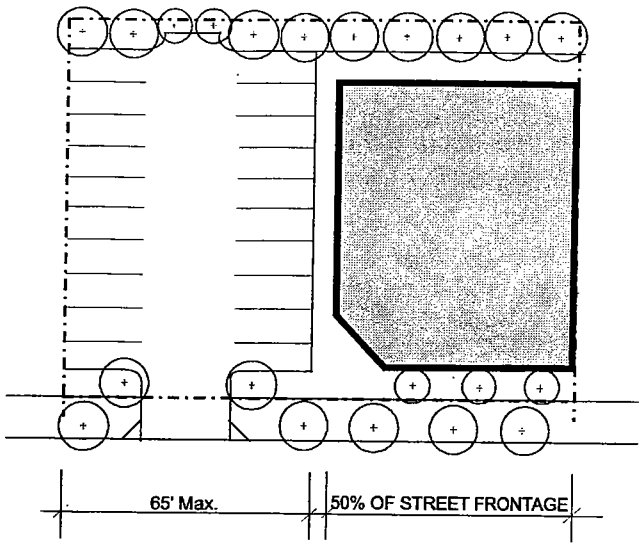


Figure 20.50.240(A): Example of parking width restriction and street frontage requirement.

Exception 20.50.240(A)(1): In order to form an outdoor plaza or courtyard with a clear walkway connecting the sidewalk to the building entry, the 50 percent building street frontage may be reduced.

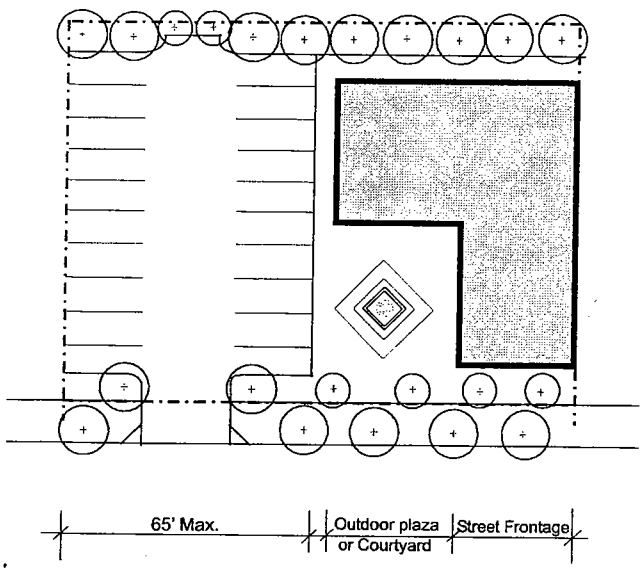


Figure Exception to 20.50.240(A)(1): Example of reduction of the building frontage in order to create an outdoor plaza.

Exception 20.50.240(A)(2): In case of a building with vehicle oriented uses or other uses that have little relationship to pedestrians, or where the ground floor area has a need to limit the "pedestrian" facade, pedestrian frontage may be created by connecting design elements to the street. Such alternative shall provide pedestrian access through parking areas to building entrances and to adjoining pedestrian ways that are visible and direct, and minimize crossing of traffic lanes. Such pedestrian accesses through parking shall provide the following elements:

1. *Vertical plantings, such as trees or shrubs;*

2. *Texture, pattern, or color to differentiate and maximize the visibility of the pedestrian path;*

3. *Emphasis on the building entrance by landscaping and/or lighting, and avoiding location of parking spaces directly in front of the entrance.*

4. *The pedestrian walkway or path shall be raised three to six inches above grade in a tapered manner similar to a speed table.*

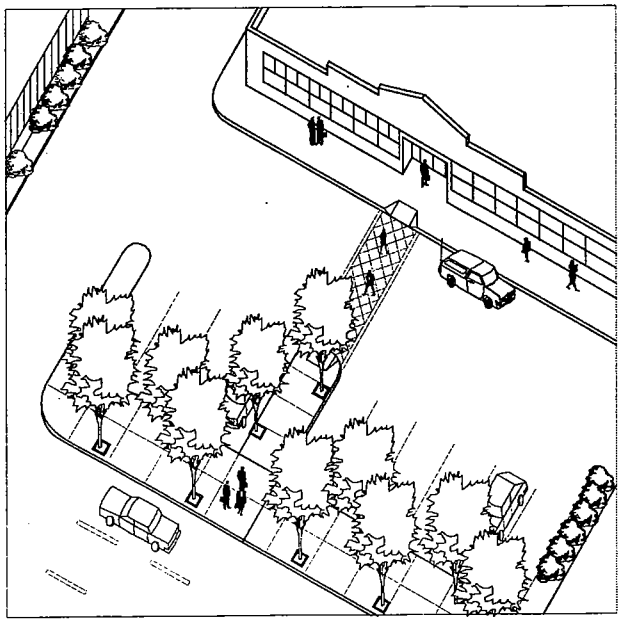


Figure Exception to 20.50.240(A)(2): Example of design elements to connect the building frontage to a street across a parking area.

B. Facades longer than 50 feet (measured horizontally along the facade) shall incorporate relief to perceived building mass through such features as wall projections or recesses, projecting windows, entrances, or other visual relief. The doorways on buildings abutting or within three feet of the sidewalk shall be recessed in order to avoid conflicts with pedestrians.

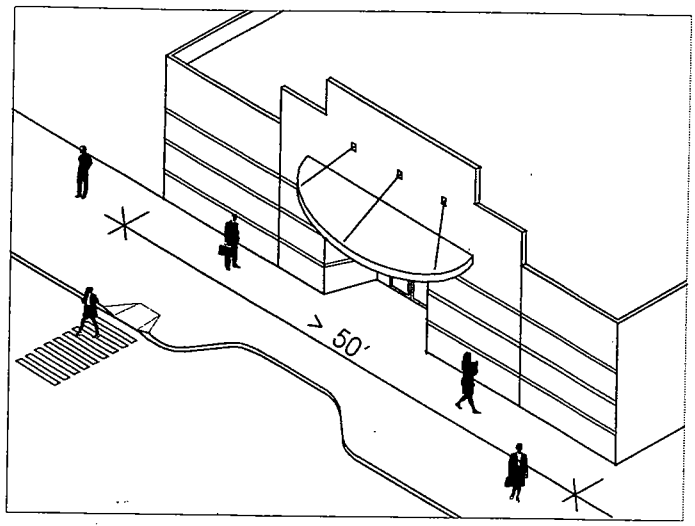


Figure 20.50.240(B): Recessed building entrance provides a relief to a facade.

Exception to 20.50.240(B): Walls that are only visible from service areas and not from abutting properties or public street. (Example: loading dock area which is in back of the building, separated by landscaping from adjacent property.)

C. Orientation of entrances to a connecting sidewalk: At least one main entrance of any commercial or mixed use building shall face directly onto a sidewalk along a street. Entrances shall be physically and visually inviting. They should be emphasized with special landscaping, paving, recessed from the facade surface, or lighting.

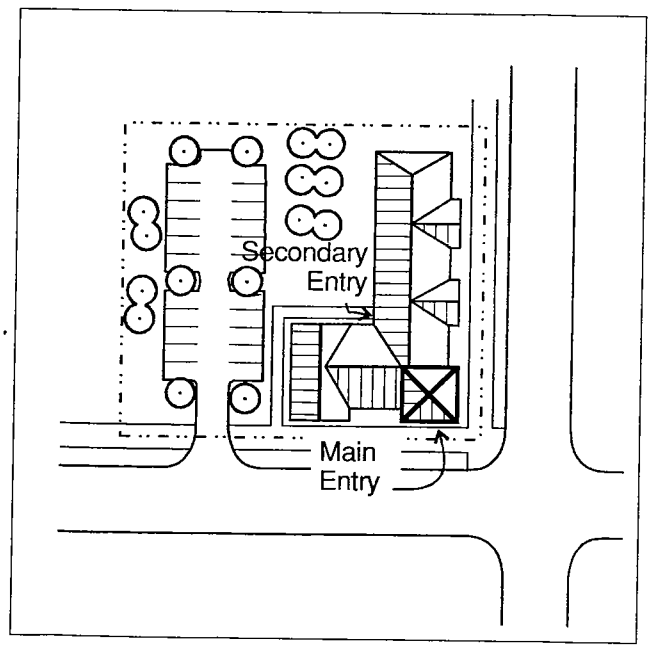
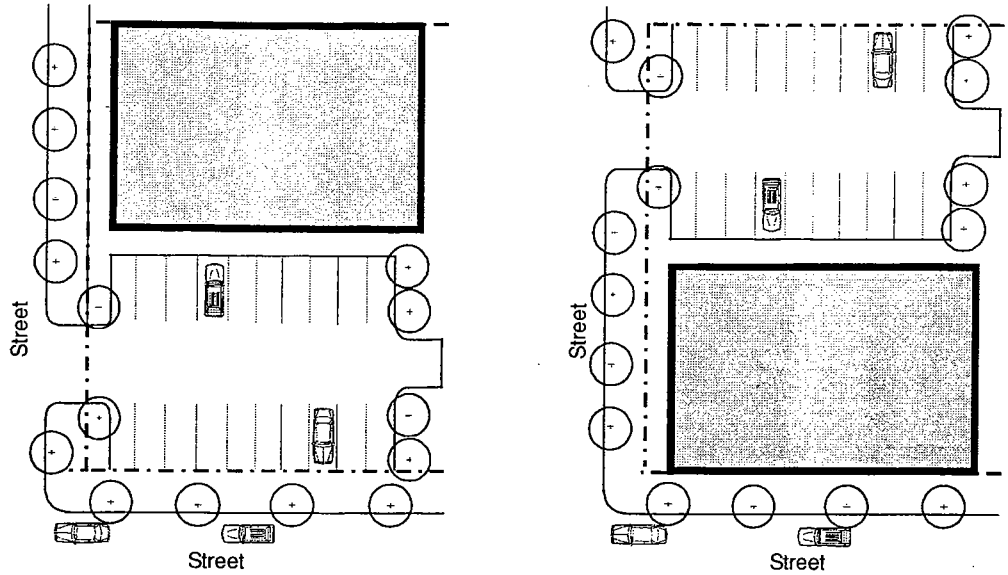


Figure 20.50.240(C): The main building entrance shall face a street.

D. Parking lots shall not be located on a corner facing an intersection.



DON'T DO THIS DO THIS

Figure 20.50.240(D): Parking shall not be located on a street corner.

E. New buildings located within 15 feet of the property line at the intersection of two public streets shall accentuate the building corner facing the intersection by including architectural treatment that emphasizes the corner, such as:

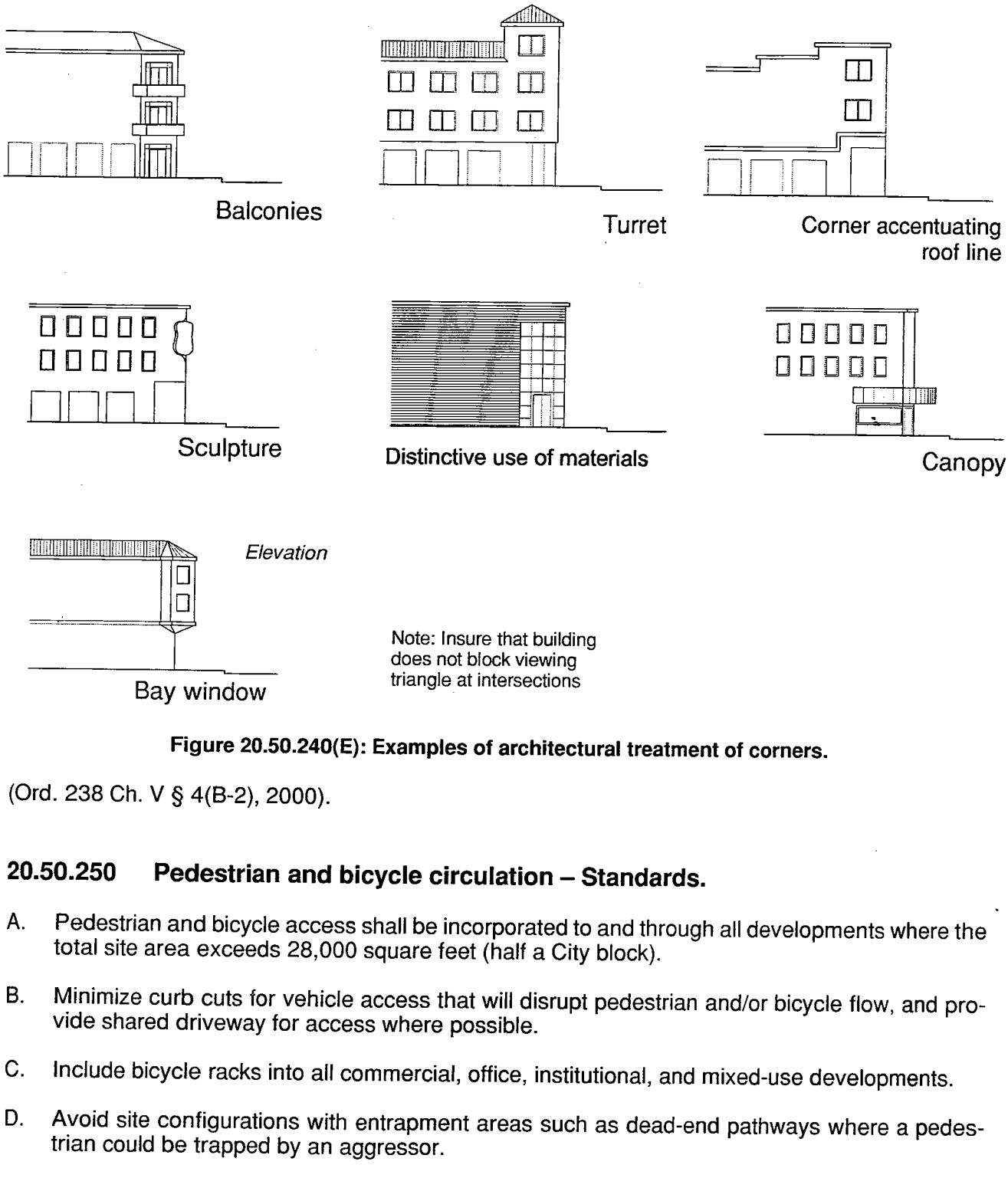


Figure 20.50.240(E): Examples of architectural treatment of corners.

(Ord. 238 Ch. V § 4(B-2), 2000).

20.50.250 Pedestrian and bicycle circulation – Standards.

A. Pedestrian and bicycle access shall be incorporated to and through all developments where the total site area exceeds 28,000 square feet (half a City block).

B. Minimize curb cuts for vehicle access that will disrupt pedestrian and/or bicycle flow, and provide shared driveway for access where possible.

C. Include bicycle racks into all commercial, office, institutional, and mixed-use developments.

D. Avoid site configurations with entrapment areas such as dead-end pathways where a pedestrian could be trapped by an aggressor.

E. Ensure that the site and buildings provide site lines that allow observation of outdoor spaces by building occupants. Site buildings so that windows, balconies and entries overlook pedestrian routes and parking areas and allow for informal surveillance of these areas, where possible.

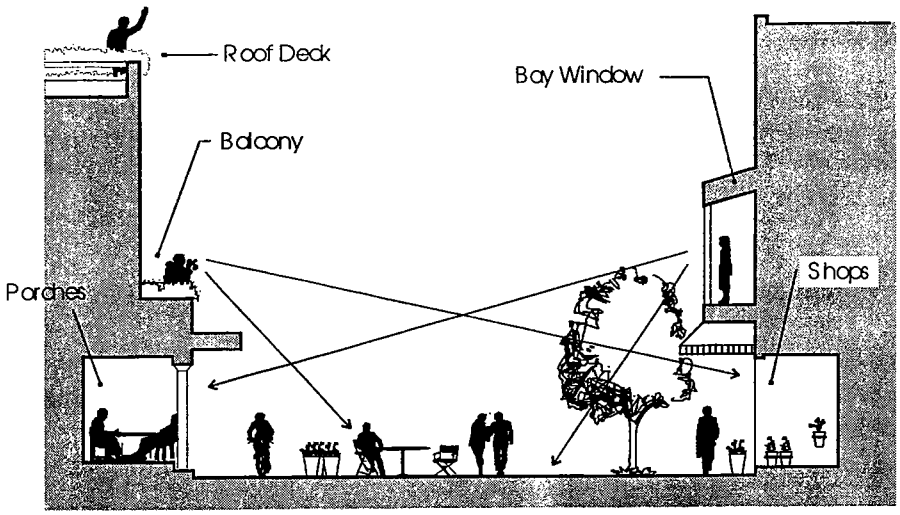


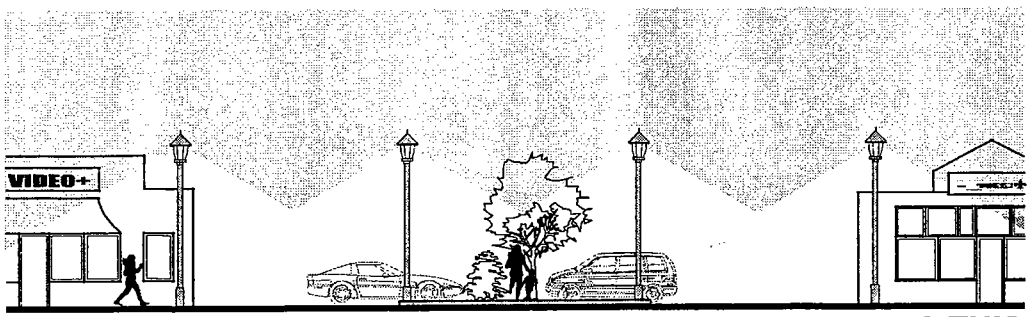
Figure 20.50.250(E): Example of how building facades and the outdoor space complement each other. (The building facade has balconies, bay windows, decks, etc.)

F. Please see SMC 20.50.430 for additional standards relating to pedestrian access and circulation. (Ord. 238 Ch. V § 4(B-3), 2000).

20.50.260 Lighting – Standards.

A. Accent structures and provide security and visibility through placement and design of lighting.

B. Parking area light post height shall not exceed 25 feet.



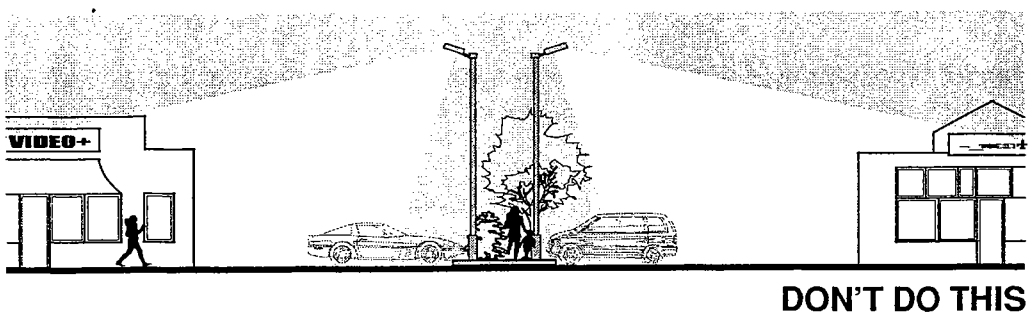


Figure 20.50.260: Locate lighting so it does not have a negative effect on adjacent properties.

C. All building entrances should be well lit to provide inviting access and safety. Building-mounted lights and display window lights should contribute to lighting of pedestrian walkways.

D. Lighting shall be provided for safety of traffic and pedestrian circulation on the site, as required by the engineering provisions. It shall be designed to minimize glare on abutting properties and adjacent streets. The Director shall have the authority to waive the requirement to provide lighting. (Ord. 238 Ch. V § 4(B-2), 2000).

20.50.270 Service areas and mechanical equipment – Standards.

A. All on-site service areas, loading zones, outdoor storage areas, garbage collection, recycling areas, and similar activities shall be located in an area not visible from the public street or fully screened by landscaping.

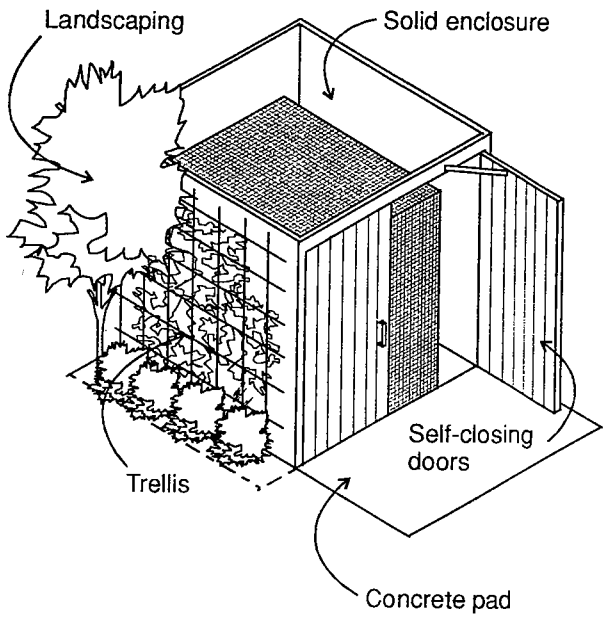


Figure 20.50.270(A): Example of outdoor storage screening.

B. Utility vaults, ground mounted mechanical units, trash receptacles, satellite dishes, and other similar structures shall be screened from adjacent streets and public view. This does not include pedestrian oriented waste receptacles along walkways.

C. Fences designed for privacy, security, and/or screening shall be made of material that is compatible with the building design. For example, repeat of the building material on fence columns and/or stringers.

D. Fences for screening and security adjacent to sidewalk may be used only in combination with trellis, landscaping, or other design alternatives to separate such fence from pedestrian environment.

E. Mechanical units, utility equipment, elevator equipment, and telecommunication equipment located on the roof shall be grouped together, incorporated into the roof design, and/or thoroughly screened.

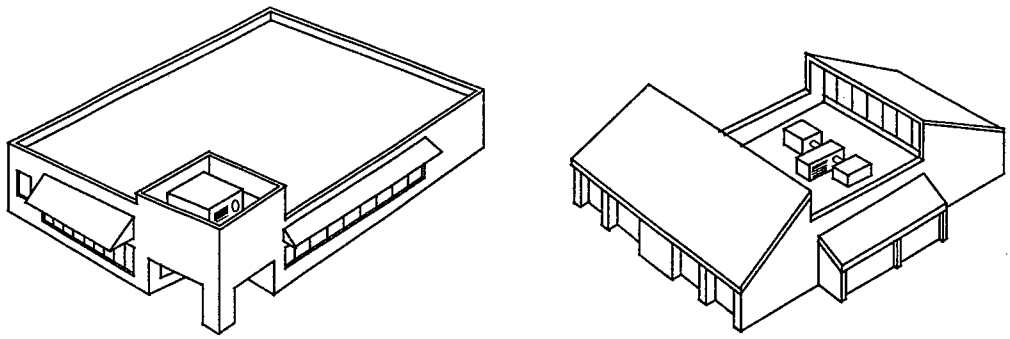


Figure 20.50.270(E): Example of mechanical equipment incorporated into the roof design.

(Ord. 238 Ch. V § 4(B-5), 2000).

20.50.280 Building design – Features – Standards.

A. Building design shall reinforce the building's location adjacent to street edge and public space.

B. All new buildings and additions increasing the square footage by 50 percent, except residential structures, must have a minimum of 50 percent of the first floor street facade treated with transparent windows or doors.

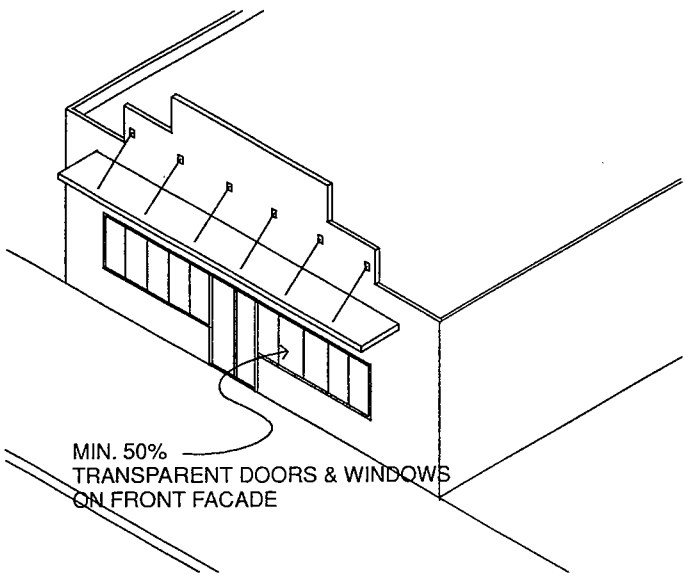


Figure 20.50.280(B): Transparent storefronts create a more pedestrian-friendly facade.

C. All buildings shall employ at least three of the following features on or along the street facade:

1. At least 100 square feet of outdoor, sheltered building entry which is adjacent or connected to and faces the public sidewalk.

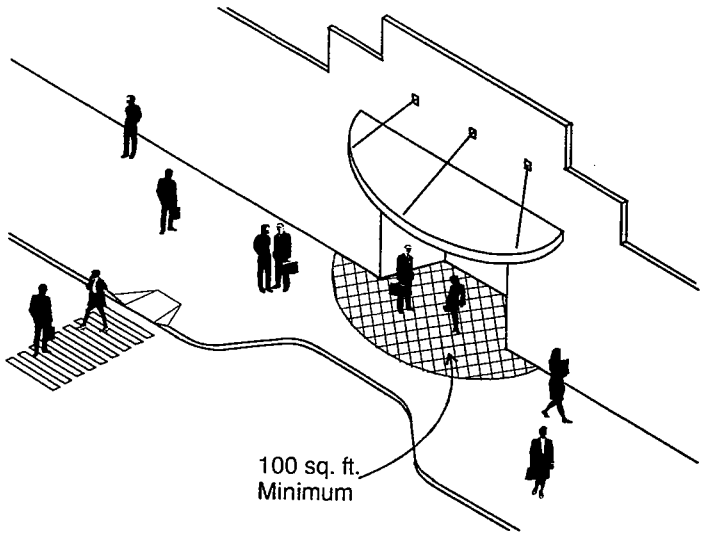


Figure 20.50.280(C)(1): Example of sheltered building entry.

2. Awning, marquee, or arcade at least four feet and six inches deep, over the full length of sidewalk or walkway adjacent to the building, and minimum eight feet above the walkway level.

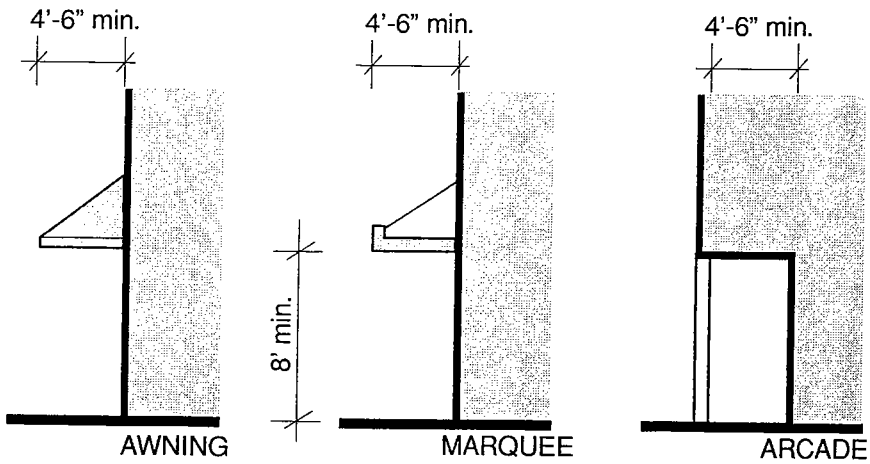


Figure 20.50.280(C)(2): Examples of awning, marquee, and arcade.

3. Increase required frontage landscaping by 30 percent.

4. Five hundred square feet of pedestrian plaza with landscaping and benches that are visible and adjacent or connected to public property.

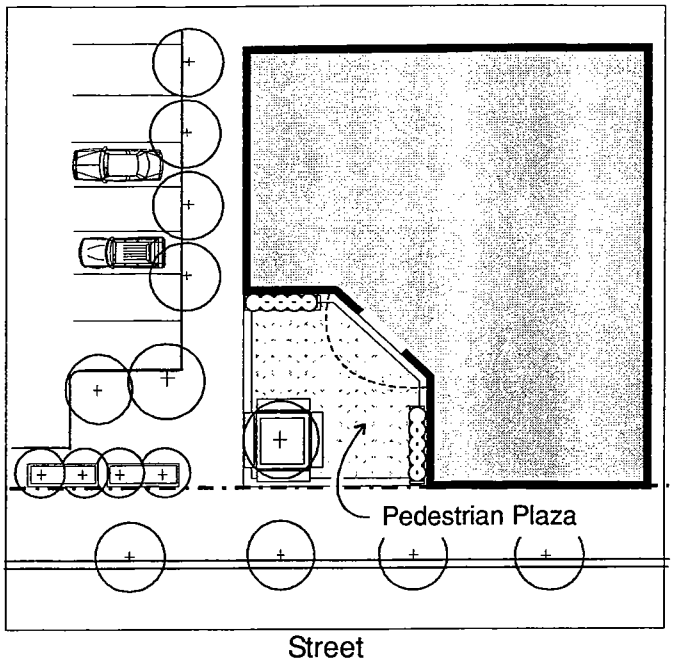


Figure 20.50.280(C)(4): Example of a pedestrian plaza connection between the street and the building.

5. Any other pedestrian amenity such as a fountain, decorative clock, art work integrated with the street. Such amenity shall be located to provide for public use or view but not hinder pedestrian traffic.

D. All "blank" walls within 40 feet of the street shall be treated. A "blank" wall is any portion of a street fronting wall without windows or doors that is at least 30 feet in length.

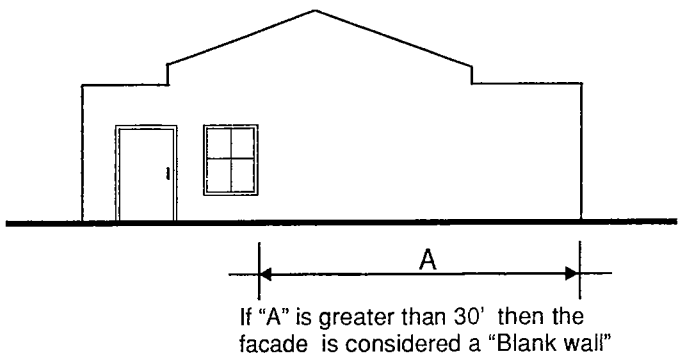


Figure 20.50.280(D): Example of a blank wall that must be modified or otherwise altered under the provisions of this subsection.

E. The "blank" wall shall be articulated in one or more of the following ways:

1. Installing a vertical trellis in front of the wall with climbing vines or planting materials.

2. Providing a landscaped planting bed at and five feet wide in front of the wall with plant materials that can obscure at least 50 percent of the wall's surface within three years.

3. Providing texture or artwork (mosaic, mural, sculpture, relief, etc.) over the blank wall surface.

4. Other equivalent method that provides for enhancement of the wall.

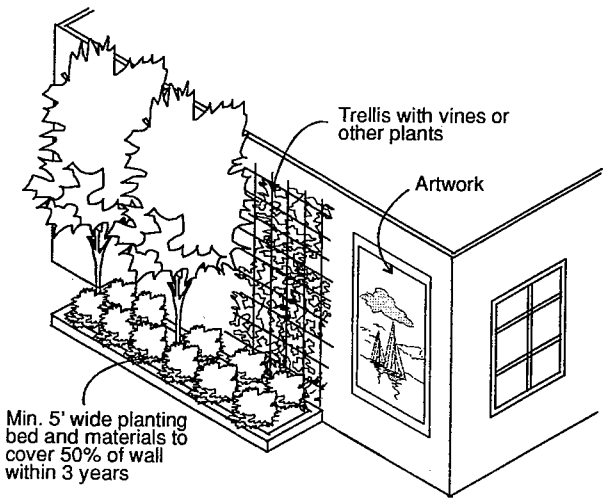


Figure 20.50.280(E): Examples of "blank wall" treatment.

(Ord. 238 Ch. V § 4(C-1), 2000).

Subchapter 5.

Tree Conservation, Land Clearing and Site Grading Standards

20.50.290 Purpose.

The purpose of this subchapter is to reduce the environmental impacts of site development while promoting the reasonable use of land in the City by addressing the following:

A. Prevention of damage to property, harm to persons, and environmental impacts caused by excavations, fills, and the destabilization of soils;

B. Protection of water quality from the adverse impacts associated with erosion and sedimentation;

C. Promotion of building and site planning practices that are consistent with the City's natural topography and vegetative cover;

D. Preservation and enhancement of trees and vegetation which contribute to the visual quality and economic value of development in the City and provide continuity and screening between developments;

E. Protection of critical areas from the impacts of clearing and grading activities;

F. Conservation and restoration of trees and vegetative cover to reduce flooding, the impacts on existing drainageways, and the need for additional stormwater management facilities;

G. Protection of anadromous fish and other native animal and plant species through performance based regulation of clearing and grading;

H. Retention of tree clusters for the abatement of noise, wind protection, and mitigation of air pollution;

I. Rewarding significant tree protection efforts by granting flexibility for certain other development requirements;

J. Providing measures to protect trees that may be impacted during construction;

K. Promotion of prompt development, effective erosion control, and restoration of property following site development; and

L. Replacement of trees removed during site development in order to achieve a goal of no net loss of tree cover throughout the City over time. (Ord. 238 Ch. V § 5(A), 2000).

20.50.300 General requirements.

A. Tree cutting or removal by any means is considered a type of clearing and is regulated subject to the limitations and provisions of this subchapter.

B. All land clearing and site grading shall comply with all standards and requirements adopted by the City of Shoreline. Where a Development Code section or related manual or guide contains a provision that is more restrictive or specific than those detailed in this subchapter, the more restrictive provision shall apply.

C. **Permit Required.** No person shall conduct clearing or grading activities on a site without first obtaining the appropriate permit approved by the Director, unless specifically exempted by SMC 20.50.310.

D. When clearing or grading is planned in conjunction with a new or expanded building or complex that is not exempt from the provisions of this chapter, all of the required application materials for approval of tree removal, clearing and rough grading of the site shall accompany the development application to allow concurrent review.

E. The Director may require the submittal of required application materials for approval of tree removal, clearing and rough grading of the site with an application for formal subdivision, short subdivision, conditional use or any other land use approval in order to meet the purpose and intent of this subchapter.

F. A clearing and grading permit shall be required if the regulated activity is not associated with another development application on the site that requires a permit.

G. No clearing shall be allowed on a site for the sake of preparing that site for sale or future development where no specific plan for future development has been prepared. The Director may issue a clearing and grading permit as part of a phased development plan where a conceptual plan for development of the property has been submitted to the City and the owner or developer agrees to submit an application for a building permit or other site development permit in less than 12 months.

H. Replacement trees planted under the requirements of this subchapter on any parcel in the City of Shoreline may not be removed without the written approval of the Department.

I. Any disturbance to vegetation within critical areas and their corresponding buffers is subject to the procedures and standards contained within the critical areas overlay district sections of the Shoreline Development Code, Chapter 20.80 SMC, Special Districts, in addition to the standards of this chapter. The standards which result in the greatest protection of the critical areas shall apply. (Ord. 238 Ch. V § 5(B), 2000).

20.50.310 Exemptions from permit.

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

1. Emergency situations on private property involving danger to life or property or substantial fire hazards. Any tree or vegetation which is an immediate threat to public health, safety, or welfare, or property may be removed without first obtaining a permit regardless of any other provision contained in this subchapter. If possible, trees should be evaluated prior to removal using the International Society of Arboriculture method, Hazard Tree Analysis for Urban Areas, in its most recent adopted form. The party removing the tree will contact the City regarding the emergency, if practicable, prior to removing the tree.

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

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

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

B. **Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this chapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.

2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a critical drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 238 Ch. V § 5(C), 2000).

20.50.320 Specific activities subject to the provisions of this subchapter.

All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

A. The construction of new residential, commercial, institutional, or industrial structures or additions.

B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a critical drainage area.

D. Removal of more than six significant trees from any property.

E. Any clearing or grading within a critical area or buffer of a critical area.

F. Any change of the existing grade by four feet or more.

G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.

H. Any land surface modification not specifically exempted from the provisions of this chapter.

I. Construction or creation of new impervious surface over 1,500 square feet in size, or 500 square feet in size if located in a landslide hazard area or critical drainage area.

J. Any construction of public drainage facilities to be owned or operated by the City.

K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

L. Any modification of, or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition).

M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 238 Ch. V § 5(D), 2000).

20.50.330 Project review and approval.

A. **Review Criteria.** The Director shall review the application and approve the permit, or approve the permit with conditions; provided, that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a variance.

2. The proposal complies with all standards and requirements for the underlying permit.

3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.

4. The project complies with all requirements of the engineering standards and the Surface Water Design Manual.

5. All required bonds or other assurance devices are posted with the City.

B. **Professional Evaluation.** In determining whether a tree removal and/or clearing is to be approved or conditioned, the Director may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist at the applicant's expense, where the Director deems such services necessary to demonstrate compliance with the standards and guidelines of this subchapter. Third party review of plans, if required, shall also be at the applicant's expense. The Director shall have the sole authority to determine whether the professional evaluation submitted by the applicant is adequate, the evaluator is qualified and acceptable to the City, and whether third party review of plans is necessary. Required professional evaluation(s) and services may include:

1. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on a site;

2. Providing a hazardous tree assessment;

3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or

4. Conducting a post-construction site inspection and evaluation.

C. **Conditions of Approval.** The Director may specify conditions for work at any stage of the application or project as he/she deems necessary to ensure the proposal's compliance with requirements of this subchapter, critical area standards, engineering standards, the adopted stormwater management regulations, and any other section of the Shoreline Development Code, or to protect public or private property. These conditions may include, but are not limited to hours or seasons within which work may be conducted, or specific work methods.

D. **Designation of Protected Trees.**

1. For the following areas, the retention and planting plan and any application and permit plans shall show all trees designated for protection: areas designated as "protected trees," "native growth protection areas," "sensitive areas," "sensitive area buffers," or such other designation as may be approved by the Director. Protected vegetation, including protected trees, shall not be modified, harmed or removed except as provided in this chapter.

2. The Director may require that protected trees be permanently preserved within a tract, easement or other permanent protective mechanism. When required, the location, purpose, and limitation of these protected areas shall be shown on the face of the deed, plat, binding site plan, or similar document and shall be recorded with the King County Department of Records and Elections or its successor. The recorded document shall include the requirement that the protected areas shall not be removed, amended or modified without the written approval of the City.

E. **Preconstruction Meeting Required.** Prior to the commencement of any permitted clearing and grading activity, a preconstruction meeting shall be held on site with the permittee and appropriate City staff. The project site shall be marked in the field as follows:

1. The extent of clearing and grading to occur;

2. Delineation of any critical areas and critical area buffers;

3. Trees to be removed and retained; and

4. Property lines. (Ord. 238 Ch. V § 5(E), 2000).

20.50.340 Basic operating conditions and standards of performance.

A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the adopted stormwater management design manual.

B. Cuts and fills shall conform to the following provisions unless otherwise approved by the Director:

1. **Slope.** No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the Director.

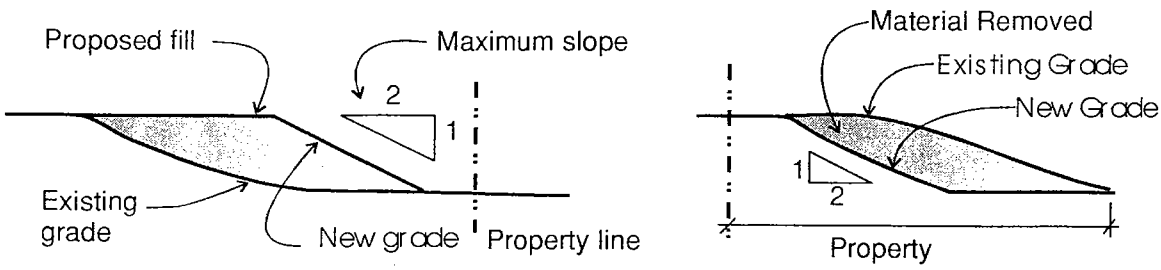


Figure 20.50.340(B): Illustration of fill and cut with maximum slope 2:1.

2. **Erosion Control.** All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with the Surface Water Design Manual.

3. **Preparation of Ground.** The ground surface shall be prepared to receive fill by removing unsuitable material such as concrete slabs, tree stumps, construction materials, brush and other debris.

4. **Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Only earth materials which have no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be used. In the absence of an approved soils engineering report, these provisions may be waved by the Director for minor fills not intended to support structures.

5. **Drainage.** Provisions shall be made to:

   a. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

   b. Carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works;

6. **Bench/Terrace.** Benches, if required, at least 10 feet in width shall be back-sloped and shall be established at not more than 25 feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

7. **Setbacks.** The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes. The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes. Slopes and setbacks shall be determined by the Director.

C. **Access Roads – Maintenance.** Access roads to grading sites shall be maintained and located to the satisfaction of the Director to minimize problems of dust, mud and traffic circulation.

D. **Access Roads – Gate.** Access roads to grading sites shall be controlled by a gate when required by the Director.

E. **Warning Signs.** Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the Director.

F. **Temporary Fencing.** Temporary fencing, where required by the Director, to protect life, limb and property, shall be installed. Specific fencing requirements shall be determined by the Director.

G. **Hours of Operation.** Hours of operation for tree cutting, clearing and grading, unless otherwise authorized by the Director, shall be between 7:00 a.m. and 7:00 p.m. weekdays and 9:00 a.m. to 9:00 p.m. on Saturdays and Sundays. Additionally, tree cutting (felling) shall further be limited to daylight hours.

H. **Traffic Control and Haul Plan.** The applicant shall be required to submit a plan detailing traffic control and proposed timing, volume, and routing of trucks and equipment as determined to be necessary by the Director. (Ord. 238 Ch. V § 5(F), 2000).

20.50.350 Development standards for clearing activities.

A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.

B. **Minimum Retention Requirements.** All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:

1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, **or**

2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.

3. The Director may require the retention of additional trees to meet the stated purpose and intent of this ordinance, as required by the critical areas standards, or as site-specific conditions demand using SEPA substantive authority.

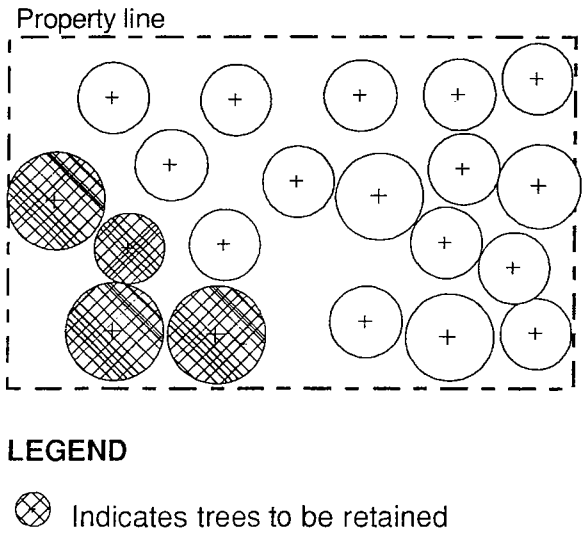


Figure 20.50.350(B)(1): Demonstration of the retention of 20 percent of the significant trees on a site containing no critical areas.

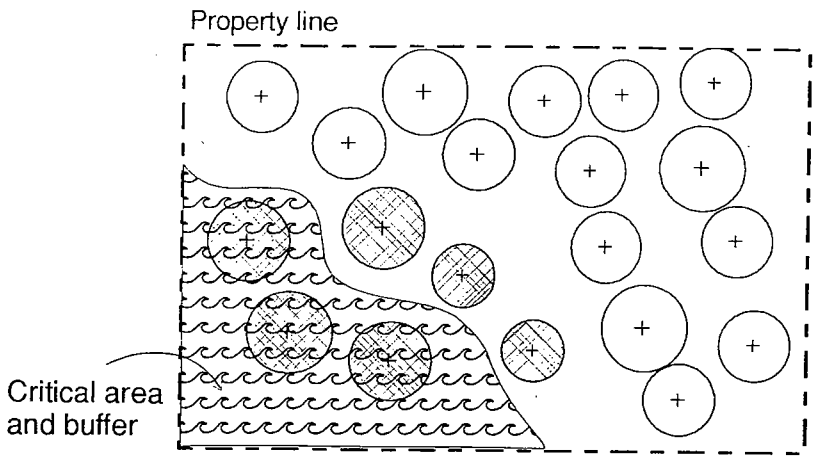


Figure 20.50.350(B)(2): Demonstration of the retention of 30 percent of the significant trees on a site containing a critical area.

Exception 20.50.350(B):

1. *The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of a arborist certified by the International Society of Arboriculture and approved by the City that retention of the minimum percentage of trees is not advisable on an individual site.*

2. *In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:*
   - *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
   - *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
   - *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
   - *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

3. *If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC 20.50.360 for all significant trees removed beyond the six allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC 20.50.350(B).*

4. *In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in*

caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

C. **Incentives for Higher Levels of Tree Protection.** The Director may grant reductions or adjustments to other site development standards if the protection levels identified in subsection (B) of this section above are exceeded. On a case by case review, the Director shall determine the balance between tree protection that exceeds the established minimum percentage and variations to site development requirements. If the Director grants adjustments or reductions to site development standards under this provision, then tree protection requirements shall be recorded on the face of the plat, as a notice to title, or on some other legal document that runs with the property. Adjustments that may be considered are:

1. Reductions or variations of the area, width, or composition of required open space and/or landscaping;

2. Variations in parking lot design and/or and access driveway requirements;

3. Variations in building setback requirements;

4. Variations of grading and stormwater requirements.

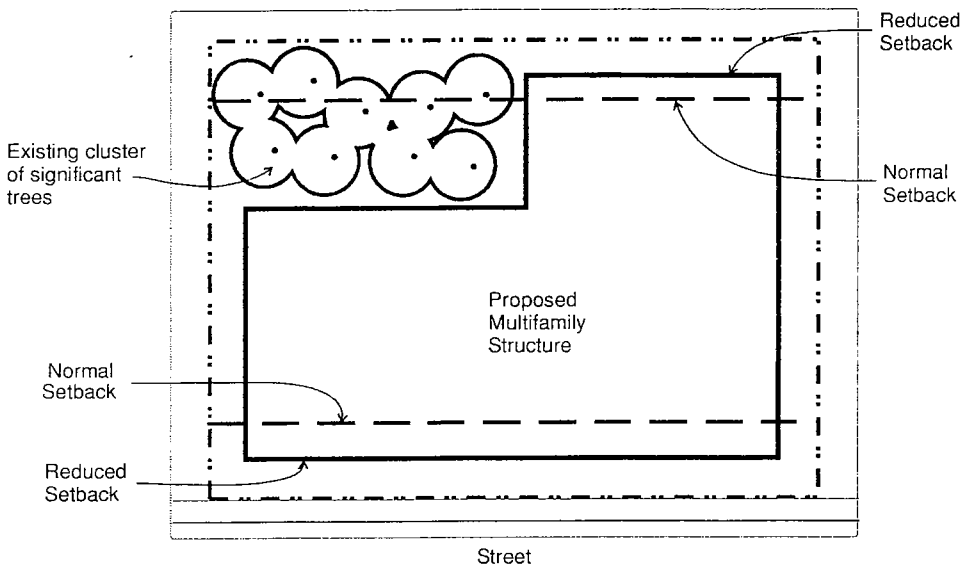


Figure 20.50.350(C): Example of aggregate setback to preserve a cluster of significant trees.

D. **Site Design.** Site improvements shall be designed and constructed to meet the following:

1. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.

2. Site improvements shall be designed to give priority to protection of trees with the following characteristics, functions, or location:

   - Existing stands of healthy trees that have a reasonable chance of survival once the site is developed, are well shaped to withstand the wind and maintain stability over the long term, and will not pose a threat to life or property;
   - Trees which exceed 50 feet in height.

- Trees and tree clusters which form a continuous canopy.
- Trees that create a distinctive skyline feature.
- Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness;
- Trees providing habitat value, particularly riparian habitat;
- Trees within the required yard setbacks or around the perimeter of the proposed development;
- Trees having a significant land stability function;
- Trees adjacent to public parks, open space, and sensitive area buffers.
- Trees having a significant water-retention function, such as cottonwoods.

3. Building footprints, parking areas, roadways, utility corridors and other structures shall be designed and located with a consideration of tree protection opportunities.

4. The project grading plans shall accommodate existing trees and avoid alteration to grades around existing significant trees to be retained.

5. Required open space and recreational space shall be designed and located to protect existing stands of trees.

6. The site design and landscape plans shall provide suitable locations and adequate area for replacement trees as required in SMC 20.50.370.

7. In considering trees for protection, the applicant shall avoid selecting trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.

8. If significant trees have been removed from a closed, forested situation, an adequate buffer of smaller trees shall be retained or planted on the fringe of such significant trees as determined by a certified arborist.

9. All trees located outside of identified building footprints and driveways and at least 10 feet from proposed structures shall be considered as eligible for preservation. However, all significant trees on a site shall be considered when calculating the minimum retention percentage.

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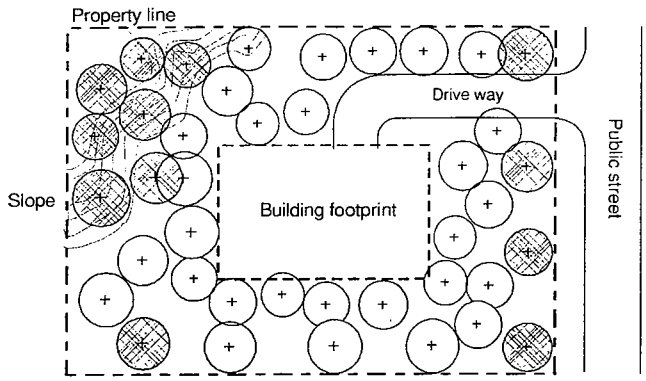

LEGEND

Appropriately retained trees - in clusters on a slope and along the street

Trees proposed for removal

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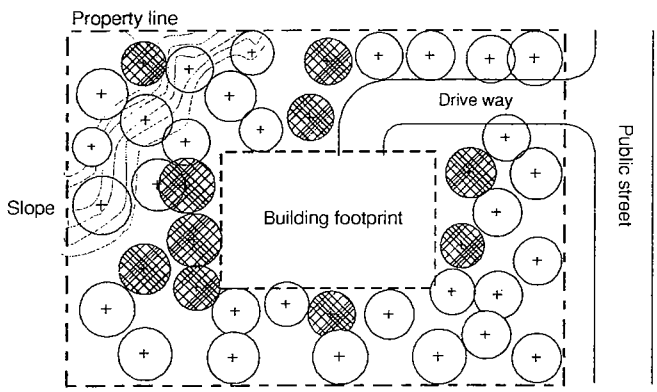


LEGEND

Inappropriately retained trees - too close to the building and/or scattered single trees

Trees proposed for removal

Figure 20.50.350(D): Example of the application of tree retention site design standards. Appropriate retention of a cluster of trees on a slope and frontage trees are shown above. Inappropriate retention of scattered single trees and trees near structures are shown below.

E. **Cutting and Pruning of Protected Trees.** Trees protected under the provisions of this section shall not be topped. Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree. Excessive pruning shall not be allowed unless necessary to protect life and property.

F. **Landmark Trees.** Trees which have been designated as landmark trees by the City of Shoreline because they are 30 inches or larger in diameter or particularly impressive or unusual due to species, size, shape, age, historical significance and/or is an outstanding row or group of trees, has become a landmark to the City of Shoreline or is considered a specimen of its species shall not be removed unless the applicant meets the exception requirements of subsection (B) of this section. The Director shall establish criteria and procedures for the designation of landmark trees. (Ord. 238 Ch. V § 5(G), 2000).

20.50.360 Tree replacement and site restoration.

A. **Plans Required.** Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area protection and mitigation plan, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydro seed exposed slopes, or otherwise protect and restore the site as determined by the Director or designee.

C. **Replacement Required.** Up to six significant trees and associated vegetation may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals two new trees.

2. Each additional three inches in diameter at breast height equals one additional new tree, up to four trees per significant tree removed.

3. Minimum size requirements for trees replaced under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):

1. *No tree replacement is required in the following cases:*
   - *The tree is hazardous, dead, diseased, injured or in a declining condition with no reasonable assurance of remaining vigor.*
   - *The tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.*

2. *The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:*
   - *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
   - *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
   - *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
   - *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

3. *The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.*

D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

F. Replacement of removed trees with appropriate native trees at a ratio determined by the Director will be required in critical areas.

G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.

I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near pre-project original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;

2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and

3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

J. Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

K. **Performance Assurance.** A performance bond or other acceptable security device to ensure the installation, maintenance and adequate performance of tree retention, replacement, and protection measures may be required in an amount determined by the Director.

L. **Monitoring.** The Director may require submittal of periodic monitoring reports as necessary to ensure survival of replacement trees. The contents of the monitoring report shall be determined by the Director.

M. **Discovery of Undocumented Critical Areas.** The Director may stop work authorized by a clearing and grading permit if previously undocumented critical areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site. (Ord. 238 Ch. V § 5(H), 2000).

20.50.370 Tree protection standards.

The following protection measure shall be imposed for all trees to be retained on-site during the construction process.

A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.

B. Tree dripline areas shall be protected. No fill, excavation, construction materials, or equipment staging or traffic shall be allowed in the dripline areas of trees that are to be retained.

C. Prior to any land disturbance, temporary construction fences must be placed around the dripline of trees to be preserved. If a cluster of trees is proposed for retention the barrier shall be placed around the edge formed by the drip lines of the trees to be retained.

D. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.

E. Where tree protection areas are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Leave Area – Keep Out" signs.

F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.

G. Retain small trees, bushes and understory plants within the tree protection zone to the maximum extent practicable.

H. **Preventative Measures.** In addition to the above minimum tree protection measures, the applicant should support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

1. Pruning of visible deadwood on trees to be protected or relocated;

2. Application of fertilizer to enhance the vigor of stressed trees;

3. Use of soil amendments and soil aeration in tree protection and planting areas;

4. Mulching over tree drip line areas; and

5. Ensuring proper watering during and immediately after construction and throughout the first growing season after construction.

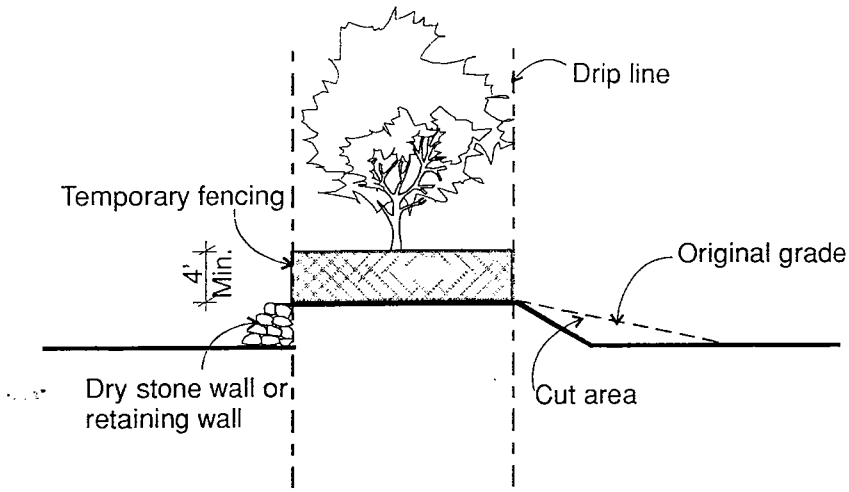


Figure 20.50.370: Illustration of standard techniques used to protect trees during construction.

Exception 20.50.370:
The Director may waive certain protection requirements, allow alternative methods, or require additional protection measures based on concurrence with the recommendation of a certified arborist deemed acceptable to the City. (Ord. 238 Ch. V § 5(I), 2000).

Subchapter 6.

Parking, Access and Circulation

20.50.380 Purpose.

The purpose of this subchapter is to establish standards for parking, access, pedestrian and vehicular circulation, and bicycle facilities as follows:

A. To ensure that the parking and circulation aspects of all developments are well designed with regards to safety, efficiency and convenience of vehicles, bicycles, pedestrians, and transit.

B. To provide convenient and safe access to all buildings and adequate parking for all developments.

C. To reduce demand for parking by encouraging alternative means of transportation, including public transit, rideshare, and bicycles.

D. To promote efficiency through reductions in the number of parking stalls, shared driveway access and shared parking facilities.

E. To assure safe, convenient, efficient and adequately sized parking facilities.

F. To increase pedestrian mobility and provide safe, pleasant and direct pedestrian access. (Ord. 238 Ch. V § 6(A), 2000).

20.50.390 Minimum off-street parking requirements – Standards.

A. Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in Tables 20.50.390A through 20.50.390D.

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Single detached/townhouse:	2.0 per dwelling unit
Apartment:	
Studio units:	1.2 per dwelling unit
One-bedroom units:	1.5 per dwelling unit
Two-bedroom units:	1.8 per dwelling unit
Three-bedroom units:	2.0 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Community residential facilities:	1 per 2 units
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units

Table 20.50.390C – General Nonresidential Parking Standards

Note: Square footage in this chapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
Government/business services uses:	1 per 300 square feet
Manufacturing uses:	.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 300 square feet

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Churches, synagogues, temples:	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Gasoline service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Gasoline service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area

Table 20.50.390D – Special Nonresidential Standards (Continued)

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on-site.
Hospital:	1 per bed
Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)
Police facility:	(Director)
Public agency archives:	.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
Retail and mixed trade:	1 per 300 square feet
Self-service storage:	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Wholesale trade uses:	.9 per 1,000 square feet
Winery/brewery:	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

Exception 20.50.390(A)(1): If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Exception 20.50.390(A)(2): When the City of Shoreline has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses.

Exception 20.50.390(A)(3): Where other provisions of this Code stipulate higher maximum parking or reduced minimum parking requirements, those provisions shall apply.

Exception 20.50.390(A)(4): Minimum parking requirements may be reduced through provisions in SMC 20.50.400.

B. Off-street parking ratios expressed as number of spaces per square feet shall be based on the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include, but are not limited to, building maintenance areas, storage areas, closets, or restrooms.

C. For all nonresidential uses, the maximum amount of allowed parking shall not exceed 50 percent over the minimum required number of stalls. Any proposal for parking that exceeds 10 percent over the minimum required number of stalls must be approved by the Director. (Ord. 238 Ch. V § 6(B-1), 2000).

20.50.400 Reductions to minimum parking requirements – Standards.

A. Required parking may be reduced by 20 percent with coordinated design and shared access to consolidated parking areas linked by pedestrian walkways.

- Multiple parcels may be treated as a single development site if all owners sign a binding and recorded agreement.
- The requirement for primarily nighttime uses, such as theaters, bowling alleys and restaurants, may be supplied in part by parking serving primarily daytime uses, such as banks, offices and retail stores.

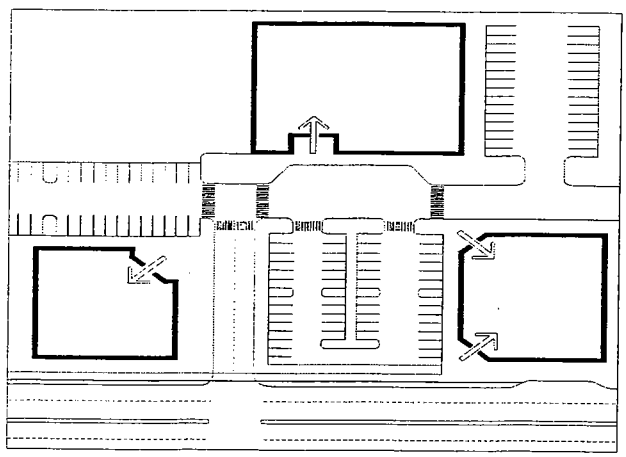


Figure 20.50.400(A): Example showing how shared driveways and consolidated parking lots can reduce parking requirement while also creating more pedestrian friendly environments by reducing curb along streets.

B. The Director may approve a reduction of up to 50 percent of the minimum required number of spaces if:

1. The applicant can prove that parking demand can be adequately met with a reduced parking requirement through measures such as proximity to transit routes, commuter trip reduction programs, supplementary on-site nonmotorized and high occupancy vehicle facilities, or

2. The applicant can prove that parking demand can be adequately met through a shared parking agreement. (Ord. 238 Ch. V § 6(B-2), 2000).

20.50.410 Parking design standards.

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. On property occupied by a single-family detached residence or duplex, the total number of vehicles parked or stored outside of a building shall not exceed six, excluding recreational vehicles and trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.760.

C. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve.

4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

Exception 20.50.410(C)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

D. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410D below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide. Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.

Table 20.50.410D – Minimum Parking Stall and Aisle Dimensions

A	B	C	D	E		F	
Parking Angle	Stall Width *(feet)*	Curb Length *(feet)*	Stall Depth *(feet)*	Aisle Width *(feet)* 1-Way	2-Way	Unit Depth *(feet)* 1-Way	2-Way
0	8.0*	20.0*	8.0	12.0	20.0	**	**
	Min. 8.5	22.5	8.5	12.0	20.0	29.0	37.0
	Desired 9.0	22.5	9.0	12.0	20.0	30.0	38.0
30	8.0*	16.0*	15.0	10.0	20.0	**	**
	Min. 8.5	17.0	16.5	10.0	20.0	42.0	53.0
	Desired 9.0	18.0	17.0	10.0	20.0	44.0	54.0
45	8.0*	11.5*	17.0*	12.0	20.0	**	**
	Min. 8.5	12.0		12.0	20.0	50.0	58.0
	Desired 9.0	12.5		12.0	20.0	51.0	59.0
60	8.0*	9.6*	18.0	18.0	20.0	**	**
	Min. 8.5	10.0	20.0	18.0	20.0	58.0	60.0
	Desired 9.0	10.5	21.0	18.0	20.0	60.0	62.0
90	8.0*	8.0*	16.0*	23.0	23.0	**	**
	Min. 8.5	8.5	20.0	23.0	23.0	63.0	63.0
	Desired 9.0	9.0	20.0	23.0	23.0	63.0	63.0

Notes:

** For compact stalls only*

*** Variable, with compact and standard combinations*

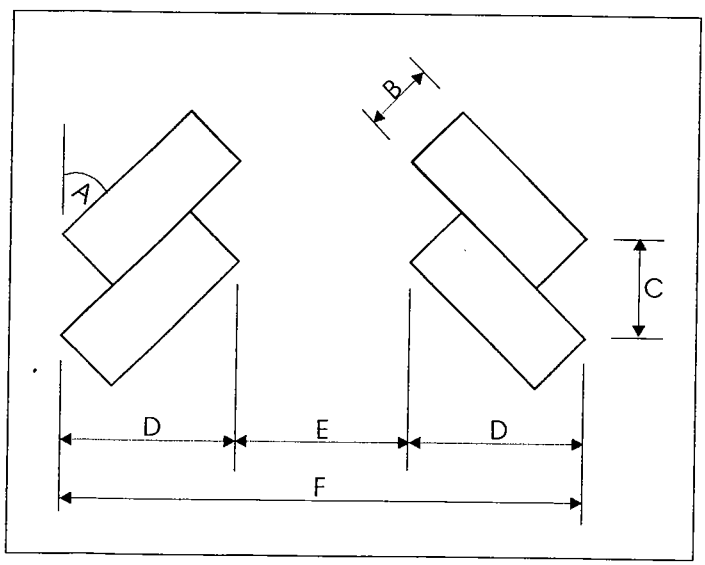


Figure 20.50.410(D)(1): Diagram of corresponding parking dimensions A through F from Table 20.50.410.

Exception 20.50.410(D)(1): The parking space depth may be reduced up to 18 inches when vehicles overhang a walkway under the following conditions:

1. *Wheel stops or curbs are installed that provide a maximum 18-inch overhang; and*

2. *The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.*

Exception 20.50.410(D)(2): Tandem or end-to-end parking is allowed in residential developments. Single-family, duplex and townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

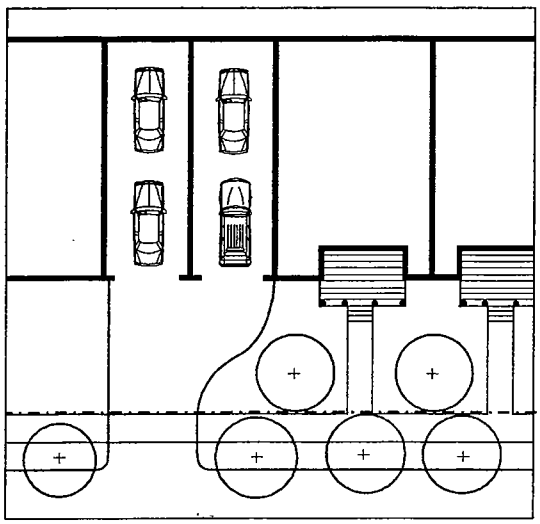


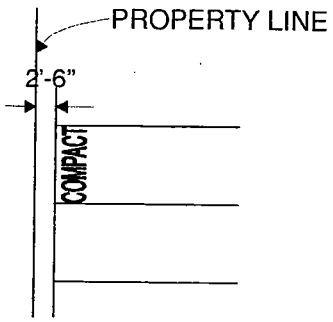
Figure Exception to 20.50.410(D)(2): Illustration of tandem parking.

Exception 20.50.410(D)(3): Vanpool/carpool parking areas shall meet the following minimum design standards;

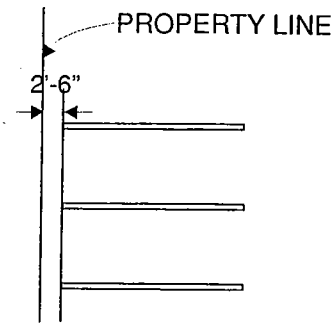
1. *A minimum vertical clearance of seven feet, three inches shall be provided to accommodate van vehicles if designated vanpool/carpool parking spaces are located in a parking structure; and*

2. *A minimum turning radius of 26 feet, four inches with a minimum turning diameter (curb to curb) of 52 feet, five inches shall be provided from parking aisles to adjacent carpool/vanpool parking spaces.*

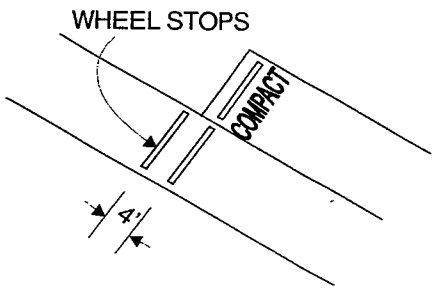
E. Asphalt or concrete surfaced parking areas shall have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with Washington State Department of Transportation standards. Wheel stops are required where a parked vehicle encroaches on adjacent property, pedestrian access or circulation areas, right-of-way or landscaped areas. Typical approved markings and wheel stop locations are illustrated in Figure 20.50.410(E).

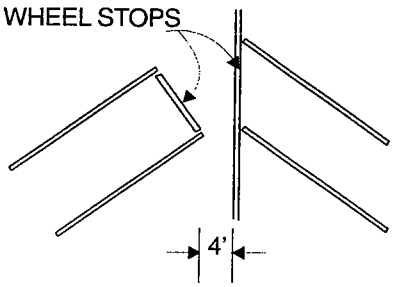


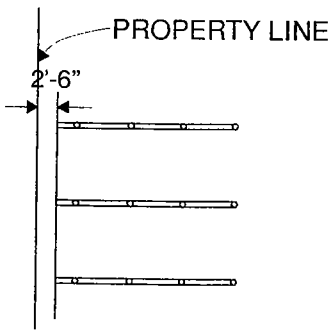
COMPACT MARKING



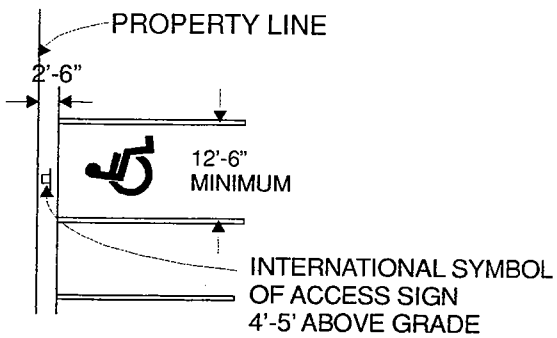
PAINTED HORSESHOE MARKING



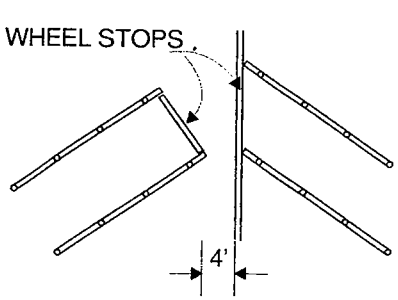




METAL OR PLASTIC
TRAFFIC MARKING



HANDICAP MARKING



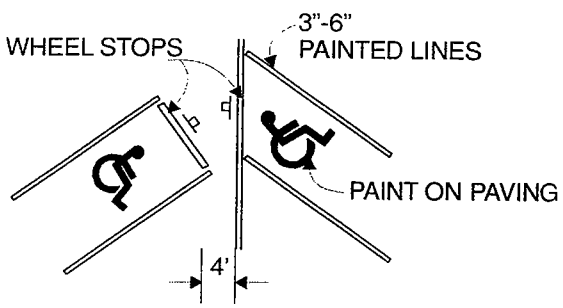


Figure 20.50.410(E): Pavement marking and wheel stop standards.

F. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. This requirement does not apply to single-family and duplex developments.

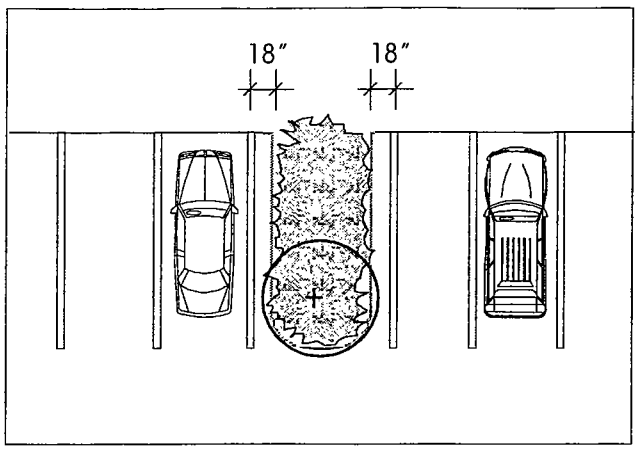


Figure 20.50.410(F): Illustration of buffer between parking and landscaping.

G. Required parking spaces shall be located outside of any required setbacks, provided driveways located in setbacks may be used for parking.

Exception 20.50.410(G)(1): If parking is located below grade, parking may be located within the required setback; provided, that the portion of the parking structure located within setback is landscaped or serves as pedestrian access.

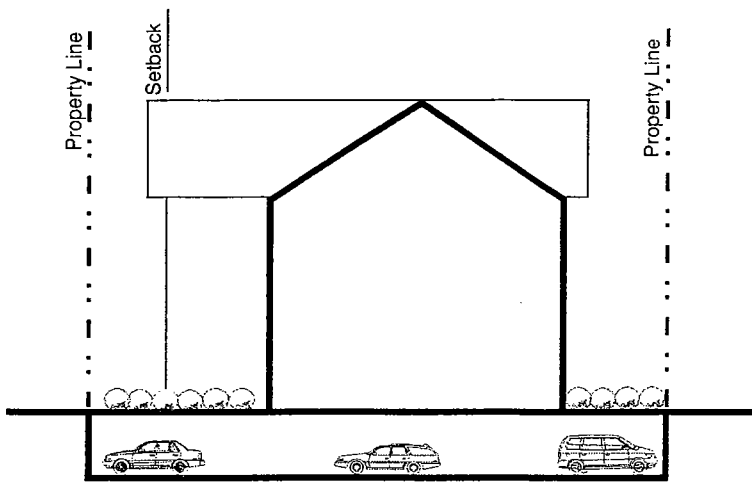


Figure Exception to 20.50.410(G)(1): Illustration of underground parking.

H. Any parking stalls located in enclosed buildings must be totally within the enclosed building.

I. Off-street parking and access for physically handicapped persons shall be provided in accordance with Section 7503 of the regulations adopted pursuant to Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings – Provisions for Aged and Handicapped.

J. Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below in Table 20.50.410J.

Table 20.50.410J

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

K. Every building engaged in retail, hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the standards listed in Table 20.50.410K.

Table 20.50.410K

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

L. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by this chapter. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.

M. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

N. Multi-story self-service storage facilities shall provide two loading spaces, single story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unob-

structed vertical clearance of 14 feet inches, and shall be surfaced, improved and maintained as required by this chapter.

O. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this chapter. (Ord. 238 Ch. V § 6(B-3), 2000).

20.50.420 Vehicle access and circulation – Standards.

A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.

B. Driveways for non single-family development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping or setback area is displaced by the driveway.

C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.

D. No dead end alley may provide access to more than eight required off-street parking spaces.

E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.

F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.

2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 238 Ch. V § 6(B-4), 2000).

20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.

A. Commercial or residential structures with entries not fronting on the sidewalk should have a clear and obvious pedestrian path from the street front sidewalk to the building entry.

B. Pedestrian paths should be separate from vehicular traffic where possible, or paved, raised and well marked to clearly distinguish it as a pedestrian priority zone.

C. The pedestrian path from the street front sidewalk to the building entry shall be at least 60 inches (or five feet) wide for commercial and multifamily residential structures, and at least 36 inches (or three feet) for single-family and duplex developments.

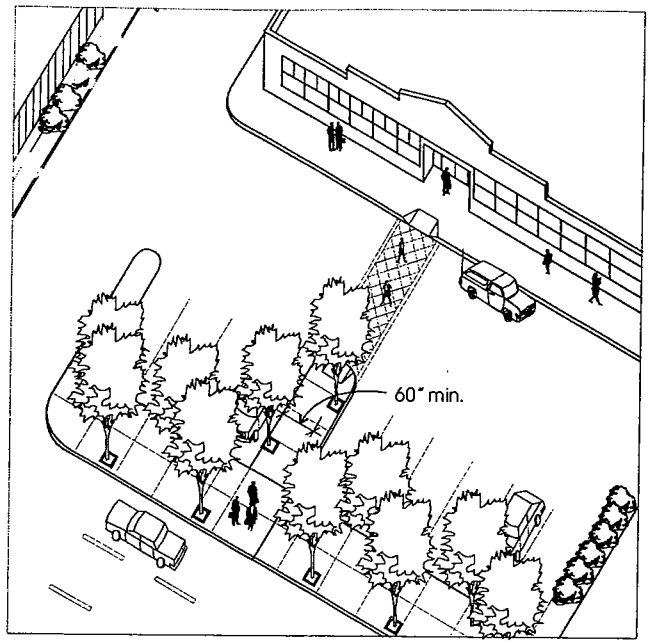


Figure 20.50.430(C): Landscaped walkways connect the public sidewalk with the entrance to a building set back from the street.

D. Provide pedestrian pathways through parking lots and connecting adjacent commercial and residential developments commonly used by business patrons and neighbors.

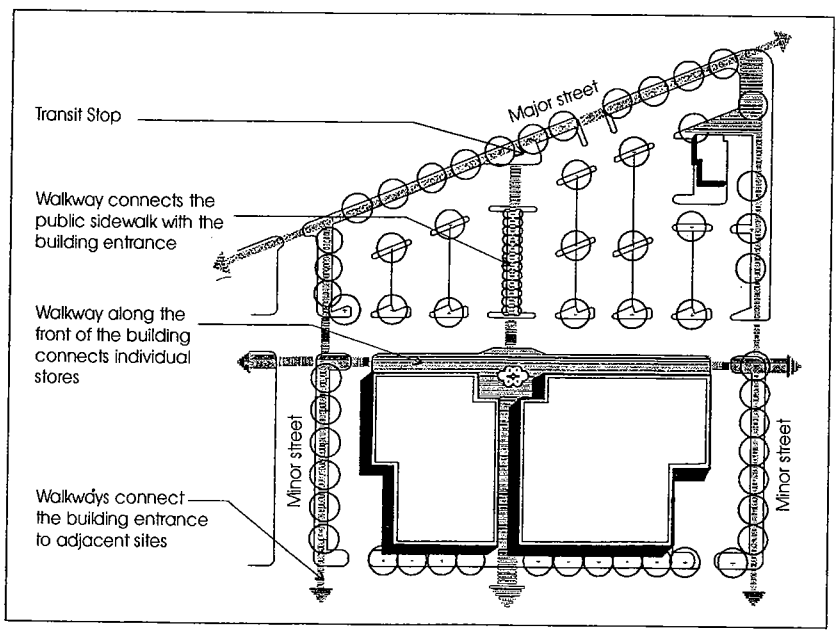


Figure 20.50.430(D): In this commercial site, landscaped walkways provide pedestrian connections. These walkways provide a safe, accessible pedestrian route from the street to the building entry and to neighboring properties.

(Ord. 238 Ch. V § 6(C-1), 2000).

20.50.440 Bicycle facilities – Standards.

A. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles.

Exception 20.50.440(A)(1): One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The Director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

Exception 20.50.440(A)(2): The Director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location provided bike rack parking is not completely eliminated.

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

1. *Park/playfield;*
2. *Marina;*
3. *Library/museum/arboretum;*
4. *Elementary/secondary school;*
5. *Sports club; or*
6. *Retail business (when located along a developed bicycle trail or designated bicycle route).*

B. Bicycle facilities for patrons shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

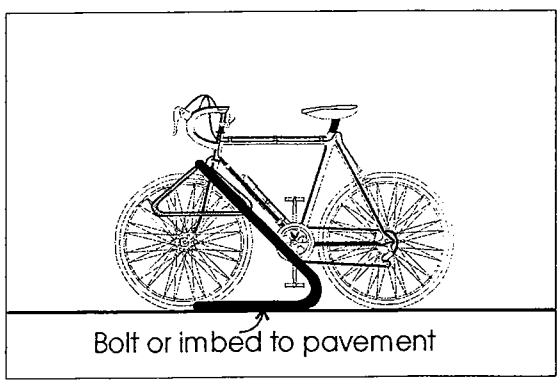


Figure 20.50.440(B): Illustration of bicycle facility suitable for locking a bike to the structure.

C. All bicycle parking and storage facilities shall be located within 100 feet of the building entrance and shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

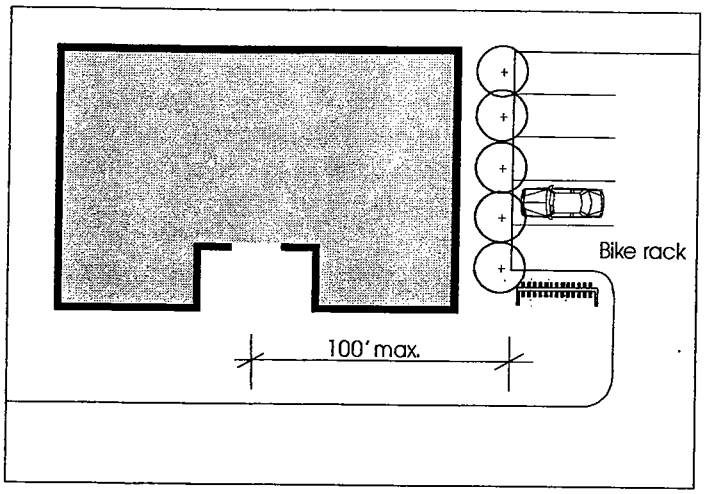


Figure 20.50.440(C): Illustration of desired bicycle facility location.

D. When more than 10 people are employed on-site, enclosed locker-type parking facilities for employees shall be provided. The Director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities. (Ord. 238 Ch. V § 6(C-2), 2000).

Subchapter 7.

Landscaping Standards

20.50.450 Purpose.

The purposes of this subchapter are:

A. To enhance the visual continuity within and between neighborhoods.

B. To establish at least an urban tree canopy through landscaping and street trees.

C. To screen areas of low visual interests and buffer potentially incompatible developments.

D. To compliment the site and building design with landscaping. (Ord. 238 Ch. V § 7(A), 2000).

20.50.460 Landscaping – Types of landscaping screens – Standards.

A. Type I landscaping is a "full screen" that functions as a visual barrier. Type I landscaping shall minimally consist of:

1. A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscaped strip and spaced to form a continuous screen.

2. Eighty percent of trees and shrubs shall be evergreen.

3. Trees planted at 10 feet in height, at the rate of one tree per 10 linear feet of landscaped strip and spaced no more than 15 feet apart.

4. Shrubs planted from five-gallon containers or at 30 inches in height and spaced no more than three feet apart on center.

5. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart.

B. Type II landscaping is a "filtered screen" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. Type II landscaping shall minimally consist of:

1. Trees generally interspersed throughout the landscaped strip and spaced to create a continuous canopy.

2. Provide a mix of deciduous and evergreen trees and shrubs.

3. Trees planted at 1.5-inch caliper, at the rate of one per 25 linear feet of landscaped strip and spaced no more than 30 feet apart on center.

4. Shrubs planted from five-gallon containers or at 24 inches in height and spaced no more than four feet apart on center.

5. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart.

C. Existing, healthy trees and shrubs, vegetated critical areas, landscaped bio-swales, or trees and their area within the dripline may substitute for required landscaping tree-for-tree and area-for-area. In order to promote the retention of existing mature trees during site development, credit shall given for one additional required tree if the retained tree is significant (eight-foot

diameter at breast height for conifer and 12-inch diameter at breast height if deciduous). (See Subchapter 5 of this chapter, Tree Conservation, Land Clearing, and Site Grading Standards, and Chapter 20.80 SMC, Special Districts, for additional requirements).

D. Detached single-family development shall be exempt from all landscape requirements with the exception of required street trees along arterials. (Ord. 238 Ch. V § 7(B-1), 2000).

20.50.470 Street frontage landscaping – Standards.

A. A 10-foot width of Type II landscaping for all development including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces.

B. A 20-foot width of Type II for institutional and public facilities in residential zone areas.

C. Frontage landscaping can be substituted in multifamily, commercial, office, and industrial zones with two-inch caliper street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.

D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC 20.50.520(O) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).

20.50.480 Street trees – Standards.

A. Street trees must be two-inch caliper and planted no more than 40 feet on center and selected from the City-approved street tree list. Placement of street trees can be adjusted to avoid conflict with driveways, utilities, and other functional needs while including the required number of trees. Street trees are required for all commercial, office, industrial, multifamily zones, and single-family subdivisions for all arterial streets.

B. Street landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.

C. Trees must be:

- Planted in a minimum four-foot wide continuous planting strip along the curb, or
- Planted in tree pits minimally four feet by four feet or
- Where an existing sidewalk abuts the curb, trees may be planted four feet behind that sidewalk.

D. Street trees will require five-foot staking and root barriers between the tree and the sidewalk and curb.

E. Tree pits require an ADA compliant iron grate flush with the sidewalk surface.

F. Street trees must meet requirements in the Engineering Development Guide. Trees spacing may be adjusted slightly to accommodate sight distance requirements for driveways and intersections. (Ord. 238 Ch. V § 7(B-3), 2000).

20.50.490 Landscaping along interior lot line – Standards.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. A 20-foot width of Type I landscaping shall be provided for institutional and public facility development adjacent to single-family residential zones. Portions of the development that are unlit playgrounds, playfields, and parks are excluded.

C. Parking lots shall be screened from single-family residential uses by a fence, wall, plants or combination to block vehicle headlights.

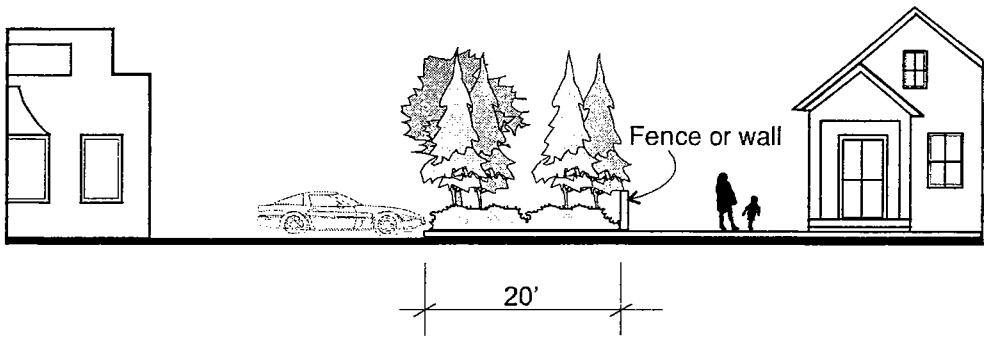


Figure 20.50.490(C): Example of parking screened from single-family house.

(Ord. 238 Ch. V § 7(B-4), 2000).

20.50.500 Landscaping of surface parking area – Standards.

Required parking area landscaping shall include landscape areas that are located in areas within or adjacent to parking areas. However, landscaping designed to meet perimeter landscaping requirements cannot also be used to meet parking lot landscaping requirements.

A. Multifamily developments with common parking areas shall provide planting areas in parking lots at the rate of 20 square feet per parking stall.

B. Commercial, office, industrial, or institutional developments shall provide landscaping at a rate of:

1. Twenty square feet per parking stall when 10 to 30 parking stalls are provided or;

2. Twenty-five square feet per parking stall when 31 or more parking stalls are provided.

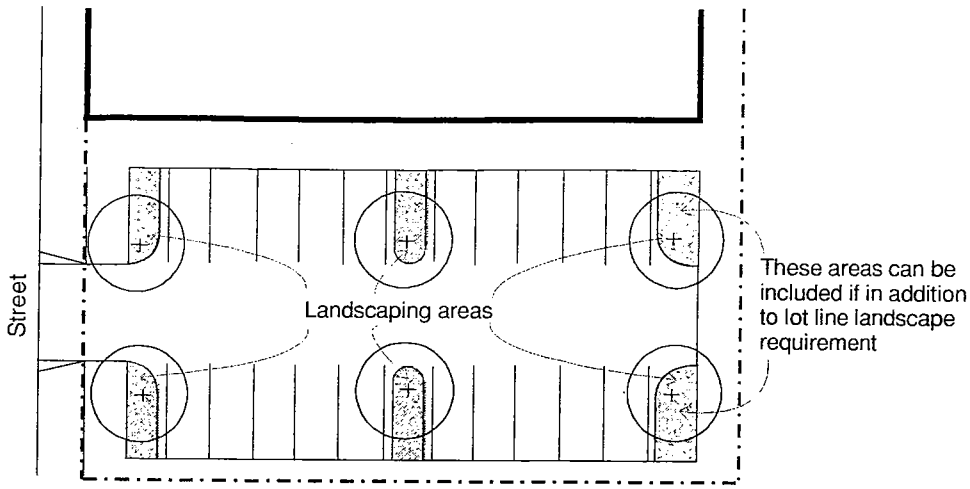


Figure 20.50.500(B): Example of parking area landscaping.

C. Trees shall be provided and distributed throughout the parking area either uniformly, irregularly, or in groupings at a rate of:

1. One tree for every five parking stalls for a commercial, office, or industrial development.

2. One tree for every 10 parking stalls for residential or institutional development.

D. Permanent curbs or structural barriers shall be provided to protect shrub and trees from vehicle bumpers. Landscaping under vehicle overhang shall not be included in required landscape area calculations.

E. Parking area landscaping shall consist of:

1. At least 200 square feet with a narrow dimension of no less than eight feet.

2. Shrubs planted from five-gallon containers or at 24 inches in height and spaced no more than four feet apart on center.

3. Ground covers planted from minimally four-inch pots and spaced no more than 18 inches apart.

4. Trees planted at least 1.5 inches caliper in size. (Ord. 238 Ch. V § 7(B-5), 2000).

20.50.510 Alternative landscape design.

Alternative landscape designs may be allowed, subject to City approval, if the design accomplishes equal or better levels of Type I or II landscaping.

A. The average width of the perimeter landscape area may be reduced 25 percent along interior property lines where:

1. Berms at least three feet in height (2:1 slope) or walls and fences at least six feet in height are incorporated into the landscape design; or

2. Plant material that would be required is located elsewhere on-site.

B. When an existing structure precludes installation of the required site perimeter landscape area then the plant material shall be incorporated on another portion of the site. (Ord. 238 Ch. V § 7(B-6), 2000).

20.50.520 General standards for landscape installation and maintenance – Standards.

A. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).

B. All new turf areas, except all-weather or sand-based athletic fields, shall be augmented with a two-inch layer of organic material cultivated a minimum of six inches deep or have an organic content of five percent or more to a depth of six inches.

C. Except as specifically outlined for turf areas in subsection (B) of this section, the organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings.

D. Landscape areas, except turf or areas of established ground cover, shall be covered with at least two inches of mulch to minimize evaporation.

E. Plant selection shall consider adaptability to climatic, geologic, and topographical conditions of the site. Preservation of existing vegetation is encouraged.

F. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual; provided, that existing healthy vegetation used to augment new plantings shall not be required to meet the standards of this manual.

G. Multiple-stemmed trees shall be permitted as an option to single-stemmed trees; provided, that such multiple-stemmed trees are at least 10 feet in height and not allowed within street rights-of-way.

H. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered to avoid the appearance of a single row of trees.

I. All fences shall be placed on the inward side of any required perimeter landscaping when adjacent to a public right-of-way and on the outward side of the required landscaping or on the property line when adjacent to private property.

J. Required street landscaping may be placed within Washington State rights-of-way subject to permission of the Washington State Department of Transportation.

K. New landscape material shall be indigenous plant species within areas of undisturbed vegetation, within critical areas or their buffers or within the protected area of significant trees; provided, that pesticide and chemical fertilizer may be restricted within these landscaped areas.

L. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All landscaping shall either be installed or the installation shall be secured with a letter of credit, escrow, or performance bond for 125 percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.

M. Trees and vegetation, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be responsible for the regular maintenance of all landscaping elements in good condition.

N. Applicants shall provide a landscape maintenance and replacement agreement to the City prior to issuance of a certificate of occupancy.

O. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature canopy and root mat width. Root mat width is assumed to be the same width as the canopy unless otherwise documented in a credible print source. Mature tree and shrub canopies may reach an above ground utility such as street lights and power-lines. Mature tree and shrub root mats may overlap utility trenches as long as approximately 80 percent of the root mat area is unaffected. Adjustment of plant location does not reduce the number of plants required for landscaping. Site distance triangle shall be established for visual clearance consistent with SMC 20.70.170 for all driveway exits and entrances and street corners. (Ord. 238 Ch. V § 7(B-7), 2000).

Subchapter 8.

Signs

20.50.530 Purpose.

The purposes of this subchapter are:

A. To provide standards for the effective use of signs as a means of identification that enhances the aesthetics of business properties, economic viability, and safety of the commercial districts.

B. To protect the public interest and safety by minimizing the possible adverse effects of signs on nearby properties, traffic safety, and aesthetic welfare of the City.

C. To establish regulations for the type, number, location, size, and lighting of signs that are complementary with the building use and harmonious with their surroundings. (Ord. 238 Ch. V § 8(A), 2000).

20.50.540 Sign standards.

A. No sign shall be located or designed to interfere with visibility required by the City of Shoreline for the safe movement of pedestrians, bicycles, and vehicles.

B. **Table.**

Table 20.50.540B – Standards for Signs.

	All Residential (R) Zones	NB and O	CB, RB, and I
FREESTANDING SIGNS:			
Maximum Area Per Sign Face	**4 sq. ft.** (home-occupation) **10 sq. ft.** (child care) **25 sq. ft.** (nonresidential use, residential subdivision or multifamily development) **32 sq. ft.**(schools)	**Only Monument Signs are Permitted:** **25 sq. ft.** (single-tenant) **10 sq. ft.** for each tenant to **max. 50 sq. ft.** (multi-tenant)	**Monument Signs:** **25** (single-tenant) **10** for each tenant to **max. 50** (multi-tenant) **Shopping Center/Mall Signs:** **40** (single-tenant) **10** for each tenant to **max. 100** (multi-tenant)
Maximum Height	42 inches	6 feet	20 feet
Maximum Number Permitted	1 per street frontage	1 per street frontage	1 per street frontage
Illumination	External only: Maximum 6 feet from the sign display	Permitted	Permitted
BUILDING-MOUNTED SIGNS:			
Maximum Sign Area	Same as for Freestanding Signs	**25 sq. ft.**(single-tenant) **10 sq. ft.** for each tenant to **maximum 50** (multi-tenant)	
Canopy or Awning	Sign shall be maximum 25% of the canopy vertical surface		
Maximum Height (feet)	Not to extend above the building parapet, eave line of the roof, or the window sill of the second floor, whichever is less.		
Number Permitted	1 per street frontage	1 per business located on street frontage	1 per business located on street frontage
Illumination	External illumination only	Permitted	Permitted
PROJECTING SIGNS FROM A BUILDING:			
Maximum Sign Area	6 sq. ft.	12 sq. ft.	12 sq. ft.
Minimum Clearance from Grade	9 feet	9 feet	9 feet
Number Permitted	1 per street frontage	1 per street frontage	1 per business located on street frontage
DRIVEWAY ENTRANCE/EXIT:			
Maximum Sign Area	4 sq. ft.	4 sq. ft.	4 sq. ft.
Maximum Height	42 inches	42 inches	42 inches

Exception 20.50.540(B)(1): If the applicant demonstrates that signs are an integral part of the architecture and site design, the Director may waive the above restrictions.

C. All signs, except temporary signs, must be constructed of durable, maintainable materials. Signs that are made of materials that deteriorate quickly or that feature impermanent construction are not permitted. For example, plywood or plastic sheets without a sign face overlay or without a frame to protect exposed edges are not permitted.

D. Window signs are permitted to occupy maximum 25 percent of the total window area.

E. Street numbers should be installed on all buildings and will not be counted towards the permitted sign area. (Ord. 238 Ch. V § 8(B), 2000).

20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; pennants.

Exception 20.50.550(A)(1): Traditional barber signs.

B. Portable signs.

Exception 20.50.550(B)(1): Sidewalk sandwich board signs. Must be located next to the curb edge of a sidewalk in such manner so not to interfere with the opening of parking car doors. An unobstructed passage of 48 inches shall be maintained for wheelchair travel on a sidewalk.

C. Off-site identification and signs advertising products not sold on premises.

D. Outdoor advertising signs (billboards).

E. Signs mounted on the roof. (Ord. 238 Ch. V § 8(C), 2000).

20.50.560 Site-specific sign standards – Monument signs.

A. **Number Per Site/Minimum Spacing.** One per site, or 150-foot minimum spacing for sites with more than 250 linear feet of street frontage, more than six businesses, and with businesses without signs visible from the street. The sign should be near the principal entrance. Sites fronting on two streets may have one sign per street, provided the signs are at least 150 feet apart.

B. **Location.**

- Minimum Distance From Public Right-of-Way: five feet
- Distance from Property Line: 20 ft. If this setback not feasible, the Director may modify the requirement, subject to the approval of a signage plan.

C. **Mounting.** Solid base under at least 75 percent of sign width. Must be double sided if the back is visible from the street.

D. **Landscaping.** Low shrubs or floral displays. Provide a perimeter strip at least two feet wide around the base of the sign or a four-foot-wide strip of lawn or an alternate landscaping scheme as approved.

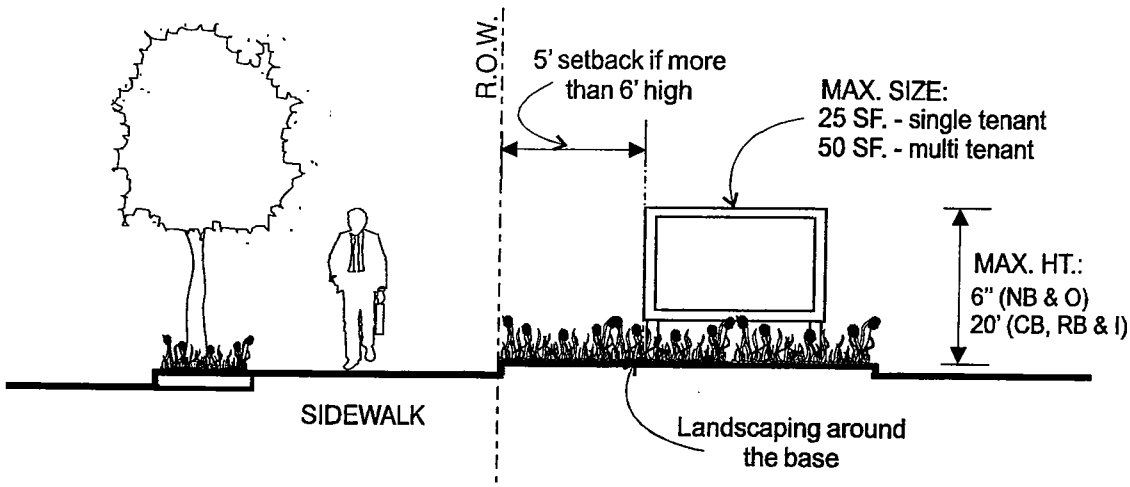


Figure 20.60.560: Monument Sign.

(Ord. 238 Ch. V § 8(D-1), 2000).

20.50.570 Site-specific sign standards – Shopping center/mall type signs in CB, RB, and I Zones.

Site must be occupied by more than one business and have at least 200 linear feet of frontage. Sites occupied by only one business may have a mall type sign when a monument sign would interfere with safe visibility as designated in SMC 20.50.540. A specific shopping center/mall signage plan is mandatory. The submittal requirements are available from the department.

A. **Location.**

- Minimum Distance From Public Right-of-Way: five feet.
- Distance from Property Line: 20 feet. If this setback not feasible, the Director may modify the requirement, subject to the approval of a signage plan.

B. **Number Per Site/Minimum Spacing.** One per site, or 150-foot minimum spacing for sites with more than 250 linear feet of street frontage, more than six businesses, and with business without signs visible from the street. The sign should be near the principal entrance. Sites fronting on two streets may have one sign per street, provided the signs are at least 150 feet apart.

C. **Mounting.** Single-post mounting is discouraged unless the post is an architectural feature reflecting the architecture of building(s) or other site elements.

D. **Landscaping.** Planting bed with small trees, shrubs, and/or floral displays, provided there is at least 50 square feet of landscaped area with trees, bushes, flowers, shrubs, or 100 square feet of lawn.

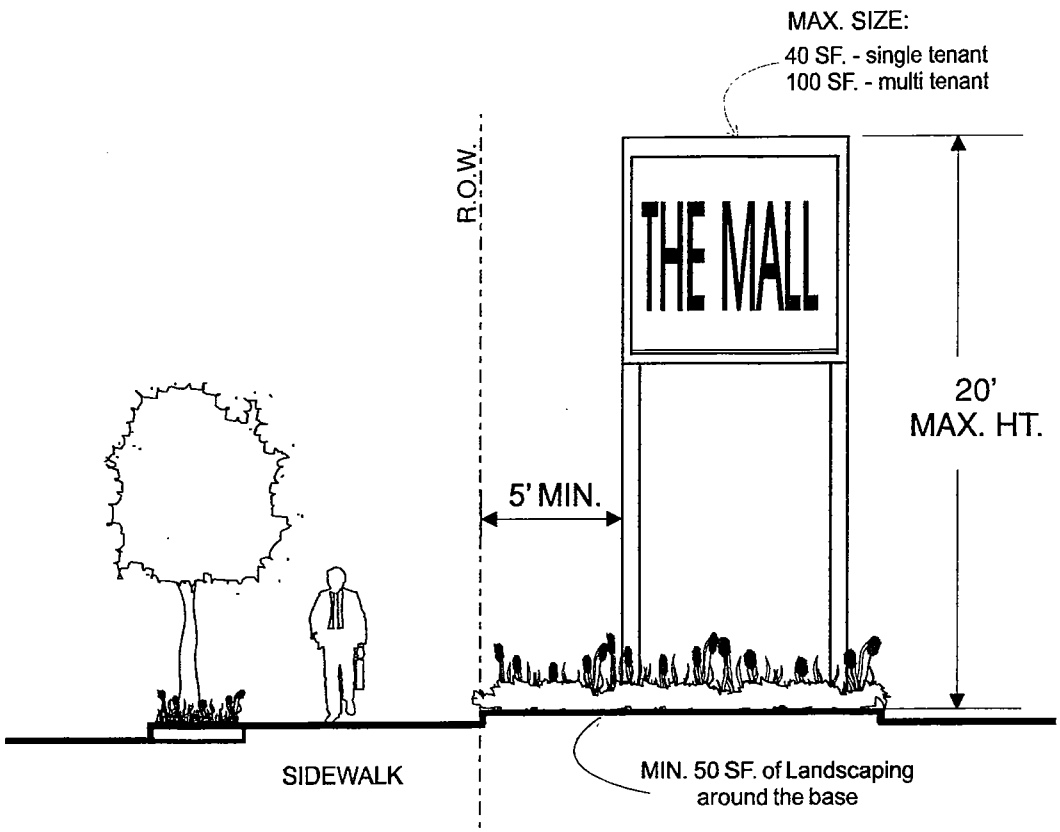


Figure 20.50.570: Mall Sign.

(Ord. 238 Ch. V § 8(D-2), 2000).

20.50.580 Site-specific sign standards – Building-mounted signs – Individual letters (and symbols) or "boxed" display signs.

Tenant signs in multiple tenant buildings must be similar in mounting location, configuration, materials, and construction.

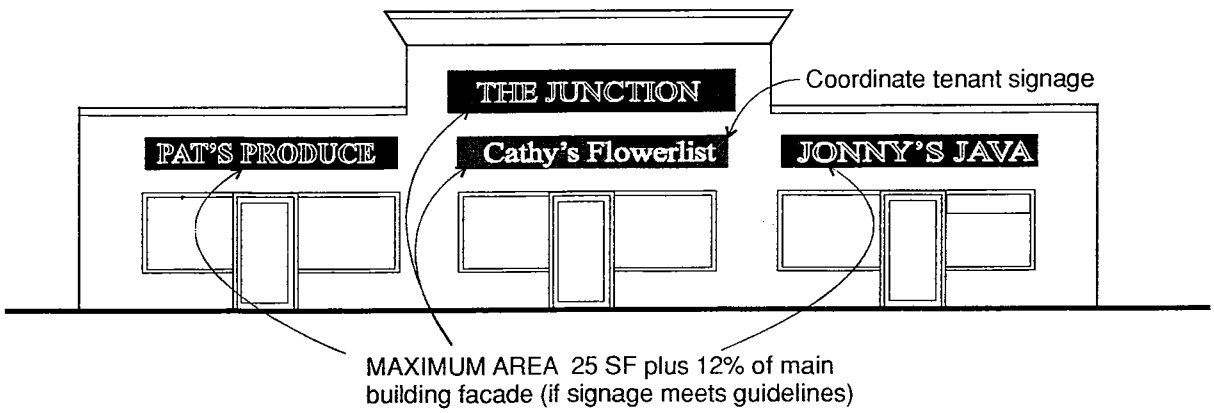


Figure 20.50.580: Building-Mounted Sign.

(Ord. 238 Ch. V § 8(D-3), 2000).

20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be structurally altered without being brought to compliance with the requirements of this Code.

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

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

2. Shall be kept in good repair and maintained in a neat, clean, attractive, and safe condition. Grounds surrounding a billboard shall be kept free of debris, litter, and unsightly vegetation.

3. **Removal.** Any outdoor advertising sign not meeting this Code shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 238 Ch. V § 8(E), 2000).

20.50.600 Temporary signs.

Temporary signs are allowed subject to a temporary use permit; and provided, that no more than one such permit shall be issued at any time per business occupancy, nor shall more than four such permits be issued to any one business during any 12-month period. (Ord. 238 Ch. V § 8(F), 2000).

20.50.610 Exempt signs.

A. Historic site markers or plaques, gravestones, and address numbers.

B. Signs required by law, including but not limited to:

1. Official or legal notices issued and posted by any public agency or court; or

2. Traffic directional or warning signs.

C. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed four feet in surface area.

D. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency.

E. State or Federal flags.

F. Religious symbols.

G. The flag of a commercial institution, provided no more than one flag is permitted per business premises; and further provided, the flag does not exceed 20 square feet in surface area.

H. Neighborhood identification signs with approved placement and design by the City.

I. Neighborhood and business blockwatch signs with approved placement of standardized signs acquired through the City of Shoreline Police Department.

J. Plaques, signs or markers for landmark tree designation with approved placement and design by the City. (Ord. 238 Ch. V § 8(G), 2000).

Chapter 20.60
Adequacy of Public Facilities

Sections:

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20.60.020 General requirements.

Subchapter 2. Wastewater, Water Supply and Fire Protection

20.60.030 Adequate wastewater (sewer) disposal.
20.60.040 Adequate water supply.
20.60.050 Adequate fire protection.

Subchapter 3. Surface and Stormwater Management

20.60.060 Purpose.
20.60.070 General provisions.
20.60.080 Development proposal requirements.
20.60.090 Core surface water and stormwater requirements.
20.60.100 Special requirements.
20.60.110 Construction timing and final approval.
20.60.120 Water quality.
20.60.130 Best management practices.

Subchapter 4. Streets and Access

20.60.140 Adequate streets.
20.60.150 Adequate access.

Subchapter 1.

General Provisions

20.60.010 Purpose.

The purpose of this subchapter is to:

A. Ensure that the adequate provision of public facilities and services is maintained as new development occurs; and to

B. Fairly allocate the cost of those facilities and services. (Ord. 238 Ch. VI § 1(A), 2000).

20.60.020 General requirements.

A. All development proposals that require City approval shall be adequately served by the following facilities and services prior to the time of occupancy, plat recording, or other land use approval, as further specified in this chapter:

1. Sewer and/or wastewater disposal;

2. Water supply;

3. Fire protection service;

4. Surface water and stormwater management; and

5. Streets and access.

B. Regardless of the number of related permits required for a single development proposal, the provisions of this chapter shall be applied only once to any single development proposal. If changes and modifications result in impacts not considered when the proposal was first approved, the City shall consider the revised proposal as a new development proposal.

C. All sewer and water connections within the City right-of-way shall be made in accordance with the applicable engineering standards specified in Chapter 20.70 SMC. (Ord. 238 Ch. VI § 1(B), 2000).

Subchapter 2.

Wastewater, Water Supply and Fire Protection

20.60.030 Adequate wastewater (sewer) disposal.

All development proposals shall be served by an adequate wastewater disposal system, including both collection and treatment facilities as follows:

A. For the issuance of a building permit, preliminary plat approval, or other land use approval the disposal system for the project site has been approved by the Department as being consistent with adopted rules and regulations of the applicable government, agency, or district;

B. For the issuance of a certificate of occupancy for a building or change of use permit, the approved wastewater disposal system is installed to serve each building or lot;

C. For recording a final plat, final short plat or binding site plan the approved wastewater disposal system is installed or bonded to serve each lot respectively; and

D. For a zone reclassification the timing of installation of required wastewater system improvements is contained in the approving ordinance. (Ord. 238 Ch. VI § 2(A), 2000).

20.60.040 Adequate water supply.

All development proposals shall be served by an adequate public water supply system as follows:

A. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant can demonstrate that:

1. The existing water supply system available to serve the site complies with the requirements of adopted rules and regulations of the applicable government, agency, or district;

2. The existing water supply system available to serve the site complies with any limitation or condition imposed by the City-approved comprehensive plan of the water purveyor; and

3. The proposed improvements to an existing water system or a proposed new water supply system have been reviewed by the Department and determined to comply with the design standards and conditions specified above.

B. Prior to issuance of a certificate of occupancy for a building or change of use permit, the approved water system and any system improvements are installed to serve each building or lot respectively;

C. For recording a final plat, final short plat or binding site plan, either the approved water supply system or system improvements shall be installed or bonded to serve each lot, within two years of recording; and

D. For a zone reclassification the timing of installation of required water system improvements is included in the approving ordinance. (Ord. 238 Ch. VI § 2(B), 2000).

20.60.050 Adequate fire protection.

All new development shall be served by adequate fire protection as set forth below:

A. The site of the development proposal is served by a water supply system that provides at 1,000 gallons per minute at a fire hydrant located no farther than 350 feet from the site;

B. The development proposal has adequate access to a street system or fire lane system that provides life safety/rescue access, and other adopted fire protection requirements for buildings;

C. The timing of installation of required fire protection improvements for development proposals shall be stated in the project approval or approving ordinance, and installed prior to occupancy. The improvements may be secured with a bond or similar security upon approval from the Director and the Fire Marshal. (Ord. 238 Ch. VI § 2(C), 2000).

Subchapter 3.

Surface and Stormwater Management

20.60.060 Purpose.

The purpose of this subchapter is to describe requirements for new development to:

A. Reduce flooding, erosion, and sedimentation;

B. Prevent and mitigate habitat loss;

C. Enhance groundwater recharge; and

D. Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection. (Ord. 238 Ch. VI § 3(A), 2000).

20.60.070 General provisions.

All new development shall be served by an adequate surface water management system as follows:

A. The proposed system is adequate if the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City;

B. For a formal subdivision, special use permit or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a financial guarantee be deposited. (Ord. 238 Ch. VI § 3(B), 2000).

20.60.080 Development proposal requirements.

A drainage review is required when any development proposal is subject to a City permit and any of the following:

A. Would add 1,500 square feet or more of new impervious surface;

B. Would construct or modify a public or private drainage system;

C. Contains or is within 100 feet of a floodplain, stream, lake, wetland or closed depression, or a critical area overlay district;

D. Is located within or within 100 feet of a landslide hazard area and would add 500 square feet or more of new impervious surface;

E. Is located within or within 100 feet of an identified critical drainage area;

F. Is a redevelopment project proposing $100,000 or more of improvements to an existing high-use site; or

G. Is a redevelopment project proposing $500,000 or more of site improvements and would create 1,500 square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface. (Ord. 238 Ch. VI § 3(C), 2000).

20.60.090 Core surface water and stormwater requirements.

Every development proposal with drainage review required must meet each of the following core requirements in addition to those described in the Surface Water Design Manual.

A. **Core Requirement #1: Discharge at the Natural Location.** All surface water and stormwater runoff from a development proposal shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems.

B. **Core Requirement #2: Off-site Analysis.** The initial application submittal for development proposals shall include an off-site analysis report that contains an assessment of potential off-site drainage impacts associated with a development proposal, called a level one downstream analysis; and proposed appropriate mitigations to those impacts.

C. **Core Requirement #3: Flow Control.** If a development proposal would add a minimum of 1,500 square feet of new impervious surface and any related land-cover conversion, the proposal shall include facilities to meet a minimum of level two flow control requirements and the flow control implementation as specified in the Surface Water Design Manual.

D. **Core Requirement #4: Conveyance System.** All engineered conveyance system elements for development proposals shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual.

E. **Core Requirement #5: Erosion and Sediment Plan.** All development proposals that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control, in accordance with the adopted Best Management Practices (BMP) Manual, that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties.

F. **Core Requirement #6: Maintenance and Operation.** Development proposals shall include provisions for the maintenance of all drainage facilities. It is the responsibility of the applicant/property owner to:

1. Make these provisions in compliance with City maintenance standards as described in the Surface Water Design Manual, or

2. Make provisions by which the City is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.

G. **Core Requirement #7: Financial Guarantees and Liability.** All drainage facilities constructed or modified for development projects, except downspout infiltration and dispersion systems for single-family residential lots, must comply with the liability requirements and the financial guarantee requirements of the City.

H. **Core Requirement #8: Water Quality.** Development proposals shall provide water quality treatment facilities to treat polluted surface water and stormwater runoff generated by the addition and/or replacement of 1,500 square feet or more of pollution-generating impervious surface or one acre or more of pollutant-generating pervious surfaces. At a minimum, the facilities shall reduce pollutant loads by meeting the applicable annual average performance goals listed below for 95 percent of the annual average runoff volume:

1. Basic water quality: remove 80 percent of the total suspended solids;

2. Sensitive lake protection: remove 50 percent of the total phosphorus; and

3. Resource stream protection: remove 50 percent of the total zinc. (Ord. 238 Ch. VI § 3(D), 2000).

20.60.100 Special requirements.

Every development proposal required to have drainage review shall meet all of the special requirements that apply to the site. The Department shall review each development proposal and determine if any of the special requirements apply.

A. **Special Requirement #1: Other Adopted Area-Specific Requirements.** This requirement applies to development proposals located in a designated critical drainage area, erosion hazard area, basin plan, or shared facility plan.

B. **Special Requirement #2: Floodplain/Floodway Delineation.** If a development proposal contains or is adjacent to a stream, lake, wetland or closed depression, then the 100-year floodplain boundaries, and floodway (if available or if improvements are proposed floodplain), shall be delineated on the site improvement plans, and on any final subdivision maps.

C. **Special Requirement #3: Flood Protection Facilities.** If a development proposal contains or is adjacent to a Class 1 or 2 stream with an existing flood protection facility, or proposes to construct a new one, then the flood protection facility(s) shall be analyzed and/or designed as specified in the Surface Water Design Manual.

D. **Special Requirement #4: Source Control.** If a development proposal requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent possible. Water quality source controls shall be applied in accordance with City Code and the Surface Water Stormwater manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.

E. **Special Requirement #5: Oil Control.** If a development proposal is a high-use site or is a redevelopment project proposing $100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual. (Ord. 238 Ch. VI § 3(E), 2000).

20.60.110 Construction timing and final approval.

A. No work for a permitted development related to permanent or temporary storm drainage control shall proceed without the approval of the Director.

B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan;

2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.

C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the Director of the Department only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities (when approved in writing by the Director of the Department to minimize impacts that may result from construction during inappropriate times of the year) then a bond will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.

D. When required to construct a drainage facility, the applicant shall maintain a combined single limit per occurrence liability policy. This policy shall:

1. Be in the amount established by the City;

2. Name the City as an additional insured and protect City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last.

Proof of this required liability policy is required prior to commencing construction of any drainage facility. (Ord. 238 Ch. VI § 3(F), 2000).

20.60.120 Water quality.

A. The purpose of this section is to protect the City's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this section prohibits the discharge of contaminants into surface water, stormwater and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of City of Shoreline.

B. Discharges into City Waters. It is unlawful for any person to discharge any contaminants into surface water, stormwater, ground water, or Puget Sound. Contaminants include, but are not limited, to the following:

1. Trash or debris;

2. Construction materials;

3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;

4. Antifreeze and other automotive products;

5. Metals in either particulate or dissolved form;

6. Flammable or explosive materials;

7. Radioactive material;
8. Batteries;
9. Acids, alkalis, or bases;
10. Paints, stains, resins, lacquers, or varnishes;
11. Degreasers and/or solvents;
12. Drain cleaners;
13. Pesticides, herbicides, or fertilizers;
14. Steam cleaning wastes;
15. Pressure washing wastes;
16. Soaps, detergents, or ammonia;
17. Spa or chlorinated swimming pool water;
18. Chlorine, bromine, and other disinfectants;
19. Heated water;
20. Animal and human wastes;
21. Sewage;
22. Recreational vehicle waste;
23. Animal carcasses;
24. Food wastes;
25. Bark and other fibrous materials;
26. Collected lawn clippings, leaves, or branches;
27. Silt, sediment, or gravel;
28. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test;
29. Chemicals not normally found in uncontaminated water;
30. Any hazardous material or waste, not listed above.

C. Any connection that could convey anything not composed entirely of natural surface water and stormwater directly to surface, storm, or ground water is considered an illicit connection and is prohibited with the following exceptions:

1. Connection conveying allowable discharges;

2. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State Waste Discharge Permit; and

3. Connections conveying effluent from onsite sewage disposal systems to subsurface soils.

D. The following types of discharges shall not be considered prohibited discharges unless the Director determines that the type of discharge, whether singly or in combination with others, is causing significant contamination to surface, storm, or ground water, or damage to a built or natural surface or stormwater conveyance system, including erosion damage:

1. Potable water;

2. Potable water line flushing;

3. Uncontaminated water (including sedimentation) from crawl space pumps or footing drains;

4. Lawn watering;

5. Residential car and boat washing;

6. Dechlorinated swimming pool water;

7. Materials placed as part of an approved habitat restoration or bank stabilization project;

8. Natural uncontaminated surface water or ground water;

9. Flows from riparian habitats and wetlands;

10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;

11. Common practices for water line or water well disinfection; and

12. Other types of discharges as determined by the Director.

E. A person shall not be in violation of discharge regulations if the following conditions exist:

1. That person has properly designed, constructed, implemented and is maintaining BMPs, and contaminants continue to enter surface water and stormwater or ground water;

2. The person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.

The said person however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface water and stormwater or ground water.

3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, shall be exempt from this section. In such a case, steps should be taken to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, recurrences shall be restricted by evaluating BMPs

and the site plan, where applicable. The City shall be notified of the occurrence as close to the incident date as is feasible. (Ord. 238 Ch. VI § 3(G), 2000).

20.60.130 Best management practices.

A. The City adopts "Urban Landuse BMPs, Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin" (DOE SWMM), and future amendments by reference as the Source Control BMP Manual for the City of Shoreline.

B. **Applicability.**

1. Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the City's manual, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make their plan available to City upon request. Qualifying exemptions include, but are not limited to, persons who are:

   a. Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;

   b. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;

   c. Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;

   d. Identified by the Director as being exempt from this section.

2. Persons conducting normal single-family residential activities will not be required to implement the BMPs prescribed in the City's BMP Manual, unless the Director determines that these activities pose a hazard to public health, safety, or welfare. (Ord. 238 Ch. VI § 3(H), 2000).

Subchapter 4.

Streets and Access

20.60.140 Adequate streets.

The intent of this subchapter is to ensure that public streets maintain an adequate Level of Service (LOS) as new development occurs. The level of service standard that the City has selected is a zonal average system, which is the basis for measuring concurrency. The City has been divided into five geographical areas, and LOS Standards are adopted for each zone. The zones are described in the following Table:

LOS Zone	Zone Name	Adopted LOS Standard
1	West of Aurora Corridor	D
2	Aurora Corridor to I-5	D
3	I-5 to East City Limits	D
4	Aurora Avenue Corridor	E
5	Annexation Area A	E

Note: A map of the LOS Zones is located in the Transportation Element of the Shoreline Comprehensive Plan.

A. **Development Proposal Requirements.** All new proposals for development that would generate 20 or more trips during the p.m. peak hour must submit a traffic study at the time of application. The estimate of the number of trips a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers. The traffic study shall include at a minimum:

1. An analysis of origin/destination trip distribution proposed;

2. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and

3. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the zonal LOS.

B. **Development Approval Conditions.** A development proposal that will have a direct traffic impact on a roadway or intersection that exceeds the adopted LOS for the zone shall not be approved unless:

1. The applicant agrees to fund improvements needed to attain the LOS standard;

2. The applicant achieves the LOS Standard by phasing the project or using transportation demand management (TDM) techniques to reduce the number of peak hour trips generated by the project;

3. The roadway or intersection has already been improved to its ultimate roadway section and the applicant agrees to use TDM incentives and/or phase the development proposal as determined by the City of Shoreline. (Ord. 238 Ch. VI § 4(A), 2000).

20.60.150 Adequate access.

All lots shall have access to a public right-of-way by direct access to a right-of-way; an easement recorded with the county that meets the standards of this section; or an access tract that meets the standards of this section.

A. **Vehicular Access.** All new development shall be served by adequate vehicular access as follows:

1. The circulation system of development shall intersect with existing and anticipated streets abutting the site at safe and convenient locations;

2. The circulation system of development shall provide direct connections to adjacent developments where appropriate; and

3. Every lot upon which one or more buildings is proposed to be erected or traffic generating use is proposed to be established shall establish safe access as follows:

   a. Direct access from the street right-of-way, fire lane or a parking space to any part of the property as needed to provide public services (e.g., fire protection, emergency medical service, mail delivery or trash collection); and

   b. Direct access from the street right-of-way, driveway, alley or other means of ingress/egress approved by the City to all required off-street parking spaces on the premises.

B. **Pedestrian Access.** All new development shall establish safe pedestrian access as follows:

1. Pedestrian facilities connecting the street right-of-way to building entrances for transit patrons and other pedestrians;

2. Pedestrian facilities connecting commercial developments, where appropriate; and

3. Pedestrian facilities to provide safe access from parking areas to other areas of the development. (Ord. 238 Ch. VI § 4(B), 2000).

Chapter 20.70
Engineering and Utilities Development Standards

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Subchapter 1.

General Engineering Provisions

20.70.010 Purpose.

The purpose of this subchapter is to establish requirements for engineering regulations and standards to implement the Comprehensive Plan. This section will ensure that public facilities and services necessary to support development are provided in a timely manner consistent with the goals of the Washington State Growth Management Act of 1990 and provide a general framework for relating development standards and other requirements of this Code to:

A. Adopted service level standards for public facilities and services,

B. Procedural requirements for phasing development projects to ensure that services are provided as development occurs, and

C. The reviews of development permit applications.

The requirements of this section shall apply to all development in the City processed under the provisions of the Shoreline Development Code. No permit shall be issued nor approval granted without compliance with this section. (Ord. 238 Ch. VII § 1(A), 2000).

20.70.020 Engineering Development Guide.

The Department shall prepare an "Engineering Development Guide" to include construction specifications, standardized details, and design standards referred to in this section. The Engineering Development Guide and any amendments shall be made available to the public. The specifications shall include, but are not limited to, the following:

A. Street widths, curve radii, alignments, street layout, street grades;

B. Intersection design, sight distance and clearance, driveway location;

C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;

D. Streetscape specifications (trees, landscaping, benches, other amenities);

E. Surface water and stormwater specifications;

F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and

G. Other improvements within rights-of-way. (Ord. 238 Ch. VII § 1(B), 2000).

20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to apply the provisions of the engineering section.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of street, traffic signalization, channeling, etc.

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

C. It shall be a condition of approval for development permits that required improvements shall be installed by the applicant prior to final approval or occupancy as follows: The provisions of the engineering section shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction and remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

2. Subdivisions;

3. Single-family new constructions and remodels.

Exception 20.70.030(C)(3)(1):

i. Single-family remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this section at the request of the applicant, if approved by the Director.

ii. New single-family construction of a single house may be exempted from some or all of the provisions of this section, except sidewalks and necessary drainage facilities, at the request of the applicant, if approved by the Director.

Exception 20.70.030(1): Exemptions to some or all of these requirements may be allowed if the street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within six years of approval. In such a case, a contribution shall be made to an in-lieu-of fund. The fee shall be calculated based on the improvements that would be required of the development. Contributed funds shall offset future assessments on the property resulting from a local improvement district. An LID covenant shall be recorded. Adequate interim levels of improvements for public safety shall still be required. (Ord. 238 Ch. VII § 1(C), 2000).

Subchapter 2.

Dedications

20.70.040 Purpose.

The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City. Dedication shall occur at the time of recording for subdivisions, and prior to permit issuance for construction projects. Dedications may be required in the following situations:

A. To accommodate motorized and nonmotorized transportation, landscaping, utility, street lighting, traffic control devices, and buffer requirements;

B. The City will accept maintenance responsibility of the facility to be dedicated;

C. The development project abuts an existing substandard public street and the additional right-of-way is necessary to incorporate future frontage improvements for public safety;

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

E. Right-of-way is to be extended to water bodies and/or the center of watercourses as land is developed to provide public access. (Ord. 238 Ch. VII § 2(A), 2000).

20.70.050 Dedication of right-of-way.

A. When a planned street right-of-way, or as is necessary to complete a public City street system, lies within a proposed development, it shall be required to be dedicated to the City as a condition of approval. The City may require the dedication of right-of-way in order to incorporate improvements that are reasonably necessary to mitigate the direct impacts of development.

B. The Director may grant some reduction in the minimum right-of-way requirement where it can be demonstrated that sufficient area has been provided for all frontage improvements, including utilities, within the right-of-way. (Ord. 238 Ch. VII § 2(B), 2000).

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

A. The City is responsible for the maintenance, including performance and operation, of drainage facilities which have formally been accepted for maintenance by the City.

B. The City may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:

1. All necessary upgrades to the facilities to meet City standards have been completed;

2. All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;

3. The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

a. Flooding;

b. Downstream erosion;

c. Property damage due to improper function of the facility;

d. Safety hazard associated with the facility;

e. Degradation of water quality or in-stream resources; or

f. Degradation to the general welfare of the community; and

4. The City has accepted maintenance responsibility in writing.

C. The Director may terminate the Department's assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

1. Flooding;

2. Downstream erosion;

3. Property damage due to improper function of the facility;

4. Safety hazard associated with the facility;

5. Degradation of water quality or in-stream resources; or

6. Degradation to the general welfare of the community.

Copies of this document will be kept on file with the City of Shoreline.

D. A drainage facility which does not meet the criteria of this section shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required. (Ord. 238 Ch. VII § 2(C-1), 2000).

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

A. The property owner and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility that is:

1. Under a maintenance guarantee or defect guarantee;

2. A private road conveyance system;

3. Released from all required financial guarantees prior to date of this Code;

4. Located within and serving only one single-family residential lot;

5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;

6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;

7. Previously terminated for assumption of maintenance responsibilities by the Department; or

8. Not otherwise accepted by the City for maintenance.

B. Prior to the issuance of any of the permits for any multifamily or nonresidential project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the property owner of a City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

1. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the county.

2. The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.

C. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case by case basis. (Ord. 238 Ch. VII § 2(C-2), 2000).

20.70.080 Dedication of open space.

A. The City may accept dedications of sensitive areas which have been identified and are required to be protected as a condition of development. Dedication of such areas to the City will be considered when:

1. The dedicated area would contribute to the City's overall open space and greenway system;

2. The dedicated area would provide passive recreation opportunities and nonmotorized linkages;

3. The dedicated area would preserve and protect ecologically sensitive natural areas, wildlife habitat and wildlife corridors;

4. The dedicated area is of low hazard/liability potential; and

5. The dedicated area can be adequately managed and maintained. (Ord. 238 Ch. VII § 2(C-3), 2000).

20.70.090 Easements and tracts.

This section addresses the usage of easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s).

A. **Easements.**

1. Easements may be used for facilities used by a limited number of parties. Examples of situations where easements may be used include, but are not limited to:

   a. Access for ingress and egress (driveways), or utilities is granted to a neighboring property;

   b. Design features of a street necessitate the granting of slope, wall, and drainage easements; and

   c. Nonmotorized easements are required to facilitate pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers even if the facility is not specifically shown on the City's nonmotorized circulation adopted plan maps.

   Easements granted for public use shall be designated "City of Shoreline Public Easement." All easements shall specify the maintenance responsibility in the recording documents.

B. **Tracts.** Tracts should be used for facilities that are used by a broader group of individuals, may have some degree of access by the general public, and typically require regular maintenance activities. Examples of facilities that may be located in tracts include private streets or drainage facilities serving more than one lot. Tracts are not subject to minimum lot size specifications for the zone, although they must be large enough to accommodate the facilities located within them. (Ord. 238 Ch. VII § 2(D), 2000).

Subchapter 3.

Streets

20.70.100 Purpose.

The purpose of this subchapter is to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occurs in an orderly manner. This section also specifies requirements for the acceptability of private streets and intersection sight clearance. (Ord. 238 Ch. VII § 3(A), 2000).

20.70.110 Street classification.

Streets and rights-of-way are classified as adopted in the Comprehensive Plan in the Street Classification Map, the Pedestrian System Map, the Bicycle System Map, the Truck Routes Map, and the Green Streets Map. (Ord. 238 Ch. VII § 3(B), 2000).

20.70.120 Street plan.

Streets shall be designated and located to conform to the Comprehensive Plan. Where not part of an adopted plan, streets shall be designed to provide for the appropriate continuation of existing principal streets in surrounding areas. Where topography or other natural conditions make such continuation impractical, street design shall conform to a system approved by the Director. (Ord. 238 Ch. VII § 3(B-1), 2000).

20.70.130 Street trees.

The purpose of this section is to protect existing street trees by regulating their maintenance and removal, and to provide for new street trees on existing and new streets.

A. No person shall plant, remove, prune, or otherwise change a tree on a street, right-of-way, parking, or planting strip or other public place without an approved right-of-way permit, or if appropriate, site development permit. The general maintenance of street trees by City employees, their contractors, or assigns in accordance with an approved maintenance schedule is exempt from this requirement.

B. When it is necessary to remove a street tree in connection with right-of-way improvements, the tree(s) shall be replanted or replaced. Replacements shall meet the standards specified in the Engineering Development Guide. The cost of the removal and replacement of street trees shall be the responsibility of the permittee.

C. All new development applications are required to plant street trees consistent with the requirements of the landscaping section. Developments with street frontage identified as green streets in the Comprehensive Plan shall be subject to additional/different provisions as specified in the Engineering Development Guide. (Ord. 238 Ch. VII § 3(B-2), 2000).

20.70.140 Truck routes.

Development proposals located adjacent to truck routes, as identified in the Comprehensive Plan, may be subject to additional/different construction specifications as identified in the Engineering Development Guide. (Ord. 238 Ch. VII § 3(B-3), 2000).

20.70.150 Street naming and numbering.

The purpose of this section is to establish standards for assigning street names and numbers, and for addressing the principal entrances of all buildings or other developments.

A. All streets shall be designated in the following manner:

1. Public or private streets shall be designated within the guidelines of the grid system as determined by the Department. Named streets can only be assigned when the numbered grid is determined infeasible by the Department. The Department may redesignate existing private and City streets if such streets are determined to be inconsistent with the surrounding street designation system.

2. All streets shall carry a geographic suffix or prefix. Streets designated as "Avenues" shall carry a geographic suffix and be in a north-south direction, and streets designated as "Streets" shall carry a geographic prefix and be in an east-west direction. Diagonal streets are treated as being either north-south or east-west streets. Names such as lane, place, way, court, and drive may be used on streets running either direction.

3. Only entire street lengths or distinct major portions of street shall be separately designated.

4. In determining the designation, the Department shall consider consistency with the provisions of this section and emergency services responsiveness including Emergency-911 services.

B. Building addresses shall be assigned as follows:

1. **New Buildings.** The assignment of addresses for new buildings shall occur in conjunction with the issuance of a building permit.

2. **New Lots.** The assignment of new lots created through subdivision, binding site plan, or boundary line adjustment shall occur during project review and be included in the recording documents.

3. **Previously Unassigned Lots.** Lots with no address of record shall be assigned an address and the property owner notified shall be notified of the address.

4. The assignment of addresses shall be based on the following criteria:

a. Even numbers shall be used on the northerly side of streets named as east-west and on the easterly side of streets named as north-south.

b. Odd numbers shall be used on the southerly side of streets named as east-west and on the westerly side of streets named as north-south. Addresses shall be assigned whole numbers only.

c. In determining the address assignment, the Department shall consider the consistency with the provisions of this section, consistency with the addressing needs of the area, and emergency services responsiveness, including Emergency-911 services.

C. Whenever there is doubt or difference of opinion as to the correct street designation or correct address shall be determined by the Department and shall be guided by the specific provisions of this chapter.

D. All buildings must display addresses as follows:

1. The owner, occupant, or renter of any addressed building or other structure shall maintain the address numbers in a conspicuous place over or near the principal entrance or entrances. If said entrance(s) cannot be easily seen from the nearest adjoining street, the address numbers shall be placed in such other conspicuous place on said building or structure as is necessary for visually locating such address numbers from the nearest adjoining street.

2. If the addressed building or structure cannot be easily seen or is greater than 50 feet from the nearest adjoining street, the address numbers shall be placed on a portion of the site that is clearly visible and no greater than 20 feet from the street.

3. The address numbers shall be easily legible figures, not less than three inches high if a residential use or individual multifamily unit, nor less than five inches high if a commercial use. Numbers shall contrast with the color of the structure upon which they are placed, and shall either be illuminated during periods of darkness, or be reflective, so they are easily seen at night. (Ord. 238 Ch. VII § 3(C), 2000).

20.70.160 Private streets.

A. Local access streets may be private, subject to the approval of the City. Private streets will be allowed when all of the following conditions are present:

1. The private street is located within a tract;

2. A covenant which provides for maintenance and repair of the private street by property owners has been approved by the City and recorded with the County; and

3. The covenant includes a condition that the private street will remain open at all times for emergency and public service vehicles; and

4. The private street would not hinder public street circulation; and

5. At least one of the following conditions exists:

a. The street would ultimately serve four or fewer single-family lots; or

b. The street would ultimately serve more than four lots, and the Director determines that no other access is available. In addition, the proposed private street would be adequate for transportation and fire access needs, and the private street would be compatible with the surrounding neighborhood character; or

c. The private street would serve developments where no circulation continuity is necessary. (Ord. 238 Ch. VII § 3(D), 2000).

20.70.170 Sight clearance at intersections – Purpose.

The purpose of this section is to provide for safety at street intersections by restricting the construction or placement of objects in the vicinity of intersections. Intersections addressed in this section include the following:

A. The intersection of two public streets;

B. The intersection of a commercial driveway with a public street;

C. The intersection of a residential driveway with a public street; and

D. The intersection of a private street with a public street. (Ord. 238 Ch. VII § 3(E-1), 2000).

20.70.180 Sight clearance at intersections – Obstruction of intersection.

A. No vehicles shall be parked or any sign, fence, landscaping or other obstruction installed, set out or maintained, which obstructs the view of motor vehicle operators at an intersection within the sight areas and between the height limits.

B. The minimum sight distance for pedestrian safety shall be determined as follows: the driver of an exiting vehicle shall be able to view a one-foot-high object 15 feet away from either edge of the driveway throat when the driver's eye is 14 feet behind the back of the sidewalk.

C. The minimum sight distance shall be maintained at all driveways, buildings, and garage entrances where structures, wing walls, etc. are located adjacent to or in close proximity to a pedestrian walkway.

D. Sight lines to traffic control devices, such as signs or signals, shall not be obscured by landscaping, street furniture, marquees, awnings, or other such obstructions.

E. Sight obstruction shall not be permitted above a line two and one-half feet above the street surface within the sight areas established by this section. However, sight obstructions above a line seven and one-half feet above the street surface are permitted. For single-family residential driveways, this upper height requirement is reduced from seven and one-half feet to six feet. (Ord. 238 Ch. VII § 3(E-2), 2000).

20.70.190 Sight clearance at intersections – Sightline setbacks for intersection types.

The sight area at an intersection is defined as the area bounded by setback lines, or bounded by setback lines and the edge of the traveled lane. Setbacks for intersection types are as specified in the following paragraphs.

A. **Major Street/Minor Street.**

1. Intersections of this type have no control or flashing yellow on the major street, and a stop sign or flashing red signal on the minor street. Private commercial driveways (which may or may not have a stop sign) used by the public for entering any City street are also included in intersections of this type.

2. The setback line shall be defined as a line which joins a point in the center of the minor street approach lane located 14 feet back from the edge of the through-street approach

lane (Point A) and a point in the center of the through-street approach lane (Point B). The location of Point B in the through-street approach lane is specified in the following table:

Posted Speed Limit For Major Street	Distance from Center of Intersection to Point B (Left Approach Only)
40 MPH	410 Feet
35 MPH	360 Feet
30 MPH	300 Feet
25 MPH	250 Feet

3. Where the major street is a divided highway, only the left setback line applies. Where the major street is a one-way street, only the setback line toward the direction of approach applies.

4. Where major obstacles such as preexisting permanent structures, elevated contour of the ground, embankments, or other elements preclude the reasonable enforcement of the setback lines specified above, these setbacks may be modified at the discretion of the City Traffic Engineer. The minor street setback distance to Point A may be reduced from 14 feet to 10 feet, and the major street Point B location may be modified as follows:

Posted Speed Limit For Major Street	Distance from Center of Intersection to Point B
40 MPH	325 Feet
35 MPH	250 Feet
30 MPH	200 Feet
25 MPH	150 Feet

B. **Signalized Intersection.** For signalized intersection approaches with right-turn-on-red-after-stop permitted, the left setback line joins a point in the center of the minor street approach lane located 14 feet back from the edge of the through-street approach lane (Point A) and a point in the center of the left through-street approach lane (Point B). The location of Point A may be reduced to 10 feet subject to approval of the City Engineer. The location of Point B is specified in the following table:

Posted Speed Limit For Major Street	Distance from Center of Intersection to Point B (Left Approach Only)
40 MPH	325 Feet
35 MPH	250 Feet
30 MPH	200 Feet
25 MPH	150 Feet

C. **Residential Driveway Intersection.** For the intersection of a residential driveway with a public street, the setback line joins a point in the center of the driveway (Point A) with a point in the

center of the through-street approach lane (Point B). The setback distance of Point A from the edge of the traveled lane is 10 feet. The location of Point B is specified in the following table:

Posted Speed Limit For Major Street	Distance from Center of Intersection to Point B
40 MPH	325 Feet
35 MPH	250 Feet
30 MPH	200 Feet
25 MPH	150 Feet

When the residential driveway is located on a residential street with a sharp curve adjacent to the driveway, the distance to Point B may be reduced from 150 feet to 100 feet. For residential driveways with major obstacles or special view problems, as determined by the Director, the setback distance on the driveway (Point A) may be reduced from 10 feet to eight feet.

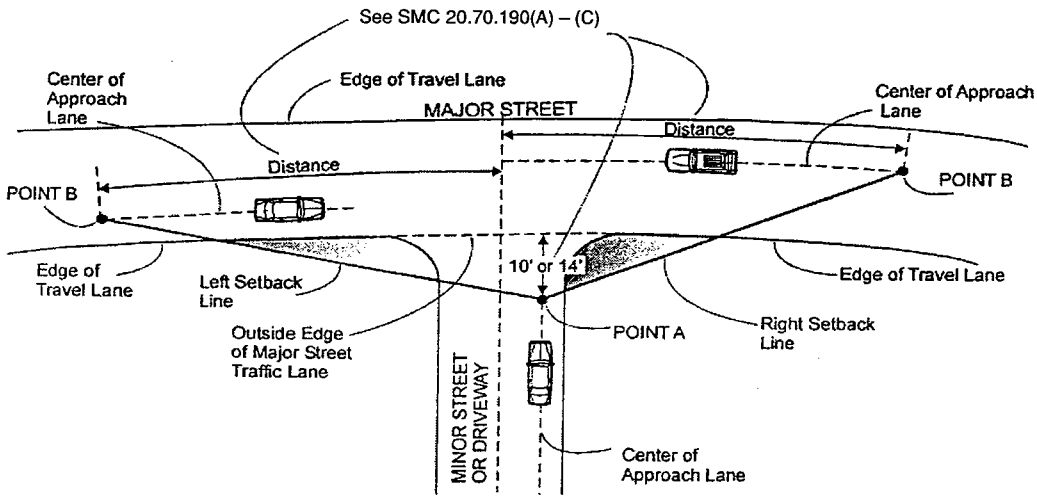

Figure 20.70.190(C): Setback lines for major/minor signalized, and driveway intersections.

D. **Uncontrolled Intersection.** For intersections with no traffic control on any approach, the setback lines join a point on the approach located 50 feet back from the center of the intersection with points located 80 feet back from the center of the intersection on the right and left hand streets. All points are on the street centerlines.

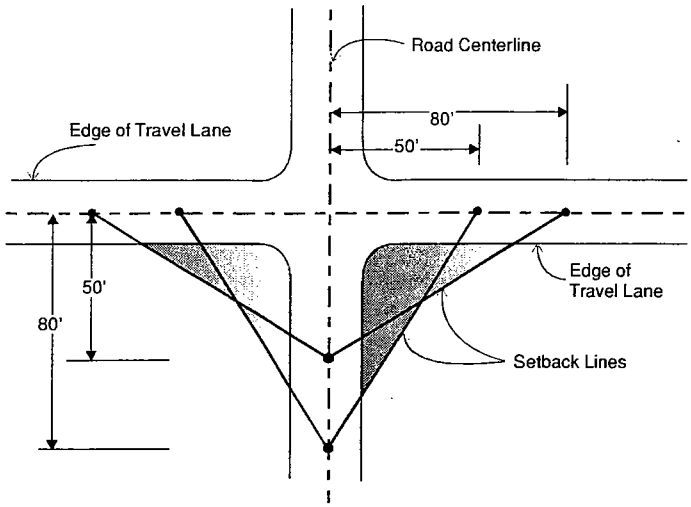

Figure 20.70.190(D): Setback lines – Uncontrolled crossing intersection.

E. **Yield Intersection and T Intersection.** Yield intersections have a yield sign on one or both of the minor street approaches, and no control on the major street approaches. The setback lines for yield intersections join a point in the center of the yield approach lane 25 feet back from the edge of the crossing traffic lane with points in the centers of the crossing approach lanes 100 feet back from the center of the intersection. This setback also applies to a T intersection with no restrictive control; in this case the 25-foot setback point is on the stem of the T.

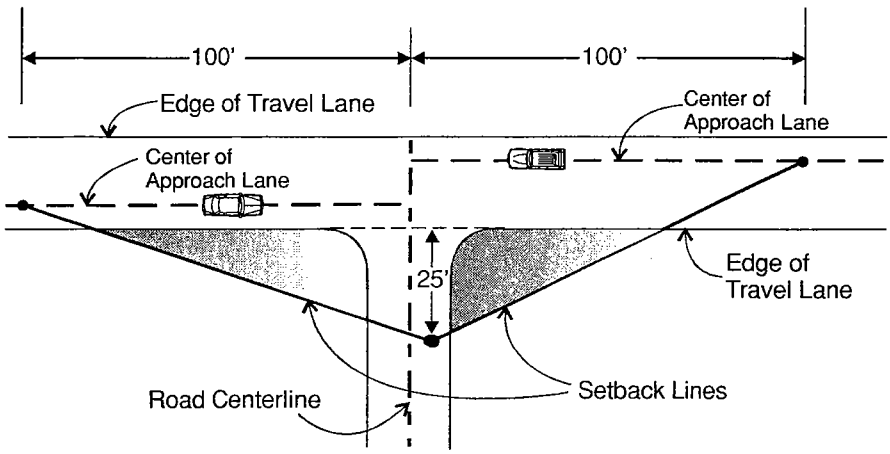

Figure 20.70.190(E): Setback lines – Yield and T intersections.

(Ord. 238 Ch. VII § 3(E-3), 2000).

20.70.200 Sight clearance at intersections – Obstructions allowed.

Obstructions may be allowed as follows:

A. For minor street/through street intersections (major/minor, signalized, and residential driveways), the following obstructions within the established sight areas shall be permitted:

1. One obstruction within each sight area which presents a maximum of two and one-half feet width when viewed from the applicable angle, which has at least two feet clear view inside the obstruction (on the side away from the intersection). At distances greater than 40 feet from the viewpoint, the obstruction may present a maximum of four feet width.

2. Any number of obstructions one and one-half feet or less in maximum width when viewed from any applicable angle; provided there is equal open space on each side of the obstruction for all angles.

B. For intersections with no signalization or stop signs (uncontrolled, yield and T), the following obstructions within the established sight areas shall be permitted:

1. One obstruction within each sight area which presents a maximum of eight feet width when viewed from any applicable angle, and which has at least four feet clear view inside the obstruction and eight feet clear view between the obstruction and the edge of the traffic lanes; or

2. Two obstructions within each sight area each of which presents a maximum of five feet width when viewed from any applicable angle, and separated by four feet or more open space when viewed from all applicable angles, and which have at least four feet clear view inside the obstructions and eight feet clear view between the obstructions and the edge of the traffic lanes; or

3. Any number of obstructions one foot or less in width; provided they obstruct no more than two feet continuous obstruction width when viewed from any applicable angle; and provided there is equal open space on each side of the obstruction for all angles.

C. For intersections not clearly included in the above types and for which view problems may exist, the City Engineer will establish setback lines as required.

D. Where unusual conditions preclude the application of this section in a reasonable manner, the Director may establish minimum sight distances based on the purpose of this section. These minimum sight distances may be more restrictive than provided in this section. (Ord. 238 Ch. VII § 3(E-4), 2000).

Subchapter 4.

Sidewalks, Walkways, Paths and Trails

20.70.210 Purpose.

The purpose of this subchapter is to provide safe and accessible transportation facilities for alternative travel modes as described in the Comprehensive Plan and the Parks, Recreation and Open Space Plan. (Ord. 238 Ch. VII § 4(A), 2000).

20.70.220 Required installation.

As new development occurs, sidewalks, walkways, paths or trails shall be provided. Installation, or a financial security of installation subject to approval by the Director, is required as a condition of development approval. Sidewalks shall be required on all public and private streets as described in the Engineering Development Guide. (Ord. 238 Ch. VII § 4(B), 2000).

20.70.230 Location.

A. Sidewalks fronting public right-of-way shall be located in public right-of-way. The preferred location for other sidewalks, walkways and trails is within existing public rights-of-way. If it is not feasible to locate these facilities within the right-of-way, then easements recorded with the County across private property that guarantee public access may be utilized.

B. Easements and tracts may be used to accommodate trails. Easements and tracts shall be wide enough to include the trail width and a minimum clear distance of two feet on each side of the trail. The width may vary according to site-specific design issues such as topography, buffering, and landscaping.

C. The location of nonmotorized facilities shall consider the following factors:

1. Compliance with the Comprehensive Plan and the Parks, Recreation and Open Space Plan;

2. Need to improve access to public facilities;

3. Need to connect a development with trails;

4. Need for access between developments;

5. Compliance with the standards of the Shoreline Development Code and the Engineering Development Guide;

6. Need for sidewalks on one or both sides of a street. (Ord. 238 Ch. VII § 4(C), 2000).

Subchapter 5.

Right-of-Way Activities

20.70.240 Purpose.

The purpose of this subchapter is to manage the usage and construction within the public right-of-way in a manner with the least impact to the general public. (Ord. 238 Ch. VII § 5(A), 2000).

20.70.250 Regulated activities.

A. A right-of-way permit shall be required for all construction and usage activities within the public right-of-way as described in this section. Additional requirements for the construction and usage of the right-of-way by utility providers are located in the utilities standards in the engineering section. A financial guarantee for all construction and activities within the right-of-way shall be required, unless the Director determines such a guarantee to be unnecessary.

B. City right-of-way shall not be privately improved or used for access or other purposes and no development approval shall be issued that requires use of privately maintained City right-of-way unless a permit has been issued for such use. Permits issued pursuant to this section shall not be construed to convey any vested right or ownership interest in any City right-of-way. Every right-of-way permit shall state on its face that any City right-of-way opened pursuant to this section shall be open to use by the general public except in those cases where specific conditions require the closure of the right-of-way to the public for safety reasons. (Ord. 238 Ch. VII § 5(B), 2000).

20.70.260 Construction within the right-of-way – Purpose.

The purpose of SMC 20.70.260 through 20.70.310 is to permit orderly construction in the right-of-way with the minimum amount of disruption to the right-of-way and/or traffic patterns of the City. (Ord. 238 Ch. VII § 5(C), 2000).

20.70.270 Construction within the right-of-way – Coordination requirements.

A. At the time of application for a right-of-way permit, the applicant shall notify all other public and private utility entities known to be using or proposing to use the same right-of-way of the proposed timing of such construction. Within seven days of receiving this notification, any such entity notified may request a delay of the proposed construction to coordinate other right-of-way construction with the applicant.

The Director may approve a delay of up to 90 days, except in case of emergencies, if the Director determines that such delay will reduce the inconvenience to City street users from construction activities and that the delay will not create undue economic hardship on the applicant. The Director shall also coordinate the approval with City street improvements and maintenance and may also delay the construction under the same circumstances. (Ord. 238 Ch. VII § 5(C-1), 2000).

20.70.280 Construction within the right-of-way – Equipment and materials within the right-of-way.

During nonworking hours the project site is to be left in a manner that is safe and protected from the public using the right-of-way. Equipment and materials are not allowed in the right-of-way unless they are placed in a safe location or protected by permanent guardrails, lighted barricades, or tem-

porary concrete barriers. The use of temporary concrete barriers in the right-of-way is permitted only if the Director approves the installation and location. During work hours, only materials or equipment necessary for construction are allowed in the roadway. (Ord. 238 Ch. VII § 5(C-2), 2000).

20.70.290 Construction within the right-of-way – Traffic and pedestrian control.

A. A traffic control plan meeting the approval of the Director, based on engineering principles, shall be prepared for any activities within the right-of-way that disrupt traffic patterns in accordance with the currently applicable Manual on Uniform Traffic Control Devices (MUTCD). This plan must be developed and submitted with the permit application.

1. Temporary traffic control to ensure traffic safety during construction activities must be provided. A City-approved plan is required prior to starting construction activities.

2. The developer is responsible for the cost of supplying and installing all necessary permanent traffic control devices such as street name signs, stop signs, speed limit signs, and channelization. This City is responsible for conducting the installation of such devices.

3. Neighborhood traffic control devices such as speed humps, traffic circles, curb extensions, etc., are demonstration devices used to control vehicle speeds and cut-through traffic. Installation of these devices will be permitted only when the installation has met criteria established by the Engineering Development Guide and has been approved by the Director.

4. The Traffic and Pedestrian Control Plan shall minimize disruption to pedestrians. In the event of pedestrian disruption, the plan shall contain adequate pedestrian connections and clear signage. (Ord. 238 Ch. VII § 5(C-3), 2000).

20.70.300 Construction within the right-of-way – Pavement cutting and restoration.

A. All pavement types should not be cut for a period of five years after the pavement has been constructed or resurfaced. Trenchless construction techniques such as pushing, jacking, or boring shall be explored on all new or existing pavement road crossings. Pavement cuts parallel to street alignment shall be restored and overlaid for the full width in accordance with City specifications.

B. Unsatisfactory restoration work shall be redone promptly by the permittee. This includes immediately replacing any failed patches. If necessary, unsatisfactory work may be redone by the City and billed to the utility.

C. Cleanup of excavation and debris material shall be accomplished concurrently with the burying operation. At no time shall debris and excavation extend along a line for more than 300 feet.

D. Any temporary restorations shall be made permanent within 30 calendar days from the date of the temporary restoration.

E. All final restoration work shall be guaranteed by the permittee.

F. All abandoned aboveground facilities shall be removed from the right-of-way within 30 days of abandonment by the owner of the facilities. After 30 days, the City may remove any abandoned facilities and recover the cost for removal from the facility owner. (Ord. 238 Ch. VII § 5(C-4), 2000).

20.70.310 Construction within the right-of-way – Survey requirements.

In cases where the Director determines necessary, the applicant may be required to provide a survey prepared by a licensed land surveyor to adequately define the limits of the right-of-way. (Ord. 238 Ch. VII § 5(C-5), 2000).

20.70.320 Usage of right-of-way.

The purpose of SMC 20.70.320 and 20.70.330 is to ensure that structure or activities do not unreasonably obstruct, hinder, jeopardize, injure, or delay the use of the right-of-way for its primary functions: vehicular and pedestrian travel.

A. All usage of the right-of-way shall be for a lawful purpose and shall not breach the peace or adversely interfere with public use of the right-of-way. The location, time, and date of the use must be in accordance with City requirements. All signs for directional control and event advertising must be approved, properly erected, and removed within 24 hours of the termination of the use. The permittee shall be liable for any expense, damages, or cost required to return right-of-way to its condition prior to use by the permittee or to an improved condition if specifically required by the conditions of the permit. The permittee may be required to advise property owners who may be inconvenienced during the right-of-way usage. Police escorts, control, and inspections may be required. All materials used in floats, stands, and use-related structures shall be of fire-retardant materials and subject to Fire Department requirements. Other conditions may be imposed at the discretion of the Director.

B. Specific activities requiring permits include, but are not limited to, the following:

1. Items placed in the right-of-way, such as benches, litter and recycling receptacles placed by private parties, bicycle racks placed by private parties, telephone booths, private planters, or any other obstruction to be placed in the right-of-way by an entity other than the City;

2. Special and unique structures, such as fountains, clocks, flag poles, awnings, marquees, street furniture, kiosks, signs, banners, mailboxes, and decorations;

3. Sales structures, including sidewalk cafes or the usage of the right-of-way for the sale of flowers, food or beverages, newspapers, or other items;

4. Fences, retaining walls, terracing, and other similar structures;

5. Temporary construction devices, such as scaffolding, barricades, walls, elevators, cranes, pedestrian walkways, etc.;

6. "Haul roads", or the usage of public roads to move materials that can cause debris, spills, noise, road damage, and/or unusual traffic congestion;

7. House moves, special usage of the street and/or public right-of-way to move houses or other oversize and overweight materials and structures at specific times and locations;

8. The private use of the air spaces over and the ground under the public right-of-way for long term commitments;

9. Loading zones, bus stops/shelters, parking spaces dedicated for private use on a permanent or temporary basis;

10. Street runs, or races held on public streets and sidewalks on specific routes;

11. Parades and processions;

12. Assemblies, fairs, carnivals, shows, exhibitions, or large gatherings of people that may use or obstruct the right-of-way with people, vehicles, and signs and may produce noise;

13. Filming, video taping, or otherwise producing motion pictures for television or public exhibition. The following activities are exceptions; provided, that they do not disrupt the right-of-way or traffic patterns:

    a. Filming or video taping for private use;

    b. Filming or video taping for use in a criminal investigation;

    c. Filming or video taping for news purposes;

    d. Filming or video taping for charitable purposes; and

    e. Filming or video taping under direction of the City relating to traffic study activities. (Ord. 238 Ch. VII § 5(D), 2000).

20.70.330 Temporary street closures.

The convenience of an open roadway is consistent with the idea of good customer service. The City will discourage street closures and strongly discourage arterial street closures. In the event of street closure, the following standards apply:

A. Signs shall be posted in a conspicuous place at each end of the roadway to be closed and at all intersections associated and/or adjacent to the closed segment of the street.

B. The signs shall be posted no later than three calendar days prior to the proposed closure.

C. Any residential street closures greater than 12 hours will require a detour route plan, signage, and a public notice published in the newspaper of record three days prior to closure.

D. For all nonemergency arterial street closures, the publication of the closure is required in addition to posting signs a minimum of three days in advance, regardless of the length of the closure.

E. For all street closures described above, the permittee is required to notify in writing the following agencies a minimum of three calendar days prior to the closure:

    1. The Shoreline Police Department;

    2. The Shoreline Fire District;

    3. The Shoreline School District; and

    4. King County Transportation Division.

F. These standards shall be considered a minimum; other notifications may be required as appropriate. (Ord. 238 Ch. VII § 5(D-2), 2000).

Subchapter 6.

Utility Standards

20.70.340 Purpose.

The purpose of this subchapter is to provide the requirements and conditions regarding the accommodation of utilities in the City right-of-way. The accommodation of utilities in City right-of-way shall place primary emphasis on the following:

A. Transportation operation and safety;

B. Maintaining the structural integrity of the transportation facility;

C. Preserving the aesthetic value of the facility elements;

D. Protecting the public's investment in the roadway and associated facilities; and

E. Accommodating development or improvements of the City right-of-way. (Ord. 238 Ch. VII § 6(A), 2000).

20.70.350 General utility requirements.

Utility installations shall be located to minimize the need for later adjustment to accommodate future roadway improvements and to permit access to servicing such installations with minimum interference to roadway traffic. Utilities shall attend City preconstruction conferences when notified by the Director, that their facilities may be affected. They shall coordinate the relocation of their facilities with the Director. (Ord. 238 Ch. VII § 6(B), 2000).

20.70.360 Utilities in good standing.

The purpose of designating Utilities in Good Standing (UGS) is to provide a streamlined permitting process by issuing UGS certification. This certification will allow a UGS Utility to work in the right-of-way without a permit for blanket activity work. The UGS Utility may inspect its own blanket activity work and certify that the work has occurred in accordance with the provisions of this section. Each utility may apply for UGS certification in writing on the standard City form.

A. **Approval Standards.** All franchise holders are eligible to apply for UGS certification. To qualify for UGS certification, the following factors shall be considered:

1. A utility must have no more than three written notifications of noncompliance during the preceding 12 months;

2. The utility's past documented performance in complying with City policy and requirements;

3. Terms of the utility's franchise agreement.

Records of the actions by the utilities providing timely relocation and extension, and work that conforms to the standards of this section will be kept by the Department and will be used as a basis for establishing or continuing UGS standing.

B. **Revocation of UGS Standing.** Utility in Good Standing certification shall remain in effect for the term of the franchise agreement, or until the UGS certification is revoked. Revocation may occur for the following reasons:

1. A UGS utility may have its UGS certification immediately revoked upon written notice by the Director for gross noncompliance with City requirements creating health, safety, or roadway stability hazards.

2. A UGS certification may be automatically revoked after three written notifications of noncompliance within a 12-month period. Reasons for notifications of noncompliance may include, but not be limited to, the following list. Failure to:

   a. Comply with the provisions of the franchise agreement;

   b. Comply with the Shoreline Development Code and Engineering Development Guide;

   c. Comply with the latest edition of the MUTCD;

   d. Comply with Washington State Labor and Industry rules;

   e. Comply with the provisions and conditions on an approved permit;

   f. Actively coordinate with City street construction projects, including attending any required design and preconstruction meetings;

   g. Actively coordinate with other utilities on utility-initiated projects;

   h. Respond to requests for relocation information when requested by the City;

   i. Relocate utility franchises in a timely manner that is consistent with approved construction schedules;

   j. Notify the City as soon as it is known that compliance with City standards for a construction project cannot be achieved (an engineering standards variance may be required);

   k. Obtain a permit, when required, to work in the right-of-way;

   l. Notify the City 24 to 72 hours prior to beginning work in the right-of-way;

   m. Notify the appropriate agencies prior to a road closure;

   n. Notify the City of canceled or completed work in a timely manner;

   o. Complete all work within 12 months of permit issuance;

   p. Permanently repair a pavement patch within 30 calendar days after placing temporary paving;

   q. Restore the roadway and pavement in accordance with approved provisions and conditions;

   r. Leave the project site in a manner that is safe and protected;

   s. Minimize the need for cutting of pavement less than 36 months old;

   t. Maintain temporary pavement restorations;

   u. Remove abandoned aboveground facilities in the required timeframes; and

v. Payment of permit fees in a timely manner.

C. The Director shall consider the following before issuing a written letter of noncompliance:

1. The utility's tenure;

2. Prior performance levels;

3. Volume of work conducted;

4. Severity of the noncompliance; and

5. The existence of extreme circumstances beyond the utility's control. (Ord. 238 Ch. VII § 6(B-1), 2000).

20.70.370 Relocation of utility installations.

Utility companies with facilities in City right-of-way shall relocate their service facilities at their own expense when the relocation is necessary to accommodate public right-of-way improvements. In the event such utility company is subject to a franchise agreement or right-of-way use agreement with the City, such agreement shall control any relocation requirement, if inconsistent with this section. (Ord. 238 Ch. VII § 6(B-2), 2000).

20.70.380 Design of utility installations.

The utility is responsible for the design of the utility facility being proposed. This design, in addition to the integrity of the proposed utility facility, shall include provisions for public safety during the course of construction as well as full consideration of traffic safety and traffic accident potential for the life of the installation. The design shall also minimize disturbance to the roadway both during and after construction. In the case of proposed attachment to existing bridges and structures, the utility is responsible for submitting engineering information, including all engineering calculations, to the Director concerning the structural ability of the bridge to carry the additional load. The Director will make a final determination regarding the request and establish design and construction parameters for this type of work. (Ord. 238 Ch. VII § 6(B-3), 2000).

20.70.390 Utility installation.

The Department shall determine whether proposed utility construction is consistent with the applicant's right-of-way franchise from the City. Applications shall be evaluated in respect to the hazard and risk of the proposed construction, location of the proposed construction in relation to other utilities in the right-of-way and the adequacy of the engineering and design of proposed construction. (Ord. 238 Ch. VII § 6(B-4), 2000).

20.70.400 Types of utility activities.

Depending on the type of work and the standing of the utility, a permit may be required for a utility to work in the right-of-way. Utility work is divided into three classifications. In the event of conflict between the standards below and a utility's franchise agreement or right-of-way use agreement, the provisions of the agreement shall apply. (Ord. 238 Ch. VII § 6(C), 2000).

20.70.410 Minor activities.

A. Minor activity work does not disrupt right-of-way or traffic patterns. This type of activity includes work as minimal as trenching the right-of-way outside of the paved area. Some examples include:

1. Street lamp replacement;

2. Accessing existing manholes, handholes, and vaults;

3. Raising valves;

4. Providing cathodic protection; and

5. Replacing existing aboveground meters, transformers, closures, and pedestals.

B. No breaking of any asphalt, curb, gutter, or sidewalk is allowed. No permit or notification is required for this type of work; however, proper traffic control devices must be used and any disturbance to the right-of-way must be repaired in accordance with standards. (Ord. 238 Ch. VII § 6(C-1), 2000).

20.70.420 Blanket activities.

A. Blanket activity work has a moderate effect on nonarterial right-of-way or traffic patterns. Some examples of blanket activity work include:

1. Installing utility services while disturbing no more pavement than the specified maximum amount in each utility blanket agreement;

2. Installing short side services and hydrants;

3. Pushing under a street; and

4. Constructing splice pits.

B. Utilities in good standing are not required to obtain a permit for these types of activities, however fax notification must be provided to the City 24 to 72 hours before starting any blanket activity work. Utilities not in good standing must obtain a permit prior to starting any blanket activity work. (Ord. 238 Ch. VII § 6(C-2), 2000).

20.70.430 Major activities.

Major activities have a major impact on the right-of-way or traffic patterns. Major activities include cutting asphalt greater than the square footage allowed as specified in a blanket activity permit. Examples may include constructing a main line or an open cut road crossing.

All utilities are required to obtain a permit for this type of work. (Ord. 238 Ch. VII § 6(C-3), 2000).

20.70.440 Undergrounding of electric and communication facilities – Purpose.

The purpose of SMC 20.70.440 through 20.70.470 is to require compliance with the following orderly program pertaining to the relocation of all existing overhead wires including, but not limited to, telephone, telegraph, cable television, and electrical power, and to require the underground installation of all electrical and communication facilities, with certain exceptions. (Ord. 238 Ch. VII § 6(D), 2000).

20.70.450 Undergrounding of electric and communication facilities – Scope.

A. This section shall apply to all overhead wires, including electric facilities, communication facilities, and other facilities that are currently attached, or that may in the future be attached, aboveground to poles, including but not limited to electrical, telephone, telegraph, fiber optic, and cable television facilities. In the case of conflict between franchise agreements or undergrounding cooperation agreements and this Code, the terms of the franchise or cooperation agreement shall prevail.

B. This section shall not apply to the following facilities:

1. Freestanding street lights;

2. Police and fire sirens, or any similar municipal equipment, including traffic control equipment;

3. Electrical carrying facilities of a voltage over 35-kV (this exemption only applies to physical structures strictly necessary for the conveyance of an electrical charge in excess of 35-kV. Other facilities attached to these structures are not exempted by this subsection);

4. Wireless communication facilities including, but not limited to, antennas and satellite communication systems;

5. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and

6. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application. (Ord. 238 Ch. VII § 6(D-1), 2000).

20.70.460 Undergrounding of electric and communication facilities – Implementation.

A. This provision regarding undergrounding shall be prospective in application and shall not apply to any CIP project for which the design has been completed by June 6, 1996, or for which the Shoreline City Council has specifically found its application to be inappropriate. This chapter shall be implemented in accordance with Shoreline's Comprehensive Plan.

B. All aboveground facilities in the areas are shown on the official map adopted by Ordinance No. 82, dated 5/21/96, and hereby incorporated by reference as part of this Code. All facilities shown on the subject map shall be converted to underground facilities by June 6, 2011. (Ord. 238 Ch. VII § 6(D-2), 2000).

20.70.470 Undergrounding of electric and communication facilities – When required.

A. Undergrounding requirements are applicable to the following:

1. All capital improvement projects proposed by the City of Shoreline that disturb existing overhead facilities in the public right-of-way shall be designed to include the removal of utility poles and the undergrounding of overhead facilities in that right-of-way in accordance with the requirements of this chapter. Nothing in this section shall be read to require the City to bear the costs associated with such removal or undergrounding. The mandate of this section may be waived if the City manager specifically finds that the proposed project is inappropriate for undergrounding.

2. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the site at the time of application and/or involves the relocation of service.

3. All new residential construction and new accessory structures, the creation of new residential lots, and residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the site at the time of application and/or involves the relocation of service. Residential projects may be exempted from some or all of the undergrounding provisions at the request of the applicant if the project involves the construction, remodel, or addition to only one new house or accessory structure and a street crossing would be necessary.

4. An entity instigates a joint trenching project, as defined in this section that could reasonably serve to replace existing overhead facilities. All extensions, additions, duplications, or rebuilds (excluding repair of casualty damage) of existing overhead facilities or any new facilities that are not exempted by this section shall be installed underground. When an entity instigates a trenching project for the purpose of undergrounding facilities, the entity shall notify all other entities maintaining overhead facilities in the project area. The applicant must either

   a. Wait 60 days for response from the notices and provide sufficient time for coordinating utilities to design and install their facilities; or

   b. Install extra conduit line for additional utility use as determined by the City.

B. In addition to conduit lines required above, one additional conduit line shall be installed to be owned by the City. (Ord. 238 Ch. VII § 6(D-4), 2000).

Chapter 20.80
Special Districts

Sections:

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20.80.005 Purpose.

The purpose of this chapter is to establish specific standards, consistent with the Comprehensive Plan, for:

A. Critical areas;

B. Sub-area plans;

C. Master plans for public facilities and institutions;

D. Unique historical, cultural, and/or environmental resources;

The special districts shall be established by the legislative decision process, subject to the review and/or decisions criteria specified in SMC 20.30.350.

The special district shall establish regulations that in some way modify or supplement the zoning and use provisions (Chapter 20.40 SMC), the development standards (Chapter 20.50 SMC), and engineering/utility development standards (Chapter 20.70 SMC). (Ord. 238 Ch. VIII, 2000).

Subchapter 1.

Critical Areas Overlay District – Administration

20.80.010 Purpose.

A. The purpose of this subchapter is to establish special standards for the protection of critical areas in compliance with the provisions of the Washington Growth Management Act of 1990 (Chapter 36.70A RCW) and to supplement other requirements contained in the City of Shoreline Development Code for the purpose of regulating development of lands located within the critical area overlay district, based on the existence of critical areas as defined in this section.

B. By identifying and regulating development and alterations to critical areas and their buffers it is the intent of this section to:

1. Protect the public from injury, loss of life, property damage or financial losses due to flooding, erosion, landslide, seismic events, soils subsidence or steep slope failure;

2. Protect unique, fragile and valuable elements of the environment, including streams, wetlands, fish and wildlife and fish and wildlife habitat;

3. Reduce cumulative adverse environmental impacts to water quality, wetlands, streams and other aquatic resources, fish and wildlife habitat, steeps slopes and geologically unstable features;

4. Meet the requirements of the National Flood Insurance Program and maintain the City of Shoreline as an eligible community for Federal flood insurance benefits;

5. Ensure the long-term protection of ground and surface water quality;

6. Alert members of the public, including: appraisers, assessors, owners, potential buyers, or lessees, to the development limitations of critical areas and their required buffers;

7. Provide standards, guidelines, and criteria to guide application of these critical areas overlay goals when considered with other goals and policies of the City of Shoreline Municipal Code and City of Shoreline Comprehensive Plan, including those pertaining to natural features and environmental protection;

8. Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's Environmental Procedures (Section III.8); comply with the requirements of the Growth Management Act (Chapter 36.70A RCW) and it's implementing rules; and coordinate environmental review and permitting of proposals to avoid duplication and delay consistent with Chapter 36.70B RCW;

9. Establish standards and procedures that are intended to protect environmentally critical areas while accommodating the rights of property owners to use their property in a reasonable manner; and

10. Provide for the management of critical areas to maintain their functions and values and to restore degraded ecosystems. (Ord. 238 Ch. VIII § 1(A), 2000).

20.80.020 Description.

The City of Shoreline hereby establishes a generalized critical areas overlay district which includes those lands, mapped and unmapped, as described in the sections below. Properties which contain one or more of the following established critical areas and their buffers shall be included within the critical areas overlay district for the City of Shoreline, and shall be subject to the requirements of the

underlying zone classification and to the additional requirements imposed for the overlay district. In the case where the provisions for the overlay district conflict with the provisions of the underlying zone, the provision which provides the most protection for the natural environment shall apply. (Ord. 238 Ch. VIII § 1(B), 2000).

20.80.030 Authority.

The Planning Director shall have the authority to administer the provisions of this section, 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 resource 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 section, and to enforce requirements. (Ord. 238 Ch. VIII § 1(C), 2000).

20.80.040 Critical areas maps.

A. The approximate location and extent of identified critical areas within the City's planning area are shown on the critical areas maps adopted as part of this section (Comprehensive Plan Maps). These maps shall be used for informational purposes only to assist property owners and other interested parties. Boundaries and locations indicated on the maps are generalized. **Critical areas and their buffers may occur within the City which have not previously been mapped.**

B. The actual presence or absence, type, extent, boundaries, and classification of critical areas shall be identified in the field by a qualified consultant, and determined by the City, according to the procedures, definitions and criteria established by this section. In the event of any conflict between the critical area location or designation shown on the City's maps and the criteria or standards of this section, the criteria and standards shall prevail.

C. The critical areas maps shall be periodically updated by the City and shall reflect any permit activity, results of special studies and reports reviewed and approved by the City, amendments to the Comprehensive Plan Environmental Element and Department identified errors and corrections. (Ord. 238 Ch. VIII § 1(D), 2000).

20.80.050 Applicability.

A. Unless explicitly exempted, the provisions of this section shall apply to all land uses and within all zoning designation in the City of Shoreline. All persons within the City shall comply with the requirements of this section.

B. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first assuring compliance with the requirements of this section.

C. Approval of a development proposal pursuant to the provisions of this section does not discharge the obligation of the applicant to comply with the provisions of this section.

D. When any provisions of any other section of the City Code conflicts with this section or when the provisions of this section are in conflict, that provision which provides more protection to critical areas shall apply unless specifically provided otherwise in this section or unless such provision conflicts with Federal or State laws or regulations.

E. The provisions of this section shall apply to any forest practices over which the City has jurisdiction pursuant to Chapter 76.09 RCW and WAC Title 222. (Ord. 238 Ch. VIII § 1(E), 2000).

20.80.060 Regulated activities.

A. The provisions of this section shall apply to any nonexempt activity that has a potential to impact a critical area or its established buffer. Such activities include but are not limited to:

1. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind;

2. Dumping, discharging or filling with any material;

3. Draining, flooding or disturbing the water level or water table;

4. Driving pilings or placing obstructions;

5. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure or the addition of any impervious surface coverage to a site located within a critical area or it's buffer, unless otherwise exempted;

6. Destroying or altering vegetation through clearing, grading, harvesting, shading or planting vegetation that would alter the character of a critical area, including tree cutting, brush clearing, pruning, and other methods of vegetation alteration;

7. Activities that result in significant changes in water temperature, and/or the physical or chemical characteristics of water sources, including water quantity and water quality; and

8. Any other activity that has a potential to impact a critical area or established buffer not otherwise exempt from the provisions of this section.

B. To avoid duplication, the following permit application, review and approvals shall be subject to, and coordinated with, the requirements of this section: clearing and grading; subdivision or short subdivision; building; conditional use; shoreline substantial development; variance; special use; binding site plan, and any other permits leading to the development or alteration of land.

C. Applications for nonproject action, including but not limited to rezones, annexations, and the adoption of plans and programs, may be required to, at the City's direction, perform studies or evaluations required by this section using methodologies and at a level of detail appropriate to the action proposed. (Ord. 238 Ch. VIII § 1(F), 2000).

20.80.070 Exemptions.

The following activities shall be exempt from the provisions of this subchapter:

A. Alterations in response to emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private property as long as any alteration undertaken pursuant to this subsection is reported to the City as soon as possible. Only the minimum intervention necessary to reduce the risk to public health, safety, or welfare and/or the imminent risk of damage to private property shall be authorized by this exemption. The City shall confirm that an emergency exists and determine what, if any, additional applications and/or measures shall

be required to protect the environment consistent with the provisions of this section, and to repair any damage to a preexisting resource;

B. Public water, electric and natural gas distribution, public sewer collection, cable communications, telephone, utility and related activities undertaken pursuant to City-approved best management practices, and best available science with regard to protection of threatened and endangered species, as follows:

1. Normal and routine maintenance or repair of existing utility structures or rights-of-way;

2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less, only when required by the City of Shoreline, which approves the new location of the facilities;

3. Replacement, operation, repair, modification or installation or construction in an improved City road right-of-way or City authorized private roadway of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less;

4. Relocation of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances, only when required by the City of Shoreline, which approves the new location of the facilities; and

5. Replacement, operation, repair, modification, relocations, installation or construction of public sewer local collection, public water local distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances when such facilities are located within an improved public right-of-way or City authorized private roadway.

C. Maintenance, operation, repair, modification or replacement of publicly improved roadways and associated stormwater drainage systems as long as any such alteration does not involve the expansion of roadways or related improvements into previously unimproved rights-of-way or portions of rights-of-way;

D. Maintenance, operation or repair of publicly improved recreation areas as long as any such activity does not involve the expansion of uses and/or facilities into a previously unimproved portion of a preexisting area. Maintenance, operation and repair of publicly improved recreation areas within designated fish and wildlife habitat areas shall be permitted if all activities are performed consistent with the development standards of this section, best available science or adaptive management plans as recognized by the City;

E. Activities involving artificially created wetlands or streams intentionally created from nonwetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities and landscape features, except wetlands, streams or swales created as mitigation or that provide or contribute to critical habitat for salmonid fishes;

F. Activities affecting Type IV wetlands which are individually smaller than 1,000 square feet and/or cumulatively smaller than 2,500 square feet in size;

G. Activities occurring in areas which may be considered small steep slopes (areas of 40 percent slope or greater with a vertical elevation change of up to, but not greater than 20 feet), such as berms, retaining walls, excavations and small natural slopes, and activities on steep slopes created through prior legal grading activity may be exempted based upon City review of a soils

report prepared by a qualified geologist or geotechnical engineer which demonstrates that no adverse impact will result from the exemption;

H. Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations; provided, that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies;

I. Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, bird watching, and use of existing trails for horseback riding, bicycling and hiking, that will not have an adverse effect on the critical area;

J. Normal and routine maintenance and operation of existing landscaping and gardens provided they comply with all other regulations in this section;

K. Minor activities not mentioned above and determined by the City to have minimal impacts to a critical area;

L. Notwithstanding the exemptions provided by this subsection, any otherwise exempt activities occurring in or near a critical area should meet the purpose and intent of SMC 20.80.010 and should consider on-site alternatives that avoid or minimize impacts. (Ord. 238 Ch. VIII § 1(G), 2000).

20.80.080 Partial exemptions.

A. The following are exempt from the provisions of this section except for the notice to title provisions and the flood hazard area provisions, if applicable.

1. Structural modification of, addition to, or replacement of structures, except single detached residences, in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing building footprint of the structure lying within the above-described building setback area, sensitive area or buffer;

2. Structural modification of, addition to, or replacement of single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than 750 square feet over that existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the critical area or, if the existing residence is within the critical area, extend farther into the critical area; and

3. Maintenance or repair of structures which do not meet the development standards of this section for landslide or seismic areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair.

B. A permit or approval sought as part of a development proposal for which multiple permits are required is exempt from the provisions of this section, except for the notice to title provisions, as applicable if:

1. The City of Shoreline has previously reviewed all critical areas on the site; and

2. There is no material change in the development proposal since the prior review; and

3. There is no new information available which may alter previous critical area review of the site or a particular critical area; and

4. The permit or approval under which the prior review was conducted has not expired or, if no expiration date, no more than five years have lapsed since the issuance of that permit or approval; and

5. The site is not located within a critical fish and wildlife habitat area; and

6. The prior permit or approval, including any conditions, has been complied with. (Ord. 238 Ch. VIII § 1(H), 2000).

20.80.090 Critical area special use permit.

If the application of this section would prohibit a development proposal by a private applicant, public agency or public utility, the applicant, agency or utility may apply for a special use permit pursuant to this section. Applications for a critical area special use permit shall be considered a Type C application.

A. The applicant, public agency or utility shall apply to the Department and shall make available to the Department all related project documents such as permit applications to other agencies, special studies and SEPA documents. The Department shall prepare a recommendation to the Hearing Examiner.

B. The Hearing Examiner shall review the application and conduct a public hearing. The Hearing Examiner shall make a recommendation to the City Council based on the following criteria:

1. That the proposed special use is in the public benefit;

2. There are no other practical alternatives to the proposed development which would cause less impact on the critical area; and

3. The proposal minimizes the impact on identified critical areas based on the implementation of adaptive management plans.

4. This special use permit process shall not allow the use of the following critical areas for regional retention/detention facilities except where the Hearing Examiner makes a finding that the facility is necessary to protect public health and safety or repair damaged natural resources:

a. Type I streams or buffers;

b. Type I wetlands or buffers with plant associations of infrequent occurrence; or

c. Type I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant, using best available science, that there will be no impact on such habitat. (Ord. 238 Ch. VIII § 1(I), 2000).

20.80.100 Permit process and application requirements.

A. **Preapplication Conference.** All applicants are encouraged to meet with the City prior to submitting an application subject to this section. The purpose of this meeting shall be to discuss the City's critical area requirements, processes and procedures; to review any conceptual site plans prepared by the applicant; to identify potential impacts to critical areas and appropriate mitigation measures; and to generally inform the applicant of any Federal or State regulations applicable to the subject site. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the City.

B. **Critical Areas Checklist Required.** All applications for land use permits or approvals within the City of Shoreline shall include a completed, signed critical area checklist. The purpose of the critical areas checklist is to allow the Department to review applications to determine if critical area review is warranted or required. Applicants shall complete the critical areas checklist prior to any preapplication conference with the Department.

C. **Application Requirements.**

1. Timing of Submittals. A critical area report must be submitted to the City for review, if applicable. The purpose of the report is to determine the extent, characteristics and functions of any critical areas located on or in close proximity to a site where regulated activities are proposed. The report will also be used by the City to assist in the determination of the appropriate critical area rating and establishment of appropriate buffer requirements in accordance with the appropriate critical area district overlay.

2. Critical Areas Report Contents. Reports and studies required by this section shall include all applicable information for each critical area as identified in submittal requirements see SMC 20.30.100.

D. **Consultant Qualifications and City Review.** All reports and studies required of the applicant by this section shall be prepared by a qualified consultant acceptable to the City as that term is defined in these regulations. The City may, at its discretion and at the applicant's expense, retain a qualified consultant to review and confirm the applicant's reports, studies and plans.

E. **Permit Process.** This section is not intended to create a separate critical areas permit process for development proposals. The City shall consolidate and integrate the review and processing of critical areas aspects of proposals with other land use and environmental considerations and approvals. (Ord. 238 Ch. VIII § 1(J), 2000).

20.80.110 Relationship to other regulations.

A. These critical area regulations shall apply as an overlay and in addition to zoning, land use and other regulations established by the City of Shoreline. In the event of any conflict between these regulations and any other regulations of the City, the regulations which provide greater protection to the environmentally critical areas shall apply.

B. Areas characterized by particular critical areas may also be subject to other regulations established by this section due to the overlap or multiple functions of some critical areas. Wetlands, for example, may be defined and regulated according to the provisions for fish and wildlife habitat conservation areas contained in this section, as well as provisions regulating wetlands. In the event of any conflict between regulations for particular critical areas in this section, the regulations which provide greater protection to environmentally critical areas shall apply. (Ord. 238 Ch. VIII § 1(K), 2000).

20.80.120 Reasonable use provision.

A. The standards and requirements of these regulations are not intended, and shall not be construed or applied in a manner to deny all reasonable economic use of private property. If an applicant demonstrates to the satisfaction of the Hearing Examiner that strict application of these standards would deny all reasonable economic use of a property, development may be permitted subject to appropriate conditions. Applications for reasonable use exemption shall be considered a Type C application.

B. To obtain relief from the strict application of these standards, an applicant shall demonstrate all of the following:

1. No reasonable use with less impact on the critical area and the buffer is feasible or possible; and

2. There are no feasible and reasonable on-site alternatives to the activities proposed, such as possible changes in site layout, reductions in density and similar factors; and

3. The proposed activities, as conditioned, will minimize to the greatest extent possible potential impacts to the affected critical areas; and

4. All reasonable mitigation measures have been implemented or assured; and

5. The inability to derive reasonable economic use is not the result of the applicant's actions. The purchase price of the property or other investment derived expectations shall not be construed to be an applicant's action.

6. The applicant must demonstrate that the use would not cause a hazard to life, health, or property. (Ord. 238 Ch. VIII § 1(L), 2000).

20.80.130 Notice to title.

A. When development is permitted in an identified critical area which is comprised of a regulated critical area and its associated buffer, the area shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical area shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records.

B. Subdivisions, development agreements, and binding site plans which include critical areas or their buffers shall establish a separate tract (a critical areas tract) as a permanent protective measure. The plat or binding site plan for the project shall clearly depict the critical areas tract, and shall include all of the subject critical area and any required buffer, as well as additional lands, as determined by the developer. Restrictions to development within the critical area tract shall be clearly noted on the plat or plan. Restrictions shall be consistent with this section for the entire critical area tract, including any additional areas included voluntarily by the Developer. Should the critical area tract include several types of critical areas the developer may wish to establish separate critical areas tracts. (Ord. 238 Ch. VIII § 1(M), 2000).

20.80.140 Permanent field marking.

A. All critical areas tracts, easements or dedications shall be clearly marked on the site using permanent markings, placed every 300 feet which include the following text:

This area has been identified as a <<INSERT TYPE OF CRITICAL AREA>> by the City of Shoreline. Activities, including clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations may be prohibited. Please contact the City of Shoreline Department of Development (206) 546-1811 for further information.

B. It is the responsibility of the landowner to maintain and replace if necessary all permanent field markings. (Ord. 238 Ch. VIII § 1(N), 2000).

20.80.150 Severability.

If any provision of these regulations or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of these regulations or the application to other persons or circumstances shall not be affected. (Ord. 238 Ch. VIII § 1(O), 2000).

Subchapter 2.

Critical Areas Overlay District – General Development Standards

20.80.160 Alteration of critical areas.

Alteration of critical areas, including their established buffers, may only be permitted subject to the criteria in this section, and compliance with any Federal and/or State permits required. (Ord. 238 Ch. VIII § 2(A), 2000).

20.80.170 Alteration or development of critical areas – Standards and criteria.

All impacts to critical areas functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following sequence:

A. Avoiding the impact altogether by not taking a certain action or parts of actions;

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

C. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

D. Reducing or eliminating the impact over time through preservation and maintenance operations during the life of the action; and/or

E. Compensating for the impact by replacing or providing substitute resources or environments. (Ord. 238 Ch. VIII § 2(B), 2000).

20.80.180 Buffer areas.

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands. Buffers shall consist of an undisturbed area of native vegetation established to achieve the purpose of the buffer. If the buffer area has previously been disturbed, it shall be revegetated pursuant to an approved planting plan. Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas. (Ord. 238 Ch. VIII § 2(C), 2000).

20.80.190 Buffer width performance standards criteria.

Required buffers shall not deny all reasonable use of subject property. Modification of the buffer width requirements and use of the performance standards contained in this Chapter may be allowed by the City upon the applicant conclusively demonstrating that:

A. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that does not apply generally to other properties which support the granting of a variance from the buffer width requirements; and

B. Such buffer width variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of special circumstances is denied to the property in question; and

C. The granting of a buffer width variance will not be materially detrimental to the public welfare or injurious to the property or improvement; and

D. The granting of a buffer width variance will not significantly impact the subject critical area.

E. The mitigation performance standards of the section have been met or exceeded. This may include enhancement, restoration or replacement of critical areas or buffers. (Ord. 238 Ch. VIII § 2(D), 2000).

20.80.200 Classification and rating of critical areas.

To promote consistent application of the standards and requirements of this section, critical areas within the City of Shoreline shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance. Classification of critical areas shall be determined by the City using the following tools:

A. Application of the criteria contained in these regulations;

B. Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulation; and

C. Review of maps adopted pursuant to this section. (Ord. 238 Ch. VIII § 2(E), 2000).

Subchapter 3.

Geologic Hazard Areas

20.80.210 Description and purpose.

A. Geologic hazard areas include lands that are affected by natural processes that make them susceptible to landslides, seismic activity and severe erosion, especially bluff and ravine areas and steep slopes.

B. The primary purpose of geologic hazard area regulations is to avoid and minimize potential impacts to life and property from geologic hazards, conserve soil resources, and minimize structural damage relating to seismic hazards. This purpose shall be accomplished through appropriate levels of study and analysis, application of sound engineering principles, and regulation or limitation of land uses, including maintenance of existing native vegetation, regulation of clearing and grading activities, and control of stormwater. (Ord. 238 Ch. VIII § 3(A), 2000).

20.80.220 Classification.

Geologic hazard areas shall be classified according to the criteria in this section as follows:

A. **Landslide Hazard Areas.** Landslide hazard areas are classified as "Class I", "Class II", "Class III" or "Class IV" as follows:

1. Class I/Low Hazard: Areas with slopes of less than 15 percent.

2. Class II/Moderate Hazard: Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till.

3. Class III/High Hazard: Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay.

4. Class IV/Very High Hazard: Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage), areas of landslide deposits regardless of slope, and all areas sloping 40 percent or steeper.

B. **Seismic Hazard Areas.** Seismic hazard areas are lands that, due to a combination of soil and ground water conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes. These areas are typically underlain by soft or loose saturated soils (such as alluvium) and have a shallow ground water table.

C. **Erosion and Sedimentation Hazards.** Erosion hazard areas are lands or areas underlain by soils identified by the U.S. Department of Agriculture Natural Resources Conservation Service (formerly the Soil Conservation Service) as having "severe" or "very severe" erosion hazards. This includes, but is not limited to, the following group of soils when they occur on slopes of 15 percent or greater: Alderwood-Kitsap (AkF), Alderwood gravely sandy loam (AgD), Kitsap silt loam (KpD), Everett (EvD) and Indianola (InD).

D. **Steep Slopes.** Steep slopes are those areas sloping 40 percent or steeper. (Ord. 238 Ch. VIII § 3(B), 2000).

20.80.230 Required buffer areas.

A. Required buffer widths for geologic hazard areas shall reflect the sensitivity of the hazard area and the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on

or near the area. Buffers or setbacks shall be measured from the top and toe of the slope and along the sides of the slope.

B. In determining the appropriate buffer width, the City shall consider the recommendations contained in any technical report required by these regulations and prepared by a qualified consultant.

C. Buffers may be reduced to a minimum of 15 feet when technical studies conclusively demonstrate that the reduction will adequately protect the proposed and surrounding development from the critical landslide hazard.

D. Critical landslide hazard areas and their associated buffers shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical landslide hazard and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records and Elections. (Ord. 238 Ch. VIII § 3(C), 2000).

20.80.240 Alteration.

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

B. **Class IV Landslide Hazard Areas.** Development shall be prohibited in Class IV (very high) landslide hazards areas except for the installation and construction of streets and/or utilities, that have been granted a special use permit, consistent with the following criteria:

1. The proposed street and/or utility is identified in an adopted plan effective as of the date of adoption, such as the Comprehensive Plan, Capital Facility Plan, Capital Improvement Plan, Transportation Improvement Plan or other Utility Facility Plan. As new or amended plans are prepared and adopted, streets and utilities shall be located to avoid impact to Class IV landslide hazard areas. Where no reasonable alternative exists to locating the subject street or utility in a Class IV landslide hazard areas, review and approval of the plan shall include a discussion of other alternatives considered and the rationale for establishing streets and utilities in the subject Class IV landslide hazard areas.

2. Alternative locations, which avoid impact to Class IV landslide hazard areas have been evaluated and are determined to be economically or functionally infeasible.

3. A geotechnical evaluation to identify the risks of damage from the proposal, both on-site and off-site has been conducted, to ensure that the proposal will not increase the risk of occurrence of the potential geologic hazard; and to identify measures to eliminate or reduce preexisting risks.

4. When no alternative exists, the impact shall be minimized by limiting the magnitude of the proposed construction to the greatest extent possible. Any impacts shall be rectified by

repairing, rehabilitating, restoring, replacing or providing substitute resources consistent with the mitigation and performance standards contained in this section.

C. **Type II, III, IV Landslide Hazards.** Alterations proposed to Type II, III, and IV Landslide Hazards shall be evaluated by a qualified consultant through the preparation of the geotechnical report. However, for proposals that include no development, construction, or impervious surfaces, the City, in its sole discretion, may waive the requirement for a geotechnical report. The recommendations contained within the geotechnical report shall be incorporated into the alteration of the landslide hazard area.

D. **Critical Seismic Hazard Areas.**

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

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

E. When development is permitted in geologic hazard areas by these regulations, an applicant and/or its qualified consultant shall provide assurances which include the following:

1. A report from the geotechnical engineer and/or geologist who prepared the studies required by these regulations that the risk of damage from the proposal, both on-site and off-site, are minimal subject to the conditions set forth in the report, that the proposal will not increase the risk of occurrence of the potential geologic hazard, and that measures to eliminate or reduce risks have been incorporated into the report's recommendations; and

2. A legal statement which shall be recorded and noted on the face of the deed or plat, executed in a form satisfactory to the City, that characterizes the site as being located within a geologic hazard area, and states that there may or may not be risks associated with the development of the site. In addition the provisions for permanent field marking (SMC 20.80.140) may apply; and

3. Posting of a bond, guarantee or other assurance device approved by the City to cover the cost of monitoring, maintenance and any necessary corrective actions. (Ord. 238 Ch. VIII § 3(D), 2000).

20.80.250 Mitigation performance standards and requirements.

The following performance standards shall apply to any mitigations for development proposed within geologic hazard areas located within the City:

A. Relevant performance standards from SMC 20.80.300, 20.80.350 and 20.80.500 as determined by the City, shall be incorporated into mitigation plans.

B. The following additional performance standards shall be reflected in proposals within geologic hazard areas:

1. Geotechnical studies shall be prepared by a qualified consultant to identify and evaluate potential hazards and to formulate mitigation measures.

2. Construction methods will reduce or not adversely affect geologic hazards.

3. Site planning should minimize disruption of existing topography and natural vegetation.

4. Impervious surface coverage should be minimized.

5. Disturbed areas should be replanted as soon as feasible pursuant to an approved landscape plan.

6. Clearing and grading regulations as set forth by the City shall be followed.

7. The use of retaining walls that allow maintenance of existing natural slope areas are preferred over graded slopes.

8. Temporary erosion and sedimentation controls, pursuant to an approved plan, shall be implemented during construction.

9. Undevelopable geologic hazard areas larger than one-half acre shall be placed in a separate tract, provided this requirement does not make the lot nonconforming.

10. A monitoring program shall be prepared for construction activities permitted in geologic hazard areas.

11. Development shall not increase instability or create a hazard to the site or adjacent properties, or result in a significant increase in sedimentation or erosion. (Ord. 238 Ch. VIII § 3(E), 2000).

Subchapter 4.

Fish and Wildlife Habitat Conservation Areas

20.80.260 Description and purpose.

A. Fish and wildlife habitat conservation areas include nesting and breeding grounds for State and Federal threatened, endangered or priority species as identified by the Washington State Department of Fish and Wildlife, including corridors which connect priority habitat, and those areas which provide habitat for species of local significance which have been or may be identified in the City of Shoreline Comprehensive Plan.

B. The purpose of fish and wildlife habitat conservation areas shall be to provide opportunities for food, cover, nesting, breeding and movement for fish and wildlife within the City; maintain and promote diversity of species and habitat within the City; coordinate habitat protection with elements of the City's established open space corridors wherever possible; help to maintain air and water quality; control erosion; provide areas for recreation, education and scientific study and aesthetic appreciation; and contribute to the established character of the City.

C. The City of Shoreline has given special consideration to the identification and regulation of fish and wildlife habitat conservation areas that support anadromous fisheries in order to preserve and enhance species which are or may be listed as endangered, threatened or priority species by State and Federal agencies. (Ord. 238 Ch. VIII § 4(A), 2000).

20.80.270 Classification.

Fish and wildlife habitat areas are those areas that meet any of the following criteria:

A. The documented presence of species proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority; or

B. The presence of heron rookeries or raptor nesting trees; or

C. Type I wetlands, as defined in these regulations; or

D. Type I streams, as defined in these regulations; or

E. Those areas which include the presence of locally significant species, if the City has designated such species. (Ord. 238 Ch. VIII § 4(B), 2000).

20.80.280 Required buffer areas.

A. Buffer widths for fish and wildlife habitat areas shall be based on consideration of the following factors: species specific recommendations of the Washington State Department of Wildlife; recommendations contained in a habitat management plan submitted by a qualified consultant; and the nature and intensity of land uses and activities occurring on the and adjacent to the site.

B. Low impact uses and activities which are consistent with the purpose and function of the habitat buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the habitat area. Examples of uses and activities which may be permitted in appropriate cases include trails that are pervious, viewing platforms, stormwater management facilities such as grass-lined swales, utility easements and other similar uses and activities; provided, that any impacts to the buffer resulting from such permitted facilities shall be fully mitigated.

C. Fish and wildlife habitat conservation areas and their associated buffers shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement,

dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the critical habitat and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records and Elections. (Ord. 238 Ch. VIII § 4(C), 2000).

20.80.290 Alteration.

A. Alterations of fish and wildlife habitat conservation areas shall be avoided, subject to the reasonable use provision section (SMC 20.80.120) or special use permit section (SMC 20.80.090).

B. Any proposed alterations permitted, consistent with special use or reasonable use review, to fish and wildlife habitat conservation area shall require the preparation of a habitat management plan, consistent with the requirements of the Washington State Department of Fish and Wildlife Priority Habitat Program. The habitat management plan shall be prepared by a qualified consultant and reviewed and approved by the City. (Ord. 238 Ch. VIII § 4(D), 2000).

20.80.300 Mitigation performance standards and requirements.

A. Relevant performance standards for other critical areas (such as wetlands and streams) that may be located within the fish and wildlife habitat conservation area, as determined by the City, shall be incorporated into mitigation plans.

B. The following additional mitigation measures shall be reflected in fish and wildlife habitat conservation area mitigation planning:

1. The maintenance and protection of habitat values shall be considered a priority in site planning and design.

2. Buildings and structures shall be located in a manner that preserves and minimizes adverse impacts to important habitat areas. This may include clustering buildings and locating fences outside of habitat areas.

3. Retained habitat shall be integrated into open space and landscaping.

4. Where possible, habitat and vegetated open space shall be consolidated in contiguous blocks.

5. Habitat shall be located contiguous to other habitat areas, open space or landscaped areas both on and off site to contribute to a continuous system or corridor that provides connections to adjacent habitat areas.

6. Native species shall be used in any landscaping of disturbed or undeveloped areas and in any enhancement of habitat or buffers.

7. The heterogeneity and structural diversity of vegetation shall be emphasized in landscaping.

8. Significant trees, preferably in groups, shall be preserved, consistent with the requirements of Chapter 20.50 SMC, Subchapter 5, Tree Conservation, Land Clearing and Site Grading, and with the objectives found in these standards. (Ord. 238 Ch. VIII § 4(E), 2000).

Subchapter 5.

Wetlands

20.80.310 Description and purpose.

A. Wetlands help to maintain water quality; store and convey stormwater and floodwater; recharge ground water; provide important fish and wildlife habitat; and serve as areas for recreation, education, scientific study and aesthetic appreciation.

B. The City's overall goal shall be to achieve no net loss of wetlands. This goal shall be implemented through retention of the function, value and acreage of wetlands within the City. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

C. The primary purpose of the wetland regulations is to avoid detrimental wetland impacts and achieve a goal of no net loss of wetland function, value and acreage; and where possible enhance and restore wetlands. (Ord. 238 Ch. VIII § 5(A), 2000).

20.80.320 Classification.

Wetlands, as defined by this section, shall be designated Type I, Type II, Type III, Type IV and artificial according to the following criteria:

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

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

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

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

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

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

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

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

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

C. "Type III wetlands" are those wetlands that are equal to or less than one acre in size and that have one or two wetland classes and are not rated as Type IV wetlands, or wetlands less than

one-half acre in size having either three wetlands classes or a forested wetland class or subclass.

D. "Type IV wetlands" are those wetlands that are equal to or less than 2,500 square feet, hydrologically isolated and have only one, unforested, wetland class.

E. "Artificially created wetlands" are those landscape features, ponds and stormwater detention facilities purposefully or accidentally created. Artificially created wetlands do not include wetlands created as mitigation or wetlands modified for approved land use activities. Purposeful or accidental creation must be demonstrated to the City through documentation, photographs, statements or other evidence. Artificial wetlands intentionally created from nonwetland sites for the purposes of wetland mitigation are regulated under this section. (Ord. 238 Ch. VIII § 5(B), 2000).

20.80.330 Required buffer areas.

A. Required wetland buffer widths shall reflect the sensitivity of the area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area. Wetland buffers shall be measured from the wetland edge as delineated and marked in the field using the 1987 Department of Ecology Wetland Manual or adopted successor.

B. Wetland buffers shall be established as follows:

Table 20.80.330B

Wetland Type	Maximum Buffer Width (ft)	Minimum Buffer Width (ft)
Type I	150	100
Type II	100	50
Type III	50	25
Type IV	10	10

C. Applicants may choose to establish additional protections beyond the maximum. The City may extend the width of the buffer on the basis of site-specific analysis when necessary to achieve the goals of this section.

D. The maximum buffer width shall be established unless the applicant can demonstrate one or both of the following:

1. The proposed use and/or activities are considered low impact, and may include the following:

   a. A site layout with no parking, outdoor storage, or use of machinery;

   b. The proposed use does not involve usage or storage of chemicals; and/or

   c. Passive areas are located adjacent to the subject buffer; and/or

   d. Both the wetland and its buffer are incorporated into the site design in a manner which eliminates the risk of adverse impact on the subject critical area.

2. Wetland and buffer enhancement is implemented. This includes but is not limited to the following:

   a. Enhancement of fish and wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck houses, bat boxes, nesting platforms, snags, rootwads/stumps, birdhouses, and heron nesting areas.

   b. Planting native vegetation that would increase value for fish and wildlife habitat, improve water quality, or provide aesthetic/recreational value.

E. Wetland buffer widths may be modified by averaging buffer widths as set forth herein. Buffer width averaging shall be allowed only where the applicant demonstrates to the City that the wetland contains variations in sensitivity due to existing physical characteristics; that lower intensity land uses would be located adjacent to areas where buffer width is reduced; that width averaging will not adversely impact the wetland functional values; and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging. Buffer averaging shall not result in buffer width being reduced by more than 25 percent of the required buffer as set forth in Table 20.80.330B and in no case may the buffer be less than 10 feet in width.

F. Low impact uses and activities which are consistent with the purpose and function of the wetland buffer and do not detract from its integrity may be permitted within the buffer depending on the sensitivity of the wetland. Examples of uses and activities which may be permitted in appropriate cases include trails constructed in a manner to reduce impervious surfaces, viewing platforms, and utility easements; provided, that any impacts to the buffer resulting from such permitted activities is fully mitigated. Uses permitted within the buffer shall be located as far from the wetland as possible.

G. Stormwater management facilities, such as grass lined swales, may not be located within the minimum buffer area as set forth in Table 20.80.330B unless it is determined that the location of the facility will enhance the buffer area, and protect the wetland.

H. A regulated wetland and its associated buffer shall either be placed in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City. The location and limitations associated with the wetland and its buffer shall be shown on the face of the deed or plat applicable to the property and shall be recorded with the King County Department of Records. (Ord. 238 Ch. VIII § 5(C), 2000).

20.80.340 Alteration.

A. **Type I Wetlands.** Alterations of Type I wetlands shall be prohibited subject to the reasonable use provisions and special use permit provision of this section.

B. **Type II, III and IV Wetlands.**

1. Any proposed alteration and mitigation shall comply with the mitigation performance standards and requirements of these regulations; and

2. No net loss of wetland function and value may occur; and

3. Where enhancement or replacement is proposed, ratios shall comply with the requirements of this section. (Ord. 238 Ch. VIII § 5(D), 2000).

20.80.350 Mitigation performance standards and requirements.

A. **Appropriate Wetland Mitigation Sequence and Actions.** Where impacts cannot be avoided, and the applicant has exhausted feasible design alternatives, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in this section.

B. Impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence: Avoidance, minimization, restoration and replacement. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

1. All feasible and reasonable measures will be taken to reduce impacts and losses to the critical area, or to avoid impacts where avoidance is required by these regulations; and

2. The restored, created or enhanced critical area or buffer will be as available and persistent as the critical area or buffer area it replaces; and

3. In the case of wetlands and streams, no overall net loss will occur in wetland or stream functions and values.

C. **Location and Timing of Wetland Mitigation.**

1. Wetland mitigation shall be provided on-site, unless on-site mitigation is not scientifically feasible due to the physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

2. When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant such as an easement, provided such mitigation is beneficial to the critical area and associated resources. It is the responsibility of the applicant to obtain title to off-site mitigation areas.

3. In-kind mitigation shall be provided except when the applicant demonstrates and the City concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.

4. Only when it is determined by the City that subsections (C)(1), (2), and (3) of this section are inappropriate and impractical shall off-site, out-of-kind mitigation be considered.

5. When wetland mitigation is permitted by these regulations on-site or off-site, the mitigation project shall occur near an adequate water supply (river, stream, ground water) with a hydrologic connection to the proposed wetland mitigation area to ensure successful development or restoration.

6. Any agreed upon mitigation proposal shall be completed prior to project construction, unless a phased schedule that assures completion concurrent with project construction, has been approved by the City.

7. Wetland acreage replacement ratios shall be as specified in this section.

8. When wetland mitigation is permitted by these regulations, native plant materials salvaged from the original wetland area shall be utilized to the maximum extent possible.

D. **Wetland Replacement Ratios.**

1. Where wetland alterations are permitted by the City, the applicant shall restore or create areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to acreage, function, type, location, timing factors and projected success of restoration or creation.

2. When creating or enhancing wetlands, the following acreage replacement ratios shall be used:

Table 20.80.350D

Wetland Type	Wetland Creation Replacement Ratio (Area)	Wetland Enhancement Ratio (Area)
Type I	6:1	2:1
Type II	2:1	1:1
Type III	2:1	1:1
Type IV	1.25:1	1:1

The Department shall have discretion to increase these standards where mitigation is to occur off-site or in other appropriate circumstances.

3. Enhanced wetlands shall have higher wetland values and functions than the altered wetland. The values and functions transferred shall be of equal or greater quality to assure no net loss of wetland values and functions.

4. Enhanced and created wetlands shall be appropriately classified and buffered.

5. An enhanced or created wetland and its associated buffer shall be placed either in a separate tract on which development is prohibited, protected by execution of an easement, dedicated to a conservation organization or land trust, or similarly preserved through a permanent protective mechanism acceptable to the City and shall be recorded with the King County Department of Records.

E. **Wetlands Performance Standards.** The performance standards in this section shall be incorporated into mitigation plans submitted to the City for impacts to critical areas. In addition, the City may prepare a technical manual which includes guidelines and requirements for report preparation. The following performance standards shall apply to any mitigations proposed within Type I, Type II, Type III and Type IV wetlands.

1. Plants indigenous to the region (not introduced or foreign species) shall be used.

2. Plant selection shall be consistent with the existing or projected hydrologic regime, including base water levels and stormwater event fluctuations.

3. Plants should be commercially available or available from local sources.

4. Plant species high in food and cover value for fish and wildlife shall be used.

5. Mostly perennial species should be planted.

6. Committing significant areas of the site to species that have questionable potential for successful establishment shall be avoided.

7. Plant selection must be approved by a qualified consultant.

8. The following standards shall apply to wetland design and construction:

   a. Water depth shall not to exceed six and one-half feet (two meters).

   b. The grade or slope that water flows through the wetland shall not exceed six percent.

   c. Slopes within the wetland basin and the buffer zone shall not be steeper than 3:1 (horizontal to vertical).

   d. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark.

9. Substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals or solid/hazardous wastes) inorganic/organic materials.

10. Planting densities and placement of plants should be determined by a qualified consultant and shown on the design plans.

11. The planting plan shall be approved by the City.

12. Stockpiling should be confined to upland areas and contract specifications should limit stockpiling of earthen materials to durations in accordance with City clearing and grading standards, unless otherwise approved by the City.

13. Planting instructions shall be submitted which describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock.

14. Controlled release fertilizer shall be applied (if required) at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process).

15. An irrigation system shall be installed, if necessary, for the initial establishment period.

16. All construction specifications and methods shall be approved by a qualified consultant and the City.

17. Construction management shall be provided by a qualified consultant. On-going work on-site shall be inspected by the City.

F. **Approved Wetland Mitigation Projects – Signature.** On completion of construction, any approved mitigation project shall be signed off by the applicant's qualified consultant and approved by the City. Signature of the qualified consultant and approval by the City will indicate that the construction has been completed as planned.

G. **Monitoring Program and Contingency Plan.**

1. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.

2. A contingency plan shall be established for indemnity in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable security device is required to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the performance and maintenance bond shall equal 125

percent of the cost of the mitigation project for a minimum of five years. The bond may be reduced in proportion to work successfully completed over the period of the bond. The bonding period shall coincide with the monitoring period.

3. Monitoring programs prepared to comply with this section shall reflect the following guidelines:

   a. Scientific procedures shall be used to establish the success or failure of the project.

   b. For vegetation determinations, permanent sampling points shall be established.

   c. Vegetative success shall, at a minimum, equal 80 percent survival of planted trees and shrubs and 80 percent cover of desirable understory or emergent plant species at the end of the required monitoring period. Additional standards for vegetative success, including (but not limited to) minimum survival standards following the first growing season, may be required after consideration of a report prepared by a qualified consultant.

   d. Monitoring reports on the current status of the mitigation project shall be submitted to the City. The reports are to be prepared by a qualified consultant and reviewed by the City or a consultant retained by the City and should include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, as applicable, and shall be produced on the following schedule: at the time of construction; 30 days after planting; early in the growing season of the first year; at the end of the growing season of the first year; twice during the second year; and annually thereafter.

   e. Monitoring programs shall be established for a minimum of five years.

   f. If necessary, failures in the mitigation project shall be corrected.

   g. Dead or undesirable vegetation shall be replaced with appropriate plantings.

   h. Damage caused by erosion, settling, or other geomorphological processes shall be repaired.

   i. The mitigation project shall be re-designed (if necessary) and the new design shall be implemented and monitored, as is subsection (G)(2)(d) of this section.

   j. Correction procedures shall be approved by a qualified consultant and the City. (Ord. 238 Ch. VIII § 5(E), 2000).

Subchapter 6.

Flood Hazard Areas

20.80.360 Description and purpose.

A. A flood hazard area consists of the following components: floodplain; flood fringe; zero-rise floodway; and Federal Emergency Management Agency (FEMA) floodway.

B. It is the purpose of these regulations to ensure that the City of Shoreline meets the requirements of the National Flood Insurance Program and maintains the City as an eligible community for Federal flood insurance benefits. (Ord. 238 Ch. VIII § 6(A), 2000).

20.80.370 Classification.

Flood hazard areas shall be determined after obtaining, reviewing and utilizing base flood elevations and available floodway data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "100-year flood." The base flood is determined for existing conditions, and is shown on Flood Insurance Rate Maps for King County (FIRM) and incorporated areas, current version; or mapped on the King County Sensitive Areas Folio, unless a more complete basin plan including projected flows under future developed conditions has been completed and adopted by the City of Shoreline, in which case these future flow projections shall be used. In areas where the flood insurance study for the City includes detailed base flood calculations, those calculations may be used. (Ord. 238 Ch. VIII § 6(B), 2000).

20.80.380 Flood fringe – Development standards and permitted alterations.

A. Development proposals shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity which would reduce the effective storage volume shall be mitigated by creating compensatory storage on the site or off the site if legal arrangements can be made to assure that the effective compensatory storage volume will be preserved over time.

B. No structure shall be allowed which would be at risk due to stream bank destabilization including, but not limited to, that associated with channel relocation or meandering.

C. All elevated construction shall be designed and certified by a professional structural engineer licensed by the State of Washington and the design shall be approved by the City prior to construction.

D. Subdivisions, short subdivisions and binding site plans shall meet the following requirements:

1. New building lots shall contain no less than 5,000 square feet of buildable land outside the zero-rise floodway, and building setback areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;

2. All utilities and facilities such as stormwater facilities, sewer, gas, electrical and water systems shall be located and constructed consistent with the standards and requirements of this section;

3. Base flood data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined; and

4. The following notice shall also be shown on the face of the recorded subdivision, short subdivision or binding site plan for all affected lots:

NOTICE
Lots and structures located within Flood Hazard Areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.

E. New residential structures and improvements that include the creation of new impervious surfaces associated with existing residential structures shall meet the following requirements:

1. The lowest floor shall be elevated to the flood protection elevation;

2. Portions of a structure which are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:

   a. A minimum of two openings on opposite walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

   b. The bottom of all openings shall be no higher than one foot above grade; and

   c. Openings may be equipped with screens, louvers or other coverings or devices if they permit the unrestricted entry and exit of floodwaters;

3. Materials and methods which are resistant to and minimize flood damage shall be used; and

4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the flood protection elevation.

F. New nonresidential structures and substantial improvements of existing nonresidential structures shall meet the following requirements:

1. **Elevation.**

   a. Requirements for residential structures contained in subsection (E)(1) of this section shall be met; or

   b. The structure shall be floodproofed to the flood protection elevation and shall meet the following requirements:

      i. The applicant shall provide certification by a professional civil or structural engineer licensed by the State of Washington that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications; and

      ii. Approved building permits for floodproofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums shall be based upon rates for structures which are one foot below the floodproofed level;

2. Materials and methods which are resistant to and minimize flood damage shall be used; and

3. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the flood protection elevation.

G. All new construction shall be anchored to prevent flotation, collapse or lateral movement of the structure.

H. Mobile homes and mobile home parks shall not be permitted in flood hazard areas.

I. Utilities shall meet the following requirements:

1. New and replacement utilities including, but not limited to, sewage treatment facilities shall be floodproofed to or elevated above the flood protection elevation;

2. Aboveground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and

3. Buried utility transmission lines transporting hazardous substances shall be installed at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a professional civil engineer licensed by the State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

J. Critical facilities may be allowed within the flood fringe of the floodplain, but only when no feasible alternative site is available. Critical facilities shall be evaluated through the conditional or special use permit process. Critical facilities constructed within the flood fringe shall have the lowest floor elevated to three or more feet above the base flood elevation. Floodproofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities from the nearest maintained public street or roadway.

K. Prior to approving any permit for alterations in the flood fringe, the City shall determine that all permits required by State or Federal law have been obtained. (Ord. 238 Ch. VIII § 6(C), 2000).

20.80.390 Zero-rise floodway – Development standards and permitted alterations.

A. The requirements which apply to the flood fringe shall also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict.

B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:

1. Amendments to the flood insurance rate map are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

2. Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

C. The following are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact:

1. New residential structures outside the FEMA floodway on lots in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the zero-

rise floodway and which have a total building footprint of all proposed structures on the lot of less than 2,000 square feet;

2. Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased; or

3. Substantial improvements of existing residential structures meeting the requirements for new residential structures in this title.

D. Post or piling construction techniques which permit water flow beneath a structure shall be used.

E. All temporary structures or substances hazardous to public health, safety and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30th to May 1st.

F. New residential structures or any structure accessory to a residential use shall meet the following requirements:

1. The structures shall be outside the FEMA floodway; or

2. The structures shall be on lots in existence before November 27, 1990, which contain less than 5,000 square feet of buildable land outside the zero-rise floodway. Structures shall be designed and situated to minimize encroachment into the zero-rise floodway.

G. Utilities may be allowed within the zero-rise floodway if the City determines that no feasible alternative site is available, subject to the requirements of this section. Construction of sewage treatment facilities shall be prohibited.

H. Critical facilities shall not be allowed within the zero-rise floodway except as provided in subsection (I) of this section.

I. Structures and installations which are dependent upon the floodway may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:

1. Dams or diversions for water supply, flood control, or fisheries enhancement;

2. Flood damage reduction facilities, such as levees and pumping stations;

3. Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;

4. Stormwater conveyance facilities subject to the development standards for streams and wetlands and the surface water design manual;

5. Boat launches and related recreation structures;

6. Bridge piers and abutments; and

7. Other fisheries enhancement or stream restoration projects. (Ord. 238 Ch. VIII § 6(D), 2000).

20.80.400 FEMA floodway – Development standards and permitted alterations.

A. The requirements which apply to the zero-rise floodway shall also apply to the FEMA floodway. The more restrictive requirements shall apply where there is a conflict.

B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation.

C. New residential or nonresidential structures shall be prohibited within the FEMA floodway.

D. Substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact. (Ord. 238 Ch. VIII § 6(E), 2000).

20.80.410 Flood hazard areas – Certification by engineer or surveyor.

A. For all new structures or substantial improvements in a flood hazard area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the State of Washington of:

1. The actual as-built elevation of the lowest floor, including basement; and

2. The actual as-built elevation to which the structure is floodproofed, if applicable.

B. The engineer or surveyor shall indicate if the structure has a basement.

C. The City shall maintain the certifications required by this section for public inspection. (Ord. 238 Ch. VIII § 6(F), 2000).

Subchapter 7.

Aquifer Recharge Areas

20.80.420 Description and purpose.

A. Aquifer recharge areas provide a source of potable water and contribute to stream discharge during periods of low flow. Urban-type pollutants may enter watercourse supplies through potential infiltration of pollutants through the soil to ground water aquifers.

B. The primary purpose of aquifer recharge area regulations is to protect aquifer recharge areas by providing for regulation of land use activities that pose a risk of potential aquifer contamination and to minimize impacts through the application of strict performance standards. (Ord. 238 Ch. VIII § 7(A), 2000).

20.80.430 Classification.

Aquifer recharge areas shall be classified based on the soil and ground water conditions and risks to surface water during periods of low hydrology. Classification depends on the combined effects of hydrogeological susceptibility to contamination and contaminant loading potential, and includes upland areas underlain by soils consisting largely of silt, clay or glacial till, upland areas underlain by soils consisting largely of sand and gravel, and wellhead protection areas and areas underlain by soils consisting largely of sand and gravel in which there is a predominantly downward or lateral component to ground water flow. (Ord. 238 Ch. VIII § 7(B), 2000).

20.80.440 Alteration.

The following land uses and activities shall require implementation of Best Management Practices (BMPs) as established by the Department of Ecology:

A. Land uses and activities that involve the use, storage, transport or disposal of significant quantities of chemicals, substances or materials that are toxic, dangerous or hazardous, as those terms are defined by State and Federal regulations.

B. On-site community sewage disposal systems.

C. Underground storage of chemicals.

D. Petroleum pipelines.

E. Solid waste landfills. (Ord. 238 Ch. VIII § 7(C), 2000).

20.80.450 Performance standards and requirements.

Any uses or activities located in a aquifer recharge area, as defined within this section, that involve the use, storage, transport or disposal of significant quantities of chemicals, substances, or materials that are toxic, dangerous or hazardous, as those terms are defined by State and Federal regulations, shall comply with the following additional standards:

A. Underground storage of chemicals, substances or materials that are toxic, hazardous or dangerous is discouraged.

B. Any chemicals, substances or materials that are toxic, hazardous or dangerous shall be segregated and stored in receptacles or containers that meet State and Federal standards.

C. Storage containers shall be located in a designated, secured area that is paved and able to contain leaks and spills, and shall be surrounded by a containment dike.

D. Secondary containment devices shall be constructed around storage areas to retard the spread of any spills and a monitoring system should be implemented.

E. A written operations plan shall be developed, including procedures for loading/unloading liquids and for training of employees in proper materials handling.

F. An emergency response/spill clean-up plan shall be prepared and employees properly trained in to react to accidental spills.

G. Any aboveground storage tanks shall be located within a diked containment area on an impervious surface. The tanks shall include overfill protection systems and positive controls on outlets to prevent uncontrolled discharges.

H. Development should be clustered and impervious surfaces limited where possible.

I. No waste liquids or chemicals of any kind shall be discharged to storm sewers.

J. All development shall implement Best Management Practices (BMPs) for water quality, as approved by the City, including the standards contained within the City of Shoreline Stormwater Design Manual, such as biofiltration swales and use of oil-water separators, and BMPs appropriate to the particular use proposed. (Ord. 238 Ch. VIII § 7(D), 2000).

Subchapter 8.

Stream Areas

20.80.460 Description and purpose.

A. Stream areas and their associated buffers provide important fish and wildlife habitat and corridors; help to maintain water quality; store and convey stormwater and floodwater; recharge groundwater; and serve as areas for recreation, education and scientific study and aesthetic appreciation.

B. The primary purpose of the stream area regulations is to avoid impacts to streams and associated riparian corridors and where possible, provide for stream enhancement and rehabilitation. (Ord. 238 Ch. VIII § 8(A), 2000).

20.80.470 Classification.

Streams shall be designated Type I, Type II, Type III, and Type IV according to the criteria in this section. When more than one stream type is present in short alternating segments on a subject property, it will be classified according to the stream type which is more restrictive.

A. "Type I streams" are those streams identified as "Shorelines of the State" under the City Shoreline Master Program.

B. "Type II streams" are those natural streams that are not Type I streams and are either perennial or intermittent and have one of the following characteristics:

1. Salmonid fish use;

2. Potential for salmonid fish use; or

3. Significant recreational value.

C. "Type III streams" are those natural streams with perennial (year-round) or intermittent flow and are not used by salmonid fish and have no potential to be used by salmonid fish.

D. "Type IV streams" are those streams and natural drainage swales with perennial or intermittent flow with channel width less than two feet taken at the ordinary high water mark that are not used by salmonid fish.

E. "Intentionally created streams" are those manmade streams defined as such in these regulations, and do not include streams created as mitigation. Purposeful creation must be demonstrated to the City through documentation, photographs, statements and/or other evidence. Intentionally created streams may include irrigation and drainage ditches, grass-lined swales and canals. Intentionally created streams are excluded from regulation under this section, except manmade streams that provide critical habitat for species of fish and wildlife that are proposed or listed by the Federal government or State of Washington as endangered, threatened, critical, or priority species. Intentionally created streams that provide documented critical habitat for these species shall be classified and treated as natural streams. (Ord. 238 Ch. VIII § 8(B), 2000).

20.80.480 Required buffer areas.

A. Required buffer widths shall reflect the sensitivity of the stream type, the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the stream area. Stream

buffers shall be measured from the ordinary high water mark (OHWM) or the top of the bank, if the OHWM can not be determined.

B. The following buffers are established for streams:

Table 20.80.480B

Stream Type	Maximum Buffer Width (ft)	Minimum Buffer Width (ft)
Type I	150	100
Type II	100	75
Type III	50	25
Type IV	25	10

C. The maximum buffer width will be established unless the applicant implements one or more enhancement measures. The measures determined most applicable and/or appropriate will be considered in reducing buffer requirements. These include but are not limited to:

1. Removal of fish barriers to restore accessibility to anadromous fish.

2. Enhancement of fish habitat using log structures incorporated as part of a fish habitat enhancement plan.

3. Enhancement of fish and wildlife habitat structures that are likely to be used by wildlife, including wood duck houses, bat boxes, nesting platforms, snags, rootwads/stumps, birdhouses, and heron nesting areas.

4. Additional enhancement measures may include:

   a. Planting native vegetation within the buffer area, especially vegetation that would increase value for fish and wildlife, increase stream bank or slope stability, improve water quality, or provide aesthetic/recreational value; or

   b. Creation of a surface channel where a stream was previously underground, in a culvert or pipe. Surface channels which are "daylighted" shall be located within a buffer area and shall be designed with energy dissipating functions such as meanders to reduce future erosion;

   c. Removal or modification of existing stream culverts (such as at road crossings) to improve fish passage and flow capabilities; or

   d. Upgrading of retention/detention facilities or other drainage facilities beyond required levels.

D. No structures or improvements shall be permitted within the stream buffer area, including buildings, decks, docks, except as otherwise permitted or required under the City's adopted Shoreline Master Program, or under one of the following circumstances:

1. When the improvements are part of an approved rehabilitation or mitigation plan; or

2. For the construction of new roads and utilities, and accessory structures, when no feasible alternative location exists; or

3. The construction of trails, consistent with the following criteria:

a. Trails should be constructed of permeable materials;

b. Trails shall be designed in a manner that minimizes impact on the stream system;

c. Trails shall have a maximum trail corridor width of 10 feet; and

d. Trails should be located within the outer half of the buffer, i.e., that portion of the buffer that is farther away from the stream; or

4. The construction of footbridges; or

5. The construction of educational facilities, informational signs; or

6. The establishment of stormwater management facilities, such as grass lined swales, when located outside of the minimum buffer area as set forth in the Table 20.80.480B.

E. The City may extend the width of the buffer on the basis of site-specific analysis when necessary to comply with an adopted basin plan in accordance with City, County, State or Federal plans to preserve endangered or threatened species.

F. Stream buffer widths may be modified by averaging buffer widths as set forth herein.

1. Buffer width averaging shall be allowed only where the applicant demonstrates to the City that the stream contains variations in sensitivity due to existing physical characteristics, that lower intensity land uses would be located adjacent to areas where buffer width is reduced, and that the total area contained within the buffer after averaging is no less than that contained within the standard buffer prior to averaging.

2. Buffer averaging shall not result in the buffer width being reduced by more than 25 percent of the required buffer as set forth in the table in subsection 1 of this section and in no case may the buffer be less than 25 feet in width.

G. Relocation of a Type I, II, III stream in order to facilitate general site design shall not be allowed. Relocation of these classes of streams may take place only when the proposed relocation is part of an approved mitigation or rehabilitation plan, will result in equal or better habitat and water quality, and will not diminish the flow capacity of the stream. (Ord. 238 Ch. VIII § 8(C), 2000).

20.80.490 Alteration.

A. Bridges shall be used to cross Type I streams. Culverted crossings and other obstructive means of crossing Type I streams shall be prohibited.

B. Culverts are allowable only under the following circumstances:

1. Crossing of Type II, III, and IV streams;

2. When fish passage will not be impaired;

3. When the following design criteria are met:

a. Oversized culverts will be installed;

b. Culverts will include gradient controls and creation of pools within the culvert for Type II streams where appropriate; and

c. Gravel substrate will be placed in the bottom of the culvert to a minimum depth of one foot for Type II streams;

4. The applicant or successors shall, at all times, keep any culvert free of debris and sediment to allow free passage of water and, if applicable, fish.

C. The City may require that a culvert be removed from a stream as a condition of approval, unless it is demonstrated conclusively that the culvert is not detrimental to fish habitat or water quality, or removal would be detrimental to fish or wildlife habitat or water quality. (Ord. 238 Ch. VIII § 8(D), 2000).

20.80.500 Mitigation performance standards and requirements.

A. **Appropriate Stream Mitigation Sequence and Actions.** Where impacts cannot be avoided, and the applicant has exhausted feasible design alternatives, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in this section.

B. Significant adverse impacts to stream area functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence: Avoidance, minimization, restoration and replacement. Proposals which include less preferred and/or compensatory mitigation shall demonstrate that:

1. All feasible and reasonable measures will be taken to reduce impacts and losses to the stream, or to avoid impacts where avoidance is required by these regulations; and

2. The restored, created or enhanced stream area or buffer will be available and persistent as the stream or buffer area it replaces; and

3. No overall net loss will occur in stream functions and values.

C. **Location and Timing of Stream Mitigation.**

1. Mitigation shall be provided on-site, unless on-site mitigation is not scientifically feasible due to the physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.

2. When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant such as an easement, provided such mitigation is beneficial to the critical area and associated resources. It is the responsibility of the applicant to obtain title to off-site mitigation areas.

3. In-kind mitigation shall be provided except when the applicant demonstrates and the City concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.

4. Only when it is determined by the City that subsections (B)(1), (2), and (3) of this section are inappropriate and impractical shall off-site, out-of-kind mitigation be considered.

5. When stream mitigation is permitted by these regulations on-site or off-site, the mitigation project shall occur near an adequate water supply (river, stream, ground water) with a hydrologic connection to the mitigation area to ensure successful development or restoration.

6. Any agreed upon mitigation proposal shall be completed prior to project construction, unless a phased schedule, that assures completion concurrent with project construction, has been approved by the City.

7. Restored or created streams, where permitted by these regulations, shall be an equivalent or higher stream value or function than the altered stream.

D. The performance standards in this section and the relevant performance standards located within the wetland standards of SMC 20.80.350(E)(1) through (17) shall be incorporated into mitigation plans submitted to the City for impacts to critical areas. In addition, the City may prepare a technical manual which includes guidelines and requirements for report preparation. The performance standards shall apply to any mitigations proposed within Type I, Type II or Type III streams within the City.

E. On completion of construction, any approved mitigation project must be signed off by the applicant's qualified consultant and approved by the City. Signature of the qualified consultant and approval by the City will indicate that the construction has been completed as planned.

F. **Monitoring Program and Contingency Plan.** A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met. The monitoring program will be established consistent with the guidelines contained in SMC 20.80.350(G). (Ord. 238 Ch. VIII § 8(E), 2000).

Ordinance Table

Ordinance Number	Passage Date	Subject
238	6/12/00	Repeals and replaces Title 20; repeals Ord. 230, Section 1, Chs. 16.25, 16.30 and Title 18, development code (20.10, 20.20, 20.30, 20.40, 20.50, 20.60, 20.70, 20.80)

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