

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 739 – Development Code Amendments Related to Light Rail Transit System/Facilities		
<b>DEPARTMENT:</b>	Planning and Community Development		
<b>PRESENTED BY:</b>	Rachael Markle, Director		
<b>ACTION:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

**PROBLEM/ISSUE STATEMENT:**

The City’s current zoning and regulations can be improved to better serve both the residents of Shoreline and Sound Transit during the design and construction of Sound Transit’s Lynnwood Link Extension Project for their light rail system. The proposed amendments to the Development Code as recommended by the Planning Commission and staff are intended to

- Establish a quasi-judicial process to review and approve a light rail transit system/facility as an allowed use with conditions in various zones along the Lynnwood Link Extension alignment; and
- Identify the development standards that will apply to the design of the Lynnwood Link Extension light rail system and facilities in Shoreline.

The Planning Commission and staff recommend amendments to the Development Code are presented in proposed Ordinance No. 739. Tonight’s discussion provides an opportunity for Council to discuss this proposed ordinance. Proposed Ordinance No. 739 is currently scheduled for Council adoption on March 21, 2016.

**RESOURCE/FINANCIAL IMPACT:**

These amendments give Shoreline the authority to regulate specific aspects of site and structural design and to condition the Lynnwood Link Extension project. The conditions would be related to assimilating the regional land use into existing neighborhoods in ways that recognize and address local impacts. Without this authority, Shoreline could experience regional impacts and the associated costs to address them.

**RECOMMENDATION**

No action is required, as the purpose of this meeting is to study the proposed development regulations, answer Council questions and determine if there is additional information needed from staff to move forward with adoption of proposed Ordinance No. 739. Staff is also interested in hearing Council feedback on the Sound Transit comments to the proposed development code amendments. Staff recommends that

Council adopt proposed Ordinance No. 739 with the Sounds Transit comments when it is brought back for adoption on March 21.

Approved By:      City Manager **DT**    City Attorney **MK**

## **BACKGROUND**

Light rail service is scheduled to begin in 2023. Based on Sound Transit's latest schedule, staff's review of architectural and engineering designs for the stations, garages and other associated light rail facilities will start in the spring of 2016. When the City adopted the 185<sup>th</sup> Street Light Rail Station Subarea Plan, a permitting process, called the 'Development Agreement' process, was codified to review the stations, garages and associated facilities for compliance with Shoreline's goals, policies and regulations. Further legal review revealed that process is not the appropriate mechanism to approve the use of a light rail transit system and facilities. Therefore, the Development Code needs to be amended to establish another process for approving light rail transit system/facilities as an allowed use.

Additionally, the City's design standards are largely determined by the type of development being constructed, such as single family, multi family or commercial. Light rail transit system/facilities do not fall cleanly into these development types. Therefore, the Planning Commission and staff recommend that the Council adopt Development Code amendments that:

- establish where light rail system/facilities are permitted uses;
- the process for permitting these uses; and
- the specific chapters and subchapters of the Development Code that apply to the design of light rail system/facilities.

The Planning Commission conducted three study sessions on these amendments on the following dates (meeting minutes and staff reports are linked below):

- **September 3, 2015**  
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/8108/182?toggle=allpast> ;
- **December 17, 2015**  
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/8433/182?toggle=allpast>
- **January 7, 2016**  
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/9475/182?toggle=allpast>

The Commission also held two public hearings on the amendments on:

- **October 1, 2015**  
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/8145/182?toggle=allpast>
- **January 21, 2016**  
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/9476/182?toggle=allpast>

The Planning Commission's Light Rail Subcommittee also met on January 12 to discuss the Development Code amendments and determine if additional amendments should be drafted to address the upcoming design of light rail stations, garages, and associated facilities (minutes are accessible from the link above).

While the City's Development Code includes the permit types needed to approve the construction activities associated with the light rail transit system/facilities, the City has not designated an appropriate process to approve a light rail transit system/facility in the existing zones. Most of the land that Sound Transit will be constructing its stations, parking garages, and guide way (rail) upon is zoned Residential 6 dwelling units per acre (R-6) or unclassified right of way.

### **DISCUSSION**

There are potential gaps in the City's process for permitting Sound Transit's light rail transit system/facilities. The Code specifies that light rail transit system/facilities must obtain a Development Agreement to locate in Shoreline. The light rail transit system/facilities are essential public facilities, and therefore the City's regulations cannot be so onerous as to preclude the siting of these facilities. Therefore, it is appropriate to allow for deviations from underlying zoning and regulations so as to not preclude the uses. The Development Agreement as defined by State law is not designed to be a tool to accommodate deviations from the underlying zone's regulations.

Staff's recommendation is to instead use a Special Use Permit (SUP) process, which is identified in the Comprehensive Plan as the appropriate process for siting essential public facilities. The purpose of a SUP is to locate a regional land use not specifically allowed by the zoning, but provides a benefit to the community subject to conditions to ensure the use is compatible with adjacent land uses. The SUP anticipates the need to deviate from development standards and uses decision criteria to balance the need for deviations while still meeting the intent of the regulations.

### **Specific Special Use Permit (SUP) Information**

The Development Code states that:

*"The purpose of a special use permit is to allow a permit granted by the Hearing Examiner 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."*

To put it simply, the SUP is the mechanism to allow the use of a light rail transit system and facilities in the City of Shoreline. The SUP process would be used to:

- Locate the light rail transit system/facilities as an essential public facility in zones where this use would be prohibited;
- Condition the light rail transit system/facilities to be more compatible with adjacent land uses through the application of criteria; and

- Approve deviations from the regulations as appropriate to accommodate the light rail transit system/facilities as essential public facilities.

The City's Comprehensive Plan includes an Interim Essential Public Facility "EPF" siting Process in Land Use Policy LU65. No new process has been established to replace this interim process, so this process is still valid. LU65 reads as follows:

*"Use this interim Siting Process to site the essential public facilities described in LU63 in Shoreline. Implement this process through appropriate procedures incorporated into the SMC.*

*Interim EPF Siting Process*

- 1. Use policies LU63 and LU64 to determine if a proposed essential public facility serves local, countywide, or statewide public needs.*
- 2. Site EPF through a separate multi-jurisdictional process, if one is available, when the City determines that a proposed essential public facility serves a countywide or statewide need.*
- 3. Require an agency, special district, or organization proposing an essential public facility to provide information about the difficulty of siting the essential public facility, and about the alternative sites considered for location of the proposed essential public facility.*
- 4. Processing applications for siting essential public facilities through SMC Transfer of Development Rights (TDR) allows property owners in environmentally or historically significant areas to transfer their right to develop to property owners in areas more suitable for urban development. A successful transaction benefits the seller, who sells the development rights for financial considerations; the buyer, who is able to use the TDR on his/her property; and the public at large, which gains a permanent open space, recreation area, or historically significant site. Section 20.30.330 — Special Use Permit.*
- 5. Address the following criteria in addition to the Special Use Permit decision criteria:*
  - a. Consistency with the plan under which the proposing agency, special district or organization operates, if any such plan exists;*
  - b. Include conditions or mitigation measures on approval that may be imposed within the scope of the City's authority to mitigate against any environmental, compatibility, public safety or other impacts of the EPF, its location, design, use or operation; and*
  - c. The EPF and its location, design, use, and operation must be in compliance with any guidelines, regulations, rules, or statutes governing the EPF as adopted by state law, or by any other agency or jurisdiction with authority over the EPF."*

Additionally, the light rail transit system/facility should not be approved using a legislative process. The Development Agreement process, the current process for approving these uses, is legislative. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies (ex. Comprehensive Plan policies) and regulations (ex. Development Code amendments). The Planning

Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code Amendments and making a recommendation to the City Council on each amendment.

**Quasi-Judicial Nature of a SUP**

Quasi-judicial processes are to be used when processing applications that involve a single entity, actions that are not wide in scope and based on a specific proposal. The SUP uses a quasi-judicial process. The Code specifies that the Hearing Examiner will conduct the public hearing and render the decision for the SUP. The Planning Commission considered an alternative hearing body and decision making entities and recommended that the SUP process be followed as written in SMC 20.30.330 using the Hearing Examiner (Option #4 below). The following table illustrates the five options reviewed by the Commission for how a SUP for a light rail transit system/facility could be processed quasi-judicially:

<b>Quasi-Judicial Review and Approval Authority Options</b>
1. Hearing Examiner in an <u>Open Record Hearing</u> makes recommendation to the Council and Council in a <u>Closed Record Hearing</u> approves/denies permit.
2. Planning Commission in an <u>Open Record Hearing</u> makes recommendation to Council and Council in a <u>Closed Record Hearing</u> approves/denies permit.
3. Council in an <u>Open Record Hearing</u> takes testimony, comments and then makes decision.
<b>4. <i>Hearing Examiner after an <u>Open Record Hearing</u> makes final decision (current process for a SUP).</i></b>
5. Director <u>without a hearing</u> makes decision at administrative level (appealable to Hearing Examiner).

Further, Washington State Law directs the City to use a quasi-judicial process such as a SUP process when making decisions in regards to a specific party. RCW 42.36.010 states:

*Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.*

As noted above, the SUP is a quasi-judicial decision. The decision to approve, approve with conditions, or deny a SUP is made by the Hearing Examiner and involves the use of discretionary judgment in the review of each specific application.

Quasi-judicial decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by

the Hearing Examiner. A quasi-judicial process resembles a court or a judge who must act in a manner similar to a judge in a court of law. In a quasi-judicial proceeding, the Hearing Examiner is not setting new policy but is making a decision based on set criteria (SCM 20.30.330) at a hearing. In other words, much like a court, the Hearing Examiner is applying the law to facts gathered at the hearing to arrive at their decision. Quasi-judicial decisions also require the Hearing Examiner not to consider any information received outside the record (this is called “ex parte communication”). This is so everyone has a fair opportunity to hear the information and provide testimony in response. This includes written and verbal communication, from any source, including residents, Planning Commissioners, and City Council members.<sup>1</sup>

### **Development Regulations that Apply to Light Rail Transit System/Facilities**

While the City’s Development Code includes standards to regulate much of the construction activities associated with the light rail transit system/facilities, it is unclear how to apply them without zoning. Proposed Ordinance No. 739 (Attachment A) includes Development Code amendments that establish which development regulations apply to light rail transit system/facilities, especially when located on land that is not zoned, which is primarily various types of right of way.

The Planning Commission and staff recommend that the following list of specific existing development regulations apply to the design of light rail transit system/facilities, such as stations, parking garages, and associated accessory structures:

1. SMC 20.50.020(2) - Dimensional standards of the MUR-70’ Zone;
2. SMC 20.50.220 through 20.50.250 – Commercial design standards;
3. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
4. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
5. SMC 20.50.450 through 20.50.520 - Landscaping;
6. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70’ Zone;
7. SMC 20.60 Adequacy of Public Facilities;
8. SMC 20.70 Engineering and Utilities Development Standards; and
9. SMC 20.80 Critical Areas.

The Planning Commission and staff recommend that the following list of specific existing development regulations apply to the design of light rail transit system/facilities located between the stations along the rail alignment:

1. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
2. SMC 20.50.450 through 20.50.520 – Landscaping;
3. SMC 20.60 Adequacy of Public Facilities;
4. SMC 20.70 Engineering and Utilities Development Standards; and
5. SMC 20.80 Critical Areas.

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<sup>1</sup> Note: Further review of the Planning Commission recommended amendments to SMC 20.30.330 Special Use Permit (Type C action) flagged an inconsistent usage of permissive language, specifically may and shall. With direction from Council, staff would like to revise the language to be consistent throughout and suggest using “may” instead of “shall”.

## **Sound Transit Comments on Proposed Amendments**

Sound Transit provided the City with comments on the proposed Development Code amendments. Some of these comments were received after the Public Hearing. With the delay of this agenda item from February 8<sup>th</sup>, staff was able to review the latest comments and would like the Council to consider some of the proposed edits from Sound Transit.

Attachment A, Exhibit B to this staff report provides Sound Transit's edits to the Planning Commission's Development Code Amendments. These additions are highlighted in blue in the Exhibit and are described below:

- a. **SMC 20.30.330 (B)(1) Decision Criteria (applies to all Special Uses)** – This change corrects a typographic error by deleting an extra “or”.
- b. **SMC 20.30.330(B)(8) Decision Criteria (applies to all Special Uses)** – This change amends one of the general criterion for reviewing a SUP. Sound Transit commented that requiring an applicant to demonstrate that a project does not conflict with the policies of the Comprehensive Plan represents a very open ended and potentially subjective task. There are hundreds of policies in the Comprehensive Plan. Instead Sound Transit staff suggested limiting this criterion to a demonstration that the project does not conflict with the basic purposes of the Development Code.
- c. **SMC 20.40.438(D) Modification of 20.40.438 (B) and (C) Requirements** – This change incorporates the concept that modifications to the City's development standards may be necessary to meet State law. WAC 365-96-550 prevents local governments from regulating Essential Public Facilities (EPF), such as light rail transit system/facilities in such a way that the EPF would be precluded.

Staff is supportive of these changes and would like to hear from Council on whether Council would like to move forward with these additional amendments when proposed Ordinance No. 739 is brought back for Council adoption on March 21.

## **Explanation of Standards Covered in Existing Regulations**

The Planning Commission and staff carefully reviewed the recommended standards and regulations from the existing Development Code to determine if the list was inclusive of all aspects of the Lynnwood Link Extension development that the City may need to regulate. Attachment B to this staff report provides a brief description of the standards included in the existing regulations that are recommended by the Planning Commission and staff to apply to light rail transit systems/facilities.

## **Additional Development Code Amendments**

Although the Planning Commission and staff did not amend the list in Attachment B, there will likely be additional regulations related to the Lynnwood Link Extension project studied and potentially presented to Council in the near future. This set of Development Code amendments, noted as “Package 3”, will likely include additional provisions for:

- transportation impact analysis;
- construction management;
- parking management;
- neighborhood traffic planning; and
- trees.

Package 3 represents an opportunity to consider additional amendment concepts that arose as part of the public hearing, from Sound Transit's comments on proposed amendments and discussion with the Planning Commission's Light Rail Subcommittee.

### **COUNCIL GOALS ADDRESSED**

Proposed Ordinance No. 739 addresses the following Council Goals:

- Goal 2: Improve Shoreline's utility, transportation, and environmental infrastructure
- Goal 3: Prepare for two Shoreline light rail stations

### **RESOURCE/FINANCIAL IMPACT**

These amendments give Shoreline the authority to regulate specific aspects of site and structural design and to condition the Lynnwood Link Extension project. The conditions would be related to assimilating the regional land use into existing neighborhoods in ways that recognize and address local impacts. Without this authority, Shoreline could experience regional impacts and the associated costs to address them.

### **RECOMMENDATION**

No action is required, as the purpose of this meeting is to study the proposed development regulations, answer Council questions and determine if there is additional information needed from staff to move forward with adoption of proposed Ordinance No. 739. Staff is also interested in hearing Council feedback on the Sound Transit comments to the proposed development code amendments. Staff recommends that Council adopt proposed Ordinance No. 739 with the Sounds Transit comments when it is brought back for adoption on March 21.

### **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 739

Attachment A, Exhibit A: Development Code Amendments Related to Light Rail Transit System/Facilities – Planning Commission Recommendation

Attachment A, Exhibit B: Development Code Amendments Related to Light Rail Transit System/Facilities – Planning Commission Recommendation with edits from Sound Transit

Attachment B: Description of Current Development Code Standards that Apply to Light Rail Transit System/Facilities

**ORDINANCE NO. 739**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE TITLE 20 UNIFIED DEVELOPMENT CODE OF THE SHORELINE MUNICIPAL CODE TO PROVIDE FOR A SPECIAL USE PERMIT PROCESS AND APPLICABLE CRITERIA FOR REVIEW AND PERMITTING OF A LIGHT RAIL SYSTEM AND FACILITIES.**

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

WHEREAS, in conformance with the Growth Management Act, the City has adopted Shoreline Municipal Code (SMC) Title 20, which contains development regulations to implement the City's Comprehensive Plan; and

WHEREAS, Sound Transit's light rail system corridor will pass through the City and Sound Transit intends to locate various facilities within the City, including two (2) light rails stations and two (2) parking garages; and

WHEREAS, SMC Title 20 currently does not properly address the permitting process, including applicable criteria, to adequately consider the needs of Sound Transit light rail systems and facilities; and

WHEREAS, on September 3, 2015, December 17, 2015, and January 7, 2016, the City of Shoreline Planning Commission held study sessions on the proposed amendments; and

WHEREAS, on October 1, 2015 and again on January 21, 2016, the Shoreline Planning Commission held properly noticed public hearings on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the second public hearing, the City of Shoreline Planning Commission voted to recommend approval of the proposed amendments as presented by staff; and

WHEREAS, on February 8, 2016, the City Council held a study session on the proposed amendments as recommended by the Planning Commission; and

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

WHEREAS, the City Council has determined that the proposed amendments are consistent with the Growth Management Act and in accordance with the Comprehensive Plan, and meets the criteria set forth in SMC 20.30.350; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the proposed amendments to SMC Title 20; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on September 16, 2015 and

WHEREAS, the City provided public notice of the amendments and the public meetings and hearing as provided in SMC 20.30.070 and have provided adequate opportunities for public review and comment;

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

**Section 1. Amendment – SMC Title 20.** SMC 20.30.330 Special use permit – SUP (Type C Action), SMC Table 20.40.140 Other uses, SMC Table 20.40.160 Station Area Uses, SMC 20.40.438 Light rail transit system/facility, and SMC 20.50.480 Street trees and landscaping within the right-of-way – Standards are amended as set forth on Exhibit A.

**Section 2. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 3. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON MARCH 21, 2016**

\_\_\_\_\_  
Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: , 2016

Effective Date: , 2016

**Ordinance No. 739 –Attachment A - Exhibit A**

**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 on unclassified lands, unzoned lands, or when 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~~ may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

**B. Decision Criteria (applies to all Special Uses).** 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 or region;
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 regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

**Table 20.40.140 Other Uses**

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
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<b>REGIONAL</b>									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	<u>Light rail transit system/facility</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

<b>P = Permitted Use</b>	<b>S = Special Use</b>
<b>C = Conditional Use</b>	<b>-i = Indexed Supplemental Criteria</b>

**20.40.160 Station area uses.**

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
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OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	<u>P-i S-i</u>	<u>P-i S-i</u>	<u>P-i S-i</u>
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

**Supplemental Index Criteria**

**20.40.438 Light rail transit system/facility.<sup>1</sup>**

A. A light rail transit system/facility shall be approved through a development agreement Special Use Permit as specified in SMC 20.30.33055. (Ord. 706 § 1 (Exh. A), 2015).

B. A light rail transit system/facility, stations and parking garages shall conform to the required standards below:

1. SMC 20.50.020(2) - Dimensional standards of the MUR-70' zone;
2. SMC 20.50.220 through 20.50.250 – Commercial design standards;
3. SMC 20.50.290 through 20.50.370 – Tree conservation, land clearing and site grading standards;
4. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
5. SMC 20.50.450 through 20.50.520 - Landscaping;
6. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' zone;
7. SMC 20.60 Adequacy of Public Facilities;
8. SMC 20.70 Engineering and Utilities Development Standards; and
9. SMC 20.80 Critical Areas.

C. The light rail transit system/facility improvements located between the stations shall comply with the applicable subchapters and sections below:

1. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
2. SMC 20.50.450 through 20.50.520 – Landscaping;
3. SMC 20.60 Adequacy of Public Facilities;
4. SMC 20.70 Engineering and Utilities Development Standards; and
5. SMC 20.80 Critical Areas.

D. **Modification of 20.40.438 (B) and (C) Requirements.** If the applicant demonstrates that compliance with one or more of the requirements set forth in this Section 20.40.438(B) and (C) is impracticable, would result in reduced public benefits, or alternative actions could meet or exceed the intended goals of such requirements, then the City may waive or modify such requirements as part of the Special Use Permit process.

**20.50.480 Street trees and landscaping within the right-of-way – Standards.**

- A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required ~~in~~for all commercial, office, public facilities, industrial, multifamily ~~zones~~ developments, and for single-family subdivisions on all arterial streets.
- B. Frontage 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. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).

## Ordinance No. 739 – Attachment A - Exhibit B

### 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 on unclassified lands, unzoned lands, or when 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 may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

**B. Decision Criteria (applies to all Special Uses).** 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~~ or region;
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 regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

**Table 20.40.140 Other Uses**

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
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<b>REGIONAL</b>									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	<u>Light rail transit system/facility</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

<b>P = Permitted Use</b>	<b>S = Special Use</b>
<b>C = Conditional Use</b>	<b>-i = Indexed Supplemental Criteria</b>

**20.40.160 Station area uses.**

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
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OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	<u>P-i S-i</u>	<u>P-i S-i</u>	<u>P-i S-i</u>
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

**Supplemental Index Criteria**

**20.40.438 Light rail transit system/facility.<sup>1</sup>**

A. A light rail transit system/facility shall be approved through a development agreement Special Use Permit as specified in SMC 20.30.33055. (Ord. 706 § 1 (Exh. A), 2015).

B. A light rail transit system/facility, stations and parking garages shall conform to the required standards below:

1. SMC 20.50.020(2) - Dimensional standards of the MUR-70' zone;
2. SMC 20.50.220 through 20.50.250 – Commercial design standards;
3. SMC 20.50.290 through 20.50.370 – Tree conservation, land clearing and site grading standards;
4. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
5. SMC 20.50.450 through 20.50.520 - Landscaping;
6. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' zone;
7. SMC 20.60 Adequacy of Public Facilities;
8. SMC 20.70 Engineering and Utilities Development Standards; and
9. SMC 20.80 Critical Areas.

C. The light rail transit system/facility improvements located between the stations shall comply with the applicable subchapters and sections below:

1. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
2. SMC 20.50.450 through 20.50.520 – Landscaping;
3. SMC 20.60 Adequacy of Public Facilities;
4. SMC 20.70 Engineering and Utilities Development Standards; and
5. SMC 20.80 Critical Areas.

**D. Modification of 20.40.438 (B) and (C) Requirements.** Due to the unique nature of a regional light rail transit system and its facilities, strict application of the Code's development standards will not always be possible. If the applicant demonstrates that compliance with one or more of the development standards or requirements set forth in this Section 20.40.438(B) and (C) would make siting, development or operation of the facilities impossible or impracticable (as that term is defined by WAC 365-96-550 and/or other law), would result in reduced public benefits, or alternative actions could meet or exceed the intended goals of such requirements, then the City may waive or modify such requirements as part of the Special Use Permit process in accordance with this Section.

**20.50.480 Street trees and landscaping within the right-of-way – Standards.**

- A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required ~~in-for~~ for all commercial, office, public facilities, industrial, multifamily ~~zones~~ developments, and for single-family subdivisions on all arterial streets.
- B. Frontage 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. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).

**Description of Current Development Code Standards that Apply to  
Light Rail Transit System/Facilities**

**SMC 20.50.020(2) Dimensional Requirements** – The dimensional standards for the MUR-70' zone are identified to apply to light rail transit system/facilities. The section regulates setbacks, base height and the maximum hardscape.

**SMC 20.50.220 through 20.50.250 Commercial Zone Design** – Commercial design standards includes regulations for: site frontage; street lighting; extra treatments for corner sites; internal walkways; public places; outdoor lighting; service areas; screening of utility and mechanical equipment; building design; and construction materials/exterior finishes. This chapter also allows for the use of the Administrative Design Review process to request deviations from the standards of the chapter.

**SMC 20.50.290 through 20.50.370 Tree Conservation, Land Clearing and Site Grading Standards** – The tree conservation and site clearing and grading standards specify that the applicant must retain 20% of the trees on site and 30% of the trees in critical areas. This subchapter also states that the replacement ratio for significant trees removed is at a 1:1 ratio up to 3:1 ratio for larger trees.

**SMC 20.50.380 through 20.50.440 Parking, Access and Circulation** – Parking, access, and circulation regulates the number of parking spaces required; where spaces can be located; size and angle of spaces; and standards for bicycle parking. Access and circulation includes standards to connect development to the public right of way with driveways or alleys.

**SMC 20.50.450 through 20.50.520 Landscaping** – The landscaping subchapter sets standards for vegetative screening between different types of uses, for street frontages and in parking areas.

**SMC 20.50.530 through 20.50.610 Signs** – The sign standards selected for application to light rail transit system/facilities are those standards that apply to the MUR-70' Zone. The standards for the MUR-70' zone regulate monument, building mounted, under awning and driveway entrance signage in regards to maximum area of the sign, minimum clearance, maximum height, total number of signs and illumination. This chapter also regulates sight distance for signage, materials and design, prohibited signs and temporary signs.

**SMC 20.60.030 Adequate Wastewater** - All development proposals shall be served by a public wastewater disposal system, including both collection and treatment facilities.

This section ensures that when the City issues building permits for all new development the disposal system for the project has been approved by the Department as being consistent with adopted rules and regulations of the applicable government, agency, or district. The City partners with Ronald Wastewater to complete this review.

**SMC 20.60.040 Adequate Water Supply** – All development proposals shall be served by an adequate public water supply system.

For the issuance of a building permit for the stations and parking garages, Sound Transit must 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 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.

If adequate water supply is unavailable at the time Sound Transit submits their building permits, Sound Transit will be responsible for making the necessary improvements to provide the required water supply to their facilities. The City partners with North City Water and Seattle Public Utilities to complete this review.

**SMC 20.60.050 Adequate Fire Protection** – All new development shall be served by adequate fire protection. This section ensures that all new development has an adequate water supply to meet or exceed the City's construction and building codes which includes the International Fire Code. This section also requires adequate access to the development be established to provide life safety/rescue and that other fire protection requirements be met. Adequate fire protection must be in place at the time occupancy for the stations and/or parking garages. The City partners with Shoreline Fire to provide this review.

**SMC 20.60.070 Adequate surface water management system** –This section ensures that all new development meets or exceeds the standards set forth in the City's Surface Water Management Code and any other adopted standards related to stormwater. Any required surface water improvement plan must be approved by the Director.

**SMC 20.60.140 Adequate Streets** – The purpose of this subchapter is to set forth specific standards for compliance with the City's concurrency requirements in accordance with the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

This subchapter provides the bulk of the requirements related to multi modal access. SMC 20.40.140 establishes the City's concurrency requirements as measured by level of service (LOS) standards for intersections. Additionally, this subchapter establishes a

Level of Service D standard for pedestrians and bicyclists within light rail station subareas.

This subchapter provides the City with the authority to require applicant's for projects that would generate twenty (20) or more new trips during the p.m. peak hour to prepare a transportation impact analysis (TIA). This analysis is used to determine if a project will impact the City's level of service standards for vehicles, pedestrians, and bicyclist. If the LOS will be reduced below these standards, then the applicant will need to mitigate the impacts or change the project to meet the adopted LOS or the project will not be permitted. The proposed Sound Transit light rail transit system/facilities will generate more than twenty (20) p.m. peak trips and will be subject to these requirements. Although the City does not have a LOS in the Development Code for public transit, the TIA can be used to analyze impacts the project will have on public transit.

**SMC 20.60.150 Adequate Access** - All lots shall have direct access to a public right-of-way; or an easement or tract recorded with the county that meets the standards of this subchapter. This subchapter ensures that all new development has direct access to a public right of way and includes access for emergency services and other required services. SMC 20.60.150 also allows the City to require new development to have pedestrian facilities that connect from the public right of way to building entrances; connect to other commercial developments, and to provide safe access from parking areas to buildings.

**SMC 20.70.010 Engineering and Utilities Development Standards** – The purpose of this subchapter is to establish engineering regulations and standards to implement the Comprehensive Plan and provide a general framework for relating the standards and other requirements of this Code to development.

All applications for development must comply with this chapter regarding dedications, streets, frontage improvements, surface water facilities, sidewalks, walkways, paths, trail, and utilities.

**SMC 20.70.020 Engineering Development Manual (EDM)** – The EDM adopted pursuant to SMC 12.10.100 includes processes, design and construction criteria, inspection requirements, standard plan details, and technical standards for engineering design related to development.

The EDM is an administrative document that defines the types of physical improvements an applicant must install in conjunction with a development proposal. The EDM specifies, street widths, street layout, street grades, intersection design, site distance, driveway locations, sidewalk placement and standards, length of cul-de-sacs, turnarounds, streetscape specifications such as trees, landscaping, benches, and other amenities, surface water and storm water specifications, traffic control and safety markings, sign, signals, street lights, turn lanes, and other various right-of-way improvements.

**SMC 20.70.110** – The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City.

Through the development of property, the City may require certain dedication of property for things such as right-of-way, stormwater facilities, open space, and easements across private property.

**SMC 20.70.120 Dedications** - When a development is proposed, the City may require right-of-way dedication. Right-of-way dedication may be necessary to accommodate motorized and non-motorized transportation (additional travel lanes, sidewalks, bike lanes). In some cases around the City, the improved street is not built out to the full right-of-way width. As development occurs, the City requires that the property owner dedicates right-of-way and makes the necessary frontage improvements.

**SMC 20.70.140 Dedication of stormwater facilities** - The City is responsible for the maintenance, including performance and operation, of drainage facilities which the City has accepted for maintenance. The City may require the dedication of these facilities. In some cases, the City may assume maintenance of privately maintained drainage facilities if specific conditions have been met.

**SMC 20.70.150 Dedication of open space** – This subchapter states that the City may accept dedications of open space and critical areas which have been identified and are required to be protected as a condition of development. Typically, a property owner is required to dedicate open space for multi-family development or public space in a commercial development.

**SMC 20.70.160 Easements and tracts** – The purpose of this subchapter is to address easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s). The City requires easements for ingress and egress, drainage facilities, sidewalks or paths between neighborhoods, schools, shopping centers, and other easements for public use. Tracts are used for facilities that are used by a broader group of individuals. Tracts typically include private streets and critical areas.

**SMC 20.70.210 Streets** - This subchapter sets standards to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occur in an orderly manner.

**SMC 20.70.220 Street Classification** – This subchapter establishes that streets are classified in the Transportation Master Plan which includes arterial and non-arterial streets. The type of street dictates what kind of improvements are required, the volume of traffic the street can handle, and the Level-of-Service, or delay, at the intersections.

**SMC 20.70.230 Street Plan** – This subchapter establishes that streets are designed and located per the adopted plans in the Transportation Master Plan and EDM. The

street plan will show street widths, sidewalk widths, bike facilities, amenity zones, and parking areas.

**SMC 20.70.240 Private streets** – This subchapter states that some local access streets may be private if conditions are met.

**SMC 20.70.250 Street naming and numbering** – This subchapter ensures that public and private streets are named and numbered appropriately, building addresses are assigned during building permit issuance, and building addresses are easily seen and comply with adopted building and fire codes.

**SMC 20.70.310 Required improvements** – The purpose of this subchapter is to provide safe and accessible transportation facilities for all modes of travel as described in the Comprehensive Plan, Transportation Master Plan, and the Parks, Recreation and Open Space Plan. This subchapter explains what kind of transportation improvements must be made as development occurs. These improvements are the responsibility of private property owners when they apply for a development permit.

**SMC 20.70.320 Frontage improvements** – This subchapter states that standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan, and the EDM for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.

Frontage improvements are required for commercial, multifamily, and some single-family developments. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. The master street plan dictates how wide the right-of-way shall be and how wide the sidewalk improvement will be. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and non-motorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization. As defined in SMC 20.70.320, the proposed Sound Transit light rail transit system/facilities would require frontage improvements.

**SMC 20.70.330 Surface water facilities** – This subchapter states that all development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements that meet the minimum requirements of Chapter 13.10 SMC.

**SMC 20.70.340 Sidewalks, walkways, paths and trails** - This subchapter restates sidewalks are required pursuant to SMC 20.70.320 and adds more information regarding where and how sidewalks, paths and trails are to be constructed.

**SMC 20.70.410-430 Undergrounding of electric and communication service connections** – This subchapter establishes when new and existing service connections, including telephone, cable television, electrical power, natural gas, water, and sewer, are to be installed and/or placed underground. SMC 20.70.430(A) states that undergrounding shall be limited to the service connection and new facilities located within and directly serving the development from the public right of way excluding existing or relocated street crossings. SMC 20.70.430(B) states that undergrounding of service connections and new electrical and telecommunication facilities shall be required for all new nonresidential construction, which is the category that applies to light rail transit system/facilities.

**SMC 20.80** – This chapter is the Critical Area chapter. The Lynnwood Link Extension project is required to comply with all aspects of the City's critical area regulations. Portions of the project are within critical areas or critical area buffers. The critical area regulations address development in relation to geologic hazard areas; fish and wildlife habitat conservation areas; wetlands; flood hazard areas; and stream areas.