

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 868 – Establishing a Citywide Moratorium on the Filing, Acceptance, Processing, and/or Approval of Applications for Master Plan Development Permits and Applications for Essential Public Facility Special Use Permits
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Rachael Markle, Planning & Community Development Director
ACTION:	<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 Department of Social and Health Services (DSHS) is currently developing a Master Development Plan (MDP) permit application that includes expansion of existing uses and that may include new uses and the siting of an Essential Public Facility (EPF). The Development Code identifies both the Special Use Permit (SUP) and the MDP permit as processes to be used for the siting of EPFs. The current criteria for MDP approval in Shoreline Municipal Code (SMC) Section 20.30.353, however, are not designed to evaluate siting of EPFs. Additionally, the MDP permit process was adopted in 2008 and has not been holistically updated to reflect current Comprehensive Plan policies and development goals. The SUP process, which is designed for the siting of EPFs, also has not been evaluated since the adoption of the City’s Unified Development Code in 2000. Reviewing the criteria for these processes and amending them, if necessary, will ensure that any future MDP or SUP will further the City’s long-term vision and goals.

Given the current deficiencies in these provisions, staff recommends that Council enact a citywide moratorium on the acceptance of permit applications for MDP permits and EPF SUPs. A moratorium will allow staff time to study the appropriateness of current approval criteria for both permit types in relationship to the City’s goals and policies and determine the process or processes to use to best evaluate a plan that includes the siting of an EPF.

Tonight, Council is scheduled to discuss proposed Ordinance No. 868 (Attachment A), which would enact a six (6) month citywide moratorium on the acceptance of all applications for MDP permits and EPF SUPs. If Council would like to proceed with adopting Ordinance No. 868, then Council should direct staff to schedule Ordinance No. 868 for action.

RESOURCE/FINANCIAL IMPACT:

A moratorium on the acceptance of permit applications for MDP permits and EPF SUPs will have an impact on staff resources. The time sensitive nature of work under a moratorium will require prioritizing this effort more quickly than considering possible

changes under next year's batch amendment process and possibly work on the Housing Choices initiative in 2020.

RECOMMENDATION

Staff recommends that Council discuss Ordinance No. 868 to enact a six (6) month citywide moratorium on the acceptance of all applications for Master Development Plan permits and Essential Public Facility Special Use Permits. Staff further recommends that Council hold a public hearing and act on proposed Ordinance No. 868 on October 7, 2019.

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

INTRODUCTION

Based on the recent renewal of activity by the State Department of Social and Health Services (DSHS) to submit a Fircrest Master Development Plan (MDP) that includes the expansion of existing uses on the campus, new uses that would support persons with developmental disabilities, and the siting of an Essential Public Facility (EPF), staff recommends that Council enact a citywide moratorium on the acceptance of permit applications for MDP permits and EPF Special Use Permits (SUPs). A moratorium will allow staff time to study the current approval criteria for both permit types in relationship to the City's goals and policies and determine and adopt adequate and relevant processes to best evaluate a plan that includes the siting of an EPF.

The current criteria for MDP permit approval in SMC 20.30.353 are not adequate or designed to evaluate the siting of EPFs and also may not fully reflect the City's updated and current comprehensive plan policies and development goals. The SUP process, which is designed for the siting of EPFs, does not currently consider long range, multi-year campus planning. Additionally, since the Development Code states that the purpose of both MDP permits and SUPs are to permit EPFs, it is unclear which process or processes would be required to review an MDP permit that also includes the siting of an EPF. Reviewing the criteria for these processes and amending them, if necessary, will ensure that any future MDP or SUP will further the City's long-term vision and goals and that the process is compliant with the City's current comprehensive plan.

A moratorium will also allow for the evaluation of potential issues associated with the permitting of MDP permits and SUPs beyond the compatibility with plans and zones, including whether updates to specific design standards and the decision criteria should be instituted, which, once in place, will help the processing of such permits.

BACKGROUND

In December of 2008, the City Council amended the Comprehensive Plan to create the Campus Zone; rezoned Shoreline Community College, CRISTA, the State Public Health Lab and Fircrest to the Campus zone and amended the Development Code to create the MDP permit process. The MDP permit in SMC 20.50.046(C) requires that all development within Campus zones shall be governed by an MDP permit reviewed pursuant to SMC 20.30.060 and 20.30.353. SMC 20.30.353 further states that an MDP permit is to be used to define development of EPFs (Attachment B).

A Master Development Plan is defined as:

“A plan that establishes site specific development standards for an area designated Campus or Essential Public Facility as defined in the comprehensive plan. Master Development Plans incorporate proposed development, redevelopment, and/or minor expansion of uses as authorized in the Development Code.”

The Comprehensive Plan defines an Essential Public Facility as:

“Facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities;

and in-patient facilities, including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020 (RCW 36.70A.200).”(Attachment C)

SMC 20.30.330 Special Use Permit states the purpose of this permit is to “...allow a permit granted by the City to locate a regional land use including essential public facilities on unclassified lands, unzoned lands, or when not specifically allowed by the zoning of the location...”. The decision criteria for approving a SUP is more applicable to the siting an EPF than the MDP criteria, however, the SUP process would not be adequate to review and approve a Campus Master Plan.

The MDP permit and SUP decision criteria adopted in 2008 and 2000 respectively, may also be outdated and not reflective of Shoreline’s current goals and policies. The City adopted “Vision 2029” in 2009. Then in 2012, the City’s Comprehensive Plan went through the State mandated major update process. In 2015 and 2016, the City Council adopted two subarea plans and rezoned approximately 500 acres around the two future Sound Transit light rail stations to create two transit oriented communities. These changes and the coming of light rail to Shoreline has dramatically advanced the City’s vision for the future. The MDP permit process and decision criteria, however, were created before these major updates to Shoreline’s long-range vision and plans. Council priorities have certainly shifted since 2008 when the MDP and SUP processes and decision criteria were adopted, with many of these changes being reflected in the City’s Comprehensive Plan.

Furthermore, when the MDP and SUP processes were codified, the Planning Commission was designated as the review authority and the City Council was the approving authority. In December 2011, the review and decision authority were amended to be the Hearing Examiner. The decision criteria have also not been reevaluated by the Council to ensure sufficient direction will be provided to the Hearing Examiner to make these decisions on behalf of the City Council.

All of the areas in the City that are zoned Campus and require MDPs have completed this planning work with the exception of the Fircrest School Campus. Multiple planning efforts have occurred, the latest in 2018, but none have progressed to the point of submittal of an application to the City. DSHS has recently restarted work on the Fircrest MDP with the goal of submitting a new proposal to the City this November.

ANALYSIS

Moratoria are regulated by the Revised Code of Washington (RCW) 36.70A.390 and RCW 35A.63.220. Both of these statutes require that the City Council hold a public hearing on the moratorium within at least 60 days of adoption of the moratorium. The moratorium may be in effect for no longer than six (6) months. The moratorium, however, may be extended to up to a year if supported by a work plan or renewed for one or more six-month periods following a public hearing and findings of fact supporting the continuation are made prior to each renewal.

The statute further allows a Council to adopt a moratorium on an emergency basis requiring approval of a majority plus one (super-majority) of the Council. In this case

the moratorium goes into effect immediately. The Council can adopt a moratorium ordinance without declaring an emergency and in this case a Council majority approval is required, and the moratorium would go into effect five days after adoption. In either case the Council is required to hold a public hearing within 60 days of adoption of the moratorium if the hearing is not held at the same time as the adoption.

Staff's recommendation for a moratorium was prompted, as noted above, by DSHS restarting the MDP permit process for the Fircrest Campus. The draft site plan DSHS shared with stakeholders on August 19, 2019 illustrated a shift away from the expansion of existing uses and inclusion of underutilized property previously shown to now include the establishment of completely new uses, including an EPF but not underutilized property. For over a decade, the City has planned for and discussed with various state partners the potential for a portion of the underutilized property to be made available for advancing community goals and policies that would also be compatible with the planned DSHS uses.

Behavioral Health facilities are a new use, yet to be defined, that are being considered by the State for inclusion in the MDP and are considered EPFs. The State's interest in including a Behavioral Health facility in the Fircrest MDP permit represents the first time that the City's MDP permit process would need to be used to site an EPF. Upon examination, staff identified that the MDP permit decision criteria does not adequately address the siting of EPFs. The SUP, a process that is also designated in the SMC to site EPFs, has criteria that is more on point with the factors that should be considered when siting an EPF. However, it is unclear which process would be appropriate to use for the Fircrest Campus since both processes appear applicable which may create conflict or a duplicative process at best.

There are also multiple stakeholders from the State (DSHS, Department of Natural Resources (DNR), the Governor's Office, Office of Financial Management (OFM) and individual Legislators) with goals for the Fircrest Campus that are not being contemplated as a whole. The State Legislature has funded DSHS for \$69.2 million for two state constructed community civil bed facilities; one providing 16 state operated civil beds and one providing 48 mixed-use beds of which 16 beds would be state operated civil beds. DNR must consult with OFM and DSHS to develop recommendations for future use of the Fircrest School Campus by the end of 2019. Knowing that there are these interests and studies funded in process that have the potential to influence future uses on the Fircrest Campus, the City is very interested in having this information and analysis to help inform the City's decision on an MDP permit or EPF SUP.

The City's definitions and permitted uses were created prior to the State's creation of a program to site community behavioral health facilities. Existing uses defined in the SMC may be too broadly defined to ensure adequate process and procedures to appropriately site these EPFs. The reason for this moratorium is not only to allow time for staff to analyze and the public to consider where and/or under what conditions to site such new uses in the City, but to determine how EPFs can be designed to be consistent with the goals and policies for the surrounding community.

In addition, the MDP process does not address the following:

- Sites with multiple property owners with diverging interests;
- The need for compact site planning to make the best use of the limited remaining under-utilized property within the City;
- The possibility of portions of a site being removed from the Campus designation; and
- The social justice implications of concentrations of institutional and essential public facility uses in a particular area.

Alternatives

The alternatives considered by staff include:

1. Adopt a citywide moratorium on the acceptance of all permit applications for MDPs and EPF SUPs; or
2. Continue to review applications under the current processes and add a review of MDP and SUP criteria and use definitions to the 2020 Development Code batch amendments.

Alternative 1 City Wide Moratorium:

A citywide moratorium would allow the City time to analyze this issue based on the city as a whole and would provide clear guidelines and standards to those using the MDP and/or SUP process for ESPs. This analysis would likely include not only where new facilities should be located but may also include consideration of potential distribution or limitation on numbers, and design standards so as to mitigate impacts and ensure compatibility with the vision for the area.

Alternative 2 Retain Current Code:

If the Council elects this option, no ordinance would be needed at this time and this would be reviewed next year.

Staff recommends Alternative 1: adopt a citywide moratorium on the acceptance of all permit applications for MDPs and EPF SUPs. Staff further recommends that Council hold the public hearing and act on proposed Ordinance No. 868 on October 7, 2019.

RESOURCE/FINANCIAL IMPACT

A moratorium on the acceptance of permit applications for MDP permits and EPF SUPs will have an impact on staff resources. The time sensitive nature of work under a moratorium will require prioritizing this effort more quickly than considering possible changes under next year's batch amendment process and possibly work on the Housing Choices initiative in 2020.

RECOMMENDATION

Staff recommends that Council discuss Ordinance No. 868 to enact a six (6) month citywide moratorium on the acceptance of all applications for Master Development Plan permits and Essential Public Facility Special Use Permits. Staff further recommends that Council hold a public hearing and act on proposed Ordinance No. 868 on October 7, 2019.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 868

Attachment B: Shoreline Development Code Excerpts – SMC 20.30

Attachment C: Shoreline Comprehensive Plan Excerpts

ORDINANCE NO. 868

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON IMPOSING A MORATORIUM ON THE FILING, ACCEPTANCE, AND APPROVAL OF APPLICATIONS FOR MASTER DEVELOPMENT PLANS AND ESSENTIAL PUBLIC FACILITIES SPECIAL USE PERMITS WITHIN THE CITY OF SHORELINE FOR SIX MONTHS.

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, Shoreline Municipal Code (SMC) 20.50.046(C) requires that all development within campus zones shall be governed by a master development plan reviewed pursuant to SMC 20.30.060 and 20.30.353; SMC 20.30.353 further states that a master development plan is to define development of essential public facilities; and

WHEREAS, SMC 20.30.330 states that a special use permit may be used to locate a regional land use, including essential public facilities, when not specifically allowed by the zoning of the location; and

WHEREAS, the Master Development Plan permit and Special Use Permit decision criteria adopted in 2008 and 2000 respectively, may also be outdated and not reflective of Shoreline's current goals and policies; and

WHEREAS, the City Council has significant concerns about development in the City under the current master development plan and essential public facilities special use permit regulations in the context of the visions and goals of the City's Comprehensive Plan, and is discussing how to best accommodate growth and development in both general and specific ways so as not to frustrate the City Council's vision; and

WHEREAS, allowing the submittal of applications for master development plans and essential public facilities special use permits before the City can conduct a comprehensive analysis, may result in applications being approved that could not only violate the goals and policies of the City's Comprehensive Plan but also result in adverse impacts to the character of the City and its citizens; and

WHEREAS, the City Council requires time to review regulations and policies related to these types of applications and the uses permitted to ensure that the visions and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, a moratorium will allow time for the City Council to gather information, perform an analysis, engage the community, and to adopt development regulations addressing the comprehensive long-term planning that is associated with master development plans and special use permits so as to ensure consistency with the City's Comprehensive Plan, the development regulations, and to ensure consistency and conformity with the surrounding community while maintaining the status quo; and

WHEREAS, the MDP process does not address sites with multiple property owners with diverging interests, the need for compact site planning to make the best use of the limited remaining under-utilized property within the City, the possibility of portions of a site being removed from the campus designation, and the social justice implications of concentrations of institutional and essential public facility uses; and

WHEREAS, existing uses defined in the SMC may be too broadly defined to ensure adequate process and procedures to appropriately site these essential public facilities; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the Shoreline City Council to adopt moratoriums, interim zoning ordinances, and interim official controls as methods to preserve the status quo while comprehensive analysis is being conducted and regulations are being developed PROVIDED that the City hold a public hearing on the proposed moratorium within sixty days of adoption; and

WHEREAS, the City Council desires to impose a six (6) month moratorium on the filing, acceptance, and approval of applications for master development plans and essential public facilities special use permits within the all zoning districts of the City;

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

Section 1. Moratorium. The City hereby imposes a six (6) month moratorium on the filing, acceptance, and approval of all applications for master development plans and essential public facilities special use permits within all zoning districts of the City of Shoreline. All such applications shall be rejected and returned to the applicant.

Section 2. Definitions. For the purpose of this moratorium, the terms "master development plan" and "special use permit" have the same meaning as provided in SMC Chapter 20.20 Definitions and the term "essential public facilities" has the same meaning as provided in Comprehensive Plan Policies LU63 and RCW 36.70A.200.

Section 3. Public Hearing Set. As provided in RCW 35A.63.220 and RCW 36.70A.390, the City Council sets a public hearing for October 7, 2019, starting at 7:15 pm or as soon thereafter

as possible. After the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium and either justify its continued imposition or cancel the moratorium.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 5. 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. This Ordinance does not affect any existing vested rights for any complete application for a master development plan or essential public facility special use permit submitted or approved prior to the effective date.

PASSED BY THE CITY COUNCIL ON _____, 2019.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2019
Effective Date: , 2019

SMC Title 20

Excerpt from Chapter 20.30 – Procedures and Administration

Shoreline Municipal Code (SMC)

20.20.034 M definitions.

Master Development Plan	A plan that establishes site-specific development standards for an area designated campus zone or essential public facility as defined in the Comprehensive Plan. Master development plans incorporate proposed development, redevelopment and/or expansion of uses as authorized in this Code. (Ord. 507 § 4, 2008).
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SMC Title 20

Excerpt from Chapter 20.30 – Procedures and Administration

20.30.353 Master development plan.

A. **Purpose.** The purpose of the master development plan is to define the development of property zoned campus or essential public facilities in order to serve its users, promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes for all uses that are permitted outright or through conditional or special use processes in the underlying zones.

B. **Decision Criteria.** A master development plan shall be granted by the City only if the applicant demonstrates that:

1. The project is designated as either campus or essential public facility in the Comprehensive Plan and Development Code and is consistent with goals and policies of the Comprehensive Plan.
2. The master development plan includes a general phasing timeline of development and associated mitigation.
3. The master development plan meets or exceeds the current critical areas regulations, Chapter [20.80](#) SMC, Critical Areas, or Shoreline Master Program, SMC Title [20](#), Division II, if critical areas or their buffers are present or project is within the shoreline jurisdiction and applicable permits/approvals are obtained.
4. The proposed development uses innovative, aesthetic, energy-efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods.

5. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

6. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

7. The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

8. The applicant shall demonstrate that proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

C. **Amendments.** Minor amendments to an approved master development plan may be approved by the Director if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

1. An increase in the square footage of any proposed building or structure by 10 percent or less;
or
2. A change of 15 percent or less in the number of new parking spaces, parking spaces created by restriping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles; or
3. A change in the original phasing timeline for mitigation of the master development plan; or

4. Changes to building placement when located outside of the required setbacks and any required buffers for critical areas; or
5. A cumulative increase in impervious surface of 10 percent or less or a cumulative decrease in tree cover of 10 percent or less; or
6. Other specific changes as noted in the master development plan.

Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master development plan. Major amendments to an approved master development plan shall be processed as a new master development plan.

D. Development Standards.

1. Density is limited to a maximum of 48 units per acre;
2. Height is limited to a maximum of 65 feet;
3. Buildings must be set back at least 20 feet from property lines at 35 feet building height abutting all R-4 and R-6 zones. Above 35 feet buildings shall be set back at a ratio of two to one;
4. New building bulk shall be massed to have the least impact on neighboring single-family neighborhood(s) and development on campus;
5. At a minimum, landscaping along interior lot lines shall conform with the standards set forth in SMC [20.50.490](#);
6. Construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible. Landscaping of parking areas shall at a minimum conform with the standards set forth in SMC [20.50.500](#);
7. Development permits for parking shall include a lighting plan for review and approval by the Planning Director. The lighting shall be hooded and directed such that it does not negatively impact adjacent residential areas;
8. The location, material, and design of any walkway within the campus shall be subject to the review and approval of the Planning Director; and

9. Where adjacent to existing single-family residences, campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen. The amount and type of plant materials shall be subject to the review and approval of the Planning Director.

These standards may be modified to mitigate significant off-site impacts of implementing the master development plan in a manner equal to or greater than the code standards.

E. New Uses or New Development Standards. Any new use or new uses on a campus zoned site must be processed as part of a master development plan permit. New uses requested through a master development permit shall be considered concurrently with an amendment to SMC [20.40.150](#), Campus uses.

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

G. Master Plan Vesting Expiration. A master development plan's determination of consistency under RCW [36.70B.040](#) shall vest for 10 years after issuance or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. After 10 years, the Planning Commission may review the master development plan permit for consistency with current City vision, goals, strategies (such as the Economic Development Strategy, Housing Strategy, Environmental Sustainability Strategy), Comprehensive Plan and other sections of the Development Code. If changes are recommended, staff shall initiate a major amendment under this section to achieve consistency unless the revision is approved by the owner. (Ord. 724 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 507 § 4, 2008).

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 including essential public facilities 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 may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. The special use permit shall not be used to preclude the siting of an essential public facility.

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, 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 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 Plan, SMC Title [20](#), Division II.

C. Decision Criteria (Light Rail Transit Facility/System Only). In addition to the criteria in subsection B of this section, a special use permit for a light rail transit system/facilities located anywhere in the City may be granted by the City only if the applicant demonstrates the following standards are met:

1. The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City's guiding principles for light rail system/facilities and Sound Transit's design criteria manual used for all light rail transit facilities throughout the system and provides equitable features for all proposed light rail transit system/facilities;

2. The use will not result in, or will appropriately mitigate, adverse impacts on City infrastructure (e.g., roads, sidewalks, bike lanes) as confirmed by the performance of an access assessment report or similar assessment, to ensure that the City's transportation system (motorized and nonmotorized) will be adequate to safely support the light rail transit system/facility development proposed. If capacity or infrastructure must be increased to meet the decision criteria set forth in this subsection C, then the applicant must identify a mitigation plan for funding or constructing its proportionate share of the improvements; and

3. The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with the City's guiding principles for light rail system/facilities.

D. Vesting of Special Use Permits Requested by Public Agencies. A public agency may, at the time of application or at any time prior to submittal of the SUP application to the City Hearing Examiner, request a modification in the vesting expiration provisions of SMC [20.30.160](#), allowing for vesting of the SUP for a period of up to five years from the date of Hearing Examiner approval or, if the SUP provides for phased development, for a period of up to 10 years from date of Hearing Examiner approval. If permitted, the expiration date for vesting shall be set forth as a condition in the SUP. (Ord. 767 § 1 (Exh. A), 2017; Ord. 741 § 1 (Exh. A), 2016; Ord. 739 § 1 (Exh. A), 2016; Ord. 724 § 1 (Exh. A), 2015; Ord. 238 Ch. III § 7(e), 2000).

Relevant Comprehensive Plan Goals and Policies related to Fircrest Campus:

Framework Goal (FG)18: Encourage Master Planning at Fircrest School that protects residents and encourages energy and design innovation for sustainable future development.

Land Use policy (LU) 30: Evaluate property along transportation corridors that connects light rail stations and other commercial nodes in the city, including Town Center, North City, Fircrest, and Ridgecrest for multi-family, mixed use, and non-residential uses.

Economic Development policy (ED) 30: Unlock the Fircrest excess property to create living-wage jobs while respecting and complementing its existing function as a facility for people with disabilities.

Essential Public Facilities (EPF)

LU63: Require land use decisions on essential public facilities meeting the following criteria to be made consistent with the process and additional criteria set forth in LU65:

- a. The facility meets the Growth Management Act definition of an essential public facility, ref. RCW 36.70A.200(1) now and as amended; or
- b. The facility is on the statewide list maintained by the Office of Financial Management, ref. RCW 36.70A.200(4) or on the countywide list of essential public facilities; and
- c. The facility is not otherwise regulated by the Shoreline Municipal Code (SMC).

LU64: Participate in efforts to create an interjurisdictional approach to the siting of countywide or statewide essential public facilities with neighboring jurisdictions. Through participation in this process, seek agreements among jurisdictions to mitigate against the disproportionate financial burden, which may fall on the jurisdiction that becomes the site of a facility of a state-wide, regional, or countywide nature. This policy (LU 64) amended by Ordinance No. 766; December 20, 2016.

LU65: Use this Siting Process to site the essential public facilities described in LU63 in Shoreline. Implement this process through appropriate procedures incorporated into the SMC.

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. Process applications for siting essential public facilities through SMC 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.

LU66: After a final siting decision has been made on an essential public facility according to the process described in LU65, pursue any amenities or incentives offered by the operating agency, or by state law, other rule, or regulation to jurisdictions within which such EPF is located.

LU67: For EPF having public safety impacts that cannot be mitigated through the process described in LU64, the City should participate in any process available to provide comments and suggested conditions to mitigate those public safety impacts to the agency, special district or organization proposing the EPF. If no such process exists, the City should encourage consideration of such comments and conditions through coordination with the agency, special district, or organization proposing the EPF. A mediation process may be the appropriate means of resolving any disagreement about the appropriateness of any mitigating condition requested by the City as a result of the public safety impacts of a proposal.

LU68: Locate essential public facilities equitably throughout the city, county, and state. No jurisdiction or area of the city should have a disproportionate share of essential public facilities. This policy shall not be interpreted to require the preclusion of an essential public facility from any specific locations in the city.

Parks Recreation and Open Space

GOAL 1: Preserve, enhance, maintain, and acquire built and natural facilities to ensure quality opportunities exist.

Policy 1.3: Plan for, acquire and develop land for new facilities to meet the need of a growing population.

Policy 1.9: Improve and leverage the potential of existing facilities.

GOAL 3: Meet the parks, recreation and cultural service needs of the community by equitably distributing resources.

Policy 3.4: Identify unserved and underserved populations with unmet recreation and cultural needs.

GOAL 4: Establish and strengthen partnerships with other public agencies, non-governmental organizations, volunteers, and City departments to maximize the public use of all community resources.

Policy 4.2: Seek partners in the planning, enhancement and maintenance of facilities and programs.

GOAL 5: Engage the community in park, recreation and cultural services decisions and activities.

Policy 5.1: Encourage consistent and effective public involvement in the short and long range park planning process.

Policy 5.2: Provide public relations and publicity efforts to inform citizens of communitywide opportunities.