

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Public Hearing and Adoption 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:**     ☒ Ordinance     ☐ Resolution     ☐ Motion  
                  ☐ Discussion     ☒ 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 a behavioral health facility which is considered 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 filing, acceptance, processing and/or approval 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.

Proposed Ordinance No. 868 (Attachment A) would enact this moratorium for six months. A Council discussion of this proposed ordinance was held on September 16, 2019. At that meeting, Council directed staff to bring back proposed Ordinance No. 868 for a required Public Hearing and potential adoption tonight.

**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 hold a Public Hearing and then adopt Ordinance No. 868 to enact a six (6) month citywide moratorium on the filing, acceptance, processing and/or approval of all applications for Master Development Plan permits and Essential Public Facility Special Use Permits.

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

## **BACKGROUND**

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) by November 2019 that includes the expansion of existing uses on the campus, new uses that would support persons with developmental disabilities, and the siting of a behavioral health facility which is an Essential Public Facility (EPF), staff recommends that Council enact a citywide moratorium on the filing, acceptance, processing and/or approval of all 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.

Proposed Ordinance No. 868 (Attachment A) would enact this moratorium for six months. Council discussed proposed Ordinance No. 868 at their September 16, 2019 Council meeting. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport091619-9a.pdf>.

## **DISCUSSION**

Following the Council discussion on September 16<sup>th</sup>, Council directed staff to notice a Public Hearing for October 7, 2019 to receive public comment on the proposed moratorium. Council also stated that they may take action on proposed Ordinance No. 868 following the Public Hearing.

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. A Council majority approval is required, and the moratorium would go into effect five days after adoption. 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. Tonight's Public Hearing was advertised in the Seattle Times and on the City's website at least 10 days prior to the hearing, as required by the Council Rules of Procedure.

## **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 hold a Public Hearing and then adopt 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.

### **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 868

**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 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 master development plan 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, at its October 7, 2019, regular meeting, the City Council held a public hearing on the proposed moratorium; 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 all zoning districts of the City;

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

**Section 1. Findings of Fact.** The City Council hereby adopts the above Recitals as findings of fact to support the adoption of this Ordinance.

**Section 2. Moratorium.** The City Council 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 3. 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 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. Transmittal to the Department of Commerce.** Pursuant to RCW 36.70A.106, a copy of this ordinance shall be transmitted to the Washington State Department of Commerce.

**Section 6. 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 OCTOBER 7, 2019**

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Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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

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

Date of Publication:   , 2019  
Effective Date:         , 2019