

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

<b>AGENDA TITLE:</b>	Discussion of Ordinance No. 882 - Amending Title 20 of the Shoreline Municipal Code Related to Master Development Plan and Special Use Permit Decision Criteria and Criteria for Essential Public Facilities and Repealing the Moratorium Established by Ordinance No. 868
<b>DEPARTMENT:</b>	Planning and Community Development
<b>PRESENTED BY:</b>	Andrew Bauer, Senior Planner Nora Gierloff, Planning Manager Rachael Markle, Planning & Community Development 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 Council adopted a six month-moratorium on the filing, acceptance, and approval of applications for Master Development Plans (MDPs) and Special Use Permits (SUPs) of Essential Public Facilities (EPFs). The moratorium, unless extended by the City Council, will expire on April 7, 2020.

The moratorium was enacted in response to renewed activity by the Department of Social and Health Services (DSHS) to submit an MDP for the Fircrest School Campus that may include the expansion of existing uses on the campus, new uses that would support persons with developmental disabilities, and the potential siting of an EPF.

The existing decision criteria for MDPs set forth in Shoreline Municipal Code (SMC) Section 20.30.353 are not adequate to evaluate the siting of EPFs. The SUP process, which is intended for the siting of EPFs, does not consider long range, multi-year campus planning. Furthermore, the Development Code states the purpose of both the MDP and SUP process are to permit EPFs – creating ambiguity in not only which is the most appropriate review process, but also how to address a circumstance such as at the Fircrest School Campus in which review of an MDP may also include the siting of an EPF.

The moratorium has allowed the City time to study the existing MDP and SUP decision criteria for both permit types and develop proposed amendments that clarify inconsistencies, implement existing policies, and advance the City's goals. Tonight, Council will discuss proposed Ordinance No. 882 which would repeal the moratorium and amend the Development Code related to MDPs, SUP decision criteria and criteria for EPFs. Proposed Ordinance No. 882 provides the Planning Commission's recommendation on these proposed amendments. Proposed Ordinance No. 882 is currently scheduled to be brought back to Council for adoption on March 2, 2020.

**RESOURCE/FINANCIAL IMPACT:**

Adoption of the proposed amendments and repealing the moratorium would allow applicants, including DSHS, to submit applications for an MDP and/or SUP for an EPF. Should the moratorium be extended, there is greater chance for impacts to applicants and property owners who may wish to submit applications but are restricted in doing so due to the moratorium. The proposed amendments include new and revised decision criteria which may require additional study and analysis to be prepared and submitted as part of the MDP and/or SUP review process.

**RECOMMENDATION**

Council action on proposed Ordinance No. 882 is not being requested at the February 10<sup>th</sup> meeting. Instead, this meeting is intended for staff to present the proposed Development Code amendments. The Planning Commission has recommended the City Council approve the proposed amendments to the Development Code related to MDP and SUP decision criteria and review procedures. Action on proposed Ordinance No. 882 is tentatively scheduled for the March 2, 2020 Council meeting.

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

## **BACKGROUND**

In December 2008, the City Council amended the Comprehensive Plan to create the Campus land use designation and adopted the implementing Campus zoning districts (Shoreline Municipal Code (SMC) Section 20.40.045). In conjunction with this action, Shoreline Community College, CRISTA, the State Public Health Lab, and the Fircrest School were each assigned a different Campus zone reflective of the needs for each. The Development Code was also amended to create the Master Development Plan (MDP) quasi-judicial process (SMC 20.30.353) and to require an MDP for all development within Campus zones. SMC 20.30.353 also states the purpose of an MDP is to define development of not only property zoned Campus but also for Essential Public Facilities (EPFs).

### **Essential Public Facilities**

The Development Code does not expressly define an EPF. However, Policies LU63-LU68 of the Comprehensive Plan Land Use Element speak to EPFs and cite the Growth Management Act's definition of an EPF contained in RCW 36.70A.200:

*[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.*

Comprehensive Plan Policy LU65 speaks to the process for siting an EPF which states, in relevant part:

- 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:*

### **Master Development Plans**

SMC 20.20.034.M defines a Master Development Plan as:

*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.*

SMC 20.30.353 sets forth the procedures for an MDP. SMC 20.30.353.A states, in relevant part, the purpose of an MDP 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 ...*

SMC 20.30.353.B sets forth eight (8) criteria for the granting of an MDP. These criteria include phasing, environmental sustainability, and architectural design.

### **Special Use Permits**

SMC 20.20.046 defines a Special Use Permit (SUP) as:

*A permit issued by the City that must be acquired before a special exception use<sup>1</sup> can be constructed.*

SMC 20.30.330, in relevant part, states the purpose of a SUP 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...*

SMC 20.30.330.B sets forth nine (9) criteria that need to be satisfied before a SUP can be granted. These criteria include such things as the use, which will provide a public benefit; will be compatible with and not materially endanger the community; and will be supported by adequate public facilities or services.

### **Comparing MDPs and SUPs**

Both permit types are processed as a Type C Action – Quasi Judicial, requiring a public hearing before the City Hearing Examiner who issues the final decision. However, in comparing these two types of permits, it becomes clear that the decision criteria for approving a SUP is more applicable to the siting of an EPF and that same SUP criteria would not be adequate to review and approve an MDP. An EPF proposed within a Campus zone would be required to obtain both an MDP and SUP.

The MDP permit decision criteria adopted in 2008 have not been updated to reflect the City's current goals, policies, and development regulations. 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 have 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.

### **MDPs in the Campus Zone**

Except for the Fircrest School Campus, all the areas in the City that are zoned Campus have adopted MDPs (Public Health Lab, 2010; CRISTA, 2010; Shoreline Community College, 2013). While the State Department of Social and Health Services (DSHS) has started multiple planning efforts for the Fircrest School Campus, with the latest occurring in 2018, none have progressed to the point of submittal of an MDP application to the City.

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<sup>1</sup> The SMC does not define "special exception use".

### **Moratorium on the Filing, Acceptance and Approval of MDP Applications**

In response to renewed activity by DSHS to submit an MDP for the Fircrest School Campus that may include the expansion of existing uses on the campus, new uses that would support persons with developmental disabilities, and the potential siting of an EPF, the City Council adopted a six-month moratorium on the filing, acceptance, and approval of applications for MDPs and SUPs of EPFs. The moratorium was enacted by City Council Ordinance No. 868 on October 7, 2019, and unless extended by Council, will expire on April 7, 2020. Ordinance No. 868 is attached to this staff report as **Attachment A**.

Council determined that the existing decision criteria for MDPs set forth in SMC 20.30.353 are not adequate to evaluate the siting of EPFs. The SUP process, which is intended for the siting of EPFs, does not consider long range, multi-year campus planning. Furthermore, the Development Code states the purpose of both the MDP and SUP process are to permit EPFs – creating ambiguity in not only which is the most appropriate review process, but also how to address a circumstance such as at the Fircrest School Campus in which review of an MDP may also include the siting of an EPF.

DSHS has recently restarted work on a Fircrest School Campus MDP with the goal of submitting an application once the moratorium is no longer in effect. Staff has been attending Fircrest stakeholder meetings as well as public open houses on the subject and has also met separately with DSHS staff to try to fully understand the nature and possible impacts of proposed changes to the site.

### **DISCUSSION**

The moratorium has allowed the City time to study the existing MDP and SUP decision criteria for both permit types and develop proposed Development Code amendments that clarify inconsistencies, implement existing policies, and advance the City's goals. The proposed Development Code amendments, which are provided in proposed Ordinance No. 882 (**Attachment B**), include the following:

- Revisions to SMC 20.30.330 - Special Use Permit (Exhibit A)
- Revisions to SMC 20.30.353 - Master Development Plan (Exhibit B)
- Revisions to SMC 20.20 – Definitions, clarifying definitions for Master Development Plan, Nursing Facility, Residential Care Facility, and Residential Treatment Facility and adding new definitions for Evaluation and Treatment Facility and Enhanced Services Facility (Exhibit C)
- Adding Evaluation and Treatment Facility and Enhanced Services Facility to SMC Table 20.40.140 Other Uses under the Mixed Business zone (Exhibit C)
- Revisions to SMC Sections 20.30.060, 20.30.090, 20.30.120, and 20.30.180 to clarify the review process and increase the notification requirements for EPFs (Exhibit D)

The intent of these proposed revisions is to:

- Clarify the review process and relationship between MDPs, EPFs, and SUPs,
- Address MDPs with multiple property owners,

- Address the need for MDPs to incorporate efficient site planning,
- Provide for community benefits to be incorporated into MDPs,
- Address the potential for concentrations of institutional and EPF uses,
- Align with state regulations for EPFs,
- Reflect the City's current goals and vision, and
- Expand public notification for EPFs.

### **Planning Commission Review**

Staff presented to the Planning Commission the proposed Development Code amendments at their December 5, 2019 meeting. The staff report for this Planning Commission discussion can be found at the following link:

<http://www.shorelinewa.gov/home/showdocument?id=45696>.

On December 19, 2019 representatives from DSHS, including DSHS Secretary Strange, Chief Medical Officer Dr. Brian Waiblinger, and Assistant Secretary of Behavioral Health Sean Murphy, gave a presentation to the Planning Commission about the history and purpose of DSHS and the ongoing initiative to transition care away from large institutions such as Western State Hospital and into smaller facilities distributed throughout the state that can provide care closer to patient's communities. The memo to the Planning Commission and meeting minutes for this discussion can be found at the following link:

<http://www.shorelinewa.gov/Home/Components/Calendar/Event/14028/182?toggle=allpast>.

The DSHS presentation can be found at the following link:

[http://shoreline.granicus.com/MediaPlayer.php?view\\_id=9&clip\\_id=1018](http://shoreline.granicus.com/MediaPlayer.php?view_id=9&clip_id=1018).

On January 16, 2020, the Planning Commission held a Public Hearing and subsequently made their recommendation to approve the proposed amendments. The staff report for the Planning Commission Public Hearing can be found at the following link: <http://www.shorelinewa.gov/home/showdocument?id=45942>. The Planning Commission recommendation memo from Planning Commission Chair Bill Montero, on behalf of the Planning Commission, is attached to this staff report as **Attachment C**.

### **Development Code Amendment Decision Criteria**

In accordance with SMC 20.30.350(A), an amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

The City Council may approve or approve with modifications an amendment to the Development Code if all of the following are satisfied:

#### **1. *The amendment is in accordance with the Comprehensive Plan***

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

- *Goal LU XI: Maintain regulations and procedures that allow for siting of essential public facilities.*

The amendments continue to allow for siting of EPFs within the City and further clarify the review process, align with state regulations, and add decision criteria which specifically address EPFs. The amendments clarify the SUP as the appropriate permit and review process for an EPF. In instances where an EPF is proposed within a Campus zone, both an MDP and SUP would be required and could be reviewed concurrently.

- *LU62: Consider social equity and health issues in siting uses, such as manufacturing and essential public facilities, to provide protection from exposure to harmful substances and environments.*

The amendments include provisions for the City to place mitigation measures on an EPF use. The amendments also include provisions for an agency proposing an EPF to provide a detailed explanation of the methodology used to site the EPF within Shoreline.

- *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).*

The criteria noted in policy LU63 have been included into the SUP criteria required for EPFs.

- *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.*

The SUP process provides an avenue for the City of Shoreline and its residents to engage with outside agencies about EPF siting decisions. The proposed amended criteria address the issues of mitigating disproportionate impacts and concentrations of uses. An appropriate level of participation and collaboration between agencies would be anticipated on any potential future EPFs within the City of Shoreline.

- *LU 65: 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.*

The EPF siting process noted above is already partially integrated into the City's Development Code and will be more fully integrated with the proposed amendments. The SUP criteria for EPFs will include the provisions above to require consistency with agency plans, the ability for the City to include conditions and/or mitigation measures, and the requirement for the EPF to be in compliance with applicable regulations governing 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.*

The amendments to the SUP criteria for EPFs include provisions for conditions and mitigation measures to mitigate against potential impacts of siting an EPF within the community.

- *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.*

The proposed amendments to the decision criteria will provide opportunity for the City to place mitigation measures, within the scope of its authority, on new EPFs. The SUP process also provides an avenue for the City and its residents to engage with outside agencies about EPF siting decisions and other potential impacts such as public safety.

- *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.*

The amendments to the SUP criteria for EPFs include provisions for the proposing agency to provide a detailed explanation of the site selection methodology in order to demonstrate alternative sites have been reasonably investigated and factors relating to equity and social justice have been taken into consideration.

- *CD2: Refine design standards so new projects enhance the livability and the aesthetic appeal of the community.*

The amendments to the MDP decision criteria will require future MDPs to consolidate development in a compact, logical layout to make efficient use of the finite resource of undeveloped and underdeveloped land within the City and enhancing livability and aesthetics for the community by maximizing the use of other land for other uses such as open space and other land uses or services which provide benefit to the community.

The amendments also support the implementation of King County Countywide Planning Policy (CPP) DP-3 by requiring MDPs to consolidate development in a compact manner. CPP DP-3 states:

... Promote the efficient use of land within the Urban Growth Area by using methods such as:

- Directing concentrations of housing and employment growth to designated centers;
- Encouraging compact development with a mix of compatible residential, commercial, and community activities;
- Maximizing the use of the existing capacity for housing and employment; and

- Coordinating plans for land use, transportation, capital facilities and services.
- *CD18: Preserve, encourage, and enhance open space as a key element of the community's character through parks, trails, water features, and other significant properties that provide public benefit.*

The amendments to the MDP decision criteria will require future MDPs to incorporate direct community benefits to the adjacent neighborhood. Community benefits could include active or passive open space.

**2. *The amendment will not adversely affect the public health, safety or general welfare.***

The amendments align EPF regulations with state requirements, requires a SUP for all EPFs, and reinforces the decision criteria to take into consideration and require mitigation for potential impacts which could affect surrounding properties and community. The revisions to the SUP decision criteria are intended to protect the health, safety, and welfare of the public.

The amendments to the MDP decision criteria include provisions for direct community benefits intended to serve the adjacent neighborhood in which the MDP is located and are intended to protect the health, safety, and welfare of the public.

**3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.***

The amendments will provide needed regulations and criteria for decision makers to protect the interests of the City of Shoreline and its residents. Provisions are included in the SUP decision criteria to better address EPFs and require additional public outreach, review of siting methodology, ensure consistency with the Comprehensive Plan, and require specific conditions and/or mitigation measures necessary to preserve community interests and mitigate potential impacts.

Amendments to the MDP decision criteria will improve clarity for sites with multiple owners and require that MDPs incorporate community benefits such as active or passive open space and indoor or outdoor meeting space.

Public notification requirements for EPFs will be expanded to require neighborhood meeting and public notification to all property owners within 1,000 feet of the site (increased from 500 feet). The expanded notification is consistent with the requirement for MDPs and is intended to inform and seek input from nearby residents and stakeholders.

Staff researched EPF decision criteria for several other jurisdictions throughout the Central Puget Sound region, as well as state regulations in WAC 365-196-500 relating to EPFs. The recommended amendments to the decision criteria are

consistent with state regulations and are generally in line with the criteria adopted by other jurisdictions.

### **Pros to Approval of Amendments**

If approved, the proposed amendments would address the issues identified in the moratorium, as well as clarify the review process and relationship between MDPs, EPFs, and SUPs; address MDPs with multiple property owners; require MDPs to efficiently plan their site development and growth; provide for MDPs to incorporate public benefits; address the potential for concentrations of institutional and EPF uses; align the City's regulations with state regulations relating to EPFs; expand public notification requirements for EPFs; and reflect the City's current goals and visions.

The proposed amendments would also provide clarity for both applicants and residents by adding definitions for Evaluation and Treatment Facilities (ETFs) and Enhanced Services Facilities (ESFs) and identifying them as a special use within the Mixed Business (MB) zone. Amendments to other land use definitions which might be construed as similar to ETFs and ESFs would be clarified.

### **Cons to Approval of Amendments**

The proposed amendments would give the City additional opportunity to place conditions and mitigation measures, within the scope of its authority, onto new MDPs, and EPFs processed through a SUP. New MDPs may be impacted by new criteria for compact site layout, avoidance of nuisances and provision of community benefits. EPFs would be subject to new SUP criteria which could make them subject to conditions such as location on the site, review of operation procedures, and other mitigating measures. Public notification for EPFs would also be expanded to be consistent with MDPs. While the state governs several standards related to EPFs, the proposed amendments to the SUP decision criteria could require additional analysis by the applicant than would have otherwise been provided. This could increase the time and cost for applicants to prepare applications.

Properties zoned MB and those adjacent could be impacted by the addition of ETFs and ESFs as a special use. However, the SUP decision criteria are intended to minimize and mitigate potential impacts to adjacent properties and the community.

### **Staff Recommended Revision to the Proposed Amendment**

Staff is recommending one revision to the proposed amendments recommended for approval by the Planning Commission as follows:

- Attachment B, Exhibit A – SMC 20.30.330.D.2:

Planning Commission Recommended Text:

The applicant has investigated and considered alternative sites and provided documentation of the site selection methodology. That methodology, which shall include public outreach, **should** include an analysis of whether siting of the proposed EPF would have a disproportionate impact on any one racial, cultural, or socioeconomic group within the City.

Staff Proposed Text:

The applicant has investigated and considered alternative sites and provided documentation of the site selection methodology. That methodology, which shall include public outreach, **shall** include an analysis of whether siting of the proposed EPF would have a disproportionate impact on any one racial, cultural, or socioeconomic group within the City.

Upon further review, staff believes the requirement should be strengthened for an applicant to include an analysis of potential disproportionate impacts on racial, cultural, or socioeconomic groups within the City. Revising the code text so this analysis “shall” be required (instead of “should” be required) removes any doubt as to whether the analysis is required.

### **STAKEHOLDER INPUT/OUTREACH**

Staff shared the draft amendments to the owners of the Campus zoned properties and provided an opportunity for questions and comments. Two comment letters were received and staff incorporated the comments where appropriate. Owners of properties zoned Mixed Business (MB) were also notified of the proposed amendments and the January 16, 2020 Planning Commission Public Hearing.

A comment letter from Shoreline Community College was submitted following completion of the Planning Commission’s Public Hearing and recommendation. The comment letter is attached as **Attachment D**.

### **RESOURCE/FINANCIAL IMPACT**

Adoption of the proposed amendments and repealing the moratorium would allow applicants, including DSHS, to submit applications for an MDP and/or SUP for an EPF. Should the moratorium be extended, there is greater chance for impacts to applicants and property owners who may wish to submit applications but are restricted in doing so due to the moratorium. The proposed amendments include new and revised decision criteria which may require additional study and analysis be prepared and submitted as part of the MDP and/or SUP review process.

### **RECOMMENDATION**

Council action on proposed Ordinance No. 882 is not being requested at the February 10<sup>th</sup> meeting. Instead, this meeting is intended for staff to present the proposed Development Code amendments. The Planning Commission has recommended the City Council approve the proposed amendments to the Development Code related to MDP and SUP decision criteria and review procedures. Action on proposed Ordinance No. 882 is tentatively scheduled for the March 2, 2020 Council meeting.

## **ATTACHMENTS**

Attachment A – Ordinance No. 868

Attachment B – Proposed Ordinance No. 882 and Exhibits:

Exhibit A – SUP Decision Criteria Amendments (SMC 20.30.330)

Exhibit B – MDP Decision Criteria Amendments (SMC 20.30.353)

Exhibit C – Definitions Amendments (SMC 20.20) and Amendments to Use  
Tables (SMC 20.40.140)

Exhibit D – SUP Notification Amendments (SMC 20.30.060, 20.30.090,  
20.30.120 & 20.30.180)

Attachment C – Planning Commission Recommendation Memo

Attachment D – Comment letter from Shoreline Community College, dated January 17,  
2020

**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**

  
\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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

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

Date of Publication: October 10, 2019  
Effective Date: October 15, 2019



**ORDINANCE NO. 882**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
AMENDING CHAPTERS 20.20, 20.30 AND 20.40 OF TITLE 20 OF THE  
SHORELINE MUNICIPAL CODE, UNIFIED DEVELOPMENT CODE,  
RELATED TO MASTER DEVELOPMENT PLAN AND SPECIAL USE  
PERMIT DECISION CRITERIA AND CRITERIA FOR ESSENTIAL  
PUBLIC FACILITIES AND REPEALING THE MORATORIUM  
ESTABLISHED BY ORDINANCE NO. 868.**

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) Title 20 is the Unified Development Code setting forth the zoning and development regulations for the City; and

WHEREAS, on October 7, 2019, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council adopted Ordinance No. 868 imposing a six-month moratorium on the filing, acceptance, and approval of applications for Master Development Plans and Special Use Permits for Essential Public Facilities within the City of Shoreline; and

WHEREAS, on December 5, 2019, the Shoreline Planning Commission reviewed proposed amendments addressing the concerns that served as the basis of Ordinance No. 868's moratorium; and

WHEREAS, on January 16, 2020, the Shoreline Planning Commission held a public hearing on the proposed amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing, the Shoreline Planning Commission recommended approval of the proposed amendments as presented by Planning Staff; and

WHEREAS, on February 10, 2020, the City Council held a study session on the proposed amendments as recommended by the Planning Commission; and

WHEREAS, the City Council considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; 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 amendments to its Unified Development Code; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) issued on December 20, 2019 pursuant to the State Environmental Policy Act (SEPA); and

WHEREAS, the City Council has determined the proposed amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

**Section 1. Amendment.** Chapters 20.20, 20.30 and 20.40 of Title 20 of the Shoreline Municipal Code, Unified Development Code, are amended as follows:

- Exhibit A: Amendments to SMC 20.30.330 Special Use Permit.
- Exhibit B: Amendments to SMC 20.30.353 Master Development Plan
- Exhibit C: Amendments to SMC 20.20 Definitions and SMC 20.40.140 Use Table
- Exhibit D: Amendments to SMC 20.30.60 Quasi-Judicial Decisions, SMC 20.30.090 Neighborhood Meeting, SMC 20.30.120 Public Notice of Application, and SMC 20.30.180 Public Notice of Public Hearing

**Section 2. Repealer.** Ordinance No. 868 imposing a six-month moratorium on the filing, acceptance, and approval of applications for Master Development Plans and Special Use Permits for Essential Public Facilities within the City of Shoreline is repealed in its entirety.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**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.

**PASSED BY THE CITY COUNCIL ON MARCH 2, 2020.**

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Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

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

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

Date of Publication:     , 2020

Effective Date:         , 2020

Date of Transmittal to Commerce     , 2020

**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. This includes essential public facilities on unzoned lands, or when not specifically allowed by the zoning of the location. The special use permit may be granted subject to conditions placed on the proposed use to ensure compatibility with the surrounding area. ~~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 ~~may~~ shall be granted by the City only if the applicant demonstrates that:

1. The special use will provide a public benefit or satisfy a public need of the neighborhood in which it is located, 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 of the special use shall not result in either the detrimental over-concentration of a particular uses within the City or within the immediate area of the proposed special use, unless the proposed special 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~~ and services and will not adversely affect public facilities and 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; and
8. The special use is not in conflict with the goals and policies of the Comprehensive Plan. ~~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. Decision Criteria (Essential Public Facilities Only).** In addition to the criteria in subsection B of this section, a special use permit for an essential public facility (EPF) may be granted by the City only if the applicant demonstrates the following standards are met:

1. The facility meets one of the following:

a. The Growth Management Act definition of an essential public facility pursuant to RCW 36.70A.200(1), as amended; or

b. Is on the statewide list of essential public facilities maintained by the Office of Financial Management pursuant to RCW 36.70A.200(4), as amended; or

c. Is on the King County countywide list of essential public facilities.

2. The applicant has investigated and considered alternative sites and provided documentation of the site selection methodology. That methodology, which shall include public outreach, should include an analysis of whether siting of the proposed EPF would have a disproportionate impact on any one racial, cultural, or socioeconomic group within the City.

3. The proposed EPF is consistent with the plan under which the applicant operates, if any such plan exists.

4. The proposed EPF, if to be sited on a property subject to a master development plan, is consistent with the master development plan.

5. Local police, fire and emergency responders have reviewed the EPF and have determined it can be adequately served by local emergency services.

6. The proposed EPF and its location, design, use, and operation must be in compliance with any state, county, or local guidelines, regulations, rules, or statutes governing the proposed EPF for the life of the proposed EPF.

7. To the greatest extent reasonably feasible, the proposed EPF has incorporated mitigation measures developed during a public outreach effort.

**E. The City may impose conditions on the location, design, or operation of a special use in order to mitigate identified environmental, public safety or other impacts.**

**~~E. 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 in writing 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.

**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 Title 20 and other applicable codes for all uses that are permitted outright or through conditional or special use processes in the underlying zones.

B. **Applicant.** All property owners within the area subject to the proposed master development plan must sign the application. If a property owner has delegated signing authority to another property owner or to a representative, then written proof of this delegation must be included in the application submittal

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

1. The project site is zoned designated as either campus or essential public facility in the Comprehensive Plan and Development Code and the uses proposed by the master development plan are is consistent with the goals and policies of the Comprehensive Plan.
2. The master development plan proposal includes a general phasing timeline covering up to 20 years of development and includes associated mitigation for all phases of the plan.
3. The master development plan proposal incorporates a direct community benefit to the adjacent neighborhood which advances the vision articulated in the Comprehensive Plan. Community benefit may include active or passive open space, indoor or outdoor meeting space, neighborhood commercial uses, or employment opportunities.
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~~ master development plan proposal uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) and demonstrates a commitment to meeting the Deep Green Tier 4 as defined in SMC 20.20, or an equivalent green development certification to mitigate its impacts to the environment and surrounding neighborhoods. The master development plan shall consolidate development in a compact layout to make efficient use of the finite resource of undeveloped and underdeveloped land within the City.
5. The master development plan proposal demonstrates that ~~There is~~ either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes, public transit facilities) 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 master development plan applicant identifies ~~must identify~~ a plan for funding ~~their~~ the applicant's proportionate share of the improvements.

6. The master development plan proposal demonstrates that ~~There is either sufficient capacity within public utility services such as water, sewer and stormwater to adequately serve the development proposal proposed 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 master development plan identifies applicant must identify~~ a plan for funding ~~their~~ the applicant's proportionate share of the improvements.

7. The master development plan proposal contains campus-specific design concepts related to architectural design features (including but not limited to building setbacks, insets, facade breaks, and 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 master development plan proposal applicant shall demonstrate that any proposed industrial, commercial or laboratory uses will be operated in a manner that does not create a public nuisance, as defined in SMC 20.30.740, safe for the surrounding neighborhood or ~~and for other uses on the campus. Nuisances may include odors, noise, release of hazardous chemicals, or disproportionate calls for fire or police service.~~

**D. G. Amendments.** Minor amendments to an approved master development plan may be approved by the Director if the amendment meets the applicable 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 of up to 10 percent or less;~~ up to 10 percent or less; or
2. ~~An increase change of up to 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 deviation ~~change~~ in the ~~original approved master development plan~~ phasing timeline which does not result in increased impacts or the need for additional 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 up to 10 percent or less or a cumulative decrease in tree cover of up to 10 percent or less; or



6. ~~Other specific changes as noted in the master development plan~~ Changes identified as minor amendments in the approved 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.

**E. D. Development Standards.**

1. Density is limited to a maximum of 48 units per gross acre;
2. Height is limited to a maximum of 65 feet;
3. Buildings abutting all R-4 and R-6 zones must be set back at least 20 feet from property lines ~~at 35 feet building height abutting all R-4 and R-6 zones.~~ with portions of buildings ~~Above 35 feet buildings shall be set back at a ratio of two feet of additional setback to every one foot of additional building height;~~
4. New building bulk shall be massed to ~~have the least~~ minimize impact on neighboring single-family neighborhood(s) and development on campus;
5. At a minimum, landscaping in newly developed or redeveloped areas ~~along interior lot lines~~ shall conform with the standards set forth in SMC 20.50.470; SMC 20.50.490; and SMC 20.50.500;
6. Construction of buildings and parking areas shall preserve existing healthy 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. Site design shall meet the standards at SMC 20.50.240 E, H, I and J for areas of new construction. ~~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. The Director may recommend modifications to the above standards to address site specific conditions as part of the MDP approval.

**F. 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 plan permit shall be considered concurrently with an amendment to SMC 20.40.150, Campus uses and, where applicable, a special use permit.

**G. F. Early Community Input.** Applicants are encouraged to develop a ~~community and stakeholders~~ consensus-based master development plan through outreach to the community and stakeholders as set forth in SMC 20.30.085.

**H. G. Master Plan Vesting-Expiration.** A master development plan's ~~determination of consistency under RCW 36.70B.040 shall vest~~ expire for ~~120~~ years after ~~issuance~~ the date of the Hearing Examiner's approval, or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. A minor amendment to an existing master development plan does not extend the plan expiration. 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.

**SMC 20.20 Definitions**

Master Development Plan	<p>A plan that establishes site-specific development standards for an area designated campus zone <del>or essential public facility as defined in the Comprehensive Plan</del>. Master development plans incorporate proposed development, redevelopment and/or expansion of uses as authorized in this Code.</p>
Nursing Facility	<p>Any place that operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for any number of patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves <u>and is licensed under WAC 388-97</u>. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed to people who are sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a licensed practitioner of the healing arts. It may also include care of mentally challenged persons. Nothing in this definition shall be construed to include general hospitals, <u>an evaluation and treatment facility, as licensed pursuant to Chapter 71.05 RCW</u>, or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution such as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this code; provided, that any nursing facility providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.</p>

Residential Care Facility (RCF)	A State licensed facility that provides, on a regular basis, personal care including dressing and eating and health-related care and services for not more than 15 functionally disabled persons. A residential care facility shall not provide the degree of care and treatment that a hospital provides. The following are not considered an RCF: a residential treatment facility, as licensed pursuant to Chapter 71.12 RCW; an adult family home, as licensed pursuant to Chapter 70.128 RCW; <u>an evaluation and treatment facility, as licensed pursuant to Chapter 71.05 RCW</u> ; and an enhanced service facility, as licensed pursuant to Chapter 70.97 RCW.
Residential Treatment Facility	A facility licensed by the State pursuant to Chapter 71.12 RCW and Chapter 246-337 WAC that provides 24-hour on-site care for the evaluation, stabilization, or treatment of residents for substance abuse, mental health, or co-occurring disorders. The facility includes rooms for social, educational, and recreational activities, sleeping, treatment, visitation, dining, toileting, and bathing. <u>A Residential Treatment Facility is not considered an Evaluation and Treatment Facility as defined in Chapter 71.05 RCW.</u>
<u>Evaluation and Treatment Facility</u>	<u>Any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified, if required, as such by the State of Washington pursuant to Chapter 71.05 RCW. No correctional institution or facility, or jail, shall be an evaluation and treatment facility.</u>
<u>Enhanced Services Facility</u>	<u>A facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social and Health Services to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues and is licensed pursuant to Chapter 70.97 RCW.</u>

**20.40 Use Tables**

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>HEALTH</b>									
	<u>Enhanced Services Facility</u>							<u>S</u>	
	<u>Evaluation and Treatment Facility</u>							<u>S</u>	
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i
<b>P = Permitted Use</b> <b>C = Conditional Use</b>									
<b>S = Special Use</b> <b>-i = Indexed Supplemental</b> <b>Criteria</b>									

**20.30.060 Quasi-judicial decisions – Type C.**

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC 20.30.090.

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC 20.30.050.

There is no administrative appeal of Type C actions.

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

<b>Action</b>	<b>Notice Requirements for Application and Decision <sup>(3)</sup>, <sup>(4)</sup></b>	<b>Review Authority, Open Record Public Hearing</b>	<b>Decision Making Authority (Public Meeting)</b>	<b>Target Time Limits for Decisions</b>	<b>Section</b>
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450

<b>Action</b>	<b>Notice Requirements for Application and Decision <sup>(3)</sup>, <sup>(4)</sup></b>	<b>Review Authority, Open Record Public Hearing</b>	<b>Decision Making Authority (Public Meeting)</b>	<b>Target Time Limits for Decisions</b>	<b>Section</b>
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>		120 days	20.40.502
8. <u>Essential Public Facility – Special Use Permit</u>	<u>Mail, Post Site, Newspaper</u>	<u>HE <sup>(1)</sup>, <sup>(2)</sup></u>		<u>120 days</u>	<u>20.30.330</u>
9. Master Development Plan	Mail, Post Site, Newspaper	HE <sup>(1)</sup> , <sup>(2)</sup>		120 days	20.30.353
10. Plat Alteration with Public Hearing <sup>(5)</sup>	Mail	HE <sup>(1)</sup> , <sup>(2)</sup>		120 days	20.30.425

<sup>(1)</sup> Including consolidated SEPA threshold determination appeal.

<sup>(2)</sup> HE = Hearing Examiner.

<sup>(3)</sup> Notice of application requirements are specified in SMC 20.30.120.

<sup>(4)</sup> Notice of decision requirements are specified in SMC 20.30.150.

<sup>(5)</sup> A plat alteration does not require a neighborhood meeting.

### **20.30.090 Neighborhood meeting.**

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

A. The purpose of the neighborhood meeting is to:

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

B. The neighborhood meeting shall meet the following requirements:

1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps and the land use applications that would be required.
  2. The notice shall be provided at a minimum to property owners located within 500 feet (1,000 feet for master development plan permits and special use permits for essential public facilities) of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the Department.
  3. The notice shall be postmarked 10 to 14 days prior to the neighborhood meeting.
  4. The neighborhood meeting shall be held within the City limits of Shoreline.
  5. The neighborhood meeting shall be held anytime between the hours of 5:30 p.m. and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
  6. The neighborhood meeting agenda shall cover the following items:
    - a. Introduction of neighborhood meeting organizer (i.e., developer, property owner, etc.);
    - b. Description of proposed project;
    - c. Listing of permits that are anticipated for the project;
    - d. Description of how comments made at the neighborhood meeting are used;
    - e. Provide meeting attendees with the City's contact information;
    - f. Provide a sign-up sheet for attendees.
  - C. The applicant shall provide to the City a written summary or checklist of the neighborhood meeting. The summary shall include the following:
    1. A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
    2. Who attended the meeting (list of persons and their addresses).
    3. A summary of concerns, issues, and problems expressed during the meeting.
    4. A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
    5. A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting.
- Staff will mail the summary of the neighborhood meeting to all persons who attended the neighborhood meeting, signed in and provided a legible address.

#### **20.30.120 Public notices of application.**

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



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

1. The dates of application, determination of completeness, and the date of the notice of application;
2. The name of the applicant;
3. The location and description of the project;
4. The requested actions and/or required studies;
5. The date, time, and place of an open record hearing, if one has been scheduled;
6. Identification of environmental documents, if any;
7. A statement of the public comment period (if any), not less than 14 days nor more than 30 days; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision (once made) and any appeal rights. The public comment period shall be 30 days for a shoreline substantial development permit, shoreline variance, or a shoreline conditional use permit;
8. The City staff Project Manager and phone number;
9. Identification of the development regulations used in determining consistency of the project with the City's Comprehensive Plan; and
10. Any other information that the City determines to be appropriate.

C. The notice of complete application shall be made available to the public by the Department, through any or all of the following methods (as specified in Tables 20.30.050 and 20.30.060):

1. **Mail.** Mailing to owners of real property located within 500 feet of the subject property. Notice of application for SCTF or; essential public facilities special use permits, and Master Development Plan permits shall be mailed to residents and property owners within 1,000 feet of the proposed site;
2. **Post Site.** Posting the property (for site-specific proposals). For SCTF or; essential public facilities special use permits, and Master Development Plan permits enlarged notice of application signs (a minimum of four feet by four feet) as approved by the City of Shoreline shall be posted on all sides of the parcel(s) that front on a street. The Director may require additional signage on large or unusually shaped parcels;
3. **Newspaper.** The Department shall publish a notice of the application in the newspaper of general circulation for the general area in which the proposal is located. This notice shall include the project location and description, the type of permit(s) required, comment period dates, and the location where the complete application may be reviewed;
4. ~~Information regarding Master Development Plan notice of applications will be posted on the City's website and cable access channel.~~

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

**20.30.180 Public notice of public hearing.**

Notice of the time and place of an open record hearing shall be made available to the public by the Department no less than 15 days prior to the hearing, through use of these methods:

- **Mail.** Mailing to owners of real property located within 500 feet (1,000 feet for master development plan permits and SCTF or essential public facilities special use permits) of the subject property;
- **Newspaper.** The Department shall publish a notice of the open record public hearing in the newspaper of general circulation for the general area in which the proposal is located;
- **Post Site.** Posing the property (for site-specific proposals);
- ~~Information regarding master development plan hearings will be posted on the City's website and cable access channel.~~



TO: Honorable Members of the Shoreline City Council

FROM: Bill Montero, Chair  
Shoreline Planning Commission

DATE: January 16, 2020

RE: Master Development Plans, Special Use Permits, and Essential Public Facility  
Amendments

Subsequent to the passage of Ordinance No. 868, adopting a moratorium on applications for Master Development Plans and Special Use Permits for Essential Public Facilities, the Shoreline Planning Commission was tasked with reviewing proposed amendments. The Shoreline Planning Commission has completed its review of the proposed amendments to the Shoreline Municipal Code related to Master Development Plans, Special Use Permits, and Essential Public Facilities. The Planning Commission held a study session on the proposed amendments and a public hearing which was held on January 16, 2020.

In consideration of the Planning Staff's recommendations, written and oral public testimony, and the decision criteria set forth in SMC 20.30.350 for development code amendments, the Planning Commission respectfully recommends:

Approval of the proposed amendments as recommended by Planning Staff and set forth on Exhibits A to D, which are attached to proposed Ordinance No. 882.



## OFFICE OF THE PRESIDENT

January 17, 2020

Carla Hoekzema, Planning Commission Clerk  
 (206) 801-2514  
[choekzema@shorelinewa.gov](mailto:choekzema@shorelinewa.gov)

**Re: Amendments to SMC Title 20—MDP and SUP Decision Criteria  
 Comment Letter**

Dear Planning Commission:

As you are aware, Shoreline Community College has an active Master Development Plan (“MDP”) and is therefore interested in the proposed code amendments to the MDP Decision Criteria.

We have the following comments related to the code amendments:

- 1) The code amendments change the requirement for approval from “shall” to “may” (Attachment C, new SMC 20.30.353.C). There is no reason given for the change from “shall” and we believe there should be certainty in whether the decisionmaker is required to approve the MDP application if the applicant meets the listed criteria.  
We would support retaining the “shall” language of the code.
- 2) The code would now require a “community benefit” in order to approve an MDP. This is a new requirement that is not well-defined and gives little to no guidance as to what type of a community benefit is sufficient. Applicants must be given such guidance, otherwise applicants cannot understand what benefit is necessary in order to have an approvable application. In addition, as a public agency, Shoreline Community College is concerned about the requirement of an ill-defined community benefit. Shoreline Community College already provides a community benefit in its educational opportunities it provides, and it has a limited budget that is frankly limited to supporting its key function of providing education. We would support the following: code language exempting public agencies from providing community benefit (due to limited taxpayer funding, and the fact that public agencies already naturally provide community benefit), and also providing more examples of what is considered to be a sufficient community benefit.
- 3) The code would require all buildings within an MDP to achieve a “Deep Green Tier 4” green building standard. This is equivalent, per the SMC, to a Built Green 4-Star Standard. The City previously studied in 2018 with Rushing the costs and benefits of

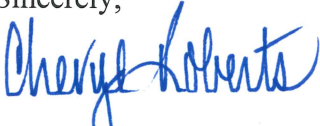
adopting a higher green building standard. The City found that there is approximately a 1.7 to 6.4% additional cost beyond those costs to achieve LEED Gold Standard to a multi-family building to achieve the Built Green 4-Star Standard.

<http://www.shorelinewa.gov/home/showdocument?id=39438>. We presume that there would be a similar, or higher, cost to achieve the new green building standard for institutional/educational buildings as well. The College is already required by state law to achieve a LEED Silver standard for all of its new buildings, and the College is committed to achieving a high green building standard. However, the City should consider the costs, particularly to taxpayer-funded public agencies, of requiring additional green building standards. Please consider either exempting public agencies from green building standards, as they are already subject to LEED Silver, or better defraying the additional costs of such green building standards.

- 4) The College supports the longer vesting time periods for new MDPs, as MDPs are a significant permitting investment, and 20 years is a better time horizon for new MDPs.

We appreciate the opportunity to comment on this legislation. Please contact us if you have any questions related to our comment.

Sincerely,



Cheryl Roberts, Ed.D.  
President