

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption 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

DEPARTMENT: Planning and Community Development

PRESENTED BY: Andrew Bauer, Senior Planner
Nora Gierloff, Planning Manager
Rachael Markle, Planning & Community Development Director

ACTION: ☒ Ordinance ☐ Resolution ☐ Motion
 ☐ Discussion ☐ 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 The moratorium, unless extended or repealed by the City Council, will expire on April 7, 2020. Proposed Ordinance No. 882 would address items identified in the moratorium including amending the MDP and SUP decision criteria and criteria for EPFs. This proposed Ordinance was discussed by Council on February 10th, and Council directed that it be brought back to Council for adoption. Tonight, Council is scheduled to adopt proposed Ordinance No. 882.

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. 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

Staff and the Planning Commission recommend that the City Council approve the proposed amendments to the Development Code related to MDP and SUP decision criteria and review procedures through the adoption of Ordinance No. 882.

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

BACKGROUND

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 The moratorium was enacted by City Council Ordinance No. 868 on October 7, 2019, and unless extended or repealed by Council, will expire on April 7, 2020.

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.

At the February 10, 2020 Council meeting, staff presented proposed Ordinance No. 882 to Council, which includes Development Code amendments to address the items identified in the moratorium and clarifies the decision criteria and review processes for MDPs and SUPs. The proposed Ordinance would also repeal the moratorium established by Ordinance No. 868. While Council directed staff to bring back the proposed ordinance for adoption to the March 2, 2020 meeting, staff is bringing the proposed ordinance one week earlier than anticipated due to an opening on the agenda.

The staff report for the February 10, 2020 Council meeting can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport021020-9a.pdf>.

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 A**), 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.

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 B**.

Staff Recommended Revision to the Proposed Amendment

As discussed at the February 10, 2020 Council meeting, staff is recommending one revision to the proposed amendments recommended for approval by the Planning Commission as follows:

- Attachment A, 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.

This revised amendment is reflected in Attachment A, Exhibit A, as directed by Council at the February 10, 2020 meeting.

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. 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

Staff and the Planning Commission recommend that the City Council approve the proposed amendments to the Development Code related to MDP and SUP decision criteria and review procedures through the adoption of Ordinance No. 882.

ATTACHMENTS

Attachment A – 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 B – Planning Commission Recommendation Memo

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 FEBRUARY 24, 2020.

ATTEST:

Mayor Will Hall
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, 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.

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.

F. 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. B-~~ **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; 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 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.</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
HEALTH									
	<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
P = Permitted Use C = Conditional Use									
S = Special Use -i = Indexed Supplemental Criteria									

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

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

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

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ HE = Hearing Examiner.

⁽³⁾ Notice of application requirements are specified in SMC 20.30.120.

⁽⁴⁾ Notice of decision requirements are specified in SMC 20.30.150.

⁽⁵⁾ 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.