



*Planning & Community Development.*

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**ADMINISTRATIVE ORDER#301921 – 11/27/13**

**SITE SPECIFIC CODE INTERPRETATION  
15555 15<sup>TH</sup> AVENUE NE**

**CODE SECTIONS: 20.40.140, 20.40.480, and 20.40.490**

**I. REQUEST**

On November 1, 2013, the Shoreline Water District requested an administrative interpretation “as to what uses and activities we anticipate occurring on the property.” In essence, this request seeks clarification as to whether or not the Water District may site a support facility within the Residential 6 units per acre (R-6) zoning district.

**II. FINDINGS:**

While the Water District provided a single address, 15555 -15<sup>th</sup> Avenue NE, its intended project would actually encompass twelve (12) tax parcels. *See Permit Application.*

The total site area is approximately 3.2 acres with parcels ranging in size from 6,900 square feet (Parcel 3432500035) to over 37,000 square feet (Parcel 3432500060).

The current owner of the proposed project site is the Northwest Church. The site is primarily developed with a church and associated parking although, according to tax assessor records, two tax parcels currently maintain single-family residences.

The property is currently zoned for low-density residential use. All of the impacted parcels maintain the low-density residential zoning designation of R-6. Pursuant to SMC 20.40.030(A), the purpose of the low-density residential zone is “to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character.”

Shoreline Water District has submitted plans that show:

1. A shop and equipment storage, large vehicle parking for trucks, tractor, trailers, backhoes, and a vehicle wash
2. Onsite generator with sound proof enclosure
3. Ingress/egress on both 15<sup>th</sup> Ave NE and 158<sup>th</sup> Ave NE
4. Storage bins for miscellaneous rock and construction related materials
5. Decant facility (liquid waste that cannot be discharged into the sewer or stormwater system) for water service related excavation
6. Crew facilities to include office space, library, meeting rooms, kitchen, sleeping areas, laundry, and locker room
7. Potential public area for public use outside of gated area
8. 54,851 square feet of landscaped area

### III. ANALYSIS

SMC Table 20.40.140 lists “Other Uses” that may be permitted in Shoreline’s zoning District. This table allows a Public Agency or Utility Office within the R-6 zone subject to the approval of a special use permit and permits outright a Public Agency or Utility Yard. However, both an office and a yard are also subject to restrictive supplemental use criteria.

The supplemental use criteria are set forth in SMC 20.40.480 and 20.40.490. SMC 20.40.480 states that a public agency or utility *office* is permitted within the R-6 zone in one of two situations, with only the first being applicable to the proposed situation. SMC 20.40.480(A) permits a public agency or utility office if it is a “re-use of a public school facility or a surplus nonresidential facility.” The subject property is currently developed with a church and associated parking with some parcels maintaining single-family residential units. There is no public school on the site so the first component of .480(A) is not applicable to the site. In addition, the Water District’s application denotes that existing structures will be demolished to accommodate its proposed development. Thus, the Water District is not re-using any facility, it is creating new facilities. Even if the Water District was re-using the church structure, that structure is not a surplus nonresidential facility. The word “surplus” generally denotes excess property owned by the government not property in private ownership.

SMC 20.40.490 sets forth criteria for a public agency or utility *yard*. SMC 20.40.490(A) states that yards are only permitted on sites with utility district offices. As noted above, a utility office is not permitted on this site. Therefore, a stand-alone utility yard would not be permitted.

The SMC provisions cited above all modify the words “office” and “yard” with “Public Agency or Utility”. It is evident from the language of SMC 20.40.490 that a utility yard is to be treated differently than a public agency yard. SMC 20.40.490(A) is specific to “utility yards” and limits their location to those sites with utility district offices. SMC 20.40.490(B) is specific to “public agency yards” and limits their use to material storage, vehicle maintenance, and equipment storage. Thus, under the facts and circumstances of this interpretation, if considered a “utility” then the Water District may only maintain a

“utility yard” on the site if it has a utility district office, which SMC 20.40.480’s limiting language precludes. If considered a “public agency” then the Water District could maintain a “public agency yard” but it would be limited to those uses authorized by .490(B), which does not permit some of the uses proposed by the District, such as office space and decanting facilities.

Definitions for the applicable terms “public agency” and “utility” are provided in SMC 20.20.040 P Definitions and 20.20.050 U Definitions. These definitions result in an overlap that creates a dilemma because the Shoreline Water District could potentially meet the definition of both terms. Thus, the question becomes whether the Shoreline Water District should be considered a utility or a public agency.

When there are conflicts between provisions of the SMC the more restrictive provisions apply (SMC 20.30.020). The Shoreline Water District operates a water supply system that provides public water to thousands of area residents. The Districts responsibilities including monitoring water quantity and quality along with maintaining the extensive infrastructure supporting its system. Therefore, the District is functioning more as a “utility” within the meaning of SMC 20.20.050 U (municipal corporation owning or operating facilities that comprise a system for public services.) The more restrictive provisions of SMC 20.40.490(A) apply. The proposed utility yards are not permitted within the R-6 zoning district.

**Applicable Development Code Sections:  
SMC 20.20.040 – P definitions**

**Public Agency** - Any agency, political subdivision or unit of local government of this State including, but not limited to, municipal corporations, special purpose districts and local service districts, any agency of the State of Washington, the United States or any state thereof or any Indian tribe recognized as such by the Federal government.

**Public Agency or Utility Office** - An office for the administration of any governmental or utility activity or program, with no outdoor storage and including, but not limited to:

- A. Executive, legislative, and general government, except finance;
- B. Public finance, taxation, and monetary policy;
- C. Administration of human resource programs;
- D. Administration of environmental quality and housing program;
- E. Administration of economic programs;
- F. International affairs;
- G. Legal counsel and prosecution; and

H. Public order and safety.

**Public Agency or Utility Yard** - A facility for open or enclosed storage, repair, and maintenance of vehicles, equipment, or related materials, excluding document storage.

**SMC 20.20.050 – U definitions**

**Utility** - Private or municipal corporations owning or operating, or proposing to own or operate facilities that comprise a system or systems for public service. Private utilities include only gas, electric, telecommunications, or water companies that are subject to the jurisdiction of the State Utilities and Transportation Commission and that have not been classified as competitive by the commission. (Ord. 324 § 1, 2003).

**20.30.020 Administration.**

The provisions of this chapter supersede all other procedural requirements that may exist in other sections of the City Code.

When interpreting and applying the standards of this Code, its provisions shall be the minimum requirements.

Where conflicts occur between provisions of this Code and/or between the Code and other City regulations, the more restrictive provisions shall apply. Where conflict between the text of this Code and the zoning map ensue, the text of this Code shall prevail. (Ord. 238 Ch. III § 2, 2000).

**Table 20.40.140 Other Uses**

NAICS #	SPECIFIC USE	R4- R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
92	Public Agency or Utility Office	S-i	S-i	S	S	S	P	P	
92	Public Agency or Utility Yard	P-i	P-i	P-i	P-i			P-i	

**P = Permitted Use, C = Conditional Use, S = Special Use, -i = Indexed Supplemental Criteria**

**20.40.480 Public agency or utility office.**

A. Only as a re-use of a public school facility or a surplus nonresidential facility; or

B. Only when accessory to a fire facility and the office is no greater than 1,500 square feet of floor area; and

C. No outdoor storage. (Ord. 238 Ch. IV § 3(B), 2000).

**20.40.490 Public agency or utility yard.**

Public agency or utility yards are permitted provided:

A. Utility yards only on sites with utility district offices; or

B. Public agency yards are limited to material storage, vehicle maintenance, and equipment storage for road maintenance, facility maintenance, and parks facilities. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

**IV. CONCLUSION**

The Director has determined that under the facts and circumstances of this interpretation the Shoreline Water District is a utility pursuant to SMC 20.20.050 U. SMC 20.40.480(A) prohibits an office within the R-6 zoning district unless it is a re-use of a public school facility or a surplus nonresidential facility. The District's proposal is neither. SMC 20.40.490(A) permits utility yards within the R-6 zoning district only when a utility district office is located on the site. Given SMC 20.40.480(A)'s prohibition, a utility yard is also prohibited on the site. This decision is further influenced by SMC 20.40.030(A) which states the purpose of the R-6 zone is provide for predominantly single family detached units and community facilities that are compatible with existing development and neighborhood character. The proposed utility office and yard are intense land uses that are not generally compatible with single family development.

**V. DECISION:**

The uses denoted on the plans submitted by the Shoreline Water District do not meet the indexed use criteria in SMC 20.40.480 and 20.40.490. Therefore, the proposed uses are not permitted on this site.



Director's Signature

11-27-13

Date

