



# PLANNING COMMISSION PUBLIC HEARING AGENDA

Thursday, December 17, 2015  
7:00 p.m.

Council Chamber • Shoreline City Hall  
17500 Midvale Ave North

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF AGENDA	7:02
4. APPROVAL OF MINUTES	7:03
a. <a href="#">October 15, 2015 Draft Minutes</a>	

## **Public Comment and Testimony at Planning Commission**

*During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.*

5. GENERAL PUBLIC COMMENT	7:05
6. PUBLIC HEARING	7:10
a. <a href="#">Proposed Changes and Additions to Shoreline Municipal Code Regarding Cannabis (Marijuana)</a>	
• Staff Presentation	
• Public Testimony	
7. STUDY SESSIONS	
a. <a href="#">Development Code Amendments – Engineering Development Manual</a>	7:30
• Staff Presentation	
• Public Comment	
b. <a href="#">Development Code Amendments – Light Rail Systems and Facilities Permitting Process and Applicable Regulations</a>	7:40
• Staff Presentation	
• Public Comment	
8. DIRECTOR’S REPORT	8:20
9. UNFINISHED BUSINESS	8:25
10. NEW BUSINESS	8:52
• Terms expire for 3 Commissioners	
• Last Planning Commission Meeting for Councilmember Scully	

- 11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS** 8:55
- 12. AGENDA FOR JANUARY 7, 2016** 8:58
  - a. CRA Sign Package
- 13. ADJOURNMENT** 9:00

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236*

**DRAFT**

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
MINUTES OF REGULAR MEETING**

October 15, 2015  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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**Commissioners Present**

Chair Scully  
Commissioner Malek  
Commissioner Montero  
Commissioner Mork  
Commissioner Moss-Thomas

**Staff Present**

Rachael Markle, Director, Planning and Community Development  
Steve Szafran, Senior Planner, Planning and Community Development  
Lisa Basher, Planning Commission Clerk

**Commissioners Absent**

Vice Chair Craft  
Commissioner Maul

**CALL TO ORDER**

Chair Scully called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Scully and Commissioners Malek, Montero, Moss-Thomas and Mork. Vice Chair Craft and Commissioner Maul were absent.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of September 17, 2015 were adopted as revised.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**PUBLIC HEARING: 2015 COMPREHENSIVE PLAN AMENDMENTS**

Chair Scully reviewed the procedures for the public hearing and then opened the hearing.

Mr. Szafran reviewed that the Growth Management Act (GMA) limits the review of proposed Comprehensive Plan amendments to no more than once per year. To ensure that the public can view the proposals within the citywide context, the GMA directs cities to create a docket (or list) of amendments that may be considered. The Planning Commission made a recommendation to the City Council on the docket on March 19<sup>th</sup>, and the Council set the actual docket at their June 15<sup>th</sup> meeting. This year’s docket includes one privately-initiated amendment and nine City-initiated amendments. He reviewed each as follows:

**Staff Presentation of Amendment 1**

Mr. Szafran advised that **Amendment 1** would add language to the introduction section of the Comprehensive Plan that outlines a public participation process. Currently, this section contains a citizen-participation element that contains one goal and eight policies. An audit by the Washington Cities Insurance Authority revealed that the City’s Comprehensive Plan should develop a more specific citizen participation plan. The language outlined in the proposed amendment emphasizes the involvement of the broadest cross section of the community when the City initiates a Comprehensive Plan update or other large planning projects. The proposed program includes a visioning process, public meetings (including at least one public hearing), Planning Commission involvement in the public forum, and a communication program (advertisements, contact with interest groups, community workshops, press releases, and outreach to agencies and groups).

Commissioner Montero noted that Item 4 of the proposed language talks about the Planning Commission being involved as the host at public meetings. He asked if these would be regular Planning Commission meetings or separate meetings. Mr. Szafran said it could be either, but the intent was to have separate meetings. There is not a one-size-fits-all approach to every project, so the process could be amended depending on the project. Large projects may need a separate meeting to solicit comments. Chair Scully said this would be similar to the Commission’s approach for the 145<sup>th</sup> and 185<sup>th</sup> Station Subarea Planning processes, where Planning Commissioners were present, but the meetings were organized by staff.

Commissioner Mork requested clarification on the issue of “public standing.” Chair Scully referred to letter from Wendy DiPeso regarding this issue and explained that “standing” is the legal doctrine that allows a person to sue. In the context of land use, there are different requirements, depending on what statute you are trying to bring a suit under. The GMA has a participation standing that says if you participate in the process by providing public comment, then you can sue if you do not like the result. The State Environmental Policy Act (SEPA) has different standards, as do other ordinances.

**Public Testimony on Amendment 1**

**Janet Way, Shoreline**, said she was present to represent the Shoreline Preservation Society. She referred to a letter she submitted prior to the meeting, which voiced concern that a 1998 Final

Environmental Impact Statement (FEIS) is referenced as a basis for the proposed amendments when the City, at a recent a process before the Growth Management Hearings Board, contended that the 1998 FIES was irrelevant. The City cannot say it was irrelevant pertaining to the planned action ordinance but relevant in this case. If the old FEIS is no longer relevant, the City needs to do a new one that is up to date before the Comprehensive Plan is updated. The Society also believes the City has failed to document the environmental conditions properly. The State Environmental Protection Act (SEPA) checklist that was done for the Draft Environmental Impact Statement (DEIS) repeatedly stated “this is a non-project action and does not apply.” In other words, the City is trying to get out of having to do the analysis by stating that it is a non-project action. She summarized that the society believes the FEIS was inaccurate, and the City needs to go back to the drawing board and comply with SEPA. Ms. Way noted that the City also failed to adopt some environmental documents into the process. According to SEPA, this needs to be done at the earliest point possible in the environmental process. Washington Administrative Code (WAC) 19711-055 states, “The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values to avoid delays later in the process and seek to resolve potential problems.” She said the society believes the City needs to be more thorough in this regard.

Ms. Way said the Society is glad that the City has decided to improve the public process, but the language needs to be more specific. Rather than just calling for public outreach, the language should identify specific ways of doing the outreach. She recalled that during the 185<sup>th</sup> Street Station Subarea planning process, the general public was not really aware of what was being proposed. There were so many versions and changes that it was difficult to follow the proposal. In an effort to better inform the public, the society suggests the City implement a citizens’ academy model. She recalled that in the early days of Shoreline, the planning academy was quite helpful in helping citizens understand the process. This model would result in a core of citizens who have a clear understanding of the processes.

Ms. Way noted that staff is proposing to postpone amendments to the Parks Element of the Comprehensive Plan until 2016. She pointed out that the whole rezone process and planned action ordinance has now allowed developers to vest, but there is no opportunity for them to pay impact fees to fund the new parks. That means there will be no funding for new parks to address the density that is going to come. She suggested the Comprehensive Plan needs to address how additional parks will be funded so the City can grow according to the plan.

**Planning Commission Deliberation and Recommendation on Amendment 1**

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD AMENDMENT 1 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MALEK SECONDED THE MOTION.**

Commissioner Moss-Thomas commented that she supports the proposed amendment, but would recommend some grammatical changes to clarify its intent.

Chair Scully referred to a letter submitted prior to the meeting by Wendy DiPeso’s, which suggest some changes to “standing.” He explained that “standing” is established by the Revised Code of Washington (RCW) and has been interpreted by the courts over the years. It is a well-developed, legal doctrine.

While he does not disagree that it is a difficult concept for the public to understand, he cautioned against recommending a change to the doctrine as outlined in the RCW. Although it is not always perfect, the doctrine is predictable and people know what they need to do to get their comments on the record and bring a lawsuit. If the City creates its own definition, it would be subject to the interpretation of the courts anew. While he agreed with some of Ms. DiPeso's thoughts, he did not think it would be wise to recommend this change now.

Commissioner Montero clarified that Ms. DiPeso appears to be recommending a Comprehensive Plan amendment that would not be in order until next year. The amendments being considered in 2015 had to be submitted prior to the last day of 2014.

Commissioner Moss-Thomas suggested that perhaps the City could provide a printed description of public meetings and what is meant by "standing." This document could be available to citizens prior to public meetings and via the City's website and would provide greater clarity.

Chair Scully referred to Ms. DiPeso's request to amend the draft public participation plan to include a 30-day waiting period, after the City Council comes up with a final proposal with all the amendments, to allow the public to comment. He referred to the 185<sup>th</sup> Street Station Subarea planning process, noting that the hearing before the Council started with the public commenting on a Planning Commission recommendation and some alternatives. Following the hearing, the City Council made significant modifications, and the end product was much different than what the public had commented on in the hearing. A 30-day waiting period would allow the public an opportunity to comment on the final product, but it could also result in a "never-ending process." He said he has not come to a personal conclusion on what the right approach is.

Commissioner Moss-Thomas agreed with Chair Scully's concern that the end product is sometimes very different than the document the public was invited to comment on. While there is merit to having a 30-day waiting period, she felt it would need to be restricted to just one time. Commissioner Mork questioned if the Commission could make this change given that it was not advertised as part of **Amendment 1**. Chair Scully said that, as per direction from the City Attorney, the Commission could move to recommend an amendment to include Ms. DiPeso's proposal. However, he cautioned that the Commission has not had sufficient time to consider the proposed change, and staff has not offered policy language.

Commissioner Mork asked if staff has the ability to augment the requirements. For example, if there is a feeling that there may not be enough public knowledge of the changes the City Council is making, does staff have the ability to put more information on the website or take other steps that are not specifically spelled out in the Comprehensive Plan but might help in this circumstance. Chair Scully did not believe that Ms. DiPeso's recommendation could be addressed without a code change. Director Markle suggested that, rather than implementing a specific 30-day waiting period, the Commission could ask staff to write a policy to the affect that there should be a delay in between the time the Planning Commission puts forward their recommendation and when Council makes their final decision if substantial changes are proposed. If a requirement to delay for 30 days were desired, then the appropriate place for that would be in the process section of the Development Code. Commissioner

Moss-Thomas agreed that the concept would be better addressed in the Development Code rather than in the general public process outlined in the Comprehensive Plan.

Commissioner Montero expressed his belief that it would not be appropriate to attach a 30-day waiting period to every land use, zoning and Comprehensive Plan amendment that comes before the City Council. He suggested that, in their letter to the City Council at the end of 2015, the Commission could ask them to consider this issue in 2016. Commissioner Malek pointed out that the public already has a process for communicating with the City Council prior to their making a decision. It falls to the public to follow the agendas to ensure they are present to comment as appropriate. Commissioner Moss-Thomas observed that sometimes the City Council has discussions over several meetings following a hearing, and significant changes are made prior to adoption of a proposal. There is currently no process that allows the public an additional opportunity to comment on the changes. She felt the issue needs further thought and consideration, and agreed that a transmittal letter to the City Council would be appropriate to voice the Commission's concerns and ask that the issue be addressed in 2016.

**COMMISSIONER MOSS-THOMAS MOVED THAT THE MOTION TO RECOMMEND APPROVAL OF AMENDMENT 1 BE AMENDED BY CHANGING THE THIRD SENTENCE IN ITEM 1 TO READ, "A DRAFT "VISION" WILL BE EVALUATED FOR CONSISTENCY DURING THE DEVELOPMENT OF THE PLAN AS THE COMMUNITY IDENTIFIES PRIORITIES AND SUGGESTS IMPLEMENTATION STRATEGIES, WHICH WILL BE UPDATED ACCORDINGLY. COMMISSIONER MORK SECONDED THE MOTION FOR DISCUSSION PURPOSES.**

Commissioner Moss-Thomas voiced concern that the language, as written, is not clear on the community's role in identifying priorities and implementation strategies. Mr. Szafran said the intent is to work with the public to identify priorities and suggest some implementation strategies. He agreed that the proposed change would make the intent clearer.

**THE MOTION TO AMEND CARRIED (3-2), WITH COMMISSIONERS MALEK AND MONTERO VOTING IN OPPOSITION**

Commissioner Moss-Thomas requested clarification of the last sentence in Item 7. Mr. Szafran said this is consistent with the City's current process for logging in public comments.

**COMMISSIONER MOSS-THOMAS MOVED THAT THE MOTION TO RECOMMEND APPROVAL OF AMENDMENT 1 BE FURTHER AMENDED BY CHANGING ITEM 8a TO READ, "COMPREHENSIVE PLAN AND CITY-INITIATED PROJECTS IN CITYWIDE NEWSLETTER (CURRENTS). UPDATE THE COMMUNITY ON PLANNED MEETINGS, WORKSHOPS OR OTHER SIGNIFICANT EVENTS THROUGH ARTICLES ON TOPICS RELATED TO THE PLAN AND A REQUEST FOR FEEDBACK FROM THE COMMUNITY." THE MOTION DIED FOR LACK OF A SECOND.**

Chair Scully said he believes a citizen's academy is a great idea, but felt the concept needs further planning. Rather than building the concept into the Comprehensive Plan, perhaps the City could offer

the academy on a once-a-year basis. He recommended the Commission encourage staff to pursue the concept further.

**THE MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.**

**Staff Presentation of Amendment 2**

Mr. Szafran advised that Amendment 2 would copy the three new land use designations adopted in the 185<sup>th</sup> Street Station Subarea Plan into the Land Use Element. He explained that the subarea plan included three land-use designations: SA-1, SA-2 and SA-3. The SA-1 designation encourages transit-oriented development in close proximity of the future light rail stations and is intended to support high-density residential, office and commercial uses; and the MUR-70' zone is considered conforming to this land use designation. The SA-2 designation is intended to provide a transition from the SA-1 designation and encourage higher densities along arterials and increased housing choices; and the MUR-45' zone is considered conforming to this land use designation. The SA-3 designation provides a transition between SA-1 and SA-2 to the lower single-family designations. It encourages medium-density housing with opportunities for commercial along arterial streets, and the MUR-35' zone is considered conforming to this land use designation.

Chair Scully summarized that staff is also proposing to alter the proposed amendment to remove the I-5 and 145<sup>th</sup> Street areas for the time being. Mr. Szafran explained that because the 145<sup>th</sup> Street Station Subarea Plan has not been adopted, there are no land-use designations to apply at this time.

Commissioner Malek asked if the Commission would be missing any opportunities to analyze cross traffic between the two perspective stations (145<sup>th</sup> and 185<sup>th</sup> Street Stations). Mr. Szafran confirmed that the proposed amendment would not impact the Commission's future ability to address this issue. Chair Scully clarified that the proposed amendment is housekeeping.

**Public Testimony on Amendment 2**

No one in the audience indicated a desire to speak regarding Amendment 2.

**Planning Commission Deliberation and Recommendation on Amendment 2**

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD AMENDMENT 2 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF, INCLUDING THE DELETION OF REFERENCES TO I-5 AND 145<sup>TH</sup> STREET. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**Staff Report on Amendment 3**

Mr. Szafran said Amendment 3 would add language to the Comprehensive Plan to identify the Landscape Conservation and Local Infrastructure Program (LCLIP) as a potential funding source for public improvements. He said staff is recommending that this amendment be withdrawn, as the current



Comprehensive Plan already contains goals and policies that are adequate to move forward with a Transfer of Development Rights (TDR) Program if the Council chooses to do so.

**Public Testimony on Amendment 3**

No one in the audience indicated a desire to comment on this item.

**Planning Commission Deliberation and Recommendation on Amendment 1**

**COMMISSIONER MONTERO MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT AMENDMENT 3 BE WITHDRAWN. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**Staff Report on Amendments 4, 5, 6 and 10**

Mr. Szafran explained that Amendment 4 would amend Policy LU47, which states, “Consider annexation of 145<sup>th</sup> Street adjacent to the existing southern border of the City.” He reviewed that the City is currently engaged in the 145<sup>th</sup> Street Route Development Plan (corridor study) and is actively pursuing annexation of 145<sup>th</sup> Street. Based on the City’s work plan, actual annexation will not occur until 2016 or later, and the corridor study will not be completed until the first quarter of 2016. Because the outcome of the study will help formulate any potential recommendations, staff is recommending that this docket item be carried over to the 2016 docket.

Mr. Szafran advised that Amendment 5 is related to the Point Wells Subarea Plan. Staff anticipates that the Richmond Beach Traffic Corridor Study will be completed in 2015, but any recommendations coming out of the study will not be considered by the City Council until at least 2016. Staff is recommending that this amendment be carried over to the 2016 docket.

Mr. Szafran explained that Amendment 6 would add goals and policies to the Parks, Recreation and Open Space Element based on policies identified in the 185<sup>th</sup> Street Station Subarea Plan. Much of the work related to this amendment will occur as part of the Parks, Recreation and Open Space Master Plan update that will take place in 2016. Therefore, staff is recommending the amendment be carried forward to 2016.

**Public Testimony on Amendments 4, 5, and 6**

No one in the audience indicated a desire to speak regarding these amendments.

**Planning Commission Deliberation and Recommendation on Amendments 4, 5 and 6**

**COMMISSIONER MONTERO MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL TO DELAY AMENDMENTS 4, 5 AND 6 UNTIL 2016. COMMISSIONER MALEK SECONDED THE MOTION.**

Commissioner Mork asked the reasons for deferring Amendment 6. Mr. Szafran said the City will be working with the Parks Board and the community to determine the process of locating new park space, not only within the new 185<sup>th</sup> Street Station Subarea, but citywide. This discussion will include park impact fees, ratio of parks to people, etc. Most of the work will be completed when the Parks, Recreation and Open Space Master Plan is updated in 2016 or 2017. Commissioner Mork referred to Ms. Ways' earlier point that postponing the amendment would result in the City missing out on the ability to collect fees. Commissioner Moss-Thomas asked if a park impact fee program could be adopted by the City Council in 2016 if it is not addressed in the 2015 Comprehensive Plan update. Director Markle answered that the 185<sup>th</sup> Street Station Subarea Plan identifies park impact fees as a potential strategy, and there may be some generalized language elsewhere in the Comprehensive Plan about how to fund future parks and maintenance of existing parks.

Commissioner Malek asked if it is possible to implement a park impact fee program that is retroactive and requires previous developers who would have sustained an impact fee to be accountable if a park impact fee program is adopted in the future. Director Markle answered that the City cannot charge a latecomers fee for something that is not yet planned for. Commissioner Mork suggested the Commission forward a recommendation to the City Council that a park impact fee program be adopted in 2016. Mr. Szafran explained that the Parks, Recreation and Open Space Plan must be updated by 2017, so the work will be done in 2016. There is a budget line item to hire a consultant to assist in this project in 2016.

Chair Scully summarized that, as discussed earlier by Director Markle, a Comprehensive Plan is not needed in order to impose park impact fee. He said he has never heard of a bar on a park impact fee because it is not specifically called out in the Comprehensive Plan. The Development Code must implement the Comprehensive Plan's general policies.

**THE MOTION CARRIED AS PRESENTED.**

**Staff Report on Amendment 7**

Mr. Szafran explained that Amendment 7 would remove a portion of Westminster Way from the City's designated truck route map in the Transportation Master Plan (TMP). He advised that the City Council adopted the Aurora Corridor Pre-design Study, which contained 32 points that provided guidance on the design of the Aurora Corridor. Point 17 included the direction to close Westminster Way north of 155<sup>th</sup> Street. Staff has worked with the State Department of Transportation (WSDOT) and the Federal Highway Administration to declassify this portion of Westminster Way, which was approved by both entities and is no longer considered a truck route by those agencies. Commissioner Moss-Thomas asked if the reference map in Attachment 4 illustrates the current baseline. Mr. Szafran said Attachment 4 identifies the current truck route, and not the recommended revision. As proposed, the red line between 155<sup>th</sup> Street and Aurora Avenue North would be deleted.

**Public Testimony on Amendment 7**

**Janet Way, Shoreline**, said she was present to represent the Shoreline Preservation Society. She understands that Amendment 7 has been through quite a bit of consideration and WSDOT and the

Federal Highway Administration has been consulted. However, she pointed out the City still hasn't worked out the details of the problems associated with implementation of the development that has already been proposed. In the meantime, she pointed out how difficult it already is for trucks to access the area. She questioned the rush to eliminate this truck route.

**Planning Commission Deliberation and Recommendation on Amendment 7**

**COMMISSIONER MONTERO MOVED THAT THE COMMISSION FORWARD AMENDMENT 7 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.**

Chair Scully pointed out that right turns are permitted at 155<sup>th</sup> Street, and the City has studied whether or not trucks can safely make this turn. Mr. Szafran agreed and said it was analyzed again with the Community Renewal Area (CRA) Planned Action that was recently approved. Commissioner Moss-Thomas noted that, due to all of the construction on Aurora Avenue North, not a lot of trucks are choosing to use this route because there are a number of alternatives. Other than local deliveries, there will not be a substantial number of trucks that are impacted. The proposed amendment would bring the City's map into consistency with WSDOT and the Federal Highway Administration.

**THE MOTION CARRIED UNANIMOUSLY.**

**Staff Report on Amendment 8**

Mr. Szafran explained that Amendment 8 would adopt Level of Service (LOS) standards for transit, pedestrians and bicycle. It would amend Policy T-44 regarding LOS standards in anticipation of adopting LOS standards for pedestrian and bicycles in the Development Code and evaluation of and potential new multi-modal LOS standards in the future. He advised that the current LOS standards only account for motor vehicle travel, and amending the LOS standards to include pedestrian and bicycle facilities is also needed to support Goals T II, T III and T IV of the Comprehensive Plan.

**Public Testimony on Amendment 8**

No one in the public indicated a desire to speak regarding Amendment 8.

**Planning Commission Deliberation and Recommendation on Amendment 8**

**COMMISSIONER MALEK MOVED THAT THE COMMISSION FORWARD AMENDMENT 8 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**Staff Report on Amendment 9**

Mr. Szafran said the purpose of Amendment 9 is to make it clear that if and when development occurs at Point Wells, the City will work towards adoption of interlocal agreements, not only for the jurisdictions of Woodway, Edmonds and Snohomish County, but all other service providers that may serve the site in the future.

**Public Testimony on Amendment 9**

No one in the audience indicated a desire to speak regarding Amendment 9.

**Planning Commission Deliberation and Recommendation on Amendment 9**

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION FORWARD AMENDMENT 9 TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED BY STAFF. COMMISSIONER MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**Staff Report on Amendment 10**

Mr. Szafran reviewed that Amendment 10 calls for studying the requirement of adding a Volume/Capacity (V/C) ratio of .90 to all collector arterial streets in the City. The work anticipated to evaluate the V/C Ratio includes updating the Shoreline Transportation Model that was used during the last Transportation Master Plan (TMP) update in 2011. Staff recommends that this work be included in the work done to update the City's TMP in the second half of 2016 and be considered as part of the 2016 Comprehensive Plan Amendment Docket.

Chair Scully requested more details about the event that led up to staff's recommendation to continue Amendment 10 to the 2016 Docket. Mr. Szafran said there was a private amendment to cap the Average Daily Trip (ADT) limits on local streets to 1,500 and collector arterials to 3,000. Staff expressed concern about putting a hard cap on ADT limits, and they questioned if it would even be legal. The City Attorney recommended against the proposed amendment, as well. This discussion led to Amendment 10, which calls for a study of the concept.

Chair Scully said his understanding is that the citizen (Mr. McCormick) who presented the original amendment later amended his proposal on June 15<sup>th</sup>. The basis of the staff's recommendation is that there has been inadequate time to analyze the amended proposal. Mr. Szafran said that is accurate based on the City's work plan. Chair Scully asked if Mr. McCormick has commented on the staff's recommendation to continue the amendment to the 2016 docket. Mr. Szafran said he was notified of the staff's recommendation, but he has not commented to the Planning and Community Development department.

**Public Testimony on Amendment 10**

**Janet Way, Shoreline**, said she was present to speak on behalf of the Shoreline Preservation Society. She said the society previously spoke in favor of Amendment 10. She believes the issue has already been studied in detail, and the community near Point Wells needs to have some support from the City. The amendment needs to be adopted so there is a rule in the Comprehensive Plan that they can rely on with regard to potential development. Richmond Beach Road should not be inundated with an enormous number of cars each day. She would like the Planning Commission to stand up for the community and move the amendment forward in 2015. Imposing a reasonable level of traffic on this route would benefit the entire City.

**Planning Commission Deliberation and Recommendation on Amendment 10**

**COMMISSIONER MONTERO MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT AMENDMENT 10 BE DELAYED UNTIL 2016. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION.**

Commissioner Montero said he believes the concept outlined in Amendment 10 is complex, and what the correct percentage should be will require the help of a consultant. The Commission is not qualified to make this decision now. Chair Scully pointed out that Amendment 10 calls for studying the concept, not necessarily adopting it.

Commissioner Mork asked why staff is recommending that the amendment be delayed if it simply calls for studying the concept. Director Markle said it has not been decided whether or not money should be spent to study the V/C Ratio at .90% for the entire City. She further explained that the City uses the V/C Ratio for intersections, but the proposed amendment would apply the concept to non arterial and collector arterial streets citywide. This approach may have unintended consequences in that the City may find that some roads are at capacity, and development would be precluded where the City has already agreed it should occur. A good bit of analysis is recommended before the City Council makes a decision on whether the concept should perhaps even be studied.

Commissioner Malek said he supports the study and believes it is critical. Rather than simply using the standard ADT approach, the City should consider ways to analyze the traffic flow. The Point Wells property is being developed out of character with its initial intent. Regardless of the fact that they had prior vesting status, there is no other example of urban industrial, urban center, or even urban village in a place that is so remote from true multi-modal transportation. He expressed his belief that the traffic from Point Wells would impact the entire City.

Chair Scully said the proposal represents a significant change in how road capacity is evaluated. Director Markle is correct that the City must carefully study the issue and consider the unintended consequences. However, the City Council agreed that the concept should be studied. If Amendment 10 is passed on to 2016, it becomes an excuse not to start work until next year, 2017. He emphasized that it appears the Commission wants the study to start as soon as possible.

Chair Scully summarized that Amendment 10 does not fund a study or say what the study will entail. It simply establishes a broad policy saying that the City wants to do the study. If the amendment is delayed, the City won't have generalized direction to move forward with the study until the 2016

Comprehensive Plan Amendments are adopted a year from now, which means it would not take effect until 2017. Commissioner Montero pointed out that staff is recommending that the study move forward as part of the City's update to the TMP in the second half of 2016 and considered part of the 2016 Comprehensive Plan Docket. Commissioner Malek voiced concern that postponing the amendment would delay the study even further. Amendment 10 does not insist on a study or even proscribe a timeline for the study. It just says the City wants to do the study.

**THE MOTION FAILED UNANIMOUSLY.**

Chair Scully closed the public hearing on the 2015 Comprehensive Plan Amendments.

Commissioner Malek requested an update on the Point Wells Development. Director Markle said staff is still working with Blue Square Real Estate on the assumptions made for the transportation study, itself; and Snohomish County just released its comments on the transportation analysis done for the EIS. Staff will review Snohomish County's response to the study, but the City's progress is on hold until it receives answers to their questions about the information that was used in the study. Commissioner Malek suggested that the available information be forwarded to the Point Wells Subcommittee for review, and Director Markle agreed.

**DIRECTOR'S REPORT**

Director Markle reported that on October 12<sup>th</sup>, the City Council received an award from the Washington Chapter of the American Planning Association and the Planning Association of Washington in recognition of the 185<sup>th</sup> Street Station Subarea Plan. The project was cited as an outstanding example of good planning in Washington. The jurists specifically commented on the broad-based public improvement process, the phased zoning, the different housing options, and how the subarea plan will work with the City's overall Comprehensive Plan. Jurists also stated that the plan would be seen as an example to other jurisdictions across the State on how to tackle difficult decisions around growth over the next 20 years. She congratulated the Planning Commissioners, who played a tremendous role in the design of the 185<sup>th</sup> Street Station Subarea Plan.

Director Markle reminded the Commissioners of the joint City Council/Planning Commission dinner meeting that is scheduled for November 16<sup>th</sup> at 5:45 p.m. in Room 303.

**UNFINISHED BUSINESS**

No unfinished business was scheduled on the agenda.

**NEW BUSINESS**

Commissioner Moss-Thomas asked if the City has funds for interested Commissioners to attend the American Planning Association's one-day event on Comprehensive Plan History and the Future, which is scheduled for November 13<sup>th</sup> in Tacoma. Director Markle indicated that the City could pay the registration fee for interested Commissioners to attend the event.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Montero announced a meeting on October 21<sup>st</sup> at 7:00 p.m. at the Innis Arden Club House to discuss the Point Wells Development. He said both he and Commissioner Malek plan to attend.

**AGENDA FOR NEXT MEETING**

Mr. Szafran said the November 5<sup>th</sup> agenda will include a study session on Development Code amendments that revolve around how the City will permit Sound Transit development.

Commissioner Moss-Thomas suggested the Commission also have a discussion on November 5<sup>th</sup> relative to the topics they want to bring forward at the joint City Council/Planning Commission meeting on November 16<sup>th</sup>. The remainder of the Commission concurred.

**ADJOURNMENT**

The meeting was adjourned at 8:28 p.m.

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Keith Scully  
Chair, Planning Commission

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Lisa Basher  
Clerk, Planning Commission

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**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Staff Report on Proposed Changes and Additions to Shoreline Municipal Code Regarding Cannabis (Marijuana)  
**DEPARTMENT:** City Manager’s Office  
**PRESENTED BY:** Alex Herzog, Management Analyst

- |                                                    |                                        |                                                    |
|----------------------------------------------------|----------------------------------------|----------------------------------------------------|
| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> Study Session | <input checked="" type="checkbox"/> Recommendation |
| <input checked="" type="checkbox"/> Discussion     | <input type="checkbox"/> Update        | <input type="checkbox"/> Other                     |

**INTRODUCTION**

The 2015 Washington State Legislature passed comprehensive legislation amending existing laws and adding new provisions regarding medical cannabis (marijuana) and recreational cannabis. The most notable changes are revision and remediation of the unregulated collective garden market via abolishment of collective gardens as a means to grow, process, buy, and, sell cannabis for medical use. And, recently, the State Liquor and Cannabis Board (LCB) began accepting applications for additional marijuana retailer licenses above the initial quota per jurisdiction and will be determining the demand for marijuana producers, processors and retailers statewide.

On November 9, 2015, the City Council held a discussion on these recent changes to state law and the number of ways in which local jurisdictions can impact or control the number and location of businesses. Specifically, Council expressed interest in adopting a regulation for marijuana retail businesses similar to an existing provision of Shoreline Municipal Code (20.40.275 (C)) relating to collective gardens. While this provision requires a 1,000 foot buffer between collective gardens, Council is interested in implementing a similar requirement of marijuana retail businesses. Additionally, staff proposes to repeal collective garden provisions in the SMC effective midnight June 30, 2016 as state legislation prohibits collective gardens effective July 1, 2016. The staff report and supporting materials of the November 9, 2015 City Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport110915-9b.pdf>.

**BACKGROUND**

Prior to the 2015 State Legislative session, medical and recreational marijuana laws had the two industries existing separately in Washington State. Regulation and licensing of medical marijuana (now medical cannabis) in the form of collective gardens, which in practice operated as storefronts for patients prescribed cannabis as a medical treatment and were not handled by the State but instead were left to cities to regulate. Cities took many different approaches to regulation with some jurisdictions regulating loosely and others very actively.

**Approved By:** Project Manager \_\_\_\_\_

**Planning Director** \_\_\_\_\_

In contrast, recreational marijuana businesses, since their inception, are subject to special taxes and a number of rules about their operation established by the state LCB.

There are two clearly separate laws regarding this drug; one dealing with medical cannabis and the other dealing with the recreational use of marijuana by persons 21 years of age and older. Legislation from the 2015 session has overhauled the medical and recreational environment. 2<sup>nd</sup> Substitute Senate Bill (SB) 5052 put the medical cannabis system under the jurisdiction of the LCB, and state licenses will be required for anyone making retail sales of medical cannabis or producing or processing medical cannabis for retail sale. Businesses that are now operating as medical cannabis collective gardens will either have to make the shift to operating as licensed cannabis businesses, with all of the record-keeping that is applicable to recreational cannabis producers, processors, and retailers, or to forming a cooperative which may only serve up to four (4) members. The statutes regarding collective gardens were repealed by SB 5052, effective July 1, 2016, because medical cannabis has been combined with recreational cannabis businesses with the exception of cooperatives which will be regulated by the LCB.

The other important piece of legislation passed during the 2015 State legislative session was House Bill (HB) 2136 which granted cities the authority to reduce the 1000-foot buffer zones required by RCW 69.50.331(8) around certain types of facilities within which licensed producers, processors, or retailers cannot be located. The buffer zones can be reduced to not less than 100 feet from recreation centers or facilities, child care centers, public parks, public transit centers, or game arcades admitting minors. This authority to adjust buffer distances does not apply to elementary or secondary schools or to playgrounds (Section 301(8)); all categories of marijuana businesses and cannabis cooperatives must always be at least 1,000 feet from these entities.

On October 12, 2015, the LCB reopened the license period for retail stores to allow additional licenses to be issued to address the needs of the medical market. The City, on November 17, received its first notice of application as a result of the LCB's acceptance of new retail applicants, seeking a license for a retail operation with a medical endorsement. The LCB may grant more licenses for operation in the City and a limit on the number of businesses has not been set by the LCB. Amending and adding provisions to the SMC that address these changes and reflect the City Council discussion on November 9 should be considered soon as the LCB may issue more licenses for marijuana businesses in the coming months.

### **PROPOSAL & ANALYSIS**

Recently-enacted state legislation and a City Council discussion on November 9, 2015, has directed the proposed SMC provisions including:

Proposed Ordinance No. 734 (Attachment A), deleting Collective Gardens pursuant to SB 5052:

- **SMC 3.01: Fee schedules**

- SMC 3.01.200(B)(5) Regulatory License Fee – Collective gardens is REPEALED in its entirety.
- **SMC 5.07.740-755: Article VIII: Collective Gardens**
  - SMC 5.07 Article VIII Collective Gardens is REPEALED in its entirety.
- **SMC 20.40.130: Nonresidential Uses Table**
  - Table 20.40.130 Non Residential Uses is amended to delete the specific land use of “Collective Gardens” from the use table.
- **SMC 20.40.160 Station Area Uses.**
  - Table 20.40.160 Station Areas Uses is amended to delete the specific land use of “Collective Garden” from the use table.
- **SMC 20.40.275: Collective Gardens**
  - SMC 20.40.275 Collective Gardens is REPEALED in its entirety effective June 30, 2016.

These changes would go into effective at midnight on June 30, 2016.

Proposed Ordinance No. 735 (Attachment B) establishing four categories for recreational marijuana retail, processing and producing and medical cannabis cooperatives on the City’s Residential, Nonresidential, and Station Area Use Tables and adding a new buffer provision for retail operations as follows.:

**Section 3. SMC 20.40.445 Marijuana Operations.** A new section, SMC 20.40.445, is added to the supplemental index criteria as follows:

SMC 20.40.445 Marijuana Operations.

Marijuana producers, processors, and retailers licensed by the State of Washington pursuant to RCW 69.50 are subject to the following requirements:

1. Marijuana retailers shall not be located closer the one thousand feet (measured from the main entrance of the retailer) from another marijuana retailer.

The reason for requiring separation between retail operations is to prevent the clustering of retail operations in close proximity to each other. This separation requirement further seeks to limit the impacts (vehicular and pedestrian) to the surrounding community.

Due to the condensed schedule mostly governed by the LCB, a hearing is scheduled for tonight’s meeting to gather feedback from the public on these proposed changes to the SMC, and the Commission is being asked to consider a recommendation to the City Council on proposed Ordinances 734 and 735.

### **TIMING AND SCHEDULE**

- HB 2136 was delivered to and enacted by the Governor on June 30, 2015, and on April 24, 2015, Governor Inslee approved SB 5052 (with some section vetoes).

## 6a. Public Hearing Staff Report - Marijuana

- On October 12, 2015, the LCB began accepting new applications for retail licenses.
- November 9, 2015, City Council discusses cannabis updates and expresses interest in 1,000 foot buffer between retail cannabis business.
- December 17, 2015: Planning Commission holds public hearing on, and discusses proposed changes and additions to the SMC and makes a recommendation to the City Council on Ordinances 734 and 735.
- January 25, 2016: City Council discusses proposed Ordinances 734 and 735.
- February 8, 2016: City Council considers adoption of proposed Ordinances 734 and 735.
- Effective July 1, 2016, SB 5052 repeals all provisions regarding collective gardens and, if adopted, Ordinance 734 would repeal Shoreline's Collective Garden regulations.

### **RECOMMENDATION**

Staff recommends the Planning Commission discuss the proposed changes to the SMC, gather and consider public feedback and make a recommendation to the City Council on proposed Ordinances 734 and 735.

### **ATTACHMENTS**

Attachment A – Proposed Ordinance No. 734

Attachment B – Proposed Ordinance No. 735

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 734

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING SECTION 5.07 ARTICLE VIII COLLECTIVE GARDENS OF CHAPTER 5.07 REGULATORY BUSINESS LICENSES AND SECTION 3.01.200(B)((8) OF THE BUSINESS LICENSE FEE TABLE IN CHAPTER 3.01, AND AMENDING SECTIONS 20.40.130, 20.40.160, AND 20.40.275 OF CHAPTER 20.40 OF THE SHORELINE MUNICIPAL CODE IN REGARDS TO ALL REGULATIONS RELATED TO RCW 69.51A COLLECTIVE GARDENS.**

WHEREAS, with Ordinance Nos, 625, 643, 654, and 706, the City has established zoning and business license regulations related to Collective Gardens authorized pursuant to RCW 69.51A.085; and

WHEREAS, in April 2015, the Legislature passed Second Substitute Senate Bill 5052 (SSSB 5052) establishing the Cannabis Patient Protection Act; and

WHEREAS, SSSB 5052 Section expressly repealed RCW 69.51A.085 effective July 1, 2016; and,

WHEREAS, given the repeal of RCW 69.51A.085, the City's regulations are no longer legally sustainable; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent repeal SMC 20.40.130, 20.40.160, and 20.40.275 was sent to the Washington State Department of Commerce; and

WHEREAS, since Title 20 regulations are being amended, the Planning Commission, at properly noticed meetings, has reviewed the amendments to Title 20 and held a properly noticed public hearing on \_\_\_\_\_, to consider the amendments to Title 20; and

WHEREAS, the City Council, a properly noticed meetings, has considered the entire public record, the Legislature's passage of SSSB 5052 and its repeal of RCW 69.51A.085, and the Planning Commission's recommendation in regards to Title 20 amendments;

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

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

**Section 1. SMC 5.07 Regulatory Business Licenses.** SMC 5.07 Article VIII Collective

Gardens is REPEALED in its entirety.

**Section 2. SMC 3.01 Fee Schedules.** SMC 3.01.200(B)(5) Regulatory License Fee – Collective gardens is REPEALED in its entirety.

**Section 3. SMC 20.40.275 Collective Gardens.** SMC 20.40.274 Collective gardens is REPEALED in its entirety.

**Section 4. SMC 20.40.130 Non Residential Uses.** Table 20.40.130 Non Residential Uses is amended to delete the specific land use of “Collective Gardens” from the use table.

**Section 5. SMC 20.40.160 Station Area Uses.** Table 20.40.160 Station Areas Uses is amended to delete the specific land use of “Collective Garden” from the use table.

**Section 6. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 7. 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 on July 1, 2016 at 12:01 AM.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

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

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

Date of Publication: \_\_\_\_\_, 2016

Effective Date: \_\_\_\_\_, 2016

CITY OF SHORELINE, WASHINGTON

ORDINANCE NO. 735

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING TITLE 20 UNIFIED DEVELOPMENT CODE OF THE SHORELINE MUNICIPAL CODE TO ESTABLISH DEVELOPMENT REGULATIONS RELATED TO RECREATIONAL MARIJUANA AND MEDICAL CANNABIS.**

WHEREAS, the voters of the State of Washington approved Initiative 502, authorizing the licensing and regulation of marijuana production, distribution, and sale to persons over 21 years of age, commonly referred to as recreational marijuana; and

WHEREAS, Initiative 502 has been codified in the Revised Code of Washington (RCW) Chapter 69.50 and this RCW establishes three types of license categories – Marijuana Producer, Marijuana Processor, and Marijuana Retailer;

WHEREAS, RCW 69.50 establishes one thousand feet as an appropriate buffer for all license categories and the advertisements for the same from certain types of facilities; and

WHEREAS, the City believes that utilizing this same buffer distance to prevent the proliferation and/or clustering of retail marijuana operations is in the best interests of the public health, safety, and welfare of the citizens of the City; and

WHEREAS, with the adoption of Section 26 of Engrossed Substitute Senate Bill 5052 in April 2015, the Washington State Legislature added a new section to RCW 69.51A, establishing Medical Cannabis Cooperatives so as to provide marijuana only for the medical use of the cooperative's members; and

WHEREAS, the new legislation for Medical Cannabis Cooperatives establishes criteria for the location and operation of the cooperative including that it must be location in a participant's domicile, no closer than one mile from a marijuana retailer, and only one cooperative per tax parcel; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent to amend Title 20 to include these regulations was sent to the Washington State Department of Commerce; and

WHEREAS, the Planning Commission, at properly noticed meetings, has reviewed the amendments to Title 20 and held a properly noticed public hearing on December 17, 2015, to consider the amendments to Title 20; and

WHEREAS, the City Council, at properly noticed meetings, has considered the entire public record and the Planning Commission's recommendation in regards to Title 20 amendments;

## 6a. Marijuana - Attachment B - Ordinance 735

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

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

**Section 1. SMC 20.40.130 Nonresidential uses.** Table 20.40.130 Nonresidential uses is amended as follows:

**Table 20.40.130 Nonresidential Uses**

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>RETAIL/SERVICE</b>									
532	Automotive Rental and Leasing						P	P	P only in TC-1
81111	Automotive Repair and Service					P	P	P	P only in TC-1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Collective Gardens					P-i	P-i	P-i	
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i



# 6a. Marijuana - Attachment B - Ordinance 735

**Table 20.40.130 Nonresidential Uses**

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
447	Fuel and Service Stations					P	P	P	P
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing							S	P
	<u>Marijuana Operations – Medical Cooperative</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Marijuana Operations - Retail</u>					<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Marijuana Operations - Processer</u>							<u>S</u>	<u>P-i</u>
	<u>Marijuana Operations - Producer</u>							<u>P-i</u>	
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
<b>P = Permitted Use</b> <span style="margin-left: 300px;"><b>S = Special Use</b></span>									

## 6a. Marijuana - Attachment B - Ordinance 735

**Table 20.40.130 Nonresidential Uses**

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>C = Conditional Use</b>					<b>-i = Indexed Supplemental Criteria</b>				

**Section 2. SMC 20.40.160 Stations Area Uses.** Table 20.40.160 Station Area Uses is amended as follows:.

**Table 20.40.160 Station Area Uses**

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
<b>RESIDENTIAL</b>				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i
<b>COMMERCIAL</b>				

## 6a. Marijuana - Attachment B - Ordinance 735

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Collective Garden			
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (Excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	<u>Marijuana Operations – Medical Cooperative</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Marijuana Operations - Retail</u>			
	<u>Marijuana Operations - Processor</u>			
	<u>Marijuana Operations - Producer</u>			
	Mini-Storage		C –A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
<b>EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION</b>				

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Amusement Arcade		P –A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	Outdoor Performance Center		P –A	P -A
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P –A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
<b>GOVERNMENT</b>				
	Fire Facility		C-i	C-i

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Police Facility		C-i	C-i
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S
	Utility Facility	C	C	C
<b>HEALTH</b>				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing and Personal Care Facilities		P-i (Adjacent to Arterial Street)	P
<b>OTHER</b>				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	P-i	P-i	P-i
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

<p><b>P = Permitted Use</b> <span style="float: right;">C = Conditional Use</span></p> <p><b>S = Special Use</b> <span style="float: right;">-i = Indexed Supplemental Criteria</span></p> <p><b>A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.</b></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Section 3. SMC 20.40.445 Marijuana Operations.** A new section, SMC 20.40.445, is added to the supplemental index criteria as follows:

SMC 20.40.445 Marijuana Operations.

A. Marijuana producers, processors, and retailers licensed by the State of Washington pursuant to RCW 69.50 are subject to the following requirements:

1. Marijuana retailers shall not be located closer the one thousand feet (from another marijuana retailer).

**Section 4. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**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 within five (5) days of publication.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

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

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

Date of Publication: \_\_\_\_\_, 2016

Effective Date: \_\_\_\_\_, 2016

Planning Commission Meeting Date: December 17, 2015

Agenda Item

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendments – Engineering Development Manual

**DEPARTMENT:** Planning & Community Development

**PRESENTED BY:** Steven Szafran, AICP, Senior Planner  
Rachael Markle, AICP, Director

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**INTRODUCTION**

Staff is proposing an amendment to SMC 20.70.020 which will amend language that points to a section of code that does not exist. SMC 20.70.020 incorrectly denotes that the Engineering Development Manual is adopted pursuant to SMC 12.10.100, a provision that does not exist.

The proposed amendment also strikes the specifications of the Engineering Development Manual. These specifications are stated in the Engineering Development Manual and are not appropriate for the Development Code.

The purpose of this study session is to:

- Respond to questions regarding the proposed amendments
- Receive feedback from the Commission on the merits of the amendments
- Deliberate and, if necessary, ask further questions of staff

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code Amendments and making a recommendation to the City Council on each amendment.

**TIMING AND SCHEDULE**

- January 21, 2016 - Planning Commission Public Hearing
- February 8, 2016 - City Council discussion
- February 29, 2016 - City Council adoption.

**RECOMMENDATION**

No recommendation is provided for this study session. Staff may make revisions based on tonight's discussion and bring back the amendment to Commission on January 21, 2016.

**ATTACHMENT**

Attachment A – Ordinance 736



**CITY OF SHORELINE, WASHINGTON**

**ORDINANCE NO. 736**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING TITLE 20 UNIFIED DEVELOPMENT CODE, CHAPTER 20.70 TO THE SHORELINE MUNICIPAL CODE TO CORRECTLY CITE TO THE ENGINEERING DEVELOPMENT MANUAL'S AUTHORIZATION.**

WHEREAS, Chapter 20.70 of the Shoreline Municipal Code references the general engineering provisions for infrastructure supporting development within the City; and

WHEREAS, SMC 20.70.020 incorrectly denotes that the Engineering Development Manual is adopted pursuant to SMC 12.10.100, a provisions that does not exist; and

WHEREAS, an amendment is needed to correct this error; and

WHEREAS, pursuant to RCW 36.70A.106, notice of the City's intent to amend SMC 20.70.020 was sent to the Washington State Department of Commerce; and

WHEREAS, the Planning Commission, at a properly noticed meeting, has reviewed this amendment and held a properly noticed public hearing on \_\_\_\_\_, to consider the amendment; and

WHEREAS, the City Council, at properly noticed meetings, has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City Council has determined that the proposed amendment is in accord with the Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and are in the best interest of the citizens and property owners of the City as provided in SMC 20.30.350; and

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASINGTON DO ORDAIN AS FOLLOWS

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

**Section 1. SMC 20.70.020** SMC 20.70.020 Engineering Development Manual is amended as shown below:

**20.70.020 Engineering Development Manual.**

The Engineering Development Manual adopted pursuant to SMC 12.10.400-.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development. ~~The specifications shall include, but are not limited to:~~

- ~~A.— Street widths, curve radii, alignments, street layout, street grades;~~
- ~~B.— Intersection design, sight distance and clearance, driveway location;~~
- ~~C.— Block size, sidewalk placement and standards, length of cul de sacs, usage of hammerhead turnarounds;~~
- ~~D.— Streetscape specifications (trees, landscaping, benches, other amenities);~~
- ~~E.— Surface water and stormwater specifications;~~
- ~~F.— Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and~~
- ~~G.— Other improvements within rights of way.~~

**Section 2. Severability.** If any portion of this chapter is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other chapter or any other section of this chapter.

**Section 4. 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 \_\_\_\_\_, 2016

\_\_\_\_\_  
Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith

\_\_\_\_\_  
Margaret King

City Clerk

City Attorney

Date of Publication: \_\_\_\_\_, 2016

Effective Date: \_\_\_\_\_, 2016

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Planning Commission Meeting Date: December 17, 2015

Agenda Item

**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendments – Light Rail Systems and Facilities Permitting Process and Applicable Regulations  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Rachael Markle, AICP, Director

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**INTRODUCTION**

Light rail is on its way to Shoreline beginning service in 2023. Based on Sound Transit’s latest schedule, permit review will begin as early as 2016. While the City’s Development Code includes the permit types needed to approve the construction activities associated with the light rail systems and facilities, the City does not have a process to approve a light rail system/ facility in the existing zones.

Most of the land that Sound transit will be constructing its stations, parking garages, and rail upon is zoned Residential 6 dwelling units per acre (R-6). Obviously, a light rail transit system/ facility will not be able to comply with the limitations of that zone.

Currently, the Code specifies that light rail transit facilities/systems require a Development Agreement. The Development Agreement as defined by State law is not designed to accommodate deviations or variances from the underlying zone’s regulations.

Staff recommends using the process identified in the Comprehensive Plan for siting essential public facilities (LU60 through LU65), a Special Use Permit process, instead of the Development Agreement process.

The purpose of this study session is to:

- Have a collaborative discussion with the Commission about proposed amendments
- Respond to questions regarding the proposed amendments
- Receive feedback from the Commission on the merits of the amendments
- Determine what amendments need more research/analysis

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- Identify if there is a need for additional amendments
- Deliberate and, if necessary, ask further questions of staff
- Develop a recommended set of Development Code Amendments for the Public Hearing

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code Amendments and making a recommendation to the City Council on each amendment.

### **BACKGROUND**

The Planning Commission spent multiple meetings discussing draft amendments regarding the land use entitlement process that will allow Sound Transit's development activities. The Planning Commission studied these amendments on May 7, June 4, and September 3, 2015. On October 1, the Commission held a public hearing on the draft amendments and it was at this meeting staff recommended removing Sound Transit related amendments to be brought back at a later date.

Further review of existing Development Code and proposed amendments has revealed potential gaps in the City's process for permitting Sound Transit's light rail transit system/facility. The Code currently specifies that light rail transit facilities/systems require a Development Agreement. The Development Agreement as defined by State law is not designed to be a tool to accommodate deviations or variances from the underlying zone's regulations. The light rail transit facility/system is an essential public facility, and therefore, it is appropriate to allow for deviations or variances from underlying zoning to accommodate the use in certain situations. The recommendation is to instead use the process identified in the Comprehensive Plan for siting essential public facilities, a Special Use Permit Process.

The Special Use Permit process would be used to:

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- Locate the light rail systems/facilities as an essential facility in zones where this use would be prohibited;
- Through the application of criteria, condition the light rail systems/facilities to be more compatible with adjacent land uses;
- Establish which regulations apply to Sound Transit projects, especially when the project is located in unclassified land. Unclassified land, is land that is not zoned which is primarily various types of right of way; and
- Approve deviations from the regulations as appropriate to accommodate the light rail systems/facilities as essential public facilities.

Additionally, the City Attorney’s Office advised that the light rail transit facility/system use should not be approved as a legislative action even though Development Agreements, the current process for approving these uses is legislative. Quasi-judicial processes are to be used when processing applications that involve a single entity, actions that are not wide in scope and based on a specific proposal. The following chart provides options for how to process a Special Use Permit for a light rail transit system/facility:

Quasi Judicial Review & Approval Authority OPTIONS	PROS	CONS
<p>1. Hearing Examiner in an <u>Open Record Hearing</u> makes recommendation to the <b>Council</b> and <b>Council</b> in a <u>Closed Record Hearing</u> approves/denies permit</p>	<ul style="list-style-type: none"> <li>• Thorough review and analysis prior to <b>Council</b> review stage</li> <li>• Examiner knows how to manage the hearing process and create the necessary record to make an informed recommendation on a project permit application</li> <li>• <b>Citizens</b> would be involved and able to testify in the open record Hearing, and present argument in the closed record <b>Council</b> hearing process</li> <li>• Limits time commitment of <b>Council</b> if <b>Council</b> is willing to place strict time</li> </ul>	<ul style="list-style-type: none"> <li>• Does not follow current Code process for SUP decisions, but a special process could be created in the code amendments</li> <li>• <b>Council</b> would be prohibited from discussing matter with <b>Citizens</b> or <b>Sound Transit</b> under the Appearance of Fairness Doctrine (or, if they did have such conversations, they would need to be disclosed on the record in the hearing)</li> <li>• <b>Citizens</b> will likely be confused about difference between “open record” evidentiary</li> </ul>

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	<p>limits on <b>Citizen</b> argument based on Hearing Examiner record</p> <ul style="list-style-type: none"> <li>• Keeps <b>Council</b> involved with the ultimate decision without getting bogged down in the minutiae, so long as <b>Council</b> is willing to place strict time limits on <b>Citizen</b> argument based on Hearing Examiner record</li> <li>• <b>Council</b> does not have to manage the open record evidentiary hearing process and potentially shut-down abusive, overlong, or irrelevant public testimony</li> <li>• If the current Code amendment process sets forth sufficient criteria and a clear process for approval, and <b>Sound Transit</b> meets those criteria, then basis for decision should be clear and, easy for <b>Council</b> to articulate.</li> <li>• Clear process provided for <b>Sound Transit</b></li> </ul>	<p>hearing and “closed record” argument before <b>Council</b></p>
<p>2. Planning Commission in an <u>Open Record Hearing</u> makes recommendation to <b>Council</b> and <b>Council</b> in a <u>Closed Record Hearing</u> approves/denies permit</p>	<ul style="list-style-type: none"> <li>• Would provide <b>Council</b> with an analysis and recommendation prior to final decision</li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't follow current Code process for SUP decisions, but a special process could be created in the code amendments</li> <li>• Not typically the Planning Commission's role to issue a recommendation on a project specific permit—that is something the Hearing Examiner would be better suited for</li> <li>• Would be incongruous</li> </ul>



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		<p>with existing code to make the Planning Commission the recommendation authority for a project permit</p> <ul style="list-style-type: none"> <li>• Planning Commission (made up of <b>Citizens</b>) might be more easily swayed by public opinion than the Hearing Examiner, who is independent and familiar with such reviews and public testimony regarding specific projects</li> <li>• <b>Council</b> would be prohibited from discussing matter with <b>Citizens</b> or <b>Sound Transit</b> under the Appearance of Fairness Doctrine (or, if they did have such conversations, they would need to be disclosed on the record in the hearing)</li> <li>• <b>Citizens</b> will likely be confused about difference between “open record” evidentiary hearing and “closed record” argument before <b>Council</b></li> </ul>
<p>3. <b>Council</b> in an <u>Open Record Hearing</u> takes testimony, comments and then makes decision</p>	<ul style="list-style-type: none"> <li>• <b>Council</b> gets a lot of face time with <b>Citizens</b></li> <li>• Places nearly the entire responsibility for the decision (for better or worse) squarely on the shoulders of the <b>Council</b></li> <li>• <b>Citizens</b> like the ability to directly address <b>Council</b></li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't follow current Code process for SUP decisions, but a special process could be created in the code amendments</li> <li>• Most intense time commitment from the <b>Council</b> from among the options</li> <li>• Places nearly the entire</li> </ul>

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		<p>responsibility for the decision (for better or worse) squarely on the shoulders of the <b>Council</b></p> <ul style="list-style-type: none"> <li>• Likely to be a frustrating process for <b>Sound Transit</b>, given the likely politicization of the process</li> <li>• <b>Citizens</b> likely to be frustrated by amount of time they need to sit in what will likely be a protracted <b>Council</b> hearing.</li> <li>• Difficult for <b>Council</b> members to assert control over <b>Citizen</b> comments that may be off topic, overlong, abusive or otherwise contrary to a well-run process</li> <li>• Potential for less well-developed record</li> <li>• <b>Council</b> would be prohibited under the Appearance of Fairness Doctrine from discussing matter with <b>Citizens</b> or <b>Sound Transit</b> outside the hearing process (or, if they did have such conversations, they would need to be disclosed on the record in the hearing)</li> </ul>
<p>4. Hearing Examiner after an <u>Open Record Hearing</u> makes final decision. (current process for SUP)</p>	<ul style="list-style-type: none"> <li>• <b>Council</b> would not need to spend time on permit decision process</li> <li>• <b>Council</b> would not be viewed as the permitting authority and therefore would not receive blame for the decision</li> </ul>	<ul style="list-style-type: none"> <li>• Prevents <b>Council</b> from making the final decision</li> <li>• <b>Council</b> would not be viewed as the permitting authority and therefore would not receive or credit for the decision</li> <li>• Prevents <b>Council</b> from</li> </ul>

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	<ul style="list-style-type: none"> <li>• <b>Council</b> would NOT be prohibited from discussing matter with <b>Citizens</b> and <b>Sound Transit</b>, but would have no decision-making authority to change the Examiner's decision</li> <li>• <b>Citizens</b> can freely communicate with <b>Council</b></li> <li>• <b>Sound Transit</b> would likely perceive this as best process</li> </ul>	<p>being involved in the permitting process</p>
<p>5. Director <u>without a hearing</u> makes decision at administrative level (appealable to Hearing Examiner)</p>	<ul style="list-style-type: none"> <li>• <b>Council</b> would not need to spend time on permit decision process</li> <li>• <b>Council</b> would not be viewed as the permitting authority and therefore would not receive blame for the decision</li> <li>• <b>Council</b> would NOT be prohibited from discussing matter with <b>Citizens</b> and <b>Sound Transit</b>, but would have no decision-making authority to change the Examiner's decision</li> <li>• <b>Citizens</b> can freely communicate with <b>Council</b></li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't follow current Code process for SUP decisions, but a special process could be created in the code amendments</li> <li>• Essentially no <b>Citizen</b> involvement without an appeal to the Hearing Examiner</li> <li>• Much greater likelihood for appeal, and frustration from <b>Citizens</b></li> </ul>

**The Draft amendments in Attachment A are utilizing Option 4, the current process for a Special Use Permit.**

Finally, the City Attorney's office noted that the majority of the light rail transit facility/system will be located in unclassified ROW. Unclassified ROW is not zoned. This may present a problem in identifying which regulations will apply to various portions of the Sound Transit project because most of the City's regulations are tied to

zones. The proposed amendments list the sections of the Development Code that are to be applied to light rail transit systems/facilities regardless of zone, and use the Special Use Permit process to refine these regulations as necessary to locate an essential public facility.

### **Consistency of Application Amendment**

#### **20.50.480 Street trees and landscaping within the right-of-way – Standards.**

The Code section noted below needs to be updated to clearly apply to light rail systems/facilities. It really doesn't need to be "zone" based and does not directly correspond to existing zones. Commercial, office, industrial, public facility and multifamily more aptly describes broad categories of uses.

A. When frontage improvements are required by Chapter [20.70](#) SMC, street trees are required ~~in~~ for all commercial, office, industrial, public facility, multifamily ~~zones~~ developments, and for single-family subdivisions on all arterial streets.

### **TIMING AND SCHEDULE**

- January 21, 2016 - Planning Commission Public Hearing
- February 8, 2016 - City Council discussion
- February 29, 2016 - City Council adoption

### **RECOMMENDATION**

No recommendation is provided for this study session. Staff may make revisions based on tonight's discussion and bring a recommended set of amendments to Commission on January 21, 2016.

### **ATTACHMENT**

Attachment A – Draft Development Code Amendments related to Light Rail Systems/Facilities

**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 on unclassified lands, unzoned lands, or when not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit is may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

**B. Decision Criteria (applies to all Special Uses).** A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City or region;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety and welfare of the community;
4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the policies of the Comprehensive Plan or 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 Program, SMC Title 20, Division II.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
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REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	<u>Light rail transit facility/system</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>	<u>S-i</u>
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

<b>P = Permitted Use</b>	<b>S = Special Use</b>
<b>C = Conditional Use</b>	<b>-i = Indexed Supplemental Criteria</b>

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
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OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	<u>P-i S-i</u>	<u>P-i S-i</u>	<u>P-i S-i</u>
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

Supplemental Index Criteria

20.40.438 Light rail transit system/facility.<sup>1</sup>

A. A light rail transit system/facility shall be approved through a development agreement Special Use Permit as specified in SMC 20.30.355. (Ord. 706 § 1 (Exh. A), 2015).

B. A Light Rail Transit System/Facility stations and parking garages shall conform to the required standards below:

1. SMC 20.50.020(2) - Dimensional standards of the MUR-70' Zone;
2. SMC 20.50.220 through 20.50.250 – Commercial design standards;
3. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
4. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
5. SMC 20.50.450 through 20.50.520 - Landscaping;
6. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' Zone;
7. SMC 20.60 Adequacy of Public Facilities;
8. SMC 20.70 Engineering and Utilities Development Standards; and
9. SMC 20.80 Critical Areas.

C. The Light Rail Transit System/Facility improvements located between the stations shall comply with the applicable sections below:

1. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
2. SMC 20.50.450 through 20.50.520 – Landscaping;
3. SMC 20.60 Adequacy of Public Facilities;
4. SMC 20.70 Engineering and Utilities Development Standards; and
5. SMC 20.80 Critical Areas.

D. Modification of 20.40.438 (B) and (C) Requirements. If the applicant demonstrates that compliance with one or more of the requirements set forth in this Section 20.40.438(B) and (C) is impracticable, would result in reduced public benefits, or alternative actions could meet or exceed the intended goals of such requirements, then the City may waive or modify such requirements as part of the Special Use Permit process.

**20.50.480 Street trees and landscaping within the right-of-way – Standards.**

- A. When frontage improvements are required by Chapter 20.70 SMC, street trees are required ~~in~~for all commercial, office, public facilities, industrial, multifamily ~~zones~~ developments, and for single-family subdivisions on all arterial streets.
- B. Frontage landscaping may be placed within City street rights-of-way subject to review and approval by the Director. Adequate space should be maintained along the street line to replant the required landscaping should subsequent street improvements require the removal of landscaping within the rights-of-way.
- C. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Guide including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).