

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

**AGENDA TITLE:** Public Hearing on Using the Special Use Permit Process for Approving Light Rail Facilities/Systems as Essential Public Facilities and Determination of Development Regulations Applicable to Development of Light Rail Facilities/Systems

**DEPARTMENT:** Planning & Community Development

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

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

**INTRODUCTION**

The purpose of this public hearing is to:

- Provide additional information to the Commission about the Special Use Permit process as it would relate to light rail systems/facilities and the specific development regulations that would apply to the development of light rail systems/facilities;
- Answer any outstanding questions the Commission may have;
- Hear public testimony; and
- Forward recommended Development Code amendments for adoption by the City Council.

**DISCUSSION**

Currently, the Code specifies that light rail transit systems/facilities require a Development Agreement. However, the Development Agreement, as defined by State law, is not designed to accommodate variances from the underlying zone's regulations. The application of several of Shoreline's regulations to the development of light rail facilities/systems may be very difficult or impossible for light rail systems/facilities to achieve. Light rail systems/facilities are defined as Essential Public Facilities per RCW 36.70A.200 <http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.200>. Essential Public Facilities cannot be precluded. Therefore, the City needs to use a process, by which in this case Sound Transit, can request deviations from the City standards in order to establish, construct and operate light rail systems/facilities.

Staff recommends using the Special Use Permit (SUP) process which is identified in the Comprehensive Plan for siting essential public facilities (LU60 through LU65), instead of the Development Agreement process. Staff also recommends that the procedural process for approving a Special Use Permit remain consistent with SMC 20.30.330.

At the January 7<sup>th</sup> meeting, staff explained the difference of a quasi-judicial process (the Special Use Permit process) and the legislative process (the Development Agreement process). Staff explained that Comprehensive Plan land use policy LU 62 establishes that a Special Use Permit is to be used to site Essential Public Facilities.

The Special Use Permit process would be used to:

- Locate the light rail systems/facilities as an essential public facility in zones where this use would be prohibited;
- Use criteria to condition the light rail systems/facilities to be more compatible with adjacent land uses; and
- Approve deviations from the regulations as appropriate to accommodate the light rail systems/facilities as essential public facilities.

Staff has recommended that a Special Use Permit is the most appropriate method of approving Sound Transit's light rail systems/facilities. Further, Washington State Law directs the City to use a quasi-judicial process such as a Special Use Permit process when making decisions in regards to a specific party. RCW 42.36.010 states:

*Quasi-judicial actions of local decision-making bodies are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.*

At the January 7 meeting, staff presented options the Commission could recommend about how the SUP may be approved. The Commission could hold the public hearing with Council approval; the Hearing Examiner could hold the public hearing with Council approval; or the Council could hold the public hearing and approve the permit. SMC Table 20.30.060 is the summary of Type C actions, notice requirements, review authority, decision making authority and target time limits for decisions. As noted in Table 20.30.060, the review and decision making authority is assigned to the Hearing Examiner. Staff recommends keeping the approval process the same which is Hearing Examiner public hearing and decision making authority.

## **Development Regulations that apply to Light Rail Systems/Facilities**

While the City's Development Code includes standards to regulate much of the construction activities associated with the light rail facilities/systems, it is unclear how to apply them without zoning. Development Code amendments that establish which development regulations apply to light rail systems/facilities, especially when located on land that is not zoned, which is primarily various types of right of way are also the subject of tonight's public hearing.

At the January 7<sup>th</sup> meeting, staff recommended a list of specific existing development regulations that would apply to the design of light rail systems/facilities such as stations, parking garages, and associated accessory structures. Those development regulations include:

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.

### **Planning Commission's request for additional information**

While staff presented to the Commission most of the Development Code sections that apply to the design of light rail systems/facilities, two chapters of the Development Code were not explained in detail. The Planning Commission asked for additional information regarding these: Chapter 20.60 Adequacy of Public Facilities and Chapter 20.70 Engineering and Utilities Development Standards and any other requirements related largely to multi modal access that would be required. These chapters and requirements are listed and explained in more detail below:

*20.60.030 Adequate Wastewater - All development proposals shall be served by a public wastewater disposal system, including both collection and treatment facilities.*

This section ensures that when the City issues building permits for all new development the disposal system for the project has been approved by the Department as being consistent with adopted rules and regulations of the applicable government, agency, or district. The City partners with Ronald Wastewater to complete this review.

*20.60.040 Adequate Water Supply – All development proposals shall be served by an adequate public water supply system.*

For the issuance of a building permit for the stations and/or parking garages, Sound Transit must demonstrate that:

1. The existing water supply system available to serve the site complies with the requirements of adopted rules and regulations of the applicable government, agency, or district.
2. The proposed improvements to an existing water system or a proposed new water supply system have been reviewed by the Department and determined to comply with the design standards and conditions specified above.

If adequate water supply is unavailable at the time Sound Transit submits their building permits, Sound Transit will be responsible for making the necessary improvements to provide the required water supply to their facilities. The City partners with North City Water and Seattle Public Utilities to complete this review.

*20.60.050 Adequate Fire Protection – All new development shall be served by adequate fire protection.*

This section ensures that all new development has an adequate water supply to meet or exceed the City's construction and building codes which includes the International Fire Code. This section also requires adequate access to the development be established to provide life safety/rescue and that other fire protection requirements be met. Adequate fire protection must be in place at the time occupancy for the stations and/or parking garages. The City partners with Shoreline Fire to provide this review.

*20.60.070 Adequate Surface Water Management System – All new development shall be served by an adequate surface water management system.*

This section ensures that all new development meets or exceeds the standards set forth in the City's Surface Water Management Code and any other adopted standards related to stormwater. Any required surface water improvement plan must be approved by the Director.

*20.60.140 Adequate Streets – The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.*

This Chapter provides the bulk of the requirements related to multi modal access. SMC 20.40.140 establishes the City's concurrency requirements as measured by level of service (LOS) standards for intersections. Additionally, this Chapter establishes a Level of Service D standard for pedestrians and bicyclists within light rail station subareas. Further, this Chapter provides the City with the authority to require applicant's for projects that would generate 20 or more new trips during the p.m. peak hour to prepare a transportation impact analysis (TIA). This analysis is used to determine if a project will impact the City's level of service standards for vehicles, pedestrians, and bicyclist. If the LOS will be reduced below these standards, then the applicant will need to mitigate the impacts or change the project to meet the adopted LOS or the project will not be permitted. The proposed Sound Transit light rail systems/facilities will generate more than 20 p.m. peak trips and will be subject to these requirements. Although the City does not have a LOS in the Development Code for public transit, the TIA can be used to analyze impacts the project will have on public transit.

*20.60.150 Adequate Access – All lots shall have access to a public right-of-way by direct access to a right-of-way; an easement recorded with the county that meets the standards of this section; or an access tract that meets the standards of this section.*

This Chapter ensures that all new development has direct access to a public right of way and includes access for emergency services and other required services. SMC 20.60.150 also allows the City to require new development to have pedestrian facilities that connect from the public right of way to building entrances; connect to other commercial developments, and to provide safe access from parking areas to buildings.

*20.70.010 Purpose – The purpose of this chapter is to establish engineering regulations and standards to implement the Comprehensive Plan and provide a general framework for relating the standards and other requirements of this Code to development.*

All applications for development must comply with this Chapter which implements the Goals and Policies of the Comprehensive Plan in regards to dedications, streets, frontage improvements, surface water facilities, sidewalks, walkways, paths, trail, and utilities.

*20.70.020 Engineering Development Manual – The Engineering Development Manual adopted pursuant to SMC 12.10.100 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to development.*

The Engineering Development Manual is an administrative document that defines the types of physical improvements an applicant must install in conjunction with a development proposal. The EDM specifies, street widths, street layout, street grades, intersection design, site distance, driveway locations, sidewalk placement and standards, length of cul-de-sacs, turnarounds, streetscape specifications such as trees, landscaping, benches, and other amenities, surface water and storm water specifications, traffic control and safety markings, sign, signals, street lights, turn lanes, and other various right-of-way improvements.

*20.70.110 Purpose – The purpose of this subchapter is to provide guidance regarding the dedication of facilities to the City.*

Through the development of property, the City may require certain dedication of property for things such as right-of-way, stormwater facilities, open space, and easements across private property.

#### *20.70.120 Dedication of Right-Of-Way*

When a development is proposed, the City may require right-of-way dedication. Right – of-way dedication may be necessary to accommodate motorized and nonmotorized transportation (additional travel lanes, sidewalks, bike lanes). In many cases around the City, the improved street is not built out to the full right-of-way width. As development occurs, the City requires that the property owner dedicates right-of-way and makes the necessary frontage improvements.

#### *20.70.140 – Dedication of Stormwater Facilities*

The City is responsible for the maintenance, including performance and operation, of drainage facilities which the City has accepted for maintenance. The City may require the dedication of these facilities. In some cases, the City may assume maintenance of privately maintained drainage facilities only if conditions have been met such as:

- All necessary upgrades to the facilities to meet current City standards have been completed;
- All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;
- The Director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving

the health, safety and welfare of the community based upon review of the existence of or potential for:

- Flooding;
- Downstream erosion;
- Property damage due to improper function of the facility;
- Safety hazard associated with the facility;
- Degradation of water quality or in-stream resources; or
- Degradation to the general welfare of the community

#### *20.70.150 – Dedication of Open Space*

The City may accept dedications of open space and critical areas which have been identified and are required to be protected as a condition of development. Typically, a property owner is required to dedicate open space for multi-family development or public space in a commercial development.

#### *20.70.160 – Easements and Tracts*

The purpose of this section is to address easements and tracts when facilities on private property will be used by more than one lot or by the public in addition to the property owner(s). The City requires easements for ingress and egress, drainage facilities, sidewalks or paths between neighborhoods, schools, shopping centers, and other easements for public use. Tracts are used for facilities that are used by a broader group of individuals. Tracts typically include private streets and critical areas.

*20.70.210 Purpose - The purpose of this subchapter is to classify streets in accordance with designations of the Comprehensive Plan and to ensure the naming of new streets and assignment of new addresses occur in an orderly manner.*

#### *20.70.220 – Street Classification*

Streets are classified in the Transportation Master Plan which includes arterial and nonarterial streets. The type of street dictates what kind of improvements are required, the volume of traffic the street can handle, and the Level-of-Service, or delay, at the intersections.

#### *20.70.230 – Street Plan*

Streets are designed and located per the adopted plans in the Transportation Master Plan and Engineering Development Manual. The street plan will show street widths, sidewalk widths, bike facilities, amenity zones, and parking areas.

#### *20.70.240 – Private Streets*

Some local access streets may be private if conditions are met. Typically, a residential subdivision may request to have a private street as access. The conditions include:

- The private streets is in a tact or easement
- A covenant for maintenance has been approved by the City of Shoreline The street will remain open for emergency and public services
- The private street will not hinder public street circulation
- The private street is adequate for fire access needs

#### *20.70.250 – Street Naming*

This section ensures that public and private streets are named and numbered appropriately, building addresses are assigned during building permit issuance, and building addresses are easily seen and comply with adopted building and fire codes.

*20.70.310 Purpose – The purpose of this subchapter is to provide safe and accessible transportation facilities for all modes of travel as described in the Comprehensive Plan, Transportation Master Plan, and the Parks, Recreation and Open Space Plan.*

This section of the code explains what kind of transportation improvements must be made as development occurs. These improvements are the responsibility of private property owners when they apply for a development permit.

*20.70.320 Frontage improvements – Standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan adopted in Chapter 12.10 SMC, and the Engineering Development Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.*

Frontage improvements are required for commercial, multifamily, and some single-family developments. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. The street master plan dictates how wide the right-of-way shall be and how wide the sidewalk improvement is. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization. As defined in SMC 20.70.320, the proposed Sound Transit light rail systems/facilities would require frontage improvements.

*20.70.330 Surface water facilities – All development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements that meet the minimum requirements of Chapter 13.10 SMC.*

*20.70.340 Sidewalks, walkways, paths and trails – This section restates sidewalks are required pursuant to SMC 20.70.320 and adds more information regarding where and how sidewalks, paths and trails are to be constructed.*

SMC Subchapter 5. 20.70.410-430 establishes when new and existing service connections, including telephone, cable television, electrical power, natural gas, water, and sewer, are to be installed and/or placed underground. SMC 20.70.430(A) states

that undergrounding shall be limited to the service connection and new facilities located within and directly serving the development from the public right of way excluding existing or relocated street crossings. SMC 20.70.430(B) states that undergrounding of service connections and new electrical and telecommunication facilities shall be required for all new nonresidential construction, which is the category light rail systems/facilities would fall under.

### **Tonight's Meeting & Next Steps**

The Commission is being asked to gather community input on Attachment A and forward a recommendation to Council regarding a specific Development Code process and regulations that will apply to light rail systems/facilities. Staff has identified existing regulations that should be applicable to light rail stations, garages and associated facilities. To ensure that the design of the stations, garages and associated facilities meets Shoreline's expectations, the Commission may amend Attachment A.

Staff is preparing to bring another set of Development Code amendments, Package 3, to the Planning Commission related to light rail systems/facilities. Package 3 will likely include additional provisions for: multi modal access; construction management; parking management; neighborhood traffic planning; and trees. Package 3 represents an opportunity to consider additional amendment concepts that may arise as part of tonight's public hearing and discussion.

### **TIMING AND SCHEDULE**

- February 8, 2016 - City Council discussion
- February 29, 2016 - City Council adoption

### **RECOMMENDATION**

Staff recommends amending the Development Code as noted in Attachment A.

### **ATTACHMENT**

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

#### **Links to Study Session Materials:**

December 17, 2015 Planning Commission Meeting  
<http://shorelinewa.gov/Home/ShowDocument?id=24695>

January 7, 2016 Planning Commission Meeting  
<http://shorelinewa.gov/Home/ShowDocument?id=24809>



**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
---------	--------------	-----------	------------	-------------	------	----	----	----	----------------

<b>REGIONAL</b>									
	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'
---------	-------------------	---------	---------	---------

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).