

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

December 5, 2019  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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### **Commissioners Present**

Chair Montero  
Vice Chair Mork  
Commissioner Davis  
Commissioner Malek  
Commissioner Maul

### **Staff Present**

Nora Gierloff, Planning Manager  
Steve Szafran, Senior Planner, Planning and Community Development  
Andrew Bauer, Senior Planner, Planning and Community Development  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

### **Commissioners Absent**

Commissioner Craft  
Commissioner Lin

### **CALL TO ORDER**

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

### **ROLL CALL**

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Montero, Vice Chair Mork, and Commissioners Davis, Malek and Maul. Commissioners Lin and Craft were absent.

### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

### **APPROVAL OF MINUTES**

The November 21, 2019 minutes were accepted as presented.

### **GENERAL PUBLIC COMMENT**

**Yoshiko Saheki, Shoreline**, said she was present due to the very interesting City Council discussion on December 2<sup>nd</sup> regarding the Comprehensive Plan amendments. Only three of the Council Members voiced the same position as the Planning Commission regarding Amendment 1, and she didn't hear a single Council Member state that he/she agreed with the Commission's recommendation for Amendment 3. This

makes her wonder if the Commission's recommendation came across as cryptic, since it wasn't accompanied by any reasoning other than the staff report. Since she has listened to all of the Commission's deliberations on the two amendments, their recommendations came across as the logical conclusion of the discussions. However, it is unreasonable to expect the City Council to listen to all of their past discussions.

Ms. Saheki suggested the Commission send the City Council a written description of the key points they made. She heard the Commission is concerned about creating precedence, and she also heard concern expressed over the current use of the properties. She realizes the Commission is an advisory body to the City Council, and the City Council makes the final decision. But given how much time the Commission spent on the matter, it would be a shame for the City Council not to understand the reasons behind the Commission's recommendations.

**STUDY ITEM: AMENDMENTS TO MASTER DEVELOPMENT PLAN AND SPECIAL USE PERMIT DECISION CRITERIA**

Mr. Bauer reviewed that all of the campus zones within the City require a Master Development Plan (MDP). The Fircrest Campus, operated by the Department of Social and Health Services (DSHS) is the only remaining campus within the City that still doesn't have an MDP. In response to renewed activity by the DSHS to submit an MDP for the site that includes the expansion of existing uses on the campus and the potential siting of an Essential Public Facility (EPF), the City Council adopted a 6-month moratorium (Ordinance No. 868) on the filing, acceptance and approval of applications for MDPs, Special Use Permits (SUPs) and EPFs. The moratorium allows staff time to study the current decision criteria for both permit types in relationship to the City's goals and policies and to determine and recommend adequate and relevant processes to best evaluate an MDP that includes the siting of an EPF. The moratorium is set to expire on April 7<sup>th</sup>.

Mr. Bauer said the proposed amendments are intended to address the topics identified in the moratorium, clarify the process and relationship between MDPs, EPFs and SUPs, and support the current goals and vision for Shoreline. He explained that some of the MDP criteria were adopted as early as 2008 and haven't been amended since. The current SUP criteria are relatively general and allow a lot of leeway. While it references EPFs, additional criteria should be considered when reviewing EPF applications.

Mr. Bauer said EPFs are defined in the Revised Code of Washington (RCW). They are necessary uses that are typically hard to site. They include solid waste facilities, correctional facilities, and inpatient facilities (substance abuse, mental health, group homes, etc.) The Growth Management Act (GMA) requires cities to contemplate EPFs in their comprehensive plans. While they cannot be prohibited, cities can build standards and criteria to consider.

Mr. Bauer explained that the proposed amendments are divided into five components:

- **Special Use Permit (SUP) Amendments.**

These amendments focus on criteria to address EPFs. As proposed, the criteria:

- Clarifies that a SUP is required for any EPF, which is consistent with other jurisdictions throughout the region. The primary component for any EPF typically comes down to siting, and the amendment would require applicants to thoughtfully and thoroughly document the methodology they used and the alternative sites that were considered through the process. It also allows the City to be involved in siting discussions.
  - Adds a social justice component to ensure that the siting of an EPF would not have a disproportionate impact on certain socio-economic or racial groups.
  - Adds a requirement for emergency services to review applications and ensure there is adequate service for the use.
  - Adds a requirement that EPFs incorporate mitigation measures as a condition of permit approval to address potential impacts. The amendment would give more flexibility to staff to recommend mitigation measures.
  - Implements existing Comprehensive Plan policies. While the Comprehensive Plan has policies that deal with EPFs, there is not a strong implementation piece in the Development Code.
- **Master Development Plan (MDP) Amendments.**

These amendments are intended to clarify the relationship between the SUP and the MDP. As proposed, the criteria:

- Clarifies that both an MDP and a SUP would be required for an EPF.
  - Addresses MDPs that have multiple property owners. Such is the case at Fircrest, where there are multiple state agencies with different stakes in the overall campus zone.
  - Requires a direct community benefit to the adjacent neighborhood to be incorporated into an MDP. The goal would be to consider ways to advance City and community goals in terms of open space, neighborhood commercial uses, etc.
  - Requires MDPs to be designed in a compact pattern for the campuses to grow over the years. Land is a scarce resource, and the City does not encourage sprawling campuses that may hinder critical areas, require the removal of trees, increase impervious areas, etc.
  - References the applicable design standards currently adopted into the Development Code.
  - Increases the approval time frame from 10 years to 20 years.
- **Land Use Amendments.**

These proposed amendments would:

- Add new definitions for “Evaluation and Treatment Facility” and “Enhanced Services Facility.” These definitions were taken directly from the RCW and relate to different types of behavioral health facilities. In talking with DSHS, the potential proposal for the Fircrest Campus could fall into one of these categories, and the intent is to have some regulations and definitions related to these potential uses.
- Clarify some of the existing uses.
- Update the Land Use Table to acknowledge the land use designations that were added. The new uses would be listed as special uses within the Mixed Business (MB) zone. Applicants proposing

one of the new uses in the Campus zone would be required to obtain a SUP. The same would apply when siting any EPF in any other zone.

- **Review Process Amendments.**

These proposed amendments deal primarily with process and public notification requirements. The SUP process has not changed, and would still be a Type C Hearing Examiner Decision. It is the same as the process used for reviewing MDPs. The notification requirement was also expanded to align with MDPs. SUPs dealing with EPFs and MDPs would both have a 1,000-foot notification requirement from the site.

Mr. Bauer reviewed that the draft amendments have been shared with property owners in all of the Campus zones in the City, and staff has received a few comments back. In addition, the property owners were invited to meet with staff to discuss their comments and concerns. Leading up to the public hearing in January, staff anticipates doing some additional outreach to the property owners in the MB zones, advising them that the new uses would be allowed as special uses within the zone.

Mr. Bauer announced that a public hearing has been tentatively scheduled for January 16<sup>th</sup>, followed by a recommendation from the Planning Commission to the City Council. Staff's goal is to present the Commission's recommendation to the City Council in February or March. Again, he said the moratorium is set to expire in April.

Chair Montero asked if the definitions for the five types of EPF's (Nursing Facilities, Residential Care Facilities, Residential Treatment Facilities, Evaluation and Treatment Facilities and Enhanced Services Facilities) are consistent with State standards. Mr. Bauer noted that each of the amendments include several references to the RCW, as do each of the definitions. His understanding is that the DSHS would oversee the licensing and operation of the Evaluation and Treatment Facility, but it would be good for the City's code to have a land use definition that aligns closely so there is no ambiguity.

Chair Montero asked if there are other types of EPF's that haven't been included in the draft amendments. Mr. Bauer said he would anticipate so. In staff's research, they found there are several different classifications and licenses that the DSHS issues.

Commissioner Maul commented that property owners must go through the MDP process in order to develop property in the Campus zone. However, a SUP would only be required if the development is classified as an EPF. Mr. Bauer agreed and clarified that an EPF would require both an MDP and a SUP.

Vice Chair Mork asked if a SUP is required as part of the MDP process, and Mr. Bauer answered no. He clarified that a SUP would only be required as part of the MDP process if the plan includes an EPF. Once an MDP has been approved, the uses in the Development Code would be amended to match up. The MDP would include mitigation measures to deal with impacts such as traffic, noise, etc.

Vice Chair Mork asked if the Hearing Examiner would be involved with imposing mitigation measures as a condition of approval of an MDP. Mr. Bauer answered affirmatively. Vice Chair Mork summarized that Hearing Examiner review and approval would be required for both MDPs and EPFs that are part of an MDP.

Commissioner Davis clarified that Hearing Examiner review and approval would be required for MDPs that do not include EPFs, and Mr. Bauer agreed.

Commissioner Malek observed that the cons associated with the proposed amendments are that it could increase the time and cost for applicants to prepare applications and it would take more time to review the applications and identify mitigation for anticipated impacts.

Chair Montero asked if there are existing EPFs in the R-4, R-6 or R-12 zones that would not comply with the proposed changes. Mr. Szafran recalled that when the Commission reviewed the amendments for Residential Care Facilities, they couldn't find any Residential Treatment Facilities in the City. He said he does not believe the amendments would impact the current uses.

Commissioner Davis observed that, as proposed, a community meeting would be required for both an MDP and a SUP for an EPF. She asked if two community meetings would be required if an applicant is requesting both or if the community meetings could be combined into one. Mr. Bauer answered that the community meetings could be combined as long as the applications are submitted and reviewed concurrently.

Commissioner Davis asked if an MDP must be approved prior to an applicant submitting an application for a SUP. Mr. Bauer said the processes could run concurrently, or an applicant could obtain the MDP prior to the SUP, in which case a second community meeting would be required. However, an applicant cannot apply for a SUP unless an MDP has been approved or an application for an MDP is submitted concurrently.

Chair Montero requested clarification of the proposed change to expand the notification area from 500 to 1,000 feet. He asked why the code uses a distance of 1,000 feet rather than specifying the adjacent neighborhood. Mr. Szafran responded that sometimes the 1,000-foot radius will include parts of two or three different neighborhoods. The notices are sent out to the chairs of each of the neighborhood committees, as well. Chair Montero suggested that the amendment include the requirement that notice be sent to "the adjacent neighborhood in which the permit is located." This would disseminate the notice to an area greater than 1,000 feet. Vice Chair Mork agreed that would be appropriate.

Commissioner Davis asked if any part of a SUP design review for an EPS would include an opportunity for public comment. Mr. Bauer said the public would have an opportunity to provide feedback to the extent that design information is available, but the design information may be limited to placement on the site, how it relates to its neighbors and landscaping and topography. Commissioner Davis asked if an applicant would be required to present a site design at the community meeting to solicit public feedback, and Mr. Bauer answered affirmatively. However, higher level design would not be part of the process. Mr. Szafran pointed out that, as proposed, two neighborhood meetings would be required for an MDP. An applicant would present preliminary plans at the early community input meeting and come back at the second required neighborhood meeting to show how they have responded to the comments. If an applicant is also requesting a SUP for an EPF, the required neighborhood meetings would run concurrently with the neighborhood meetings for the MDP. He summarized that because MDPs typically apply to large sites, it is important to obtain as much public feedback as possible.

Chair Montero asked if Shoreline Community College has an MDP, and Mr. Szafran answered affirmatively. It was approved in 2013. Vice Chair Mork asked if the proposed extended time period would apply to MDPs that have already been approved, and Mr. Szafran answered no.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

Based on the public hearing the Commission held a few weeks ago and some complications with electronic presentations, Assistant City Attorney Ainsworth-Taylor asked the Commission to amend its rules of procedure to parallel that of the City Council. This change would add language to Section D (rules about public comment and testimony) to state that “*none of the speakers are permitted to present comments or testimony via electronic means.*” While they can use visual aids for their presentations and provide hard copies, they cannot use PowerPoint presentations.

Assistant City Attorney Ainsworth-Taylor explained that, technically speaking, during a legislative action, even if it is a privately-initiated amendment, the applicants must be treated like any other member of the public. The neighborhood group wanted to provide an electronic presentation and were told no, and the applicant was allowed to do it. They didn’t end up using it, but it was there. Again, she said the City Council forbids the use of electronic presentations by members of the public, and the proposed change would make the Planning Commission’s procedures consistent.

**COMMISSIONER MAUL MOVED TO AMEND ARTICLE 5, SECTION D OF THE COMMISSION BYLAWS PERTAINING TO PUBLIC COMMENT AND TESTIMONY TO ADD A NEW NUMBER 9 THAT WOULD READ, “*SPEAKERS WILL NOT BE PERMITTED TO PRESENT COMMENTS OR TESTIMONY VIA ELECTRONIC METHODS. FOR EXAMPLE, POWERPOINT. SPEAKERS MAY UTILIZE VISUAL AIDS. HARD COPIES OF VISUAL AIDS MAY BE SUBMITTED TO THE CLERK FOR DISTRIBUTION TO THE PLANNING COMMISSION.*” COMMISSIONER DAVIS SECONDED THE MOTION.**

Chair Montero asked how the new rule would apply to someone who is visually or hearing impaired. Assistant City Attorney Ainsworth-Taylor answered that the City would provide reasonable accommodations in these situations.

Commissioner Malek asked why the City Council doesn’t allow speakers to use electronic presentations. Assistant City Attorney Ainsworth-Taylor answered that allowing people to bring USB drives to hook into the City’s system can be problematic and result in viruses into the City’s system. If they have to bring their own equipment, it takes time to get it all set up. Also, electronic PowerPoint presentations do not always work as expected, and this can drag down the meetings.

**THE MOTION CARRIED UNANIMOUSLY.**

## REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

Commissioner Malek announced that on December 18<sup>th</sup>, the developer of Point Wells, Blue Squares Real Estate, will present its response to the Snohomish County judge's requirements pertaining to their request for an extension.

## AGENDA FOR NEXT MEETING

Mr. Szafran advised that there are no agenda items for the December 19<sup>th</sup> meeting. However, the City is currently recruiting new members to replace the three Planning Commissioners (Montero, Maul and Craft) who term out soon. The deadline for applications is January 10<sup>th</sup>.

Ms. Gierloff said there are no agenda items for the January 2<sup>nd</sup> meeting, either. However, staff has been reaching out to the different campuses about the proposed changes, and DSHS has indicated they may want to make a presentation about what they do at Fircrest for background information. Staff has offered them the option of either December 19<sup>th</sup> or January 2<sup>nd</sup>, but they haven't heard back yet. The majority of Commissioners indicated that December 19<sup>th</sup> would be better than January 2<sup>nd</sup>. Ms. Gierloff advised that, absent the presentation by DSHS, the two meetings would be cancelled.

Commissioner Malek suggested it would be interesting to invite Vicki Stiles to talk about the history of the Fircrest site. The property has a rich history.

Assistant City Attorney Ainsworth-Taylor reminded the Commissioners that the Chair has to formally cancel a meeting and make an official note for the record.

## ADJOURNMENT

The meeting was adjourned at 7:41 p.m.



William Montero  
Chair, Planning Commission



Carla Hoekzema  
Clerk, Planning Commission