

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Study Session and Public Hearing on Point Wells Subarea Plan and Pre-Annexation Zoning  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Joseph W. Tovar, FAICP, Director

**PROBLEM/ISSUE STATEMENT:**

The Point Wells area is currently an unincorporated island in Snohomish County. It is important that Shoreline's Comprehensive Plan address a vision for the future of Point Wells because when it redevelops, Shoreline's neighborhoods will bear the impact of increased traffic. The proposed long-term vision for development of Point Wells is reflected in the proposed Subarea Plan.

Subarea Plan implementation occurs through the adoption of a zoning ordinance. However since the site is not within Shoreline, state law allows the City to adopt pre-annexation zoning. In adopting pre-annexation zoning, the City will provide the property owner of a site with certainty as to how the site could be developed if annexed. In addition, neighbors near the site will have a better idea of how a site would redevelop. The pre-annexation process requires two public hearings, the first of which will occur at the January 25 meeting.

This hearing will address both the Subarea Plan and Pre-Annexation Zoning. They were recommended by the Planning Commission on a unanimous vote. Prior to the public hearing, staff will explain the format, substance and rationale for the Commission recommendation. Following the hearing, there will be an opportunity for Council members to ask the staff questions for clarification.

**FINANCIAL IMPACT:**

There will be no direct financial impact of adopting the Comprehensive Plan and the associated pre-annexation zoning. Any future redevelopment of the site will trigger analysis of specific project impacts and identification of appropriate mitigation to be funded by the developer.

**RECOMMENDATION**

The Council will not take action tonight on the Subarea Plan or Pre-Annexation regulations. State law requires that two hearings on the pre-annexation zoning are held, and the second hearing must occur at least 30 days after the first. The first hearing is tonight. The Council will be scheduled to further discuss both items following the second public hearing currently scheduled for March 1.

Approved By: City Manager                      City Attorney

## INTRODUCTION

The existing Shoreline Comprehensive Plan designation for the Point Wells area is "Mixed Use", a general land use category that permits a wide variety of development, including residential and commercial uses at varying intensities. The proposed Subarea Plan is intended to define the vision for development of the site.

If the owner of the property chooses to annex to Shoreline, the City's Subarea Plan and development regulations would guide the area's redevelopment. Therefore staff and the Planning Commission developed a set of regulations ("pre-annexation zoning") that would be effective after annexation. The proposed regulations are the rules that would guide the site's redevelopment. In the event that development occurs prior to annexation, it would be the City's intention to share the zoning concepts with Snohomish County so the County decision-makers could understand Shoreline resident's concerns and, optimally, address Shoreline's issues when creating a development code that will impact the residents of both Shoreline and Woodway.

A number of factors guided the development of the proposed Subarea Plan and Pre-Annexation Zoning. Initial City Council direction was articulated in Resolution 285 (Attachment A). Over the past eight months, City staff heard a wide range of concerns and suggestions during our participation in four meetings of the Richmond Beach Community Association, one meeting of the Save Richmond Beach organization, and two meetings of the Woodway Town Council.

In addition, staff had many informal discussions with representatives of all those groups, as well as staff members of the Shoreline Fire Department, King County Sheriff's Office, Snohomish County, the Town of Woodway, and representatives of Paramount NW, Inc., the owner of the Point Wells site. In addition, the City co-sponsored the Point Wells Design Charrette with the Richmond Beach Community Association in August.

While the City's primary duty is to the interests and concerns of the City of Shoreline and the Richmond Beach neighborhood, in drafting its recommendations, the Commission recognized that there are many complex issues, interests, and perspectives regarding Point Wells. Staff crafted proposed policy and regulations that are respectful of and responsive to the legitimate interests of all stakeholders and weighed and balanced all those perspectives. Attachment B is the Planning Commission recommended Subarea Plan. Attachment C is the Commission's recommended Pre-Annexation Zoning regulations.

On October 29, 2009, the City released its Draft Supplemental Environmental Impact Statement (COS DSEIS). As explained therein, staff adopted the Snohomish County Supplemental Environmental Impact Statement (SnoCo SEIS) that was prepared by Snohomish County analyzing the impacts of their designation of Point Wells as an Urban Center. The impacts evaluated in the SnoCo SEIS assumed development of up to 3,500 dwelling units and 80,000 square feet of commercial floor area, well beyond the range of development that is contemplated in the City's proposed Subarea Plan and Pre-Annexation Zoning.

Rather than reproduce the voluminous SnoCo SEIS, it has been made available digitally. All three volumes of the SnoCo SEIS are on the City webpage at <http://www.shorelinewa.gov/index.aspx?page=176>. Scroll down to "Snohomish County Environmental Impact Statements." If you would prefer to have the SnoCo SEIS on disc, contact PDS staff and we will create a copy for you.

Because the City did not agree with the methods, assumptions and conclusions of the County's traffic analysis in the SnoCo SEIS, Shoreline staff prepared its own Traffic and Safety Analysis. The Traffic and Safety Analysis, and a Viewshed Analysis that illustrates the potential visual impacts of buildings of various heights and bulks, constitute important additional environmental information contained in the Shoreline Draft SEIS. After public comment on Shoreline's DSEIS was received and analyzed, staff issued a Final SEIS. Both the Draft and Final SEIS are available at the Council office and at the website listed above.

### **PROCESS**

- Study sessions were held with the Planning Commission on November 5 and 19, 2009.
- A Notice of Application and Draft Supplemental SEIS were issued on October 29, 2009.
- The Final SEIS was issued December 9, 2009.
- A Public Hearing was held on December 3, 2009, and continued to December 10. (See Attachment D for Planning Commission minutes)
- On December 10, the Commission deliberated and voted 5-0 (Broili, Hall, Kaje, Kuboi absent) to adopt a recommendation on the Subarea Plan and Pre-Annexation Zoning. On January 7, 2010, the Commission reviewed the finalized language of the Plan and Zoning and unanimously agreed to send the recommendation to the City Council (7 members present, Wagner absent).

Since the Commission has held a hearing on the Subarea Plan and zoning, normally, no additional hearings would be needed. However, pre-annexation hearings are required by state law, to be held by the City (or County) Council. State law requires two public hearings by Council to adopt pre-annexation zoning (RCW 35A.14.340). The Hearings on the pre-annexation zoning are scheduled for January 25 and March 1 with action on both the Subarea Plan and Zoning currently scheduled to occur following the second public hearing.

Because the public is unlikely to make a distinction between the Subarea Plan and the Pre-Annexation Zoning regulations and because it is probably more efficient to allow testimony on both items, staff has advertised the first public hearing to cover both the Plan and the Zoning. If, following tonight's hearing, the Council chooses to limit the second hearing to testimony on zoning only, staff will advertise the second hearing with that caveat.

The proposed Plan and regulations are quite detailed. If you have questions prior to the meeting, please contact Steve Cohn at 206-801-2511, or email him at [scohn@shorelinewa.gov](mailto:scohn@shorelinewa.gov).

### **RECOMMENDATION**

The Council will not take action tonight on the Subarea Plan or Pre-Annexation regulations. State law requires that two hearings on the pre-annexation zoning are held, and the second hearing must occur at least 30 days after the first. The first hearing is tonight. The Council will be scheduled to further discuss both items following the second public hearing currently scheduled for March 1.

### **ATTACHMENTS**

- A – City Council Resolution 285
- B - Proposed Point Wells Subarea Plan
- C - Proposed Point Wells Pre-Annexation Zoning
- D – Planning Commission minutes: December 3 and 10, 2009 (adopted but not signed)

# ORIGINAL

## RESOLUTION NO. 285

### A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON CONCERNING POINT WELLS

WHEREAS Snohomish County's docket for potential comprehensive plan amendments includes a proposed designation of "Urban Center" for the portion of the Point Wells unincorporated island owned by Paramount Northwest, Inc.; and

WHEREAS the City staff has reviewed and commented on the Draft Supplemental Environmental Impact Statement that the County prepared to disclose the likely environmental impacts of the proposed action; and

WHEREAS the scope of the DSEIS would enable the "Urban Center's" designation and implementing development regulations to allow up to 3,500 dwelling units; and

WHEREAS the City has identified deficiencies in the DSEIS, particularly with regard to the analysis of likely traffic impacts and the lack of police, fire, and emergency medical services available to Point Wells; and

WHEREAS the Shoreline Fire Department, Shoreline Police Department and King County Sheriff's Office have submitted letters to Snohomish County stating that they will not provide urban level of services to a project in unincorporated Snohomish County ; and

WHEREAS the City believes that the proposed designation of Point Wells as an "Urban Center" would be inconsistent with the Growth Management Act, including, but not limited to RCW 36.70A.020(1) because adequate public facilities do not now exist and cannot be provided in view of the stated positions of the Shoreline Fire Department and Shoreline Police Department; and

WHEREAS upon the annexation of land at Point Wells into the City of Shoreline, all city services and the services of both the Shoreline Fire Department and Shoreline Police Departments would automatically become effective; and

WHEREAS; the City's comprehensive plan has identified the Point Wells area as a "Potential Annexation Area" at least since 1998; and

WHEREAS, on February 23, 2009, the City Council passed a motion directing that the City's Planning Work Program be adopted, including preparation of appropriate amendments to the Point Wells portion of the City's Comprehensive Plan, updating and clarifying the City's interests and intents regarding this matter.

ORIGINAL

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:**

**Section 1.** The City of Shoreline opposes the designation by the Snohomish County Council of an "Urban Center" at Point Wells because such amendment would contemplate development of up to 3,500 dwelling units and 6,000 people that could only access through the City of Shoreline and thereby create excessive traffic safety and other impacts on Shoreline streets, parks, schools and libraries.

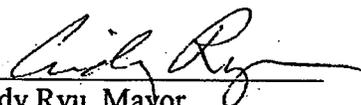
**Section 2.** The City Council opposes intensive development at Point Wells under Snohomish County policies and development permissions, but supports the development of appropriately scaled mixed-use development pursuant at Point Wells after annexation to the City of Shoreline, subject to the City's policies and pre-annexation development regulations.

**Section 3.** The City Council also directs City staff and Planning Commission to proceed with preparation of an amendment to the City of Shoreline Comprehensive Plan to reiterate and clarify the City's concerns and interests with respect to land use, service delivery, governance, traffic safety, and other impacts associated with potential future development at Point Wells.

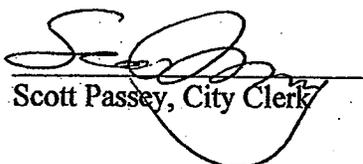
**Section 4.** The City Council directs the staff to continue with an open and continuous process of public participation in the development of the Comprehensive Plan Amendment mentioned in Section 2 above, with particular attention paid to the most potentially impacted neighborhood of Richmond Beach.

**Section 5.** The City of Shoreline declares its intent and desire to work with both Snohomish County and the Town of Woodway as the City develops its own Comprehensive Plan Amendment and pre-annexation development regulations for Point Wells.

**ADOPTED BY THE CITY COUNCIL ON APRIL 13, 2009.**

  
Cindy Ryu, Mayor

ATTEST:

  
Scott Passey, City Clerk



## Point Wells Subarea Plan

### Geographic and Historical Context

Point Wells is an unincorporated island of approximately 100 acres in the southwesternmost corner of Snohomish County. It is bordered on the west by Puget Sound, on the east by the Town of Woodway, and on the south by the town of Woodway and the City of Shoreline (see Fig. 1). It is an “island” of unincorporated Snohomish County because this land is not contiguous with any other portion of unincorporated Snohomish County. The island is bisected roughly north-south by the Burlington Northern Railroad (B.N.R.R.) right-of-way.

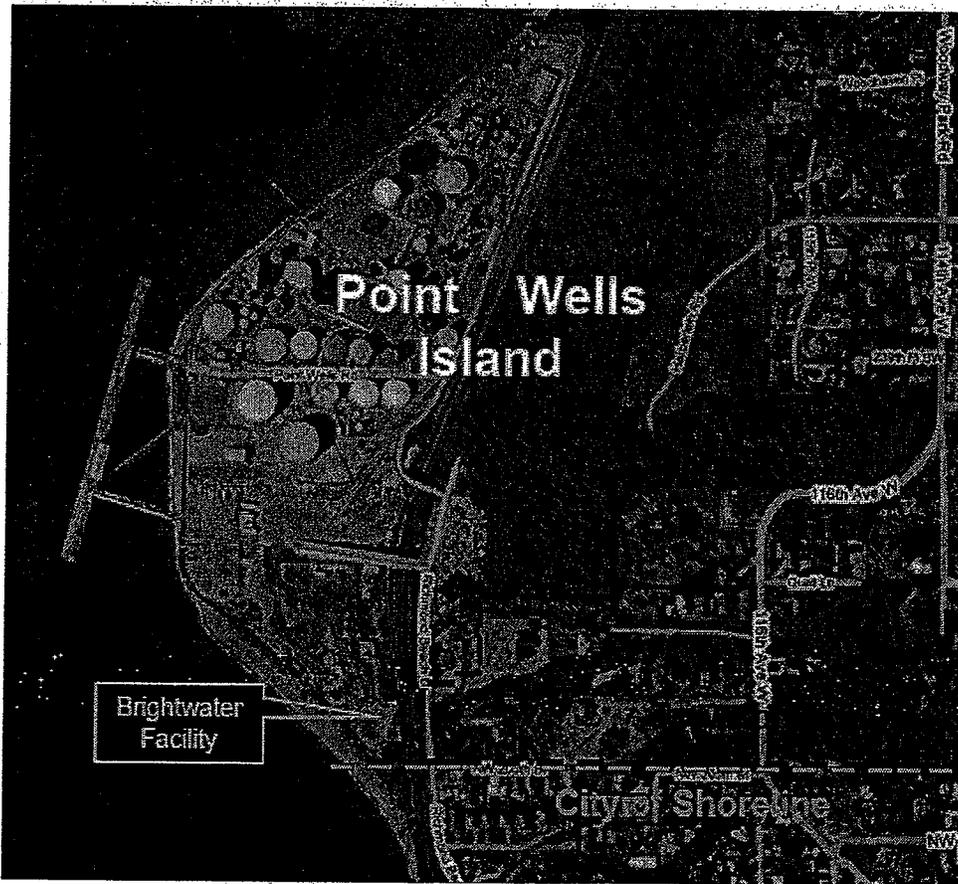


Figure 1 – Point Wells unincorporated island

The lowland area of this unincorporated island (see Fig. 2) is approximately 50 acres in size. The only vehicular access to the lowland portion is to Richmond Beach Road and the regional road network via the City of Shoreline.

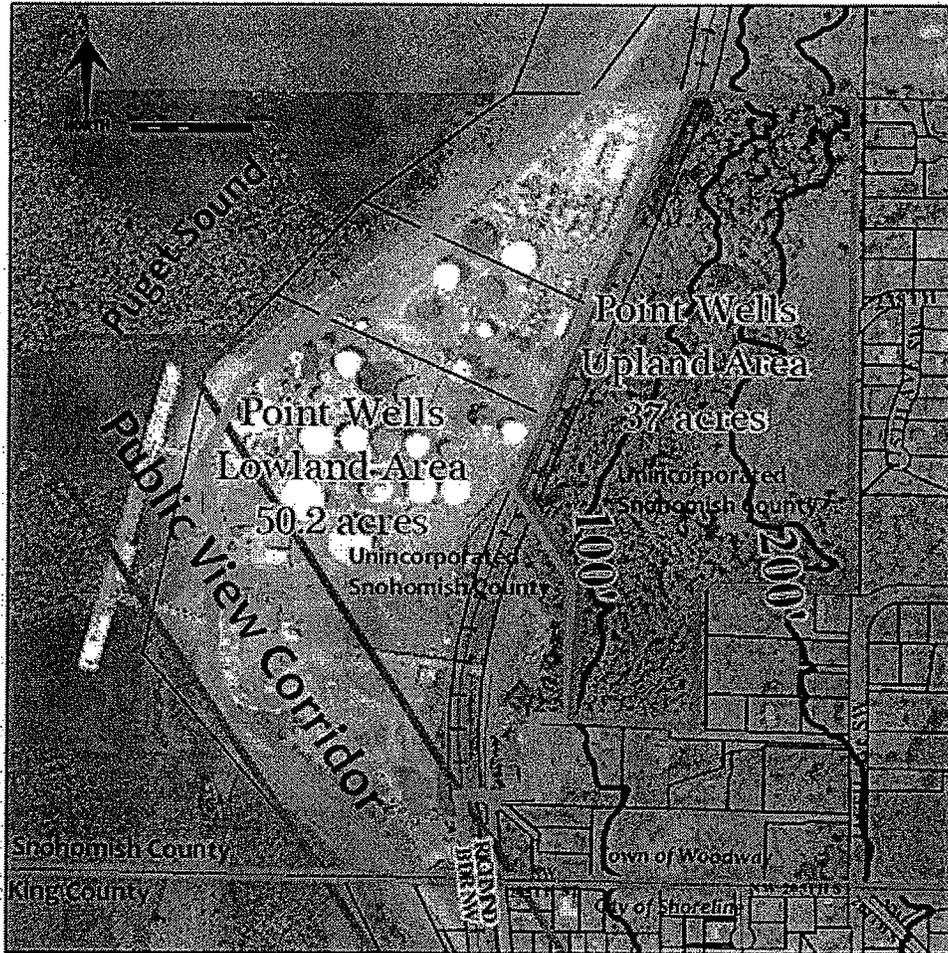


Figure 2 – Upland and Lowland Areas at Point Wells

The upland area of the Point Wells Island (see Fig. 2) is approximately 37 acres in size. The upland does not have access to Richmond Beach Drive due to very steep environmentally sensitive slopes that separate the upland portion from the lowland portion. However, the upland portion does have potential easterly access through the Town of Woodway via 238<sup>th</sup> St. SW.

All of the Point Wells Island was previously designated by the City of Shoreline as a "Potential Annexation Area" (PAA). The Town of Woodway, and Snohomish County, have previously identified all of the Point Wells unincorporated island as within the Woodway "Municipal Urban Growth Area" (MUGA). The Washington State Court of Appeals, in a 2004 decision, determined that the overlap of Shoreline's PAA and Woodway's MUGA does not violate the provisions of the Growth Management Act.

## **Snohomish County's designation of Point Wells as an "Urban Center"**

In April of 2009, the Shoreline City Council adopted Resolution 285 which opposed the pending Snohomish County designation of Point Wells as an "Urban Center." The resolution cited the likely excessive impacts of up to 3,500 dwelling units on Shoreline streets, parks, schools, and libraries. The City submitted several comment letters to the County Council detailing the reasons for the City's opposition, reiterating the City's support for a mixed use development of a more reasonable scale at Point Wells, and pointed out that an "Urban Center" designation would be inconsistent with provisions of the County's plan as well as the Growth Management Act.

## **Designation of a Future Service and Annexation Area (FSAA) at Point Wells**

After a review of the topography and access options for Point Wells, the City of Shoreline no longer wishes to include the upland portion of this unincorporated island within its designated urban growth area. Because of the upland portion's geographic proximity and potential for direct vehicular access to the Town of Woodway, the City of Shoreline concludes that the upland portion should be exclusively within the Town of Woodway's future urban growth area. Any people living in future developments in the upland portion of the Point Wells Island would feel a part of the Woodway community because they would share parks, schools, and other associations facilitated by a shared street grid.

Applying the same rationale to the lowland portion of the Point Wells Island, the City of Shoreline wishes to reiterate and clarify its policies. These lands all presently connect to the regional road network only via Richmond Beach Drive and Richmond Beach Road in the City of Shoreline. Therefore future re-development of the lowland area would be most efficiently, effectively, and equitably provided by the City of Shoreline and its public safety partners, the Shoreline Fire Department and Shoreline Police Department.

At such future time that the lowland portion of the Point Wells Island annexes to the City of Shoreline, the urban services and facilities necessary to support mixed use urban development would be provided in an efficient and equitable manner. These would include police from the Shoreline police department and emergency medical services and fire protection from the Shoreline Fire Department. In addition, the City would be responsible for development permit processing, code enforcement, parks, recreation and cultural services, and public works roads maintenance.

Future residents of the lowland portion of Point Wells would become a part of the Richmond Beach community by virtue of the shared parks, schools, libraries, shopping districts and road grid. As citizens of the City of Shoreline, they would be able to participate in the civic life of this "community of shared interests," including the City's Parks Board, Library Board, Planning Commission, or other advisory committees, and City Council.

Policy PW-1 The Lowland Portion of the Point Wells Island, as shown on Figure 3, is designated as the City of Shoreline's proposed future service and annexation area (FSAA)

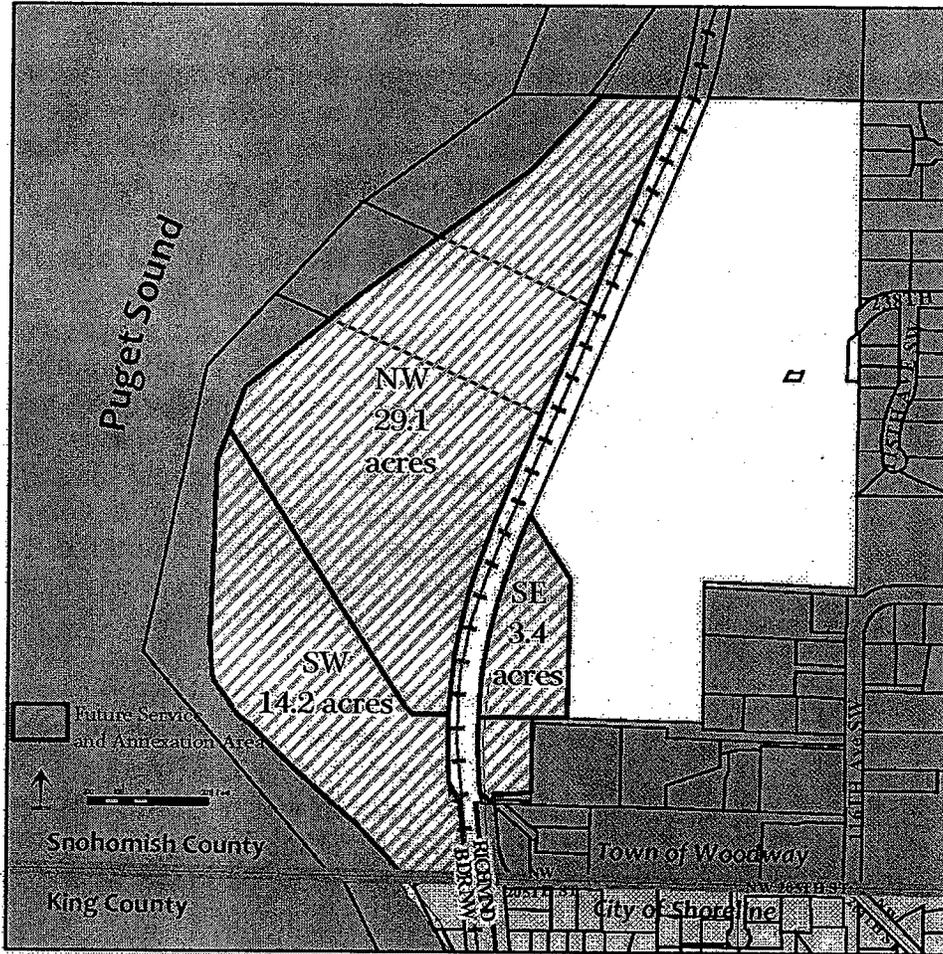


Fig. 3 – City of Shoreline Future Service and Annexation Area

### A Future Vision for Point Wells

The Subarea Plan, intended to be a 20-year plan document, envisions a Point Wells development that could take longer than 20 years to become fully realized. Because of the time horizon of the plan and future development, the City, in its decision-making, should consider the long-term costs of near-term actions and make choices that reflect a long-term perspective.

The City's vision for Point Wells is a world class environmentally sustainable community, both in site development and architecture. The redevelopment of the site should be predicated on remediation of the contaminated soil, and the restoration of streams and native plant regimes appropriate to the shoreline setting. New site

design and improvements should incorporate low impact and climate friendly practices such as alternative energy sources, vegetated roofs, rainwater harvesting, rain gardens, bioswales, solar and wind technologies. Development at Point Wells should exhibit the highest quality of sustainable architecture, striving for gold or platinum LEED (Leadership in Energy and Environmental Design) certification.

*Policy PW-2 The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development practices, and which provides extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces.*

Point Wells also represents a major opportunity to create a new subarea consistent with City objectives for economic development, housing choice, and waterfront public access and recreation. With almost 3,000 linear feet of waterfront, and sweeping 180 degree public views from Admiralty Inlet off Whidbey Island to Rolling Bay on Bainbridge Island, this site has unparalleled opportunity for public access, environmental restoration, education, and recreation oriented to Puget Sound.

The City's vision for Point Wells includes a mix of land uses, including residential, commercial, and recreational. The City recognizes that the site may be suited to a wide range of residential uses (e.g., market rate housing, senior housing, special needs housing, hotels, extended stay, etc.) as well as a range of commercial uses (e.g., office, retail, restaurant). Rather than proscribe the number or type of residential units, or the floor area of various types of commercial uses, the City prefers that flexibility be left to the developer to respond to market realities. However, whatever use mix is proposed must demonstrate that it conforms to adopted parking requirements, site design and building form policies cited below.

There are at least three distinct sub-areas within the FSAA, identified on Fig. 3 with the notations NW, SW, and SE. Because of their proximity to the single family neighborhoods to the east and south, maximum building heights in the SW and SE areas should be lower than in the NW subarea. Because of the large difference in elevation between the NW subarea and lands east of the railroad tracks, much taller buildings could be placed in this area without significantly impairing public views. Building placement in this area should avoid obstruction of the public view corridor shown on Fig. 2. The appropriate number, placement and size of taller buildings in NW subarea should be determined through the development permit and environmental review process.

The portion of the Puget Sound shoreline in the SW subarea is the most environmentally sensitive area and a candidate for habitat restoration. This area has sandy substrate, supports some beach grass and other herbaceous vegetation, and contains a fair amount of driftwood. This area should be a priority for open space and restoration including elimination of invasive plants, re-establishing native riparian and backshore vegetation.

*Policy PW-3 Use and development of and near the Puget Sound shoreline and aquatic lands at Point Wells should be carefully designed and implemented to minimize impacts and achieve long-term sustainable systems. New bulkheads or over-water structures should not be permitted and the detrimental effects of existing bulkheads should be reduced through removal of bulkheads or alternative, more natural stabilization techniques.*

Any improvements in the westernmost 200 feet (within the jurisdiction of the Shoreline Management Act) of the NW and SW subareas should be limited to walkways and public use or park areas. Outside that shoreline area, buildings should be located and configured to maintain as much openness and public views across the site as possible, with taller structures limited to the central and easterly portions.

*Policy PW-4 A public access trail should be provided and appropriate signage installed along the entire Puget Sound shoreline of the NW and SW subareas and secured with an appropriate public access easement document.*

The relatively lowland area west of the tracks (between 10 and 20 feet above sea level) is abutted east of the tracks by a heavily forested slope. See Fig. 1. The slope rises steeply (15% to 25% grades) from the railroad tracks to the top of the slope, which is at approximately elevation 200. See Figure 2. The tree line at the top of the slope consists of mature trees from 50 to 100 feet in height, which further obscure public views of Point Wells from the portions of Woodway above elevation 200.

*Policy PW-5 New structures in the NW subarea should rise no higher than elevation 200.*

New buildings east of the railroad tracks would be much closer to existing single family homes in Woodway and Richmond Beach. To reflect this proximity, buildings of a smaller scale are appropriate.

*Policy PW-6 New structures in the SE Subarea should rise no higher than six stories.*

In order to promote maximum openness on the site and prevent bulky buildings, the City should consider innovative regulations such as design standards and guidelines, building floor plate maxima, requiring a minimum separation between taller structures and the protection of public view corridors. Public views from city rights-of-way in the Richmond Beach neighborhood are a major part of the area's character, and provide a sense of place, openness, beauty and orientation. A prominent public view corridor across the lowland area, shown in Fig. 2, affords a public view from Richmond Beach Drive northwest to Admiralty Inlet and Whidbey Island. Placement and size of structures at Point Wells should be located and configured so as not obstruct this important public view corridor.

*Policy PW-7 The public view from Richmond Beach Drive in Shoreline to Admiralty Inlet should be protected by a public view corridor across the southwest portion of the NW and SW subareas.*

*Policy PW-8 New structures in the NW subarea should be developed in a series of slender towers separated by public view corridors.*

## **Transportation Corridor Study and Mitigation**

A traffic and safety analysis performed by the City in the summer of 2009 evaluated the nature and magnitude of impacts likely to accrue from the development of Point Wells as an "Urban Center" under Snohomish County zoning, as well as development scenarios assuming lesser orders of magnitude. This background information provided a basis for the City to conclude that, prior to the approval of any specific development project at Point Wells, the applicant for any development permit at Point Wells should fund, and the City oversee, the preparation of a detailed Transportation Corridor Study.

### **Corridor Study**

The Transportation Corridor Study and Implementation Plan should include an evaluation of projected impacts on vehicular flow and levels of service at every intersection and road segment in the corridor. The Study should also evaluate and identify expanded bicycle and pedestrian safety and mobility investments, and identify "context sensitive design" treatments as appropriate for intersections, road segments, block faces, crosswalks and walkways in the study area with emphasis on Richmond Beach Road and Richmond Beach Drive.

### **Implementation Plan**

The corridor study would be a step in the development of such a plan. The scope of the implementation plan should include a multimodal approach to mobility and accessibility to and from Point Wells, as well as detailed planning for investments and services to improve multimodal travel for adjacent communities between Point Wells and I-5. This could well include an integrated approach to accessing Point Wells, the Richmond Beach neighborhood, and Richmond Highlands with the Bus Rapid Transit system along Aurora Avenue, the I-5 corridor itself - focusing on the interchanges at N. 205<sup>th</sup> and N. 175<sup>th</sup>, as well as the Sound Transit light rail stations serving Shoreline.

While the analysis of vehicle flows is appropriate as part of the study, the solutions should provide alternatives to vehicle travel to and from Point Wells - as well as more transportation choices than those that currently exist today for the Richmond Beach neighborhood and adjacent communities.

*Policy PW-9 To enable appropriate traffic mitigation of future development at Point Wells, the developer should fund the preparation of a Transportation*

*Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with input and participation of Woodway, Edmonds, Snohomish County and WSDOT. The Study and Transportation Implementation Plan should identify, engineer, and provide schematic design and costs for intersection, roadway, walkway and other public investments needed to maintain or improve vehicular, transit, bicycle and pedestrian safety and flow on all road segments and intersections between SR 104, N 175<sup>th</sup> Street, and I-5 with particular attention focused on Richmond Beach Drive and Richmond Beach Road. The Study and Transportation Plan should identify needed investments and services, including design and financing, for multimodal solutions to improving mobility and accessibility within the Richmond Beach neighborhood and adjacent communities, including but not limited to investments on Richmond Beach Drive and Richmond Beach Road.*

*Policy PW-10 The needed mitigation improvements identified in the Transportation Corridor Study and Implementation Plan should be built and operational concurrent with the occupancy of the phases of development at Point Wells.*

Richmond Beach Road and Richmond Beach Drive provide the only vehicular access to Point Wells. Therefore, it is critical that identified impacts be effectively mitigated as a condition of development approval. It is also vital that the scale of traffic generated from Point Wells be limited.

Historically, mobility and accessibility in Richmond Beach and adjacent communities has been dominated by the single occupancy vehicle. Provision of bicycle and pedestrian facilities has been limited because retrofitting an existing road network with these facilities is an expensive undertaking. The Richmond Beach Road corridor is served by a single Metro route and, though rail service to a station in Richmond Beach was evaluated by Sound Transit, no service is envisioned in the transit agency's adopted 20 year plan. Though improved transit, bicycle and pedestrian mobility is a long-term policy objective, the majority of trips in the area will likely continue to be by automobiles utilizing the road network. The City's traffic study completed in 2009 shows that if more than 8,250 vehicle trips a day enter the City's road network from Point Wells, it would result in a level of service "F" or worse at a number of City intersections. This would be an unacceptable impact.

*Policy PW-11 The City should address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Management Plan. These opportunities should be pursued in a manner that reduces existing single occupancy vehicle trips in the corridor.*

*Policy PW-12 The maximum daily traffic that the City should permit emanating from or entering into Point Wells may not exceed 8,250 vehicle trips per day,*

*nor reduce the City's adopted level of service standards for the Corridor at the time of application for development permits at Point Wells.*

### **Interjurisdictional Coordination**

The City should work with the Town of Woodway and Edmonds to identify ways in which potential future development in the lowland portion of Point Wells could be configured or mitigated to reduce potential impacts on Woodway. There is no practical primary vehicular access to the lowland part of Point Wells other than via Richmond Beach Road. However, the City should work with property owners and Woodway to provide a bicycle and pedestrian route between Woodway and Point Wells.

The Growth Management Act states that cities, rather than county governments, are the preferred providers of urban governmental services. Because urban governmental services and facilities in Shoreline are much closer to Point Wells than are similar services and facilities located in Snohomish County, it is most efficient for the City to provide those services.

Working with its public safety partners, Shoreline Fire Department and Shoreline Police Department, the City should invite Snohomish County to discuss an interlocal agreement to address the timing and methods to transition local governmental responsibilities for Point Wells from the County to the City. Included in these discussions should be responsibilities for permitting and inspection of future development at Point Wells, and possible sharing of permitting or other local government revenues to provide an orderly transition.

*Policy PW-13 The City should work with both the Town of Woodway, Edmonds and Snohomish County toward adoption of interlocal agreements to address the issues of land use, construction management of, urban service delivery to, and local governance of Point Wells.*

# Chapter 20.92

## Planned Area 1 Zone

### Sections:

- 20.92.010 Purpose and Scope
- 20.92.020 Planned Area 1 Official Zoning Map Designation
- 20.92.030 Permitted and Prohibited Uses
- 20.92.035 Minimum Lot Size and Site Plan Review
- 20.92.040 Required Permit Review Processes
- 20.92.050 Coordination and Compliance with Shoreline Management Act
- 20.92.060 Site and Building Sustainability Standards
- 20.92.070 Site and Building Development Standards
- 20.92.080 Site and Building Design Guidelines
- 20.92.090 Shoreline public access and on-site recreation
- 20.92.100 Mitigation of impacts

### 20.92.010 Purpose and Scope

- A. The purpose of this chapter is to implement the City's vision set forth in the Point Wells Subarea Plan. This vision includes a mix of residential, commercial, and recreational uses, public access to Puget Sound, restoration and protection of nearshore and upland waterfront environments, and a high standard for sustainable building and site design, construction and operations. The scope of this Chapter includes processes and standards regarding the scale, character, configuration and location of development on site as well as provisions to ensure compatibility and transition to adjacent single family neighborhoods, and the mitigation of off-site impacts to the City's transportation and parks systems. Nothing in this chapter shall be contrary to or inconsistent with the provisions of 90.58.
- B. All development in the Planned Area 1 zone is:
1. Subject to the regulations of:
    - a. This chapter;
    - b. SMC 20.10 – General Provisions
    - c. SMC 20.20 – Definitions
    - d. SMC 20.30 – Procedures and Administration as noted below
    - e. SMC 20.40 – Zoning and Use Provisions
    - f. SMC 20.50 Subchapter 5 - Tree Conservation, Land Clearing and Site Grading Standards
    - g. SMC 20.50 Subchapter 6 – Parking, Access and Circulation
    - h. SMC 20.50 Subchapter 7 – Landscaping Standards
    - i. SMC 20.60 – Adequacy of Public Facilities

- j. SMC 20.70 – Engineering and Utilities Development Standards
  - k. SMC 20.80 – Critical Areas regulations
2. Exempt from the development standards of subchapters 2, 3, and 4 of SMC 20.50.
  3. If provisions of this chapter conflict with provisions elsewhere in the Shoreline Municipal Code, the provisions of this chapter shall apply. When it is unclear which regulations apply, then the presumption shall be that the regulations of this chapter take precedence with the ultimate determination to be made by the Director.

### **20.92.020 Planned Area 1 Official Zoning Map Designation**

In order to implement the vision described in the Point Wells Subarea Plan of the Comprehensive Plan, the Planned Area 1 zone is created and applied as shown on the City's official zoning map with the designation "PLA 1". The map notations "PLA 1A," "PLA 1B," and "PLA 1C" indicate where different building height, land uses, and development standards apply. Unless otherwise specifically noted, all the requirements of this Chapter apply to all three PLA 1 designations.

### **20.92.030 Permitted and Prohibited Uses**

All uses provided for under SMC 20.40.120-.140 (including unlisted uses under SMC 20.40.570) are permitted outright in Planned Area 1, except none of these provisions refer to aquatic lands. The following uses are prohibited in Planned Area 1 and its associated aquatic lands:

- A. Adult use facilities;
- B. Gambling uses;
- C. Vehicle repair, service and/or sales unless entirely within an enclosed building;
- D. Outdoor material storage, including vehicles. Material storage shall be allowed only within a fully-enclosed structure;
- E. Other uses the Director determines to not comport with the intent of the district as expressed in SMC 20.92.010, Purpose and Scope.

### **20.92.035 Minimum Lot Size and Site Plan Review**

- A. Minimum Lot sizes are as follows:
  1. PLA 1A – 29.1 acres
  2. PLA 1B – 14.2 acres
  3. PLA 1C – 3.4 acres
- B. Site Plan review – Any development in the PLA 1 zone is subject to review of a comprehensive site plan for the entire property held in common ownership.

## **20.92.040 Required Permit Review Processes**

### **A. Applicability -**

1. Any application for site plan approval shall be processed as a Type C permit pursuant to the requirements of SMC 20.30.060.
2. No building, grading or other development permission shall be given until the City has first given site plan approval and an Administrative Design Review (ADR) permit is processed and approved by the Planning Commission, or, if the Commission delegates this responsibility, by the Director. Any application for permit within the jurisdiction of the Shoreline Management Act shall also make application for a Shoreline Substantial Development Permit (SDP). The ADR permit and the SDP permit are both "Type B" Administrative decisions that may be processed concurrently. Both the ADR permit and the SDP permit are subject to the procedural requirements of SMC 20.30.050 and SMC 20.30.080 through SMC 20.30.290.

### **B. Submittal Requirements for ADR permit – The applicant shall submit the following:**

1. A site plan at a scale to be determined by the City, identifying all proposed grading, cuts, and fills, the location and dimension of proposed structures, vehicular surfaces and the network of pedestrian circulation improvements, open spaces and public areas.
2. A landscape and open space plan locating and listing all proposed plant species and other landscape construction features.
3. Building elevations drawn to scale illustrating the materials, colors and textures to be used as well as an indication of where and how building entrances and openings orient to the pedestrian circulation network on site.
4. Details of any exterior architectural lighting scheme and the specific lighting fixtures and performance standards of any exterior lighting of parking areas, driving surfaces, pedestrian pathways and public areas.
5. A digital model of the entire proposed site illustrating the pre-existing and proposed finished contours of the site and the location, dimension, and orientation of every structure on the site with a footprint larger than 1,000 square feet. The submitted file of said digital model shall be in a format acceptable to the City.
6. An environmental checklist.
7. A preliminary LEED checklist or comparable means of demonstrating the proposals compliance with the sustainability standards of this Chapter.
8. A Transportation Demand Management Plan.

- C. **Standards for Approval** – The applicant for any design review permit shall demonstrate that the plans satisfy the development standards set forth in 20.92.050 and the design guidelines adopted pursuant to 20.92.060, unless approved as a design departure by the Department Director.
- D. **Design Departures** – A permit applicant wishing to modify any of the development standards of section 20.92.050 or the design guidelines of section 20.92.060 may apply for a design departure if the Director concludes that the proposed modification meets or exceeds the design objectives of the stated standard or guideline.
- E. **Review and Approval** – The Director may approve, deny, or approve with design departure modifications and/or conditions, an application for Administrative Design Review. A decision of the Director may be appealed to the Hearing Examiner. On review, the Hearing Examiner shall accord substantial weight to the Director's decision.

**20.92.050 Coordination and Compliance with Shoreline Management Act requirements**

- A. All lands within 200 feet of the Puget Sound shoreline and aquatic lands are subject to the requirements of Chapter 90.58 RCW, the Shoreline Management Act. Consequently, a permit submitted pursuant to SMC 20.92.040 that lies within the jurisdictional limits of the Shoreline Management Act shall also be required to submit for a Shoreline Substantial Development Permit (SDP).
- B. All submittals for site approval, ADR and SDP permits shall include a shoreline restoration plan and feasibility study that addresses existing and proposed future site conditions. The below listed features shall be included in the proposed restoration plan, unless a showing is made that it is not practical to include.
  - 1. Removal of bulkheads to reestablish sediment delivery.
  - 2. Replacement of bulkheads with soft shore stabilization.
  - 3. Replanting of nearshore vegetation.
  - 4. Planting of eelgrass, kelp and other aquatic macrophytes.
  - 5. Replacement or enlargement of undersized culverts to be fish-friendly.
  - 6. Removal of contaminated fill from wetlands, intertidal habitats and floodplains.
  - 7. Removal of invasive plant species.
  - 8. Retrofitting of existing impervious surfaces to include stormwater treatment.
  - 9. Regrading of the site and reconnection of local freshwater sources to re-create a tidal lagoon system with an opening at the north end of the point.

10. Explanation of how active or passive public access within 200 feet of the shoreline will serve and balance recreation, education and conservation objectives.

#### **20.92.060 Site and Building Sustainability Standards**

- A. All structures above 65 feet in height shall meet at least Leadership in Energy Efficiency and Design (LEED) Silver Certification or equivalent standard.
- B. All structures above 35 feet in height shall meet at least LEED Bronze or Built Green Three Star or equivalent standard.
- C. Low impact development techniques shall be incorporated in site design including, but not limited to, rain gardens, permeable pavement, rainwater harvesting, vegetated roof(s), bike racks, and the use of non-invasive species in landscaping.

#### **20.92.070 Site and Building Development Standards**

- A. Maximum building height
  1. Maximum building height of structures in PLA 1A is as follows:
    - a. Within 100 feet of the Ordinary High Tide (OHT) of Puget Sound: 10 feet.
    - b. Between 100 and 200 feet of the OHT of Puget Sound: 25 feet.
    - c. Between 200 and 300 feet of the OHT of Puget Sound: 65 feet.
    - d. Between 300 and 400 feet of the OHT of Puget Sound: 90 feet.
    - e. More than 400 feet from the OHT of Puget Sound: 180 feet, provided that no portion of a structure within the public view corridor shall exceed 35 feet. See Fig. 1.
  2. Maximum building height of any structure in PLA 1B: 35 feet.
  3. Maximum building height of any structure in PLA 1C: 65 feet.

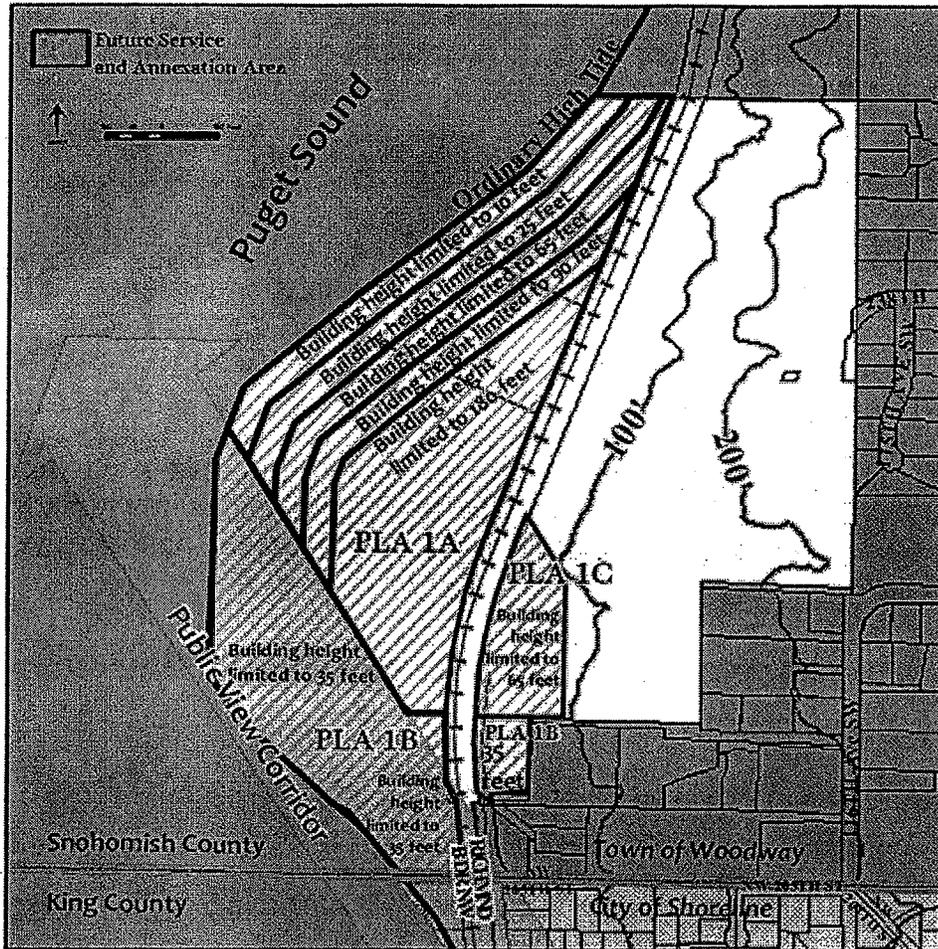


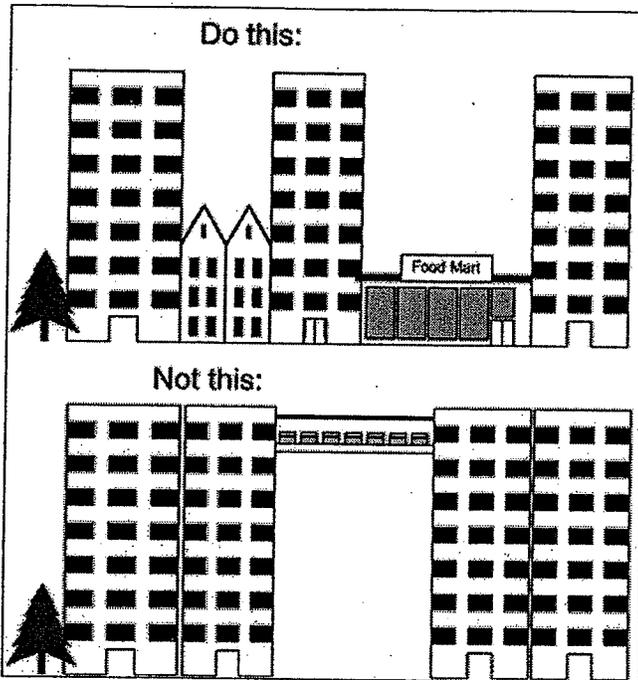
Fig. 1 – Height Limits in Planned Area 1

B. Maximum floor plate

1. The maximum floor plate for any portion of a building taller than 35 feet is 10,000 square feet.
2. The maximum floor plate for any portion of a building between 35 feet and 65 feet in height is 30,000 square feet.
3. There is no maximum floor plate for any building less than 35 feet in height.

C. Minimum separation of tall buildings

The portion of any building that is taller than 65 feet may be no closer than 100 feet to any portion of any other building that is taller than 65 feet.



**Fig. 2 – Minimum separation of tall buildings**

**D. Parking**

1. At least 90% of all parking on site shall be in structures.
2. Any parking not in structures shall be screened consistent with SMC 20.50.470.
3. The parking ratios for uses set forth in SMC 20.50 Subchapter 6 shall apply, unless modified by the Director for good cause.

**E. Signs**

1. A master sign plan shall be submitted and approved with any application for ADR.
2. Building name signs shall have a maximum sign area of 100 square feet.
3. Window signs may occupy a maximum of 50% of the window area.
4. Sandwich board signs are prohibited.
5. Blade signs shall have a minimum clearance of 7 feet.

**F. Dark skies lighting**

1. All building entrances shall be well lit to provide inviting access and safety. Building-mounted lights and display window lights shall contribute to lighting of pedestrian walkways and gathering areas.

2. Parking light post height shall not exceed 25 feet
3. Outside lighting shall be minimum wattage metal halide or color corrected sodium light sources which emit "natural" light. Non-color corrected low pressure sodium and mercury vapor light sources are prohibited.
4. All exterior lights shall be fitted with appropriate hoods and shielded to confine emitted light to within the site.

#### **20.92.080 Site and Building Design Guidelines**

Adoption and Modification of Design Guidelines - The Director is authorized and directed to adopt and amend Design Guidelines by Administrative Order.

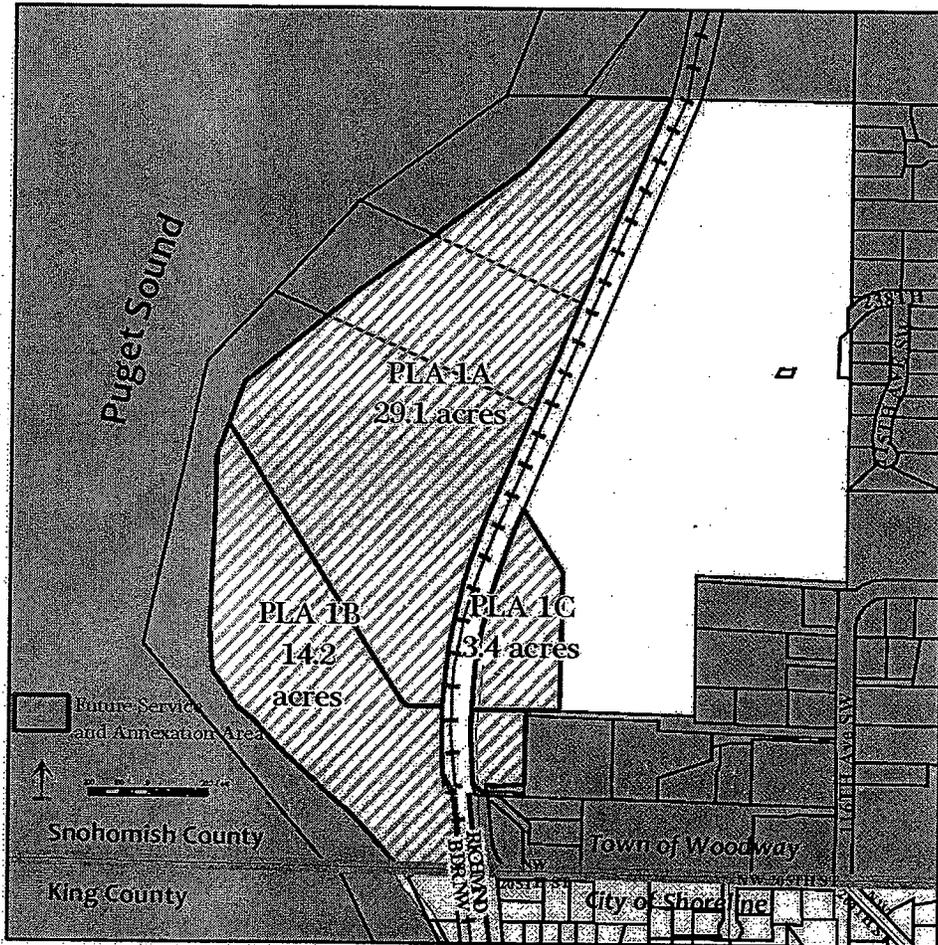
#### **20.92.090 Shoreline Public Access and on-site public use area(s)**

- A. Development shall construct a public pedestrian access trail along the entire waterfront of the subject property located generally within 50 feet of the highwater line of Puget Sound. The trail may meander, but shall meet grade and accessibility standards of the Americans with Disabilities Act, and have a minimum width of at least eight feet. The trail shall connect with the on-site pedestrian circulation system and connect to the public right-of-way of Richmond Beach Drive.
- B. The City shall require that an easement document in a form acceptable to the City Attorney be recorded to secure public access between the hours of sunrise and sunset. The design of signs designating the public pedestrian access and the methods of posting the signs shall be submitted for review and approval by the Director.
- C. Any development in PLA 1A that includes 500 or more dwelling units shall be served by an on-site public use area or park at least five (5) acres in size to be located primarily in PLA 1B. Said public use area or park shall be developed and open for public use in a location and design to be specifically approved by the City. A public access and use easement document in a form acceptable to the City shall be recorded. Alternatively, once improvements have been constructed by the developer and approved by the City, the area may be dedicated to the City for ownership, maintenance and operation as a park.

#### **20.92.100 Mitigation of impacts**

- A. The environmental review for development permits pursuant to RCW 43.21C shall address both on site and off-site impacts, including but not limited to impacts on the City's road network, parks, and other municipal services and facilities.
- B. Remediation of contaminated soils shall be required pursuant to state and federal standards.

- C. As part of the environmental review the applicant shall fund the preparation of a Transportation Corridor Study, to be conducted under the direction of the City. The scope of the Transportation Corridor Study will include an analysis of impacts and the necessary intersection, roadway, walkway and other public improvements needed to maintain or improve vehicular, bicycle and pedestrian safety and flow on Richmond Beach Drive, Richmond Beach Road, and NW 185<sup>th</sup> Street between SR 99 and NW 205<sup>th</sup> St.
- D. The applicant shall fund improvements to the City's road network according to the schedule set forth in the final approved Transportation Corridor Study.
- E. The applicant shall also submit for City review and approval a transportation demand management plan.
- F. The combined maximum average daily traffic that shall be permitted to enter or exit from PLA 1A, PLA 1B, and PLA 1C is 8,250 vehicle trips.



**Fig. 3 - Pre-Annexation Zoning Map for Point Wells**

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

December 3, 2009  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

### Commissioners Present

Chair Wagner  
Vice Chair Perkowski  
Commissioner Behrens (arrived at 7:05 p.m.)  
Commissioner Broili  
Commissioner Kuboi  
Commissioner Piro  
Commissioner Pyle (arrived at 7:05 p.m.)

### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk  
Rich Meredith, Traffic Engineer

### Commissioners Absent

Commissioner Hall  
Commissioner Kaje

### CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:04 p.m.

### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski, and Commissioners Broili, Kuboi and Piro. Commissioner Pyle and Behrens arrived at 7:05 p.m. and Commissioners Hall and Kaje were absent.

### APPROVAL OF AGENDA

The agenda was accepted as presented.

### DIRECTOR'S COMMENTS

Mr. Tovar did not provide any comments during this portion of the meeting.

### APPROVAL OF MINUTES

The minutes of November 19, 2009 were accepted as presented.

## **GENERAL PUBLIC COMMENT**

Laethan Wene, Shoreline, asked Chair Wagner to share her future plans and direction for the Commission.

## **LEGISLATIVE PUBLIC HEARING ON POINT WELLS SUBAREA PLAN AND PRE-ANNEXATION ZONING**

Chair Wagner referred to the items in the desk packet that were presented to the Commission via email over the past few days that were not part of their original packet. The Commission agreed that a 10-minute recess would be appropriate at some point prior to the public portion of the hearing to review the new items. In addition, it was noted that the Commission would likely postpone action on the two items and continue the hearing and deliberations until December 10, 2009.

### **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Tovar briefly reviewed the following exhibit items that are part of the record:

- **Exhibit 1** – Study Session Memo to Planning Commission, Nov. 5, 2009
- **Exhibit 2** – City Council Resolution 285 – concerning Point Wells
- **Exhibit 3** – Study Session Memo to Planning Commission, Nov. 19, 2009
- **Exhibit 4** – Diagram: The Relationship of State Laws, Plans, Regulations and Permits
- **Exhibit 5** – Public Hearing Staff Report to Planning Commission, Dec. 3, 2009
- **Exhibit 6** – Proposed Point Wells Subarea Plan, Oct. 29, 2009
- **Exhibit 7** – Proposed Pre-Annexation Zoning, Chapter 20.92 – Planned Area 1 Zone, Oct. 29, 2009
- **Exhibit 8** – DRAFT Supplemental Environmental Impact Statement for Point Wells, Oct. 29, 2009
- **Exhibit 9** – Point Wells Design Charrette Summary Report, Aug. 22, 2009
- **Exhibit 10** – Snohomish County's Urban Centers Map & PSRC's Regional Centers Map
- **Exhibit 11** – Point Wells Traffic Impact Analysis Model
- **Exhibit 12** – Illustration of 20.90.070 C, Minimum separation of tall buildings
- **Exhibit 13** – Comment Letter: City of Edmonds, Bertrand Hauss, Nov. 23, 2009
- **Exhibit 14** – Comment Letter: Shoreline Resident, Donald Ding, Nov. 25, 2009
- **Exhibit 15** – Comment Letter: Snohomish County, Larry Adamson, Nov. 23, 2009
- **Exhibit 16** – Comment Letter: Shoreline Resident, Michael Strand, Nov. 27, 2009
- **Exhibit 17** – Comment Letter: Snohomish County, Larry Adamson, Dec. 2, 2009
- **Exhibit 18** – Staff Response: City of Shoreline Memo, Steve Cohn, Dec. 2, 2009
- **Exhibit 19** – Comment Letter: Town of Woodway, Carla Nichols, Dec. 3, 2009
- **Exhibit 20** – Public Hearing Staff Report to Planning Commission, Apr. 16, 2009

Mr. Tovar emphasized that the draft documents currently before the Commission for review are significantly different than what was presented in April of 2009. He reminded the Commission that when they reviewed the proposal in April, the pre-annexation zoning proposal did not accompany the subarea plan. He clarified that all documents received to date regarding the proposal have been entered into the record and made available to the Commission in either hard copy or via email.

Mr. Cohn added two more exhibits to the record:

- **Exhibit 21** – Comment letter from the Save Richmond Beach Organization dated December 3, 2009.
- **Exhibit 22** – Comment letter from Gary D. Huff, Karr Tuttle Campbell, dated December 3, 2009.

Mr. Tovar advised that the final SEIS would be available to the Commission and public and would consist of all comments that have been received to date. He informed the Commission that Rich Meredith, Traffic Engineer, was present to answer the Commission's additional questions regarding traffic.

Mr. Tovar referred to the comment letter from Larry Adamson, Acting Snohomish County Planning Director, which asserts that the City's proposed subarea plan does not include any consideration of potential annexation issues that would arise if the City were to attempt to annex the Point Wells area. The letter notes that the Town of Woodway has a much larger shared boundary with the Point Wells lowland area compared to the City of Shoreline's shared boundary. It states that since only a very small portion of unincorporated Point Wells is contiguous to Shoreline's City limits, any proposal by Shoreline to annex the area is likely to be considered a "shoe-string" annexation with extremely irregular boundaries. Mr. Tovar said he would agree with Mr. Adamson's comments if all that is considered is the linear feet of adjacency of the two jurisdictions. However, the most significant number is the percentage of the traffic that would come through the City of Shoreline, which is 100%.

Mr. Tovar also referred to the comment letter from Carla Nichols, Mayor of the Town of Woodway, which expresses concern about the proposed design review process. He explained that staff's intent was to use the same administrative review process that was recently approved as part of the new Mixed Use (MU) zone. However, he acknowledged there are other options for design review such as a public hearing by the Hearing Examiner with a recommendation to the City Council, a public hearing by the Hearing Examiner with an appeal to the City Council, a public hearing by the Hearing Examiner with an appeal to Superior Court, and a public hearing by the Planning Commission with an appeal to the City council.

Commissioner Broili suggested that the Commission should keep in mind Mr. Tovar's point that the only present and future reasonable access and impacts are through the City of Shoreline. Other than the border, Snohomish County has no connection to the area. He expressed his belief that Mr. Adamson's opinion about the linear property line would not hold up in court.

The Commission took a 10-minute break at 7:25 p.m. to review the additional exhibits. They reconvened the meeting at 7:35 p.m.

Mr. Tovar clarified that the hearing is a concurrent hearing on an amendment to the City's Comprehensive Plan to adopt a Point Wells Subarea Plan and Pre-Annexation zoning for the Point Wells area. The public would be invited to comment on both items. He explained that the proposed Point Wells Subarea Plan outlines the things that are important to the City and what they want the outcome to be. The Pre-Annexation Zoning Regulations will provide more specificity to implement the plan. He suggested the Commission keep the public hearing on both items open until they are confident that the proposed regulations are consistent and implement the plan they want to recommend for approval.

Mr. Tovar noted the item has been scheduled on the City Council's agenda for January 21, 2010. If the Commission needs more time after the December 10<sup>th</sup> meeting to make a recommendation, the item could be carried over to the Commission's January 7<sup>th</sup> meeting, but he cautioned it would be in the City's best interest for them to conclude the hearing and make a recommendation on December 10<sup>th</sup>.

Mr. Tovar advised that Mr. Huff's (Karr Tuttle Campbell) comment letter requests the Commission slow down the process. He encouraged the Commission to invite representatives of the property owner, Paramount, to comment on this request. He reminded the Commission that Snohomish County is currently dealing with their own regulatory regime for the Point Wells property, and a public hearing has been scheduled for December 9<sup>th</sup>. He suggested it would be premature for the Commission to decide to slow down the City's process until they have some notion of whether or not Snohomish County would slow down their process, as well. Staff will have more information about this subject at the Commission's December 10<sup>th</sup> meeting.

Mr. Tovar said that when the City Council receives both pieces of the Planning Commission's recommendation, they could adopt the Commission's recommendation as put forth. They also have the option of making changes to the Commission's recommendation, but only if the changes were discussed as part of the record. If they want to consider something that is different than what the Commission recommends and is outside of the established record, they could remand the issue back to the Commission for further hearing and deliberation.

Chair Wagner said that, typically, the Commission places a motion on the table and then they deliberate and make changes to the motion before finalizing their recommendation. However, this process will be different in that a motion will not be on the table prior to Commission deliberation.

#### **Questions by Commission to Staff**

There were no Commission questions during this portion of the hearing.

#### **Public Testimony**

Chair Wagner reviewed the rules and procedures for the public portion of the hearing and then opened the floor for public testimony.

**Caycee Holt, Shoreline**, said she was present to represent the group, Save Richmond Beach, which is a community-driven, volunteer-managed, non-profit organization dedicated to preserving the Richmond Beach Community through thoughtful, responsible and sustainable planning. Their members come from not only Richmond Beach, but all neighborhoods of Shoreline, in addition to the Town of Woodway and Edmonds. She recalled that the proposed Pre-Annexation Zoning notes that Richmond Beach Road and Richmond Beach Drive in Shoreline would be the only access to the Point Wells site, and this fact became abundantly clear a few weeks ago when a single-car accident (by the library) closed down the road for the entire day. The group feels the zoning document and traffic analysis do not adequately address the issue of access to the site and the public safety of the Richmond Beach residents. She emphasized there is just one way in and out of the neighborhood.

Ms. Holt also expressed the group's belief that the traffic impact and mitigation plans are too vague to assess how the increased traffic would be addressed. The group agrees that a corridor study is a necessity because the traffic and safety analysis was sorely lacking in several areas including public safety, cut-through traffic, and potential mitigation. She said she heard from several members who are extremely concerned about cut-through traffic because many roads link to Richmond Beach Drive, and people will avoid traffic by using the very narrow cut-through streets.

Ms. Holt said the group supports Shoreline's effort to limit vehicular traffic to and from the site, but this alone will not adequately address the serious access and traffic issues associated with development at the Point Wells site. Without a reliable corridor study, it will be impossible to gauge what the traffic numbers will really mean on the ground. The City's own traffic study suggests that the road system would break down at that level of additional traffic. She suggested the vehicle trip limit should also take into account that any development at Point Wells would generate additional development along the corridor, which would result in even more traffic to Richmond Beach.

Ms. Holt pointed out that the estimated vehicle trips would only be as accurate as the studies or models underlying the estimate. The group suggests the City establish the industry-accepted guidelines and standards for measuring the traffic impacts. She said the group is concerned that it would be difficult to enforce such a limit. For example, what would happen if the development is overbuilt? Would they be required to tear down buildings if they exceed the allowed number of vehicle trips per day. She reminded the Commission that the City of Shoreline has standards for public safety, including details such as sidewalks on both sides of the street. The group feels that public safety of the current residents should be the City's top priority. An annexation bid from a developer should not change the City's standards. She noted she has not seen anything that would require access to mass transit at the Point Wells site, and this intense type of development may require access demand mass transit.

Ms. Holt said the group believes there should be land use standards that limit the potential uses at the Point Wells site. Because of the remote location and lack of access to mass transit, the use of the site will be an important factor in curbing excessive car trips and insuring public safety. The group believes the land uses should also be compatible with the surrounding single-family residential neighborhoods. In conclusion, Ms. Holt said the group urges the Planning Commission to encourage a more thorough evaluation of the impacts on the current citizens of Shoreline and Richmond Beach before promising

Paramount Northwest a pre-annexation zoning package that would imperil the residents of Shoreline and Richmond Beach.

**Donald Ding, Shoreline**, expressed concern about the development of the Point Wells property either as part of Snohomish County or Shoreline. He said the City should not sacrifice their neighborhoods to excessive traffic growth and a stretch on services just for the sake of unneeded growth. He recalled that the City was recognized by *SEATTLE MAGAZINE* as the best community a few years ago, and as the second best in 2009. He urged the Commission to keep and protect the good things that exist in Shoreline.

Mr. Ding said he has significant concerns about the information presented in the traffic report and the draft SEIS. He questioned if an accurate description has been portrayed concerning impacts, mitigations and conditions for development. He said he also submitted written comments to the City, of which the Commission has copies. He questioned if the City really needs the growth at Point Wells. He advised that the City's Comprehensive Plan requires them to accommodate a level of growth, which they have already done. The extra increment of growth that would be accommodated by the Point Wells site seems to be excessive and unneeded. He pointed out that the boundaries of the traffic analysis are drawn too tightly. He reminded the Commission that the City will be spending over \$100 million of local, state and federal funds for the Aurora Corridor Project. He questioned if the City wants to marginalize this project before it is even finished by allowing additional traffic to impact Aurora Avenue North at 185<sup>th</sup> and 175<sup>th</sup>, as well as the Interstate 5 interchanges.

Mr. Ding said he believes transit and rail service at Point Wells are not likely. No discounting of trips should be allowed unless the proposal pays its own way for services and facilities and certainty of use by residents is guaranteed and sustained. He noted that neither Metro, Community Transit or Sound Transit have plans to provide service to this area. There is also no guarantee that residents would use the service anyway. Because of the inadequacy of the current analysis, Mr. Ding asked that the Commission require an updated traffic study to get a true read of impacts and mitigation. He asked them to do the right thing to protect and save the neighborhoods. Only accept growth if it is needed, mitigated and at the right scale. He wants the City to stay on the "Best of Seattle" list.

Commissioner Behrens said that in reading through the responses, there appears to be some dispute about the impacts the development would cause on the east side of Aurora Avenue North and the freeway interchanges. He asked Mr. Ding to provide his thoughts and the basis for his conclusions in writing. Mr. Ding once again expressed concern that the traffic analysis stops at the intersection of 185<sup>th</sup> and Aurora Avenue North, which is a commercial site but not a regional destination. Trips will not stop at this location; they will go to other destinations. He recalled the Snohomish County study indicates that only 13% of the trips originating from the Point Wells site would reach 185<sup>th</sup> and Aurora Avenue North. If the remaining 85% of the traffic would filter through the neighborhoods, there should be some discussion about assessing and mitigating the impacts. While the City countered that only 40% of the trips would divert, this amount would still have an impact on the character of the neighborhoods.

Mr. Ding pointed out that the table contained in the draft SEIS contains numbers that are inconsistent with the Institute of Transportation Engineer's Manual. He suggested the real threshold will be 825 trips

during the peak hour. He summarized that it is erroneous to include inaccurate numbers in the table because they can lead the Commission into making inaccurate assumptions in the future.

Commissioner Behrens again asked Mr. Ding to submit his ideas and comments in writing for the Commission's consideration. Chair Piro agreed it would be helpful for Mr. Ding to provide written testimony to support his request that the traffic study boundaries be expanded to include Interstate 5 and SR-104. Mr. Ding responded that if these other areas would not be significantly impacted, then the traffic study should identify where the traffic would go. Chair Wagner suggested the Commission allow the City's Traffic Engineer to comment regarding Mr. Ding's concerns, as well.

Commissioner Piro recalled Mr. Ding's written recommendation that the Commission should consider opportunities to include non-motorized, bicycle and pedestrian features into whatever happens with the connections between Point Wells and Aurora Avenue North and beyond. He suggested Mr. Ding provide his thoughts on the viability of pedestrian non-motorized travel and transit on the Point Wells site, which is so isolated from the rest of the transportation network.

**Robin McClelland, Shoreline**, said that she did the first Comprehensive Plan for the Town of Woodway in 1994, and she has been interested in the Point Wells site ever since. She expressed her belief that issues related to transportation are significant. She referred to Page 33 of the Staff Report, and suggested the statement that Richmond Beach Road and Richmond Beach Drive provide the only vehicular access is not true or fair because it is possible for traffic to divert. She summarized that it is important that the City not lead the public to think that there are only two access options for Point Wells.

Ms. McClelland suggested that rather than only thinking about the negative impacts of the proposal, she suggested the City turn their thinking around and consider opportunities to create a destination for residents of Shoreline. The City should seek every type of mitigation possible to provide facilities and amenities that benefit the City economically, recreationally, and socially. They should not limit themselves only to the issue of transportation, even though it is a major concern.

**Jack Malek, Shoreline**, concurred with Ms. McClelland's comment about the need to benefit from development of Point Wells to make it a destination point that will benefit the community in general. He also agreed with concerns stated earlier about transportation. He said he would prefer annexation into the City of Shoreline.

Mr. Malek said he was also present to speak for his friend, Scott Becker, regarding the proposed subarea plan, which calls for three sectors. He pointed out that the line distinguishing the Northwest and Southwest Sectors does not reflect a clear geographic distinction. He also feels the park location should be based more on an overall master plan. He questioned why a distinction was made in Policy PW-4 that limits the height in the Southeast Sector to no more than six stories. He referenced Policy PW-5 and suggested the "slender tower" regulation would make more sense as a general design review guideline document. He asked how the view corridor concept in Policy PW-6 would be implemented. He also suggests that permitting by administrative design review and site development does not seem adequate relative to the scale of the site.

Mr. Tovar referred to Ms. McClelland's comments regarding access to the Point Wells site. He said staff's point was that you must go through Shoreline to access Point Wells. There is no direct route through Edmonds, Woodway or unincorporated Snohomish County. However, he agreed that after coming some distance into Shoreline, a person could fork off into a number of diversions, most of which are also in Shoreline before reaching Edmonds and/or Woodway.

Mr. Tovar noted the Commission may want to craft changes to the proposed Point Wells Subarea Plan and Pre-Annexation Zoning. However, rather than trying to compose specific language at this time, he suggested the Commission identify the concepts they are after and ask staff to bring back implementing language to the December 10<sup>th</sup> meeting.

Mr. Tovar recalled the comment about the proposed 35-foot building height limit in the Northwest and Southwest Sectors within the view corridor. He recalled that the Commission previously discussed moving the line to correspond to the view corridor since the building height limit in the Southwest Sector is 35-feet anyway. He said the Commission could request a revised drawing from staff.

Chair Wagner observed that because citizens have already been invited to provide testimony, it would be appropriate to only invite additional oral public testimony on items that are new. However, she encouraged the public to continue to submit their written comments. Mr. Tovar said the amended language would be available on the City's website by the close of business on December 8<sup>th</sup>.

#### **Final Questions by the Commission**

Commissioner Piro asked staff to respond to Mr. Strand's comment letter, which expressed opposition to the Commission moving forward with a subarea plan and zoning for Point Wells. Mr. Strand's letter suggests the City force Snohomish County to provide access and service to the site and keep it separate from Shoreline. Mr. Tovar said that if this option were possible, it would have been high on the staff's list of recommendations. The Town of Woodway has been clear that they would not approve the creation of right-of-way through Woodway to connect the bluff area to the lowland area. In addition, most of the area is considered sensitive slope, and environmental regulations in Snohomish County and the Town of Woodway would not permit encroachment into the slope to build a road. While it would likely be possible from an engineering standpoint, it would be extremely costly. Others have suggested punching a road to the north along the tracks, but the right-of-way disappears into open water at points on both sides of the tracks. Therefore, this approach would raise serious environmental issues that would involve state agencies, tribes, federal government, etc. While it could be done with enough money, the environmental regulations make it unlikely. Another suggestion was to simply close the road, but the City Attorney has indicated the City cannot legally close the road if it is the only public access to the property. That doesn't mean the property owner has the right to an unlimited number of vehicles trips per day. The City's study identifies a logical break point for how many vehicle trips would be acceptable, but the Commission could offer a different number.

Commissioner Piro said that while the City cannot legally close the road, they could incorporate traffic calming features, etc. Mr. Tovar agreed and noted there are numerous engineering improvement

methods for dealing with cut-through traffic and for slowing down the traffic. These details will be considered as part of the subsequent corridor study that is funded by the developer.

Commissioner Piro requested clarification as to why the property owner's representative is asking the Commission to slow the process down. Mr. Tovar said he believes the property owner is hoping to assemble a design team in the near future to obtain a clear sense of what they think would work for the property. Once preliminary plans are completed, the property owner would share thoughts on what the appropriate regulations should be regardless of whether the property is located in Shoreline, Woodway, or Snohomish County.

Commissioner Piro asked if there would be an opportunity for future modifications to the subarea plan and pre-annexation zoning language through the regular amendment process. Mr. Tovar said that once a subarea plan and pre-annexation zoning is adopted by the City Council, the only way to change the language would be via the regular amendment process. Another option would be for the Commission to finish their deliberations and make a recommendation to the City Council, and then let the City Council decide how rapidly they wanted to move on the proposal.

Commissioner Piro requested staff elaborate on the concerns raised in the letter from the Mayor of the Town of Woodway about the proposed view corridors and height limits. Mr. Tovar said staff has known for some time that building height and views are an issue in Woodway, and he has attended two of their Town Council Meetings to discuss their concerns. He shared the Sketch Up computer model and the drawings that show the different building heights and masses from various vantage points, two of which were taken from locations in Woodway and were intended to illustrate the potential impacts. The Town of Woodway has expressed a desire for more computer models and drawings, and staff indicated they could obtain a copy of the file and retain a consultant to help them generate more analysis from different vantage points in Woodway, but the City of Shoreline does not have the resources or obligation to model numerous vantage points from the Town of Woodway.

Mr. Tovar said another option to address the issue of appropriate building mass and height within view corridors would be to write the regulations in such a way that the City would be allowed to reserve judgment until the permit review. Staff's approach was to identify view corridors the City is concerned about and write regulations that keep the building mass out of the corridors. Commissioner Piro said he is inclined to recommend the City consider this issue further with the Town of Woodway at the time of permitting. Commissioner Piro noted that the proposed language uses the terms "view corridor" and "public view corridor;" and he suggested the same term should be used throughout.

Commissioner Broili pointed out that it would be conceivably possible to create a major corridor out of the City of Shoreline from Point Wells to the first access into Woodway. All of the traffic from Point Wells could be directed to this route instead of Richmond Beach Road and 185th. Mr. Tovar agreed this would be possible if there was adequate funding and the City was willing to condemn properties. Commissioner Broili said that although he is not saying this alternative would be practical, it would be a fairly short route to get the traffic out of Shoreline into Woodway. Mr. Tovar concurred. Commissioner Broili urged the Commission to think as long-range as possible in terms of transportation planning and the way they think about the future.

Commissioner Broili referred to Page 17 of the November 19<sup>th</sup> minutes in which Mr. Meredith explained that it is difficult to get funding to add lanes and capacity to roadways since most of the funding goes to multi-modal projects. Mr. Broili suggested the overall strategy for transportation studies should focus on creating multi-modal transportation opportunities in the future. He expressed concern that the City is not thinking long-range enough about traffic flows and how to take advantage of them. He expressed his opinion that neither the City of Shoreline nor Snohomish County is being realistic in terms of the real traffic impacts over the next five to ten years if Point Wells is built out to its potential. He encouraged the Commission to think more long-range and comprehensive and focus on multi-modal opportunities.

Commissioner Broili pointed out that topography defines the Point Wells area, and topography also drives transportation. There is only one realistic way in and out of the site, and Richmond Beach Road to 185<sup>th</sup> will continue to grow. He agreed with the previous speaker who pointed out that development of the Point Wells site would encourage more growth, which would create even more traffic. He also recalled the previous comment about making the Point Wells site a destination area. All of these issues spell out the need for more long-range planning.

Commissioner Pyle referred to the letter from Gary Huff, which states that if the City of Shoreline does not slow down its process and consider the agreement that Paramount Northwest is trying to achieve with the Town of Woodway, the County and the City of Shoreline, they will choose to annex to the County. Mr. Tovar said the property is already within the jurisdiction of Snohomish County, and they could proceed with redevelopment under Snohomish County's new urban center code. He explained that a property owner can file a petition to annex to the City, but this petition would be subject to the Boundary Review Board statutes. The Boundary Review Board's final decision could be appealed to Superior Court and then to the Court of Appeals and the Supreme Court. At the very least, the property owner would have to initiate the annexation process.

Commissioner Pyle summarized that unless the property owner chooses to be annexed into the City of Shoreline, the subarea plan and pre-annexation zoning language would not be fruitful. Mr. Tovar disagreed. He explained that the purpose of this process is to articulate what the City thinks should happen on the property. Even if the Point Wells site is never annexed into the City of Shoreline, the adopted plan and regulations will help shape what is ultimately adopted by Snohomish County. Commissioner Pyle asked if the City has the ability to appeal Snohomish County's Urban Center designation. Mr. Tovar answered that the City of Shoreline, Town of Woodway and City of Richmond Beach have all filed appeals to the County's designation for Point Wells. There is currently a request for an extension to pursue settlement of the case.

Commissioner Broili asked if the City could apply for an annexation without the property owner's support. Mr. Tovar answered that annexation to Shoreline would require the property owner's support. Commissioner Broili pointed out that if the City's desire is to eventually annex the Point Wells property, they should avoid making it so difficult that the developer decides it is easier to stay under the County's jurisdiction. Mr. Tovar cautioned that the City's objective should not be to make their regulations and policies so compelling that the property owner cannot refuse. However, he agreed that more stringent policies would make it more difficult to convince the property owner to go through the annexation process. He encouraged the Commission to focus on what they think is the right use for the property and

why. He summarized his belief that it makes more sense for the property to be developed under Shoreline's jurisdiction.

Commissioner Behrens observed that if the City of Shoreline has input on how the development goes forward, they can attempt to mitigate some of the more obvious problems. Chair Wagner reminded the Commission that there is not currently a development proposal before them. While it is appropriate to talk about potential development in terms of its impacts to the City, she cautioned against making value judgments regarding a particular proposal at this time.

Mr. Tovar emphasized that Snohomish County has not adopted final zoning language for the Point Wells site. He noted that proposed Policy PW-10 states that "the City should work with the Town of Woodway and Snohomish County towards the adoption of interlocal agreements to address the issues of land use, construction management of, urban service delivery to, and local governance of Point Wells."

Commissioner Broili asked if Snohomish County is reluctant to lose control of the Point Wells property because it represents a lost opportunity for them to meet their urban growth boundary requirements. Mr. Tovar said one of their letters touches on the point that they made an urban growth allocation for the Point Wells site. However, if the property is annexed into Shoreline, an interlocal agreement could clarify this issue and give the urban growth credit to Snohomish County. Commissioner Broili noted that the County would also lose tax revenue if the property were annexed into the City of Shoreline. Mr. Tovar agreed that a number of taxes would come into play, and they could be addressed as part of an interlocal agreement, as well.

Chair Wagner pointed out that some of the tax revenue would need to flow to Shoreline to pay for the necessary services to the site. Mr. Tovar reminded the Commission that the Shoreline Police and Fire Departments and the King County Sheriff's Department have taken the position that they will not provide services to an unincorporated urban center in Snohomish County. If that is the case, the services would have to be provided by some other entity, which is theoretically possible but not an efficient delivery of urban services. Again, Mr. Tovar emphasized that these concerns could be addressed via an interlocal agreement between Snohomish County, the City of Shoreline and the Town of Woodway.

Vice Chair Perkowski asked staff to address the pros and cons of why they need an adopted subarea plan now, given the uncertainties and valid concerns that have been raised about transportation and long-range issues. Mr. Tovar recalled that the City Council has asked the Planning Commission to forward a recommendation to them regarding a subarea plan and pre-annexation zoning for Point Wells as soon as possible. In addition, it is important to keep in mind that Snohomish County has already adopted a Comprehensive Plan amendment for Point Wells, which has been appealed. The County has also held zoning hearings, and they could adopt new regulations for Point Wells at any time. Unless there is an adopted policy statement of the City Council, staff must rely on their sense of Council's intent and Resolution 285 when working with Snohomish County, the Town of Woodway and the property owner. Vice Chair Perkowski asked if an adopted plan is necessary or if the current policy statements could be revised. Mr. Tovar said the discussion is complicated, and an adopted plan would be helpful in the staff's future discussions with the County.

Commissioner Pyle observed that while it is great for the City to inform Snohomish County on their process and to continue to study what could be built there, going so far as to adopt a subarea plan could ultimately put the City's ability to actually annex the property in jeopardy. Mr. Tovar agreed that is a possibility. However, it is important to keep in mind there are many different players, interests and redevelopment options to consider for the site. He recommended the Commission move forward with a recommendation to the City Council. The City Council could ultimately decide to adopt a few main points of the recommendation by resolution rather than as an entire subarea plan if they believe that adopting a subarea plan would have a negative outcome. He said staff would continue to meet with the property owner, Snohomish County, and others, to discuss what it would take to move forward with a shared vision for the site.

Commissioner Broili asked if the property owner is looking for an agreement that the City will work with them to come up with a proposal that meets the requirements of both the City and the property owner. Mr. Tovar answered that the property owner is looking for some assurance of timing, details, etc. Commissioner Broili recommended it would not be to the City's best interest to adopt a plan at this point. The City already has a policy statement that indicates the direction they are interested in going. He cautioned that they need an agreement that gives both the property owner and the City the opportunity to move forward, but they should avoid "slamming the door" on future options by creating regulations that are too specific at this time. Mr. Tovar agreed that if the County were to slow down its process, it would also make sense for the City to slow down their process as well.

Mr. Tovar reminded the Commission that their charge, per Resolution 285, is to make recommendations to the City Council on what the plan should include and what the zoning should look like. The City Council did not ask them to advise them on whether or not they should postpone adoption of the plan. He urged the Commission to make their recommendation and leave it to the Council to decide how they want to address Mr. Huff's request to slow down the process.

Commissioner Piro agreed with Mr. Tovar that whether or not the property is annexed into Shoreline in the future, an adopted subarea plan and pre-annexation zoning could be used as a tool to enter into conversation and dialogue with other partners that are interested in the property. The proposal addresses issues related to bulk, view and traffic, which will give the City a strong hand in future discussions. He cautioned the Commission to not lose sight that there is more at play than just what happens at Point Wells. For example, Policy PW-7 would require the developer to undertake a transportation corridor study involving property that is currently located within the City of Shoreline.

### **Discussion**

Commissioner Piro said both the Commission and the public have questioned if the requirements of the corridor study goes far enough to address issues such as multi-modal transportation. He suggested the developer could be required to complete a corridor plan rather than a corridor study. Mr. Tovar clarified that the product of the corridor study would include action steps, projects, cost estimates, funding sources, etc. He suggested staff rework Policy PW-7 to clarify that an implementation plan would also be required. He suggested the language could also be amended if the Commission feels strongly that the study area should be extended to SR-104 and Interstate 5. Several Commissioners agreed that would be

appropriate. Again, Commissioner Piro pointed out that the required corridor plan would offer a mechanism for the City to have some ownership on what happens with Richmond Beach Road or other potential access routes into Woodway. He suggested it would ease the concerns of the Richmond Beach Neighborhood if they could provide a specific plan for related roadways rather than just an ambiguous plan that would accommodate more vehicles.

Commissioner Behrens encouraged staff to involve representatives from the Richmond Beach Community in the transportation corridor study. Some tough decisions will have to be made by those who live in the area, and the City can gain from the guidance they offer. Mr. Tovar suggested that a citizen's advisory group could be formed to engage the public and find out what they know. He suggested staff could draft some language that would dictate this type of group as one of the components of the transportation corridor study and implementation program. He agreed that Policy PW-8 could be amended to require both schematic designs and cost estimates. Chair Wagner suggested that because the entire City could potentially benefit from redevelopment at Point Wells, the citizen's advisory group should include other interested parties in addition to residents of the Richmond Beach Neighborhood.

Commissioner Kuboi cautioned against reviewing the proposed subarea plan and pre-annexation zoning based on what may or may not be proposed by the current property owner. He noted that it is possible the site could be developed by multiple developers. Mr. Tovar said that if the Commission believes the whole site should be developed comprehensively under single ownership, the regulation should make this clear. While the City could not prohibit a property owner from platting the property and selling it to different developers, the zoning language could be structured to point out why that would not be desirable. He noted that all the densities and uses discussed have contemplated a single master plan for the property. If they are going to contemplate dividing the property into smaller pieces, perhaps the zoning should not so permissive and allow so much to happen. He said he would like an opportunity to phrase language to this affect for the Commission to consider at their next meeting.

Commissioner Broili said he would like the language to take into account a much longer range vision than what has been considered when coming up with the number of vehicle trips that would be allowed. Secondly, he said he would like the language to be amended to extend the transportation corridor study to Interstate 5 and 205<sup>th</sup>. The remainder of the Commission concurred.

Mr. Meredith explained that the traffic study assumes that 60% of the estimated 825 p.m. peak vehicle trips would make it to Aurora Avenue North. These vehicles would go both north and south on Aurora Avenue North, and some would disperse onto other streets. By the time they reach 205<sup>th</sup>, there may be no more than 200 p.m. peak vehicle trips. A number of cars would continue north on Aurora Avenue at 205<sup>th</sup>, and some would go towards Interstate 5, which could reduce the number of cars onto SR-104 to just 100. He noted there are currently about 45,000 cars per day on SR-104. He summarized that by the time you get that far away from Point Wells, there would not be a significant impact on SR-104. The same would be true for Interstate 5 so extending the boundaries would result in diminishing returns. He summarized that with so many routes people can choose to take, there is no way to have confidence that the predictions would be correct. The analysis actually loses meaning the further away you get from the development, and that is why he did not recommend the study area be continued to Interstate 5 and SR-

104. While they could extend the study, he questioned how much value it would provide. However, he agreed there would be value in extending the study area from 185<sup>th</sup> to Meridian.

Commissioner Piro said he is surprised that the study indicates that only 60% of the traffic from Point Wells would make it to Aurora Avenue North and 185<sup>th</sup>. He questioned where the other 40% of traffic would go. Mr. Meredith said he actually identified 60% to 65% making it to Aurora. He explained that the study assumes that a small percentage of traffic would turn off at the intersecting arterials along Richmond Beach Road. Commissioner Piro noted that a percentage of the vehicles that turn off of Richmond Beach Road would actually end up at 175<sup>th</sup> and Interstate 5 or 205<sup>th</sup>. Mr. Meredith agreed and said that is why the model starts to break down as cars travel further and further away from Point Wells.

Commissioner Piro said he still believes that extending the study boundaries to Interstate 5 and 205<sup>th</sup> would have some value, even if the impact becomes much less significant. The additional traffic should be considered cumulative with development that might occur elsewhere in the City. Mr. Meredith agreed that it is important to consider cumulative traffic impacts, and that is why the proposed language would require a more detailed traffic analysis. He noted the staff's traffic analysis only looked at the p.m. peak, and a more detailed analysis would consider both morning and evening traffic impacts.

Commissioner Behrens said he lives on Meridian Avenue, so he has firsthand knowledge of what happens when traffic diffuses through a neighborhood. When you reach a certain point, vehicles tend to leave arterials and go to side streets. However, they will eventually accumulate at major locations. Drivers will make decisions based on impediments that are on the road in front of them. Mr. Meredith said the City's goal is to encourage vehicles to stay on the arterials and off of local streets. There are options for accomplishing this goal, but they must be balanced with the need for people who live in the neighborhood to reach their destinations without too much delay.

Commissioner Broili referred to Mr. Meredith's previous statement about the uncertainties and disparity in the traffic study numbers and noted that it is the tendency for municipalities to underestimate the impacts associated with development. He encouraged the Commission and staff to be as conservative and long-range as possible in their analysis in order to save the City money and reduce impacts.

The Commission agreed that Policy PW-7 should be amended by adding language that would encourage and highlight the importance of multi-modal transportation. Commissioner Piro observed that in addition to addressing bicycle and pedestrian safety, the transportation corridor study should explore opportunities for pedestrian and bicycle mobility. The remainder of the Commission concurred.

Commissioner Broili referred to Policy PW-9 and encouraged the Commission to be very conservative in the way they think about the impacts. Chair Wagner recalled a question she raised at the study session about why the traffic study focused on the number of trips versus level of service. Perhaps they could establish a threshold that no more than one intersection can reach Level of Service F at evening peak traffic. Commissioner Piro said he would like the language to require mitigation that would transfer 825 vehicle trips that currently happen in the Richmond Beach area into other modes of transportation so there would be no net increase in vehicle trips. He expressed skepticism about the way the City has handled level of service in the past, and he would be in favor of a more multi-modal approach.

Mr. Meredith said it is important to maintain the level of service measurement in the proposed language since that is the approach used in the transportation master plan update in relation to concurrency. Staff tried to take it a step further to see how the size of the development would affect the level of service. He referred to Chair Wagner's suggestions and said he does not think the City wants to allow an intersection to fail. Mr. Tovar summarized that there was a lot of focus on how many units per acre should be allowed. Even if they had landed on a number of units allowed rather than a number vehicle trips, the proposal would have been susceptible to the same concern. He suggested there is no more predictability or precision under either method. The basis of the proposed language is that the City cares less about what is developed on the property and more about impacts on the City's street system.

Commissioner Behrens asked if it would be possible to collect a percentage of the sales taxes that are generated by Point Wells into a capital improvement fund that could be managed via an interlocal agreement with Woodway, Edmonds, etc. If the traffic impacts turn out to be overwhelming or very understated, the City would have available funding to correct the problems. Mr. Tovar agreed this would be possible. Rather than requiring additional mitigation from the developer, a portion of the additional revenue stream would be dedicated to dealing with the unanticipated impacts. Another option would be to review the transportation demand management program that is already required and ratchet up the requirements to deal with some of the excess impacts. For example, carpooling, van pooling, bus passes, etc. are all options to obligate a developer to do more to deal with unanticipated additional impacts. He cautioned against creating an accounting system that involves the capital budgets of two or three jurisdictions since it would not generate any additional resources than what is already coming from the site. Mr. Tovar agreed to pursue options for addressing how the City would respond if, at some point in the future, there are unanticipated impacts that need to be mitigated.

Commissioner Broili pointed out that solar power, rainwater harvesting, etc. are on the cusp of becoming the way to go in new development. Many builders are designing their projects to accommodate these options in the future. Changes and modifications along the Richmond Beach/185<sup>th</sup> Corridor should be designed with the future in mind. If the City requires a developer to design for 20 or 30 years into the future, the costs for upgrades are going to be much less than if they only design for five years down the road and have to tear it out and start over again. While long-range thinking may cost more upfront, it will save a lot of money in the future. The language in the plan, the pre-annexation zoning, and any interlocal agreements should think further out into the future.

Commissioner Kuboi said it is one thing to require a property owner to put utilities in certain locations so they do not have to be moved when changes occur in the future because the requirement would not place an additional burden on the applicant. However, he would be opposed to requiring a developer to provide extra capacity to meet the demand 20 years into the future. He would support language that requires a developer to mitigate the actual impacts that are created, but requiring them to mitigate for projected future impacts would be inappropriate. Commissioner Broili disagreed. He observed that while there would be immediate impacts associated with the redevelopment of Point Wells, there would also be other impacts associated with future growth that takes place as a result of the development. Commissioner Kuboi cautioned against burdening a developer to the point that they don't want to do business in Shoreline.

Chair Wagner suggested that perhaps this issue could be addressed at the policy level and the City could assist in mitigating the future impacts rather than placing all the burden on the developer. Mr. Tovar said the proposal could include aspirational policy language that states Commissioner Broili's philosophy, but it is more difficult to identify what the City can commit a developer to do 30 years from now that has both the nexus and proportionality required by law. Commissioner Broili said he is not implying that the developer should carry the burden of mitigating impacts into the future, but the City has the responsibility to do so. When staff has discussions with the developer at the permitting stage, they can identify what the City expects to happen and what burden the developer must carry. The City could also carry some of the burden of providing the services. There must be a balance between the City, the developer and long-range thinking. Commissioner Piro suggested that Commissioner Broili's concerns could be addressed in the narrative in the Interjurisdictional Coordination Section and potential amendments to Policy PW-10.

Commissioner Behrens asked where the transportation corridor study would end on Aurora Avenue North. Commissioner Piro recalled staff's earlier statement that the City's concern is not so much what happens on Interstate 5, but just the City streets. Therefore, he suggested they focus on the intersection at 175<sup>th</sup>.

Mr. Cohn encouraged the Commissioners to submit their additional comments by noon on December 7<sup>th</sup>. Mr. Tovar said staff would incorporate all of the Commission's comments into a new draft for consideration at their December 10<sup>th</sup> meeting. The updated draft would be available for Commission review on December 8<sup>th</sup>. He referred to questions raised earlier by the Commission, which could equate into amendments to the proposals. For example, the Commission discussed the possibility of amending the proposal to change the line between the Northwest and Southwest Sectors. In addition, Commissioner Perkowski suggested the restoration plan language be changed to be less prescriptive and more aspirational.

Vice Chair Perkowski observed that the future vision for Point Wells contains language related to sustainability, yet none of the policy statements address the issue. He questioned if each of the policy statements are intended to cover the text. Mr. Tovar said all of the language in the proposed subarea plan is considered policy, and the ten policy statements are intended to be concise and call attention to some specific action or concept. Vice Chair Perkowski expressed concern that someone could interpret the policy statements to be more important than the text because they are highlighted. Mr. Tovar asked the Commissioners to identify parts of the narrative that should be captured with additional policy statements.

**COMMISSIONER PYLE MOVED THAT THE COMMISSION CONTINUE THE PUBLIC HEARING TO DECEMBER 10, 2009. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **DIRECTOR'S REPORT**

Mr. Tovar did not have any items to report to the Commission during this portion of the meeting.

**UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

**NEW BUSINESS**

There was no new business scheduled on the agenda.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

None of the Commissioners provided reports during this portion of the meeting.

**AGENDA FOR NEXT MEETING**

No additional comments were made regarding the December 10<sup>th</sup> agenda.

**ADJOURNMENT**

The meeting was adjourned at 9:59 P.M.

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Michelle Linders Wagner  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

December 10, 2009  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### Commissioners Present

Chair Wagner  
Vice Chair Perkowski  
Commissioner Behrens  
Commissioner Piro  
Commissioner Pyle

### Staff Present

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

### Commissioners Absent

Commissioner Broili  
Commissioner Hall  
Commissioner Kaje  
Commissioner Kuboi

### CALL TO ORDER

Vice Chair Wagner called the special meeting of the Shoreline Planning Commission to order at 7:04 p.m.

### ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski and Commissioners Behrens, Piro and Pyle. Commissioners Broili, Hall, Kaje and Kuboi were absent.

### APPROVAL OF AGENDA

The agenda was accepted as presented.

## **DIRECTOR'S COMMENTS**

Mr. Tovar announced that this is the last night that any City meeting would be held in the Shoreline Conference Center. The Commission's first meeting in January would be held in the Council Chambers of the new City Hall.

## **APPROVAL OF MINUTES**

The minutes of December 3, 2009 were approved as presented.

## **GENERAL PUBLIC COMMENT**

**Steve Ohlenkamp, Kenmore**, indicated he was present to represent Paramount Petroleum. He announced that the Snohomish County Council decided not to act on their urban centers legislation. Instead, they have scheduled it for action on February 3<sup>rd</sup> at the earliest. He asked that the Commission consider delaying action on the City's Point Wells Subarea Plan proposal, as well. He pointed out that Paramount Petroleum has started to work with an architect to determine what might be possible on the site, and a lot of work will take place over the next few months. He noted that Paramount Petroleum is not in a hurry, and they don't understand how important decisions such as zoning can be made without sitting down with the developer to see if what is being proposed would even be viable. He noted that they are just beginning the design of their project, and they don't have answers yet. It will take a number of years to design the project and clean up and develop the site.

## **CONTINUED LEGISLATIVE PUBLIC HEARING ON POINT WELLS SUBAREA PLAN AND PRE-ANNEXATION ZONING**

Chair Wagner reviewed the rules and procedures for the public hearing. Commissioner Piro reminded the Commission that additional public comments would be limited to the modifications made to the staff's proposal since the December 3<sup>rd</sup> meeting.

## **Staff Overview and Presentation of Preliminary Staff Recommendation and Questions from the Commission Regarding Point Wells Subarea Plan**

Mr. Tovar referred to the potential amendments to the subarea plan and the zoning map and text, which were made at the direction of the Commission. Some were specific requests by individual Commissioners, and others were raised during the Commission's previous study sessions. He also referred to the following additional exhibits that have been entered into the record since the Commission's last meeting:

- **Exhibit 25** – Final Supplemental Environmental Impact Statement (SEIS).
- **Exhibit 26** – Email from Jan Bakken dated December 10, 2009.
- **Exhibit 27** – Comment letter from Chakorn Phisuthikul dated December 10, 2009.
- **Exhibit 28** – Suggested amendments to Subarea Plan and Zoning Ordinance.

- **Exhibit 29** – A map to clarify view corridor locations.
- **Exhibit 30** – A proposed revised zoning map with adjusted boundary between PLA 1A and PLA 1B.

Mr. Tovar referred to Exhibit 29, which is a map showing the location of the view corridor. The section line starts at the intersection of the County line and goes off at a 60-degree angle to the center line of Richmond Beach Road. It barely touches the perimeter of the large tank on the site. He advised that Exhibit 30 is the same zoning map that was presented before, but the line between PLA 1A and PLA 1B was adjusted to follow the view corridor line. He noted that the illustration includes some of the tanks and the bridge to provide reference points.

Mr. Tovar advised that after the Commission has accepted public comment on the amendments, they could deliberate and provide direction to the staff to incorporate amendatory language into the body of both of the documents. Staff would update the draft language and present it to the Commission at their first meeting in January. At that point, they could forward a recommendation to the City Council. He suggested the Commission not close the public hearing until they have reached their conclusions on both items and provided specific direction to staff.

Commissioner Pyle asked if the proposed subarea plan would have to be included as part of the City's once-a-year Comprehensive Plan amendment docket. Mr. Tovar answered that subarea plans are not limited to the once-a-year amendment process. However, amendments to adopted subarea plans are subject to the once-a-year requirement unless the Growth Management Hearings Board directs them to amend the subarea plan or the City Council declares an emergency amendment. He emphasized that there is no limit on zoning code amendments. Commissioner Pyle summarized that it is important to have more refined Comprehensive Plan language since revisions are limited to once a year. Mr. Tovar said that, practically speaking, the subarea plan could also be amended at any point if the City Council feels it is important.

Mr. Tovar referred to Mr. Ohlemkamp's request that the Commission delay taking action on the proposed subarea plan and pre-annexation zoning. He said it is important to keep in mind that the County has already made a policy decision that is currently being litigated. Therefore, it would be prudent for the City to likewise make a policy decision. Amendments could come out of on-going discussions between the City, Snohomish County, Town of Woodway, property owner, citizens of Richmond Beach, etc. He advised that the City Council would have a number of options to consider about whether or not to move forward, but he expressed his belief that stopping at this point in the process would not be in the City's best interest.

Mr. Tovar referred to Exhibit 28 (Page 21 of the Staff Report), which is a list of the potential subarea plan and pre-annexation zoning amendments. He and the Commission briefly reviewed each of the potential subarea plan amendments as follows:

- **Amendment 1** – Mr. Tovar advised that this amendment would add a new Policy PW-1A stating that the vision for Point Wells is to be an environmentally sustainable mixed-use community. Vice Chair Perkowski pointed out that the language proposed in Amendment 1 is related to the language

proposed in Amendment 9. Mr. Tovar explained that the language proposed in Amendment 9 assumes adoption of Amendment 1 and is intended to provide more policy information.

- **Amendment 2** – Mr. Tovar advised that this amendment would clarify the intent of the Transportation Implementation Plan by modifying PW-7 to indicate the City would not just require a transportation study, but an implementation plan, as well. The study would lead to the plan, and the plan would include schematic design and the other items that were listed previously. It would deal with issues related to all road segments and intersections between SR-104 and North 175<sup>th</sup> Street, with particular attention focused on Richmond Beach Drive and Richmond Beach Road. When the scope for the transportation study and plan is prepared, staff would follow the direction given in PW-7.

Commissioner Behrens pointed out that the proposed language does not identify an eastern boundary for the transportation study area. Mr. Tovar agreed and suggested the language be changed to identify I-5 as the eastern boundary. This would provide boundaries for all four sides of the study area. Vice Chair Perkowski asked if staff would provide an illustration to show the scope of the road segments and intersections. Mr. Tovar said this would be easy to provide and could be helpful. However, the policy already identifies clearly demarcated boundaries.

- **Amendment 3** – Mr. Tovar recalled there was a concern that the City might use dated information from the County to conduct their traffic and safety analysis, and the proposed language clarifies that the County information was used as background information and provided a basis for the City's conclusion that more information was needed before approval of a specific project at Point Wells.

Commissioner Pyle questioned the use of the term "should" in the last sentence of proposed Amendment 3 and questioned if "shall" would be a better term. Mr. Tovar answered that this is a policy statement, and the term "should" is appropriate.

- **Amendment 4** – Mr. Tovar recalled the Commission recommended the proposed language require both a Transportation Corridor Study and an Implementation Plan. Commissioner Piro recommended the study should also evaluate and expand bicycle and pedestrian safety and mobility and multi-modal strategies.
- **Amendment 5** – Mr. Tovar said additional language was added regarding the Transportation Implementation Plan and is verbatim from the email staff received from Commissioner Piro.

Commissioner Piro said he believes the language proposed in Amendment 5 accurately reflects the Commission's earlier discussion that any improvements that are developed at Point Wells, Richmond Highlands, and adjacent neighborhoods should look at opportunities for improving mobility of existing areas and not just exclusively the new development at Point Wells.

- **Amendment 6** – Mr. Tovar explained that this potential amendment would insert words into PW-7 to be clear they are not just talking about a transportation study, but also an implementation plan. Commissioner Piro suggested the study and transportation plan should identify needed investments

and services, including design and financing, for multimodal solutions to improve mobility and accessibility within the Richmond Beach Neighborhood and adjacent communities. In addition PW-8 and PW-9 should be changed to clarify that a Transportation Corridor Study and Implementation Plan would be required.

- **Amendment 7** – Mr. Tovar observed that, historically, there has not been a lot of multimodal activity in this area. The road network was built a long time ago, and mobility and accessibility in Richmond Beach and nearby areas has been dominated by single-occupancy vehicles. The City has policies that talk about improving pedestrian bike facilities, but most have not been implemented because of financial constraints. The proposed policy objective makes the observation that the Richmond Beach Corridor has been served by a Metro route. Although rail service at Richmond Beach has been talked about in the past, no service is identified in Sound Transit's adopted 20-year plan. The proposed language points out that while improved transit, bicycle and pedestrian mobility is a long-term policy objective, the majority of trips in the area are likely to continue to be by automobiles that utilize the road network.

Mr. Tovar said the amendment also includes changes to PW-9 to require the City to address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Master Plan. Staff met yesterday with representatives from Sound Transit, who are looking at light rail alignments. Their decisions must be meshed with the City's Transportation Master Plan and Comprehensive Plan update. For example, one of the station areas is at 185<sup>th</sup> and I-5, so everything between Richmond Beach and the station should be examined as potential multimodal opportunities.

Commissioner Piro pointed out that the language he proposed was an attempt to respond to Chair Wagner's earlier comment that the language considered on December 3<sup>rd</sup> seemed very abrupt and needed more context. He felt staff did a good job of responding to this concern.

Chair Wagner asked if the City would be responsible for addressing additional multimodal opportunities, or if the traffic study would recommend opportunities for the City to implement. Mr. Tovar recalled Commissioner Broili's recommendation that the Commission view the long-term implications of the proposed language.

- **Amendment 8** – Mr. Cohn advised that the proposed amendment would expand the language in the section titled, "Future Vision for Point Wells," to incorporate issues raised at the end of the December 3<sup>rd</sup> meeting regarding future opportunities and eventualities for the Point Wells site and adjacent neighborhoods and communities after development occurs. The language is intended to point out that although the proposed subarea plan would be a 20-year document, the City should think beyond 20 years. The City should also consider the long-range costs of the near-term and mid-term actions.

Commissioner Piro recalled that Commissioner Broili expressed a need to look aspirationally at other eventualities and accommodate them as the area evolves and matures. The City should be aware of new practices for environmental restoration, maintenance improvements, etc.

- **Amendment 9** – Mr. Tovar said proposed Amendment 9 would add language at the end of PW-1A to incorporate some of the thinking about naming not just lands within 200 feet of the shoreline, but also the aquatic lands, as something that should be carefully designed and implemented to minimize impacts and achieve long-term sustainability. New bulkheads would not be permitted, and the detrimental effects of existing bulkheads should be reduced by using alternative, more natural stabilization techniques. Vice Chair Perkowski asked why the proposed amendment uses the word restoration. He suggested there is more to it than just restoration. The Commission agreed to discuss this issue as part of their deliberation.

### **Public Testimony on Revisions to Proposed Point Wells Subarea Plan**

**Wendy DiPeso, Shoreline**, questioned if the transportation plan requirement would look beyond the traffic impacts at Point Wells to include other development projects that are going on close by. Mr. Tovar said that before any development occurs at Point Wells, the City will have completed their Transportation Master Plan update, which will provide information about background traffic (traffic generated by other developments expected to occur under the plans that are in place). Background traffic will be factored into the forecasts for future traffic impacts to the City's road grid.

Commissioner Piro observed that some of the potential amendments are related to the Transportation Study and Implementation Plan to ensure that it captures development not only at Point Wells, but along the Corridor and adjacent neighborhoods, as well.

**Michael Strand, Shoreline**, said he believes the anticipated 8,250 additional vehicle trips per day from the Point Wells site is too high, and it is unconscionable the City would consider a number that is even 1/10 that high. The additional traffic would have a significant impact on the Richmond Beach Neighborhood, as well as other properties on the west side of Aurora Avenue. He pointed out that not all the traffic must come through Richmond Beach. However, creating an annexation plan for the Point Wells site would force the impacts from Point Wells to come through Richmond Beach. Another option would be for the City to oppose the annexation and let the project develop as part of Snohomish County. The City could block the road, with the exception of allowing historical access on Richmond Beach Drive, and all of the problems would go away. If the property is annexed into the City as proposed, the developer would have total control over what happens in the area and all of the impacts would go through Shoreline. This would be a travesty for the citizens of Shoreline, and there will be no benefits.

Mr. Tovar explained that staff has talked to the City Attorney and reviewed existing rights-of-way, regulations that apply to environmentally sensitive areas and steep slopes, and existing code requirements in Woodway and Snohomish County. They are also aware of what the State Growth Management Act says about critical areas. People have suggested a road be developed to the north following the tracks to Edmonds, and they have also suggested new switchback roads going up the hill into the bluff area and connecting back to 238<sup>th</sup> in Woodway. However, there are a number of legal, environmental and political reasons why the City of Shoreline does not believe these other options would be practical. He noted that legal access has been made available to Point Wells through Shoreline for decades, and the City does not have the legal authority to close this access. If Woodway were to

create a public right-of-way down to the property through the Town of Woodway, the circumstances would be different.

Mr. Tovar explained that, as proposed, 8,250 additional vehicle trips would not be an absolute legal right of the property owner. The City would have some choice about how many vehicle trips that would accept, but keeping it to what it has been historically is unlikely to prevail long term. Snohomish County would permit some type of development of greater density than what is currently on the site. Their proposed urban center designation would allow twice the vehicle count that is proposed by Shoreline as a maximum. He clarified that the traffic analysis in the SEIS identifies a tipping point of 8,250, beyond which more of the City's intersections would experience failure. He emphasized that the property owner has not completed an architectural analysis of what can be done on the property. However, he expressed his belief that the developer would not likely be able to fit such an intense development on the property given the proposed setback and zoning requirements. It is unlikely the development would result in 8,250 vehicle trips per day.

**Commission Deliberations on Proposed Point Wells Subarea Plan and Vote by Commission to Recommend Approval or Denial or Modification**

**COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE PROPOSED SUBAREA PLAN FOR POINT WELLS WITH ADDITIONAL COMMISSION AMENDMENTS. COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro expressed his belief that the proposed language is a sound approach for the City to take to get a subarea plan and pre-annexation zoning in place. The language expresses the Commission's intention and desire for the area. The Commission has received excellent input from the staff and the public. In addition, they had a very rich conversation at their last meeting that provided solid rationale for the proposed amendments that have been crafted and brought before the Commission for consideration. Commissioner Pyle concurred.

Commissioner Piro referred to Amendment 1 and expressed his belief that it is very good to have an overall policy to introduce the intent of the proposal. The language proposed for PW-1A ties in well with the City's existing Comprehensive Plan, and he likes the fact that it relates very squarely to sustainability and the excellent work the City has already done to adopt a sustainability strategy.

**COMMISSIONER BEHRENS MOVED THE COMMISSION APPROVE AMENDMENT 1. COMMISSIONER PYLE SECONDED THE MOTION.**

Chair Wagner pointed out that the language should be changed to replace "has provided" with "provides." The remainder of the Commission concurred.

Commissioner Behrens said the proposed amendment is well written and adds substantially to the subarea plan. Commissioner Pyle added that the proposed amendment meshes well with the existing Comprehensive Plan and the City's Environmental Sustainability Strategy. It will also allow for the

efficient use of space at the site and promote the preservation of certain features that are important to the community.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 1, TO READ AS FOLLOWS:**

*“PW 1A: The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development practices, and which provides extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces.”*

**COMMISSIONER BEHRENS MOVED THE COMMISSION APPROVE AMENDMENT 2. COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Behrens said the whole idea of doing a transportation implementation plan is good, and the additional language makes the requirement even better. It provides clarity and would involve various communities and organizations in the process. A very precise traffic management plan would be required in order for the area adjacent to Point Wells to continue to function.

Commissioner Piro expressed his belief that the proposed language responds to not only the Commission’s direction to expand the study area, but is also very sensitive to public concerns. They want more than just a traffic study; they want implementation of a traffic plan. They want the end product to not only serve the Point Wells property, but the adjacent communities, as well.

Commissioner Piro said he originally thought the language should also address options for a Sound Transit light rail station connection when focusing on various modes of travel along the Corridor. However, he said he is comfortable leaving the language as it is, knowing that decisions related to light rail have not yet been worked out. The other policies include provisions to address this issue, as well.

Commissioner Behrens suggested that the last sentence be changed to include I-5. Commissioner Pyle recommended that “transit” be inserted between “vehicular” and “bicycle” in the last sentence. Commissioner Piro suggested that “investments” replace “improvements” in the last sentence and throughout the Subarea Plan.

Commissioner Piro explained that while public works and engineering staff see anything they are able to build and/or construct as being an improvement, there are necessities that members of the community might not view as improvements. He said he prefers a more neutral term such as “investment.” Mr. Tovar added that using the term “investment” would also encompass programs such as public education and information.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 2, WHICH WAS AMENDED TO READ AS FOLLOWS:**

***“PW-7: To enable appropriate traffic mitigation of future development at Point Wells, the developer should fund the preparation of a Transportation Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with the input and participation of Woodway, Edmonds, Snohomish County and WSDOT. The Study and Transportation Implementation Plan should identify, engineer, and provide schematic design and costs for intersection, roadway, walkway and other public investments needed to maintain or improve vehicular, transit, bicycle and pedestrian safety and flow on all road segments and intersections between SR 104, N. 175th Street, and I-5 with particular attention focused on Richmond Beach Drive and Richmond Beach Road.”***

The Commission agreed they would like staff to provide a graphic to illustrate this concept further. Mr. Tovar advised that the graphic could be provided at a later date.

**COMMISSIONER PYLE MOVED THE COMMISSION APPROVE SUBAREA TEXT IN AMENDMENT 3 TO READ AS FOLLOWS:**

***“A traffic and safety analysis performed by the City in the summer of 2009 evaluated the nature and magnitude of impacts likely to accrue from the development of Point Wells as an “Urban Center” under Snohomish County zoning, as well as development scenarios assuming lesser orders of magnitude. This background information provided a basis for the City to conclude that, prior to the approval of any specific development project at Point Wells, the applicant for any development permit at Point Wells should fund, and the City oversee, the preparation of a detailed Transportation Corridor Study.”***

**COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Pyle expressed his belief that the amended language reads better and is more logical. Commissioner Piro agreed that the amended language is clearer and allows for changes that might take place in the future.

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER PYLE MOVED THE COMMISSION APPROVE THE SUBAREA TEXT IN AMENDMENT 4. COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Pyle commented that the proposed amendment clarifies why the study is needed and provides more direction. Commissioner Piro recalled that Commissioner Broilli first introduced the idea that a multimodal approach needs to be deliberately articulated in the proposed language. He said he likes the additional language about addressing bicycle and pedestrian mobility, as well. The City has a real opportunity to enhance and develop improved bicycle and walking opportunities in the entire area.

Commissioner Behrens recommended that “State Route 99” should be replaced with “Interstate 5.” Mr. Cohn pointed out that Amendment 4 is intended to specifically apply to Richmond Beach Drive and Richmond Beach Road. Commissioner Behrens said he understands that they are dealing with Richmond Beach Road, but the impacts will not stop at State Route 99. If they are going to expand on

the idea of improving bicycle and pedestrian safety and mobility, the more reasonable option would be to extend the improvements all the way to Interstate 5 where transit is available.

Commissioner Piro pointed out that previous policy statements clearly define the Corridor, so there is really no need to redefine the boundaries in Proposed Amendment 4. He suggested they delete the reference to NW 205<sup>th</sup> and State Route 99, altogether.

Chair Wagner suggested the second sentence be refined to make it clear that the intent is to affect improvements. She cautioned that the City would not want to require improvements or investments along every intersection and road between Point Wells and Interstate 5. While they want the study to be comprehensive to identify where major impacts would occur and how they would be addressed, the Richmond Beach Corridor is the main focus of this particular policy statement.

Commissioner Pyle pointed out that Amendment 4 is intended to be a specific statement about the Richmond Beach Corridor, but the current proposal does not clearly define the Corridor. He suggested the Corridor be defined as "all the way from the Point Wells site to State Route 99 and the intersections in between." Commissioner Behrens pointed out that the Corridor is defined in Amendment 2, and this definition should be consistent throughout the proposed subarea plan.

Commissioner Pyle suggested the first sentence of the proposed amendment be changed to read, "The Study should include an evaluation of projected impacts on vehicular flow . . ." He agreed there is no need to include another statement that describes the Corridor. The remainder of the Commission concurred.

Commissioner Piro agreed with Chair Wagner that the second sentence of Amendment 4 is awkward. Mr. Cohn suggested the second sentence be changed to read, "The study should also evaluate expanded bicycle and pedestrian safety and mobility investments, and identify "context sensitive design" treatments for intersections, road segments, block faces, crosswalks and walkways in the study area . . ." He suggested that requiring context sensitive treatments for every intersection may be too extensive. Mr. Tovar agreed it would be appropriate to make the statement more general, as long as they recognize the amendment was intended to respond to public comments. He suggested "as appropriate" could replace "every." He emphasized that pedestrian and bicycle movement and safety are issues west of State Route 99.

Chair Wagner suggested that if the language is changed as recommended by staff, it would merely restate the policy statement. She reminded the Commission that the policy statement indicates that particular attention should be focused on Richmond Beach Drive and Richmond Beach Road. She suggested the language should make it clear that context sensitive design treatments should be identified for every intersection on the Corridor.

Commissioner Piro recommended the second sentence of Amendment 4 be changed to read, "The Study should evaluate expanded bicycle and pedestrian safety and mobility investments and identify appropriate context sensitive design treatments for intersections, road segments, block faces, crosswalks, and walkways in the study area with emphasis on Richmond Beach Road and Richmond Beach Drive."

Commissioner Pyle pointed out that the last sentence of Amendment 4 is duplicative of PW-7 and could be eliminated.

Commissioner Behrens said another option is to amend the second sentence to read, "The Study should evaluate and recommend improvements for bicycle and pedestrian safety and mobility. The remainder of the sentence could be deleted. Commissioner Piro said he would like to retain the language related to context sensitive design, since it is important that treatments are designed to fit the neighborhood.

Vice Chair Perkowski suggested that "identify" would also be a more appropriate word than "recommend." The remainder of the Commission concurred.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 4, WHICH WAS AMENDED TO READ AS FOLLOWS:**

*"The Transportation Corridor Study and Implementation Plan should include an evaluation of projected impacts on vehicular flow and levels of service at every intersection and road segment in the Corridor. The study should also evaluate and identify expanded bicycle and pedestrian safety and mobility investments and identify "context sensitive design" treatments as appropriate for intersections, road segments, block faces, crosswalks, and walkways in the study area, with emphasis on Richmond Beach Road and Richmond Beach Drive."*

**COMMISSIONER PIRO MOVED THE COMMISSION APPROVE THE SUBAREA TEXT IN AMENDMENT 5. COMMISSIONER BEHRENS SECONDED THE MOTION.**

Commissioner Piro advised that Amendment 5 is intended to provide clarification. Commissioner Behrens said the amendment language is well written and precise. It sets the ground work for the policies that come after.

Chair Wagner proposed that the last sentence be changed to replace "than current" with "that currently."

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 5, WHICH WAS AMENDED TO READ AS FOLLOWS:**

*"A Transportation Implementation Plan - a Corridor Study would be a step in the development of such a plan. The scope of the transportation plan should include a multimodal approach to mobility and accessibility to and from Point Wells, as well as detailed planning for investments and services to improve multimodal travel for adjacent communities between Point Wells and I-5. This could well include an integrated approach to accessing Point Wells, the Richmond Beach neighborhood, and Richmond Highlands with the Bus Rapid Transit system along Aurora Avenue, the I-5 Corridor itself - focusing on the interchanges at N. 205th and N. 175th, as well as the Sound Transit light rail stations serving Shoreline.*

*While the analysis of vehicle flows is appropriate as part of the study, the solutions should provide alternatives to vehicle travel to and from Point Wells - as well as more transportation choices than*

*those that currently exist today for the Richmond Beach neighborhood and adjacent communities.”*

**COMMISSIONER PYLE MOVED THE COMMISSION APPROVE AMENDMENT 6. COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Pyle observed that the changes are intended to make the language consistent with the previous paragraphs. Commissioner Piro concurred. However, he suggested that “public improvements” be changed to “public investments.”

Chair Wagner pointed out that the language in Amendment 6 is intended to apply to communities adjacent to Point Wells, so the language should be changed to make this clearer. Commissioner Piro added that the amendment is intended to apply to adjacent communities along the Corridor and not just Point Wells.

Mr. Tovar pointed out that “Study and Transportation Plan” should be changed to “Transportation Corridor Study and Implementation Plan.” The remainder of the Commission agreed that the term should be used consistently throughout the document.

Commissioner Pyle expressed his concern that PW-9 is one of the most important pieces of the subarea plan, and further discussion would be appropriate. The Commission agreed to eliminate the language in Amendment 6 related to PW-9, and then deal with PW-9 separately.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 6, WHICH WAS AMENDED TO READ AS FOLLOWS:**

***“PW-7: To enable appropriate traffic mitigation of future development at Point Wells, the developer should fund the preparation of a Transportation Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with the input and participation of Woodway, Edmonds, Snohomish County and WSDOT. The Study and Transportation Implementation Plan should identify, engineer, and provide schematic design and costs for intersection, roadway, walkway and other public improvements investments needed to maintain or improve vehicular, transit, bicycle and pedestrian safety and flow on all road segments and intersections between SR 104, and N. 175th Street, and I-5 with particular attention focused on Richmond Beach Drive and Richmond Beach Road. The Study and Transportation Plan should identify needed investments and services, including design and financing, for multimodal solutions to improving mobility and accessibility within the Richmond Beach neighborhood and adjacent communities, including but not limited to investments on Richmond Beach Drive and Richmond Beach Road.”***

***“PW-8: The needed mitigation improvements identified in the Transportation Corridor Study and Implementation Plan should be built and operational concurrent with the occupancy of the phases of development at Point Wells.” (Note: PW-9 would be dealt with separately.)***

**COMMISSIONER PIRO MOVED THE COMMISSION APPROVE THE SUBAREA TEXT PORTION OF AMENDMENT 7. (Note: PW-9 would be dealt with separately.) VICE CHAIR PERKOWSKI SECONDED THE MOTION.**

Commissioner Piro recalled that Chair Wagner previously recommended that language be amended to provide more context, and the proposed language addresses her concerns. However, he suggested the language could have also introduced the City's approach to Level of Service (LOS). He said he would share his ideas when the Commission specifically discusses PW-9.

Chair Wagner pointed out that the proposed language uses the number identified in the City's traffic study, which is the most professional opinion the Commission has on the matter. She expressed her belief that it is appropriate to reference the study and include the numbers as a baseline for which subsequent decisions would be made.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 7 TO READ AS FOLLOWS:**

*"Historically, mobility and accessibility in Richmond Beach and adjacent communities has been dominated by the single occupancy vehicle. Provision of bicycle and pedestrian facilities has been limited because retrofitting an existing road network with these facilities is an expensive undertaking. The Richmond Beach Road Corridor is served by a single Metro route and, though rail service to a station in Richmond Beach was evaluated by Sound Transit, no service is envisioned in the transit agency's adopted 20 year plan. Though improved transit, bicycle and pedestrian mobility is a long-term policy objective, the majority of trips in the area will likely continue to be by automobiles utilizing the road network. The City's traffic study completed in 2009 shows that if more than 8,250 vehicle trips a day enter the City's road network from Point Wells, it would result in a level of service "F" or worse at a number of City intersections. This would be an unacceptable impact.*

*Therefore, the City should establish a maximum daily traffic trip threshold originating from Point Wells and require preparation of a Transportation Corridor Study to identify necessary mitigations."*  
(Note: PW-9 would be dealt with separately.)

**COMMISSIONER PIRO MOVED THE COMMISSION APPROVE AMENDMENT 8. COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro commended Mr. Cohn for doing a great job of capturing the Commission's intent and finding a solution to the valid and rich issue raised by Commissioner Broili at the last meeting.

Chair Wagner observed that the first paragraph talks about working with the Town of Woodway to reduce potential impacts, and she questioned if the language should include the City of Edmonds, as well. She noted that the policy statement references both the Town of Woodway and Snohomish County. Mr. Tovar referred to a letter the City received from the City of Edmonds discussing their concerns about impacts on SR-104 as it travels through their City. At the time the language was drafted,

they had not yet received input from the City of Edmonds. He agreed it would be appropriate to name Edmonds in the proposed amendment, as well. The Commission concurred.

Commissioner Pyle noted that “years” should be added after the second “20” in the language proposed by staff.

Commissioner Behrens referred to the wording in the last sentence. Rather than connecting Woodway to Puget Sound, the goal is to connect Woodway to Point Wells via bicycle. Mr. Tovar said the language was drafted to recognize that the Woodway community would like an opportunity to access the saltwater shoreline below. He explained that City staff has been talking with the Town of Woodway for several months to identify their concerns and interests, and they indicated their desire to have access to Puget Sound. While the result would be the same either way, Commissioner Behrens once again suggested the language should talk about connecting Woodway and Point Wells.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 8, WHICH WAS AMENDED TO READ AS FOLLOWS:**

*“Subarea Text: The City should work with the Town of Woodway and Edmonds to identify ways in which potential future development in the lowland portion of Point Wells could be configured or mitigated to reduce potential impacts on Woodway. There is no practical primary vehicular access to the lowland part of Point Wells other than via Richmond Beach Road. However, the City should work with property owners and Woodway to provide a bicycle and pedestrian route between Woodway and Point Wells.*

*The Growth Management Act states that cities, rather than county governments, are the preferred providers of urban governmental services. Because urban governmental services and facilities in Shoreline are much closer to Point Wells than are similar services and facilities located in Snohomish County, it is most efficient for the City to provide those services.*

*Working with its public safety partners, Shoreline Fire Department and Shoreline Police Department, the City should invite Snohomish County to discuss an interlocal agreement to address the timing and methods to transition local governmental responsibilities for Point Wells from the County to the City. Included in these discussions should be responsibilities for permitting and inspection of future development at Point Wells, and possible sharing of permitting or other local government revenues to provide an orderly transition.*

*PW-10: The City should work with both the Town of Woodway, Edmonds and Snohomish County toward adoption of interlocal agreements to address the issues of land use, construction management of, urban service delivery to, and local governance of Point Wells.*

*New text for Subarea Plan (directly under “A Future Vision for Point Wells”): The Subarea Plan, intended to be a 20-year plan document, envisions a Point Wells development that could take longer than 20 years to become fully realized. Because of the time horizon of the plan and future development, the City, in its decision-making, should consider the long-term costs of near-term actions and make choices that reflect a long-term perspective.”*

**VICE CHAIR PERKOWSKI MOVED THE COMMISSION APPROVE AMENDMENT 9. COMMISSIONER PIRO SECONDED THE MOTION.**

Vice Chair Perkowski reviewed that the proposed amendment is intended to provide more description about what is meant by “environmentally sustainable.” He said that while the Commission has had a lot of discussion about transportation impacts, they have not had an extensive discussion regarding environmental impacts. He observed that there is plenty of science to support the idea that one of the biggest problems with Puget Sound is the interruption of natural processes, particularly in the sensitive environments. There is also evidence about the destruction of habitat that is caused by bulkheads and hardened shoreline armory. The proposed language would be consistent with the City’s goal to be environmentally sustainable and have low impact. However, he suggested the language be amended to prohibit additional over-water structures and new bulkheads. He said there is scientific evidence about the negative impacts of these structures in the near shore environment.

Commissioner Piro agreed that the proposed amendment adds value and clarity, once again bringing in principles that have been developed in other City planning documents such as the Environmental Sustainability Strategy. Given the location of Point Wells, sustainability should be addressed as part of the subarea plan.

Commissioner Piro suggested the language in Amendment 9 be divided into two separate policies. One policy could talk more broadly about sustainability and the vision, and the second policy could talk specifically about the aquatic and shoreline issues. The remainder of the Commission concurred.

Vice Chair Perkowski suggested that “restoration of” be changed to “uses and development of and near.” Chair Wagner asked if the language is intended to include restoration activities, as well. Vice Chair Perkowski answered affirmatively.

Commissioner Pyle suggested the last sentence be changed to require that existing bulkheads be removed and replaced with alternative, more natural stabilization techniques. Vice Chair Perkowski said he likes the idea of removing existing bulkheads, but there may be situations where removal would not be feasible or appropriate.

Mr. Tovar reminded the Commission that a Shoreline Master Program amendment would come before them in 2010, and they will review each of these issues in great detail. He suggested the policy statement should remain general, merely indicating concern about environmental issues. He emphasized that the subarea plan and pre-annexation zoning will not be the only regulations that govern what happens with the bulkheads. The Shoreline Master Program would determine whether or not it is appropriate to remove a bulkhead and how it should be removed to minimize contamination.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 9, MAKING IT TWO SEPARATE POLICIES, TO READ AS FOLLOWS:**

***“PW-1A: The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development***

*practices, and which has provided extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces.*

*PW-1B: Use and development of and near the Puget Sound shoreline and aquatic lands at Point Wells should be carefully designed and implemented to minimize impacts and achieve long-term sustainable systems. New bulkheads or over-water structures should not be permitted and the detrimental effects of existing bulkheads should be reduced through removal of bulkheads or alternative, more natural stabilization techniques.”*

**COMMISSIONER PIRO MOVED THE COMMISSION APPROVE NEW TEXT FOR POLICY PW-9 TO READ AS FOLLOWS:**

*“The City should address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Management Plan. Maximum daily traffic on Richmond Beach Drive from Point Wells should maintain a Level of Service (LOS) of C or better, in a manner that reduces existing single-occupancy vehicle trips in the Richmond Beach Road Corridor.”*

**COMMISSIONER PYLE SECONDED THE MOTION**

Commissioner Piro expressed his belief that the way the language was crafted with numeric targets satisfies some very solid work that staff has done to articulate something that avoids the worst case scenario. However, it also sounds like the City is settling for something that is a step above worst case scenario. Instead, they should talk about a whole system of movement and mobility into and out of the area that really seeks solutions that not only benefits the Point Wells development but the entire community. He said he would like to avoid the dramatic and seemingly overwhelming numbers. He suggested the City consider other options for developing transportation facilities and improving mobility in this area. If the development would introduce 825 additional peak hour trips, something else needs to happen to take 825 of the current trips off the streets so there would be no net gain. He said he envisions opportunities to pair a light rail station at 185<sup>th</sup> with a neighborhood hub transit station at Richmond Beach. He summarized that the City needs to look at a solution that serves the existing communities, as well as the residents of the new development at Point Wells. It is important to offer the entire community better options for transit and other non-motorized transportation.

Commissioner Pyle said he likes the language proposed by Commissioner Piro because it relies more on the actual LOS. They should keep in mind that the subarea plan is intended to be a 20-year plan, and the numbers identified in the Transportation Study may not be viable in the next 20 years. Relying on LOS would be more consistent with the modeling at the time a proposal goes forward.

Chair Wagner pointed out that the traffic study identifies that some intersections are anticipated to have an LOS that is less than Level C by 2025, even without the additional traffic from Point Wells. Commissioner Piro said he would be open to changing the LOS he identified in his proposed language. He said he does not believe it is unrealistic to maintain a Level C or D on the Corridor while taking on additional development. He said the proposed language helps communicate the City’s vision if the

property is not annexed to the City and becomes an urban center as part of Snohomish County. He said he knows of no urban center in the region that is not expected to maintain LOS and move towards a mixed mode of travel with a transit component.

Commissioner Behrens observed that the transportation matrix is what makes redevelopment of Point Wells so difficult. Absent the transportation issues, everyone would love for Point Wells to be redeveloped. He suggested the City should strive to create policy language that minimizes private vehicle transit. The Transportation Corridor and Implementation Study should not assume there would be 8,250 trips per day. Instead, it should assume the minimum possible impact to the community, and it should be the developer's responsibility to design a project that accomplishes that goal. He summarized that a plan that allows 8,250 cars to drive a mile to meet a major transit station would be better than allowing 8,250 cars to travel 15 miles through streets and neighborhoods. He said they should talk about LOS and its impact on the community and not the number of vehicle trips.

Chair Wagner referred to the concept of "casual carpool" which is utilized in San Francisco and Washington, D.C. Encouraging casual carpools could be an opportunity to move traffic through the City faster. Commissioner Piro encouraged the Commission to think beyond private vehicles. There are rich opportunities associated with connecting the neighborhood hub that already exists at Richmond Beach to the proposed Sound Transit light rail station and the emerging Town Center at 185<sup>th</sup> and Aurora Avenue North.

Chair Wagner suggested that instead of requiring that maximum daily traffic on Richmond Beach Road from Point Wells should maintain an LOS of C or better, they could incorporate language that would not allow the LOS to drop more than one level. Commissioner Piro reminded the Commission that the Transportation Master Plan Update would provide new direction related to LOS.

Mr. Tovar suggested that perhaps it would be appropriate to use both standards. He noted that staff's proposed language indicates that traffic shall not exceed 8,250 trips per day, but it does not say that traffic would be allowed to reach that point. He pointed out that given the existing LOS, an additional 8,250 trips per day would create too much failure. Perhaps the policy could be amended to not exceed 8,250 trips per day or whatever LOS is adopted for the Corridor as part of the City's Transportation Master Plan Update, which will be completed in 2010. The Commission agreed a combination of the two standards would be appropriate. However, Commissioner Piro expressed his desire for the language to be more aspirational.

Commissioner Pyle expressed his belief that there is some benefit associated with using a fixed numbers to limit what can happen. However, if the City desires to assume a form-based code that is more reliant on the design of the site and less concerned about what is inside the buildings, the Commission should keep in mind that using fixed numbers is a reverse way of implementing a density cap. Mr. Tovar reminded the Commission that most of the public concerns were related to traffic impacts. The proposed language would identify a benchmark and then let the applicant figure out how to make it work. He said he is not sure the property could be developed to a density that would reach the maximum 8,250 vehicle trips per day given the other code requirements that would also apply.

Commissioner Pyle pointed out that a fixed number would be non-negotiable. Using an LOS standard would allow a developer to redesign the entire transportation Corridor, with the City's participation, and fund the entire rebuild of the Corridor to get more density. The drop in LOS could be mitigated by improving the infrastructure to raise the LOS. Mr. Tovar summarized that if intersections are rebuilt to improve their functionality, they will have a greater capacity to accommodate traffic before the LOS drops. Chair Wagner agreed this would address potential problems at intersections, but not all the other real or perceived impacts related to traffic flow.

Commissioner Behrens pointed out that Snohomish County experienced a similar situation at 164<sup>th</sup> Street where a huge number of apartment complexes were being built along the Corridor, creating traffic congestion. Instead of a building moratorium, the developers agreed to contribute a certain amount of money for each new unit that was built to fund transit. This would allow them to offset the additional number of people by building up the transit Corridor. He suggested the City do something similar as part of their Transportation Corridor Study and Implementation Plan. The City could require the developer to come up with a system that moves people without using cars.

Commissioner Piro suggested another option would be to have the developer build the Sounder Station along the commuter rail lines. The introduction of additional transit options (commuter rail, bus transit connecting to State Route 99 or Link Light Rail) could result in no additional trips on Shoreline streets. While the Point Wells development could introduce 800 new trips onto Shoreline streets, 800 existing trips could be removed by the addition of these new transit options, resulting in no net gain. He said he appreciates the value of including absolute numbers, but it should be clear that the City is not willing to reach a failure situation. They must maintain an acceptable LOS that meets established public policy and the mobility goals of the City. Any development at Point Wells should be required to make a contribution.

Commissioner Pyle suggested the following language: "The maximum daily traffic the City should permit on Richmond Beach Drive from the Point Wells development should not exceed 8,250 vehicle trips per day or a maximum peak hour rate of 825 and shall not reduce the LOS below the existing documented standard at the point of complete application." This language would establish 8,250 as a tangible cap on traffic, and they would not be allowed to reduce the LOS below the existing standard. The developer would not be penalized for the fact that the City already has a failing system, but they would not be allowed to make it worse.

Mr. Tovar reminded the Commission that if the property is developed as part of Snohomish County, the County has indicated they would rely on the City of Shoreline to identify the necessary traffic improvements to mitigate the impacts. They would rely on the City's analysis of the existing transportation system.

Commissioner Piro summarized that PW-9 could be amended to incorporate the first sentence in the language proposed by staff and an additional sentence to read, "These opportunities should be pursued in a manner that reduces existing single-occupancy vehicle trips in the Richmond Beach Road Corridor."

Again, Commissioner Pyle expressed his belief that the property owner should not be penalized if the City's system is already failing. At the same time, they should not penalize existing property owners who live near the project by allowing the new development to cause the system to fail.

Chair Wagner said she understands the concept of not allowing a developer to further degrade the LOS, but requiring them to raise the LOS if it is already below the City's adopted standard might not be appropriate. Commissioner Piro pointed out that although LOS for single-occupancy vehicles may be poor, the Corridor could be designed to allow buses through. As long as the people-moving capacity is functioning well, the LOS would remain at an acceptable level. He said he anticipates the updated Transportation Master Plan would address LOS more comprehensively, including opportunities for improved transit service.

Again, Chair Wagner expressed concern that the proposed language would require a developer to improve the LOS if it is already below the City's adopted LOS. Mr. Cohn explained that if the developer were to mitigate by providing bus service, etc., the LOS would remain the same. Chair Wagner pointed out that a developer may not be able to sufficiently mitigate to bring the LOS up to the City's adopted standard.

Commissioner Piro said there is an adequate facility expectation already in State Law through the concurrency provisions, which requires cities to have adequate facilities and services in place to serve development. The notion is that these services and facilities must be in place by the time the development is occupied or they are part of an anticipated capital improvement program within the next six years. He suggested that the proposed language would be consistent with what is already codified in State Law. If there are situations where the facilities and services are inadequate, a developer would be obligated to address the situation. Commissioner Pyle asked if the City also has an obligation to meet its adopted LOS. Mr. Tovar answered that the Growth Management Act prohibits the City from issuing a permit if a project would drop the LOS below the City's adopted standard. While this provision works well for properties within the City, the Point Wells property is not located in Shoreline. If the property is redeveloped under Snohomish County, the City would not have the ability to deny a permit even if the project would drop traffic functionality at intersections to below the City's adopted LOS.

Commissioner Pyle inquired if the City could adopt an LOS standard that is above what currently exists without a capital improvement project that would allow them to reach the new standard. Mr. Tovar explained that local governments have the authority to figure out where they want to draw the line, but they cannot issue permits for projects that will drop them below the adopted threshold. In these situations, an intersection must either be improved or the City must lower its standard.

Commissioner Piro pointed out that the currently proposed language would give the City some leverage to negotiate the future LOS. And the LOS standard would be specifically addressed as part of the Transportation Master Plan. The Commission emphasized that the proposed language would require a developer to meet the LOS and the maximum vehicle trips per day requirements. It would also stay current with the LOS standard that is in place at the time of application. They agreed the language should be divided into two separate policies.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 9, MAKING IT TWO SEPARATE POLICIES TO READ AS FOLLOWS:**

*“PW-9A: The City should address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Management Plan. These opportunities should be pursued in a manner that reduces existing single occupancy vehicle trips in the Corridor.*

*PW-9B: The maximum daily traffic that the City should permit emanating from Point Wells may not exceed 8,250 vehicle trips per day, nor reduce the City’s adopted level of service standards for the Corridor at the time of application for development permits at Point Wells.”*

Commissioner Pyle suggested that PW-6 should not allow trees and vegetation to be cut to protect a view corridor. Commissioner Piro suggested the term “public view” would make the policy more clear. He also questioned if “view shed” instead of “view corridor” would help distinguish this policy from other situations that include the word “view.” Mr. Tovar pointed out that Zoning Amendment 5 would replace “view corridors” with “public view corridors.” He noted there is only one view corridor identified on the proposed zoning map. He explained that the proposed pre-annexation zoning makes it clear that PW-6 applies to buildings and not trees and other vegetation.

Chair Wagner referred to Mr. Phisuthikul’s comment about PW-6 and how the view corridor was measured. Mr. Tovar advised that this issue is clarified in the pre-annexation zoning. She also referred to Mr. Phisuthikul’s recommendation that PW-4 be amended to change “six stories” to “65 feet.” She noted the Commission previously discussed this issue and agreed that the appropriate term was “65 feet.”

**COMMISSIONER PYLE MOVED THE COMMISSION SWITCH THE ORDER OF PW-5 AND PW-6. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**THE COMMISSION VOTED UNANIMOUSLY TO APPROVE THE MAIN MOTION TO RECOMMEND ADOPTION OF THE PROPOSED SUBAREA PLAN FOR POINT WELLS AS AMENDED BY THE PREVIOUS MOTIONS.**

**Staff Overview and Presentation of Preliminary Staff Recommendation and Questions from the Commission Regarding Proposed Point Wells Pre-Annexation Zoning Text and Map**

Mr. Tovar reviewed the potential amendments to the Point Wells Pre-Annexation Zoning as follows:

- **Amendment 2.** Mr. Tovar said Vice Chair Perkowski and others raised the issue of whether there should be a requirement for site plan approval. The proposed amendment would require that any application for site plan approval must be processed as a Type C Permit. That means the Planning Commission would conduct a public hearing and make a recommendation to the City Council. The amendment would also state that no building, grading, or other development permits would be issued

until the City has first given site plan approval and an administrative design review permit is processed and approved by the Planning Commission or the Planning Director.

- **Amendment 3.** Mr. Tovar said Vice Chair Perkowski cautioned that the language should not just address land that is landward 200 feet, but also aquatic lands.
- **Amendment 4.** Mr. Tovar said a few of the Commissioners expressed concern that not all of the things on the list of mandated items that must be included in a restoration plan would be practical or appropriate. The original language was mandatory and prescriptive, and the amended language is more flexible to identify items that should be addressed. A feasibility assessment could be done to identify those that are practical, and a final judgment could be made at the time of permit evaluation.
- **Amendment 5.** Mr. Tovar advised that this amendment would replace all references to “view corridors” with “public view corridors.”
- **Amendment 6.** Mr. Tovar said Commissioners previously made the point that the City does not want to require that all fill be removed, just contaminated fill. The amendment would add the word “contaminated” before “fill.”
- **Amendment 7.** Mr. Tovar advised that the proposed amendment would provide more clarification about the requirements for the portions of buildings that are higher than 65 feet. The portions of the buildings that are lower than 65 feet could be closer than 100 feet, but the portions that are greater than 65 feet must be at least 100 feet away from each other. He noted that a drawing would be incorporated into the document to illustrate the intent.
- **Amendment 8.** Mr. Tovar said this amendment would delete the earlier language that talked about managing the stormwater. This would not be applicable since stormwater would be managed via direct flow because the property is located next to the Sound.
- **Amendment 9.** Mr. Tovar advised that Amendment 9 would include a new map to illustrate how the view corridor was measured.
- **Amendment 1.** Mr. Tovar recalled that the question was previously asked about whether a property owner should be allowed to break the property up and have several different developments at Point Wells as opposed to one large master plan. The proposed amendment was intended to create an incentive for the developer to keep the property together by establishing a minimum acreage requirement. Any development in PLA 1A and PLA 1B would be subject to review of a comprehensive site plan for the entire property held in common ownership. The amendment is intended to make the point that just because PLA 1A and PLA 1B are zoned differently does not mean they should be developed separately. The site plan must be applied to all properties that are owned in common. Commissioner Pyle suggested that perhaps a developer could be allowed to divide the property into smaller pieces through a binding site plan process.

**Public Testimony on Revisions to Proposal Regarding Proposed Point Wells Pre-Annexation Zoning Text and Map**

Michael Strand, Shoreline, said he feels this is the City's one chance to keep Shoreline from becoming severely degraded by moving away from annexation. If the property is annexed, all of the problems will become Shoreline's issues to solve. He suggested the City rid themselves of the problem and isolate the problem in Snohomish County, which is where the project is located. It should be Snohomish County's responsibility to convince the residents of Woodway to support the project. The City should maintain the historic level of traffic on the Corridor rather than allowing access through Shoreline to Point Wells. The problems that have been discussed by the Commission would be non-existent. On the other hand, if the property is annexed to Shoreline, the City would be stuck with mitigating all the problems. He suggested the Planning Commission is more concerned about the people of Woodway and Snohomish County than they are about the problems the residents of Shoreline would have to deal with. He noted that about 200 cars pass his property each day, and the proposal would allow up to 8,250 additional cars. This would be a significant impact.

Commissioner Pyle said the Commission has considered the potential impacts associated with redevelopment at Point Wells. He explained it is not the Commission's intent to mount an effort to repel the development and/or annexation. Instead, they are working to put in place proper policy and planning standards that could be applied to future redevelopment at Point Wells rather than waiting for the court to mandate a settlement agreement.

Commissioner Behrens explained that if the City does nothing and Snohomish County decides to allow the development to occur at whatever level they feel is appropriate, the City would have no ability to control the situation, and the impacts could be significantly greater than those associated with Shoreline's proposed subarea plan and pre-annexation zoning. It is important that the City retain at least some control over future redevelopment of the property. He pointed out that Snohomish County has allowed development to occur outside of a city in unincorporated Snohomish County, and eventually the residents of the new development petition for annexation. The cities are required to provide services to the new developments, yet they have very little control over its impacts. The same would be the case with Point Wells. Services for the site would come from Shoreline, and it is important to create a way for the City to control the impacts as much as possible.

Commissioner Behrens emphasized that it would not be legally possible for the City to close the access to Point Wells. Mr. Strand agreed that the access could not be closed. However, the City is not required to provide access over and above the current level. He disagreed with the City's defacto assumption that all access must come through Richmond Beach. He recommended the City oppose the additional access since it would require them to accept responsibility for all of the consequences. The proposed development would end up destroying neighborhoods.

**Commission Deliberations Regarding Proposed Point Wells Pre-Annexation Zoning and Vote by Commission to Recommend Approval or Denial or Modification**

**COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND ADOPTION OF THE PROPOSED PRE-ANNEXATION ZONING WITH ADDITIONAL COMMISSIONER AMENDMENTS. COMMISSIONER PYLE SECONDED THE MOTION.**

**COMMISSIONER PIRO MOVED THE COMMISSION APPROVE AMENDMENTS 2 THROUGH 9. COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro said a lot of good thinking went into the proposed amendments, both from Commission input and public comments. The proposed amendments would further improve the product. Commissioner Pyle concurred.

Commissioner Pyle recommended that Amendment 8 should be modified further. He said he believes that stormwater treatment should be required, but flow control would not be necessary. The remainder of the Commission concurred.

Vice Chair Perkowski recommended that the "Permitted and Prohibited Uses" language should be applied to the landward properties, but not the aquatic lands. This will require a definition or distinction between the two. Mr. Tovar suggested this issue would be better addressed as part of the Shoreline Master Program Update. He reminded the Commission that the Department of Ecology is very possessive of regulations within the Shoreline Management Act's jurisdiction, especially on the waterward side of the ordinary high-water line. Therefore, he cautioned against doing Shoreline Master Program work via the zoning code. Vice Chair Perkowski said Mr. Tovar's concerns would not prevent an amendment to Section 20.92.030 to make sure the language does include aquatic lands.

Commissioner Pyle inquired if the Shoreline Master Program Update would include a stand-alone use section. Mr. Tovar answered affirmatively. Vice Chair Perkowski said he still believes it would be a good idea to make it clear that the city would not support all of the listed uses in the aquatic lands. Mr. Tovar noted that zoning in the aquatic areas would be preempted by the Shoreline Master Program. Vice Chair Perkowski said he would like the language to be extremely limited as to what would be allowed in aquatic lands. As proposed, the language would apply to aquatic lands, which he cannot support. Mr. Tovar suggested that language could be provided to make it clear that any uses or developments that are otherwise prohibited by Chapter 90.50 would not be enabled or approved by this chapter of the zoning code. He clarified that the City's updated Shoreline Master Program would not apply to the Point Wells property unless and until it is annexed into the City.

The Commission discussed various options for incorporating language that would make it clear that none of the provisions of the chapter would be effective within the jurisdiction of the Shoreline Master Program if they are contrary to the provisions of Chapter 90.58 (Shoreline Master Program). Mr. Tovar suggested that this new language could be added in a new Section 20.92.015 – Relation to the Shoreline Management Act. Vice Chair Perkowski said that in addition to a new Section 20.92.015, he would also like to amend Section 20.92.030 so it does not include aquatic lands. The Commission concluded that the issue should be addressed by adding additional language after "Planned Area 1" in Section 20.92.030 to read, "except none of the provisions of this chapter refer in aquatic lands." In addition, language

should be added to the Purpose and Scope section to read, "Nothing in this chapter shall be contrary to or inconsistent with the provisions of 90.58."

Chair Wagner referred to Amendment 4 and suggested that "feasible" would be a better word than "practical." The remainder of the Commission concurred.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENTS 2 THROUGH 9, WITH THE FOLLOWING CHANGES:**

- *Amendment #8 – "retrofitting of existing impervious surfaces to include stormwater treatment and flow control."*
- *Section 20.92.030 – "All uses provided for under SMC 20.40.120-.140 (including unlisted uses under SMC 20.40.570) are permitted outright in Planned Area 1, except none of these provisions refer to aquatic lands. The following uses are prohibited in Planned Area 1 and its associated aquatic lands:"*
- *Section 20.92.010 – Add language to Purpose and Scope: "Nothing in this chapter shall be contrary to or inconsistent with the provisions of 90.58."*
- *Amendment #4 – feasible practical (last sentence)*

**COMMISSIONER PYLE MOVED THE COMMISSION APPROVE THE AMENDED VERSION OF AMENDMENT 1. COMMISSIONER PIRO SECONDED THE MOTION.**

Mr. Tovar recalled that the proposed acreage numbers must be modified if the boundary line is changed. He suggested the Commission direct the staff to update the minimum acreage numbers for Areas 1A, 1B and 1C based on the new boundaries. He noted that the minimum acreage requirement for Areas 1A and 1B would be equal to the total square footage of each area. He summarized that the purpose of having a minimum acreage requirement is to minimize the number of lots.

Commissioner Pyle suggested the Commission direct staff to modify the acreage by recalculating the total size of each of area based on the revised boundaries. The remainder of the Commission agreed that would be appropriate. Mr. Tovar clarified that the minimum acreage for each zone would be based on the entire area of the zone.

Commissioner Pyle clarified it is not the intent of this section to limit the future condominiumization or sale of an individual building, as long as the property is developed all at one time under one site plan. Mr. Tovar said the goal is to require that the property be designed and developed as a common site plan. While the proposed language would require a single owner to develop the property at the same time under a common site plan, the City cannot compel two different owners to have a common site plan. He cautioned that the City should avoid situations where the property is broken into separate subdivided parcels, and the proposed language would not prevent a developer from condominiumizing the development. Commissioner Pyle asked if the proposed language would prohibit a developer from dividing and selling a portion of property after the development is build out. Mr. Tovar answered no.

**THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF A NEW SECTION 20.92.035 MINIMUM LOT SIZE AND SITE PLAN REVIEW WITH**

**ACREAGE TO BE DETERMINED BY RECALCULATING AREAS IN 1A, 1B AND 1C BASED ON REVISED BOUNDARIES.**

**COMMISSIONER PYLE MOVED THE COMMISSION RECOMMEND APPROVAL OF THE REVISED PROPOSED ZONING MAP WITH THE ADJUSTED BOUNDARY BETWEEN PLA 1A AND PLA 1B. COMMISSIONER BEHRENS SECONDED THE MOTION.**

Commissioner Pyle expressed his belief that the adjusted boundaries make sense given the view corridor and the proposal for different heights and development scenarios in the three areas. Chair Wagner added that the adjusted boundaries would enhance the developer's ability to have more space for parks, which is one of the zoning requirements.

**THE MOTION CARRIED UNANIMOUSLY.**

**THE COMMISSION VOTED UNANIMOUSLY TO APPROVE THE MAIN MOTION TO RECOMMEND ADOPTION OF THE PROPOSED PRE-ANNEXATION ZONING FOR POINT WELLS AS AMENDED BY THE PREVIOUS MOTIONS.**

Commissioner Behrens recalled his previous recommendation that the City come up with some way to address unforeseen costs associated with road improvements. They talked about perhaps putting money in a reserve fund to cover unforeseen costs. Mr. Tovar said the City has never used this type of approach with prior projects. Their current process is to utilize existing information to forecast the needs, demands and impacts, and then assess improvement requirements. Programs such as transportation demand management could be required as permit conditions, and some adjustments to these programs could be made over time as conditions change. However, ongoing monitoring would be required in order for this type of program to be successful. Commissioner Behrens pointed out that the potential impacts depend upon the uses that are developed on the site. The Commission agreed to place this item on their "Parking Lot" agenda to discuss at a later date.

**Closure of Public Hearing**

Mr. Tovar reminded the Commission that, in the future, they should close the public hearing just prior to taking final action on an item.

The public hearing on the Point Wells Subarea Plan and Pre-Annexation Zoning was closed.

**DIRECTOR'S REPORT**

Mr. Tovar had no items to report.

**UNFINISHED BUSINESS**

There was no unfinished business scheduled on the agenda.

**NEW BUSINESS**

No new business was scheduled on the agenda.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

None of the Commissioners provided reports during this portion of the meeting.

**AGENDA FOR NEXT MEETING**

Mr. Cohn said the January 7<sup>th</sup> agenda would include a discussion about the proposed composition change for the Planning Commission, as well as their 2010 Work Program. They would also discuss the Town Center Subarea Plan.

**ADJOURNMENT**

The meeting was adjourned at 11:13 P.M.

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Michelle Linders Wagner  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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