

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Point Wells Update
DEPARTMENT:	CMO / Planning and Community Development / Public Works/City Attorney
PRESENTED BY:	Joe Tovar, Planning and Community Development Director Mark Relph, Public Works Director Ian Sievers, City Attorney Scott MacColl, Intergovernmental Relations Manager

PROBLEM/ISSUE STATEMENT:

The City has been concerned about the impacts of the proposed development at Point Wells since the development was announced in 2007. The City has been actively voicing concerns to Snohomish County, the Growth Management Hearings Board, the Legislature, and the developer since that time (See Attachment A – Synopsis of City Actions 2007 to Present).

The City's main concerns are to ensure protection from the project's impacts on Shoreline's quality of life, including the City's road network, parks, and impacts to police and fire services. This includes not only determining the appropriate project mitigation, but also ensuring that the long term impacts on our roads and City services are not borne by current taxpayers in Shoreline.

As the property is in Snohomish County, the decisions regarding the project permit application submitted by BSRE, including size, scale, scope, impacts, and mitigation, are made by Snohomish County. Due to the project having only one road in and out of the project through Shoreline, the City will assume virtually all the impacts of a very large development at Point Wells.

Unfortunately, state laws do not allow the City to veto the project actions by Snohomish County. Under existing Snohomish County rules, the City can raise concerns and make suggestions regarding the project at specific points in Snohomish County's review process for BSRE's development permit; however, the City has no jurisdiction or authority in decision making. Staff is, and continues to be, concerned that limiting the City's future actions to Snohomish County's SEPA and permit review process will continue to prove inadequate. That said, the City's expectation set forth in its Point Wells Subarea Plan is that there will be a development at Point Wells.

Staff has identified three main avenues to pursue to protect the City's interests:

- Option 1 – Utilize the legal system to fight the project;
- Option 2 – Work through the project review process within Snohomish County; or
- Option 3 – Negotiate an agreement directly with the developer.

Since 2007 the City has utilized Option 1 above – we appealed and fought the Urban Center designation. While we have had some success with the Growth Management Hearings Board appeal, staff believes that negotiation is an approach with greater known certainty that will result in protecting our roads, parks and other services from project impacts. After discussions with the City Council, in executive session this past summer, the Council directed staff to explore with the developer the possibility of an agreement. This resulted in the City Manager releasing a Letter of Intent (LOI) stating the City's intent to negotiate an agreement to protect the City from project impacts (See Attachment B – City of Shoreline Letter of Intent to BSRE).

At Council's direction City staff held a Point Wells Community Meeting on Wednesday, August 31st to update the public on the process, explain the choices moving forward, and explain the principles embodied in the LOI. The meeting was intended to begin a public process aimed at hearing directly from the community about these alternative paths forward and the principles in the LOI. There were several common themes from the meeting that staff will discuss at this evening's meeting. Due to the volume of comments and questions raised at the meeting, staff has not yet completed the responses as of the writing of this staff report. As soon as this is complete, we will post the information on the City's Point Wells webpage.

RECOMMENDATION

No action is required. This is an opportunity for Council to review community input on impacts from the Point Wells development that should be addressed by the City.

Approved By:

City Manager  City Attorney 

INTRODUCTION

In 2007 the owners of the Point Wells property, BSRE Pt Wells, LP (BSRE), proposed a large scale redevelopment on the Point Wells site. The City raised numerous concerns about the impacts of the proposed development at Point Wells and since 2007 has actively voiced those concerns to Snohomish County, the Growth Management Hearings Board, the Legislature, and the developer.

In February 2011 BSRE submitted a permit application to Snohomish County to redevelop the property under Snohomish County's Urban Center zoning, which allows up to 3,500 units. In early April, Snohomish County accepted the completed application which started a 45-day window for the developer to work out an agreement with Snohomish County, Shoreline and Woodway to address impacts and concerns. If no agreement is reached, then the process reverts to the standard Snohomish County process where the City has no decision making authority.

Staff has been discussing the potential agreement since that time with BSRE and Woodway. Staff developed a draft list of conditions designed to protect the City from the impacts of the project, which were included in a Letter of Intent (LOI) that was sent to BSRE on August 24th. The LOI is an important step for Shoreline to identify our interests in working toward that agreement.

What are the City's Concerns regarding the Point Wells Project?

The City's main concerns are to ensure protection from the project's impacts on Shoreline's quality of life, including the City's road network, parks, and impacts to other services funded by City taxpayers, including police and fire protection. This includes not only determining the appropriate project mitigation, but also ensuring that the long-term impacts on our roads and city services from the development are not solely borne by current Shoreline taxpayers.

Staff is, and continues to be, concerned that limiting the City's future actions to Snohomish County's SEPA and permit review process will continue to prove inadequate.

What's the Problem Facing the City?

The Point Wells property is located in Snohomish County, and the only way in and out is a narrow two-lane road through Shoreline. As such, Shoreline will bear the majority of the project impacts, whereas Snohomish County will bear virtually no impacts. However, the decisions regarding the project, including size, scale, scope, impacts, and mitigation, are made under state law not by the City but solely by Snohomish County.

Unfortunately, state laws do not allow the City to veto the project actions by Snohomish County or close Richmond Beach Drive. The City's Comprehensive Plan establishes the expectation, set forth in its Point Wells Subarea Plan, that there will be a development at Point Wells. While the City's Subarea Plan does contemplate a mixed use project, environmental cleanup, and public access to the Puget Sound shoreline, it also specifically calls for limiting traffic impacts and preparation of a Transportation

Corridor Study to identify needed mitigation – to be paid for by the developer. With that policy direction, and periodic direction from the City Council, City staff have been working to protect the City to the extent possible.

Under existing Snohomish County rules, the City can raise concerns and make suggestions regarding the project at specific points in Snohomish County's review process for BSRE's development permit; however, the City has no jurisdiction or authority in decision making.

Since Snohomish County accepted the permit application from BSRE in April as completed, the clock on the Snohomish County process started ticking. Part of the Snohomish County process requires BSRE to try and reach agreement about project impacts with affected communities – in this case, Shoreline and Woodway – within 45 days. Absent that agreement, the standard development process commences in which Snohomish County makes all decisions regarding the project.

The City is faced with either determining a strategy for the agreement process that will provide the most protection for the City and our quality of life for the long term, or rely on another jurisdiction to make that decision.

What is the City doing about the Problem?

The City has actively fought to protect our citizens from the beginning of the proposed project, starting back in 2007. Since that time there have been multiple comment letters, appeals, and an appeal for a legislative fix (see Attachment A – Synopsis of Events Regarding Point Wells from 2007 to Present).

The City commented on both Snohomish County's Comprehensive Plan amendment process and the zoning designation process that created the Point Wells Urban Center. The City followed up those comments with appeals to the Growth Hearings Board – in which the City was successful.

The City, through Representatives Ruth Kagi and Cindy Ryu, pursued HB 1265 to require Snohomish County to enter into an interlocal agreement with Shoreline prior to issuing permits for Point Wells to ensure that the City had a role in decision-making. While some legislators were sympathetic, the legislation ultimately died in the Senate. The legislators asked the parties to work out their differences through an agreement.

The success of the Growth Management Hearings Board Appeal was limited. While the Board ruled that the policy document (Snohomish County's Comprehensive Plan designation of Point Wells as an Urban Center) was invalid, the Board did not invalidate the urban center zoning code, which provides the legal basis for the permit. Therefore, Snohomish County is continuing to process BSRE's permit application.

The Board's decision found noncompliance with goals of the Growth Management Act and the State Environmental Policy Act (SEPA). Errors in the SEPA review process will not be difficult to cure. Citizens continue to claim that Point Wells is 'not an Urban Center' but this designation is not a violation of state law per se, but only an impermissible conflict with definitions in Snohomish County laws which can readily be

amended for consistency or a different land use adopted altogether. The remedy available to the Board is remand, and by next spring corrections can be made with a resulting land use for Point Wells that is not substantially different than an Urban Center in terms of impacts.

So, despite the successful appeals and raised profile of the project, the project remains moving forward and Shoreline must act to protect the City's interests.

What are the Options to Protect the City from Project Impacts?

Staff has identified three main avenues to pursue to protect the City's interests:

Option 1 – Utilize the legal system to fight the project;

Option 2 – Work through the project review process within Snohomish County; or

Option 3 – Negotiate an agreement directly with the developer.

Option 1 - Utilize legal system:

As noted above, while the City has been successful in appealing to the court system, that has not lead to success in halting the project. The City could litigate to attempt to overturn the vested Point Wells development permit. At the Community Forum on August 31st, the community group Save Richmond Beach announced that it intends to do exactly that, in conjunction with the Town of Woodway. That litigation will proceed with or without the City's participation. Under this scenario, the final decision would be made by the Courts, and in staff's assessment, it is unlikely that many of the City's concerns would be adequately addressed.

Option 2 – Work through the project review process with Snohomish County:

The City will be very involved in working through the project review process regardless of the other choices. However, if this were the only path chosen, the City would be relying on Snohomish County to decide on what mitigation is necessary, how many trips are appropriate on our roads, and what other services are impacted. Given the City's earlier appeals of Snohomish County actions regarding Point Wells where the City challenged the environmental impact studies (traffic in particular - and won), staff are concerned that the Snohomish County project review process will not adequately address the impacts and preserve Shoreline's quality of life.

Option 3 – Negotiate an agreement directly with developer:

Staff continues to work with BSRE to reach agreement to limit project traffic impacts and long-term impacts on City taxpayers. If this path is successful, it has the highest probability to successfully address the issues the City and Shoreline residents care most about – maintaining quality of life, traffic impacts, impacts to other city services such as parks, police, fire service, and funding the costs of on-going maintenance and operations of those services.

Staff believes that negotiation is the approach that will provide the City the most protection from the project impacts and will have the most certainty as the City and

BSRE are the decision makers. The previous two options contain uncertainty and the risk that our concerns will not be adequately addressed, as the City is not a decision maker. However, these options are not mutually exclusive. If we are unable to come to agreement with BSRE, the City is committed to participating in the Snohomish County process including the new EIS and would have the option of joining in the litigation being contemplated by Save Richmond Beach and Woodway.

After discussions with the City Council, this summer in executive session, the Council directed staff to explore with the developer a possible agreement. This resulted in the City Manager releasing a Letter of Intent (LOI) stating the City's intent to negotiate an agreement to protect the City from project impacts including a covenant for annexation or impact fees as a way to ensure that future Point Wells residents pay their fair share of the burden to maintain Shoreline's quality of life.

How does the LOI protect the City from project impacts?

The City's LOI outlines the principles and interests that will guide the City's good faith negotiations with BSRE and others regarding development of the Point Wells Project. Each item in the LOI was designed to address the items of concern noted above as follows:

Item 1 – The City is concerned about the amount of traffic generated by the project and the impacts to the neighborhoods and the City's road network. This item states that the City and BSRE need to agree on the volume of traffic to accurately study the impacts and necessary mitigation required. Also, if the City and BSRE agree on the traffic analysis, the City wants to ensure that the analysis is also used by Snohomish County so that the City has certainty on the amount of mitigation.

Item 2 – The City is concerned about limiting the traffic generated from the project on our road network, which may also reduce the project size. The City believes that the City's interests are best served by measuring the traffic counts as the project is built in phases against a verifiable traffic cap. The agreement would lay out a formula to measure actual traffic counts by phase against the overall cap. If projected analysis shows that traffic would be higher than the cap, BSRE would agree to either reduce the project size or propose new mitigation measures at a higher traffic standard than what is required.

Item 3 – The City is concerned about ensuring that the residents in the affected areas have a say in identifying and ultimately helping influence the mitigation for the project impacts. This is best served through a robust public process engaging the affected communities in helping to identify and evaluate potential mitigation alternatives from the project site to Aurora Avenue North.

Item 4 – The City is concerned about being able to maintain the quality of life that residents currently enjoy, and that future residents of the project will want to enjoy as well. This includes ensuring that the costs of long-term impacts on the City's road network and city services from the development are not borne by current taxpayers. Staff believes that annexation of Point Wells in the future will provide the revenue stream necessary to cover the costs of those long-term impacts. Absent annexation for

any reason, the City would negotiate a maintenance and operation payment agreement to cover these long term costs.

Item 5 – In exchange for the above concessions from BSRE, the City would in turn agree to the validity of BSRE's permit and dismiss any pending litigation or pursue any future litigation.

What have we heard from the Public?

At Council's direction, City staff held a Point Wells Community Meeting on Wednesday, August 31st to update the public on the process, explain the choices moving forward, and explain the principles embodied in the LOI. The meeting was intended to begin a public process aimed at hearing directly from the community about these alternative paths moving forward and the principles in the LOI. There were several common themes from the meeting that staff will discuss at this evening's meeting:

- 1) Traffic - residents are concerned about the traffic impacts from the project, including construction and parking diversion from the development when completed;
- 2) Project Opposition – residents are opposed to the project and feel that the City should fight or delay the development through lawsuits, and not agree to anything;
- 3) Trust – that there was not sufficient public notice about the community meeting or the Council meeting on September 6th and that people felt the City abruptly changed policy direction with the LOI and they felt blindsided;
- 4) Premature Action/Decision – residents voiced concern that the LOI is premature and the staff should have held the public hearing to receive residents' input prior to formalizing the LOI; and
- 5) Annexation – The City is only pursuing annexation as a way to increase City resources regardless of the project impacts.

The specific comments and questions raised at the meeting were compiled (See Attachment C – August 31st Point Wells Community Meeting Comments). In addition, City staff have compiled comments submitted through the City website or other venues (See Attachment D – Submitted Comments and Questions). Due to the volume of comments and questions raised at the meeting, staff has not yet completed the responses as of the writing of this staff report. As soon as this is complete, we will post the information on the City's Point Wells webpage.

RECOMMENDATION

No action is required. This is an opportunity for Council to review community input on impacts from the Point Wells development that should be addressed by the City.

ATTACHMENTS

Attachment A:	Synopsis of City Actions from 2007 to Present
Attachment B:	City of Shoreline Letter of Intent to BSRE
Attachment C:	August 31 st Point Wells Community Meeting Comments
Attachment D:	Point Wells – Submitted Comments and Questions

Attachment A – Synopsis of Events Regarding Pt Wells from 2007 to Present

Date	Event	Action
May 2007	Snohomish County Docket of Point Wells Comp Plan and Zoning amendments	City sent letter expressing concerns, including "We are concerned about the compatibility, or lack thereof, between the Shoreline Comprehensive Plan and zoning . . . and what is proposed by Snohomish County." Tovar letter of 5/7/07 to Snohomish County Council.
April '07 to May '09	Snohomish County Council hearings and meetings on Point Wells Urban Center	During this period, the City staff met with County staff and elected officials three times and sent five official letters (posted at http://shorelinewa.gov/index.aspx?page=176) expressing the City's concerns with the Urban Center Plan designation and Zoning.
April 2009	City Council Meeting	City Council adoption of Resolution 285 opposing County designation of Point Wells as an "Urban Center" which declared the City's opposition to the Urban Center Designation and intense development at Pt. Wells.
August 2009	Snohomish County Urban Center Plan designation	The Snohomish County Council adopted Ordinances 09-038 and 09-051 designating Point Wells as an Urban Center in the Snohomish County Comprehensive Plan.
Nov. 2009	City Appeals Snohomish County Point Wells Urban Center designation	The City filed a Petition for Review (PFR) with the Central Puget Sound Growth Management Hearings Board, the state agency in charge of hearing appeals alleging noncompliance with the Growth Management Act and the State Environmental Policy Act (SEPA)
May 2010	City Appeals Snohomish County adoption of Urban Center Zoning for Pt Wells	The Snohomish County Council adopted Ordinances 09-079 and 09-080 which adopted permanent Urban Center zoning standards and rezoned the Point Wells property to Urban Center. This action was also appealed to the Growth Management Hearing Board.
Jan. 2011	Legislature	Rep. Kagi introduces HB 1265 to require that Snohomish County enter into an interlocal agreement with Shoreline prior to issuing permits for Pt Wells
Feb. 14, 2011	City Council Meeting	Adoption of Point Wells Subarea Plan Amendment reclassifying Richmond Beach Drive from a 'Neighborhood Collector' to a 'Local Street'
Feb. 14, 2011	BSRE files completed permit application	BSRE submits to Snohomish County an application for an Urban Center Development Permit. Both the County and BSRE assert that this action 'vests' rights to the Urban Center Code.
March 2011	Legislature	HB 1265 doesn't make it out of the Senate Committee; Legislators urged the City and County to reach agreement rather than have the legislature intervene
April 2011	Final Decision from Growth Board on Appeals	Growth Board invalidated the Snohomish Urban Center Comprehensive Plan designation, but not the urban center zoning. Even if the Board had done so, GMA explicitly states that any such invalidity does not apply "prospectively" and does not affect vested permits
April 2011	BSRE Appeals City Pt Wells Subarea Plan Amendment	BSRE appeals the City Pt Wells Subarea Plan Amendment to reclassify Richmond Beach Road; that appeal is still pending.
April 2011	BSRE begins Snohomish County permitting process	Clock begins on 45-day window for BSRE to negotiate a 'Municipal Agreement' with Shoreline and Woodway; Staff begin meeting with BSRE and Woodway
May 2011	City and Snohomish County agreement	City and Snohomish County sign letters agreeing to information sharing and communication for the project; the agreement also specifies that the City will be consulted on the traffic consultant selection to prepare the EIS
August 2011	City issues Letter of Intent to BSRE	The City issues a Letter of Intent to BSRE outlining the City's expectations in the Municipal Agreement or any other agreement

ATTACHMENT B



SHORELINE
CITY COUNCIL

Keith A. McGlashan
Mayor

Will Hall
Deputy Mayor

Chris Eggen

Doris McConnell

Christopher Roberts

Terry Scott

Shari Winstead

August 24, 2011

BSRE Point Wells, LP
c/o Gary Huff
1201 3rd Avenue, Suite 2900
Seattle, WA 98101

Re: Letter of Intent to Negotiate an Agreement with BSRE Pt. Wells, LP

Dear Mr. Huff:

The City of Shoreline (City) has an interest in reaching agreement regarding the Point Wells Urban Center permit(s) currently pending before Snohomish County. While the City is prepared to pursue litigation to protect the interests of Shoreline citizens and taxpayers, we believe that by negotiating a mutually satisfactory agreement(s), all parties can avoid the cost, uncertainty, and risk inherent in litigation.

This Letter of Intent (LOI) outlines the principles and interests that will guide the City's good faith negotiations with BSRE Point Wells, LP (BSRE) and others regarding development of the Point Wells Project.

1. The City proposes that the traffic model for completing the Richmond Beach Road corridor study by BSRE be agreed to by the parties with a detailed mitigation project list, funding responsibility, and schedule as determined by that study. The approach and studies performed to date by DEA (BSRE's Traffic Consultant) continue to make positive progress in ultimately reaching agreement with the future traffic analysis. We anticipate that these studies shall serve as the basis for the future agreement contemplated herein. We also anticipate that the final agreement and supporting studies will be submitted to Snohomish County to assist in the preparation of the project Environmental Impact Statement and the City would accept the adequacy of the EIS regarding project traffic impacts if the EIS substantially adopts this study.
2. In measuring impacts on affected City intersections and road segments, the City agrees to utilize a combination of level of service standards for City intersections and a fixed number of trips to be allowed on Richmond Beach Drive NW.

The City believes that the City's interests will best be served by a phased development where actual traffic counts associated with the Point Wells project are measured against a verifiable cap of trips for the project. This project trip cap would be mutually agreed upon by the City and BSRE. The City will negotiate a formula to allow future project building permit applications by BSRE based on the measurement of actual trips and peer-reviewed internal capture rates generated by prior occupancies and anticipated for future development phases.

Under this approach, a projection of actual traffic counts and updated analyses based on this formula would predict how traffic associated with each phase of development would measure against the project trip cap and level of service standard. The level of service (LOS) standard would be D (LOS D) for the average of each designated intersection and with the intent of no arterial through movement less than LOS E. The intersections affected by this standard shall be mutually agreed to by the City and BSRE. All segments between the designated intersections shall conform to mitigation recommended by the corridor study.

Using this approach, if the prediction of traffic is within the project trip cap and within the LOS standard, then future project building permit applications may be submitted for each analyzed phase of development.

In the event this approach predicts that such additional development either would exceed the project traffic cap or the LOS standard, then the application for permits shall not be submitted. BSRE may propose changes to the project and/or mutually acceptable additional mitigating measures (e.g., accommodating all modes of transportation) that 1) result in a predicted compliance with both measures; or 2) predict a shorter delay within the LOS standard for the designated intersections and include mitigation for road segments recommended in the initial or supplemental environmental review of the excess trips. The City will consider such changes only after soliciting and receiving public comment.

3. The City will participate in jointly designing and administering a public process to engage the affected community in helping identify and evaluate mitigation alternatives for Richmond Beach Drive NW, Richmond Beach Road, and N. 185th Street to Aurora Ave. N.
4. As stated in its comprehensive plan for over a decade, the City believes it is the most logical long term provider of municipal services to Point Wells, and that annexation to the City is the best way for BSRE to meet its financial obligation to fund ongoing operation and maintenance costs as direct impacts of the Point Wells development. In lieu of ongoing payments to address ongoing maintenance and operation costs of City infrastructure, including but not limited to, its road network and parks system, BSRE will

be expected to assign to the City an exclusive limited power of attorney, as owner. This limited power may be used by the City to file an annexation notice of intent and petition at a future date to be negotiated (but in any event no sooner than the issuance by Snohomish County of certificates of occupancy for at least 1,000 units). The City anticipates that Snohomish County shall retain responsibility to process all permits and conduct all inspections for the project. The City proposes to enter into an interlocal agreement with Snohomish County to formalize the expectations for local government service delivery, annexation, and the county's continued role in processing, issuing, and inspecting and collecting fees for development permits for the project, notwithstanding any future annexation of the property into Shoreline.

The City intends to negotiate with BSRE a maintenance and operation payment agreement that would not be activated unless and until the City exercises its right to use the limited power of attorney and such annexation effort proves unsuccessful for any reason. The annexation power of attorney and maintenance and operation agreement under this paragraph would be recorded as a covenant running with the land and obligate future owners of BSRE's Point Wells property.

5. Upon the successful execution of a Municipal Agreement pursuant to SCC 30.34A.180, and/or an alternative form of Agreement with BSRE with covenants under paragraph 4 which satisfactorily addresses these City interests, the City will simultaneously stipulate to the validity of the current BSRE permit applications with Snohomish County, stipulate to dismissal of any pending litigation, and covenant not to pursue further litigation other than provisions that may be reserved to enforce to the terms of a Municipal or alternative Agreement. In addition, the City will use its best efforts to urge its public safety partners, Shoreline Fire Department and King County Sheriff, to provide immediate and ongoing services to Point Wells.

The City Council supports moving forward on this process and has directed City staff to commence a public process to inform the City's negotiations with BSRE. The City will negotiate in good faith with BSRE to reach mutually satisfactory agreement(s).

Sincerely,



Julie T. Underwood
City Manager

Attachment C

Point Wells Community Meeting Comments

- Has the Council seen the visual of what is planned? Do they realize it will double the population in this area?
- Isn't there a door 4 – Shoreline & Richmond Beach want to be at the table but to say no to urban center
- When you do a project of this size you need to look to end run – what if this gets built & Richmond Beach Road shuts down for some reason, how could that be handled?
- 1 car per unit is not realistic. Where will all the additional cars be parked? Could be miles of parked cars.
- If no tax revenue from this development, would City of Shoreline be so keen to annex this property?
- Once annexation occurs, we inherit all problems related to this development. Why not put this annexation issue to a vote by the citizens of Shoreline? If we citizens don't want to annex, we should fight this.
- Has City done due diligence in doing financial analysis of potential annexation? Should know if it's feasible before annex.
- LOI says City Council supports moving forward on this process. If true, could you post the details of when/how/who voted for it on City of Shoreline website?
- With LOI stipulations, what leverage could you have in negotiations?
- Floor Area Ratio (FAR) calculation (by Sno. Co.) – by City of Shoreline recognizing urban center = 2,800 condos
- Tallest crane of Brightwater is <100ft – ½ of tallest condo building
- How are you going to fit two lanes plus necessary improvement on Richmond Beach Drive?
- Concern at potential damage to Puget Sound (earthquakes, global warming, boats, planes) – why no mention in LOI?
- Shoreline should annex Point Wells so we have clout in this situation.
- Ground is unstable – have been many slides.

- Why not wait to see what comes out from Sno. Co.? Development might get cold feet if we wait.
- Is anything going to be done with 190th NW and getting out on to Richmond Beach Road? Already very bad traffic.
- If we give up vote to fight the already vested permit and we let them build Phase 1 and we don't like it, why do we expect we would get any more cooperation from the developer then – should sue now?
- When did Police and Fire belief that they couldn't provide services change? Were they not involved in LOI?
- How are we going to accommodate all the new population at Point Wells? Traffic is already too heavy.
- Why aren't we taking advantage of resources of King County? And why is no one from King County Council here?
- What is the cost if this for the next 50/100 years? Who pays it?
- What are we getting in return as City of Shoreline if this goes forward? Seems we are giving up a lot.
- Difference between service level B and service level D is great. Change would really impact our quality of life – D is not good enough. Would like to see this expressed in real numbers.
- Did City, before LOI, do any projection of loss of property values in Richmond Beach to offset its estimate of money it will make due to annexation?
- Can't imagine what service level D would look like – would like to hear data on this.
- What are notice rules in City for such a huge project? Seven days does not seem adequate.
- GMHB invalidated due to inconsistency with zoning and etc. What has been done to contest GMHB decision?
- For the Council – do you realize your jobs are on the line?
- If BSRE refuses annexation is agreement dead?
- Over 250 residents, 92% said they are not in favor. Is Council seriously considering not approving project?

- Concerned about examination of toxic pollutants – this hasn't happened yet – done by a third party.
- Why doesn't City get a good attorney and fight project?
- Traffic impacts – don't want level of service D.
- Talk about what City wants on Sept. 6 at Council meeting – address timeline for responding to comments.
- Road and traffic needs to remain in Snohomish County. There needs to be an access road through in Sno. Co. No traffic in Shoreline. No amount of mitigation will accommodate projected traffic. What is number being used for traffic?
- Wants Shoreline community to restore faith in residents.
- Growth Management says project is illegal – why is project moving forward?
- Wants City to rescind letter – if not, publicly state why
- Councilmember's should break ranks and come out and say they are against this
- Don't give up on fighting this. The people have a lot of power. This can't be about money, has to be about the best interest of the people.
- Exposure to the toxics – onsite burning of toxic waste is unacceptable and especially dangerous to small children and babies.
- Don't we have immense power over our road? Can't we put things like speed bumps, traffic circles, etc.?
- Why wasn't this meeting held before the LOI?
- If you knew how the community felt, why did you go ahead?
- What is Council's vision of Shoreline? Is it another Kirkland/Edmonds/Bellevue? Is it urban?
- As a realtor, point out current owner bought property at top of market and now is unfeasible.
- This calls for onsite burning of toxins.
- This project will have major negative impact on the entire City.

- What comes first – Point Wells or Town Center? Should do Town Center and not Point Wells.
- What will City do to involve other parts of the City that will be impacted (i.e. everyone west of I-5)?
- Urban Center designation not in City’s comp plan.
- What compels the City to widen the road?
- Sno. Co. only took a month to review project – is City investigating Snohomish to make sure project is legit?
- Has council asked all residents – like a Citywide vote – if they want the project? If not, how will this happen?
- Time to not be conciliatory – bad economy may stall project and leave incomplete hole in the ground.
- Project moving too fast.
- Is any concern raised – will it be used in decision and how will it be used?
- Thanked individual Councilmember’s and Council candidates for contacting him individually.
- Have we asked residents if they want project – if not, why not?
- Conversation between City/BSRE, City/Sno. Co., City/Richmond Beach – should start with Richmond Beach community.
- Impacts – trucks, Brightwater, doesn’t want more construction.
- Is there anyone on Council that hasn’t changed their mind to stop the project?
- Upset by only three solutions – leave Richmond Beach Drive as it is and let the road choke.
- Development process – no middle ground between CB and Urban Center; what safeguards will be in place to make sure it works?
- Concerns about feasibility of project; isn’t LOI a sellout of Richmond Beach resident?
- Blindsided by news of LOI; life will never be the same once construction starts.

- Save Richmond Beach and Woodway filing against vesting – invites City to join lawsuit.
- Why did City sign LOI? Did City throw in the towel? Constant flow of construction trucks will be unbearable.
- City should bargain for highest mitigation possible
- Where do children of development go to school? Concerned about buses on roads.
- Construction phase – when will community hear about construction impacts?
- Wants developer to know that City won't give anything away.
- Doesn't property owner have to clean up property regardless?
- Will City refuse to condemn private property to accommodate development?
- Not confident City is reflecting views of community – wants City to take a stronger position – communicate what we are doing.
- Why is City entering into two party agreement when Sno. Co. issues permits?
- City's intent to deal with Sno. Co. – is the City going to hire an attorney to deal with Sno. Co.?
- City should listen to resident; road to Saltwater Park a problem – when will City address?
- How would project mitigate parking issues?
- Concerned about traffic on Richmond Beach Road – can't handle proposed size of development.

Attachment D

Point Wells – Submitted Comments and Questions

Comments and Questions from Individuals

Pt Wells Community Questions:

- Were the property to be annexed into Shoreline, it would place an added burden on services such as fire, police and schools. Nowhere in the letter of intent did I see any reference to the need for support of schools in such an Urban Center. Isn't there also a need for some type of joint relationship in these negotiations with the Shoreline School District?
- We fear that allowing a step-by-step development, as described in the LOI is not feasible...what developer would risk a big vs small-scale development and its great costs on such an LOI?
- Why would the City of Shoreline proceed with an LOI in the face of the Washington State Growth Board's ruling? By what rationale does the City of Shoreline "propose to calculate actual and projected traffic counts by project phase as they are built"?
- Question to each Council Member: Given that your role is to protect Shoreline citizens in those things we cannot do ourselves, how are you protecting us by OKing the advancement of the Point Wells project?
- Wouldn't raising the LOS require the City or developer to condemn houses and property along Richmond Beach Road? How else would the LOS increase be addressed?

Pt Wells Community Concerns:

- We don't understand how the City Council can completely disregard the feelings of all the residents of Richmond Beach. This isn't the first time that the the Council and City officials have completely ignored this community; however, the Point Wells situation will not only affect Richmond Beach. The entire area of Shoreline west of Aurora will be impacted by the additional traffic, and that will extend to all of our streets that access I-5, especially during commuting hours.
- 1) It is unconscionable that there is only one entrance/exit road to Point Wells especially in light of its waterfront location where tsunami or high tides could impact access. Further, instability of the hillside with slide issues that plague train travel along that route would also impact egress as well. There must be another road built either through Woodway or Edmonds in order to support an Urban Center of this magnitude.

2) Which brings me to my second objection as the proposed scope of the project is larger than the current population of Richmond Beach and Woodway combined. This would have a negative impact on the quiet quality of life which is our expectation in residing in the area.

3) The build out of Point Wells as an Urban Center with the number of residences and businesses would have a detrimental impact on traffic into and through Richmond Beach. The Letter of Intent does address this, but does not alleviate the drastic concern.

There are many additional concerns such as the resale value of our homes that would need to be addressed in order for me to feel comfortable in pursuing this Negotiation with BSRE Pt. Wells, LP.

- I am writing to oppose any settlement, proposed by the City of Shoreline, which establishes an urban village at Point Wells. The developer of this proposal has done nothing to put into place any of the amenities originally included in the concept of an urban village and Snohomish County has given every signal they will not cooperate.
- Urban villages were supposed to be an alternative to sprawl. They allegedly offered dense living along with improved transportation corridors and alternative transportation links. This developer has chosen a site with no enhanced traffic outlet, poor connections of any kind, a 'rail' alternative he has done nothing to develop, and suggests people will ride bicycles. Where will they ride them? Up a major hill on a crowded road? Everyone can tell the residents of this site will simply flood the existing infrastructure with more cars.
- The number of potential occupants must be severely limited to match the poorly planned transportation corridor and the lack of tax contributions to the affected areas. I would suggest no more than 500 persons, max. Even a potential of 1,000 cars is too much and unsupported by the developer's plans.
- All along my husband and I and our four children have never regretted our decision - to have settled in this magical place called Richmond Beach, where the world seems to still be in order, away from the clamor of noisy traffic and other din of modern life that can so disturb one's peace of mind. The way our R.B. traffic patterns flow right now is like an oasis in an ever more loud, offensive world around us. Sanctioning this proposed development would not constitute progress in my mind, but utter destruction of mental, emotional and physical peace for us residents.

I strongly protest the proposed development at Point Wells.

- My wife, Jane, and I have resided in Richmond Beach for eleven years now, having come from Alexandria, VA. We sought to find a quiet and peaceful place, free of noise, pollution, and traffic...we have had such an experience, but the proposed Point Wells Development may spoil all of that. Over some months, I had attended most of the meetings that addressed this matter, and was relieved that the Washington State Growth Board ruled that Point Wells is not appropriate for Urban Canter level of development. This was done in response to many hours of

effort and presentation of evidence by Save Richmond Beach.org, and local residents. Now, we are shocked to learn that the City of Shoreline proposes to negotiate an agreement with the Point Wells developer. Some months ago, the developer had an interview with the Everett newspaper, in which he stated "if the residents don't want the development, we will not proceed with it!"...clearly a bald-faced lie! We fear that allowing a step-by-step development, as described in the LOI is not feasible...what developer would risk a big vs small-scale development and its great costs on such an LOI? Why would the City of Shoreline proceed with an LOI in the face of the Washington State Growth Board's ruling? By what rationale does the City of Shoreline "propose to calculate actual and projected traffic counts by project phase as they are built"? The LOI is a flimsy plan, doomed to failure. ... Now, as to the future of Point Wells, let that be a Snohomish County problem, with all attendant benefits and risks. I don't believe that either the City of Shoreline or King County should be involved in any way with this project. I don't agree that the only access to the Point Wells site is through Richmond Beach...the developer could build a tunnel to Route 104, which could handle the expected high volume of traffic (at significant expense...but so what?)

- This is in regards to your stance on the Wells Point project. I have lived in Shoreline for 50 of my 58 years, I was educated here and moved back so my now grown children would have that opportunity. Your blatant grab at a lucrative tax base while degrading the lives of those of us who have lived and paid taxes for many years is appalling, this is not Federal Way and if I have anything to do with it it will never become so. Any elected official who pushes this project does so at their own elective peril. That's my dime, Mike Harry PS the traffic routing makes this a non starter, why waste every ones time?
- I am writing to strongly oppose the contents of the LOI to the BSRE Point Wells developer. The Growth Management Board has already ruled that the Urban Center designation is incorrect. The City should NOT enter into any agreement in which the Urban Center designation is maintained.

I do strongly support the City of Shoreline annexing Point Wells, and development there should proceed under current City zoning codes that would allow some retail and mixed use. The Growth Management Board saw that the Urban Center designation made no sense--why would the City of Shoreline accept it to avoid further litigation? The City is in a good position to win future litigation. I would support the City using taxpayer funds to fight the Urban Center designation.

The City, if it annexes Point Wells, needs to use its codes to ensure continuing quality of life for current residents of Richmond Beach and reasonable development at Point Wells--this can be done without the Urban Center designation. LOS E for traffic is not acceptable.

Finally, allowing a large concentration of people in a potentially liquefiable area that is also subject to lateral spreading (liquefiable soils flowing into the Sound) is not a good idea from a public safety point of view.

- Hi, this is Kaya and Ellie, two 12 year old girls. We are the leaders of a group called KAPWUC (for short KAP), (Kids Against Point Wells Urban Center) I think there are a lot of bad impacts it will have on the city of Shoreline especially Richmond Beach. We are very concerned about this

issue. I know you have more important things to deal with right now but please take the time to email us the current state of the project so we can be better informed. We would like to have a petition. How many signatures would we need and how would we have to format it? Who would we send it to when we are done and have enough signatures? We might just be kids but we hope you will help us because we are trying to help THE CITY!!!

- We are writing to encourage you to continue your efforts to appeal the Point Wells development project, as it is currently proposed, to the Central Sound Growth Management Board.

We fully support the development of this site "IF" they follow the legislative rules as they *were* written when we built. It is my understanding that in order to obtain "Urban Center " designation you must be near a major traffic corridor. The two narrow lanes on Richmond Beach Drive are far from a major traffic corridor and the addition of 3000 condominiums would have significant negative impact on Shoreline, Richmond Beach and The Town of Woodway.

Additionally I am quite concerned with the proposed height of this project as it would dramatically change the atmosphere of our community. We would have never built our dream view home if we thought that it was even a "REMOTE" possibility that there would be 18 story buildings in front of us!

- The proposal is a good start but it lacks some key points which should be added before the letter is presented to the developer.
 1. The letter calls for a multi-stage development process with traffic impact being judged before each new stage is permitted. It must also require additional public comments and a council vote before each new stage is permitted so neighborhood reaction can be heard.
 2. The LOI must confirm the average daily trip limit for Richmond Beach Drive is 4,000 car trips daily.
- I cannot express how disappointed I am with the City of Shoreline after the recent developments between the City and the developer of Point Wells – Blue Square Real Estate (BSRE). What particularly disturbs me is the willingness of our own representatives to now suddenly accept Snohomish County's illegally and completely misguided zoning of Point Wells as an Urban Center. Yes, it comes with traffic stipulations, yet the intent is clearly there not to oppose the zoning.

After sitting through the testimony at the State Growth Management Hearing and the subsequent ruling, I had high hopes that the City would take more aggressive stance against the scale of this development. Instead, I now hear you are looking to compromise with the intent of allowing the Urban Center to proceed! I thought this was the whole reason it was brought to the State Growth Management Board!

I ask that you reconsider this direction and take another look at the neighborhood. There is nothing remotely Urban about Richmond beach and the surrounding communities.

- Just a vote in proceeding with the Pt Wells project. I think in the future we'll be glad some courageous council members worked to improve the Pt Wells site. The growth to Richmond Beach is overdue and a welcome change for this 25 year resident.
- As an attorney who specializes in land use issues and the Growth Management Act, I was not surprised when the Growth Management Hearing Board ruled that Point Wells should not be an urban center, and that there are SEPA violations. I am surprised and disappointed to see the City offer, in the wake of this ruling, a wildly unfair settlement at such an inappropriate point in the legal process. You have solidified the perception in Richmond Beach that the Council does not represent our interests and that your sole concern is with increasing your revenue. Many of us are realizing that it is time to put our efforts toward changing the composition of the Council, as you presumably set the policy implemented by Joe Tovar, and you do not represent us. Point Wells is the critical issue of this coming election, and will be the critical issue for years to come. The City's proposed settlement accomplishes little for the City's objectives, while completely selling out the interests of property-owning taxpayers who will be drastically impacted by the development. There is a great deal of anger and frustration directed toward you, and little faith that you are concerned with anything but increasing your tax base. Development will and should occur, but an urban center is outrageous and it was a mistake for the City to make this concession at this juncture.
- We, Joon and Seungja Song, residents of the Richmond Beach, strongly urge you to fight the Snohomish County in their decision to go ahead with the Urban Center Rezoning of Point Wells the detriment impact of which to the Richmond Beach is severe.

It simply defies common sense for Snohomish County to approve such a development while completely evading the responsibility and having no means of its own to provide the accompanying support systems - access road, school, police and fire protection, etc. In light of their total lack of responsibility and childish behavior, we are inclined to urge you to build a barricade denying them land access.

Short of that, we encourage you to take them to court rather than negotiate with them.

- I attended the Point Wells Community Meeting on August 31st. Not living in Richmond Beach, I haven't kept up to speed on the project but had attended a previous meeting. Since traffic is by far the most troubling aspect of the development, I had thought if we could, thru mitigation, make sure the impact was kept to a minimum we could live with this development.

I'm glad I attended last night's meeting. My fellow Shoreline residents opened my eyes not only to the enormous aspect of this project but also to the fact an Urban Center is not an appropriate development for the site. The critical problem is accessibility to the site. The site is remote in terms of accessibility to mass transit opportunities. Residents will be restricted to automobiles and the only way in and out of the development is thru a narrow two-lane road. That means there will be thousands of more vehicles clogging our roads, creating more noise and gas fumes

for surrounding neighborhoods.

The Letter of Intent (LOI) maybe a way to try to achieve the goals of lessening impacts without litigation, but unfortunately, as the city's website states, the LOI IS NOT BINDING. The city's website goes on to say that the city is "committed to pursuing other methods, including litigation, to protect the interests of Shoreline's citizens and taxpayers". As long as Snohomish County is in control of the permitting process, and if permits are granted to BSRE to build their Urban Center, we can only hope we will be heard above the din of the construction project. I don't hold high hopes.

Three options were laid out at the meeting last night, and were part of the PowerPoint presentation. I don't think Option 1 holds any merit. As a speaker pointed out at the meeting last night (I believe she worked at the planning dept for either Issaquah or Sammamish) shouldn't we be drawing up a three-way agreement between Snohomish Co., Shoreline and BSRE (or maybe 4-way if Woodway is part of it)? If Snohomish Co is not part of the agreement, how does it hold any weight since they are the controllers of the permitting process?

I certainly believe we should pursue option 3 and comment on the EIS and also before the Snohomish hearing examiner. However, like so many others in the room last night, I believe our **STRONGEST AND ONLY RECOURSE IS THRU LITIGATION**. We need to override the Urban Center development permit. Pt. Wells, due to it's inaccessible location, is not an appropriate site for a development of this size.

If we win this legal battle, than we should purse annexation of Pt Wells. Once under the city of Shoreline's jurisdiction, we can then control the nature and size of development at Pt Wells. With community input on design, perhaps we can support a development scaled down to the appropriate size and with amenities that benefit the overall Shoreline community.

- I think the City should put an emergency only access to the site. This has been done in Snohomish County developments when traffic would have extensive impacts on the neighborhood [Highland Park, I think].
- The Point Wells developers do not have the right to destroy our community for profit. I believe that Shoreline needs to bargain for the highest amount of mitigation possible, especially on traffic and transit solutions. Shoreline must insist on the safety of our residents first.

If annexation is pursued, we must not be left with the bill. Development must pay for the impacts. Shoreline should not be sacrificed for Snohomish County's benefit. I strongly support the actions of the Save Richmond Beach organization and applaud their efforts.

- Dear Shoreline City Council,

First of all, thank you for the hours of dedicated service you provide to the citizens of Shoreline working to represent us and keep the quality of life we have come to expect in this suburban area.

We wish to further thank those on the City Council that took the time to attend the Point Wells community meeting on Wednesday, August 31st 2011. Thank you for listening...and you didn't even have an opportunity for rebuttal of any erroneous statements or public misunderstandings.

After viewing the city's PowerPoint presentation, we are very appreciative of the efforts to find a way to have Shoreline/Richmond Beach Community's voices at the table. However, we find it totally unacceptable that we would state in a letter of intent that an "urban center" designation is acceptable at Point Wells. We do not find fault with annexation of Point Wells with the understanding that we could then limit traffic on the existing Richmond Beach Drive as it is the only current egress to the area. We do not want neighbors properties condemned or taken over (whatever the legal terminology) in order to provide any expansion of the current almost two lane drive.

As I mentioned at the meeting, we should not limit our thinking to the 3 options which were presented on the slide on page 5 of the handout. We do want our voice at the table and it loudly to declare "No Urban Center" at Point Wells. We do want the traffic to be limited and do not feel any need to support the developer's efforts by road expansion or provision of services such as fire, libraries, parks, police or schools. It is his development, and these should be his costs. I also believe he should incur the cost of providing another main thoroughfare to his property through Edmonds or Woodway. As I have previously stated, it is unconscionable for reasons of safety to the community which he proposes to build that there is only one small access road for all the traffic that is part and parcel of this deal.

There were two points addressed in the presentation that seem to need immediate legal action on the parts of the City of Shoreline and the Washington State Legislature. After seeing the Levels of Service congestion slide on page 7 of the handout, it appears we need a designation of Level "C" for neighborhood streets. Would be nice for Aurora, too, but is unrealistic! What we don't need is traffic flow the size of Aurora going up Richmond Beach Road. The State Legislature needs to address the loophole that allows the Growth Management Board to rule the Urban Center designation illegal, yet allow Snohomish County to Grandfather their designation.

My very emotional response to this letter of intent is it feels as if we are consorting with, aiding and abetting the enemy. His property is not in Richmond Beach, the City of Shoreline nor King County, yet we are those that would have to adversely change the quality of our lives in order for him to prosperously build his oversized development at Point Wells. It feels as if we have a bully in the sandbox of Richmond Beach; let's ask him politely to leave. If that is not his choice, then the City of Shoreline needs to prepare for immediate and aggressive litigation in order for us to maintain the small town atmosphere of Richmond Beach community. We bought our home in Richmond beach 13 years ago for the quiet community life and the wonderful schools. We don't want to be forced out as an out of country developer imposes his Urban Development on Point Wells.

- Thank you for the opportunities to provide input on this issue of vital importance to our community. We will see you on Tuesday, September 6th.
- Dear Mayor McGlashan:

Thank you for attending the Aug 31 hearing. I know it was not a favorable climate for being a city official. After spending considerable time reflecting on what transpired at the Aug 31 meeting re: Point Wells and 'how can things possibly move ahead, 'reasonably,' here is where I remain puzzled. Based on my limited understanding, it seems that:

BSRE can likely avoid prolonged litigation and strike a deal with the City of Shoreline if they would concede the Urban Center category of construction scale, and negotiate a scale that is somewhat less than what is permitted under minimum Urban Center threshold. That seems like a win-win proposition for the City and Developer.

If BSRE won't concede their right to scale down their project in order to strike a voluntary agreement, I can't figure out how the City of Shoreline thinks they will force a reduction in scale by using the leverage of traffic counts. Of course BSRE can promise to consider monitoring controls on additional phases in the future. But if they have *any* willingness to reduce scale, they can make it happen now, plus avoid litigation. The only way I can make sense of Shoreline's tactic is this: they truly don't care in the end [after a lot of posturing] about reduction in scale if they get the tax dollars from the proposed scale of 3,000 units. Help me understand the flaws in my thinking.

- As 27 year residents of Richmond Beach Drive, my husband and I are appalled by the City Council's lack of representation of the residents of Richmond Beach. Any bit of common sense would have one realize there is not enough access for all the traffic the Point Wells project would bring to our street. Just because it will bring money to Shoreline by annexing the Point Wells property, it certainly won't benefit anyone living along that street or in the surrounding areas. We won't be able to come and go freely as we can now and have been accustomed to for more than a quarter of a century! You are allowing our community to be ruined for money! Do any of you live around here? I'm sure the LOI would be different if you did.
- There is no possible traffic and environmental mitigation in Shoreline that would work for the planned Development at Point Wells. Please do not validate the project in any way. And please fight it in all ways unless the access goes through Woodway or Edmonds. Thank you.
- Dear City Council Members:

I attended the Point Wells Community Meeting on August 31st. Not living in Richmond Beach, I haven't kept up to speed on the project but had attended a previous meeting. Since traffic is by

far the most troubling aspect of the development, I had thought if we could, thru mitigation, make sure the impact was kept to a minimum we could live with this development.

I'm glad I attended last night's meeting. My fellow Shoreline residents opened my eyes not only to the enormous aspect of this project but also to the fact an Urban Center is not an appropriate development for the site. The critical problem is accessibility to the site. The site is remote in terms of accessibility to mass transit opportunities. Residents will be restricted to automobiles and the only way in and out of the development is thru a narrow two-lane road. That means there will be thousands of more vehicles clogging our roads, creating more noise and gas fumes for surrounding neighborhoods.

The Letter of Intent (LOI) maybe a way to try to achieve the goals of lessening impacts without litigation, but unfortunately, as the city's website states, the LOI IS NOT BINDING. The city's website goes on to say that the city is "committed to pursuing other methods, including litigation, to protect the interests of Shoreline's citizens and taxpayers". As long as Snohomish County is in control of the permitting process, and if permits are granted to BSRE to build their Urban Center, we can only hope we will be heard above the din of the construction project. I don't hold high hopes.

Three options were laid out at the meeting last night, and were part of the PowerPoint presentation. I don't think Option 1 holds any merit. As a speaker pointed out at the meeting last night (I believe she worked at the planning dept for either Issaquah or Sammamish) shouldn't we be drawing up a three-way agreement between Snohomish Co., Shoreline and BSRE (or maybe 4-way if Woodway is part of it)? If Snohomish Co is not part of the agreement, how does it hold any weight since they are the controllers of the permitting process?

I certainly believe we should pursue option 3 and comment on the EIS and also before the Snohomish hearing examiner. However, like so many others in the room last night, I believe our **STRONGEST AND ONLY RECOURSE IS THRU LITIGATION**. We need to override the Urban Center development permit. Pt. Wells, due to it's inaccessible location, is not an appropriate site for a development of this size.

If we win this legal battle, than we should purse annexation of Pt Wells. Once under the city of Shoreline's jurisdiction, we can then control the nature and size of development at Pt Wells. With community input on design, perhaps we can support a development scaled down to the appropriate size and with amenities that benefit the overall Shoreline community.

- Has there been a thorough examination of the toxic pollutants left by years of the Pt Wells the property as an asphalt facility? Also an impact study on the effects of removing these contaminants to the neighborhood and future residents of Pt Wells, and the Sound? One only has to examine past developments that did not take into account highly toxic contaminants and how they can hurt all of us and future residents. PS – do not annex Pt Wells. Stop this

development – listen to the citizens – no letter of intent if it gives up our rights.

- We have lived in Richmond Beach since 1972 where we have raised a family and still operate a business. Richmond Beach has always been a wonderful neighborhood. We now feel that the “Urban Center” presents a very real threat to the quality of life that we have had and still have.

It is unimaginable as to the full negative impact that the thousands of additional residents will have on our quiet neighborhood. This proposal is totally out of scale with the current neighborhood. The “Urban Center” belongs in an urban area. Richmond Beach is not able to absorb thousands of people going down our streets. Just getting to Aurora Ave north and the freeway would be a nightmare! There are many more reasons why the Urban Center does not belong here.

Please protect the citizens of Richmond Beach by doing all you can to prevent the Urban Center from becoming a reality (or nightmare!).

- Thank you for the opportunity for Shoreline residents to comment upon the proposed development of Pt. Wells by the BSRE LP Group. I commend and appreciate the effort that this city has made to accommodate the demands by the BSRE group to develop the PT Wells area in order to avoid costly future litigation. However, I have some concerns.

A first concern is with the amount of time, energy, money, intelligence and other resources the city has expended in addressing the multitudinous issues facing this city with this proposed BSRE Pt Wells development. Can anyone provide me with the information on the total costs expended and anticipated (two separate categories) in addressing the problems presented by this development? I would like to know the exact costs so far incurred.

The BSRE Pt Wells development is an extensive project. Despite the effort to address these problems and to accommodate the developer’s wishes and expectations I do not think that there will ever be closure to this development. There will always be, continually, problems which emerge that were not fully appreciated or anticipated during the planning stage. These will emerge as the project goes forward and even after it has been completed. I foresee continuing problems demanding the city’s attention and resources.

While the city has focused on the issue of road and traffic access from Shoreline from Richmond Beach Road, and other potential access points into Point Wells, there are two major problems that are not mentioned in the Letter of Intent to Negotiate an Agreement with the BSRE Pt Wells, LP development. There are (1) the fact that this Pt Wells is surrounded by water on all but its east side, given that the area constitutes a triangle with its point projecting out into Puget Sound, and (2) that the Pt. Wells area is flat.

There are major environmental considerations that will affect Shoreline, King County and Snohomish County by the Pt Wells development. Among these are the effects of the development on the coastline and waters off the coast of Pt Wells. Puget Sound is already seriously threatened by widespread contamination and pollution already noticeable at

Richmond Beach Saltwater Park. I have brought these to your attention on several prior occasions. No mention is made in the City's Letter of Intent of the potential and probable problem to Puget Sound by this development.

Has the city and its staff considered and studied the consequences of pollution to Puget Sound of this Pt. Wells development? Have measurements been taken of water quality and water flows around Pt. Wells to form a before/after basis of comparison?

Other major potential and probable environmental problems exist. This includes the consequences of rising sea levels associated with global warming and rising sea levels. Rising sea and ocean levels have already been reported worldwide and are presently occurring. Potentials exist for tsunami waves from highly probable earthquakes in the various faults close in Puget Sound – the Juan de Fuca and Cascadia faults and other smaller faults.

Indeed there have been very recent reports of small earthquakes in this area, such as the 2.8 earthquake on approximately August 26, 2011 in Mountlake Terrace, which actually rattle my house. This is earthquake country and a very large earthquake is expected. How will the city address a possible tsunami event?

Will there be any regulation of the use of Puget Sound, for either personal or commercial purposes by the BSRE Pt Wells developers and by those who will locate to its proposed rather extensive residential and commercial uses? It is not as if the Puget Sound were an independent and isolated body of water. What occurs on, in and under its waters affects the entire Puget Sound and will affect the shorelines of the city of Shoreline itself, already seriously threatened by the extensive loss of sea life. How can access to Pt wells be limited, once this becomes a private entity?

Although it is the city's intent to avoid any possible or potential litigation with this Letter of Intent I don not see that the city is capable of achieving that aim. There will be continuing issues that will arise demanding resolution and legal action. That is the very nature of development; all issues and problems are not usually realistically anticipated and addressed.

It is for these various reasons that I am opposed to the BSRE Pt. Wells development in its entirety.

I would much rather see a joint effort by King County and Snohomish County to acquire and develop this area for a common bi-county park rather than as a place or either for both residential and commercial development. Pt Wells is not the place for such a development.

I urge the City of Shoreline to reconsider its position. I recognize that the City has striven to accommodate and anticipate the problems attendant upon this development. I would rather see the City seek an alternative, one that is not, and will continue to be, so contentious, divisive and problematic to residents and citizens of Shoreline and Edmonds.

- I am writing to express my surprise and serious concerns about the recently issued Letter of Intent. I do think that an appropriately sized redevelopment of Point Wells would be of benefit to the community. I also agree with the Council that Point Wells because of the topography and

access Point Wells would be a logical addition to the City. However, an Urban Center of the scale proposed by BSRE for Points Wells is not the right redevelopment. The proposal is far too large and places far too many burdens and high costs on the City of Shoreline.

I am deeply troubled that the City issued the LOI without prior notice to the community and real consultation with the citizens of Shoreline. As set out in the Richmond Beach Community Association's recent letter the actions of the City seem calculated to minimize the community's ability to participate. The LOI appears to be setting out that the City will allow BSRE free rein. I am left wondering whether the City is looking out for the interests of BSRE, rather than the citizens of Shoreline.

The City has stated that: "The LOI outlines how the City and BSRE will work toward an agreement to measure and restrict traffic volumes and to define appropriate mitigation,..."

I do not see that the LOI sets out any mechanism that would enable the City to restrict traffic volumes. I believe that the City is being extremely foolish if it believes that it could count traffic "increases by project phase as they are built, and to prohibit subsequent phases if the traffic impacts would exceed the City's adopted level of service..."

BSRE has been explicit that its intention is to build the project in phases; traffic will then ramp up over time and then when the impacts really hit Shoreline it will be too late. The phrase used was that it was like the boiling the frog. The City seems to be paving the way for this strategy to succeed.

There is no mechanism in the LOI that would permit the City to stop the building of additional units at Point Wells. In fact the LOI concedes that only Snohomish County will have any authority over the project in Paragraph 4 and 5. To date Snohomish County has shown no interest in addressing project impacts in Shoreline.

In paragraph 1 the LOI sets out that the City would accept the adequacy of the EIS regarding project traffic impacts. This defers again to BSRE and Snohomish County.

No agreement with BSRE should be considered by the City of Shoreline unless that agreement clearly sets out clear concrete obligations on BSRE that are binding and enforceable by the City. No part of any agreement should be dependent or defer to Snohomish County.

I urge the Council to be careful when listening to alluring tales of what wonders an urban Center at Point Wells might bring. Such temptations should be viewed critically as the massive project proposed will bring more harm than good to our City.

Comments and Questions from Organizations

Save Richmond Beach comments/concerns:

- The City joined us as co-litigants fighting the very Urban Center designation that they are now embracing in the Letter of Intent
- The Urban Center is in violation of two state laws, the Washington State Growth Management Act and the State Environmental Policy Act
- The Growth Management Hearings Board ruled unequivocally that Point Wells is not an appropriate location for an Urban Center
- The Letter of Intent lays the groundwork for the developer to put as much traffic through our neighborhood as needed as long as they can “mitigate” the impacts
- It does not require additional public comments and council votes as the development proceeds and as the neighborhood feels the impacts
- The LOI uses purely an engineering approach to the traffic problems, ignoring other quality of life issues
- The LOI does not mention or cap the average daily trip limit for Richmond Beach Drive which is 4,000 car trips daily.

Richmond Beach Community Association Board Comments/Concerns:

We are writing to express our concern about the letter sent by the City Manager on behalf of the Council to BSRE dated August 24, 2011. From this letter it appears that the City has made a number of decisions conceding to BSRE key issues as to the re-development of Point Wells without giving prior notice to the community or allowing reasonable opportunity for the community to comment before the decision.

The Richmond Beach Community Association has worked for a number of years to help the members of the community learn about the re-development proposals and to facilitate community communications with the City. Our organization does not take a specific position on the Point Wells project.

However our members and the community have very strong feelings about BSRE actions and the numerous negative impacts of the proposed project.

RBCA has acted to facilitate communication and the sharing of information between the City, BSRE and the other groups working on Point Wells issues.

The manner in which very limited notice has been given for the community meeting on Point Wells scheduled for August 31 and the City Council study session on September 6 seems calculated to minimize the community’s ability to attend or participate in these meetings.

While it is possible the City may be subject to time constraints, these are not readily apparent to your constituents. Regardless of the reason, the appearance and reality to the community is that the City does not want the public to participate in decision making process – as it seems the decisions have already been made without the community’s involvement.

Scheduling a meeting (1) with less than a week’s notice, (2) during the summer when residents are on vacation and just as the school year begins, (3) with limited notice for only readers of the City of Shoreline website or Shoreline Area News, and (4) with no time to prepare gives the appearance that the City is not terribly interested in hearing what its citizens have to say on this matter. We are troubled that you chose to time these actions in much the same manner as BSRE did with their presentations last year which generated a great deal of negative feeling in the community.

Our organization has taken additional steps to notify Richmond Beach residents after we learned of your meeting plans. However, these actions can only reach a limited number of people given the manner in which you have chosen to proceed.

Going door to door to approximately 50 houses, one of our board members found that not one of the residents he spoke with knew of the pending meetings and many resented the fact that they had not received notice. We do not feel that it is Richmond Beach Community Association's (RBCA) sole responsibility to notify our community members of meetings which the City has scheduled, especially when it is on a topic of vital importance to our community.

The RBCA Board respectfully requests that the City schedule a second community meeting to gather feedback on the proposed agreement on the Point Wells development and that adequate notice of this meeting be given before action is taken by the City.

We ask that in the future (1) the City take our newspaper deadline into account when scheduling meetings as this is our community's primary form of communication, (2) that the City not schedule important action at times that appear calculated to minimize community involvement, and (3) if a meeting must be scheduled on an expedited schedule and outside of our publication period, a post card containing a meeting notice be sent to all neighborhoods in the areas directly impacted by the re-development of Point Wells.

It was our understanding that the City Council prided itself on communication with its constituents. We sincerely hope that the Council was acting in good faith, and we assume you will take measures to rectify this situation.