

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of the 2020 Comprehensive Plan Amendment Docket		
DEPARTMENT:	Planning & Community Development		
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Rachael Markle, AICP, Director		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

The City is limited by state law and the City's adopted procedures to processing Comprehensive Plan amendments once a year, with exceptions only in limited situations. Proposed amendments are collected throughout the previous year with a deadline of December 1st for public and staff submissions of suggested amendments to be considered in the following year. SMC 20.30.340(C)(2)(b) permits the Council to submit an amendment to the Docket at any time before the final Docket is set.

The Docket establishes the amendments that will be reviewed and studied during the year by staff and the Planning Commission prior to their recommendation to the City Council for final approval to amend the Comprehensive Plan by the end of the following year. In addition, the Docket ensures that all the proposed amendments are considered concurrently so that the cumulative effect of the various proposals can be ascertained when the City Council is making its final decision, as required by RCW 36.70A.130(2)(b).

This year's Preliminary 2020 Docket was presented to the Planning Commission on February 6, 2020 and contained two (2) City-initiated amendments and one (1) resident-initiated amendment. Ultimately, the Planning Commission recommended that the 2020 Docket (**Attachment A**) include all three of the proposed amendments.

Tonight, Council is scheduled to discuss the proposed 2020 Final Comprehensive Plan Amendment Docket. The 2020 Final Comprehensive Plan Amendment Docket is scheduled to be brought back to Council for action on March 16 2020.

RESOURCE/FINANCIAL IMPACT:

Amendment No. 1 (Amend Table 6.6 of the Parks, Recreation, and Open Space Plan to acquire park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets.) - This amendment will slightly expand the area of park and open space acquisition and will not change future workplans and resource demands.

Amendment No. 2 (Amend the Point Wells Subarea Plan to be consistent with the Interlocal Agreement between City of Shoreline and Town of Woodway.) – Point Wells planning is currently on the City’s workplan and it is likely that this amendment would not significantly change future workplans and resource demands.

Amendment No. 3 (Amend the Land Use Element to include a new policy requiring commercial uses within commercial and mixed-use zones.) – This amendment will require additional staff analysis and recommendation once an implementing Development Code Amendment is submitted. Staff will most likely consider a future Development Code Amendment with the 2020 batch of Development Code Amendments.

RECOMMENDATION

No action is required by the Council tonight as this is a Discussion Item only. The Planning Commission recommends that the Council approve the Preliminary 2020 Comprehensive Plan Amendment Docket. Council is scheduled to take final action on the 2020 Docket on March 16, 2020.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The State Growth Management Act, Chapter 36.70A RCW, limits consideration of proposed Comprehensive Plan amendments to no more than once a year. To ensure that the public can view the proposals within a concurrent, city-wide context, the Growth Management Act directs cities to create a Docket that lists the amendments to be considered in this “once a year” review process.

Proposed amendments are collected throughout the previous year with a deadline of December 1st for public and staff submissions of suggested amendments to be considered in the following year. SMC 20.30.340(C)(2)(b) permits the Council to submit an amendment to the Docket at any time before the final Docket is set. The Docket establishes the amendments that will be reviewed and studied during the year by staff and the Planning Commission prior to their recommendation to the City Council for final approval to amend the Comprehensive Plan by the end of the following year.

Comprehensive Plan amendments usually take two forms: Privately-initiated amendments and City-initiated amendments. This year, the Planning Commission was presented with two City-initiated amendments and one privately-initiated amendment.

The Planning Commission has recommended the Preliminary 2020 Docket (**Attachment A**) and the City Council is now tasked with establishing the Final 2020 Docket which will direct staff’s preparation of amendments that will be considered for adoption later this year.

DISCUSSION

The Planning Commission considered the Preliminary 2020 Comprehensive Plan Docket on February 6, 2020 and voted to forward the recommended Preliminary 2020 Docket to the City Council for its consideration in establishing the Final 2020 Docket. The staff report for this Planning Commission meeting can be reviewed at the following link: <http://www.shorelinewa.gov/home/showdocument?id=46070>.

The Planning Commission meeting minutes from the February 6, 2020 meeting are included as **Attachment B** to this staff report.

A description and the Planning Commission’s recommendation for each of the three (3) proposed Comprehensive Plan Amendments is shown below:

Amendment #1

Amend Table 6.6 of the Parks, Recreation, and Open Space Plan to acquire park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets.

Analysis:

This amendment amends Table 6.6 of the Parks, Recreation, and Open Space (PROS) Plan. Table 6.6 of the PROS Plan (**Attachment C**) is a list of general capital projects that are targeted for acquisition between 2024 and 2029. The amendment will consider acquisition of park space and open space between Dayton Avenue to I-5 and between

145th Street to 165th Street instead of the more constrained area of Aurora Avenue to I-5 and 155th Street to 165th Street. This amendment will provide additional opportunities to meet the level of service targets for the Westminster Triangle Neighborhood as demonstrated in PROS Plan Figure 4.17.

Planning Commission Recommendation:

The Planning Commission recommends that this amendment be placed on the Final 2020 Comprehensive Plan Docket.

Amendment #2

Amend the Point Wells Subarea Plan to be consistent with Interlocal Agreement between City of Shoreline and Town of Woodway.

Analysis:

This amendment proposes to amend the Point Wells Subarea Plan and associated Comprehensive Plan Policy LU51 related to Point Wells to implement the Settlement and Interlocal Agreement with the Town of Woodway approved by City Council on October 7, 2019 (**Attachment D**). This agreement pertains to Shoreline's support for Woodway's future annexation of Point Wells and coordination of land use planning and development regulations for the area by the Town of Woodway and the City of Shoreline.

The Settlement and Interlocal Agreement addresses services, infrastructure, mitigation, impacts, and other issues related to the development of the Point Wells site located in unincorporated Snohomish County. As part of the Agreement, a joint planning working group comprised of staff from the Town of Woodway and the City of Shoreline has been formed to develop and recommend mutually agreeable Comprehensive Plan Policies, development regulations, and design standards for Point Wells to be considered for adoption. Amendments to the Point Wells Subarea Plan will also be included to reflect the recommendations of the joint working group. The recommended goals, policies, and development regulations will be adopted by both the Town of Woodway and the City of Shoreline in order to have consistent development regulations under either jurisdiction.

As outlined in the Agreement, development regulations must generally include:

1. Primarily residential uses that are pedestrian oriented with limited commercial uses.
2. A traffic study for any proposed development.
3. Building height limited to 75 feet.
4. Mandatory public recreational facilities and public access to Puget Sound.
5. Development required to achieve the highest level of environmental sustainability.
6. Development must adhere to "dark skies" standards in an effort to reduce light pollution to adjacent neighborhoods.
7. Development shall be approved under a Master Development Plan or Development Agreement with design review.
8. In no case shall traffic exceed 4,000 average daily trips on Richmond Beach Drive.

Planning Commission Recommendation:

The Planning Commission recommends that this amendment be placed on the Final 2020 Comprehensive Plan Docket.

Amendment #3 (Privately-Initiated)

Amend the Land Use Element to include a new policy requiring commercial uses within commercial and mixed-use zones.

Analysis:

This is a privately initiated amendment (**Attachment E**) to add a new Comprehensive Plan Land Use Element Policy, LU9, to require commercial uses in the City's mixed-use and commercial zones. Currently, there are no regulations that require mixed-use or commercially zoned parcels be developed with commercial uses. The applicant has proposed a new Land Use Policy 9 which states:

LU9: Within the City's commercial areas, mixing of land uses is encouraged to bring shops, services, and offices in close proximity to residential uses. The purpose is to permit those uses which are intended to provide goods and services for the everyday needs of the immediate neighborhood rather than serve the broader nearby communities, and which generally conform to the Comprehensive Plan of the City. Multifamily residential uses are permitted, provided the multifamily residential use is part of a mixed-use building or is on property that has commercial uses. Multifamily residential development without commercial uses on the property shall not be permitted.

The applicant of this amendment has also submitted a companion Development Code amendment that lists specific development regulations for commercial uses in mixed-use and commercial zones.

Not requiring commercial uses was an intentional choice on the part of the City Council and has been a City policy since the incorporation of Shoreline in 1995. Because market demand for commercial uses may be low, the City allows development within the mixed-use and commercial zones to be purely residential. To accommodate future commercial uses within these buildings, the City requires that the ground floor be built to commercial standards including:

1. Building interiors that shall be 12 feet in height and 20 feet in depth and built to commercial building code.
2. Minimum window area that shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors.
3. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible.
4. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the façade where over pedestrian facilities.

Planning Commission Recommendation:

The Planning Commission recommends that this amendment be placed on the Final 2020 Comprehensive Plan Docket.

RESOURCE/FINANCIAL IMPACT

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Amendment No. 2 (Amend the Point Wells Subarea Plan to be consistent with Interlocal Agreement between City of Shoreline and Town of Woodway.) – Point Wells planning is currently on the City’s workplan and it is likely that this amendment would not significantly change future workplans and resource demands.

Amendment No. 3 (Amend the Land Use Element to include a new policy requiring commercial uses within commercial and mixed-use zones.) – This amendment will require additional staff analysis and recommendation once an implementing Development Code Amendment is submitted. Staff will most likely consider a future Development Code Amendment with the 2020 batch of Development Code Amendments.

RECOMMENDATION

No action is required by the Council tonight as this is a Discussion Item only. The Planning Commission recommends that the Council approve the Preliminary 2020 Comprehensive Plan Amendment Docket. Council is scheduled to take final action on the 2020 Docket on March 16, 2020.

ATTACHMENTS

- Attachment A – Planning Commission Recommended 2020 Comprehensive Plan Amendment Docket
- Attachment B – February 6, 2020 Planning Commission Meeting Minutes
- Attachment C – Parks, Recreation and Open Space Plan Table 6.6
- Attachment D – Settlement and Interlocal Agreement Between the Town of Woodway and the City of Shoreline
- Attachment E – Comprehensive Plan Amendment #3 Application Proposal



City of Shoreline

DRAFT 2020 COMPREHENSIVE PLAN AMENDMENT DOCKET

The State Growth Management Act generally limits the City to amending its Comprehensive Plan once a year and requires that it create a Docket (or list) of the amendments to be reviewed.

DRAFT 2020 Comprehensive Plan Amendments

1. Amend Table 6.6 of the Parks, Recreation, and Open Space Plan to acquire park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets.
2. Amend the Point Wells Subarea Plan to be consistent with Interlocal Agreement between City of Shoreline and Town of Woodway.
3. Amend the Land Use Element to include a new policy requiring commercial uses within commercial and mixed-use zones.

Estimated timeframe for Council review/adoption: November 2020.

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

February 6, 2020
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Montero
Vice Chair Mork
Commissioner Craft
Commissioner Davis
Commissioner Lin
Commissioner Malek
Commissioner Maul

Staff Present

Rachael Markle, Director, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of January 16, 2020 were approved as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

**STUDY ITEM: DEVELOPMENT CODE AMENDMENT – PROFESSIONAL OFFICES IN R-8
AND R-12 ZONES**

Mr. Szafran advised that the City Council adopted Ordinance 881 on December 9, 2019. The ordinance adopted two Comprehensive Plan amendments, including Amendment 3, which added Professional Offices to the Medium Density Residential (MDR) land use category in Land Use Policy LU2. He explained that, currently, office uses are allowed in the Residential (R) R-18 through R-48 and Town Center (TC) zones with an approved Conditional Use Permit (CUP), but Professional Offices do not have any indexed criteria or conditions to address impacts to adjacent residential uses. The proposed amendment:

- Adds Professional Office as an allowed use in the R-8 and R-12 zones through an approved CUP.
- Clarifies the definition of Professional Offices, allowing different types of offices that function like a professional office.
- Adds index criteria to mitigate impacts to adjacent residential neighborhoods.
- Clarifies and expands CUP procedures and requirements.
- Adds a new definition for Contractor Construction Service Office.
- Adds a definition for Construction Service Office/Yard.
- Adds a definition for Outdoor Storage.

Mr. Szafran explained that Professional Office is defined as an office used as a place of business by a licensed professional such as an attorney, accountant, architect, engineer or a person in another generally recognized profession who uses training and knowledge of a technical, scientific or academic discipline as opposed to manual skills. Professional Offices shall not include outdoor storage, fabrication or transfer of commodity. Mr. Szafran further explained that a Contractor Construction Service Office would be defined as a type of professional office for the general administrative and accounting functions of a licensed contractor and may include a showroom. A Construction Service Office/Yard would be a more intense construction business where building materials, heavy equipment, tools, machinery and vehicles may or may not be stored outdoors. Outdoor Storage would be defined as the storage of any product, materials, equipment, machinery or scrap outside the confines of a fully-enclosed building.

Commissioner Craft observed that the proposed amendments are intended to address Professional Office uses and voiced concern that the proposed definitions related to Contractor Construction Service uses include showrooms and storage yards, which might be construed as sales and marketing establishments that have office components. He cautioned that the intent is to integrate Professional Offices into what has historically been low-density environments, and the expectation would be that the uses would be small professional offices that are non-invasive to the surrounding community. He expressed his belief that showrooms and storage yards do not belong in this conversation.

Mr. Szafran summarized that the uses discussed above are proposed to be added to Table 20.40.130, which is the Non-Residential Use Table. He noted that the Construction Service Office/Yard use is proposed to only be allowed in the Mixed Business (MB) zone, and the Contractor Construction Service Office and Professional Office uses are proposed to be allowed as conditional uses in the R-18 through R-48 and TC-4 zones, permitted outright in the Commercial (C) zones and allowed as conditional uses in the R-8 and R-12 zones.

Mr. Szafran explained that the purpose of adding index criteria to the uses is to ensure that the proposed uses do not cause a negative effect to the surrounding neighborhood. Since Professional and Contractor Construction Service Offices are similar uses, the proposed index criteria are the same. The criteria include:

1. Located on an arterial street or within 400 feet of an arterial street.
2. Hours of operation limited to 7am to 6pm Monday through Friday and 10am to 5pm Saturday and Sunday.
3. Subject parcel is abutting a R-18 through R-48 zone or abutting a Neighborhood Business (NB), Community Business (CB), Mixed Business (MB) or Town Center (TC) 1, 2 or 3 zone.
4. No outdoor storage.
5. Parking shall be on a paved surface, pervious concrete or pavers. No commercial parking is allowed in required side or rear setbacks.
6. Compliance with all dimensional requirements set forth in Table SMC 20.50.020(1).
7. One sign complying with Table 20.50.540(G) is allowed but may not be internally illuminated.
8. Outdoor lighting shall comply with SMC 20.50.240(H).
9. No onsite transfer of merchandise,
10. Showrooms shall be limited to 50% of the net floor area of the building.
11. Parking areas shall be screened from adjacent single-family residential uses by either a 6-foot foot opaque fence or a Type-1 landscape buffer.

Commissioner Maul referred to Criteria 6, noting that the table includes height limits, setbacks, lot coverage, hardscape and density.

Commissioner Davis asked if Criteria 8 is similar to the residential lighting requirements, and Mr. Szafran responded that it addresses all outdoor lighting. For example, security lighting would have to be downlit and shielded so it doesn't go past the property line.

Mr. Szafran recalled that the City Council raised several questions about the administration of existing and proposed CUPs. He reviewed the questions, as well as the proposed amendments to address each one, as follows:

- **Can a CUP be revoked? If yes, what would the criteria be?** As proposed, the Director may revoke a CUP if the applicant fails to comply with the terms of a permit
- **Does a CUP run with the land or is it personal to the permit holder?** As proposed, the CUP would run with the land unless expressly stated otherwise in the CUP approval.
- **What happens if a CUP is abandoned for a certain amount of time?** As proposed, if the conditional use is discontinued for a period of 12 consecutive months, the permit shall expire and become null and void.
- **When does a CUP expire?** As proposed, any conditional use permit that is issued and not utilized will expire within two years from the date of the City's final decision and become null and void if no specific time is addressed. Upon written request of a property owner or their authorized representative prior to the date of CUP expiration, the Director may grant an extension of time up to, but not exceeding, 180 days.

Mr. Szafran advised that the proposed amendments were evaluated based on the Development Code Amendment Criteria (See Staff Report). At this point, staff is not prepared to make a formal recommendation, as this is a discussion only. A public hearing is tentatively scheduled for March 5th.

Dean Williams, Attorney, said he was present to represent Melissa and Joseph Irons and Irons Brothers Construction. He voiced concern that a distinction is being created between Professional Offices and Contractor Construction Service Offices without any practical effect. Although the definitions are different, the conditions are almost identical. He cautioned that when you create two classes of individuals and then judge them on the identical criteria, it creates a situation down the road where different uses will be judged differently under standards that are written exactly the same. He noted that the Comprehensive Plan amendment only added Professional Offices to Policy LU2. He commented that adding all the different classification is inconsistent with the Comprehensive Plan amendment and doesn't serve any practical effect. There is also no reason to believe that an architect, for instance, wouldn't want to have a showroom as part of his/her office.

In the context of Irons Brothers Construction, Mr. Williams pointed out that there is no distinction between the office and the showroom. They advertise having a showroom in order to show some of the products they might be able to use in a project, but the showroom distinction in the proposed CUP criteria would not have any effect.

Mr. Williams voiced concern that the hours of operation proposed in Criteria 2 are too limited. It would be much more appropriate, particularly in a professional office situation, to allow meetings by appointment only outside of the regular hours. He said it is unclear if the hours of operation apply to all business activity or if employees can come and go.

Mr. Williams said the proposed amendments are also unclear as to the definition of a Commercial Vehicle. Contractors and many other business owners have the names of their businesses on their cars, and they may not have another vehicle. It would be much better to say "vehicles that can only be used for a commercial purpose."

Chair Montero asked whose idea it was to add the Contractor Construction Service Office and Construction Service Office/Yard classifications. These classifications are not found in any of the other cities he has researched. Mr. Szafran said the classifications were added by staff after looking at different intensities and uses and coming up with appropriate criteria to manage them. He emphasized that the proposed amendments are intended as a starting point. If the Commission likes having different classifications of offices, they could assign different types of mitigation. However, when trying to fit a contractor into the definition of Professional Office, staff felt it should be two separate uses.

Commissioner Maul observed that the proposed amendments appear to be addressing different types of uses. To him, Professional Office uses might include an architect who uses a conference room to show designs and products to clients. A Contractor Construction Service Office seems similar to Aurora Plumbing, where you have a sales room where they sell products, a back room full of parts that people can buy to fix their own stuff, and a warehouse where trucks come and go. He voiced concern that the two definitions are so similar that there is not a clear distinction for two very different uses. A Contractor

Construction Service Office could have significantly more impact on adjacent residential properties. He said he is concerned that the proposed definitions do not provide enough clarity.

Commissioner Craft emphasized that the proposed amendments would impact abutting residential zones. While he wouldn't be opposed to a Professional Office use adjacent to his home, he wouldn't want a Contractor Construction Service Office and its associated commercial vehicles, etc., located next door. The two environments are distinctly different. While he appreciates staff's intent, perhaps there are better opportunities to provide clarification for Professional Office uses in specific locations. While the home-office environment serves an important purpose in the community, because of proximity to low-density residential areas, there needs to be a certain level of regulation to address noise, light, exhaust, storage and other issues.

Commissioner Malek explained that business incubation often happens at the home level, and if successful, businesses eventually move to commercial zones. However, the proposed amendments would allow a fledgling business incubation to expand to a full-blown business and operate in perpetuity. He noted that, as proposed, there would be no limit on the number of office uses that would be allowed to locate in a given area. He cautioned that if they allow areas to grow organically, at what point would it be fair or unfair for businesses to come and go as they become fully established. While he understands that the City would retain the right to revoke the permit if a business gets too big, the proposed amendments do not clearly outline how that would work. Absent a subarea plan, the proposed amendments could end up undermining commercial corridors where business investors have purchased commercial real estate for the purpose of their businesses.

Chair Montero agreed with Commissioner Malek. An individual contractor with a truck in his yard is totally different than a professional office. Larger cities designate Professional Office Zones that act as buffers between the residential and commercial areas. He expressed his belief that including "contractors" as a type of professional office use would be a disservice to what the Commission is trying to accomplish. Chair Montero said he supports allowing Professional Offices in residential zones, but he is not in favor of allowing construction service offices and yards with multiple employees to locate in residential zones.

Regarding Commissioner Malek's previous question, Mr. Szafran said any parcel that is zoned R-8 or R-12 can apply for a CUP for a Professional Office, and as proposed, there would be no limit on the number of Professional Offices that can locate in any given area. It might be possible to add a separation requirement. Commissioner Malek said there needs to be a clear line to distinguish between business incubation and full-fledged businesses that need to graduate to larger spaces in the commercial zones. He said he would support allowing Professional Offices in the R-8 and R-12 zones, but it would be inappropriate to allow construction service offices and/or yards in residential zones without clearly defined limits and boundaries.

Commissioner Davis summarized that she could also support allowing Professional Offices in residential zones. She acknowledged that people do not want contractor equipment and heavy, loud, stinky commercial vehicles adjacent to their homes, but she could see situations where a contract could fit into the definition as a licensed professional, as long as there are clear boundaries as to what is and is not allowed in terms of equipment and anything else that would be disruptive to the neighborhoods. Commissioner Maul concurred and said he works with contractors who have offices in buildings in

downtown Seattle, but their trucks aren't coming and going and they aren't moving materials back and forth from that location.

Commissioner Craft agreed and commented that the Professional Office definition should not preclude contractors, as long as there aren't construction vehicles, stored materials, etc. He pointed out that there is quite a bit of R-8 and R-12 zoning in the City. While it is fine to have a mix, the proposed amendments could, theoretically, result in more professional offices than residences in the R-8 and R-12 zones. One argument would be to let market forces determine the appropriate number, but he is not sure that is the type of environment they want to promote for Shoreline.

Commissioner Malek observed that, in the Irons Brothers case, they were operating on one business lot and purchased another across the street as an assemblage, and the expansion was not really consistent with the concept of a business office out of someone's home. The expansion moved the business from a small, low-impact state to a professional institution that has higher utilization of infrastructure and impact to the surrounding residential community.

Vice Chair Mork agreed there is a big difference between a professional office with an attorney or another professional as opposed to a situation where there are many people coming to the site. She supports the proposed definition for Professional Office, and professional construction engineers could fall into the same category, but they wouldn't have multiple visitors at the same time and they wouldn't exacerbate the problem by taking up exceptional amounts of parking. Businesses that sell products should only be allowed in commercial zones.

Commissioner Lin said she supports allowing non-intrusive professional offices in residential zones. She pointed out that the current code allows adult family homes as commercial uses in residential zones, but there are limits on the number of employees, parking requirements, etc. She asked if a similar approach could be used for Professional Office uses to ensure they are less intrusive. She also asked if it would make sense to tie the CUP to the applicant rather than the property. Mr. Szafran said the proposal is that the CUP would apply to the parcel, unless the Director says otherwise through the CUP process. If a CUP is approved and the business ends up relocating, Vice Chair Mork asked if a new, entirely, different business would be allowed to locate on the site using the same CUP or if an entirely new CUP would be required. Chair Davis expressed her belief that the zoning should revert back to the original, lower zoning. Conditional uses should be considered exceptions to the rule, and allowing a CUP to run with the land doesn't make sense. Mr. Szafran asked what would happen if someone builds an office building on an R-8 parcel, and the original business relocates. Should a new CUP be required if the new business is different?

Chair Montero summarized that the Commission would like staff to tighten the definition for Professional Office and consolidate the definitions for Professional Office and Contractor Construction Service Office. Transferability of a CUP should stay with the property owner and not the parcel. Assistant City Attorney Ainsworth-Taylor said her research found that both options are used throughout the state. As proposed, the determination of whether a CUP runs with the land or is personal to the applicant will be made by the Director. Commissioner Davis raised concern that allowing the CUP to run with the land could result in planning being done based on profitability.

Commissioner Craft commented that there needs to be some understanding that whatever the physical structure on the parcel is going to be used for, it must be in such a condition that conversion to a residential use would be possible. A person who wants to build an office environment may want to look elsewhere and locate in a commercial area that is more suitable for the business. He summarized that the Commission is interested in placing some limits on Professional Office uses to limit the impact to surrounding neighborhoods.

Commissioner Craft said he is still concerned that the potential geographical spread associated with the proposed amendments is much larger than it should be. Vice Chair Mork asked staff to provide a map showing the location of the properties that could be impacted by the proposed amendments.

Chair Montero said the Commission is also interested in limiting the number of Professional Office uses allowed in the City. Commissioner Craft suggested that a better approach might be to create a new zone for Professional Office uses. They have spent innumerable hours creating zoning for the type of growth and affordability they want, and it appears that the proposed amendments are an attempt to “sneak something in the back door.” This does not seem appropriate to him.

Commissioner Malek asked if there are any jurisdictions that use a quasi-judicial approach for processing CUPs. This would allow public input rather than it simply being an administrative decision. Assistant City Attorney Ainsworth-Taylor answered that a number of jurisdictions require CUPs to be approved by a hearing examiner.

Vice Chair Mork asked Mr. Szafran to describe what happens if a permit holder violates the terms of a CUP. Mr. Szafran answered that the Director can suspend or revoke any CUP for any of the reasons listed in SMC 20.30.300(C). Assistant City Attorney Ainsworth-Taylor added that the permit would be suspended and the permit holder would be allowed an opportunity to cure. If it comes to revocation of the permit, the permit holder would have to cease operations at the site or be in violation of the code. At that point, code enforcement action would apply. The permit holder could appeal the revocation to the hearing examiner.

The Commission agreed to push back the public hearing date to allow time for additional study.

STUDY ITEM: 2020 COMPREHENSIVE PLAN AMENDMENTS

Mr. Szafran reviewed that the Growth Management Act (GMA) limits the review of Comprehensive Plan amendments to no more than once a year. To ensure the public can view all of the proposals in a citywide context, the GMA directs cities to create a docket or list of the amendments that may be considered each year. For 2020, there is one privately-initiated amendment and two city-initiated amendments. None of the items on the docket have been evaluated by staff. He reviewed each of the amendments as follows:

- **Amendment 1 – Amend Table 6.6 of the Parks, Recreation and Open Space Plan to acquire park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets.** Table 6.6 of the Parks, Recreation and Open Space (PROS) Plan is a list of general capital projects that are targeted for acquisition between 2024 and 2029. The amendment will consider acquisition of park and open space between Dayton Avenue to I-5 and between 145th Street to

165th Street instead of the more constrained area of Aurora Avenue to I-5 and 155th Street to 165th Street. The proposed amendment will provide additional opportunities to meet the level of serve targets for parks for the Westminster Triangle Neighborhood as demonstrated in PROS Plan Figure 4.17.

- **Amendment 2 – Amend the Point Wells Subarea Plan to be consistent with an Interlocal Agreement between the City of Shoreline and Town of Woodway.** The amendment proposes to amend the Point Wells Subarea Plan and associated Comprehensive Plan Policy LU-51 related to Point Wells to implement the Interlocal Agreement approved by the City Council on October 7, 2019. The agreement pertains to Shoreline’s support for Woodway’s future annexation of Point Wells and coordination of land use planning and development regulations for the area by the Town of Woodway and City of Shoreline.
- **Amendment 3 – Amend the Land Use Element to include a new policy requiring commercial uses within commercial and mixed-use zones.** This is a privately-initiated amendment to add a new Land Use Element Policy LU-9 to require commercial uses in the City’s mixed-use and commercial zones. Currently, there are no regulations that require mixed-use or commercially-zoned parcels be developed in the commercial and mixed-use zones, which means purely residential projects can be developed. The applicant has also submitted a companion Development Code amendment that would list specific development regulations for the commercial spaces in those zones.

Mr. Szafran summarized that the Commission is being asked to make a recommendation on which of the proposed amendments should be studied in 2020, and staff is recommending that all of them be added to the final docket.

Kevin Atkinson, Shoreline, asked the Commission to support allowing Amendment 3 to be included on the 2020 Docket. He pointed out that Shoreline is the only City in Puget Sound that allows parcels in commercial zones to be developed to 100% residential use. All other cities require mixed-use in commercial zones. From the perspective of a balance sheet, residential development is easier to develop and has a quicker rate of return for investors, and that is why every other city protects and nurtures its commercial zones. If left to the discretion of a developer, they will go for the quick and easy money. It is time for Shoreline to look at the evidence of the current policy and make a change.

Commissioner Maul voiced support for including all three proposed amendments on the 2020 Docket for further consideration. In particular, he agreed that it is time to think about requiring commercial uses in the commercial and mixed-use zones (Amendment 3). However, he has some specific thoughts about the companion Development Code amendment. Commissioner Craft agreed that more time will be needed to consider the Development Code amendment. Mr. Szafran said the amendment would be included in the batch of Development Code amendments that will be considered in 2020.

VICE CHAIR MORK MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT ALL THREE OF THE PROPOSED AMENDMENTS BE INCLUDED ON THE 2020 COMPREHENSIVE PLAN AMENDMENT

DOCKET. COMMISSIONER MAUL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

Commissioner Malek reported that Blue Square Real Estate (BSRE), the developer for Point Wells, was given a resubmittal deadline of December 18, 2019. The judge explained that the original hearing examiner incorrectly assumed that he could not rule to reactivate the application, when in fact, it was possible. He gave the applicant another chance to submit, and BSRE did so on December 12th. The resubmittal was designed to address no less than 42 issues of code non-compliance, but was not fundamentally different than the original submittal. There are still a lot of discrepancies with the County. For example:

- There is a lack of clear engineering solutions and tables to address issues of secondary access through Woodway.
- Some of the dwelling units in the proposed design are in the landslide hazard area, and the resubmittal does not identify how this risk will be addressed.
- The proposed 18-story buildings exceed the 9-story height restriction if the applicant doesn't provide access to high-capacity transportation, and Sound Transit does not have any plan to put a rail station there. BSRE has applied for a variance to change that ruling.
- There is disagreement as to the boundary of the ordinary highwater mark and construction of buildings within that area.
- BSRE is looking for a reduction in the parking requirement without providing any clear count for how much senior housing would be provided.

Commissioner Malek summarized that the judge's order allowed for a one-time reactivation for BSRE to resubmit an application and correct the mistake of the hearing examiner who originally declined their request. Both the judge's remand order and the resubmittal documents are available on line. They are also available on the Richmond Beach Community Association's website for Point Wells. The Town of Woodway also has a website for Point Wells, as does Snohomish County. The Everett Herald is another good source of information. He said the court sees the reactivation as a one-time opportunity rather than an avenue for future reactivation requests. The intent was to right a wrong and allow the applicant an opportunity, without prejudice, to do a resubmittal. If the resubmittal does not address the issues called out by the County, BSRE will not receive any additional extensions.

Assistant City Attorney Ainsworth-Taylor clarified that the judge's decision only allowed for the reactivation that BSRE asserted they were vested to and the County had argued they were not vested to.

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BSRE has exercised the reactivation and the permits are now back under the same numbers and under the regulations they were originally vested to in 2011. The application will continue on to the Court of Appeals, and the City has completed its briefing round. One more briefing round is left to do, and then there will be oral argument on the high-capacity transit issue, which is the only issue that was appealed.

If the City changes its Comprehensive Plan to reflect the Interlocal Agreement with Woodway, Commissioner Malek asked how it would change the applicant's current vesting status. Assistant City Attorney Ainsworth-Taylor responded that the project would remain vested to the County's code because the property is still within the County's jurisdictional base. Any annexation agreement, whether it be with Shoreline or the Town of Woodway, would address and usually retain the vesting of permits that are currently under consideration.

If the Comprehensive Plan is changed as proposed by Amendment 1, Commissioner Malek asked if the change would apply to the Point Wells Property if BSRE loses its vesting right. Assistant City Attorney Ainsworth-Taylor answered no, and explained that the City's Comprehensive Plan has no application in Point Wells, which is located in unincorporated Snohomish County. Currently, the property's land use designation is Urban Village, and it is primarily zoned Planned Community Business, with a small amount of Industrial zoning. Commissioner Malek asked if the City's Comprehensive Plan would have some influence if BSRE is using Shoreline services and access roads. Similarly, wouldn't Woodway have some influence over ingress/egress and the scope of the build. Assistant City Attorney Ainsworth-Taylor advised that is an argument to be made.

Commissioner Maul asked the benefit of the City spending time on a subarea plan for Point Wells. Assistant City Attorney Ainsworth-Taylor explained that when the subarea plan was created in 1998 and 1999, it was intended to show the City's intent and interest in annexing the property. However, the subarea plan has no true impact on the Point Wells development.

AGENDA FOR NEXT MEETING

Mr. Szafran advised that the February 20th agenda will include an update on the 185th Corridor Study and a Finland presentation on land use and transportation planning. The Commission will continue its discussion on the proposed Development Code amendment related to professional offices in the R-8 and R-12 zones on March 5th.

ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

William Montero
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

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Parks, Recreation and Open Space (PROS) Plan

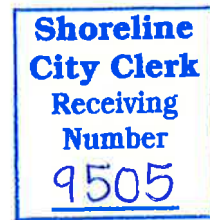
Table 6.6: Acquisition targeted for 2024-2029 (timing may be adjusted as appropriate if earlier funding opportunities arise)

	INFLATOR =	24%	29%	33%	38%	43%	48%	
	2017 Project	2024	2025	2026	2027	2028	2029	6-YEAR
	Cost estimate							TOTAL
SHAPING OUR FUTURE: PARK ACQUISITION AND ASSOCIATED DEVELOPMENT PROJECTS								
Rotary Park Development	\$1,093,000		\$1,406,000					\$1,406,000
145th Station Area Acquisition	\$4,803,000	\$1,494,000	\$1,545,000	\$1,598,000	\$1,654,000			\$6,291,000
145th Station Area Development	\$808,000				\$1,113,000			\$1,113,000
185th & Ashworth Acquisition	\$967,000	\$1,203,000						\$1,203,000
185th & Ashworth Development	\$404,000		\$520,000					\$520,000
5th & 165th Acquisition	\$5,473,000		\$7,041,000					\$7,041,000
5th & 165th Development	\$3,348,000			\$4,456,000				\$4,456,000
Paramount Open Space Acquisition	\$2,755,000		\$886,000	\$917,000	\$949,000	\$982,000		\$3,734,000

	INFLATOR =	24%	29%	33%	38%	43%	48%	
	2017 Project Cost estimate	2024	2025	2026	2027	2028	2029	6-YEAR TOTAL
Paramount Open Space Improvements	\$200,000		\$257,000					\$257,000
CEDARBROOK PLAYGROUND	\$404,000	\$503,000						\$503,000
AuroraDayton-I-5 1455th-165th Acquisition	\$7,210,000				\$9,931,000			\$9,931,000
AuroraDayton-I-5 1455th-165th Development	\$1,093,000						\$1,615,000	\$1,615,000
DNR Open Space Access Acquisition	\$1,576,000		\$2,027,000					\$2,027,000
DNR OPEN SPACE Development	\$432,000					\$616,000		\$616,000
RONALD BOG PARK TO JAMES KEOUGH PK TRAIL	\$65,000		\$84,000					\$84,000
Total Acquisition Costs	\$29,006,000	\$2,697,000	\$15,491,000	\$2,515,000	\$15,313,000	\$982,000	\$0	\$36,998,000
Total Acquisition Development Costs	\$7,847,000	\$503,000	\$2,267,000	\$4,456,000	\$1,113,000	\$616,000	\$1,615,000	\$10,570,000

	INFLATOR =	24%	29%	33%	38%	43%	48%	
	2017 Project Cost estimate	2024	2025	2026	2027	2028	2029	6-YEAR TOTAL
TOTAL Costs	\$36,853,000	\$3,200,000	\$17,758,000	\$6,971,000	\$16,426,000	\$1,598,000	\$1,615,000	\$47,568,000
REVENUES Specific to Acquisition and NEW development								
KC CONSERVATION INITIATIVE	\$1,000,000		\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,000,000
KING COUNTY CONSERVATION FUTURES TRUST	\$1,050,000	\$50,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,050,000
PARK IMPACT FEE	\$1,650,000	\$150,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$1,650,000
Total	\$3,700,000	\$200,000	\$700,000	\$700,000	\$700,000	\$700,000	\$700,000	\$3,700,000

SETTLEMENT AND INTERLOCAL AGREEMENT
BETWEEN
CITY OF SHORELINE
AND
TOWN OF WOODWAY



This Settlement and Interlocal Services Agreement ("ILA") ILA sets forth the terms of agreement between the City of Shoreline ("Shoreline") and the Town of Woodway ("Woodway") for the purpose of addressing services, infrastructure, mitigation, impacts, and related issues related to development or re-development of the unincorporated area of Snohomish County commonly referred to as Point Wells. Shoreline and Woodway are each a "City" and collectively the "Cities" and "Parties" to this Agreement.

WHEREAS, the Interlocal Cooperation Act, chapter 39.34 RCW, authorizes Shoreline and Woodway to enter into a cooperative agreement for the provision of services and facilities in a manner that will accord best with the factors influencing the needs and development of their cities; and

WHEREAS, Shoreline and Woodway are both municipal corporations of the State of Washington organized and operating under Title 35A RCW and planning under the Growth Management Act, chapter 36.70A RCW (GMA); and

WHEREAS, both Shoreline and Woodway have identified the Point Wells Area, located within an unincorporated area of Snohomish County, for future annexation in their respective comprehensive plans, which property is described and depicted in Exhibit A; and

WHEREAS, Shoreline and Woodway each have responsibility and authority derived from the Washington State Constitution and State laws to plan for and regulate uses of land and the resultant environmental impacts; and

WHEREAS, Shoreline and Woodway recognized that planning and land use and transportation decisions can have extra-jurisdictional impacts and that intergovernmental cooperation is an effective way to deal with and mitigate impacts and provide opportunities that transcend local jurisdictional boundaries; and

WHEREAS, the State Environmental Policy Act, chapter 43.21C RCW (SEPA), requires Shoreline and Woodway to consider the environmental impacts of development on their communities, adjacent communities and where applicable, regional impacts; and

WHEREAS, following analysis of various options, the cities agree that the long-term regulation and development of Point Wells is best served and controlled by annexation of Point Wells by either Woodway or Shoreline; and

WHEREAS, Woodway's Municipal Urban Growth Area Subarea Plan for Point Wells contains various goals and policies, including that development should be pursuant to a master plan that results from

a coordinated planning effort between the Point Wells property owner, Woodway, and Shoreline, and that Woodway should coordinate with Shoreline, the Richmond Beach Neighborhood, and other affected property owners to ensure that development is compatible with existing residential neighborhoods; and

WHEREAS, Shoreline's Point Wells Subarea Plan contains various goals and policies for Point Wells including that consideration of traffic mitigation should include the participation of Woodway; and

WHEREAS, Shoreline and Woodway have expended valuable public resources over the years to protect their respective community interests regarding Point Wells, and Shoreline and Woodway desire to work together and with others toward adoption of interlocal agreements to address the issues of land use planning, transportation, provision of urban services, construction and development impacts, and local governance; and

WHEREAS, Shoreline and Woodway desire to enter into this ILA that sets forth the framework to formulate future intergovernmental agreements under the Authority of the Interlocal Cooperation Act, chapter 39.34 RCW, for the provision of services and facilities in a manner that will accord best with the factors influencing the needs and development of their cities to ensure that any future project in Point Wells is developed or redeveloped in the best interest of their respective communities and mitigates the related impacts.; and

NOW, THEREFORE, Shoreline and Woodway agree as follows:

I. PROVISIONS APPLICABLE TO ALL PARTIES

A. Joint Planning Working Group – Comprehensive Plan Policies, Development Regulations, and Design Standards. Within sixty (60) calendar days from the execution of this ILA, the Cities agree to create a joint staff working group (“Working Group”) to develop and recommend mutually agreeable comprehensive plan policies, development regulations and design standards, including applicable zoning, for Point Wells that will be considered for adoption by each City prior to annexation of Point Wells by either City.

1. The Working Group shall be comprised of three (3) staff representatives from Woodway and three (3) staff representatives from Shoreline. Each City shall have sole discretion on selecting and appointing their representatives.
2. The Working Group shall meet on a schedule mutually agreed to by its members, but no less than one (1) time per month until a recommendation is submitted to the Planning Commissions of Woodway and Shoreline for consideration and subsequent consideration and adoption by their respective Councils. The first meeting of the Working Group shall be held no later than thirty (30) calendar days after its formation. In formulating its recommendation, the Working Group shall consider this ILA, the goals and policies adopted in each of the Cities' Subarea Plans for Point Wells as contained in their respective comprehensive plans, and the goals

and requirements of the Growth Management Act and other applicable laws and regulations.

3. The Working Group's shall attempt to complete its work within 180 calendar days of its first meeting. Upon completion of the work, the Working Group shall submit its recommendation to their respective Planning Commissions and City Councils for final consideration and adoption and inclusion in that City's respective comprehensive plan and/or implementing regulations applicable to Point Wells pursuant to the amendment process set forth in the Woodway Municipal Code (WMC), including chapter 15.04 WMC and Title 14 WMC, and the Shoreline Municipal Code (SMC), including chapter 20.30 SMC.
4. The recommendation developed by the Working Group shall be consistent with the provisions of this ILA and shall contain, at a minimum:
 - a. Requirements that Point Wells be zoned and developed as a primarily residential development, and that any mixed-use development be pedestrian-oriented and incorporate a variety of residential types and limited commercial uses along with public recreation accessible to residents of both cities. This provision does not apply to Snohomish County Tax Parcel No. 27033500303600.
 - b. Requirement that any development application for Point Wells include a traffic study for Shoreline and Woodway roads consistent with the preparation criteria required by each City.
 - c. A building height limitation of no more than 75 feet and a process or regulations for*additional height restrictions for development located within the southern portions of Point Wells based on consideration and preservation of view corridors for Woodway's residents and Shoreline's Richmond Beach neighborhoods.
 - d. Mandatory public recreational facilities and public access to the Puget Sound shoreline, with adequate public parking requirements that must be incorporated into the site plan in a manner that avoids large surface parking lots.
 - e. Requirements that development at Point Wells must demonstrate appropriate and adequate sensitivity to the natural environment, with mixed-use and residential development reflecting an effort to achieve the highest level of environmental sustainability for design, construction, and operation of buildings and infrastructure.
 - f. Requirements that development must adhere to "dark skies" standards, such as light source shielding to prevent the creation of light pollution from light fixtures and landscaping.

g. A requirement that development or redevelopment of Point Wells shall be subject to a Master Development Plan or a Development Agreement with a required design review process that includes a consultation with each City.

h. A traffic restriction of 4,000 ADT on Richmond Beach Drive in Shoreline and a LOS D with 0.9 V/C for the remaining Richmond Beach Road Corridor. This requirement or level of service will apply within each city as well as for any development in Point Wells per the applicable County development regulations, such as Urban Center or Urban Village, to the fullest extent allowed by law.

- B. **Adoption of Recommended Policies, Regulations, and Standards.** Each City agrees to timely process the Working Group's recommendation and to place the Planning Commission's and Working Group's recommendation (if different) before its City Council for consideration and adoption within 180 calendar days of submittal of the Working Group's recommendations, PROVIDED that the Cities recognize that any recommended amendments to a City's comprehensive plan or development agreement shall adhere to the requirements of the Growth Management Act (GMA). Prior to the effective date of a City ordinance or state legislation authorizing annexation, a City will consider necessary amendments to its comprehensive plan and development regulations in the manner set forth in Section IA. Each City further agrees that it will affirmatively recommend to its City Council not to amend or repeal the adopted regulations or amendments resulting from the Working Group's recommendations for a period of two (2) years after: (1) the effective date of any state unilateral annexation legislation; or (2) adoption of a city resolution or ordinance annexing Point Wells, unless required to do so by a court of competent jurisdiction, including the Growth Management Hearings Board, or unless the other City formally agrees to such modifications in writing.
- C. **Amendment of Comprehensive Plan and Implementing Regulations.** Each City shall provide the other City with at least thirty (30) calendar days written notice (unless otherwise agreed to or waived in writing), and a review and comment opportunity, for any legislative actions that may modify or amend the comprehensive plan policies or development regulations adopted from the recommendations from the Working Group, or that otherwise impacts the uses, development or redevelopment of the Point Wells area. Notice shall include, but not be limited to, notice of all Planning Commission and City/Town Council meetings and hearings related to such legislative considerations or actions.
- D. **Reciprocal Mitigation Agreements.** The Cities will create reciprocal mitigation agreements related to the impacts of development and redevelopment within the Cities for recommended adoption by the respective legislative bodies of the Cities for approval. The agreements will provide for issues related to cooperative review of environmental impacts and will include, but not be limited to, issues such as SEPA lead status, review process, and review of impacts related to transportation and park/recreation facilities and may address other impacts of development as well.

- E. **Consultation on land use permit applications.** After annexation, each city agrees to provide the other no less than thirty (30) calendar days written notice of all land use permit applications for Point Wells consistent with chapter 36.70B RCW, Local Project Review. Each city agrees to invite the other city's staff to attend meetings between city staff and the applicant relating to such permit applications, including, pre-applications meetings, and allow the other city reasonable review and comment opportunity.
- F. **State Environmental Policy Act (SEPA) Mitigation.** Per WAC 197-11-944, the cities will share or divide the responsibilities of lead agency on SEPA review and mitigation for specific environmental impacts in accordance with the impacts from any non-exempt SEPA action from the development or redevelopment of Point Wells. The City in which the development is located shall, however, be responsible to designate one of them as the nominal lead agency and the cities shall consider and apply the mitigations, conditions, and levels of service as set forth in Section I of this ILA as allowed by law.

Nothing in this ILA limits the ability of either City to request additional mitigation pursuant to SEPA where a City has determined and identified specific environmental impacts of development as being significant adverse impacts that are not addressed by this ILA or a SEPA determination.

If Snohomish County is the jurisdiction responsible for SEPA review and mitigation in relation to the development or redevelopment of Point Wells, each city agrees to support the mitigation measures and applicable terms set out in this ILA when participating in the County's environmental review process.

- G. In the event neither city has annexed Point Wells prior to the developer submitting a development application to Snohomish County each city, except as required by law or by a judicial or administrative order/decision, agrees not to enter into any agreement(s) with the developer and/or Snohomish County inconsistent with the terms set forth in this Agreement.

II. PROVISIONS APPLICABLE TO THE CITY OF SHORELINE

- A. **No Annexation of Point Wells.** In accordance with this ILA, Shoreline agrees that it will take no actions to annex Point Wells, except as otherwise allowed and provided for herein.
- B. **Support of Woodway Annexation of Point Wells.** Upon the Effective Date of this ILA, Shoreline agrees not to challenge or object to Woodway's annexation of Point Wells, including any administrative or judicial process. Shoreline further agrees to work with Woodway and to fully support Woodway's annexation of Point Wells, including support of any legislation necessary to effectuate an annexation without the consent of the Point Wells property owner, provided said legislation does not interfere or conflict with the

requirements of this ILA. Should there be inconsistency between any legislation providing for such annexation and the terms of this ILA, Woodway and Shoreline mutually agree, to the extent the law allows, that the requirements of this ILA shall control. Shoreline shall not provide sewer service to Woodway residences or businesses absent a separate agreement with Woodway.

- C. **Richmond Beach Drive.** Shoreline agrees that, following annexation of Point Wells by Woodway, Shoreline will not take action that would reduce the current 4,000 ADT limitation on Richmond Beach Drive. The Cities assume that the 4,000 ADT limitation should allow for approximately 400 to 800 multi-family residential units with such estimate being subject to appropriate mitigation. Further, Shoreline agrees that it will not restrict access to Point Wells via Richmond Beach Drive in any way that would unreasonably interfere with or prevent use of the road by the general public, unless agreed to in writing by Woodway, who shall not unreasonably withhold its approval. Notwithstanding the foregoing, nothing shall prevent Shoreline from taking standard health and safety actions to protect its residents and the public from risk or harm or implement emergency measures.

III. PROVISIONS APPLICABLE TO THE TOWN OF WOODWAY

- A. **Annexation of Point Wells.** Woodway shall use its best efforts to effectuate the annexation of Point Wells as expeditiously as reasonably possible considering the factors affecting its ability to annex Point Wells, consistent with this ILA.
1. If Woodway, by resolution or formal action of its Town Council, notifies Shoreline of Woodway's election to not annex Point Wells, then Section II(A) of this ILA shall become immediately null and void, and Shoreline may seek annexation of Point Wells under any method legally available to Shoreline. Under such circumstance, Woodway agrees to support and work with Shoreline to have Snohomish County include Point Wells into Shoreline's Municipal Growth Area in Snohomish County, and to fully support Shoreline's annexation, including support of any changes in state legislation necessary to facilitate such annexation.
 2. If Woodway fails to file a notice of intent to annex Point Wells with the Boundary Review Board (if such a notice is legally required) or to adopt an annexation ordinance (if Boundary Review Board approval is not required) within three (3) years from the date of a direct petition or within three (3) years after the availability of a statutorily-authorized method of annexation without the property owner's consent becomes legally available, (whichever occurs first), then Shoreline may seek annexation of Point Wells under any method legally available to Shoreline. Should this occur, there shall be no requirement of a resolution of Woodway's Town Council and upon Shoreline providing a notice to Woodway of Shoreline's desire to annex Point Wells, Sections II(A) and (B)) of this ILA shall become immediately null and void, and upon receipt of such notice Woodway shall fully support Shoreline's annexation as set forth in subsection (1) of this section above.

3. Should Shoreline fail after being fully able to annex Point Wells to move forward and file a notice of intent to annex Point Wells with the Boundary Review Board (if such a notice is legally required) or to adopt an annexation ordinance (if Boundary Review Board approval is not required) within three (3) years from the date of a direct petition, or within three (3) years after the availability of a statutorily-authorized method of annexation without the property owner's consent becomes legally available (whichever occurs first), Woodways obligation under the preceding section to fully support Shoreline's annexation shall become immediately null and void. Shoreline and Woodway may then pursue annexation of Point Wells without obligation of support from the other party.
4. Woodway shall not acquire any of Shoreline's sewer utilities located within Point Wells or provide sewer service to Shoreline residences or businesses absent a separate agreement with Shoreline. Woodway shall not interfere in any way with Shoreline's acquisition of property described in Exhibit B from BSRE in relation to Lift Station 13. Woodway further agrees, except for the connection of Point Wells with Richmond Beach Drive, that Shoreline's acquisition of the herein described property in relation to Lift Station 13 is a superior public use to any use that Woodway may have for the property. Woodway also expressly recognizes that the existing Lift Station 13 facilities and property is property that will become Shoreline's property and part of Shoreline's wastewater utility system upon its assumption of Ronald Wastewater District. Lift Station 13, as used herein, is the property and system that is currently located off of Richmond Beach Drive in unincorporated Snohomish County.

B. Woodway Access Road. Upon annexation of Point Wells by Woodway, Woodway shall require that any development or redevelopment of Point Wells of 25 or more units or commercial development that would trigger the equivalent number of trips, or any combination thereof, shall, as a condition of development approval, provide a general-purpose public access road wholly within Woodway that connects into Woodway's transportation network and provides a full second vehicular access point to Point Wells into Woodway. This road shall be built to Woodway's standards and shall accommodate full access for commercial, emergency and residential traffic that meets acceptable engineering standards, and provides a viable reasonable alternative to the use of Richmond Beach Drive. This secondary access road, including the ingress and egress to and from the road, shall not be restricted in any way that would prevent such use of the road by the general public, unless agreed to in writing by Shoreline. Notwithstanding the foregoing, nothing shall prevent Woodway from taking standard health and safety actions to protect its residents and the public from risk or harm or implement emergency measures. This provision may not be relied upon by any applicant, other third party, or governmental entity as an obligation on Woodway to acquire property or construct the access or a requirement to approve access.

IV. GENERAL PROVISIONS

A. TERM

The intent of the Cities is that this ILA shall remain in full force and effect until the responsibilities and obligations of the parties set forth herein are fulfilled, but no later than December 31, 2034, unless an extension is mutually agreed to in writing by the parties. This ILA may be terminated at any time by mutual consent of the Cities, provided that such consent to terminate is in writing and authorized by the Shoreline City Council and the Woodway Town Council.

B. SEVERABILITY

This Agreement does not violate any federal or state statute, rule, regulation or common law known; but any provision which is found to be invalid or in violation of any statute, rule, regulation or common law shall be considered null and void, with the remaining provisions remaining viable and in effect.

C. DISPUTE RESOLUTION.

1. **Dispute Resolution.** It is the Cities' intent to work cooperatively and in good faith to resolve any disputes in an efficient and cost-effective manner. If any dispute arises between the Cities relating to this ILA, then the Shoreline City Manager, or designee, and the Woodway Town Administrator, or designee, shall meet and seek to resolve the dispute, in good faith, within ten (10) calendar days after a City's written request for such a meeting to resolve the dispute. If the matter cannot be resolved amicably and promptly by the Shoreline City Manager and the Woodway Town Administrator, then the matter shall be subject to mediation.
2. **Mediation proceedings.** The mediator will be selected by mutual agreement of the Cities. If the Cities cannot agree on a mediator, a mediator shall be designated by the American Arbitration Association. Any mediator so designated must be acceptable to the Cities. The mediation will be conducted in King County, Washington. Any City may terminate the mediation at any time. All communications during the mediation are confidential and shall be treated as settlement negotiations for the purpose of applicable rules of evidence, including Evidence Rule 408. However, evidence that is independently admissible shall not be rendered inadmissible by nature of its use during the mediation process. The mediator may not testify for either City in any subsequent legal proceeding related to the dispute. No recording or transcript shall be made of the mediation proceedings. The cost of any mediation proceedings shall be shared equally by the

Cities. Any cost for a City's legal representation during mediation shall be borne by the hiring City.

D. INDEMNIFICATION AND LIABILITY.

1. Indemnification of Woodway. Shoreline shall protect, save harmless, indemnify and defend, at its own expense, Woodway, its elected and appointed officials, officers, employees, volunteers and agents, from any loss or claim for damages of any nature whatsoever arising out of Shoreline's good faith performance of this ILA, including claims by Shoreline's employees or third parties, except for those damages caused solely by the negligence, recklessness or intentional misconduct of Woodway, its elected and appointed officials, officers, employees, volunteers or agents.
2. Indemnification of Shoreline. Woodway shall protect, save harmless, indemnify, and defend at its own expense, Shoreline, its elected and appointed officials, officers, employees, volunteers and agents from any loss or claim for damages of any nature whatsoever arising out of the Woodway's good faith performance of this ILA, including claims by Woodway's employees or third parties, except for those damages caused solely by the negligence, recklessness or intentional misconduct of Shoreline, its elected and appointed officials, officers, employees, volunteers or agents.
3. Extent of liability. In the event of liability for damages of any nature whatsoever arising out of the performance of this ILA by Shoreline and Woodway, including claims by Shoreline's or Woodway's own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of Shoreline and Woodway, their officers, officials, employees and volunteers, each party's liability hereunder shall be only to the extent of that party's negligence.
4. Hold harmless. No liability shall be attached to Shoreline or Woodway by reason of entering into this ILA except as expressly provided herein. Shoreline shall hold Woodway harmless and defend at its expense any legal challenges to Shoreline's requested mitigation. Woodway shall hold Shoreline harmless and defend at its expense any legal challenges to Woodway's requested mitigation.

E. GENERAL PROVISIONS

1. **Notice.** Any notice required under this ILA will be in writing, addressed to the appropriate City at the address which appears below (as modified in writing from time to time by such City), and given personally, by registered or certified mail, return receipt requested, by facsimile or by a nationally recognized overnight courier service. All notices shall be effective upon the date of receipt.

City Manager
City of Shoreline
17500 Midvale Avenue N
Shoreline, WA 98133-4905
(206) 801-2700
dtarry@shorelinewa.gov

Town Administrator
Town of Woodway
23920 113th Place W
Woodway, WA 98020
(206) 542-4443
eric@townofwoodway.com

2. **Governing Law.**

- a. This ILA shall be construed and enforced in accordance with the laws of the State of Washington.
- b. This ILA in no way modifies or supersedes existing law and statutes. In meeting the commitments encompassed in this ILA, Shoreline and Woodway shall comply with the requirements of the Open Public Meetings Act, chapter 42.30 RCW, Growth Management Act, chapter 36.70A RCW, State Environmental Policy Act, chapter 43.21C RCW, Public Records Act, chapter 42.56 RCW, Annexation by Code Cities, chapter 35A.14 RCW, and other applicable laws and regulations, as amended from time to time.
- c. By executing this ILA, Shoreline and Woodway do not purport to abrogate any land use and development authority vested in them by the law.

3. **Venue.** Venue of any suit between the Cities arising out of this ILA shall be in either King County Superior Court or Snohomish County Superior Court.

4. **Third Party Beneficiaries.** There are no third-party beneficiaries to this ILA, and this ILA shall not be interpreted to create any third-party beneficiary rights.

Each individual signing below hereby represents and warrants that he/she is duly authorized to execute and deliver this Interlocal Agreement on behalf of the city for which they are signing and, that such city shall be bound by the terms contained in this Interlocal Agreement.

CITY OF SHORELINE

By:


City Manager

Approved as to form:


City Attorney

TOWN OF WOODWAY

By:


Mayor

Approved as to form:


Town Attorney



Exhibit A





City of Shoreline

Planning & Community Development

17500 Midvale Avenue North Shoreline, WA 98133-4905

Phone: (206) 801-2500 Fax: (206) 801-2788

Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

Permit Hours – M, T, TH, F: 8:00 a.m. to 4:00 p.m. | W: 1:00 to 4:00 p.m.

Attachment E

COMPREHENSIVE PLAN GENERAL AMENDMENT APPLICATION

Amendment proposals may be submitted at any time, however if it is not submitted prior to the deadline for consideration during that annual amendment cycle, ending on December 1st, the amendment proposal will not be considered until the next annual amendment cycle.

Please attach additional pages to this form, as needed.

Contact Information - If the proposal is from a group, please provide a contact name.

Applicant Name Kevin Atkinson

Address 18417 12th Ave NE City Shoreline State WA Zip 98155

Phone 206.403.0006 Fax _____ Email northcityyimby@gmail.com

Proposed General Amendment - This can be either conceptual: a thought or idea; or specific changes to wording in the Comprehensive Plan, but please be as specific as possible so that your proposal can be adequately considered. If specific wording changes are proposed please use underline to indicate proposed additions and strikethrough to indicate proposed deletions. **Please note that each proposed amendment requires a separate application.**

Within the City's commercial areas, mixing of land uses is encouraged to bring shops, services and offices in close proximity to residential uses. The purpose is to permit those uses which are intended to provide goods and services for the everyday needs of the immediate neighborhood area rather than serve the broader nearby communities, and which generally conform to the comprehensive plan of the city.

Multifamily residential uses are permitted, provided the multifamily residential use is part of a mixed-use building or is on property that has commercial uses. Multifamily residential development without commercial uses on the property shall not be permitted. Excluding parking facilities, residential uses are limited to 20% of the street-level, street-facing facade.

Reference Element of the Shoreline Comprehensive Plan (required) and page number (if applicable) - (e.g. Land Use, Transportation, Capital Facilities, Housing, etc.)

Land Use Goals: Goal LUI, Goal LU II, Goal LU V, Goal LU VI, Goal LU VII
Residential Land Use: LU7



Support for the Amendment - Explain the need for the amendment. Why is it being proposed? How does the amendment address changing circumstances or values in Shoreline? Describe how the amendment is consistent with the current Shoreline Comprehensive Plan, if inconsistent, explain why. How will this amendment benefit the citizens of Shoreline? Include any data, research, or reasonings that supports the proposed amendment. (A copy of the Shoreline Comprehensive Plan is available for use at the Planning & Community Development department, Shoreline Neighborhood Police Centers, and the Shoreline and Richmond Beach libraries).

Explain the need for the amendment. Why is it being proposed?

The amendment was inspired by a deep frustration with seeing the continual redevelopment of the historical North City Business District exclude commercial space.

The amendment was designed and drafted after comparative study of other municipalities in Puget Sound. The research revealed that nearly every other city in Puget Sound fosters its business districts by requiring mixed-use development in commercial zones whereas Shoreline does not. The language of the amendment is a composite of land use policy language from other cities in Puget Sound.

The city of Shoreline has abundant vision documents, subarea plans, and framework goals; The deficiency is entirely within the land use code itself. The amendment is being proposed to protect historical commercial space and to ensure transit-oriented development near light rail stations.

How does the amendment address changing circumstances or values in Shoreline?

The amendment is entirely consistent with the values set forth in the Framework Goals of the Comprehensive Plan. In fact, the intention of the amendment is to bring Shoreline land use code into compliance with the values outlined within the Framework Goals.

Describe how the amendment is consistent with the current Shoreline Comprehensive Plan

The amendment is consistent with the following statutory goals identified in the Growth Management Act (GMA). (Pg.2 Comprehensive Plan, City of Shoreline)

- Guide urban growth to areas where urban services can be adequately provided;
- Encourage economic development throughout the state;
- Encourage the participation of citizens in the planning process;

Furthermore, the amendment is consistent with several Framework Goals in the Shoreline Comprehensive Plan. (Pg.6 Comprehensive Plan, City of Shoreline)

FG4: Provide a variety of gathering places, parks, and recreational opportunities for all ages and expand them to be consistent with population changes.

FG9: Promote quality building, functionality, and walkability through good design and development that is compatible with the surrounding area.

FG10: Respect neighborhood character and engage the community in decisions that affect them.

FG14: Designate specific areas for high-density development, especially along major transportation corridors.

FG15: Create a business-friendly environment that supports small and local businesses, attracts large businesses to serve the community, expands our jobs and tax base, and encourages innovation and creative partnerships.

FG16: Encourage local neighborhood retail and services distributed throughout the city

How will this amendment benefit the citizens of Shoreline? (See PDF copy online. Next sections do not print.)

This amendment will benefit the citizens of Shoreline by providing a variety of gathering places and recreational opportunities for all ages. It will promote quality, functionality, and walkability through good design and development that is compatible with the surrounding area. The neighborhood character of commercial and gathering spaces will be respected rather than converted into secured residential buildings. (Framework Goals 4, 9, & 10)

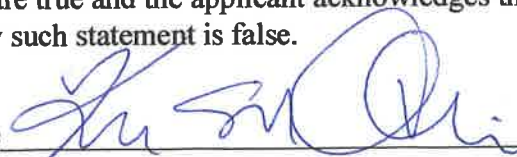
The amendment will benefit the citizens of shoreline by creating a business-friendly environment that supports small and local businesses, attracts large businesses to serve the community, expands our jobs and tax base, and encourages innovation and creative partnerships. Last but certainly not least, this amendment will encourage local neighborhood retail and services distributed through the city. (Framework Goals 15 & 16)

Include any data, research, or reasonings that supports the proposed amendment.

<http://urbanshoreline.org/>

Signature - An amendment application can not be accepted unless the signature block below has been completed. The applicant certifies that all of the aforementioned statements in this application, any exhibits and/or maps transmitted herewith are true and the applicant acknowledges that any amendment granted based on this application may be revoked if any such statement is false.

Application Signature



Date

Nov 22, 2019

PROPOSED AMENDMENTS WITHOUT THE REQUIRED APPLICATION INFORMATION MAY BE REJECTED OR RETURNED FOR ADDITIONAL INFORMATION.

To be submitted by Kevin Atkinson

Comprehensive Plan General Amendment Application

<http://www.shorelinewa.gov/home/showdocument?id=2992>

Proposed General Amendment

Within the City's commercial areas and near the light rail stations, mixing of land uses is encouraged to bring shops, services and offices in close proximity to residential uses. The purpose is to permit those uses which are intended to provide goods and services for the everyday needs of the immediate neighborhood area rather than serve the broader nearby communities, and which generally conform to the comprehensive plan of the city.

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Reference Element of the Shoreline Comprehensive Plan (required) and page number (if applicable) - (e.g. Land Use, Transportation, Capital Facilities, Housing, etc.)

Element 1 – Land Use Goals

<http://www.shorelinewa.gov/home/showdocument?id=12641>

Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.

Goal LU II: Establish land use patterns that promote walking, biking and using transit to access goods, services, education, employment, recreation.

Goal LU III: Create plans and strategies that implement the City's Vision 2029 and Light Rail Station Area Planning Framework Goals for transit supportive development to occur within a ½ mile radius of future light rail stations.

Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

Goal LU VI: Encourage pedestrian-scale design in commercial and mixed-use areas.

To be submitted by Kevin Atkinson

Goal LU VII: Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality.

Element 1 – Residential Land Use

LU7: Promote small-scale commercial activity areas within neighborhoods that encourage walkability, and provide opportunities for employment and “third places”.

Element 1 – Mixed Use and Commercial Land Use

LU9: The Mixed-Use 1 (MU1) designation encourages the development of walkable places with architectural interest **that integrate a wide variety of retail, office, and service uses**, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.

LU10: The Mixed-Use 2 (MU2) designation encourages the development of walkable places with architectural interest **that integrate a wide variety of retail, office, and service uses**. It does not allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.

LU11: The Station Area 1 (SA1) designation encourages Transit Oriented Development (TOD) in close proximity of the future light rail stations at I-5 and 185th Street and I-5 and 145th Street. The SA1 designation is intended to support high density residential, **a mix of uses, reduced parking standards, public amenities, commercial and office uses that support the stations and residents of the light rail station areas**. The MUR-70' Zone is considered conforming to this designation.

LU12: The Station Area 2 (SA2) designation encourages Transit Oriented Development (TOD) in areas surrounding the future light rail stations at I-5 and 185th Street and I-5 and 145th Street. The SA2 designation is intended to provide a transition from the SA1 designation and encourages the development of higher density residential along arterials in the subarea, **neighborhood commercial uses**, reduced parking standards, increased housing choices, and transitions to lower density single family homes. The MUR-45' Zone is considered conforming to this designation.

LU13: The Station Area 3 (SA3) designation encourages Transit Oriented Development (TOD) in area surrounding the future light rail stations at I-5 and 185th and I-5 and 145th. The SA3 designation is intended to provide a transition from the SA1 and SA2 designation and transitions to lower density designations and encourages the development of medium density residential uses, **some neighborhood commercial uses**, increased housing choices, and transitions to low density single-family homes. The MUR-35' Zone is considered conforming to this designation.

LU14: The Town Center designation applies to the area along the Aurora corridor between N 170th Street and N 188th Street and between Stone Avenue N and Linden Avenue N, and provides for **a mix of uses, including retail, service, office**, and residential with greater densities.

To be submitted by Kevin Atkinson

Support for the Amendment

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The amendment was inspired by a deep frustration with seeing the continual redevelopment of the historical North City Business District exclude commercial space.

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The city of Shoreline has abundant vision documents, subarea plans, and framework goals; The deficiency is entirely within the land use code itself. The amendment is being proposed to protect historical commercial space and to ensure transit-oriented development near light rail stations.

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