

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

February 7, 2013
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Moss (arrived at 7:04 p.m.)
Vice Chair Esselman
Commissioner Maul
Commissioner Montero
Commissioner Scully
Commissioner Wagner

Staff Present

Rachael Markle, Director, Planning and Community Development
Paul Cohen, Planning Manager, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Mark Relph, Public Works Director
Jessica Simulcik Smith, Planning Commission Clerk

Commissioners Absent

Commissioner Craft

CALL TO ORDER

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

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Vice Chair Esselman and Commissioners Maul, Montero, Scully and Wagner. Commissioner Craft was absent and Chair Moss arrived at 7:04 p.m.

APPROVAL OF AGENDA

The Commission agreed to add a public comment period after the staff presentation of the 2013 Comprehensive Plan Amendment Docket (Item 7A on the agenda). The remainder of the agenda was accepted as presented.

DIRECTOR'S COMMENTS

Director Markle announced that Commissioners are invited to attend an event titled, "Planning for Renewal at Aurora Square," which is scheduled for February 13th from 7:00 to 8:30 p.m. at the Vineyard

Church. She explained that this event is related to the community renewal area (Sears/Central Market site) effort and will be led by the City's Economic Development Manager.

APPROVAL OF MINUTES

The minutes of January 17, 2013 were approved as submitted.

GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to participate in this portion of the agenda.

Chair Moss arrived at 7:04 p.m. and assumed leadership of the meeting.

NEW BUSINESS – 2013 COMPREHENSIVE PLAN AMENDMENT DOCKET

Staff Presentation and Commission Discussion

Director Markle reminded the Commission that the Growth Management Act (GMA) limits amendments to the Comprehensive Plan to once per year. As per the City's adopted process for accepting and reviewing Comprehensive Plan amendments, applications are due by the last business day of the year to be processed in the following year. There is no application fee, and amendments can be either publicly or privately initiated. While no privately-initiated amendments were submitted, the City initiated amendments related to Point Wells. She emphasized that approval of the docket (list of amendments) does not approve the amendments; it merely provides direction from the City Council to the staff and public that a particular set of amendments will be analyzed during a given year and brought back later for consideration by the Commission and City Council.

Director Markle referred the Commission to the docket of Comprehensive Plan amendments for 2013 and explained that the Point Wells Subarea Plan calls for the developer to prepare a Transportation Corridor Study (TCS) under the direction of the City. Policy PW-12 specifically states that "Richmond Beach Drive between Northwest 199th Street and Northwest 205th Street is a local street with a maximum capacity of 4,000 vehicle trips per day, UNLESS AND UNTIL the City is provided with a TCS and Mitigation Plan that includes sources of financing for said mitigation." The City has been working with the developer (BSRE) to commit to funding a TCS and to agree upon the scope and timing of the study. In the event the TCS is completed in 2013, staff is recommending the following draft amendments be placed on the 2013 docket as "placeholders" for more specific amendments based on the analysis and outcomes derived from the TCS:

- The first paragraph on Page 37 of the Staff Report, which details a past step the City has taken during the long history with the Point Wells site, would be deleted. Because the Point Wells Subarea Plan does not detail other steps taken, staff is proposing that the language be deleted.
- A capitalization correction would be made at the bottom of Page 40 of the Staff Report. "Urban Center" was changed to "urban center."

- Policy PW9 on Page 41 of the Staff Report would be amended to clarify that not all road segments and intersections between State Route 104, North 175th Street and Interstate 5 will be studied, just those that may result in traffic impacts as a result of development proposed at Point Wells.
- An additional sentence would be added at the bottom of Paragraph 2 on Page 42 of the Staff Report to incorporate Shoreline's subsequent adoption of a citywide level of service (LOS) D instead of E.
- Policy PW-12 on Page 42 of the Staff Report would be amended by replacing "maximum 4,000 vehicle trips per day" with a development agreement between the City and BSRE that establishes a new maximum trip cap, specific mitigation to achieve the new trip cap, and a specific funding and phasing plan to be determined as part of the TCS.
- Staff anticipates that changes to the Capital Facilities Element may also be necessary to include the mitigation projects identified as part of the TCS.
- As a result of the TCS, amendments may be needed to the Transportation Element, specifically the street classification, pedestrian and bike facilities maps.

Director Markle said it is anticipated that the City Council will review the Planning Commission's recommendation and confirm the 2013 Comprehensive Plan Amendment Docket on February 25th. The TCS could begin in the spring of 2013. After the study has been completed, the Planning Commission will study the specific Comprehensive Plan amendments, hold public hearings, and forward a recommendation to the City Council in late 2013. The City Council will make the final decision.

Director Markle advised that a number of questions have been raised since the Staff Report was published. She reviewed each of the questions as follows:

- **Is staff recommending to change the road classification and remove the 4,000 average daily trip (ADT) count on Richmond Beach Drive before the TCS has been completed?** Director Markle clarified that no recommendation to amend the Comprehensive Plan will come forward until the TCS has been completed and an agreement has been negotiated to legally bind BSRE to the agreed upon outcomes of the TCS.
- **Why is staff recommending the amendments to the Comprehensive Plan this year?** Director Markle explained that BSRE's permits are vested as an Urban Center in Snohomish County following the January 7th ruling from the Court of Appeals. Snohomish County is processing the permits as an Urban Center development. The City's legal analysis and outside legal opinions have concluded that further litigation regarding the vesting status of the permits will not yield successful results. Even if further appeals are successful, the end result will be Urban Village development in place of the Urban Center. She advised that the City's ability to influence measures to reduce impacts on the City from the proposed development will soon be supplanted by Snohomish County's permitting and environmental review process. If a development agreement is finalized in advance of the permits being issued, the City will have more leverage via assurance to BSRE that the City concurs with the analysis prepared for the Environmental Impact Statement (EIS) related to identification and mitigation of transportation impacts. This assurance would be based on a completed TCS that includes specific design of the mitigation, an agreement that results in fewer trips impacting Shoreline, and better mitigation than can be achieved through the State Environmental Policy Act (SEPA) process alone. She pointed out that the Snohomish County process does not include or require a TCS, which would allow for a greatly enhanced public process. In the next few

months, Snohomish County will begin scoping for the EIS, so now is the time for the City to analyze the impacts and develop mitigation. She summarized that if the TCS process is successful and the City is able to negotiate an agreement with BSRE, the City's Comprehensive Plan will need to be amended to reflect the agreement.

- **Can the City prevent the proposed Urban Center development at Point Wells by refusing to cooperate with BSRE and leaving Richmond Beach Drive with a traffic limit of 4,000 vehicles a day?** Director Markle answered that Snohomish County is not required to apply another jurisdiction's policies to development in Snohomish County. As a practical matter, the City cannot stop people from driving on a public road just because the number of trips exceeds a defined street classification regardless of its policies and the adopted LOS for the street. The "unless and until" clause contained in the Point Wells Subarea Plan provides an avenue to raise the maximum trip count with the completion of a TCS and Mitigation Plan. The "4,000 trip maximum" was put in place to ensure the completion of a TCS. She explained that a prerequisite for making the changes to the Comprehensive Plan will be to concurrently approve a development agreement that legally binds the developer to the mutually agreed upon terms as determined by the TCS. Without the agreement, the City's ability to apply its policies and local standards is not reliable.

Director Markle summarized that everyone in the City is disappointed that the collective attempts thus far to reduce the size of the development at Point Wells have been unsuccessful, and she agreed that the impacts will be significant and unsafe without proper mitigation. Since the permits are now being processed in Snohomish County as an Urban Center, the City must move towards a strategy to fully understand the realities of the impacts and to productively identify the best solutions using the TCS as the tool. The solutions need to be accompanied by a legally-binding agreement to ensure they are carried out. The first step is to docket the amendments in anticipation of the TCS reaching a successful conclusion in 2013. She said staff is recommending that the Planning Commission forward a recommendation to the City Council to approve Attachment 3: Proposed 2013 Docket as the list of amendments to be analyzed and considered in 2013.

Commissioner Scully requested more information about the scope of the TCS, particularly who will do it and who decides what impacts are studied. Director Relph answered that the developer would perform the actual TCS, which is typical of most city requirements. However, the City has agreed it would facilitate the actual TCS discussion. He explained that the study would be done in two parts: Segment A for the lower portion of the corridor would include a more detailed and comprehensive approach of workshops, and the public would be invited to participate in the process. They would review each property foot-by-foot to identify the ultimate issues, problems and impacts; and then property owners would be invited to participate in a process to identify solutions. The impacts in Segment B (upper portion of the corridor) are more confined to the intersections, and the process would be broader to look at not only intersections, but other issues such as neighborhood cut-through traffic. He summarized that the TCS process is designed to be specific about the areas and the possible solutions that may come out of the discussion.

Director Relph emphasized that Snohomish County has started the scoping process, and it is critical for the City of Shoreline to reach an agreement with BSRE and Snohomish County as soon as possible to maximize its opportunities. He said the City is ultimately looking for a traffic cap, which would not be

possible via Snohomish County's SEPA process. Through the City staff's preliminary work, it is estimated that the street, with the existing 60-foot right-of-way, can exceed 17,000 cars per day with only modest improvements at some intersections. They are very concerned with this number, and the public should be, as well. This is the City's opportunity to establish a cap that is much more manageable rather than relying on Snohomish County.

Commissioner Wagner noted that Policy PW-9 was structured so that the City of Shoreline would be in the driver's seat for the TCS. Now both the developer and Snohomish County will be involved in the process. She asked Director Relph to clarify what is currently on the table and what the options are for moving forward. Director Relph answered that they are currently in the negotiation process with the developer. Typically, the developer would be required to complete the technical work for which the City would approve the assumptions. The TCS process would allow the City and the developer to negotiate the assumptions and criteria upfront so there is a very clear understanding of which model would be used, how the trips would be distributed, what is the scope, what is the LOS, how would pass-through traffic and turning movements be treated, etc. It is the City's hope that Snohomish County, who is ultimately responsible for the SEPA process, would accept the agreement. The TCS would be a much higher level of study than would ever be required in a SEPA process by Snohomish County.

Commissioner Wagner asked if BSRE has indicated an interest in working out an agreement with the City. Director Relph answered that, in his opinion, there has been some very sincere effort on the part of BSRE to strike a reasonable agreement with the City. The staff has been working hard to protect the interest of the City, while at the same time, recognizing the City's legal limitations and the ultimate goals that BSRE is trying to accomplish. He acknowledged that the negotiations would be very difficult.

Commissioner Scully asked what the impact on the TCS would be if the City fails to put the proposed Comprehensive Plan amendments on the 2013 docket. Director Markle explained that the City must have the ability to amend the Comprehensive Plan in order to implement an agreement that is consistent with the City's Comprehensive Plan. She explained that regardless of what the City does, Snohomish County will continue to process the permits. Without the TCS, the City will not have the technical expertise or appropriate level of public outreach to respond appropriately to the EIS.

Commissioner Scully said he understands the need for the TCS, but he is unclear on the causal link between the TCS and the 2013 Comprehensive Plan docket. If it is the case that they will not have a TCS or the same TCS, that's a different decision point than if the City is going to get the TCS no matter what. Director Markle explained that it is possible that BSRE would decide against an agreement if the City is not willing to entertain amendments to the Comprehensive Plan. Commissioner Scully summarized that having the TCS the City wants is dependent upon BSRE's cooperation.

Chair Moss referred to Director Relph's earlier statement that Richmond Beach Drive and its existing right-of-way could accommodate up to 17,000 trips per day with minimal improvements and upgrades. She asked if the upgrades would require condemnation or eminent domain of land or if there is unimproved right-of-way available for this expansion. Director Relph answered that the expansion would occur largely within existing rights-of-way, with the exception of the intersections where there would not be enough right-of-way to accommodate the required street improvements. The TCS will help them understand the ultimate level of improvements necessary.

Commissioner Wagner asked who would bear the cost of bringing the rights-of-way up to standard. She also asked if Snohomish County would identify which road segments would need improvements as part of their EIS. Director Relph said the developer would have the ultimate responsibility to mitigate the impacts of the additional traffic. Commissioner Wagner asked if a mitigation plan would be identified as part of the SEPA process, which is less rigorous than a comprehensive TCS would be. Director Relph answered that the normal SEPA process would be less than the proposed TCS. He emphasized that the City is trying to negotiate a much higher standard that involves greater public participation than what is required in a normal SEPA process.

Chair Moss asked how the property's development potential would change if the litigation prevails and the site is re-designated as an Urban Village. Director Markle answered that 2,640 units would be allowed instead of the 3,081 the developer has applied for. The maximum height would be substantially less, as well. In addition, Urban Village has a provision that development must be consistent with the City of Shoreline's adopted LOS for infrastructure and services, and that is not required under the current Urban Center designation.

Public Comment

Nancy Morris, Shoreline, expressed concern that BSRE has not been bound by anything at this point and has been granted every request. She also expressed concern that the game seems to change frequently. She disagreed with the City Attorney's advice that litigation to the State Supreme Court would be fruitless. She expressed her belief that the proposed development is totally absurd and ignores the basic and obvious geophysical data that in the event of a major earthquake, the ground beneath the tall buildings would liquefy. She voiced concern that a significant amount of time and money is being wasted on a TCS while completely ignoring the very relevant dangers for redeveloping the property in the manner proposed. She also commented that while some Snohomish County Council Members have integrity, the majority of them seem to support changing the rules to suit BSRE. Anyone with a sense of ethics and common sense would think there has been malfeasance involved. Lastly, Ms. Morris pointed out that last spring, traffic was backed up from 20th Avenue all the way past 15th Avenue on Richmond Beach Drive just from a basic community Easter egg hunt. She summarized that if Snohomish County wants to approve this development, they should provide access from their side rather than forcing traffic into an area that is unable to handle it.

Jerry Gernes, Shoreline, referred to a seller disclosure form, which contains a list of things that must be disclosed when selling a house or condominium. While the environmental section only addresses such things as asbestos, radon, etc., it is also important to keep in mind the health hazards associated with the coal trains that run past the Point Wells site. He said he lives on 199th. Although it is the narrowest street in Shoreline, cars scream up and down it all the time. Because it is the closest road for getting from Point Wells to 20th Northwest, he anticipates that the problems will increase. He suggested he would put out a sign that points out the dangers of buying condominiums at Point Wells.

Robert Flanigan, Shoreline, said the neighbors are present to unite against BSRE and their plans for Point Wells; specifically their impact on the Richmond Beach and Shoreline community. He said that, like all the neighbors on his street (Richmond Beach Drive), he will be greatly impacted by the Point Wells project. If the 80-foot delineation is adopted, he will lose his house. He has lived on the street for

21 years, and he and his wife own their home and do not wish to sell it. He is a carpenter by trade, and he has had friends and neighbors refer to his house as a “little jewel box.” Rather than bulldozing the house, his plan has always been to leave it to his family as a legacy of a blue-collar worker. When his wife is gone it will go to his son so that he might be a middle-class person and be elevated above the working class as well. He said that two years ago, BSRE stated that they would pack up and leave if the community did not want their project. The neighbors all knew this was an idle promise, and he certainly doesn't underestimate BSRE's power and wealth. They have an entire team of lawyers working for them. If the 80-foot right-of-way happens, his home and many of his neighbors' homes would be significantly impacted. They see that a lot of greed and corruption might have been going on as they sat waiting. He expressed his belief that this is an ancient problem where a group of individuals have beautiful homes and a group of powerful and wealthy individuals decide to seek the properties for their own. He feels that if they don't stand up against these bullies, they are doomed to lose.

Susan Chang, Shoreline, said she does not live on Richmond Beach Road, but she does live in the community. She expressed her belief that the City is accommodating the developer every step of the way. The current capacity of Richmond Beach Road is about 4,000 vehicles per day, and the current traffic is only an order of magnitude less than that. They are now looking at potential improvements to take it to 17,000. This is asking to go from what is currently LOS A to LOS D, which equates to an Aurora Avenue through the neighborhood. She said she does not understand why the City is not putting up more of a fight to keep this from happening. Why doesn't the City join Save Richmond Beach and the City of Woodway in this effort? She clarified that she is not against development at Point Wells. It would be nice to have a beach and public access to the water and to remove the asphalt plant, but neither Urban Center nor Urban Village makes sense. The City should do more to keep the development from happening.

Lynn-dee Schwarz, Shoreline, said she is a long-time Richmond Beach resident. While she works for Sound Transit, she made it clear that she was present to speak as a resident of Shoreline and not as a representative of Sound Transit. She reminded the Commission that light rail service is coming north. Not that long ago, the Sound Transit Board was discussing its EIS and where stations would be placed along the North Corridor. One option was a possible station at North 175th Street and Interstate 5 and North 185th Street and Interstate 5. Representatives from the City of Shoreline attended the board meeting and provided documents, statements, and comments about why Shoreline did not want a station at North 175th Street and why a station at North 185th Street would be more viable. By the time the meeting was over, the possible station at 175th was removed from further consideration, and Sound Transit Board is continuing with its investigation of a possible station at North 185th Street. She asked the Planning Commission and City staff to take into account the very residents who would be impacted by the Point Wells development and do their due diligence in protecting the residents as they did in front of the Sound Transit Board. This is not about a five-year decision, this is a legacy decision that is important to them all.

Garry Horvitz, Shoreline, said he is a 26-year resident of Richmond Beach and a civil engineer. He said he has attended meetings for quite some time, and it seems that the white flag of surrender is up at every session. He said he understands that the City may not have a lot of legal leverage, but sometimes it is important to go down swinging. All he hears is strategies for accepting whatever crumbs BSRE is

willing to throw the City's direction. He would rather the City spend its energy fighting the proposed development as hard as it can as opposed to giving up.

Jerry Patterson, Shoreline, thanked the Commissioners for listening to the public's concerns. He also thanked the City Council, who has scheduled an update on Point Wells on February 11th. In addition, he thanked staff for scheduling an informal discussion with the community prior to the Richmond Beach Community Association's meeting on February 12th. He summarized that there will be several opportunities for the public to share their thoughts. He said he and his wife own a home on Richmond Beach Drive. Mr. Patterson said he has carefully studied the proposed amendments. He recalled that in November and December of 2012, both the Planning Commission and City Council independently discussed amendments to the Comprehensive Plan. This process culminated in the City Council approving an updated plan on December 10, 2012. He said he is virtually sure that all members of the public present are clear on the fact that in 2011 the Planning Commission and the City Council approved the following recommendation: *"In view of the fact that Richmond Beach Drive between Northwest 199th and Northwest 205th is a dead end, local-access road, with no opportunities for alternative access to dozens of homes in Shoreline and Woodway, the City designates this as a local access street with a maximum capacity of 4,000 vehicles per day. Unless and until either Snohomish County or the owner of Point Wells Urban Center can provide the City a Transportation Corridor Study and Mitigation Plan called for in Policy PW-9, as well as financial and other mitigation, the City should not consider reclassifying this project."* Now before the Commission is a staff recommendation to place on the 2013 Docket consideration to reverse the recommendation that was made several months ago.

Mr. Patterson asked why the amendments were not discussed and recommended during the many deliberations by the City Council and Planning Commission throughout November and December at which they talked about an updated plan. He questioned what happened between the December 10th Council action and the last day in December to warrant the application. He asked the date the application was received by the Planning Commission. He also invited the Commission to discuss the implications for condemnation of property. He noted that one proposal is to reclassify Richmond Beach Drive to a corridor arterial, with a maximum width of 80 feet. He encouraged the Commission and staff to answer the questions posed by the public. *(Note: Mr. Patterson submitted a copy of his remarks for the record.)*

Janet Way, Shoreline, also thanked the Commission and staff for their hard work and service. She said she sympathizes with the difficult position the City is in. However, she also sympathizes with the public's position. They are counting on the City, as they must, to make the situation tolerable for everyone. She referred to the 2004 Stream and Wetland Inventory and Appendices, and noted that a new inventory was prepared for the recently approved Surface Water Master Plan. She said the inventory shows four creeks along Richmond Beach Road. Although they are not ideal in their current condition, they could be considered salmon habitat given their proximity to Puget Sound. These creeks should be considered as part of any EIS associated with Point Wells and she asked that the map be entered into the record.

Ms. Way asked what criteria the City would put in place for the TCS. For example, what criteria would the consultants be required to analyze, and what qualifications would consultants have to meet. She asked what checks the City would put in place to ensure the study is unbiased. Because the developer is

paying for the study, there must be some assurance the study is done quickly and correctly. Perhaps an independent consultant could be hired by Save Richmond Beach, the City, etc. to ensure the study contains accurate information.

Dave Wight, Shoreline, said he has lived in Richmond Beach for 31 years. He pointed out that the Shoreline Municipal Code outlines criteria for reviewing Comprehensive Plan amendments. He noted that the Commission specifically referred to the criteria in their meeting of November 15, 2012. He reviewed the criteria as follows:

1. *The amendment is consistent with the Growth Management Act (GMA) and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.*
2. *The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.*
3. *The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.*

Mr. Wight specifically referred to Criteria 3 and asked the Commission to carefully listen to the community.

Carolyn Marian, Shoreline, said she also lives on Richmond Beach Drive and has spent the last three days reviewing laws and information from the City. It has made her sick and dizzy, and she is totally fed up. She read the following email, which she sent to the City prior to the meeting:

“There are some sticky issues regarding municipalities exercising the authority delegated to them, especially when it comes to imminent domain and public use. Point Wells is a private property, and somehow an Urban Center and/or Urban Village with facilities to be used for private use as retail establishments, restaurants, theaters, or whatever does not fall within the State guidelines of public use. Allowing the City staff to amend elements of the Comprehensive Plan will only expedite statutory authority to give them the power to imminent domain. We do not want this.”

Denis Casper, Seattle, said he owns a home on Richmond Beach Drive and it is his opinion that the City will never have any leverage over the development. While he respects the sincerity of the efforts of the Public Works Director and the Planning and Community Development staff, they appear to be wasting time and resources. They do not have, and will not ever have, any leverage. He questioned why they don't resist more. He suggested the City could use ramp meters, toll stations and other options to limit the use of Richmond Beach Drive and make the Point Wells property less valuable. He summarized there are ways for the City to resist if it has the will and the interest to do so. Another option would be to route traffic up North 205th Street rather than Richmond Beach Drive, but he recognized this could be considered a selfish option.

Tom Jamieson, Shoreline, said he lives on Richmond Beach Drive. He commented that if the Point Wells development moves forward as proposed, the traffic in front of his home would increase by about

40 fold. He said the issue is not so much about traffic, but about how the whole City would fundamentally change. He pointed out that the City of Shoreline has not objected to the fact that BSRE has a sustainable dream to bring this new development about. In fact, the City has a set of goals to achieve economic development for the City and the proposed Point Wells development is a god send. However, they won't admit this to the public. Instead, they say it is inevitable and they will try to mitigate the traffic. But that has nothing to do with it, and the City staff and Commission know it. He recalled that people were mad about the Point Wells proposal on August 31, 2011 and they are still mad for good reason. He said that over the past 18 months he has attended about 70 City Council meetings in an attempt to connect the dots. He said he has finally connected the dots to Proposition 1, the Community Renewal Area, and coal trains. He noted that the public was recently notified that there were only a few more days to comment on the coal train issue. However, they did not inform the public that the City Council decided at an August dinner meeting to not do anything about coal trains until they hear from the public. He suggested that the City Council orchestrated a plan of deception. He recalled that he attended meetings regarding Proposition 1, and the issue of Point Wells was never brought up by the staff-appointed advisory committee, and it was not included on the maps. He said he has raised this concern to the Commission and City Council repeatedly, but has been ignored and marginalized. He said this needs to stop, and the Commissioners and City Council all need to resign and get out.

The Commission discussed Ms. Way's comment that they should consider creeks when they discuss the proposed Comprehensive Plan amendments. They also discussed her request that the Commission incorporate a specific document into the record. Ms. Simulcik Smith clarified that the document Ms. Way referred to is identified as Figure 3 in the Stream and Wetlands Inventory and Assessment Appendices. This map is a City document. She advised that the public comments and the map referred to by Ms. Way will be numbered as part of the record and will come back to the Commission if and when the amendments are presented for consideration later in the year. Commissioner Scully said he also spoke to a citizen who shared some photographs that he would like included in the record. Chair Moss explained that the purpose of this meeting is to determine whether or not the proposed amendments will be docketed. Additional information can be submitted for the Commission consideration if and when the amendments are docketed and placed on the Commission's 2013 Work Plan.

Director Markle answered the following questions put forth by Mr. Patterson:

- *Why were the amendments not discussed and recommended by the City Council and Planning Commission throughout November and December as part of the major Comprehensive Plan update?* She explained that amendments to the Comprehensive Plan must be submitted by the last business day of the prior year in order to be included on the next year's docket. While staff worked on the specifics of the TCS concept in 2012, they were not far enough along at the end of 2011 to include the amendments on the 2012 docket.
- *When did the Planning Commission receive the proposed amendments?* She said the Commission received the proposed amendments in their packet two weeks ago.
- *What is the rationale for consideration of reclassification of Richmond Beach Drive as a corridor arterial that has an approved maximum allowable right-of-way of 80 feet instead of the current maximum 60 feet at the south portion of Richmond Beach Drive and 45 feet in the north segment?* The City's intent is to maintain a 60-foot maximum right-of-way, which is what currently exists.

- *What are the implications for condemnation of property if the proposed changes you consider tonight are enacted by the City Council?* Again, she clarified that the City's intent is to work within the existing 60-foot right-of-way, and not acquire additional right-of-way. However, she acknowledged that small amounts of right-of-way at intersections may be required.

Again, Chair Moss reminded the Commission that the purpose of their discussion is to decide whether or not to move the proposed amendments to the City Council with a recommendation that they be on the 2013 Comprehensive Plan Amendment Docket. The Commission will discuss the merits of the proposed amendments if and when they are docketed.

Commissioner Wagner asked if it would be within the City's purview to use creative approaches for limiting the access on Richmond Beach Drive, as suggested earlier by a citizen. Director Markle answered that the City has considered possible options for limiting access, but case law prohibits the City from closing down the road or denying access to properties. Director Relph added that staff has done an enormous amount of work trying to understand and pursue various alternatives, such as ramp meters, toll stations, etc. They will provide a more detailed report to the City Council on February 11th.

Commissioner Montero asked what would happen if the City does nothing and Snohomish County approves the permits and the development moves forward. Ms. Markle said the development would occur without the City having the ability to craft mitigation and require road improvements. The City would be left with whatever Snohomish County decides is appropriate. Staff feels this mitigation will be inferior to what the City and developer could collectively come up with via a TCS. Director Relph reminded the Commission that the ultimate capacity of a 60-foot right-of-way is tremendous, so it is important to negotiate a cap on the number of vehicles allowed on the roadway. If they rely on Snohomish County, there would be no cap. The developer would simply have to meet the City's current LOS standard, which can likely accommodate over 17,000 vehicles per day.

Vice Chair Esselman asked if the size of the development would be limited if the analysis that is done as part of the TCS indicates that the existing street cannot handle the increased level of vehicular traffic. Director Relph explained that not only is the proposed unit count and the amount of square footage for retail and commercial problematic, the internal capture rates suggested by the proposal were different than the City has ever seen before and staff is extremely uncomfortable. Internal capture rate refers to the tendency for trips to stay in place because the services are there. Staff is recommending the City move away from the number of units to a limitation on the average daily traffic. The TCS could identify a maximum cap that could be distributed to the different phases. The actual progress of each phase could be measured to determine if projections are being met. If not, the developer would be required to change a future phase. The only way they can get this type of requirement is through negotiation, and not the standard SEPA review. Vice Chair Esselman summarized that the TCS process would afford the City more leverage.

Commissioner Scully said he is not convinced that cooperation is the only or even the right path forward. However, at this phase of the process, the City would not be giving up any rights going forward by putting the amendments on the docket. The proposed amendments would allow the City to collect more information. Whether it results in more mitigation or the City decides to be a party to a lawsuit to overturn Snohomish County's permit, the City will be better off with more data.

Commissioner Montero noted that words are only one part of the issue. The City must also be concerned about the rest of the infrastructure required for the development. Director Markle responded that the City would review the infrastructure needs through the EIS process. Staff will follow the permit process closely and work with their utility and service providers. They are starting to learn about the Interlocal agreement process with Snohomish County, which provides an avenue for ironing out these issues.

COMMISSIONER WAGNER MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY DOCKET THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS AS DRAFTED BY STAFF AND PLACE THEM ON THE COMMISSION'S 2013 WORK PLAN. COMMISSIONER SCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

The Commission recessed the meeting at 8:25 p.m. to allow members of the audience to leave if desired. The meeting was reconvened at 8:34 p.m.

NEW BUSINESS – UPDATE ON LIGHT RAIL STATION AREA PLANNING

Commissioner Maul reported that the Light Rail Station Area Planning Subcommittee met to put together a plan for their tasks. It was determined that the Subcommittee would meet monthly with the staff to keep the project moving forward. They have started working to develop criteria for identifying the station area boundaries. Because the Subcommittee is scheduled to provide reports at regular Planning Commission meetings, there will be opportunities for the public to provide input as to what criteria should be included. Commissioner Scully added that several boundary discussions will take place, the first being the study area boundaries. He suggested that the process for eliciting comments on the study area boundaries will likely be less formal, but they are hoping for public input on how broad to draw the area of consideration.

Commissioner Maul said the Subcommittee's goal is to coordinate efforts with Sound Transit, the City's consultant, and citizen groups. He reported that the City has already received proposals for the consultant work, and the scope of the Request for Proposals is available as public information.

Commissioner Maul advised that potential criteria for determining station area boundaries could include a ½ to ¼ mile radius and direction from the Comprehensive Plan such as examining the corridors that connect different parts of the City to the potential stop locations. The criteria could also include topography, walk/bike sheds and homeowner preferences. The Subcommittee will work with the consultant and City staff to develop an appropriate process for soliciting public comments regarding the station area boundaries. They anticipate a full Commission discussion on April 18th, and the Subcommittee and staff will facilitate the discussion at the first City-hosted community meeting in May. It was noted that the community meeting would need to be advertised as an open meeting so that all interested Commissioners could attend.

Commissioner Scully pointed out that a timeline for the Station Area Planning Process has been posted on the City's website. He advised that the ball is currently in Sound Transit's court as to what the next major step will be. The draft Environmental Impact Statement (EIS) will identify a preferred

alternative, as well as other options they are considering. He pointed out that the location of the stations will have a significant impact on the City's decision-making process. At this time, the City does not know what the preferred alternative and other alternatives are, but informal discussions have focused on one station at North 185th Street, with alternatives for either North 145th or North 155th Streets. Currently, public comments would be most effectively directed to Sound Transit and the draft EIS.

Chair Moss summarized that the City's goal is to partner with Sound Transit and engage the public in the discussion. It is rewarding to see how the community around the 185th station has coalesced and become a partner in the process, as well. She noted there will be a link to available documents on the City's website.

Chair Moss asked staff to provide more information about the grant from the Puget Sound Regional Council (PSRC) to the 185th Station Citizen Committee (185SCC) in partnership with Futurewise and the Senior Center to promote opportunities for community involvement. Commissioner Scully explained that the 185SCC is a group of citizens who spontaneously organized around community concern about light rail development. Futurewise is a non-profit organization that works on the Growth Management Act (GMA) and land-use issues. He said he has not seen the grant, but he participated in a walking tour of the area with members the 185SCC. He reported that the focus of the grants will be on community involvement to make sure the process is a neighborhood-driven dialogue. Director Markle said the Senior Center would use their grant to conduct outreach to the King County Housing Authority residents about light rail service in general. The Futurewise grant will be used to go directly to citizens (doorbelling) to tell them about the virtues of transit-oriented and equitable communities and getting people interested in what is going to happen when the stations open in 2023.

Janet Way, Shoreline, said she was present to represent the Paramount Park Neighborhood Group, a non-profit group since 1996. They care for stewardship for the Paramount Park Neighborhood, as well as the surrounding environment. She said she lives about three blocks from the potential 145th Street station area. Once again, she referred to the Middle Puget Sound Basin Characterization Report. She reported that she testified before the Sound Transit Board and submitted a nine-page letter related to the scoping process. One of her main points is that there is no way the light rail project can be placed along the freeway through Shoreline without impacting Thornton Creek, which is the largest watershed in Seattle and Shoreline and is a salmon bearing stream. While it currently has a lot of problems, it has a lot of meaning to about 100,000 people who live within or drive through the watershed area.

Ms. Way said she lives near Little Creek, which is a tributary of Thornton Creek; and Paramount Park is the largest wetland in Shoreline. She said her greatest concern is about potential impacts to the watershed. However, she is also concerned about impacts to traffic, housing, etc. She asked that a letter she sent previously to the City be entered into the record. She explained that the letter details the different issues that the Paramount Park Neighborhood Group will be concerned with. She asked if the study area boundaries would include the surrounding properties that would be impacted or just the properties immediately adjacent to the station areas. She said the Paramount Park Neighborhood Group understands that rezoning will be necessary to accommodate the light rail station, and she asked how the City would consider the impacts the zoning changes would have on residential neighborhoods. She commented that very few people in her neighborhood know about the potential light rail stations and how they could be impacted.

Susan Chang, Shoreline, said she is a civil engineer with the City of Seattle Department of Planning and Development, but she is speaking as a private citizen. She said she hopes that the light rail stations will provide adequate parking. While parking for the stations is not allowed in Seattle because they want people to take the bus, she felt parking is a necessary feature of light rail stations in suburban areas.

Ms. Way asked if the Subcommittee's meeting schedule would be advertised and if they would be open to the public. Director Markle said the Subcommittee's meetings up to this point have been irregular to accommodate various work schedules. Commissioner Scully advised that the Subcommittee will formalize their schedule as the process moves forward. The Commission discussed whether or not the Subcommittee meetings should be open for public comment. Commissioner Wagner explained that the purpose of a subcommittee is to synthesize the data and report back to the Commission with something the entire body can react to. The regular Commission meetings are the place for the public process to occur. She reminded the Commission that the Subcommittee was asked to provide updates at regular meetings, which are publicly noticed and recorded. Ms. Simulcik Smith reviewed that the Commission's Bylaws state that "Committees shall establish their own meeting schedule and the deliberations thereof shall take the form of a written report submitted to the entire Commission." Chair Moss recalled that the Commission's goal when establishing the Subcommittee was to engage the public in the process early and often and well before decisions need to be made. The public will have numerous opportunities to provide comments at regular Commission meetings when the Subcommittee is scheduled to report.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no additional reports by committees or Commissioners during this portion of the meeting.

AGENDA FOR NEXT MEETING

Mr. Szafran announced that a small group of Development Code amendments relating specifically to the State Environmental Policy Act (SEPA) would be presented to the Commission at a study session on February 21st. Chair Moss noted that a public hearing on the SEPA amendments has tentatively been scheduled for later in March.

Commissioner Montero suggested the Commission form a subcommittee to work on issues related to the Point Wells site. The Commission agreed to discuss this option further at their next meeting.

ADJOURNMENT

The meeting was adjourned at 9:03 p.m.

Donna Moss
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

TIME STAMP
February 7, 2013

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: 0:46

DIRECTOR'S COMMENTS: 2:12

APPROVAL OF MINUTES: 2:40

GENERAL PUBLIC COMMENT: 2:55

DIRECTOR'S REPORT: 3:02

NEW BUSINESS – 2013 COMPREHENSIVE PLAN AMENDMENT DOCKET

Staff Presentation and Commission Discussion: 6:03

Public Comment: 31:40

Commission Action: 1:22:25

BREAK: 1:24:20

NEW BUSINESS – UPDATE ON LIGHT RAIL STATION AREA PLANNING: 1:33:46

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 1:59:20

AGENDA FOR NEXT MEETING: 1:59:45

ADJOURNMENT