

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

April 16, 2009  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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### Commissioners Present

Chair Hall  
Vice Chair Wagner  
Commissioner Kaje  
Commissioner Kuboi (arrived at 7:08 p.m.)  
Commissioner Perkowski  
Commissioner Pyle

### Staff Present

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

### Commissioners Absent

Commissioner Behrens  
Commissioner Broili  
Commissioner Piro

### CALL TO ORDER

Chair Hall called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

### ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Hall, Vice Chair Wagner, and Commissioners Kaje, Perkowski and Pyle. Commissioner Kuboi arrived at 7:08 p.m. and Commissioners Behrens, Broili and Piro were excused.

### APPROVAL OF AGENDA

The agenda was accepted as proposed.

### DIRECTOR'S COMMENTS

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

## **APPROVAL OF MINUTES**

The Minutes of April 2, 2009 were approved as amended.

## **GENERAL PUBLIC COMMENT**

**Laethan Wene, Shoreline**, said that on behalf of Washington State Special Olympics, he encouraged the community to support the Special Olympics all-day event scheduled for Saturday, April 25<sup>th</sup>, at the Shoreline Stadium.

## **LEGISLATIVE PUBLIC HEARING ON DEVELOPMENT CODE AMENDMENTS FOR HIGH SCHOOLS BUILDING HEIGHT**

Chair Hall reviewed the rules and procedures for the legislative public hearing.

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

Mr. Cohn advised that the proposed amendment would modify the height limits in the Development Code for high schools in all zones except R-4 allowing high schools to build to a height of up to 50 feet, which is basically three stories. The proposed amendment also includes two exceptions: gyms would be allowed a height of up to 55 feet and theater fly spaces would be allowed a height of up to 70 feet to accommodate scenery storage.

Mr. Cohn advised that staff has determined the proposal is in accord with all three criteria that must be considered when reviewing Development Code amendments based on the following:

- Shoreline is identified in the introduction of the Comprehensive Plan as a place with strong neighborhoods with excellent schools. Staff believes the proposed amendment would allow schools to be rebuilt and renovated based on today's economic situation.
- Allowing high schools to be built taller would result in a smaller footprint, which would tend to be more energy efficient and less costly to develop. Staff believes the City should encourage taller buildings with smaller footprints as they move through the 21<sup>st</sup> century.
- The proposed amendment would be consistent with the City's newly adopted Sustainability Strategy because it would result in more energy-efficient buildings. It would also be consistent with the Stormwater Manual, which encourages redevelopment projects to look at low-impact development techniques such as consolidating the footprint.
- Since schools require a Conditional Use Permit in residential zones, specific impacts of taller buildings could be mitigated by conditions assuring that higher buildings would not be a detriment to adjacent single-family property owners.

Mr. Cohn pointed out that the Staff Report includes maps of the four high schools located in the City. He explained that not only would the proposed amendment apply to the two public high schools (Shorewood and Shorecrest), but it would also apply to private high schools (Kings and Shoreline

Christian). In addition, the Staff Report included the proposed ordinance language and a memorandum from the Shoreline School District dated April 9, 2009.

### **Questions by the Commission**

Commissioner Kuboi asked if the proposed amendment would apply to only the high school portion of a K-12 facility. Mr. Cohn said the proposed amendment would only apply to high schools. If the Shoreline Christian School wanted to rebuild for a K-12 program, the proposed ordinance would be applied. However, he reminded the Commission that the Conditional Use Permit requirement would allow staff to determine where the additional height should be located.

Commissioner Pyle asked if the theater structure that is currently located on the Shorecrest High School site is considered non-conforming. Mr. Cohn said the current theater is approximately 68 feet tall, which would be considered a legal non-conforming use. Commissioner Pyle observed that if the proposed amendment were denied, the current code would require the School District to demolish the theater fly space as part of any redevelopment project because it does not conform to the zoning standards. Mr. Tovar explained that the City adopted the current 35-foot maximum building height in single-family zones five or six years ago. This resulted in a situation of the School District running afoul of the non-conforming provisions. The proposed amendment would cure this dilemma and make the current theater on the Shorecrest site a conforming use.

Commissioner Pyle noted that Mr. Cohn previously mentioned that the conditional use process would allow staff to work diligently with the developer (School District) to locate larger buildings away from the single-family zones and nearer the more intensely zoned properties. He observed that the existing location of the Shorecrest High School theater fly space is actually located closer to the single-family development than the balance of the site; and the district has indicated they do not intend to relocate the theater as part of their project. Therefore, the facility would remain an impact to the adjacent single-family community. Mr. Cohn emphasized that staff would review the plans and consider the impacts of any proposal that is submitted. Mr. Tovar agreed that the School District has no intention of relocating the Shorecrest High School theater or revising the size of the fly space, and the proposed amendment would have no affect in that regard.

Commissioner Kaje observed that the current Development Code allows an additional 15 feet of height for utilities, etc. He asked if a 70-foot height limit for the theater fly space could result in an 85-foot height if utilities were located on top. Mr. Cohn replied that staff would ask the applicant to locate utilities somewhere else besides the fly space roof if possible. However, he acknowledged that additional height above 70 feet would be allowed if necessary to accommodate utilities.

Commissioner Kaje asked about the current height of the Shoreline Christian School. He questioned how the proposed amendment would impact this site, which has a narrow orientation with houses on both sides. Mr. Tovar advised that the existing buildings are less than 50 feet in height, but he agreed the parcel's size and shape is problematic. Not only is it long and narrow with houses on both sides, it is also a heavily treed site. However, because most of the trees are located around the perimeter, redevelopment of the site would not likely require a lot of tree removal. Tree retention would be

important to help soften the impacts of redevelopment, and it would be extremely difficult for the site to accommodate a structure such as a theater or gymnasium.

Commissioner Kuboi asked staff to clarify the definition of a “high school.” Mr. Cohn said the current Development Code does not provide this definition. Therefore, the City would use the current dictionary definition, which is grades 10 through 12 or grades 9 through 12. Commissioner Kuboi asked if it would be possible for someone to interpret the definition to include additional grades. Mr. Cohn answered that while they only know of four sites in the City where the proposed amendment would be applicable, it is possible there could be another site in the City at some point in the future.

Commissioner Pyle asked if the School District’s redevelopment plan would be obtainable through the variance process. He observed that a variance could be more site-specific and predictable as opposed to a broad change of the code. Mr. Tovar answered that, theoretically, a variance would allow more control, but this approach would require the district to demonstrate a physical hardship associated with the property such as size, shape or topography. On the other hand, the Conditional Use Permit would get right at the impacts that could be mitigated based on the location of the facilities. He summarized his belief that the Conditional Use Permit process would allow the City more control regarding the location of the individual buildings. A variance would not result in the outcome the Commission is looking for because it would be very difficult to meet the criteria.

### **Public Testimony or Comment**

**Rich Hill, Seattle, Land Use Counsel for the Shoreline School District**, said the district appreciates the Commission’s consideration of the proposed amendment and urges them to recommend approval. He referred to the letter the district sent to the Commission (Attachment 6), which sets forth the district’s position on the proposed amendment. He summarized that the district believes the Conditional Use Permit process is the appropriate method for evaluating the site-specific concerns identified by the Commission. It would give the Planning Director the opportunity to look at a specific project and design, as well as the context in which the project is located and potential for mitigation of impacts on the community. The other advantage is that it would afford an opportunity for the community to comment and stakeholders to have input into the process. Again, he encouraged the Commission to recommend approval of the proposed amendment.

**Charles Brown, Shoreline**, said he lives just a few blocks east of Shorecrest High School. He expressed concern that placing a tall building on the tallest hill in the neighborhood creates a problem. He pointed out that during most of the warm months of the year, he watches the sun go down behind the theater building. He summarized that while he enjoys the theater from the inside, it is unsightly from the outside. He said he doesn’t know how the district was able to build this large, ugly structure based on the current restrictions, and he is concerned that they are now proposing a more liberal possibility.

**Laethan Wene, Shoreline**, asked the School District representatives to explain where the students would be housed during the construction process. He emphasized his desire that they be allowed to continue their education without interruption.

Mr. Cohn said staff anticipates the district would submit a proposal to rebuild Shorewood High School on the areas currently used for parking and ball fields. That would leave the current facility undisturbed and the students would be able to continue their classes throughout the construction process.

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

Commissioner Hall asked the district representatives to provide clarification regarding the district's proposal for Shorecrest High School, particularly the theater facility.

**Marcia Harris, Shoreline School District Deputy Superintendent**, explained the theater is an expensive building that was constructed in the mid 80's and recently renovated. It continues to serve both the students and the community very well. None of the planning discussions have included the option of replacing the theater, and this is reflected in her letter to the Planning Commission.

### **Deliberations**

Commissioner Pyle said he lives near the Shorecrest High School site, and he expressed concern that the community would be negatively impacted by the proposed amendments. While the district has indicated their plans to keep the theater in its current location, the proposed amendment would potentially allow the theater to be located anywhere on the site, assuming it could meet the criteria for a Conditional Use Permit. While he assumes staff would do a good job of locating it in the area of least impact, the community is already significantly impacted by the school facility. While the amenity is great for the community and he would like to see the facility redeveloped, allowing for the continuation of up to a 70-foot structure on the site would be inappropriate. He understands the district's need to provide a theater, but he suggested the proposed amendment be changed to allow the minimum height necessary up to 70 feet rather than an outright height allowance of 70 feet. He summarized his belief that allowing a 70-foot structure on top of the hill would be a mistake that would negatively impact the community.

Chair Hall recognized that schools tremendous impacts on the community, regardless of where they are located. However, they are vital to the community. He noted that gymnasiums and theaters are normal parts of a high school, as are parking lots and traffic. He emphasized that the Shoreline School District is part of the impetus behind the creation of the City of Shoreline and the district has been an important part of the community for a long time. He reminded the Commission that the proposed amendment is a legislative action rather than a site-specific action, and project details can always change. The Commission must consider whether it is appropriate for the Development Code to allow for taller high schools. He summarized his belief that it would be appropriate to allow schools to build taller structures (up to three stories). In addition, it has been noted that gymnasiums and theaters provide a benefit to the community on the inside, even though they can create a visual impact on the outside. He said he would be inclined to support the staff's recommendation.

Chair Hall thanked staff for presenting the proposed amendment in the form of an ordinance, which allows the Commission to consider the actual verbiage that would be forwarded to the City Council. He reminded the Commission that, regardless of their recommendation to the City Council, they also have the ability to add their own findings to those presented by staff.

**VICE CHAIR WAGNER MOVED THE COMMISSION RECOMMEND TO THE CITY COUNCIL THE DRAFT ORDINANCE AMENDING THE PERMITTED HEIGHT FOR HIGH SCHOOLS, AS SHOWN IN ITEM 7.a – ATTACHMENT 5 OF THE APRIL 16<sup>TH</sup> AGENDA PACKET. COMMISSIONER KAJE SECONDED THE MOTION.**

Vice Chair Wagner agreed with Chair Hall that one thing that makes Shoreline great is the schools and that the theater is a community asset. They must carefully consider how to support the School District. Allowing them to redevelop and create institutions that are more efficient and provide better community gathering places where students can interact more freely would provide a benefit to the community. In addition, the Commission and the City have indicated their desire to encourage more energy efficient development. She reminded the Commission that the theater structure is already in place, and even if the proposed amendment is denied, the district would still be allowed to redevelop or renovate the property. However, the end result would not be as good and the district would not have the tools they need to negotiate what is best for the entire package. She expressed her belief that it is important to move forward, and the proposed amendment appears to be the appropriate tool to allow this to occur.

Commissioner Kuboi asked if the School District would be required to go through the Conditional Use Permit process in order to redevelop a high school site. Mr. Cohn answered that any redevelopment or renovation would require a Conditional Use Permit.

Commissioner Kaje agreed with Commissioner Wagner. He pointed out that the School District has already shown a commitment to want to involve the community in the design process. He said he also shares the concern raised by Commissioner Pyle and Mr. Brown regarding the height and location of the current theater fly space. He recalled his earlier observation that utilities would be allowed an additional 15 feet on top of the maximum height allowed for a structure, and suggested the Commission may want to discuss this issue at some point in the future. However, he said he would be inclined to recommend approval of the amendment as proposed.

Commissioner Perkowski observed that the current height of the Shorecrest High School theater fly space is 68 feet so the proposed amendment would allow two feet of additional height over what already exists. Commissioner Pyle clarified that it is not his intent to stop redevelopment on the site. His intent is to focus development on the site to result in the least impact to the community while still providing the desired amenities for the school and the students. While he agrees that high schools are great amenities for the community, the Commission should keep in mind that the theater, itself, is a major draw to traffic and congestion in the neighborhood on certain nights of the year.

**COMMISSIONER PYLE MOVED TO AMEND THE MOTION TO ADD THE FOLLOWING LANGUAGE AS ITEM d IN SECTION 20.50.020.1.B.2: “THESE ADDITIONAL HEIGHT BONUSES MAY NOT BE USED IN COMBINATION.” COMMISSIONER KAJE SECONDED THE MOTION.**

Commissioner Pyle observed that Section 20.50.020.1.B.2 would allow certain roof and utility structures to be erected above the height limit in all zones, and his proposed amendment would not allow additional structures to be placed on top of the fly space to extend beyond the 70-foot height limit.

Commissioner Kaje said that while he agrees with Commissioner Pyle's concern, it is important to keep in mind that the provision would be limited to high schools. He suggested it might be more appropriate to include this language in Section 20.50.020.1.B.2.c and indicate that it would only be applicable to the 70-foot fly space. He cautioned that it is very likely that utilities would be required on top of the base height of the building. Commissioner Pyle agreed. Vice Chair Wagner suggested it might be more appropriate to add language to Item c of Section 20.50.020.1.B.2 to indicate that the maximum height allowed would not exceed 70 feet.

Mr. Tovar said that, typically, the appurtenances that are on top of structures need to be above the roofline of the building. While there may be design alternatives to deal with some of the issues, he suggested it might be problematic to say that 70 feet is an absolute height limit ceiling. He suggested it might be more appropriate for the Commission to consider a separate code amendment at some point in the future to address the kinds of appurtenances that should be allowed, what the height limit should be, and whether they should be minimized. However, that is not the topic currently before the Commission. He emphasized that while an applicant could propose to place a rooftop appurtenance on top of the 70-foot fly space, the proposal would still be subject to the Conditional Use Permit. He cautioned that the District's building designs are at the conceptual stage. While staff has not focused specifically on appurtenances, they have concluded that 70 feet would be a reasonable height for the fly space.

Chair Hall said he would not support the proposed amendment to the main motion. He recognized that height is an issue and that the current theater is unattractive, but he does not support the City getting involved with micromanaging this level of detail. Antennas or winches on top of the fly space would not make the shadow that much more massive, and the Conditional Use Permit requirement would give staff the ability to ensure that anything that extends beyond 70 feet is strategically located to minimize impacts. He recommended the Commission take action on the proposed amendment tonight and not cloud it with other issues related to roof appurtenances, since these could be addressed at a later date.

**COMMISSIONERS PYLE AND KAJE AGREED TO WITHDRAW THE MOTION TO AMEND THE MAIN MOTION.**

**Vote by Commission to Recommend Approval or Denial or Modification**

**THE MAIN MOTION TO RECOMMEND THE CITY COUNCIL APPROVE THE DRAFT ORDINANCE AMENDING THE PERMITTED HEIGHT FOR HIGH SCHOOLS, AS SHOWN IN ITEM 7.a – ATTACHMENT 5 OF THE APRIL 16<sup>TH</sup> AGENDA PACKET WAS APPROVED 5-1, WITH COMMISSIONER PYLE VOTING IN OPPOSITION.**

**Closure of Public Hearing**

THE PUBLIC HEARING WAS CLOSED.

## **LEGISLATIVE PUBLIC HEARING ON COMPREHENSIVE PLAN AMENDMENT FOR POINT WELLS**

Chair Hall pointed out that he is an employee of Snohomish County. Because this is an intergovernmental issue between Snohomish County and the City of Shoreline, it has been suggested that his participation in the hearing could lead some people to be concerned about whether the Planning Commission is completely independent. He said he believes the ethics and independence of the legislative hearing process is important and the issue is far too important to the City and to Richmond Beach for there to be any concerns. Therefore, he recused himself from the hearing. In addition, he indicated he has not and would not be involved with Snohomish County's evaluation or recommendations on the Point Wells site. He passed the gavel to Vice Chair Wagner to continue the public hearing.

Vice Chair Wagner reviewed the rules and procedures for the public hearing.

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

Mr. Tovar recalled that the Commission initially received a draft of the proposed Comprehensive Plan Amendment for Point Wells on April 2<sup>nd</sup>, and it was provided again in the current Staff Report along with a copy of Resolution 285, which was adopted by the City Council on April 13<sup>th</sup>. The resolution speaks to Point Wells generally, both to this plan amendment process, as well as the plan amendment process that is underway in Snohomish County. The resolution provides a number of facts, as well the City Council's position regarding Snohomish County's process for designating Point Wells as an Urban Center. In addition, Section 3 of the resolution directs the City staff and Planning Commission to proceed with preparation of an amendment to the City's Comprehensive Plan to reiterate and clarify the City's concerns and interest with respect to land use, service delivery, governance, traffic safety, and other impacts associated with future development at Point Wells. Section 4 directs the staff to continue with the open and continuous process of public involvement on the City's Comprehensive Plan amendment, with particular attention being paid to the Richmond Beach Neighborhood.

Mr. Tovar reported that on April 14<sup>th</sup> he attended the Richmond Beach Neighborhood Association Meeting to give them an update regarding both the City and County's process for the Point Wells site. In addition, the City's website also provides a page that deals specifically with Point Wells, including all of the documents generated by the City regarding both the City and County processes. He summarized that staff has attempted to conduct a very open and inclusive public process, since the community has expressed a significant interest. He clarified that this is only the first hearing in the process, but not the last. While tonight's hearing would be closed at the end of the meeting, a second public hearing would be conducted on a subsequent night. Staff would give new notice of the hearing once a date has been established and all of the environmental and traffic information required by SEPA has been assembled. He summarized that the primary focus of this hearing is to offer the public their first opportunity to address the Commission on the proposal. He cautioned that it is not intended to be a hearing regarding Snohomish County's proposal, but people may want to make comments by way of comparison. It is important for the public to have a clear understanding that the Planning Commission would not have an



opportunity to vote on Snohomish County's Comprehensive Plan, but they would make a recommendation to the Shoreline City Council regarding the City's Comprehensive Plan.

Mr. Tovar emphasized that the proposal before the Commission is a Comprehensive Plan amendment and not a Development Code amendment. If and when the City Council adopts the amendment into the Comprehensive Plan, the next step would be to prepare a zoning ordinance that would implement the City Council's policy choices. He advised that concern has been raised about the magnitude and/or scale of what would ultimately be allowed on the site by comprehensive plans and development regulations. However, staff has not developed a recommendation regarding the appropriate unit count, floor area, vehicle trips, etc. At some point, the Commission must debate and analyze these questions and then forward a recommendation to the City Council, whether they do so as part of the Comprehensive Plan process or when they get into the details of a pre-annexation zoning ordinance.

Mr. Tovar reported that staff has received a number of comments from citizens regarding potential traffic impacts on Richmond Beach Road, which is the only access to and from the Point Wells site. Concern has been raised regarding traffic safety, traffic flow, and the impact to level of service at different intersections and road segments. The Public Works Department is in the process of preparing a Supplemental Traffic and Safety Analysis, which would describe and disclose the impacts that might be expected on Richmond Beach Road from various alternatives for development at Point Wells. He summarized that staff would have this analysis, along with other environmental information, ready for the Commission's second hearing. The information would also be posted on the City's website and the public would be invited to provide their thoughts at the second hearing sometime this summer.

### **Questions by the Commission**

Commissioner Perkowski asked how the Comprehensive Plan language would dictate the parameters of the future pre-annexation zoning ordinance. Mr. Tovar said staff's intent was to draft the proposed Comprehensive Plan language to reflect that the City Council has confirmed their 1998 policy that Point Wells should continue to be shown as the future annexation area of the City of Shoreline and that mixed-use is an appropriate use for the property. However, they have not provided specific policy direction regarding the number of vehicle trips, maximum amount of floor area, etc. The proposed Comprehensive Plan language indicates that these are important questions that should be answered by a subsequent Development Code amendment. He suggested it would be appropriate for the Commission to have a more detailed conversation about what the pre-annexation zoning ordinance should reflect, but staff has avoided this level of detail because not all of the necessary traffic information is available at this time. He summarized that the purpose of the proposed Comprehensive Plan amendment is to identify the important issues and facts, such as service delivery and the statement from the Shoreline Police and Fire Departments that they would not provide service to a development at an urban center intensity in unincorporated Snohomish County.

Vice Chair Wagner clarified that the pre-annexation zoning ordinance that would be created at a later time would apply to the Point Wells property immediately upon its annexation into the City. Mr. Tovar agreed. Vice Chair Wagner asked if staff intends to recommend the application of one of the City's current zone designations. Mr. Tovar answered that the specific pre-annexation zoning ordinance would

be crafted based on the Comprehensive Plan policies that are ultimately adopted by the City Council, and a new zoning designation would certainly be one option for accomplishing this task. A new zone would allow the City to be more prescriptive and create as much certainty as possible about how the property would be allowed to develop if annexation were to occur. Vice Chair Wagner asked if the property could potentially have more than one zoning designation. Mr. Tovar explained that the planned area zoning process would allow the City to identify exactly what the regulations should be rather than trying to make an existing zoning designation fit.

Commissioner Kaje referred to the traffic study that staff is in the process of preparing and asked about their assumptions regarding the number of developable acres. Mr. Tovar said the entire lower site is about 61 acres, and the City has made the decision not to consider the upper portion of the site (40 acres). Commissioner Kaje observed that not all of the 61 acres would be considered developable property since vehicular and pedestrian access, etc. would have to be provided. He further observed that if the City were to allow 1,000 units on the site, the density would be about 17 units per acre. On the other hand, the scenario currently being considered by Snohomish County would allow about 3.5 times more density. Mr. Tovar explained that the purpose of doing a traffic study using different development scenarios up to 3,500 units is to illustrate how the most extreme density would impact the City. He cautioned that the City is not advocating 3,500 units on the property and the resolution states that is too high. Staff does not have a recommendation about what the correct density should be, and the issue would be addressed as part of the pre-annexation zoning ordinance process. Mr. Cohn cautioned that rather than talking about the density, i.e. units per acre, that should be allowed on the site, it might be more helpful to talk about the total number of units and square footage that should be allowed.

Commissioner Pyle asked if the City of Shoreline currently provides or has historically provided any services to the Town of Woodway. Mr. Tovar answered no.

### **Public Testimony or Comment**

**Caycee Holt, Shoreline**, said she was present to represent a group of Richmond Beach residents. She asked the Commission to think about the possibility of looking at an alternate egress from Point Wells. They have not seen any studies to indicate this option has been considered, and they feel that Snohomish County should be responsible for their own property. Richmond Beach Road should not turn into the Point Wells Speedway. She submitted a petition, which was circulated in the Richmond Beach area for just three days and already has approximately 115 signatures. She explained that their primary concern is related to Richmond Beach Road being dangerous and noisy. They are also concerned about wear and tear on the infrastructure that goes through their small neighborhood. She suggested that if Richmond Beach Road is the only access for the Point Wells site, the density should be limited to zero. She said she would like the City to consider other options for accessing the property via Snohomish County.

Commissioner Kuboi asked if Ms. Holt's opinion about traffic would change if Point Wells were to annex into the City of Shoreline. Ms. Holt said her group would prefer that the property remain part of Snohomish County and that they figure out how to provide access via Snohomish County. They do not

support annexation into the City of Shoreline because they don't believe Richmond Beach Road could support the additional traffic.

**Sandra Greene, Shoreline**, said she also lives in Richmond Beach and supports the comments provided by Ms. Holt. She requested the City give consideration to a public vote prior to any decision being made by only six members of the Commission. Given the present economic circumstances of the State and the number of homes on the market, she questioned why the Commission is contemplating such a grand project to financially benefit the owner of the Point Wells property.

**Brian Cohee, Shoreline**, agreed with both Ms. Greene and Ms. Holt. He said he lives on one of the "hot spots" on Richmond Beach Road, and his neighbor has had two people die in his yard within the last three years. He said he made a video of an accident where a woman went off the bank and died in his neighbor's yard. He said he has responded first to numerous accidents, one in which a pedestrian was hit while walking on the sidewalk. He said he collected statistic from the Washington State Department of Transportation and the City of Shoreline, which indicate that 257 recorded accidents have occurred over the last 8 years along the section of Richmond Beach Road Proper (1.4 miles between 15<sup>th</sup> Avenue Northwest and Fremont Avenue). Both the State and the City have indicated that these statistics are incomplete. He noted that this number equates to an accident every 11 days on this one small section of roadway. The accidents have involved 474 vehicles, 121 injuries, 4 fatalities, and approximately \$3 million in vehicle property damage alone. He questioned what price you can put on fatal accidents. He summarized that the residents understand what some of the costs of annexation would be, but he asked the City to clarify what benefits the City would receive.

**Karen Davis, Shoreline**, said she is a new resident of Richmond Beach, and she moved there because she found it had great solitude. She said she previously lived in Mill Creek on Seattle Hill Road, which became a major throughway over the course of just five years. They had to escape this devastating situation because all they heard was traffic and it was not safe for their children to go out and play. She implored the Commission to consider the devastating social and environmental impacts the annexation would have on the community and families of Richmond Beach in the future.

**Scott Becker, Shoreline**, said he is a member of the Richmond Beach Community Association Board. He said they just received the proposal and they intend to put out a white response paper to serve the constituents within the association, as well as the general Richmond Beach Neighborhood. In addition to the issues that have already been raised, he noted the contaminated soils that exist on the Point Wells site. He suggested this should be a major concern, and the remediation and potential down beach impacts need to be seriously considered when scoping what will be allowed on the site and deciding what the land could support. Given that the land has been spoiled for over 100 years, consideration should be given for limiting the development to contain the worst of the contamination. Like traffic, until the contamination is studied thoroughly and to the satisfaction of the residents, he suggested the City should hold off on further action. He observed that some citizens are concerned about what could take place if the Point Wells site is not under the City of Shoreline's control.

## **Final Questions by the Commission**

Commissioner Kaje thanked the citizens for the amount of time they spent analyzing the issue and preparing comments for the Commission's consideration. He clarified that the Planning Commission is an advisory body of neighbors that have been asked to conduct public hearings and provide their best advice to the City Council, who would make the final decision. He said they share all of the same concerns raised by the citizens. Again, he emphasized that the Commission would not make the final decision, but they would make a recommendation to the City Council based on the information they receive from the staff and from the public hearings.

Commissioner Pyle reminded the Commission that they previously discussed the opportunities that exist on the site for access. Due to slope stability and fire and road standards, it would be very difficult to design and obtain access out of the site without utilizing existing infrastructure. Mr. Tovar agreed with those who spoke that the City should do a more thorough analysis of whether or not alternative access would be feasible, and if not, why. At the next public hearing, staff would provide a thorough analysis of the topography, geology, applicable environmental regulations, fire safety standards, etc.

Commissioner Pyle asked if it would be possible for the Town of Woodway or Snohomish County to show there is no feasible alternative access and then sue the City of Shoreline to obtain access and the right to use Richmond Beach Road if the Point Wells property is annexed into the Town of Woodway. Mr. Tovar said the property owner already has a right to use Richmond Beach Road for access since it is a public right-of-way. He agreed to request a legal opinion from the City Attorney about whether the City would have the ability to prevent this access in the future.

Commissioner Pyle asked staff to describe some of the pros and cons of pursuing annexation of the Point Wells Property. Mr. Tovar said one down side of not pursuing annexation is that the property would be allowed to develop under Woodway or Snohomish County's standards. If they could build a wall at the County line, the situation would be much simpler, but that is not likely to occur. Vice Chair Wagner summarized that the City staff's belief is that the site would be developed regardless of whether or not it is annexed by Shoreline. Mr. Tovar agreed that development would occur on the site at some point in time and it is very likely that access would come from Richmond Beach Road. The real questions are how much development should be allowed to occur, under whose jurisdiction, and to what regulations and standards. He summarized that if there was an alternate existing access to the site from Snohomish County, the City could possibly have the option of closing off Richmond Beach road, but that is not the case.

At the request of Vice Chair Wagner, Mr. Tovar clarified that the purpose of this first hearing was to allow the public an opportunity voice their concerns and the Commission an opportunity to ask questions of clarification. Staff is not asking the Commission to make a recommendation at this point because they don't have all the facts yet.

Commissioner Perkowski asked staff to share more information about the meaning of the term "urban densities" as used on Page 36 of the Staff Report. Mr. Tovar explained that the intent is that "urban densities" should be supported by appropriate levels of facilities and services. Mr. Cohn added that a

typical “urban density” is six to eight units per acre or higher. He summarized that if the property is developed under the jurisdiction of Shoreline, the density would be above that threshold level because the property is located within Snohomish County’s Urban Growth Area. Commissioner Perkowski said he is troubled by the argument that the proposed amendment would be consistent with the Growth Management Act because an urban level of services could be provided to the site by the fire and police department. Mr. Cohn agreed that the next staff report would address this issue more fully.

Commissioner Pyle said the proposal suggests that the City’s objective is to annex the lowland portion and leave the upland portion to be a part of Woodway if they choose to take it. He asked staff to compare the acreage of the upland and lowland areas. Mr. Tovar said his understanding is that the lowland portion (area that can only be accessed via Richmond Beach Road) is approximately 61 acres. The upland portion is approximately 40 acres. The City is not interested in including the upland portion in their future service and annexation area and it cannot be reached from Richmond Beach Road. Commissioner Pyle asked about the width of the right-of-way section of Richmond Beach Road that drives down to the lowland area. Mr. Tovar agreed to provide some drawings and cross sections of Richmond Beach Road at the Commission’s second hearing.

Commissioner Kuboi invited staff to review the issues, besides traffic, that would have to be dealt with as part of the SEPA review. Mr. Tovar said the Draft Supplemental Environmental Impact Statement (SEIS) that was prepared by Snohomish County for their proposed comprehensive plan amendment talks about the brown fields referenced by Mr. Becker. It also talks about earth, air, noise, and impacts likely from approving the proposed action (urban center). The City would adopt those elements of the County’s SEIS that they believe are valid and accurately describe and disclose the likely impacts. Mr. Cohn said the SEIS would also address where services would come from.

Commissioner Kaje said he heard disturbing testimony about the current level of safety on Richmond Beach Road, and he invited staff to bring back good information about how that road compares with other major roads in the City. Aside from the Point Wells proposal, he asked if Richmond Beach Road has already been identified as a priority for safety improvements. Mr. Tovar explained that the Public Works Department maintains their own data for streets in the City, and they know that part of the report should describe the existing and historical conditions, as well as traffic safety, accidents, fatalities, etc. This information would be provided as part of the second hearing.

Commissioner Kaje asked for clarification on how the City of Shoreline would conduct their SEPA review. Would there be a typical scoping process that would allow the public to indicate what items they would like the City to analyze? Mr. Tovar advised that the SEPA review process would proceed as per State code requirements. Commissioner Kaje summarized that the public would have an opportunity to participate in the City’s SEPA review process and identify areas where they believe the Snohomish County analysis was incomplete or inaccurate.

Commissioner Perkowski asked if the Point Wells property would be part of the future Shoreline Master Program Analysis. Mr. Tovar explained that the Shoreline Master Program amendment is not due until 2011, but they could provide some of the background information from the consultant. Commissioner

Perkowski pointed out that there would likely be more onerous State restrictions on the shoreline than what the City's zoning would require.

A member of the audience requested another opportunity to speak before the Commission. Vice Chair Wagner reminded the public that this is a legislative process, and citizens can submit written comments via email to [plancom@shorelinewa.gov](mailto:plancom@shorelinewa.gov) for consideration as part of the public testimony.

Vice Chair Wagner summarized that the Commission would like staff to provide the following items prior to the Commission's next discussion related to the Point Wells Comprehensive Plan amendment:

- Historical traffic safety information and what plans the City has in place to deal with the hazardous situations that currently exist on Richmond Beach Road.
- Information about what the potential traffic impacts would be based on various development scenarios up to 3,500 units on the site.
- Topographical maps to discuss access points that previously existed and why the City does not believe there are alternative access opportunities via Snohomish County.
- Drawings and right-of-way cross sections for Richmond Beach Road.
- More information to support the staff's position that the proposed amendment is consistent with the Growth Management Act because it would encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Commissioner Kuboi asked if it would be possible for staff to provide the Commissioners with a draft scope of the City's SEPA review. Mr. Tovar answered that staff anticipates using parts of the existing Supplemental Draft Environmental Impact Statement that Snohomish County has already prepared, and staff could provide this information to the Commission now. However, the other SEPA information would not be ready for at least another month. Commissioner Kuboi said he does not yet have a clear understanding of what staff believes to be the salient environmental issues other than traffic. Mr. Tovar said that once staff has prepared their initial SEPA report, the Commission would have a better idea of what the concerns would be. He advised that staff would complete the SEPA review and present the results to the Commission before the next hearing.

Vice Chair Wagner thanked the citizens who came to speak before the Commission. Their comments were helpful.

### **Closure of Public Hearing**

The public hearing was closed. *(Note: An additional hearing would be conducted at a later date.)*

### **DIRECTOR'S REPORT**

Mr. Tovar did not have any items to report.

## **UNFINISHED BUSINESS**

### **Appointment of a Commissioner to the Southeast Neighborhood Sub Area Plan Community Advisory Committee**

Mr. Cohn said none of the Commissioners provided feedback to staff regarding the appointment. He recalled that Commissioner Pyle offered to continue to serve on the committee on a part-time basis, but he didn't want to remain as the primary contact. He reported that the committee is getting close to the point of finalizing their recommendations for an open house. The idea is that a Planning Commissioner would serve as a liaison to attend the meetings and provide Planning Commission expertise.

Commissioner Kuboi asked if the liaison must be a current Commissioner, or just someone with a good planning background. Mr. Cohn reviewed that there have been two major community advisory committees over the past three years, and each time there has been a Commissioner liaison. The purpose of the liaison is to inform the Commission about what is going on. He suggested that if they appoint someone who is not on the Commission, they would need to seek City Council approval.

Commissioner Kuboi said he is more concerned about the liaison's ability to provide a planning perspective to the committee and less concerned about the liaison's ability to report to the Commission. Therefore, it would be important that this person have a planning/land use perspective, and this would not necessarily require a Commissioner. Again, Mr. Cohn cautioned that if the Commission wants to recommend someone other than a Commissioner to serve on the committee, they would need to obtain City Council approval. Commissioner Pyle reported that City staff has done a great job of providing the committee with the necessary planning and land use perspective.

Mr. Cohn agreed to send an email to all of the Commissioners requesting a volunteer to serve on the committee. If there are no volunteers amongst the Commission, they agreed to consider alternatives at their next meeting.

## **NEW BUSINESS**

There was no new business scheduled on the agenda.

## **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

Commissioner Kaje asked staff to report on what happened after the joint City Council/Commission meeting on April 13<sup>th</sup> regarding the Vision and Framework Goals.

Vice Chair Wagner reported that she and Chair Hall stayed after the joint meeting to talk about the process and summarize the Commission's recommendation. The City Council did some wordsmithing, and they asked staff to make some additional changes. Staff was directed to prepare an updated version of the Vision and Framework Goals, including the proposed modifications.

Mr. Tovar said some of the City Councilmembers proposed amendments to the language, and the Council asked staff to craft some updated language to present at their May 11<sup>th</sup> meeting. At that time, staff would provide different iterations of amendatory language, and invite the City Councilmembers to consider and take specific action on each of the alternatives. Staff anticipates the City Council would complete their review and adopt the Vision and Framework Goals on May 11<sup>th</sup>. Vice Chair Wagner pointed out that three people spoke during the public hearing regarding the draft language, and most of the comments were positive and encouraging.

Mr. Cohn agreed to send the Commissioners a copy of the proposed language as soon as it has been prepared for the City Council's May 11<sup>th</sup> meeting. Mr. Tovar reminded the Commission that they played a large role in crafting the Vision and Framework Goals that were presented to the City Council, and the City Council is not looking for additional recommendations from the Commission. However, they could still forward their thoughts to staff as part of the public process, which is still open. He summarized that he does not anticipate the City Council would make a substantial number of changes.

### **AGENDA FOR NEXT MEETING**

Mr. Cohn reported that the May 7<sup>th</sup> agenda includes a tentative public hearing on the CRISTA Master Plan. In addition, Mr. Cohen would be present to discuss the tree ordinance.

Ms. Simulcik Smith reminded the Commissioners of the volunteer breakfast that is scheduled for April 17<sup>th</sup>.

### **ADJOURNMENT**

The meeting was adjourned at 9:08 P.M.

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Will Hall  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission