



# AGENDA

## PLANNING COMMISSION

### VIRTUAL/ELECTRONIC REGULAR MEETING

Thursday, September 17, 2020  
7:00 p.m.

Held Remotely on Zoom  
<https://zoom.us/j/98899467364?pwd=ZzRCc2Z2dGhhamtHc2ZoMkh0dFp4QT09>

Passcode: 353182

In an effort to curtail the spread of the COVID-19 virus, the Planning Commission meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The Planning Commission is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting.

Please see the information listed below to access all of these options:



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*Pre-registration is required by 6:30 p.m. the night of the meeting.*



[Click Here to Submit Written Public Comment](#)

*Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.*

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF AGENDA	7:02
4. APPROVAL OF MINUTES FROM:	7:03
a. <a href="#">August 20, 2020 Draft Minutes</a>	
b. <a href="#">September 3, 2020 Draft Minutes</a>	

#### Public Comment and Testimony at Planning Commission

*During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. Please be advised that each speaker's testimony*

is being recorded. Speakers are asked to sign-up by 6:30 p.m. the night of the meeting. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. In all cases, speakers are asked to state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.

<b>5. GENERAL PUBLIC COMMENT</b>	7:05
<b>6. STUDY ITEMS</b>	
a. <a href="#"><u>2020 Comprehensive Plan Amendments Discussion</u></a>	7:10
b. <a href="#"><u>Development Code Amendment Establishing a Point Wells – Planned Area 4 Zone and Regulations to Implement the Point Wells Subarea Plan</u></a>	7:50
<b>7. UNFINISHED BUSINESS</b>	8:25
<b>8. NEW BUSINESS</b>	8:26
<b>9. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>	8:27
<b>10. AGENDA FOR Next meeting – October 1, 2020</b>	8:28
<b>11. ADJOURNMENT</b>	8:30

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457.*

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF REGULAR MEETING**  
*(Via Zoom)*

August 20, 2020  
7:00 P.M.

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**Commissioners Present**

Chair Mork  
Vice Chair Malek  
Commissioner Callahan  
Commissioner Galuska  
Commissioner Lin  
Commissioner Rwamashongye  
Commissioner Sager

**Staff Present**

Nora Gierloff, Planning Manager  
Steve Szafran, Senior Planner  
Carla Hoekzema, Planning Commission Clerk

**CALL TO ORDER**

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

**ROLL CALL**

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Mork, Vice Chair Malek, and Commissioners Callahan, Galuska, Lin, Rwamashongye and Sager.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of August 6, 2020 were accepted as presented.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**STUDY ITEM: 2020 DEVELOPMENT CODE BATCH AMENDMENTS #2**

Mr. Szafran briefly reviewed that staff split the 2020 Development Code Amendment Batch into three attachments: Administrative (Attachment A), Clarifying (Attachment B) and Policy (Attachment C) amendments. He recalled that the Commission briefly discussed the amendments on July 2<sup>nd</sup>, but was unable to get through all of them. In addition, the following amendments have been withdrawn:

- The Seattle Golf Club’s amendment requesting exemptions from SMC 20.50.310 (Clearing and Grading Regulations) was pulled from the batch.
- Amendments related to the City’s Deep Green Incentive Program (DGIP) were pulled for further discussion.
- Amendments related to traffic-calming measures and frontage improvements in SMC 20.70.320 were withdrawn. These items need further study and could be added to larger work plan items.

Mr. Szafran noted that the study session would focus on the clarifying amendments (Attachment B) and policy amendments (Attachment C), but he invited the Commissioners to provide feedback regarding the administrative amendments (Attachment A) first.

- **Administrative Amendments (Attachment A)**

Mr. Szafran explained that these amendments are housekeeping amendments that fix errors and/or references in the Code. Attachment A lists 13 amendments that generally cover incorrect numbering, updating references, and deleting code sections that refer to previously deleted sections.

Commissioner Sager referred to Amendment 10 (SMC 20.50.310(B)(3), which deletes the words, “*or less than 1,500 square feet if located in a special drainage area*”. She noted that there is nothing in Ordinance 850 that indicates this requirement has been repealed. Mr. Szafran responded that the language in (B)(3) was deleted because the City no longer has a “special drainage area” designation. He agreed to provide background information related to this change.

- **Clarifying Amendments (Attachment B)**

Mr. Szafran said these amendments were generated from previous code interpretation decisions by the Director or they are in direct conflict with other code sections. He reviewed the clarifying amendments as follows:

- **Amendment 1 – SMC 20.20.010** – This amendment adds a new definition for Assisted Living Facilities, replacing the definition for Senior Citizen Assisted Living. This use requires its own definition, as it is distinct from other group home uses. For example, an Adult Family Home is regulated as a single-family home and can house up to 6 residents. An Assisted Living Facility can accommodate 7 or more residents with extensive licensing, operational and building requirements under Revised Code of Washington (WAC) 388.78A.
- **Amendment 2 – SMC 20.20.028** – This amendment would change the definition for Junk Vehicle, which allows the City’s Customer Response Team and the Police Department to

## 4a. Draft Minutes from Thursday, August 20, 2020

determine when a vehicle qualifies. The amendment changes Item C to read, *“Is apparently inoperable, including a condition which makes the vehicle incapable of being operated legally on a public highway.”* Junk Vehicles are regulated in SMC 20.30.750, and this section outlines the process for abating the nuisance.

Chair Mork voiced concern that this section of the code would be difficult to enforce. Mr. Szafran agreed, since all three requirements are left to interpretation. The Customer Response Team requested the amendment, which would give them more authority to tag when a vehicle is junk. Commissioner Galuska said he suspects the language is being recommended to address situations where a vehicle has expired tabs and cannot operate legally on a public road. Rather than listing specific criteria, Mr. Szafran said the Customer Response Team is seeking more flexibility.

- **Amendment 3 – SMC 20.20.034** – While researching two different Recreational Vehicle (RV) definitions (SMC 13.12 and SMC 20), staff noticed that the definitions for Manufactured Homes were different and conflicted with each other. The proposed amendment would make both definitions consistent.

Chair Mork asked if the proposed amendment would apply to manufactured homes that are typically delivered in pieces and assembled on site and do not have permanent chassis. Ms. Gierloff answered that these homes are generally considered Modular Homes.

Commissioner Rwamashongye noted that the definition does not include RVs. He asked if an RV that is parked on the street and cannot be moved because its wheels have been removed or severely damaged would be considered a manufactured home or an RV. He observed that these situations have been problematic in the City of Seattle because abandoned RVs have had to be broken apart to be moved. Mr. Szafran answered that they wouldn't be allowed to park within the right-of-way.

- **Amendment 4 – SMC 20.20.040.** The definition of Party of Record is proposed to be amended to match language in SMC 20.30.150 (Notice of Decision), which states, *“For type B and C actions, the Director shall issue and mail a notice of decision to parties of record and to any person who, prior to the rendering of the decision, requested notice of the decision.”*
- **Amendment 5 – SMC 20.20.046.** This amendment would replace the Senior Citizen Assisted Housing definition with the new definition for Assisted Living Facility (Amendment 1).
- **Amendment 6 – SMC 20.30.060.** This amendment removes Final Formal Plats from the Type C quasi-judicial action tables. It streamlines the process for approving Final Formal Plats from a quasi-judicial Type C action to an administrative approval by the Director in accordance with RCW 58.17.100 since the Preliminary Formal Plat was reviewed by the Hearing Examiner and approved by the City Council.
- **Amendment 7 – SMC 20.30.315.** This amendment codifies the stormwater requirements laid out in the Engineering Development Manual. In order to be compliant with the City's NPDES

Permit, the City must do stormwater review for all projects triggering Minimum Retention Requirements 1-5. Some of these projects do not currently require permits so these reviews are not always being done. The amendment will cover the missing gap.

Commissioner Galuska said he would prefer that the thresholds for Minimum Requirements 1-5 be listed in the code section. Homeowners who do projects on their own may not know where to find the stormwater requirements in the Engineering Development Manual. Including the thresholds in this section would help people know when a project falls under the requirements. Chair Mork agreed it would make the code more user-friendly.

- **Amendment 8 – SMC 20.30.355(D).** This amendment seeks to strike the last sentence under Item 1, which refers to a fee-in-lieu program for constructing affordable housing units. The fee-in-lieu program was authorized only for partial units or the units that are fractional when performing affordable unit calculations. The fee-in-lieu program was not intended to replace full affordable units for a fee.

Chair Mork recognized that was not the City’s original intent, but she questioned if it should be. Could the program be priced in such a way that the City could obtain a financial advantage? Ms. Gierloff explained that some cities with more robust programs or their own housing authorities can collect the funds and actually build off-site affordable housing units. However, Shoreline doesn’t have the scale to make that feasible. If the City allows people to pay the fee-in-lieu rather than constructing the affordable units with their projects, it would result in little bits of money and the City would have to find a site to build an affordable housing project. This would go beyond the City’s current capabilities. However, the City will continue to collect the fractional fees. For example, if 6.5 affordable units were required, a developer could pay for the .5 unit and build 6 units as part of the project.

Chair Mork asked if the City would ever consider allowing a developer to pay into a fee-in-lieu program for additional units, charging a significant enough amount to make it work to the City’s advantage. Ms. Gierloff answered that more administrative infrastructure would be needed to do that.

Commissioner Sager asked if the fees are updated yearly. She noted that the Staff Report refers to a 2019 fee schedule. Mr. Szafran said the fees in Title 3 are updated on a biannual cycle, and the next update will be in 2021. Mr. Gierloff said the Economic Development Manager is currently working to update the fee. Mr. Szafran noted that fee updates do not come to the Planning Commission for review.

- **Amendment 9 – SMC 20.30.425.** This amendment clarifies that the deadline for recording a plat alteration is 60 days after final approval.
- **Amendment 10 – SMC 20.40.120.** This amendment deletes Apartments as a use, since they are now considered Multifamily. It also adds the newly defined Assisted Living Facility to the residential use table.

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- **Amendment 11 – SMC 20.40.140.** This amendment will delete Indexed Criteria i in the table since Residential Treatment Facilities do not have associated indexed criteria. Chair Mork asked if the state has indexed criteria for Residential Treatment Facilities, and Mr. Szafran answered that the State is the licensee for these facilities, and there are a number of associated criteria. Chair Mork asked if the City could be more stringent than the State. Mr. Szafran answered affirmatively, but at this point, the City relies on the licensing requirements of the State.
- **Amendment 12 – SMC 20.40.150.** This amendment would add “Dormitory” to the Campus Use Table. Shoreline Community College recently completed a student housing building and more dormitories may be necessary in the future. The use was added to the table in case the need arises at other campuses in the future.
- **Amendment 13 – SMC 20.40.320.** Currently, Daycare II is listed as a permitted use in the R-4 and R-6 zones with indexed criteria. However, the indexed criteria are unclear about when a Daycare II is permitted. The amendment makes it clear that Daycare II facilities are only allowed in the R-4 and R-6 zones when they are a reuse of an existing house of worship or school without expansion.
- **Amendment 14 – SMC 20.50.020(3).** As currently written, Exception 2 says that front yard setbacks across rights-of-way shall be a minimum of 15 feet. However, the intent of the exception is to only require the 15-foot minimum setback in transition areas, not all areas across the rights-of-way. Transition areas are zones where commercial zoning directly abuts or is across the street from R-4, R-6 and R-8 zones. He suggested it might be helpful for staff to provide a diagram to clarify the amendment further. Chair Mork agreed.

Commissioner Rwamashongye asked if the setback would be measured from the face of the curb or from the centerline of the roadway, and Mr. Szafran answered that the setback would be measured from the property line.

- **Amendment 15 – SMC 20.50.040(F).** This amendment is a minor correction. The City has adopted alternative setback standards for zones such as MUR-35’ and MUR-45’ where setbacks can be 0 feet if the necessary frontage improvements are in place. The existing language states that the setback must be 10-feet in all other zones, and the proposed amendment seeks to allow the exception.
- **Amendment 16 – SMC 20.50.160(C).** The language contained in this section needs to be amended to clarify the intent of the townhome design standards and match the illustration included in this section. The intent of the section is for the units within 25 feet of the front property line to be oriented towards or facing the street.
- **Amendment 17 – SMC 20.50.249(E).** This section does not currently clarify what “separated” means. The proposed language creates a minimum standard to be considered separated. The proposal is that there be landscaping between the parking or traffic and the interior circulation.

- **Amendment 18 – SMC 20.50.350.** The first amendment in this section addresses situations where all the required replacement trees cannot be accommodated on site. Rather than waiving the replacement of the extra trees, the change would require payment of a fee-in-lieu, which would be used by the City to plant trees in parks and other natural areas. The second amendment allows the City to require mitigation when non-regulated trees that were required to be retained are deliberately removed. Staff believes these two amendments make the Tree Code stronger. Rather than allowing the Director to waive tree replacement on properties that are crowded, the fee-in-lieu could be used for right-of-way tree maintenance or planting trees in other locations throughout the City.

Commissioner Galuska asked if a City fund has already been established for the tree payments. Ms. Gierloff said the money would go into a specific line item within the budget.

Vice Chair Malek asked if, in addition to approving the payment of a fee-in-lieu, the Director could also approve waiving the fee if it is very clear that a developer cannot physically plant that many trees on a lot in a healthy fashion. Ms. Gierloff said that is the current condition. As per the proposed amendment, rather than simply waiving the requirement, the Director could allow a developer to pay the fee-in-lieu if replacement trees cannot be safely planted on site. Vice Chair Malek observed that, as currently presented, the Director would no longer have the ability to waive the requirement in certain situations. Ms. Gierloff answered that doing so would require established procedures to ensure that decisions are made consistently.

Vice Chair Malek agreed that the decision-making process needs to be consistent, but each lot is a little different and requires a different review. He disclosed that he recently sold a project to a builder who is facing this situation. He felt it would be appropriate to allow the Director discretion to waive the requirement in situations where replacement is not realistic and/or reasonable. Builders who are trying to bring density to the City shouldn't be penalized or fined in these situations. They are already required to pay fire, park and traffic impact fees, as well as a variety of other associated development fees, which are substantial. In addition, they will be asked to pay for trees that cannot physically fit on a lot. Again, he expressed his belief that the Director should have the discretion to waive the requirement without imposing a fee. In fact, he suggested the City should have the burden of proof as to why developers are charged the fee-in-lieu. It would be ideal if developers could plant the required trees in a park and then offset some of their park impact fees. The fees they are asking developers to pay are excessive and there needs to be some flexibility.

Commissioner Sager suggested it would be appropriate to spell out in the amendment what the collected fees would be used for. This will be important information for developers and the general public to know.

Commissioner Rwamashongye asked if the fee-in-lieu provision also includes a tree establishment clause. Ms. Gierloff said the Parks Department reviewed the proposal and felt it would be sufficient for them to both plant and maintain the trees. The goal is to not lose tree canopy over time. If the tree canopy cannot be replaced onsite and get the density the City



desires, they could plant the trees in another location. Commissioner Rwamashongye agreed that tree canopy is very important.

Commissioner Galuska suggested that additional language should be added to Item K to provide more specificity about what will happen if a developer removes trees that are marked for protection during construction. Rather than simply replacing the trees in a manner determined by the Director, he felt there should be a greater penalty for developers who don't follow the approved plan. As currently proposed, a violator could argue that the code doesn't require anything more than replacing the trees 1:1. Mr. Szafran said this could be done by requiring a greater replacement ratio or trees that are larger in diameter.

Vice Chair Malek pointed out that there is an existing policy that requires builders to protect on-site trees when lots are developed. Mr. Szafran agreed and noted that Item K applies to non-significant trees that aren't typically protected. Vice Chair Malek agreed that the City needs to protect its canopy. However, going too far adding additional punitive damages for requirements that are stated elsewhere in the code can send a bad message.

Commissioner Sager pointed out that in Item C.3, "1.5 inches" is spelled out, and this should be consistent throughout the code. Also, she pointed out that Item C.3 states "evergreens six feet in height," but elsewhere it says "at least six feet in height." She suggested the language should be updated to "at least six feet in height."

Chair Mork expressed her belief that non-significant trees need to be protected, too. She has personally witnessed situations where non-significant trees identified in the approved plan were removed, and developers should not be allowed to get away with it. Commissioner Callahan concurred.

Commissioner Lin pointed out that Item K includes the phrase "unlawfully removed," so it shouldn't get confused with unintentional tree damage that occurs during construction. Vice Chair Malek pointed out that a 3-year bond is required, and the properties are inspected to make sure the trees survive. Therefore, the requirement does not need to be restated or made punitive. Commissioner Lin suggested that additional language is needed in Item K to clarify how the City would differentiate between deliberate unlawful tree removal and unintentional damage that occurs during construction.

Commissioner Lin said Item B is intended to compensate for a site that cannot accommodate all of the replacement trees that are required. She said she fully supports the proposed language, which provides developers with flexibility and the City with an opportunity to improve parks.

Mr. Szafran agreed to bring back some revised language for the Commission to consider at their next meeting.

- **Amendment 19 – SMC 20.50.370.** These amendments strengthen tree protection measures for sites under construction. It seeks to avoid situations where a permit is approved based on

retention of existing trees, but during construction occurring within the dripline, a tree is so damaged it will not survive after construction or it becomes hazardous. The amendment adds tree protection zones and prohibits development, fill, and excavation within the dripline of the trees that are retained. It requires that tree protection remain in place for the duration of the permit, unless the permit states that sequencing allows the removal of one tree. If that happens, the tree protection goes back into place when the one tree is taken out.

Commissioner Rwamashongye noted that, as currently proposed, tree branches could be trimmed at least 14 feet so a contractor could get in and out of a construction site without damaging the trees.

- **Amendment 20 – SMC 20.50.390(A).** This amendment would change the term “Apartment” to “Multifamily” to be consistent with the rest of the Development Code. It would also delete the provisions for electric vehicle (EV) charging facilities. The EV charging facility standards would be added to another section as part of a different amendment.
- **Amendment 21 – SMC 20.50.390(A).** For consistency, this amendment would replace the term “Senior Assisted Living Facilities” with “Assisted Living Facilities.”
- **Amendment 22 – SMC 20.50.400.** Staff recommends updating this section, which contains criteria for parking reductions to clarify the requirements and how the different incentives interact. Providing a dedicated car-sharing space is an example of an action that reduces the demand for parking spaces, whereas other criteria in the section doesn’t have a real nexus to parking reductions.

Commissioner Sager asked if there can be spaces for more than one car-share service provider. As per Item 9, it appears it will be limited to one provider per developer. Mr. Szafran said it is not staff’s intent to restrict car-share to just one provider. He agreed to update the language to make the intent clearer.

Chair Mork asked if this provision would strip all of the parking incentives associated with the Deep Green Incentive Program (DGIP). Mr. Szafran answered that the amendment provides a reference to the DGIP in SMP 20.56.30 and deletes the redundant language. Nothing in the amendment would lessen the environmental strength of the DGIP. It is an effort to reduce language by referring back to the DGIP code section instead of repeating the language again.

- **Amendment 23 – SMC 20.50.410.** This amendment clarifies that all parking must be located outside of the required setbacks, and not just the required parking.
- **Amendment 24 – SMC 20.80.280(C).** This amendment clarifies that, when stream buffer widths are measured, the standard buffer applies to both sides of the stream.

- **Policy Amendments (Attachment C)**

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- **Amendment 1 – SMC 20.20.018.** This amendment adds a definition for Emergency Temporary Shelter. It is related to Amendment 6 and would allow severe weather shelters to be activated on an intermittent basis, such as when temperatures are predicted to fall below freezing. This amendment is unrelated to City Council discussions about King County purchasing properties to provide transitional housing.
- **Amendment 2 – SMC 20.30.040.** This amendment adds Final Formal Plats to the Type A (Administrative) Action Table. It takes the process from a quasi-judicial to administrative.
- **Amendment 3 – SMC 20.30.060.** The first amendment removes Final Formal Plats from the Type C Action Table. That means the process for approving Final Formal Plats would change from a quasi-judicial (Type C) action to an administrative (Type A) action. The second amendment site-specific Comprehensive Plan Map Amendments to the table. Generally, Comprehensive Plan Map Amendments are processed as legislative actions since they affect large areas of land or are general in nature as to apply citywide. A site-specific Comprehensive Plan Map Amendment acts in the same way as a Rezone of Property and Zoning Map Change meaning that the request only applies to one or a small number of parcels and not citywide. These requests should be processed as Type C actions and follow the same procedures as a rezone. That includes notification to everyone within 500 feet of the site, a Hearing Examiner process, and final approval by the City Council.

Vice Chair Malek clarified that, as per the proposed amendment, site-specific Comprehensive Plan Map Amendments would not have to wait to be included on the docket that is considered once each year. He thinks of it as a plat alteration, which removes or increases the restrictions.

Commissioner Galuska said his understanding is that site-specific Comprehensive Plan Map Amendments would still have to go through the docketing process as spelled out in the code. As per the proposed amendment, the process that happens parallel to the docketing process would be more like a rezone. The City Council would still be the decisionmaker and it would still be part of the docketing process, but the amendment would add more public notice requirements and add the Hearing Examiner step.

Mr. Szafran said it would initially proceed as part of the docketing process, but then it would split off to include Hearing Examiner review and additional notification and public involvement opportunities. The notification requirement would allow those most impacted by the proposed change an opportunity to provide input. The amendment would come back at the end for final adoption as part of the yearly Comprehensive Plan Amendment Docket.

- **Amendment 4 – SMC 20.30.100.** Unlike many jurisdictions, Shoreline doesn't have a provision that stops it from accepting applications and/or issuing permits for properties with ongoing and outstanding violations on the parcel. The amendment would allow the City to not accept any new permit applications until the violation is corrected.

Commissioner Galuska said he understands and supports the intent of Amendment 4. However, the way the language is currently written, any violation means the City could not

issue a permit for the property. He asked if there is a requirement that the City prove a nexus between the violation and the permit being issued. Mr. Szafran said the amendments have all been reviewed by the City Attorney, but he would seek specific feedback and report back.

Commissioner Lin asked if a developer who cuts too many trees would be required to complete the restoration process and then wait the required three years before applying for a permit. Mr. Szafran said that is not the intent. If too many trees are cut, the City would require the developer to replant as per the code and a maintenance and performance bond would be required to ensure that the trees live. However, the developer would not have to wait three years before applying for another permit.

Commissioner Rwamashongye agreed with Commissioner Galuska's comment regarding nexus. He also pointed out that damage might not necessarily be trees. It could also be vegetation. For example, someone could bring in goats that eat the vegetation in an area that was originally a wetland and the landscape would be changed. The developer could then come back and do some more drainage in that area at a later time even though he violated a condition. The ability to document what the issue is and why a violation occurred seems to be critical, and the language should capture this important element so that people do not use the provision as a scapegoat.

- **Amendment 5 – SMC 20.30.110(C).** This amendment increases the number of extensions of time that may be granted to an applicant for the resubmittal of information requested by the City. Sometimes, 90 days can be too short when responding to multiple issues and questions. The main purpose of this amendment is to help applicants avoid having their permit applications expire, resulting in wasted resources for the applicant and the City.
- **Amendment 6 – SMC 20.30.295.** The proposed amendment will allow emergency temporary shelters for those that are homeless to be regulated similar to transitional encampments. One would be located outside and the other inside. The amendment adds conditions for emergency temporary shelters.

Commissioner Callahan recalled that, in January, the old police station was used as an emergency shelter. She asked staff to describe how that use would be different based on the proposed amendment. Ms. Gierloff explained that churches often want to host temporary emergency shelters. If they are located in a residential zone, a temporary use permit would be required. In the case referenced by Commissioner Callahan, a church wanted to host the emergency severe winter shelter, but it ended up being hosted in a commercial zone where homeless shelters are permitted uses. The amendment is intended to put regulations in place to allow them to occur in residential zones, too. The proposed amendment would allow the City to waive the fee for a temporary use permit, which can often be prohibitive for non-profit organizations.

Commissioner Callahan suggested it would be good for staff to clarify all types of temporary shelter situations. For example, emergency shelters were set up during the pandemic by both the State and the County. In addition, the code allows people to live in recreational vehicle on

private property for up to two weeks. The City does a nice job with development handouts that describe the issue and the different regulations in very plain language. She suggested that they prepare a handout that clarifies what is and is not allowed relative to temporary shelter situations.

Commissioner Sager asked how far ahead of time the City knows that an emergency temporary shelter will be set up. Ms. Gierloff said churches and other groups typically apply at the beginning of the season and set the shelter up to be used on an intermittent basis as weather conditions require.

Commissioner Rwamashongye reviewed that a temporary use permit is defined as a mechanism by which the City may permit a use to locate within the City on private or public property on an interim basis without requiring full compliance with the Development Code Standards. He voiced concern that, as written, the amendment could unintentionally allow temporary use permits for emergency shelters, including RV parking, to occur within the public rights-of-way. Mr. Szafran said that is not the intent. Ms. Gierloff pointed that the code already requires temporary encampments to be set back from the public rights-of-way.

Chair Mork agreed with Commissioner Callahan that it would be helpful to the citizens if the City were to clarify what works where and when.

- **Amendment 7 – SMC 20.30.345.** This amendment would add specific criteria when site-specific Comprehensive Plan Map Amendments are submitted.
- **Amendment 8 – SMC 20.30.440.** This amendment takes the process for approving Final Formal Plats from a quasi-judicial Type C action to an administrative Type A action. The amendment would give the Director the authority to approve Final Formal Plats rather than the City Council.
- **Amendment 9 – SMC 20.30.450.** This amendment also takes the process for approving Final Formal Plats from a quasi-judicial Type C action to an administrative Type A action. The amendment would give the Director the authority to approve Final Formal Plats rather than the City Council. In addition, the amendment strikes the requirement for the applicant to submit mylar copies of the plat to staff. The amendment is also consistent with the state recording requirements.
- **Amendment 10 – SMC 20.50.020(1) and 20.50.020(2).** This amendment was submitted by the school district and would exempt K-12 schools from the hardscape requirements. Since most schools are developed in R-6 zones, the maximum hardscape is 50%. Schools are now replacing grass with turf, which counts against the hardscape requirements. If an applicant can meet the stormwater and other public works requirements, staff would support exempting schools from the hardscape requirements.

Chair Mork asked what happens if a school decides to surplus a building that was exempted from the hardscape requirement for the zone. Mr. Szafran said that, if the building is used for something other than a school, it would have to meet the underlying zoning requirements.

Commissioner Lin suggested that if turf replacement is the school district's main concern, perhaps it would be better to attach the exemption to just turf replacement. She felt the hardscape requirement for the rest of the school site should be maintained. Mr. Szafran said turf is just one example. Schools also have to provide large parking areas for circulation, emergency access and bus lanes, as well as other sport courts and playfields. It is difficult to provide for all of these needs and still meet the maximum 50% hardscape requirement. Commissioner Lin questioned if it would make more sense to regulate schools using a more reasonable standard percentage for hardscape. She referred to the Shorewood High School site as an example. There is a lot of hardscape, and the tree coverage and green spaces are minimal. She is concerned about easing the hardscape requirement for schools.

Commissioner Rwamashongye said he supports the amendment. Some of the playfields are sand, and turf fields and parking areas are engineer-designed to address drainage. He referred to the Einstein School Project as an example of a project that is well designed and complies with the City's stormwater codes. It is difficult for schools to purchase more property to address hardscape challenges.

Commissioner Sager agreed with Commissioner Lin, but she doesn't know what the right answer is. Although the new buildings are beautiful, she supports more open space and she doesn't like turf.

Chair Mork summarized that the Commission would like staff to research the idea of having an intermediate hardscape requirement for schools that isn't quite as stringent as the residential neighborhood standard but is less liberal than the proposed amendment. Mr. Szafran said it might be possible to identify a specific number, but he doesn't know what it should be at this time. Residential is typically 50% and commercial is typically 95%. He could review the school district's recent permits, but he knows that every project has received a variance from the hardscape requirement.

Commissioner Rwamashongye cautioned that it is important to keep in mind that grass fields have to be closed during the winter months to prevent damage, and turf makes more sense in some situations. School sports take place year-round, and the fields are also used year-round by community groups. He said he has a lot of experience doing population tests around the City of Seattle and has a good understanding of the drainage requirements and the soil structures around Seattle, and the soils around Shoreline are not much different.

Commissioner Lin agreed that artificial turf fields can be used year-round, but their long-term environmental impact is still under study. The verdict may be clearer in a few years. If the City allows schools to have increased hardscape, perhaps there needs to be some other requirement that can strengthen and improve the landscaping and amend the soil as appropriate to balance out the hardscape increase.

- **Amendment 11 – SMC 20.50.020(2) and 20.50.020(2).** This amendment will allow the reduction of side and rear setbacks in the MUR-70' zone to zero feet when new development is adjacent to light rail transit stations, light rail parking garages, transit park and ride lots or transit access facilities. The amendment stems from a project that wants to be directly adjacent to the 145<sup>th</sup> Street Station, and the current setback requirement will not allow the building to be placed at the property line for easy access from the apartment building to the light rail station.

Commissioner Galuska commented that, because the amendment is related to projects having reduced setbacks to increase their pedestrian connection to the light rail facilities, it would be good if there was some condition that specifically requires this direct connection into the facility.

- **Amendment 12 – SMC 20.50.020(B) and (4).** This privately-initiated amendment seeks to allow an additional separate living unit on parcels zoned R-4 through R-48 if certain conditions are met. The intent is to allow a density bonus to larger single-family lots if the second dwelling is smaller and less intrusive to the neighborhood. The amendment would also allow parking reductions if within a ½ mile of light rail stations or electric vehicle charging facilities are installed. Additional analysis and more public process will be needed for this amendment. At this time, staff is recommending it be looked at via the Housing Action Plan, but not added to the Development Code at this point.

Ms. Gierloff said the City is developing a housing toolkit that will provide a range of potential changes that will move the City towards its housing goals. She suggested that it seems more appropriate to put this amendment in the context of these other changes and look at them simultaneously. She cautioned against making a change of this magnitude as part of the batch amendment process, which doesn't provide the same level of outreach.

Commissioner Galuska concurred that the concept should be considered as part of the Housing Action Plan. However, he dislikes creating new processes for very specific housing types. In this case, it might be possible to achieve the same end by simply upzoning the single-family zones to reduce the minimum lot size so people can short plat.

- **Amendment 13 – SMC 20.50.235.** This amendment would be a new section that adds a threshold for building design improvements when a structure is being remodeled or rebuilt. The issue has come up as properties have been redeveloping in the station subareas.

Commissioner Galuska said it would be nice if the threshold could also apply to frontage improvements. Mr. Szafran said the code already includes thresholds for a variety of site improvements such as frontage, lighting, parking, etc.

- **Amendment 14 – SMC 20.50.360.** This amendment relates to replacement trees and was discussed earlier in the meeting.

- **Amendment 15 – SMC 20.50.390(E).** This amendment is a new section for electric vehicle (EV) requirements. It would require that EV-ready spaces be built into new single-family detached and attached development. It would also require that at least 20% of the parking spaces in new mixed-use and multifamily development be EV-ready. New commercial would be required to have 10% of the spaces EV-ready.
- **Amendment 16 – SMC 20.70.340.** This amendment would require mid-block pedestrian connections through large blocks. It would most likely be implemented in the MUR zones, primarily near the station areas where there are larger aggregations of property. The mid-block connections could be similar to alley ways and the idea is to create a more walkable neighborhood and break up some of the City’s superblocks.
- **Amendment 17 – SMC 20.80.220.** The proposed amendment would exempt existing, previously-permitted stabilization measures, such as rockeries and retaining walls that have been designed and approved as having been built according to the engineered design. Existing retaining walls are currently mapped as high-risk or very-high-risk landslide hazard areas. Therefore, anytime someone proposes any site work, such as a small house addition, a comprehensive review is required to classify the hazard, provide recommended buffers and setbacks, and recommend mitigation measures.

Chair Mork noted that retaining walls can deteriorate over time. She asked if there would be a time limit associated with the exemption. Mr. Szafran answered that if staff can trace the retaining wall back to an approved permit, it would be exempt. Chair Mork voiced concern that no consideration would be given to the age of the stabilization measure and whether or not it is still sound. Mr. Szafran said they would have to be reviewed by a licensed geotechnical engineer to ensure safety.

Commissioner Lin asked if the exemption would apply in wetlands and their buffers, and Mr. Szafran answered that it would only apply to slopes.

Mr. Szafran summarized that the amendments are scheduled for a public hearing on October 1<sup>st</sup>. He will be making updates based on direction provided by the Commission.

### **DIRECTOR’S REPORT**

Ms. Gierloff announced that the Commissioners would receive an invitation to the Housing Action Plan Virtual Open House that just went live. She invited them to visit the open house and participate in the survey. She asked them to pass the invitation along to others.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**



There was no new business.

**REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Chair Mork reported that she attended the League of City's Diversity Training on August 19<sup>th</sup>.

**AGENDA FOR NEXT MEETING**

Mr. Gierloff advised that the agenda for the September 3<sup>rd</sup> meeting will include a public hearing on the Ground Floor Commercial Development Code Regulations. The Comprehensive Plan amendments will be presented to the Commission in September, as well. The main items on the docket are the Point Wells Subarea and zoning district and a minor park edit.

**ADJOURNMENT**

The meeting was adjourned at 8:49 p.m.

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Laura Mork  
Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF PUBLIC HEARING**  
*(Via Zoom)*

September 3, 2020  
7:00 P.M.

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**Commissioners Present**

Chair Mork  
Vice Chair Malek  
Commissioner Callahan  
Commissioner Galuska  
Commissioner Lin  
Commissioner Rwamashongye  
Commissioner Sager

**Staff Present**

Rachael Markle, Planning Director  
Nora Gierloff, Planning Manager  
Steve Szafran, Senior Planner  
Cate Lee, Associate Planner  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

**CALL TO ORDER**

Chair Mork called the Public Hearing meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Mork, Vice Chair Malek, and Commissioners Callahan, Galuska, Lin, Rwamashongye and Sager.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**PUBLIC HEARING: GROUND-FLOOR COMMERCIAL DEVELOPMENT CODE REGULATIONS FOR NORTH CITY AND RIDGECREST NEIGHBORHOODS**

Chair Mork reviewed the rules and procedures for the public hearing and then opened the hearing.

Mr. Szafran reviewed that the Ground-Floor Commercial Development Code Amendments started from a Comprehensive Plan amendment request from a resident. The City Council rejected adding the commercial use requirement to the Comprehensive Plan but directed staff to draft Development Code amendments since there was already support in the Comprehensive Plan. Research was conducted by staff in early 2020 that looked at the zoning codes of 21 jurisdictions in the area that specifically related to the ground-floor commercial requirements. In addition, an on-line survey was conducted between April 17<sup>th</sup> and May 17<sup>th</sup>, and the results were presented in detail at the June 18<sup>th</sup> Commission meeting. Staff presented the proposal at the June 18<sup>th</sup> and August 6<sup>th</sup> Commission meetings and has responded to comments and questions from the Commissioners.

Mr. Szafran recalled that at the August 6<sup>th</sup> meeting, the Commissioners requested additional clarification from staff. He and Ms. Lee responded to each one as follows:

- ***Chair Mork asked if it is possible to create incentives with the Shoreline portion of the property taxes.*** Mr. Szafran explained that the City doesn't have the ability to place an exemption on the tax rolls for the County to administer as an incentive for new commercial space. A change to State law would be required. However, Shoreline could use a portion of its share of the property tax to provide an economic development incentive program, which could be structured as a grant program specifically for small businesses. The City's Economic Development Manager will explore this option further as the City works on updating the Economic Development Plan as part of the update to the general Comprehensive Plan.
- ***Commissioner Callahan was concerned with the potential for vacancy of commercial spaces and was interested in the idea of a Vacant Commercial Space Registry to formalize the process and provide further transparency.*** Mr. Szafran said staff believes having such a registry could help the City target outreach to landlords and potential tenants. However, tracking and promoting vacancies as opportunities to potential tenants would require additional budget. Staff has requested information from three real estate information service providers on the potential cost of creating this service. If the Commission wants to recommend the creation of such a registry to the City Council, staff recommends they include it in the transmittal letter to the City Council. Staff also recommends a review of potential code changes that could benefit vacancies in existing buildings, which are able to charge lower rents and are more appropriate for the smaller, local, unique businesses of the type Shoreline residents have expressed interest in.
- ***Commissioner Malek asked what height could be achieved with the different construction types.*** Ms. Lee recalled that, at the August 6<sup>th</sup> meeting, she stated that a builder could get 6 stories of wood-frame construction up to a height of 80 feet. However, it is actually 5 stories of wood-frame construction and up to 85 feet.

Ms. Lee reviewed the changes that have been made to the draft amendments since the August 6<sup>th</sup> meeting as follows:

- **SMC 20.20.048 – Definitions.** At the August 6<sup>th</sup> meeting, the Commission brought up a number of uses that don't activate the street level and are not family friendly. One was tobacco/vape stores, which is not currently listed as a separate use from just general retail and services. The proposed

definition defines tobacco/vape stores to clearly differentiate them from stores that sell the products as an ancillary use.

- **SMC 20.40.465 – Multifamily.** This amendment clarifies that the ground-floor commercial space can be occupied by any of the uses listed in the two tables (non-residential or other uses), except for adult use facilities, marijuana operations and tobacco/vape stores.
- **SMC 20.40.465 – Multifamily.** This amendment clarifies that any buildings subject to the indexed criteria are eligible for an automatic height bonus of 8 feet. A typical residential floor is 10 feet tall, and the proposed amendment would require that ground-floor commercial spaces have an 18-foot ceiling height. The additional 8 feet would make up the difference between a typical residential floor and what the City would require for the commercial space.
- **SMC 20.40.465 – Multifamily.** This amendment states that, in addition to the 8-foot height bonus, developers that provide restaurant-ready space will receive an additional 10-foot height bonus. In the Community Business (CB) zone, this equates to going from the basic building height of 60 feet to a height of up to 78 feet.
- **SMC 20.50.020 – Dimensional Standards.** The additional height bonuses of 8 feet (ground-floor commercial) and 10 feet (restaurant-ready) were itemized separately. The last version of the code said 12 feet, which was the original proposal.
- **SMC 20.50.250 – Building Design.** Staff reviews applications when a builder requests a departure from a Commercial Zone Design Standard for either site-specific reasons or to accommodate a more interesting design. Before a departure can be approved, the developer must show that the project would still meet the purposes of the applicable code section. The proposed new purpose statement assists staff when reviewing these applications.
- **SMC 20.50.250 – Building Design.** The previous draft stated that the Ground-Floor Commercial Standards are not eligible for administrative design review. This was removed, as staff felt there should be some flexibility in case there are some specific site constraints or a creative design that a builder wants to pursue. The project would still have to meet the purposes of the code. Item 5 was also updated to reflect that all ground-floor commercial spaces must be constructed with a minimum floor-to-ceiling height of 18 feet and a minimum clear height of 15 feet.

Ms. Lee reported that two written public comments were received regarding the proposal. A community member in North City would like the City Council to consider an option to have bars or restaurants on the rooftop of buildings to take advantage of views. A community member in Ridgecrest would like to add pawn shops and check-cashing businesses to the list of uses not eligible to occupy the ground-floor commercial space.

Ms. Lee summarized that, following the public hearing, the Commission will be asked to deliberate and formulate a recommendation to the City Council. The Commission's recommendation will be presented to the City Council on September 21<sup>st</sup> as a discussion item. It is anticipated that the City Council will conduct a public hearing and take final action on October 19<sup>th</sup>.

Commissioner Sager referred to SMC 20.50.250(C)(4) and asked the definition of “average” when it comes to average depth. Ms. Lee responded that you would look at the entire space to calculate the average depth. The calculation could get more complicated if there is a lot of variation. The depths would be added together and divided by the total number of different dimensions, but no dimension could be less than 20 feet.

Chair Mork referred to SMC 20.50.250(A)(4), which calls for creating an active and inviting space for pedestrians, with visually interesting storefronts and seamless transitions between public rights-of-way and private space. While she likes the concept, she questioned if it is meant to be very specific or more general. Mr. Szafran responded that the criteria are meant to be general in nature. When staff receives an application to depart from a design standard, they will review this section to see if the intent of the developer’s proposal meets the criteria.

Chair Mork briefly reviewed the rules and invited public testimony. No one indicated a desire to participate, and the public portion of the hearing was closed.

**VICE CHAIR MALEK MOVED THAT THE COMMISSION ACCEPT THE STAFF’S RECOMMENDATION FOR THE GROUND-FLOOR COMMERCIAL DEVELOPMENT CODE REGULATIONS FOR THE NORTH CITY AND RIDGECREST NEIGHBORHOOD COMMERCIAL DISTRICTS AS WRITTEN AND FORWARD A RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL. COMMISSIONER LIN SECONDED THE MOTION.**

Vice Chair Malek said he assumed his motion would include Commissioner Callahan’s recommendation to create a registry for vacant commercial properties. Staff could determine the best way to accomplish this. Chair Mork agreed that the concept is worthy of discussion. However, it is her understanding that staff’s preferred course of action would be for the Commission to take action on the specific proposal before them, and then they could talk about other things they would like the City Council to consider. Mr. Szafran responded that, at this time, staff is not recommending that the registry be codified in the Development Code. Instead, the Commission could include in its transmittal letter to the City Council a request to create a registry in concert with the Economic Development Manager. Chair Mork said she supports the creation of a vacant property registry and agreed that it should be included in the transmittal letter.

Chair Mork recalled that Commissioner Rwamashongye raised a question at an earlier meeting about loading docks, and she is concerned about garbage enclosures. She asked if both of these topics are adequately covered in the existing code or proposed amendments. Mr. Szafran said these issues are adequately addressed in the Commercial Site Design Section of the Development Code, and no changes are proposed at this time.

Assistant City Attorney Ainsworth-Taylor clarified that the current motion on the table is just the Planning Department’s recommendations as attached in the Staff Report, without any of the other concepts discussed by the Commission.

**VICE CHAIR MOVED TO AMEND THE MAIN MOTION TO CLARIFY THAT IT INCLUDES THE GROUND FLOOR COMMERCIAL DEVELOPMENT CODE AMENDMENTS (ATTACHMENT A) AND THE VACANT PROPERTY REGISTRY ORDINANCES (ATTACHMENT B). COMMISSIONER SAGER SECONDED THE MOTION.**

Assistant City Attorney Ainsworth-Taylor asked if the intent of the motion is to codify the Vacant Property Registry Ordinances (Attachment B). Vice Chair Malek responded that rather than codifying Attachment B, he would like it to be included as part of the transmittal letter to the City Council.

Chair Mork clarified that the Commission has two options:

- **Option 1** – Send the amendments outlined in Attachment A to the City Council with a recommendation of approval as presented in the Staff Report and convey in the transmittal letter that the Commission strongly supports the Vacant Property Registry (Attachment B).
- **Option 2** – Send the amendments outlined in Attachment A to the City Council with a recommendation of approval as presented in the Staff Report and also recommend that the Vacant Property Registry Ordinance (Attachment B) be codified.

Assistant City Attorney Ainsworth-Taylor summarized that Option 2 would be consistent with the sub-motion that is currently on the table, but it appears that Vice Chair Malek’s intent is consistent with Option 2. She suggested that the Commission address the amendments outlined in Attachment A first, and then they could discuss the items they want to include in the recommendation cover letter that will go to the City Council.

**VICE CHAIR MALEK AND COMMISSIONER SAGER AGREED TO WITHDRAW THEIR MOTION TO AMEND THE MAIN MOTION.**

Commissioner Callahan said she supports the public comment that recommended adding pawn shops and check-cashing businesses to the list of uses not eligible to occupy the ground-floor commercial space.

**COMMISSIONER CALLAHAN MOVED THAT THE MAIN MOTION BE AMENDED TO INCLUDE PAWN SHOPS AND CHECK-CASHING BUSINESSES TO THE LIST OF USES NOT ELIGIBLE TO OCCUPY THE GROUND FLOOR COMMERCIAL SPACE. VICE CHAIR MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

Assistant City Attorney Ainsworth-Taylor commented that pawn shops and check-cashing uses are considered under the existing code to be retail service uses rather than as specific uses. Similar to the proposed amendments related to tobacco/vape shops, staff would need to develop definitions for pawn shops and check-cashing uses. After further discussion amongst the Commission and staff, Assistant City Attorney Ainsworth-Taylor suggested the following definitions:

*“A check-cashing service is any individual, corporation or entity that is primarily engaged in the business of cashing checks, drafts or money orders for a fee service charge or other consideration.” (RCW 31.45)*

*“A pawn shop is every place at which the business of a pawn broker is being carried on. A pawn broker is every person who takes or receives by way of pledge, pawn or exchange of goods, wares or merchandise of any kind of personal property, whatever, for the repayment of security of any money loaned thereon or to loan money or deposit a personal property or who makes a public display of any sign indicating that they have money to loan on personal property on deposit or pledge.” (SMC 507.405)*

Commissioner Sager suggested that the definition for check-cashing service should also include payday loans and money transfers.

**VICE CHAIR MALEK MOVED THAT THE MAIN MOTION BE AMENDED TO ADD RESTRICTIONS FOR PAWN BROKERAGES, AS DEFINED IN SMC 507.405 (see above) OF THE REGULATORY LICENSING CODE, AND CHECK-CASHING SERVICE AND PAYDAY LENDING, DEFINED AS “ANY PERSON OR ENTITY ENGAGED IN THE BUSINESS OF HIGH-INTEREST, SHORT-TERM LENDING OR CASHING CHECKS, DRAFTS OR MONEY ORDERS FOR A FEE, SERVICE CHARGE, OR OTHER CONSIDERATION.” COMMISSIONER CALLAHAN SECONDED THE MOTION. THE MOTION CARRIED 6-1, WITH CHAIR MORK, VICE CHAIR MALEK AND COMMISSIONERS RWAMASHONGYE, LIN, CALLAHAN AND SAGER VOTING IN FAVOR AND COMMISSIONER GALUSKA VOTING IN OPPOSITION.**

**THE MAIN MOTION, AS AMENDED, CARRIED UNANIMOUSLY.**

Chair Mork invited the Commissioners to share their thoughts on what additional items should be included in the transmittal letter to the City Council. They discussed the following:

- **Create a Citywide Vacant Commercial Space Registry.** The Commission agreed to include a strong recommendation that the City establish a Vacant Commercial Space Registry (Attachment B). Commissioner Sager wanted to make sure the registry is city-wide and not limited to just the ground-floor commercial spaces in the Ridgecrest and North City neighborhoods. Commissioner Lin asked if existing vacant properties would be required to register, and Chair Mork said the intent was that the registry would be citywide.
- **Revisit Ground-Floor Commercial Space Regulations for Other Commercial Areas in the City.** Chair Mork recalled the example shared at a previous meeting by the Economic Development Manager where the parking requirement is making it difficult for the owner to make changes that make the property more viable. Vice Chair Malek commented that a number of existing properties are lagging because of regulatory issues. The former Red Pony property is a good example of a product under new ownership, but the new owner is finding it difficult to get to its highest and best use because a substantial part of the parking is in the right-of-way. The property can no longer be grandfathered because the improvements needed for the building exceed 50% of its current value. He agreed that changes are needed to allow these properties to become more viable. While he isn't sure that applying the ground-floor commercial requirements for North City and Ridgecrest to the entire City would be appropriate, they should use them to revisit other

commercial areas that could become viable sources of sales income. The Commissioners agreed to include this recommendation in the transmittal letter.

- **Investigate Development of a Grant Program to Incentivize Restaurant Development.** Chair Mork recalled Mr. Szafran's earlier comment that the City could use a portion of its share of the property tax to provide an economic development incentive program, which could be structured as a grant program specifically for small businesses. She expressed her belief that the City should look into incentive grant programs to bring restaurants into the built areas. The Commissioners agreed to include this recommendation in the transmittal letter.
- **Investigate Amendments to the Development Code to Activate Rooftop Spaces for Commercial Use.** Commissioner Callahan recalled that there has been public interest in incentivizing a developer to provide public rooftop space. Chair Mork agreed that rooftops have value and there is a public desire to have access to them. The City may want to consider how that could be incentivized and made possible. Concurrent with that, they need to consider noise concerns that might result from these uses. Vice Chair Malek noted that rooftop decks on residential properties are addressed by the noise ordinance, and he asked if they would apply to commercial development, too. Mr. Szafran said rooftop uses are allowed in commercial zones, but there are no incentives to do them. However, he noted that with mixed-use buildings, developers often put the open space for the residential units on the rooftop.

Ms. Lee commented that there might be some overall height implications associated with rooftop spaces, depending on whether they are covered or not. If the space is open, it wouldn't count as part of the building height, but any covered space would factor into the height allowed for the building. That is why developers of mid-rise buildings that are 5 to 7 stories are reluctant to have covered rooftop amenities. Vice Chair Malek asked if the Commissioners were in favor of recommending the City investigate a height bonus for developers who are willing to provide covered entertainment space on the rooftop. Ms. Lee responded said it is a matter of construction type. Taller heights can be achieved with cross-laminated timber and other newer technologies. However, unless you use these newer technologies, going beyond 70 to 85 feet in height requires a steel structure, which is much more expensive. Vice Chair Malek asked if it would be possible to allow a height bonus so 5 over 2 structures could provide rooftop space, too. Ms. Lee said the Development Code can allow height bonuses, but development would still be limited by the building code, construction type and construction cost.

Commissioner Rwamashongye observed that the City already encourages LEED Platinum Construction, which includes green roofs. Chair Mork said Commissioner Callahan was primarily referring to potential incentives for rooftop amenities as opposed to green construction. Commissioner Callahan recognized that the current amendments focus on the ground-floor commercial regulations with the idea of making the spaces vibrant and useful to people. In conjunction with that, the public has expressed a strong interest in rooftop amenities, particularly spaces on top of commercial buildings for the general public to enjoy. She expressed her belief that the City should encourage rooftop uses. While she isn't sure where it belongs, she didn't want to leave the concept behind to be forgotten about.



Commissioner Lin pointed out that open space on the rooftop of a commercial building is already allowed, and a certain portion of it can count as part of the developer's open space requirement. She didn't feel there was a need to further incentivize rooftop open space. Ms. Lee said that, oftentimes, developers of mixed-use buildings provide rooftop amenities to meet the outdoor space required for the residential use. The code would also allow a developer to designate a portion of the rooftop space for public use in conjunction with a commercial use such as a restaurant. However, a cover would be needed to make the use viable for more than a few months a year, and that's where you get into issues with it being counted as part of the overall building height. At this time, she doesn't know of any building in Shoreline that provides public open space on the rooftop. Staff could explore potential incentives to encourage this type of use, but the current toolbox is limited. One idea might be to include rooftop open space, such as seating for a restaurant, as one aspect of the grant program that was discussed earlier.

Commissioner Lin suggested that this concept needs further discussion, as there may be privacy issues associated with allowing a public use on the rooftop of a private building that has residential uses. Chair Mork agreed that a number of issues would need to be considered. However, including the concept in the transmittal letter would indicate to the City Council that the Commission has interest in further investigation of the idea.

Commissioner Galuska said there isn't any harm in asking the City Council to consider the idea of incentivizing rooftop uses, both private and public. However, he acknowledged that it would be a complicated process.

Commissioner Rwamashongye said he supports including the concept in the transmittal letter. In the process of investigating the concept, the City may find opportunities it didn't even know existed. If developers know the City has an interest, they will likely come up with a variety of ideas, too

All of the Commissioners indicated support for including the concept in the transmittal letter so it could be investigated further.

## **DIRECTOR'S REPORT**

Director Markle announced that the Housing Action Plan Online Open House is still open and can be accessed via the City's homepage. She encouraged the Commissioners to participate.

Director Markle asked if there was anything the Commission wanted her to follow up on with regards to the permit status report. Chair Mork commented that the written report she provided was very interesting and helpful. Commissioner Lin noted that there are a number of applications for townhome development, and Director Markle responded that is the current trend, particularly in the station areas.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

There was no new business.

**REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Vice Chair Malek emphasized that the September 17<sup>th</sup> Planning Commission meeting will be important with regard to Point Wells. Staff will review the Interlocal Agreement between the Town of Woodway and the City of Shoreline, which has been in draft form for quite some time. The Commission will be asked to review the document and forward a recommendation to the City Council. The agreement has gone through a number of drafts, and he felt the current draft is better than it ever has been. He noted the plans for significant public outreach prior to the meeting.

Vice Chair Malek suggested the need for an additional Commissioner to join the Point Wells Subcommittee. So far, the subcommittee consists of himself and Commissioner Sager, and they need one more member.

Chair Mork announced that she would attend the second part of the diversity training in September. If other Commissioners are interested in attending, they should contact Ms. Hoekzema.

**AGENDA FOR NEXT MEETING**

Mr. Szafran said the agenda for the September 17<sup>th</sup> meeting will include a discussion on the Comprehensive Plan Amendments, including the Point Wells Subarea Plan. In addition, staff will present the draft development regulations for the Point Wells Subarea.

**ADJOURNMENT**

The meeting was adjourned at 8:35 p.m.

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Laura Mork  
Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission

Planning Commission Meeting Date: September 17, 2020

Agenda Item: 6a.

PLANNING COMMISSION AGENDA ITEM  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> 2020 Comprehensive Plan Amendments Discussion		
<b>DEPARTMENT:</b> Planning & Community Development		
<b>PRESENTED BY:</b> Steven Szafran, AICP, Senior Planner Andrew Bauer, Senior Planner		
<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Study Session	<input type="checkbox"/> Recommendation Or
<input type="checkbox"/> Discussion	<input type="checkbox"/> Update	<input type="checkbox"/> Other

**INTRODUCTION**

The State Growth Management Act, chapter 36.70A RCW, limits review of proposed Comprehensive Plan Amendments (CPAs) to once a year with limited exceptions. To ensure that the public can view the proposals within a citywide context, the Growth Management Act directs cities to create a docket that lists the CPAs to be considered in this “once a year” review process.

Comprehensive Plan amendments usually take two forms: Privately initiated amendments and City-initiated amendments. The Preliminary 2020 Comprehensive Plan Docket, comprised of two (2) staff-initiated amendments and one (1) privately initiated amendment, was presented to the Planning Commission on February 6, 2020. The Planning Commission voted to forward the 2020 Docket to the City Council for consideration, with a recommendation to include all the items for consideration.

On March 16, 2020, the City Council set the Final 2020 Docket. The Final 2020 Comprehensive Plan Amendments Docket is included as **Attachment A**.

**BACKGROUND**

Proposed amendments are collected throughout the previous year with a deadline of December 1<sup>st</sup> for public and staff submissions to be considered in the following year. The Docket establishes the amendments that will be reviewed and studied by staff and the Planning Commission prior to their recommendation to the City Council for final approval to amend the Comprehensive Plan.

Approved By:      Project Manager \_\_\_\_\_      Planning Director \_\_\_\_\_

## 6a. 2020 Comprehensive Plan Amendments

The Council discussed the Preliminary 2020 Docket, as recommended by the Planning Commission on March 2, 2020. This staff report can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport030220-9b.pdf>.

On March 20, 2020, the City Council once again discussed the docket and specifically addressed amendment #3 which would have added language requiring commercial uses in mixed-use and commercial zones. Instead of adding the policy to the Comprehensive Plan, Council directed staff to work on adding requirements for ground-floor commercial uses in the North City and Ridgecrest Neighborhoods directly to the Development Code. At the conclusion of the discussion, the City Council established the Final 2020 Docket to include two (2) proposed amendments as shown below:

1. Amend Table 6.6 of the Parks, Recreation, and Open Space Plan to acquire park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets.
2. Amend the Point Wells Subarea Plan to be consistent with Interlocal Agreement between City of Shoreline and Town of Woodway.

The staff report and attachments for the March 16, 2020 Council meeting can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport031620-8a.pdf>.

### **2020 CPA DOCKET ANALYSIS**

Amendment #1

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

Description:

This amendment amends Table 6.6 of the Parks, Recreation, and Open Space Plan (PROS) (**Attachment B**). Table 6.6 is a list of general capital projects that are targeted for acquisition between 2024 and 2029. The amendment includes acquisition of park space and open space between Dayton Avenue to I-5 and between 145<sup>th</sup> Street to 165<sup>th</sup> Street instead of the more constrained area of Aurora Avenue to I-5 and 155<sup>th</sup> Street to 165<sup>th</sup> Street. This amendment will provide additional opportunities to meet the level of service targets for the Westminster Triangle Neighborhood.

#### **Staff Analysis:**

*The City is anticipating new mixed-use and multifamily buildings in and around Shoreline Place and the Aurora Corridor. The City Council recently approved the Development Agreement for Shoreline Place which is expected to construct 1,300 new multifamily units to replace the Sears building and separately 330 multifamily units are under construction at the Alexan. This increase of residents will necessitate more*

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*recreational opportunities and open space in the Westminster Triangle Neighborhood as shown in the PROS Plan.*

As stated in SMC 20.30.340, a Comprehensive Plan Amendment is a mechanism by which the City Council may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, to respond to changing circumstances or needs of the City.

### **Comprehensive Plan Amendment Criteria**

Pursuant to SMC 20.30.340(B), the Planning Commission may recommend, and the City Council may approve, or approve with modifications, an amendment to the Comprehensive Plan if:

*1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.*

### Growth Management Act

The proposal is consistent with the Growth Management Act by complying with Goals 1 and 9 of the GMA:

*(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*

*(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.*

The proposed amendment will enhance recreational opportunities and develop more parks and recreation facilities in the City.

### King County Countywide Planning Policies

Staff found that the proposed amendment complies with the King County Countywide Planning Policies as follows:

*EN-4 Identify and preserve regionally significant open space networks in both Urban and Rural Areas. Develop strategies and funding to protect lands that provide the following valuable functions:*

- Physical or visual separation delineating growth boundaries or providing buffers between incompatible uses;*
- Active and passive outdoor recreation opportunities;*
- Wildlife habitat and migration corridors that preserve and enhance ecosystem resiliency in the face of urbanization and climate change;*
- Preservation of ecologically sensitive, scenic or cultural resources;*
- Urban green space, habitats, and ecosystems;*
- Forest resources; and*
- Food production potential. [underline added]*

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*DP-2 Promote a pattern of compact development within the Urban Growth Area that includes housing at a range of urban densities, commercial and industrial development, and other urban facilities, including medical, governmental, institutional, and educational uses and parks and open space.*

The proposed amendment will create more active and passive outdoor recreation opportunities and promotes additional parks and open space as stated in the above policies.

### City of Shoreline Comprehensive Plan

The proposed PROS Plan change is consistent with the following Comprehensive Plan goal and policies:

*Goal LU1 Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.*

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

*Goal PRI: Preserve, enhance, maintain, and acquire built and natural facilities to ensure quality opportunities exist.*

*Parks Policy 1.2: Provide a variety of indoor and outdoor gathering places for recreational and cultural activities.*

*Parks Policy 1.3: Plan for, acquire and develop land for new facilities to meet the need of a growing population.*

The proposed amendment will encourage recreation areas that are accessible to neighborhoods, specifically the Westminster Triangle Neighborhood. The amendment also supports acquisition of natural facilities, outdoor gathering spaces, and additional park space for the City's growing population.

*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.*

The amendment is seeking to provide additional recreational and open space for current and future residents of the City. The PROS Plan anticipated the additional need for recreational and open spaces and this amendment will allow the acquisition of those spaces

*3. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.*

The proposed amendment will benefit the community by providing additional recreational and open space opportunities and would not adversely affect community facilities, public health, safety or the general welfare of the community.

### Amendment #2

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

#### Description:

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

The following is a link to the approved interlocal agreement:

<http://www.shorelinewa.gov/Home/ShowDocument?id=45834> .

In October 2019, a settlement and Interlocal Agreement (ILA) (**Attachment E**) was entered between the Town of Woodway and the City of Shoreline for the purpose of addressing services, infrastructure, mitigation, impacts, and other issues related to the development of the Point Wells site located in unincorporated Snohomish County. As part of the agreement, a joint planning working group comprised of staff from the Town of Woodway and the City of Shoreline was formed to develop and recommend mutually agreeable Comprehensive Plan Policies, development regulations, and design standards for Point Wells to be considered for adoption. Amendments to the Point Wells Subarea Plan will also be included to reflect the recommendations of the joint working group. The recommended goals, policies, and development regulations will be adopted by both the Town of Woodway and the City of Shoreline in order to have consistent development regulations under either jurisdiction.

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

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

The new development regulations for the Point Wells site will be addressed in a separate staff report and adopting ordinance.

The proposed amendments to the Point Wells Subarea Plan will be discussed and analyzed by sections of the Plan below. The proposed Plan language is presented with staff analysis and discussion shown in *italic text*.

### Point Wells Subarea Plan

#### Geographic Context

The Point Wells Subarea is an unincorporated area of approximately 50 acres in the southwestern most corner of Snohomish County. It is bordered on the west by Puget Sound, on the east by the Town of Woodway, and on the south by the Town of Woodway and the City of Shoreline (see Figure 1). Point Wells is not contiguous with any other portion of unincorporated Snohomish County.



Figure 1. Point Wells Subarea

The only vehicular access to Point Wells is via Richmond Beach Drive and Richmond Beach Road and the regional road network via the City of Shoreline. However, there is potential for easterly access through the Town of Woodway connecting to 116<sup>th</sup> Avenue West.

#### **Staff Analysis:**

*The Plan begins with the geographical context of the Point Wells area. The label on the map is proposed to be changed from “Point Wells Island” to “Point Wells”.*

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#### **County and Regional Context**

In order to meet the provisions of the Growth Management Act that ensure that plans are consistent and coordinated, the Snohomish and King County Countywide Planning Policies and the Puget Sound Regional Council’s adopted growth strategy (Vision 2040) are used to guide the development of plans and development regulations for the



subarea. The Snohomish County Comprehensive Plan designates the subarea as the Woodway Municipal Urban Growth Area (Woodway MUGA).

The Snohomish Countywide Planning Policies provide for the planning, development and annexation of unincorporated land situated in a municipality's MUGA. Specifically, Countywide Planning Policy DP-5 establishes the factors to be included in comprehensive plans for UGAs, and enables cities to prepare and adopt plans and development regulations for Municipal UGAs to which the city or town has determined it is capable of providing urban services at some point in the future via annexation. Further, policy DP-17 states that "*city comprehensive plans should have policies on annexing the areas in their unincorporated Urban Growth Area/Municipal Urban Growth Area*".

The Puget Sound Regional Council's adopted regional growth strategy, *Vision 2040*, directs unincorporated lands to annex to affiliated cities with services provided by the adjacent municipality. The *Vision 2040* goal for unincorporated urban growth areas states that "*all unincorporated lands within the urban growth area will either annex into existing cities or incorporate as new cities.*" Multicounty policies provide for unincorporated lands adjacent to cities to be affiliated with such cities and that annexation is preferred over incorporation. Additional policies support the provision of urban services to unincorporated urban areas by the adjacent city. Thus, the Woodway Municipal Urban Growth Area Subarea Plan draws on the adopted goals and policies of both the County and Region in creating the plan's stated vision, goals, and policies.

### **Woodway Municipal Urban Growth Area Subarea Plan**

Point Wells is situated within Woodway's Municipal Urban Growth Area (MUGA). A subarea plan for the Woodway MUGA was adopted in April 2013 by the Woodway Town Council and incorporated into the Snohomish County General Policy Plan in 2015. The Point Wells Subarea Plan for Shoreline was adopted by the Shoreline City Council in 2011.

The Woodway MUGA subarea contains two distinct geographic areas; Point Wells and the land area located east of the BNSF railroad right of way commonly referred to as the Woodway Upper Bluff. The Upper Bluff was annexed into the Town in June 2015 and is planned and zoned for low density residential development. The Point Wells portion of the subarea is unincorporated in Snohomish County and is mostly situated west of the BNSF right of way and extends westward to Puget Sound. The southernmost portion of Point Wells is adjacent to the City of Shoreline in King County.

### **Shoreline Future Service and Annexation Area**

In 1998, the City identified Point Wells as a Potential Annexation Area, signifying its desire to annex Point Wells to the City. In 2012, the City amended this identifier to Future Service and Annexation Area (FSAA). The intent of the FSAA identification is not only to recognize Shoreline's intent that this area of unincorporated Snohomish County is appropriate for annexation to Shoreline at some point in the future but, that even if annexation did not occur, Shoreline would be the jurisdiction predominately providing public services to the area.

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Although there is potential easterly access to Point Wells through the Town of Woodway connecting to 116th Avenue West, presently Point Wells is connected to the regional road network only via Richmond Beach Drive and Richmond Beach Road in the City of Shoreline. Therefore, services and infrastructure for future re-development of Point Wells would be most efficiently, effectively, and equitably provided by the City of Shoreline and its public safety partners. These would include police from the Shoreline police department and emergency medical services and fire protection from the Shoreline Fire Department. In addition, the City would be responsible for development permit processing, code enforcement, parks, recreation and cultural services, and public works roads maintenance.

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

### **Staff Analysis:**

*This section explains the County and Regional and City context of the Plan. The Point Wells Subarea Plan is required to meet goals and policies of the State’s Growth Management Act, Puget Sound Regional Council’s Vision 2050, King County Countywide Planning Policies, and Snohomish County’s Countywide Planning Policies. The Plan considers these goals and policies as well as the adopted visions of the Town of Woodway and the City of Shoreline.*

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## **Planning Background**

### **Town of Woodway**

The Town has been engaged in planning for the subarea for many years. In 1999, the Point Wells Advisory Committee was created to work with property owners, residents, and surrounding jurisdictions to prepare for the eventual conversion of the industrial asphalt use to an urban non-industrial use. The Advisory Committee prepared several alternatives for consideration by the Town Planning Commission and Council. The alternatives prepared by the Planning Commission focused on residential uses or passive open space for the upper bluff and a variation of three mixed-use land patterns with varying urban uses and densities for Point Wells. The separate alternative desired by the Point Wells landowner (Chevron-Texaco in 2000) was to maintain the current Industrial land use designation as set forth in the Snohomish County comprehensive plan. The Advisory Committee recommended that the Planning Commission select the residential alternative for the upper bluff and maintain the industrial alternative for Point Wells. The Town Council adopted the Planning Commission’s recommendation with a specific policy in the 2000 Comprehensive Plan that stated the industrial designation would be used for the near-term but may be amended with a more intensive use when geo-political conditions warrant.

In 2009, Snohomish County received an application from the property owner to amend its comprehensive plan for Point Wells from Industrial to Urban Center. As part of the

Urban Center comprehensive plan designation, the County received an application for the development of a mixed-use urban center. Following a ruling by the Central Puget Sound Growth Hearings Board that the Point Wells urban center designation did not meet the County's criteria for an Urban Center, the County re-designated Point Wells in 2012 to the Urban Village future land use designation. Pursuant to the County's General Policy Plan, Urban Villages are typically smaller and less intensive than an Urban Center.

With the re-designation of Point Wells by Snohomish County and the change in geopolitical conditions, the Town embarked on a planning process to reconsider the previous Industrial designation of Point Wells. The Woodway Planning Commission prepared a new plan for the Point Wells portion of the MUGA subarea that was adopted by the Town Council in April 2013. That plan designates and zones the entire 67 acres of Point Wells as Urban Village. The Urban Village designation would be implemented with the Town's Urban Village zone district upon annexation. The district substantially replicates Snohomish County's zoning, providing for mixed use land uses with a residential density range from 12 to 44 units per gross acre.

### **City of Shoreline**

The City of Shoreline also prepared a subarea plan for Point Wells in 2011, given that the primary access to Point Wells is via Richmond Beach Drive and that the majority of future transportation trips to and from Point Wells will impact Shoreline. The City's subarea plan recognizes the Snohomish County development application of an intensive mixed-use proposal and seeks to mitigate land use, environmental, aesthetic, servicing and transportation impacts through the preparation of a transportation corridor study. The Shoreline subarea plan also proposes to provide urban services to the area following a future cross-county annexation.

In 2017 Shoreline began the process to enable a future annexation of Point Wells. The City proposed an amendment to the Snohomish County Planning Policies that, if approved, would allow the eventual cross-county annexation of Point Wells to Shoreline. The Snohomish County Tomorrow countywide planning group reviewed the proposal and recommended that Shoreline's proposal be denied. The Snohomish County Council subsequently agreed and passed a motion rejecting the request in May 2018.

### **Woodway/Shoreline Settlement Agreement**

As previously stated, Point Wells has been identified as a future annexation area for both the City of Shoreline and Town of Woodway in each jurisdiction's Comprehensive Plan. Both plans include vision statements and policies regarding the planning, servicing and development of Point Wells. Given that both jurisdictions have had disagreements in the past concerning the governance of Point Wells that have resulted in litigation and attendant expenditure of valuable municipal resources, it is prudent for both jurisdictions to move forward with a cooperative approach to plan for the desired future land uses, services, environmental considerations and annexation of Point Wells. Toward this end, Woodway and Shoreline both agree that it is of mutual benefit to provide a framework on how both jurisdictions will work together to plan for future land uses, servicing and redevelopment of Point Wells. The mayors of both cities signed a Settlement and Interlocal Agreement in October 2019 to address issues regarding

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annexation, development standards, individual city responsibilities, servicing, and resolution of outstanding litigation between the two cities.

### Framework

Given that both jurisdictions have individual subarea plans for Point Wells, and Shoreline and the Town desire to coordinate their planning for the site, the policies and implementing development regulations (that would become effective upon annexation) presented below are intended to be largely identical in both jurisdictions' subarea plans.

### Vision for Point Wells

The current planning horizon for the Woodway and Shoreline Comprehensive Plans extends to 2035. The vision listed below is intended to guide land use decision-making throughout the planning period and provide the basis for a series of land use, servicing, governance and environmental policies that will be implemented with the application of practical development regulations and design standards.

The vision for Point Wells is:

To create a unique, primarily residential, Puget Sound shoreline community compatible with surrounding neighborhoods. Appropriately scaled mixed-use buildings will be pedestrian-oriented and incorporate exceptional architecture, sustainable design and building heights that preserve public view corridors. The community will be designed and developed with low-impact, environmentally sustainable development practices and infrastructure, and include a restored natural environment, well-designed public gathering spaces and a waterfront that emphasizes habitat restoration and extensive public access to the Puget Sound.

### Staff Analysis:

*This section acknowledges the fact both the Town of Woodway and the City of Shoreline have been involved in the planning for the Point Wells area for over 20 years. The Town of Woodway has been actively planning for the site since 1999 with the creation of the Point Wells Advisory Committee to work with property owners, residents, and surrounding jurisdictions to prepare for the eventual conversion of the industrial asphalt use to an urban non-industrial use. The City of Shoreline adopted the first Point Wells Subarea Plan in 2011 because any new development on the site would directly impact the City of Shoreline and more directly impact the Richmond Beach Neighborhood.*

*Because of the impacts new development will create, Woodway and Shoreline both agree that it is of mutual benefit to provide a framework on how both jurisdictions will work together to plan for future land uses, servicing and redevelopment of Point Wells. The mayors of both cities signed a Settlement and Interlocal Agreement in October 2019 to address issues regarding annexation, development standards, individual city responsibilities, servicing, and resolution of outstanding litigation between the two cities.*

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### Point Wells Subarea Goals and Policies

A set of goals and policies are listed below to enable the communities to move forward with land use decisions and actions to implement the vision for Point Wells.

**Land Use Goal 1** Point Wells is designated as Planned Area 4 by the City of Shoreline and an Urban Village by the Town of Woodway. Both designations are based on a coordinated planning effort and incorporated into the comprehensive plans for the Town of Woodway and City of Shoreline. Development of Point Wells would occur pursuant to a master plan approved through a development agreement enabled by the City's Development Code and implementing Planned Area 4 regulations. The master plan is prepared by an applicant and includes a primarily residential community that is compatible with surrounding neighborhoods. Mixed-use buildings will be appropriately scaled and pedestrian-oriented and designed consistent with the City's design standards. The development will be supported by a full range of urban services.

### **Land Use Policies**

LU. Policy-1. Characteristics of the Planned Area 4 designation include a mix of land uses, integrated into a pedestrian-scaled pattern with sustainable site improvements, infrastructure, buildings, and open spaces. The predominant use is residential, with any medium density multi-family residential housing situated in multi-story buildings of varying heights, strategically sited to preserve and enhance public view corridors. The maximum allowable residential density is 44 units per gross acre, with attendant uses including but not limited to retail, office, transit facilities, structured parking, and public spaces. Site design emphasizes defined building envelopes separated with open space corridors, pedestrian circulation throughout the site and public access to a restored shoreline.

LU. Policy-2. Implementation of the Planned Area 4 designation will occur through the adoption of a Planned Area 4 zone district that will best implement the vision, goals, and policies for the Point Wells Subarea. The implementing zone district should address at a minimum: permitted land uses, building height, open space requirements, bulk standards, parking, and master plan requirements. The maximum building height is 75 feet. A development agreement enabled by RCW 36.70B will serve as the entitlement for development approval of the master plan. The City's development regulations, including but not limited to zoning, subdivision standards, critical area regulations, stormwater regulations, and shoreline master programs, will be applicable upon annexation.

LU. Policy 3 (Woodway Only). Urban design standards will be prepared to serve as a guide for the planning, design and construction of buildings, street network, parking, pedestrian spaces, signage, open space, utility placement, landscaping and servicing. Administration of the design standards will occur through administrative review and approval.

### **Staff Analysis:**

*The goals and policies of the Point Wells Subarea will guide the future development and implement the shared vision of the site. The land use goal explains that any development on the site is done through a Master Development Permit and shall be designed as a pedestrian oriented primarily residential site.*

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*LU. Policy-1 explains that the site should be primarily residential that will also allow a mix of uses. The density shall not exceed 44 units per acre and the buildings shall be designed to allow views, pedestrian circulation, and unobstructed access to the shoreline.*

*LU. Policy-2 refers to the implementing development regulations in the Shoreline Development Code. The Planned Area-4 zoning regulations will address setbacks, height, allowed uses, density, open space, building coverage, and hardscape.*

*LU. Policy-3 is a policy that guides site and building design, circulation, parking, pedestrian spaces, signage, open space, utility placement, and landscaping. This is only applicable to Woodway as Shoreline has existing design standards and infrastructure that would apply to the area.*

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**Capital Facilities/Utilities Goal 2.** Point Wells is served with a full range of urban services, including sewer and water, stormwater facilities, fire protection, law enforcement, energy and telecommunication facilities provided through the City, special purpose districts, and regional providers. Alternative energy sources such as solar, wind and co-generation facilities should be incorporated into the master plan to reduce its carbon footprint.

CF/U. Policy 1. The provision of urban services provided by special purpose districts, regional providers or other local governments will be managed by the City.

CF/U.Policy-2. Each jurisdiction may negotiate with development proponents to determine which, if any, of required new capital facilities will be dedicated to the Town and which, if any, will remain private. All planned capital facilities for Point Wells should be coordinated with the City and service providers.

CF/U.Policy-3. All proposed electric and communication line extensions to Point Wells should be installed underground in public rights-of-way or utility easements. All underground utility installations outside of public rights of way should be improved with appropriate landscaping.

**Staff Analysis:**

*The Capital Facilities Goal and Policies address urban services including sewer and water, stormwater facilities, fire protection, law enforcement, energy and telecommunication facilities provided through the City, special purpose districts, and regional providers. The capital facilities that are provided at the site should be coordinated with and managed by the City. All new utilities shall be provided underground in the right-of-way or utility easements.*

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**Transportation/Circulation Goal 3.** Vehicular access to and from Point Wells is of paramount concern. Transportation impacts are identified and fully mitigated in all development proposal applications. Richmond Beach Drive remains as a local access

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street to adjacent properties and the Richmond Beach Neighborhood, with multimodal street improvements. Secondary access through Woodway is designed and constructed to address environmental constraints and impacts to neighbors, to accommodate multimodal uses, including pedestrian, emergency services and vehicular access.

T/C Policy 1. A transportation corridor study and mitigation plan should be prepared and funded by development applicants under the direction of the City, with input, participation, and leadership, as appropriate, from Woodway, Snohomish County, WSDOT, and other stakeholders. The scope of the study and mitigation plan should be prepared by each jurisdiction with an emphasis on identification of impacts and mitigating measures, design improvements and associated costs, needed services, including design and financing for multimodal solutions to improve mobility within the surrounding neighborhoods and communities.

T/C Policy 2. The needed improvements identified in the corridor study and mitigation plan should be built and operational concurrent with the occupancy of any approved phasing of the development.

T/C Policy 3. Development within Point Wells shall not generate more than 4,000 average daily trips onto Richmond Beach Drive within the City of Shoreline and the remaining Richmond Beach Road Corridor shall not exceed a level of service (LOS) D with 0.9 volume-to-capacity (V/C) ratio.

T/C Policy 4. Any combination of residential or commercial development or redevelopment that would generate 250 or more average daily trips shall provide a general-purpose public access road wholly within the Town of Woodway that connects into Woodway's transportation network and provides a full second vehicular access point from Point Wells into Woodway.

T/C Policy 5. A network of well-connected streets, sidewalks, and multipurpose pathways should be developed as part of a master plan and constructed and phased concurrently with redevelopment of the subarea.

### **Staff Analysis:**

*Transportation to and from the Point Wells site has always been a concern. The transportation goal states that Richmond Beach Drive is classified as a local access street and secondary access is provided through the Town of Woodway.*

*T/C Policy 1 and 2 states that any development proposal at the site shall prepare a transportation corridor study and mitigation plan for both the Town of Woodway and the City of Shoreline with input from transportation professionals and the surrounding community. The scope of the study and mitigation plan should emphasize identification of impacts and mitigating measures, design improvements and associated costs, needed services, including design and financing for multimodal solutions to improve mobility within the surrounding neighborhoods and communities. The needed improvements identified in the corridor study and mitigation plan should be built and operational concurrent with the occupancy of any approved phasing of the development.*

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*T/C Policy 3 is a carry-over policy from the previous subarea plan. The policy states that Point Wells shall not generate more than 4,000 average daily trips onto Richmond Beach Drive within the City of Shoreline and the remaining Richmond Beach Road Corridor shall not exceed a level of service (LOS) D with 0.9 volume-to-capacity (V/C) ratio. This policy ensures that the traffic generated by the site does not cause local streets in the Richmond Beach Neighborhood to fail.*

*T/C Policy 4 creates a trigger for a secondary access road to and from the Point Wells site. Any redevelopment of the site that creates more than 250 average daily trips will be required to provide said secondary access through the Town of Woodway.*

*T/C Policy 5 creates a policy for well-connected streets for vehicles and pedestrians through the site.*

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**Environmental Preservation/Protection Goal 4.** Point Wells is a unique landform on Puget Sound with sensitive environmental features that are identified and protected through federal, state, and local legislative edicts. The current site conditions and contamination is remediated and monitored to provide for a clean and safe environment for residents, visitors, flora, and fauna. Low impact development techniques are incorporated into site development and the near shore environment is enhanced and preserved consistent with the goals, policies and regulations of the City's Shoreline Master Program.

EP/P Policy 1. Site restoration and clean-up will be managed by the State Department of Ecology, with participation and input by Snohomish County, the Town of Woodway, the City, and other stakeholders.

EP/P Policy 2. Extensive environmental review, documentation and analysis will be managed by the City and funded by the applicants seeking entitlements for development. The scope of the environmental review will be determined by all jurisdictions and agencies affected by the proposal within the context of the State Environmental Policy Act (SEPA), including the impacts of sea level rise and climate change on the development proposal.

EP/P Policy 3. The proposed location of buildings, streets, infrastructure, and other physical site improvements set out in the master plan should avoid impacts to the sensitive environmental constraints and features in the subarea. The development agreement will include provisions for monitoring of environmental features including but not limited to soil, groundwater, and sea level rise.

EP/P Policy 4. Consistent with the goals, policies and regulations of the City's Shoreline Master Program, the near-shore environment will be restored and enhanced to predevelopment conditions and incorporate extensive public access and passive open space improvements.

EP/P Policy 5. The master plan should incorporate sustainable site and building design that serves as a leader in current practices that implement sustainability.



**Staff Analysis:**

*The Point Wells site has been used as a heavy industrial site and the redevelopment into anything other than industrial use will take considerable environmental remediation. The goal and policies in this section recognize that the site is in a unique location that requires low-impact development techniques and clean-up of the site will take effort from many local, regional and State agencies. Because the site has many physical and environmental barriers including shorelines, steep slopes, floodplains, and liquefaction, development will have to be closely monitored with input from environmental professional, geotechnical engineers, tribes, and other State agencies.*

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**Governance Goal 5.** Planning for future development of Point Wells has been and will continue to be of interest to all three affected local jurisdictions - Snohomish County, Shoreline and Woodway as well as other key stakeholders. Pursuant to the Growth Management Act, PSRC Vision 2040, and Countywide Planning Policies, Point Wells is annexed to Woodway and provided with urban services. Woodway has coordinated all aspects of the proposed development with affected jurisdictions and agencies to assure each jurisdiction's respective interests are appropriately addressed. If Woodway, by resolution or formal action of its Town Council, notifies Shoreline of Woodway's election to not annex Point Wells, Shoreline may seek annexation of Point Wells pursuant to applicable statutes.

**G. Policy 1.** The City's institutional processes related to the planning, servicing and administration of entitlements should be participatory, accountable, transparent, efficient, inclusive and respect the rule of law.

**G. Policy 2.** The City shall provide the Town of Woodway with at least 30 calendar days written notice (unless otherwise agreed to or waived in writing), and a review and comment opportunity, before any legislative actions that may modify or amend the Point Wells Subarea Plan or implementing development regulations, or that otherwise impacts the uses, development, or redevelopment of the subarea. Notice shall include, but not be limited to, notice of all Planning Commission and City Council meetings and hearings related to such legislative considerations or actions.

**Staff Analysis:**

*Governance Goal 5 and the following policies are completely new and address how the Town of Woodway and the City of Shoreline will continue to notify and communicate regarding land use and development issues at Point Wells. Governance Goal 5 states that if Point Wells is annexed into the Town of Woodway, any development activity on the site will be coordinated with Shoreline to ensure all impacts and mitigations are addressed. Also, if Woodway chooses not to annex Point Wells, Woodway will notify the City of the decision and then Shoreline may seek annexation.*

*Governance Policies 1 and 2 speak to planning of the Point Wells site and any changes to the Plan or the development regulations should be shared with the City and the process should be transparent and participatory.*

**Land Use Policy 51**

In addition to adopting a new Subarea Plan for the Point Wells area, staff is also proposing to update Land Use Policy 51 which relates to the annexation of Point Wells. The current policy states:

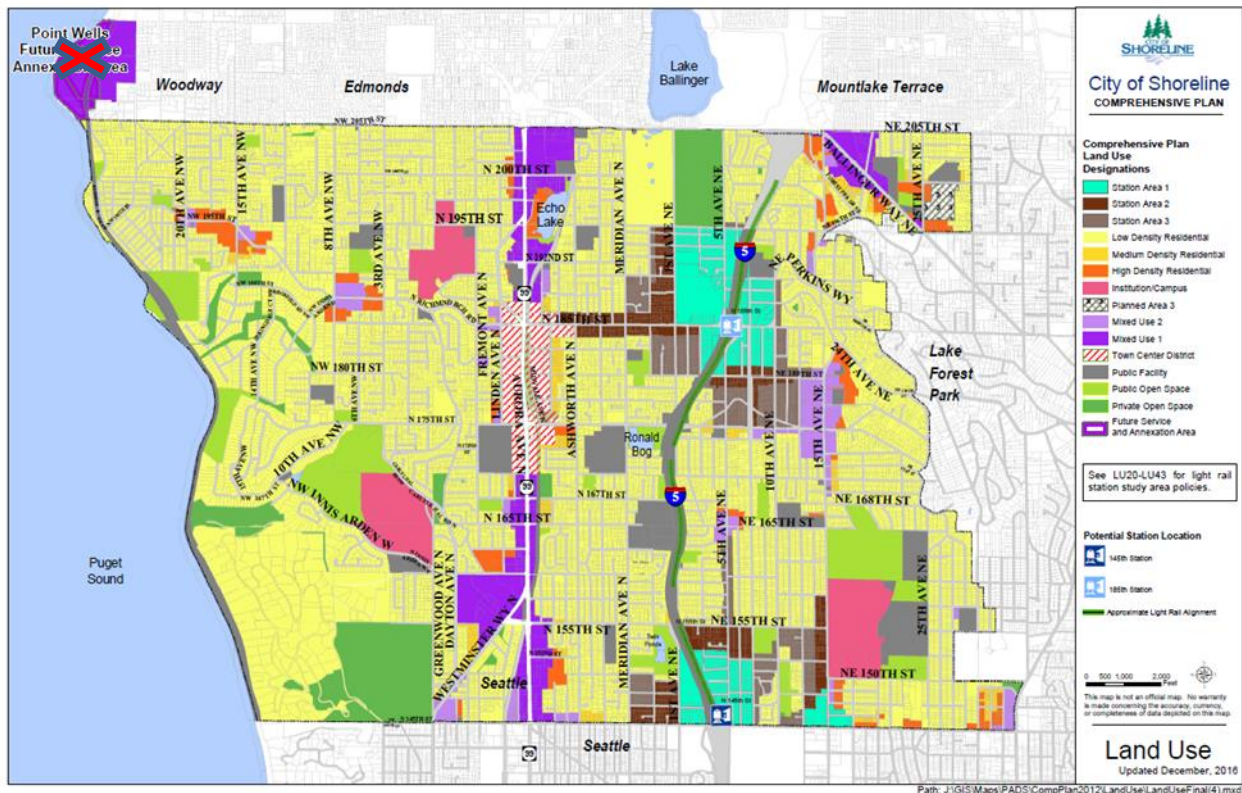
*LU51: Pursue annexation of Point Wells and implement the City of Shoreline Subarea Plan for this area.*

Based on the recent Interlocal and Settlement Agreement with the Town of Woodway, staff is proposing to amend the language for Policy LU51:

*LU51: Pursue annexation of Point Wells pursuant to the Settlement and Interlocal Agreement between City of Shoreline and Town of Woodway. If annexed to the City of Shoreline and implement the Planned Area 4 land use designation and the City of Shoreline Point Wells Subarea Plan for this area.*

**Comprehensive Plan Land Use Map Change**

Point Wells is currently designated Mixed-Use 1 in the Comprehensive Plan Land Use Map. In order to have a consistent Subarea Plan and implementing Development Code regulations, staff is proposing to change the designation to Planned Area 4 which will match the proposed pre-annexation zoning regulations for the site.



## 6a. 2020 Comprehensive Plan Amendments

Pursuant to SMC 20.30.340(B), the Planning Commission may recommend, and the City Council may approve, or approve with modifications, an amendment to the Comprehensive Plan if:

*1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies.*

### Growth Management Act (GMA)

Proposed Amendment #2 is consistent with the goals of the Growth Management Act. Amendment #2 is directly aligned with GMA Planning Goal

*(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*

*(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*

*(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.*

The proposed Point Wells Subarea Plan provides a vision, goals, and policies, to redevelop the site into a mixed-use predominately residential area with access to the shoreline, open spaces, and more compact development patterns. The Plan, through coordination with the Town of Woodway and the City, can provide adequate services in the future. Also, the process of completing the Plan was a dual effort between Woodway and the City to ensure future coordination of the development of the site and puts in place a process to reconcile any differences between the two jurisdictions.

### King County Countywide Planning Policies

Proposed amendment #2 is consistent with the King County Countywide Planning Policies and specifically aligns with the following policies:

*DP-2 Promote a pattern of compact development within the Urban Growth Area that includes housing at a range of urban densities, commercial and industrial development, and other urban facilities, including medical, governmental, institutional, and educational uses and parks and open space. The Urban Growth Area will include a mix of uses that are convenient to and support public transportation in order to reduce reliance on single occupancy vehicle travel for most daily activities.*

*DP-3 Efficiently develop and use residential, commercial, and manufacturing land in the Urban Growth Area to create healthy and vibrant urban communities with a full range of urban services, and to protect the long-term viability of the Rural Area and Resource Lands. Promote the efficient use of land within the Urban Growth Area by using methods such as: • Directing concentrations of housing and employment growth to designated centers; • Encouraging compact development with a mix of compatible residential, commercial, and community activities; • Maximizing the use of the existing*

## 6a. 2020 Comprehensive Plan Amendments

*capacity for housing and employment; and • Coordinating plans for land use, transportation, capital facilities and services.*

*DP-22 Designate Potential Annexation Areas in city comprehensive plans and adopt them in the Countywide Planning Policies. Ensure that Potential Annexation Areas do not overlap or leave unincorporated urban islands between cities.*

*DP-23 Facilitate the annexation of unincorporated areas within the Urban Growth Area that are already urbanized and are within a city's Potential Annexation Area in order to provide urban services to those areas. Annexation is preferred over incorporation.*

*EC-20 Facilitate redevelopment of contaminated sites through local, county and state financing and other strategies that assist with funding environmental remediation.*

*T-20 Develop a transportation system that minimizes negative impacts to human health, including exposure to environmental toxins generated by vehicle emissions.*

The proposed Plan promotes compact urban development on a site historically used as industrial. The Plan, through adoption of implementing development regulations, will include housing at a range of urban densities, commercial development, other urban facilities, and parks and open space. Transportation policies in the Plan encourage a system that minimizes impacts to the surrounding neighborhood by including maximum vehicle trips coming to and from the site. The Point Wells area has been designated as a future service annexation area in the Comprehensive Plan since the incorporation of the City.

### City of Shoreline Comprehensive Plan

Proposed amendment #2 is consistent with the City's Comprehensive Plan and specifically aligns with the following policies:

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

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

LU15: Reduce impacts to single-family neighborhoods adjacent to mixed use and commercial land uses with regard to traffic, noise, and glare through design standards and other development criteria.

LU47: Support annexations that are in the best interest of the long-term general welfare of the residents of the annexation area, the existing Shoreline community, and the City because they:

- share a community identity;
- are logical additions, and contiguous with the city;
- complete the geographical areas of interest as indicated in pre-incorporation boundaries;

## 6a. 2020 Comprehensive Plan Amendments

- offer benefits and opportunities consistent with the City's Vision 2029 and Framework Goals;
- would benefit from consistent regulations and coordinated land use and impact mitigation;
- balance the short-term costs of annexation with long-term gains to the fiscal health of the annexation areas and the City;
- could access public safety, emergency, and urban services at a level equal to or better than services in existence at the time of annexation, without affecting level of service for existing residents; and/or
- could provide improved local governance for the City and the annexation areas.

CD3. Encourage commercial, mixed-use, and multi-family development to incorporate public amenities, such as public and pedestrian access, pedestrian-oriented building design, mid-block connections, public spaces, activities, and solar access.

CD19. Preserve and enhance views from public places of water, mountains, or other unique landmarks as valuable civic assets.

Goal T V. Protect the livability and safety of neighborhoods from the adverse impacts of the automobile.

T15. Balance the necessity for motor vehicle access to and from new development with the need to minimize traffic impacts to existing neighborhoods.

Parks Goal PRI: Preserve, enhance, maintain, and acquire built and natural facilities to ensure quality opportunities exist.

Parks Policy 1.8: Improve accessibility and usability of existing facilities.

Parks Policy 1.9: Improve and leverage the potential of existing facilities.

Any new development at Point Wells will cause additional impacts to the surrounding neighborhood. The proposed goals and policies of the new Plan seek to minimize the impacts from new residential and commercial development on the site. The Plan encourages compact development that includes a mix of uses. Site design encourages buildings be grouped together to maximize views from Richmond Beach and Woodway. The Plan will increase opportunities for new recreational and open space for both future residents of Point Wells and the surrounding communities of Woodway and Shoreline. Traffic will be mitigated by including caps on vehicle trips using Richmond Beach Drive and requiring secondary access through the Town of Woodway.

*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.*

This Plan addresses changing circumstances between the City of Shoreline and the Town of Woodway. Through the Interlocal and Settlement Agreement, the City and Town worked together to find a consistent set of Comprehensive Plan Goals and Policies and implementing development regulations to encourage reasonable future

## 6a. 2020 Comprehensive Plan Amendments

development of the Point Wells area. The Plan is consistent with the City's Comprehensive Plan vision and the Town of Woodway's 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.*

The Point Wells Subarea Plan benefits the City as a whole by providing goals and policies that manage future development impacts while providing the City's residents access to increased open space and recreational opportunities. The Point Wells Subarea Plan includes goals and policies for traffic, site design, density, and other development standards adopted through the Development Code which will not adversely affect community facilities, the public health, safety or general welfare.

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### TIMING AND SCHEDULE

The Commission will hold a public hearing of the 2020 Comprehensive Plan Amendments on October 15, 2020.

### RECOMMENDATION

There is no staff recommendation on either item because this meeting is for Commission study of the item. Staff will bring back a formal recommendation at the public hearing on October 15, 2020.

### ATTACHMENT

Attachment A – 2020 Comprehensive Plan Docket  
Attachment B – PROS Plan Table 6  
Attachment C – Point Wells Subarea Plan  
Attachment D – Land Use Policy 51  
Attachment E – COS/Woodway ILA



## **2020 COMPREHENSIVE PLAN AMENDMENT DOCKET**

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

### **2020 Comprehensive Plan Amendments**

1. Amend Table 6.6 of the Parks, Recreation, and Open Space Plan to acquire park and open space between Dayton Avenue and Interstate 5 and between 145th and 165th Streets.
2. Amend the Point Wells Subarea Plan to be consistent with Interlocal Agreement between City of Shoreline and Town of Woodway.

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

	<b>INFLATOR =</b>	<b>24%</b>	<b>29%</b>	<b>33%</b>	<b>38%</b>	<b>43%</b>	<b>48%</b>	
	<b>2017 Project</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>6-YEAR</b>
	<b>Cost estimate</b>							<b>TOTAL</b>
<b>SHAPING OUR FUTURE: PARK ACQUISITION AND ASSOCIATED DEVELOPMENT PROJECTS</b>								
<b>Rotary Park Development</b>	\$1,093,000		\$1,406,000					\$1,406,000
<b>145th Station Area Acquisition</b>	\$4,803,000	\$1,494,000	\$1,545,000	\$1,598,000	\$1,654,000			\$6,291,000
<b>145th Station Area Development</b>	\$808,000				\$1,113,000			\$1,113,000
<b>185th &amp; Ashworth Acquisition</b>	\$967,000	\$1,203,000						\$1,203,000
<b>185th &amp; Ashworth Development</b>	\$404,000		\$520,000					\$520,000
<b>5th &amp; 165th Acquisition</b>	\$5,473,000		\$7,041,000					\$7,041,000
<b>5th &amp; 165th Development</b>	\$3,348,000			\$4,456,000				\$4,456,000
<b>Paramount Open Space Acquisition</b>	\$2,755,000		\$886,000	\$917,000	\$949,000	\$982,000		\$3,734,000
<b>Paramount Open Space Improvements</b>	\$200,000		\$257,000					\$257,000
<b>CEDARBROOK PLAYGROUND</b>	\$404,000	\$503,000						\$503,000
<b>AuroraDayton-I-5 145th-165th Acquisition</b>	\$7,210,000				\$9,931,000			\$9,931,000



	<b>INFLATOR =</b>	<b>24%</b>	<b>29%</b>	<b>33%</b>	<b>38%</b>	<b>43%</b>	<b>48%</b>	
	<b>2017 Project</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>6-YEAR</b>
	<b>Cost estimate</b>							<b>TOTAL</b>
<b>AuroraDayton-I-5 145th-165th Development</b>	\$1,093,000						\$1,615,000	\$1,615,000
<b>DNR Open Space Access Acquisition</b>	\$1,576,000		\$2,027,000					\$2,027,000
<b>DNR OPEN SPACE Development</b>	\$432,000					\$616,000		\$616,000
<b>RONALD BOG PARK TO JAMES KEOUGH PK TRAIL</b>	\$65,000		\$84,000					\$84,000
<b>Total Acquisition Costs</b>	\$29,006,000	\$2,697,000	\$15,491,000	\$2,515,000	\$15,313,000	\$982,000	\$0	\$36,998,000
<b>Total Acquisition Development Costs</b>	\$7,847,000	\$503,000	\$2,267,000	\$4,456,000	\$1,113,000	\$616,000	\$1,615,000	\$10,570,000
<b>TOTAL Costs</b>	<b>\$36,853,000</b>	<b>\$3,200,000</b>	<b>\$17,758,000</b>	<b>\$6,971,000</b>	<b>\$16,426,000</b>	<b>\$1,598,000</b>	<b>\$1,615,000</b>	<b>\$47,568,000</b>
<b>REVENUES Specific to Acquisition and NEW development</b>								
<b>KC CONSERVATION INITIATIVE</b>	\$1,000,000		\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,000,000
<b>KING COUNTY CONSERVATION FUTURES TRUST</b>	\$1,050,000	\$50,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,050,000
<b>PARK IMPACT FEE</b>	\$1,650,000	\$150,000	\$300,000	\$300,000	\$300,000	\$300,000	\$300,000	\$1,650,000
<b>Total</b>	<b>\$3,700,000</b>	<b>\$200,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$700,000</b>	<b>\$3,700,000</b>

DRAFT – Revised September 9, 2020

## Point Wells Subarea Plan

### Geographic Context

The Point Wells Subarea is an unincorporated area of approximately 50 acres in the southwestern most corner of Snohomish County. It is bordered on the west by Puget Sound, on the east by the Town of Woodway, and on the south by the Town of Woodway and the City of Shoreline (see Figure 1). Point Wells is not contiguous with any other portion of unincorporated Snohomish County.



Figure 1. Point Wells Subarea

The only vehicular access to Point Wells is via Richmond Beach Drive and Richmond Beach Road and the regional road network via the City of Shoreline. However, there is potential for easterly access through the Town of Woodway connecting to 116<sup>th</sup> Avenue West.

## **County and Regional Context**

In order to meet the provisions of the Growth Management Act that ensure that plans are consistent and coordinated, the Snohomish and King County Countywide Planning Policies and the Puget Sound Regional Council's adopted growth strategy (Vision 2040) are used to guide the development of plans and development regulations for the subarea. The Snohomish County Comprehensive Plan designates the subarea as the Woodway Municipal Urban Growth Area (Woodway MUGA).

The Snohomish Countywide Planning Policies provide for the planning, development and annexation of unincorporated land situated in a municipality's MUGA. Specifically, Countywide Planning Policy DP-5 establishes the factors to be included in comprehensive plans for UGAs, and enables cities to prepare and adopt plans and development regulations for Municipal UGAs to which the city or town has determined it is capable of providing urban services at some point in the future via annexation. Further, policy DP-17 states that "*city comprehensive plans should have policies on annexing the areas in their unincorporated Urban Growth Area/Municipal Urban Growth Area*".

The Puget Sound Regional Council's adopted regional growth strategy, *Vision 2040*, directs unincorporated lands to annex to affiliated cities with services provided by the adjacent municipality. The *Vision 2040* goal for unincorporated urban growth areas states that "*all unincorporated lands within the urban growth area will either annex into existing cities or incorporate as new cities.*" Multicounty policies provide for unincorporated lands adjacent to cities to be affiliated with such cities and that annexation is preferred over incorporation. Additional policies support the provision of urban services to unincorporated urban areas by the adjacent city.

Thus, the Woodway Municipal Urban Growth Area Subarea Plan draws on the adopted goals and policies of both the County and Region in creating the plan's stated vision, goals, and policies.

## **Woodway Municipal Urban Growth Area Subarea Plan**

Point Wells is situated within Woodway's Municipal Urban Growth Area (MUGA). A subarea plan for the Woodway MUGA was adopted in April 2013 by the Woodway Town Council and incorporated into the Snohomish County General Policy Plan in 2015. The Point Wells Subarea Plan for Shoreline was adopted by the Shoreline City Council in 2011.

The Woodway MUGA subarea contains two distinct geographic areas; Point Wells and the land area located east of the BNSF railroad right of way commonly referred to as the Woodway Upper Bluff. The Upper Bluff was annexed into the Town in June 2015 and is planned and zoned for low density residential development. The Point Wells portion of the subarea is unincorporated in Snohomish County and is mostly situated west of the BNSF right of way and extends westward to Puget Sound. The southernmost portion of Point Wells is adjacent to the City of Shoreline in King County.

## **Shoreline Future Service and Annexation Area**

In 1998, the City identified Point Wells as a Potential Annexation Area, signifying its desire to annex Point Wells to the City. In 2012, the City amended this identifier to Future Service and Annexation Area (FSAA). The intent of the FSAA identification is not only to recognize Shoreline's intent that this area of unincorporated Snohomish County is appropriate for annexation to Shoreline at some point in the future but, that even if annexation did not occur, Shoreline would be the jurisdiction predominately providing public services to the area.

Although there is potential easterly access to Point Wells through the Town of Woodway connecting to 116th Avenue West, presently Point Wells is connected to the regional road network only via Richmond Beach Drive and Richmond Beach Road in the City of Shoreline. Therefore, services and infrastructure for future re-development of Point Wells would be most efficiently, effectively, and equitably provided by the City of Shoreline and its public safety partners. These would include police from the Shoreline police department and emergency medical services and fire protection from the Shoreline Fire Department. In addition, the City would be responsible for development permit processing, code enforcement, parks, recreation and cultural services, and public works roads maintenance.

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

## **Planning Background**

### **Town of Woodway**

The Town has been engaged in planning for the subarea for many years. In 1999, the Point Wells Advisory Committee was created to work with property owners, residents, and surrounding jurisdictions to prepare for the eventual conversion of the industrial asphalt use to an urban non-industrial use. The Advisory Committee prepared several alternatives for consideration by the Town Planning Commission and Council. The alternatives prepared by the Planning Commission focused on residential uses or passive open space for the upper bluff and a variation of three mixed-use land patterns with varying urban uses and densities for Point Wells. The separate alternative desired by the Point Wells landowner (Chevron-Texaco in 2000) was to maintain the current Industrial land use designation as set forth in the Snohomish County comprehensive plan. The Advisory Committee recommended that the Planning Commission select the residential alternative for the upper bluff and maintain the industrial alternative for Point Wells. The Town Council adopted the Planning Commission's recommendation with a specific policy in the 2000 Comprehensive Plan that stated the industrial designation would be used for the near-term but may be amended with a more intensive use when geo-political conditions warrant.

In 2009, Snohomish County received an application to amend its comprehensive plan for Point Wells from Industrial to Urban Center. As part of the Urban Center comp plan designation, the County received an application for the development of a mixed-use urban center. Following a ruling by the Central Puget Sound Growth Hearings Board that the Point Wells urban center designation did not meet the County's criteria for an Urban Center, the County re-designated Point Wells in 2012 to the Urban Village future land use designation. Pursuant to the County's General Policy Plan, Urban Villages are typically smaller and less intensive than an Urban Center.

With the re-designation of Point Wells by Snohomish County and the change in geo-political conditions, the Town embarked on a planning process to reconsider the previous Industrial designation of Point Wells. The Woodway Planning Commission prepared a new plan for the Point Wells portion of the MUGA subarea that was adopted by the Town Council in April 2013. That plan designates and zones the entire 60 acres of Point Wells as Urban Village. The Urban Village designation is implemented with the Town's Urban Village zone district upon annexation. The district substantially replicates Snohomish County's zoning, providing for mixed use land uses with a residential density range from 12 to 44 units per gross acre.

### **City of Shoreline**

The City of Shoreline also prepared a subarea plan for Point Wells in 2011, given that the primary access to Point Wells is via Richmond Beach Drive and that the majority of future transportation trips to and from Point Wells will impact Shoreline. The City's subarea plan recognizes the Snohomish County development application of an intensive mixed-use proposal and seeks to mitigate land use, environmental, aesthetic, servicing and transportation impacts through the preparation of a transportation corridor study. The Shoreline subarea plan also proposes to provide urban services to the area following a future cross-county annexation.

In 2017 Shoreline began the process to enable a future annexation of Point Wells. The City proposed an amendment to the Snohomish County Planning Policies that, if approved, would allow the eventual cross-county annexation of Point Wells to Shoreline. The Snohomish County Tomorrow countywide planning group reviewed the proposal and recommended that Shoreline's proposal be denied. The Snohomish County Council subsequently agreed and passed a motion rejecting the request in May 2018.

### **Woodway/Shoreline Settlement Agreement**

As previously stated, Point Wells has been identified as a future annexation area for both the City of Shoreline and Town of Woodway in each jurisdiction's Comprehensive Plan. Both plans include vision statements and policies regarding the planning, servicing and development of Point Wells. Given that both jurisdictions have had disagreements in the past concerning the governance of Point Wells that have resulted in litigation and attendant expenditure of valuable municipal resources, it is prudent for

both jurisdictions to move forward with a cooperative approach to plan for the desired future land uses, services, environmental considerations and annexation of Point Wells.

Toward this end, Woodway and Shoreline both agree that it is of mutual benefit to provide a framework on how both jurisdictions will work together to plan for future land uses, servicing and redevelopment of Point Wells. The mayors of both cities signed a Settlement and Interlocal Agreement in October 2019 to address issues regarding annexation, development standards, individual city responsibilities, servicing, and resolution of outstanding litigation between the two cities.

## **Framework**

Given that both jurisdictions have individual subarea plans for Point Wells, and Shoreline and the Town desire to coordinate their planning for the site, the policies and implementing development regulations (that would become effective upon annexation) presented below are intended to be largely identical in both jurisdictions' subarea plans.

## **Vision for Point Wells**

The current planning horizon for the Woodway and Shoreline Comprehensive Plans extends to 2035. The vision listed below is intended to guide land use decision-making throughout the planning period and provide the basis for a series of land use, servicing, governance and environmental policies that will be implemented with the application of practical development regulations and design standards.

The vision for Point Wells is:

To create a unique, primarily residential, Puget Sound shoreline community compatible with surrounding neighborhoods. Appropriately scaled mixed-use buildings will be pedestrian-oriented and incorporate exceptional architecture, sustainable design and building heights that preserve public view corridors. The community will be designed and developed with low-impact, environmentally sustainable development practices and infrastructure, and include a restored natural environment, well-designed public gathering spaces and a waterfront that emphasizes habitat restoration and extensive public access to the Puget Sound.

## **Point Wells Subarea Goals and Policies**

A set of goals and policies are listed below to enable the communities to move forward with land use decisions and actions to implement the vision for Point Wells.

**Land Use Goal 1:** Point Wells is designated as Planned Area 4 by the City of Shoreline and an Urban Village by the Town of Woodway. Both designations are based on a coordinated planning effort and incorporated into the comprehensive plan for the Town of Woodway and City of Shoreline. Development of Point Wells occurs pursuant to a master plan approved through a development agreement enabled by the City's

Development Code and implementing Planned Area 4 regulations. The master plan is prepared by an applicant and includes a primarily residential community that is compatible with surrounding neighborhoods. Mixed-use buildings will be appropriately scaled and pedestrian-oriented and designed consistent with the City's design standards. The development will be supported by a full range of urban services.

**Land Use Policies**

LU Policy 1: Characteristics of the Planned Area 4 designation include a mix of land uses, integrated into a pedestrian-scaled pattern with sustainable site improvements, infrastructure, buildings, and open spaces. The predominant use is residential, with any medium density multi-family residential housing situated in multi-story buildings of varying heights, strategically sited to preserve and enhance public view corridors. The maximum allowable residential density is 44 units per gross acre, with attendant uses including but not limited to retail, office, transit facilities, structured parking, and public spaces. Site design emphasizes defined building envelopes separated with open space corridors, pedestrian circulation throughout the site and public access to a restored shoreline.

LU Policy 2: Implementation of the Planned Area 4 designation will occur through the adoption of a Planned Area 4 zone district that will best implement the vision, goals, and policies for the Point Wells Subarea. The implementing zone district should address at a minimum: permitted land uses, building height, open space requirements, bulk standards, parking, and master plan requirements. The maximum building height is 75 feet. A development agreement enabled by RCW 36.70B will serve as the entitlement for development approval of the master plan. The City's development regulations, including but not limited to zoning, subdivision standards, critical area regulations, stormwater regulations, and shoreline master programs, will be applicable upon annexation.

LU Policy 3: Urban design standards will be prepared to serve as a guide for the planning, design and construction of buildings, street network, parking, pedestrian spaces, signage, open space, utility placement, landscaping and servicing. Administration of the design standards will occur through administrative review and approval.

**Capital Facilities/Utilities Goal 2:** Point Wells is served with a full range of urban services, including sewer and water, stormwater facilities, fire protection, law enforcement, energy and telecommunication facilities provided through the City, special purpose districts, and regional providers. Alternative energy sources such as solar, wind and co-generation facilities should be incorporated into the master plan to reduce its carbon footprint.

CF/U Policy 1: The provision of urban services provided by special purpose districts, regional providers or other local governments will be managed by the City.

CF/U Policy 2: Each jurisdiction may negotiate with development proponents to determine which, if any, of required new capital facilities will be dedicated to the Town and which, if any, will remain private. All planned capital facilities for Point Wells should be coordinated with the City and service providers.

CF/U Policy 3: All proposed electric and communication line extensions to Point Wells should be installed underground in public rights-of-way or utility easements. All underground utility installations outside of public rights of way should be improved with appropriate landscaping.

***Transportation/Circulation Goal 3:*** Vehicular access to and from Point Wells is of paramount concern. Transportation impacts are identified and fully mitigated in all development proposal applications. Richmond Beach Drive remains as a local access street to adjacent properties and the Richmond Beach Neighborhood, with multimodal street improvements. Secondary access through Woodway is designed and constructed to address environmental constraints and impacts to neighbors, to accommodate multimodal uses, including pedestrian, emergency services and vehicular access.

T/C Policy 1: A transportation corridor study and mitigation plan should be prepared and funded by development applicants under the direction of the City, with input, participation, and leadership, as appropriate, from Woodway, Snohomish County, WSDOT, and other stakeholders. The scope of the study and mitigation plan should be prepared by each jurisdiction with an emphasis on identification of impacts and mitigating measures, design improvements and associated costs, needed services, including design and financing for multimodal solutions to improve mobility within the surrounding neighborhoods and communities.

T/C Policy 2: The needed improvements identified in the corridor study and mitigation plan should be built and operational concurrent with the occupancy of any approved phasing of the development.

T/C Policy 3: Development within Point Wells shall not generate more than 4,000 average daily trips onto Richmond Beach Drive within the City of Shoreline and the remaining Richmond Beach Road Corridor shall not exceed a level of service (LOS) D with 0.9 volume-to-capacity (V/C) ratio.

T/C Policy 4: Any combination of residential or commercial development or redevelopment that would generate 250 or more average daily trips shall provide a general-purpose public access road wholly within the Town of Woodway that connects into Woodway's transportation network and provides a full second vehicular access point from Point Wells into Woodway.

T/C Policy 5: A network of well-connected streets, sidewalks, and multipurpose pathways should be developed as part of a master plan and constructed and phased concurrently with redevelopment of the subarea.



***Environmental Preservation/Protection Goal 4:*** Point Wells is a unique landform on Puget Sound with sensitive environmental features that are identified and protected through federal, state, and local legislative edicts. The current site conditions and contamination is remediated and monitored to provide for a clean and safe environment for residents, visitors, flora, and fauna. Low impact development techniques are incorporated into site development and the near shore environment is enhanced and preserved consistent with the goals, policies and regulations of the City's Shoreline Master Program.

EP/P Policy 1: Site restoration and clean-up will be managed by the State Department of Ecology, with participation and input by Snohomish County, the Town of Woodway, the City, and other stakeholders.

EP/P Policy 2: Extensive environmental review, documentation and analysis will be managed by the City and funded by the applicants seeking entitlements for development. The scope of the environmental review will be determined by all jurisdictions and agencies affected by the proposal within the context of the State Environmental Policy Act (SEPA), including the impacts of sea level rise and climate change on the development proposal.

EP/P Policy 3: The proposed location of buildings, streets, infrastructure, and other physical site improvements set out in the master plan should avoid impacts to the sensitive environmental constraints and features in the subarea. The development agreement will include provisions for monitoring of environmental features including but not limited to soil, groundwater, and sea level rise.

EP/P Policy 4: Consistent with the goals, policies and regulations of the City's Shoreline Master Program, the near-shore environment will be restored and enhanced to predevelopment conditions and incorporate extensive public access and passive open space improvements.

EP/P Policy 5: The master plan should incorporate sustainable site and building design that serves as a leader in current practices that implement sustainability.

***Governance Goal 5:*** Planning for future development of Point Wells has been and will continue to be of interest to all three affected local jurisdictions - Snohomish County, Shoreline and Woodway as well as other key stakeholders. Pursuant to the Growth Management Act, PSRC Vision 2040, and Countywide Planning Policies, Point Wells is annexed to Woodway and provided with urban services. Woodway has coordinated all aspects of the proposed development with affected jurisdictions and agencies to assure each jurisdiction's respective interests are appropriately addressed. If Woodway, by resolution or formal action of its Town Council, notifies Shoreline of Woodway's election to not annex Point Wells, Shoreline may seek annexation of Point Wells pursuant to applicable statutes.

G Policy 1: The City’s institutional processes related to the planning, servicing and administration of entitlements should be participatory, accountable, transparent, efficient, inclusive and respect the rule of law.

G Policy 2: The City shall provide the Town of Woodway with at least 30 calendar days written notice (unless otherwise agreed to or waived in writing), and a review and comment opportunity, before any legislative actions that may modify or amend the Point Wells Subarea Plan or implementing development regulations, or that otherwise impacts the uses, development, or redevelopment of the subarea. Notice shall include, but not be limited to, notice of all Planning Commission and City Council meetings and hearings related to such legislative considerations or actions.

**Subarea Land Use Plan Designation**

[Insert Subarea Map Designating Subarea “Planned Area 4”]

*Figure 2 – Land Use*

**Subarea Zoning**

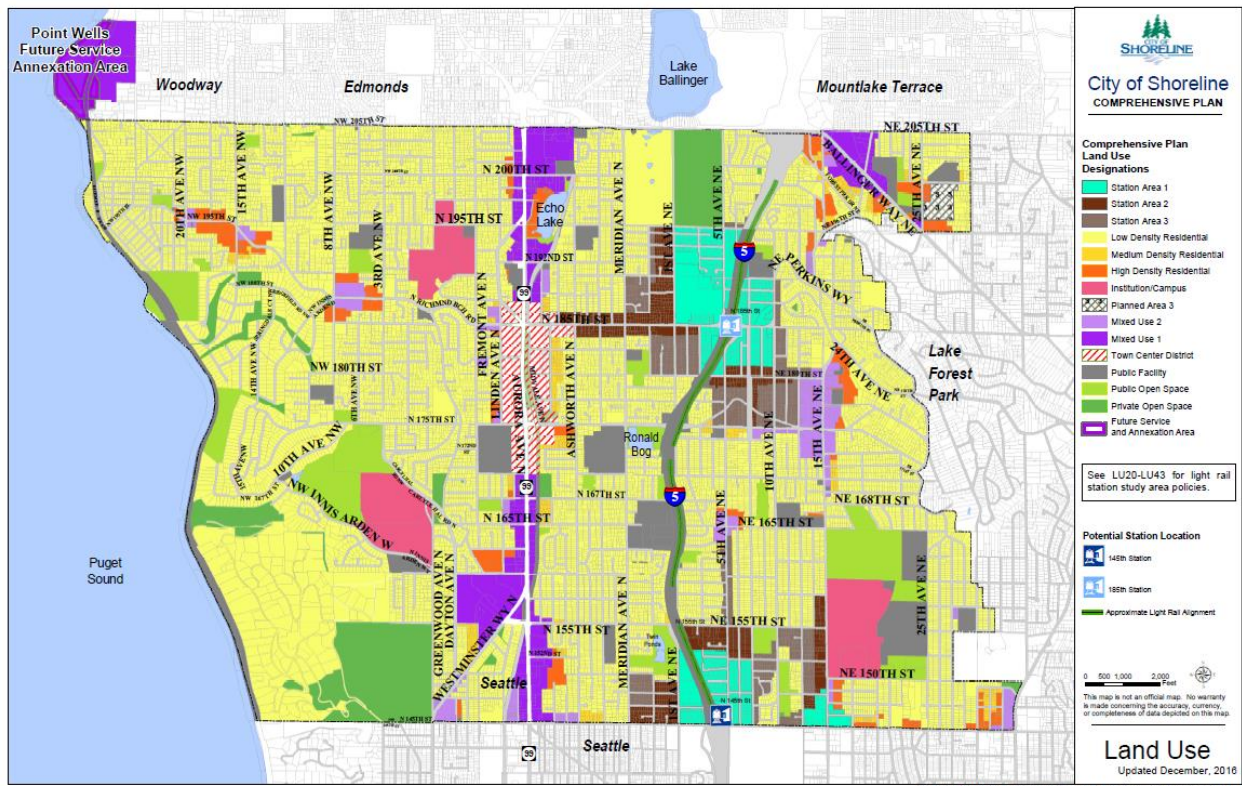
[Insert Subarea Map Designating Zoning “Planned Area 4”]

*Figure 3 – Zoning*

Proposed Comprehensive Plan Amendments

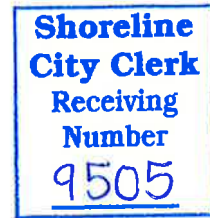
LU51: Pursue annexation of Point Wells pursuant to the Settlement and Interlocal Agreement Between City of Shoreline and Town of Woodway. If annexed to the City of Shoreline, and implement the Planned Area 4 land use designation and the City of Shoreline Point Wells Subarea Plan for this area.

Revise Land Use Map to Change Point Wells FSAA from Mixed Use 1 to Planned Area 4



**SETTLEMENT AND INTERLOCAL AGREEMENT**

**BETWEEN**  
**CITY OF SHORELINE**  
**AND**  
**TOWN OF WOODWAY**



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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, Shoreline and Woodway agree as follows:

## **I. PROVISIONS APPLICABLE TO ALL PARTIES**

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

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

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

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

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

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

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

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

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

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

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

## **II. PROVISIONS APPLICABLE TO THE CITY OF SHORELINE**

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



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

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

### III. PROVISIONS APPLICABLE TO THE TOWN OF WOODWAY

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

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

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

#### IV. GENERAL PROVISIONS

##### A. TERM

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

##### B. SEVERABILITY

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

##### C. DISPUTE RESOLUTION.

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

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

**D. INDEMNIFICATION AND LIABILITY.**

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

**E. GENERAL PROVISIONS**

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

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

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

2. **Governing Law.**

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

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

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

**2020 Comp Plan Amendments - Att. E**

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

CITY OF SHORELINE

By:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

TOWN OF WOODWAY

By:

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
\_\_\_\_\_  
Town Attorney







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Planning Commission Meeting Date: September 17, 2020      Agenda Item: 6b.

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## PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendments Establishing a Point Wells – Planned Area 4 Zone and Regulations to Implement the Point Wells Subarea Plan

**DEPARTMENT:** Planning & Community Development

**PRESENTED BY:** Andrew Bauer, Senior Planner  
Nora Gierloff, Planning Manager

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Only  
 Other

### INTRODUCTION

Point Wells, in unincorporated Snohomish County, has been identified as a potential area for annexation by both the City of Shoreline and Town of Woodway. Each agency has an adopted subarea plan which details a vision and policies that would direct future redevelopment of the subarea.

A Settlement and Interlocal Agreement (ILA) between the City of Shoreline and Town of Woodway regarding Point Wells was signed in the fall of 2019 and amended earlier this year to extend some performance timelines due to the COVID-19 pandemic. As noted in the ILA, the City and Town of Woodway have formed a joint work group with representatives from each jurisdiction to prepare a shared set of subarea plan policies and development regulations for the Point Wells Subarea intended to be implemented upon annexation by either Woodway or Shoreline.

At the September 17, 2020 Planning Commission meeting staff will:

- Provide background for the Point Wells Subarea
- Present the draft subarea plan policies and regulations developed by the joint work group
- Discuss next steps

### BACKGROUND

Point Wells is an approximately 61 acre area of unincorporated Snohomish County. It is bound on the west by Puget Sound, on the north and east by the Town of Woodway, and on the south by the City of Shoreline. An active rail line, owned by Burlington Northern Santa Fe (BNSF), bisects a portion of the subarea on the east. There is also an existing portal structure near the southern portion of the subarea as part of the Brightwater sewage treatment pipeline, owned by King County. The only vehicle access to the subarea is through Shoreline via Richmond Beach Drive.

Approved By:      Project Manager \_\_\_\_\_      Planning Director \_\_\_\_\_

## 6b. Staff Report - Dev. Code Amendment Establishing a Point Wells PA 4 Zone

The majority of the subarea is owned by BSRE and is used as an asphalt plant. The subarea has been in industrial use for more than 50 years.



Figure 1 – Point Wells Subarea

The City of Shoreline's first Comprehensive Plan was adopted in 1998 and designated the Point Wells Subarea as a Potential Annexation Area (PAA). The subarea's designation was later revised to a Future Service and Annexation Area (FSAA) to recognize that even if the subarea is not annexed into the City, Shoreline may be the jurisdiction predominantly providing public services. The subarea has also been designated as a PAA for the Town of Woodway.

In 2019 the City and Town of Woodway entered into an ILA which identifies common areas of interest with respect to the Point Wells Subarea and its potential future annexation and redevelopment. As provided in the ILA, a joint work group consisting of staff from the two jurisdictions was formed and has been regularly meeting since fall 2019.

The purpose of the work group was to develop a common set of policies and development regulations to be recommended for consideration to each respective Planning Commission and City Council. A common set of policies and regulations will

## **6b. Staff Report - Dev. Code Amendment Establishing a Point Wells PA 4 Zone**

create clarity for the subarea's vision – regardless of whether it is annexed to Woodway or Shoreline. The draft Point Wells Subarea Plan and associated Planned Area 4 (PA 4) development regulations are the result of the joint work group's efforts.

While there are slight variations between Shoreline's and Woodway's draft regulations, the key elements are consistent. Like Shoreline, the Woodway Planning Commission will be considering the subarea plan and regulations and are anticipated to ultimately make a recommendation to their Council in late 2020.

### **DEVELOPMENT REGULATIONS: POINT WELLS – PLANNED AREA 4**

The draft Point Wells – Planned Area 4 regulations would implement the subarea plan policies and provide specific development regulations that would apply to development within the Point Wells Subarea, if annexed to the City.

Consistent with the ILA, the regulations are structured such that any new development would require a development agreement – a City Council decision. A master plan for the subarea would be a required component of the development agreement. The master plan would set out the long term phasing and future growth plan for the subarea and would identify proposed land uses, transportation network, open space, infrastructure, and phasing of development, among other components. Below is a summary of the primary elements of the draft development regulations.

#### **Land Uses**

Allowable land uses in the PA 4 zone are intended to implement the subarea vision which calls for a: “pedestrian-oriented mixed use development consisting of primarily residential uses in a variety of housing types with limited commercial uses along with public recreation access.”

Auto-oriented uses such as drive-thrus and vehicle sales/service uses would be prohibited, along with other potentially undesirable uses.

Consistent with the ILA, a provision is included which exempts from the requirement to enter into a development agreement utility facilities in existence as of the date of an ordinance being adopted to enact the regulations (i.e. the Brightwater portal site).

#### **Development Standards and Height**

Residential density would be limited to a maximum of 44 dwelling units per gross acre, with no buildings containing more than 60 dwelling units and building footprints no larger than 10,000 square feet as a way to minimize building bulk/scale. However, any development generating 250 or more average daily trips (ADT) would be required to provide a secondary vehicle access through Woodway.

Maximum building heights west of the BNSF rail line would be limited to 45 feet. The maximum height can be increased up to 75 feet if a view analysis demonstrates public views from Richmond Beach Drive to Admiralty Inlet are not impacted.

Areas east of the BNSF rail line would be limited to a maximum building height of 35 feet and cannot be increased as these areas are generally closer to existing development with similar heights.

### **Parking**

The City and Woodway each have incorporated their existing parking standards into the draft regulations. While there are some differences between the two draft regulations as a result, the outcome is that each jurisdiction is able to rely on existing and accepted parking standards that have been adopted.

In both instances, any land use which is not specifically identified with a parking ratio will need to provide a parking demand analysis that is subject to approval as part of a development agreement.

### **Recreation and Open Space**

The ILA requires the regulations include mandatory public recreational facilities and public access to the Puget Sound shoreline with adequate public parking. The draft regulations require an integrated public open space network be planned and that it includes public open space, access to the shoreline, and parking.

### **Transportation**

The PA 4 regulations incorporate the primary transportation-related elements of the ILA and subarea plan policies:

- Development in the subarea shall not generate more than 4,000 average daily trips (ADT) onto Richmond Beach Drive, and the remaining Richmond Beach Road Corridor shall not exceed a level of service (LOS) D with a 0.9 volume-to-capacity (V/C) ratio;
- Any combination of uses that would generate 250 or more ADT requires a new public access road be constructed through Woodway to serve the subarea;
- Future development would need to plan for and develop a multimodal transportation network throughout the subarea and connecting to the surrounding network;
- Two conceptual street cross sections (Primary and Secondary Street) are provided in the draft regulations. The street cross sections are intended to convey the minimum street standards that should be considered within the subarea. Alternative or additional street cross sections could be developed and approved as part of a development agreement provided they meet the goals and policies of the subarea plan and support the anticipated land uses and anticipated traffic volumes.

### **Outdoor Lighting**

Consistent with the ILA, some key principles of the dark skies movement are incorporated into the draft regulations in addition to the City's existing lighting regulations.

### **Use of Existing Development Regulations**

Like the parking ratios, the joint work group agreed that use of each jurisdiction's existing regulations was most efficient for landscaping, signs, and tree preservation and management.

The City is also utilizing existing development regulations related to design standards and sustainability. Meanwhile, Woodway's draft regulations include subarea-specific design standards and green development requirements as they do not have existing adopted regulations to draw upon. The joint work group discussed and agreed to this approach.

### **Development Review Process**

As noted above, consistent with the ILA the regulations would require any new development in the subarea be subject to a development agreement. The development agreement would be the primary land use entitlement and would require a master plan to set out the long term phasing and growth for the subarea and would identify proposed land uses, transportation network, open space, and phasing of development, among others. The City Council is the final decisionmaker for a development agreement.

Also, as part of the ILA, the regulations require the City consult with Woodway on any land use permit application, and vice-a-versa. Staff from the outside jurisdiction would be invited to meetings and provided an opportunity to review and comment on permit applications, ensuring a base level of coordination.

Future amendments to the regulations also would require at least a 30-day notice to the Town of Woodway, and vice-a-versa. An opportunity for review and comment would be required prior to legislative action being taken to amend the development regulations.

## **ANALYSIS**

### **Development Code Amendment Decision Criteria**

In accordance with SMC 20.30.350.A, an amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

The Planning Commission may recommend to the City Council to approve or approve with modifications an amendment to the Development Code if all of the following are satisfied:

#### **1. *The amendment is in accordance with the Comprehensive Plan***

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

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

## **6b. Staff Report - Dev. Code Amendment Establishing a Point Wells PA 4 Zone**

- *LU 7: Promote small-scale commercial activity areas within neighborhoods that encourage walkability, and provide opportunities for employment and “third places.”*
- *LU51: Pursue annexation of Point Wells pursuant to the Settlement and Interlocal Agreement between City of Shoreline and Town of Woodway. If annexed to the City of Shoreline implement the Planned Area 4 land use designation and the City of Shoreline Point Wells Subarea Plan (as proposed to be amended).*
- *CD18: Preserve, encourage, and enhance open space as a key element of the community’s character through parks, trails, water features, and other significant properties that provide public benefit.*
- *CD19: Preserve and enhance views from public places of water, mountains, or other unique landmarks as valuable civic assets.*
- *CD20: Provide public spaces of various sizes and types throughout the community.*
- *T15: Balance the necessity for motor vehicle access to and from new development with the need to minimize traffic impacts to existing neighborhoods.*

### **2. The amendment will not adversely affect the public health, safety or general welfare**

The draft regulations would implement the Point Wells Subarea Plan which envisions a pedestrian-oriented mixed-use development consisting of primarily residential uses in a variety of housing types with limited commercial uses along with public recreation. Provisions in the draft regulations and throughout the existing Development Code address the public health, safety, and general welfare. Necessary public facilities, infrastructure, services, and utilities are required to be in place prior to the approval of a development agreement within the subarea.

### **3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.**

The draft regulations incorporate all of the elements of the ILA between the City of Shoreline and Town of Woodway and would align the vision and implementation for the Point Wells Subarea – regardless of whether the area is ultimately annexed to the Town of Woodway or City of Shoreline. The alignment of these fundamental regulations is intended to provide clarity and certainty to each jurisdiction and their residents and reduce the likelihood of potential future cross-jurisdictional disagreements.

The draft regulations also ensure a certain level of coordination and cooperation by requiring consultation on land use permit applications and notice upon consideration of amendments to the development regulations.

**Pros to Approval of Amendments**

The draft subarea plan and development regulations are consistent with the ILA between the City and Woodway. If adopted, the PA 4 regulations would implement the Point Wells Subarea Plan and create certainty for the future use and development of the subarea. The City's zoning would only take effect if the subarea is annexed to the City, however, the Town of Woodway is considering similar policies and regulations that would also become effective upon the Town's annexation of the subarea. The regulations also ensure a certain level of coordination and notification between the City and Woodway.

**Cons to Approval of Amendments**

The development regulations are written specifically for Point Wells and would become effective only upon annexation of the Point Wells subarea to the City. The PA 4 zoning designation and regulations would not apply anywhere else.

**COMMUNITY NOTIFICATION**

Staff are continuing to work with the Town of Woodway and to identify appropriate steps to provide notification to the stakeholders closest to the Point Wells Subarea.

**TIMING AND SCHEDULE**

Staff will continue to refine the draft policies and regulations as well as continue its coordination as part of the joint work group with Woodway. The subarea plan and policies will continue to advance as part of the annual Comprehensive Plan docket – tentatively scheduled for potential Council adoption in December 2020. The development regulations are anticipated to be adopted at either the same time as the subarea plan policies or shortly after – potentially pushing into early 2021.

**RECOMMENDATION AND NEXT STEPS**

This meeting is for background and presentation of the draft policies and regulations for the Point Wells subarea and an opportunity for staff to address questions from the Planning Commission. Staff will present a recommendation at the public hearing, tentatively scheduled for October 15<sup>th</sup>.

**ATTACHMENTS**

Attachment A – Draft Chapter SMC 20.94 Point Wells – Planned Area 4

**DRAFT - Revised August 28, 2020**

**NEW – Chapter 20.94**

**Point Wells – Planned Area 4**

**20.94.010 Purpose and applicability.**

The purpose of the Point Wells – Planned Area 4 (“PA 4”) zone is to implement the goals and policies of the Point Wells Subarea Plan, which envisions a pedestrian-oriented mixed-use development consisting of primarily residential uses in a variety of housing types with limited commercial uses along with public recreation access.

**20.94.015 Relationship to other regulations.**

Development in the PA 4 zone is subject to SMC 20.80, Critical Areas; Division II of the Development Code, Shoreline Master Plan; and SMC 13.12, Floodplain Management. Where conflicts occur between provisions of this subchapter and other City regulations, the more restrictive provisions shall apply.

**20.94.020 Permitted uses.**

- A. Land uses listed in Table 20.94.020A are permitted, subject to an approved development agreement.
- B. Land uses not listed in Table 20.94.020A may be permitted as part of an approved development agreement, provided the development agreement includes written findings that the unlisted land use(s) is consistent with the Point Wells Subarea Plan and the purpose of this subchapter.

Table 20.94.020A

NAICS #	SPECIFIC LAND USE
	Live/work units
	Assisted living facilities
	Apartment/Multifamily
	Single-Family Attached (Townhomes)
	Single-family Detached
722	Eating and Drinking Establishments (excluding Gambling Uses) <sup>1</sup>
72111	Hotel/Motel
	General Retail Trade/Services <sup>2</sup>
	Professional Office
	Parks and Trails
	Recreation/cultural
	Personal services
	Financial institutions
	Parking structures and surface parking lots, accessory to a primary use
	Health and fitness facilities
921	General government/public administration facilities
92216	Fire facility
92212	Police facility
221	Utilities <sup>3</sup>
	Wireless Telecommunication Facility <sup>4</sup>
	Home Occupation
	Accessory dwelling units



Footnotes:

1. Drive-thrus are prohibited.
2. These general retail trade/services are prohibited in the PA 4 zone:
  - a. Adult use facilities;
  - b. Smoke/vape shop (a business that sells drug paraphernalia and smoking products);
  - c. Marijuana Operations
  - d. Firearm sales;
  - e. Pawnshops; and
  - f. Vehicle sales and service.
3. Utility facilities necessary to serve development in the PA 4 zone are permitted. Utility transmission and distribution shall be located underground. Utility facilities in existence as of [date of ord.] are not subject to a Development Agreement or Master Development Plan.
4. Subject to the provisions of SMC 20.40.600.

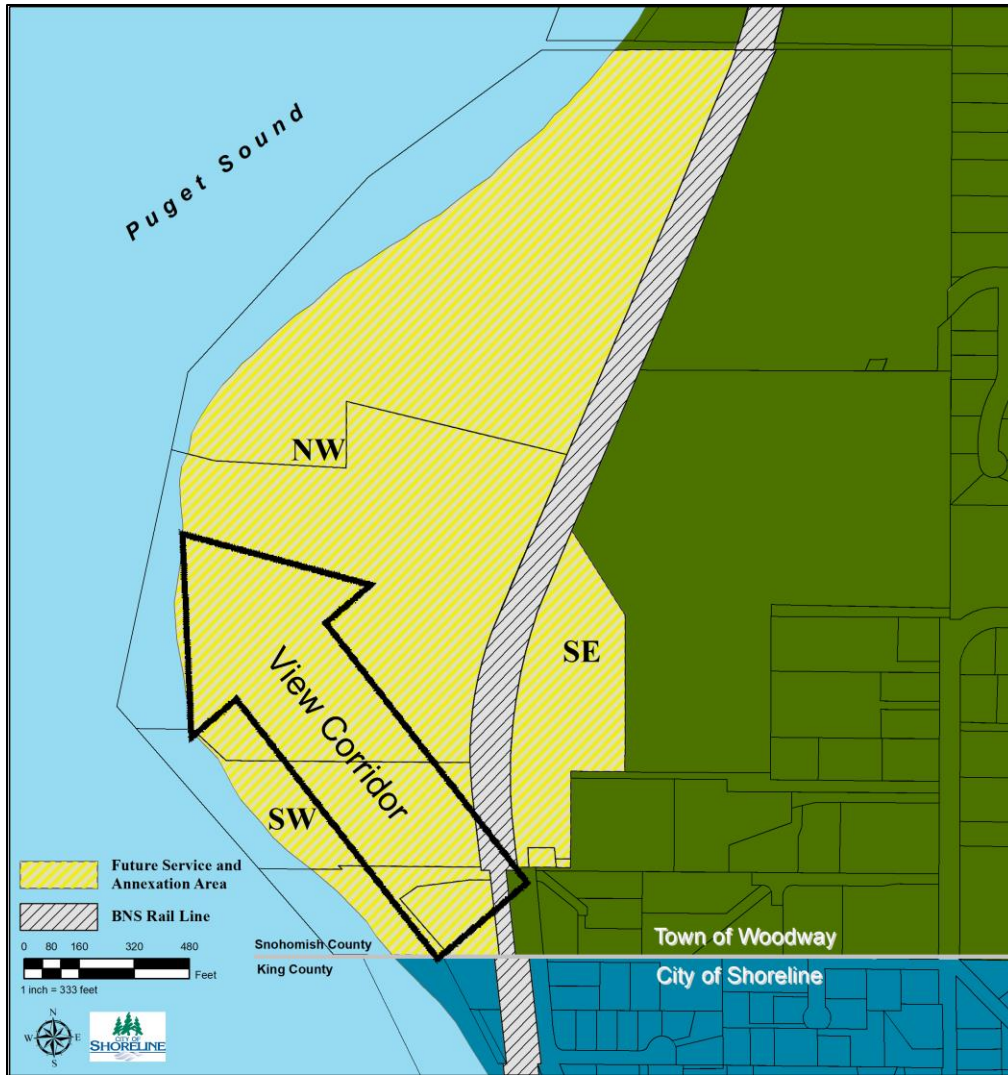
**20.94.025 Development standards.**

- A. Residential Density. Development shall not exceed a maximum density of 44 dwelling units per gross acre.
- B. No building within the development shall exceed 60 dwelling units.
- C. No building within the development shall have a footprint that exceeds 10,000 square feet.
- D. Setbacks. Setbacks shall be consistent with applicable design standards and identified as part of an approved development agreement.
- E. Lot dimensions. There is no minimum lot size or width. Any subdivision of land or alteration of property lines is subject to Subchapter 7 of the Development Code, Subdivisions.
- F. Utilities. All utilities shall be underground. Location of utilities and mechanical areas shall comply with applicable design standards.

**20.94.030 Building Height**

- A. The maximum building height shall be 45 feet, except areas east of the BNSF railroad right-of-way the maximum building height shall be 35 feet.
- B. The maximum building height may be increased to 75 feet west of the BNSF railroad right-of-way provided the applicant conducts a view analysis demonstrating public views from Richmond Beach Drive to Admiralty Inlet are not impacted (as depicted on Figure 20.94.030A). The view analysis and accompanying height limits shall be reviewed and approved concurrently with a development agreement.
- C. Building height shall be measured pursuant to SMC 20.50.050.

Figure 20.94.030A



**20.94.035 Parking.**

A. Development in the PA 4 zone shall comply with the following parking ratios:

Table 20.94.035A

Use	Minimum Spaces Required
Single-family detached/attached/townhouse	2.0 per dwelling unit
Apartment/Multifamily:	
Studio and one bedroom units	0.75 per dwelling unit
Two bedroom or more units	1.5 per dwelling unit
Accessory dwelling units	1.0 per dwelling unit
Home occupation	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site
Assisted Living Facilities	1 per 3 dwelling or sleeping units
Restaurants	1 per 75 square feet in dining or lounge area

Hotel/Motel	1 per unit
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Retail trade uses	1 per 400 square feet
Professional office uses	1 per 500 square feet
Recreation/culture	1 per 300 square feet
Parks and trails	Parking analysis
General services uses	1 per 300 square feet
Health and fitness facilities	1 per 300 square feet
Public facilities and utilities	Parking analysis

Note: Net square feet in the table above refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

- B. If the formula for determining the number of parking spaces results in a fraction, the number of parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.
- C. Uses not listed, or uses listed with a parking ratio referring to “Parking analysis” in Table 20.94.035A shall undergo a parking demand analysis prepared by a qualified professional with expertise in parking demand studies. The parking demand study shall be reviewed and approved concurrently with a development agreement.
- D. Public parking areas shall be distributed throughout the project and provided at a rate appropriate to serve publicly-accessible recreation and open space areas.
- E. An applicant may request a reduction of the minimum required parking spaces with the approval of a parking management plan. The parking management plan shall be reviewed and approved concurrently with a development agreement.
- F. Development in the PA 4 zone shall comply with SMC 20.50.410, Parking design standards; SMC 20.50.420, Vehicle access and circulation; and SMC 20.50.440, Bicycle facilities.

**20.94.040 Recreation and open space.**

- A. Development in the PA 4 zone shall provide an integrated public open space network that links together the various open spaces throughout the development and provides public access to shorelines, public open space areas, and publicly-accessible parking.
- B. All development shall provide public recreation and open space at a minimum rate of 10 percent of the gross site area. The minimum public recreation and open space area shall not include shoreline public access as required pursuant to the Shoreline Management Act, RCW 90.58.
- C. Public recreation and open space areas shall include a mix of active and passive uses.
- D. For developments with an approved phasing plan, each phase of a development shall include a minimum of 10 percent of the gross recreation and open space area required for the phase.

**20.94.045 Transportation.**

A transportation study shall be prepared and submitted with the application for a development agreement. The scope of the transportation study shall be established by the City Traffic Engineer and include at a minimum the following elements:

- A. Development within Point Wells shall not generate more than to 4,000 average daily trips (ADT) onto Richmond Beach Drive within the City of Shoreline and the remaining Richmond Beach Road Corridor shall not exceed a level of service (LOS) D with 0.9 volume-to-capacity (V/C) ratio.
- B. Any combination of residential or commercial development or redevelopment that would generate 250 or more average daily trips shall provide a general-purpose public access road wholly within the Town of Woodway that connects into Woodway’s transportation network and provides a full second vehicular access point from Point Wells into Woodway.
- C. Connectivity. Development in the PA 4 zone shall provide a network of streets, sidewalks, and multipurpose pathways that are well connected and provide efficient circulation throughout the zone and connect to the surrounding transportation network.
- D. Public and private street cross sections. Street cross sections shall be developed to complement adjoining land uses and implement applicable design standards while also meeting engineering standards for safety and function, and the most recently adopted City of Shoreline Engineering Development Manual. Cross sections for each type of street within the development shall be reviewed and approved concurrently with a development agreement. The table below describes the primary elements for types of streets anticipated within a development.

Table 20.94.045A

<b>Feature</b>	<b>Primary Street (both sides)</b>	<b>Secondary Street (both sides)</b>
Sidewalk	12'	7'
Amenity Zone	5'	5'
Landscaping	Street trees 30' on center	Street trees 30' on center
On Street Parking	Yes (both sides)	Yes (one side)
General Purpose Lane	11' max. lane width	10.5' max. lane width
Right-of-Way Minimum	60'-70'	52.5'

Figure 20.94.045A

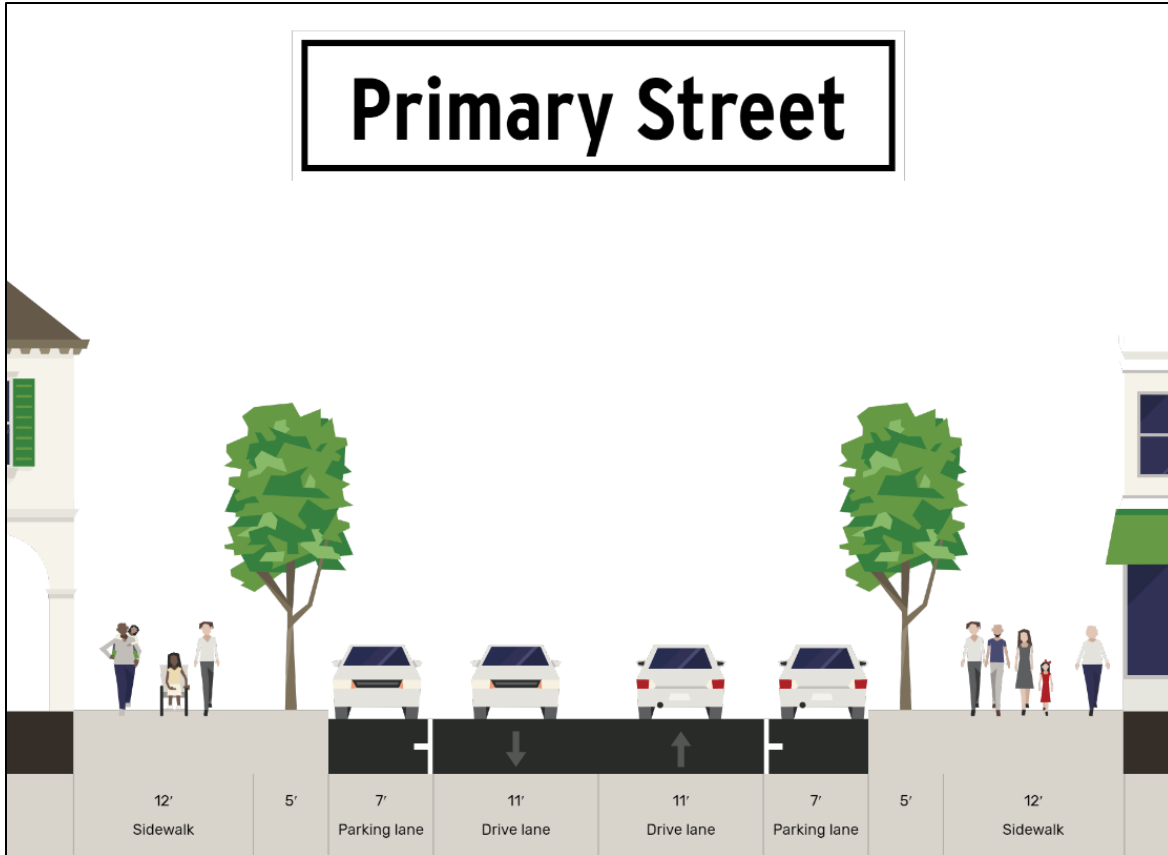
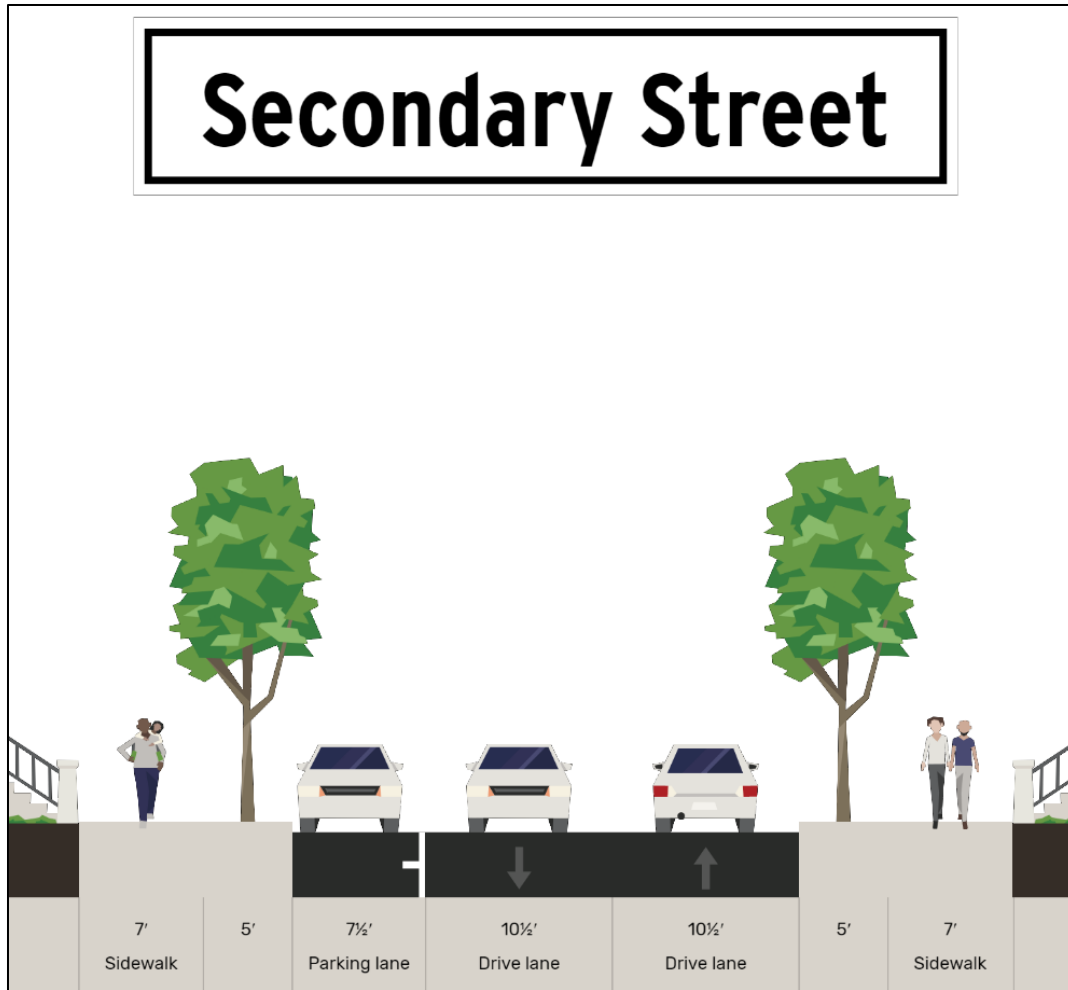


Figure 20.94.045B



**20.94.050 Design standards.**

Development in the PA 4 zone other than single family detached homes is subject to SMC 20.50 Subchapter 3, Single-Family Attached Residential Design or SMC 20.50 Subchapter 4, Commercial and Multifamily Zone Design.

**20.94.055 Landscaping.**

Landscaping shall be provided throughout the site and integrated as part of the overall project design. Landscaping shall be provided on the perimeter of the site adjacent to existing development. A development-wide conceptual landscape plan identifying landscape locations, dimensions, and type shall be reviewed and approved with the development agreement.

**20.94.060 Signs.**

Signs within the PA 4 zone shall comply with SMC 20.50 Subchapter 8, Signs.

**20.94.065 Sustainability.**

Development in the PA 4 zone shall meet or exceed Tier 4 of the Deep Green development standards, as defined in SMC 20.50 Subchapter 9, Deep Green Incentive Program.

**20.94.070 Outdoor Lighting.**

- A. In addition to the lighting standards in SMC 20.50.115 and the lighting requirements in the design standards, outdoor lighting shall be located and designed to eliminate light pollution by meeting the following:
  - 1. Fixtures shall contain shielding and/or direct cut-off lighting;
  - 2. Fixtures shall be no brighter than necessary to light the intended area;
  - 3. Color temperatures shall minimize blue light emissions to the extent feasible;
  - 4. Timers, dimmers, motion sensors or other adaptive control methods shall be utilized where feasible to turn off lighting when unnecessary; and
  - 5. Up-lighting shall be limited to accent features, landscaping, and state or federal flags.

**20.94.075 Tree Preservation and Management**

Development in the PA 4 zone shall comply with SMC 20.50 Subchapter 5, Tree Conservation, Land Clearing and Site Grading Standards.

**20.94.080 Neighborhood meeting.**

- A. The applicant shall conduct a neighborhood meeting to discuss the proposed development. The meeting must be held at least 30 days prior to submitting a development agreement application.
- B. The purpose of the neighborhood meeting is to:
  - 1. Ensure the applicant pursues early and effective public participation in conjunction with the proposal, giving the applicant an opportunity to understand and mitigate any real and perceived impacts the proposed development might have to the neighborhood or neighboring cities;
  - 2. Ensure that residents, property owners, business owners, and nearby cities have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submittal of a development application.
- C. The neighborhood meeting shall meet the following requirements:
  - 1. Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting and a description of the project, zoning of the property, site and vicinity maps, the land use applications that may be required, and the name and contact information of the applicant or representative of the applicant to contact for additional information.
  - 2. The notice shall be provided at a minimum to property owners located within 1,000 feet of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), any city or town whose municipal boundaries are within one mile of the subject property, and to the Department.
  - 3. The notice shall be postmarked 10 to 14 days prior to the neighborhood meeting.
  - 4. The neighborhood meeting shall be held within the City limits of Shoreline.
  - 5. The neighborhood meeting shall be held anytime between the hours of 5:30 p.m. and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
- D. The neighborhood meeting agenda shall cover the following items:
  - 1. Introduction of neighborhood meeting organizer (i.e. developer, property owner, etc.);
  - 2. Description of proposed project that includes proposed mix of land uses including the number of dwelling units and amount of nonresidential square footage, number of parking spaces, and location and amount of open space;

3. Listing of permits that are anticipated for the project;
  4. Description of how comments made at the neighborhood meeting will be used;
  5. Provide meeting attendees with the City's contact information;
  6. Provide a sign-up sheet for attendees.
- E. The applicant shall provide to the City a written summary of the neighborhood meeting to be included with the development application. The summary shall include the following:
1. A copy of the mailed notice of the neighborhood meeting with a list to whom it was mailed;
  2. A list of persons who attended the meeting and their addresses;
  3. A summary of concerns, issues, and problems expressed during the meeting.

**20.94.085 Review process.**

- A. A development agreement, pursuant to RCW 36.70B.170 is required for any new development in the PA 4 zone and shall set forth the development standards, conditions, and other provisions that shall apply to govern and vest the development, use, and mitigation of the development. For the purposes of this section, "development standards" includes, but is not limited to:
1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
  2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
  3. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;
  4. Design standards such as building massing, architectural elements, maximum heights, setbacks, conceptual street and streetscapes, drainage and water quality requirements, palette of potential building materials, conceptual lighting, landscaping, and other development features;
  5. Affordable housing units;
  6. Park development and open space preservation;
  7. Phasing of development;
  8. Review procedures and standards for implementing decisions;
  9. A build-out or vesting period for applicable standards;
  10. Any other appropriate development requirement or procedure;
  11. Preservation of significant trees; and
  12. Connecting, establishing, and improving nonmotorized access.
- B. The City Council shall review the development agreement and may approve, or approve within conditions, the development agreement when all of the following are met:
1. The proposed development is consistent with goals and policies of the Comprehensive Plan as well as the goals and policies of the Point Wells Subarea Plan.
  2. The proposed development is consistent with the goals, policies, and regulations of the City's Shoreline Master Program.
  3. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) that meet the City's adopted level of service standards (as confirmed by the performance of a transportation impact analysis) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases, or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to



support the proposed development agreement, the applicant must identify a plan for funding their proportionate share of the improvements.

4. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.
  5. The development demonstrates high quality design elements consistent with the City's applicable design standards as referenced in SMC 20.50, Subchapters 2-4.
- C. Development agreement approval procedures. The City Council may approve development agreements through the following procedure:
1. A development agreement application incorporating the elements stated in subsection B of this section may be submitted by a property owner with any additional related information as determined by the Director. After staff review and SEPA compliance, the Planning Commission shall conduct a public hearing on the application. The Planning Commission shall then make a recommendation to the City Council pursuant to the criteria set forth in subsection B of this section and the applicable goals and policies of the Comprehensive Plan. The City Council shall approve, approve with additional conditions, or deny the development agreement by ordinance or resolution;
  2. Recorded Development Agreement. Upon City Council approval of a development agreement under the procedure set forth in this subsection C, the property owner shall execute and record the development agreement with the Snohomish County Auditor's Office to run with the land and bind and govern development of the property.
- D. Consultation on land use permit applications. The City shall provide the Town of Woodway written notice of all land use permit applications in the PA 4 zone within 30 days of permit application, consistent with chapter 36.70B RCW, Local Project Review. Staff from the Town of Woodway shall be invited to attend meetings between Shoreline staff and the applicant relating to such permit applications, pre-application meetings, and shall be provided an opportunity to review and comment.

**20.94.090 Amendments to regulations and standards.**

The City of Shoreline shall provide the Town of Woodway with at least 30 calendar days written notice (unless otherwise agreed to or waived in writing), and a review and comment opportunity, before any legislative actions that may modify or amend the PA 4 development regulations, or that otherwise impacts the uses, development, or redevelopment of the Point Wells area. Notice shall include, but not be limited to, notice of all Planning Commission and City Council meetings and hearings related to such legislative considerations or actions.