



# AGENDA

## PLANNING COMMISSION

### VIRTUAL/ELECTRONIC PUBLIC HEARING

Thursday, October 15, 2020  
7:00 p.m.

Held Remotely on Zoom  
<https://zoom.us/j/96924490975>

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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Call into the Live Meeting: (253) 215-8782 - Webinar ID: 969 2449 0975



[Click Here to Sign-Up to Provide Oral Testimony](#)

*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="#">October 1, 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. PUBLIC HEARING</b>   |      |
| a. <a href="#"><u>2020 Comprehensive Plan Amendments</u></a>   | 7:10 |
| b. <a href="#"><u>Development Code Amendments Establishing a Point Wells – Planned Area 4 Zone and Regulations to Implement the Point Wells Subarea Plan</u></a> | 7:50 |
| <b>PUBLIC TESTIMONY</b>  |      |
| <b>7. DIRECTOR’S REPORT</b>  | 8:25 |
| <b>8. UNFINISHED BUSINESS</b>  | 8:35 |
| <b>9. NEW BUSINESS</b>   | 8:36 |
| <b>10. REPORTS OF COMMITTEES &amp; COMMISSIONERS/ANNOUNCEMENTS</b>   | 8:37 |
| <b>11. AGENDA FOR Next meeting – November 5, 2020</b>  | 8:38 |
| <b>12. ADJOURNMENT</b>   | 8:40 |

*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 PUBLIC HEARING**  
*(Via Zoom)*

October 1, 2020  
7:00 P.M.

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**Commissioners Present**

Vice Chair Malek  
Commissioner Callahan  
Commissioner Galuska  
Commissioner Lin  
Commissioner Rwamashongye

**Staff Present**

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

**Commissioners Absent**

Chair Mork  
Commissioner Sager

**CALL TO ORDER**

Vice Chair Malek called the Public Hearing 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: Vice Chair Malek, and Commissioners Callahan, Galuska, Lin and Rwamashongye. Chair Mork and Commissioner Sager were absent with notice.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of September 17, 2020 were accepted as presented.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**PUBLIC HEARING: 2020 DEVELOPMENT CODE AMENDMENTS**

Vice Chair Malek briefly reviewed the process and rules for the public hearing and then opened the hearing.

Mr. Szafran reviewed that Development Code amendments are collected throughout the year, with a general submittal deadline of December. Most of the amendments come from staff and are primarily corrections, clarifications and new policy direction. Private citizens can also submit amendments, and there is no fee to do so. He reminded them that they reviewed the 2020 batch of amendments on August 20 and suggested potential changes to the following amendments:

- **Clarifying Amendment 7 (SMC 20.30.315) – Site Development Permit.** To clarify the section further, the Commission discussed adding site improvement thresholds that require a site development permit. The stormwater manual identifies four triggers for the site improvement thresholds, and staff recommends against adding the specific thresholds in the Development Code because many of the definitions are not defined in the Development Code. Instead, staff is recommending that a reference to the specific section in the Engineering Development Manual be added to make it easier for the public and developer to find what the thresholds are.
- **Policy Amendment 10 (SMC 20.50.020) – Dimensional Requirements.** This amendment originally exempted schools from the hardscape requirements. Schools in Shoreline are primarily developed on land zoned R-6, which is intended for single-family residential uses. New or redeveloped schools are currently limited to 50% hardscape, which is difficult for the more intensive uses that a school typically needs. In addition, schools have been exchanging grass for artificial turf, which allows more opportunities for recreation on a year-round basis. This is something the City needs for schools and for the public. The Commission was concerned about having no limit for hardscape. After consulting with the applicant, staff is recommending that hardscape be limited to 75%, which the school district supports.
- **Policy Amendment 11 (SMC 20.50.020) – Dimensional Requirements.** This amendment would allow the reduction of side and rear setbacks in the MUR-70' zone when new development is adjacent to light rail transit stations, parking garages or transit park-and-ride access facilities. The Commission supported the proposed language for projects that provide a direct pedestrian connection, and additional language was provided for their consideration.
- **Policy Amendment 14 (SMC 20.50.360) – Tree Replacement and Site Restoration.** The Commission previously commented that there should be added language in the second part of the amendment that addresses the replacement tree requirement when protected trees are deliberately removed. Staff recommends requiring three replacement trees for every tree that is removed, which is the current replacement requirement for the removal of non-exempt trees.

Mr. Szafran recommended that the Commission recommend approve the Development Code amendments as presented in Attachments A, B and C in the Staff Report and including the changes outlined above.

Commissioner Galuska asked about the size requirement for the replacement trees. Mr. Szafran answered 1.5” caliper for deciduous trees and 6-feet tall for evergreen trees.

Vice Chair Malek opened the hearing for public comment.

**Mr. Gold** said that as the technical consultant for Policy Amendment 10, he was present to answer any questions the Commissioners might have. He referred to the site analysis that was prepared in support of the amendment, which outlines the existing hard surface percentages. He pointed out that five of the nine elementary school sites are already developed at over 50% hardscape, and three of the four projects proposed for developed will include a standard 60,000-square-foot playfield and be well over 55% to 60% hardscape if they proceed. A site-specific variance was sought for the Echo Lake Elementary School Project to address this issue, and it was approved just a few months ago.

No one else indicated a desire to provide public testimony, and Vice Chair Malek closed the public portion of the hearing.

**COMMISSIONER GALUSKA MOVED THAT THE COMMISSION FORWARD THE PROPOSED DEVELOPMENT AMENDMENTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED IN ATTACHMENTS A, B AND C TO THE STAFF REPORT DATED OCTOBER 1, 2020. COMMISSIONER RWAMASHONGYE SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

**COMMISSIONER GALUSKA MOVED THAT THE COMMISSION AMEND THE MAIN MOTION TO CHANGE CLARIFYING AMENDMENT 7 (SMC 20.30.315 – SITE DEVELOPMENT PERMIT) AS FOLLOWS:**

- 4. “SITE IMPROVEMENTS THAT REQUIRE MINIMUM REQUIREMENTS NOS. 1 TO 5 AS SET FORTH IN THE STORMWATER MANUAL, AS MODIFIED BY DIVISION 3 OF THE ENGINEERING DEVELOPMENT MANUAL.”**

**COMMISSIONER CALLAHAN SECONDED THE MOTION.**

Commissioner Galuska recalled that he raised a concern about this section at the last meeting, and he supports staff’s recommended change. It is clear that the minimum requirement for drainage would be Requirements 1 to 5, and a permit would be needed if the City is going to review them. Most people won’t know what Requirements 1 to 5 are, and staff will likely provide a handout to make the requirements clearer.

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER CALLAHAN MOVED THAT THE COMMISSION AMEND THE MAIN MOTION TO CHANGE POLICY AMENDMENT 10 (SMC 20.50.020 – DIMENSIONAL REQUIREMENTS) AS FOLLOWS:**

**19. “THE MAXIMUM HARDCAPE FOR PUBLIC AND PRIVATE KINDERGARTEN THROUGH GRADE 12 SCHOOLS IS 75 PERCENT.”**

**COMMISSIONER RWAMASHONGYE SECONDED THE MOTION.**

Vice Chair Malek commented that the amendment is consistent with what is required as new schools are developed.

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER GALUSKA MOVED THAT THE COMMISSION AMEND THE MAIN MOTION TO CHANGE POLICY AMENDMENT 11 (SMC 20.50.020 – DIMENSIONAL STANDARDS) TO INCLUDE THE FOLLOWING:**

**20. “SETBACK MAY BE REDUCED TO 0 FEET WHEN A DIRECT PEDESTRIAN CONNECTION IS PROVIDED TO AN ADJACENT LIGHT RAIL TRANSIT STATION, LIGHT RAIL TRANSIT PARKING GARAGE, TRANSIT PARK AND RIDE LOT OR TRANSIT ACCESS FACILITY.”**

**COMMISSIONER LIN SECONDED THE MOTION.**

Commissioner Galuska observed that this is a good way to encourage development next to the transit center to provide a connection for the residents of the development to access the station directly.

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER GALUSKA MOVED THAT THE COMMISSION AMEND THE MAIN MOTION TO CHANGE POLICY AMENDMENT 14 (EXCEPTION 20.50.360 – TREE REPLACEMENT AND SITE RESTORATION) AS FOLLOWS:**

**K. “NONSIGNIFICANT TREES WHICH ARE REQUIRED TO BE RETAINED AS A CONDITION OF PERMIT APPROVAL, BUT ARE UNLAWFULLY REMOVED, DAMAGED, OR DESTROYED THROUGH SOME FAULT OF THE APPLICANT, REPRESENTATIVES OF THE APPLICANT, OR THE PROPERTY OWNER(S), SHALL BE REPLACED AT A RATIO OF THREE TO ONE. MINIMUM SIZE REQUIREMENTS FOR REPLACEMENT TREES ARE DECIDUOUS TREES AT LEAST 1.5 INCHES IN CALIPER AND EVERGREEN TREES AT LEAST SIX FEET IN HEIGHT.”**

**COMMISSIONER LIN SECONDED THE MOTION.**

Commissioner Rwamashongye said he supports this amendment, as it looks to retain or enhance the tree canopy to improve health, safety and life within the City of Shoreline. Commissioner Galuska added that the provision wouldn't prohibit someone from removing significant trees. However, if a plan is approved

that requires the protection of certain trees, there needs to be some accountability for applicants to abide by the plan.

Vice Chair Malek asked if the provision would change the Director's ability to make decisions based on specific situations, and Mr. Szafran answered no. Vice Chair Malek said he also supports the proposed amendment. With more density coming to the City, security lights from the front and back of homes can definitely shine into other peoples' windows, and trees that separate properties can make a significant difference.

**THE MOTION CARRIED UNANIMOUSLY.**

**THE MAIN MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.**

Vice Chair Malek closed the public hearing.

**DIRECTOR'S REPORT**

Director Markle did not have any items to report.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

There was no new business.

**REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS**

Commissioner Callahan reported that she attended the public forum on the North King County Enhanced Shelter, and she felt the City and the partners did an excellent job explaining the need for the shelter. She noted there were a lot of comments about sex offenders. With the emergency temporary shelters, transitional encampments and this new shelter, she asked that the City clarify for the public how these situations would be addressed.

Vice Chair Malek said he also attended the public forum and feels there is reason for concern. The location doesn't seem ideal for what they are proposing. The term they used was "low barrier," which means all commers.

**AGENDA FOR NEXT MEETING**

Mr. Szafran announced that the October 15<sup>th</sup> Agenda will be a public hearing on the Comprehensive Plan amendments (Point Wells Subarea Plan and Parks, Recreation and Open Space Plan), as well as a Development Code amendment related to Point Wells pre-annexation zoning.

**ADJOURNMENT**

The meeting was adjourned at 7:35 p.m.

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Jack Malek  
Vice Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission



## 6a. Staff Report - 2020 Comprehensive Plan Amendments

Planning Commission Meeting Date: October 15, 2020

Agenda Item: 6a.

### PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** 2020 Comprehensive Plan Amendments Public Hearing  
**DEPARTMENT:** Planning & Community Development  
**PRESENTED BY:** Steven Szafran, AICP, Senior Planner  
Andrew Bauer, Senior Planner

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Or  
 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**.

The Planning Commission reviewed the proposed amendments on September 17, 2020 and had suggested additions to the Point Wells Subarea Plan that will be discussed later in the report.

### 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. Staff Report - 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 16, 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>.

On September 17, the Commission discussed the proposed Comprehensive Plan amendments. The staff report and attachments for the September 17, 2020 Commission meeting can be found at the following link: <https://www.shorelinewa.gov/home/showdocument?id=49310>.

### **UPDATES FROM THE SEPTEMBER 17 MEETING**

There have been several updates to the Point Wells Subarea Plan as a result of the Commission's last discussion, consultation with the Town of Woodway, and public comments. Staff will show the latest proposed changes below in legislative format using ~~strikethroughs~~ for deletions and underlines for additions.

#### **Geographic Context – Page 1**

The Point Wells Subarea is an unincorporated area of approximately ~~50~~ 61 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.

*The area of Point Wells has been amended from 50 acres to 61 acres. The entire Point Wells Subarea is approximately 61 acres but the portion of the site for future development west of the railroad tracks is closer to 50 acres.*

**COUNTY AND REGIONAL CONTEXT – PAGE 2**

King County Countywide Planning Policy DP-21 goes on to state: “Coordinate the preparation of comprehensive plans among adjacent and other affected jurisdictions as a means to avoid or mitigate the potential cross-border impacts of urban development.”

*Staff has added a reference to the King County Countywide Planning Policy that speaks to coordinated preparation of comprehensive plans to avoid or mitigate potential cross-border impacts. The Commission mentioned on September 17 that King County should be consulted and informed of the creation of this Subarea Plan and pre-annexation zoning regulations. The addition of this policy is in the spirit of coordination between the City of Shoreline, the Town of Woodway, Snohomish County and King County.*

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**CITY OF SHORELINE – PAGE 4**

The City of Shoreline also prepared a subarea plan for Point Wells in ~~2014~~ 2010 (see Ord. No. 571), 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.

*Staff has corrected the date the original Point Wells Subarea Plan was adopted and provided the adopting Ordinance 571. Links to all adopted ordinances and resolutions are available on the City Clerk’s page on the City’s website - <https://www.shorelinewa.gov/government/departments/city-clerk-s-office/ordinances>.*

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**LAND USE POLICIES – PAGE 6**

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 (e.g. geologic hazard areas), stormwater regulations, and shoreline master programs, will be applicable upon annexation.

*Staff has updated LU Policy 2 to include an example of the City’s critical area regulations.*

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## 6a. Staff Report - 2020 Comprehensive Plan Amendments

### CAPITAL FACILITIES/UTILITIES – PAGE 7

CF/U Policy 1: The provision of urban services provided by special purpose districts, regional providers or other local governments will be reviewed by the City for adequacy to serve intended development(s) within the subarea 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~~ City and which, if any, will remain private. All planned capital facilities for Point Wells should be coordinated with the City and service providers.

*Staff has amended CF/U Policy 1 and 2 based on comments from the Planning Commission. The provision of urban services will be reviewed by the City of Shoreline and not managed by the City. The revised language is more appropriate in the case Woodway annexes Point Wells and the City of Shoreline will be reviewing services that are provided for or served by the City of Shoreline.*

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### TRANSPORTATION/CIRCULATION – PAGE 7

T/C Policy 1: A transportation corridor study and mitigation plan ~~should~~ shall 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 with input from ~~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.

*The Commission had a lot of discussion and public comment on the topic of transportation. Transportation policy 1 has been amended to state that a transportation corridor study and mitigation plan shall be prepared when a development is proposed at Point Wells. In addition, the scope of the study and mitigation plan will be prepared with input from Shoreline and Woodway. The previous language made it look as though a corridor study would be prepared by both Woodway and the City of Shoreline which was not the intent of the policy.*

*Staff met with the City's Traffic Engineer and confirmed the proposed subarea plan policies and Development Code regulations would continue to require future development proposals be analyzed and required to mitigate transportation impacts. While a wide range of redevelopment scenarios and potential transportation impacts are possible, the proposed policies and regulations would require any applicant to conduct a transportation impact analysis which would be reviewed by the City. Once project-specific impacts are identified by transportation impact analysis, appropriate mitigation would be required to be provided by future development to address transportation impacts. Furthermore, the restrictions on Richmond Beach Drive and Richmond Beach*

## 6a. Staff Report - 2020 Comprehensive Plan Amendments

Road Corridor (i.e. 4,000 ADT limit, LOS D, and 0.9 V/C) would also need to be met by any future development.

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### **ENVIRONMENTAL PRESERVATION/PROTECTION – PAGE 8**

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 though and anticipated buildout.

*Environmental preservation policy 2 has been updated to include language that SEPA will evaluate the impacts of the proposal and the anticipated buildout of the project. The intent of this change is to evaluate the environmental impacts of not only the first phase of development but also the impacts of future phases of development. Including the review of all phases of development will inform the City of Shoreline, the Town of Woodway, and the residents in each jurisdiction of the near and long-term impacts of development and the mitigation for all phases of development.*

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### **2020 CPA DOCKET ANALYSIS AND DECISION CRITERIA**

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, Highland Terrace, and Parkwood Neighborhoods.

#### **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*

## 6a. Staff Report - 2020 Comprehensive Plan Amendments

*recreational opportunities and open space in the Westminster Triangle, Highland Terrace, and Parkwood Neighborhoods 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]*

## 6a. Staff Report - 2020 Comprehensive Plan Amendments

*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, Highland Terrace, and Parkwood Neighborhoods. 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.



## 6a. Staff Report - 2020 Comprehensive Plan Amendments

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

### 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:

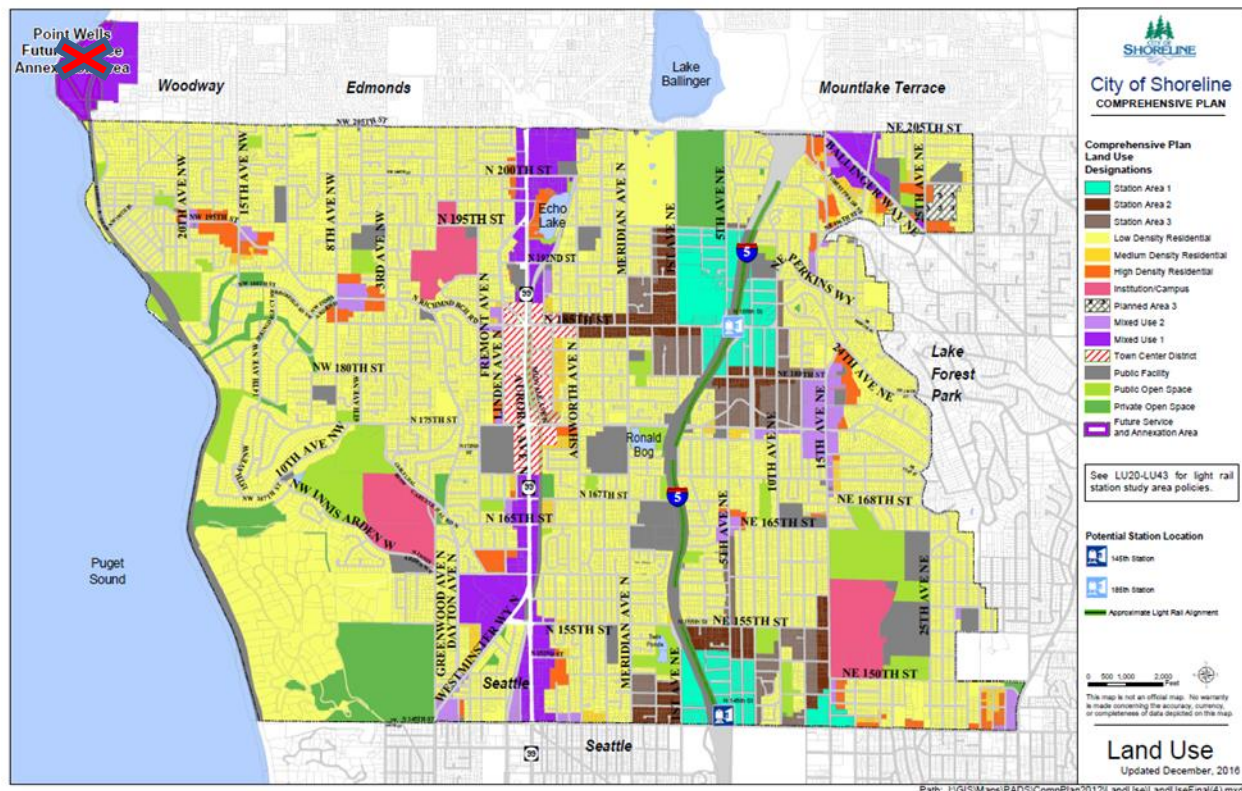
*LU51: Pursue annexation of Point Wells and implement the City of Shoreline Subarea Plan for this area.*

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. Staff Report - 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 the following GMA Planning Goals:

*(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, will result in the provision of required 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*

## 6a. Staff Report - 2020 Comprehensive Plan Amendments

*residential, commercial, and community activities; • Maximizing the use of the existing 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 historically industrial site. 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. Staff Report - 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. Staff Report - 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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### RECOMMENDATION

Staff recommends approval of Comprehensive Plan Amendments #1 and #2 as shown in Attachments B, C, and D.

### ATTACHMENTS

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.

**Att. B - 2020 Comprehensive Plan Amendments**

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<br/>145th-165th<br/>Development</b>     | \$1,093,000          |                    |                     |                    |                     |                    | \$1,615,000        | \$1,615,000         |
| <b>DNR Open Space<br/>Access Acquisition</b>                | \$1,576,000          |                    | \$2,027,000         |                    |                     |                    |                    | \$2,027,000         |
| <b>DNR OPEN SPACE<br/>Development</b>                       | \$432,000            |                    |                     |                    |                     | \$616,000          |                    | \$616,000           |
| <b>RONALD BOG PARK<br/>TO JAMES KEOUGH<br/>PK TRAIL</b>     | \$65,000             |                    | \$84,000            |                    |                     |                    |                    | \$84,000            |
| <b>Total Acquisition<br/>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<br/>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<br/>INITIATIVE</b>                       | \$1,000,000          |                    | \$200,000           | \$200,000          | \$200,000           | \$200,000          | \$200,000          | \$1,000,000         |
| <b>KING COUNTY<br/>CONSERVATION<br/>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 October 2, 2020  
[Revisions Since September 9, 2020 Draft shown in legislative format  
(underline/strikethrough)]

## Point Wells Subarea Plan

### Geographic Context

The Point Wells Subarea is an unincorporated area of approximately ~~50~~ 61 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*".

King County Countywide Planning Policy DP-21 goes on to state: "*Coordinate the preparation of comprehensive plans among adjacent and other affected jurisdictions as a means to avoid or mitigate the potential cross-border impacts of urban development.*"

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 ~~2014~~2010 (see Ord. No. 571), 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 (e.g. geologic hazard areas), 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 reviewed by the City for adequacy to serve intended development(s) within the subarea 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~~ City 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~~ shall 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 with input from ~~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 through anticipated buildout.

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



Figure 2 – Land Use Designation

Subarea Zoning



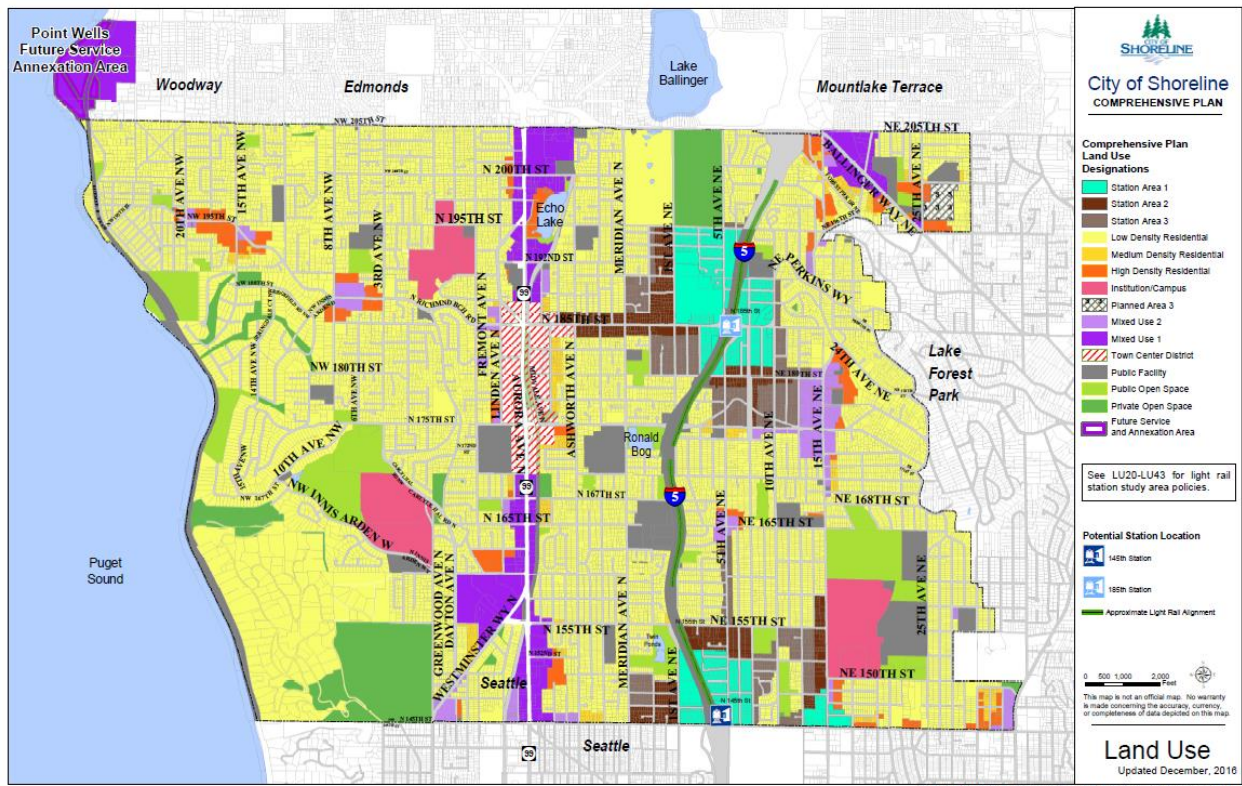
Figure 3 – Zoning

# Att. D - 2020 Comprehensive Plan Amendments

## 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





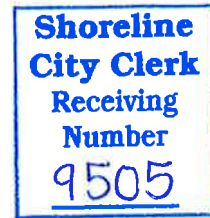
**SETTLEMENT AND INTERLOCAL AGREEMENT**

**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

## Att. E - 2020 Comprehensive Plan Amendments

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.

## Att. E - 2020 Comprehensive Plan Amendments

- g. A requirement that development or redevelopment of Point Wells shall be subject to a Master Development Plan or a Development Agreement with a required design review process that includes a consultation with each City.
- h. A traffic restriction of 4,000 ADT on Richmond Beach Drive in Shoreline and a LOS D with 0.9 V/C for the remaining Richmond Beach Road Corridor. This requirement or level of service will apply within each city as well as for any development in Point Wells per the applicable County development regulations, such as Urban Center or Urban Village, to the fullest extent allowed by law.
- B. **Adoption of Recommended Policies, Regulations, and Standards.** Each City agrees to timely process the Working Group's recommendation and to place the Planning Commission's and Working Group's recommendation (if different) before its City Council for consideration and adoption within 180 calendar days of submittal of the Working Group's recommendations, PROVIDED that the Cities recognize that any recommended amendments to a City's comprehensive plan or development agreement shall adhere to the requirements of the Growth Management Act (GMA). Prior to the effective date of a City ordinance or state legislation authorizing annexation, a City will consider necessary amendments to its comprehensive plan and development regulations in the manner set forth in Section IA. Each City further agrees that it will affirmatively recommend to its City Council not to amend or repeal the adopted regulations or amendments resulting from the Working Group's recommendations for a period of two (2) years after: (1) the effective date of any state unilateral annexation legislation; or (2) adoption of a city resolution or ordinance annexing Point Wells, unless required to do so by a court of competent jurisdiction, including the Growth Management Hearings Board, or unless the other City formally agrees to such modifications in writing.
- C. **Amendment of Comprehensive Plan and Implementing Regulations.** Each City shall provide the other City with at least thirty (30) calendar days written notice (unless otherwise agreed to or waived in writing), and a review and comment opportunity, for any legislative actions that may modify or amend the comprehensive plan policies or development regulations adopted from the recommendations from the Working Group, or that otherwise impacts the uses, development or redevelopment of the Point Wells area. Notice shall include, but not be limited to, notice of all Planning Commission and City/Town Council meetings and hearings related to such legislative considerations or actions.
- D. **Reciprocal Mitigation Agreements.** The Cities will create reciprocal mitigation agreements related to the impacts of development and redevelopment within the Cities for recommended adoption by the respective legislative bodies of the Cities for approval. The agreements will provide for issues related to cooperative review of environmental impacts and will include, but not be limited to, issues such as SEPA lead status, review process, and review of impacts related to transportation and park/recreation facilities and may address other impacts of development as well.



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

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

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

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

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

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

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

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

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

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

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

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

**IV. GENERAL PROVISIONS**

**A. TERM**

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

**B. SEVERABILITY**

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

**C. DISPUTE RESOLUTION.**

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

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

**D. INDEMNIFICATION AND LIABILITY.**

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

**E. GENERAL PROVISIONS**

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

## Att. E - 2020 Comprehensive Plan Amendments

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.

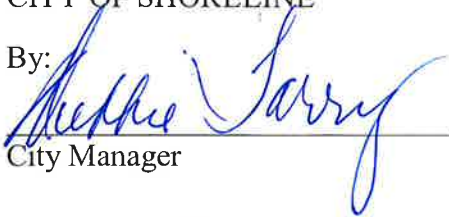
4. **Third Party Beneficiaries.** There are no third-party beneficiaries to this ILA, and this ILA shall not be interpreted to create any third-party beneficiary rights.

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

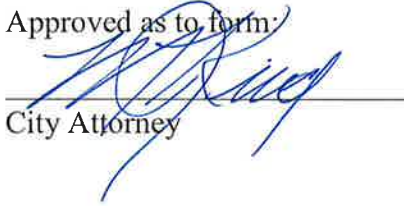
Each individual signing below hereby represents and warrants that he/she is duly authorized to execute and deliver this Interlocal Agreement on behalf of the city for which they are signing and, that such city shall be bound by the terms contained in this Interlocal Agreement.

CITY OF SHORELINE

By:

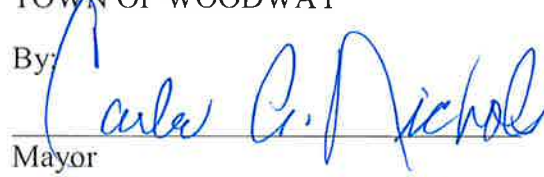
  
\_\_\_\_\_  
City Manager

Approved as to form:

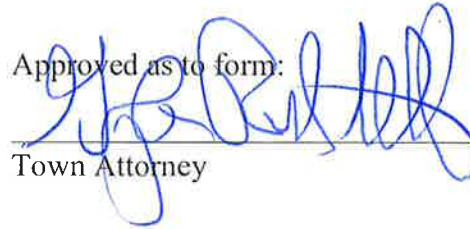
  
\_\_\_\_\_  
City Attorney

TOWN OF WOODWAY

By:

  
\_\_\_\_\_  
Mayor

Approved as to form:

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







**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**

At the September 17, 2020 Planning Commission meeting staff presented proposed Development Code and zoning map amendments that would establish a “Point Wells – Planned Area 4” zone and regulations to implement the Point Wells Subarea Plan. The staff report for that meeting can be found here:

<https://www.shorelinewa.gov/home/showdocument?id=49312>.

A public hearing is scheduled for the October 15, 2020 meeting to receive comment on the proposed amendments. Amendments to the Point Wells Subarea Plan are discussed in a separate report.

**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.

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.

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



## 6b. Dev. Code Amends. Establishing a Point Wells - Planned Area 4 Zone ...



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. 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.

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

## **6b. Dev. Code Amends. Establishing a Point Wells - Planned Area 4 Zone ...**

Planning Commission and City Council. A common set of policies and regulations will 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.

### **PLANNING COMMISSION DISCUSSION AND PUBLIC COMMENTS**

Staff responded to several questions from the Planning Commission at the September 17, 2020 meeting.

#### **Transportation**

There was a lot of discussion and one written public comment submitted on the topic of transportation and potential future impacts that could result from redevelopment of the subarea. Staff have met with the City's Traffic Engineer and confirmed the proposed subarea plan policies and Development Code regulations would continue to require future development proposals be analyzed and required to mitigate transportation impacts. While a wide range of redevelopment scenarios and potential transportation impacts are possible, the proposed policies and regulations would require any applicant to conduct a transportation impact analysis which would be reviewed by the City. Once project-specific impacts are identified by transportation impact analysis, appropriate mitigation would be required to be provided by future development to address transportation impacts. Furthermore, the restrictions on Richmond Beach Drive and Richmond Beach Road Corridor (i.e. 4,000 ADT limit, LOS D, and 0.9 V/C) would also need to be met by any future development.

#### **Residential Density**

The proposed policies and regulations specifically note that residential density allowances (maximum of 44 dwelling units per acre) would be calculated using the gross acreage (i.e. does not subtract out unbuildable areas). This method of using the gross acreage is in alignment with the recommendation of the joint work group and is also being considered by the Woodway Planning Commission. Staff is recommending the provision remain as-is to calculate residential density using gross acres.

### **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

## **6b. Dev. Code Amends. Establishing a Point Wells - Planned Area 4 Zone ...**

would identify proposed land uses, transportation network, open space, infrastructure, and phasing of development, among other components.

### **Revisions Since September 17<sup>th</sup> Planning Commission Meeting**

There are several revisions shown in underline on Attachment A. These revisions have been added to add clarity in some locations and to address comments (both internal and from the public).

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 combination of 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 its current existing and accepted parking standards.

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**

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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 street 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.

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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.*
- *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.*

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### **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 need to be demonstrated how they will be provided and phased concurrently with development 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**

The City issued a press release on September 10, 2020 to inform the public of the September 17, 2020 Planning Commission meeting on the proposed Point Wells amendments. On September 30, 2020 the Notice of Hearing was issued and sent to the



## **6b. Dev. Code Amends. Establishing a Point Wells - Planned Area 4 Zone ...**

City's Point Wells E-notification list of more than 1,200 email subscribers in addition to the typical website and agency notifications.

### **TIMING AND SCHEDULE**

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**

Staff recommends the Planning Commission forward to Council a recommendation to approve the Development Code amendments in Attachment A.

### **ATTACHMENTS**

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

# Att. A Draft Chapter SMC 20.94 Point Wells - Planned Area 4

**DRAFT - Revised October 2, 2020**  
**[changes since August 28, 2020 shown in underline]**

## **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

| <b>NAICS #</b> | <b>SPECIFIC LAND USE</b>  |
|----------------|---|
|                | 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.

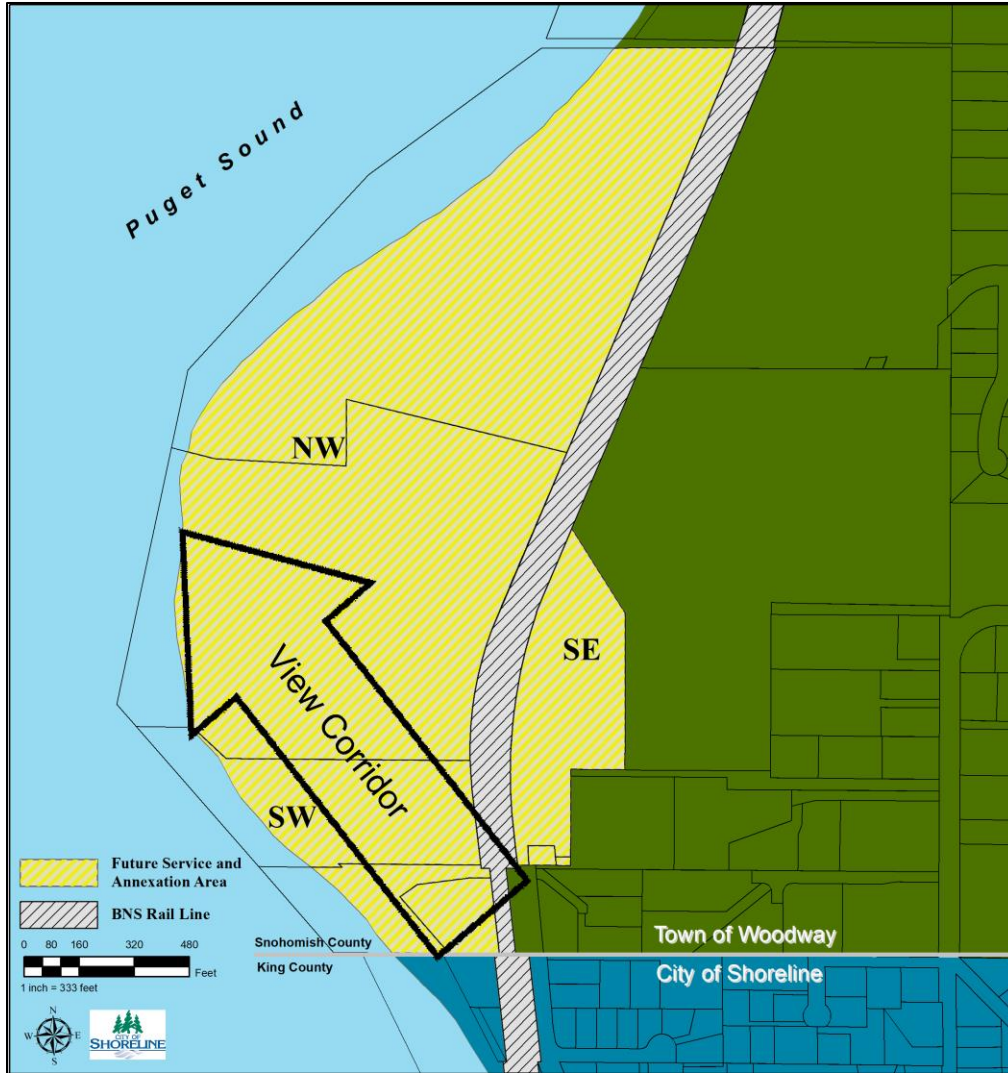
**20.94.025 Development standards.**

- 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   |

**Att. A Draft Chapter SMC 20.94 Point Wells - Planned Area 4**

|   |  |
|---|--|
| 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 <u>and public access to shorelines</u> | 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, and shall be in addition to, 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:

## Att. A Draft Chapter SMC 20.94 Point Wells - Planned Area 4

- 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

| Feature              | Primary Street<br>(both sides) | Secondary Street<br>(both sides) |
|----------------------|--------------------------------|----------------------------------|
| 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 – Primary Street

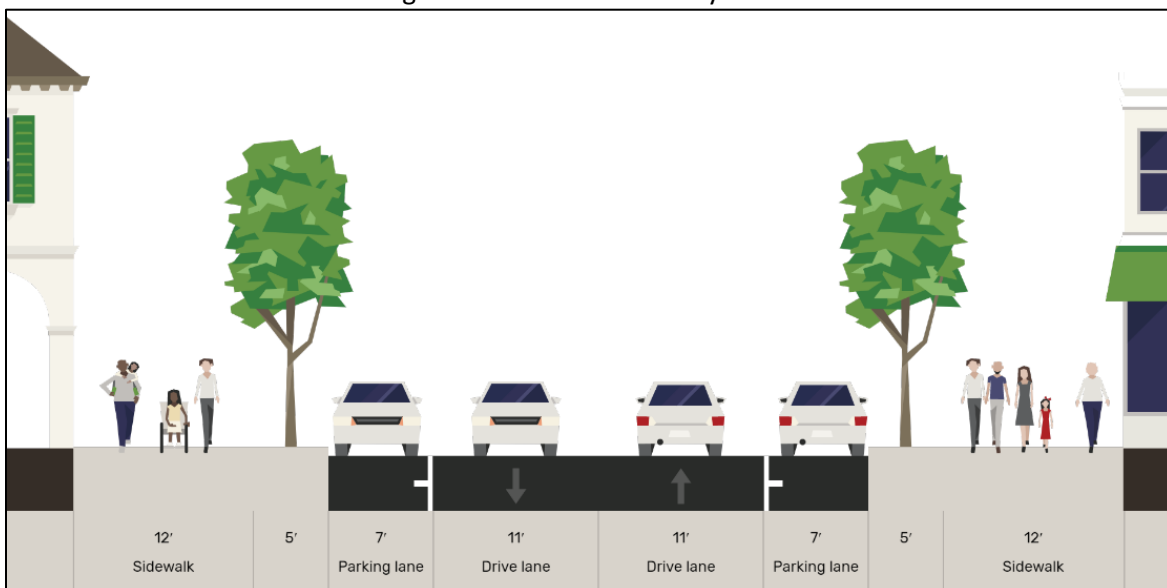
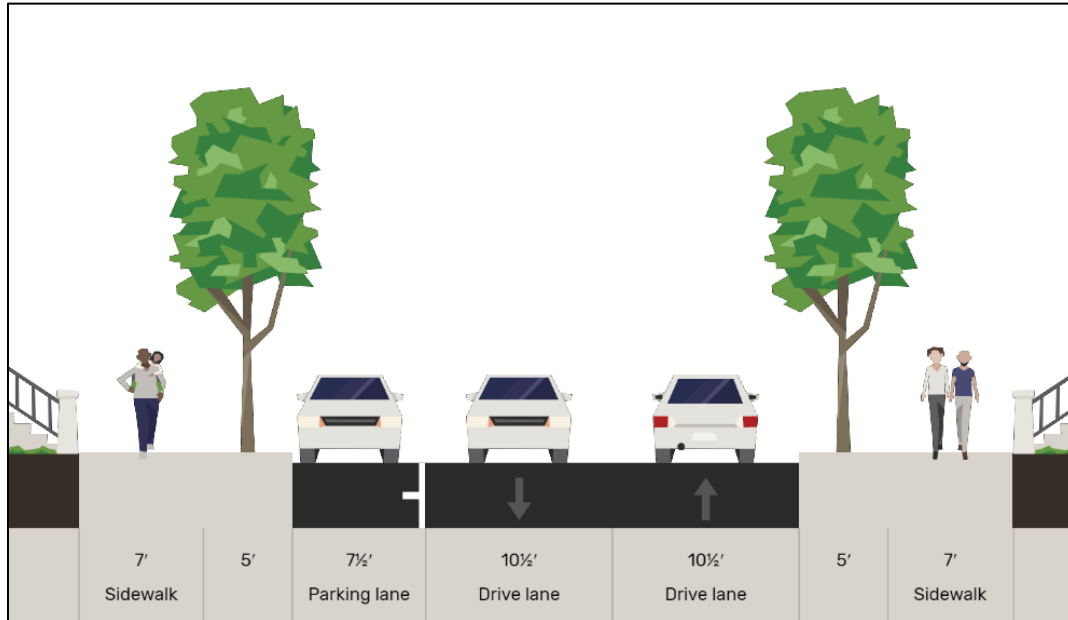


Figure 20.94.045B – Secondary Street



**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

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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;



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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.

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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.