

CITY OF SHORELINE

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

October 15, 2020
7:00 P.M.

Commissioners Present

Vice Chair Malek
Commissioner Callahan
Commissioner Galuska
Commissioner Rwamashongye
Commissioner Sager

Staff Present

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

Commissioners Absent

Chair Mork
Commissioner Lin

CALL TO ORDER

Vice Chair Malek called the public hearing meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of October 1, 2020 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING:

A. 2020 Comprehensive Plan Amendments #1 and #2

B. Development Code Amendments Establishing a Point Wells – Planned Area 4 Zone and Regulations to Implement the Point Wells Subarea Plan

Vice Chair Malek reviewed the rules and procedures and then opened the hearing.

Comprehensive Plan Amendment #1 (Hearing A)

Mr. Szafran presented the Staff Report for Comprehensive Plan Amendment #1. He explained that proposed Comprehensive Plan Amendment 1 would amend Table 6.6 of the Parks, Recreation and Open Space Plan. This table provides a list of general capital projects that are targeted for acquisition between 2024 and 2029. Instead of the more constrained areas shown in the table, the amendment expands the area of acquisition of park and open space to include the area between Dayton Avenue and Interstate 5 and between 145th and 165th. The amendment provides additional opportunities to meet the level of service (LOS) targets for the Highland Terrace, Parkwood and Westminster Triangle Neighborhoods. He summarized that staff recommends approval of the amendment as presented.

Comprehensive Plan Amendment #2 (Hearing A)

Mr. Szafran also presented the Staff Report for Comprehensive Plan Amendment #2. He reviewed that the City of Shoreline and the Town of Woodway entered into a Settlement and Interlocal Agreement (ILA) in late 2019. The ILA aligned Shoreline and Woodway on many key issues for the Point Wells Subarea, which is called out in both jurisdictions' plans for potential annexation. The agreement notes that Woodway would be first in line to annex. Only if Woodway does not annex, would Shoreline have an opportunity to do so. The agreement also sets out a unified approach for how future development of the subarea may occur. It addresses transportation and secondary access through Woodway, residential densities, public access to Puget Sound, building height, and many other topics.

Mr. Szafran said the ILA includes a provision for the formation of a joint working group. The staff from both jurisdictions met numerous times to discuss the development code and subarea plan policies that are the subject of the public hearing. He noted that the Woodway Planning Commission will consider similar amendments. The unified approach is intended to create certainty for any future plans for the subarea.

Mr. Szafran advised that the Point Wells Subarea is approximately 61 acres on the Puget Sound. It is located in unincorporated Snohomish County and has been used as an industrial site for more than 50 years. It is surrounded by the Town of Woodway and the City of Shoreline.

Mr. Szafran briefly explained how the development regulations, subarea plan, and Comprehensive Plan interact with each other. The City has adopted a Comprehensive Plan, which is a citywide long-range plan, and subarea plans live within that Comprehensive Plan. The development regulations adopted in

the City's Development Code implement the goals and policies of the subarea plan and must also be consistent with the overall Comprehensive Plan.

Mr. Szafran said the proposed Comprehensive Plan Amendment will amend the Point Wells Subarea Plan to be consistent with the Settlement and Interlocal Agreement between the City of Shoreline and the Town of Woodway. It would also update Land Use (LU) Policy 51 to read,

“LU51: Pursue annexation of Point Wells pursuant to the Settlement and Interlocal Agreement between the 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 for this area.”

Mr. Szafran further advised that the amendment would change the Point Wells Subarea land use designation from “Mixed Use 1,” which is the City's most intense land use designation, to “Planned Area 4,” which will align and be consistent with the proposed Development Code amendments.

Mr. Szafran explained that the proposed Point Wells Subarea Plan is required to meet the goals and policies of the State's Growth Management Act (GMA), Puget Sound Regional Council's (PSRCs) Vision 2050, King County Countywide Planning Policies and Snohomish County Countywide Planning Policies. The plan considers these goals and policies, as well as the adopted visions of the Town of Woodway and the City of Shoreline.

Mr. Szafran noted that some revisions have been made since the draft amendments were last discussed by the Commission on September 17th. Overall, the revisions incorporate the comments received to date and provide for consistency and clarity. These revisions include:

- The total area changed from 50 acres to 61 acres. The entire subarea is approximately 61 acres, but the portion of the site that is prime for development is closer to 50 acres. To be consistent, the number was changed to 61 for the total area.
- A reference to King County Countywide Planning Policy DP-21 was added. This policy speaks to the coordinated preparation of comprehensive plans to avoid or mitigate potential cross-border impacts.
- A revision was made to correct the date for when the City adopted the Point Wells Subarea Plan: 2010 rather than 2011. Also, a reference was added to the actual ordinance.

Mr. Szafran reviewed the goals and policies in the proposed subarea plan as follows:

- **Land Use Goals and Policies.** These policies will guide the future development and implementation of the shared vision of the site and ensure that any development on the site is done through a master development plan permit and designed as a pedestrian-oriented, primarily-residential site. Policy LU1 explains that the site should be primarily residential, but allowing a mix of uses. Policy LU2 refers to the implementing development regulations in the Development Code. The Planned Area 4 zoning regulations will address setback, height, allowed uses, density, open space, building coverage, hardscape, etc. The policy was updated to add “geologic hazard areas” as an example of the types of critical area issues that must be considered. There are steep

slopes and other environmental hazards on the site. Policy LU3 guides site and building design, circulation, parking, pedestrian spaces, signage, open space, utilities and landscaping.

- **Capital Facilities/Utilities Goals and Policies.** These policies address urban services, including sewer, water, stormwater, fire protection, law enforcement, energy and telecommunications that are provided through the City or special purpose districts. The capital facilities provided on the site should be coordinated with and managed by the City. All new utilities shall be provided underground within the right-of-way or utility easements. He noted that Policy CF/U1 was revised to add that the provision of urban services provided by special purpose districts, regional providers or other local government officials will be reviewed by the City for adequacy to serve intended development within the subarea. If the property is annexed by the Town of Woodway, the City of Shoreline would have the opportunity to review the urban services to the site.
- **Transportation Goals and Policies.** A main theme of these policies is that Richmond Beach Drive is classified as a local access street, and secondary access shall be provided through the Town of Woodway. Policies TU1 and TU2 state that, with any development proposal, the site shall prepare a transportation corridor study. Policy TU3 is a direct carryover policy from the current subarea plan that the Point Wells site shall not generate more than 4,000 Average Daily Trips (ADT) onto Richmond Beach Drive within the City of Shoreline and that the remaining Richmond Beach Corridor shall not exceed a LOS D. Policy TC4 creates a trigger for a secondary access road through the Town of Woodway, and that trigger is any redevelopment of the site that creates more than 250 ADTs. Policy TC5 creates a policy for well-connected streets for vehicles and pedestrians throughout the site. Since the September 17th meeting, Policy TC1 was revised to clarify that a transportation corridor study and mitigation plan “shall” be prepared and funded by development applicants and the scope of the study and mitigation plan “should” be prepared with input from each jurisdiction.
- **Environmental Preservation and Protection Goals and Policies.** The Point Wells site has been used as heavy industrial for many years, so any redevelopment on the site other than industrial will probably require considerable environmental remediation. The goals and policies outlined in the plan speak to low-impact development techniques and clean up of the site that will take effort from many local, regional and state agencies. Since the September 17th meeting, Policy EP/P2 was revised to include language that the State Environmental Policy Act (SEPA) will evaluate the impacts of sea level rise and climate change on the development proposal through anticipated buildout. This change is intended to evaluate the environmental impacts of not only the first phase of development, but the impacts of future phases, as well.
- **Governance Goals and Policies.** These policies are new from the last subarea plan. They speak to how the Town of Woodway and City of Shoreline will continue to notify and communicate regarding land use and development issues at the Point Wells site.

Development Code Amendments (Hearing B)

Mr. Bauer presented the draft Development Code amendments that are intended to implement the Point Wells Subarea Plan. He highlighted the following:

- **Zoning.** Consistent with the proposed land use designation of Planned Area 4, the Development Code would be amended to provide a comparable “Planned Area 4” zoning designation that would be implemented if the Point Wells property is annexed into the City.
- **Transportation.** Future development would be required to conduct a transportation impact analysis, which is standard for all new development. This was a topic of discussion at the Commission’s September 17th meeting, and since that time, staff met with the City’s Traffic Engineer to confirm and clarify the requirement. Based on the subarea plan policies and the development regulations, the City’s Traffic Engineer would determine the final scope of the study. Depending on the size and scale of development within the subarea, the analysis could include any number of streets within the broader corridor beyond the segments of Richmond Beach Drive and Richmond Beach Road. At this time, it is too early to identify the full scope of what the analysis will include, but there is flexibility within the development regulations and subarea plan policies to scale the analysis up or down. The ILA sets out all of the traffic and trip restrictions related to the Richmond Beach Drive and Richmond Beach Road corridor. It includes a 4,000 ADT limit, LOS D and a 0.9 Volume to Capacity (V/O) ratio. In addition, the maximum ADTs would be limited to 250 unless a secondary access is provided.
- **Land Use.** The ILA also requires that any future development within the subarea be pedestrian-oriented, mixed-use, consisting primarily of residential lands use but also a range of some commercial uses. Auto-oriented uses would be prohibited.
- **Dimensional Standards.** The intent of the dimensional standards is to minimize the bulk and scale of future development within the subarea. As proposed, density would be limited to 44 units per acre and buildings would be limited to a maximum of 60 units and a footprint of 10,000 square feet.
- **Building Height.** The building height varies depending on the location on the site. The base height east of the Burlington North Santa Fe (BNSF) rail line would be 35 feet and cannot be exceeded. The height west of the BNSF rail line would be 45 feet, with provisions to go to a maximum of 75 feet with a view analysis that looks at enhancing and/or preserving public views.
- **Open Space and Public Access.** Open space and public access would be required to be integrated throughout the development. This is a component of the ILA, which requires public access to the shorelines. It is also consistent with both jurisdiction’s Shoreline Master Programs (SMPs) that were adopted to implement the Shoreline Management Act (SMA).
- **Aligning Existing Standards.** The proposed standards cross reference a lot of the existing standards within the Development Code. Rather than adopting a new set of standards for things

like parking, landscaping, signs, etc., the proposed language simply refers to each city's existing regulations for typical standards.

- **Development Agreement.** Mr. Bauer summarized that the regulations are structured such that any development within the subarea would require a development agreement, and the City Council would be the final decisionmaker. A neighborhood meeting and public hearing would be required before a decision on the agreement is made. As part of a development agreement, specifics related to phasing, land uses, roads and infrastructure would all be reviewed and agreed upon. The development agreement would then be the overarching land use entitlement for a development. It would also set out any conditions related to public benefits, transportation mitigation, etc. as needed to adapt and respond to the scale, size, and level of impact associated with future development. The regulations would also require that the neighboring city be invited to early pre-application meetings and be provided an opportunity to review and comment on plans.

Mr. Bauer advised that a few public comments were received since the September 17th meeting and have been reviewed by staff. Some of the public comments received prior to the September 17th meeting were incorporated into the proposed amendments. Staff recommends the Planning Commission forward the City Council a recommendation to approve both the Subarea Plan and Development Code amendments. If adopted, the amendments would repeal and replace the existing Point Wells Subarea Plan with the new Subarea Plan. The amendments would also change the land use and zoning designations to Planned Area 4 and adopt the proposed development regulations to implement the Subarea Plan policies and zoning.

Commissioner Galuska referred to the ILA provision that gives Woodway the first opportunity to annex the Point Wells site. He asked if there is a time limit for when Woodway must annex the property before the City of Shoreline can take action. Mr. Bauer said the ILA identifies a 3-year window. Assistant City Attorney Ainsworth-Taylor added that the three-year timeframe started as soon as the legislature enacted legislation that authorized the Town of Woodway to annex. About two years ago, Woodway adopted a resolution of intent to annex, and the clock is ticking. Anytime within the 3-year period, Woodway could decide they aren't interested in annexation. At that point, Shoreline could start its own annexation process.

Commissioner Callahan referred to a written comment from Pat Amundsen voicing concern that it was not clear who would have authority over the scope and mitigation plans associated with the transportation corridor study. She noted Mr. Bauer's earlier comment that it is too early to identify the full scope of the analysis, and flexibility is needed to scale the analysis up or down depending on the magnitude of the proposed development. She asked if staff is comfortable the City would have the ability to change the scope and weigh in on the mitigation plans based on the proposed language. Mr. Bauer expressed his belief that, as written, there is sufficient policy support to drive the scope of the analysis. In addition, the proposed development regulations specifically state that the City's Traffic Engineer would make the final determination regarding the scope of the analysis. For example, the scope of the analysis might include other intersections and side streets beyond the Richmond Beach Road corridor.

Commissioner Callahan also referred to a written comment from Tom McCormick voicing concern about density. He raised the point that, if the annexation laws are clarified and/or revised, the City may not have to align with Snohomish County's development regulations and the maximum density limitations could be different. She asked if the Development Code has to include this maximum limit now. If so, could the

limitation be adjusted at some point in the future if the annexation laws are changed. Mr. Bauer answered that the maximum density of 44 units per acre was discussed extensively by the joint work group. The number was taken from what is currently in Snohomish County's Development Code for the Urban Village zoning that is currently on the site. However, even if the City were to adopt the plan and regulations as proposed, nothing would preclude future amendments to change the density. The work group felt that maintaining a level of consistency was important.

Vice Chair Malek observed that Mr. McCormick called out the fact that there is a maximum limit for density but no minimum. Staff has responded that the maximum that was chosen is consistent with Snohomish County's development regulations (maximum 44 units per gross acre), but Snohomish County has not established a minimum density per acre. As per the proposal, density would be controlled less by the maximum density limit, and more by Snohomish County Regulation 30.35A.115, which states that density cannot exceed the ability of the municipality's LOS. That means the 4,000 ADT, which will be emulated within the Town of Woodway using their LOS-A that is slightly less than 4,000 ADT, would control the density. It includes not just trips associated with the residential uses, but also trips associated with commercial and recreational uses.

Mr. Szafran said the background growth of the city, itself, will also be a limiting factor. The more houses that are built in Richmond Beach, the more trips will be added to the roads. Vice Chair Malek asked if staff is confident that the traffic corridor can actually be used to control the density of future projects versus using another type of development regulation. His understanding is that the only way the density could increase beyond that level would be if the developer can provide an alternative method to access the site.

Vice Chair Malek asked if the Point Wells Subarea Plan would include all 61 acres of the site, and if all of the site would be designated as Planned Area 4. Mr. Szafran answered affirmatively.

As pointed out by Mr. McCormick, Vice Chair Malek commented that a substantial portion of the site is located within the critical slide hazard area, which diminishes the net area available for development. If density is calculated based on the gross area, it wouldn't matter where development occurs as long as it meets the height and setback requirements and isn't within the critical area. However, the transportation limitations noted previously would limit the scope and scale of future development, and the proposed Development Code would limit the maximum height to 75 feet. Mr. Szafran added that a view corridor study would be required for development that exceeds 45 feet in height. He explained that the City's current Development Code allows a developer to use gross acreage for the density calculation. This allows a developer to develop to the maximum density, but locate the units outside of the critical area. The areas that are underwater would not count in the density calculation. Vice Chair Malek observed that the proposed amendments would remain consistent with the City's Development Code, but use the traffic corridor analysis to limit density.

Vice Chair Malek referred to Exhibit Y, which he forwarded to the Commissioners prior to the meeting. This exhibit is from Snohomish County and talks about the hearing examiner scheduling another hearing to allow the developer, BSRE, one more opportunity to present its case in November. If their request is declined, it could take as much as a year before an appeal gets heard. This puts them closer to 2022 before the matter is resolved. He recalled that Mr. McCormick questioned why the City doesn't delay action on

the subarea plan and development regulation amendments until a final decision has been made. Mr. Bauer answered that the timeline was laid out in the ILA that was approved more than a year ago. The ILA is intended to align some of the key issues that have been the subject of disagreement for a number of years. Both Woodway and Shoreline are fulfilling their obligation to adopt subarea plans and development regulations. This will offer some certainty for both Woodway and Shoreline as to the realm of possibilities within the subarea. He noted that it has been several years since the subarea plan was last adopted. With any planning document, it is good to revisit and update and refresh based on changing conditions or circumstances. He doesn't see pausing and waiting until the courts have made a decision as a good justification to not continue getting planning policies and development regulations in place. Mr. Szafran added that the proposed subarea plan is a better document than what is currently on the books. It provides more certainty and aligns with Woodway. The policies are more specific and better written.

Vice Chair Malek asked if staff believes the proposed subarea plan and development regulations will strengthen the City's position if and when BSRE continues the process or a future developer purchases the property and starts the process over. Mr. Szafran answered affirmatively.

Vice Chair Malek said he has slides from an earlier presentation (2007 or 2008) that were shared at a community meeting showing how the project evolved from a proposed 1,250-1,400 dwelling units up to 3,086 dwelling units. The proposal from the original applicant was probably a more realistic number. However, the present applicant, BSRE, has stated they have no intention of building the project. Instead, they intend to sell the property to a builder, so it makes sense they would want to double the unit count. This higher unit count was irresponsible and frightening to the community. He is glad to hear there is some consensus between Woodway and Shoreline. They need to stand strong and united to do something that is reasonable for both municipalities.

Vice Chair Malek said he shares Mr. McCormick's concerns that the density doesn't get a way from them. He felt that the ILA and the subsequent subarea plans and development regulations could bring the two jurisdictions together.

Commissioner Galuska clarified that there is an application before the county that is currently under appeal, and the proposed subarea plan and development regulations would not impact that application. The policies and regulations would only apply if the applicant re-submits an application after the property is annexed. Mr. Bauer concurred.

Vice Chair Malek invited public testimony regarding the proposed Comprehensive Plan and Development Code amendments. There were no public testimony.

COMMISSIONER RWAMASHONGYE MOVED THAT THE COMMISSION RECOMMEND THAT THE CITY COUNCIL APPROVE THE 2020 COMPREHENSIVE PLAN AMENDMENTS #1 AND #2 AS WRITTEN IN ATTACHMENTS B, C AND D TO THE STAFF REPORT DATED OCTOBER 15, 2020 AND FOR STAFF TO FORWARD THAT RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL. COMMISSIONER SAGER SECONDED THE MOTION.

Commissioner Rwamashongye commented that staff did a good job of presenting the amendments, and Vice Chair Malek provided good background information. It is important that staff from both jurisdictions worked together to come up with a plan that addresses and manages the complicated issues related to density, traffic, etc. The proposal represents a good product for the City, and he supports a recommendation of approval to the City Council.

COMMISSIONER SAGER MOVED TO AMEND THE MAIN MOTION TO AUTHORIZE PLANNING STAFF TO AMEND ALL COMPREHENSIVE PLAN MAPS, AS NECESSARY, TO REFLECT THE NEW LAND USE DESIGNATION OF PLANNED AREA 4 FOR THE POINT WELLS FUTURE SERVICE AND ANNEXATION AREA. COMMISSIONER CALLAHAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

THE MAIN MOTION, AS AMENDED, WAS UNANIMOUSLY APPROVED.

COMMISSIONER RWAMASHONGYE MOVED THAT THE COMMISSION RECOMMEND THAT THE CITY COUNCIL APPROVE THE POINT WELLS DEVELOPMENT CODE AMENDMENTS IN ATTACHMENT A TO THE STAFF REPORT DATED OCTOBER 15, 2020 AND FOR STAFF TO FORWARD THAT RECOMMENDATION OF APPROVAL TO THE CITY COUNCIL. COMMISSIONER SAGER SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Vice Chair Malek closed the public hearings for the Comprehensive Plan amendments and Development Code amendments.

DIRECTOR'S REPORT

Director Markle reviewed the permitting report for September 4th through October 7th, which typically covers permits that have a valuation of over \$1 million. She highlighted the following:

- No pre-application meetings were requested.
- There were 72 townhomes submitted as one project at 14704 Meridian Avenue N in the MUR-35' zone. This was the first permit to use the City's new electronic permitting process.
- Three permits of note were issued: 201 units at 18110 Midvale Avenue, 14 townhomes at 2128 N 185th Street and tenant improvements for interior work at the Washington State Department of Transportation Building.
- The Commission, along with the Parks and Tree Board and City Council, will take part in racial equity training. This is a 3-part series, starting with Session 1 – Beginning Conversation About Race – on October 21st at 7:00 p.m. The meeting will take place on the Zoom Platform, and Commissioners should have received information about the meeting today.
- The City Council adopted interim regulations to allow for the use of required parking areas and right-of-way for outdoor seating during the pandemic. Four businesses have applied, and they hope more will be able to use the option to support their businesses. They see it as a trial for adopting permanent regulations for sidewalk cafes.
- Ms. Hoekzema will be connecting with the Commissioners about the iPads that have been purchased for the Planning Commissioners to aid them in doing their work from home and put them on the same

platform as the City Council. This same equipment has been purchased for the Parks, Recreation, Cultural Service and Tree Board.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

Commissioner Sager pointed out that the racial equity training on October 21st is at the same time as the Town of Woodway's Planning Commission public hearing relating to Point Wells. She assumes that the public hearing will be available at a later time for the Commissioners to view. Vice Chair Malek noted that the Commissioners could also submit written comments in advance.

AGENDA FOR NEXT MEETING

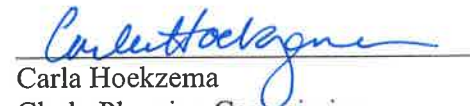
Mr. Szafran announced that the November 5th agenda will include a presentation on the Housing Action Plan Toolkit.

ADJOURNMENT

The meeting was adjourned at 8:15 p.m.



Jack Malek
Vice Chair, Planning Commission



Carla Hoekzema
Clerk, Planning Commission