

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

December 3, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Wagner
Vice Chair Perkowski
Commissioner Behrens (arrived at 7:05 p.m.)
Commissioner Broili
Commissioner Kuboi
Commissioner Piro
Commissioner Pyle (arrived at 7:05 p.m.)

Staff Present

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

Commissioners Absent

Commissioner Hall
Commissioner Kaje

CALL TO ORDER

Chair Wagner called the regular meeting of the Shoreline Planning Commission to order at 7:04 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Wagner, Vice Chair Perkowski, and Commissioners Broili, Kuboi and Piro. Commissioner Pyle and Behrens arrived at 7:05 p.m. and Commissioners Hall and Kaje were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

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

APPROVAL OF MINUTES

The minutes of November 19, 2009 were accepted as presented.

GENERAL PUBLIC COMMENT

Laethan Wene, Shoreline, asked Chair Wagner to share her future plans and direction for the Commission.

LEGISLATIVE PUBLIC HEARING ON POINT WELLS SUBAREA PLAN AND PRE-ANNEXATION ZONING

Chair Wagner referred to the items in the desk packet that were presented to the Commission via email over the past few days that were not part of their original packet. The Commission agreed that a 10-minute recess would be appropriate at some point prior to the public portion of the hearing to review the new items. In addition, it was noted that the Commission would likely postpone action on the two items and continue the hearing and deliberations until December 10, 2009.

Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Tovar briefly reviewed the following exhibit items that are part of the record:

- **Exhibit 1** – Study Session Memo to Planning Commission, Nov. 5, 2009
- **Exhibit 2** – City Council Resolution 285 – concerning Point Wells
- **Exhibit 3** – Study Session Memo to Planning Commission, Nov. 19, 2009
- **Exhibit 4** – Diagram: The Relationship of State Laws, Plans, Regulations and Permits
- **Exhibit 5** – Public Hearing Staff Report to Planning Commission, Dec. 3, 2009
- **Exhibit 6** – Proposed Point Wells Subarea Plan, Oct. 29, 2009
- **Exhibit 7** – Proposed Pre-Annexation Zoning, Chapter 20.92 – Planned Area 1 Zone, Oct. 29, 2009
- **Exhibit 8** – DRAFT Supplemental Environmental Impact Statement for Point Wells, Oct. 29, 2009
- **Exhibit 9** – Point Wells Design Charrette Summary Report, Aug. 22, 2009
- **Exhibit 10** – Snohomish County’s Urban Centers Map & PSRC’s Regional Centers Map
- **Exhibit 11** – Point Wells Traffic Impact Analysis Model
- **Exhibit 12** – Illustration of 20.90.070 C, Minimum separation of tall buildings
- **Exhibit 13** – Comment Letter: City of Edmonds, Bertrand Hauss, Nov. 23, 2009
- **Exhibit 14** – Comment Letter: Shoreline Resident, Donald Ding, Nov. 25, 2009
- **Exhibit 15** – Comment Letter: Snohomish County, Larry Adamson, Nov. 23, 2009
- **Exhibit 16** – Comment Letter: Shoreline Resident, Michael Strand, Nov. 27, 2009
- **Exhibit 17** – Comment Letter: Snohomish County, Larry Adamson, Dec. 2, 2009
- **Exhibit 18** – Staff Response: City of Shoreline Memo, Steve Cohn, Dec. 2, 2009
- **Exhibit 19** – Comment Letter: Town of Woodway, Carla Nichols, Dec. 3, 2009
- **Exhibit 20** – Public Hearing Staff Report to Planning Commission, Apr. 16, 2009

Mr. Tovar emphasized that the draft documents currently before the Commission for review are significantly different than what was presented in April of 2009. He reminded the Commission that

when they reviewed the proposal in April, the pre-annexation zoning proposal did not accompany the subarea plan. He clarified that all documents received to date regarding the proposal have been entered into the record and made available to the Commission in either hard copy or via email.

Mr. Cohn added two more exhibits to the record:

- **Exhibit 21** – Comment letter from the Save Richmond Beach Organization dated December 3, 2009.
- **Exhibit 22** – Comment letter from Gary D. Huff, Karr Tuttle Campbell, dated December 3, 2009.

Mr. Tovar advised that the final SEIS would be available to the Commission and public and would consist of all comments that have been received to date. He informed the Commission that Rich Meredith, Traffic Engineer, was present to answer the Commission's additional questions regarding traffic.

Mr. Tovar referred to the comment letter from Larry Adamson, Acting Snohomish County Planning Director, which asserts that the City's proposed subarea plan does not include any consideration of potential annexation issues that would arise if the City were to attempt to annex the Point Wells area. The letter notes that the Town of Woodway has a much larger shared boundary with the Point Wells lowland area compared to the City of Shoreline's shared boundary. It states that since only a very small portion of unincorporated Point Wells is contiguous to Shoreline's City limits, any proposal by Shoreline to annex the area is likely to be considered a "shoe-string" annexation with extremely irregular boundaries. Mr. Tovar said he would agree with Mr. Adamson's comments if all that is considered is the linear feet of adjacency of the two jurisdictions. However, the most significant number is the percentage of the traffic that would come through the City of Shoreline, which is 100%.

Mr. Tovar also referred to the comment letter from Carla Nichols, Mayor of the Town of Woodway, which expresses concern about the proposed design review process. He explained that staff's intent was to use the same administrative review process that was recently approved as part of the new Mixed Use (MU) zone. However, he acknowledged there are other options for design review such as a public hearing by the Hearing Examiner with a recommendation to the City Council, a public hearing by the Hearing Examiner with an appeal to the City Council, a public hearing by the Hearing Examiner with an appeal to Superior Court, and a public hearing by the Planning Commission with an appeal to the City council.

Commissioner Broili suggested that the Commission should keep in mind Mr. Tovar's point that the only present and future reasonable access and impacts are through the City of Shoreline. Other than the border, Snohomish County has no connection to the area. He expressed his belief that Mr. Adamson's opinion about the linear property line would not hold up in court.

The Commission took a 10-minute break at 7:25 p.m. to review the additional exhibits. They reconvened the meeting at 7:35 p.m.

Mr. Tovar clarified that the hearing is a concurrent hearing on an amendment to the City's Comprehensive Plan to adopt a Point Wells Subarea Plan and Pre-Annexation zoning for the Point

Wells area. The public would be invited to comment on both items. He explained that the proposed Point Wells Subarea Plan outlines the things that are important to the City and what they want the outcome to be. The Pre-Annexation Zoning Regulations will provide more specificity to implement the plan. He suggested the Commission keep the public hearing on both items open until they are confident that the proposed regulations are consistent and implement the plan they want to recommend for approval.

Mr. Tovar noted the item has been scheduled on the City Council's agenda for January 21, 2010. If the Commission needs more time after the December 10th meeting to make a recommendation, the item could be carried over to the Commission's January 7th meeting, but he cautioned it would be in the City's best interest for them to conclude the hearing and make a recommendation on December 10th.

Mr. Tovar advised that Mr. Huff's (Karr Tuttle Campbell) comment letter requests the Commission slow down the process. He encouraged the Commission to invite representatives of the property owner, Paramount, to comment on this request. He reminded the Commission that Snohomish County is currently dealing with their own regulatory regime for the Point Wells property, and a public hearing has been scheduled for December 9th. He suggested it would be premature for the Commission to decide to slow down the City's process until they have some notion of whether or not Snohomish County would slow down their process, as well. Staff will have more information about this subject at the Commission's December 10th meeting.

Mr. Tovar said that when the City Council receives both pieces of the Planning Commission's recommendation, they could adopt the Commission's recommendation as put forth. They also have the option of making changes to the Commission's recommendation, but only if the changes were discussed as part of the record. If they want to consider something that is different than what the Commission recommends and is outside of the established record, they could remand the issue back to the Commission for further hearing and deliberation.

Chair Wagner said that, typically, the Commission places a motion on the table and then they deliberate and make changes to the motion before finalizing their recommendation. However, this process will be different in that a motion will not be on the table prior to Commission deliberation.

Questions by Commission to Staff

There were no Commission questions during this portion of the hearing.

Public Testimony

Chair Wagner reviewed the rules and procedures for the public portion of the hearing and then opened the floor for public testimony.

Caycee Holt, Shoreline, said she was present to represent the group, Save Richmond Beach, which is a community-driven, volunteer-managed, non-profit organization dedicated to preserving the Richmond Beach Community through thoughtful, responsible and sustainable planning. Their members come from

not only Richmond Beach, but all neighborhoods of Shoreline, in addition to the Town of Woodway and Edmonds. She recalled that the proposed Pre-Annexation Zoning notes that Richmond Beach Road and Richmond Beach Drive in Shoreline would be the only access to the Point Wells site, and this fact became abundantly clear a few weeks ago when a single-car accident (by the library) closed down the road for the entire day. The group feels the zoning document and traffic analysis do not adequately address the issue of access to the site and the public safety of the Richmond Beach residents. She emphasized there is just one way in and out of the neighborhood.

Ms. Holt also expressed the group's belief that the traffic impact and mitigation plans are too vague to assess how the increased traffic would be addressed. The group agrees that a corridor study is a necessity because the traffic and safety analysis was sorely lacking in several areas including public safety, cut-through traffic, and potential mitigation. She said she heard from several members who are extremely concerned about cut-through traffic because many roads link to Richmond Beach Drive, and people will avoid traffic by using the very narrow cut-through streets.

Ms. Holt said the group supports Shoreline's effort to limit vehicular traffic to and from the site, but this alone will not adequately address the serious access and traffic issues associated with development at the Point Wells site. Without a reliable corridor study, it will be impossible to gauge what the traffic numbers will really mean on the ground. The City's own traffic study suggests that the road system would break down at that level of additional traffic. She suggested the vehicle trip limit should also take into account that any development at Point Wells would generate additional development along the corridor, which would result in even more traffic to Richmond Beach.

Ms. Holt pointed out that the estimated vehicle trips would only be as accurate as the studies or models underlying the estimate. The group suggests the City establish the industry-accepted guidelines and standards for measuring the traffic impacts. She said the group is concerned that it would be difficult to enforce such a limit. For example, what would happen if the development is overbuilt? Would they be required to tear down buildings if they exceed the allowed number of vehicle trips per day. She reminded the Commission that the City of Shoreline has standards for public safety, including details such as sidewalks on both sides of the street. The group feels that public safety of the current residents should be the City's top priority. An annexation bid from a developer should not change the City's standards. She noted she has not seen anything that would require access to mass transit at the Point Wells site, and this intense type of development may require access demand mass transit.

Ms. Holt said the group believes there should be land use standards that limit the potential uses at the Point Wells site. Because of the remote location and lack of access to mass transit, the use of the site will be an important factor in curbing excessive car trips and insuring public safety. The group believes the land uses should also be compatible with the surrounding single-family residential neighborhoods. In conclusion, Ms. Holt said the group urges the Planning Commission to encourage a more thorough evaluation of the impacts on the current citizens of Shoreline and Richmond Beach before promising Paramount Northwest a pre-annexation zoning package that would imperil the residents of Shoreline and Richmond Beach.

Donald Ding, Shoreline, expressed concern about the development of the Point Wells property either as part of Snohomish County or Shoreline. He said the City should not sacrifice their neighborhoods to excessive traffic growth and a stretch on services just for the sake of unneeded growth. He recalled that the City was recognized by *SEATTLE MAGAZINE* as the best community a few years ago, and as the second best in 2009. He urged the Commission to keep and protect the good things that exist in Shoreline.

Mr. Ding said he has significant concerns about the information presented in the traffic report and the draft SEIS. He questioned if an accurate description has been portrayed concerning impacts, mitigations and conditions for development. He said he also submitted written comments to the City, of which the Commission has copies. He questioned if the City really needs the growth at Point Wells. He advised that the City's Comprehensive Plan requires them to accommodate a level of growth, which they have already done. The extra increment of growth that would be accommodated by the Point Wells site seems to be excessive and unneeded. He pointed out that the boundaries of the traffic analysis are drawn too tightly. He reminded the Commission that the City will be spending over \$100 million of local, state and federal funds for the Aurora Corridor Project. He questioned if the City wants to marginalize this project before it is even finished by allowing additional traffic to impact Aurora Avenue North at 185th and 175th, as well as the Interstate 5 interchanges.

Mr. Ding said he believes transit and rail service at Point Wells are not likely. No discounting of trips should be allowed unless the proposal pays its own way for services and facilities and certainty of use by residents is guaranteed and sustained. He noted that neither Metro, Community Transit or Sound Transit have plans to provide service to this area. There is also no guarantee that residents would use the service anyway. Because of the inadequacy of the current analysis, Mr. Ding asked that the Commission require an updated traffic study to get a true read of impacts and mitigation. He asked them to do the right thing to protect and save the neighborhoods. Only accept growth if it is needed, mitigated and at the right scale. He wants the City to stay on the "Best of Seattle" list.

Commissioner Behrens said that in reading through the responses, there appears to be some dispute about the impacts the development would cause on the east side of Aurora Avenue North and the freeway interchanges. He asked Mr. Ding to provide his thoughts and the basis for his conclusions in writing. Mr. Ding once again expressed concern that the traffic analysis stops at the intersection of 185th and Aurora Avenue North, which is a commercial site but not a regional destination. Trips will not stop at this location; they will go to other destinations. He recalled the Snohomish County study indicates that only 13% of the trips originating from the Point Wells site would reach 185th and Aurora Avenue North. If the remaining 85% of the traffic would filter through the neighborhoods, there should be some discussion about assessing and mitigating the impacts. While the City countered that only 40% of the trips would divert, this amount would still have an impact on the character of the neighborhoods.

Mr. Ding pointed out that the table contained in the draft SEIS contains numbers that are inconsistent with the Institute of Transportation Engineer's Manual. He suggested the real threshold will be 825 trips during the peak hour. He summarized that it is erroneous to include inaccurate numbers in the table because they can lead the Commission into making inaccurate assumptions in the future.

Commissioner Behrens again asked Mr. Ding to submit his ideas and comments in writing for the Commission's consideration. Chair Piro agreed it would be helpful for Mr. Ding to provide written testimony to support his request that the traffic study boundaries be expanded to include Interstate 5 and SR-104. Mr. Ding responded that if these other areas would not be significantly impacted, then the traffic study should identify where the traffic would go. Chair Wagner suggested the Commission allow the City's Traffic Engineer to comment regarding Mr. Ding's concerns, as well.

Commissioner Piro recalled Mr. Ding's written recommendation that the Commission should consider opportunities to include non-motorized, bicycle and pedestrian features into whatever happens with the connections between Point Wells and Aurora Avenue North and beyond. He suggested Mr. Ding provide his thoughts on the viability of pedestrian non-motorized travel and transit on the Point Wells site, which is so isolated from the rest of the transportation network.

Robin McClelland, Shoreline, said that she did the first Comprehensive Plan for the Town of Woodway in 1994, and she has been interested in the Point Wells site ever since. She expressed her belief that issues related to transportation are significant. She referred to Page 33 of the Staff Report, and suggested the statement that Richmond Beach Road and Richmond Beach Drive provide the only vehicular access is not true or fair because it is possible for traffic to divert. She summarized that it is important that the City not lead the public to think that there are only two access options for Point Wells.

Ms. McClelland suggested that rather than only thinking about the negative impacts of the proposal, she suggested the City turn their thinking around and consider opportunities to create a destination for residents of Shoreline. The City should seek every type of mitigation possible to provide facilities and amenities that benefit the City economically, recreationally, and socially. They should not limit themselves only to the issue of transportation, even though it is a major concern.

Jack Malek, Shoreline, concurred with Ms. McClelland's comment about the need to benefit from development of Point Wells to make it a destination point that will benefit the community in general. He also agreed with concerns stated earlier about transportation. He said he would prefer annexation into the City of Shoreline.

Mr. Malek said he was also present to speak for his friend, Scott Becker, regarding the proposed subarea plan, which calls for three sectors. He pointed out that the line distinguishing the Northwest and Southwest Sectors does not reflect a clear geographic distinction. He also feels the park location should be based more on an overall master plan. He questioned why a distinction was made in Policy PW-4 that limits the height in the Southeast Sector to no more than six stories. He referenced Policy PW-5 and suggested the "slender tower" regulation would make more sense as a general design review guideline document. He asked how the view corridor concept in Policy PW-6 would be implemented. He also suggests that permitting by administrative design review and site development does not seem adequate relative to the scale of the site.

Mr. Tovar referred to Ms. McClelland's comments regarding access to the Point Wells site. He said staff's point was that you must go through Shoreline to access Point Wells. There is no direct route through Edmonds, Woodway or unincorporated Snohomish County. However, he agreed that after

coming some distance into Shoreline, a person could fork off into a number of diversions, most of which are also in Shoreline before reaching Edmonds and/or Woodway.

Mr. Tovar noted the Commission may want to craft changes to the proposed Point Wells Subarea Plan and Pre-Annexation Zoning. However, rather than trying to compose specific language at this time, he suggested the Commission identify the concepts they are after and ask staff to bring back implementing language to the December 10th meeting.

Mr. Tovar recalled the comment about the proposed 35-foot building height limit in the Northwest and Southwest Sectors within the view corridor. He recalled that the Commission previously discussed moving the line to correspond to the view corridor since the building height limit in the Southwest Sector is 35-feet anyway. He said the Commission could request a revised drawing from staff.

Chair Wagner observed that because citizens have already been invited to provide testimony, it would be appropriate to only invite additional oral public testimony on items that are new. However, she encouraged the public to continue to submit their written comments. Mr. Tovar said the amended language would be available on the City's website by the close of business on December 8th.

Final Questions by the Commission

Commissioner Piro asked staff to respond to Mr. Strand's comment letter, which expressed opposition to the Commission moving forward with a subarea plan and zoning for Point Wells. Mr. Strand's letter suggests the City force Snohomish County to provide access and service to the site and keep it separate from Shoreline. Mr. Tovar said that if this option were possible, it would have been high on the staff's list of recommendations. The Town of Woodway has been clear that they would not approve the creation of right-of-way through Woodway to connect the bluff area to the lowland area. In addition, most of the area is considered sensitive slope, and environmental regulations in Snohomish County and the Town of Woodway would not permit encroachment into the slope to build a road. While it would likely be possible from an engineering standpoint, it would be extremely costly. Others have suggested punching a road to the north along the tracks, but the right-of-way disappears into open water at points on both sides of the tracks. Therefore, this approach would raise serious environmental issues that would involve state agencies, tribes, federal government, etc. While it could be done with enough money, the environmental regulations make it unlikely. Another suggestion was to simply close the road, but the City Attorney has indicated the City cannot legally close the road if it is the only public access to the property. That doesn't mean the property owner has the right to an unlimited number of vehicles trips per day. The City's study identifies a logical break point for how many vehicle trips would be acceptable, but the Commission could offer a different number.

Commissioner Piro said that while the City cannot legally close the road, they could incorporate traffic calming features, etc. Mr. Tovar agreed and noted there are numerous engineering improvement methods for dealing with cut-through traffic and for slowing down the traffic. These details will be considered as part of the subsequent corridor study that is funded by the developer.

Commissioner Piro requested clarification as to why the property owner's representative is asking the Commission to slow the process down. Mr. Tovar said he believes the property owner is hoping to assemble a design team in the near future to obtain a clear sense of what they think would work for the property. Once preliminary plans are completed, the property owner would share thoughts on what the appropriate regulations should be regardless of whether the property is located in Shoreline, Woodway, or Snohomish County.

Commissioner Piro asked if there would be an opportunity for future modifications to the subarea plan and pre-annexation zoning language through the regular amendment process. Mr. Tovar said that once a subarea plan and pre-annexation zoning is adopted by the City Council, the only way to change the language would be via the regular amendment process. Another option would be for the Commission to finish their deliberations and make a recommendation to the City Council, and then let the City Council decide how rapidly they wanted to move on the proposal.

Commissioner Piro requested staff elaborate on the concerns raised in the letter from the Mayor of the Town of Woodway about the proposed view corridors and height limits. Mr. Tovar said staff has known for some time that building height and views are an issue in Woodway, and he has attended two of their Town Council Meetings to discuss their concerns. He shared the Sketch Up computer model and the drawings that show the different building heights and masses from various vantage points, two of which were taken from locations in Woodway and were intended to illustrate the potential impacts. The Town of Woodway has expressed a desire for more computer models and drawings, and staff indicated they could obtain a copy of the file and retain a consultant to help them generate more analysis from different vantage points in Woodway, but the City of Shoreline does not have the resources or obligation to model numerous vantage points from the Town of Woodway.

Mr. Tovar said another option to address the issue of appropriate building mass and height within view corridors would be to write the regulations in such a way that the City would be allowed to reserve judgment until the permit review. Staff's approach was to identify view corridors the City is concerned about and write regulations that keep the building mass out of the corridors. Commissioner Piro said he is inclined to recommend the City consider this issue further with the Town of Woodway at the time of permitting. Commissioner Piro noted that the proposed language uses the terms "view corridor" and "public view corridor," and he suggested the same term should be used throughout.

Commissioner Broili pointed out that it would be conceivably possible to create a major corridor out of the City of Shoreline from Point Wells to the first access into Woodway. All of the traffic from Point Wells could be directed to this route instead of Richmond Beach Road and 185th. Mr. Tovar agreed this would be possible if there was adequate funding and the City was willing to condemn properties. Commissioner Broili said that although he is not saying this alternative would be practical, it would be a fairly short route to get the traffic out of Shoreline into Woodway. Mr. Tovar concurred. Commissioner Broili urged the Commission to think as long-range as possible in terms of transportation planning and the way they think about the future.

Commissioner Broili referred to Page 17 of the November 19th minutes in which Mr. Meredith explained that it is difficult to get funding to add lanes and capacity to roadways since most of the funding goes to multi-modal projects. Mr. Broili suggested the overall strategy for transportation

studies should focus on creating multi-modal transportation opportunities in the future. He expressed concern that the City is not thinking long-range enough about traffic flows and how to take advantage of them. He expressed his opinion that neither the City of Shoreline nor Snohomish County is being realistic in terms of the real traffic impacts over the next five to ten years if Point Wells is built out to its potential. He encouraged the Commission to think more long-range and comprehensive and focus on multi-modal opportunities.

Commissioner Broili pointed out that topography defines the Point Wells area, and topography also drives transportation. There is only one realistic way in and out of the site, and Richmond Beach Road to 185th will continue to grow. He agreed with the previous speaker who pointed out that development of the Point Wells site would encourage more growth, which would create even more traffic. He also recalled the previous comment about making the Point Wells site a destination area. All of these issues spell out the need for more long-range planning.

Commissioner Pyle referred to the letter from Gary Huff, which states that if the City of Shoreline does not slow down its process and consider the agreement that Paramount Northwest is trying to achieve with the Town of Woodway, the County and the City of Shoreline, they will choose to annex to the County. Mr. Tovar said the property is already within the jurisdiction of Snohomish County, and they could proceed with redevelopment under Snohomish County's new urban center code. He explained that a property owner can file a petition to annex to the City, but this petition would be subject to the Boundary Review Board statutes. The Boundary Review Board's final decision could be appealed to Superior Court and then to the Court of Appeals and the Supreme Court. At the very least, the property owner would have to initiate the annexation process.

Commissioner Pyle summarized that unless the property owner chooses to be annexed into the City of Shoreline, the subarea plan and pre-annexation zoning language would not be fruitful. Mr. Tovar disagreed. He explained that the purpose of this process is to articulate what the City thinks should happen on the property. Even if the Point Wells site is never annexed into the City of Shoreline, the adopted plan and regulations will help shape what is ultimately adopted by Snohomish County. Commissioner Pyle asked if the City has the ability to appeal Snohomish County's Urban Center designation. Mr. Tovar answered that the City of Shoreline, Town of Woodway and City of Richmond Beach have all filed appeals to the County's designation for Point Wells. There is currently a request for an extension to pursue settlement of the case.

Commissioner Broili asked if the City could apply for an annexation without the property owner's support. Mr. Tovar answered that annexation to Shoreline would require the property owner's support. Commissioner Broili pointed out that if the City's desire is to eventually annex the Point Wells property, they should avoid making it so difficult that the developer decides it is easier to stay under the County's jurisdiction. Mr. Tovar cautioned that the City's objective should not be to make their regulations and policies so compelling that the property owner cannot refuse. However, he agreed that more stringent policies would make it more difficult to convince the property owner to go through the annexation process. He encouraged the Commission to focus on what they think is the right use for the property and why. He summarized his belief that it makes more sense for the property to be developed under Shoreline's jurisdiction.

Commissioner Behrens observed that if the City of Shoreline has input on how the development goes forward, they can attempt to mitigate some of the more obvious problems. Chair Wagner reminded the Commission that there is not currently a development proposal before them. While it is appropriate to talk about potential development in terms of its impacts to the City, she cautioned against making value judgments regarding a particular proposal at this time.

Mr. Tovar emphasized that Snohomish County has not adopted final zoning language for the Point Wells site. He noted that proposed Policy PW-10 states that “the City should work with the Town of Woodway and Snohomish County towards the adoption of interlocal agreements to address the issues of land use, construction management of, urban service delivery to, and local governance of Point Wells.”

Commissioner Broili asked if Snohomish County is reluctant to lose control of the Point Wells property because it represents a lost opportunity for them to meet their urban growth boundary requirements. Mr. Tovar said one of their letters touches on the point that they made an urban growth allocation for the Point Wells site. However, if the property is annexed into Shoreline, an interlocal agreement could clarify this issue and give the urban growth credit to Snohomish County. Commissioner Broili noted that the County would also lose tax revenue if the property were annexed into the City of Shoreline. Mr. Tovar agreed that a number of taxes would come into play, and they could be addressed as part of an interlocal agreement, as well.

Chair Wagner pointed out that some of the tax revenue would need to flow to Shoreline to pay for the necessary services to the site. Mr. Tovar reminded the Commission that the Shoreline Police and Fire Departments and the King County Sheriff’s Department have taken the position that they will not provide services to an unincorporated urban center in Snohomish County. If that is the case, the services would have to be provided by some other entity, which is theoretically possible but not an efficient delivery of urban services. Again, Mr. Tovar emphasized that these concerns could be addressed via an interlocal agreement between Snohomish County, the City of Shoreline and the Town of Woodway.

Vice Chair Perkowski asked staff to address the pros and cons of why they need an adopted subarea plan now, given the uncertainties and valid concerns that have been raised about transportation and long-range issues. Mr. Tovar recalled that the City Council has asked the Planning Commission to forward a recommendation to them regarding a subarea plan and pre-annexation zoning for Point Wells as soon as possible. In addition, it is important to keep in mind that Snohomish County has already adopted a Comprehensive Plan amendment for Point Wells, which has been appealed. The County has also held zoning hearings, and they could adopt new regulations for Point Wells at any time. Unless there is an adopted policy statement of the City Council, staff must rely on their sense of Council’s intent and Resolution 285 when working with Snohomish County, the Town of Woodway and the property owner. Vice Chair Perkowski asked if an adopted plan is necessary or if the current policy statements could be revised. Mr. Tovar said the discussion is complicated, and an adopted plan would be helpful in the staff’s future discussions with the County.

Commissioner Pyle observed that while it is great for the City to inform Snohomish County on their process and to continue to study what could be built there, going so far as to adopt a subarea plan could ultimately put the City's ability to actually annex the property in jeopardy. Mr. Tovar agreed that is a possibility. However, it is important to keep in mind there are many different players, interests and redevelopment options to consider for the site. He recommended the Commission move forward with a recommendation to the City Council. The City Council could ultimately decide to adopt a few main points of the recommendation by resolution rather than as an entire subarea plan if they believe that adopting a subarea plan would have a negative outcome. He said staff would continue to meet with the property owner, Snohomish County, and others, to discuss what it would take to move forward with a shared vision for the site.

Commissioner Broili asked if the property owner is looking for an agreement that the City will work with them to come up with a proposal that meets the requirements of both the City and the property owner. Mr. Tovar answered that the property owner is looking for some assurance of timing, details, etc. Commissioner Broili recommended it would not be to the City's best interest to adopt a plan at this point. The City already has a policy statement that indicates the direction they are interested in going. He cautioned that they need an agreement that gives both the property owner and the City the opportunity to move forward, but they should avoid "slamming the door" on future options by creating regulations that are too specific at this time. Mr. Tovar agreed that if the County were to slow down its process, it would also make sense for the City to slow down their process as well.

Mr. Tovar reminded the Commission that their charge, per Resolution 285, is to make recommendations to the City Council on what the plan should include and what the zoning should look like. The City Council did not ask them to advise them on whether or not they should postpone adoption of the plan. He urged the Commission to make their recommendation and leave it to the Council to decide how they want to address Mr. Huff's request to slow down the process.

Commissioner Piro agreed with Mr. Tovar that whether or not the property is annexed into Shoreline in the future, an adopted subarea plan and pre-annexation zoning could be used as a tool to enter into conversation and dialogue with other partners that are interested in the property. The proposal addresses issues related to bulk, view and traffic, which will give the City a strong hand in future discussions. He cautioned the Commission to not lose sight that there is more at play than just what happens at Point Wells. For example, Policy PW-7 would require the developer to undertake a transportation corridor study involving property that is currently located within the City of Shoreline.

Discussion

Commissioner Piro said both the Commission and the public have questioned if the requirements of the corridor study goes far enough to address issues such as multi-modal transportation. He suggested the developer could be required to complete a corridor plan rather than a corridor study. Mr. Tovar clarified that the product of the corridor study would include action steps, projects, cost estimates, funding sources, etc. He suggested staff rework Policy PW-7 to clarify that an implementation plan would also be required. He suggested the language could also be amended if the Commission feels strongly that the study area should be extended to SR-104 and Interstate 5. Several Commissioners agreed that would be

appropriate. Again, Commissioner Piro pointed out that the required corridor plan would offer a mechanism for the City to have some ownership on what happens with Richmond Beach Road or other potential access routes into Woodway. He suggested it would ease the concerns of the Richmond Beach Neighborhood if they could provide a specific plan for related roadways rather than just an ambiguous plan that would accommodate more vehicles.

Commissioner Behrens encouraged staff to involve representatives from the Richmond Beach Community in the transportation corridor study. Some tough decisions will have to be made by those who live in the area, and the City can gain from the guidance they offer. Mr. Tovar suggested that a citizen's advisory group could be formed to engage the public and find out what they know. He suggested staff could draft some language that would dictate this type of group as one of the components of the transportation corridor study and implementation program. He agreed that Policy PW-8 could be amended to require both schematic designs and cost estimates. Chair Wagner suggested that because the entire City could potentially benefit from redevelopment at Point Wells, the citizen's advisory group should include other interested parties in addition to residents of the Richmond Beach Neighborhood.

Commissioner Kuboi cautioned against reviewing the proposed subarea plan and pre-annexation zoning based on what may or may not be proposed by the current property owner. He noted that it is possible the site could be developed by multiple developers. Mr. Tovar said that if the Commission believes the whole site should be developed comprehensively under single ownership, the regulation should make this clear. While the City could not prohibit a property owner from platting the property and selling it to different developers, the zoning language could be structured to point out why that would not be desirable. He noted that all the densities and uses discussed have contemplated a single master plan for the property. If they are going to contemplate dividing the property into smaller pieces, perhaps the zoning should not so permissive and allow so much to happen. He said he would like an opportunity to phrase language to this affect for the Commission to consider at their next meeting.

Commissioner Broili said he would like the language to take into account a much longer range vision than what has been considered when coming up with the number of vehicle trips that would be allowed. Secondly, he said he would like the language to be amended to extend the transportation corridor study to Interstate 5 and 205th. The remainder of the Commission concurred.

Mr. Meredith explained that the traffic study assumes that 60% of the estimated 825 p.m. peak vehicle trips would make it to Aurora Avenue North. These vehicles would go both north and south on Aurora Avenue North, and some would disperse onto other streets. By the time they reach 205th, there may be no more than 200 p.m. peak vehicle trips. A number of cars would continue north on Aurora Avenue at 205th, and some would go towards Interstate 5, which could reduce the number of cars onto SR-104 to just 100. He noted there are currently about 45,000 cars per day on SR-104. He summarized that by the time you get that far away from Point Wells, there would not be a significant impact on SR-104. The same would be true for Interstate 5 so extending the boundaries would result in diminishing returns. He summarized that with so many routes people can choose to take, there is no way to have confidence that the predictions would be correct. The analysis actually loses meaning the further away you get from the development, and that is why he did not recommend the study area be continued to Interstate 5 and SR-

104. While they could extend the study, he questioned how much value it would provide. However, he agreed there would be value in extending the study area from 185th to Meridian.

Commissioner Piro said he is surprised that the study indicates that only 60% of the traffic from Point Wells would make it to Aurora Avenue North and 185th. He questioned where the other 40% of traffic would go. Mr. Meredith said he actually identified 60% to 65% making it to Aurora. He explained that the study assumes that a small percentage of traffic would turn off at the intersecting arterials along Richmond Beach Road. Commissioner Piro noted that a percentage of the vehicles that turn off of Richmond Beach Road would actually end up at 175th and Interstate 5 or 205th. Mr. Meredith agreed and said that is why the model starts to break down as cars travel further and further away from Point Wells.

Commissioner Piro said he still believes that extending the study boundaries to Interstate 5 and 205th would have some value, even if the impact becomes much less significant. The additional traffic should be considered cumulative with development that might occur elsewhere in the City. Mr. Meredith agreed that it is important to consider cumulative traffic impacts, and that is why the proposed language would require a more detailed traffic analysis. He noted the staff's traffic analysis only looked at the p.m. peak, and a more detailed analysis would consider both morning and evening traffic impacts.

Commissioner Behrens said he lives on Meridian Avenue, so he has firsthand knowledge of what happens when traffic diffuses through a neighborhood. When you reach a certain point, vehicles tend to leave arterials and go to side streets. However, they will eventually accumulate at major locations. Drivers will make decisions based on impediments that are on the road in front of them. Mr. Meredith said the City's goal is to encourage vehicles to stay on the arterials and off of local streets. There are options for accomplishing this goal, but they must be balanced with the need for people who live in the neighborhood to reach their destinations without too much delay.

Commissioner Broili referred to Mr. Meredith's previous statement about the uncertainties and disparity in the traffic study numbers and noted that it is the tendency for municipalities to underestimate the impacts associated with development. He encouraged the Commission and staff to be as conservative and long-range as possible in their analysis in order to save the City money and reduce impacts.

The Commission agreed that Policy PW-7 should be amended by adding language that would encourage and highlight the importance of multi-modal transportation. Commissioner Piro observed that in addition to addressing bicycle and pedestrian safety, the transportation corridor study should explore opportunities for pedestrian and bicycle mobility. The remainder of the Commission concurred.

Commissioner Broili referred to Policy PW-9 and encouraged the Commission to be very conservative in the way they think about the impacts. Chair Wagner recalled a question she raised at the study session about why the traffic study focused on the number of trips versus level of service. Perhaps they could establish a threshold that no more than one intersection can reach Level of Service F at evening peak traffic. Commissioner Piro said he would like the language to require mitigation that would transfer 825 vehicle trips that currently happen in the Richmond Beach area into other modes of transportation so there would be no net increase in vehicle trips. He expressed skepticism about the way

the City has handled level of service in the past, and he would be in favor of a more multi-modal approach.

Mr. Meredith said it is important to maintain the level of service measurement in the proposed language since that is the approach used in the transportation master plan update in relation to concurrency. Staff tried to take it a step further to see how the size of the development would affect the level of service. He referred to Chair Wagner's suggestions and said he does not think the City wants to allow an intersection to fail. Mr. Tovar summarized that there was a lot of focus on how many units per acre should be allowed. Even if they had landed on a number of units allowed rather than a number vehicle trips, the proposal would have been susceptible to the same concern. He suggested there is no more predictability or precision under either method. The basis of the proposed language is that the City cares less about what is developed on the property and more about impacts on the City's street system.

Commissioner Behrens asked if it would be possible to collect a percentage of the sales taxes that are generated by Point Wells into a capital improvement fund that could be managed via an interlocal agreement with Woodway, Edmonds, etc. If the traffic impacts turn out to be overwhelming or very understated, the City would have available funding to correct the problems. Mr. Tovar agreed this would be possible. Rather than requiring additional mitigation from the developer, a portion of the additional revenue stream would be dedicated to dealing with the unanticipated impacts. Another option would be to review the transportation demand management program that is already required and ratchet up the requirements to deal with some of the excess impacts. For example, carpooling, van pooling, bus passes, etc. are all options to obligate a developer to do more to deal with unanticipated additional impacts. He cautioned against creating an accounting system that involves the capital budgets of two or three jurisdictions since it would not generate any additional resources than what is already coming from the site. Mr. Tovar agreed to pursue options for addressing how the City would respond if, at some point in the future, there are unanticipated impacts that need to be mitigated.

Commissioner Broili pointed out that solar power, rainwater harvesting, etc. are on the cusp of becoming the way to go in new development. Many builders are designing their projects to accommodate these options in the future. Changes and modifications along the Richmond Beach/185th Corridor should be designed with the future in mind. If the City requires a developer to design for 20 or 30 years into the future, the costs for upgrades are going to be much less than if they only design for five years down the road and have to tear it out and start over again. While long-range thinking may cost more upfront, it will save a lot of money in the future. The language in the plan, the pre-annexation zoning, and any interlocal agreements should think further out into the future.

Commissioner Kuboi said it is one thing to require a property owner to put utilities in certain locations so they do not have to be moved when changes occur in the future because the requirement would not place an additional burden on the applicant. However, he would be opposed to requiring a developer to provide extra capacity to meet the demand 20 years into the future. He would support language that requires a developer to mitigate the actual impacts that are created, but requiring them to mitigate for projected future impacts would be inappropriate. Commissioner Broili disagreed. He observed that while there would be immediate impacts associated with the redevelopment of Point Wells, there would also be other impacts associated with future growth that takes place as a result of the development.

Commissioner Kuboi cautioned against burdening a developer to the point that they don't want to do business in Shoreline.

Chair Wagner suggested that perhaps this issue could be addressed at the policy level and the City could assist in mitigating the future impacts rather than placing all the burden on the developer. Mr. Tovar said the proposal could include aspirational policy language that states Commissioner Broili's philosophy, but it is more difficult to identify what the City can commit a developer to do 30 years from now that has both the nexus and proportionality required by law. Commissioner Broili said he is not implying that the developer should carry the burden of mitigating impacts into the future, but the City has the responsibility to do so. When staff has discussions with the developer at the permitting stage, they can identify what the City expects to happen and what burden the developer must carry. The City could also carry some of the burden of providing the services. There must be a balance between the City, the developer and long-range thinking. Commissioner Piro suggested that Commissioner Broili's concerns could be addressed in the narrative in the Interjurisdictional Coordination Section and potential amendments to Policy PW-10.

Commissioner Behrens asked where the transportation corridor study would end on Aurora Avenue North. Commissioner Piro recalled staff's earlier statement that the City's concern is not so much what happens on Interstate 5, but just the City streets. Therefore, he suggested they focus on the intersection at 175th.

Mr. Cohn encouraged the Commissioners to submit their additional comments by noon on December 7th. Mr. Tovar said staff would incorporate all of the Commission's comments into a new draft for consideration at their December 10th meeting. The updated draft would be available for Commission review on December 8th. He referred to questions raised earlier by the Commission, which could equate into amendments to the proposals. For example, the Commission discussed the possibility of amending the proposal to change the line between the Northwest and Southwest Sectors. In addition, Commissioner Perkowski suggested the restoration plan language be changed to be less prescriptive and more aspirational.

Vice Chair Perkowski observed that the future vision for Point Wells contains language related to sustainability, yet none of the policy statements address the issue. He questioned if each of the policy statements are intended to cover the text. Mr. Tovar said all of the language in the proposed subarea plan is considered policy, and the ten policy statements are intended to be concise and call attention to some specific action or concept. Vice Chair Perkowski expressed concern that someone could interpret the policy statements to be more important than the text because they are highlighted. Mr. Tovar asked the Commissioners to identify parts of the narrative that should be captured with additional policy statements.

COMMISSIONER PYLE MOVED THAT THE COMMISSION CONTINUE THE PUBLIC HEARING TO DECEMBER 10, 2009. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT

Mr. Tovar did not have any items to report to the Commission during this portion of the meeting.

UNFINISHED BUSINESS

There was no unfinished business on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

None of the Commissioners provided reports during this portion of the meeting.

AGENDA FOR NEXT MEETING

No additional comments were made regarding the December 10th agenda.

ADJOURNMENT

The meeting was adjourned at 9:59 P.M.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission