

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

December 10, 2009
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

Commissioners Present

Chair Wagner
Vice Chair Perkowski
Commissioner Behrens
Commissioner Piro
Commissioner Pyle

Staff Present

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

Commissioners Absent

Commissioner Broili
Commissioner Hall
Commissioner Kaje
Commissioner Kuboi

CALL TO ORDER

Vice Chair Wagner called the special 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 Behrens, Piro and Pyle. Commissioners Broili, Hall, Kaje and Kuboi were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

DIRECTOR'S COMMENTS

Mr. Tovar announced that this is the last night that any City meeting would be held in the Shoreline Conference Center. The Commission's first meeting in January would be held in the Council Chambers of the new City Hall.

APPROVAL OF MINUTES

The minutes of December 3, 2009 were approved as presented.

GENERAL PUBLIC COMMENT

Steve Ohlenkamp, Kenmore, indicated he was present to represent Paramount Petroleum. He announced that the Snohomish County Council decided not to act on their urban centers legislation. Instead, they have scheduled it for action on February 3rd at the earliest. He asked that the Commission consider delaying action on the City's Point Wells Subarea Plan proposal, as well. He pointed out that Paramount Petroleum has started to work with an architect to determine what might be possible on the site, and a lot of work will take place over the next few months. He noted that Paramount Petroleum is not in a hurry, and they don't understand how important decisions such as zoning can be made without sitting down with the developer to see if what is being proposed would even be viable. He noted that they are just beginning the design of their project, and they don't have answers yet. It will take a number of years to design the project and clean up and develop the site.

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

Chair Wagner reviewed the rules and procedures for the public hearing. Commissioner Piro reminded the Commission that additional public comments would be limited to the modifications made to the staff's proposal since the December 3rd meeting.

Staff Overview and Presentation of Preliminary Staff Recommendation and Questions from the Commission Regarding Point Wells Subarea Plan

Mr. Tovar referred to the potential amendments to the subarea plan and the zoning map and text, which were made at the direction of the Commission. Some were specific requests by individual Commissioners, and others were raised during the Commission's previous study sessions. He also referred to the following additional exhibits that have been entered into the record since the Commission's last meeting:

- **Exhibit 25** – Final Supplemental Environmental Impact Statement (SEIS).
- **Exhibit 26** – Email from Jan Bakken dated December 10, 2009.
- **Exhibit 27** – Comment letter from Chakorn Phisuthikul dated December 10, 2009.
- **Exhibit 28** – Suggested amendments to Subarea Plan and Zoning Ordinance.
- **Exhibit 29** – A map to clarify view corridor locations.

- **Exhibit 30** – A proposed revised zoning map with adjusted boundary between PLA 1A and PLA 1B.

Mr. Tovar referred to Exhibit 29, which is a map showing the location of the view corridor. The section line starts at the intersection of the County line and goes off at a 60-degree angle to the center line of Richmond Beach Road. It barely touches the perimeter of the large tank on the site. He advised that Exhibit 30 is the same zoning map that was presented before, but the line between PLA 1A and PLA 1B was adjusted to follow the view corridor line. He noted that the illustration includes some of the tanks and the bridge to provide reference points.

Mr. Tovar advised that after the Commission has accepted public comment on the amendments, they could deliberate and provide direction to the staff to incorporate amendatory language into the body of both of the documents. Staff would update the draft language and present it to the Commission at their first meeting in January. At that point, they could forward a recommendation to the City Council. He suggested the Commission not close the public hearing until they have reached their conclusions on both items and provided specific direction to staff.

Commissioner Pyle asked if the proposed subarea plan would have to be included as part of the City's once-a-year Comprehensive Plan amendment docket. Mr. Tovar answered that subarea plans are not limited to the once-a-year amendment process. However, amendments to adopted subarea plans are subject to the once-a-year requirement unless the Growth Management Hearings Board directs them to amend the subarea plan or the City Council declares an emergency amendment. He emphasized that there is no limit on zoning code amendments. Commissioner Pyle summarized that it important to have more refined Comprehensive Plan language since revisions are limited to once a year. Mr. Tovar said that, practically speaking, the subarea plan could also be amended at any point if the City Council feels it is important.

Mr. Tovar referred to Mr. Ohlemkamp's request that the Commission delay taking action on the proposed subarea plan and pre-annexation zoning. He said it is important to keep in mind that the County has already made a policy decision that is currently being litigated. Therefore, it would be prudent for the City to likewise make a policy decision. Amendments could come out of on-going discussions between the City, Snohomish County, Town of Woodway, property owner, citizens of Richmond Beach, etc. He advised that the City Council would have a number of options to consider about whether or not to move forward, but he expressed his belief that stopping at this point in the process would not be in the City's best interest.

Mr. Tovar referred to Exhibit 28 (Page 21 of the Staff Report), which is a list of the potential subarea plan and pre-annexation zoning amendments. He and the Commission briefly reviewed each of the potential subarea plan amendments as follows:

- **Amendment 1** – Mr. Tovar advised that this amendment would add a new Policy PW-1A stating that the vision for Point Wells is to be an environmentally sustainable mixed-use community. Vice Chair Perkowski pointed out that the language proposed in Amendment 1 is related to the language proposed in Amendment 9. Mr. Tovar explained that the language proposed in Amendment 9 assumes adoption of Amendment 1 and is intended to provide more policy information.

- **Amendment 2** – Mr. Tovar advised that this amendment would clarify the intent of the Transportation Implementation Plan by modifying PW-7 to indicate the City would not just require a transportation study, but an implementation plan, as well. The study would lead to the plan, and the plan would include schematic design and the other items that were listed previously. It would deal with issues related to all road segments and intersections between SR-104 and North 175th Street, with particular attention focused on Richmond Beach Drive and Richmond Beach Road. When the scope for the transportation study and plan is prepared, staff would follow the direction given in PW-7.

Commissioner Behrens pointed out that the proposed language does not identify an eastern boundary for the transportation study area. Mr. Tovar agreed and suggested the language be changed to identify I-5 as the eastern boundary. This would provide boundaries for all four sides of the study area. Vice Chair Perkowski asked if staff would provide an illustration to show the scope of the road segments and intersections. Mr. Tovar said this would be easy to provide and could be helpful. However, the policy already identifies clearly demarcated boundaries.

- **Amendment 3** – Mr. Tovar recalled there was a concern that the City might use dated information from the County to conduct their traffic and safety analysis, and the proposed language clarifies that the County information was used as background information and provided a basis for the City’s conclusion that more information was needed before approval of a specific project at Point Wells.

Commissioner Pyle questioned the use of the term “should” in the last sentence of proposed Amendment 3 and questioned if “shall” would be a better term. Mr. Tovar answered that this is a policy statement, and the term “should” is appropriate.

- **Amendment 4** – Mr. Tovar recalled the Commission recommended the proposed language require both a Transportation Corridor Study and an Implementation Plan. Commissioner Piro recommended the study should also evaluate and expand bicycle and pedestrian safety and mobility and multi-modal strategies.
- **Amendment 5** – Mr. Tovar said additional language was added regarding the Transportation Implementation Plan and is verbatim from the email staff received from Commissioner Piro.

Commissioner Piro said he believes the language proposed in Amendment 5 accurately reflects the Commission’s earlier discussion that any improvements that are developed at Point Wells, Richmond Highlands, and adjacent neighborhoods should look at opportunities for improving mobility of existing areas and not just exclusively the new development at Point Wells.

- **Amendment 6** – Mr. Tovar explained that this potential amendment would insert words into PW-7 to be clear they are not just talking about a transportation study, but also an implementation plan. Commissioner Piro suggested the study and transportation plan should identify needed investments and services, including design and financing, for multimodal solutions to improve mobility and accessibility within the Richmond Beach Neighborhood and adjacent communities. In addition PW-

8 and PW-9 should be changed to clarify that a Transportation Corridor Study and Implementation Plan would be required.

- **Amendment 7** – Mr. Tovar observed that, historically, there has not been a lot of multimodal activity in this area. The road network was built a long time ago, and mobility and accessibility in Richmond Beach and nearby areas has been dominated by single-occupancy vehicles. The City has policies that talk about improving pedestrian bike facilities, but most have not been implemented because of financial constraints. The proposed policy objective makes the observation that the Richmond Beach Corridor has been served by a Metro route. Although rail service at Richmond Beach has been talked about in the past, no service is identified in Sound Transit’s adopted 20-year plan. The proposed language points out that while improved transit, bicycle and pedestrian mobility is a long-term policy objective, the majority of trips in the area are likely to continue to be by automobiles that utilize the road network.

Mr. Tovar said the amendment also includes changes to PW-9 to require the City to address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Master Plan. Staff met yesterday with representatives from Sound Transit, who are looking at light rail alignments. Their decisions must be meshed with the City’s Transportation Master Plan and Comprehensive Plan update. For example, one of the station areas is at 185th and I-5, so everything between Richmond Beach and the station should be examined as potential multimodal opportunities.

Commissioner Piro pointed out that the language he proposed was an attempt to respond to Chair Wagner’s earlier comment that the language considered on December 3rd seemed very abrupt and needed more context. He felt staff did a good job of responding to this concern.

Chair Wagner asked if the City would be responsible for addressing additional multimodal opportunities, or if the traffic study would recommend opportunities for the City to implement. Mr. Tovar recalled Commissioner Broili’s recommendation that the Commission view the long-term implications of the proposed language.

- **Amendment 8** – Mr. Cohn advised that the proposed amendment would expand the language in the section titled, “Future Vision for Point Wells,” to incorporate issues raised at the end of the December 3rd meeting regarding future opportunities and eventualities for the Point Wells site and adjacent neighborhoods and communities after development occurs. The language is intended to point out that although the proposed subarea plan would be a 20-year document, the City should think beyond 20 years. The City should also consider the long-range costs of the near-term and mid-term actions.

Commissioner Piro recalled that Commissioner Broili expressed a need to look aspirationally at other eventualities and accommodate them as the area evolves and matures. The City should be aware of new practices for environmental restoration, maintenance improvements, etc.

- **Amendment 9** – Mr. Tovar said proposed Amendment 9 would add language at the end of PW-1A to incorporate some of the thinking about naming not just lands within 200 feet of the shoreline, but also the aquatic lands, as something that should be carefully designed and implemented to minimize impacts and achieve long-term sustainability. New bulkheads would not be permitted, and the detrimental effects of existing bulkheads should be reduced by using alternative, more natural stabilization techniques. Vice Chair Perkowski asked why the proposed amendment uses the word restoration. He suggested there is more to it than just restoration. The Commission agreed to discuss this issue as part of their deliberation.

Public Testimony on Revisions to Proposed Point Wells Subarea Plan

Wendy DiPeso, Shoreline, questioned if the transportation plan requirement would look beyond the traffic impacts at Point Wells to include other development projects that are going on close by. Mr. Tovar said that before any development occurs at Point Wells, the City will have completed their Transportation Master Plan update, which will provide information about background traffic (traffic generated by other developments expected to occur under the plans that are in place). Background traffic will be factored into the forecasts for future traffic impacts to the City's road grid.

Commissioner Piro observed that some of the potential amendments are related to the Transportation Study and Implementation Plan to ensure that it captures development not only at Point Wells, but along the Corridor and adjacent neighborhoods, as well.

Michael Strand, Shoreline, said he believes the anticipated 8,250 additional vehicle trips per day from the Point Wells site is too high, and it is unconscionable the City would consider a number that is even 1/10 that high. The additional traffic would have a significant impact on the Richmond Beach Neighborhood, as well as other properties on the west side of Aurora Avenue. He pointed out that not all the traffic must come through Richmond Beach. However, creating an annexation plan for the Point Wells site would force the impacts from Point Wells to come through Richmond Beach. Another option would be for the City to oppose the annexation and let the project develop as part of Snohomish County. The City could block the road, with the exception of allowing historical access on Richmond Beach Drive, and all of the problems would go away. If the property is annexed into the City as proposed, the developer would have total control over what happens in the area and all of the impacts would go through Shoreline. This would be a travesty for the citizens of Shoreline, and there will be no benefits.

Mr. Tovar explained that staff has talked to the City Attorney and reviewed existing rights-of-way, regulations that apply to environmentally sensitive areas and steep slopes, and existing code requirements in Woodway and Snohomish County. They are also aware of what the State Growth Management Act says about critical areas. People have suggested a road be developed to the north following the tracks to Edmonds, and they have also suggested new switchback roads going up the hill into the bluff area and connecting back to 238th in Woodway. However, there are a number of legal, environmental and political reasons why the City of Shoreline does not believe these other options would be practical. He noted that legal access has been made available to Point Wells through Shoreline for decades, and the City does not have the legal authority to close this access. If Woodway were to

create a public right-of-way down to the property through the Town of Woodway, the circumstances would be different.

Mr. Tovar explained that, as proposed, 8,250 additional vehicle trips would not be an absolute legal right of the property owner. The City would have some choice about how many vehicle trips that would accept, but keeping it to what it has been historically is unlikely to prevail long term. Snohomish County would permit some type of development of greater density than what is currently on the site. Their proposed urban center designation would allow twice the vehicle count that is proposed by Shoreline as a maximum. He clarified that the traffic analysis in the SEIS identifies a tipping point of 8,250, beyond which more of the City's intersections would experience failure. He emphasized that the property owner has not completed an architectural analysis of what can be done on the property. However, he expressed his belief that the developer would not likely be able to fit such an intense development on the property given the proposed setback and zoning requirements. It is unlikely the development would result in 8,250 vehicle trips per day.

Commission Deliberations on Proposed Point Wells Subarea Plan and Vote by Commission to Recommend Approval or Denial or Modification

COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND APPROVAL OF THE PROPOSED SUBAREA PLAN FOR POINT WELLS WITH ADDITIONAL COMMISSION AMENDMENTS. COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Piro expressed his belief that the proposed language is a sound approach for the City to take to get a subarea plan and pre-annexation zoning in place. The language expresses the Commission's intention and desire for the area. The Commission has received excellent input from the staff and the public. In addition, they had a very rich conversation at their last meeting that provided solid rationale for the proposed amendments that have been crafted and brought before the Commission for consideration. Commissioner Pyle concurred.

Commissioner Piro referred to Amendment 1 and expressed his belief that it is very good to have an overall policy to introduce the intent of the proposal. The language proposed for PW-1A ties in well with the City's existing Comprehensive Plan, and he likes the fact that it relates very squarely to sustainability and the excellent work the City has already done to adopt a sustainability strategy.

COMMISSIONER BEHRENS MOVED THE COMMISSION APPROVE AMENDMENT 1. COMMISSIONER PYLE SECONDED THE MOTION.

Chair Wagner pointed out that the language should be changed to replace "has provided" with "provides." The remainder of the Commission concurred.

Commissioner Behrens said the proposed amendment is well written and adds substantially to the subarea plan. Commissioner Pyle added that the proposed amendment meshes well with the existing Comprehensive Plan and the City's Environmental Sustainability Strategy. It will also allow for the

efficient use of space at the site and promote the preservation of certain features that are important to the community.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 1, TO READ AS FOLLOWS:

“PW 1A: The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development practices, and which provides extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces.”

COMMISSIONER BEHRENS MOVED THE COMMISSION APPROVE AMENDMENT 2. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Behrens said the whole idea of doing a transportation implementation plan is good, and the additional language makes the requirement even better. It provides clarity and would involve various communities and organizations in the process. A very precise traffic management plan would be required in order for the area adjacent to Point Wells to continue to function.

Commissioner Piro expressed his belief that the proposed language responds to not only the Commission’s direction to expand the study area, but is also very sensitive to public concerns. They want more than just a traffic study; they want implementation of a traffic plan. They want the end product to not only serve the Point Wells property, but the adjacent communities, as well.

Commissioner Piro said he originally thought the language should also address options for a Sound Transit light rail station connection when focusing on various modes of travel along the Corridor. However, he said he is comfortable leaving the language as it is, knowing that decisions related to light rail have not yet been worked out. The other policies include provisions to address this issue, as well.

Commissioner Behrens suggested that the last sentence be changed to include I-5. Commissioner Pyle recommended that “transit” be inserted between “vehicular” and “bicycle” in the last sentence. Commissioner Piro suggested that “investments” replace “improvements” in the last sentence and throughout the Subarea Plan.

Commissioner Piro explained that while public works and engineering staff see anything they are able to build and/or construct as being an improvement, there are necessities that members of the community might not view as improvements. He said he prefers a more neutral term such as “investment.” Mr. Tovar added that using the term “investment” would also encompass programs such as public education and information.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 2, WHICH WAS AMENDED TO READ AS FOLLOWS:

“PW-7: To enable appropriate traffic mitigation of future development at Point Wells, the developer should fund the preparation of a Transportation Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with the input and participation of Woodway, Edmonds, Snohomish County and WSDOT. The Study and Transportation Implementation Plan should identify, engineer, and provide schematic design and costs for intersection, roadway, walkway and other public investments needed to maintain or improve vehicular, transit, bicycle and pedestrian safety and flow on all road segments and intersections between SR 104, N. 175th Street, and I-5 with particular attention focused on Richmond Beach Drive and Richmond Beach Road.”

The Commission agreed they would like staff to provide a graphic to illustrate this concept further. Mr. Tovar advised that the graphic could be provided at a later date.

COMMISSIONER PYLE MOVED THE COMMISSION APPROVE SUBAREA TEXT IN AMENDMENT 3 TO READ AS FOLLOWS:

“A traffic and safety analysis performed by the City in the summer of 2009 evaluated the nature and magnitude of impacts likely to accrue from the development of Point Wells as an “Urban Center” under Snohomish County zoning, as well as development scenarios assuming lesser orders of magnitude. This background information provided a basis for the City to conclude that, prior to the approval of any specific development project at Point Wells, the applicant for any development permit at Point Wells should fund, and the City oversee, the preparation of a detailed Transportation Corridor Study.”

COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Pyle expressed his belief that the amended language reads better and is more logical. Commissioner Piro agreed that the amended language is clearer and allows for changes that might take place in the future.

THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER PYLE MOVED THE COMMISSION APPROVE THE SUBAREA TEXT IN AMENDMENT 4. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Pyle commented that the proposed amendment clarifies why the study is needed and provides more direction. Commissioner Piro recalled that Commissioner Broili first introduced the idea that a multimodal approach needs to be deliberately articulated in the proposed language. He said he likes the additional language about addressing bicycle and pedestrian mobility, as well. The City has a real opportunity to enhance and develop improved bicycle and walking opportunities in the entire area.

Commissioner Behrens recommended that “State Route 99” should be replaced with “Interstate 5.” Mr. Cohn pointed out that Amendment 4 is intended to specifically apply to Richmond Beach Drive and Richmond Beach Road. Commissioner Behrens said he understands that they are dealing with Richmond Beach Road, but the impacts will not stop at State Route 99. If they are going to expand on

the idea of improving bicycle and pedestrian safety and mobility, the more reasonable option would be to extend the improvements all the way to Interstate 5 where transit is available.

Commissioner Piro pointed out that previous policy statements clearly define the Corridor, so there is really no need to redefine the boundaries in Proposed Amendment 4. He suggested they delete the reference to NW 205th and State Route 99, altogether.

Chair Wagner suggested the second sentence be refined to make it clear that the intent is to affect improvements. She cautioned that the City would not want to require improvements or investments along every intersection and road between Point Wells and Interstate 5. While they want the study to be comprehensive to identify where major impacts would occur and how they would be addressed, the Richmond Beach Corridor is the main focus of this particular policy statement.

Commissioner Pyle pointed out that Amendment 4 is intended to be a specific statement about the Richmond Beach Corridor, but the current proposal does not clearly define the Corridor. He suggested the Corridor be defined as “all the way from the Point Wells site to State Route 99 and the intersections in between.” Commissioner Behrens pointed out that the Corridor is defined in Amendment 2, and this definition should be consistent throughout the proposed subarea plan.

Commissioner Pyle suggested the first sentence of the proposed amendment be changed to read, “The Study should include an evaluation of projected impacts on vehicular flow . . .” He agreed there is no need to include another statement that describes the Corridor. The remainder of the Commission concurred.

Commissioner Piro agreed with Chair Wagner that the second sentence of Amendment 4 is awkward. Mr. Cohn suggested the second sentence be changed to read, “The study should also evaluate expanded bicycle and pedestrian safety and mobility investments, and identify “context sensitive design” treatments for intersections, road segments, block faces, crosswalks and walkways in the study area . . .” He suggested that requiring context sensitive treatments for every intersection may be too extensive. Mr. Tovar agreed it would be appropriate to make the statement more general, as long as they recognize the amendment was intended to respond to public comments. He suggested “as appropriate” could replace “every.” He emphasized that pedestrian and bicycle movement and safety are issues west of State Route 99.

Chair Wagner suggested that if the language is changed as recommended by staff, it would merely restate the policy statement. She reminded the Commission that the policy statement indicates that particular attention should be focused on Richmond Beach Drive and Richmond Beach Road. She suggested the language should make it clear that context sensitive design treatments should be identified for every intersection on the Corridor.

Commissioner Piro recommended the second sentence of Amendment 4 be changed to read, “The Study should evaluate expanded bicycle and pedestrian safety and mobility investments and identify appropriate context sensitive design treatments for intersections, road segments, block faces, crosswalks, and walkways in the study area with emphasis on Richmond Beach Road and Richmond Beach Drive.”

Commissioner Pyle pointed out that the last sentence of Amendment 4 is duplicative of PW-7 and could be eliminated.

Commissioner Behrens said another option is to amend the second sentence to read, “The Study should evaluate and recommend improvements for bicycle and pedestrian safety and mobility. The remainder of the sentence could be deleted. Commissioner Piro said he would like to retain the language related to context sensitive design, since it is important that treatments are designed to fit the neighborhood.

Vice Chair Perkowski suggested that “identify” would also be a more appropriate word than “recommend.” The remainder of the Commission concurred.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 4, WHICH WAS AMENDED TO READ AS FOLLOWS:

“The Transportation Corridor Study and Implementation Plan should include an evaluation of projected impacts on vehicular flow and levels of service at every intersection and road segment in the Corridor. The study should also evaluate and identify expanded bicycle and pedestrian safety and mobility investments and identify “context sensitive design” treatments as appropriate for intersections, road segments, block faces, crosswalks, and walkways in the study area, with emphasis on Richmond Beach Road and Richmond Beach Drive.”

COMMISSIONER PIRO MOVED THE COMMISSION APPROVE THE SUBAREA TEXT IN AMENDMENT 5. COMMISSIONER BEHRENS SECONDED THE MOTION.

Commissioner Piro advised that Amendment 5 is intended to provide clarification. Commissioner Behrens said the amendment language is well written and precise. It sets the ground work for the policies that come after.

Chair Wagner proposed that the last sentence be changed to replace “than current” with “that currently.”

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 5, WHICH WAS AMENDED TO READ AS FOLLOWS:

“A Transportation Implementation Plan - a Corridor Study would be a step in the development of such a plan. The scope of the transportation plan should include a multimodal approach to mobility and accessibility to and from Point Wells, as well as detailed planning for investments and services to improve multimodal travel for adjacent communities between Point Wells and I-5. This could well include an integrated approach to accessing Point Wells, the Richmond Beach neighborhood, and Richmond Highlands with the Bus Rapid Transit system along Aurora Avenue, the I-5 Corridor itself - focusing on the interchanges at N. 205th and N. 175th, as well as the Sound Transit light rail stations serving Shoreline.

While the analysis of vehicle flows is appropriate as part of the study, the solutions should provide alternatives to vehicle travel to and from Point Wells - as well as more transportation choices than

those that currently exist today for the Richmond Beach neighborhood and adjacent communities.”

COMMISSIONER PYLE MOVED THE COMMISSION APPROVE AMENDMENT 6. COMMISSIONER PIRO SECONDED THE MOTION.

Commissioner Pyle observed that the changes are intended to make the language consistent with the previous paragraphs. Commissioner Piro concurred. However, he suggested that “public improvements” be changed to “public investments.”

Chair Wagner pointed out that the language in Amendment 6 is intended to apply to communities adjacent to Point Wells, so the language should be changed to make this clearer. Commissioner Piro added that the amendment is intended to apply to adjacent communities along the Corridor and not just Point Wells.

Mr. Tovar pointed out that “Study and Transportation Plan” should be changed to “Transportation Corridor Study and Implementation Plan.” The remainder of the Commission agreed that the term should be used consistently throughout the document.

Commissioner Pyle expressed his concern that PW-9 is one of the most important pieces of the subarea plan, and further discussion would be appropriate. The Commission agreed to eliminate the language in Amendment 6 related to PW-9, and then deal with PW-9 separately.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 6, WHICH WAS AMENDED TO READ AS FOLLOWS:

“PW-7: To enable appropriate traffic mitigation of future development at Point Wells, the developer should fund the preparation of a Transportation Corridor Study as the first phase of a Transportation Implementation Plan, under the direction of the City, with the input and participation of Woodway, Edmonds, Snohomish County and WSDOT. The Study and Transportation Implementation Plan should identify, engineer, and provide schematic design and costs for intersection, roadway, walkway and other public improvements investments needed to maintain or improve vehicular, transit, bicycle and pedestrian safety and flow on all road segments and intersections between SR 104, and N. 175th Street, and I-5 with particular attention focused on Richmond Beach Drive and Richmond Beach Road. The Study and Transportation Plan should identify needed investments and services, including design and financing, for multimodal solutions to improving mobility and accessibility within the Richmond Beach neighborhood and adjacent communities, including but not limited to investments on Richmond Beach Drive and Richmond Beach Road.”

“PW-8: The needed mitigation improvements identified in the Transportation Corridor Study and Implementation Plan should be built and operational concurrent with the occupancy of the phases of development at Point Wells.” (Note: PW-9 would be dealt with separately.)

COMMISSIONER PIRO MOVED THE COMMISSION APPROVE THE SUBAREA TEXT PORTION OF AMENDMENT 7. (Note: PW-9 would be dealt with separately.) VICE CHAIR PERKOWSKI SECONDED THE MOTION.

Commissioner Piro recalled that Chair Wagner previously recommended that language be amended to provide more context, and the proposed language addresses her concerns. However, he suggested the language could have also introduced the City's approach to Level of Service (LOS). He said he would share his ideas when the Commission specifically discusses PW-9.

Chair Wagner pointed out that the proposed language uses the number identified in the City's traffic study, which is the most professional opinion the Commission has on the matter. She expressed her belief that it is appropriate to reference the study and include the numbers as a baseline for which subsequent decisions would be made.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 7 TO READ AS FOLLOWS:

“Historically, mobility and accessibility in Richmond Beach and adjacent communities has been dominated by the single occupancy vehicle. Provision of bicycle and pedestrian facilities has been limited because retrofitting an existing road network with these facilities is an expensive undertaking. The Richmond Beach Road Corridor is served by a single Metro route and, though rail service to a station in Richmond Beach was evaluated by Sound Transit, no service is envisioned in the transit agency's adopted 20 year plan. Though improved transit, bicycle and pedestrian mobility is a long-term policy objective, the majority of trips in the area will likely continue to be by automobiles utilizing the road network. The City's traffic study completed in 2009 shows that if more than 8,250 vehicle trips a day enter the City's road network from Point Wells, it would result in a level of service “F” or worse at a number of City intersections. This would be an unacceptable impact.

Therefore, the City should establish a maximum daily traffic trip threshold originating from Point Wells and require preparation of a Transportation Corridor Study to identify necessary mitigations.”
(Note: PW-9 would be dealt with separately.)

COMMISSIONER PIRO MOVED THE COMMISSION APPROVE AMENDMENT 8. COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Piro commended Mr. Cohn for doing a great job of capturing the Commission's intent and finding a solution to the valid and rich issue raised by Commissioner Broili at the last meeting.

Chair Wagner observed that the first paragraph talks about working with the Town of Woodway to reduce potential impacts, and she questioned if the language should include the City of Edmonds, as well. She noted that the policy statement references both the Town of Woodway and Snohomish County. Mr. Tovar referred to a letter the City received from the City of Edmonds discussing their concerns about impacts on SR-104 as it travels through their City. At the time the language was drafted,

they had not yet received input from the City of Edmonds. He agreed it would be appropriate to name Edmonds in the proposed amendment, as well. The Commission concurred.

Commissioner Pyle noted that “years” should be added after the second “20” in the language proposed by staff.

Commissioner Behrens referred to the wording in the last sentence. Rather than connecting Woodway to Puget Sound, the goal is to connect Woodway to Point Wells via bicycle. Mr. Tovar said the language was drafted to recognize that the Woodway community would like an opportunity to access the saltwater shoreline below. He explained that City staff has been talking with the Town of Woodway for several months to identify their concerns and interests, and they indicated their desire to have access to Puget Sound. While the result would be the same either way, Commissioner Behrens once again suggested the language should talk about connecting Woodway and Point Wells.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 8, WHICH WAS AMENDED TO READ AS FOLLOWS:

“Subarea Text: The City should work with the Town of Woodway and Edmonds to identify ways in which potential future development in the lowland portion of Point Wells could be configured or mitigated to reduce potential impacts on Woodway. There is no practical primary vehicular access to the lowland part of Point Wells other than via Richmond Beach Road. However, the City should work with property owners and Woodway to provide a bicycle and pedestrian route between Woodway and Point Wells.

The Growth Management Act states that cities, rather than county governments, are the preferred providers of urban governmental services. Because urban governmental services and facilities in Shoreline are much closer to Point Wells than are similar services and facilities located in Snohomish County, it is most efficient for the City to provide those services.

Working with its public safety partners, Shoreline Fire Department and Shoreline Police Department, the City should invite Snohomish County to discuss an interlocal agreement to address the timing and methods to transition local governmental responsibilities for Point Wells from the County to the City. Included in these discussions should be responsibilities for permitting and inspection of future development at Point Wells, and possible sharing of permitting or other local government revenues to provide an orderly transition.

PW-10: The City should work with both the Town of Woodway, Edmonds and Snohomish County toward adoption of interlocal agreements to address the issues of land use, construction management of, urban service delivery to, and local governance of Point Wells.

New text for Subarea Plan (directly under “A Future Vision for Point Wells”): The Subarea Plan, intended to be a 20-year plan document, envisions a Point Wells development that could take longer than 20 years to become fully realized. Because of the time horizon of the plan and future development, the City, in its decision-making, should consider the long-term costs of near-term actions and make choices that reflect a long-term perspective.”

VICE CHAIR PERKOWSKI MOVED THE COMMISSION APPROVE AMENDMENT 9. COMMISSIONER PIRO SECONDED THE MOTION.

Vice Chair Perkowski reviewed that the proposed amendment is intended to provide more description about what is meant by “environmentally sustainable.” He said that while the Commission has had a lot of discussion about transportation impacts, they have not had an extensive discussion regarding environmental impacts. He observed that there is plenty of science to support the idea that one of the biggest problems with Puget Sound is the interruption of natural processes, particularly in the sensitive environments. There is also evidence about the destruction of habitat that is caused by bulkheads and hardened shoreline armory. The proposed language would be consistent with the City’s goal to be environmentally sustainable and have low impact. However, he suggested the language be amended to prohibit additional over-water structures and new bulkheads. He said there is scientific evidence about the negative impacts of these structures in the near shore environment.

Commissioner Piro agreed that the proposed amendment adds value and clarity, once again bringing in principles that have been developed in other City planning documents such as the Environmental Sustainability Strategy. Given the location of Point Wells, sustainability should be addressed as part of the subarea plan.

Commissioner Piro suggested the language in Amendment 9 be divided into two separate policies. One policy could talk more broadly about sustainability and the vision, and the second policy could talk specifically about the aquatic and shoreline issues. The remainder of the Commission concurred.

Vice Chair Perkowski suggested that “restoration of” be changed to “uses and development of and near.” Chair Wagner asked if the language is intended to include restoration activities, as well. Vice Chair Perkowski answered affirmatively.

Commissioner Pyle suggested the last sentence be changed to require that existing bulkheads be removed and replaced with alternative, more natural stabilization techniques. Vice Chair Perkowski said he likes the idea of removing existing bulkheads, but there may be situations where removal would not be feasible or appropriate.

Mr. Tovar reminded the Commission that a Shoreline Master Program amendment would come before them in 2010, and they will review each of these issues in great detail. He suggested the policy statement should remain general, merely indicating concern about environmental issues. He emphasized that the subarea plan and pre-annexation zoning will not be the only regulations that govern what happens with the bulkheads. The Shoreline Master Program would determine whether or not it is appropriate to remove a bulkhead and how it should be removed to minimize contamination.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 9, MAKING IT TWO SEPARATE POLICIES, TO READ AS FOLLOWS:

“PW-1A: The Vision for Point Wells is an environmentally sustainable mixed-use community that is a model of environmental restoration, low-impact and climate-friendly sustainable development

practices, and which has provided extensive public access to the Puget Sound with a variety of trails, parks, public and semi-public spaces.

PW-1B: Use and development of and near the Puget Sound shoreline and aquatic lands at Point Wells should be carefully designed and implemented to minimize impacts and achieve long-term sustainable systems. New bulkheads or over-water structures should not be permitted and the detrimental effects of existing bulkheads should be reduced through removal of bulkheads or alternative, more natural stabilization techniques.”

COMMISSIONER PIRO MOVED THE COMMISSION APPROVE NEW TEXT FOR POLICY PW-9 TO READ AS FOLLOWS:

“The City should address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Management Plan. Maximum daily traffic on Richmond Beach Drive from Point Wells should maintain a Level of Service (LOS) of C or better, in a manner that reduces existing single-occupancy vehicle trips in the Richmond Beach Road Corridor.”

COMMISSIONER PYLE SECONDED THE MOTION

Commissioner Piro expressed his belief that the way the language was crafted with numeric targets satisfies some very solid work that staff has done to articulate something that avoids the worst case scenario. However, it also sounds like the City is settling for something that is a step above worst case scenario. Instead, they should talk about a whole system of movement and mobility into and out of the area that really seeks solutions that not only benefits the Point Wells development but the entire community. He said he would like to avoid the dramatic and seemingly overwhelming numbers. He suggested the City consider other options for developing transportation facilities and improving mobility in this area. If the development would introduce 825 additional peak hour trips, something else needs to happen to take 825 of the current trips off the streets so there would be no net gain. He said he envisions opportunities to pair a light rail station at 185th with a neighborhood hub transit station at Richmond Beach. He summarized that the City needs to look at a solution that serves the existing communities, as well as the residents of the new development at Point Wells. It is important to offer the entire community better options for transit and other non-motorized transportation.

Commissioner Pyle said he likes the language proposed by Commissioner Piro because it relies more on the actual LOS. They should keep in mind that the subarea plan is intended to be a 20-year plan, and the numbers identified in the Transportation Study may not be viable in the next 20 years. Relying on LOS would be more consistent with the modeling at the time a proposal goes forward.

Chair Wagner pointed out that the traffic study identifies that some intersections are anticipated to have an LOS that is less than Level C by 2025, even without the additional traffic from Point Wells. Commissioner Piro said he would be open to changing the LOS he identified in his proposed language. He said he does not believe it is unrealistic to maintain a Level C or D on the Corridor while taking on additional development. He said the proposed language helps communicate the City’s vision if the

property is not annexed to the City and becomes an urban center as part of Snohomish County. He said he knows of no urban center in the region that is not expected to maintain LOS and move towards a mixed mode of travel with a transit component.

Commissioner Behrens observed that the transportation matrix is what makes redevelopment of Point Wells so difficult. Absent the transportation issues, everyone would love for Point Wells to be redeveloped. He suggested the City should strive to create policy language that minimizes private vehicle transit. The Transportation Corridor and Implementation Study should not assume there would be 8,250 trips per day. Instead, it should assume the minimum possible impact to the community, and it should be the developer's responsibility to design a project that accomplishes that goal. He summarized that a plan that allows 8,250 cars to drive a mile to meet a major transit station would be better than allowing 8,250 cars to travel 15 miles through streets and neighborhoods. He said they should talk about LOS and its impact on the community and not the number of vehicle trips.

Chair Wagner referred to the concept of "casual carpool" which is utilized in San Francisco and Washington, D.C. Encouraging casual carpools could be an opportunity to move traffic through the City faster. Commissioner Piro encouraged the Commission to think beyond private vehicles. There are rich opportunities associated with connecting the neighborhood hub that already exists at Richmond Beach to the proposed Sound Transit light rail station and the emerging Town Center at 185th and Aurora Avenue North.

Chair Wagner suggested that instead of requiring that maximum daily traffic on Richmond Beach Road from Point Wells should maintain an LOS of C or better, they could incorporate language that would not allow the LOS to drop more than one level. Commissioner Piro reminded the Commission that the Transportation Master Plan Update would provide new direction related to LOS.

Mr. Tovar suggested that perhaps it would be appropriate to use both standards. He noted that staff's proposed language indicates that traffic shall not exceed 8,250 trips per day, but it does not say that traffic would be allowed to reach that point. He pointed out that given the existing LOS, an additional 8,250 trips per day would create too much failure. Perhaps the policy could be amended to not exceed 8,250 trips per day or whatever LOS is adopted for the Corridor as part of the City's Transportation Master Plan Update, which will be completed in 2010. The Commission agreed a combination of the two standards would be appropriate. However, Commissioner Piro expressed his desire for the language to be more aspirational.

Commissioner Pyle expressed his belief that there is some benefit associated with using a fixed numbers to limit what can happen. However, if the City desires to assume a form-based code that is more reliant on the design of the site and less concerned about what is inside the buildings, the Commission should keep in mind that using fixed numbers is a reverse way of implementing a density cap. Mr. Tovar reminded the Commission that most of the public concerns were related to traffic impacts. The proposed language would identify a benchmark and then let the applicant figure out how to make it work. He said he is not sure the property could be developed to a density that would reach the maximum 8,250 vehicle trips per day given the other code requirements that would also apply.

Commissioner Pyle pointed out that a fixed number would be non-negotiable. Using an LOS standard would allow a developer to redesign the entire transportation Corridor, with the City's participation, and fund the entire rebuild of the Corridor to get more density. The drop in LOS could be mitigated by improving the infrastructure to raise the LOS. Mr. Tovar summarized that if intersections are rebuilt to improve their functionality, they will have a greater capacity to accommodate traffic before the LOS drops. Chair Wagner agreed this would address potential problems at intersections, but not all the other real or perceived impacts related to traffic flow.

Commissioner Behrens pointed out that Snohomish County experienced a similar situation at 164th Street where a huge number of apartment complexes were being built along the Corridor, creating traffic congestion. Instead of a building moratorium, the developers agreed to contribute a certain amount of money for each new unit that was built to fund transit. This would allow them to offset the additional number of people by building up the transit Corridor. He suggested the City do something similar as part of their Transportation Corridor Study and Implementation Plan. The City could require the developer to come up with a system that moves people without using cars.

Commissioner Piro suggested another option would be to have the developer build the Sounder Station along the commuter rail lines. The introduction of additional transit options (commuter rail, bus transit connecting to State Route 99 or Link Light Rail) could result in no additional trips on Shoreline streets. While the Point Wells development could introduce 800 new trips onto Shoreline streets, 800 existing trips could be removed by the addition of these new transit options, resulting in no net gain. He said he appreciates the value of including absolute numbers, but it should be clear that the City is not willing to reach a failure situation. They must maintain an acceptable LOS that meets established public policy and the mobility goals of the City. Any development at Point Wells should be required to make a contribution.

Commissioner Pyle suggested the following language: "The maximum daily traffic the City should permit on Richmond Beach Drive from the Point Wells development should not exceed 8,250 vehicle trips per day or a maximum peak hour rate of 825 and shall not reduce the LOS below the existing documented standard at the point of complete application." This language would establish 8,250 as a tangible cap on traffic, and they would not be allowed to reduce the LOS below the existing standard. The developer would not be penalized for the fact that the City already has a failing system, but they would not be allowed to make it worse.

Mr. Tovar reminded the Commission that if the property is developed as part of Snohomish County, the County has indicated they would rely on the City of Shoreline to identify the necessary traffic improvements to mitigate the impacts. They would rely on the City's analysis of the existing transportation system.

Commissioner Piro summarized that PW-9 could be amended to incorporate the first sentence in the language proposed by staff and an additional sentence to read, "These opportunities should be pursued in a manner that reduces existing single-occupancy vehicle trips in the Richmond Beach Road Corridor."

Again, Commissioner Pyle expressed his belief that the property owner should not be penalized if the City's system is already failing. At the same time, they should not penalize existing property owners who live near the project by allowing the new development to cause the system to fail.

Chair Wagner said she understands the concept of not allowing a developer to further degrade the LOS, but requiring them to raise the LOS if it is already below the City's adopted standard might not be appropriate. Commissioner Piro pointed out that although LOS for single-occupancy vehicles may be poor, the Corridor could be designed to allow buses through. As long as the people-moving capacity is functioning well, the LOS would remain at an acceptable level. He said he anticipates the updated Transportation Master Plan would address LOS more comprehensively, including opportunities for improved transit service.

Again, Chair Wagner expressed concern that the proposed language would require a developer to improve the LOS if it is already below the City's adopted LOS. Mr. Cohn explained that if the developer were to mitigate by providing bus service, etc., the LOS would remain the same. Chair Wagner pointed out that a developer may not be able to sufficiently mitigate to bring the LOS up to the City's adopted standard.

Commissioner Piro said there is an adequate facility expectation already in State Law through the concurrency provisions, which requires cities to have adequate facilities and services in place to serve development. The notion is that these services and facilities must be in place by the time the development is occupied or they are part of an anticipated capital improvement program within the next six years. He suggested that the proposed language would be consistent with what is already codified in State Law. If there are situations where the facilities and services are inadequate, a developer would be obligated to address the situation. Commissioner Pyle asked if the City also has an obligation to meet its adopted LOS. Mr. Tovar answered that the Growth Management Act prohibits the City from issuing a permit if a project would drop the LOS below the City's adopted standard. While this provision works well for properties within the City, the Point Wells property is not located in Shoreline. If the property is redeveloped under Snohomish County, the City would not have the ability to deny a permit even if the project would drop traffic functionality at intersections to below the City's adopted LOS.

Commissioner Pyle inquired if the City could adopt an LOS standard that is above what currently exists without a capital improvement project that would allow them to reach the new standard. Mr. Tovar explained that local governments have the authority to figure out where they want to draw the line, but they cannot issue permits for projects that will drop them below the adopted threshold. In these situations, an intersection must either be improved or the City must lower its standard.

Commissioner Piro pointed out that the currently proposed language would give the City some leverage to negotiate the future LOS. And the LOS standard would be specifically addressed as part of the Transportation Master Plan. The Commission emphasized that the proposed language would require a developer to meet the LOS and the maximum vehicle trips per day requirements. It would also stay current with the LOS standard that is in place at the time of application. They agreed the language should be divided into two separate policies.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENT 9, MAKING IT TWO SEPARATE POLICIES TO READ AS FOLLOWS:

“PW-9A: The City should address opportunities to improve mobility, accessibility, and multimodal east-west movement in the Richmond Beach Road Corridor between Puget Sound and I-5 as part of the update of the city-wide Transportation Management Plan. These opportunities should be pursued in a manner that reduces existing single occupancy vehicle trips in the Corridor.

PW-9B: The maximum daily traffic that the City should permit emanating from Point Wells may not exceed 8,250 vehicle trips per day, nor reduce the City’s adopted level of service standards for the Corridor at the time of application for development permits at Point Wells.”

Commissioner Pyle suggested that PW-6 should not allow trees and vegetation to be cut to protect a view corridor. Commissioner Piro suggested the term “public view” would make the policy more clear. He also questioned if “view shed” instead of “view corridor” would help distinguish this policy from other situations that include the word “view.” Mr. Tovar pointed out that Zoning Amendment 5 would replace “view corridors” with “public view corridors.” He noted there is only one view corridor identified on the proposed zoning map. He explained that the proposed pre-annexation zoning makes it clear that PW-6 applies to buildings and not trees and other vegetation.

Chair Wagner referred to Mr. Phisuthikul’s comment about PW-6 and how the view corridor was measured. Mr. Tovar advised that this issue is clarified in the pre-annexation zoning. She also referred to Mr. Phisuthikul’s recommendation that PW-4 be amended to change “six stories” to “65 feet.” She noted the Commission previously discussed this issue and agreed that the appropriate term was “65 feet.”

COMMISSIONER PYLE MOVED THE COMMISSION SWITCH THE ORDER OF PW-5 AND PW-6. COMMISSIONER PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

THE COMMISSION VOTED UNANIMOUSLY TO APPROVE THE MAIN MOTION TO RECOMMEND ADOPTION OF THE PROPOSED SUBAREA PLAN FOR POINT WELLS AS AMENDED BY THE PREVIOUS MOTIONS.

Staff Overview and Presentation of Preliminary Staff Recommendation and Questions from the Commission Regarding Proposed Point Wells Pre-Annexation Zoning Text and Map

Mr. Tovar reviewed the potential amendments to the Point Wells Pre-Annexation Zoning as follows:

- **Amendment 2.** Mr. Tovar said Vice Chair Perkowski and others raised the issue of whether there should be a requirement for site plan approval. The proposed amendment would require that any application for site plan approval must be processed as a Type C Permit. That means the Planning Commission would conduct a public hearing and make a recommendation to the City Council. The amendment would also state that no building, grading, or other development permits would be issued

until the City has first given site plan approval and an administrative design review permit is processed and approved by the Planning Commission or the Planning Director.

- **Amendment 3.** Mr. Tovar said Vice Chair Perkowski cautioned that the language should not just address land that is landward 200 feet, but also aquatic lands.
- **Amendment 4.** Mr. Tovar said a few of the Commissioners expressed concern that not all of the things on the list of mandated items that must included in a restoration plan would be practical or appropriate. The original language was mandatory and prescriptive, and the amended language is more flexible to identify items that should be addressed. A feasibility assessment could be done to identify those that are practical, and a final judgment could be made at the time of permit evaluation.
- **Amendment 5.** Mr. Tovar advised that this amendment would replace all references to “view corridors” with “public view corridors.”
- **Amendment 6.** Mr. Tovar said Commissioners previously made the point that the City does not want to require that all fill be removed, just contaminated fill. The amendment would add the word “contaminated” before “fill.”
- **Amendment 7.** Mr. Tovar advised that the proposed amendment would provide more clarification about the requirements for the portions of buildings that are higher than 65 feet. The portions of the buildings that are lower than 65 feet could be closer than 100 feet, but the portions that are greater than 65 feet must be at least 100 feet away from each other. He noted that a drawing would be incorporated into the document to illustrate the intent.
- **Amendment 8.** Mr. Tovar said this amendment would delete the earlier language that talked about managing the stormwater. This would not be applicable since stormwater would be managed via direct flow because the property is located next to the Sound.
- **Amendment 9.** Mr. Tovar advised that Amendment 9 would include a new map to illustrate how the view corridor was measured.
- **Amendment 1.** Mr. Tovar recalled that the question was previously asked about whether a property owner should be allowed to break the property up and have several different developments at Point Wells as opposed to one large master plan. The proposed amendment was intended to create an incentive for the developer to keep the property together by establishing a minimum acreage requirement. Any development in PLA 1A and PLA 1B would be subject to review of a comprehensive site plan for the entire property held in common ownership. The amendment is intended to make the point that just because PLA 1A and PLA 1B are zoned differently does not mean they should be developed separately. The site plan must be applied to all properties that are owned in common. Commissioner Pyle suggested that perhaps a developer could be allowed to divide the property into smaller pieces through a binding site plan process.

Public Testimony on Revisions to Proposal Regarding Proposed Point Wells Pre-Annexation Zoning Text and Map

Michael Strand, Shoreline, said he feels this is the City's one chance to keep Shoreline from becoming severely degraded by moving away from annexation. If the property is annexed, all of the problems will become Shoreline's issues to solve. He suggested the City rid themselves of the problem and isolate the problem in Snohomish County, which is where the project is located. It should be Snohomish County's responsibility to convince the residents of Woodway to support the project. The City should maintain the historic level of traffic on the Corridor rather than allowing access through Shoreline to Point Wells. The problems that have been discussed by the Commission would be non-existent. On the other hand, if the property is annexed to Shoreline, the City would be stuck with mitigating all the problems. He suggested the Planning Commission is more concerned about the people of Woodway and Snohomish County than they are about the problems the residents of Shoreline would have to deal with. He noted that about 200 cars pass his property each day, and the proposal would allow up to 8,250 additional cars. This would be a significant impact.

Commissioner Pyle said the Commission has considered the potential impacts associated with redevelopment at Point Wells. He explained it is not the Commission's intent to mount an effort to repel the development and/or annexation. Instead, they are working to put in place proper policy and planning standards that could be applied to future redevelopment at Point Wells rather than waiting for the court to mandate a settlement agreement.

Commissioner Behrens explained that if the City does nothing and Snohomish County decides to allow the development to occur at whatever level they feel is appropriate, the City would have no ability to control the situation, and the impacts could be significantly greater than those associated with Shoreline's proposed subarea plan and pre-annexation zoning. It is important that the City retain at least some control over future redevelopment of the property. He pointed out that Snohomish County has allowed development to occur outside of a city in unincorporated Snohomish County, and eventually the residents of the new development petition for annexation. The cities are required to provide services to the new developments, yet they have very little control over its impacts. The same would be the case with Point Wells. Services for the site would come from Shoreline, and it is important to create a way for the City to control the impacts as much as possible.

Commissioner Behrens emphasized that it would not be legally possible for the City to close the access to Point Wells. Mr. Strand agreed that the access could not be closed. However, the City is not required to provide access over and above the current level. He disagreed with the City's defacto assumption that all access must come through Richmond Beach. He recommended the City oppose the additional access since it would require them to accept responsibility for all of the consequences. The proposed development would end up destroying neighborhoods.

Commission Deliberations Regarding Proposed Point Wells Pre-Annexation Zoning and Vote by Commission to Recommend Approval or Denial or Modification

COMMISSIONER PIRO MOVED THE COMMISSION RECOMMEND ADOPTION OF THE PROPOSED PRE-ANNEXATION ZONING WITH ADDITIONAL COMMISSIONER AMENDMENTS. COMMISSIONER PYLE SECONDED THE MOTION.

COMMISSIONER PIRO MOVED THE COMMISSION APPROVE AMENDMENTS 2 THROUGH 9. COMMISSIONER PYLE SECONDED THE MOTION.

Commissioner Piro said a lot of good thinking went into the proposed amendments, both from Commission input and public comments. The proposed amendments would further improve the product. Commissioner Pyle concurred.

Commissioner Pyle recommended that Amendment 8 should be modified further. He said he believes that stormwater treatment should be required, but flow control would not be necessary. The remainder of the Commission concurred.

Vice Chair Perkowski recommended that the “Permitted and Prohibited Uses” language should be applied to the landward properties, but not the aquatic lands. This will require a definition or distinction between the two. Mr. Tovar suggested this issue would be better addressed as part of the Shoreline Master Program Update. He reminded the Commission that the Department of Ecology is very possessive of regulations within the Shoreline Management Act’s jurisdiction, especially on the waterward side of the ordinary high-water line. Therefore, he cautioned against doing Shoreline Master Program work via the zoning code. Vice Chair Perkowski said Mr. Tovar’s concerns would not prevent an amendment to Section 20.92.030 to make sure the language does include aquatic lands.

Commissioner Pyle inquired if the Shoreline Master Program Update would include a stand-alone use section. Mr. Tovar answered affirmatively. Vice Chair Perkowski said he still believes it would be a good idea to make it clear that the city would not support all of the listed uses in the aquatic lands. Mr. Tovar noted that zoning in the aquatic areas would be preempted by the Shoreline Master Program. Vice Chair Perkowski said he would like the language to be extremely limited as to what would be allowed in aquatic lands. As proposed, the language would apply to aquatic lands, which he cannot support. Mr. Tovar suggested that language could be provided to make it clear that any uses or developments that are otherwise prohibited by Chapter 90.50 would not be enabled or approved by this chapter of the zoning code. He clarified that the City’s updated Shoreline Master Program would not apply to the Point Wells property unless and until it is annexed into the City.

The Commission discussed various options for incorporating language that would make it clear that none of the provisions of the chapter would be effective within the jurisdiction of the Shoreline Master Program if they are contrary to the provisions of Chapter 90.58 (Shoreline Master Program). Mr. Tovar suggested that this new language could be added in a new Section 20.92.015 – Relation to the Shoreline Management Act. Vice Chair Perkowski said that in addition to a new Section 20.92.015, he would also like to amend Section 20.92.030 so it does not include aquatic lands. The Commission concluded that the issue should be addressed by adding additional language after “Planned Area 1” in Section 20.92.030 to read, “except none of the provisions of this chapter refer in aquatic lands.” In addition, language should be added to the Purpose and Scope section to read, “Nothing in this chapter shall be contrary to or inconsistent with the provisions of 90.58.”

Chair Wagner referred to Amendment 4 and suggested that “feasible” would be a better word than “practical.” The remainder of the Commission concurred.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF AMENDMENTS 2 THROUGH 9, WITH THE FOLLOWING CHANGES:

- *Amendment #8 – “retrofitting of existing impervious surfaces to include stormwater treatment and flow control.”*
- *Section 20.92.030 – “All uses provided for under SMC 20.40.120-.140 (including unlisted uses under SMC 20.40.570) are permitted outright in Planned Area 1, except none of these provisions refer to aquatic lands. The following uses are prohibited in Planned Area 1 and its associated aquatic lands:”*
- *Section 20.92.010 – Add language to Purpose and Scope: “Nothing in this chapter shall be contrary to or inconsistent with the provisions of 90.58.”*
- *Amendment #4 – feasible practical (last sentence)*

COMMISSIONER PYLE MOVED THE COMMISSION APPROVE THE AMENDED VERSION OF AMENDMENT 1. COMMISSIONER PIRO SECONDED THE MOTION.

Mr. Tovar recalled that the proposed acreage numbers must be modified if the boundary line is changed. He suggested the Commission direct the staff to update the minimum acreage numbers for Areas 1A, 1B and 1C based on the new boundaries. He noted that the minimum acreage requirement for Areas 1A and 1B would be equal to the total square footage of each area. He summarized that the purpose of having a minimum acreage requirement is to minimize the number of lots.

Commissioner Pyle suggested the Commission direct staff to modify the acreage by recalculating the total size of each of area based on the revised boundaries. The remainder of the Commission agreed that would be appropriate. Mr. Tovar clarified that the minimum acreage for each zone would be based on the entire area of the zone.

Commissioner Pyle clarified it is not the intent of this section to limit the future condominiumization or sale of an individual building, as long as the property is developed all at one time under one site plan. Mr. Tovar said the goal is to require that the property be designed and developed as a common site plan. While the proposed language would require a single owner to develop the property at the same time under a common site plan, the City cannot compel two different owners to have a common site plan. He cautioned that the City should avoid situations where the property is broken into separate subdivided parcels, and the proposed language would not prevent a developer from condominiumizing the development. Commissioner Pyle asked if the proposed language would prohibit a developer from dividing and selling a portion of property after the development is build out. Mr. Tovar answered no.

THE MOTION WAS UNANIMOUSLY APPROVED TO RECOMMEND APPROVAL OF A NEW SECTION 20.92.035 MINIMUM LOT SIZE AND SITE PLAN REVIEW WITH ACREAGE TO BE DETERMINED BY RECALCULATING AREAS IN 1A, 1B AND 1C BASED ON REVISED BOUNDARIES.

COMMISSIONER PYLE MOVED THE COMMISSION RECOMMEND APPROVAL OF THE REVISED PROPOSED ZONING MAP WITH THE ADJUSTED BOUNDARY BETWEEN PLA 1A AND PLA 1B. COMMISSIONER BEHRENS SECONDED THE MOTION.

Commissioner Pyle expressed his belief that the adjusted boundaries make sense given the view corridor and the proposal for different heights and development scenarios in the three areas. Chair Wagner added that the adjusted boundaries would enhance the developer's ability to have more space for parks, which is one of the zoning requirements.

THE MOTION CARRIED UNANIMOUSLY.

THE COMMISSION VOTED UNANIMOUSLY TO APPROVE THE MAIN MOTION TO RECOMMEND ADOPTION OF THE PROPOSED PRE-ANNEXATION ZONING FOR POINT WELLS AS AMENDED BY THE PREVIOUS MOTIONS.

Commissioner Behrens recalled his previous recommendation that the City come up with some way to address unforeseen costs associated with road improvements. They talked about perhaps putting money in a reserve fund to cover unforeseen costs. Mr. Tovar said the City has never used this type of approach with prior projects. Their current process is to utilize existing information to forecast the needs, demands and impacts, and then assess improvement requirements. Programs such as transportation demand management could be required as permit conditions, and some adjustments to these programs could be made over time as conditions change. However, ongoing monitoring would be required in order for this type of program to be successful. Commissioner Behrens pointed out that the potential impacts depend upon the uses that are developed on the site. The Commission agreed to place this item on their "Parking Lot" agenda to discuss at a later date.

Closure of Public Hearing

Mr. Tovar reminded the Commission that, in the future, they should close the public hearing just prior to taking final action on an item.

The public hearing on the Point Wells Subarea Plan and Pre-Annexation Zoning was closed.

DIRECTOR'S REPORT

Mr. Tovar had no items to report.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

No new business was 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

Mr. Cohn said the January 7th agenda would include a discussion about the proposed composition change for the Planning Commission, as well as their 2010 Work Program. They would also discuss the Town Center Subarea Plan.

ADJOURNMENT

The meeting was adjourned at 11:13 P.M.

Michelle Linders Wagner
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission