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July 22, 2009

The Honorable Mike Cooper  
Chair, Snohomish County Council  
3000 Rockefeller Avenue  
Everett, WA 98201

Re: 2009 Final Docket XIII – Paramount of Washington proposal

Dear Chair Cooper:

Thank you once again for the opportunity to comment and share our concerns regarding Paramount Northwest's proposed Comprehensive Plan amendment (2009 Docket XIII, SW41) to change the County's designation of Point Wells from "Urban Industrial" to "Urban Center." This letter is intended to supplement our previous comment letter dated July 8, 2009, which has already been submitted into the record for your consideration.

Additional/refined traffic mitigation costs

After submitting our earlier correspondence, the City's traffic consultant and Public Works staff prepared more detailed evaluation of the intersection improvements necessary to mitigate the traffic impacts of an Urban Center project of 3,500 dwelling units at Point Wells. In addition to the improvements defined in our July 8 letter, we identified two additional intersections requiring improvements:

- NW 196<sup>th</sup> Street and Richmond Beach Road – a total construction cost of \$1.8 million.
- NW 196<sup>th</sup> Street and 24<sup>th</sup> Ave NW – a total construction cost of \$1.5 million.

Both estimates include right-of-way acquisition, design engineering, construction engineering, contingency, and sales tax.

Hence, the order of magnitude of required traffic mitigations for an Urban Center development at Point Wells would be approximately \$3.4 million greater than indicated in our letter of July 8. The total cost of the required mitigations for an Urban Center project with a rank order magnitude of 3,500 units and 80,000 square feet of commercial floor area, is now estimated at \$33.4 million.

## GMA compliance and coordination of City and County planning for Point Wells

As we noted in our previous letter, we believe that RCW 36.70A.020(11) and RCW 36.70A.100 compel the City of Shoreline to “coordinate” our planning activities for Point Wells with adjacent jurisdictions, including Snohomish County. That is why the City’s letter of July 8, 2009 stated, “we invite the County, Paramount, and Woodway, to participate in the City’s process, with the objective of identifying coordinated, realistic, and responsible ways to establish future land use and service delivery plans for Point Wells.”

We believe these same GMA provisions compel Snohomish County to “ensure coordination” of the County’s planning for Point Wells with adjacent jurisdictions, including the City of Shoreline. Because we do not believe that such coordination has occurred to date, our July 8 letter asked the County Council to deny the pending Paramount Urban Center designation or, alternatively, to consider other options and work with Paramount, Shoreline, and Woodway to “assure that both Shoreline and Woodway will have a meaningful role in the defining the development standards and process that will apply . . .”

The City is disappointed that the County staff communications to date to such invitations have been dismissive and non-responsive to the City’s objective of “avoiding conflict” between our jurisdiction’s plans and legitimate interests. Typical of these County responses is a letter of July 1, 2009 from Craig Ladiser (copy enclosed) which states that the County “cannot support” the concept of City annexation of Point Wells because of County Policy UG-17 and OD-12.

To be clear, the City is not asking for the County “to support” City policies regarding future annexation of Point Wells. We are simply asking that you coordinate the planning efforts of our two jurisdictions, as we believe the GMA requires.

We understand that Snohomish County may have concerns regarding annexation but this should not preclude the joint planning efforts that we are currently suggesting. However, we take exception to the County staff’s interpretation of how future cross county boundary annexations should be addressed. We note that the County has identified Point Wells as part of the “Municipal Urban Growth Area” of the Town of Woodway. A 2004 published opinion by the Court of Appeals<sup>1</sup> held that nothing in the GMA precludes both Woodway and Shoreline from designating Point Wells as part of their respective future annexation areas. For many of the reasons cited in our letter of July 8, 2009, the City of Shoreline believes that the City is ultimately the logical urban service provider to Point Wells, and for that reason includes it within our proposed Future Service Area.

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<sup>1</sup> Chevron U.S.A., Inc. v. Central Puget Sound Growth Management Hearings Bd., 123 Wn. App. 161, 93 P.3d 880 (2004)

While we agree it would be useful for the County and the City to develop an interlocal agreement to address various issues (as County IC Policy 1.B.4 suggests), we don't agree that the City's annexation authority is contingent on an ILA. This very conclusion was reached by the Central Puget Sound Growth Management Hearings Board, which stated " . . . once a UGA [urban growth area] has been designated, the provisions of a county plan may not condition or limit the exercise of a city's annexation land use power. "<sup>2</sup>

Inadequate range of alternatives considered in the SEIS

The SEIS evaluated only two alternatives: the Urban Center designation and the "do-nothing alternative" (i.e., the continued operation of the site as an asphalt processing facility.) There are a wide range of possible alternatives between these two extremes. The Paramount site is quite large (61 acres) and has many constraints, many opportunities, and a wide range of individuals and organizations with a legitimate stake in the ultimate development of this property. To characterize the County Council's choices as an "all or nothing" proposition, as was suggested by at least one speaker at your July 8 public hearing, is disingenuous. We believe that such a narrow vision decreases the possibility of inter-jurisdictional coordination and increases the likelihood of conflict and litigation.

Once again, we would like to express our appreciation for the County Council's careful consideration of our concerns. We also wish to reiterate our offer to work together with the County, Woodway, Paramount and the most directly affected residents of the Richmond Beach neighborhood, to achieve a mutually satisfactory outcome.

Sincerely,



Robert L. Olander  
City Manager

Enc: July 1, 2009 letter from Craig Ladiser to Steve Cohn

cc: John Koster, County Councilman for District 1  
Brian Sullivan, County Councilman for District 2  
Dave Gossett, County Councilman for District 4  
Dave Somers, County Councilman for District 5  
The Honorable Carla Nichols, Mayor of the Town of Woodway

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<sup>2</sup> *Alpine, et al., v. Kitsap County*, CPSGMHB Case No. 98-3-0032c, Final Decision and Order, February, 1999, at 48