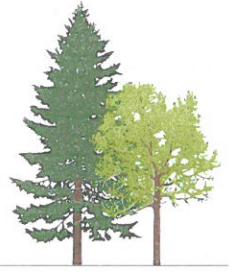


October 19, 2018

Town of Woodway
WASHINGTON



My Fellow Woodway Residents,

Some of you might have received an email or otherwise heard about the Town Council's adoption of a resolution on Sunday, declaring the Town's intent to annex Point Wells. These events have come upon us quickly. I want to assure you that a central premise underlying all of our actions related to Point Wells is to ensure local control versus being controlled.

I apologize for the length of this letter, but we believe that it's important that we provide you with information on our history with Point Wells and major issues related to the area as context for the Council's decision. We will be holding public hearings on this topic on November 5th. This background information should be helpful should you choose to attend and provide the Council with your thoughts on whether the Town should annex Point Wells. If you cannot attend the hearings, please feel free to call or email Eric Faison, our Town Administrator, with any questions or comments. He can be reached at eric@townofwoodway.com or at (206) 542-4443.

Vision

There are various opinions on the ultimate vision for Point Wells. In the meeting on November 5th, Council members will have an opportunity to share with you their individual thoughts. The vision currently contained in the Town's Comprehensive Plan started in 1999, when the Council commissioned a group of residents to provide recommendations on future land uses at Point Wells.

This Advisory Committee prepared several alternatives for consideration by the Town Planning Commission and Council. The recommended alternatives focused on mixed-use development with varying urban uses and densities. A separate alternative, desired by the Point Wells landowner at the time (Chevron-Texaco), was to maintain the current Industrial land use designation as set forth in the Snohomish County comprehensive plan. Council elected to maintain the industrial designation for Point Wells. However, Council also adopted specific policy language that stated the industrial designation would be used for the near-term, but the designation may be amended with a more intensive use when geo-political conditions warrant.

The geo-political conditions changed in 2009 when the new owners of Point Wells (BSRE) submitted a request with the County to change the zoning from Industrial to Urban Center. The County Council adopted the change, over the strenuous objections of the Town and a group of residents in Richmond Beach. Together, we sued the County, arguing that the change was illegally adopted and too dense for the area.

We won the battle but lost the war when, after the hearing and days before obtaining a ruling on the issue, BSRE submitted a development application to the County that included over 3,000 housing units. In doing so, they argued that their project was vested to the code in existence on the date of their application. We sued, all the way to the State Supreme Court. But the Supreme Court eventually agreed with BSRE and held that their application was vested to the illegal code. The County was forced to change its code to an Urban Village, but the project continued to be evaluated under the Urban Center zoning designation.

The Town has approached BSRE multiple times over the years, attempting to negotiate, among other things, an annexation of Point Wells into the Town, a limit on the building heights to ensure that view corridors are maintained, and a reduction in the residential unit count. With regard to density, this has included various proposals, ranging from as few as 800 units to a little over 2,000 units. Because the project was in the County and not in the Town, and because BSRE had vested rights, we had very little leverage and, not surprisingly, were unsuccessful.

In the meantime, the Town updated its comprehensive plan and zoning code to be generally consistent with the County's Urban Village code, as is required by the State's Growth Management Act. While the code is largely consistent, it is not identical. For example, the Town's code does not allow as much density as the County's code.

Density

Many of us appreciate the idea of a few nice shops and restaurants within walking distance from our homes, or a place to buy coffee next to the beach on a sunny day. This type of access could be positive for property values, as well as physical and mental health. It's the residential density proposed by BSRE and traffic that it generates that has caused alarm.

In that regard, it's important to note that the County recently terminated BSRE's project. As of today, barring a successful appeal, BSRE no longer has a project application and is no longer vested to the County's Urban Center code. What this means is that, if we are able to achieve an annexation of Point Wells into the Town, the Town and its residents will have significantly more influence over the density and design of any future project at Point Wells.

It is possible that the Town's zoning code will need updating if an annexation is successful. Should a zoning code update occur at that time, it is legally required to be done through a public process with significant opportunities for public participation. It also is possible that, before or after annexation, BSRE may choose to negotiate a development agreement with the Town that addresses their concerns and the concerns of residents of the Town and Richmond Beach. An agreement of this nature also would involve a public process.

While it is important to have appropriate restrictions on the allowable density at Point Wells, it is important to note that the scale of any redevelopment at Point Wells is far more likely to be decided based on factors other than the density limitations contained in the zoning code. Any project at the site will go through extensive environmental review. We know that the site has many environmental constraints, including issues with the stability of the adjacent hillside, the required cleanup of contamination at the site, and limitations on the number of vehicular trips to and from the site.

These types of constraints may significantly limit the size of any development at Point Wells irrespective of what may be allowed in the code. As a result, this proposed annexation is not just about local control over density, but also control over design compatibility.

Second Access Road

Much has been said about the prospect of a second access road from Point Wells to 116th Avenue West in Woodway. Under the terms of an agreement between Snohomish County and the Town, the Town is required to allow a secondary access if Point Wells is annexed into the Town. This requirement is subject to an evaluation of, among other things, environmental constraints and impacts on the Town's road network.

BSRE has not proposed annexing into the Town. Secondary access has not been requested by BSRE and no guarantees of access have been provided by the Town. Because the route between Point Wells and 116th is controlled by a private property owner, BSRE would first have to obtain an agreement with that property owner before pursuing a proposal for secondary access with the Town. We are not aware of any such agreement.

Annexation

It probably comes as no surprise to hear of the Town's interest in annexation. This issue has been one of frequent discussion over the years, in various forums and with varying opinions. While much of the debate has centered around density and what type of development we all can support at Point Wells, it is important to note that the issue up for discussion on November 5th is in fact the annexation itself. There is no development proposal for the Council to consider.

This issue came to the Town's attention late Thursday evening (October 11th). This is when we were informed that, on October 1st, the City of Shoreline had placed an ad in the Seattle times providing public notice of their intention to vote on an ordinance to take by condemnation all of the property owned by BSRE east of railroad tracks. This condemnation included property in the Town limits through which the Town's stormwater system for the Woodway Highlands flows. The City did not notify the Town of this ordinance, which was scheduled for a Shoreline Council vote on Monday, October 15th.

We contacted Town Council members to check their availability for a special meeting before Shoreline's ordinance was scheduled to be approved. Member availability limited the date and time to Sunday, October 14th at 10 am. The meeting was properly noticed in accordance with State law.

Given the scope of Shoreline's proposed condemnation, our long history of litigation with Shoreline related to Point Wells and services thereto (and Shoreline's repeated rejection of our efforts to negotiate a compromise), and the opportunity to annex the site without the burden of a previously approved project, Council voted unanimously to proceed with adoption of a notice of intention to annex. Shoreline has since amended its ordinance in an effort to limit its scope. However, it still does not adequately address our concerns. And the additional reasons for action remain.

The Town Council scheduled public hearings on the resolution and an annexation ordinance for November 5th. They also directed the Mayor to provide information to residents prior to the hearing. You can find a copy of the Town Council's resolution on the Town's website under "Your Government" tab.

Conclusion

We live in an age where opinions are often disguised as facts and facts are shared without context to influence opinion. We believe that it is important that you hear directly from us. We hope that this letter provides you with the facts and context for our decision to proceed down this path.

If we continue, this will be a long process and we may not be successful in the effort. But we think annexation at this time is the best way to protect the interests of our community. If redevelopment occurs at Point Wells, we believe the Town is better positioned than the County to ensure that it reflects the values of the communities that surround the site.

Sincerely,

A handwritten signature in cursive script that reads "Carla A. Nichols".

Carla A. Nichols

Mayor