

1 talking about is that staff hasn't reviewed them and  
2 approved them all.

3 Is that what we are talking about?

4 MR. STEWART: I think you will hear  
5 testimony from the Applicant as to their opinion of  
6 these conditions. If you would like us to hold our  
7 review of these until later, we would be happy to do it  
8 that way too, whichever way you prefer.

9 I think it would be better to do it now because  
10 there may be an issue here that the public would like to  
11 know about and comment upon.

12 MR. KUHN: I understand that. It's  
13 just, you know, sometimes it has occurred -- and I am  
14 not saying that this is an instance of it -- but things  
15 have come in purportedly on behalf of the Applicant, and  
16 the Applicant hasn't yet had the time to review what was  
17 submitted.

18 MR. STEWART: No. I spoke with the  
19 Applicant briefly before the meeting, and we discussed  
20 some of the items on the letter.

21 MR. KUHN: Okay. Now I'm clear.

22 MR. STEWART: All right.

23 To make the issue even more confusing, there was  
24 one concern that the Applicant had that was not included  
25 in the letter, so let me start there.

1           This is on Page 29 -- and maybe it would be  
2 helpful to the audience to let the audience know  
3 generally what we are doing. We have proposed 20  
4 conditions to the approval, and some of these  
5 conditions, there have been request of changes by the  
6 Applicant.

7           The first change is on Item 1-D, and the current  
8 condition states that "Biofiltration shall be provided  
9 in off-site, downstream ditch sections with specific  
10 locations to be determined in the final engineering  
11 plans."

12           The Applicant and the city engineering staff have  
13 discussed and agreed that on-site water quality would be  
14 appropriate or could be done appropriately, and staff  
15 would recommend that that condition now read:

16           "Water quality measurements equivalent to  
17 biofiltration shall be provided."

18           That would mean that it could be done equivalently  
19 on-site through a vault or off-site, but the discharge  
20 of the water would have to be at the same quality as if  
21 it were a biofiltration system.

22           Our engineer and the Applicant's engineer are both  
23 nodding their head in agreement to that.

24           MR. BRETZKE: In that discussion,  
25 there is no quantifying statement with regards to parts

1 per million or temperature or what have you.

2 UNIDENTIFIED SPEAKER: Okay. why  
3 don't you address that.

4 MR. BRETZKE: Daniel Bretzke, City  
5 of Shoreline.

6 We could go to 1998, King County Service Water  
7 Design Manual, specifies a reduction of 80 percent of  
8 suspended solids, and we could, perhaps, use that one as  
9 a qualitative number.

10 UNIDENTIFIED SPEAKER: It seems to  
11 be appropriate to do that.

12 And with biofiltration, there is also -- you know,  
13 there is the dark side of that; that the stuff that it  
14 takes out of the water running through it stays there,  
15 it doesn't just magically disappear, and you have to be  
16 up to deal with that.

17 MR. STEWART: The second proposed  
18 change would be the first one listed on the fax that you  
19 have received, and that is the condition related to  
20 Condition No. 2 on Page 29. That condition currently  
21 reads:

22 "The developer shall provide a 32-foot-wide paved  
23 roadway."

24 The Applicant has requested that that now read:

25 Provide a 24-foot paved roadway within the 30-foot

1 right-of-way -- did I say 30? -- 31-foot right-of-way.

2 Staff has no objections to this. This is what was  
3 negotiated between staff and the Applicant at the series  
4 of meetings.

5 UNIDENTIFIED SPEAKER: So is this a  
6 typo?

7 UNIDENTIFIED SPEAKER: That was a  
8 typo. The 24-foot and the 30-foot meets the road  
9 standards without any variation at all.

10 UNIDENTIFIED SPEAKER: Has the fire  
11 department given their comments on this?

12 UNIDENTIFIED SPEAKER: Yes.

13 MR. STEWART: The third condition  
14 and change, the Applicant correctly notes that the  
15 proposal is for curb, gutter, and sidewalk on one side,  
16 not both sides of the street. That also was previously  
17 agreed to between the Applicant and staff.

18 UNIDENTIFIED SPEAKER: Which number  
19 is that?

20 MR. STEWART: This is No. 3. I'm  
21 sorry.

22 And it currently reads:

23 "The developer shall provide a pedestrian  
24 sidewalk, curb, and gutters on both sides of 192nd  
25 Street."

16

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1 This should now read:

2 Sidewalk on -- is to be installed on only one side  
3 of the street, 182nd Place.

4 The third condition is a request for clarification  
5 from the Applicant regarding which standards would be  
6 used. And the staff would object to the change that  
7 they are asking for, to the '95 standard.

8 The reason that we object to that is because the  
9 '98 standard was included in the SEPA Determination,  
10 included on Page 35 of your document, stating clearly  
11 that the 1998 manual shall be used. That condition has  
12 not been appealed and therefore the SEPA Determination  
13 would stand and the '98 manual would be the standard.

14 Condition No. 6 states that -- the Applicant is  
15 concerned that -- right now the statement reads:

16 "The developer shall provide and install street  
17 lighting as proposed on the site plan submitted by the  
18 applicant."

19 The site plans do not include street lighting  
20 plans, and staff would agree with the Applicant's  
21 comment. We would suggest that Condition No. 6 read  
22 that the developer shall provide and install street  
23 lights, period.

24 UNIDENTIFIED SPEAKER: Again, Tim,  
25 did you ask him how many street lights he would like to

17

1 have?

2 MR. STEWART: Yeah. If you would  
3 like to make that more elaborate condition and include  
4 that, a plan -- street lighting plan shall be  
5 submitted --

6 UNIDENTIFIED SPEAKER: That would be  
7 fine.

8 MR. STEWART: Perhaps an alternative  
9 suggestion would be that the staff shall -- developer  
10 shall provide a street lighting plan to the City for  
11 approval and install those plans as drawn.

12 UNIDENTIFIED SPEAKER: I'm sure  
13 there is a formula out there.

14 MR. STEWART: The Applicant has  
15 requested a change to the Condition No. 11 and has asked  
16 that we insert a word "generally" -- shall "generally"  
17 control.

18 The site plan staff would not agree to that. we  
19 think that there is sufficient latitude within our  
20 ability to amend within the current regulations without  
21 going further and stating that it shall generally  
22 conform to the plans that were submitted.

23 We understand that these are not the building  
24 plans, that there will be building plans that come in,  
25 but we want to make sure that we build out there what we

18

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1 are approving. So we would not support the change to  
2 "generally" be controlled.

3 Condition No. 16, there is a clarification, and  
4 the staff does not have any objection to that. We think  
5 it is also the landscaping plan.

6 And Condition No. 18 is redundant with Condition  
7 No. 6.

8 Again, I would like to apologize to the  
9 Commission, the Applicant, and also the members of the  
10 audience for the last-minute changes, but I think it's  
11 better to get it right than -- that concludes the staff  
12 presentation.

13 UNIDENTIFIED SPEAKER: Tim or Allen,  
14 in a nutshell, what's the gist of the difference between  
15 the '95 and the '98 standards?

16 MR. STEWART: Well, let me take a  
17 crack at that. Daniel can correct me.

18 The '98 standard is a much more rigorous standard.  
19 It addresses the issue of quality significantly more  
20 than the older standard does.

21 Any other...(Pause.)

22 UNIDENTIFIED SPEAKER: The '98  
23 standard is based on a different methodology for  
24 determining the rainfall. It's based upon the last 50  
25 years of actual rainfall data in Western Washington,

1 and, specifically, in -- basically on the SeaTac type of  
2 a...(Inaudible.)

3 So it's a lot more accurate in methodology of  
4 determining sizing of detention tanks, and there is also  
5 a lot more -- they have expanded the ability for them to  
6 use different types of water quality methods.

7 There is -- the old manual had just basically one  
8 method, and that was biofiltration. The new manual has  
9 60-some-odd pages of different ways to meet water  
10 quality.

11 So it's -- it's very similar to what the State  
12 of -- the Washington State will be passing for their  
13 2000 Department of Ecology manual. So it's kind of  
14 getting toward being ESA compliant.

15 We are also proposing that in our -- to be our  
16 standard for the development code coming up soon here or  
17 something similar to that manual.

18 MR. KUHN: All right. Any other  
19 questions? This is the Applicant's opportunity to make  
20 their presentation.

21 MR. SMITH: My name is Steven  
22 Michael Smith. I work for Lovell-Sauerland &  
23 Associates. Our offices are in Lynnwood at 19400-33rd  
24 Avenue West, Suite 200, Lynnwood, 98036.

25 We have been retained by Viking Properties for

1 representation through the design and the negotiation of  
2 this project.

3 First of all, I would like to thank staff quite a  
4 bit for --

5 MS. MARX: Excuse me. Director  
6 Kuhn, did you swear him in?

7 MR. KUHN: Yes. Do you swear or  
8 affirm that the testimony you're about to give to be the  
9 truth?

10 MR. SMITH: I do.

11 MR. KUHN: Thanks.

12 MR. SMITH: Staff has been very  
13 helpful in the preparation and negotiations through the  
14 process on this project. We've dealt with -- as  
15 Mr. Stewart said previously -- three project managers,  
16 all of which we thought did an exemplary job of trying  
17 to navigate us through the very difficult world of  
18 getting through the preliminary plat process. So thanks  
19 to the staff.

20 Overall, we're satisfied with the product that  
21 came out in the staff recommendation divisions. As  
22 Mr. Stewart did go through, we had a few questions about  
23 the conditions, and the staff recommendations to the  
24 changes in those conditions are mostly satisfactory to  
25 us. 1-D sounds absolutely fine. That was fairly close

1 to the kind of language that we would have expected or  
2 written ourselves if we had the chance. Same with  
3 Conditions 2 and 3.

4 Condition 5, we do realize that the 1998 version  
5 of the storm water manual was included in the threshold  
6 determination, and Mr. Stewart was absolutely correct in  
7 pointing out to me earlier that since we did not appeal  
8 this threshold determination, that that subject cannot  
9 be up for review at this point.

10 However, we did prepare the drain report according  
11 to the 1995 manual, which cites that we officially adopt  
12 the drainage standard that Shoreline is currently using.  
13 And we're not quite understanding, exactly, how the 1998  
14 manual got into special determinations, but be that as  
15 it may, it was our fault; we didn't catch it.

16 Condition No. 6 is fine. We don't have any  
17 problem with that change, that is, as proposed by staff.

18 Condition No. 11, we don't necessarily have any  
19 difficulty with that. The only reason that there was a  
20 request for the addition of the word "generally" to that  
21 condition is that this is a preliminary subdivision. We  
22 do intend to substantially build a product that you see  
23 before you in the plans in your packages.

24 The chances that there are going to be significant  
25 changes are slim. And certainly we would expect that if

1 there were significant changes, that we would be back  
2 before you again in the future when those additions were  
3 proposed. And we have gone through the necessary steps  
4 with staff to get back here appearing again.

5 The concern that the Applicant has is that as with  
6 any development project, there are -- can be some small  
7 changes to the plan. For instance, Mr. Sundquist  
8 actually plans on building four different homes at this  
9 point on that project, although there were only two sets  
10 of floor plans that were submitted to -- I believe to  
11 Mr. Holland when he was the project manager some time  
12 ago. And over time, Eric has decided that he wants to  
13 put in, you know, four different site plans or four  
14 different plans, house plans, to kind of break up the  
15 look and try to vary it as much as possible.

16 And, you know, it is possible that one of those  
17 plans would be replaced with another plan. Very soon  
18 we're flipped around. We're not talking about something  
19 that's going to be straddling a lot line or encroaching  
20 into a building set back or something like that.

21 But we just are hoping to attain enough  
22 flexibility to maybe change one house and put in another  
23 house that's very similar to the ones that are shown on  
24 the site plans before you. And it's just impossible to  
25 know at this very early stage exactly what house is

1 going to want to go under. Somebody may approach  
2 Mr. Sundquist and want to put up a fully custom home on  
3 that, and Mr. Sundquist and Viking Properties, our  
4 builder, and they have the capability to put together a  
5 custom home that would look very nice and be very much  
6 in character with their -- with the approved plans, but  
7 maybe not exactly what you see on the site plan before  
8 you now.

9 UNIDENTIFIED SPEAKER: How about if  
10 we kind of suggested instead of the way it reads and  
11 instead of the way you suggest it to be "generally,"  
12 what if we change it to "substantially"?  
13 "Substantially" gives a little wiggle room, but it's not  
14 as loose as "generally."

15 MR. SMITH: Substantially works  
16 perfectly well for me.

17 UNIDENTIFIED SPEAKER: Fine. That's  
18 where we are at.

19 MR. SMITH: Condition 16 --  
20 Condition 16, I only had -- just had a question about  
21 the vegetation mitigation plan. That question has been  
22 clarified by Mr. Johnson. I don't have any problem with  
23 the vegetation mitigation plan. We just weren't sure  
24 exactly how that works.

25 And Condition 18, we will provide lighting plans

1 according to city standards when we -- (Inaudible) --  
2 instruction plans.

3 And that's all I have for my direct testimony.  
4 I'm certainly available to answer questions, or as  
5 questions come up with the neighborhood, certainly I can  
6 answer questions.

7 UNIDENTIFIED SPEAKER: With your  
8 lighting plan, can you stress to make it clear?

9 MR. SMITH: I am not a lighting  
10 designer myself, but I know when the lighting plans are  
11 prepared, the lamps are intended or designed to focus  
12 very much down towards the ground so that they light  
13 only the intended area and don't end up looking like a  
14 Costco parking lot or something like that. And  
15 they're -- I wouldn't -- (Inaudible) -- that there be  
16 more than two street lights on this. It would be  
17 directed very much down towards the street. The folks  
18 that live in the houses don't want the glare to go in  
19 their windows any more than the people in the adjacent  
20 homes.

21 UNIDENTIFIED SPEAKER: Could you  
22 indicate what the approximate size, square footage of  
23 those homes are going to be and what Mr. Sundquist would  
24 estimate their retail value to be?

25 MR. SUNDQUIST: Let me answer that.

25

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1 MR. SMITH: I'll turn the microphone  
2 over to Mr. Sundquist, and he can answer that himself.

3 MR. KUHN: Your name and address,  
4 Mr. Sundquist, and then the "I swear or affirm to tell  
5 the truth."

6 MR. SUNDQUIST: Eric Sundquist. I  
7 live in Edmonds, Washington. Yes, I do solemnly swear  
8 to tell the truth.

9 Just a little bit of a correction, first of all.  
10 I did submit a report of compliance to James Holland and  
11 somehow two of them end up in this package, so I am  
12 thinking right now about putting in a fifth one. So --  
13 it sounds like we have addressed that problem at any  
14 rate.

15 Right now, these homes are going to be  
16 approximately 1300 to 1500 square feet, and I estimate  
17 they will sell between \$225,000 and \$240,000. I have  
18 had several requests -- two the past two weeks -- from  
19 potential customers to build even larger homes than  
20 that, and that's one of the reasons why I want to go  
21 to littler rooms because people want possibly a  
22 four-bedroom home in there, and it would be probably  
23 substantially more money if I was to do that,  
24 so...(Pause.)

25 UNIDENTIFIED SPEAKER: How many

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1 square feet?

2 MR. SUNDQUIST: It would probably  
3 take up between 1600 to 1800, depending on what they  
4 decided.

5 UNIDENTIFIED SPEAKER: Would the  
6 foot room change or just the --

7 MR. SUNDQUIST: No. The footprint  
8 would stay pretty much the same.

9 MR. KUHN: Have any questions,  
10 Commissioners? (No response.)

11 Okay. I'll grab my list over here. Given the  
12 fact that we have had more people sign up than was  
13 signed up when I had announced the initial allocation of  
14 time, that's being readjusted from four minutes to three  
15 minutes. First up is Mr. Rod Anderson.

16 MR. ANDERSON: Yes. My name is Rod  
17 Anderson. I live on the southeast corner of the  
18 proposed development and --

19 MR. KUHN: Your address, and do you  
20 swear or affirm to tell the truth?

21 MR. ANDERSON: My address is 18021  
22 Ashworth Avenue North, Shoreline, and I do swear to tell  
23 the truth.

24 MR. KUHN: Thank you.

25 MR. ANDERSON: I'm a little curious

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1 as to why we are rezoning this property. All of us  
2 bought and built our houses expecting to have reasonably  
3 sized neighbors, not houses packed on 2000-square-foot  
4 lots.

5 I think that the appropriate density has already  
6 been achieved in that neighborhood. I don't feel that  
7 rezoning it to double the density helps any of the  
8 neighbors.

9 I realize that building these houses isn't here to  
10 help us. We live there. It's all about developing and  
11 making a lot of money, trying to put twice as many  
12 houses in there as all the rest of us live on. I  
13 realize Mr. Sundquist lives in Edmonds, and he probably  
14 has a nice, big lot and neighbors that are appropriately  
15 sized with his house.

16 I am very concerned about water runoff. I realize  
17 that engineering-wise you guys have addressed that, but  
18 I live on the downhill side of that, and I suspect that  
19 when we take an acre and a half approximately and cover  
20 probably over two-thirds of it with nonporous surfaces,  
21 there is a lot of water going somewhere, and I just want  
22 to make my statement that I'm opposed to this  
23 development as it stands as to the density and the  
24 rezoning. I don't feel it's appropriate.

25 MR. KUHN: Thank you. Rosalyn

1 Bates?

2 MS. BATES: Hi, I am Rosalyn Bates.  
3 I live at 18027 Ashworth Avenue North, and I swear to  
4 tell the truth.

5 MR. KUHN: Thank you.

6 MS. BATES: I also -- I don't  
7 understand the rezoning. And it sounds the way things  
8 are being discussed like this is already decided. You  
9 know, I don't even feel like we are having a fair say.

10 I mean, if you look at this vicinity map that the  
11 developer put out, there is likely to be six houses on  
12 that size of space, maybe seven, and they want to put  
13 sixteen. And then what size are the lawns going to be  
14 on these, especially the bigger ones, or do they even  
15 have a lawn? Is that why they have one lot with nothing  
16 on it because nobody has a lawn?

17 And, I agree, I think the water runoff is going to  
18 be bad. But -- I mean, I walk my dog in that  
19 neighborhood, and I just can't imagine cramming 16 lots  
20 into a place where everybody else, if you look on the  
21 map, there is six or seven. And I don't think that  
22 stands true with the neighborhood at all.

23 And I noticed there is a house across the street  
24 where they are selling their house. They're probably  
25 saying "I want to get out of here now." But I think

1 it's going to bring down everybody's property value. I  
2 think it's going to look ugly. I think they're going to  
3 be all crammed in there. And I just don't understand  
4 why we even have this rezone process.

5 Do we have any say in this? That's what I would  
6 like to know. I mean, it sounds like it's all decided.  
7 So I would like to know what can we do to keep this  
8 rezone from happening because none of us want it.  
9 That's what I think.

10 MR. KUHN: Thank you.

11 UNIDENTIFIED SPEAKER: Is there an  
12 answer?

13 MR. KUHN: We are not here to give  
14 answers, and you're not here to speak out of turn.

15 UNIDENTIFIED SPEAKER: Sorry.

16 MR. KUHN: Thank you. Penny Wales?

17 MR. WALES: I am not Penny Wales.  
18 My name is Lloyd Wales, and I live at 18034 Ashworth  
19 Avenue North, and I do solemnly swear to tell the truth.

20 MR. KUHN: Thank you.

21 MR. WALES: My wife and I have been  
22 living on this property for approximately 30 years, and  
23 we have watched Shoreline grow, and we are here to see  
24 that it's grown in an appropriate way.

25 We are concerned with the runoff on this property.

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1 The property on which the Elena Lane project is being  
2 built on is a slopey piece of ground that slopes to the  
3 east and it slopes towards Ashworth Avenue North.

4 Now, we have residents there at 18031, 18035, and  
5 37, and 39 who are on the cul-de-sac, and in the past  
6 few years, we have been having a water problem.  
7 And since this building project that's being brought up,  
8 the water is going to continue to get worse, and we  
9 would like to know what progress have been made or what  
10 provisions have been made to get this water to drain off  
11 and drain through the proper channels so that we don't  
12 have the problems.

13 The last two years, water has crept under our  
14 house, and it's all coming from the slope of this hill.  
15 So we are greatly concerned about the runoff, and we  
16 would like to have some answers on it, and we also  
17 oppose to this high-density building on this property.

18 Thank you.

19 MR. KUHN: Gordan Swan?

20 MR. SWAN: My name is Gordon Swan.  
21 I live at 18027 Ashworth Avenue North, and I do swear to  
22 tell the truth.

23 MR. KUHN: Thank you.

24 MR. SWAN: We live on the property  
25 which is -- has quite a lot of drainage right at the

1 bottom of the hill. There is a slope on this property.  
2 We are adjacent to it. So the water directly runs to  
3 our property.

4 And we have expected this property to be  
5 developed, however, not 15 houses. It just -- it does  
6 seem very inappropriate. It does not fit in with the  
7 neighborhood. As it is, there is some discrepancies I  
8 have noticed, and one statement in the letter sent out  
9 that says -- by Viking Properties -- We feel this would  
10 be a better transition between -- (Inaudible) --  
11 department and the rest of the site and mostly single-  
12 family east of it.

13 It is all single-family east of it. There are no  
14 apartments or anything else. And the other side of  
15 Stone is a -- I think either duplex or single-family  
16 home. I'm not sure on that.

17 But I know that -- sorry -- but the description of  
18 the soil given in the document here is that it's very  
19 sandy, loamy, and down to 40 inches. I've dug on the  
20 property exactly on the outside of the fence, and it is  
21 clay about 16 inches down to two feet; it's hard clay.  
22 So that -- that's an issue.

23 We want to know -- (Inaudible) -- we wanted to  
24 know how the water would be treated at this end of the  
25 property, which is on the other side of our fence and

1 whether that swale as described -- I'm not sure what it  
2 is -- but is that going to take the question before the  
3 bio -- (Inaudible ) -- the bioswale. There is some  
4 containment of material that's left there. I want to  
5 know who is responsible for that. And if it's failing,  
6 it's going to come on my property. I want to know who  
7 is responsible to alleviate that.

8 One last thing, in the document that's presented  
9 over here, in the -- I think it's in the proposal by the  
10 developer. It says that approximately 30 percent  
11 impermeable on the building or pavement. Even from just  
12 looking at this plan, there is a lot more than 30  
13 percent of the ground covered up by rooftops and  
14 asphalt. It works okay now. As Mr. Wales has  
15 described, we have a water problem whenever it's rainy  
16 or snowy. There is a lot of water coming off of this.  
17 If you cover it with asphalt and housetops, it's not  
18 going to work so well.

19 I would just really like to see it developed with  
20 a much fewer number of houses.

21 Thank you very much.

22 MR. KUHN: Thank you. Leslie Swan.

23 MS. SWAN: I live at 18027 Ashworth  
24 Avenue North. I am Gordon's wife, and I solemnly swear  
25 to tell the truth.

1 MR. KUHN: Thank you.

2 MS. SWAN: I wanted to say that my  
3 husband and I have moved here a couple years ago and  
4 like he said, we did expect it to be developed at some  
5 point, but we do plan to be in Shoreline --  
6 (Inaudible) -- you know, that high, and we plan to live  
7 here at least until they get through school, so we are  
8 talking another, you know, 15 to 20 years at least. So  
9 we're very concerned about this.

10 And two things that I wanted to address were, of  
11 course, the drainage issue that quite a lot of other  
12 people have already brought up. The drainage is a  
13 problem at this point, somewhat of a problem at this  
14 point, so we want to make sure that it's done exactly  
15 right.

16 And the other issue is the integration into the  
17 neighborhood and the number -- I've seen quite a few  
18 different developments that probably have about the same  
19 density, R-12, but you have two and three's, and I  
20 haven't seen quite this many in one block. You know,  
21 just more filling in little gaps here around Shoreline,  
22 but not such a large number in one spot.

23 So those are the main things I wanted to share.  
24 Thanks.

25 MR. KUHN: Thank you. Judith

1 Chandler?

2 MS. CHANDLER: I am Judith Chandler.  
3 I swear to tell the truth. I live at 18016 Stone Avenue  
4 North, which is the property that's directly next door  
5 to the property that's being developed.

6 I have lived there for about 11 years, and I  
7 purchased my home about five years ago. At the time I  
8 purchased my home, I was given the information that --

9 (Change of tape.)

10  
11 MS. CHANDLER: -- about six houses.  
12 I was expecting that. But the amount of houses going  
13 in, essentially in my backyard or in my side yard is,  
14 I think, obscene.

15 One of the things to think about in addition to  
16 the loss of the trees and grass and the absorption,  
17 which a number of people have already discussed, is, you  
18 know, this is glacial till that we're on, and there are  
19 sinkholes. There have been sinkholes that have appeared  
20 in other areas of Shoreline. I think that needs to be  
21 addressed.

22 I think what we need to think about is what is  
23 going to happen during the building and after the  
24 building. There is going to be a huge amount of toxins  
25 just from the building site going into the soil and into

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1 the water after people buy these houses, if indeed they  
2 do. There's three houses above on a very small piece of  
3 the property not far away and nobody is buying those.

4 But if these houses are up being occupied, we can  
5 expect an additional, you know, 30-45 cars, based on,  
6 you know, people have two or three cars a household.  
7 Another 30 to 60 people with their families. Could be  
8 even more. If they have pets, another 15 to 30 animals.

9 There is going to be noise coming out of 15  
10 houses -- radios, television sets, open windows, people  
11 having arguments or yelling at their kids or whatever.  
12 That's going to add a considerable amount of noise to  
13 the neighborhood. Toxins running off the roof.

14 Another suggestion, I ask that we take a look at  
15 plans that Mr. Sundquist has submitted in the past and  
16 what he has actually ended up building and compare that  
17 with what he is offering here.

18 And another thing that I am interested in -- and  
19 this is, again, this meeting tonight is the first I've  
20 heard about this -- is the sidewalk that go along Stone  
21 Avenue which would impact directly on the front of my  
22 house, and I would like to have some printed information  
23 on that, how far that would encroach on my property.  
24 Because I have a number of large trees right in my  
25 front, and I have to make sure that I am not going to be

1       losing my trees or my garden and that kind of thing.

2               Thank you.

3                       MR. KUHN: Thank you. Brian Lee?

4                       MR. LEE: I am Brian Lee. I live at  
5       1808 Stone Avenue North. I swear to tell the truth.  
6       And just to give you an idea of where I am, Judith lives  
7       in front of me and Rod lives behind me.

8               The consistent theme here has been water and  
9       density. I can state for a fact that water is a huge  
10      problem. I have got a 15,000 square foot lot on the  
11      back side of Rod now, and I do have a very small  
12      filtration drain system that consistently overflows,  
13      even with just small rain. That water has to go  
14      somewhere. And the water that doesn't go through the  
15      drainage system all ends up going down around his  
16      driveway.

17              I don't care how good of a drainage system you put  
18      in, it's not going to help these people that live behind  
19      this property. They're going to get soaked. And the  
20      solution is to not overbuild. Unless you want to dig a  
21      trench 40-feet deep and put some sort of a barrier down  
22      there. We know that's not going to happen.

23              So then we get to the -- the consistent theme is  
24      density, and I, along with the others, have felt that  
25      the density that the zoning as it stands now is

37

1 adequate. By the builder's own admission, by putting  
2 this development in, it changes the consistency and the  
3 compatibility with the neighborhood.

4 You don't find sidewalks on other areas of the  
5 street in that area. Why not? Because they're not  
6 needed; because it's not that dense. You increase the  
7 traffic by approximately 60 percent on a residential  
8 street, all of a sudden you have to do that. Why is  
9 that? Because you have safety hazards.

10 Looking at these homes, we've got 15 homes with a  
11 typical setback of looks like seven and a half to five  
12 feet on the side yards and the rear yards. My guess is  
13 these are built for families. Families have kids. And  
14 I'm sure the builder would like you to believe that  
15 those kids are all going to migrate to that little area  
16 that he has in back. Being a parent, I know that that  
17 ain't going to happen.

18 These kids have got to go somewhere. The only  
19 other place they have is in the street. I don't feel  
20 it's appropriate to build a development as dense as this  
21 is, forcing children into the street. There is  
22 virtually no off-street parking, so you've got a problem  
23 of cars coming in and out of driveways, backing up,  
24 bicycles. This is a huge problem. All because of  
25 density. Now, eight homes would be perfect.

1           The other thing that we lose with this development  
2           is design, site plan. We've got, as Mr. Sundquist  
3           states, four designs. By seeing these designs -- he has  
4           built them before. I think we have a few of them right  
5           across the street, if I am not mistaken, and I know he  
6           has built them in other places. This design is nothing  
7           new. It's nothing unique. It's basically the split  
8           level of the '90s. It's designed to being built fast  
9           and make a lot of money on it.

10           And I understand that that's what he is in  
11           business for, is to make money. I've got no problem  
12           with that. But he is making it at the expense of  
13           shoreline.

14           Pride and ownership needs to come into play here  
15           somewhere, and I think we have an opportunity here, as  
16           well as Mr. Sundquist, where he can build something that  
17           he can be proud of, as opposed to something like this  
18           where there is really no -- other than squeezing a lot  
19           of people into a fairly small amount of space in  
20           maximizing his properties. He is not going to be able  
21           to come by here and say, "Boy, I would really like to  
22           live there."

23           Thank you.

24                   MR. KUHN: Martin Crawl?

25                   MR. CRAWL: My name is Martin Crawl.

1 I live at 1317 North 183rd Street, and I swear to tell  
2 the truth.

3 MR. KUHN: Thank you.

4 MR. CRAWL: My property is directly  
5 north of the proposed development, and I have been much  
6 concerned over the years over what would happen to this  
7 area because I know there was some intention at one time  
8 to rezone the area all the way down to Ashworth, and I  
9 was only hoping, after working the last several years  
10 with folks connected with Comprehensive Planning, Growth  
11 Management Act, so that we could at least retain some of  
12 the features of a single-family neighborhood in the  
13 immediate proximity of what once was considered to be  
14 the potential downtown Shoreline.

15 This project has been on the board for about six  
16 months, and we have gone through four project managers  
17 or at least we now have a 4th project manager, and I  
18 think some of the staff recommendations might reflect  
19 the fact that there has not been a seasoning of the  
20 staff and the questions asked that need to be asked.

21 For example, this is a contract-free zone or  
22 proposed, but they -- I would assume that a  
23 contract-free zone has an expiration date. There is no  
24 expiration date listed.

25 I took umbrage at the traffic study that was

1 proposed that was conducted. I think that to get  
2 traffic data out of a book and calculate it does not fit  
3 the needs of Shoreline or this immediate neighborhood.  
4 We have had some serious traffic accidents, pedestrian  
5 accidents, on 183rd. The neighbors have gotten together  
6 over the last ten years and twice conducted traffic  
7 counts, and our counts come in much higher than  
8 something that a traffic engineer gets out of a book.

9 The other question, of course, that has been  
10 raised by everybody is the waste level treatment. And I  
11 really urge you to commit the builder to the 1998 King  
12 County requirements. In particular, I was questioning  
13 the biofiltration system, the ultimate runoff into  
14 Ronald Bog. As we know, Ronald Bog is being impacted  
15 from all sides. There is some work being done right  
16 now, but I don't think it's going to be sufficient to  
17 satisfy the folks downstream that this is not going to  
18 be a year where they will have flooded basements.

19 My personal concern, ultimately, is privacy. The  
20 builder is proposing fencing all around the vegetation,  
21 except there is darn little room for vegetation in this  
22 spot. We have a few nice, mature trees. I realize the  
23 Madrona in the middle is dying, like so many of the  
24 Madronas, and I would not like to replace it with  
25 Madronas. But the staff is recommending some changes on

1 the landscape plan, and I don't think the builder will  
2 have room to put those kind of changes in. There is not  
3 enough room to put the -- the trees and the vegetation  
4 in that we would like to see.

5 I have particular concern with privacy because I  
6 seen in the development just to the south of us where  
7 the new home's homeowner will be looking directly in the  
8 living room of the folks who have been living there for  
9 the last 20 years. I don't want that to happen to my  
10 house. My backyard is very close to those buildings.

11 I want to know what the covenant is all about and  
12 how it's going to be administered, and I really urge you  
13 to allow no variation of units once this is approved  
14 because there is really no room to move the footprint.  
15 I'm really anxious of a builder coming in, giving us one  
16 thing, and then finishing another.

17 And, once again, I offered Mr. Sundquist the  
18 opportunity to meet with us neighbors, and he has not  
19 responded to my letter. I must assume he figures this  
20 is a done deal and he can go forth as he wishes. But I  
21 do urge you to consider that with all deliberation and  
22 have the City Council take a look at the documentation,  
23 in particular my submittal.

24 MR. KUHN: Thank you. Daniel Man?

25 MR. MAN: My name is Daniel Man. I

1 live at 17920 Stone Avenue North. I do swear to tell  
2 the truth.

3 One of the overlying goals -- the framework goals  
4 of the Shoreline Comprehensive Plan was to approve  
5 quality building and development that is compatible with  
6 the surrounding environment. I am quoting from the  
7 planning book that the City developed, mentioning that  
8 Shoreline remains a proud residential community.  
9 Individual homes will be maintained. City has  
10 fulfilled -- (Inaudible) -- and ensured new residential  
11 uses are compatible.

12 Building the density on the east side of Stone  
13 Avenue is not compatible with this neighborhood. If you  
14 look at the map, you'll see that the residences, the  
15 plots, are all R-6. Stone Avenue serves as a defacto  
16 buffer between the single-family residential on the east  
17 and the duplex slightly higher density to the west. And  
18 although the City Council in its infinite wisdom did  
19 attempt to look closely at these issues, this is one  
20 area where they didn't look quite closely enough, and  
21 they could have done a better job, and therefore it  
22 falls to you to look at it more closely.

23 If you look beneath the neighborhood, you'll see  
24 that we have in dealing with the planning department  
25 over the last couple of three years, we have attempted

1 to negotiate awareness that this is a -- this is a  
2 sensitive residential neighborhood that is in close  
3 proximity to Aurora Avenue and needs to be given some  
4 protection by this body.

5 If you are to double the density in this street,  
6 then you are effectively doubling the density because  
7 you have got 15 existing lots on one street, and you're  
8 throwing another 15 on top of them. You just cannot  
9 imagine the impact.

10 So I am encouraging you to look at the plan that  
11 envisioned this as being R-12 and look at it long and  
12 hard because it's not a well thought out process. This  
13 lot on the -- on the east side is not consistent with  
14 the existing neighborhood.

15 I would add that the soil is not loamy. I have  
16 recently experienced in digging some foundations in that  
17 neighborhood -- and I can give you references that will  
18 tell you just how imporous that soil is, and the  
19 Planning Department will verify that -- they're going to  
20 need every bit of mitigation they can to meet the  
21 requirements even if they were to go with R-6, let alone  
22 R-12.

23 All of these concerns you've heard voiced about  
24 runoff, listen to them. They are telling you the truth.  
25 They're not making this up. We have all lived there for

1 years. It's a high watertable in that area. It doesn't  
2 go down quickly. Once it gets wet, it stays up there.  
3 You get snow. It's wet all the time. This is not  
4 porous soil.

5 In addition to traffic noise and inconsistent -- I  
6 just think are inconsistent -- that you could project  
7 are inconsistent with the vision that Shoreline is  
8 trying to project as a place that's friendly to the  
9 neighborhoods. I think it would be a great idea if we  
10 had a good residential development -- eight homes, maybe  
11 ten. But certainly the numbers that are showing up  
12 there right now are not consistent with the  
13 neighborhood; they're not consistent with good planning;  
14 they're not consistent with the ability of the ground to  
15 accommodate them.

16 Thank you.

17 MR. KUHN: Thank you. Colleen  
18 Holbrook?

19 MS. HOLBROOK: Good evening. My  
20 name is Colleen Holbrook, and I am here to tell the  
21 truth. I live at 1361 North 180th Street.

22 MR. KUHN: Thank you.

23 MS. HOLBROOK: -- and I have never  
24 been to the Planning Commission. I am not familiar with  
25 this process. I didn't realize I was speaking out of

1 turn, so I do apologize. I thought it would be more of  
2 a dialog.

3 So what I first want to say -- because most of my  
4 neighbors have already said the same things that I was  
5 thinking and I am nodding in agreement -- is that I'm  
6 opposed to the rezoning. And I even asked some of your  
7 staff members if this has been a done deal, because of  
8 the way that they have talked about their plans and  
9 their propositions -- I understand are for the  
10 paperwork -- it sounded like they were pretty confident,  
11 and that scared me.

12 I have children. My neighbors have children. I  
13 don't want 15 or 30 more cars coming up and down my  
14 street. I already live between Aurora and I-5. You  
15 know, it's actually kind of a quite neighborhood, and I  
16 would like to keep it that way.

17 So if it's going to be developed, have it be  
18 developed as it is zoned. I really oppose the rezoning.  
19 And I talked to Mr. Sundquist on the phone several  
20 months ago and told him my concerns and asked him why so  
21 many homes in such a small space, and he really couldn't  
22 give me an answer, other than money.

23 Thank you.

24 MR. KUHN: Thank you. Chuck  
25 Holbrook?

1 MS. HOLBROOK: He couldn't make it.

2 MR. KUHN: Oh, thank you.

3 Walt Hagen?

4 MR. HAGEN: Walt Hagen, 711 North  
5 193rd Street. I don't live near this, but the surface  
6 water problems that we do have in Shoreline are  
7 everybody's problems throughout the state --

8 MS. MARX: Swear the witness,  
9 please.

10 MR. KUHN: Oh, excuse me. Do you  
11 swear to tell the truth?

12 MR. HAGEN: I do swear to tell the  
13 truth.

14 MR. KUHN: Thank you.

15 MR. HAGEN: The surface water  
16 problems are apparent throughout the city, and one major  
17 problem that we have is Ronald Bog, and whatever you do  
18 upstream from Ronald Bog impacts Ronald Bog. This  
19 water, I don't care what you do to retain it on site, it  
20 eventually gets to Ronald Bog, and that problem has to  
21 be solved.

22 As quoted out of the neighborhood minutes last  
23 month, Councilman Hansen says, "We have \$600 million  
24 worth of infrastructure and not enough money to maintain  
25 it, let alone improve it."

1           So I don't know how you can allow more building  
2           that impacts already overtaxed water in the area.

3           The 16th lot -- (Inaudible) -- for recreation.  
4           wait a minute. That's where the swale goes for the  
5           water. I don't see that as a recreation area. That's  
6           the water detention they are talking about. I think  
7           that has to be given a lot of consideration. If the  
8           watertable is truly as high, as high as they say it is,  
9           there is a real problem there.

10          The trees, I heard that the developers cited here  
11          speak that they were going to retain as many of the  
12          trees as possible. I don't see one they can keep in  
13          there. So let's tell the truth about it. Are you going  
14          to take them all down and then you're going to mitigate  
15          and put in new trees? Say that. Don't tell everybody  
16          that you plan to keep the trees in there because you  
17          can't do it.

18          Thank you.

19                 MR. KUHN: Thank you. Is there  
20                 anyone else who wishes to speak?

21                 MS. MARX: Will you sign the sheet,  
22                 please, if you haven't already. Okay, great. Thank  
23                 you.

24                 MS. WALES: My name is Penny Wales,  
25                 and I live at 18031 Ashworth Avenue North, and I do

1 swear to tell the whole truth.

2 MR. KUHN: Thank you.

3 MS. WALES: I can't emphasize enough  
4 to all of you -- and you're welcome to come and look at  
5 the water problem that everybody has talked about. Now,  
6 in the winter -- this is in the summertime, but in the  
7 wintertime, the water comes through there and the whole  
8 front of our house, the whole street, is solid ice from  
9 all this water drainoff.

10 Now, I'm gardener, and I love the peace and quite  
11 of our neighborhood and our neighbors, and, you know,  
12 this is going to impact the wildlife, the birds, all the  
13 wild birds that come, all the buildings and all the  
14 trees are going to be gone.

15 I'm a gardener, and I can tell you the soil has so  
16 much clay that when I water, the west side of our house,  
17 which is -- this property is in back that they're going  
18 to develop, the west side of our house -- just watering  
19 with the sprinkler is so much clay in the soil that the  
20 water stands on this one little side of my garden, and  
21 there's very little plants I can grow with that much  
22 water even though I have added sand and prepared the  
23 soil. So it's just a real problem.

24 And our neighborhood is very quite. We're very  
25 considerate of each other. Most of us have lived there

1 quite a long time, and it's a lovely neighborhood. It's  
2 just an average American lovely neighborhood. What's  
3 going to happen if all these houses and dogs and the  
4 cats and the children -- and I love all three of those,  
5 but I don't want that many houses -- two houses from  
6 where I live, all this building is going to grow.

7 What's going to happen to this wonderful  
8 neighborhood that we have lived in for almost 30 years?  
9 I love the peace and quiet, and I love the wildlife and  
10 the trees, and I love gardening, and I really like my  
11 neighbors. And I ask you, please consider this, and  
12 come up and see where we live and take a real good look  
13 at this for yourself here. You're welcome to come  
14 anytime to our neighborhood because we'll all appreciate  
15 it. So I hope you can do the very best you can for all  
16 of us.

17 Thank you.

18 MR. KUHN: Thank you. At this time,  
19 does the Applicant have any response to any of the  
20 questions that were raised?

21 UNIDENTIFIED SPEAKER: Yes. There  
22 were many, many questions. I think the one that we  
23 heard the most was in regards to the drainage. And if I  
24 could -- does this detach -- if I could come over here  
25 and kind of explain how the drainage system works, I'll

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1 try to get as low as I can so everybody can see.

2 Basically, this entire area, the entire project is  
3 going to be drained. All the water, the surface water  
4 that comes off the project isn't just going to run where  
5 it's going now but faster because it's impervious.  
6 Actually, the storm water from the entire project is  
7 going to be directed toward a very large detention site  
8 that's going to lie underneath North 182nd Place. It's  
9 going to from there be directed to an underground vault,  
10 not a biofiltration swale.

11 The early drawings that we had shown did propose a  
12 biofiltration swale that was going to be above ground.  
13 That's been revised. We have now -- now we are now  
14 going to have an underground vault that's going to  
15 provide the storm water biofiltration, and it will be  
16 directed into an underground site to the northeast  
17 property corner, and from there it will go north --  
18 (Inaudible) -- contained.

19 So that would be -- the system is actually going  
20 to end up directing a lot of the storm water problems  
21 that all of you have been seeing in the neighborhood  
22 away from the traditional drainage pattern.

23 A lot of people testified to the fact that the  
24 soils in the area are hardpan and only a couple of feet  
25 below the surface, that the water is just running off

1 our site onto theirs. Well, we're actually going to be  
2 taking that water that's been running onto the  
3 neighbor's property and we are going to be directing it  
4 around their property so that now they're not going to  
5 have this 1.4 acres of basically what's already  
6 impervious surface two feet under the ground. We're  
7 going to be directing that away from their property and  
8 actually getting it out. And you may see a lot of the  
9 drainage problems in the immediate vicinity actually  
10 reduced.

11 UNIDENTIFIED SPEAKER: Question?  
12 Where does the water go that's collected by the curb and  
13 gutter on the street -- on the -- what's the name of  
14 that street? -- Stone Avenue?

15 UNIDENTIFIED SPEAKER: I believe,  
16 and I would -- I'm going to go back and check with  
17 the -- we do have a representative from engineering  
18 here. I believe that the topography will actually allow  
19 for all of that to be brought back into North 182nd  
20 because it's actually -- degrades along Stone Avenue  
21 here fairly flat, and we will be able to keep the north  
22 and the south silted up just enough to get the storm  
23 water along the curb back to North 182nd and into our  
24 drainage facility so that we are not going to be just  
25 dumping storm water wherever it may be.

1 UNIDENTIFIED SPEAKER: That's true.

2 UNIDENTIFIED SPEAKER: How about to  
3 adjacent property?

4 UNIDENTIFIED SPEAKER: It will be  
5 going -- the road improvements from our frontage will be  
6 coming south from the north line and north from the  
7 south line to North 182nd into our storm drainage  
8 facility, and then into existing drainage facilities  
9 north of the subject property.

10 And, actually, I was going to go through -- I'll  
11 try to be as brief as I can --

12 UNIDENTIFIED SPEAKER: Just stay  
13 with the water for a second.

14 UNIDENTIFIED SPEAKER: Oh, sure.

15 UNIDENTIFIED SPEAKER: What kind of  
16 flow rate are you going to have out of your vault?

17 UNIDENTIFIED SPEAKER: I believe the  
18 number is .44 cubic feet per second. The threshold for  
19 requiring -- (Inaudible) -- was 2.55 CFS, I believe.

20 UNIDENTIFIED SPEAKER: And how many  
21 gallons is this vault? What is it?

22 UNIDENTIFIED SPEAKER: These vaults  
23 are really cool, except they get filled up real fast,  
24 and then they're -- they don't work anymore.

25 UNIDENTIFIED SPEAKER: Now, you're

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1 referring to the detention vaults or --

2 UNIDENTIFIED SPEAKER: Yes.

3 UNIDENTIFIED SPEAKER: They're huge.

4 The one that's going to go in here is going to be eight  
5 feet in diameter, so two feet taller than me, and  
6 probably 300 feet long. That holds a lot of water. And  
7 when, you know, we do design these, we design for the  
8 50-year, 100-year storm events, and they're intended to  
9 hold all the water of that.

10 There is some potential that it could overflow,  
11 but we are talking about an extraordinary event. You  
12 know, you have that -- some pretty significant storms in  
13 the past few years, but they are -- especially the '98  
14 manual it will be designed to is very realistic as far  
15 as the storm water that actually does fall, and they're  
16 designed not to fail.

17 Certainly, there is a possibility that they could  
18 fail. Anything people build can fail. But it --  
19 certainly, this represents the best technology that  
20 science can offer right now as storm water management.  
21 King County is actually cutting edge in Western  
22 Washington. As far as storm water management, they are  
23 first and foremost, so...(Pause.)

24 UNIDENTIFIED SPEAKER: Could you  
25 also help me understand how you're going to maintain the

1 vault?

2 UNIDENTIFIED SPEAKER: Well --  
3 you're referring to the detention vault or the  
4 biofiltration vault?

5 UNIDENTIFIED SPEAKER: They're --  
6 the detention vault.

7 UNIDENTIFIED SPEAKER: The detention  
8 vault, I don't believe requires much maintenance. There  
9 are manholes on either end for maintenance of the inlet  
10 and the outlet structures if they ever need to be  
11 cleaned. Generally, they don't.

12 The biofiltration vault is actually -- when you  
13 buy the system -- it's produced by a company called  
14 Storm Water Management down in Portland, and they --  
15 when they sell you the system, they also sign you up  
16 with a maintenance contract, and they come out either  
17 twice a year or once a year, depending on what you think  
18 the stat system will need, to replace the cartridges  
19 that actually do the biofiltration.

20 And those are actually rated to a higher level of  
21 biofiltration than a swale. So the system is more  
22 expensive, but it works better, and it stays out of  
23 people's way, and --

24 UNIDENTIFIED SPEAKER: Well, catch  
25 basins generally need a great deal of maintenance, and

55

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1 these big vector trucks are there all the time sucking  
2 up the grit that comes out of there.

3 I cannot believe that this -- these sediments that  
4 these -- this rain water runoff is going to pick up is  
5 not going to completely, you know, sediment -- deposit  
6 in the bottom. And as you put the deposits and don't  
7 maintain it, it holds less and less water.

8 UNIDENTIFIED SPEAKER: I would  
9 imagine that that would be true, and periodic  
10 maintenance would be ensured by the covenants,  
11 conditions, and restrictions that would be recorded with  
12 the final subdivision.

13 UNIDENTIFIED SPEAKER: Thank you.

14 UNIDENTIFIED SPEAKER: Excuse me.  
15 Question? Are there going to be those types of  
16 restrictions?

17 UNIDENTIFIED SPEAKER: I had  
18 actually written down the names, and I was going to go  
19 through the list of...(Inaudible.) I'll try to keep it  
20 as short as I can.

21 Mr. Anderson had a question about why are we  
22 rezoning the property, and the real short answer there  
23 is that the current zoning doesn't comply with the  
24 comprehensive plan.

25 As you all know, the State of Washington adopted

1 the Growth Management Act about five years ago and  
2 required that urban areas actually increase the density  
3 within their areas.

4 I was looking through the Shoreline Comprehensive  
5 Plan, and the estimate in there is that within the  
6 next -- well, before 2015, that Shoreline has the  
7 ability to increase the population 1600 to 2400 people  
8 in the city before 2015. That's a mandate coming from  
9 the State. Your counsel has adopted a comprehensive  
10 plan that slates this area for medium density  
11 residential. The current zoning of R-6 does not comply  
12 to that.

13 So the current zoning is out of compliance with  
14 the comprehensive plan. Our proposed rezone brings the  
15 property into compliance to the comprehensive plan. It  
16 was passed by your counsel.

17 The statement that we are only there for money.  
18 well, that's not true. Certainly development is a  
19 business; that's absolutely true. But Mr. Sundquist and  
20 Viking Properties do take pride in their work. And  
21 while some of the folks may not believe that that's  
22 true, that's a difference of opinion.

23 Water -- we also discussed water runoff. I have  
24 already described the system there.

25 Ms. Bates also had a question about the rezone as

1 I have gone through. How small are the lawns? Well,  
2 they're pretty small. This is more -- this is a  
3 subdivision application, but not everybody wants a big  
4 yard to maintain. I personally don't want a big yard to  
5 maintain, and I am renting right now. Not everybody  
6 wants a yard. Older folks that are retired and the kids  
7 are out of the house, some of them might want a big  
8 yard. Those people will look for a big yard.

9 This fills a niche in the market. And while we  
10 appreciate that all these folks that live in the area  
11 bought their houses because they were bigger lots,  
12 people move into these houses because they're smaller  
13 lots, and they don't want to deal with the maintenance  
14 responsibilities.

15 Lloyd Wales had a question about runoff, and that  
16 was -- sounds like the biggest concern that he had, and  
17 I think I addressed that as well as need be. And I can  
18 certainly answer more questions as they come up.

19 Mr. Swan said that our characterization of the  
20 neighborhood was incorrect. There may be some  
21 differences there between what we had said and what he  
22 states as a resident of the area, although I think that  
23 generally our characterization of the neighborhood is  
24 pretty close.

25 He said that the soils are -- (Inaudible) -- and I

1 believe he was referring to the environmental checklist  
2 was incorrect and it was not sandy loam. That's true.  
3 We do use the Department of Agriculture's Soil  
4 Conservation manual, which is about a one inch equals  
5 800 feet scale. Not really enough to get down to  
6 detail, although there will be a geotechnical study done  
7 on this property before the construction is done that  
8 will take care of the potential sinkhole problem, if  
9 there be one, and making sure that the soils are easy to  
10 use for construction purposes are compact enough that  
11 they won't be allowing roads and houses and things to  
12 fall into.

13 Mr. Wales had a question about if the drainage  
14 system fails. Well, if the drainage system fails, then  
15 it will be the responsibility of the owner, which is  
16 going to be the homeowner's association maintain it.

17 These things are generally pretty well designed  
18 and built. Complete failure is not something that  
19 generally happens, but there are also designs being  
20 maintained that if they do fail, then the appropriate  
21 measures will be taken to fix whatever the difficulty  
22 is.

23 Leslie Swan had a question about drainage, and I  
24 have answered that. (Inaudible) had a question about  
25 sinkholes and toxins that will go into the soils and

1 water. Washington State Department of Ecology regulates  
2 construction practices through their Best Management  
3 Practices, which is a manual for construction on sites  
4 like this. It's possible that some gasoline or  
5 something like that could get into the soil, but  
6 gasoline can get into the soil from somebody filling up  
7 their lawn mower on their yard, too. The chances of  
8 this becoming a Superfund site are nominal, and I don't  
9 think there is any real significant chance that  
10 something like that would happen.

11 Brian Lee had questions about water and density,  
12 and he said he had a -- (Inaudible) -- infiltration  
13 system and that he had a drainage problem. He is  
14 located next door to this property. I would guess that  
15 following construction of this project, his drainage  
16 system will actually work better than it does now based  
17 on the fact that all of the water that's flowing  
18 northerly now and easterly is going to be redirected  
19 through existing systems, and with that, we'll improve  
20 the situation.

21 He is worried about kids and recreation, and, you  
22 know, that may be a legitimate concern. It may not. If  
23 I was looking at raising a family, I probably wouldn't  
24 buy a house that had a 5-foot backyard. If I was an  
25 older person that didn't have kids running around and

1 recreation wasn't as big of an issue, I might think  
2 about it. And to some extent, you know, the market will  
3 work itself out there. I doubt that there are going to  
4 be a lot of young families moving into places like that.

5 I don't do too many projects that end up with  
6 really small lots like this, but we do -- one of our  
7 clients up in Snohomish County actually do a lot of  
8 townhouse and multifamily condominium projects, and they  
9 don't get very many families moving in, just because of  
10 that very reason, there isn't a yard. But a lot of  
11 empty-nesters really like those kind of things and this  
12 may attract a similar client.

13 Martin Crawl had a question about this being a  
14 contract rezone. This is not actually a contract  
15 rezone, so it doesn't have a built-in expiration date as  
16 you would see with a contract rezone. This is a simple  
17 rezone with a preliminary plat. And once the rezone  
18 becomes approved, the zoning will take place on the  
19 property. The subdivision will come later on  
20 recordation.

21 You say that the traffic study using the ITE  
22 manual is not appropriate, although the ITE manual is  
23 used by every jurisdiction I know of in Snohomish and  
24 King County as the appropriate traffic innovation manual  
25 for projects of this type. I don't actually know of any

1 other model that's used by any jurisdiction in the area,  
2 so without having any better solution than that, that  
3 was what we went with.

4 He had a statement about Ronald Bog being a  
5 problem, and we agree, Ronald Bog is a problem and  
6 something should very probably be done about that. Like  
7 I did say, we are going to be constructing a  
8 state-of-the-art detention system that's going to be  
9 bigger than probably anything this size that's been done  
10 in Shoreline just because the pipes were growing very  
11 rapidly.

12 The '95 manual would have required probably a much  
13 smaller pipe. Only three years later, now we're  
14 building bigger pipe, and we are releasing the storm  
15 water through something about the size of a garden hose,  
16 which means that the amount of water leaving the site  
17 permitted is going to be substantially less than it is  
18 even now, since we do have a hardpan layer underneath  
19 the Peat soil.

20 Daniel Man had a question about compatibility with  
21 the neighboring land owners. This comprehensive plan  
22 designation specifically states that townhouse buildings  
23 are acceptable in this comprehensive plan designation,  
24 which means we could have 3-, 4-, 5-unit buildings with  
25 more of a multifamily concept.

1 I don't think that that's the best solution for  
2 this property. I think single-family actually works  
3 quite a bit better. It certainly is a matter of  
4 opinion.

5 There was one letter in the file that said  
6 anything short of a condominium building with spa  
7 facilities would be offensive to the neighborhood. So  
8 definitely there is room for interpretation on what  
9 would be appropriate for this property. But based on  
10 the fact you have single-family homes, we believe that  
11 this is the best solution for this property while being  
12 compliant with the comprehensive plan.

13 Colleen Holbrook's two questions were that she was  
14 opposed to the rezoning based on the fact that she would  
15 prefer less density.

16 Like I said, this is a comprehensive plan approved  
17 density for this property. And, actually, the entire --  
18 from the east line of this property, north to 185th and  
19 down to 175th, I believe is all the same designation.  
20 So the comprehensive plan is expecting to get some of  
21 those 16- and 2400 new people living in along that  
22 strip. And, certainly, that entire area shouldn't be  
23 developed with this density along the whole way. Some  
24 of the lots are incapable of subdivision. Counsel  
25 certainly knew that when they installed the

1 comprehensive plan designation. But certain pockets of  
2 this along that should be expected in the future.

3 Then she had a question about whether this was a  
4 "done deal." And I'm a little bit offended by that,  
5 actually. We work really hard to try to meet all the  
6 codes and requirements of the comprehensive plans of the  
7 City when we prepare these plans. There is an  
8 extraordinary amount of work that goes into the  
9 preparation of the plans. The engineers do a lot of the  
10 work to make sure that there aren't going to be drainage  
11 problems.

12 I know it seems to some people like we are just  
13 here trying to make money, but we are actually trying to  
14 do something that works, and we are trying to make  
15 something that's going to fit as well as it possibly  
16 can. And so while it's not a "done deal," it is our job  
17 as a consulting company to do as good as a job as we can  
18 to meet all of these codes, and if we meet all the codes  
19 as required by the City, then the project should be  
20 approved, and that's -- that's our job; that's our  
21 business. So while it's not a "done deal," that's why  
22 we are all here.

23 I do think that what you're seeing before you is  
24 something that's been very carefully considered. It's  
25 not just an attempt to take from the City of Shoreline.

1 I think this is something that Counsel has specifically  
2 requested in the comprehensive plan, and I think we are  
3 trying to fulfill that.

4 Walt Hagen wanted to know about surface water with  
5 Ronald Bog. We talked about those things. The 16th  
6 lot, he was wondering about the swale. There is no  
7 swale. It's an underground vault. He was wondering why  
8 there were -- we had said there would be trees retained  
9 and then indeed there will not. There actually are a  
10 group of trees, maybe 15 or so along the southwest  
11 corner, that are serving as a privacy screen right now.  
12 Those will be retained.

13 Then Penny Wales had a question about drainage,  
14 which we answered. wildlife, which, yes, there will be  
15 some reduction in wildlife value on this property.  
16 There is nothing to be done about that in an urbanizing  
17 area.

18 Dogs, cats, and children, I don't really have an  
19 answer for that. There will probably be more of all  
20 those things. I doubt there will be many more children,  
21 but there will certainly be a few dogs or cats that may  
22 be running around, but I don't see there is much to be  
23 done about that.

24 And that's all the additional information I have.

25 UNIDENTIFIED SPEAKER: Okay. Did

1       you design it for a 50-year storm or a 100-year storm?

2               UNIDENTIFIED SPEAKER: I believe it  
3       is actually designed for a 50-year storm. And the  
4       reason for that was that under the takeout surface water  
5       manual, this project wasn't technically required to  
6       provide any detention whatsoever according to the  
7       applicable manual.

8               And when we submitted the plans originally to  
9       planning and engineering, it became obvious since there  
10      was a documented downstream problem, that problem being  
11      Ronald Bog, that we would need to provide some sort  
12      of -- (Inaudible) -- to do what we can to minimize our  
13      impacts with Ronald Bog. And in response to that, we  
14      provided above and beyond what would actually be  
15      generally required by -- by the code, which I believe is  
16      a 50-year storm.

17              Oh, I'm sorry. It's a 100-year storm. Let's see.

18               UNIDENTIFIED SPEAKER: It is a  
19      100-year. That's good.

20               UNIDENTIFIED SPEAKER: Is there a  
21      reason you have chosen not to meet with the neighbors  
22      when they have asked for a meeting?

23               MR. SUNDQUIST: One of the reasons  
24      we started this project, and before I even made an  
25      application to the City, I sent out two letters about a

1 month a part to all the neighbors in the same radiant of  
2 500 feet that the -- (Inaudible) -- filled out the same  
3 ones that you guys used. I sent them maps, a lot of  
4 things, explaining exactly what I was going to do. And,  
5 indeed, many, many people did call me and ask questions.

6 Martin Crawl did, in fact, write me a letter in  
7 about June or July, which I responded to and answered  
8 many of his specific questions. And I again got another  
9 letter from Martin Crawl, which I received approximately  
10 two weeks ago when I returned from a family vacation.  
11 And at that late date, I -- just a few days before the  
12 meeting, it was way too late to do any major design  
13 changes.

14 I asked for everybody's input and break through to  
15 mitigate -- (Inaudible) -- several letters six months  
16 ago, and suddenly at the last minute, I get a -- you  
17 know, I'm supposed to go out and meet with them. And  
18 there just simply wasn't time at this late date. I did  
19 my best to try to reach out to the neighbors and this is  
20 what happened, so...(Pause.)

21 UNIDENTIFIED SPEAKER: Any other  
22 questions?

23 MR. KUHN: Nope, sorry, we don't  
24 have public questions. At this time, I am closing the  
25 public testimony, and we will have deliberations.

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1                   Who wants to start?

2                   UNIDENTIFIED SPEAKER: I have a

3 question I guess to the City. Do you concur with the

4 Applicant that the drainage situation will improve?

5                   UNIDENTIFIED SPEAKER: Yes, I do.

6                   UNIDENTIFIED SPEAKER: Okay.

7                   UNIDENTIFIED SPEAKER: I can't hear

8 you.

9                   UNIDENTIFIED SPEAKER: Yes, I do

10 believe it will improve.

11                   UNIDENTIFIED SPEAKER: That's my

12 question.

13                   UNIDENTIFIED SPEAKER: That's your

14 question.

15                   MR. KUHN: Gentlemen, you were

16 having a debate as to who wanted to put their foot

17 first.

18                   MR. MONROE: I'll start. Two things

19 that we hear each time that we have a hearing and the

20 folks come is neighborhood character is important to

21 them and storm water runoff is important. And we have

22 been told oftentimes by the developer in --

23 (Inaudible) -- and I actually believe that, that the

24 system that they have developed is a good one and it

25 will work.

1 I've spent a lot of -- several years in storm  
2 water runoff working for King County with catch basins  
3 on the street and other types of vaults, and I'm pretty  
4 familiar with them, and I have done a lot of research of  
5 different kinds of methods throughout the United States,  
6 and I, in fact, wrote The Fact of Waste Disposal Plan  
7 for King County, which was adopted. So I think I have  
8 some knowledge.

9 Vaults are really cool for the first storm event,  
10 and they tend to fill up. And we have been having very  
11 wet winters, and we are predicted to have very wet  
12 winters. I live in Shoreline on glacial till and clay  
13 too. It seems that there is a lot of that around  
14 Shoreline. I don't have flooding problems, but I see  
15 how they can happen. I have a larger lot.

16 I think that what the developer is offering is a  
17 reasonable -- is a reasonable request; however, it seems  
18 to me that this body should pay a great deal of  
19 attention to the folks who live in the  
20 neighborhoods where these developments are taking place.

21 Tonight I heard them -- what I heard is that they  
22 don't oppose the development, but they would like a less  
23 dense development. And I really see that meeting the  
24 developer halfway.

25 I can't say that I am against this application,

1 but I can say that I feel very strong support for the  
2 neighborhood folks.

3 MR. KUHN: Moving right.

4 UNIDENTIFIED SPEAKER: I agree with  
5 Commissioner Monroe that we really need to pay more  
6 attention to the neighborhood. And I note particularly  
7 that of all the people who have testified tonight, other  
8 than a developer and a developer's representative, that  
9 there was a unanimity of the persons testifying.

10 I would also like to comment on the comprehensive  
11 plan's relationship to the actual condition -- zoning  
12 condition of the neighborhood. The comprehensive plan  
13 numbers that were theoretically imposed on us forced us  
14 to designate some areas for more possible density where  
15 we knew that the neighborhoods impacted by this possible  
16 increased density were not happy with this possibility.

17 However, we also believed -- let's say I believed  
18 that this theoretical density increase did not have to  
19 happen. It had to appear on a piece of paper, but it  
20 does not have to happen. And I think this is a  
21 particular case where it is not appropriate to change  
22 the character on the east side of the street, and I  
23 think that it would be tragic to increase the density  
24 over what is presently allowed.

25 MR. KUHN: Moving right.

1 MS. MARX: well, I went and visited  
2 the lots to see what was there and across the street,  
3 and I went to the City offices and looked at the maps to  
4 see what things were zoned as because the maps I have  
5 are hard to follow sometimes, because I was concerned  
6 looking at the current lots and looking at the proposed  
7 increase in density and the size of the lots. I think  
8 it would be a lot easier to accept if like the R-12 zone  
9 across the street, they had been townhouses or duplexes,  
10 because that gives the outward appearance of a larger  
11 house on a larger lot. And when you're going through  
12 the neighborhood, the appearances actually do make a  
13 difference. It also allows for more open space, more  
14 room for kids to be -- and I think it would fit better  
15 with the neighborhood. I'm very concerned that this  
16 doesn't fit with what exists there currently.

17 I also would like to point out that I think that  
18 taking surface water, putting it in a vault and in a  
19 drain and in a ditch, etc., will help the immediate area  
20 with their surface water runoff, but it does nothing to  
21 help recharge the surface -- the groundwater, and the  
22 water gets carted away one place or another, and it  
23 doesn't go to the groundwater. It doesn't help much in  
24 that regard. Where a bioswale does a little bit more  
25 for getting it back in ground on site.

1 UNIDENTIFIED SPEAKER: Well, I would  
2 be in favor with the project with certain modifications.  
3 I am concerned a little bit about the density too. Just  
4 because we are allowed to have 12 units per acre, I  
5 think there has to be some concern shown to the  
6 neighborhood.

7 May be a matter of negotiation as to how many lots  
8 a person should be able to get there, and I think some  
9 of that has been done through the staff. But as a  
10 planning commissioner, I guess we have to second guess  
11 the staff on some of these issues and also listen to the  
12 neighbors.

13 I have been against the small lots, but I was also  
14 in favor of increasing the density along the Aurora  
15 corridor and off into the adjacent neighborhoods. So to  
16 speak against the proposal, I would be inconsistent with  
17 my belief in terms of increasing the density along that  
18 area.

19 It makes sense to have R-12 zoning across from  
20 existing R-12 zoning, and it does meet the contentions  
21 of the comprehensive plan in that respect. I feel that  
22 the neighbors and the storm water surface water  
23 management is being handled in a much better way than  
24 the existing natural conditions, that the water is being  
25 collected and then channeled off in a metered rate to --

1 down the street.

2 The traffic issues, we have seen more dense  
3 developments than this handled appropriately. My main  
4 concern is the density and getting a little closer to  
5 the character of the neighborhood.

6 MR. KUHN: Moving right.

7 UNIDENTIFIED SPEAKER: I share many  
8 of my fellow commissioner's concerns. I look at it and  
9 I initially say, "That looks like a lot of houses." But  
10 I also say that the comprehensive plan that we have  
11 worked on for two years has indicated that this area  
12 should be medium density; it should be R-12.

13 And I would like to see fewer houses there, but I  
14 am not in the position to say you can only put eight  
15 houses there. It's either approve it or not to approve  
16 it. And I think to not approve it would be to take what  
17 we have worked on in the comprehensive plan, saying,  
18 "okay, we said this is going to be medium density," but  
19 as soon as somebody wants to do some density on it,  
20 we're going to say no.

21 I believe that the product going up there will not  
22 diminish in most cases the value of the homes. The  
23 duplex across the street that's for sale is for  
24 \$235,000, which is right in the middle of the  
25 Applicant's estimated range of value.

1 I also believe that the storm water runoff  
2 situation will improve, listening to both the City and  
3 the Applicant. If I can make it a perfect world, I  
4 would say put less houses on there. But in light of the  
5 comprehensive plan that we have all worked on and the  
6 mitigation methods that the Applicant has gone through,  
7 I would have to support this.

8 MR. KUHN: Well, I guess that leaves  
9 it to me. Well, you know, it's a conundrum. The  
10 comprehensive plan that we worked on for nearly five  
11 years, not just two years --

12 UNIDENTIFIED SPEAKER: I worked on  
13 it for two years.

14 MR. KUHN: Yeah, you worked on it  
15 for two years.

16 But at five years of input, tweaking, and whatever  
17 else, and the final resolution was that that east side  
18 of Stone Avenue North was medium density. We were  
19 looking at buffer zones between the regional business  
20 and Aurora and whatever else, and, you know, large  
21 density apartment houses. Townhouses, duplexes are  
22 envisioned in that medium density, but, obviously, so  
23 are single-family, small lot houses. You know, it's --  
24 it's a problem, but our long-range plan specified that  
25 that be medium density. And the current zoning does not

1 comply with that designation in the comprehensive plan.

2 There was plenty of opportunity before the  
3 comprehensive plan was adopted to give input to the  
4 density that we considered and finally adopted. The  
5 comprehensive plan as such is not subject to amendment  
6 but once a year, and it's not appropriate in this  
7 proceeding to amend the comprehensive plan. It stands  
8 as it is.

9 The proposal is in compliance with the  
10 comprehensive plan, and the issues of runoff seem to be  
11 handled adequately at least from all the testimony I  
12 have heard from those who know about the runoff.

13 Duplex, townhouses, they wouldn't change the  
14 density in the area, wouldn't change the number of  
15 people, wouldn't change the number of cars or car trips,  
16 so whether it's single-family or duplex or townhomes is  
17 really a moot issue.

18 As such, I would have to go with the approval of  
19 the application with those particular changes that were  
20 discussed in the facts and discussed at the beginning of  
21 the hearing and with the proviso that the one change be  
22 instead of "generally," "substantially" comport with  
23 what was submitted.

24 And are there any other comments? Will you call  
25 the roll, please?

1 UNIDENTIFIED SPEAKER: Oh, let's  
2 have a motion.

3 MS. MARX: Let's have a motion.

4 UNIDENTIFIED SPEAKER: I motion that  
5 we accept the staff's recommendation to rezone to R-12  
6 from R-6.

7 MR. KUHN: Well, I think we need to  
8 be a little more specific here in terms of what  
9 conditions we are in qualm because we have suggestions  
10 by the Applicant which weren't objected to by staff,  
11 suggestions by the Applicant which were objected to by  
12 the staff, those that incorporated different language,  
13 and so we need to address those.

14 UNIDENTIFIED SPEAKER: Well, let's  
15 make that subject to staff's recommendations and  
16 conditions as amended by Mr. Stewart's...(Inaudible.)

17 UNIDENTIFIED SPEAKER: I would like  
18 a friendly amendment on the, I think, six, the lighting.  
19 That would require that there be nonglare street  
20 lighting sensitive to the neighborhood.

21 MR. KUHN: Let's do this, let's  
22 consider this language, okay, for six: "Developer is to  
23 provide and install nonglare street lighting in  
24 accordance with an approved lighting plan."

25 Okay? Does that work for everybody?

1 UNIDENTIFIED SPEAKER: Plan approved  
2 by director.

3 UNIDENTIFIED SPEAKER: Approved by  
4 planning and development services, right. Okay. Does  
5 that work? Okay.

6 And then we are also including in Condition 11, as  
7 I mentioned, changing -- adding "substantially" after  
8 November 3, 1999 -- shall "substantially" control.

9 And let's strike Condition 18 as was pointed out  
10 was redundant to Condition No. 6.

11 Any other additions to staff's recommendation?

12 UNIDENTIFIED SPEAKER: How can you  
13 approve the plan when you got four to two?

14 MR. KUHN: Could you sit down,  
15 please, sir.

16 UNIDENTIFIED SPEAKER: No, sir. I  
17 would like to have that question...(Inaudible.)

18 MR. KUHN: Sir, can you sit down,  
19 please.

20 UNIDENTIFIED SPEAKER: Just answer  
21 my question, please.

22 MR. KUHN: The process will proceed.  
23 It will pass or it will fail based upon the vote of the  
24 commission.

25 UNIDENTIFIED SPEAKER: So we don't

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1 get to say anything?  
2 MR. KUHN: That's correct.  
3 Is there a second to the motion? (No response.)  
4 well, I'll second the motion.  
5 UNIDENTIFIED SPEAKER: You can  
6 second your own motion?  
7 MR. KUHN: I didn't make the motion,  
8 ma'am, and I would appreciate your please keeping your  
9 comments to yourself, as I indicated at the beginning of  
10 the process.  
11 would you call the roll, please?  
12 UNIDENTIFIED SPEAKER: Mr.  
13 McAuliffe?  
14 MR. MCAULIFFE: Yes.  
15 UNIDENTIFIED SPEAKER: (Inaudible.)  
16 Commissioner Marx?  
17 MS. MARX: Yield.  
18 UNIDENTIFIED SPEAKER: Commissioner  
19 Meloney?  
20 MR. MELONEY: No.  
21 UNIDENTIFIED SPEAKER: Commissioner  
22 Monroe?  
23 MR. MONROE: No.  
24 UNIDENTIFIED SPEAKER: Chair Kuhn?  
25 MR. KUHN: Yes.

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UNIDENTIFIED SPEAKER: Motion fails.

UNIDENTIFIED SPEAKER: Four to two.

MR. KUHN: The application for the staff's recommendation is not accepted. Do we have a second motion?

UNIDENTIFIED SPEAKER: Could I make a motion?

MR. KUHN: Mm-hm. (Answers affirmatively.)

UNIDENTIFIED SPEAKER: I would like to make the identical motion that was on the floor before but to limit the building to eight houses.

MR. KUHN: Second?

UNIDENTIFIED SPEAKER: Could staff have a moment over here, please?

MR. KUHN: Mm-hm. (Answers affirmatively.)

(Inaudible discussion held between staff.)

UNIDENTIFIED SPEAKER: You know, as you can see, staff -- city attorney is not present this evening, so staff has -- in a bit of a quandary as to the appropriateness, legal appropriateness, of an amendment of that nature.

1           The action before you is a proposal to change the  
2           zone classification from R-6 to R-12 with then a  
3           preliminary plat also accompanying that. I believe that  
4           a more appropriate motion would be to move adoption of a  
5           change to an R-8 without then approving the preliminary  
6           plat, if that is your intent.

7                       UNIDENTIFIED SPEAKER: I move to  
8           accept that change.

9                       UNIDENTIFIED SPEAKER: What that  
10          would mean, I believe, would be that you would forward  
11          on -- let me run this through. I believe that that  
12          would mean that you would forward onto Counsel a  
13          recommendation of a change of zone without a preliminary  
14          plat recommendation associated with it.

15          If Counsel were to accept that recommendation,  
16          then a subsequent plat would have to be resubmitted  
17          under the R-8 classification. If Counsel did not accept  
18          your recommendation, they would then have the discretion  
19          of voting on the original R-12 plat. That would be how  
20          I would read it.

21                      UNIDENTIFIED SPEAKER: If the zoning  
22          remains the same as it is currently, there would be an  
23          ability on this property to build eight homes; is that  
24          correct?

25                      UNIDENTIFIED SPEAKER: Yes, without

1 a public hearing.

2 UNIDENTIFIED SPEAKER: So why don't  
3 we -- you know, we have heard from the neighbors. Eight  
4 is a substantial number of homes.

5 UNIDENTIFIED SPEAKER: I think  
6 that's too few.

7 UNIDENTIFIED SPEAKER: In that case,  
8 if that is your intent, not to move to the R-8 zoning  
9 designation, then a recommendation of denial would  
10 accomplish that.

11 UNIDENTIFIED SPEAKER: I withdraw  
12 the motion.

13 UNIDENTIFIED SPEAKER: Is this 1.4  
14 acre property?

15 UNIDENTIFIED SPEAKER: Yes.

16 UNIDENTIFIED SPEAKER: You've got  
17 43,560 feet in an acre. That's 60,984 square feet. So  
18 if you have ten units, you would have 6000 square foot  
19 of lots.

20 MR. KUHN: Less the road, less the  
21 easements, less the --

22 UNIDENTIFIED SPEAKER: Yeah.

23 UNIDENTIFIED SPEAKER: So your  
24 audience would be to -- move to recommend denial or to  
25 move to some other less intensive zone than an R-12.

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1 UNIDENTIFIED SPEAKER: Well, I'm  
2 trying to be -- can we talk a little bit about this in  
3 terms of just the logic? We have approved projects  
4 where we've not counted the roads. We have not  
5 counted --

6 UNIDENTIFIED SPEAKER: And that was  
7 a mistake.

8 UNIDENTIFIED SPEAKER: Well, I'm --  
9 but here we have got a more appropriate place to do it  
10 than right in the middle of a loosely zoned area. We  
11 are close to commercial property. It makes sense this  
12 is where you put a denser development.

13 So I think, in a sense, we are being inconsistent  
14 here by limiting the number of units that we have here  
15 just based on our past action, whether it's been a  
16 mistake or not. This is what the code provides.

17 UNIDENTIFIED SPEAKER: Well, but we  
18 are being asked to change the zoning, and we have no  
19 obligation to change the zoning. This is a  
20 discretionary request.

21 UNIDENTIFIED SPEAKER: And we are  
22 increasing the population. I mean, we are buying into  
23 that to get a more dense area.

24 UNIDENTIFIED SPEAKER: Well, in a  
25 sense, this is a contract rezone.

1 UNIDENTIFIED SPEAKER: No, it's not.  
2 UNIDENTIFIED SPEAKER: It's not a  
3 contract rezone?

4 UNIDENTIFIED SPEAKER: No.

5 UNIDENTIFIED SPEAKER: Could I just  
6 make one point, and that is that the comprehensive plan  
7 for medium density calls for -- states that appropriate  
8 zoning designation for medium density residential would  
9 be R-8 or R-12.

10 UNIDENTIFIED SPEAKER: Appropriate,  
11 but not mandatory.

12 UNIDENTIFIED SPEAKER: Appropriate  
13 zoning for medium density would be R-8 or R-12. It  
14 would be my opinion that an R-6 is not in conformance  
15 with our plan, but that an R-8 would be.

16 UNIDENTIFIED SPEAKER: But this is a  
17 circumstance where we have had extensive testimony  
18 that --

19 UNIDENTIFIED SPEAKER: In opposition  
20 to the R-12.

21 UNIDENTIFIED SPEAKER: How many --

22 UNIDENTIFIED SPEAKER: -- extensive  
23 testimony that eight units on this parcel of land is an  
24 appropriate number of units.

25 UNIDENTIFIED SPEAKER: But the

1 density has been calculated and approved, and the  
2 comprehensive plan --

3 UNIDENTIFIED SPEAKER: The  
4 comprehensive --

5 UNIDENTIFIED SPEAKER: This also  
6 talks about --

7 UNIDENTIFIED SPEAKER: The  
8 comprehensive plan is a guideline. It is not a mandate.  
9 And that's the confusion here. In an R-8, it would be  
10 ten houses a lot?

11 MS. MARX: Eleven.

12 UNIDENTIFIED SPEAKER: We would have  
13 to do the calculations.

14 MS. MARX: I would like to move that  
15 we approve an R-8 zoning change for this parcel.

16 UNIDENTIFIED SPEAKER: You know,  
17 what I have here is I don't hear the Applicant  
18 requesting or agreeing to a rezone to an R-8.

19 Now, it's either the Applicant or the property  
20 owner has that property and is making that request. I  
21 don't think we dictate what happens to their property  
22 absent their request for a rezone. They might, with  
23 this plan not going through, just wish to keep it R-6.  
24 I don't know. I haven't heard from them on that.

25 For us to make a motion to rezone it to something

1 that hasn't been requested by the property owner, I  
2 think is ridiculous.

3 UNIDENTIFIED SPEAKER: I concur.

4 UNIDENTIFIED SPEAKER: I don't think  
5 it's legal.

6 UNIDENTIFIED SPEAKER: Right.

7 UNIDENTIFIED SPEAKER: Okay. Then  
8 that's fine. Why don't we just leave it as it is.

9 MR. KUHN: Why don't we just make a  
10 motion to deny the application in its current state and  
11 see what transpires.

12 UNIDENTIFIED SPEAKER: So moved.

13 UNIDENTIFIED SPEAKER: Seconded.

14 UNIDENTIFIED SPEAKER: Why do we  
15 even have to do a motion that's already been denied?

16 MR. KUHN: Well, I think we need to  
17 make it clear that the motion to accept the staff's  
18 recommendation with the changes failed, and that if we  
19 don't want to accept the staff's recommendation absent  
20 changes, then we need to make a motion to deny the  
21 application in its state without any changes.

22 UNIDENTIFIED SPEAKER: Question?

23 MR. KUHN: Okay.

24 UNIDENTIFIED SPEAKER: Question?

25 MR. KUHN: Ask away.

1 UNIDENTIFIED SPEAKER: Why can't we  
2 have a contract rezone?

3 MR. KUHN: We are not the people to  
4 determine --

5 UNIDENTIFIED SPEAKER: No, I am  
6 asking staff why the Applicant couldn't ask for a  
7 contract rezone?

8 UNIDENTIFIED SPEAKER: The Applicant  
9 has discretion to ask for many different types of  
10 permits, and in this case chose not to. They applied  
11 for a reclassification of the zone to an R-12 and  
12 attached a preliminary plat to that so that there would  
13 be some certainty to what would be built on the R-12.

14 MR. KUHN: And my concern is that we  
15 adopt a position, whatever that may be, that if we are  
16 not going to accept the application with or without  
17 conditions altered through testimony and discussion,  
18 that the Applicant then has every available -- every  
19 option available to them to do what they want to do with  
20 the property, not limited by what we might decide is an  
21 appropriate zone decision. And so therefore, we have  
22 had a motion and a second to deny the application.

23 Now, can we have any further discussion on that?

24 UNIDENTIFIED SPEAKER: I think  
25 you're right, Dan.

1 MR. KUHN: So will you call the  
2 roll, please.  
3 UNIDENTIFIED SPEAKER: Commissioner  
4 McAuliffe?  
5 MR. MCAULIFFE: I want to hold off.  
6 UNIDENTIFIED SPEAKER: what are  
7 we --  
8 UNIDENTIFIED SPEAKER: I'm not sure  
9 what we're --  
10 UNIDENTIFIED SPEAKER: To deny the  
11 application.  
12 UNIDENTIFIED SPEAKER: In it's  
13 current form.  
14 UNIDENTIFIED SPEAKER: I thought we  
15 did that.  
16 MR. KUHN: No, we did not do that.  
17 MS. MARX: We voted not to accept  
18 the application with the conditions.  
19 UNIDENTIFIED SPEAKER: As  
20 a...(Inaudible.)  
21 UNIDENTIFIED SPEAKER: Remember your  
22 primary function is to advise the City Council and to  
23 provide the Council with a recommendation on this  
24 application, so --  
25 MR. KUHN: The motion should

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1 probably read in the form of "We recommend to the City  
2 Council that they deny the Elena Lane rezone and  
3 preliminary plat for a single-family residential  
4 development."

5 UNIDENTIFIED SPEAKER: In its  
6 current form.

7 MR. KUHN: No, just denied.

8 UNIDENTIFIED SPEAKER: Just denied.

9 MR. KUHN: So that's the reworded  
10 motion.

11 MR. MCAULIFFE: I'm going to pass.  
12 Start with someone else.

13 UNIDENTIFIED SPEAKER: Vice Chair  
14 Gabbert?

15 MR. GABBERT: Aye.

16 UNIDENTIFIED SPEAKER: Commissioner  
17 Marx?

18 MS. MARX: Yes.

19 UNIDENTIFIED SPEAKER: Commissioner  
20 Meloney?

21 MR. MELONEY: Yes.

22 UNIDENTIFIED SPEAKER: Commissioner  
23 Monroe?

24 MR. MONROE: Yes.

25 UNIDENTIFIED SPEAKER: Commissioner

1 McAuliffe?

2 MR. MCAULIFFE: No.

3 UNIDENTIFIED SPEAKER: Chair Kuhn?

4 MR. KUHN: Yes.

5 UNIDENTIFIED SPEAKER: Motion  
6 carries, aye won.

7 MR. KUHN: The application will now  
8 be forwarded to the City Council along with a complete  
9 copy of the record and your recommendation for their  
10 consideration and file action.

11 UNIDENTIFIED SPEAKER: Would it be  
12 inappropriate for further negotiation between the staff  
13 and the Applicant and come back --

14 UNIDENTIFIED SPEAKER: Yes, the  
15 record is now closed and so off we are going to the City  
16 Council with the recommendation.

17 UNIDENTIFIED SPEAKER: So it would  
18 not be appropriate to come back to us with another --

19 UNIDENTIFIED SPEAKER: Denied.  
20 There is other matters --

21 UNIDENTIFIED SPEAKER: Well, the  
22 City Council has the opportunity to counter our  
23 recommendation.

24 MR. KUHN: Okay. You would like to  
25 reopen public hearing to mark the -- I guess that's --

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1 UNIDENTIFIED SPEAKER: So that is  
2 the same as its...(inaudible.)

3 UNIDENTIFIED SPEAKER: In the  
4 record, right.

5 Unfinished business? None on the agenda that I  
6 see. New business? None on the agenda that I see.  
7 Agenda for the next meeting, December 16th, another  
8 hearing on a rezone. (Inaudible.)

9 Anybody have any idea now whether or not they will  
10 be present on the 16th?

11 UNIDENTIFIED SPEAKER: I will not.

12 MS. MARX: I may not. I get in late  
13 night the 15th and may not have --

14 UNIDENTIFIED SPEAKER: 16th.

15 UNIDENTIFIED SPEAKER: I will not be  
16 here either. I'm in San Francisco on the 16th.

17 MR. KUHN: You've now just -- you're  
18 getting real close to your deal there.

19 UNIDENTIFIED SPEAKER: With your  
20 permission, I ask to reschedule this action for January.

21 MR. KUHN: How does the schedule  
22 look in January?

23 UNIDENTIFIED SPEAKER: Allen will  
24 brief you on the pipeline coming at you.

25 UNIDENTIFIED SPEAKER: The calendar

1 that we had tentatively set had the Derich rezone  
2 scheduled on the next meeting on the 16th, and we had  
3 the entire meeting of January 6th devoted to the Fire  
4 Department Administrative Training Center rezone and  
5 special use permit.

6 It may be possible to combine hearings on that  
7 date. I'm not aware of the intricacies of each of those  
8 files at this point as to whether that would be viable  
9 or not.

10 We have on the meeting of the 20th scheduled a  
11 workshop on the Phase II Development Code.

12 UNIDENTIFIED SPEAKER: So we  
13 could -- that Phase II Development Code could be moved  
14 to a special meeting or subsequently delayed.

15 UNIDENTIFIED SPEAKER: Yeah.

16 UNIDENTIFIED SPEAKER: You will be  
17 getting it on the 6th, so you may -- and it's a  
18 substantial document, so you may --

19 UNIDENTIFIED SPEAKER: There will  
20 be -- you know, so far, there is two people who are not  
21 here which leaves us with a potential of six. You know,  
22 I mean similar to this evening's numbers --

23 UNIDENTIFIED SPEAKER: Would you  
24 like to poll the members tomorrow or soon and see if we  
25 have more folks who are going to be absent on the 16th,

1 or would you just like us to move it?

2 MR. KUHN: Well, I would -- probably  
3 should contact Commissioners Bradshaw, Parker and  
4 Vadset, because if any one of -- if two of them say no,  
5 they weren't going to be here, plan on being here or  
6 whatever, you're not going to have a quorum and you're  
7 not going to have enough for a necessary vote to  
8 approve.

9 UNIDENTIFIED SPEAKER: Why don't we  
10 poll them and then we'll get back to the Chair and make  
11 sure that we are all squared away.

12 MR. KUHN: So if we don't have a  
13 quorum, what will we do on the 16th?

14 UNIDENTIFIED SPEAKER: We will not  
15 have a meeting.

16 MR. KUHN: Okay. Go Christmas  
17 shopping.

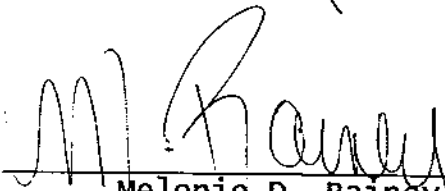
18 UNIDENTIFIED SPEAKER: Okay. Thank  
19 you.  
20  
21  
22  
23  
24  
25

1 STATE OF WASHINGTON) I, MELONIE D. RAINEY,  
2 County of King ) ss CCR RA-IN-EM-D319RC a  
3 duly authorized Notary  
4 Public in and for the  
5 State of Washington  
6 residing at Seattle,  
7 do hereby certify:

8 That the foregoing audiotape of the Shoreline  
9 Planning Commission was transcribed by myself to the  
10 best of my ability.

11 That I am not a relative, employee, attorney  
12 or counsel of any party to this action or relative or  
13 employee of any such attorney or counsel and that I am  
14 not financially interested in the said action or the  
15 outcome thereof;

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand and affixed my official seal this 14th day of  
18 January, 2000.

19  
20  
21  
22  
23  
24  
25  
  
Melonie D. Rainey, CCR,  
Notary Public in and for the State  
of Washington, residing at Seattle.

**CITY COUNCIL AGENDA ITEM**  
**CITY OF SHORELINE, WASHINGTON**

**AGENDA TITLE:** Adoption of Ordinance No. 228 for Elena Lane Rezone from R-6: Residential - 6 units/acre to R-12: Residential - 12 units per acre and concurrent approval of a Preliminary Plat for the creation of 15 dwelling units on 16 total lots  
File # 1999 - 0845

**DEPARTMENT:** Planning and Development Services

**PRESENTED BY:** Tim Stewart, Director *Handwritten: Good for TML*  
Allan Johnson, Planner II *Handwritten: AJ*

**EXECUTIVE / COUNCIL SUMMARY**

The decision before your Council is approval of Ordinance No. 228 (Attachment I) for the Reclassification of Property and Preliminary Plat of approximately 1.4 acres of land on two contiguous existing lots (Lot 9 and 10) at 18034 Stone Avenue North. The Reclassification of Property would result in the rezoning of this site from R-6 (Residential - 6 units/acre) to R-12 (Residential - 12 units/acre). A zoning map can be found in Exhibit B of Attachment I and a site plan is shown in Attachment II. The Preliminary Plat would permit the development of fifteen new dwelling units on sixteen lots. The Reclassification of Property (or Rezone) and Preliminary Plat (or Subdivision) is proposed by Eric Sundquist of Viking Properties.

The application was first discussed with City staff in May 1999. The application was determined, initially, to be complete on July 6, 1999. With subsequent, more detailed staff review, additional data was required. The application was accepted as fully completed on October 27, 1999. The SEPA Mitigated Determination of Non-Significance was issued on September 30, 1999. A public hearing before the Planning Commission was opened and closed on December 2, 1999. There were no exhibits submitted at the hearing.

Based upon input received through the public review process, the Planning Commission, on a vote of 5 - 1 (Commissioners Gabbert, Kuhn, Marx, Maloney, Monroe in favor; Commissioner McAuliffe opposed), recommended that the application be denied primarily based on the following conclusions:

- Despite amenities (e.g., open space/recreation area, landscaping, screening) that improves compatibility with neighborhood land uses, the proposal is not compatible

with existing development due to the higher density, smaller lot sizes and greater impervious surface coverage as compared to most surrounding development.

- The proposal is not consistent with the Comprehensive Plan policies that call for compatibility with existing development and neighborhood character.

The Planning Commission Findings and Recommendations (Attachment I, Exhibit A) contain these conclusions along with additional conclusions and findings of fact. The minutes from the hearing are included for your Council's reference (Attachment III).

The Planning Commission Findings and Recommendations differ from the findings and recommendation presented by Staff at the public hearing on December 2, 1999. At the public hearing, staff supported approval of the application for the Reclassification from R-6 to R-12 and concurrent Preliminary Plat based upon the conclusion that the proposal was consistent with the Comprehensive Plan land use designation and policies. In addition, the Staff supported clarifying changes requested by the applicant relating to water quality measurements, roadway width, sidewalk location, street lighting and design features (see Attachment I, Exhibit C).

The Comprehensive Plan designation for the Elena Lane site is Medium Density Residential. The Comprehensive Plan Land Use Designation for Medium Density Residential and Policy LU-28 state "Appropriate zoning designations for this area would be R-8 or R-12 Residential". These sections of the Comprehensive Plan indicate that, in Medium Density Residential areas, "Single family homes would be permitted, as would duplexes, triplexes, zero lot line houses, townhouses and cottage housing".

Staff has concluded that the current R-6 (Residential 6-unit/acre) zoning is not consistent with the Comprehensive Plan land use designation for this site. As a result, Staff does not concur with the Planning Commission Recommendation. Staff supports approval of the proposed Reclassification to R-12 (Residential - 12 units/acre) and concurrent Subdivision to create 15 dwelling units on 16 total lots. The Staff also supports clarifying changes requested by the applicant and addressed at the Planning Commission public hearing. In addition, staff supports two housekeeping changes to Conditions #12 and #20 of the Preliminary Plat (Attachment I, Exhibit C) regarding tree replacement, the homeowner's association and the association's responsibilities.

If your Council does not concur with the R-12 recommendation, we highly recommend that you rezone this site to R-8 (Residential - 8 units/acre). The R-8 zone is indicated by the Comprehensive Plan as an appropriate zone for sites with a Medium Density Residential land use designation. If your Council does not concur with either the R-8 or R-12 zoning, then the zoning will not agree with your Comprehensive Plan. During the public hearing on December 2, Chairman Kuhn noted that the final resolution of the land use designation for the east side of Stone Ave. by your Council was for Medium Density Residential. The more appropriate time to revisit your land use position of the Comprehensive Plan is in the overall Comprehensive Plan amendment process.

If your Council concludes that R-8 zoning is appropriate for this site, you may approve a rezone to R-8 and remand the subdivision for modification to meet the standards of the R-8 zone and reconsideration by the Planning Commission (see Attachment IV). Average lots size for the subdivision would need to be redesigned from the proposed average of approximately 3,000 square feet to approximately 5,400 square feet per lot and the number of residential lots would need to be reduced from 15 to no more than 11 residential lots. If your Council approves this option, staff recommends that the applicant be provided 90 days to redesign the Preliminary Plat to the provisions of the R-8 zone.

Your Council is the final decision making authority for Reclassification of Property and Preliminary Plat. If your Council decides to approve the Preliminary Plat, your Council may wish to add or remove conditions for the Plat in order to ensure that the proposal is in the public interest. However, due to the fact that the public hearing for this application has already occurred before the Planning Commission, your Council's review must be based upon the written record. You may not take new testimony.

### **OPTIONS**

1. Approve Ordinance No. 228 rezoning property at 18034 N. Stone Avenue from R-6 to R-12 and approve concurrent Preliminary Plat for 15 homes on 16 lots.
2. Approve Alternate Ordinance No. 228 rezoning property at 18034 N. Stone Avenue from R-6 to R-8 and remand the Preliminary Plat to the Planning Commission for reconsideration.

### **RECOMMENDATION**

Staff recommends that your Council adopt Ordinance No. 228 for the Reclassification of Property of two contiguous existing lots (Lot 9 and 10) at 18034 N. Stone Avenue from R-6 (Residential – 6 units/acre) to R-12 (Residential – 12 units/acre) and concurrent approval of the Elena Lane Preliminary Plat for fifteen new dwelling units on sixteen lots.

### **ATTACHMENTS**

- |               |                                                                                                                                                                                          |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Attachment I  | Ordinance No. 228, including:<br>Exhibit A: Planning Commission Findings and<br>Recommendations<br>Exhibit B: Zoning Map and Legal Description<br>Exhibit C: Preliminary Plat Conditions |
| Attachment II | Site Plan Maps for Elena Lane Rezone and Preliminary Plat                                                                                                                                |

Attachment III Planning Commission Minutes, December 2, 1999  
Attachment IV Alternative Ordinance No. 228: including  
Exhibit B (Revised): Zoning Map  
Attachment V Attachment B-J to December 2, 1999 Staff Report  
Available in Council Office and City Clerk's Office

Approved By: City Manager LB City Attorney CF

ORDINANCE 228

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING OF A 1.4 ACRE PARCEL LOCATED AT 18034 STONE AVENUE FROM R-6 TO R-12 AND APPROVING A PRELIMINARY PLAT SUBJECT TO CONDITIONS**

**WHEREAS**, the subject property, described as Elena Lane, located at 18034 Stone Avenue, is designated on the Comprehensive Plan as Medium Density; and

**WHEREAS**, the owners of certain property located at 18034 Stone Avenue North have filed an application to reclassify the property, which is comprised of approximately 60,462 square feet, from R-6, Residential – 6 units per acre, to R-12, Residential – 12 units per acre; and to obtain approval for a 16 lot preliminary plat for residential development.

**WHEREAS**, on December 2, 1999, a public hearing on the reclassification application was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

**WHEREAS**, on December 2, 1999, the Planning Commission recommended denial of the reclassification application and entered findings of fact and a conclusion based thereon in support of that recommendation; and

**WHEREAS**, on December 30, 1999, Mr. Sundquist of Viking Properties, the applicant, filed an appeal of the Planning Commission Recommendation; and

**WHEREAS**, upon consideration of the appeal and review of the application the City Council has determined that the public use and interest will be served by approving the reclassification of said property from R-6 to R-12; and

**WHEREAS**, on December 2, 1999, the Planning Commission recommended denial of the preliminary plat application; and

**WHEREAS**, on December 30, 1999, Mr. Sundquist of Viking Properties, the applicant, filed an appeal of the Planning Commission Recommendation; and

**WHEREAS**, upon consideration of the appeal and review of the application the City Council has determined that the public use and interest will be served by approving the preliminary plat subject to the following conditions:

- I. Subsequent development of the subject property shall comply with all the conditions of the SEPA Mitigated Determination of Non-Significance issued on September 30, 1999; and
- II. The subdivision of the subject property shall be accomplished and shall comply with the conditions described in the Planning Commission Findings and Recommendation, Attachment A, on File #99-0845 except as amended by Exhibit C.

**WHEREAS**, the City has complied with the requirements of the State Environmental Policy Act (SEPA) and the City's SEPA procedures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

**Section 1. Findings.** The Planning Commission's findings in its Findings and Recommendation on File #99-0845 as set forth by the Planning Commission on December 2, 1999, and as attached hereto as Exhibit A, with the following amendments to the Conclusions of the Planning Commission:

- A. III. Conclusions #7: ~~Despite a~~Amenities (e.g., open space/recreation area, landscaping, screening) ~~that improves~~ improve compatibility with neighborhood ~~adjacent~~ land uses, the proposal is not compatible with existing development due to the higher ~~that have lower~~ density, ~~smaller~~ larger lot sizes and ~~greater~~ lower impervious surface coverage as compared to most surrounding development.
- B. III. Conclusions #8: The proposal is ~~not~~ consistent with the Comprehensive Plan land use designation and policies for Medium Density Residential areas and with policies that call for compatibility with existing development and neighborhood character.

**Section 2. Amendment to Zoning Map.** The official zoning map of the City of Shoreline, adopted by Ordinance No. 125, is hereby amended to change the zoning classification for the parcel, more fully described below and depicted in Exhibit B attached hereto, from R-6 to R-12.

Lots 9 and 10, Block 4, Richmond Acres, according to the plat thereof, Recorded in Volume 24 of Plats, Page 25, In King County, Washington

**Section 3: Preliminary Plat Approval.** The preliminary plat for Elena Lane is approved subject to conditions as shown in Exhibit C.

**Section 4: Severability.** If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

**Section 5: Effective Date and Publication.** This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

**PASSED BY THE CITY COUNCIL ON FEBRUARY 14, 2000**

\_\_\_\_\_  
Mayor Scott Jepsen

ATTEST:

\_\_\_\_\_  
Sharon Mattioli  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: \_\_\_\_\_, 2000

Effective Date: \_\_\_\_\_, 2000

Commission Meeting Date: December 2, 1999

**PLANNING COMMISSION FINDINGS AND RECOMMENDATION**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** ELENA LANE REZONE AND PRELIMINARY PLAT  
File #099-0845

After reviewing and discussing the Elena Lane Rezone and Preliminary Subdivision at a public hearing on December 2, 1999 to rezone and subdivide approximately 1.4 acres, and considering the testimony and written comments presented, the Shoreline Planning Commission makes the following Findings, Conclusions and Recommendations to the Shoreline City Council:

**I. PROPOSAL:**

**Proposal:** The proposed Reclassification of Property (or Rezone) and Preliminary Plat (File No. 099-0845) would permit the development of fifteen new dwelling units on approximately 1.4 acres of land on two contiguous existing lots (Lot 9 and 10) at 18034 Stone Avenue. The site is now zoned Residential – 6 units per acre (R-6). The proposed zoning would be Residential – 12 units per acre (R-12). The Subdivision would create 16 new lots of which 15 would be used for residential development and one would be dedicated to open space and recreation. A set of Proposed Plat Conditions for this Subdivision proposal has been prepared by Staff.

The applicant is Eric Sundquist of Viking Properties. The application was first discussed with the City in May 1999. The application was determined, initially, to be complete on July 6, 1999. With subsequent, more detailed staff review, additional data was required. The application was accepted as fully completed on October 27, 1999.

The SEPA Mitigated Determination of Non-Significance was issued on September 30, 1999. The proposal is further described in the Application and in the Elena Lane Preliminary Plat and plans. Details of the proposal include:

- A. A preliminary plat to create 16 lots, 15 of which would be used for single family development and one which would be a common open space/recreation area.
- B. construction of a 24 foot wide roadway to urban road standards with curb and gutters.
- C. on-site stormwater detention pipe in the roadway and linking through a drainage easement to a vault system on the northeast corner of the site; off-site biofiltration.
- D. construction of sidewalk system (including curbs, gutters and streetlighting) throughout the development.
- E. construction of sidewalk on Stone Avenue adjacent to the site.
- F. construction of striped asphalt pedestrian walkway linking the sidewalk to North 180<sup>th</sup> Street on the south and North 183<sup>rd</sup> Street to the north; this asphalt walkway will be

- designed for the future extension of sidewalks as other properties develop; no additional sidewalk will be built by this developer.
- G. retention of a buffer of mature cedar trees at the southwest corner of the site, as well as other trees, as feasible, on the northern and eastern site boundaries and the interior of the site.
  - H. a boundary landscape plan that includes: red maple, vine maple, fir trees and mixed shrubs.
  - I. 6-foot high decorative wood fencing at the boundaries of the site.
  - J. construction of a fenced tot lot located on the common open space lot.

## **II. FINDINGS:**

### **1. THE SITE**

- 1.1 The site now consists of a single parcel. This parcel would be subdivided into 16 lots under the proposal. The lots would average 3,043 square feet (ranging from 2,975 square feet to 4,045 square feet). The current residential density is approximately 0.7 units per acre.
- 1.2 The existing single family dwelling and two outbuildings would be removed to build the new homes. A gravel road now provides access to the home and outbuildings. The development proposal would abandon this road and construct a new paved roadway in the center of the site.
- 1.3 The site has a gradual slope from the west to the east side of the site, with a maximum slope of five percent. Most of the site is an open grass field. There is a buffer of mature cedar trees on the southwest corner of the site. This buffer would be retained.

### **2. THE NEIGHBORHOOD**

- 2.1 The site is located in the Meridian Park Neighborhood. The site is on the east side of Stone Avenue. Across Stone Avenue to the west is a mixture of single-family homes and duplexes on small lots. Single-family homes on larger lots exist to the north, east and south of the site. One block west of the site (Midvale Avenue), there are various commercial and light industrial uses (e.g., QFC Shopping Center, public storage, offices, etc.).
- 2.2 The proposed single-family homes on smaller lots would be similar to the existing single-family homes and duplexes on the west side of Stone Avenue. Elena Lane's proposed homes on smaller lots would be different from the single-family homes on larger lots that are north, south and east of the site. However, this development would be separated from those nearby homes by the plan for open spaces, setbacks, and screening (landscaping and fencing).

### **3. COMPREHENSIVE PLAN**

- 3.1 The Shoreline Comprehensive Plan provides a policy directive to "Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600 to 2,400 new housing units and the future needs of Shoreline citizens" (LU23).

- 3.2 The Comprehensive Plan calls for development that is in character with the existing neighborhood. Policy H1 asks the City to: "Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city." Policy H6 calls for the City to: "Encourage compatible infill development on vacant or underutilized sites." Finally, Goal H III states that the City should: "Maintain and enhance single family and multi-family residential neighborhoods, so that they provide attractive living environments, with housing that is compatible in quality, design and scale within neighborhoods and that provides effective transitions between different uses and scales."
- 3.3 The adopted Plan includes a Land Use Map that designates this site (as well as the remainder of the east side of Stone Avenue between North 178<sup>th</sup> Street and North 185<sup>th</sup> Street) as Medium Density Residential Use. Medium density residential would permit single family homes, duplexes, triplexes, zero lot line houses, townhouses, cottage housing, and apartments under certain conditions. "The permitted density for this designation will not exceed 12 dwelling units per acre and the base height will not exceed 35 feet, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved. Appropriate zoning designations for this area would be R-8 or R-12 Residential" (LU28).

#### 4. EXISTING ZONING

- 4.1 The site is zoned at R-6, Residential – 6 units per acre. This is a Low Density Residential zone and the R-6 zone permits single-family homes. Duplex and triplex units are allowed in R-6 as conditional uses. This existing zoning is not consistent with the adopted Comprehensive Plan's Land Use Map, which shows the east side of Stone Avenue as Medium Density Residential Use.

#### 5. ISSUES:

The development proposal has raised the following issues that have been analyzed in the Staff Report:

- 5.1 Density: The proposed density of 15 dwelling units on approximately 1.4 acres is within the range permitted by the Comprehensive Plan Map and policies for Medium Density Residential Use.
- 5.2 Preliminary Plat: The applicant has provided plans for a proposed preliminary plat of 16 lots (15 building lots; plus one lot for common open space/recreation) to comply with the provisions of the City's Subdivision Ordinance (SMC Chapter 17), including requirements for lot size, lot design, lot dimensions and for public facilities and improvements, such as roadways, sidewalks, sewers.
- 5.3 Vehicle Traffic: The applicant has provided a traffic study that reports that this project would have no significant impacts to existing vehicular traffic operations of the street system in the vicinity of the site. Staff concurs with this conclusion. The City's staff is aware that citizens are reporting increased cumulative traffic on North 183<sup>rd</sup> Street. The City is developing a traffic calming program and traffic calming systems will be considered for the North 183<sup>rd</sup> Street corridor.

- 5.4 Pedestrian Traffic: Pedestrians may be expected to walk north from Elena Lane to the nearby shopping area and to public transit on Aurora and North 185<sup>th</sup>.

Additionally, the Shoreline School District reports that school children will be walking south from the site to Meridian Park Elementary School and Shorewood High School. The school bus stop for students at Einstein Middle School is located at North 180<sup>th</sup> Street and Stone Avenue. The School District provided a letter stating that the pedestrian connections are "fairly typical" of connections in the area. The School District does not recommend specific pedestrian improvements.

To improve pedestrian safety, the applicant is proposing a sidewalk, curb and gutter on Stone Avenue in front of Elena Lane. The applicant has also proposed asphalt walkways, with striping, to link the sidewalk in front of Elena Lane to North 183<sup>rd</sup> Street and to North 180<sup>th</sup> Street. Staff concur with this proposal and also recommends that the project be engineered to consider drainage impacts from full sidewalk along Stone Avenue between North 180 and North 183<sup>rd</sup>. This analysis would ensure that current sidewalk drainage requirements and construction requirements would be compatible with future sidewalk additions on this block of Stone Avenue.

- 5.5 Open Space/Recreation: One lot, 4,045 square feet in size, would be dedicated to open space and recreation. This lot would feature a fenced tot lot, grass cover and boundary trees (Hogan's cedar, red maple and mixed shrubs).

- 5.6 Stormwater: The applicant has completed stormwater drainage analyses, including soils studies. The applicant has proposed a stormwater management system including subterranean detention pipe (to detain 50% of the 2 year through 50 year storm). The detention pipe would underlie North 182<sup>nd</sup> Place and lead, via an easement, to a stormwater conveyance system on the northeast corner of the site. Staff recommends that biofiltration be provided in off-site downstream ditch sections with specific locations to be determined in final engineering plans. The system would be designed to limit post-development storm water runoff to be equal to (or less than) predevelopment runoff levels. The system would be designed to safeguard development and open spaces on the site. The system would also be intended to protect water quality in Thornton Creek and to protect Ronald Bog. Staff concurs with the proposed stormwater management system.

- 5.7 Landscaping: The applicant proposes to retain an existing buffer of mature cedar trees on the southwest corner of the site, approximately 6 fir trees and several other trees scattered throughout the property. Additional trees within the site would be preserved as feasible.

The plan would also provide trees, shrubs and groundcover within the site and at its boundaries. Tree plantings include 19 red maples, 7 vine maple, 4 crabapple, and 5 Hogan's cedar. A hedgerow is planned for the east side of the open space/recreation area, parallel to the tot lot. A landscaping buffer is also planned for the north side of the open space area. There would be 66 shrubs, including rhododendron, roses, arborvitae, juniper and rockrose, throughout the site.

- 5.8 Screening: The buffer of cedar trees on the southwest corner of the property would remain. A landscape hedgerow would be located on the east boundary of the open space area parallel to the tot lot. The applicant plans security fencing for the tot lot. Each home would be screened with wood fencing. There would

also be a 6 foot high wood fence around the periphery of the site. Staff concurs with the proposed screening plan.

- 5.9 Utilities and Services: The proposed project has been reviewed by the Fire Department, the Water District and the Sewer District. Each of these agencies has concurred with the basic proposed development. Conditions for service have been established by each agency.

### III. CONCLUSIONS

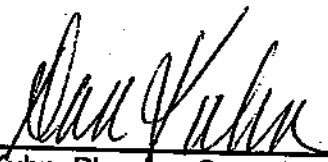
1. The proposed preliminary plat is in conformance with the Shoreline Municipal Code Title 19 - Subdivision Standards.
2. The proposal would provide adequate water and sewer systems to serve the new homes and would not reduce the level of service provided to abutting properties.
3. The proposal would provide adequate stormwater systems to service the new homes and would not increase runoff to abutting properties; the system would address water quality and water quantity impacts to Ronald Bog and Thornton Creek.
4. The proposal would retain a valuable vegetative buffer resource on the southern boundary at the west side of the site and other vegetation as feasible.
5. The proposal would provide a Homeowner's Association to maintain appearance and function of the development.
6. The proposed development would assist the City of Shoreline in meeting its housing production targets to meet our obligation under the Growth Management Act.
7. Despite amenities (e.g., open space/recreation area, landscaping, screening) that improves compatibility with neighborhood land uses; the proposal is not compatible with existing development due to the higher density, smaller lot sizes and greater impervious surface coverage as compared to most surrounding development.
8. The proposal is not consistent with the Comprehensive Plan policies that call for compatibility with existing development and neighborhood character.

### IV. RECOMMENDATION

The Planning Commission recommends that the Elena Lane Reclassification of Property and Preliminary Plat be denied.

#### **ATTACHMENT:**

- A. Proposed Plat Conditions

  
\_\_\_\_\_  
Dan Kuhn, Planning Commission Chair

12/22/99  
\_\_\_\_\_  
Date

**ATTACHMENT A**

**ELENA LANE: CONDITIONS FOR PRELIMINARY PLAT FOR 16 LOTS FOR FUTURE SINGLE-FAMILY DEVELOPMENT**

1. Developer shall provide and install a Surface/Storm Water Management Plan, pursuant to the Memorandum issued by the City of Shoreline on September 14, 1999. The Final Surface/Storm Water Management Plan and Agreement shall incorporate the measures listed below:
  - (a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Lovell-Sauerland and Associates, dated 4/29/99, in the letter to the City from Eric Sundquist dated 9/27/99 and the plans dated November 3, 1999, and
  - (b) Biofiltration shall be provided in off-site downstream ditch sections with specific locations to be determined in final engineering plans.
  - (c) A complete set of construction drawings is to be submitted, approved, and a site development permit issued before construction can begin.
  - (d) All drainage facilities are to be dedicated through a Declaration of Covenant Associated with Development of Detention Facility to the City of Shoreline with recording of the final plat.
  - (e) The developer is required to provide a Drainage Easement Agreement, establishing the legal description of the easement corridor, and providing that said easements are to be maintained, repaired, and/or rebuilt by the owners of the parcels and their heirs, assigns or successors.

The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, prior to the issuance of the site development permit.

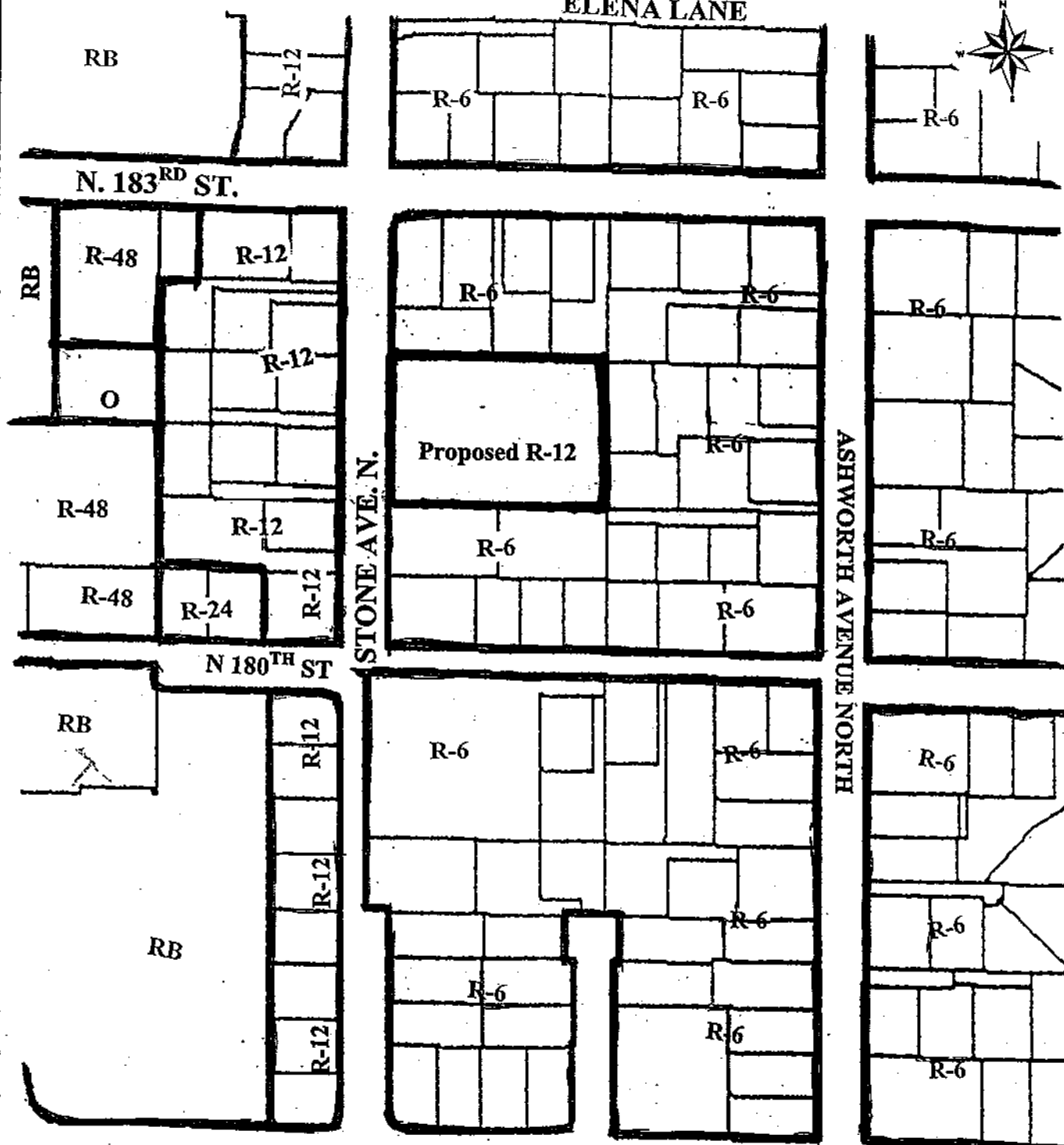
2. Developer shall provide a 32 foot wide paved roadway (North 182<sup>nd</sup> Place), with curb and gutter as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999, and pursuant to the requirements of SMC Title 12.10.
3. Developer shall provide a pedestrian sidewalk, curb and gutters on both sides of North 182<sup>nd</sup> Place as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999, and pursuant to the requirements of SMC Title 18.18.
4. Developer shall provide a pedestrian sidewalk, curb and gutters on Stone Avenue North adjacent to the site, as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999, and pursuant to the requirements of SMC Title 18.18.
5. Developer shall provide an asphalt pedestrian walkway, with a painted stripe separating the walkway from vehicular traffic to extend along Stone Avenue from the south boundary of the site to North 180<sup>th</sup> Street and from the north boundary of the site to North 183<sup>rd</sup> Street. This walkway shall be designed and constructed to ensure that future sidewalk connections can be constructed to be compatible with the sidewalk frontage for Elena Lane and to accommodate storm drainage improvements needed to achieve compliance with the SMC/King County Surface Water Drainage Standards.

6. Developer is to provide and install non-glare streetlighting in accordance with a lighting plan approved by Planning and Development Services.
7. The developer is required to meet the conditions established by the Shoreline Sewer Availability Certificate issued on April 27, 1999.
8. The developer is required to meet the conditions established by the Shoreline Water Availability Certificate issued on May 7, 1999.
9. The developer is required to meet the conditions established by the Shoreline Fire Department Availability Certificate issued on 8/17/99 (and amended to complete on 9/1/99).
10. A maximum of 15 single-family homes is permitted as proposed on plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999.
11. The following features on plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999 shall substantially control:
  - Structural design, façade materials, gabled rooflines
  - Orientation and siting of structures
  - Building height, bulk and scale
  - Setbacks for front, back and side yards
  - Lot coverage for buildings
  - Privacy and defensible space
  - Pervious and impervious surface coverage
  - Building footprints
12. Tree retention as provided on site plans submitted by Burrus Design Group to the City of Shoreline on September 8, 1999 shall be required for site development. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in caliper.
13. Development shall provide and maintain fencing around tree preservation area for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.
14. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on Landscaping Plans submitted to the City of Shoreline by Burrus Design Group on September 8, 1999, and pursuant to the requirements of SMC Title 18.16.
15. Development applications shall include:
  - (a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.
  - (b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 - 18.16.370.
  - (c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of one year. The performance bond or security maybe amended to continue for an additional three years following the installation of substantial replacement vegetation.
16. The City must approve the Vegetation Mitigation Plan, including, planting, maintenance, and monitoring details, prior to the issuance of the site development

permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

17. Development shall provide and maintain the common open space area (4,045 square feet) including fenced tot lot, grassy field, and plantings, as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999.
18. Development shall provide a solid screen of wood fencing around the periphery of the property (except at the southern boundary where the buffer of cedar trees is retained), as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999.
19. Owners shall be required to establish and maintain in force and effect, a Covenant for a Homeowners' Association. The Association is to be held with undivided interest by all lots in this subdivision. The Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of: (1) Open Space/Recreation Tract (Lot 16 - 4045 square feet) and other common areas; (2) plantings in common areas and on site boundaries; (3) boundary screening; and (4) infrastructure and utilities not dedicated to the City. The Homeowners Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment (e.g., boats, recreational vehicles) into the right-of-way and into other public areas.

## VICINITY ZONING MAP

SHOWING REZONE FOR  
ELENA LANE

## ZONING KEY

|       |                             |       |                             |
|-------|-----------------------------|-------|-----------------------------|
| R-6:  | Residential - 6 units/acre  | R-48: | Residential - 48 units/acre |
| R-12: | Residential - 12 units/acre | O:    | Office                      |
| R-24: | Residential - 24 units/acre | RB:   | Regional Business           |

Parcel, topo, building, street network, aerial  
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No warranties of any sort, including accuracy,  
fitness, or merchantability, accompany this  
product.

Map not to scale



City of Shoreline  
Department of Planning  
and Development Services

LEGAL DESCRIPTION

Lots 9 and 10, Block 4, Richmond Acres, according to the plat thereof, Recorded in  
Volume 24 of Plats, Page 25, In King County, Washington

## EXHIBIT C

### ELENA LANE: CONDITIONS FOR PRELIMINARY PLAT FOR 16 LOTS FOR FUTURE SINGLE-FAMILY DEVELOPMENT

1. Developer shall provide and install a Surface/Storm Water Management Plan, pursuant to the Memorandum issued by the City of Shoreline on September 14, 1999. The Final Surface/Storm Water Management Plan and Agreement shall incorporate the measures listed below:
  - (a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Lovell-Sauerland and Associates, dated 4/29/99, in the letter to the City from Eric Sundquist dated 9/27/99 and the plans dated November 3, 1999, and
  - (b) Biofiltration Water quality measurements equivalent to biofiltration shall be provided in off-site downstream ditch sections with specific locations to be determined in final engineering plans.
  - (c) A complete set of construction drawings is to be submitted, approved, and a site development permit issued before construction can begin.
  - (d) All drainage facilities are to be dedicated through a Declaration of Covenant Associated with Development of Detention Facility to the City of Shoreline with recording of the final plat.
  - (e) The developer is required to provide a Drainage Easement Agreement, establishing the legal description of the easement corridor, and providing that said easements are to be maintained, repaired, and/or rebuilt by the owners of the parcels and their heirs, assigns or successors.

The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, prior to the issuance of the site development permit.

2. Developer shall provide a 32 <sup>24</sup> foot wide paved roadway within a 31 foot wide right-of-way (North 182<sup>nd</sup> Place), with curb and gutter as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999, and pursuant to the requirements of SMC Title 12.10.
3. Developer shall provide a pedestrian sidewalk on the south side and, curb and gutters on both sides of North 182<sup>nd</sup> Place as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999, and pursuant to the requirements of SMC Title 18.18.
4. Developer shall provide a pedestrian sidewalk, curb and gutters on Stone Avenue North adjacent to the site, as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999, and pursuant to the requirements of SMC Title 18.18.
5. Developer shall provide an asphalt pedestrian walkway, with a painted stripe separating the walkway from vehicular traffic to extend along Stone Avenue from the south boundary of the site to North 180<sup>th</sup> Street and from the north boundary of the site to North 183<sup>rd</sup> Street. This walkway shall be designed and constructed to ensure that future sidewalk connections can be constructed to be compatible with the sidewalk frontage for Elena Lane and to accommodate storm drainage improvements needed to achieve compliance with the SMC/King County Surface Water Drainage Standards.

6. ~~Developer shall provide and install streetlighting as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999. Developer shall provide and install non-glare streetlighting in accordance with a lighting plan approved by the Planning and Development Services Director.~~
7. The developer is required to meet the conditions established by the Shoreline Sewer Availability Certificate issued on April 27, 1999.
8. The developer is required to meet the conditions established by the Shoreline Water Availability Certificate issued on May 7, 1999.
9. The developer is required to meet the conditions established by the Shoreline Fire Department Availability Certificate issued on 8/17/99 (and amended to complete on 9/1/99).
10. A maximum of 15 single-family homes is permitted as proposed on plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999.
11. The following features on plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999 shall substantially control:
  - Structural design, façade materials, gabled rooflines
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  - Building height, bulk and scale
  - Setbacks for front, back and side yards
  - Lot coverage for buildings
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  - Building footprints
12. Tree retention as provided on site plans submitted by Burrus Design Group to the City of Shoreline on September 8, 1999 shall be required for site development. In the event that trees stipulated for retention within the site or as a buffer are removed (whether inadvertently or through an approved building permit, or by the owner of property to the south of the plat), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed by the property owner and/or the Homeowner's Association depending on responsibility for maintenance. ~~by two trees of the same species as the tree that has been removed.~~ Each replacement tree must be a minimum of two inches in caliper.
13. Development shall provide and maintain fencing around tree preservation area for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.
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  - (a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.
  - (b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 - 18.16.370.
  - (c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of one year. The performance bond

or security maybe amended to continue for an additional three years following the installation of substantial replacement vegetation.

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18. ~~Development shall provide streetlighting as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on November 3, 1999.~~
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