

ATTACHMENT K:

**PUBLIC COMMENT -
SUBDIVISION NAME**

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December 5, 2005

In regards to: Preliminary Formal Subdivision of Echo Lake Townhomes

Department of Planning and Development Services
City of Shoreline
17544 Midvale Ave. N
Shoreline, WA 98133-4921

Dear Department of Planning and Development Services,

With regards to the above captioned project to be located at 1160 N 198th Street, with a townhome association known by the name of 'Echo Lake Townhomes' already in existence I feel that an additional property located so nearby with the same name will create confusion for the post office and visitors to name a few. The current Echo Lake Townhomes association is located on North 200th Street and was established in approx. 1979.

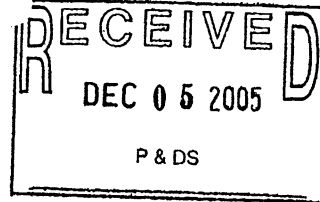
Please accept this letter as my formal objection to the proposed name of the 18-unit subdivision.

Sincerely,

Michelle Faith, Board President

ECHO LAKE TOWNHOMES
1417 N 200TH STREET, A1
SHORELINE, WA 98133

City of Shoreline
Planning and Development services



In the matter of the application (201478/108437) for a subdivision to be named **1409 LAKE TOWNHOME**. This Name is now in Use at 1409 through 1417 North 200th Street, and has been since 1979. I feel as a resident that having two developments with the same name in close proximity would cause confusion with visitors, package delivery and possibly even mail. I would ask that a permit be denied unless the developers choose a different name.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Balliet".

Robert E. Balliet
206- 533- 6386

12/12/2005

Department of Planning and Development Services
City of Shoreline
17544 Midvale Av. N.
Shoreline, WA 98133-4921

RE: Preliminary formal subdivision of Echo Lake Townhomes
1160 N. 198th Street Application # 201478/108437

Dear Department of Planning and Development Services

The Echo Lake Townhomes Condominium Association feels that the subdivision application in the name of Echo Lake Townhomes should be changed to a less similar name. Having two developments with the same name will only serve to confuse public visitors, create a safety concern regarding fire department and emergency aid calls, could affect postal delivery and is sure to create logistic and record keeping problems for the City of Shoreline and King County. We have had this name since 1979. We strongly urge the City to require that this subdivision choose a different name.

Sincerely;

Steve Link
The Roanoke Group Inc.
Agents for Echo Lake Townhomes Association

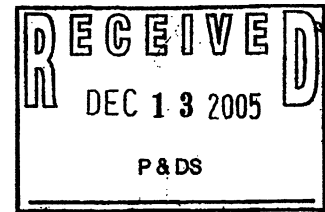
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ATTACHMENT L:

**PUBLIC COMMENT -
ENVIRONMENTAL IMPACT**

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Kathie Brodie
1415 N. 200th St., Ste B-7
Shoreline, WA 98133-3220
Ph: (206) 546-8266 F: (206) 546-1164
e-mail: miss.brodie@verizon.net



12/12/05

Glen Pickus, Planner II
Department of Planning
and Development Services
17544 Midvale Avenue N.
Shoreline, WA 98133-4921

Re: Preliminary Formal Subdivision of Echo Lake Townhomes
Application File Numbers 201478/108437

Dear Mr. Pickus,

I would like to raise some concerns that I have about the proposed increase of 18-units to the subdivision of Echo Lake Townhomes.

I have lived in the current Echo Lake Townhomes since 1989 just northeast of the proposed subdivision, and since that time I have seen the quality of the lake deteriorate. It is a very fragile eco system that should be respected. Adding 18 family units will overly burden the lake and surrounding area.

Many people live on the waterfront because they love the setting. They don't fish or swim or boat on smaller lakes. Therefore, I am not overly concerned about the number of additional human beings that the proposed development would dump into the lake, but rather I am concerned about how the additional structures will affect the lake. There will be additional asphalt driveways and streets which will keep surface water from being absorbed into the current soil, and the gardening chemicals and oil and gas from cars will very likely find a way to enter the lake. I have noticed oil and gas sheens on the lake many days at the current density, and adding 18 new units with the additional driveways and sidewalks and parking areas certainly is only going to make matters worse. All the runoff could end up in the

lake, which would add greatly to the deterioration of the lake quality. And this lake enters the watershed, so it needs to be protected.

The building process would be very damaging to the lake. The native soils will be disturbed and could enter the water. This area was a peat bog years ago so foundations need to be stabilized. Soil testing should be required to be conducted to a depth that would indicate a stable building platform, which is potentially deeper than usual.

Then there is the wildlife that inhabits the area in and around the lake. We occasionally have otters and a blue heron, along with many possums and a raccoon family. There are also many birds that I can't name, but I did take pictures of a Mandarin Duck in 2003 that had not previously been seen on Echo Lake, according to the Audubon Society.



So I ask you to please be vigilant to protect the lake and its surrounds. Err on the side of caution. It is so much easier to keep a lake clean than it is to try to bring it back from pollution. There is so very much at stake here.

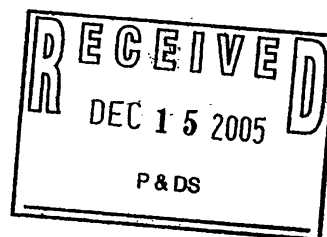
Thank you. I would appreciate being put on the mailing list for this project.

Sincerely,

Kathie Brodin

2

Bryan Johnson
1413 N. 200th E-4
Peg Nielsen
1413 N. 200th E-2
Shoreline, WA 98133
December 14, 2005



Glen Pickus
Department of Planning/Development
17544 Midvale Ave. N.
Shoreline, WA 98133

In re: Application Files # 201478/108437

Dear Mr. Pickus,

We recognize that the proposal for development of an 18 unit townhome complex appears to meet the zoning for the property.

But as long-time residents of the Echo Lake community (Bryan Johnson since 1981, Peg Nielsen since 1989), we have concerns.

We both love the lake and regret its degradation over the past five to six years.

After construction of the apartment complex south of the proposal condominium development, the lake has been the victim of apparent nitrogenation. Prior to that construction, we saw crawfish, water snakes and lizards, raccoons, and a variety of ducks and waterfowl. Wildlife, undoubtedly, has been impacted adversely by the ever more frequent algae blooms at the north end of the lake: blooms which are, undoubtedly, the result of fertilizer contamination. There has also been an increase in oil-like sheens on the lake, which could also interfere with re-oxygenation.

Our concern is two fold. The first concern is the potential impact of any major housing development including the removal of the filtration provided by the natural growth in the now undeveloped area. The second concern is the pending development at the south end of the lake. It is our belief that any development of the lake should receive intense review and that the review should include all potential development and what is best for the lake, regardless of its present zoning.

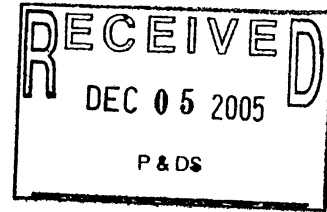
Sincerely

Bryan Johnson

Peg Nielsen

Mark Deutsch
19715 Ashworth Ave N
Shoreline, WA 98133

December 5, 2005



Glen Pickus
Planning & Development Services
City of Shoreline
1110 N 175th St, #107
Shoreline, WA 98133

Re: Echo Lake Townhomes Application

Dear Glenn:

I have lived by Echo Lake for over a dozen years, and I am writing to express my concerns about the Echo Lake Townhomes application. I understand that a recommendation will be made by the Planning Commission prior to any City Council action. I would like my concerns to affect what ultimately may be recommended / approved.

My concerns include common areas & buffer, erosion on the lake, access to / from the site, and proper maintenance of any pervious concrete.

Since the application is being vested prior to the update to our Comp Plan / Development Code, I understand that there is a lower buffer area required. I want to make sure that all work either will not degrade or enhance the water quality in our lake. [There already is fairly intense development around the lake, and more is planned.] One area that this may occur is if their mitigation work limits access to the lake. So long as people will approach the lake via trails in only a few areas, I would expect that erosion in the wetlands area is likely to increase. Further, the concrete edge at the lake is likely to be removed. What will be done to ensure that this also does not promote further increase of erosion of the soil into the lake?

I understand that pervious surfaces will be used throughout the development. While I applaud the reduction in impervious surface, proper maintenance and operational procedures must be in place to ensure the surfaces operate properly and allow water to percolate into the soil.

Finally, it is not clear from the development plan what common areas and sidewalks there will be for such an intense development. Given that the area is already zoned for R-48, please make sure that there are sufficient areas for people to meet safely as well as walk through the development. I believe safe pedestrian access is most critical into the development along either 198th or 199th streets. I do not see sidewalks shown, but believe they ought to be present to allow people in the development to reach transit and local stores safely without cars.

Sincerely,

A handwritten signature in black ink that reads 'Mark Deutsch'. The signature is stylized with a large, sweeping 'M' and a cursive 'Deutsch'.

Mark Deutsch

ATTACHMENT M:

**PUBLIC COMMENT -
KING COUNTY &
STAFF RESPONSE**

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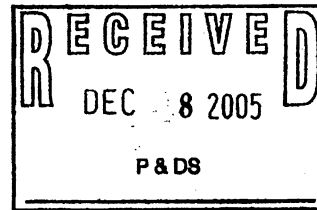


King County

Wastewater Treatment Division

Department of Natural Resources and Parks

King Street Center
201 South Jackson Street
Seattle, WA 98104-3855



December 6, 2005

Glen Pickus, Planner
Department of Planning and Development Services
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921

RE: Notice of Application—Echo Lake Townhomes (File Nos. 201478/108437)

The King County Wastewater Treatment Division has reviewed the Notice of Application, dated November 23, 2005, for the **Preliminary Formal Subdivision of Echo Lake Townhomes**. King County is requesting that the **City of Shoreline** submit sewer extension plans and modifications for the Echo Lake Townhomes project to Eric Davison in the Design, Construction and Asset Management Program, Civil/Architectural Section. Drawings should be submitted for review during design development so that King County staff can assess the project's impacts. Drawings should be sent to:

Eric Davison, DCAM, Civil/Architectural Section
King County Wastewater Treatment Division
201 South Jackson Street, KSC-NR-0508
Seattle, WA 98104-3855

Thank you for the opportunity to review and comment on this proposal. If you have questions, please contact Eric at (206) 684-1707 or at Eric.Davison@metrokc.gov.

Sincerely,

Barbara Questad
Environmental Planner

cc: Eric Davison, DCAM, Civil/Architectural Section

Glen Pickus

From: Glen Pickus
Sent: Thursday, December 15, 2005 1:43 PM
To: 'Eric.Davison@metrokc.gov'
Cc: 'B.Questad@metrokc.gov'
Subject: Echo Lake Townhomes (File Nos. 201478/108437); City of Shoreline

This is a follow-up to the Dec. 6th letter sent by Barbara Questad requesting the City submit to you sewer extension plans and modifications for the above-referenced project and our Dec. 13th telephone conversation. As I explained to you, the project will not involve any sewer extensions as there already is a sewer main crossing the property. It appears the dwelling units will connect to that main with side sewers. You told me if that was the case then it is not necessary to submit any plans. If the sewer plans change I will keep you advised and will contact Ronald Wastewater District.

Glen Pickus, Planner II
City of Shoreline
17544 Midvale Avenue North
Shoreline, Washington 98133-4921
206.546.1249 | fax 206.546.8761
gpickus@ci.shoreline.wa.us

ATTACHMENT N:

TRAFFIC IMPACT ASSESSMENT REPORT

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DATE: October 27, 2005

TO: Greg Kappers, Director Land Acquisitions
Prescott Homes

FROM: Michael Read, P.E.  Jennifer Ting, P.E.
Transportation Engineering Northwest, LLC

RE: Echo Lake Townhomes, Shoreline, WA - Traffic Impact Assessment

Transportation Engineering Northwest, LLC (TENW) is assisting Prescott Homes, Inc. in evaluating vehicular and pedestrian site access, safety, and circulation issues for the proposed up to 18-unit residential development known as *Echo Lake Townhomes* in Shoreline, WA. The study area is located to the northwest of Echo Lake Waterfront Condominiums, which is accessed via N 199th Street and N 198th Street to the east of Aurora Avenue N (SR 99). A study area map shown in **Figure 1**.

Primary site access to the project site is proposed via extension of an existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, which accesses N 198th Street. Emergency-only access would be provided onto N 199th Street and would be restricted through the use of an emergency gate. The proposed site plan is illustrated in **Figure 2**.

This study addresses the following:

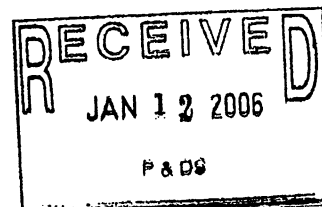
- Inventory of existing conditions.
- Assessment of nonmotorized safety and circulation issues.
- Evaluation of future site access driveway circulation and improvements.
- Summary of recommendations.

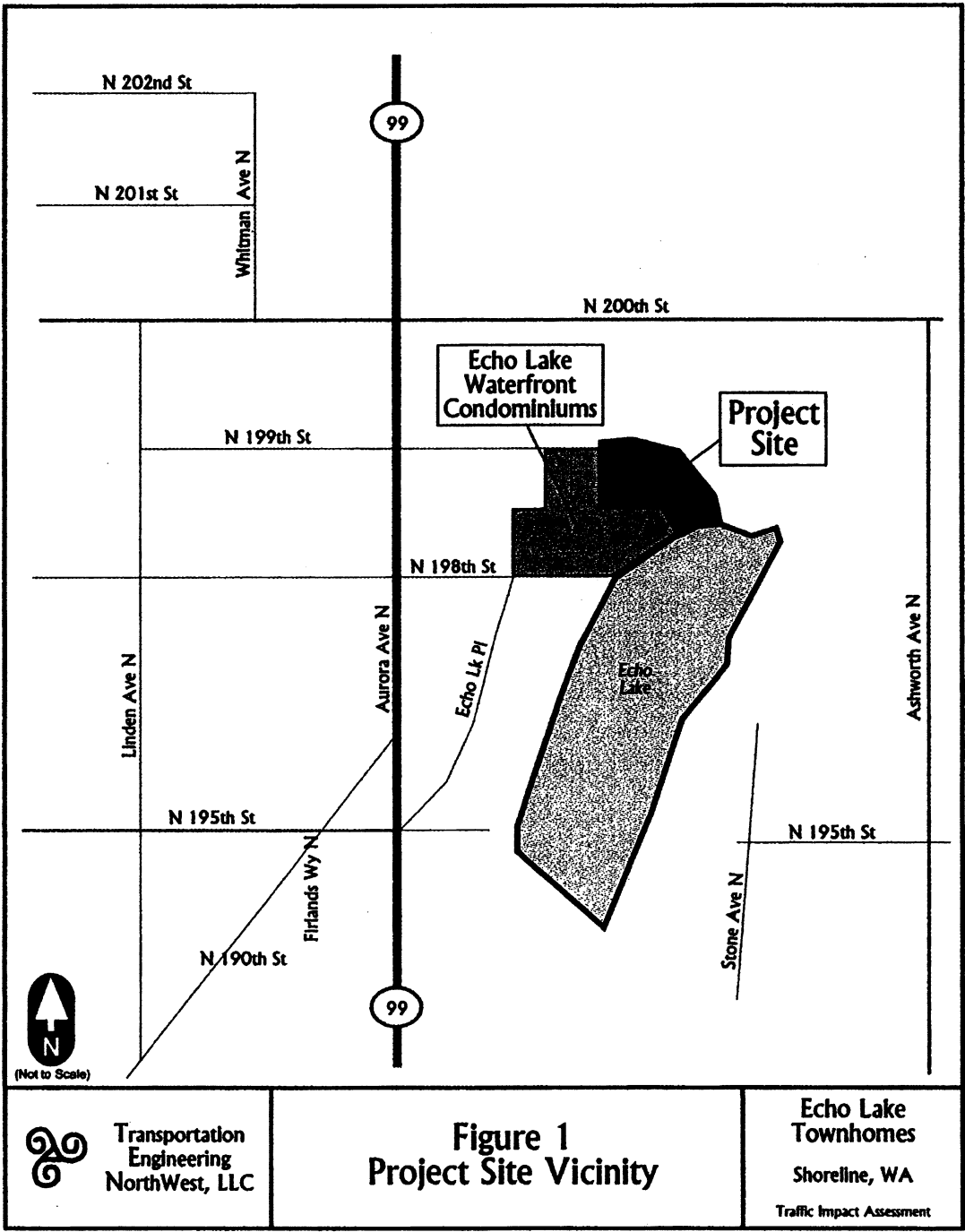
Existing Conditions

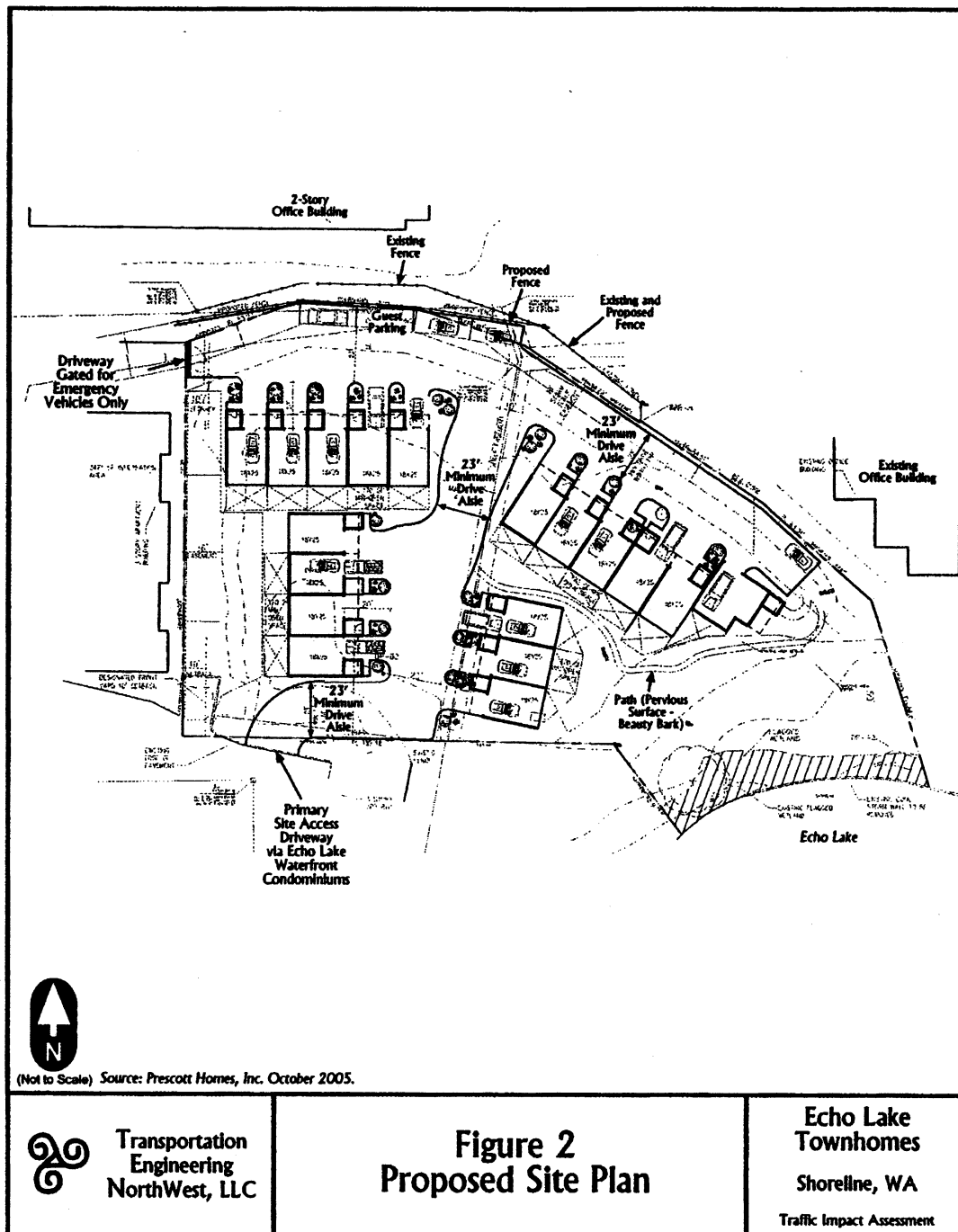
This section summarizes existing roadway conditions, vehicular traffic volumes, public transportation service locations, and nonmotorized transportation.

Roadway Conditions

The following paragraphs describe existing vicinity arterial roadways. Roadway characteristics are described in terms of facility type, number of lanes, and posted speed limits.







N 198th Street east of Aurora Avenue N (SR 99) is a two-lane unchannelized roadway with up to 22 feet of travel pavement serving one single-family residential home, parking for two commercial buildings, and dead ends into the Echo Lake Waterfront Condominiums. A 10-foot paved parallel parking lane is provided on the north side of the street from Aurora Avenue N (SR 99) to the single-family home driveway and for 2 parallel parking stalls on the south side of the street immediately east of Aurora Avenue N (SR 99). The roadway has an approximate grade of six percent. There is no posted speed limit sign, but it is assumed to be 25 mph.

N 199th Street is a two-lane unchannelized roadway with up to 17 feet of pavement. The roadway serves five single-family homes and parking to a commercial building, and pedestrian access to an apartment/condominium complex. The roadway dead ends into the Echo Lake Waterfront Condominiums. The roadway has an approximate grade of 3 percent. There is no posted speed limit sign, but it is assumed to be 25 mph.

Aurora Avenue N (SR 99) is a north-south, four-lane principal, urban arterial with a two-way, center left-turning lane. Travel lanes are generally 12 feet wide with approximately 10-foot paved shoulders on both sides of the street. Curbs, gutters and sidewalks are located along various retail property frontages of Aurora Avenue N (SR 99). The posted speed limit is 40 mph.

Echo Lake Place is a one-way northbound roadway providing access to parking areas for apartment/condominium complexes and commercial buildings abutting Aurora Avenue N (SR 99) on the west side of the street, and two single-family residential homes and an approximate 25-unit apartment/condominium complex on the east side of the street. The paved roadway is a minimum of 12 feet. The posted speed limit is 25 mph.

Site Roadways within Echo Lake Waterfront Condominiums include a two-lane unchannelized roadway with a 23-to 24-foot paved travel lane width. There is no posted speed limit within the development, however, vehicles traveling within the site were observed to be traveling slowly due to short distances, speed bumps, and the six percent grade of the site access roadway on N 198th Street.

Existing Traffic Volumes

TENW conducted vehicular traffic counts on N 198th Street between Aurora Avenue N (SR 99) and the Echo Lake Waterfront Condominiums site during typical peak hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. on Wednesday, October 26th, 2005. The a.m. peak hour was found to be between 8:00 to 9:00 a.m. and the p.m. peak hour was determined to be 5:00 to 6:00 p.m. Vehicular traffic volumes on N 198th Street were observed to be 58 vehicles (16 eastbound and 41 westbound) during the a.m. peak hour and 65 vehicles (41 eastbound and 24 westbound) during the p.m. peak hour.

Public Transportation Service Locations

King County–Metro provides public transportation services in the vicinity of the project site. Transit routes 301, 342, 358 and 373 stop on Aurora Avenue N (SR 99) south of N 200th Street for southbound travel and north of N 198th Street for northbound travel. The Aurora Village Transit Center park-and-ride lot is located on N 200th Street in the vicinity of Ashworth Avenue N and serves King County Metro Routes 301, 303, 331, 342, 346, 358, and 373 and Community Transit Routes 100, 101, 118, 130, and 131. All transit stops are located less than ¼-mile walking distance of the project site. The Aurora Village Transit Center is located less than ½-mile walking distance of the proposed development.

Nonmotorized Transportation

TENW conducted nonmotorized traffic counts on N 198th Street between Aurora Avenue N (SR 99) and the Echo Lake Waterfront Condominiums site during typical peak hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. on Wednesday, October 26th, 2005. The peak hour was observed to be the same as for vehicular traffic: 8:00 to 9:00 a.m. during the morning peak hour and 5:00 to 6:00 p.m. during the evening peak hour.

Nonmotorized traffic volumes on N 198th Street were observed to be 3 pedestrians traveling westbound during the a.m. peak hour and 3 pedestrian (2 eastbound and 1 westbound) during the p.m. peak hour. No bicycle traffic was observed. No additional nonmotorized traffic occurred outside of the a.m. and p.m. peak hours during the 2-hour traffic counts. It should be noted that none of the pedestrian traffic during the p.m. peak hour were related to the Echo Lake Waterfront Condominiums but traveled to/from Echo Lake Place and existing single-family homes on N 198th Street.

N 198th Street provides access to 102 condominiums as part of Echo Lake Waterfront Condominiums, 2 commercial buildings, and 1 single-family home. In addition, there are 12 apartments/condominiums and 1 single-family home that could potentially use N 198th Street for pedestrian access. Therefore, there are a total of up to 156 residential units that have access to N 198th Street for vehicular use. This results in an existing pedestrian utilization rate of 0.02 (pedestrian volumes divided by residential units) during both the a.m. and p.m. peak hour on N 198th Street.

A school bus stop was observed stopping for one middle-school aged child at the entrance of Echo Lake Waterfront Condominiums at the intersection of Echo Lake Place and N 198th Street with a pick-up at about 8:45 a.m. and a drop-off at about 3:40 p.m.

Traffic Impact Assessment

This section documents new trips generated by the project development, and impacts to nonmotorized and vehicular site access, circulation and safety issues.

Trip Generation

Trip generation rates compiled by the Institute of Transportation Engineers (ITE) *Trip Generation, 7th Edition*, 2003, were used to estimate daily traffic, a.m. and p.m. peak hour traffic that would be generated by the proposed action. Average rate equations (ITE land use code 230) were used based upon total units to estimate new trips generated by the proposed 18-unit townhouse residential development.

Table 1 summarizes trip generation by the proposed action. An estimated total of 110 daily, 8 a.m. peak hour (1 entering and 7 exiting), and 9 p.m. peak hour vehicular trips (6 entering and 3 exiting) would be generated at full build-out and occupancy of the project.

Table 1: Project Trip Generation

Land Use	ITE Land Use Code	Dwelling Units (X)	A.M. Peak Trip Generation			P.M. Peak Trip Generation			Daily Trip Generation
			Enter	Exit	Total	Enter	Exit	Total	
Condominiums/Townhouses	230	18	1	7	8	6	3	9	110

Source: ITE *Trip Generation Manual*, 7th Edition, 2003.

Nonmotorized Transportation Impacts

With an existing pedestrian utilization rate of 0.02 on N 198th Street and an additional 18 residential units for the proposed *Echo Lake Townhomes* development would result in a future nonmotorized generation of approximately 1 pedestrian or less during both the a.m. and p.m. peak hour. Therefore, there would be less than 5 pedestrians with the proposed development utilizing N 198th Street during both the a.m. and p.m. peak hour, which is an insignificant amount.

A paved pervious pathway would be located on the southeast section of the proposed development. It is recommended that a painted crosswalk be provided on the central north-south site access roadway in the vicinity of the paved pathway within the proposed *Echo Lake Townhomes* project. No additional nonmotorized transportation facility improvements would be required as part of this project.

Vehicular Site Access, Safety and Circulation Issues

Figure 3 shows the proposed travel route for the *Echo Lake Townhomes*, which is illustrated as the "20' Minimum Fire Lane." It should be noted, that field inventory conducted by TENW indicates that this internal site roadway ranges between 23 and 24 feet in width. Primary site access to the project site is proposed via extension of an existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, accessing N 198th Street directly.

Emergency-only access would connect to the eastern dead end of N 199th Street and serve emergency vehicles only. This access roadway would be gated to restrict vehicular travel from utilizing the route onto N 199th Street.

There is an existing chain-link fence located along the northern perimeter of the project site. This fence would be relocated along certain sections and would encompass the full length of the existing fence to restrict pedestrian access between the project site and apartment/condominium/office complexes and the Aurora Village Transit Center located to the north of the project site. A proposed new curb located along the northern section of the site would also prevent vehicles from traveling between the project site and apartment/condominium/office complexes and the Aurora Village Transit Center.

Gated Emergency-Only Access Driveway

Fire and other emergency response vehicles (i.e., ambulance, aid cars, etc.) would have secondary access via N 199th Street at a gated restricted entry on the property's northwestern boundary at the existing dead end of N 199th Street. Access for emergency vehicles at this secondary entry would be accommodated through installation of standard Opticom pre-emption devices that are typically used at key traffic signal systems to pre-empt and prioritize fire and emergency vehicles through signalized intersections. Opticom emitters on fire, emergency and police vehicles would trigger the vehicular gates to automatically open, with a lock box (Knox-Box system) backup override using a common security key in case of power failure.

Vicinity and Internal Circulation

Within the *Echo Lake Townhomes* site, internal access would consist of two roadways: 1) an existing north-south roadway located through the middle of the proposed site, and 2) an emergency-only east-west roadway located at the northern perimeter of the site that accesses the gated restricted driveway onto N 199th Street. The two internal site roadways intersect one another in a T-configuration. These roadways would be paved and approximately 23 feet in width. The proposed internal site roadways provide adequate two-way general vehicular and emergency access for the 18-unit townhome complex.

The primary site access roadway would be marked as a fire lane with a 20-foot minimum pavement width. There are currently two "No Parking Fire Lane" signs located within the Echo Lake Waterfront Condominiums site (see **Figure 4**). These signs do not meet the City of Shoreline's Fire Department *Marking of Fire Lanes* standards. Therefore, the proposed designated fire lane signs and any new additional signs should meet the City of Shoreline's Fire Department standards to include red letters on white background with a red border. Additionally, the pavement adjacent to the yellow painted vertical curbs should read with block lettering, "No Parking – Fire Lane" and also be painted in yellow.

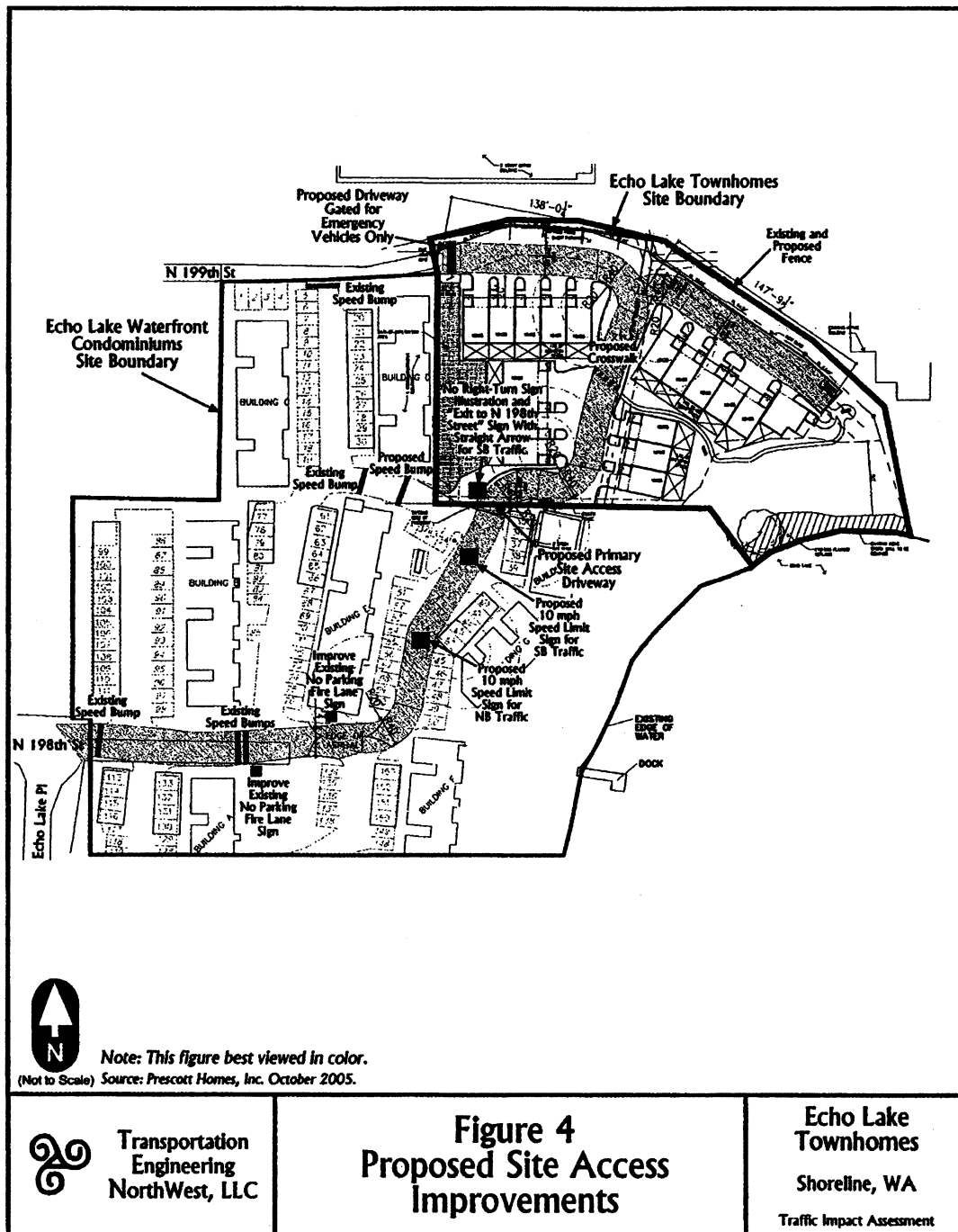
The City of Shoreline is concerned about vehicular and pedestrian traffic impacts on N 199th Street, which is why the site driveway on N 199th Street has been proposed as restricted to emergency access vehicles only. Based upon existing and proposed traffic control treatments in the project vicinity, it would be difficult for vehicles to utilize N 199th Street. A c-curb is located on Aurora Avenue N (SR 99) and extends from N 200th Street to the south beyond N 199th Street, separating northbound and southbound travel. Therefore, any project trips from existing and proposed development would be unable to make westbound left-turns onto Aurora Avenue N (SR 99) from N 199th Street and southbound left-turns from Aurora Avenue N (SR 99) onto N 199th Street. Any traffic that could potentially utilize N 199th Street would have to make northbound right-turns or westbound right-turns at the Aurora Avenue N (SR 99) and N 199th Street intersection. Due to the location of the primary site access roadway, it is unlikely that northbound right-turns would be made at N 199th Street, rather they would be made sooner at Echo Lake Place or N 198th Street. The only viable turning movement from the proposed development at the Aurora Avenue N (SR 99) and N 199th Street intersection are westbound right-turns.

Increased traffic that would be generated by the proposed *Echo Lake Townhomes* project would be discouraged to use N 199th Street by providing a "No Right Turn" illustration and "Exit to N 198th Street" with an arrow for southbound movements from the primary site driveway, adding additional speed bumps to slow potential cut-through traffic within the existing Echo Lake Waterfront Condominiums site, and reminding residents through the Homeowner's Association only to utilize N 198th Street. The location of existing and proposed speed bumps, and the proposed signage are shown in Figure 4.

Pedestrian access onto N 199th Street would be restricted with the installation of gates and fences, although pedestrians could still utilize N 199th Street through the Echo Lake Waterfront Condominiums site. However, based upon existing pedestrian traffic counts, pedestrian utilization on N 199th Street as a result of the proposed *Echo Lake Townhomes* would be minimal to none.

Safety Issues

During the traffic counts conducted in October 2005, vehicles were observed to travel slowly within the Echo Lake Waterfront Condominiums site due to a six percent grade of N 198th Street, which extends into the site, speed bumps, general friction of parked vehicles along the interior roadways, and short travel distances within the site. However, to manage traffic speeds within the existing Echo Lake Waterfront Condominiums site, painted 10 mph speed limit signage at select locations along the interior roadway serving the *Echo Lake Townhomes* is recommended, with enforcement provided by the Homeowner's Association for both the Echo Lake Waterfront Condominiums and *Echo Lake Townhomes*. These locations are shown in Figure 4.



Recommendations

A review of potential traffic, nonmotorized, safety, and site circulation issues was evaluated for the proposed *Echo Lake Townhomes* project. The following measures are recommended to mitigate transportation impacts:

- A painted crosswalk should be provided on the central north-south site access roadway in the vicinity of the proposed paved pathway.
- The proposed fence should encompass the full length of the existing fence to restrict pedestrian access between the project site and apartment/condominium/office complexes and the Aurora Village Transit Center located to the north of the project site. In addition, the proposed emergency vehicle-only gate would be constructed to limit direct pedestrian access onto N 199th Street.
- Fire and other emergency response vehicles would also have access to the secondary site driveway on N 199th Street through the installation of standard Opticom pre-emption devices and a Knox-Box system at a gated restricted entry on the property's western boundary at the existing dead end of N 199th Street.
- All existing and proposed designated fire lane signs within the existing Echo Lake Waterfront Condominiums and proposed *Echo Lake Townhomes* sites should meet the City of Shoreline's Fire Department standards.
- Increased traffic that would be generated by the proposed *Echo Lake Townhomes* project would be discouraged to use N 199th Street by providing a "No Right Turn" illustration and "Exit to N 198th Street" with arrow for southbound movements from the primary site driveway, adding additional speed bumps to slow potential cut-through traffic within the existing Echo Lake Waterfront Condominiums site, and reminding residents through the Homeowner's Association only to utilize N 198th Street.
- To manage traffic speeds within the existing Echo Lake Waterfront Condominiums site, painted 10 mph speed limit signage at select locations along the interior roadway serving the *Echo Lake Townhomes* is recommended, with enforcement provided by the Homeowner's Association for both the Echo Lake Waterfront Condominiums and *Echo Lake Townhomes*.

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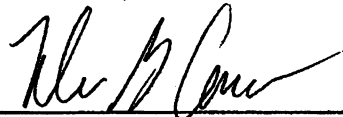
ATTACHMENT O

**ENVIRONMENTAL SITE
ASSESSMENT REPORT**

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**PREPARED FOR
PRESCOTT HOMES**

August 22, 2005



**Nels B. Cone
Environmental Project Manager**



**Bob Levinson, P.E.
Principal**

**ENVIRONMENTAL SITE ASSESSMENT
EXPANDED PHASE I REPORT
ECHO LAKE PROPERTY
NORTH 199th STREET and
ECHO LAKE PLACE NORTH
SHORELINE, WASHINGTON 98133**

ES-0120.001

**Earth Solutions NW, LLC
2603 – 151st Place Northeast, Redmond, Washington 98052
Ph: 425-284-3300 Fax: 425-284-2855
Toll Free: 866-336-8710**

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Earth Solutions NW LLC

- Geotechnical Engineers
- Geologists
- Environmental Scientists
- Construction Monitoring

EXECUTIVE SUMMARY

This Phase I Environmental Site Assessment has revealed specific environmental contamination. At the time of the site assessment, a further Phase II investigative remediation is warranted for the subject property. This summary discusses the site characteristics and existing conditions that have passed a visual site assessment.

- **Underground Storage Tank:** One underground storage tank was found on subject property. No evidence of product release from it was found. Removal from the site is recommended in accordance with regulatory guidelines.
- **Aboveground Storage Tank:** No aboveground tanks were found on subject property.
- **Asbestos:** No asbestos containing materials were identified on the subject property.
- **Polychlorinated Biphenyl:** No likely sources of PCB (polychlorinated biphenyl) compounds were identified on the subject property.
- **Fill Soil or Suspect Terrain:** No suspect fill soil was found on the subject property.
- **Vegetation:** Minor amounts of stressed vegetation were found associated with an abandoned Truck found on the subject property.
- **Drinking Water:** At the time of the site assessment, no connection for drinking water was identified on the subject property. There is no reason to suspect that tainted water exists on this property.
- **Waste Disposal and Debris:** At the time of the site assessment the environmental assessor found a large slash pile of containing tree stumps and other vegetation waste. However, this debris is not a recognized environmental concern.
- **Containers:** A blue 55-gallon drum labeled as containing "Mineral Spirits" was found on the subject property. Samples taken from its vicinity indicate product release to the environment.
- **Manufacturing Equipment:** No abandoned manufacturing or processing equipment was found on the subject property. However, an abandoned flat-bed truck was found parked partially on the Northeast corner of the property.
- **Chemical or Fuel Stains:** Diesel fuel stains were found on the subject property associated with an abandoned flat bed truck.
- **Adjoining Property:** No contamination from adjoining properties was discovered at the time of the site assessment.
- **Historical Research:** There are no indications that past use of the subject property has generated any current potential environmental contamination.
- **Regulatory Database Search:** At the time of the site assessment, no recognizable environmental concern was identified for the subject property.

1.0 INTRODUCTION

1.1 Purpose

The purpose of this Phase I Environmental Site Assessment is to help defend the innocent purchaser in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for commercial real estate. This is undertaken by appropriate inquiry for the innocent purchaser defense by obtaining various present, historical, physical, and regulatory information.

Although the site assessor strives to investigate each site sufficiently to discover all possible sources of contamination, the assessor cannot warrant that the work undertaken for this report will provide a due diligence defense asserted under CERCLA or any other federal, state, or local laws. However, the site assessor will follow the guidelines established by the American Society for Testing and Materials Standard Practice for the Phase I Environmental Site Assessment process, (ASTM Designation E 1527-00).

1.2 Project Objectives and Scope of Work

The objective of this Environmental Site Assessment (ESA) is to evaluate the property for current and historical sources of environmental concerns, evidence of hazardous substance disposal or releases from or onto the property, evidence of environmental threats from adjacent properties, and whether further environmental investigation of the subject property is warranted. This report includes the findings from two different parcels. Information from these parcels is combined into this one complete report. For ease of understanding this report, these two parcels are referred to in total as one *Subject Property*. This report meets and/or exceeds ASTM Standards for ESAs.

The site reconnaissance of the subject property was performed on June 20th, 2005 by Nels B. Cone, Washington State Registered Site Assessor. The assessment included a review of the subject property's current and/or previous occupancy and operations, a visual reconnaissance of the former building remains and property, a visual review of adjacent property uses and conditions from public right-of-ways, and a review of state and federal agency database records.

In addition, the history of the Site and adjacent property uses were assessed by evaluating practically available aerial photographs, insurance maps, city and suburban directory listings, tax records, United States Geological Survey topographical maps, and by interviewing appropriate individuals that had knowledge of the subject property and surrounding area.

On July 27, 2005, the scope of work was expanded to include an investigation for an underground storage tank and hazardous chemical sampling. The sampling activities and methods used are explained further with this report. The results from those efforts are discussed in the conclusions.

2.0 SITE DESCRIPTION

2.1 Location and Legal Description

The subject property is located at: North 199th Street and Echo Lake Place North, Shoreline, King County, Washington 98133. The legal description of the property is listed as parcels 222730071 and 222730071, Echo Lake Park Addition, Recorded in King County Plats, Township 26N, Range 4E, Section 6.

2.2 Site Characteristics

This section of the report gives a general visual description that one would expect to see at the subject property. Unless specific problems are discussed, this does not imply that problems were observed, just that the site assessor looked for possible concerns.

2.2.1 Building Lot Size

When the two parcels are combined, the size of the subject property is reported as being 1.12 acre, which is consistent with most combined residential lots in the area.

2.2.2 Topography

The majority of the subject property is level with gentle sloping to the southeastern portion of the site.

2.2.3 Landscaping

The subject property appears to once have had residential landscaping. At the time of the site assessment, most of the property was overgrown with yearly vegetation.

2.2.4 Fencing

The subject property has a chain-link fence running along the Northern property edge. The Eastern property boundary has a discontinuous concrete block fence constructed almost to the waterline of Echo Lake. The Southern property boundary is contained by a wooden fence running its length, again almost to the waterline. The Western property border has no formal fence or enclosure, but is bounded by dense vegetation.

2.2.5 Street Access

The subject property can be accessed by one private paved driveway entering from the West. At the time of the site assessment, an abandoned flat bed truck was located parked partially on the subject property's western entrance.

2.3 Neighborhood Profile

The following section of the report includes general descriptions of the local infrastructure and surrounding properties in the neighborhood that might influence the environmental risks of the subject property.

2.3.1 Energy Supply to the Subject Site

The subject property receives its energy supply from the regional electric utility. At the time of the site assessment, no electrical connection was identified.

2.3.2 Water Supplies for the Subject Site

The subject property receives its drinking water from the municipal water supply. At the time of the site assessment, no water connection was identified.

2.3.3 Sanitary Sewer System

The subject property has the ability to convey its wastewater to the public sanitary sewer system. At the time of the site assessment, the no connection was identified.

2.3.4 Storm Water Disposal

The storm water flows off the subject property to the Southeast. It appears that it then flows into Echo Lake itself. No formal storm sewer drains were observed on the subject property.

2.3.5 Energy Supply to Adjacent Sites

The adjacent sites receive their energy supply from the municipal electric utility, but may be supplied with gas as well.

2.3.6 Water Supplies for the Adjacent Sites

The adjacent properties have public water connections for drinking and lawn irrigation systems with water supplied by the municipal water utility.

2.3.7 Sanitary Sewers for the Adjacent Sites

The adjacent properties have underground sanitary sewers that flow to a municipal wastewater disposal system.

2.3.8 Storm Water Disposal for the Adjacent Sites

The storm water from the adjacent sites flow into an underground system, and then the storm water flows into a regional storm water collection system.

2.3.9 Zoning Restrictions

The subject property land is zoned for residential or multi-family residential use and according to historical records, has been zoned residential use going back at least 30 years.

2.3.10 Flood Zone

The subject property is not within a known flood zone. However, its elevation and proximity to Echo Lake suggest that onsite flooding should not be ruled out.

2.3.11 Fire Station

The Shoreline Fire District has a firehouse (Station #4) located approximately two miles from the subject property. This local fire department has an emergency response level of Two. Level Two is the second of three levels but indicates the ability to extinguish medium containers (e.g., one ton cylinder, portable containers, nurse tanks, and multiple small packages). It can extinguish medium fire and explosion potential items. Special resources can be used to control small chemical leaks or releases. It can handle limited evacuation in a localized area involving hazardous materials.

2.4 Geology and Groundwater

The subject property is approximately at 400 feet above sea level elevation. The dominant soil composition on the subject property is commonly listed as "Alderwood", according to SCS King County Soil Survey data. These gravelly-sandy loam soils drain moderately well with a seasonally fluctuating groundwater table. Based upon observations during the excavation activities, no groundwater or damp soils were encountered at a depth of six feet. The nearest well to the subject site is over one half mile away. Based upon the topography of the site, ground water flow direction is indicated to the East and Southeast corner of the subject property.

3.0 INFORMATION FROM SITE RECONNAISSANCE AND INTERVIEWS

On June 20th 2005, Nels Cone conducted a site reconnaissance of the subject property. The focus of this effort was to identify obvious visual signs of potential environmental concern caused by present and/or past site activities. The entire site was given a walking inspection, and the property owner was interviewed. The results from these efforts are individually identified and presented below. Photographs from this site reconnaissance were also taken and are presented in Appendix A. On July 27th, 2005, additional site investigation for an underground storage tank and hazardous chemical sampling was performed.

3.1 Descriptions of Structures or Other Improvements

During the initial site visit, the environmental site assessor observed the foundation remains of a former single-family residential building and a detached garage. According to the property owner, the former residence was demolished sometime in 1995 and its underground storage tank for home heating oil tank was not removed at that time. Physical condition of the property structure on the day of site assessment appeared only in average condition.

3.2 Physical Settings Analysis

This section of the report includes visual observations of the physical settings made at the time of the site assessment. Unless specific concerns are discussed, this does not imply that these problems were observed, just that the site assessor looked for these possible problems.

3.2.1 Environmental Issues Associated with Storage Tanks

During the initial site visit, a visual inspection for vent pipes, cover plates, fill pipes, accessways, and monitoring wells normally associated with underground storage tanks (USTs) was performed but none were found. On the second site visit, using provided property diagrams and a tracked excavator, a 500-gallon UST was found off the west side of the former residence. Soil exposure beneath the UST, at approximately six feet was made. At no time was soil staining or petroleum odor encountered. However, it was found that the tank had been completely filled with water at some time in the past. One small breach was made half-way down the side of the UST which surprisingly revealed clear water with no sign of petroleum sheen or smell. Given the observable condition of the soil, no soil sampling was performed at that time. None-the-less, this UST is not in compliance with local regulatory requirements. While this UST was not removed from the ground at the time, it will require a properly licensed professional to perform its removal from the subject property. Additionally, all observations indicate that no fuel USTs or AGTs appear present on immediately adjoining properties to the North, East, South or West.

3.2.2 Fill Soil (Suspicious Terrain)

The environmental site assessor did not observe fill soil on the subject property. The site may have been graded at some point in the past, yet no evidence of suspicious terrain was found.

3.2.3 Chemical, Ground, Soil or Pavement Stains

The environmental site assessor did not observe stains at any location on the subject property. However, a 55-gallon drum labeled as "Mineral Spirits" was discovered onsite. Sampling and testing for hazardous chemicals were performed to address probable leakage from this drum.

3.2.4 Corrosion

The environmental site assessor did not observe corrosion at any location on the subject property.

3.2.5 Odors

The environmental assessor detected a strong petroleum odor near the abandoned flat bed truck found onsite. Sampling for diesel range petroleum pollutants was performed and while these chemicals were found, they were below action levels.

3.2.6 Drains, Vaults and Sumps

At the time of the site assessment, no drains, vaults or sumps were observed at any location on the subject property.

3.2.7 Polychlorinated Biphenyls (PCB)

PCB releases are regulated by the Toxic Substance Control Act 15 U.S.C. Section 2601 et. seq. and administered by the Environmental Protection Agency in accordance with "toxic substances." No transformers, capacitors, elevators or other PCB sources were observed on site during the time of the site reconnaissance.

3.2.8 Fuel Stains

As previously indicated, the environmental assessor observed diesel fuels stains beneath the abandoned flat-bed truck found on the western entrance to the subject property. Sampling and testing, (NW-TPH-Dx analysis) for petroleum impacted soils was performed on July 27th 2005, in accordance with the Sampling and Analysis Plan found in Appendix D. Results from these tests revealed petroleum impacted soils beneath the Washington State MTCA Clean-up level of 2000 mg/kg. This vehicle has a Washington State License Plate Number of 07779-W, year dated 2001. Contact information for the owner of this abandoned flat bed truck was obtained on June 27th, 2005.

Tom Seferovich Contractor # ONYXL**984RR
Onyx, L.L.C.
206-271-3621, Cell
425-825-0769, Fax

3.2.9 Manufacturing Equipment

Abandoned Manufacturing, Distillation or Process Equipment was not found on the subject site. No Treatment, Generation, Disposal, or Storage of Waste Activities was found on the subject site. However, as indicated above, an abandoned flat-bed truck was found partially parked on the Northwest corner of the subject property.

3.2.10 Vegetation

At the time of the site assessment, stressed vegetation was found associated with the abandoned flat-bed truck found near the Northwest entrance to the subject property.

3.2.11 Containers

As previously mentioned, the environmental assessor observed one 55-gallon drum located on the Northwest corner of the subject property. It was empty at the time of its discovery on June 20th, 2005. This drum had the following label on it:

MINERAL SPIRITS	Jan 01	Recycle 1-800-451-3471
8401 15031	UN1268	PGIII
UN 1A1/Y1.6/250	USA/R1231/03RL	

This label describes the chemical product it contains, its date of manufacture, a phone number for a drum recycling business, its international designation for the product (petroleum distillates) that it contains, its packaging group code, along with its U.S. designation for the drum design.

On July 27th, 2005, sampling for volatile (EPA 8260B) and semi-volatile compounds (EPA 8270c/SIM) was performed in accordance with the Sampling and Analysis Plan found in Appendix D. Since this drum appeared to have rolled off the back of the abandoned flat-bed truck, it was placed back on the truck and after speaking with the truck owner by phone, the truck was then pushed westward, off the subject property.

3.2.13 Solid Wastes and/or Debris

Other than the hazardous chemicals associated with the 55-gallon drum mentioned above, no other wastes were found on the day of site assessment. While the environmental assessor also found a large slash pile containing tree stumps and other vegetation waste, this debris is not a regulated environmental concern.

3.2.14 Wells

There are no drinking wells on the subject property, nor within the surrounding quarter mile.

3.3 Present Uses of the Subject Property

The uses of the subject property observed by the environmental site assessor on the day of site assessment are listed below along with potential environmental concerns associated with their uses. Unless specific problems are discussed, this does not imply that these problems were observed, just that the site assessor looked for possible concerns.

At the time of this site assessment, no formal use of the subject property was observed.

3.4 Present Uses of the Adjacent Properties

The uses of the adjacent properties observed by the environmental site assessor on the day of site assessment are listed below along with potential environmental concerns associated with their uses. Unless specific problems are discussed, this does not imply that these problems were observed, just that the site assessor looked for possible concerns.

At the time of the site assessment, to the North of the subject property is a commercial office complex. No processing and/or manufacturing activities were observed.

At the time of the site assessment, to the East of the subject property is a multi-unit apartment complex. No processing and/or manufacturing activities were observed.

At the time of the site assessment, to the South of the subject property is a multi-unit townhouse complex. No processing and/or manufacturing activities were observed.

At the time of the site assessment, to the West of the subject property is a multi-unit townhouse complex. No processing and/or manufacturing activities were observed.

4.0 HISTORICAL USE INFORMATION

4.1 Past Uses of the Subject Property

The following data has been generated from municipal records, real estate data services, present owners, neighboring property owners, and/or other reliable sources.

According to the present property owner, the subject property has been a vacant lot since 1995. Prior to this time, it was it contained a single family residence of unknown age.

4.2 Past Uses of the Adjacent Properties

The following data has been generated from municipal records, real estate data services, present owners, neighboring property owners, and/or other reliable sources.

According to the present owner of the subject property, land directly to the North of the subject property was undeveloped land until a multi-unit office complex was built sometime in late 1970s. The property to the South and West had been developed as a multi-unit apartment complex going back to sometime in the early 1980s. Prior to that time they were large single-family lots going back sometime into the 1950s. The property to the East also remained a large single-family lot up until early 1970s; shortly after which it was developed in to a multi-family apartment. To the best of his knowledge, at no time did these properties have uses that would be of environmental concern

4.3 Aerial Photographs

4.3.1 Subject Property

Past use according to **1964** aerial photographs indicates the subject property with a residential structure and detached garage where the slab foundations are presently seen onsite. Past use according to **1970** aerial photographs also indicates the subject property relatively unchanged from the previous six years. Past use according to **1985** aerial photographs indicates the subject property with a residential structure and detached garage where the slab foundation is presently seen onsite with the most prevalent change from previous photographs being the significant growth of trees and other onsite vegetation. Present use according to recent, **(2002)** aerial photographs indicate an open cleared lot with the remains of a concrete slab foundation as presently seen onsite.

4.3.2 Adjoining Properties

Aerial photographs were also surveyed for uses or structures of the adjacent properties to the North, South, East and West.

Past use according to **1964** aerial photographs indicates single-family residential structures to the South, West, Northwest and Northeast. Undeveloped wooded lots appear to the North and to the East.

Past use according to **1970** aerial photographs indicates single-family residential structures to the West, Northeast and South as previously seen six years earlier. To the North, the lot appears to have been cleared of lumber. To the Northwest appears a large commercial-type building. To the East appears an apartment complex as seen onsite today.

Past use according to **1985** aerial photographs indicates single-family residential structures to the Northwest. To the West, South and East appear to be larger apartment-type complexes as seen onsite to day. To the North appears an office complex and parking lot as is seen onsite today.

Present use according to recent **(2002)** aerial photographs indicates structures on the adjacent properties consistent with those found today. No observable differences are seen.

4.4 Map Research

4.4.1 Fire Insurance Maps for the Subject Property

Historical Sanborn and Kroll Fire insurance maps as far back as 1965 did not show any usage of the subject site indicating that contaminating activities were likely to have occurred.

4.4.2 Fire Insurance Maps for the Adjacent Properties

Historical Sanborn and Kroll Fire insurance maps as far back as 1965 did not show any usage of the nearby properties indicating that contaminating activities were likely to have occurred.

4.4.3 USGS Maps Showing the Subject Property

Most recently updated (1982) USGS topographical map does not show any usage of the subject site indicating that contaminating activities were likely to have occurred.

4.4.4 USGS Maps Showing the Adjacent Properties

Most recently updated (1982) USGS topographical map does not show any usage of the nearby properties indicating that contaminating activities were likely to have occurred.

4.5 Local Fire Department Inquiries

At the time of the site assessment, the subject property lies within the Shoreline Fire District. It is serviced by the Shoreline Station #4 Firehouse. A review of their records by authorized Fire Department personnel was made and their responses are provided below.

4.5.1 Fire Department Inquiries for the Subject Property

Consulting with the local fire department indicates no records of industrial contamination having occurred on the subject property. Nor do their records show any underground storage tanks having been onsite.

4.5.2 Fire Department Inquiries for the Adjacent Properties

Consulting with the local fire department indicates no records of industrial contamination having occurred on the adjacent properties. Nor is there record of any underground storage tanks located on the adjacent properties.

4.6 Title Abstract

The King County Assessor and Recorder's Office was contacted for information regarding title, deeds, liens, restrictions, easements or other issues relating to an environmental site assessment. At the time of the contact, no environmental concerns were reported.

4.7 Department of Environmental Health Review

The King County Department of Environmental Health performed a review of its database for environmental concerns associated with the subject property and adjacent properties going back for a period of seven (7) years. The following programs were reviewed:

- Vector Nuisance/Illegal Dumping Program
- Wastewater Program
- Methamphetamine Lab Program
- Local Hazardous Waste Program
- Tacoma Smelter Plume Project
- Waste Characterization Program

Based upon this review, no environmental concerns relating to the property were found within their records.

4.8 Historical Directories

A review of Polk and Cole historical directories was performed for 1955, 1965, 1979, and 1987. Based upon this review, no business or operation presenting an environmental concern to the subject property or the surrounding properties was identified.

4.9 Building Permits

The King County Department of Development and Environmental Service was contacted to perform a review of its records for the subject property. However, at the time of the site assessment, this public agency database keeps records on file going back only to 1996. Building permits prior to then, when the residential structure was assumed to be built, (1940s), are not available.

5.0 REGULATORY RECORDS REVIEW

The following information was obtained from a contracted EDR Regulatory Database search. This information was deemed as accurate and limited confirmation was made of key parameters, in accordance with standard professional practices. The complete EDR document is included in Appendix F for further review as needed.

5.1 Federal Government Records for the Subject Property

The subject property is not on the National Priorities List. The subject property is not on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list. The CERCLIS list is maintained by the United States Environmental Protection Agency. The subject property is not on the Resource Conservation and Recovery Act - Treatment, Storage or Disposal Facility list.

5.2 Federal Government Records for the Adjacent Properties

No properties are on the National Priorities List within the list's qualifying radius of 1.0 mile (1.6 Km). Nearby properties are not on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list and are not within the list's qualifying radius of 1.0 mile (1.6 Km). The CERCLIS list is maintained by the United States Environmental Protection Agency. The adjacent properties are not listed under the Resource Conservation and Recovery Act - Treatment, Storage or Disposal Facility List.

5.3 State Government Records for the Subject Property

The subject property is not on the State Environmental List which is equivalent to the National Priorities List (NPL). The subject property is not on the State Environmental List which is equivalent to the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List. No tanks have ever been registered for placement on the subject site. The subject property is not on the Leaking Underground Storage Tank (LUST) List. No leaking tanks were observed or have been reported. The subject property is neither a solid waste/landfill facility nor listed in any government records as such.

5.4 State Government Records for the Adjacent Properties

Nearby properties are not on the State Environmental List which is equivalent to the National Priorities List and are not within the list's qualifying radius of 1.0 mile (1.6 Km). Several (4) nearby properties are on the State Environmental List which is equivalent to the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List and are within the list's qualifying radius of 1.0 mile (1.6 Km). Of these, one is less than 0.125 mile away and is at a higher elevation than the subject property, and is located due west at 19905 Aurora Avenue North, Shoreline. Further research into the Washington State Department of Ecology database reveals this site as having finished remediation for minor amounts of gasoline and diesel product. Given its completed remedial status and nature of pollutant, the likelihood of environmental concern from this site is low.

Two others are at equal or higher elevation than the subject property, yet are over 0.5 miles from the subject property. The remaining one site is also over 0.5 mile away, yet is down gradient at a lower elevation from the subject property. As such, the likelihood of environmental concern from these sites is low.

Several (3) nearby properties are on the State Leaking Underground Storage Tank (LUST) List and are within the qualifying radius of 0.5 mile (0.8 Km). Of these, two are at an equal or higher elevation than the subject property, yet are well over 0.25 mile from the subject property. The remaining one is also over a 0.25 mile away, yet is down gradient at a lower elevation than the subject property. As such, the likelihood of environmental concern from these sites is low.

Several (3) nearby properties are on the Washington State Department of Ecology Independent Cleanup Report List. Of these, two are at an equal or higher elevation than the subject property, yet are well over 0.25 mile from the subject property. The remaining one is also 0.25 mile away, yet is also down gradient at a lower elevations than the subject property. As such, the likelihood of environmental concern from these sites is low.

No nearby properties are a solid waste/landfill facility, nor located within 0.5 mile of a solid waste/landfill facility.

5.5 Information Regarding Environmental Liens or Specialized Knowledge

The following information was compiled from government records and Interviews of persons closely associated with the subject property.

5.5.1 No Current Environmental Law Violations or Liens on Property Owner

On the date of site assessment, no environmental liens regarding this site had been placed on the owner of the property, and there are no known citations for environmental law violations regarding this site relating to the owner of this property.

No Past Environmental Law Violations or Liens On Property Owner

On the date of site assessment, no past environmental liens regarding this site had been placed on the owner of the property, and there are no known past citations for environmental law violations regarding this site relating to the owner of this property.

5.5.2 Presence of Dangerous Conditions on the Subject Property

No hazardous substances, petroleum products or environmental violations existed on the subject property on the day of site assessment in quantities believed to be potential contaminants.

Past Dangerous Conditions on the Subject Property

No hazardous substances, petroleum products or environmental violations existed on the subject property in the past in quantities believed to be potential contaminants.

5.5.3 Possible Legal Action Involving the Property Owner

The following information was obtained from interviews of owners and/or adjacent property owners of the site. Unless otherwise noted, no effort was made to verify the accuracy of this information through a review of court or other public records. The following information was disclosed.

No Past Legal Action Taken Against Property Owner

Owners of the site stated that no past lawsuits or administrative proceedings have been filed against the present property owner for the release of hazardous substances or petroleum products. Unless otherwise noted, no effort was made to verify the accuracy of this information through a review of court or other public records.

No Pending Legal Action Taken Against Property Owner

Owners of the site stated that no pending lawsuits or administrative proceedings have been filed against the present Facility Operator for the release of hazardous substances or petroleum products. Unless otherwise noted, no effort was made to verify the accuracy of this information through a review of court or other public records.

6.0 FINDINGS AND CONCLUSIONS

ESNW performed a Phase I Environmental Site Assessment for the property located at North 199th Street and Echo Lake Place North, Shoreline, King County, Washington in accordance with ASTM E 1527-00 Standards. This included a site reconnaissance, key person interviews, historical information review, regulatory agency database review and expanded environmental sampling.

Findings reveal several environmental concerns related to the subject property including diesel fuel leakage from the abandoned Flat-Bed truck, an out of compliance UST associated with the former residence, and hazardous chemical release from a 55-gallon drum found on the subject property. The UST is minimally regulated, yet needs to be decommissioned by licensed professional. A summary of analytical results from soil sampling related to the abandoned truck and 55-gallon drum are presented in the two tables below. The actual laboratory data is presented in Appendix C.

TABLE 1.

Sample Location	Sample ID	Volatiles*	Petroleum (ppm)^
Beneath Eastern End of Flat-Bed Truck	ES-120-01-TR1	NA	1697
Outside Eastern End of Flat-Bed Truck	ES-120-01-TR2	NA	650
Under Blue 55-Gallon Drum	ES-120-01-55GD	ND	NA

*EPA Method 8260B Analysis consists of 68 Compounds of Concern reported in mg/kg, (ppm).

^NW-TPH-Dx, Total Petroleum Hydrocarbons-Extended Diesel Range, MTCA Cleanup Level = 2000 ppm.

NA = Not Applicable or Not Tested, ND = Not Detected.

Based upon the evaluation of the above analytical (Method NW-TPH-Dx) results for the soils tested beneath and near the abandoned flat bed truck, total petroleum hydrocarbon compounds are present, but below cleanup action levels. Base upon the analytical results for soil tested for the presence of volatile (EPA Method 8260B) compounds beneath the 55-gallon drum, no compounds of concern are present. However, when tested for the presence of semi-volatile (EPA Method 8270C/SIM) compounds, the soil beneath the 55-gallon drum shows the presence of several compounds of concern.

TABLE 2.

Sample ES-120-01-55GD	Concentration	Cleanup Level
Compound	mg/kg (ppm)	mg/kg (ppm)
Acenaphthylene	0.042	See benzo[a]pyrene*
Fluorene	0.017	See benzo[a]pyrene*
Phenanthrene	0.18	See benzo[a]pyrene*
Anthracene	0.035	See benzo[a]pyrene*
Di-n-butylphthalate	0.044	800
Fluoranthene	0.3	See benzo[a]pyrene*
Pyrene	0.35	See benzo[a]pyrene*
Butylbenzylphthalate	0.2	1600
Benzo[a]anthracene	0.13	See benzo[a]pyrene*
Chrysene	0.21	See benzo[a]pyrene*
bis(2-Ethylhexyl)phthalate	0.25	70
Benzo[b]fluoranthene	0.26	See benzo[a]pyrene*
Benzo[k]fluoranthene	0.079	See benzo[a]pyrene*
Benzo[a]pyrene	0.2	0.1
Indeno[1,2,3-cd]pyrene	0.13	See benzo[a]pyrene*
Dibenz[a,h]anthracene	0.034	See benzo[a]pyrene*
Benzo[g,h,i]perylene	0.26	See benzo[a]pyrene*

*Benzo[a]pyrene. MTCA Cleanup level based on direct contact using Equation 740-2. If other carcinogenic PAHs are suspected of being present at the site, test for them and use this value as the total concentration that all carcinogenic PAHs must meet using the toxicity equivalency methodology in WAC 173-340-708(8).

Evaluation of this analytical information for the soil sample tested beneath the 55-gallon drum reveals a reasonable environmental concern. Most all of the compounds that cause this concern are in a class of compounds known as Polycyclic-Aromatic Hydrocarbons, (PAHs); of which the compound Benzo[a]pyrene is used as the determinant chemical to drive cleanup actions. Specifically, a site is considered successfully remediated when all compounds in this class total a concentration no greater than 0.1 mg/kg (ppm). A class of compounds known as phthalates were also found onsite, but are well below cleanup levels.

These analytical results are consistent with field observations in that stressed vegetation was Not found in the vicinity of the 55-gallon drum. Specifically, the low levels of PAHs found onsite are not sufficient to cause plant distress. While it is impossible to predict the exact amount of PAH product associated with the 55-gallon drum, the lack of stressed vegetation and the low levels of these compounds reflect a limited impact to the surrounding environment.

At the time of this site assessment, a further Phase II investigative remediation is warranted for the subject property. These impacted soils will require management as regulated waste. From a cost-containment perspective, an initial excavation of five to ten yards of soil in the vicinity of the 55-gallon drum with confirmatory soil testing is recommended.

7.0 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT

7.1 Limiting Conditions and Influence on Fair Market Value

The professional environmental site assessor has used his or her best judgment and has conducted the ASTM suggested inquiries when conducting this assessment.

This environmental site assessment cannot wholly eliminate uncertainty regarding the potential for recognized environmental conditions concerning the subject site or adjoining properties.

Due to the additional cost needed to obtain information or that the time required to gather it could outweigh the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions.

Not every property will require the same amount of site assessment work. Various factors will determine the appropriate level of involvement, such as the type of property being assessed, how it is used, the extent of contamination, and the amount and kind of data collected. Any one of these will determine the appropriate level of environmental site assessment.

Not all inquiries will identify a significant environmental condition existing on the subject property. All environmental assessments are governed by circumstances and conditions that existed on the day of site assessment.

The presence of environmental liabilities and their associated clean up costs may influence the fair market value of the subject property. Market value is understood to be the most probable price estimated in terms of money that the property will bring if exposed for sale on the open market by a seller who is willing but not obliged to sell, allowing a reasonable time to find a buyer who is willing but not obliged to buy, both parties having full knowledge of all the uses to which it is adapted, for which it is capable of being used, or for which it has been used.

The environmental assessor assumes no responsibility for any changes in the fair market value of the property that might result from the performance of the environmental assessment activities, or disclosures of environmental conditions relating to the property

7.2 Certification of Site Assessment

The environmental site assessor certifies and agrees that:

The site assessor has no present or contemplated future interest in the property inspected.

The site assessor has no personal interest in or bias with respect to the subject matter of the assessment report or the participants to the sale. This Environmental Site Assessment Report is not based in whole or in part upon the race, color, or national origin of the prospective owners or Facility Operators of the property inspected, or upon the race, color or national origin of the present owners or Facility Operators of the properties in the vicinity of the property inspected.

The site assessor has personally inspected the property and has made an exterior site assessment of all neighboring properties in the report. To the best of the site assessor's knowledge and belief, all statements and information in this Site Assessment Report are true and correct, and the site assessor has not knowingly withheld any significant information.

The legal description and address furnished is correct according to the information furnished to the site assessor.

This site assessment report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the environmental organizations with which the site assessor is affiliated.

All conclusions and opinions concerning the subject site that are set forth in the Site Assessment Report were prepared by the site assessor whose signature appears on the Assessment Report.

7.3 General Qualifications

In the professional judgment of the site assessor, the scope of this investigation was sufficient to determine whether further investigation was warranted, given the nature and specific circumstances of the site. The site assessor performed this Phase I ESA in conformance with the care and skill currently exercised by reputable environmental consulting firms practicing under similar conditions in the state of Washington. No other warranty or representation of any kind, expressed or implied, at common law or created by statute, is extended, made or intended by the site assessor's rendering consulting services or furnishing oral and/or written reports of its findings.

The site assessor has no obligation to any third party who intends to, or will, rely on this report and specifically disclaims any such responsibility. The site assessor assumes no obligation for reporting any facts revealed by the environmental site assessment or contained in the Phase I ESA report to anyone other than the Client.

This report does not constitute legal advice, nor does the site assessor purport to give legal advice. Environmental conditions and regulations are subject to constant change and reinterpretation. It should not be assumed that current conditions and/or regulatory positions will remain constant. Furthermore, because the facts stated in this report are subject to professional interpretation, differing conclusions could be reached by other professionals.

Certain information contained in this report may have been obtained from agencies or through personal interviews. The site assessor cannot warrant that such information is accurate. Except as discussed in the report, the site assessor has not verified the accuracy of such information.

Contaminates may be hidden in the subsurface materials, having been placed there due to the actions of man, or covered by foliage, water, snow, concrete, asphalt, or other materials. This contamination may not be present in predictable locations. The most that the site assessor can do is formulate a logical assessment program to reduce the client's risk of later discovering previously unknown contamination. The greater the extent of exploration on a property, the greater the probability of finding contamination, if present. Even with extensive exploration, it is not possible to say with total certainty that contaminants are not present at a particular site.

Many environmental assessments are undertaken to satisfy the "due diligence" requirement in the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and appropriate state requirements. The level of investigative work required to demonstrate "due diligence" has not been legislatively defined by Congress, the U.S. EPA, or appropriate state bodies. Although the site assessor strives to investigate each site to discover all possible sources of contamination, the site assessor cannot warrant that the work undertaken for this report will provide a due diligence defense asserted under CERCLA, or any other federal, state, or local laws.

No warranty can be made that conditions observed were representative of areas not observed. Tests or data collected for this report were obtained only for the purposes stated in this report, and should not be used for reasons other than those intended.

The site assessor assumes no responsibility for legal issues affecting the property inspected, nor does the site assessor render any opinion as to the marketability of title.

Any sketches in the report may show approximate dimensions. Sketches are only included to assist the reader in visualizing the property. The site assessor did not survey the property.

Unless arrangements have been previously made, the site assessor will not be required to give testimony or appear in court because of having made the Environmental Site Assessment with reference to the property in question.

Possession of this Environmental Site Assessment Report does not carry with it the rights of publication, and any parts thereof may not be reproduced in any form without written permission of its writer, or the client who ordered the report.

The site assessor assumes that there are no hidden, unapparent, or latent conditions or defects on the property, subsoil, or structures that would render it more valuable, less valuable or hazardous. The site assessor assumes no responsibility for such conditions or for the site assessment, engineering, or repair that might be required to discover or correct such factors.

Information, estimates, and opinions furnished to the environmental site assessor and contained in the report were obtained from sources considered reliable and believed to be true and correct. The site assessor however, assumes no responsibility for the accuracy of such information.

This Environmental Site Assessment is not intended to (but indeed may) have a direct effect on the value of the property inspected. It is conducted solely for the educational benefit of the principal parties.

The contents of this report, including any conclusions as to value or hazards and the identity of the site assessor shall not be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the environmental site assessor.

ATTACHMENT P:

LANDSCAPE PLAN

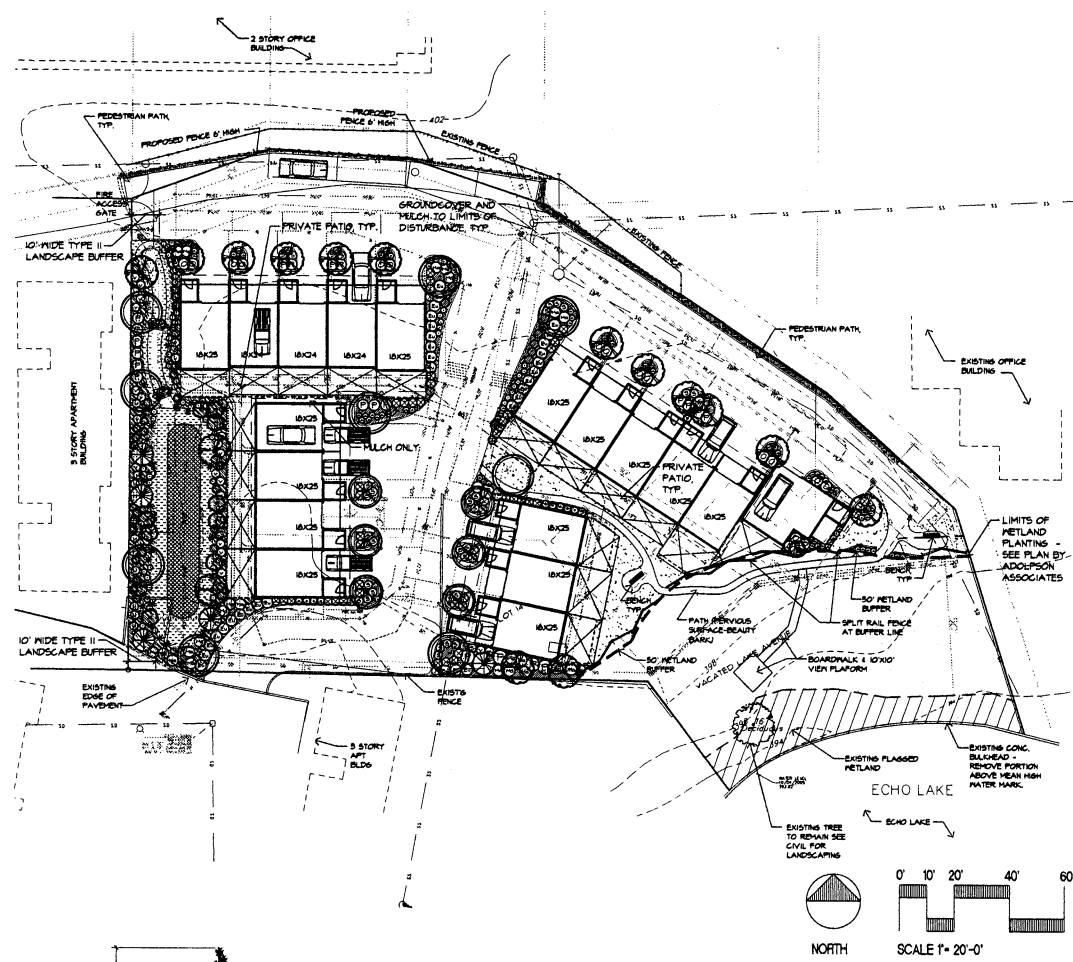
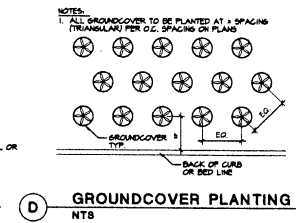
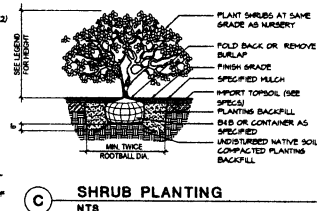
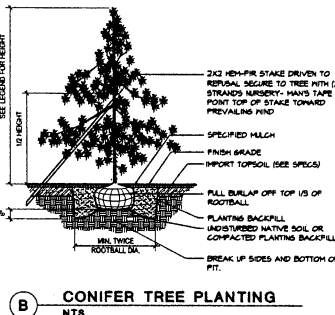
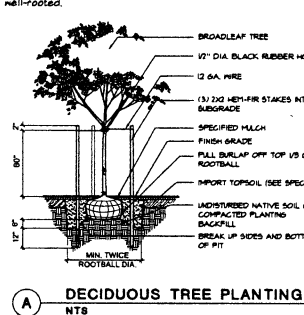
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LANDSCAPE SCHEDULE

SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	REMARKS/DESCRIPTION
DECIDUOUS TREES				
	1	<i>Cercidiphyllum japonicum</i>	Katsura Tree	1-1/2" cal., 7-8' ht., well-branched, B4B, spacing as shown on plan.
	16	<i>Acer circdatum</i>	Vine Maple	Multi-stem, min. 3 @ 1" cal., min. 10' ht., well-branched, B4B, spacing as shown on plan.
	6	<i>Acer palmatum 'Bloodgood'</i>	Bloodgood Japanese Maple	1-1/2" cal., 7-8' ht., well-branched, B4B, spacing as shown on plan.
CONIFER TREES				
	5	<i>Thuja plicata 'Hogan'</i>	Hogan Cedar	5'-6" ht. full and bushy to base, spacing as shown on plan.
MEDIUM / LARGE SHRUBS				
	21	<i>Mahonia a. 'Orange Flame'</i>	Orange Flame Oregon Grape	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	17	<i>Osmanthus h. 'Hickfoils'</i>	Holly-leaf Osmanthus	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	22	<i>Pieris japonica 'Forest Flame'</i>	Forest Flame Pieris	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	11	<i>Thuja occ. 'Emerald'</i>	Emerald Green Arborvitae	4'-5' ht., full and bushy, B4B or container, spacing as shown.
	95	<i>Vaccinium ovatum</i>	Evergreen Huckleberry	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	34	<i>Symplocarpus albus</i>	Snowberry	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	11	<i>Hamamelis intermedia 'Diane'</i>	Diane Witchhazel	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	32	<i>Euonymus a. 'Compacta'</i>	Dwarf Winged Euonymus	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	51	<i>Prunus l. 'Otto Luyken'</i>	Otto Luyken Laurel	Min. 24" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
SMALL SHRUBS				
	19	<i>Cornus stolonifera 'Kelsey'</i>	Dwarf Redwing Dogwood	Min. 15" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	71	<i>Gaultheria shallon</i>	Solal	1 gal. cont., full and bushy, spacing as shown on plan.
	4	<i>Pinus mugo mugo</i>	Mugo Pine	Min. 15" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
	45	<i>Spiraea j. 'Pink Princess'</i>	Pink Flowering Spiraea	Min. 15" spread/ht., full and bushy, B4B or cont., spacing as shown on plan.
GROUNDCOVERS, VINES AND FERNS				
		<i>Arctostaphylos uva-ursi</i>	Kinnikinnick	1 gal. @ 30" o.c. triangular spacing, cont. typ., well-rooted.
		<i>Mahonia repens</i>	Creeping Oregon Grape	1 gal. @ 30" o.c. triangular spacing, cont. typ., well-rooted.
		<i>Fragaria chiloensis</i>	Sand Strawberry	4" pots @ 18" o.c. triangular spacing, typ., well-rooted.
	20	<i>Polystichum munitum</i>	Sword Fern	1 gal. cont., full, min. 10" healthy fronds per plant or transplanted from on-site, spacing as shown on plan.
		Seed Lawn		See specs.
		Infiltration Pond Seed Mix		See specs.
INFILTRATION POND PLANTING MIX				
	40	<i>Iris ensata</i>	Japanese Iris	1 gal. cont., full, well branched. Plant in random groups of 5-7 @ 30" o.c.
	60	<i>Carex elata 'Aurea'</i>	Aurea Golden Sedge	
	60	<i>Cornus stolonifera 'Kelsey'</i>	Dwarf Redwing Dogwood	
	300	<i>Fragaria chiloensis</i>	Sand Strawberry	4" pots @ 18" o.c. triangular spacing, typ., well-rooted.
		Fence		

PLANTING NOTES

- ALL NEW LANDSCAPE AREAS ARE TO BE WATERED WITH AN AUTOMATIC WATER CONSERVING IRRIGATION SYSTEM.
- ALL NEW SHRUB AND GROUNDCOVER AREAS ARE TO BE MULCHED WITH A MINIMUM 2" DEPTH OF SPECIFIED MULCH.
- WHERE GROUNDCOVER IS PROVIDED, IT SHALL BE PLANTED AT THE SPECIFIED SPACING THROUGHOUT THE BED, INCLUDING AREAS UNDERNEATH TREES AND SHRUBS. START FIRST ROW 12" FROM EDGE OF BED.
- REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.



Prescott Homes, Inc.
Shoreline Townhomes
 1160 N 198th Street, Shoreline, Washington



Scale: 1\"/>

THIS PLAN IS FOR CODE SUBMITTAL TO GOVERNING JURISDICTIONS AND IS NOT FOR BIDDING OR CONSTRUCTION.

LANDSCAPE PLAN

L1.01
 Sheet

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ATTACHMENT Q

WATER AVAILABILITY CERTIFICATE

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WATER AVAILABILITY CERTIFICATE

For Property: **1160 N 198th Street** In: Shoreline Map No: 202-2

Requested for: Building Permit Rec'd by SPU: 02/03/2006

Developer:

This Certificate is:

Approved; Building Permit may be approved at this time. Property owner may order water service after meeting all service requirements. No change to the water distribution system is required. (see Water Service Requirements.)

Approval Comments:

Approval of this WAC is conditional: design and installation of about 175 feet 8" diameter DIP water main in private roadway extending from north end of existing 8" main (near SW corner of property) to connect with existing 4" main near north edge of property, including 1 standard fire hydrant. Also required, installation of about 220 ft of 4" D.I. main along extension of N 199th St. The minimum roadway width for installation of 4" water mains is 20 feet between building faces, or between building face and property line, for the full height of the building(s).

Certificate Prepared by: K Y

Certified by: Karen Younge

Date: 02/10/2006

This Water Availability Certificate ID No. **20060241** shall be valid for no more than 18 months from the date of certification. Changes after certification date may alter requirements.

Fireflow or other Seattle Fire Department requirements may alter water availability at any time. Water availability requirements will change if existing system cannot support desired water service.

EXISTING WATER SYSTEM INFORMATION

Water Service(s):

Size: 1" Type: Domestic Material: Galvanized Iron Meter: In

Pressure Zone: 590 **Elevation:** 402 **Static Pressure:** 81 psi

Recommended design pressure is 20 psi less than static pressure.

Proximity of nearest fire hydrant is: 1270 feet SW of Property. Rate of flow at nearest hydrant is approximately: 3140 gpm at 20psi for 2 or more hours, based on: Flow Test

Comment:

Tested hydrant is on SE corner of 199th St and Echo Lake Pl.

Water Main:

Size: 4 inches Material: Cast Iron Class: 150 Year: 1946

- SubStandard
- Abutting

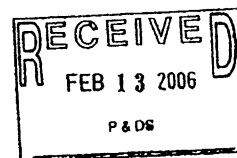
Water Main is available to serve in: N 199th Street AND Easement over adjoining property

Distance of main to margin of street is feet.

Public ROW width is feet.

The water system is in conformance with a County approved water comprehensive plan, and has water right claims sufficient to provide service.

The proposed project is within Seattle's water utility's direct service area.



201478

Property: **1160 N 198th Street** WAC ID No: 20060241

Water Service Requirements:

- New Meter Location: N 198th Street
- The maximum allowable size for the fire services is the same size as the main; the largest available fire service is 8 inches. The maximum allowable size for irrigation, domestic, and combination services is one size smaller than the main; the largest available domestic or irrigation service size is 6 inches; and the largest available combination service is 10 inches.
- **One meter will serve the domestic water needs of a single legal parcel.** If the legal parcel is shortplatted prior to approval for occupancy after final inspection of the building permit, then separate meters will be required for each legally described parcel. This may necessitate the installation of a water main by the developer.
- The property owner is responsible for the installation, maintenance and liability of the service line from the City union near the meter to the building served. New water service piping from the City union to the building must be inspected by SPU prior to covering. Call (206) 684-5800 for an inspection.
- For new water services, Property owner must sign SPU's Application and Agreement for Water Service, pay all connection service charges, and other charges which may or may not be listed below, and submit the legal description of the property to be served. Apply for service at 700 5th Avenue, 31st floor. The time between the service order and installation varies depending on workload, service size and type. **Wait Times can be 30-90 days;** call (206) 684-5800 for the current projected wait time.
- Backflow Prevention Assemblies on private property may be required. SPU and KCHD (King County Health Dept) are the administrative authorities engaged in a joint program identifying actual and potential cross-connections between the public water supply and possible sources of contamination. Please call Water Quality Inspection Services at (206) 684-3575 for more information.
- Prior to ordering a new water meter that will serve a back lot, a recorded easement with a suggested minimum width of 5' must be provided. If more than one water service line is needed through an easement, the easement is suggested to be a minimum of 2.5' per service line.
- Underground piping through an easement, from the City union to the property line, must be either type K or L copper, or Ipex Kitec (PE-AL-PE) and fittings.
- A PRV (pressure-reducing valve) on private property is required. The Uniform Plumbing Code requires a PRV when water pressure is 80 psi or greater for domestic water service only.

Required Payments:

- A calculated Connection Charge may apply when any new water service is ordered.
- When required by the Fire Department, or when requested by the developer, standard charges for hydraulic modeling or a hydrant flow test are due.
- Standard charges are due when any new water service is ordered, or when any existing water service is retired or re-established.
- For questions regarding standard charges or other fees for water service, please contact Seattle Public Utilities at 206-684-5800.

General Comments:

- One domestic water meter is allowed to serve one legal parcel. A subdivision must be approved with address(es) assigned prior to ordering additional water service(s).
- Plans provided at this time do not indicate change to existing water service(s). Please provide detailed plans of water services at time of ordering new meter(s). Please realize that water requirements may change when desired water service is requested.
- If the proposed project changes after this review of Water Availability, or if the current plan submitted to SPU does not detail the entire scope of the proposed project, water requirements may change and a new Water Availability Certificate will need to be issued to supersede the Water Availability Certificate which is based on incomplete or modified data.
- Customers connected to sewers in the King County (KC) service area are subject to the KC capacity charge. Call King County (206) 296-1450 for more information.
- WAC request does not show number of stories in proposed building. Backflow protection (DCVA) required on services exceeding 3 stories or 30 ft. in height above the meter (measured to the highest water fixture).

ATTACHMENT R:

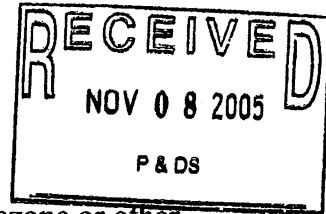
CERTIFICATE OF SEWER AVAILABILITY

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RONALD WASTEWATER DISTRICT
CERTIFICATE OF SEWER AVAILABILITY



This certificate provides the City of Shoreline with information necessary to evaluate development proposals.



- ☒ Sewer Available - See Requirements Below.
☐ Sewer Not Available At This Time - See Conditions Below.
☐ Building Permit ☒ Preliminary Plat or PUD ☐ Short Subdivision ☐ Rezone or other _____

APPLICANT'S NAME: Greg Kappers

PROPOSED USE: 18 Town Homes

LOCATION: 1145 N 199 St

SEWER AGENCY INFORMATION

☐ Sewer service will be provided by side sewer connection only to an existing 6" or Main size sewer adjacent feet from the site and the sewer system has the capacity to serve the proposed line.
OR

☒ Sewer service will require an improvement by the sewer system of:

☐ (1) _____ feet of sewer trunk or lateral to reach the site; and/or ☒ (2) the construction of a collection system on the site; and/or ☒ (3) *All 6" side sewers will serve to a new manhole to be installed on the existing main.*

2. a. ☒ The sewer system improvement is in conformance with a city approved sewer comprehensive plan OR
b. ☐ The sewer system improvement will require a sewer comprehensive plan amendment.

3. a. ☒ The proposed project is within the corporate limits of the District or has been granted Boundary Review Board approval for extension of service outside the District or city OR

b. ☐ Annexation or BRB approval will be necessary to provide service.

4. Service is subject to the following:

☒ a. Connection charge: Will be due. See attachment.

☒ b. Easement(s): May be required

☒ c. Other: See attachment.

I hereby certify that the above sewer agency information is true. This certification shall be valid for one year from date of signature.

Ronald Wastewater District

Agency Name

Planning & Development and IT Analyst

Title

Al Dann

Signatory Name

A handwritten signature in dark ink, appearing to read "Al Dann".

Signature

24 October 2005

Date

201478

ATTACHMENT TO CERTIFICATE OF SEWER AVAILABILITY

Dated: 24 October 2005

For Applicant: Greg Kappers

Sewer service is available contingent upon the owner meeting all District requirements under our Rules and Regulations, Res. 05-06 as amended, and any other District policies pertinent to the particular project. We have reviewed the applicant's request and noted some conditions below. A more comprehensive review during Ronald Wastewater application review process may reveal other conditions to be met.

4. c. Other

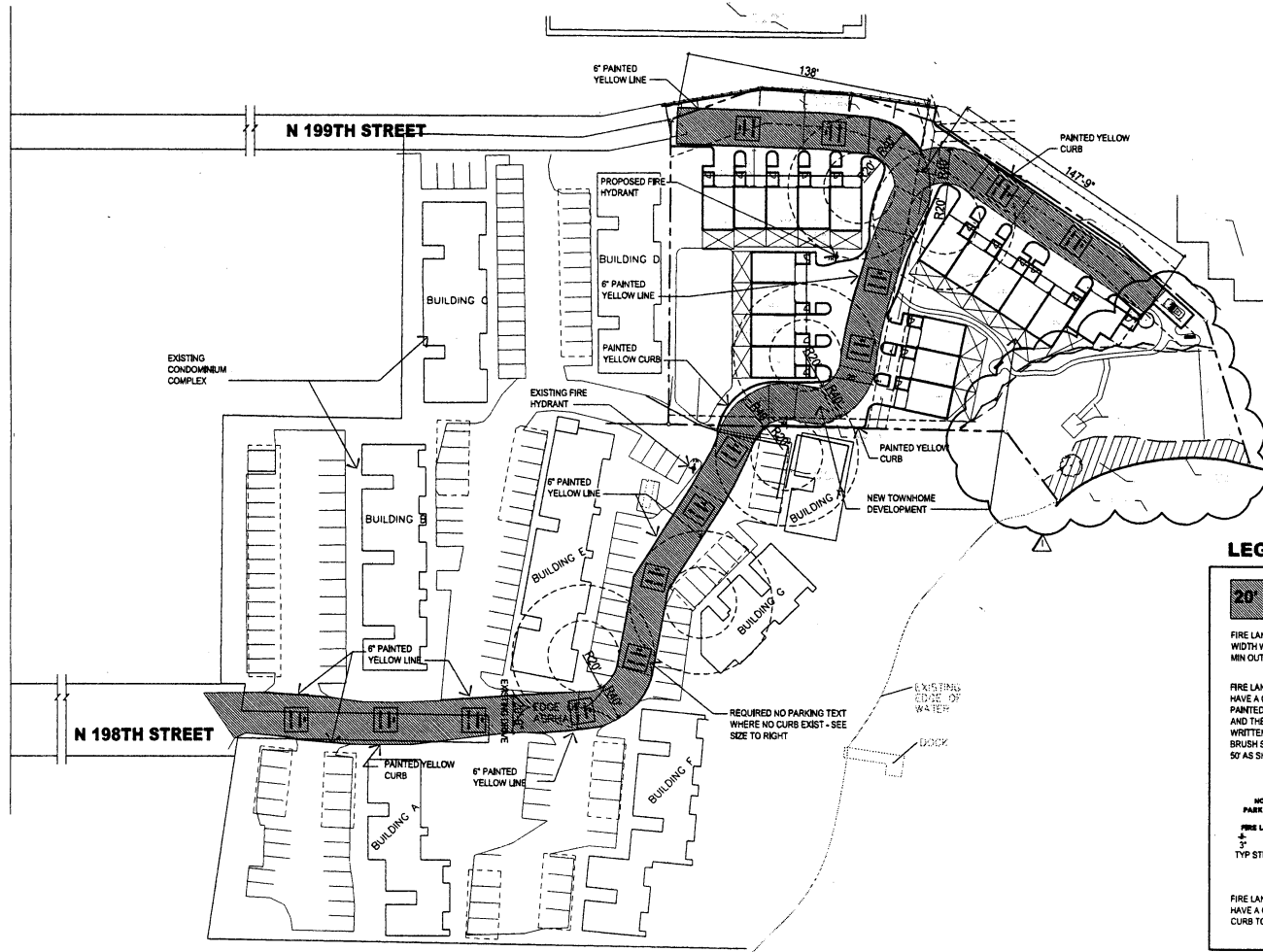
- ☒ Applicable District permits, fees, plan review and approval.
- ☒ All new connections, additional connections, or revised connections are subject to Metro Capacity Charge. Questions: contact Metro Community Relations at 684-1138.
- ☒ Connections are subject to Ronald Wastewater District General Facilities Charge and/or Local Facilities Charge as outlined in Res. 05-04.
- ☐ Approved/Recorded short plat or lot line adjustment submitted to District with side sewer permit application.
- ☐ Addition encroaches on existing side sewer. Check with Local Plumbing Agency regarding current plumbing regulations.
- ☒ Rezone may impact our sewer facility and require future upgrading of our facilities. You will be responsible for all costs (FOR ALL APARTMENT AND CONDO REQUESTS).
- ☒ This project requires a developer (mainline) extension. Developer to complete application and submit fees. (*installation of a new manhole over existing mainline to serve new town homes*)
- ☐ May require saddle on main and right of way permits.
- ☐ May require Department of Fisheries approval and permit.
- ☐ Hold Harmless (Indemnification) required.
- ☐ Cap off of existing sewer required prior to demolition of any structure. Permit and inspection is required. NOTE: Unit will remain in billing until cap off is completed per District specifications.
- ☒ Easement may be required on District form and must be returned to District for recording along with appropriate fee. Easement must be submitted prior to issuance of any permits.

Prepared by Alton C. Dann
Alton C. Dann

ATTACHMENT S:

FIRE LANE PLAN

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LEGEND

20' MINIMUM FIRE LANE

FIRE LANE SHOWN HATCHED. 20'-0" MINIMUM WIDTH WITH 20'-0" MIN INSIDE RADIUS AND 40'-0" MIN OUTSIDE RADIUS FOR TURNS

FIRE LANES WITHOUT EXTRUDED CURBS TO HAVE A CONTINUOUS 6" WIDE YELLOW PAINTED LINE TO DENOTE 20' FIRE LANE AND THE WORDS "NO PARKING FIRE LANE" WRITTEN IN 18" HIGH LETTERS WITH 3" BRUSH STROKE PLACED AT INTERVALS OF 50' AS SHOWN ON THE EXAMPLE BELOW

NO PARKING
FIRE LANE
TYP STROKE

FIRE LANES WITH EXTRUDED CURBS TO HAVE A CONTINUOUS YELLOW PAINTED CURB TO DENOTE 20' FIRE LANE

FIRE LANE PLAN

SCALE: 1" = 30'-0"



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NOT FOR CONSTRUCTION UNLESS CITY APPROVAL STAMP APPEARS ON THIS SHEET



CB ANDERSON ARCHITECTS

7209 Greenwood Avenue North
Seattle, Washington 98103
206-752-2811
Fax 206-752-2824

CLIENT & APPLICANT:
Prescott Homes, Inc.
10613 NE 36th Place, #17
Kirkland, WA 98033
(425) 822-2829

SHEET TITLE: FIRE LANE PLAN

Shoreline Townhomes
1160 N 198th Street
Shoreline, WA 98133

REVISIONS:
26 Feb 2006

DRAWN BY: JES

SCALE: 1" = 30'-0"

DATE: 25 October 05

JOB NUMBER: 006.0

SHEET NUMBER:

A-1

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ATTACHMENT T

DRAFT CC&Rs

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AFTER RECORDING RETURN TO:
Prescott Homes, Inc.,
10613 NE 38th Pl, #17
Kirkland, WA 98033

DRAFT COPY

GRANTOR Prescott Homes, Inc.

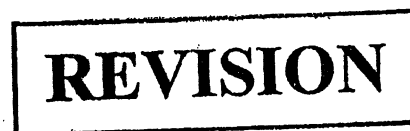
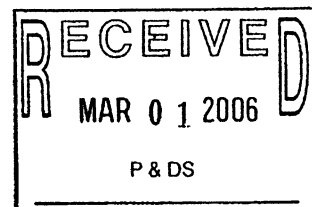
GRANTEE Prescott Homes, Inc.

Legal Description: See "Exhibit A"

ASSESSOR's TAX PARCEL NUMBERS: #2227300071
#2227300070

DECLARATION OF PROTECTIVE COVENANTS,
EASEMENTS, PARTY WALL PROVISIONS,
CONDITIONS AND RESTRICTIONS

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THIS DECLARATION, running with the land, executed this 23rd day of February 2006, by Prescott Homes, Inc., a Washington corporation ("Declarant") is made with reference to the following facts:

1 TOWNHOUSE DEVELOPMENT

1.1 Declarant is the owner of two adjacent parcels of land located in City of Shoreline, King County, Washington, commonly known as 1160 N 198th Street., and legally described on **Exhibit A** attached hereto, and graphically depicted on **Exhibit B**. As of the date of this Declaration, Declarant is in the process of subdividing Parcel 226 into eighteen (18) lots (subdivision, number #201478). The lots to be included in the plat are referred to herein as the Lots.

1.2 Declarant declares that Parcel 1160 N 198th Street and all eighteen (18) lots upon recording of the subdivision, shall be subject to the terms of this Declaration. Declarant agrees and covenants that all land and improvements now existing or hereafter constructed thereon will be held, sold, conveyed subject to, and burdened by the following easements, covenants, conditions and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of such lands for the benefit of all of such lands and the owners thereof and their heirs, successors, grantees and assigns.

1.3 Declarant is constructing one residential townhouse dwelling structure ("each a "Townhouse") on each of the Lots as graphically depicted on **Exhibit B**.

1.4 Adjoining Townhouses share use of a common wall defined herein as a "Party Wall".

1.5 All Lots have certain non-exclusive ingress, egress, parking and utility easement rights under the terms of this Declaration.

1.6 Declarant desires to impose certain protective covenants, additional easements, Party Wall provisions, conditions, and restrictions upon the Real Property for the mutual benefit of all lots under the terms of this Declaration.

NOW, THEREFORE, Declarant hereby declares and establishes these protective covenants, easements, party wall provisions, conditions and restrictions.

2 DEFINITIONS

2.1 "Benefited Owner" shall mean an Owner benefiting from an easement right granted under this Agreement.

2.2 "Burdened Owner" shall mean an Owner burdened by an easement right granted under this Agreement.

2.3 "Declarant" shall mean Prescott Homes, Inc., a Washington corporation.

2.4 "Ingress, Egress, Pedestrian Access, Utility and Parking Easement" shall mean the easement designated as "Ingress, Egress Pedestrian Access, Utility and Parking Easement" and legally described on **Exhibit A** and as graphically depicted on **Exhibit B**.

2.5 "Lot" shall mean any one of the 1160 N 198th Street Lots. Each Lot shall include the land and the Townhouse located on such land.

2.6 "Owner" shall mean the record owner of a fee simple title to any Lot or Lots, which are a part of the Real Property.

2.7 "Party Wall" shall mean a wall used and intended to be used in common by two adjoining Lot Owners for the benefit and convenience of each such Lot Owner.

2.8 "Real Property" shall mean that certain real property described on Exhibit A.

2.9 "Structure" shall mean any improvement on the Property, including but not limited to any building, fence, wall, driveway, walkway, patio, garage, storage shed, carport, mailboxes, swimming pool, rockery, dog run or the like.

2.10 "Townhouse" shall mean any one of the eighteen (18) residential structures, which are, located on any 1160 N 198th Street Lot.

2.11 "Tract "A" shall mean that tract of land consisting of the wetland and wetland buffer area. Tract "A" shall be deeded to an entity other than Declarant or the Lot Owners of the Real Property.

2.11 "Utility" shall mean any fixtures, lines and equipment, including, without limitation, water, storm sewer, television cable, fiber optic, communications lines, drainage lines or courses, sanitary sewer, gas, water, electric and telephone lines, pipes, security systems, lighting, miscellaneous Utility conduit and other related or similar facilities

3 EASEMENTS

3.1 GRANT OF INTERNAL STRUCTURAL EASEMENTS FOR UTILITIES Declarant declares that utility lines, which provide services to the Lots, were or will be installed within the Townhouses at locations, which are not necessarily identified on any map or plan. Such wires, pipes and lines were installed between the floor or ceiling joist and/or in the Party Walls without regard to boundaries of ownership. Declarant grants an easement for utility purposes over and across each Lot where each such wire, pipe and/or line currently lies to favor of the Lots served by such wires, pipes and/or lines. In the event any repair or replacement of any such wire, line or pipe is required by any Lot Owner and such repair or replacement requires entry into another Lot Owner or Lot Owners' Townhouse, the "Consenting Lot Owner" (i.e., the Owner of the lot which will be entered) agrees to grant reasonable rights of entry for such purposes and further grants such other Lot Owner the right to make such repairs or replacements from within such consenting Lot Owner's Townhouse, on condition that the Lot Owner(s) in need of such entry and such work, promptly pays the cost of such work and restores the Consenting Lot Owner's Townhouse to the same condition it was before such entry and work therein. This provision is intended to be interpreted in favor of the Consenting Lot Owner who must grant entry for such purposes and shall be liberally interpreted to ensure that a Consenting Lot Owner is not damaged by such work.

3.2 GRANT OF SHARED INGRESS, EGRESS AND UTILITIES EASEMENT Each Owner of a Lot is hereby granted and conveyed a perpetual nonexclusive easement for pedestrian access and utilities over, across, under and through such portion of the Ingress, Egress, Pedestrian Access, Utilities and Parking Easement, common open space easements, and utility easements for infiltration areas as is located on any other Lot. In addition, each owner of a lot is hereby granted and conveyed a perpetual non-exclusive easement for vehicular ingress and egress and parking across that portion of the Ingress, Egress, Pedestrian Access, Utility and Parking Easement dedicated for parking and as located on Lots 7, 8 and 9. In no event shall any Owner construct any Structure in the Ingress, Egress, Pedestrian Access, Utilities, common open space, utility infiltration easements and Parking Easement Area, or cause or allow to continue any condition which would render the Ingress, Egress, Pedestrian Access, Utilities and Parking Easement Area to become impassable, difficult or dangerous to use.

3.3 GRANT OF EXTERNAL EASEMENTS Declarant grants Utility Easements including, but not limited to, electrical power wires, natural gas pipelines, cable wires, natural gas pipelines, telephone wires, security systems, water pipelines, plumbing pipelines, retention system and mail service and related equipment as follows:

3.3.1 Declarant grants Utility Easements for all typical Utility and service purposes, including, but not limited to, electrical power lines, water pipelines, infiltration areas, drainage pipes and related equipment which form a part of the drainage and retention system which services the property, cable, natural gas, mail service security systems, and telephone to all Lots, for the utilities and services as constructed, but the location not specifically called out as an easement area on the Plat. The intent of this easement is to allow

the supplies of such Utility services a reasonable right of access and right to perform improvements, maintenance and repair of the Utility service systems.

3.3.2 Declarant grants a use and maintenance easement over "Tract "A" to benefit all Lots. Tract "A" shall be deeded to another entity and will be used and maintained by the Owners of the Lots. Maintenance will include maintenance of the boardwalk and buffer area.

3.3.3 NA

3.3.4 Declarant has built and located fences or vegetation on along property lines or as close to them as functionally and physically possible given natural, man-made, or aesthetic considerations. Declarant hereby grants Easements for all fences and vegetation as constructed, whereby they encroach on a property line.

3.3.5 Declarant grants that no structure shall be built on a Lot in such a manner as to prohibit routine maintenance and repair of any structure, and access for repair and maintenance shall not be denied.

3.3.6 The intent of these Easements are to direct and grant Owners and the suppliers of such Utility services, a reasonable right of access and right to make necessary repairs and replacement of component parts of the Utility service systems. The Owners of the Lot(s) which benefit from any work in such Utility Easement area shall bear the cost of such repair and replacement and are obligated to restore the ground surface, vegetation, fences or structures to the same condition prior to such Utility repair or replacement. The fact that Utility services are located on one specific Lot shall not impose any greater obligation of maintenance of any Utility services upon the Owners of that Lot than on any other Lot Owners.

3.4 TEMPORARY CONSTRUCTION EASEMENTS Each Owner burdened by an easement right under this Declaration hereby grants to any other Owner benefited by such easement a non-exclusive appurtenant temporary construction easement on, over and under such portion of the burdened Owner's Lot adjacent to the Ingress, Egress, Pedestrian Access, Utility and Parking Easement Area on such burdened Lot as is reasonably necessary (each a "Construction Easement Area") and on, over and under the and Utilities Easement Area to maintain, repair or replace the improvements contemplated under this Declaration. Any Owner desiring to exercise its rights under this Section 3.5 (each an "Initiating Owner") shall give any applicable burdened Owner (each a "Burdened Owner") not less than thirty (30) days prior notice of the Initiating Owner's exercise of its access rights in any Construction Easement Area located on the Burdened Owner's Lot and shall coordinate its activities therein so as to cause minimum disruption of the Burdened Owner's activities on the Burdened Owner's Lot. The Initiating Owner shall cause its contractor or contractors to conform to all reasonable requests from the Burdened Owner or its occupants regarding minimization of interference with or use of the Construction Easement Area and any access and parking areas outside the Construction Easement Area. In the event that the Initiating Owner disturbs the surface of any Construction Easement Area, it will completely and fully restore the same, together with all improvements and plantings thereon, as much as reasonably possible to the condition existing immediately before such invasion. All restoration shall be performed as soon as reasonably possible following completion of any work and shall be coordinated in advance with the Burdened Owner so as to cause the minimum amount of disruption to the use of and operations on the Burdened Owner's Lot. Notwithstanding any of the foregoing provisions of this Section 3.5, however, in the event of an emergency, an Initiating Owner may make all necessary repairs thereto without the necessity of prior notice to a Burdened Owner, provided only that the Initiating Owner gives the Burdened Owner notice that it is undertaking emergency repairs as soon as possible after commencing such repairs.

4 PARTY WALLS

4.1 DECLARATION OF RELATIONSHIP The Party Walls shared by the Lot Owners which were built as a part of the original construction of the Townhouses and which were intended to be located on the common boundary line of the Lots, which share such Party Walls. All Party Walls are declared to be a Party Wall under the laws of the

state of Washington together with and subject to an easement for use by each adjoining Lot Owner. No windows, chimney flue or other openings may be made in any Party Wall without written joint consent.

4.2 ENCROACHMENT In the event any portion of any adjoining townhouse on a Lot shall actually encroach upon the adjoining Lot, or if any such encroachment shall hereinafter arise because of settling or shifting of the building structure or other cause, there shall be deemed to be an Easement in favor of the Owners of the encroaching lot to the extent of such encroachment so long as such encroachment shall exist.

4.3 MAINTENANCE The costs of reasonable repairs and maintenance of the Party Wall shall be shared equally by the Lot Owners who share use of the Party Wall.

4.4 DAMAGE AND DESTRUCTION In the event a Party Wall is damaged or destroyed including by fire, windstorm, earthquake, or other casualty, the following rules shall apply:

4.4.1 Sole Negligence or Fault If such damage or destruction was caused by the sole negligence or fault of one Lot Owner who shares the Party Wall including any acts of omission of such Lot Owner's guests, invitees or licensees, then such Lot Owner shall promptly take all necessary steps to repair such damage and restore the Party Wall to the condition it was prior to such damage or destruction.

4.4.2 Other Causes If such damages or destruction was caused other than by the sole negligence of one Lot Owner who shares the Party Wall, then both Lot Owners who share the Party Wall shall promptly repair such damage or restore the Party Wall to the condition it was prior to such damage or destruction. The Lot Owners shall contribute equally to the cost of such repair or restoration.

4.5 HOLD HARMLESS Each Owner shall fully and completely indemnify and hold any other Owner fully and completely harmless from any and all claims, costs, liabilities and damages arising out of use of any Ingress, Egress and Utilities Easement Area by itself, its agents, contractors and employees (including reasonable attorneys' fees incurred in the investigation or defense of such actions). If any mechanic's, material, laborer's or other lien is asserted against the Ingress, Egress and Utilities Easement Area or the Construction Easement Area or a Burdened Owner's Lot as a result of the construction, repair, maintenance or replacement of any of the improvements constructed in an Easement Area by or on behalf of any Benefited Owner, such Benefited Owner shall cause such lien to be discharged prior to entry of final judgment for the foreclosure of such lien and further agrees to indemnify and hold the Burdened Owner and the Burdened Owner's Lot fully and completely harmless to same extent as set forth in the first sentence of this paragraph on account of such claim or lien. Upon request of the Burdened Owner, the Benefited Owner agrees within thirty (30) days to cause such lien to be released and discharged of record, either by paying the indebtedness which gave rise to such lien or by posting bond or other security as shall be required by law to obtain such release and discharge. Nothing herein shall prevent the Benefited Owner from contesting the validity of a lien so long as the contest is pursued with reasonable diligence. In the event the contest is determined adversely to the Benefited Owner (allowing for appeal to the highest appellate court), the Benefited Owner shall promptly pay in full the required amount, together with any interest, penalties, costs or other charges necessary to release such lien. Upon the Benefited Owner's default hereunder, any amount payable by the Benefited Owner to the Burdened Owner or its successors or assigns, shall bear interest at the rate of five percent (5%) in excess of the prime rate of interest published as such in the Wall Street Journal from time to time. The Burdened Owner shall have a lien on the Benefited Owner's Lot to secure payment and performance of the Benefited Owner's obligations hereunder. Such lien shall attach and take effect only upon recordation of a claim of lien in the office of the recorder of King County, Washington and be foreclosed in the same manner as a mortgage of real property under RCW Ch. 61.12. Each Lot Owner shall indemnify and hold harmless the Owner of any adjoining lot for any labor or material liens arising from work done or material supplied to make repairs or improvements for such Owner's Lot.

5 RESTRICTIONS

5.1 SATELLITE DISH/ANTENNA No Lot Owner shall be permitted to install, erect and/or maintain any satellite dishes which are larger than twenty-four inches (24") in diameter and no such dish shall be situated in such a way as to unduly interfere with another Lot Owner's view. "Ham" radio antenna and antennas of a similar type are prohibited.

5.2 YARD LIGHT The existing exterior lighting fixtures were selected and installed by Declarant to provide indirect lighting. Existing lighting fixtures may from time to time be replaced with fixtures that similarly cast indirect light. The wattage or candlepower of new or replacement light bulbs shall not be unreasonably increased. Any Lot Owner may install additional external lighting fixtures provided that such additional lights do not unreasonably cast direct light in the windows of another Lot Owner's Townhouse.

5.3 PETS No animals or fowl shall be raised, kept or permitted on any lot excepting only domestic dogs or cats and excepting caged birds kept within the dwelling unit provided such dogs, cats and pet birds are not permitted to run at large and are not permitted to be kept, bred or raised for commercial purposes or in unreasonable numbers. All pets shall live within their Owner's residence or within the fenced area of each Owner's yard.

5.4 PARKING LIMITATION Each owner of a lot shall be assigned one parking stall in the Ingress, Egress, Pedestrian Access, Utility and Parking Easement area which will be located in front of each Owners garage door. In addition, there will be guest parking easements for four parking stalls located adjacent to the north property line of Lots 7, 8, and 9. It shall be the responsibility of all the lot owners to maintain and repair the parking area located in the Ingress, Egress, Pedestrian Access, Utility and Parking Easement Area pursuant to Section 6.2.6.

5.5 CLOTHING LINES No clotheslines shall be located on a Lot to be visible from the street or other Lots.

5.6 RENTAL OF UNITS Lot Owners may rent or lease Townhouses for residential purposes. However, all rental agreements must be in writing and must include language in substantially the following form:

"Tenant understands and agrees that the rental premises are subject to certain Protective Covenants, Easements, Conditions and Restrictions. Tenant agrees to conform to and abide by all the provisions imposed by said Protective Covenants, Easements and Restrictions, a copy of which is attached hereto as an Exhibit."

Any Lot Owner that rents or leases its Townhouse must provide/ attach a clear and legible copy of this Declaration to all such rental or lease agreements.

6 MAINTENANCE

6.1 MAINTENANCE OF STRUCTURES AND LANDSCAPING Each Lot Owner has the obligation and responsibility to maintain his/her Townhouse in good condition and repair. Each Lot Owner shall neatly maintain, water and cultivate all trees, shrubs, flowers, lawns and other landscaping located on such Lot Owner's lot.

6.2 ROOFING AND WEATHER PROTECTION The owner of each townhouse shall maintain the roof, gutters and other weather protection related improvements of such Owner's Townhouse.

6.2.1 In the event of damage, deterioration or destruction of the roof, gutters or other weather protection related improvements of a Lot Owner's Townhouse, such Lot Owner shall promptly repair or replace the damaged, deteriorated or destroyed roof, or portion thereof, with particular care and attention to damages which may be caused to the adjoining Townhouse. If such work is ignored, delayed or not accomplished in a timely and efficient manner, each Lot Owner owes his/her adjoining Lot Owner(s) a duty to maintain and repair all such damages, deterioration and destruction in prompt and workmanlike manner.

6.2.2 In the event any roofing, rain gutter or other weather protection related improvements are replaced, the parties agree that all replacement materials shall be of comparable quality as the existing construction and be selected from materials, which closely approximate the original color.

6.2.3 In addition to all duties described herein to maintain and repair the roof, Lot Owners shall be obligated to cause a new roof to be installed on their respective Townhouse before each twentieth (20th) anniversary commencing March 1, 2007. The Owners of the Lots shall each collectively solicit at least three itemized bids for re-roofing the buildings from reputable licensed building and/or roofing contractors doing business in King County, Washington, 180 days before the expiration of said twentieth (20th)

anniversary. The Lot Owners shall jointly contract with the contractor whom the Lot Owners vote and select (in accordance with the provisions of Paragraph 7 below) and shall share the cost evenly (Lot Owners 1-6 shall each pay 1/6 of the cost to re-roof their building, Lot Owners 7-11 shall each pay 1/5 of the cost to re-roof their building, Lot Owners 12-15 shall each pay 1/4 the cost of re-roofing their building and Lot Owners 16 to 18 shall each pay 1/3 the cost to re-roof their building .)

6.2.4 In addition to all duties described herein to maintain and repair the roof, Lot Owners shall be obligated to repaint or re-stain the exterior of the two buildings on the Real Property before each tenth (10th) anniversary commencing March 1, 2007. The Owners of the Lots shall each collectively solicit at least three itemized bids for repainting or re-staining the buildings from reputable licensed painting contractors doing business in King County, Washington, 180 days before the expiration of said tenth (10th) anniversary. The Lot Owners shall jointly contract with the contractor whom the Lot Owners vote and select (in accordance with the provisions of Paragraph 7 below) and shall share the cost evenly (Lot Owners 1-6 shall each pay 1/6 of the cost of re-paint their building, Lot Owners 7-11 shall each pay 1/5 of the cost to re-paint their building, Lot Owners 12-15 shall each pay 1/4 the cost of re-paint their building and Lot Owners 16 to 18 shall each pay 1/3 the cost to re-paint their building .)

6.2.5 In the event any Lot Owner(s) fails to participate in the process of soliciting bids, selecting the contractor and/or contracting for the repaint/ restaining and/or the re-roofing work, the remaining Lot Owners are authorized to proceed without such non-participating Lot Owner's cooperation and are authorized to contract for such work, including work on the Townhouse of the non-participating Lot Owner. Notwithstanding the non-participation by any Lot Owner, such Lot Owner shall not be relieved of such Lot Owner's liability for paying the costs of such work. This provision is intended to benefit the participating Lot Owners and contractor selected to perform such work

6.2.6 The color of any paint/stain or the color of any replacement or new roofing shall be approximately the original color, unless the Lot Owners otherwise agree by a 100% vote.

6.3 MAINTENANCE OF EASEMENT AREAS Each Lot shall share equally in the costs of repair and maintenance of all Easement Areas on the Real Property. The Lot Owners shall collectively determine the time and manner of repair and maintenance of the Easement Areas, the time and manner of payment therefore by the Lot Owners, and all other matters relating to the repair and maintenance of said Easements. In the absence of a unanimous collective determination of such work and/or payment, the voting provision of paragraph 7 below shall apply.

6.4 MAINTENANCE OF PERVIOUS PAVEMENT Each Lot shall share equally in the cost of maintenance and repair of the pervious pavement areas including but not limited to annual sweeping and washing of the pavement surface using a mechanical street sweeper.

6.5 MAINTENANCE OF WETLAND BUFFER AREA IN "TRACT "A" Each Lot shall share equally in the cost of maintenance and repair of the wetland buffer area and pedestrian boardwalk. Said maintenance shall commence at the end of the Declarants obligation to maintain the buffer area plants which will be two to three years after occupancy permits are issued for the project. Regular maintenance of the buffer area will include trash and garbage pick up, repair of the pedestrian boardwalk as needed, repair of fencing as needed, and

7 COST OF MAINTENANCE

7.1 INDIVIDUAL EXPENSES Individual Lot Owners shall maintain exterior lighting, including the replacement of light bulbs. Such Lot Owner shall maintain exterior lights that draw power from any given lot, shall be maintained by such Lot Owners.

7.2 SHARED EXPENSES The following expenses are indicative of the expenses, which by this Declaration are intended to be shared equally by all Lot Owners: (i) maintenance and repair of improvements in the easement areas, (ii) maintenance and repair of the drainage and retention system, (iii) maintenance and repair of common utilities in the Easement Areas.

7.3 RATE OF SHARING OF EXPENSES All shared expenses shall be paid by the Lot Owners at the uniform rate of 1/4th per Lot, with the exception of party wall, roofing and exterior painting expenses, which shall be shared as outlined above. Additionally, when a Townhouse development consists of more than one structure, shared Expenses benefiting only one duplex Townhouse structure shall be shared by same structure, Lot Owners in same proportions herein declared.

7.4 DECISIONS In order to provide a structure and procedure for decisions and actions which affect more than one Lot Owner or which pertain to easement areas or maintenance or repair of improvements located in easement areas or which involve a Shared Expense, every Lot Owner, by acceptance of a deed or contract for such Lot, is hereby deemed to covenant and agree to be bound by the voting procedure set forth herein. Such voting right shall be appurtenant to the Lot owned by such Lot Owner and may not be transferred except by sale or transfer of the Lot itself. Ownership of a Lot shall be the sole qualification for voting.

7.5 VOTING Each lot shall vest its Owner(s) with one vote on all matters. No Lot shall be entitled to more than one vote. Lots owned by a husband and wife, or jointly by more than one individual or entity, shall be entitled to only one vote per lot by the Lot Owners cumulatively and not individually. Matters involving the repair and maintenance of improvements in easement areas and/or the drainage and retention system shall require an affirmative vote of one hundred percent (100%) of Lot Owners. Matters involving alterations or improvement of improvements located in the easement areas shall require an affirmative vote of one hundred percent (100%).

7.6 EXTRAORDINARY USE - COSTS In the event one or more Lot Owners should, by their use of the Ingress, Egress and Utilities Easement Area, cause the improvements in such area to be subjected to other than reasonable wear and tear and, should such improvements in the Ingress, Egress and Utilities and Easement Area(s) be damaged by such use, the Lot Owners(s) subjecting such easement area(s) to such extraordinary use shall have the obligation to repair such damage upon demand by one hundred percent (100%) of the remaining Lot Owners to restore said easement area(s) to the condition existent prior to such use. The Lot Owner who subjected the improvements to such unreasonable wear and tear shall cause the repairs to be completed and pay for all such costs.

7.7 LIEN FOR FAILURE TO PAY In the event any Lot Owner fails to pay, within thirty (30) days, of receiving a bill for a portion of any Shared Expenses or any other expense authorized by these Declarations, then the same shall become a lien against the lot, and the Lot Owner or Lot Owners who have paid in excess of their aliquot share may file a claim of lien. The lien shall be a lien against the property of the non-paying Lot Owner and foreclosure shall be in the same manner as a judicial foreclosure of a mortgage. The lien shall have perpetual existence until paid and released by a recorded lien release. The unpaid balance of any obligation owing by a non-paying Lot Owner shall bear interest at the highest legal rate in effect on the date of the lien until paid and the non-paying Lot Owner shall be liable for costs and attorney fees expended to any collection action including, but not limited to, the foreclosure of the lien. Sale or transfer of any lot shall not affect the aliquot amount of the Shared Expenses which became due prior to such sale or transfer whether a lien is filed prior to the sale or not. No sale or transfer shall relieve such Lot Owner from liability for any Shared Expenses thereafter becoming due or from the lien thereof.

7.8 PERSONAL LIABILITY The liability of a Lot Owner for Shared Expenses under the terms of this Declaration shall be the personal obligation of the Owner of the lot at the time such obligation became due. The personal obligation of such owner shall not be relieved by sale or transfer of the lot, and shall not become the personal obligation of the Lot Owner's successors in interest unless expressly assumed by the successors in interest. The new Lot Owner shall be personally liable for Shared Expenses or other charges, which become due on or after the date of sale or transfer. Provided, however, that nothing in this section shall relieve the Lot Owner from liability for Shared Expenses or the lien therefore.

8 GENERAL

8.1 DECLARATION The Lots shall be held, sold and conveyed subject to the easements, covenants, conditions, changes, liens and restrictions set forth herein and on the Plat. This Declaration is created for the purpose of enhancing and protecting the value, desirability and attractiveness of the Real Property. All easements, covenants, conditions, charges, liens and restrictions set forth herein shall run with the land and shall be binding on all parties

having or acquiring any right, title or interest in any Lot and shall inure to the benefit of each Lot Owner thereof, and are imposed upon each Lot as a servitude in favor of each and every other Lot as the dominant tenement or tenements.

8.2 TERM This Declaration shall be effective in perpetuity unless terminated by a termination agreement executed by the then-Owners of one hundred percent (100%) of the Lots. Any termination agreement must be in writing, signed by the approved Lot Owners, and must be recorded with the King County Auditor.

8.3 AMENDMENT BY LOT OWNER This Declaration can be amended only by an Affirmative vote of the Lot Owners of one hundred percent (100%) of the Lots. Provided, however, no amendment shall be passed which materially impairs the substantial rights of a Lot Owner as established herein. Any such amendment must be in writing, signed by the approved Lot Owners, and recorded with the county auditor. Provided, also that no amendment to this Declaration shall amend the voting requirements contained in Section 7 without the affirmative vote of one hundred percent (100%) of the Lot Owners.

8.4 NOTICE Any notice required hereunder shall be deemed effective when personally delivered or three days after mailing by certified and regular mail to the Lot Owner of public record at the time of such mailing to such Lot Owner's address as appears on the King County Assessor's tax records and to the street address of the Lot(s) herein.

8.5 ENFORCEMENT BY COURT ACTION Lot Owners shall have the right to enforce any provision of this Declaration or to recover damages resulting from any violation thereof by any proceeding at law or in equity.

8.6 CONDITION PRECEDENT TO ACTION Prior to taking legal action against any Lot Owner, written notice shall be given to the offending Lot Owner. Such notice shall specify the nature of the offense and shall also specify the action necessary to cure. Such notice shall also provide a reasonable opportunity to cure which, except in the case of an emergency, shall not be less than thirty (30) days.

8.7 AMENDMENT BY COURT ACTION Any Lot Owner shall have the right to seek amendment by way of civil suit wherein the basis for the amendment is either (a) governmental requirements, or, (b) manifest unfairness due to substantially changed circumstances beyond the control of the Lot Owner seeking the amendment. In any such court action, the court may exercise its equitable powers to grant such relief as is deemed appropriate.

8.8 EXPENSES OF ACTIONS The expenses of any corrective action or enforcement of this Declaration, if not paid by the offending Lot Owner within thirty (30) days after written notice and billing, may be filed as a lien upon such Lot, enforceable as other liens herein.

8.9 NO WAIVER Failure of any Lot Owner(s) to enforce any provision herein shall not be deemed a waiver of the right to do so.

8.10 COSTS AND ATTORNEYS FEES In the event of legal action, the prevailing party shall be entitled to recovery of actual costs and reasonable attorney's fees. For the purposes of this Declaration, "legal action" shall include suits, appeals, and any action, negotiations, demands, or otherwise where the prevailing party has necessarily and reasonably retained an attorney. If it is the intent of this provision to reimburse the prevailing party for all reasonable attorney's fees and actual costs incurred in defending or enforcing the provisions of this Declaration or a Lot Owner's rights hereunder.

8.11 SEVERABILITY Invalidation of any provision hereof shall not affect the other provisions, which shall remain in force and effect.

8.12 RELEASE UPON SALE OF INTEREST Upon the assignment, conveyance, sale or other transfer by an Owner of its entire interest in its Lot, that Owner shall be released from the obligations specific to this Declaration accruing after the effective date of such transfer if any and all amounts which shall be then due and payable by the transferring Owner to the non-transferring Owner(s) under this Declaration shall have been paid. No transferee of an Owner shall be liable for a transferring Owner's default under this Declaration if such default occurred prior to the effective date of the transfer, but nothing contained herein shall affect the existence, priority, validity or

DECLARANT:
Prescott Homes, Inc.,
a Washington Corporation.

STATE OF _____)
) ss.
COUNTY OF _____)

DATED: _____.

My Appointment expires _____

ATTACHMENT U:

**STAFF RECOMMEND
PRELIMINARY CONDITIONS OF
APPROVAL**

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ATTACHMENT U

Staff Recommended Conditions of Approval

1. A maximum of 18 lots and one private land tract, for protection of the wetland and its associated buffer, shall be created. The sizes and the assigned addresses for the lots shall be shown on the face of the Final Plat. The delineation and size of the private land tract shall be declared on all plans submitted for the Site Development Permit and also shown on the face of the Final Plat.
2. A maximum of 18 zero-lot-line townhome lots are permitted as depicted in the Site Plan prepared by CB Anderson Architects and Preliminary Formal Subdivision Plan Boundary and Lot Lines prepared by GeoDatum, Inc., both submitted to the City on Nov. 8, 2005.
3. All mitigation measures in the Mitigated Determination of Non Significance issued by the City of Shoreline on Feb. 7, 2006 (**Attachment I**) shall be implemented prior to occupancy including:
 - a. Prior to permit issuance a HPA permit from the State of Washington Department of Fish and Wildlife shall be obtained for work to be done within Echo Lake. The work shall include removal of:
 - the portion of an existing concrete bulkhead above the mean highwater mark; and
 - recently deposited debris within 20 feet of the shoreline.
 - b. Prior to occupancy the revised Wetland and Buffer Enhancement Plan prepared by Adolfson Associates, Inc., Feb. 2006 (**Attachment C**), shall be implemented.
 - c. Monitoring of the wetland and its buffer by a qualified biologist in compliance with SMC 20.80.350 shall be implemented including submitting monitoring reports:
 - Upon completion of the wetland and buffer enhancement plan;
 - 30 days after planting;
 - Twice annually for the early growing season (no later than May 31) and the end of the growing season (no later than September 30) during Monitoring Years 1 and 2.
 - Once annually for the end of the growing season (no later than September 30) during Monitoring Years 3-5.
 - d. Stormwater management flow control BMPs (commonly referred to as Low Impact Development) in compliance with the 2005 King County Surface Water Design Manual and substantially in conformance with civil construction plans prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005, shall be constructed.
 - e. Remediation as described in the August 22, 2005 Environmental Site Assessment of the subject site by Earth Solutions NW, LLC (**Attachment O**), shall be completed prior to building permit issuance. Remediation required shall include:
 - Decommission/removal by a licensed professional in a manner in conformance with relevant regulatory requirements of the 500-gallon underground storage tank on the site; and
 - A Phase II investigative remediation including, but not limited to, removal of impacted soils – approximately 5-10 cubic yards of soil in the area where a 55-gallon drum was found – followed by confirmation sampling to ensure no contaminated soils remains. The impacted soils shall be disposed of at a permitted facility. A report conforming to the State of Washington Department of Ecology procedures shall be sent to the City of Shoreline.
4. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline for all onsite engineering including storm water

conveyance and infiltration, utility installation, onsite landscaping, and wetland and buffer enhancement. The completion of this work shall be secured by a plat performance financial guarantee. The approved plans associated with the Site Development Permit shall be substantially in conformance with the civil construction plans and Technical Information Report prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005.

5. Emergency access only shall be allowed from N 199th St. Access shall be restricted at all times by a locked gate equipped with a Knox-Box system and/or an Opticom pre-emption device. N 199th St. may be used for unrestricted access only if it is improved to public road standards.
6. All recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering Northwest, Oct. 27, 2005 (**Attachment N**), shall be implemented prior to issuance of a certificate of occupancy.
7. Developer shall meet all required conditions established by the Feb. 10, 2006 revised Seattle Public Utilities Water Availability Certificate (**Attachment Q**).
8. Developer shall meet all required conditions established by the Oct. 24, 2005 Ronald Wastewater District Sewer Availability Certificate (**Attachment R**).
9. Prior to issuance of a certificate of occupancy:
 - Landscaping shall be installed, inspected and approved substantially in conformance with the Landscape Plan prepared by Weisman Design Group, Oct. 25, 2005 (**Attachment P**); and
 - A landscape maintenance and replacement agreement shall be submitted and approved by the City.
10. Prior to recording of the Final Plat, owners shall be required to establish, record and maintain in force and effect a Covenant for a Homeowner's Association substantially in conformance with the Draft Covenant (**Attachment T**). The Association is to be held with undivided interest by the 18 zero-lot-line town home lots (described as lots 1-18) in this subdivision. The Homeowner's Association is to be responsible for maintaining, repairing and/or rebuilding of the (1) critical area tract for wetland protection, (2) access road and parking; (3) required landscaping; and (4) infrastructure and utilities not dedicated to the City of Shoreline including rain gardens and pervious concrete.
11. Prior to recording of the Final Plat a declaration of covenant and grant of easement shall be recorded for the rain gardens and pervious concrete as required by the 2005 King County Surface Water Design Manual, Appendix C, as described in sections C.1.3.3.3, C.2.5.3 and C.2.6.7.
12. The following notes shall be shown on the face of the Final Plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
 - "Tract A is a protected wetland and buffer tract where all development is permanently prohibited including, but not limited to, activities such as clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations."
 - "Access via N 199th Street shall be for emergency purposes only. Access shall be restricted by a gate to be locked at all times, accessible only by fire, police and other emergency agency vehicles. General access via N 199th Street may be allowed only

if N 199th Street, from the subdivision's western boundary to Aurora Avenue N, is improved to conform with public road standards.

- “This subdivision contains a stormwater management flow control BMP (best management practice) called ‘permeable pavement,’ which was installed to minimize the stormwater quantity and quality impacts of some or all of the paved surfaces on your property. Permeable pavements reduce the amount of rainfall that becomes runoff by allowing water to seep through the pavement into a free-draining gravel or sand bed, where it can be infiltrated into the ground.

The type of permeable pavement used is porous concrete.

The area covered by permeable pavement as depicted by the flow control BMP site plan and design details must be maintained as permeable pavement and may not be changed without written approval from the City of Shoreline.

Permeable pavements must be inspected after one major storm each year to make sure it is working properly. Prolonged ponding or standing water on the pavement surface is a sign that the system is defective and may need to be replaced. If this occurs, contact the pavement installer or the City of Shoreline for further instructions. A typical permeable pavement system has a life expectancy of approximately 25-years. To help extend the useful life of the system, the surface of the permeable pavement shall be kept clean and free of leaves, debris, and sediment through regular sweeping or vacuum sweeping. The Homeowner's Association is responsible for the repair of all ruts, deformation, and/or broken paving units.”

- “This subdivision contains a stormwater management flow control BMP (best management practice) called a ‘rain garden,’ which was installed to mitigate the stormwater quantity and quality impacts of some or all of the impervious or non-native pervious surfaces of the subdivision. Rain gardens, also known as “bioretention,” are vegetated closed depressions or ponds that retain and filter stormwater from an area of impervious surface or non-native pervious surface. The soil in the rain garden has been enhanced to encourage and support vigorous plant growth that serves to filter the water and sustain infiltration capacity. Depending on soil conditions, rain gardens may have water in them throughout the wet season and may overflow during major storm events.

The size, placement, and design of the rain garden as depicted by the flow control BMP site plan and design details must be maintained and may not be changed without written approval from the City of Shoreline. Plant materials may be changed to suit tastes, but chemical fertilizers and pesticides must not be used. Mulch may be added and additional compost should be worked into the soil over time.

Rain gardens must be inspected annually for physical defects. After major storm events, the system should be checked to see that the overflow system is working properly. If erosion channels or bare spots are evident, they should be stabilized with soil, plant material, mulch, or landscape rock. A supplemental watering program may be needed the first year to ensure the long-term survival of the rain garden's vegetation. Vegetation should be maintained as follows: 1) replace all dead vegetation as soon as possible; 2) remove fallen leaves and debris as needed; 3) remove all noxious vegetation when discovered; 4) manually weed without herbicides or pesticides; 5) during drought conditions, use mulch to prevent excess solar damage and water loss.”

ORDINANCE NO. 422

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR
EIGHTEEN LOTS AT 1160 N 198TH STREET**

WHEREAS, owners of certain properties, with parcel numbers 2227300071 and 2227300070, have filed a preliminary formal subdivision application for eighteen building lots and one critical area tract located at 1160 N 198th Street; and

WHEREAS, on March 16, 2006, a public hearing on the application for the preliminary formal subdivision was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on March 16, 2006, the Planning Commission recommended approval with conditions of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary formal subdivision of certain properties as described above and located at 1160 N 198th Street is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

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

Section 1. Findings. The Findings and Conclusion on Project No. 201478, as set forth in Part I and Part II, Planning Commission Findings, Conclusion and Recommendation dated March 20, 2006, attached hereto as Exhibit A are hereby adopted.

Section 2. Preliminary Formal Subdivision Adoption. The Shoreline Townhomes Preliminary Formal Subdivision, Project No. 201478, as further described and depicted in Exhibit B attached hereto is hereby adopted subject to the conditions set forth in Part III, Planning Commission Findings, Conclusion and Recommendation dated March 20, 2006 and attached hereto as Exhibit A.

Section 3. 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 4. Effective Date. 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 APRIL 10, 2006.

ATTEST:

Scott Passey
City Clerk

Date of Publication:
Effective Date:

Mayor Robert Ransom

APPROVED AS TO FORM:

Ian Sievers
City Attorney

FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE CITY OF SHORELINE PLANNING COMMISSION

Preliminary Formal Subdivision of Shoreline Townhomes Review, Project No. 201478

Summary –

After reviewing and discussing the Preliminary Formal Subdivision of Shoreline Townhomes proposal on March 16, 2006 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes and therefore unanimously recommended approval of such action with conditions.

I. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 The project site consists of two contiguous lots (Tax Parcel Nos. 2227300070 & 2227300071) totaling approximately 49,531 square feet (1.1 acres).
- 1.2 The site is currently vacant, although a single family residence was located on the site until it was demolished in 1995. Remaining on site are a 500-gallon underground home heating oil tank and concrete slabs and walkways.
- 1.3 The site is located on the north shoreline of Echo Lake. It is generally flat, sloping gently to the southeast, towards the lake, with slopes less than 2%. The southeast corner of the site contains a Type II wetland adjacent to the lake shoreline. The wetland is approximately 1,600 square feet in area.
- 1.4 One significant tree (to be retained) is located on the site, within the proposed wetland buffer.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located in the Echo Lake Neighborhood, south of N 200th Street and east of Aurora Avenue N.
- 2.2 Adjacent to the site are multi-family residential developments to the east, west and south and an office building to the north. Echo Lake Park and a portion of the Interurban Trail are approximately 360 feet east of the site. The Aurora Village Transit Center and retail shopping center are located about 350 feet north of the site. West of the site up to Aurora Avenue N are some single family residences and commercial buildings.
- 2.3 N 198th Street is classified as a local street. Aurora Avenue N is a principal arterial. N 200th Street is a collector arterial. N 199th Street is a private street.

3 COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the site is High Density Residential. Policy LU14 in the Comprehensive Plan envisions High Density residential areas as transition areas between high intensity uses and lower intensity residential uses. All residential uses are permitted in High Density Residential areas.
- 3.2 LU23: "Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the needs of Shoreline citizens."

PC Findings, Conclusions & Recommendation

- 3.3 H1: “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.”
- 3.4 H6: “Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.”

4. REGULATORY AUTHORITY

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires Preliminary Formal Subdivisions to be processed as a quasi-judicial or “Type-C” action. Type-C actions require an open record public hearing and review by the Planning Commission, which then forwards a recommendation to the City Council for final approval.
- 4.2 Applicable regulatory controls set forth in the SMC include:
 - SMC 20.30 – Procedures and Administration
(Subdivisions – SMC 20.30.360-480)
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
(Multi-family Design Standards – SMC 20.50.120-210)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
 - SMC 20.80 – Critical Areas (Wetlands – SMC 20.80.310-350)

5. PROCEDURAL HISTORY

- 5.1 Preapplication meetings were held on June 21, 2005 and September 9, 2005.
- 5.2 A Neighborhood Meeting was held on July 27, 2005.
- 5.3 A third party review of the applicant’s wetland delineation report (**Attachment D**) by the City’s consultant, The Watershed Company, was completed October 18, 2005 (**Attachment E**). The review agreed with and supported the report.
- 5.4 Preliminary Formal Subdivision (File No. 201478) and Site Development Permit (File No. 108437) applications and a State Environmental Policy Act (SEPA) checklist were received on Nov. 8, 2005 (**Attachment F**).
- 5.5 The applications were determined to be complete on Nov. 17, 2005.
- 5.6 A Notice of Application for the proposal was issued on Nov. 23, 2005, with the public comment period ending Dec. 7, 2005. Because the site was not posted with the Notice of Application in a timely manner, a Revised Notice of Application was issued on Dec. 1, 2005, with the public comment period ending Dec. 15, 2005 (**Attachment G**).
- 5.7 A deviation from the provisions of the City-adopted 1998 King County Surface Water Design Manual (as provided for by the manual’s general adjustment process) to allow implementation of the 2005 King County Surface Water Design Manual (KCSWDM) stormwater management flow control Best Management Practices was approved on Feb. 1, 2006 (**Attachment H**).
- 5.8 A SEPA threshold Mitigated Determination of Nonsignificance (MDNS) for the proposal was issued on Feb. 7, 2006 (**Attachment I**) with the administrative appeal and comment period ending on Feb. 21, 2006. No comments or appeals were received.
- 5.9 A Notice of Public Hearing was issued on Feb. 28, 2006 for the Planning Commission open record public hearing on March 16, 2006 (**Attachment J**).

6. PUBLIC COMMENT AND STAFF RESPONSE

- 6.1 **Public Comment** – A total of seven comment letters and e-mails were received.
- 6.2 **Staff Response regarding project name** – Three of the comment letters (**Attachment K**) objected to the original name for the project, Echo Lake Townhomes. Staff requested the applicant change the name of the project. The project is now named Shoreline Townhomes.
- 6.3 **Staff Response regarding impact on Echo Lake** – Three letters (**Attachment L**) commented on potential negative impacts of the project on Echo Lake's water quality and wildlife habitat. With wetland and buffer enhancement and construction of stormwater management flow control BMPs the quality of surface water flowing from the site into Echo Lake will be improved. The hydrology of the wetland will be improved with the partial removal of an existing concrete wall separating the wetland from the lake and the installation of dispersion trenches. The concern that erosion into the lake would be increased by removing the existing concrete wall at the edge of the lake was addressed by modifying that proposal to include removal of only the portion of the wall above the mean high water mark, which will allow a hydraulic connection between the wetland and the lake while still stabilizing the shoreline. Concerns about increased erosion caused by the concentration of pedestrian activities near the lake were addressed by modifying the wetland enhancement plan to include construction of a raised boardwalk and viewing platform near the lake and signage to encourage pedestrians to stay off the ground near the lake. Wildlife habitat opportunities will be increased with removal of invasive non-native plants, planting of native plants, and installation of bird boxes and bat boxes in the proposed wetland buffer area.
- 6.4 **Staff response regarding pervious concrete maintenance** – One of the letters referred to in 6.3 above also commented on the need to properly maintain the proposed pervious concrete roadway. The staff recommended conditions of approval include the requirement that a homeowner's association be established responsible for the maintenance of common facilities, including the pervious concrete and rain gardens. Another proposed condition requires recording a declaration of covenant and grant of easement, as required by the KCSWDM, with maintenance provisions for the rain gardens and porous concrete.
- 6.5 **Staff response regarding pedestrian access** – The letter referred to in 6.4 above also commented on the need for sufficient and safe pedestrian routes to nearby commercial and transit services. Adequate pedestrian paths are included in the proposal not only on site but also along the access easement that connects the site to N 198th Street. Pedestrian safety would be improved off site with the implementation of recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering NorthWest (**Attachment N**). A staff-recommended condition of approval is to require implementation of those recommendations.
- 6.6 **Staff response regarding King County request** – King County Wastewater Treatment Division requested copies of sewer extension plans. Staff contacted personnel in the Wastewater Treatment Division to clarify the request. During those discussions it was determined the sewer main crossing the site was not being modified so it was unnecessary to submit sewer extension plans (**Attachment M**).

7. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES

- 7.1 The project site is zoned Residential – 48 units per acre (R-48), which would allow up to 55 dwelling units to be constructed on the site.
- 7.2 The proposed density is 15.8 dwelling units per acre.
- 7.3 Under SMC 20.40.120 townhomes are a permitted use in the R-48 Zoning District.

8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)

The following criteria were used to review the proposed subdivision:

8.1 Environmental (SMC 20.30.410A)

Criteria: *Where environmental resources exist the proposal shall be designed to fully implement the goals, policies, procedures and standards of SMC 20.80, Critical Areas, and Subchapter 5 of SMC 20.50, Tree Conservation, Land Clearing and Site Grading Standards.*

Staff Analysis: A Type II wetland is located on the site. The proposal complies with the standards established in the critical areas chapter SMC 20.80.200. See further analysis under **Section 12.2** below. The project must comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5.

Criteria: *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

Staff Analysis: With the type of structures proposed, placement of access over existing utility easements, and the relatively flat site, grading will be minimized.

Criteria: *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected.*

Staff Analysis: There are no existing natural hazardous conditions on the site. An abandoned home heating oil storage tank and contaminated soil on the site as described in the Aug. 22, 2005 Environmental Site Assessment by Earth Solutions NW (**Attachment O**) will be removed in conformance with relevant regulations prior to construction per Mitigation Measure #6 of the SEPA threshold MDNS (**Attachment I**).

Criteria: *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

Staff Analysis: The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the KCSWDM. See further analysis in **Section 11.1** below. The project must comply with all height restrictions as specified in SMC Chapter 20.50 which will minimize the impact, if any, on off-site views.

8.2 Lot and Street Layout (SMC 20.30.410B)

Criteria: *Lots shall be designed to contain a usable building area to ensure the lot is developed consistent with the standards of the SMC and does not create nonconforming structures, uses or lots.*

Staff Analysis: The proposal meets design standards for zero-lot-line development as set forth in SMC Chapter 20.50. All lots will be buildable with a zero-lot-line townhouse dwelling unit. No nonconforming structures, uses or lots will be created.

Criteria: *Lots shall not front on primary or secondary highways unless there is no other feasible access.*

Staff Analysis: None of the site fronts on any public streets. Access to N 198th St., which is not a primary or secondary highway, is provided via a "Non-Exclusive Access and Utilities Easement" (King County Recording No. 20060106000015) across private property southwest of the site.

Criteria: *Each lot shall meet the applicable dimensional requirements of the SMC.*

Staff Analysis: This proposal meets the applicable dimensional requirements specified for zero-lot-line development as set forth in SMC Chapter 20.50. See further analysis in **Section 9.1** below.

Criteria: *Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.*

Staff Analysis: Adequate pedestrian walks are provided within the project site. Existing public pedestrian walks and bicycle paths outside of the site are adequate to serve the additional impacts generated by the project. Improvements to the pedestrian access across private land to N 198th Street will be required per the recommendations of the Traffic Impact Analysis by Transportation Engineering Northwest, Inc. (Attachment N).

8.3 Dedications (SMC 20.30.410C)

Criteria: *The City Council may require dedication of land in the proposed subdivision for public use.*

Criteria: *Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.*

Criteria: *Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.*

Criteria: *Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.*

Staff Analysis: No dedications are required for this proposal. See further analysis in Section 11.2 below.

8.4 Improvements (SMC 20.30.410D)

Criteria: *Improvements which may be required include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.*

Staff Analysis: This project will comply with the all requirements specified in the City of Shoreline Development Code and Engineering Development Guide. See further analysis in Sections 9, 10, 11 and 12 below.

Criteria: *Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.*

Staff Analysis: This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities. See further analysis in Section 11 below.

9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

9.1 Densities and Dimensions in the R-48 Zone (SMC 20.50.020)

Standard	Regulation	Proposed
Base Density	48 du/acre	16 du/acre
Min. Density	8 du/acre	16 du/acre
Min. lot width	30 ft. ⁽²⁾	18-44 ft.
Min. lot area	2,500 sq. ft. ⁽²⁾	1,423 – 4,535 sq. ft.
Min. front yard setback	10 ft.	18 ft. - west
Min. rear yard setback	5 ft.	38 ft. - east
Min. side yard setback	5 ft.	25 ft. - north 6 ft. - south
Base height	50 ft. with pitched roof ⁽⁹⁾	n.a.

PC Findings, Conclusions & Recommendation

Max. building coverage	70%	18.2%
Max. impervious surface	90%	55%

Exceptions

- (2) These standards may be modified to allow zero lot line developments.
- (9) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, NCB, RB, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

8.1 Open Space (SMC 20.50.160)

Multifamily developments must provide on-site common recreational open space of at least 170 square feet for each dwelling unit of three or more bedrooms. Exception 20.50.160(A)(2) allows private yards, patios, balconies or roof decks to be credited towards the total recreation space requirement when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Private yards or patios must have a minimum area of 100 square feet and a minimum dimension of 10 feet. The proposal provides each dwelling unit with a patio area at least 170 square feet in area with dimensions at least 10 feet by 17 feet, creating suitable recreational opportunities. Community pathways and gathering areas along with the wetland buffer enhancement plan's boardwalk and viewing platform add to the project's total area of common recreational open space.

Multifamily developments shall provide tot/children play areas within the recreation space on-site except when facilities are available within one-quarter mile that are developed as public parks and are accessible without crossing arterial streets. Play areas are not required for this project as Echo Lake Park is located less than one-quarter mile from the project and is accessible by pedestrians without having to cross any streets.

8.2 Significant Tree Removal (SMC 20.50.290-370)

The site contains one significant tree. That tree is located within the wetland buffer area and will be retained. This complies with the requirement that at least 20% of the significant trees be retained. As no significant trees are to be removed, there are no replanting requirements.

8.3 Parking and Access (SMC 20.50.380-440)

Townhouse developments must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). The proposal provides each dwelling unit with a one-car garage and a driveway at least 20 feet long to provide a second parking space. In addition, four guest parking spaces are proposed.

Access may cross required yard setbacks provided no more than 10% of the setback area is displaced (SMC 20.50.420). Less than 10% of the setback area is proposed to be displaced by access. Direct access from the street right-of-way to parking areas is subject to SMC 20.60 and the Shoreline Engineering Development Guide.

Pedestrian access should be:

- separate from vehicular traffic where possible; or
- well marked to clearly distinguish it as a pedestrian priority zone; and
- be at least five feet wide (SMC 20.50.430).

All proposed pedestrian access is at least five feet wide and delineated with either a paving material different from that used by vehicle access or by painted lines.

8.4 Landscaping (SMC 20.50.450-520)

Type II landscaping, a filtered screen functioning as a partial visual separator to soften the appearance of parking areas and building elevations, consisting of trees generally interspersed throughout the landscaped strip and spaced to create a continuous canopy with a mix of deciduous and evergreen trees, shrubs and ground cover is required within the yard setback area for multifamily developments adjacent to multifamily and commercial zoning, except where the setback area is displaced by access or parking. The approved Feb. 27, 2006 Weisman Design Group landscaping plan (**Attachment P**) complies with these requirements.

10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

- 9.1 **Water Supply** – Seattle Public Utilities has issued a Water Availability Certificate (**Attachment Q**) for the proposal.
- 9.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability (**Attachment R**) for the proposal.
- 9.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site (**Attachment S**).
- 9.4 **Traffic Capacity** – The project will generate an estimated 9 “P.M. Peak Hour Trips,” which is below 20 P.M. Peak Hour Trips, the threshold trigger to require traffic facility improvements as set forth in SMC 20.60.140(A) (See Traffic Impact Analysis, Transportation Engineering Northwest, Oct. 27, 2005, **Attachment N**.)

10. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

- 10.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the Road and Storm Drain Plan for the proposal.
- 10.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project does not front any right-of-way and will not have a significant impact on the use of the right-of-way.
- 10.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 10.4 **Frontage Improvements** – The project does not front on any right-of-way. Although there may be a site distance deficiency at the intersection of N 198th St. and Aurora Ave. N, none of those deficiencies can be improved by work within the right-of-way. No frontage improvements are required.

11. WETLAND REGULATIONS (SMC 20.80.310-350)

- 11.1 **Wetland classification (SMC 20.80.320)** – The wetland on the site has been classified as a Type II wetland (see **Attachment C**, Wetland Delineation Report, Adolfson Associates, Inc., Oct. 2005) and confirmed by a third party (see **Attachment D**, The Watershed Company letter, Oct. 18, 2005).
- 11.2 **Required buffer areas (SMC 20.80.330)** – Type II wetlands require a minimum buffer width of 50 feet and a maximum buffer width of 100 feet. The maximum buffer width is required unless the proposed development:
 - is considered low impact; or
 - if wetland and buffer enhancement are implemented.

The proposal to use the minimum buffer width is allowed because it is both considered low impact and wetland and buffer enhancement are part of the proposal.

PC Findings, Conclusions & Recommendation

This proposal is low impact as:

- the proposed use does not involve usage or storage of chemicals;
- passive-use areas are located adjacent to the buffer; and
- the wetland and its buffer are incorporated into the site design in a manner which eliminates the risk of adverse impact on the critical area.

Wetland and buffer enhancement are achieved with the:

- Construction of bat and bird boxes to enhance wildlife habitat with structures likely to be used by wildlife.
- Removal of invasive non-native species followed by planting of native vegetation, which will increase the value of wildlife habitat and improve water quality.

Low impact uses and activities (pedestrian path, boardwalk and viewing platform) are proposed within the buffer. Those uses are consistent with the purpose and function of the wetland buffer and do not detract from the integrity of the buffer. A viewing platform is to be located at the edge of the buffer next to the wetland to proactively mitigate potential erosion and other negative impacts caused by overuse of areas by pedestrians.

The wetland and its associated buffer will be preserved by being placed in a separate tract on which development is prohibited. The location and limitations associated with the tract will be shown on the face of the recorded final plat.

II. CONCLUSIONS

RCW 36.70B.040 Determination of Consistency, requires a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

- Type of land use;
- The level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development; and
- The characteristics of the development, such as development standards.

RCW 58.17.110 Approval/Disapproval of Subdivisions, requires proposed subdivisions to:

- Make appropriate provisions for the public health, safety, and general welfare; and
- Serve the public use and interest for open spaces, drainage ways, streets, other public ways, potable water supplies, sanitary wastes, parks and recreation, and all other relevant facts.

Based on the above Findings of Fact and with the proposed conditions listed below, the Planning Commission concludes the Preliminary Formal Subdivision of Shoreline Townhomes has:

- Met the requirements of the City of Shoreline Development Standards, 2005 Comprehensive Plan, and Municipal Code
- Made appropriate provisions for the public health, safety, and general welfare
- Serves the public use and interest

III. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Preliminary Formal Subdivision of Shoreline Townhomes proposal, Project No. 201478 with the following conditions:

1. A maximum of 18 lots and one private land tract for protection of the wetland and its associated buffer shall be created. The sizes and the assigned addresses for the lots shall be shown on the face of the Final Plat. The delineation and size of the private land tract shall be declared on all plans submitted for the Site Development Permit and also shown on the face of the Final Plat.

PC Findings, Conclusions & Recommendation

2. A maximum of 18 zero-lot-line townhome lots are permitted as depicted in the Site Plan prepared by CB Anderson Architects and Preliminary Formal Subdivision Plan Boundary and Lot Lines prepared by GeoDatum, Inc., both submitted to the City on Nov. 8, 2005.
3. All mitigation measures in the Mitigated Determination of Non Significance issued by the City of Shoreline on Feb. 7, 2006 shall be implemented prior to occupancy including:
 - a. Prior to permit issuance a HPA permit from the State of Washington Department of Fish and Wildlife shall be obtained for work to be done within Echo Lake. The work shall include removal of:
 - the portion of an existing concrete bulkhead above the mean highwater mark; and
 - recently deposited debris within 20 feet of the shoreline.
 - b. Prior to occupancy the revised Wetland and Buffer Enhancement Plan prepared by Adolfson Associates, Inc., Feb. 2006, shall be implemented.
 - c. Monitoring of the wetland and its buffer by a qualified biologist in compliance with SMC 20.80.350 shall be implemented including submitting monitoring reports:
 - Upon completion of the wetland and buffer enhancement plan;
 - 30 days after planting;
 - Twice annually for the early growing season (no later than May 31) and the end of the growing season (no later than September 30) during Monitoring Years 1 and 2.
 - Once annually for the end of the growing season (no later than September 30) during Monitoring Years 3-5.
 - d. Stormwater management flow control BMPs (commonly referred to as Low Impact Development) in compliance with the 2005 King County Surface Water Design Manual and substantially in conformance with civil construction plans prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005, shall be constructed.
 - e. Remediation as described in the August 22, 2005 Environmental Site Assessment of the subject site by Earth Solutions NW, LLC, shall be completed prior to building permit issuance. Remediation required shall include:
 - Decommission/removal by a licensed professional in a manner in conformance with relevant regulatory requirements of the 500-gallon underground storage tank on the site; and
 - A Phase II investigative remediation including, but not limited to, removal of impacted soils – approximately 5-10 cubic yards of soil in the area where a 55-gallon drum was found – followed by confirmation sampling to ensure no contaminated soils remains. The impacted soils shall be disposed of at a permitted facility. A report conforming to the State of Washington Department of Ecology procedures shall be sent to the City of Shoreline.
4. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline for all onsite engineering including storm water conveyance and infiltration, utility installation, onsite landscaping, and wetland and buffer enhancement. The completion of this work shall be secured by a plat performance financial guarantee. The approved plans associated with the Site Development Permit shall be substantially in conformance with the civil construction plans and Technical Information Report prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005.
5. Emergency access only shall be allowed from N 199th St. Access shall be restricted at all times by a locked gate equipped with a Knox-Box system and/or an Opticom pre-emption device. N 199th St. may be used for unrestricted access only if it is improved to public road standards.

PC Findings, Conclusions & Recommendation

6. All recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering Northwest, Oct. 27, 2005, shall be implemented prior to issuance of a certificate of occupancy.
7. Developer shall meet all required conditions established by the Feb. 10, 2006 revised Seattle Public Utilities Water Availability Certificate.
8. Developer shall meet all required conditions established by the Oct. 24, 2005 Ronald Wastewater District Sewer Availability Certificate.
9. Prior to issuance of a certificate of occupancy:
 - Landscaping shall be installed, inspected and approved substantially in conformance with the Landscape Plan prepared by Weisman Design Group, Oct. 25, 2005; and
 - A landscape maintenance and replacement agreement shall be submitted and approved by the City.
10. Prior to recording of the Final Plat, owners shall be required to establish, record and maintain in force and effect a Covenant for a Homeowner's Association substantially in conformance with the Draft Covenant. The Association is to be held with undivided interest by the 18 zero-lot-line town home lots (described as lots 1-18) in this subdivision. The Homeowner's Association is to be responsible for maintaining, repairing and/or rebuilding of the (1) critical area tract for wetland protection, (2) access road and parking; (3) required landscaping; and (4) infrastructure and utilities not dedicated to the City of Shoreline including rain gardens and pervious concrete.
11. Prior to recording of the Final Plat a declaration of covenant and grant of easement shall be recorded for the rain gardens and pervious concrete as required by the 2005 King County Surface Water Design Manual, Appendix C, as described in sections C.1.3.3.3, C.2.5.3 and C.2.6.7.
12. The following notes shall be shown on the face of the Final Plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
 - "Tract A is a protected wetland and buffer tract where all development is permanently prohibited including, but not limited to, activities such as clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations."
 - "Access via N 199th Street shall be for emergency purposes only. Access shall be restricted by a gate to be locked at all times, accessible only by fire, police and other emergency agency vehicles. General access via N 199th Street may be allowed only if N 199th Street, from the subdivision's western boundary to Aurora Avenue N, is improved to conform with public road standards.
 - "This subdivision contains a stormwater management flow control BMP (best management practice) called 'permeable pavement,' which was installed to minimize the stormwater quantity and quality impacts of some or all of the paved surfaces on your property. Permeable pavements reduce the amount of rainfall that becomes runoff by allowing water to seep through the pavement into a free-draining gravel or sand bed, where it can be infiltrated into the ground.

The type of permeable pavement used is porous concrete.

PC Findings, Conclusions & Recommendation

The area covered by permeable pavement as depicted by the flow control BMP site plan and design details must be maintained as permeable pavement and may not be changed without written approval from the City of Shoreline.

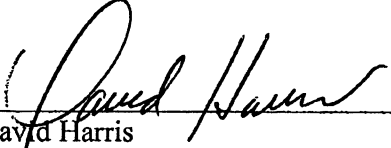
Permeable pavements must be inspected after one major storm each year to make sure it is working properly. Prolonged ponding or standing water on the pavement surface is a sign that the system is defective and may need to be replaced. If this occurs, contact the pavement installer or the City of Shoreline for further instructions. A typical permeable pavement system has a life expectancy of approximately 25-years. To help extend the useful life of the system, the surface of the permeable pavement shall be kept clean and free of leaves, debris, and sediment through regular sweeping or vacuum sweeping. The Homeowner's Association is responsible for the repair of all ruts, deformation, and/or broken paving units."

- "This subdivision contains a stormwater management flow control BMP (best management practice) called a 'rain garden,' which was installed to mitigate the stormwater quantity and quality impacts of some or all of the impervious or non-native pervious surfaces of the subdivision. Rain gardens, also known as "bioretention," are vegetated closed depressions or ponds that retain and filter stormwater from an area of impervious surface or non-native pervious surface. The soil in the rain garden has been enhanced to encourage and support vigorous plant growth that serves to filter the water and sustain infiltration capacity. Depending on soil conditions, rain gardens may have water in them throughout the wet season and may overflow during major storm events.

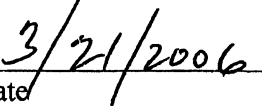
The size, placement, and design of the rain garden as depicted by the flow control BMP site plan and design details must be maintained and may not be changed without written approval from the City of Shoreline. Plant materials may be changed to suit tastes, but chemical fertilizers and pesticides must not be used. Mulch may be added and additional compost should be worked into the soil over time.

Rain gardens must be inspected annually for physical defects. After major storm events, the system should be checked to see that the overflow system is working properly. If erosion channels or bare spots are evident, they should be stabilized with soil, plant material, mulch, or landscape rock. A supplemental watering program may be needed the first year to ensure the long-term survival of the rain garden's vegetation. Vegetation should be maintained as follows: 1) replace all dead vegetation as soon as possible; 2) remove fallen leaves and debris as needed; 3) remove all noxious vegetation when discovered; 4) manually weed without herbicides or pesticides; 5) during drought conditions, use mulch to prevent excess solar damage and water loss."

City of Shoreline Planning Commission



David Harris
Chairperson



Date

DRAFT

These Minutes Subject to
April 6th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 16, 2006
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Harris
Vice Chair Piro
Commissioner Kuboi
Commissioner Broili
Commissioner MacCully
Commissioner Phisuthikul (arrived at 7:08 p.m.)

STAFF PRESENT

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

COMMISSIONERS ABSENT

Commissioner Sands
Commissioner McClelland
Commissioner Hall

CALL TO ORDER

Chair Harris called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Vice Chair Piro, Commissioners Kuboi, Broili, and MacCully. Commissioner Phisuthikul arrived at 7:08 p.m. and Commissioners Sands, McClelland and Hall were excused.

APPROVAL OF AGENDA

The agenda was approved as submitted.

DIRECTOR'S REPORT

Mr. Tovar advised that the staff received an invitation to speak to the Highland Terrace Neighborhood Association on April 18th. At that time, staff would update them on what is going on in the City and

answer their questions. He recalled the Commission's previous discussion about doing outreach within the various neighborhood groups in the City and suggested that perhaps one or two Commissioners could attend the meeting, as well.

Vice Chair Piro said he received an invitation from the Echo Lake Neighborhood Association to attend their meeting on April 18th, and they asked him to extend the invitation to the City's Planning Director, as well. Mr. Tovar suggested that one or two Commissioners be assigned to attend.

Mr. Tovar announced that the public hearing date for the permanent ordinance for Hazardous Trees and Critical Areas Stewardship Plans was changed from April 6, 2006 to May 18, 2006. Staff is still working on the language, which should be available for Commission and public review the first week in April. It would also be forwarded to various State agencies for comments and recommendations.

APPROVAL OF MINUTES

COMMISSIONER BROILI MOVED THAT THE MINUTES OF FEBRUARY 16, 2006 BE APPROVED AS DRAFTED. VICE CHAIR PIRO SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

VICE CHAIR PIRO MOVED THAT THE MINUTES OF MARCH 2, 2006 BE APPROVED AS CORRECTED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

GENERAL PUBLIC COMMENT

Bob Barta, 15703 – 1st Avenue Northwest, advised that he represents the Highland Terrace Neighborhood Association, and they are concerned about how the City would accommodate the projected population growth over the next 20 years. He said they are particularly concerned about how to keep the school system healthy. He noted that only about 30 percent of the households in Shoreline have school age children, and he fears that number would decrease over the years.

Mr. Barta invited all of the Commissioners to attend the Highland Terrace Neighborhood Association Meeting on April 18th. He said he would meet with Mr. Tovar to establish a meeting format, which could possibly be used by other neighborhood groups, as well. Their Association's goal is to work with the City to solve their own problems.

PUBLIC HEARING ON PRELIMINARY FORMAL SUBDIVISION FOR SHORELINE TOWNHOMES (FILE #201478)

Chair Harris reviewed the rules, procedures and agenda for the public hearing. He invited Commissioners to disclose any communications they received regarding the subject of the hearing outside of the hearing. None of the Commissioners identified written or oral communications. No one in the audience expressed a concern, either.

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a. Staff Overview and Presentation of Preliminary Staff Recommendation

Mr. Pickus reviewed the staff report for the proposed preliminary formal subdivision application to create 18 zero-lot-line lots and a critical area tract on two contiguous parcels at 1160 North 198th Street. The property owner is Frontier Investment Company, and the applicant and authorized agent is Prescott Homes. Since this is a Type C Application, the Planning Commission is required to conduct an open record public hearing. State Law requires that in order to recommend approval the application, the Planning Commission must find that it is consistent with City regulations found in Section 20 of the Shoreline Municipal Code (SMC) and that it complies with the provisions for the public health, safety and general welfare.

Mr. Pickus reviewed that a pre-application meeting was held between the City staff and the applicant on June 21, 2005, and a neighborhood meeting was held on July 27, 2005. A second pre-application meeting was held on September 9, 2005, and the City received the application on November 8, 2005. It was determined to be complete on November 17, 2005, and the notice of application was published on November 23, 2005. Because the site did not get posted in a timely manner, the City issued a revised notice of application on December 1, 2005. Several public comments were received during the 14-day comment period. The project required an environmental review, and a Mitigated Determination of Non-Significance (MDNS) was issued on February 7, 2006, with several requirements to ensure the project would not have an adverse impact on the environment. On February 28, 2006 a notice for the public hearing was issued.

Mr. Pickus said the project would consist of two existing parcels located on the north shore of Echo Lake. Adjacent to the site are multi-family residential developments to the east, west and south and an office building to the north. Echo Lake Park and a portion of the Interurban Trail are about 360 feet east of the site, and the Aurora Village Transit Center and retail shopping center are located about 350 feet to the north. West of the site, up to Aurora Avenue North are some single-family residences and commercial buildings. He provided pictures the subject property and adjacent properties.

Mr. Pickus displayed the proposed site plan and reviewed that the development would consist of 18 town home units locate in 4 buildings. He pointed out the location of the existing wetland, as well as the proposed access for the site. The project would implement low-impact development techniques as provided for in the 2005 King County Surface Water Design Manual, including the use of pervious concrete to decrease run-off. The site is currently zoned R-48, which allows 48 units per acre. Because the site is a little more than an acre, it could accommodate up to 55 units. The current Comprehensive Plan designation is high-density residential, and the property was intended to serve as a transition area between high-intensity commercial uses and lower-density residential uses.

Mr. Pickus explained that there would be three significant easements across many of the lots. An access and utility easement would be located along the roadway, which crosses every lot. Another utility easement would be located along the large rain garden, and the third easement would be along the proposed pedestrian pathway, which crosses some of the lots.

Mr. Pickus pointed out the Type II Wetland that is located on the subject property. He explained that a minimum buffer of 50 feet and a maximum buffer of 100 feet would be required, and the applicant has proposed a 50-foot buffer. To obtain approval of the minimum buffer requirement, the project must be low-impact or a wetland enhancement plan must be proposed, and the applicant has met both of these criteria. It is a low impact development in that it meets the requirements of the code and there would be no chemicals stored on site. In addition, only passive uses would be located adjacent to the buffer and the site has been designed to eliminate the risk of adverse impact on the wetland. The proposed buffer and wetland enhancement plan is significant and involves the replacement of invasive plant species with wetland native species and improvements to the hydrology of the wetland. There is one significant tree located on the site, which would be retained. Part of the low-concrete bulkhead along the edge of the lake would be removed to improve the hydrologic connection between the lake and the wetland. In addition, the plan proposes a pervious path and raised boardwalk to a viewing platform. He provided pictures of the existing wetland.

Mr. Pickus advised that the applicant prepared several reports that were attached to the application. The environmental site assessment found that there was still a 500-gallon underground storage tank that likely held heating oil for the house that used to be on the site. They also found a 55-gallon drum that contaminated some of the soil around it. The report recommended certain steps to clean the site up, and this issue was also addressed as a condition in the MDNS and in the Staff's Recommended Conditions for Approval.

Mr. Pickus said the public comments fell into three categories. Many people objected to the proposed name of the project, the Echo Lake Townhomes, so the project has been renamed to the Shoreline Town Homes. The King County Wastewater Treatment Division requested copies of the sewer extension plans. After further discussion with staff, it was determined that the sewer main crossing the site would not be modified, so it would be unnecessary to submit sewer extension plans.

Mr. Pickus said concern was raised about the potential negative impacts of the project on Echo Lake's water quality and wildlife habitat. He explained that with wetland and buffer enhancement and construction of stormwater management flow control, the quality of surface water flowing from the site into Echo Lake would be improved over existing conditions. In addition, the hydrology of the wetland would be improved with the partial removal of an existing concrete wall separating the wetland from the lake and installation of dispersion trenches. The concern that erosion into the lake would be increased by removing the existing concrete wall was addressed by modifying the proposal to include removal of only the portion above the mean high water mark. This would allow a hydraulic connection between the wetland and the lake while still stabilizing the shoreline.

Mr. Pickus said concerns were also raised about increased erosion caused by the concentration of pedestrian activities near the lake. This issue was addressed by modifying the wetland enhancement plan to include a raised boardwalk and viewing platform near the lake. In addition, fencing, signage and increased plantings of rose and snowberry plants along the paths would encourage pedestrians to stay off the ground near the wetland and lake.

Mr. Pickus advised that one comment emphasized the need to properly maintain the proposed pervious concrete roadway. He noted that staff has recommended conditions of approval that include the establishment of a homeowner's association responsible for the maintenance of common facilities, including the pervious concrete and rain gardens.

Mr. Pickus pointed out that, although it was not required, the applicant provided a traffic impact analysis. The analysis made some good recommendations that should be implemented as a condition of approval. They include putting a crosswalk at the entrance to the site, constructing a fence along the northern boundary to discourage pedestrians from cutting across adjoining properties, installing a gate at the emergency access, providing signage and speed bumps to discourage right turns onto North 199th Street, and painting speed limits on the roadway.

Mr. Pickus said the staff's preliminary recommendation to the Planning Commission is to forward a recommendation of approval to the City Council for the Shoreline Townhomes Preliminary Formal Subdivision Application, with the conditions as described in Attachment U.

b. Applicant Testimony

Craig Anderson, CB Anderson Architects, provided an exhibit of the overall site plan. He pointed out that, in contrast to the other residential buildings in the area, the proposed project would be on a smaller scale. The minimum density allowed on the property would be 16 units, and they are proposing 18. The current zoning would allow up to 55 units. He explained that the units would be owner-occupied, zero-lot-line town homes. While the design is not set yet, the zone allows a building height of up to 50 feet, and town homes are generally in the range of 35 to 40 feet high. The ground floor would provide parking, with some heated space on the ground floor for the entry. The living space would be generally located on the second and third floors.

Mr. Anderson reviewed that two parking stalls are planned for each of the units; one in the garage, and one behind the garage door. A pedestrian path would circulate between the town homes, leading towards the proposed walkway. The border of the driveway would be permeable concrete and the center would be impervious concrete or asphalt. This would further define the pedestrian pathway throughout the site. He said vehicular and pedestrian access to the proposed project would come via North 198th Street, which would increase the street load by about 16 percent.

Donna Frostholt, Adolfson Associates, said she prepared the wetland enhancement plan for the proposed project. She explained that Echo Lake currently has a bulkhead, and the wetland consists entirely of non-native plant species. This has resulted in a fairly degraded system along the lake. The proposed project would provide a 50-foot buffer, as well as a wetland enhancement plan that would include:

- Removing the bulkhead above the ordinary high water mark to increase the connectivity between the wetland and the lake.
- Replacing all non-native plants in the wetland with native species.
- Replacing non-native plans in the wetland buffer with native species.

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- Constructing a trail along the outer edge of the buffer, with a platform.
- Removing some of the existing concrete and putting in plants instead.

Ms. Frosthalm explained that the native plantings would increase the habitat value of the lake and the areas immediately adjacent to the lake. The selected plants would also be lower growing to maintain some views of the lake. The wetland area would be deeded over to the Cascade Land Conservancy; and they would act as stewards, along with the homeowner's group, to maintain the area. She summarized that the proposed enhancement plan would improve a degraded area not only for wildlife, but for the aesthetics of people living in the area.

Erik Davido, Davido Consulting Group, Inc. said he provided the civil engineering consulting services for the proposed project. He announced that a geotechnical study found that the soils on the subject property were mostly sand, with good infiltration. He explained that when modeling the options for the project, they considered the low-impact development best management practices found in the 2005 King County Surface Water Design Manual and the Low Impact Technical Guidance Manual for Puget Sound. Mr. Davido emphasized that, given the extensive stormwater runoff system that has been proposed, it is unlikely that surface water from the subject property would ever reach the lake. He briefly explained the following features of the proposed stormwater management plan.

- A bioswale and rain gardens would be used to collect off-site runoff.
- Permeable pavement would be used on site, which would allow water to infiltrate into the ground.
- Two catch basins would be added to accommodate overflow and provide a good indication of when maintenance is required for the permeable surface.
- Small rain gardens would be located throughout the site for roof runoff.
- Some of the runoff and overflow would run into a dispersion trench in the wetland buffer area.
- A substantial erosion control system would include a series of sediment trap ponds that to prevent silt-laden water from getting into the infiltration areas and flowing over the permeable pavement.

Mr. Davido recalled that staff has recommended language be provided in the CCR's that would require the property owners to maintain the permeable surface areas. Maintenance requires pressure washing and vacuum sweeping once or twice a year, and this would extend the life of the material to 25 years or more.

c. Questions by the Commission to Staff and Applicant

Commissioner Kuboi asked how a homeowner could prevent the pervioius pavement from being impacted by free thaw, if water is allowed to permeate through it. Mr. Davido said wintertime problems are not typically a problem, as long as the silt is removed from the surface on a regular basis. Because the catch basis would act as an overflow during times of heavy rain, the water would be allowed to permeate through the surface.

Commissioner Phisuthikul asked if the rain garden proposed for the west side of the property would accommodate only off-site drainage. Mr. Davido answered that on-site runoff would be handled separately.

Commissioner Kuboi noted that the wetland management plan included a proposal for monitoring and reporting, but he did not notice this same provision for the stormwater management plan to make sure the system would continue to be effective. Mr. Davido said the report does provide a performance standard. The basis test would be after the pavement has been wet for 10 minutes; it is supposed to meet the 10-inches per hour design filtration. If it does not, it is time to maintain the system. This performance standard comes from the King County Surface Water Design Manual, and it is also addressed in the maintenance section of the covenants, as well. Commissioner Kuboi said the maintenance language found in the covenants is very general, and would not require annual monitoring or reporting to make sure it works long-term.

Mr. Davido explained that the catch basins would act as an overflow and an indicator for when maintenance is needed. Mr. Pickus added that the required easement for the detention system would give the City the right to inspect the facility to make sure it is being maintained.

Vice Chair Piro asked if the access that appears to connect the existing condominium complex with the subject property would be maintained at all times or if it would be used for emergency access only. Mr. Anderson answered that primary access would come through the condominium property, and the emergency access would be located on 191st Street.

Commissioner Broili said he was pleased to see a developer use a proactive, low-impact development approach. However, he asked how the proposal would keep people from straying off the boardwalk into the wetland area. Mr. Pickus answered that a split rail fence would be located along the edge of the boardwalk, and the plantings would be designed to discourage people from leaving the boardwalk. Ms. Frostholtm added that the plantings along the trail, boardwalk and platform would be densely planted with a thorny species.

Commissioner Broili recommended that a better approach would be to remove the entire bulkhead and use other methods to mitigate the disturbance that would be created. This would reconnect the habitat as it was originally intended to be. Mr. Pickus said the applicant's original proposal was to remove the bulkhead. But as they were discussing the issue with the Department of Fish and Wildlife, it was recommended that it not be removed in its entirety.

Commissioner Broili asked if the developer would use best soil management practice approaches throughout the entire site when finished. He noted that the 2001 Western Washington Stormwater Manual calls for the placement of 12 inches of organic materials to mimic what would have been found in native soils. Mr. Davido answered that in the rain garden areas there would actually be 2 feet of amended soil, which would more than meet the requirement. Commissioner Broili asked if the same approach would be applied in areas other than the rain garden and the wetland buffer areas. He said the manual suggests that this concept be used in all new developments to provide permeable rather than compacted soils. Mr. Davido said he suspects the landscape plan has incorporated this concept for all planting areas, but he would confirm this with the landscape architect.

Commissioner MacCully asked why the applicant decided to provide access to the site from North 198th Street instead of North 199th Street. He pointed out that North 198th Street has a much more significant grade than what exists on North 199th Street. **Greg Kappers, Prescott Homes**, answered that North 199th Street would have to be widened and significantly improved to accommodate the traffic. This would require them to negotiate additional easement area from each of the property owners. It would likely involve the removal of front yards, garages, driveways, etc. They already have control of the property to the south, which provides access to a public road system. He suggested that North 199th Street might actually be steeper than North 198th Street.

Chair Harris said Commissioner McClelland asked him to point out the lack of pedestrian access ability to the shopping center and transit center to the north. He asked if staff considered whether or not this area is underserved by pedestrian access. Mr. Pickus said there are no opportunities to provide additional pedestrian access along the street since the subject property is bordered on all sides by private property.

Commissioner Broili commented that the State Department of Transportation uses best soil management practices for disturbed soils during construction. He asked if the developer has discussed the option of using this same approach. Mr. Davido answered that ground cover measures would be used, but they also propose to go one step further. During construction, the sediment traps would collect all the runoff and allow the silt to settle before the water could flow out into the dispersion trenches.

Vice Chair Piro said one comment letter suggested that the application was vested prior to the City's latest update of the Critical Areas Ordinance, so a lesser buffer area would be required. Mr. Pickus explained that the project is vested under the current Critical Areas Ordinance, since the new ordinance does not go into effect until next week. The buffer requirements of the new ordinance are different.

Vice Chair Piro said some comment letters also made observations on the deteriorating condition of Echo Lake. He asked if the City staff is aware of these issues and if the water quality of the lake is being monitored on a regular basis. He also asked if there is a management plan that involves property owners with land adjacent to the lake, including the applicant. Mr. Tovar added that while there is not program of this type in place right now, the health and dynamics affecting natural systems like Echo Lake could be one element of a future natural resource management plan.

Vice Chair Piro agreed with Commissioner Broili and said he was very impressed with the work of the applicant and staff to advance a scheme that uses low-impact development techniques and tools.

Commissioner Phisuthikul asked if the riparian conservation area would become a potential public access area if it were deeded to the Cascade Land Conservancy. Mr. Kappers answered that public access would be restricted by the plat; and by virtue of the deed and the land trust, it would not be opened to the public. It would not be the Conservancy's intent to open the wetland to public, but the residents within the plat would have access to it.

Commissioner Kuboi asked if the Public Works Department had any particular comments to make after their review of the stormwater features of the project. Mr. Pickus said they requested some minor corrections, which the applicant incorporated into the design. No significant objections were raised.

d. Public Testimony or Comment

Bob Whiteley, 1411 North 200th, D-2, said he resides in the Echo Lake Townhomes and is a member of the Echo Lake Neighborhood Association. He said that for two years, there was a program for basic testing of the water quality of Echo Lake, but this program was cancelled last year because of lack of funding. The work was done on a volunteer basis by the Echo Lake Neighborhood Association, and King County Metro did the actual testing procedures. Sampling data can be obtained from King County Metro.

Mr. Whiteley expressed his concern about the condition of the lake, which appears to have deteriorated more rapidly in the last five to seven years. He said the condition appears to be worse at the south end of the lake where the large drain from Aurora Avenue and the transit lot enters the lake. He said that while the proposed project would have some impact on the lake, it would be very minor. However, any development on property with storm drains connected to the Echo Lake Drainage Basin would have an impact on the water quality of the lake. Rather than look at one project at a time, he urged the City to take a broad view of the existing condition of the lake and what it can handle.

Mr. Whiteley asked what would happen to oil that is dripped onto the permeable surface in the new development. Since the water either stays in the soil or goes into the lake, he questioned how much it could handle before the soil would become contaminated.

Mr. Whiteley noted that the cinderblock wall on the east side of the subject property is owned by the applicant. He suggested that it should either be repaired or replaced at the time of construction. He also emphasized that during the winter time the level of water normally stabilizes, but in late September or October the southerly winds push the water onto the subject property. About six or seven times a year, the lake gets higher than expected, and they have to clean the leaves off the overflow grate.

Mark Deutsch, 19715 Ashworth Avenue North, commended the developer, Prescott Homes, for the excellent practices they are proposing to exercise. He commended the Planning Department staff for following up on comments from neighbors, as well as enforcing good water quality practices. At the same time, he said he is somewhat concerned about the intensity of the proposed development on what was originally a single-family property. He also suggested that even though the current Critical Areas Ordinance allows a minimum buffer of 50 feet, they could reduce the number of units by at least two to extend the buffer area.

Mr. Deutsch asked how the City would ensure the development does not result in negative impacts to the wetland area or the lake. He also questioned where the development's common area would be located. He noted that Echo Lake Park is rather small to handle these extra people. He also asked if a playground area would be provided as part of the development, since there is not one at Echo Lake Park.

Mr. Deutsch said he appreciates that the applicant completed a traffic study, even though it was not required. Currently, there is not a high number of pedestrians, but it is a great area for people to make use of the transit system. He said he does not expect today's conditions to remain true for the future, and he is concerned about the safety of pedestrians in this area.

Bob Baliey, 1411 North 200th, said he also lives in the Echo Lake Townhomes. He said he has a problem with people going over the cement wall and through their property to access the lake. He suggested that the proposed fence on the north side extend all the way down to the lake.

Mr. Pickus clarified that the multi-family development regulations require 170 square feet of recreational open space for each dwelling unit. The proposed project would meet this requirement, mainly through decks and patios, which the code allows. A "tot lot" would not be required because of the property's close proximity to Echo Lake Park.

Mr. Pickus referred to Mr. Deutsch's question about how City staff knows the proposed stormwater plan would work to protect Echo Lake. He said the City relies on the 2005 King County Stormwater Design Manual, which was developed by engineers; and the proposed plan would meet all of the requirements.

Regarding the overall health of Echo Lake, Mr. Davido pointed out that any development that drains into the lake would fall under the more stringent requirements found in the King County Manual. The proposed project, with its low-impact development would more than meet the requirements. In addition, he said the Puget Sound Low-Impact Development Manual references several studies. For example, the University of Washington compared the runoff from regular asphalt with the runoff from permeable concrete. While there was a significant amount of oil in the runoff from the regular asphalt, there was no runoff from the permeable materials. The study also showed that oil would not degrade the overall performance of the permeable pavement.

Mr. Anderson pointed out that access through the condominium project would be stripped with a 5-foot wide lane to help identify the areas where pedestrians might be. In addition, it is possible for pedestrians to go up North 199th Street, as well. He summarized that there would be numerous routes for pedestrians to travel.

Jennifer Ting, Transportation Engineering Northwest, advised that she conducted some peak hour traffic counts on North 198th Street and found that vehicles were actually traveling below or at the speed limits because of the short distance of the street from Aurora Avenue North to the existing Echo Lake Condominiums. She concluded that the conflict between pedestrians and vehicles should be minimal.

Commissioner Kuboi referred to Mr. Pickus' comment that if a park is located within in ¼ mile of a proposed multi-family development, a "tot lot" would not be required. He noted that the subject property is surrounded by private property, so legal access to the park would be greater than ¼ mile. He also noted that there is no tot lot at Echo Lake Park. Mr. Pickus read SMC 20.50.160 and explained that to apply this provision, staff measures from the edge of the subject property to the edge of the park to make sure it is less than ¼ mile. The provision does not address the route that must be taken to access the park. Vice Chair Piro agreed with Commissioner Kuboi that the provision should factor in

accessibility. He suggested that the Commission consider a condition that would require a tot lot since a person would have to walk at least ½ mile to access the park from the subject property.

Commissioner Kuboi said that if the staff's application of the ¼ mile consideration is the prevailing convention amongst professional planners in the area, he would be uncomfortable changing it for just one application. If the Commission thinks there is a problem, they must address it within a broader context by changing the language in the code. Commissioner Broili agreed. However, he felt the intent of the code was that a person should be able to walk less than ¼ mile to reach a park.

Commissioner MacCully expressed his concern about how much traffic would be coming on and off the property from people who don't live there, but want to walk through it. He noted that most of the parking lots for the developments in the area seem to connect. When the road is increased in size, it might provide an easier path for people to get to Aurora Avenue.

Chair Harris recalled that the City of Shoreline is very concerned about meeting their target housing goals. He questioned why the applicant chose to develop the property with significantly fewer units than would be allowed. Mr. Kappers answered that they used to do a lot of condominiums, but insurance issues forced them out of the market. As a result, they started constructing infill town homes, where they could plat the lots and sell them as fee simple. The apartment market would not support condominium development in this location. While the proposed project does not represent the most density or the highest and best use, it does represent what the market would bear. Given all of the constraints they had to deal with, they tried to maximize the number of units.

Commissioner Kuboi asked if Cascade Land Conservancy would have any say regarding the approval of a particular biologist to determine whether the proposed buffer enhancement program would work. He expressed his concern about how the City would ensure that the scientific expertise used for the report is credible and objective. Mr. Tovar said the City Council raised this same issue during their review of the Critical Areas Ordinance. He explained that if the City decides that a submitted report is not credible and/or objective, they have the ability to obtain their own professional review, and the cost of the report would be paid for by the property owner. This enables the City to ensure that they get an objective and credible analysis of what is going on.

Commissioner Broili suggested the applicant consider the option of providing handrails on the boardwalk as a way to encourage people to stay out of the wetlands. In addition, he asked how the City would ensure that the wetland is not degraded after the 5-year monitoring program stops. Mr. Pickus said the theory is that, after five years of passing the performance standards, the vegetation would be mature and prevail over any of the evasive species. There is no provision in the code for any monitoring requirements beyond five years.

e. Presentation of Final Staff Recommendation

Mr. Pickus said the staff's final recommendation to the Planning Commission is to forward a recommendation of approval to the City Council for the Shoreline Townhomes Preliminary Formal Subdivision Application, with the conditions as described in Attachment U.

f. Final Questions by the Commission and Commission Deliberation

Commissioner MacCully asked if the partnership with Cascade Land Conservancy would be a requirement or just something the applicant is proposing to do. Mr. Kappers explained that the wetland must be deeded out into a separate tract. The agreement with Cascade Land Conservancy would be to deed the property over to them, with an endowment to take care of future maintenance of the wetland if the homeowner's association were to fail. Whether the wetland were deeded to the Conservancy or not, the proposal would not change. Mr. Pickus emphasized that the City would not be involved in the agreement at all.

g. Closure of the Public Hearing

No one in the audience had any further comments to provide.

VICE CHAIR PIRO MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

h. Vote by Commission to Recommend Approval or Denial or Modification

COMMISSIONER MACCULLY MOVED THAT THE COMMISSION RECOMMEND, TO THE CITY COUNCIL, THE STAFF RECOMMENDED CONDITIONS OF APPROVAL FOR THE SHORELINE TOWNHOMES PRELIMINARY FORMAL SUBDIVISION. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Once again, Commissioner Broili pointed out that the applicant has gone the extra mile to propose a project that would be beneficial to the City in terms of the way they manage the stormwater and property. However, he encouraged the developers to think about providing some type of recreational space on site.

COMMISSIONER PHISUTHIKUL MOVED THAT THE MAIN MOTION BE AMENDED TO MODIFY THE LANGUAGE IN #3.C OF THE STAFF RECOMMENDED CONDITIONS OF APPROVAL (ATTACHMENT U OF THE STAFF REPORT) TO REQUIRE "PERPETUAL" MONITORING OF THE WETLAND AND ITS BUFFER; AND TO ADD THE WORD "PERPETUALLY" TO CONDITION #12 (4TH BULLET POINT, THIRD PARAGRAPH) TO READ "...MUST BE MAINTAINED PERPETUALLY..." COMMISSIONER BROILI SECONDED THE AMENDMENT FOR DISCUSSION PURPOSES.

Commissioner Phisuthikul explained that his proposed amendment would ensure that the wetland and its buffer are maintained even after the initial five years. It would also ensure that the low impact elements of the stormwater management plan are maintained in perpetuity. He noted that if either were to fail, the whole project would become a negative impact on the lake.

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Vice Chair Piro pointed out that if the elements of the stormwater management program do not function appropriately, the wetland and buffer areas would be negatively impacted. Therefore, it would only be necessary to require that the wetland and its buffer be maintained properly.

Commissioner Broili said the Cascade Land Conservancy's reputation is good in terms of appropriate management of the lands they have responsibility for. If they are going to own the buffer area, he is comfortable that the wetland and its buffer would be monitored and maintained appropriately.

Commissioner MacCully pointed out that the homeowner's association would be required to maintain the wetland and its buffer forever, so he is not sure why it would be necessary to monitor the wetland every year in perpetuity. He noted that all of the other conditions must be met.

Commissioner Kuboi said he believes the applicant has met the test of due diligence and has offered features in the project that the Commissioners all collectively like to see. He would not be in favor of adding onerous conditions without a clear benefit. He said he would support the staff recommendation as proposed. Commissioner Broili concurred.

THE MOTION TO AMEND FAILED 1-5, WITH COMMISSIONER PHISITHIKUL VOTING IN FAVOR AND CHAIR HARRIS, VICE CHAIR PIRO, COMMISSIONER KUBOI, COMMISSIONER MACCULLY, AND COMMISSIONER BROILI VOTING IN OPPOSITION.

At the suggestion of Vice Chair Piro, the Commission discussed whether it would be appropriate to add another condition requiring a "tot lot" recreation area as part of the project. The majority of the Commissioners agreed that it would not be an appropriate condition.

COMMISSIONER PHISUTHIKUL MOVED THAT THE MAIN MOTION BE AMENDED TO MODIFY THE LANGUAGE BY STRIKING "FURTHER PROPOSED SUBDIVISION OR" IN CONDITION #12 (1ST BULLET POINT) OF THE STAFF RECOMMENDED CONDITIONS OF APPROVAL (ATTACHMENT U OF THE STAFF REPORT). THE NEW PARAGRAPH WOULD READ "ANY ADJUSTMENTS TO THE LOT LINES WITHIN THIS PLAT MUST..." VICE CHAIR PIRO SECONDED THE MOTION FOR DISCUSSION PURPOSES.

Commissioner Phisuthikul expressed his concern that future subdividing would result in more than 18 units on the subject property. Chair Harris pointed out that because the current zoning for the property is already R-48, more development on the property would not necessarily be bad if it were designed appropriately. Any additional subdivisions would require further Planning Commission review and City Council approval.

THE MOTION TO AMEND FAILED 1-5, WITH COMMISSIONER PHISITHIKUL VOTING IN FAVOR AND CHAIR HARRIS, VICE CHAIR PIRO, COMMISSIONER KUBOI, COMMISSIONER MACCULLY, AND COMMISSIONER BROILI VOTING IN OPPOSITION.

THE MAIN MOTION TO RECOMMEND, TO THE CITY COUNCIL, THE STAFF RECOMMENDED CONDITIONS OF APPROVAL FOR THE SHORELINE TOWNHOMES PRELIMINARY FORMAL SUBDIVISION WAS UNANIMOUSLY APPROVED.

The Commission complimented staff for providing excellent materials and information for them to consider. They also thanked the public for attending the meeting and expressing their viewpoints. They agreed that the new public hearing process allows for a better flow of communication between the applicant, public, staff and Planning Commissioners.

REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner MacCully announced that after much thought, he has decided to withdraw his application for a second term on the Commission. He read the letter of resignation that he submitted to the City to explain the basis for his decision.

Vice Chair Piro said he has valued the depth of thought that Commissioner MacCully has offered to the Commission over the past four years. He expressed that he would be sorely missed by all Commissioners.

UNFINISHED BUSINESS

No new business was scheduled on the agenda.

NEW BUSINESS

a. Potential Amendment to Bylaws

Mr. Cohn referred the Commission to the existing bylaws, which outline the Commission's typical meeting agenda. He said staff is recommending that Number 7 be changed to reflect the new process that was used for the last two public hearings.

COMMISSIONER BROILI MOVED THAT THE COMMISSION MODIFY ARTICLE 4, SECTION 3 OF THE PLANNING COMMISSION BYLAWS TO REFLECT THE FOLLOWING PUBLIC HEARING FORMAT, AND MODIFY THE NUMBERING OF THE ORDER OF BUSINESS TO REFLECT THIS CHANGE:

7. PUBLIC HEARING

- a. STAFF OVERVIEW OF PROPOSAL AND PRELIMINARY RECOMMENDATION**
- b. APPLICANT TESTIMONY**
- c. QUESTIONS BY THE COMMISSION TO STAFF OR APPLICANT**
- d. PUBLIC TESTIMONY OR COMMENT**
- e. PRESENTATION OF FINAL STAFF RECOMMENDATION**
- f. FINAL QUESTIONS BY THE COMMISSION AND COMMISSION DELIBERATION**

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- g. CLOSURE OF PUBLIC HEARING**
- h. VOTE BY COMMISSION TO RECOMMEND APPROVAL, MODIFICATION OR DENIAL**

VICE CHAIR PIRO SECONDED THE MOTION.

Again, Commissioner Broili expressed that the new hearing process allows for better communication and a more thorough hearing process.

Commissioner Phisuthikul pointed out that at the last meeting staff was unable to answer technical or legal questions during the Commission's deliberation period because the public hearing had already been closed. Mr. Tovar recalled that at the last meeting, Commissioner Hall pointed out that Snohomish County's hearing process requires that the hearing remain open until after the Commission has taken action, and this would address Commissioner Phisuthikul's concerns.

Mr. Cohn pointed out that the proposed change would keep the public hearing open until after the Commission has completed their deliberations. The Commission could address the problem by waiting to close the public hearing until they are ready to take a vote. However, Mr. Tovar emphasized that the Commission would have to be confident about moving forward with a decision without asking further questions. Chair Harris noted that the Commission would also have the option of re-opening the public hearing, if necessary. Mr. Tovar agreed, but pointed out that this would only be acceptable if no one who participated in the hearing had left the room.

Chair Harris said he believes that closing the public hearing allows the Commission to move to a more formal decision making stage, rather than continuing an informal discussion back and forth. He said he found that the proposed process worked well for the last two hearings. Mr. Tovar suggested that asking technical questions of staff for clarification after the public hearing has been closed would probably not be problematic. But problems could arise if the Commission were to ask substantive questions of staff after closing the record.

Vice Chair Piro suggested the Commission wait to close the public hearing until after a motion has been made and seconded and someone has called for the question. This would allow the Commission to freely ask questions during their deliberations. The remainder of the Commission agreed.

THE MOTION CARRIED UNANIMOUSLY.

b. Planning Commissioners' Attendance at Neighborhood Meetings

Chair Harris reminded the Commission that they were formally invited to attend the upcoming Highland Terrace Neighborhood Meeting. However, he pointed out that if a quorum of Commissioners were to attend, the meeting would have to be advertised to the public. He suggested that he and Commissioner Hall attend the Highland Terrace Neighborhood Meeting on behalf of the Commission. Vice Chair Piro and Commissioner Kuboi voiced their plans to attend the Echo Lake Neighborhood Meeting.

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c. Planning Commission Retreat

Vice Chair Piro inquired regarding the status of the Planning Commission Retreat. Chair Harris answered that this issue would be discussed by the Commission after all of the new members have been appointed. Vice Chair Piro suggested that the Commission at least schedule a date and location for the retreat as soon as possible. The remainder of the Commission agreed to discuss possible dates for the retreat at their April 20th meeting.

Mr. Tovar recalled that the Commission previously discussed the option of holding a joint meeting with the Park Board to review some substantive issues. In addition, staff has suggested that perhaps it would be appropriate for the Planning Commission, Park Board and the City Council meet together for training purposes and to discuss various issues. The Commission agreed that it would be appropriate for staff to propose possible dates for this joint meeting to occur.

ANNOUNCEMENTS

Mr. Tovar reported that Tim Stewart, previous Shoreline Planning Director, accepted a position as the Planning Director for the City of Bellingham.

AGENDA FOR NEXT MEETING

Chair Harris reviewed that the agenda for April 6, 2006 would include the election of Planning Commission Officers and a public hearing on a Comprehensive Plan amendment and rezone proposal submitted by Sundquist Homes for property located at 15th Avenue Northeast. The public hearing on the permanent Hazardous Tree Regulation and Critical Areas Stewardship Plan was postponed. Mr. Tovar added that, at the April 6th meeting, staff would also be prepared to discuss the timing for a retreat, as well as details about a joint Commission/Park Board/City Council meeting.

ADJOURNMENT

The meeting was adjourned at 9:50 p.m.

David Harris
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission

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