

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Adoption of Resolution No. 245, Approving the Final Subdivision for Cedar Heights Town Homes at 19021 15th Avenue NE.</p> <p>DEPARTMENT: Planning and Development Services</p> <p>PRESENTED BY: Paul Cohen, Senior Planner</p>

PROBLEM/ISSUE STATEMENT:

The decision before the Council is the approval of the Cedar Heights Final Subdivision. The proposal would create thirty-two building lots and seven tracts from nine original lots – totaling 2.03 acres. The lot sizes range from 948 to 1105 square feet (See Attachment A for final subdivision plat drawings).

The City Council approved the subject preliminary subdivision on September 24, 2004 under Ordinance No. 361 (See Attachment B) with one added condition. The approval followed a public hearing held by the Planning Commission on September 2, 2004. The Planning Commission submitted a recommendation for approval after the public hearing. The Planning Commission recommendation for approval was subject to fifteen (15) conditions listed in Attachment C.



An approved preliminary subdivision, along with many conditions, assures the feasibility of the project. Once approved the applicant must receive Site Development and Right-of-Way permits to ensure it meets the preliminary conditions and City code for roads, drainage, and utilities. The purpose of a final subdivision permit is to assure that the conditions of the preliminary have been met.

The engineering plans have been reviewed and approved by staff. Site Development, Right-of-Way, and building permits have been approved. The site is currently under construction. A stand of significant trees were required to be preserved at the north end of the site. All required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been guaranteed with a performance bond, with improvements to be completed within two years of final subdivision approval. The applicant has met the conditions of the preliminary subdivision approval.

The applicant complied with the requirements of the City of Shoreline Development Code so the Council is asked to approve the final subdivision by adopting Resolution No. 245 (see Attachment D) and authorize the Mayor to sign the final plat. After signing it will be recorded with King County Records and Elections Division.

RECOMMENDATION

Staff recommends the adoption of Resolution No. 245, which will approve the thirty-two (32) lots of the Cedar Heights town homes at 19021 15th Avenue NE and authorize the Mayor to sign the final subdivision.

Approved By: City Manager  City Attorney 

INTRODUCTION

Project Address: 19021 15th Avenue NE, Shoreline, WA 98155
 Zoning: R-24 Residential (24 dwelling units per acre)
 Property Size: 2.03 Acres
 Number of Proposed Lots: Thirty-two (32) residential lots, 7 open space and road tracts.
 Proposed Lot Sizes: Range from 948 to 1105 Sq. Ft
 Comprehensive Plan Designation: Mixed Use
 Subdivision: Cedar Heights Subdivision
 Application No.: 201318
 Applicant: Dave Fletcher
 Property Owner: William Benson

BACKGROUND

Action	Review Authority	Appeal Authority and Decision – Making Body
Preliminary Long Plat (Subdivision)	Planning Commission – Public hearing: September 2, 2004 The Planning Commission submitted a recommendation for approval.	City Council – Public Meeting: September 27, 2004 Decision: Preliminary Subdivision Approval
Final Long Plat (Subdivision)	Director – Recommendation of approval to the City Council	City Council – Public Meeting: May 22, 2006 Decision: Final Plat Approval

The preliminary subdivision approval process required public notification of the proposal, followed by an open record public hearing in front of the Planning Commission. The Planning Commission and staff forwarded a recommendation to Council for approval subject to fifteen (15) conditions. The City Council made a decision to approve the project subject to the fifteen (15) conditions with one additional condition.

Site development engineering plans were created to show how the subdivision will comply with the preliminary approval conditions and code requirements. The Planning and Development Services Department issued a Site Development Permit authorizing the developer to fulfill the preliminary approval requirements, such as the installation of site utilities and roads. Site development and right-of-way work that is not completed has been guaranteed by performance bond in the amount of \$240,000. This financial guarantee assures that the construction as shown on the site development and right-of-way plans will be constructed.

The final plat is the final document, which actually creates the new lots of a new subdivision. The final plat must be reviewed, approved, all taxes paid, and recorded, before any lots are sold, or building permits for the new lots are issued. Staff reviewed the final subdivision, and verified that all conditions of the preliminary approval have been fulfilled. Based upon this review, the Director makes this recommendation to the City Council for approval.

ANALYSIS

On September 27, 2004 the Council reviewed and approved this preliminary subdivision subject to the following conditions. (*The compliance with each condition is stated in italic.*)

1. A maximum of thirty-two lots and seven private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.

Sheets 4 and 5 contain the above delineation and square footage information. Sheet 2 includes all written restrictions, easements, and tracts.

2. Homeowners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the thirty-two zero lot line town home lots (described as Lots 1 through 32) in this subdivision. The Homeowner's Association (owners of the parcels having legal access there from and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of all private land tracts for private roadway and all other common areas; landscaping in all common areas; and infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment into the right-of-way and into other public areas.

Stated on Sheet 2, Items 1 and 8 of Restrictions and Covenants.

3. A maximum of thirty-two zero lot line town homes are permitted.

Stated on Sheet 2, Item 2 of Restrictions and Covenants.

4. The following language 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."

Stated on Sheet 2, Item 3 of Restrictions and Covenants.

5. The units immediately adjacent to 15th Avenue NE should present a facade towards the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner of Westminster Avenue N and N 150th Street.

The units facing 15th Avenue NE will have ample windows and a door facing the street similar to the site interior facades.

6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree

retention. The completion of this work shall be secured by a plat performance financial guarantee.

The applicant applied and was issued permits 107009 and 107010. A combined performance agreement and bond of \$240,000 was received by the City.

7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.

The applicant applied and was issued permits 107009 and 107010. A combined performance agreement and bond of \$240,000 was received by the City.

8. The following language shall be shown on the face of the final plat: "All site development and right-of-way work shall be constructed in accordance to plans under City of Shoreline File 107009 and 107010.

Stated on Sheet 2, Item 6 of Restrictions and Covenants.

9. Applicant shall provide written approval from City Light before any approval by the City for site work done within transmission line easement. No building lot shall encroach on said easement. The Homeowner's Association shall be responsible for the maintenance of any agreement with City Light.

The City has received a letter of approval from Seattle City Light dated 9-22-05 to construct and use the portion of their Right-of-Way as proposed by the developer.

10. Applicant shall meet any required conditions established by the Shoreline Utilities Water Availability Certificate.

The City received a water availability certificate.

11. Applicant shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificate.

The City received a sewer availability certificate.

12. In addition to pedestrian access to 15th Avenue NE from along the access tract in the proposed development, pedestrian access from Units on Lots 1-18 shall be provided by an additional continuous pedestrian path on the north side of Lot 32.

A pedestrian path was approved under permit 107009 to pass in front of all units to 15th Avenue NE both at the south and north end of the development.

13. Pest control or extermination, to the extent necessary, shall be completed prior to the demolition of the existing buildings.

Pest control was completed prior to demolition of existing buildings.

14. The retaining wall and any required stabilization of the slope on the west boundary of the site shall be completed prior to the commencement of building construction.

Slope stabilization has been completed along the west property line.

15. A Level II environmental soil analysis shall be required, particularly for the area where the garage is located, and staff will take appropriate action.

Level II analysis was received and appropriate action was taken by Staff to ensure stable placement of the foundation.

16. Add the following language to Restrictions and Covenants of the Final Plat; "The Homeowners Association shall also be responsible for maintaining and repairing frontage improvements within the public right-of-way abutting the subdivision, as may be required under Shoreline Municipal Code Chapter 12.05 as amended, including landscaping and trees."

Stated on Sheet 2, Item 9 under Restrictions and Covenants.

SEPA

A SEPA Determination of Non-Significance was issued August 18, 2004.

RECOMMENDATION

Staff recommends the adoption of Resolution No. 245, approving the Final Subdivision of the Cedar Heights town homes at 19021 15th Avenue NE and authorizing the Mayor to sign the plat.

ATTACHMENTS

- | | |
|---------------|---|
| Attachment A: | Copies of the final plat drawings. (Copies of the approved site development permit drawings are available at the Planning and Development Services Department.) |
| Attachment B: | Preliminary Plat Ordinance No. 361 |
| Attachment C: | Planning Commission Recommended Conditions |
| Attachment D: | Resolution No. 245 |

CEDAR HEIGHTS TOWNHOMES

CITY OF SHORELINE, KING CO., WASHINGTON

PERMIT NOS. 107009, 107010 & 108585

RECORDING NUMBER _____ VOL./PG. _____

LEGAL DESCRIPTION

LOT 14 THROUGH 23, INCLUSIVE, BLOCK 14, LAGO VISTA ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 30 OF PLATS, PAGE 45, IN KING COUNTY, WASHINGTON.
EXCEPT PORTIONS THEREOF CONVEYED TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER RECORDING NUMBERS 2679887, 2679888, 2781721 AND 2798870; AND EXCEPT ANY PORTION LYING WITHIN 15TH AVENUE N.E.

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MAKE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER, ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON, AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL, REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE, UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF SHORELINE, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF SHORELINE.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS, TO INDEMNIFY AND HOLD THE CITY OF SHORELINE, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION, PROVIDED THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELIEVING THE CITY OF SHORELINE, ITS SUCCESSOR OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COSTS OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF SHORELINE, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS, THIS _____ DAY OF _____ 20____

CEDAR HEIGHTS TOWNHOMES, LLC
A WASHINGTON LIMITED LIABILITY COMPANY

FIRST HORIZON HOME LOAN CORPORATION,
A WAREAS CORPORATION
dbs IN THE STATE OF WASHINGTON AS
FIRST HORIZON CORPORATION

ACKNOWLEDGEMENT

STATE OF WASHINGTON }
COUNTY OF _____ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ CEDAR HEIGHTS TOWNHOMES, LLC, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____

SIGNATURE OF _____
NOTARY PUBLIC

MY APPOINTMENT EXPIRES _____

STATE OF WASHINGTON }
COUNTY OF _____ } SS

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE) WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF _____ FIRST HORIZON CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____

SIGNATURE OF _____
NOTARY PUBLIC

MY APPOINTMENT EXPIRES _____

APPROVALS

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

PLANNING AND DEVELOPMENT SERVICES DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

MAYOR, CITY OF SHORELINE ATTEST:

CLERK OF THE COUNCIL

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

KING COUNTY ASSESSOR DEPUTY KING COUNTY ASSESSOR

ACCOUNT NUMBER _____

FINANCE DIVISION CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE ARE PAID IN FULL.

THIS _____ DAY OF _____ 20____

FINANCE DIVISION

MANAGER, FINANCE DIVISION DEPUTY FINANCE DIVISION

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "CEDAR HEIGHTS TOWNHOMES" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF A PORTION OF BLOCK 14, PLAT OF LAGO VISTA, AS REQUIRED BY STATE STATUTES. THAT THE COURSES, ANGLES AND DISTANCES ARE SHOWN CORRECTLY THEREON, THAT THE MONUMENTS HAVE BEEN SET AND THE LOT, BLOCK AND TRACT CORNERS HAVE BEEN STAKED CORRECTLY ON THE GROUND AND THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING

TIMOTHY A. GRIFFIN, PLS
CERTIFICATION NUMBER 29276
MEAD GILMAN AND ASSOCIATES

RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF _____ THIS _____ DAY OF _____ 20____ AT _____ MINUTES PAST _____ M.
AND RECORDED IN VOLUME _____ OF PLATS, PAGE(S) _____ INCLUSIVE
RECORDS OF KING COUNTY, WASHINGTON
RECORDING NUMBER _____
DIVISION OF RECORDS AND ELECTIONS

MANAGER



Mead Gilman & Assoc.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 289, WOODINVILLE, WA 98072 (425) 486-1252

SCALE: NA	DRAWN BY: TG/PSB
DATE: 2-23-06	SHEET: 1 OF 5

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

CEDAR HEIGHTS TOWNHOMES

CITY OF SHORELINE, KING CO., WASHINGTON

DECLARATION OF COVENANT ASSOCIATED WITH DEVELOPMENT OF DETENTION FACILITY

1. DRAINAGE EASEMENTS AS SHOWN ON FACE OF PLAT ARE DEDICATED TO CITY OF SHORELINE FOR ACCESS TO INSPECT, MAINTAIN OR REPAIR THE FACILITIES IN CONFORMITY WITH CITY OF SHORELINE CODE.

2. IF CITY OF SHORELINE DETERMINES THAT MAINTENANCE OR REPAIR WORK IS REQUIRED TO BE DONE TO THE PRIVATE DETENTION FACILITY EXISTING ON THE DESCRIBED PROPERTY, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS SHALL OBLIGE THE OWNERS OF THE PROPERTY WITHIN WHICH THE DRAINAGE FACILITY IS LOCATED, THE PERSON RESPONSIBLE FOR MAINTENANCE OF THE FACILITY, OR OTHER PERSON OR AGENT IN CONTROL OF SAID PROPERTY, NOTICE OF THE SPECIFIC MAINTENANCE AND/OR REPAIR REQUIRED, THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS SHALL SET A REASONABLE TIME IN WHICH SUCH WORK IS TO BE COMPLETED BY THE TITLEHOLDERS WHO WERE GIVEN NOTICE. IF THE ABOVE REQUIRED MAINTENANCE AND/OR REPAIR IS NOT COMPLETED WITHIN THE TIME SET BY THE DIRECTOR, THE CITY MAY PERFORM THE REQUIRED MAINTENANCE AND/OR REPAIR. WRITTEN NOTICE WILL BE SENT TO THE TITLEHOLDERS STATING THE CITY'S INTENTION TO PERFORM SUCH MAINTENANCE. MAINTENANCE WORK WILL NOT COMMENCE UNTIL AT LEAST SEVEN DAYS AFTER SUCH NOTICE IS MAILED.

3. IF AT ANY TIME THE CITY OF SHORELINE REASONABLY DETERMINES THAT ANY EXISTING RETENTION/DETENTION SYSTEM CREATES ANY OF THE CONDITIONS LISTED IN SHORELINE CODE AND HEREIN INCORPORATED BY REFERENCE, THE DIRECTOR MAY TAKE MEASURES SPECIFIED THEREIN.

4. THE TITLEHOLDERS SHALL ASSUME ALL RESPONSIBILITY FOR THE COST OF ANY MAINTENANCE AND FOR REPAIRS TO THE RETENTION/DETENTION FACILITY. SUCH RESPONSIBILITY SHALL INCLUDE REIMBURSEMENT TO THE CITY WITHIN 30 DAYS OF THE RECEIPT OF THE INVOICE FOR ANY SUCH WORK PERFORMED. OVERDUE PAYMENTS WILL REQUIRE PAYMENT OF INTEREST AT THE CURRENT LEGAL RATE FOR LIQUIDATED JUDGMENTS. IF LEGAL ACTION ENDSUES, ANY COSTS OR LEGAL FEES PAID BY THE CITY WILL BE BORNE BY THE PARTIES RESPONSIBLE FOR SAID REIMBURSEMENTS.

THIS COVENANT BENEFITS ALL CITIZENS OF CITY OF SHORELINE; TOUCHES AND CONCERNS THE LAND AND SHALL RUN WITH LAND AND SHALL BE BINDING ON ALL PARTIES, AND THEIR SUCCESSORS ANY RIGHT, TITLE OR INTEREST IN THE PROPERTY OR ANY PART THEREOF, AS WELL AS THEIR HEIRS, SUCCESSORS AND ASSIGNS. THEY SHALL INURE TO THE BENEFIT OF EACH PRESENT OR FUTURE SUCCESSOR IN INTEREST OF SAID PROPERTY OR ANY PART THEREOF, OR INTEREST THEREIN, AND TO BENEFIT OF ALL CITIZENS OF THE CITY OF SHORELINE.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY GRANTED TO SEATTLE CITY LIGHT, U.S. WEST, AND COMCAST AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 15 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS IN WHICH TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, FIBERLINE, AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVICE TO THIS SUBDIVISION AND OTHER PROPERTIES WITH ELECTRIC, TELEPHONE, GAS, CABLE TV SERVICE, SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIME FOR THE PURPOSES STATED.

RESTRICTIONS AND COVENANTS

1. OWNERS SHALL BE REQUIRED TO ESTABLISH AND MAINTAIN IN FORCE AND EFFECT, A COVENANT FOR A HOMEOWNER'S ASSOCIATION. THE ASSOCIATION IS TO BE HELD WITH UNDIVIDED INTEREST BY THE THIRTY TWO (32) ZERO-LOT LINE TOWN HOME LOTS (DESCRIBED AS LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND 32) IN THIS SUBDIVISION.

THE HOMEOWNER'S ASSOCIATION (OWNERS OF THE PARCELS HAVING LEGAL ACCESS THEREFROM AND THEIR HEIRS, ASSIGNS OR SUCCESSORS) IS TO BE RESPONSIBLE FOR MAINTAINING, REPAIRING AND/OR REBUILDING OF:
 (1) PRIVATE LAND TRACT FOR OPEN SPACE (TRACT A), AND ALL OTHER COMMON AREAS;
 (2) PRIVATE LAND TRACT FOR ACCESS (TRACT B);
 (3) GUEST PARKING AREA AND OPEN SPACE (TRACT C);
 (4) LANDSCAPING IN ALL COMMON AREAS; AND (5) INFRASTRUCTURE AND UTILITIES IN COMMON AREAS NOT DEDICATED TO THE CITY OF SHORELINE OR SEATTLE PUBLIC UTILITIES.

2. ZERO-LOT LINE ATTACHED TOWNHOME RESIDENCES SHALL BE THE ONLY TYPE OF RESIDENCES PERMITTED IN THIS PLAT. A MAXIMUM OF THIRTY TWO (32) ZERO-LOT LINE TOWNHOMES SHALL BE PERMITTED.

3. 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 DENSIFICATION REQUIREMENTS OF THE CITY OF SHORELINE MUNICIPAL CODE.

4. TRACT A (COMMON OPEN SPACE TRACT), TRACT C (GUEST PARKING AND COMMON OPEN SPACE TRACT), TRACTS D, E, F AND G (COMMON AREAS), ARE HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS, TO LOTS NUMBERED 1 THROUGH 32 INCLUSIVE, WITH EQUAL AND UNDIVIDED INTEREST UPON THE RECORDING OF THIS PLAT. THESE TRACTS SHALL REMAIN APPURTENANT AND INSEPARABLE FROM SAID LOTS.

5. TRACT B, A PRIVATE ROAD AND UTILITY TRACT, IS HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS, TO LOTS NUMBERED 1 THROUGH 32 INCLUSIVE, WITH EQUAL AND UNDIVIDED INTEREST UPON THE RECORDING OF THIS PLAT. THIS TRACT SHALL REMAIN AN APPURTENANCE TO, AND INSEPARABLE FROM SAID LOTS.

6. ALL SITE DEVELOPMENT WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH PLANS UNDER CITY OF SHORELINE FILE NO 107009 AND RIGHT OF WAY PERMIT 107010. THE IMPROVEMENTS AS SHOWN ON THE ENGINEERING PLANS HAVE BEEN SECURED WITH A PERFORMANCE GUARANTEE.

7. RUNOFF PROVISION: ALL BUILDING DOWN SPOUTS, FOOTING DRAINS, AND ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAINAGE OUTLETS AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS UNDER PERMIT NUMBER 107009.

8. ALL OWNERS OF LOTS IN THIS PLAT, BY AND THROUGH THE HOMEOWNER'S ASSOCIATION ESTABLISHED PURSUANT TO PARAGRAPH (1) ABOVE, SHALL PROVIDE FOR THE MAINTENANCE AND REPAIR OF ALL COMMONLY OWNED FACILITIES, SUCH AS SIDEWALKS, THE PRIVATE ROAD, DRAINAGE DETENTION AND CONVEYANCE SYSTEM, UTILITIES AND LANDSCAPING INSTALLED AS A PART OF THE SUBDIVISION, EXCEPT FOR SUCH UTILITY SYSTEMS THAT ARE MAINTAINED BY THOSE PURVEYORS PROVIDING SERVICE THEREBY. MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF SAID FACILITIES SHALL BE THE COLLECTIVE RESPONSIBILITY OF, AND THE COSTS OF SAID MAINTENANCE, REPAIR AND/OR RECONSTRUCTION, BORNE IN EQUAL SHARES BY OWNERS, THEIR HEIRS, SUCCESSORS AND ASSIGNS OF LOTS 1 THROUGH 32, INCLUSIVE.

9. THE HOMEOWNERS ASSOCIATION SHALL ALSO BE RESPONSIBLE FOR MAINTAINING AND REPAIRING FRONTAGE IMPROVEMENTS WITH THE PLUMBING RIGHT-OF-WAY ABUTTING THE SUBDIVISION, AS MAY BE REQUIRED UNDER SHORELINE MUNICIPAL CODE CHAPTER 12.05 AS AMENDED, INCLUDING LANDSCAPING AND TREES.

PARAGRAPHS 10 THROUGH 21, FOLLOWING, ARE TAKEN FROM A PLAT CERTIFICATE ISSUED BY PACIFIC NORTHWEST TITLE COMPANY OF WASHINGTON, INC., ORDER NO. 613896, DATED JANUARY 18, 2008:

10. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE CITY OF SEATTLE FOR AN ELECTRIC TRANSMISSION LINE, AS RECORDED UNDER RECORD NO. 1638170.

11. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6364306.

12. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6364313.

13. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6364318. THE LOCATION OF THIS EASEMENT IS DEPENDENT UPON THE LOCATION OF AN UNIDENTIFIED SANITARY SEWER MAINHOLE.

14. SUBJECT TO AN EASEMENT, AND THE TERMS AND CONDITIONS REFERENCED THEREIN, TO THE RONALD SEWER DISTRICT FOR SANITARY SEWER, AS RECORDED UNDER RECORD NO. 6371258.

15. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 2951748 ALSO BEING THE RIGHT OF THE PUBLIC TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS FOR STREETS AND FOR WATER AND WATER RIGHTS.

16. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 3533905 ALSO BEING THE RIGHT OF THE PUBLIC TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS FOR STREETS, FOR WATER AND WATER RIGHTS AND FOR AN ELECTRICAL TRANSMISSION LINE.

17. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 2854278.

18. SUBJECT TO CERTAIN RESTRICTIONS CONTAINED IN AN INSTRUMENT RECORDED UNDER REC. NO. 2816519 ALSO BEING AN EASEMENT FOR AN ELECTRICAL TRANSMISSION LINE.

19. SUBJECT TO AN AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF, BY INSTRUMENT RECORDED UNDER RECORD NO. 6581569 CONCERNING AN EXISTING BUILDING WITHIN THE CITY OF SEATTLE ELECTRICAL TRANSMISSION EASEMENT.

20. SUBJECT TO A DEVELOPER EXTENSION CONTRACT AGREEMENT AND THE TERMS AND CONDITIONS THEREOF, BY INSTRUMENT RECORDED UNDER RECORD NO. 20050524001317.

21. SUBJECT TO AN AGREEMENT FOR USE OF THE CITY OF SEATTLE TRANSMISSION LINE EASEMENT RIGHT-OF-WAY AND THE TERMS AND CONDITIONS THEREOF, BY INSTRUMENT RECORDED UNDER RECORD NO. 20050823001510.

22. SUBJECT TO THE RIGHT OF THE PUBLIC TO MAKE NECESSARY SLOPES FOR CUTS AND FILLS, IN THE REASONABLE GRADING OF STREETS, AVENUES, ALLEYS AND ROADS, AS DEDICATED ON THE PLAT RECORDED IN VOLUME 30 OF PLATS, PAGE 45, KING COUNTY, WASHINGTON.

SHORELINE WATER DISTRICT WATER FACILITIES AND APPURTENANCES EASEMENT PROVISIONS

1. A NON-EXCLUSIVE, PERPETUAL EASEMENT IS HEREBY GRANTED TO SHORELINE WATER DISTRICT AND ITS SUCCESSORS AND ASSIGNS, FOR WATER LINES WITH NECESSARY APPURTENANCES OVER, THROUGH, ACROSS AND UPON THE PROPERTY DESCRIBED HEREIN.

2. THE DISTRICT OR ITS AGENTS, (GRANTEE), SHALL HAVE THE RIGHT, WITHOUT PRIOR INSTITUTION OF ANY SUIT OR PROCEEDING AT LAW, AT TIMES AS MAY BE NECESSARY, TO ENTER UPON THE EASEMENT FOR THE PURPOSE OF OPERATING, CONSTRUCTING, MAINTAINING, REPAIRING, ALTERING, OR RECONSTRUCTING OF THE WATER LINES AND APPURTENANCES.

3. GRANTEE SHALL RESTORE THE SURFACE OF THE EASEMENT AS NEARLY AS POSSIBLE TO THE CONDITION IN WHICH IT EXISTED PRIOR TO GRANTEE'S ENTRY, EXCEPT THAT NO REPLACEMENTS WILL BE PROVIDED FOR ANY TREE(S), SHRUB(S), PLANT(S), OR OTHER LANDSCAPING MATERIALS REMOVED FOR THE PURPOSES OF EXERCISING THE RIGHTS GRANTED BY THIS EASEMENT.

4. THE OWNERS (GRANTOR), BY AND THROUGH THE HOMEOWNER'S ASSOCIATION AS PROVIDED FOR ELSEWHERE IN THIS DOCUMENT, SHALL RETAIN THE RIGHT TO USE THE SURFACE OF THE EASEMENT, SO LONG AS THE USE DOES NOT INTERFERE WITH THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR, ALTERATION, AND RECONSTRUCTION OF THE WATER LINES AND APPURTENANCES AND SO LONG AS NONE OF THE FOLLOWING ARE ERRECTED OR PLACED IN THE EASEMENT:

- A) ROOFS/GABLES;
- B) PATIOS;
- C) RETAINING WALLS;
- D) STRUCTURES OF A PERMANENT NATURE;
- E) BUILDING OVERHANGS LESS THAN TEN (10) FEET ABOVE THE GROUND SURFACE OR PROTRUDING MORE THAN FIVE (5) FEET INTO THE EASEMENT;
- F) FILL MATERIAL MORE THAN FOUR (4) FEET IN DEPTH OR CREATING A TOTAL DEPTH TO THE UTILITY IN EXCESS OF FIFTEEN (15) FEET;
- G) TREES OR SHRUBS WHICH TYPICALLY GROW HIGHER THAN SIX (6) FEET IN HEIGHT OR DEVELOP ROOT SYSTEMS EXTENDING BROADER THAN FOUR (4) FEET IN RADIUS FROM THE CENTER OF THE TRUNK.

5. THIS EASEMENT AND THE COVENANTS HEREIN SHALL BE EQUITABLE SERVITUDES OR COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE PARTIES HERETO, AND THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

68



Mead Gilman & Assoc.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 289, WOODINVILLE, WA 98072 (425) 486-1252

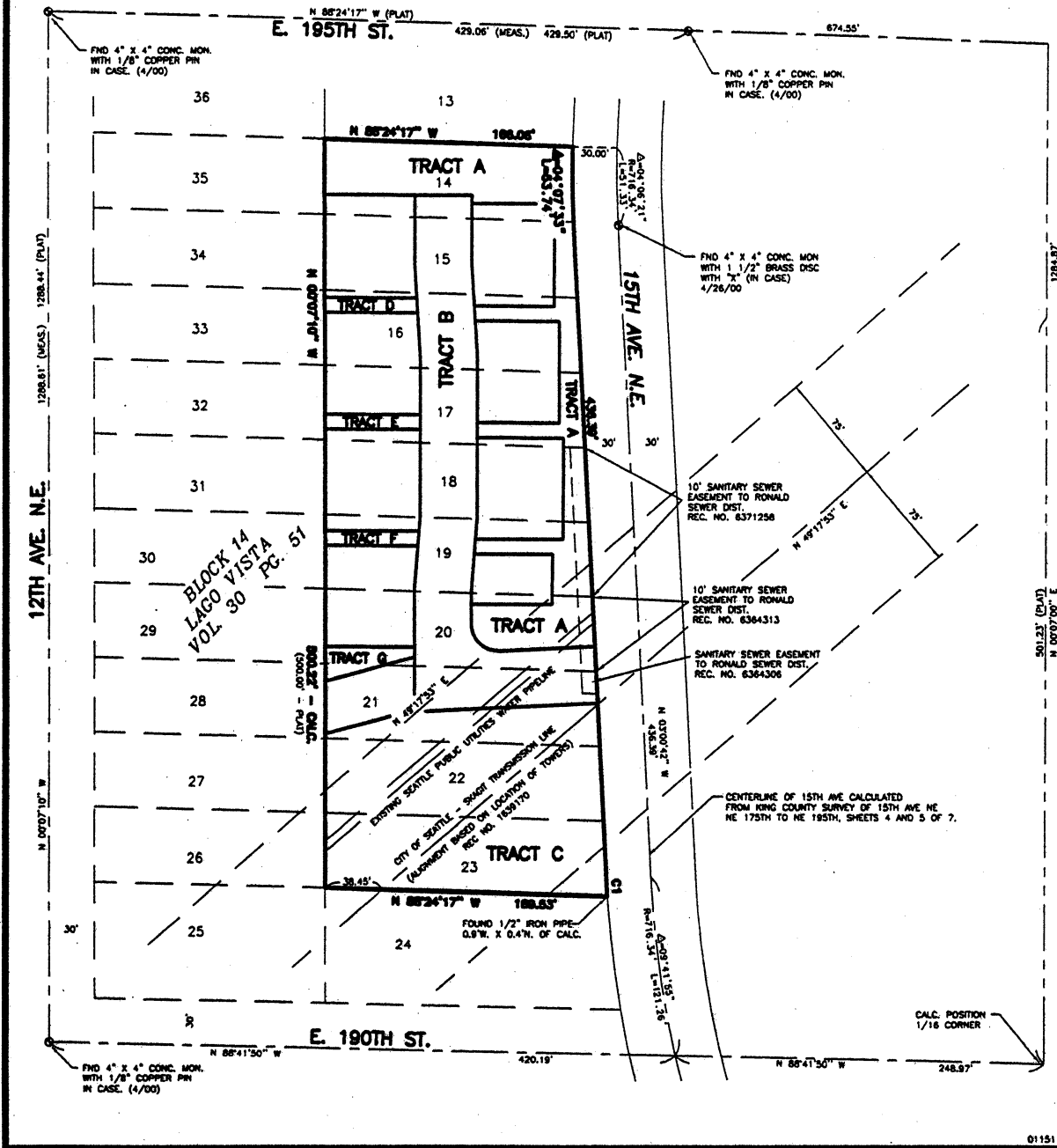
SCALE: NA	DRAWN BY: TG/PSB
DATE: 2-23-06	SHEET: 2 OF 5

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

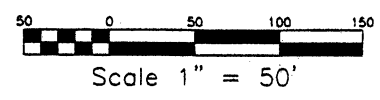
0151

CEDAR HEIGHTS TOWNHOMES

CITY OF SHORELINE, KING CO., WASHINGTON



RECORDING NUMBER: _____ VOL./PG. _____



MERIDIAN:
PLAT OF LAGO VISTA, VOL. 30 OF PLATS, PAGE 51

LEGEND

- FOUND 1/2" REBAR & CAP MG 29276/32434/35145 (UNLESS NOTED)
- FOUND MONUMENT AS DESCRIBED

SURVEY NOTE

- EQUIPMENT & PROCEDURES: A 5" ELECTRONIC TOTAL STATION WAS USED FOR THIS FIELD TRAVERSE SURVEY. ACCURACY MEETS OR EXCEEDS W.A.C. 332-130-090.

RIGHT-OF-WAY NOTE

THE EXCEPTIONS TO THE LEGAL DESCRIPTION THAT ARE CONVEYED TO KING COUNTY FOR ROAD DESCRIBE STRIPS OF LAND BEING 60 FEET IN WIDTH, EXCEPT THE DEED RECORDED UNDER RECORDING NUMBER 2679696 WHICH IS 70 FEET WIDE. THIS IS FOR LOT 17 OF THE PLAT OF LAGO VISTA, IN JANUARY OF 1968 KING COUNTY REVISED THE ALIGNMENT OF 15TH AVE. N.E. AS SHOWN ON THE PLAN AND PROFILE TITLED "15TH AVE. N.E. 175TH ST. TO N.E. 195TH ST." SURVEY NOS. 8-26-4-52, 9-26-4-33 AND 9-26-4-35. THIS PLAN SHOWS THE RIGHT-OF-WAY ON THE WEST SIDE OF THE CENTERLINE TO BE 30 FEET IN WIDTH. THE KING COUNTY ASSESSOR MAP FOR THIS QUARTER SECTION SHOWS THE EAST LINE OF LOTS 15 THROUGH 23 LYING 30 FEET WEST OF THE CENTERLINE. WE BELIEVE THAT THE INTENT OF THE RIGHT-OF-WAY IS TO BE 30 FEET IN WIDTH WEST OF THE CENTERLINE OF 15TH AVE. N.E.

REFERENCES

- RECORD OF SURVEY IN BOOK 80 OF SURVEYS, PG. 290, RECORDING NO. 9106079005.

CURVE TABLE

NUMBER	DELTA	RADIUS	LENGTH
C1	00°52'26"	746.34	111.38



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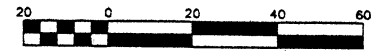
SCALE: NA	DRAWN BY: TG/PSB
DATE: 2-23-06	SHEET: 3 OF 5
SURVEY CONTROL	

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

CEDAR HEIGHTS TOWNHOMES

CITY OF SHORELINE, KING CO., WASHINGTON

RECORDING NUMBER: _____ VOL./PG. _____



Scale 1" = 20'

SEE SHEET 3 OF 5 FOR ENTIRE SITE BOUNDARY AND TIES TO MONUMENTATION

LEGEND

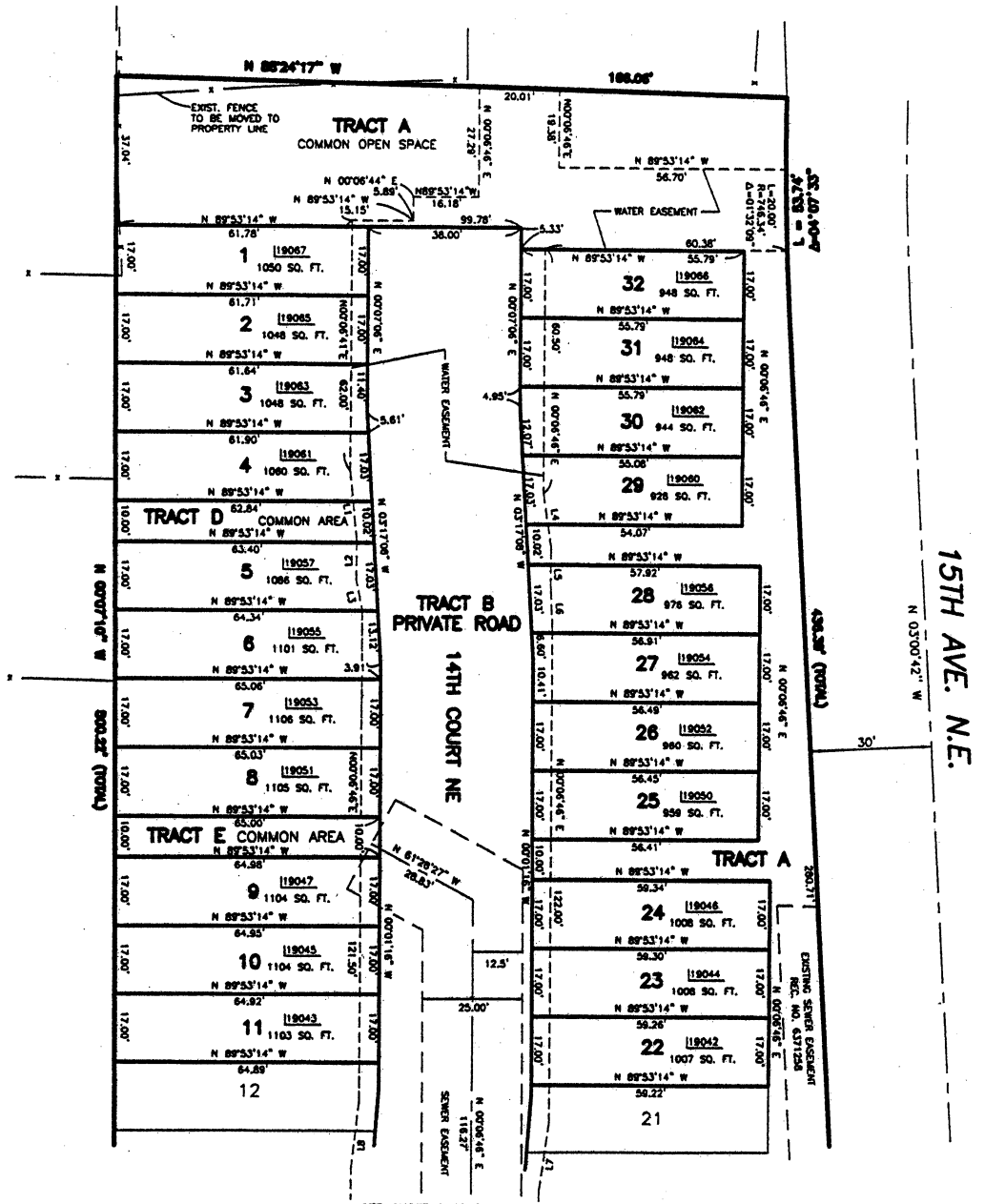
119025 ADDRESS

LINE TABLE

LINE	LENGTH	BEARING
L1	17.08'	N 02°26'52" W
L2	10.00'	N 00°06'46" E
L3	7.65'	N 11°11'51" W
L4	13.88'	N 08°14'59" W
L5	10.00'	N 02°08'48" E
L6	10.49'	N 02°22'04" E
L7	17.19'	N 08°15'49" E
L8	17.11'	N 08°36'12" E

TRACT AREAS

TRACT A	13,980 SQ. FT.
TRACT B	16,329 SQ. FT.
TRACT C	22,358 SQ. FT.
TRACT D	631 SQ. FT.
TRACT E	650 SQ. FT.
TRACT F	637 SQ. FT.
TRACT G	910 SQ. FT.



SEE SHEET 5 OF 8



Mead Gilman & Assoc.
PROFESSIONAL LAND SURVEYORS

P.O. BOX 289, WOODINVILLE, WA 98072 (425) 486-1252

SCALE: NA	PLAT NORTH PORTION	DRAWN BY: TG/PSE
DATE: 2-23-06		SHEET: 4 OF 5

NE1/4, SE1/4, SEC. 05, T. 26 N., R. 4 E., W.M.

70

ATTACHMENT B
ORIGINAL

ORDINANCE NO. 361

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR
THIRTY-TWO LOTS AND SEVEN PRIVATE LAND TRACTS LOCATED
AT 19201 15TH AVENUE NE.**

WHEREAS, owners of certain properties, Lots 14 through 23 inclusive, Block 14, Lago Vista according to the plat thereof recorded in Volume 30 of Plats 45, records of King County, have filed a preliminary formal subdivision application for thirty-two building lots and six open space tracts and one access tract located at 19201 15th Avenue NE; and

WHEREAS, on September 2, 2004, a public hearing on the application for the preliminary long plat was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on September 2, 2004, the Planning Commission recommended approval of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation formal subdivision; 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 19201 15th Avenue NE 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 Recommendation on File No. 201318 as set forth by the Planning Commission on September 2, 2004 and as attached hereto as Exhibit 1 are hereby adopted, with the following addition to Condition #2:

“The Homeowners Association shall also be responsible for maintaining and repairing frontage improvements within the public right-of-way abutting the subdivision, as may be required under Shoreline Municipal Code Chapter 12.05 as amended, including landscaping and trees.”

Section 2. Preliminary Formal Subdivision Adoption. The preliminary formal subdivision is adopted as further described and depicted in Exhibit 2 attached hereto.

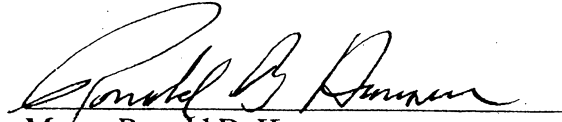
Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date. This ordinance shall go into effect five days after passage

ORIGINAL

and publication of the title as a summary of this ordinance.

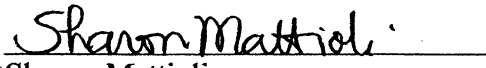
PASSED BY THE CITY COUNCIL ON SEPTEMBER 27, 2004.



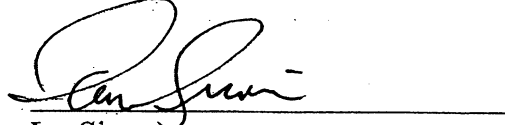
Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:



Sharon Mattioli
City Clerk



Ian Sievers
City Attorney

Date of Publication: September 30, 2004
Effective Date: October 5, 2004

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

Cedar Heights Preliminary Formal Subdivision Review, Project No. 201318

Summary

After reviewing and discussing the Cedar Heights Preliminary Formal Subdivision proposal on September 2, 2004 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 modifications and additions to staff recommended conditions.

I. FINDINGS AND CONCLUSIONS

1. PROJECT SITE CHARACTERISTICS

- 1.1 The legal description of the property is: Lots 14 through 23 inclusive, Block 14, Lago Vista according to the plat thereof recorded in Volume 30 of Plats 45, records of King County.
- 1.2 The project site is 88,445 square feet or 2.03 acres in area and consists of eight separate tax parcels; 3971701320, 3971701330, 3971701335, 3971701340, 3971701345, 397171354, 3971701355, and 3971701370.
- 1.3 Access to the entire property comes solely from 15th Avenue NE.
- 1.4 The existing property is vacant.
- 1.5 The project site gradually slopes upward from east to west at the street and more dramatically toward the western boundary, the greatest slope being approximately 20%.
- 1.6 Sixty-four significant trees are located at the project site, one of which is in the right-of-way and four near the exterior boundary of the site.
- 1.7 A 150-foot wide transmission line easement transects the southern edge of the site.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located in the North City Neighborhood on the west side of 15th Avenue NE between NE Perkins Way and NE 192nd Street.
- 2.2 A mix of single and multi-family developments characterizes the immediate neighborhood on 15th Avenue NE. Two businesses are

located across the street. Single family residences occupy lots abutting the subject property.

2.3 The classification of 15th Avenue NE is principal arterial.

3. **COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT**

3.1 The Land Use Map in the Comprehensive Plan designates the project site for mixed use with the southern fifty feet of the site as low density residential. This designation is applied to stable and developing areas and is intended to encourage the development of pedestrian oriented places, with architectural interest that integrate a wide variety of retail, office and service uses with residential uses.

3.2 Policy LU23 - Ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600 to 2,400 new housing units and the future needs of Shoreline citizens.

3.3 Policy 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 Policy H6 - Encourage compatible infill development on vacant or underutilized sites.

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, who then forwards a recommendation to the City Council for final approval.

4.2 Other applicable regulatory controls are set forth in the SMC as follows:

- SMC 20.30 – Procedures and Administration
- SMC 20.40 – Zoning and Use Provisions
- SMC 20.50 – General Development Standards
- SMC 20.60 – Adequacy of Public Facilities
- SMC 20.70 – Engineering and Utilities Development Standards

5. **PROCEDURAL HISTORY**

5.1 Several preapplication meetings were held with the developer and City staff. The most recent meeting held prior to the neighborhood meeting was December 17, 2003. The proposal at that time was to subdivide into 37 townhouse lots.

5.2 A neighborhood meeting was held January 27, 2003 for the proposed 37 units. During the public comment period, it was brought to the attention of

staff that the applicant inadvertently omitted a street, 12th Avenue NE, in their notification of the neighborhood meeting. The street was included during the City mailings when the consolidated application and public hearing notice was posted.

- 5.3 The preliminary formal subdivision application for 32 lots and State Environmental Policy Act (SEPA) checklist were submitted on June 9, 2004.
- 5.4 The proposal was determined to be complete for processing on July 7, 2004.
- 5.5 A Consolidated Notice of Application and Notice of Public Hearing for the proposal was issued on July 22, 2004 with request for public comment ending on August 6, 2004.
- 5.6 A SEPA Threshold Determination of Non-Significance for the proposal was issued on August 18, 2004 with the administrative appeal ending

6. PUBLIC COMMENT

- 6.1 There was one written public comment letter received for this proposal. The letter expressed concern about density, tree protection, dumpster location, open space, the proposed sports complex, and building height.
- 6.2 Three neighbors testified at the public hearing. Concerns were expressed about building design, pedestrian circulation, pest control, impacts during construction, and, soil contamination.
- 6.3 The Planning Commission modified or added the following conditions in response to neighbor's concerns:
 - Modified Condition #5 to ensure the intent of single-family attached residential design standards are met.
 - Added Condition #12 to ensure adequate pedestrian access is provided.
 - Added Condition #13 to provide pest control.
 - Added Condition #14 to ensure slope stabilization.
 - Added Condition #15 to determine if the soil was contaminated from previous uses.

7. REVIEW CRITERIA

- 7.1 The following review criteria shall be used to review proposed subdivisions:

A. ENVIRONMENTAL

- ***CRITERIA: Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas chapter, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing and site grading standards sections.***

No critical areas are located on the site. 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.*

The proposal provides one access to 15th Ave NE. The proposed lots are to be located along one access tract in the flattest portion of the site. Considerable grading will be necessary due to the general slope of the site.

- **CRITERIA:** *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section.*

The property does not contain hazardous land conditions.

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

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 Surface Water Design Manual. The project must also comply with all height restrictions as specified in SMC Chapter 20.50.

B. LOT AND STREET LAYOUT

- **CRITERIA:** *Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.*

The proposal meets design standards for zero lot line development as set forth in SMC Chapter 20.50. 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. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.*

Although 15th Avenue NE is not a highway, it is a principal arterial. No direct access to the street from the newly platted lots is proposed. One shared access tract will be owned and maintained by all lots.

- **CRITERIA:** *Each lot shall meet the applicable dimensional requirements of the Code.*

This proposal meets the applicable dimensional requirements specified for zero lot line development as set forth in SMC Chapter 20.50.

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

Direct access to the public sidewalk will be available from the proposed on-site pedestrian circulation system.

C. DEDICATIONS

- **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.*

Dedication of right-of-way or park land is not required for this proposal.

D. IMPROVEMENTS

- **CRITERIA:** *Improvements which may be required, 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.*

This project will comply with the all requirements specified in the City of Shoreline Development Code and Development Engineering Guide.

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

This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.

8. ZONING DESIGNATION, DENSITY AND PERMITTED USES

- 8.1 The project site is zoned as Residential - 24 units per acre (R-24), except for the southern fifty feet, which is R-6.
- 8.2 The maximum number of units allowed by the density requirements is 44 units; the minimum number of units for the site should be 20.

- 8.3 The proposed density is 15.8 units per acre.
- 8.4 SMC 20.40.120 specifies that zero lot line townhouses are a permitted use in both R-24 and R-6 Zones. All the residential units will be located in the R-24 Zone. Open space, guest parking and a portion of the sports court will occupy the R-6 Zone.

9. SITE DEVELOPMENT STANDARDS

9.1 Lot Layout - Exception 2 to SMC Table 20.50.020(1) allows some dimensional standards to be modified. These standards include minimum lot width, minimum lot area, and minimum yard setbacks. The proposed modifications are:

- a) Reduction of minimum lot width to 17 feet,
- b) Reduction of minimum lot area to approximately between 1,100 square feet and 1,500 square feet,
- c) Minimum interior lot line setbacks to zero.

The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.

9.2 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope.

The project shall be required to meet impervious and building coverage requirements specified in SMC Chapter 20.50 as calculated using all lots of the plat.

9.3 Building Heights - The maximum building height for R-24 is 35 feet or 40 feet with a pitched roof. The proposed height of the buildings is 34 feet. This height should not block the views of the neighbors to the west because the buildings will be situated approximately 20 to 25 feet lower on the slope.

9.4 Building Design Standards - SMC 20.50.180(A) specifies that to the maximum extent feasible, primary facades and building entries single family attached residences shall face the street. The units immediately adjacent to 15th Ave NE should present a façade toward the street that contributes to the streetscape in a similar manner as the single family attached housing development on the northwest corner on Westminster Avenue N and N. 150th Street.

9.5 Open Space - Seven private common areas are proposed for open space. Landscaping, a sports court, and the guest parking lot will be located within these areas. Much of the common area will be under the City Light transmission lines. The applicant must provide written permission from City Light before the easement area may be paved. All building lots and

dumpster locations must be outside the easement. Combined, the total area of open space will need to meet the calculation requirements of SMC 20.50.160 and be clearly delineated on the landscape plan to be submitted with the site development permit. If the units each have two bedrooms, a total of 4,160 square feet of open space is required. If the units each have three bedrooms, a total of 5,440 square feet of open space is required. It appears the square footage of common area will more than meet the minimum requirements. These private land tracts will be owned and maintained by the thirty-two zero lot line townhouse lots.

- 9.6 Significant Tree Removal - Sixty four significant trees are located throughout the project site. Of these trees eighteen, or 28%, are proposed to be retained. This complies with the minimum tree retention standard of 20% as set forth in SMC 20.50.350.
- 9.7 Parking - SMC Table 20.50.390A requires that a minimum of two off street parking spaces per unit be provided for single family attached units. All vehicle parking and storage for single-family detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Two parking spaces are proposed for each unit. Eighteen additional guest parking spaces are proposed to be located under the transmission lines.
- 9.8 Access - One shared access tract will be owned and maintained by the thirty-two zero lot line townhouse lots. The access tract will accommodate two separate pedestrian walkways that access the public street. The access road does not end in a turnaround or hammerhead. This exception was allowed in order to retain the large cluster of significant trees on the north property line. A turnaround would reduce the number of retained trees to below the aforementioned 20% minimum tree retention standard. The Shoreline fire Department approved the elimination of the turnaround because all buildings must be sprinklered.
- 9.9 Dedication - Dedications may be required in the following situations: (SMC 20.70.040)
- To accommodate motorized and non-motorized transportation, landscaping, utility, street lighting, traffic control devices, and buffer requirements;
 - The City will accept maintenance responsibility of the facility to be dedicated;
 - The development project abuts an existing substandard public street and the additional right-of-way is necessary to incorporate future frontage improvements for public safety;
 - Right-of-way is needed for the extension of existing public street improvements necessary for public safety.

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This project does not meet any of the above situations, so therefore does not require dedication of any property for public right-of-way.

- 9.10 Landscaping - SMC 20.50.490 requires Type I (full screen) landscaping in building setbacks for multi-family residential development adjacent to single family zones and Type II (filtered screen) adjacent to other multi-family zones. Fifteen feet of Type I (full screen) landscaping is required along the western and southern boundaries of the project and five feet of Type II (filtered screen) landscaping along the northern boundary. The landscaping plan will need to demonstrate compliance with all landscaping requirements and be submitted with the site development permit.

10. Adequacy of Public Facilities

- 10.1 Water Supply - Shoreline Water District has issued a Water Availability Certificate with a fire flow analysis.
- 10.2 Sanitary Sewer Service - Ronald Wastewater District has issued Sewer Availability Certificate.
- 10.3 Fire Protection - The Shoreline Fire Department has reviewed and approved the preliminary plat for site access and fire lane distance. Sprinklers systems will be required in all buildings.
- 10.4 Traffic Capacity - An estimated average of 17.6 p.m. peak hour trips will be generated by this proposal, based on the formula set forth in the Institute of Transportation Engineers *Trip Generation Manual* for townhouse/single family attached residential development (.55 p.m. trips per dwelling unit). This number is below the traffic study requirement threshold of 20 p.m. peak hour trips as specified in SMC 20.60.140(A). However, a traffic impact assessment has been requested for review as part of the site development permit package, because of possible impacts on a principal arterial that is already under study. Further mitigation may be required as a result of the assessment.

11. Engineering and Utility Development Standards

- 11.1 Storm Water Management - The City of Shoreline Public Works Department has preliminarily approved the Drainage Plan for the proposal. Submittal of engineered drawings and a Technical Information Report for site development approval will be required before the final approval of the plat. If downstream analysis indicates capacity deficiency, Level 3 detention or other mitigation may be required.
- 11.2 Utility Undergrounding - SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 11.3 Frontage Improvements - The proposal will require the installation of frontage improvements on 15th Avenue NE subject to the design standards of the Engineering Development Guide.

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II. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission unanimously recommends approval of the Cedar Heights Preliminary Formal Subdivision, Project No. 201318, with the following conditions: (Planning Commission modifications and additions to staff recommended conditions are italicized.)

1. A maximum of thirty-two lots and seven private land tracts, one for access and six for common area shall be created. The square footage and assigned addresses for the lots shall be shown on the face of the final plat. The delineation and square footage of all private land tracts shall be declared on all plans submitted for the site development permit and also shown on the face of the final plat. All existing or new restrictions, easements, or tracts and their purpose shall be shown on the face of the final plat.
2. Homeowners shall be required to establish and maintain in force and effect, a Covenant for a Homeowner's Association. The Association is to be held with undivided interest by the thirty-two zero lot line town home lots (described as Lots 1 through 32) in this subdivision. The Homeowner's Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of all private land tracts for private roadway and all other common areas; landscaping in all common areas; and infrastructure and utilities not dedicated to the City of Shoreline. The Homeowner's Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment into the right-of-way and into other public areas.
3. A maximum of thirty-two zero lot line townhomes are permitted.
4. The following language 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."
5. *The units immediately adjacent to 15th Avenue NE should present a facade towards the street that contributes to the streetscape in a similar manner as the single-family attached housing development on the northwest corner of Westminster Avenue N and N 150th Street.*
6. Applicant shall apply for a Site Development Permit to be reviewed and approved by the City of Shoreline that includes all on-site engineering, grading and utility installation, all site in any private land tracts, all onsite landscaping, and tree retention. The completion of this work shall be secured by a plat performance financial guarantee.
7. Applicant shall apply for a right-of-way use permit for frontage improvements on 15th Avenue NE adjacent to the project site to be reviewed and approved by City of Shoreline Public Works that comply with development standards in effect at the time of application. The completion of this work shall be secured by a plat performance financial guarantee.

8. The following language shall be shown on the face of the final plat: "All site development and right-of-way work shall be constructed in accordance to plans under City of Shoreline File #'s (*site development and right-of-way application number*)".
9. Applicant shall provide written approval from City Light before any approval by the City for site work done within transmission line easement. No building lot shall encroach on said easement. The Homeowner's Association shall be responsible for the maintenance of any agreement with City Light.
10. Applicant shall meet any required conditions established by the Shoreline Utilities Water Availability Certificate.
11. Applicant shall meet any required conditions established by the Ronald Wastewater District Sewer Availability Certificate.
12. *In addition to pedestrian access to 15th Avenue NE from along the access tract in the proposed development, pedestrian access from Units on Lots 1-18 shall be provided by an additional continuous pedestrian path on the north side of Lot 32.*
13. *Pest control or extermination, to the extent necessary, shall be completed prior to the demolition of the existing buildings.*
14. *The retaining wall and any required stabilization of the slope on the west boundary of the site shall be completed prior to the commencement of building construction.*
15. *A Level II environmental soil analysis shall be required, particularly for the area where the garage is located, and staff will take appropriate action.*

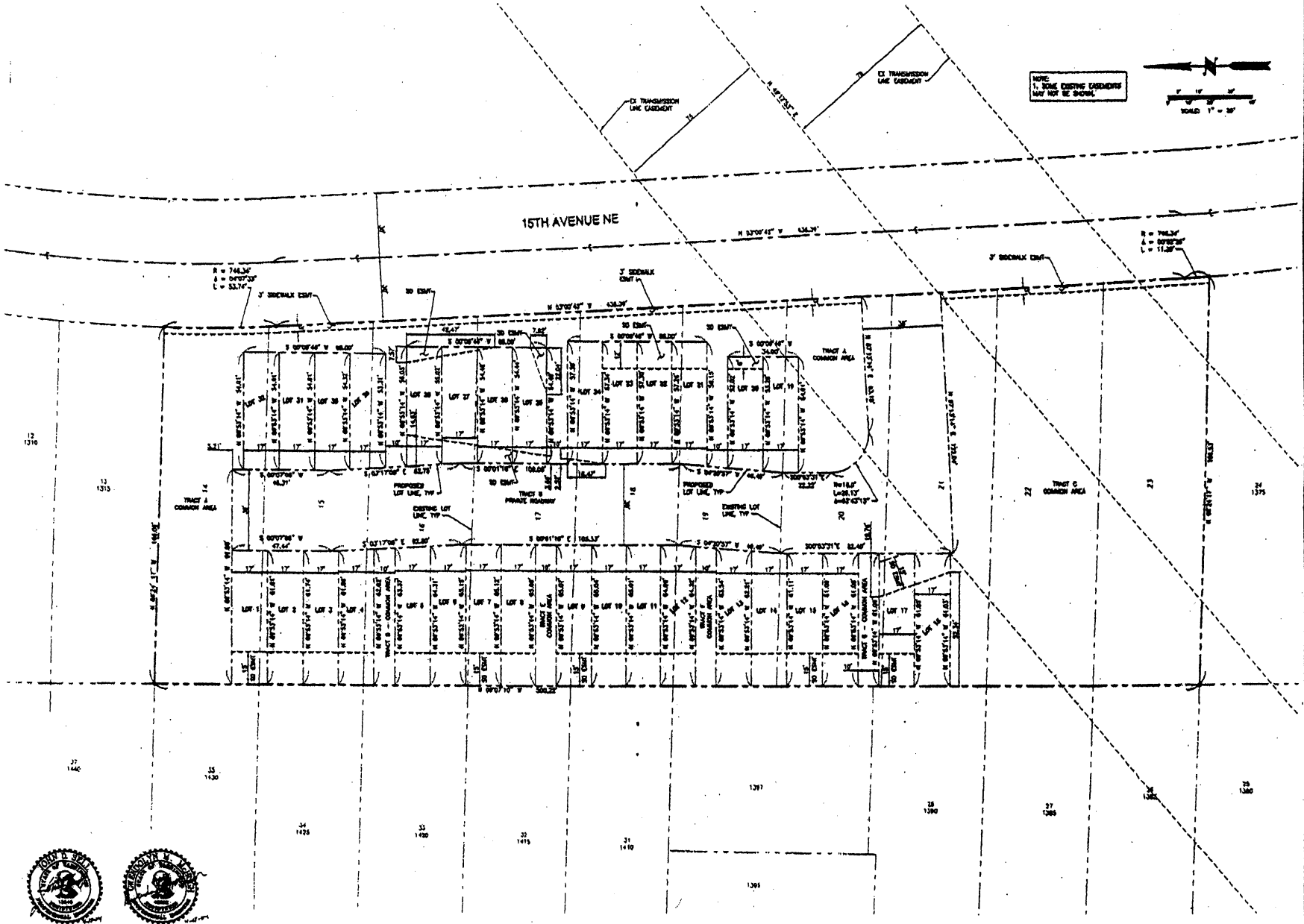
City of Shoreline Planning Commission

David Harris
 David Harris
 Chairperson

SEPTEMBER 9, 2007
 Date

ORIGINAL EXHIBIT 2

NE 1/4, SE 1/4, SEC. 5, T. 26 N., R. 4 E., W.M.



Layton & Soil, Inc., P.C.
 1401 15th Avenue Northwest
 Bismarck, North Dakota 58501
 Phone: (701) 223-1111
 Fax: (701) 223-1111

CEGAR HEIGHTS - PRELIMINARY PLOT
 1401 - 15th Avenue Northwest
 Bismarck, North Dakota

PLOT PLAN

PROJECT NO. 1401-15
 DATE: 07/20/04
 SHEET NO. 02

DATE: MAR. 23, 2004

SCALE: 1" = 20'

NOTE: 1. SOME EXISTING CASHEMETS MAY NOT BE SHOWN.

DATE: 07/20/04

BY: [Signature]

201219

ATTACHMENT D

RESOLUTION NO. 245

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, APPROVING THE FINAL PLAT OF CEDAR HEIGHTS SUBDIVISION.

WHEREAS, the applicant has made application for final plat of the Cedar Heights Subdivision, a nineteen lot subdivision; and

WHEREAS, the City Council approved the preliminary plat of Cedar Heights Subdivision on September 7, 2004, and

WHEREAS, a public hearing held by the Planning Commission on September 2, 2004, and

WHEREAS, engineering and site development plans have been approved to construct all required plat improvements, which will satisfy all requirements for final plat; and

WHEREAS, all required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been guaranteed with a performance bond; and

WHEREAS, the final plat has been executed by the Director of Planning and Development Services as complying with the Shoreline Development Code, and the City Engineer as complying with City and utility district standards for private roads and utility systems.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. The Council finds that the final plat of Cedar Heights 1) complies with the City's zoning and land use regulations, 2) that the public interest will be served by the subdivision, and 3) satisfies conditions of preliminary plat approval and recording the final plat have been satisfied.

Section 2. The final plat of the Cedar Heights Subdivision is approved, and the City Manager is authorized to sign the plat and record with the King County Records and Elections Division.

ADOPTED BY THE CITY COUNCIL ON May 22, 2006.

Mayor Robert Ransom

ATTEST:

Scott Passey, City Clerk

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