

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Approval of Resolution No. 350 Approving the Final Formal Plat of Five Lots at 17921 1 st Avenue Northeast (No. 201922)
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Brian Lee, Associate Planner
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The issue before Council is the approval of final formal plat that would create five (5) residential lots located at 17921 1st Avenue NE. Adoption of Ordinance No. 661 (Attachment E) on June 3, 2013 approved the preliminary formal subdivision. Approval of Resolution No. 350 now would finalize the subdivision process.

Under Shoreline Municipal Code (SMC) 20.30.450, after an administrative review by the Director, the final formal plat shall be presented to the City Council. When City Council finds that a subdivision proposed for final plat approval conforms to all terms of the preliminary plat, and meets the requirements of Chapter 58.17 RCW, other applicable state laws, and SMC Title 20 which were in effect at the time when the preliminary plat application was deemed complete, the City Manager shall sign on the face of the plat signifying the City Council's approval of the final plat.

RECOMMENDATION

Staff recommends that Council approve Resolution No. 350 (Attachment A) approving the final formal plat.

Approved By:

City Manager: **JU**

City Attorney: **IS**

BACKGROUND

Location: 17921 1st Avenue NE
Neighborhood: Meridian Park
Zone: R-6
Property Size: 38,306 Square Feet (.88 acres)

A pre-application meeting with staff was held on November 13, 2012 and the required neighborhood meeting was held on December 4, 2012 with five residents in attendance. Comments/concerns raised during the meeting were:

1. One resident did not like the irregular shape of Lot #5;
2. Question regarding tree removal;
3. Whether the new sidewalk could extend further south to front his property; and
4. Question regarding sewer connection.

The application was submitted and determined to be complete as of February 1, 2013. A Notice of Application with the optional SEPA determination of non-significance process was issued on February 20, 2013. No comments were received during the 14-day comment period. The Hearing Examiner conducted an open record hearing on April 29, 2013. Attachment C is the staff report to the Hearing Examiner. No public comments were offered at the public hearing.

The Preliminary Formal Subdivision met the criteria of SMC 20.30.410 and the provisions of RCW 50.17.110. Provisions for the public health, safety and general welfare, drainage, access, and other facilities and services will be met. It will also serve the public use and interest, creating additional opportunities for owner-occupied housing developed in a manner that is consistent with the City's Comprehensive Plan policies.

The proposed surface water management system will be consistent with SMC Section 13.10, which requires low impact development whenever feasible. Subsequent submittals of both site development and right-of-way permits have since been reviewed and approved. SMC 20.30.440 requires that "The applicant shall either complete the improvements before the final plat is submitted for City Council approval, or the applicant shall post a bond or suitable surety to guarantee the completion of the improvements within one year of the approval of the final plat. The bond or surety shall be based on the construction cost of the improvement as determined by the Director." The applicant has posted the necessary financial guarantee to ensure completion of required improvements. (Attachment F)

Five single-family homes will be built following the subdivision process. The Comprehensive Plan designates the site as Low-Density Residential. Comprehensive Plan Policy H3 encourages "infill development on vacant or underutilized sites," and Policy H1 encourages "a variety of residential design alternatives that increase housing choice."

The Hearing Examiner recommended approval of the preliminary formal subdivision (Attachment B) including conditions of approval by staff and on June 3, 2013 the City Council approved Ordinance No. 661 approving the preliminary formal subdivision.

RECOMMENDATION

Staff recommends that Council approve Resolution No. 350 approving the final formal plat.

ATTACHMENTS

Attachment A	Resolution No. 350
Attachment B	Hearing Examiner's Findings, Conclusions and Recommendation
Attachment C	Department's Staff Report to Hearing Examiner
Attachment D	Aerial Photograph of Site
Attachment E	Ordinance No. 661
Attachment F	Financial Guarantee

RESOLUTION NO. 350

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON,
APPROVING FINAL PLAT OF KAIN TZ SUBDIVISION NO. 201922**

WHEREAS, the applicant has made application for final plat of the Kaintz Subdivision No. 201922, a five lot subdivision; and

WHEREAS, the City Council approved the preliminary plat On June3, 2013 by Ordinance No. 661; and

WHEREAS, an administrative review of the application for final plat approval was conducted and all required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been completed or completion has 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. Findings. The Council finds that the final plat of the Kaintz Subdivision No. 201922 1) complies with the City's zoning and land use regulations, 2) serves the public interest, and 3) satisfies conditions of preliminary plat approval in Ordinance No. 661.

Section 2. Final Plat Approved. The final plat of the Kaintz Subdivision No. 201922 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 AUGUST 12, 2013

Keith A. McGlashan, Mayor

ATTEST:

Scott Passey
City Clerk

**CITY OF SHORELINE HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

PROPOSAL INFORMATION SUMMARY

Project: Preliminary Formal Subdivision

File Number: 201922

Applicant: Robert Nehring for Tim Kaintz

Recommendations: Department: Approve with conditions
Hearing Examiner: Approve with conditions

Public Hearing: April 29, 2013

Introduction

The applicant seeks a preliminary formal subdivision to create five lots to allow for the construction of five detached, single-family residences. A public hearing on the proposed subdivision was held on April 29, 2013, in Council Chambers at Shoreline City Hall, 17500 Midvale Avenue North in Shoreline. The applicant, Tim Kaintz, was represented by Robert Nehring, and the Planning and Development Services Department was represented by Brian Lee, Associate Planner. The Department's Preliminary Recommendation and seven attachments were marked and admitted as Exhibit 1. The Hearing Examiner inspected the site on the date of the hearing.

For purposes of this recommendation, all section numbers refer to the Shoreline Municipal Code (SMC or Code) unless otherwise indicated. After considering the evidence in the record, the Examiner enters the following findings of fact, conclusions and recommendation on the application.

Findings of Fact

1. The application is for a preliminary formal subdivision to create five residential building lots at property addressed as 17921 1st Avenue NE, in the Meridian Park neighborhood. It is located at the corner of North 180th Street and 1st Avenue NE, and is approximately .88 acres in size. The property is relatively flat, with no critical areas and no known hazardous conditions.
2. The property is zoned R-6 and developed with a detached single-family residence and a double-wide mobile home, both of which will be removed. The surrounding area is also zoned Low-Density Residential and developed primarily with single-family residences.

3. The Comprehensive Plan designates the site as Low-Density Residential. Plan Policy H3 encourages "infill development on vacant or underutilized sites," and Policy H3 encourages "a variety of residential design alternatives that increase housing choice."
4. A SEPA Determination of Non-Significance was issued on April 2, 2013 for the proposal.
5. There are eight significant trees on the site. Six trees (80%) will be approved for removal during the site development permit process, and six replacement trees will be required.
6. The densities and dimensions of the proposal are shown on page 4 of the Department's preliminary recommendation and comply with the requirements of the R-6 zone.
7. Access to the property will be from North 180th Street and 1st Avenue NE, which are neither primary nor secondary highways.
8. The proposed home sites are located near the street, with relatively short, individual driveways. Exhibit 1, Attachment A.
9. Frontage improvements will be required for the proposal and installation of a surety instrument will be required prior to final approval.
10. During the development review, the City Public Works Department determined that the conceptual plans were sufficient to conclude that the proposed improvements can meet site development and right-of-way requirements. Further analysis will be required before a building permit is issued. The Ronald Wastewater District issued a Certificate of Sewer Availability, and Seattle Public Utilities issued a Water Availability Certificate.
11. The Shoreline Fire Department reviewed and approved the proposed plans for access and water pressure to the site. Proximity to a fire hydrant must be verified during the building permit review process, and any homes located greater than 500 feet from a hydrant must have fire sprinklers.
12. A neighborhood meeting on the proposal was held on December 4, 2012. The notice of application was issued on February 2013, with the public comment period ending March 7, 2013.
13. No public comments on the application were submitted to the Department or offered at the public hearing.
14. The Department reviewed the proposal and recommends approval with the conditions set forth in Attachment G to the Department's preliminary recommendation, Exhibit 1.

Conclusions

1. Under Ordinance 534, the Hearing Examiner holds a public hearing on a proposed preliminary formal subdivision and makes a recommendation to the City Council, which makes the final decision on the application.

2. SMC 20.30.410 provides the Code criteria for preliminary subdivisions, which address environmental resources and impacts, lot and street layout, and dedications and improvements.

3. RCW 58.17.110(2) provides that a subdivision shall not be approved unless:

(a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

4. Environment. The proposed subdivision meets the environmental criteria of SMC 20.30.410.A. As noted, there are no environmentally critical areas on the site and no known hazardous conditions. Grading will be minimized by the relatively flat topography and by placement of the home sites near streets, thus requiring driveways of minimal length. The proposed development must comply with the City's tree conservation requirements and with grading and drainage requirements. Off-site impacts will be minimized by the development's compliance with those requirements and with Code requirements that limit height.

5. Lot and Street Layout. The proposed lots shown in Attachment A to Exhibit 1 contain usable building areas and meet the design standards for Chapter 20.50 SMC. No nonconforming structures, uses or lots would be created. The proposed lots would not front on primary or secondary highways, and each lot would meet the dimensional requirements for R-6 zones. The proposed subdivision includes frontage improvements, including sidewalks along both abutting streets. The proposed subdivision meets the criteria of SMC 20.30.410.B.

6. Dedications and Improvements. No dedications were identified that would be required for this five-lot subdivision. The proposal will comply with applicable Development Code requirements; meets the standards of Chapter 20.60 SMC (Adequacy of Public Facilities) with regard to water supply, wastewater disposal and fire protection; and meets the applicable standards of Chapter 20.70 SMC (Engineering and Utility

Development Standards). The proposed subdivision meets the criteria of SMC 20.30.410.C.

7. The proposed preliminary subdivision meets the criteria SMC 20.30.410 and the provisions of RCW 50.17.110. It makes appropriate provision for the public health, safety and general welfare, drainage, access, and other facilities and services. It will also serve the public use and interest, creating additional opportunities for owner-occupied housing developed in a manner that is consistent with the City's Comprehensive Plan policies.

Recommendation

The Hearing Examiner recommends that the City Council **APPROVE** the proposed preliminary formal subdivision with the conditions included in Attachment G to the Department's preliminary recommendation.

Entered this 30th day of April, 2013.



Sue A. Tanner
Hearing Examiner

Hearing Examiner Meeting Date: April 29, 2013

Shoreline Hearing Examiner
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Preliminary Formal Subdivision – File No.201922
DEPARTMENT: Planning & Community Development
PRESENTED BY: Brian Lee, Associate Planner

A. PROPOSAL

The proposed Preliminary Formal Subdivision is to subdivide one residential parcel into 5 lots. The development will allow for the construction of 5 detached single-family homes on the newly created lots.

Property Owner: Tim Kaintz

Owner’s Authorized Agent: Robert Nehring

B. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 Site address: 17921 1st Avenue NE; Tax ID #3368900055 (See Site Plan - Attachment A).
- 1.2 The project site is approximately 38,306 square feet (.88 acres).
- 1.3 The subject property is a corner lot abutting North 180th Street to north and 1st Avenue NE to the east.
- 1.4 Two structures currently exist on the site; a detached single-family house and a double-wide mobile home. Both structures will be removed.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The site is located just west of I-5 in the Meridian Park neighborhood.
- 2.2 The surrounding area is zoned Low-Density Residential and is comprised mainly of single family homes.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the site is Low-Density Residential. Goal H II in the Comprehensive Plan encourages development of an appropriate mix of housing choices through innovative land use and well-crafted regulations.
- 3.2 Policy H1: “Encourage a variety of residential design alternatives that increase housing choice.”
- 3.3 Policy H3: “Encourage 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 decisions require findings, conclusions, an open record public hearing, and recommendations prepared by the review authority for the final decision made by the Hearing Examiner.
- 4.2 Applicable regulatory controls set forth in the SMC include:
 - SMC 20.30 – Procedures and Criteria
(Preliminary Subdivisions – SMC 20.30.410)
(Environmental Review – SMC 20.30.490-710)
 - SMC 20.40 – Zoning and Use Provisions
(Residential Uses – SMC 20.40.120)
 - SMC 20.50 – General Development Standards
(Dimensional and Density Standards – SMC 20.50.020)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
- 4.3 Revised Code of Washington (RCW) 36.70B.040 Determination of Consistency
- 4.4 RCW 58.17.110 Approval/Disapproval of Subdivisions

5. ENVIRONMENTAL

- 5.1 A SEPA determination of non-significance was issued on April 2, 2013 (Attachment B).

6. PROCEDURAL HISTORY

- 6.1 A Pre-application Meeting for the subdivision was held on November 13, 2012.
- 6.2 A Neighborhood Meeting was held on December 4, 2012.
- 6.3 Application for Preliminary Formal Subdivision (File No. 201922) was received on February 1, 2013 (Attachment C).
- 6.4 The application was determined to be complete on February 1, 2013.
- 6.5 A Notice of Application for the proposal was issued on February 20, 2013, with the public comment period ending March 7, 2013 (Attachment D).
- 6.6 A Notice of Public Hearing was issued on April 2, 2013 for the Hearing Examiner open record public hearing on April 29, 2013 (Attachment E).

7. PUBLIC COMMENT AND STAFF RESPONSE

- 7.1 Public Comment – No comments were received.

8. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES

- 8.1 The project site is zoned Residential – 6 units per acre (R-6), which would allow up to 5 dwelling units to be constructed on the site.
- 8.2 Under SMC 20.40.120 all types of residential dwellings, with the exception of “apartments”, are permitted uses in the R-6 Zoning District.

9. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)

The following criteria were used to review the proposed subdivision:

9.1 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 the critical areas chapter, Chapter 20.80 SMC.

Staff Analysis: No critical areas exist on the site. The project shall 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 placement of proposed house sites near the streets, individual driveways will be minimal in length and the relatively flat site will require minimal grading.

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.

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

Staff Analysis: Any new development on the site will be required to meet appropriate stormwater drainage requirements. 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.

9.2 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 dimensional standards for residential lots 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.

Staff Analysis: Access for all lots will be via North 180th Street and 1st Avenue NE, which are neither primary nor secondary highways.

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

Staff Analysis: This proposal meets the applicable dimensional requirements specified for R-6 zones as set forth in SMC Chapter 20.50. See further analysis in Section 10.1 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: Improvements to street frontage, including new sidewalks along both streets will be required as a part of the approval conditions.

9.3 Dedications (SMC 20.30.410C)

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

Staff Analysis: Sufficient right-of-way exists along both frontages – no dedication is necessary.

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.

Staff Analysis: No dedication of park land is required.

Criteria: In addition, the City Council may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.

Staff Analysis: No dedications are required for this proposal.

10. SITE DEVELOPMENT STANDARDS (SMC 20.50)

10.1 Densities and Dimensions in the R-6 Zone (SMC 20.50.020)

Standard	Regulation	Proposed
Base Density	6 du/acre	6 du/acre
Min. Density	4 du/acre	4 du/acre
Min. lot width	50 ft.	50 – 62 ft.
Min. lot area	7,200 sq. ft.	7,202 – 8,503 sq. ft.
Min. front yard setback	20 ft.	20 ft.
Min. rear yard setback	15 ft.	60 - 95 ft.
Min. side yard setback	5 ft. min. & 15 ft. combined	5 ft. min & 15 ft. combined
Base height	35 ft. with pitched roof	< 35 ft. with pitched roof
Max. building coverage	35%	< 35%
Max. impervious surface	50%	< 50%

10.2 Significant Tree Removal (SMC 20.50.290-370)

There are eight (8) significant trees existing on the site. In order to comply with the requirement that at least 20% of significant trees be retained, six (6) trees will be approved for removal during the Site Development permit process. Six (6) replacement trees will be required during the development process.

10.3 Parking and Access (SMC 20.50.380-440)

Each residential dwelling unit must provide two off-street parking spaces (SMC 20.50.390A). The development will be required to provide each dwelling unit with a two-car garage and a driveway at least 20 feet long.

11. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

11.1 Wastewater – Ronald Wastewater District has reviewed the proposal and has provided a Certificate of Sewer Availability.

11.2 Water – Seattle Public Utilities has reviewed the proposal and has issued a Water Availability Certificate.

11.3 Fire Protection – The Shoreline Fire Department has reviewed and approved the plans for access and water pressure to the site. Proximity to fire hydrant will need to be verified during the building permit review process. Any homes located beyond 500 ft. from the fire hydrant will be required to install NFPA 13d fire sprinklers.

12. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

12.1 Right-of-Way Dedication – No right-of-way dedication is required for this proposal.

12.2 Frontage Improvements – Frontage improvement will be required for this proposal and shall be installed by the applicant prior to final approval or post a bond or other surety as provided for in SMC 20.30.440.

12.3 Surface Water Facilities – The City of Shoreline Public Works Department has determined that the submitted plans contain enough information to ascertain that the proposed improvements can meet site development and right-of-way requirements.

12.4 Utility Undergrounding – Undergrounding of utility per SMC 20.70.430 will be required.

C. 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 staff concludes the Preliminary Formal Subdivision proposal has:

- Met the requirements of the City of Shoreline Development Standards, 2012 Comprehensive Plan, and Municipal Code.
- Made appropriate provisions for the public health, safety, and general welfare.
- Serves the public use and interest.

D. STAFF PRELIMINARY RECOMMENDATION

Staff's preliminary recommendation to the Hearing Examiner is to forward to the City Council a recommendation of approval for the proposed Preliminary Formal Subdivision application.

E. HEARING EXAMINER ROLE AND OPTIONS

The Hearing Examiner's recommendation options to the City Council are:

1. Recommend approval based on the staff Findings of Fact.
2. Recommend approval with conditions, based on new Findings of Fact and Conclusions as amended by the Hearing Examiner.
3. Recommend denial of the application, based on new Findings of Fact and Conclusions as amended by the Hearing Examiner.

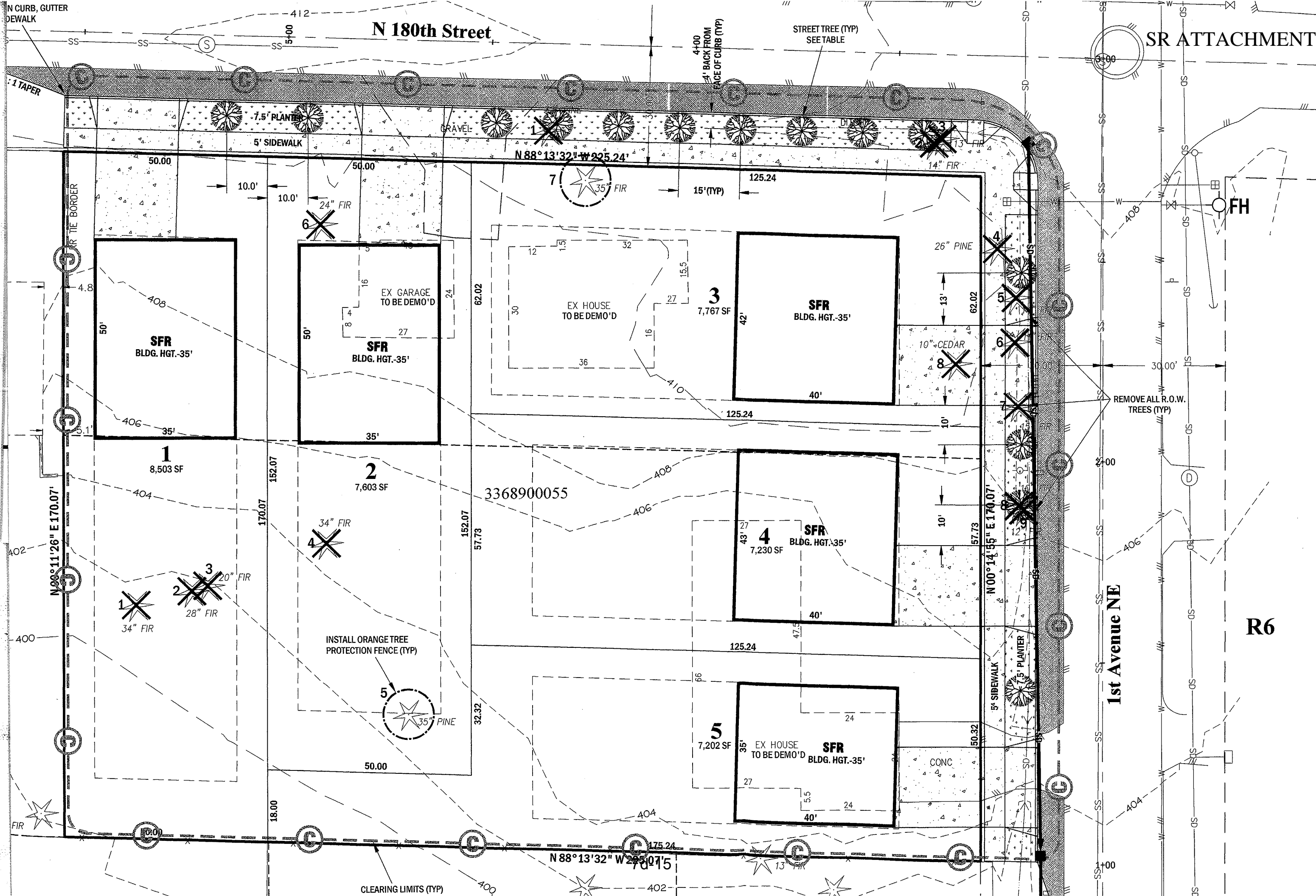
F. ATTACHMENTS

- Attachment A: Site Plan
- Attachment B: SEPA Threshold DNS, April 2, 2013
- Attachment C: Application for Preliminary Formal Subdivision
- Attachment D: Notice of Application, February 20, 2013
- Attachment E: Notice of Public Hearing, April 2, 2013
- Attachment F: Environmental Checklist
- Attachment G: Conditions of Approval

N 180th Street

1st Avenue NE

R6



SFR BLDG. HGT.-35'

SFR BLDG. HGT.-35'

SFR BLDG. HGT.-35'

SFR BLDG. HGT.-35'

SFR BLDG. HGT.-35'

1 8,503 SF

2 7,603 SF

3 7,767 SF

4 7,230 SF

5 7,202 SF

EX GARAGE TO BE DEMO'D

EX HOUSE TO BE DEMO'D

EX HOUSE TO BE DEMO'D

INSTALL ORANGE TREE PROTECTION FENCE (TYP)

REMOVE ALL R.O.W. TREES (TYP)

FH

N 88° 13' 32" W 225.24'

N 00° 14' 55" E 170.07'

N 00° 11' 26" E 170.07'

N 88° 13' 32" W 225.24'

CLEARING LIMITS (TYP)

STREET TREE (TYP) SEE TABLE

4'-00" BACK FROM FACE OF CURB (TYP)

5' SIDEWALK

5' SIDEWALK

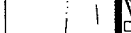
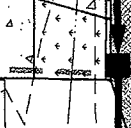
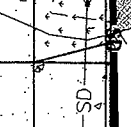
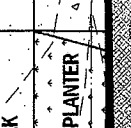
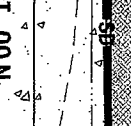
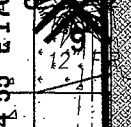
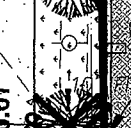
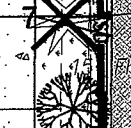
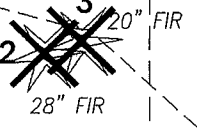
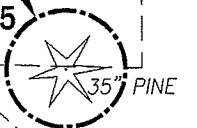
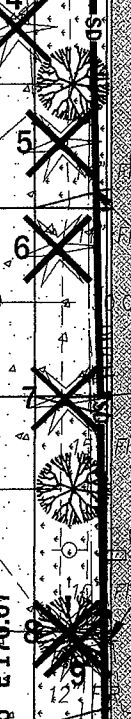
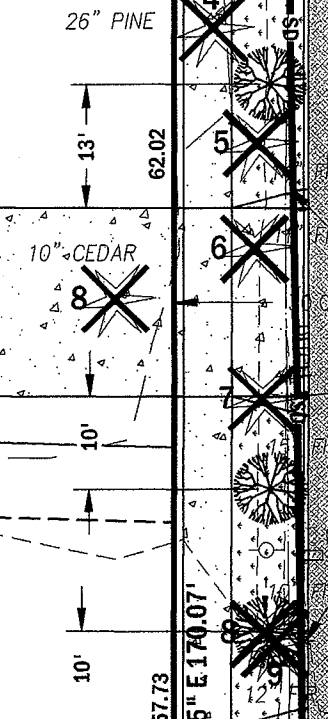
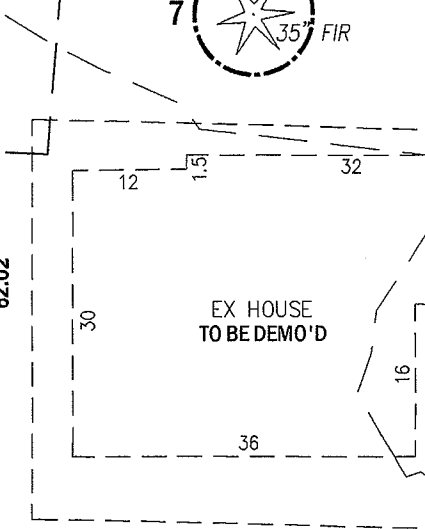
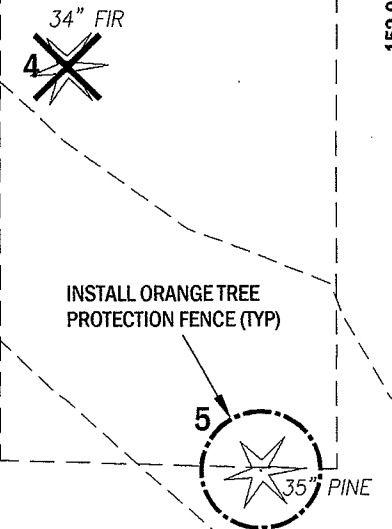
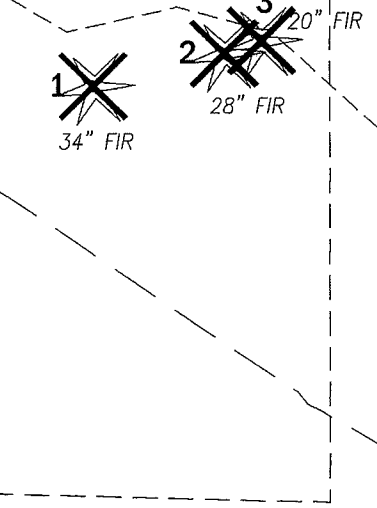
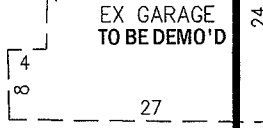
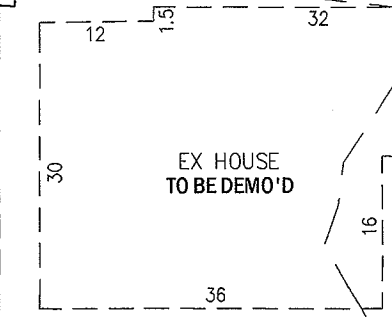
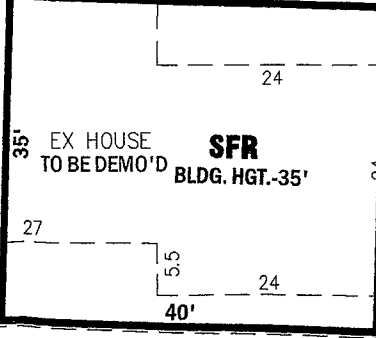
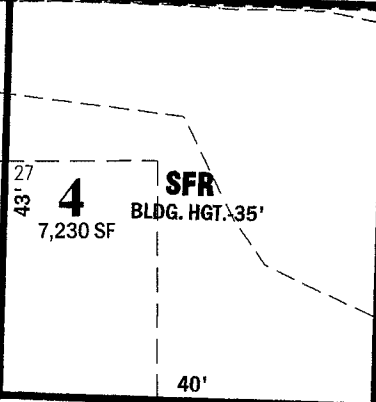
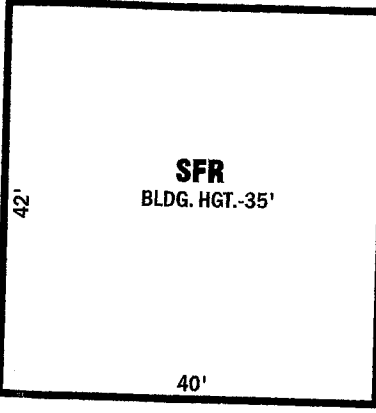
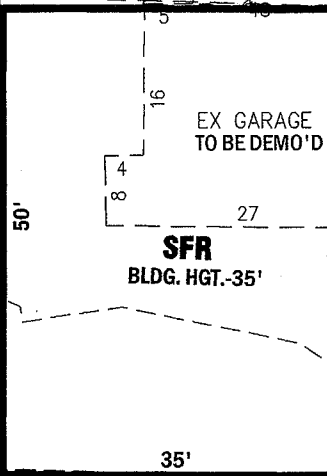
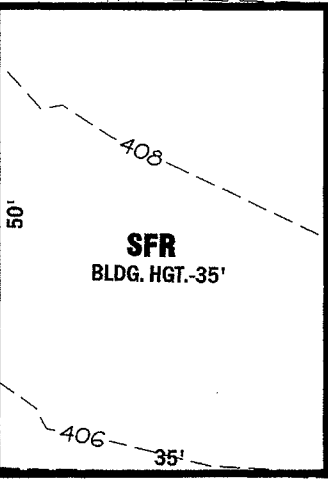
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SFR BLDG. HGT.-35'





17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

**SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS) AND
NOTICE OF PUBLIC HEARING**

PROJECT INFORMATION

DATE OF ISSUANCE: **April 2, 2013**
PROPONENT: **Robert Nehring**
LOCATION OF PROPOSAL: **17921 1st Ave. NE**

DESCRIPTION OF PROPOSAL: **Subdivision of one residential parcel into five. # 201922**

PUBLIC HEARING **April 29, 2013**

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 14 days from the date below.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for April 29, 2013 at 9:00 am in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

RESPONSIBLE OFFICIAL: **Rachael Markle, Director**

ADDRESS: **17500 Midvale Avenue North** PHONE: **(206)801-2500**
Shoreline, WA 98133-4905

DATE: 3/27/13 SIGNATURE: 

PUBLIC COMMENT AND APPEAL INFORMATION

The public comment period will end on N/A. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

Questions or More Information: Please contact Brian Lee, Planning & Community Development at (206) 801-2553.

The file is available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning & Community Development.



City of Shoreline
Planning & Community Development
 17500 Midvale Avenue North Shoreline, WA 98133-4905
 Phone: (206) 801-2500 Fax: (206) 801-2788
 Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

PERMIT APPLICATION

PARCEL INFORMATION (Include all parcel(s) information. Attach additional sheets, if necessary.)

Project Address 17921 1st Avenue NE Shoreline
(Leave blank if address is not assigned)

Parcel Number (Property Tax Account Number) 3368900055

Legal Description Portion of SW 1/4 of NW 1/4 SEC 08 TWP 26N RNG 04E WM
Attach separate sheet for long Legal Description

PROPERTY OWNER INFORMATION

Name Tim Kaintz Email kaintztk@msn.com

Address 11807 - 7th St NE City Lake Stevens State WA Zip 98258

Phone 425.359.4487 Phone Cell _____

Owner's Authorized Agent

Name Robert Nehring Email nehring63@gmail.com

Address 10515 - 20th St SE suite 125 City Lake Stevens State WA Zip 98258

Phone 425.773.9567 Phone Cell _____

PROJECT INFORMATION

- | | | | | |
|------------------------|---|--|--|---|
| Type of Application: | <input type="checkbox"/> Single Family | <input type="checkbox"/> Multi-Family | <input type="checkbox"/> Non-Residential | <input type="checkbox"/> Legislative |
| Building/Construction: | <input type="checkbox"/> New Construction | <input type="checkbox"/> Change of Use | <input type="checkbox"/> Mechanical | <input type="checkbox"/> Fire Sprinkler |
| | <input type="checkbox"/> Addition/Remodel | <input type="checkbox"/> Demolition | <input type="checkbox"/> Plumbing | <input type="checkbox"/> Fire Alarm |
| | <input type="checkbox"/> Clearing & Grading | <input type="checkbox"/> Site Development | <input type="checkbox"/> Other | |
| Land Use: | <input checked="" type="checkbox"/> Subdivision | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Use - Home Occupation | <input type="checkbox"/> Conditional Use |
| | <input type="checkbox"/> Short Plat | <input type="checkbox"/> Engineering Deviation | <input type="checkbox"/> Use - Bed & Breakfast | <input type="checkbox"/> Code Interpretation |
| | | | <input type="checkbox"/> Use - Temporary Use | <input type="checkbox"/> Rezone |
| | | | | <input type="checkbox"/> Administrative Design Review |

PROJECT DESCRIPTION

Proposed 5-Lot Plat in R6 zoning on 38,306 SF parcel with frontage improvements.

Construction Value \$ 35,000

CONTRACTOR INFORMATION

Company Name TBD Email _____

Contact Person _____ Phone _____

Address _____ City _____ State _____ Zip _____

Contractor's Registration # _____ Expiration Date _____

RECEIVED
FEB 01 2012
PCD

I am the property owner or authorized agent of the property owner. I certify that to the best of my knowledge, the information submitted in support of this permit application is true and correct. I certify that I will comply with all applicable City of Shoreline regulations pertaining to the work authorized by the issuance of a permit. I understand that issuance of this permit does not remove the owner's responsibility for compliance with state or federal laws regulating construction or environmental laws. I grant permission for City staff and agents to enter areas covered by this permit application for the sole purpose of inspecting these areas in order to process this application and to enforce code provisions related to the issued permit(s).

Tim Kaintz
 Signature of **PROPERTY OWNER**

Robert Nehring
 Signature of **AUTHORIZED AGENT**

Date 1/22/13



Notice of Preliminary Subdivision Application including Optional SEPA DNS Process

February 20, 2013

Name of Applicant and Application No.: Robert Nehring; 201922

Location & Description of Project: 17921 1st Avenue NE; Subdivision of one residential parcel into five

Application Submitted & Complete: February 1, 2013

Project Manager Name & Phone #: Brian Lee 206.801.2553

Project Information: Total Lot Area: 38,306 square feet	Maximum Height: 35 feet
Zone R-6 (6 dwelling units per acre)	Minimum Lot Size: 7,200 square feet

Please note, that this proposal meets the density provisions of the City of Shoreline Development Code. Based on the lot area, this property may support 5 dwelling units. The City will evaluate the public comments received and, where appropriate, include them in the conditions of approval.

Environmental Review: The City expects to issue a SEPA Determination of Nonsignificance (DNS) on this project. This may be the only opportunity to comment on the environmental impacts of this proposal. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.

Public Comment: The public comment period ends March 7, 2013 at 5:00 p.m. Interested persons are encouraged to mail, fax (206) 801-2788 or deliver comments to City of Shoreline, Attn. Brian Lee, 17500 Midvale Avenue N, Shoreline, WA 98133 or email to blee@shorelinewa.gov. You may also request a copy of the decision once it has been made.

Development Regulations Used and Environmental Documents submitted:

Current editions of Shoreline Municipal Code and Comprehensive Plan, Stormwater Manual, Engineering Development Manual, Transportation Master Plan, Surface Water Master Plan, SEPA Checklist, and Geotechnical Report. All documents are available for review at City Hall, 17500 Midvale Avenue N.



Notice of Public Hearing of the Hearing Examiner
Hearing Date: April 29, 2013

Name of Applicant and Application No.: Robert Nehring; 201922

Location & Description of Project: 17921 1st Avenue NE; Subdivision of one residential parcel into five

Project Information:	Total Lot Area: 38,306 square feet	Maximum Height: 35 feet
	Zone R-6 (6 dwelling units per acre)	Minimum Lot Size: 7,200 square feet

Please note, that this proposal meets the density provisions of the City of Shoreline Development Code. Based on the lot area, this property may support 5 dwelling units. The City evaluated the public comments received and, where appropriate, included them in the conditions of approval.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for **April 29, 2013 – 9:00 a.m.** in the Council Chambers at City Hall 17500 Midvale Avenue N, Shoreline, WA.

Copies of the Notice of Application, SEPA Threshold Determination, Hearing Staff Report, application materials and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Project Manager Name & Phone #: Brian Lee (206) 801-2553

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

ENVIRONMENTAL CHECKLIST FORM

Plat of Meridian Park

RECEIVED
 FEB 13 2013
 PCD

Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you- to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determine if there may be significant adverse impact.

Use of checklist for non project proposals:

Complete this checklist for no project proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). For non project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: "Meridian Park"

201922

There will be individual storm drainage infiltration trenches for each lot which will connect their overflows to an existing storm drainage system located in the 1st Ave NE ROW. Sanitary sewer and public water services will be extended from existing systems located in the adjacent ROW frontages of N 180th St & 1st Avenue NE.

*To meet current surface water & street frontage requirements
Per SMC 20.70*

The project will also include pavement widening, urban sidewalk and planter strip improvements along the adjacent section ROW frontages of N 180th St and 1st Ave NE.

12. Location of proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. The site is situated in the SW quadrant of the intersection of N 180th St and 1st Ave NE, and lies within the SW ¼ NW ¼ of Section 08, Township 26 North, Range 04 East W.M. in Shoreline, Washington. A legal description appears on the preliminary plat exhibit. The site address for location purposes is 17921 – 1st Avenue NE Shoreline, WA 98133.

Tax parcel # 3368900055

B. ENVIRONMENTAL ELEMENTS

1. EARTH

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
The site can be characterized as flat to rolling, with a general slope direction from NE to SW across the property. Average slope is 5 %. (refer to Existing Conditions map)

b. What is the steepest slope on the site (approximate percent slope)? 8% +/- SW corner of site.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland. The Geologic Map of the Edmonds East and West Quadrangles lists the soils as Glacial till deposits (Ovt). The Glacial till is described as a non-sorted mixture of clay, silt, sand, pebbles, cobbles and boulders. The on-site explorations consisted of undocumented fill underlain by medium dense to dense silty fine to medium sand with gravel consistent with the glacial till deposits.

d. Are there surface indications or history of unstable soils in the immediate vicinity? No.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. There will be a balanced cut to fill ratio of about 1,000 cubic yards of cut and 1,000 cubic yards of fill with initial construction of lot pads, drainage facilities and utilities.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. If temporary erosion control methods were not employed, some erosion could occur from clearing and grading for buildings and frontage improvements. However, The City of Shoreline's Code requires installation of temporary erosion controls prior to any site clearing or development. Erosion control measures will be in place during construction to maintain required water quality. (See 1.h. below for additional information on erosion control).

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Approximately 50 %.

Maximum allowed in R-6 zone = 50%.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. No. ✓
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No. Post development storm water runoff from roofs and driveways will be collected within an approved individual drainage infiltration trenches which will pre-settle out debris materials in yard drains prior to infiltrating. ✓

b. Ground

Pending review - must meet current reqs. of SMC 20.70

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities, if known. Yes. Ground water will not be withdrawn from the site but surface runoff water will be infiltrated individually on each lot. ✓

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...: agricultural, etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. None likely. There will be no effluent discharge to the ground as the site will be served by sanitary sewers. ✓

c. Water Runoff (including storm water)

1) Describe the source of runoff (including storm water) and method of collection, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Storm water from public roadways and frontage improvements will be the primary source of runoff which will be collected and discharged to the existing storm drainage system that flows south along 1st Ave NE. During development, vegetation removal and site grading will act to limit potential for uncontrolled runoff. After development, storm water will be collected in roadside catch-basins and then routed via a closed pipe conveyance system to closed storm drainage system along 1st Ave NE. Individual roofs and driveways will be collected and discharged to individual infiltration trenches located on each lot. ✓

Pending review 20.70

2) Could waste materials enter ground or surface waters? If so, generally describe. Not likely. ✓

3) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: All adopted development and engineering requirements imposed by the City to control hydrologic impacts on adjacent properties will be incorporated into final construction plans and implemented by the proponent. Individual Storm drainage infiltration trenches are designed in accordance with versions of the DOE Stormwater Manual and City of Shoreline's Development standards as were in effect at the time of complete application. ✓

4. PLANTS

a. Check or circle types of vegetation found on the site:

- deciduous tree: cherry, cottonwood, maple, aspen
 evergreen tree: fir, cedar, pine, hemlock
 shrubs
 lawn grass
 pasture
 crop or grain
 wet soil plants: cattail, buttercup, skunk cabbage, other
 water plants: water lily, eelgrass, milfoil, other
 other types of vegetation

1) Describe special emergency services that might be required. Other than normal police, emergency aid unit and fire protection services, no special emergency services are anticipated.

2) Proposed measures to reduce or control environmental health hazards, if any: The State of Washington regulates the safety standards for construction work (WAC 296-155) with regulations for material handling, storage and disposal that are to be followed during project related construction. Project construction drawings will be prepared in accordance with adopted local, state and federal regulations. Individual home building permits will be issued in accordance with City code and the International Building Code.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, aircraft, other)? Automobile traffic on N 180th St and 1st Ave NE would have minor impacts on the lots since they front along the street ROW. Minor noise from adjacent homes would also be noticed during outdoor activities and vice-versa.

2) What types and levels of noise would be created by or associated with the project on a short-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. During construction, noise impacts from machinery associated with clearing, grading, utility installation and home construction would be present during daylight hours. On a permanent basis, since no significant amount of traffic from adjoining plats will traverse the subject site, only minor noise from resident automobile use and occasional use by normal household related service vehicles and visitors will be present.

3) Proposed measures to reduce or control noise impacts, if any: Noise generation and impact limits are governed under City Code. Sounds created by the normal operation of motor vehicles on public highways or roads are exempt at all times from maximum permissible levels regulated by ordinance. This would apply to internal and external public roadway vehicle noise that would impact the project or surrounding properties. Construction equipment noise including noise generated by special construction vehicles on temporary construction sites is exempt from noise limits during daytime hours as defined in code. All project related construction will be conducted in accordance with City code.

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties? The site is occupied by two single family homes and associated outbuildings. The houses will be demolished or moved off site. Properties immediately to the west, north, south and east are developed on single family lots.

b. Has the site been used for agriculture? If so, describe. Not believed to have been.

c. Describe any structures on the site. There is one house with garage and one mobile home with outbuildings on the site.

d. Will any structures be demolished? If so, what? Yes, they all will be demo'd or removed.

e. What is the current zoning classification of the site? R6 (R-7200) Residential - low density

f. What is the current comprehensive plan designation of the site? Low Density Residential.

g. If applicable, what is the current shoreline master program designation of the site? NA

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. No

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Automobile and home lighting glare during early evening hours.
- b. Could light or glare from the finished project be a safety hazard or interfere with views? No.
- c. What existing off-site sources of light or glare may affect your proposal? None.
- d. Proposed measures to reduce or control light and glare impacts, if any: None

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity? Located 520 feet to the west down N 180th Street is Cromwell Park which has open space and ballfields.
- b. Would the proposed project displace any existing recreational uses? If so, describe. No.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Each home will have a large private rear yard that can be used by that resident for private recreation.

13. HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for national, state, or local preservation registers known to be on or next to the site? If so, generally describe. No
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. None known.
- c. Proposed measures to reduce or control impacts, if any: None.

14. TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. The site fronts on N 180th St and 1st Ave NE. Access to the proposed Lots will be taken directly off of both N 180th St and 1st Ave NE.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? Not at the site. Metro Transit's closest stop (Route 346) is 1,200 feet to the west at the intersection of N 180th Street and Meridian.
- c. How many parking spaces would the completed project have? How many would the project eliminate? The project will provide off-street parking as required by city code. At a minimum, two (2) off-street spaces per residence are required therefore ten (10) will be provided and four (4) existing spaces will be eliminated.
- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). Yes. These improvements include: pavement/lane widening, urban sidewalk and planter improvements along the abutting section of N 180th St and 1st Ave NE.

*All required frontage improvements
Per 20.70.320*

Recommended Conditions of Approval

- A. All existing and proposed restrictions, easements, tracts, and their purpose shall be clearly shown on the final formal subdivision.
- B. All utility easements for water service, sewer service, underground power, and telecommunications shall be noted on the final formal subdivision.
- C. A use and maintenance agreement shall be recorded, filed separately or noted on the final formal subdivision for all joint access and utility easements.
- D. The applicant shall submit a detailed tree removal/replanting plan with the Site Development permit application. Preservation of retained trees shall be guaranteed during construction through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures. Further preservation of retained trees following construction shall be required for a period of 36 months and shall be guaranteed through an approved maintenance agreement.
- E. All conditions of the water and sewer availability certificates must be met.
- F. All conditions required by Shoreline Fire Department must be met.
- G. All new development shall be served with underground power and separate meters for each housing unit.
- H. The exact square footage of each lot shall be clearly shown on the final formal subdivision.
- I. All addresses shall be shown on the recorded final formal subdivision. Each unit shall be addressed as follows:
 - Lot 1 – 2341 North 180th Street
 - Lot 2 – 2347 North 180th Street
 - Lot 3 – 17927 1st Avenue NE
 - Lot 4 – 17921 1st Avenue NE
 - Lot 5 – 17915 1st Avenue NE
- J. Single-family residences and other improvements constructed on the lots created by this subdivision must implement the flow control best management practices (BMPS) stipulated in the drainage plan Declaration of Covenant and Grant of Easement recorded for each lot. Compliance with this stipulation must be addressed in the drainage plan submitted for drainage review when application is made for a single-family residential building permit for the lot.
- K. Temporary erosion and sediment control plans and grading plans in accordance with the 2005 DOE Manual shall be submitted and approved prior to issuance of a site development and/or building permit for the site.
- L. Prior to recording of the final formal subdivision, plans for all site improvement work shall be prepared by a Civil Engineer licensed in the State of Washington and approved by the City.
- M. Before the site development permit can be issued, a financial guarantee shall be submitted in the form of a performance bond to the City of Shoreline to assure the completion of all required improvements.

180TH N 180TH ST
SUNNYSIDE AVE N

1ST AVE NE 1ST AVE NE
N 180TH ST N 180TH ST

2325
3368900050
2325 N 180TH ST

2335
3368900050
2335 N 180TH ST

17921 1ST AVE NE

2335
3368900057

17921
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17915 1ST AVE NE 17915 1ST AVE NE

2325
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2325 N 180TH ST

105
2082700055

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105
2082700055

ORIGINAL

ORDINANCE NO. 661

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR FIVE
LOTS AT 17921 1ST AVENUE NORTHEAST**

WHEREAS, the owner of the property located at 17921 1st Avenue Northeast filed a preliminary formal subdivision application for five single family building lots located at 17921 1st Avenue Northeast; and

WHEREAS, on April 29, 2013, a public hearing on the application for the preliminary formal subdivision was held before the Hearing Examiner for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on April 30, 2013, the Hearing Examiner 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, Conclusions and Recommendation of the Hearing Examiner dated April 30, 2013, specifically that the preliminary formal subdivision of the property located at 17921 1st Avenue Northeast 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,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Findings. The Findings and Conclusions set forth in the Hearing Examiner's Findings, Conclusions and Recommendation dated April 30, 2013 attached hereto as Exhibit 1 are hereby adopted.

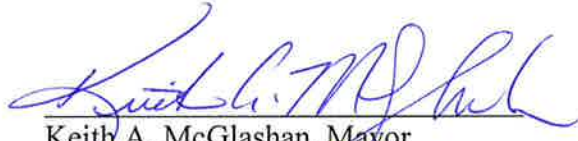
Section 2. Preliminary Formal Subdivision Adoption. The Kaintz Preliminary Formal Subdivision, File No. 201922, as further depicted in Exhibit 2 attached hereto is hereby adopted subject to the conditions attached as Exhibit 3, referred to by the Hearing Examiner as Attachment G in the Hearing Examiner's Findings, Conclusions and Recommendation dated April 30, 2013.

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 take effect and be in full force five (5) days after passage and publication of the title as a summary of this ordinance.

ORIGINAL

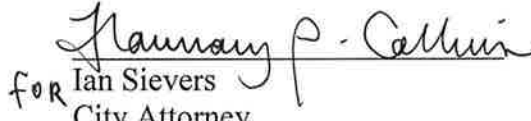
PASSED BY THE CITY COUNCIL ON JUNE 3, 2013.


Keith A. McGlashan, Mayor

ATTEST:


Scott Passey
City Clerk

APPROVED AS TO FORM:


for Ian Sievers
City Attorney

Date of Publication: June 6, 2013
Effective Date: June 11, 2013



City of Shoreline

Planning & Community Development

17500 Midvale Avenue North Shoreline, WA 98133-4905

Phone: (206) 801-2500 Fax: (206) 801-2788

Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

Guarantee Tracking No.

1482

(For Internal Use)

PERFORMANCE AGREEMENT FORM

Complete all applicable fields:

<input type="checkbox"/> Landscaping	\$ _____	<input checked="" type="checkbox"/> Right-of-Way	\$ 115,834
<input type="checkbox"/> Clearing, Grading, Restoration	\$ _____	<input type="checkbox"/> Other	\$ _____
<input type="checkbox"/> Utility, Storm Drainage	\$ _____	<input type="checkbox"/> Subdivision	\$ _____
			TOTAL \$ 115,834

Bond/Bank Account No. Surety # WAC 53610 Project No. 119533Site Address 17921 1st Ave. NEApplicant Name TIM KAINTZApplicant Address P.O. Box 610 LAKE STEVENS WA 98258

This AGREEMENT is entered into between the City of Shoreline, hereinafter "CITY", and the above named applicant, hereinafter "APPLICANT".

WHEREAS the undersigned APPLICANT has applied for a permit to construct the above-references project; WHEREAS the CITY has reviewed this permit application, in accordance with the Shoreline Municipal Code and other applicable regulations, and has attached appropriate permit conditions which require a financial guarantee from July 5, 2013 (insert start date) to July 5, 2014 (insert anticipated end date) to assure the performance of such improvements, provided, however, that the financial guarantee will only be released on the end date if all terms of the AGREEMENT have been completed to the satisfaction of the Planning & Community Development Director or his/her designee; and

WHEREAS the APPLICANT has read and agrees to comply with the permit conditions; NOW, THEREFORE, the APPLICANT hereby agrees and binds itself and its legal representatives, successors, and assigns as follows:

General Terms of the AGREEMENT

1. The APPLICANT shall complete all construction within the timeframe specified and in full compliance with the attached permit conditions, and shall notify the CITY once the project is completed.
2. The APPLICANT shall fulfill all other requirements of the Shoreline Municipal Code and adopted ordinances in connection with the permit improvements even if these requirements are not specifically set forth in this AGREEMENT.
3. The APPLICANT shall be responsible for the proper performance, safe conduct and adequate policing and supervision of the project. This responsibility shall not be lessened or otherwise affected by the CITY's approval of plans, specifications, or work, or by the presence at the work site of the CITY's representative(s), or by the compliance by the APPLICANT with any requests made by said representative(s).
4. Any APPLICANT proposed change of work from the approved plans must be approved in writing by the CITY prior to beginning such work.
5. The APPLICANT hereby grants the CITY the right to enter and inspect the project site and, in the event of any failure to comply with terms of this AGREEMENT, to implement such corrective measures as the CITY deems appropriate.
6. A financial guarantee in the amount and in a form approved by the CITY shall be furnished to the CITY prior to commencing construction of the project and shall remain in force and effect until written release by the CITY. The obligation to perform work and pay fees or other amounts is not limited to the amount of the associated financial guarantee.
7. The APPLICANT shall reimburse the CITY for all actual direct and indirect costs necessitated by this AGREEMENT,

including but not limited to plan review and inspection fees per the City of Shoreline Municipal Code, and corrective or abatement action.

8. The APPLICANT shall defend, indemnify and hold the CITY and its officers, agents, and/or employees harmless from all costs, claims, or liabilities of any nature including attorney's fees, costs and expenses resulting from the acts, errors or omissions of APPLICANT, its agents or employees in the performance of this AGREEMENT, except for injuries and damages caused by the sole negligence of the City. Provided, however, that if such claims are caused by or result from concurrent negligence of the APPLICANT, its agents or employees, and the CITY, its officers, agents, and/or employees, then the APPLICANT shall be liable only to the extent of the APPLICANT's negligence pursuant to RCW 4.24.115. It is further specifically and expressly understood that the indemnification provided herein constitutes the APPLICANT's waiver of immunity under Industrial Insurance Title 51 RCW, solely for the purpose of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this AGREEMENT.

(CHECKED BY CITY PROJECT MANAGER WHEN APPLICABLE.) A Maintenance/Defect/Monitoring Agreement is required following acceptance of required work and prior to release of the financial guarantee. The Maintenance/Defect/Monitoring Agreement requires a separate financial guarantee. In the event the APPLICANT fails to post such an additional financial guarantee, the City may demand payment on the performance guarantee and may utilize such amounts to secure the APPLICANT'S obligations under the Maintenance/Defect/Monitoring Agreement as authorized by the City of Shoreline Municipal Code and this AGREEMENT.

Release Requirements

This AGREEMENT and the associated financial guarantee shall remain in full force and effect and shall not be released until all terms of this AGREEMENT have been completed to the satisfaction of the Planning & Community Development Director or his/her designee. The APPLICANT shall notify Planning & Community Development in writing when all terms of the AGREEMENT are complete to request a final inspection and a final release from the terms of this AGREEMENT.

IN WITNESS THEREOF, the party or parties hereto have executed this AGREEMENT as of date below.

APPLICANT

By: Tim Kaintz
Title: owner
Date: 6/21/13

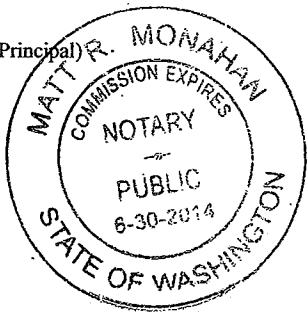
APPLICANT

By: _____
Title: _____
Date: _____

State of Washington, County of Snohomish

I certify that I know or have seen satisfactory evidence that Tim Kaintz signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purpose mentioned in the instrument.

(Notary Seal or Stamp for Principal)



Dated: 6/21/13
Notary Signature: Matt R. Monahan
Notary Printed Name: Matt R. Monahan
Title: Notary
Notary appointment expires: 6-30-2014

City Recipient: Penelope A. Hager Date: July 5, 2013



Planning & Community Development

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 • Fax (206) 801-2788

PERMIT NUMBER 119533
SITE ADDRESS 17921 1st AV NE
DATE 05/05/2013

FINANCIAL GUARANTEE ESTIMATE

Performance and Maintenance
Onsite and Right-of-way
Revised October 2011

ONSITE IMPROVEMENTS

Landscaping	_____	\$0
Clearing, Grading, Restoration	_____	\$0
Utility, Storm Drainage	_____	\$0
Subdivision	_____	\$0
Other:		
Enter Item and amount	_____	
Enter Item and amount	_____	\$0
Enter Item and amount	_____	\$0
Subtotal		\$0

	ONSITE	
	PERFORMANCE	MAINTENANCE
	(125% of Mobilization)	(25% of Performance)
Mobilization (115% of Subtotal)	\$0	\$0

RIGHT-OF-WAY IMPROVEMENTS

Linear feet of frontage	\$/linear foot	
395	\$204	\$80,580
Other:		
Enter Item and amount	_____	
Enter Item and amount	_____	
Enter Item and amount	_____	
Subtotal		\$80,580

	RIGHT-OF-WAY	
	PERFORMANCE	MAINTENANCE
	(125% of Mobilization)	(25% of Performance)
Mobilization (115% of Subtotal)	\$92,667	\$28,958

PERFORMANCE FINANCIAL GUARANTEE TOTAL	\$115,834
ROW MAINTENANCE FINANCIAL GUARANTEE	\$28,958
ONSITE MAINTENANCE FINANCIAL GUARANTEE	\$0

DATE

PREPARED BY:

05.05.2013



City of Shoreline

Planning & Community Development

17500 Midvale Avenue North Shoreline, WA 98133-4905
Phone: (206) 801-2500 Fax: (206) 801-2788
Email: pcd@shorelinewa.gov Web: www.shorelinewa.gov

Guarantee Tracking No. 1482

(For Internal Use)

SURETY FINANCIAL GUARANTEE

Project No. 119533 Guarantee Amount \$115,834.00
 Site Address 17921 1st Ave. NE
 Applicant Name Tim Kaintz
 Applicant Address PO Box 610 Lake Stevens Wa 98258 Surety No. WAC 53610

We, Tim Kaintz, as Principal and Merchants Bonding Company (Mutual) a corporation organized and existing under and by virtue of the laws of the State of Iowa and legally doing business in the State of Washington, as Surety, are held an firmly bound unto the City of Shoreline, State of Washington, as Obligee, in the penal sum of One Hundred Fifteen Thousand Eight Hundred Thirty Four and No/100 Dollars, (\$ 115,834.00), for the payment of which we firmly bind ourselves, and our legal representatives successors and assigns, jointly and severally.

THE CONDITION OF OBLIGATION is that:

1. The Principal has executed a Performance or Maintenance/Defect/Monitoring 'Agreement', a copy of which is attached hereto and incorporated herein by this reference.
2. Under the provisions of this Agreement, the Principal is required to furnish a guarantee to secure the Principal's compliance with the terms of the Agreement.
3. This Surety Bond is intended to secure the Principal's performance of work and payment of fees in accordance with the associated Agreement.

IT IS FURTHER EXPRESSLY PROVIDED that:

1. Until written release of this obligation by the City of Shoreline, this bond may not be terminated or cancelled by the Applicant or Surety for any reason.
2. The obligation of the Surety shall not be discharged or affected by any extension of time for the Principal's performance of this Agreement or by any amendment of the engineering plans used for construction of the project. The Surety hereby waives notice of any such extension or amendment. The obligation of the Surety shall, in no event, exceed the penal sum hereof unless the Surety has expressly consented to any change, modification or extension of the Agreement and has issued its written adjustment of the penal sum, signed by the Principal and Surety.
3. Upon the failure of the Principal to perform the terms of the Agreement, the Surety shall either perform the terms of the Agreement or shall tender to the City of Shoreline the amount which the City estimates necessary to effect compliance with terms of the Agreement. The City estimate may not be challenged or otherwise disputed by the Principal or Surety. Any funds provided by the Surety in excess of that expended to remedy noncompliance with the Agreement will be returned to the Surety upon completion of the remedial work and payment of outstanding fees.

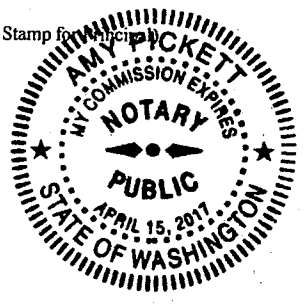
PRINCIPAL: Tim Kaintz 7/3/2013
 (Signature) [Signature] (Date)
Tim Kaintz
 (Type/Print Name)
Individual
 Title
P.O. Box 610, Lake Stevens, WA 98258
 Mailing Address
(425) 359-4487
 Telephone Number

SURETY: Merchants Bonding Company (Mutual) 7/3/2013
 (Signature) [Signature] (Date)
Julie M. Glover
 (Type/Print Name)
Attorney-in-Fact
 Title
P.O. Box 3018, Bothell, WA 98041-3018
 Mailing Address
(425) 489-4500
 Telephone Number

State of Washington, County of Snohomish

I certify that I know or have seen satisfactory evidence that Tim Kaintz signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purpose mentioned in the instrument.

(Notary Seal or Stamp for this purpose)



Date: 7-3-13
Notary Signature: [Handwritten Signature]
Notary Printed Name: Amy Pickett
Title: Notary
Notary appointment expires: 4/15/2017

MERCHANTS
BONDING COMPANY™
POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

Brandon K Bush, Chad M Epple, Julie M Glover, Darlene Jakielski, Jim S Kuich, Theresa A Lamb,
Nancy J Osborne, James W Doyle, S M Scott, Steve Wagner, Betty A. Cox

of Bothell and State of Washington their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

FIFTEEN MILLION (\$15,000,000.00) DOLLARS

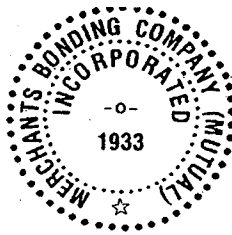
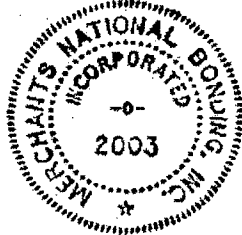
and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 18th day of April, 2013.



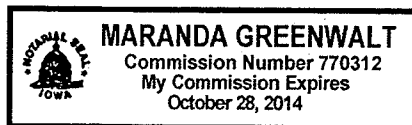
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 18th day of April, 2013, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



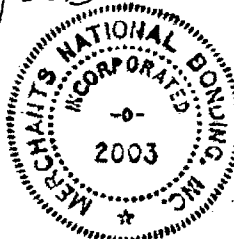
Maranda Greenwalt

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 31st day of July 2013.



William Warner Jr.
Secretary

Hub International Northwest

P. O. Box 3018
Bothell, WA 98041-3018
Phone : 425-489-4500 425-489-4501

Tim Kaintz - Bonds Only
P.O. Box 610
Lake Stevens, WA 98258

INVOICE #		228423	Page 1
ACCOUNT NO.	OF	DATE	
KAINT-1	JG	07/03/13	
BONDS - Renewable Event			
POLICY #			
WAC 53610			
COMPANY			
Merchants Bonding Company			
EFFECTIVE	EXPIRATION	BALANCE DUE ON	
07/03/13	07/03/15	07/03/13	

Item #	Eff Date	Trn	Type	Description	Amount
918194	07/03/13	NBS	BOND	#WAC 53610 City of Shoreline	\$ 2,817.00

\$115,834 Completion Bond to City of Shoreline for site located at 17921 1st Ave NE, Shoreline, WA

Two year term premium fully earned. Written release from City of Shoreline required to close bond.

Please remit to HUB International NW, P.O. Box 749672
Los Angeles, CA 90074-9672

Invoice Balance: \$ 2,817.00