

Condition 7 (allowing no vehicle access onto Northwest 180th and 6th Northwest), Neighborhood Condition 8 (requiring that all roads serving the subdivision be accessed internally), Neighborhood Condition 9 (requiring all homes to face onto Northwest 180th), and Neighborhood Condition 11 (requiring all RVs to be parked off the street) should not be included as a condition of approval.

The Commission concurred that Neighborhood Condition 19 (requiring all final engineering plans to be submitted for neighborhood review) should not be a condition of approval. They also concurred that Neighborhood Condition 21 (allowing no construction before March) should not be a condition of approval.

Regarding Neighborhood Condition 18, Chair Kuhn noted that Commissioner Parker has indicated that he is in favor of requiring a blinking light on 6th Northwest. Commissioner Bradshaw suggested that the placement of warning devices is a City rather than a developer's responsibility. Chair Kuhn said if the City requires a warning device as a mitigation for an impact, they can require the applicant to pay for the device. The City must assess the impacts before requiring this of the developer.

~~COMMISSIONER MARX MOVED TO EXTEND THE MEETING FOR 10 MORE MINUTES. VICE CHAIR GABBERT SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY BY A VOTE OF 6-0.~~

In response to the proposal to establish speed limits and signage, City Attorney Disend suggested that creating such lawmaking action was beyond the purview of the Planning Commission. He did not recommend that they do so through the conditions placed upon this proposal. Commissioner Parker asked that some type of language be included in the record so that the engineering department will review the issue as part of the final plat approval process. Mr. Disend said that whether in the text of a subdivision approval or otherwise, the citizenry is always able to come before the Council to make a recommendation that Council study a street or intersection for the purpose of adjusting traffic control devices.

Commissioner Marx noted that the applicant indicated they would be willing to provide an 8-foot landscape buffer along Tract A. That has not been included as a condition.

~~COMMISSIONER MARX MOVED TO INCLUDE AN 8-FOOT LANDSCAPE BUFFER ALONG THE NORTH SIDE OF TRACT A AS A CONDITION OF PLAT APPROVAL. COMMISSIONER BRADSHAW SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY BY A VOTE OF 6-0.~~

Commissioner Marx also noted that the applicant agreed to provide a turn around area on each property. The Commission concurred that this should not be required as a condition of approval since it would add more impervious surface.

Chair Kuhn recalled that there was a motion by Vice Chair Gabbert, and seconded by Commissioner Parker with subsequent amendments.

Commissioner Bradshaw suggested that the main motion should be clarified to identify the conditions that should be included as part of the plat approval. Chair Kuhn suggested that someone make a motion that would amend Vice Chair Gabbert's motion to accept the staff report. The staff could then provide information from the public hearing to support the conclusions with findings. The final draft could be prepared by staff for Commission review and adoption on July 29, 1999.

Shoreline Planning Commission Minutes
July 22, 1999 Page 21

COMMISSIONER PARKER MOVED TO AMEND THE MAIN MOTION TO ACCEPT THE STAFF REPORT, AS AMENDED TO INCLUDE THE APPROPRIATE NEIGHBORHOOD CONDITIONS, CONTINGENT UPON FINAL REVIEW ON JULY 29, 1999. VICE CHAIR GABBERT SECONDED THE AMENDMENT. MOTION CARRIED UNANIMOUSLY BY A VOTE OF 6-0.

7. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

8. NEW BUSINESS

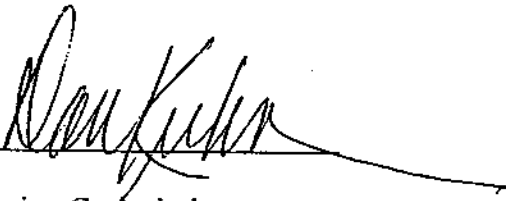
There were no new business items scheduled on the agenda.


9. AGENDA FOR NEXT MEETING

The Commission concurred that they would convene at 7:00 p.m. on July 29th to confirm the Zevenbergen Subdivision proposal recommendation and follow with a development code workshop.

10. ADJOURNMENT

The meeting was adjourned at 10:21 p.m.


Dan Kuhn
Chair, Planning Commission


Suzanne M. Kurnik
Clerk, Planning Commission

Attachment E

**Planning Commission Minutes
July 29, 1999**

These Minutes Approved
September 2, 1999

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF SPECIAL MEETING

July 29, 1999
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Kuhn
Vice Chair Gabbert
Commissioner McAuliffe
Commissioner Marx
Commissioner Parker
Commissioner Bradshaw
Commissioner Monroe

STAFF PRESENT

Tim Stewart, Shoreline Planning & Development Services Director
Bruce Disend, City Attorney
James Holland, Senior Planner, Planning and Development Services
Ian Sievers, City Attorney
Anna Koloušek, Assistant Director (Arrived at 8:30 p.m.)

ABSENT

Commissioner Maloney
Commissioner Vadset

1. CALL TO ORDER

The special meeting was called to order at 7:09 p.m. by Chair Kuhn, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuhn, Vice Chair Gabbert, Commissioners Marx, McAuliffe, Monroe and Bradshaw. Commissioners Maloney and Vadset were excused. Commissioner Parker arrived at the meeting at 7:58 p.m.

3. APPROVAL OF AGENDA

VICE CHAIR GABBERT MOVED TO ACCEPT THE AGENDA AS PRESENTED.
COMMISSIONER BRADSHAW SECONDED THE MOTION. MOTION CARRIED.

4. APPROVAL OF MINUTES

Commissioner Bradshaw referred to the July 15 minutes and noted that everyone who participated in the public hearing was sworn to tell the truth to the best of their knowledge. However, in some cases this was not noted in the minutes. He asked that the minutes be changed appropriately.

COMMISSIONER BRADSHAW MOVED TO ADOPT THE MINUTES OF JULY 15, 1999 AS AMENDED. COMMISSIONER MONROE SECONDED THE MOTION. MOTION CARRIED BY A VOTE OF 6-0.

5. STAFF REPORTS

Mr. Stewart introduced Mr. Ian Sievers, the new City Attorney, who would be taking over for Mr. Disend.

a. Zevenbergen Decision

Chair Kuhn recalled that the Commission directed staff to prepare a report based on the Commission's preliminary approval of the Zevenbergen Subdivision. This report was to contain all of the conditions identified by the Commission, along with findings and conclusions to support the Commission's decision. He noted that in order for the Commission to approve the final recommendation, at least five Commissioners who participated in the public hearing must vote affirmatively. Since there was not five Commissioners present, Chair Kuhn suggested that the Commission recess their meeting until Commissioner Parker's arrival at 8:00 p.m.

Mr. Stewart said that at this time, the Planning Academy is meeting elsewhere in the building to receive a presentation regarding commercial design standards. He invited the Commission to attend. He noted that the design code workshop would start at about 8:15 p.m. At that time, members of the Planning Academy would be invited to attend the Planning Commission meeting to listen to the staff presentation.

The Commission went off record at 7:20 p.m. and back on record at 8:03 p.m.

Commissioner Parker arrived at the meeting at 7:58 p.m.

Commissioner Marx requested that Condition 19.iii on Page 28 (also found on Page 16-17) be changed as follows:

"Each tree to be preserved on site and on abutting property to the north of Tract A shall be evaluated for susceptibility to blow down. Where blow down is identified as a threat, the report shall specify methods of addressing the problem for each identified tree. Following review and approval by the City and affected property owners, these blow down prevention recommendations shall be implemented for each affected tree at the applicant's expense."

Chair Kuhn inquired if the City could interpose private citizens into the review and approval process. Mr. Disend answered that the City could allow them to participate in the review process, but approval would remain solely within the discretion of the City. Commissioner Marx suggested that if the tree is on private property, the property owner should have the final say as to whether or not the blow down recommendations are implemented. Chair Kuhn agreed that the blow down recommendations should be implemented at the discretion of the abutting property owners, but they should not be allowed to withhold approval to short stop the development.

The Commission discussed whether or not there should be a time limitation placed on Condition 19. It was noted that when a tree's roots are damaged, the affect might not appear until 10 years later. Chair

Kuhn suggested that if an abutting property owner chooses to implement the blow down prevention recommendations, it must be done before final approval of the development is granted.

Mr. Stewart suggested that the Commission add a new Item 19.iv to address this issue. He also suggested that Item 19.iii be left as originally proposed. He recommended the following for Item 19.iv:

"Each tree on property abutting Tract A to the north shall be evaluated for the susceptibility to blow down. Where blow down is identified as a threat, the report shall specify methods of addressing the problem for each identified tree. Owners of abutting property with potentially effected trees shall determine whether they wish to have the blow down prevention recommendations implemented by the applicant at the applicant's expense."

Commissioner Parker inquired if this new section would imply that the landowners north of Tract A must either accept the mitigation or not prior to plat approval. Mr. Disend answered affirmatively. Mr. Stewart said a review would be conducted, mitigation would be offered, and then a response would be required. If there were no response from the property owner, the applicant would be deemed to have met his obligation. Mr. Disend suggested that a notice be sent out with a request for response by a particular date. If the City receives no response, then the property owner would have waived the right to require the developer to implement the recommendations outlined in the report.

Vice Chair Gabbert said the report could identify that there is no potential for blow down because of the way the trees are clustered. But, if the roots of the trees are damaged during construction activities, it may cause the tree to die two or three years later. Mr. Stewart reminded the Commission that the blow down report must be completed by a certified arborist, and the City will rely upon the independent professional judgment of that arborist. Mr. Disend said there are a lot of potential liabilities that may arise out of the creation of the plat (trees being one), but the Commission's recommendation is based upon the applicability of the City regulations to this particular proposal. While it is appropriate to take into account the potential impacts, there is no way (within the context of this proceeding) to address all of the possible impacts. However, Mr. Disend said that should there be damage to abutting properties as a result of development, injured parties would have a course of action in a court of law to seek damages for that injury if it was not voluntarily addressed by the developer.

The Commission agreed to accept the wording for Item 19.iv as recommended by staff. Chair Kuhn noted that the same wording should be added to the top of Page 17.

COMMISSIONER PARKER MOVED TO ACCEPT THE STAFF REPORT ON THE ZEVENBERGEN SUBDIVISION DRAFT 3 DATED JULY 29, 1999. COMMISSIONER BRADSHAW SECONDED THE MOTION. MOTION CARRIED WITH CHAIR KUHN, VICE CHAIR GABBERT AND COMMISSIONERS BRADSHAW, PARKER AND MARK ALL VOTING IN FAVOR OF THE MOTION. (Note: These five Commissioners were the only ones who were present for all segments of the public hearing or who listened to the tapes thereof.)

Commissioner Parker left the meeting at 8:20 p.m. The Commission went off record at 8:21 p.m. to allow the Planning Academy members to join them. The Commission went back on record at 8:31 p.m.

b. Workshop on Phase 1 of Planning Academy – Development Code Revisions

Anna Koloušek referred to the first draft of the development code that was provided to each Commissioner. She recalled that in November 1998, the City adopted a Comprehensive Plan as required by the Growth Management Act. The Growth Management Act also required that a permanent development code be adopted to implement the policies found in the Comprehensive Plan. The City Council has indicated that public participation during the creation of the development code is extremely important. Therefore, last February they adopted the concept of a planning academy, and appointees were selected by the Council, the Commission, City Management and the neighborhood groups. The Academy's purpose was to review the existing interim codes and provide feedback to staff as they prepared a draft development code for the Commission's review. She noted that the Academy's comments are summarized in the attachments that were provided.

Ms. Koloušek briefly reviewed the draft Development Code. She particularly noted the last section of the draft entitled, "Environmental Procedures". She explained that this section proposes a lower threshold for environmental review of Type A actions than what was adopted as the interim standard from King County. While a lot of actions have been identified as Type A, any Type A action that requires SEPA review would have to go through the Type B procedure which has a higher threshold.

Ms. Koloušek said the Academy clearly expressed that there has to be some improvement in the established neighborhood notification process. On Page 35 of the draft it clearly specifies that when the City receives the application, notification must be provided to the public. It also identifies what has to be included in the notification.

Ms. Koloušek said it is also clear, from previous reviews, that the review process for engineering variances was not defined in the zoning code. As a result, engineering variances have been identified as a Type A action as long as there is no need for a SEPA review for the project. She added that engineering variances are clearly tied to engineering standards and are more technical in nature.

Ms. Koloušek said the Academy also suggested improvements to the permit review procedures. In addition to an improved notification process, a neighborhood meeting would be required to allow the neighbors to provide input to the developer prior to the actual application submittal. They also propose improvements to the public hearing process.

Ms. Koloušek said the new draft includes the same three types of actions (Types A, B and C) as the existing document. However, several items from the list of Type A actions have been eliminated. Again she noted that any Type A action that requires a SEPA review would be considered a Type B action, which has a lower threshold. This allows for greater public input for those actions that have a greater impact to the public. The Type A procedures require that decisions be based upon absolute specific standards that are clearly identified in the code. There is no discretionary authority for the staff to make a decision of compliance with any Type A action.

Ms. Koloušek said the proposed draft would require that more actions be classified as Type B, which is a more complex process involving neighborhood pre-application meetings, public notification, etc. Type B actions are non-discretionary and are appealable to the Hearing Examiner.

Ms. Koloušek said the last type of action (with the exception of a legislative action) is identified as Type C and includes quasi-judicial actions, which have a much greater requirement for basing decisions on specific findings. They have clarified this section to identify the notification process and clearly indicate who has the review and decision making authority. The Academy strongly felt that the review authority should be given to the Hearing Examiner.

Ms. Koloušek referred to Attachment C, which identifies a non-controversial, minor change to the existing code. The Academy voiced a uniform opinion that the minimum lot size in R-6 and R-4 zones should be changed from 5,000 square feet to 7,200 square feet. The rest of the table would be discussed as part of Phase 2 of the development code review because they involve more substantive issues that have not been discussed by the Academy. She noted that the Growth Management Board has upheld the decision that the minimum density for all urban areas is four development units per acre. Rather than establishing a percentage of a base density in the code, the code can simply state that the minimum density for the City of Shoreline is four units per acre, across the board.

Ms. Koloušek reviewed the schedule for reviewing the proposed amendments. She said staff would review the amendments and prepare a report for the Planning Commission's review and public hearings on September 2 and 16, 1999. The Commission would then forward a recommendation to the City Council. She said that in Phase 2 of the process, the Academy would address the zoning district designations and what uses are allowed in each. They will discuss the design and numerical standards for all types of development.

Mr. Stewart advised that the Planning Academy is not a legislative body. It is a group that was formed to review information and discuss community values. The draft document before the Commission was prepared by staff, and the staff encourages the Commission to make changes. He recommended they follow the same procedure that was used during the City Council hearings on the Comprehensive Plan. The Council received more than 390 proposed amendments that were catalogued, inventoried and evaluated by staff. Staff then issued a recommendation to the Council.

Mr. Stewart provided a copy of a form that could be used by staff as they assess a proposed amendment. The reasons both for and against the proposed amendment are clearly articulated on the form. He suggested that it is staff's responsibility to provide all viewpoints related to a proposed amendment to enable the Commission to make a recommendation to the Council. He suggested that there would likely be several amendments sponsored by staff or recommended by the public that will improve the document.

Mr. Stewart said that once all of the suggested public amendments have been received, staff would create a matrix, which will include a tracking number, the date the amendment was received, the name of the person who proposed the amendment, and a brief description of the amendment. It would also include a reference to the actual amendment, itself. Staff would provide a recommendation on each amendment, but because of limited staff time they would not be able to provide a detailed explanation for each. However, as the Commission raises issues regarding certain amendments, staff would be able to provide additional information as requested. Staff is asking that all amendments be provided by August 13, 1999 to allow sufficient time for staff to compile, assess, publish and distribute their recommendations before the public hearing on September 2, 1999. At the public hearing, the public would be allowed to testify regarding any of the proposed amendments.

Mr. Stewart recalled how difficult the Comprehensive Plan review was. He cautioned that the land use regulations are usually more problematic and difficult because they involve the particulars of the laws affecting property lines and what people can and cannot do on their properties. Attention to detail is very important. He reminded the Commission that they would have the opportunity to make changes to the document once a year.

Commissioner Bradshaw inquired to whom the Commissioners should address their questions. Mr. Stewart said Anna Koloušek is the project manager and principally responsible for the development code document. Commissioners should direct their questions to her or her staff. A Planning Academy Member inquired if he should contact staff regarding his questions, also. Mr. Stewart said staff would like to work with the Academy and Commission members to help frame amendments that are legal.

An Academy Member said that this document could be reviewed every year. But, he cautioned that the affect of the changes might not be seen within the next year.

Vice-Chair Gabbert inquired if Ms. Koloušek would document the questions that are presented to her. Ms. Koloušek said that she would not document the questions submitted to her during this meeting. Vice-Chair Gabbert suggested that as people contact Ms. Koloušek over the next few weeks requesting clarification of the code, it would be appropriate to provide these interpretations to the Commission, as well. Mr. Stewart said the staff is limited as to what they can and cannot document. If someone wants to get on the record with a statement or question, they should frame it as an amendment. Staff is happy to answer technical questions, but he cannot commit them all. Mr. Stewart suggested that if they start to receive repetitive questions, it might be appropriate for staff to issue a "frequently asked questions" paper.

An Academy Member noted that the document before the Commission is related to Phase 1. He inquired if elements of Phase 1 would be incorporated into Phase 2. Mr. Stewart answered affirmatively. The Academy Member suggested that a person wanting to make an amendment must anticipate what will be in Phase 2 of the document when considering amendments to Phase 1. Mr. Stewart concurred, and particularly referenced the issue relating to the road standard variance. One proposed amendment could be that, because they do not know the details of this issue, the Commission is not willing to change road standard variances from a Type B action to a Type A action.

An Academy Member inquired if it would be appropriate for groups to work together to provide amendments in the form of a petition so that the issue would have more weight. Mr. Stewart answered affirmatively. The Academy Member requested a clarification regarding a definition for a road variance. Ms. Koloušek explained that the engineering section would have certain standards for roads, utilities, storm drainage, etc. The variance standard criteria are structured differently for each. Mr. Stewart said the status quo is based on the King County road and stormwater standards which allow unilateral discretion to the engineer to make a decision. No appeal process is provided. Staff understands that this is an issue for many citizens, but the Engineering Department has indicated that they want to retain authority over the City rights-of-way and be able to grant variances for the things that engineers generally control.

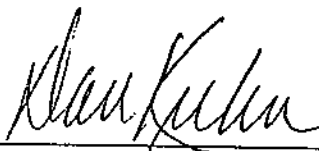
An Academy Member recommended that the staff keep a record of the people who contact staff and the questions that are being asked. He also recommended that when people ask questions for clarification, the staff should write down their response. Mr. Stewart, again, stated that the amount of staff resources

dedicated to this project does not allow for that type of record keeping. Mr. Stewart said staff would be "scampering" just to get the amendments evaluated and placed in an order for presentation to the Commission. Anna Koloušek suggested that questions asked of staff at this point should only involve minor issues of clarification. She asked that questions related to the code's intent be asked and answered during the public hearing process.

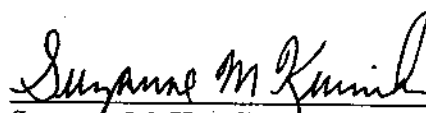
7. ADJOURNMENT

Chair Kuhn announced that the Planning Commission meeting would be adjourned. However, Mr. Stewart agreed to continue the workshop session for those who desired to stay and participate.

The Planning Commission meeting was adjourned at 9:28 p.m.



Dan Kuhn
Chair, Planning Commission



Suzanne M. Kurnik
Clerk, Planning Commission

Attachment F

Exhibits Submitted to the Planning Commission at the Open Record Public Hearing

(Note: Exhibits are Available for Inspection in the City Clerk's Office)

City of Shoreline
Planning Commission

**ZEVENBERGEN PUBLIC HEARING
EXHIBITS**

(Exhibits Submitted to Hearing Examiner and Planning Commission)

EXHIBIT No.	OFFERED BY	DATE SUBMITTED	EXHIBIT DESCRIPTION	AUTHOR OF EXHIBIT	SIZE
1C	Gary Cooper	06/03/1999	Original Engineering Submittal	Dean Hough	Oversize
2C	Gary Cooper	06/03/1999	Amended Engineering Profile		Oversize
3C	Gary Cooper	06/03/1999	Plat Map		Oversize
4C	Gary Cooper	06/03/1999	List of Density and Lot Sizes		
5C	Courtney Kaylor	07/15/1999	Resume for William E. Shiels	Talasea Consultants	
6C	Courtney Kaylor	07/15/1999	Resume for John J. Altmann	Talasea Consultants	
7C	Courtney Kaylor	07/15/1999	Resume for Terry L. Gibson, PE	Gibson Traffic Consultants	
8C	Courtney Kaylor	07/15/1999	Cooper Letter re Soils Report	Lynscot A Corp.	
9C	Courtney Kaylor	07/15/1999	Description of Neighborhood Homes & Assessor's Map		
10C	K.E. Cottingham	06/03/1999	Cottingham Memorandum to Kuhn	K.E. Cottingham	
11C	Jeffrey & Joan Corliss	07/15/1999	Corliss Letter to Holland re density	Jeffrey & Joan Corliss	
12C	Catherine Shaffer	07/15/1999	Original Subdivision Proposal		Oversize
13C	Catherine Shaffer	07/15/1999	Staff Conclusions Enlarged		Oversize
14C	Catherine Shaffer	07/15/1999	Colored Assessor's Map of Neighborhood	Patti McCauley	Oversize
15C	Catherine Shaffer	07/15/1999	Photographs A, B, C, D, E and F		Oversize
16C	Catherine Shaffer	07/15/1999	Memorandum to Hearing Examiner Burke		
17C	Catherine Shaffer	07/15/1999	7/15/99 document "Additional Conditions" (2 pages)		
18C	Catherine Shaffer	07/15/1999	SMC 18.14.180 (Enlarged)		Oversize

**ZEVENBERGEN PUBLIC HEARING
EXHIBITS**

(Exhibits Submitted to Hearing Examiner and Planning Commission)

EXHIBIT No.	OFFERED BY	DATE SUBMITTED	EXHIBIT DESCRIPTION	AUTHOR OF EXHIBIT	SIZE
19C	Catherine Shaffer	07/15/1999	KGA Letter to Leonard & Cho re Technical Information Report	Kathryn Gordow & Associates, Inc.	
20C	Catherine Shaffer	07/15/1999	Proposed Alternate Design 1		Oversize
21C	Catherine Shaffer	07/15/1999	Proposed Alternate Design 2		Oversize
22C	Catherine Shaffer	07/15/1999	Proposed Alternate Design 3		Oversize
23C	Catherine Shaffer	07/15/1999	Proposed Alternate Design 1 (Green)		
24C	Catherine Shaffer	07/15/1999	Proposed Alternate Design 2 (Yellow)		
25C	Catherine Shaffer	07/15/1999	Proposed Alternate Design 3 (Blue)		
26C	Catherine Shaffer	07/15/1999	Kaylor Letter, dated 7/7/99, re Hayley Estates Conditions	Courtney Kaylor	
27C	Catherine Shaffer	07/15/1999	Intersection Design Plan: Daniel's Comments	Daniel Bretzke	Oversize
28C	Michael O'Connell	07/15/1999	Issue Page on Vesting/Ordinance 170		
29C	Michael O'Connell	07/15/1999	Neighborhood Pictures marked E1 through E5		Oversize
30C	Michael O'Connell	07/15/1999	Neighborhood Pictures marked E6 through E10		Oversize
31C	Michael O'Connell	07/15/1999	Federal Register, Vol. 64, No. 56, March 24, 1999 50 CFR Parts 223 & 224	Department of Commerce	
32C	Michael O'Connell	07/15/1999	Federal Register, Vol. 63, No. 45, March 9, 1999 50 CFR Parts 222, 226, 227	Department of Commerce	

**ZEVENBERGEN PUBLIC HEARING
EXHIBITS**

(Exhibits Submitted to Hearing Examiner and Planning Commission)

EXHIBIT No.	OFFERED BY	DATE SUBMITTED	EXHIBIT DESCRIPTION	AUTHOR OF EXHIBIT	SIZE
33C	Michael O'Connell	07/15/1999	Shoreline Week Article w/Picture of Gary Locke observing sinkhole	Jim Hills & Bridget Besaw	
34C	Michael O'Connell	07/15/1999	Shoreline Week Article w/Picture of Public Officials observing sinkhole	Jim Hills & Dusty Locke	
35C	Michael O'Connell	07/15/1999	City Brochure: Boeing Creek & Shoreview	City of Shoreline	
36C	Michael O'Connell	07/15/1999	City Brochure: Boeing Creek Environmental Family Programs	City of Shoreline	
37C	Michael O'Connell	07/15/1999	Volume 1: Draft Statewide Strategy To Recover Salmon	State of Washington	
38C	Virginia Botham	07/15/1999	Outline of Botham Oral Presentation	Virginia Botham	
39C	Ken Howe	07/15/1999	Information re historic character	Ken Howe	
40C	Gary Cooper	07/22/1999	Photographs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10	Gary Cooper	Oversize
41C	Gary Cooper	07/22/1999	Highlighted Assessor's Map of Neighborhood	Gary Cooper	Oversize

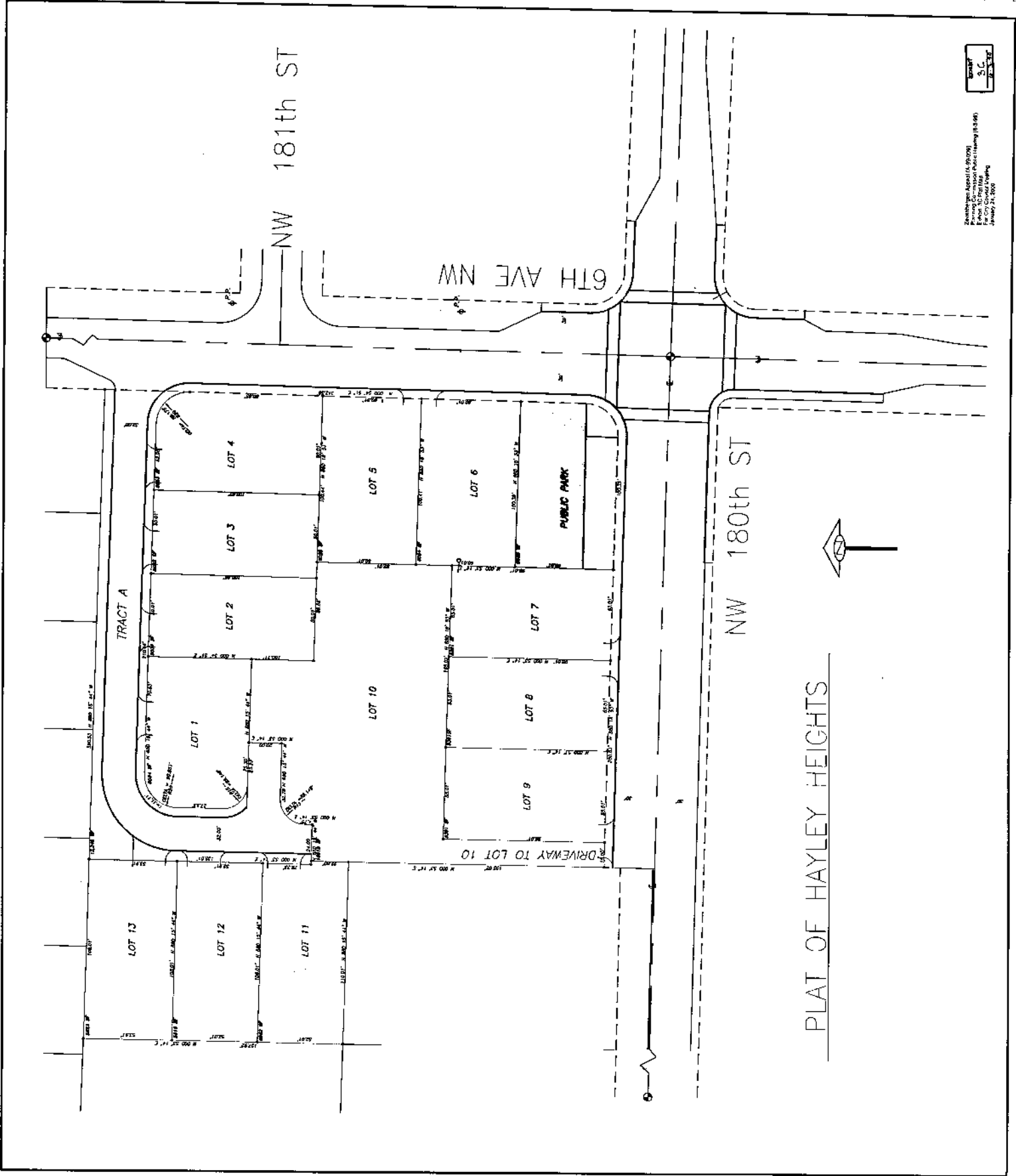
Attachment G

**Appendices and Attachments to the June 3, 1999
Staff Report to the Planning Commission
(Numbered pp. 37 through 193)**

(Note: Appendices and Attachments to the June 3, 1999 Planning
Commission Staff Report are Available for Inspection in the City Clerk's
Office)

Attachment H

Exhibit 3C, Plat Map, 06/03/99



Submitted to the City of Portland
for review and approval
January 24, 2000

City of Portland
S.C.
City Engineer

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 225 for Robert Parker Contract Rezone at 20028 15th Avenue From R-6 to Contract Zone #CZ-99-02
File # 1999-00869

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Director *Tim Stewart*
Paul MacCready, Planner II

EXECUTIVE/COUNCIL SUMMARY

The decision before your Council is approval of Ordinance #225 (Attachment A) for a reclassification of property (contract rezone) proposed by Robert Parker of Parker Development from R-6 to Contract Rezone- CZ-99-02. If approved, the proposed reclassification would permit the development of a 22-unit, 3-level apartment building located at 20028 15th Avenue NE.

This proposed Contract Rezone action would be the first of its kind approved by your Council. A Contract Rezone is different from a typical rezone because the design of the project - and any mitigation measures for the proposed development - become the standards of a new zone that is unique to the project and site. In this case, the new zone would be named CZ #99-02 and would apply only to the Parker Development located at 20028 15th Avenue.

Contract Rezones must conform to the policies of the Comprehensive Plan (For example, the Parker Development proposal for 22 units is well within the potential 36 units possible under the adopted Comprehensive Plan land use designation of High Density Residential). However, instead of rezoning to a standard zoning designation (i.e. R-48, Residential-48 unit/acre) that could allow a variety of future uses or structures - the Contract Rezone ensures that the development must be constructed and maintained as "contracted" through the rezone action. This provides more certainty to the neighborhood and offers the developer assurances that the project can proceed directly to the application for a building permit (instead of having to go through a site plan review process subsequent to a standard rezone action).

The application for the Reclassification of Property was determined to be complete on August 10, 1999. The Mitigated Determination of Non-Significance (DNS) was issued on October 26, 1999. A public hearing before the Planning Commission was opened and closed on November 18, 1999.

The Planning Commission Findings and Recommendation to the City Council (Exhibit A) contains findings of fact, conclusions, and conditions considered by the Planning Commission. The Planning Commission agreed with staff's recommendation of approval. Two new exhibits were submitted by the applicants for Planning Commission review during the November 18, 1999 public hearing. These exhibits are a full-sized architectural site plan and a full-sized architectural drawing of the building elevations. The minutes from the hearing are included for reference (Attachment C).

Your Council is the final decision making authority for approval of the proposed contract rezone. In this capacity, your Council may wish to add or remove approval conditions identified in the concomitant agreement to ensure that the proposal is in the public interest. However, because the open record public hearing was previously conducted before the Planning Commission, your Council's review must be based upon the written record. No new testimony may be heard.

RECOMMENDATION

Both the Planning Commission and staff recommend that your Council adopt Ordinance No. 225 approving the Reclassification of Property (Contract Rezone) of the subject property, subject to conditions specified in the concomitant agreement. By approving this contract rezone, your Council will allow the applicant to submit the plans and studies required for building permit approval.

Approved By: City Manager

LB

City Attorney

[Signature]

ATTACHMENTS

Attachment A	Ordinance No. 225
Exhibit A	Planning Commission Findings and Recommendation
Exhibit B	Concomitant Rezone Agreement and Covenant
Exhibit C	Vicinity Map and Legal Description
Attachment I	Conditions of Concomitant Rezone Agreement
Attachment B	Application
Attachment II	SEPA Threshold Determination
Attachment III	Building Elevations
Attachment IV	Site Plan
Attachment C	Planning Commission Minutes, November 18, 1999

Attachment A

Ordinance Number 225

ORDINANCE NO. 225

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING OF A .75 ACRE PARCEL LOCATED AT 20028 15th AVE NE FROM R-6 TO CONTRACT ZONE #CZ-99-02 SUBJECT TO RESTRICTIVE COVENANTS

WHEREAS, the subject property, located on the east side of 15th Avenue NE at 20028 15th Avenue, is designated on the Comprehensive Plan Map as High Density Residential; and

WHEREAS, owners of the property have applied to rezone the above property from R-6 to a Contract Zone. The Planning Commission considered the application for zone change at a public hearing on November 18, 1999, and has recommended approval as subject to a concomitant zoning agreement as a covenant restricting the uses and setting conditions of development as specified in this Contract Zone and Concomitant Zoning Agreement #CZ-99-02; and

WHEREAS, a Determination of Non-Significance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council reviewed the recommendations of the Planning Commission and determined that the proposed amendment and Concomitant Zoning Agreement should be approved to provide residential development to accommodate growth consistent with the State of Washington Growth Management Act (RCW Ch. 36.70A);

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

Section 1. Findings. The Planning Commission's Findings and Recommendation attached hereto as Exhibit A approving the rezone of the parcel, more fully described and depicted in Exhibit B, attached hereto, are hereby adopted.

Section 2. Amendment to Zoning Map. The official zoning map of the City of Shoreline adopted by Ordinance No. 225, is hereby amended to change the zoning classification of that certain property described and depicted in Exhibit B attached hereto, from R-6 to Contract Rezone #CZ-99-02 subject to the Concomitant Zoning Agreement attached hereto as Exhibit C, which covenant is incorporated herein as part of this ordinance by reference, and all uses of the property rezoned by this ordinance shall be in strict conformity with the provisions of the Concomitant Zoning Agreement. Nothing in this ordinance or the concomitant zoning agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

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 Covenant, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date and Reversion. This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the proper execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit C; provided, that if said Agreement is not executed and recorded within thirty days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If a complete building application for development of the property rezoned by this ordinance is not filed within three (3) years of the effective date of this ordinance, or owners of all interest in the property file a written request, the property shall revert to an R-6 land use designation or such other default land use designation as may hereafter be adopted by the City Council.

PASSED BY THE CITY COUNCIL ON JANUARY 24, 2000

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: January 27, 2000
Effective Date: February 1, 2000

EXHIBIT A

Commission Meeting Date: November 18, 1999

PLANNING COMMISSION FINDINGS AND RECOMMENDATION CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	ROBERT PARKER RECLASSIFICATION OF PROPERTY (CONTRACT REZONE) File # 1999-00869
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After reviewing and discussing the Robert Parker Contract Rezone Reclassification of Property (Contract Rezone) at a public hearing on November 18, 1999 for the of a 22-unit 3-level apartment building on .75 acres, and considering the testimony and written comments presented, the Shoreline Planning Commission makes the following Findings, Conclusions, and Recommendations to the City Council.

SUMMARY INFORMATION

Project Name:	Robert Parker Contract Rezone
Project Address:	20028 15 th Avenue NE (Parcel Number 741770-0060 Lot 6, Block 1, Rose Addition)
Zoning:	R-6 (Residential – 6 units/acre)
Property Size:	approximately .75 acres (100 ft. X 300 ft.)
Proposed Action:	Contract Rezone
Comprehensive Plan Designation:	High Density Residential
Application Number:	1999-00869
Applicants:	Parker Development Corporation
Property Owner:	Parker Development Corporation
Public Hearing Date:	November 18, 1999

I. PROPOSAL:

The proposed reclassification of property (contract rezone) would permit the development of a 22-unit 3-level apartment building on about .75 acres of land located at 20038 15th Avenue NE on the east side of the street, approximately 300 feet north of the intersection with Forest Park Dr. NE. The application was submitted by Robert Parker, of Parker Development Incorporated, (P.O. Box 7025, Shoreline, WA 98133) on May 20, 1999. The application was determined to be complete on August 10, 1999. A Mitigated Determination of Non-Significance (MDNS) was issued on October 26, 1999. The proposal is further described in the Concomitant Rezone Agreement (Exhibit B). Details of the proposal include:

- A. three levels; a lower level garage and two apartment levels, each with 11 units;
- B. 15,200 square feet footprint of the proposed building, which covers 47% of the lot;
- C. total impervious surface, including the footprint of the building and all driveways and walkways is to cover 20,252 square feet, 62% of the property;
- D. individual units, although still in the design stage, are intended to be approximately 1,100 square feet in area with two bedrooms and two baths;
- E. 49 off-street parking stalls: 44 resident (two handicapped) parking stalls located in the first level garage and 5 guest (one handicapped) parking stalls located between the street and the building;
- F. pedestrian access provided by a lighted walkway from the street to the principal entrance of the building;
- G. vehicular access accommodated by two 16-foot wide one way driveways;
- H. 3,200 square feet recreation area, located at the rear of the property, accessible from the garage and by a pathway leading from guest parking;
- I. height of the apartment building to be approximately 40 feet high from the garage slab to the roof ridge;
- J. architectural elements, such as recessed balconies, trellised entry, and chimneys to break up the building façade;
- K. elevator to provide access to the upper floors; and
- L. existing vegetation to be incorporated with landscaping.

II. FINDINGS:

1. Project Site

- 1.1 The subject property is approximately .75 of an acre, 100 feet wide and more than 300 feet long.
- 1.2 One existing single-family home currently occupies the site. The proposal requires the demolition of this structure.
- 1.3 Several large trees, brush, and other vegetation grow throughout the site.
- 1.4 The site gently slopes up to the east boundary line at an approximate 6 percent grade.
- 1.5 The eastern 8 feet of the property is extremely steep with about a 54 percent slope.
- 1.6 The eastern slope is vegetated with fir, cedar, and madrona trees.

2. Neighborhood

- 2.1 The subject property is within Annexation Area A-3 on the east side of 15th Avenue NE, a street classified as a principal arterial.

- 2.2 The neighborhood surrounding the subject property includes a variety of development types. Apartments buildings of varying sizes and densities are located north and west of the site.
 - 2.3 Single-family houses mix with multi-family developments to the south of the site. An older single-family house occupies the lot directly south.
 - 2.4 The Ballinger Commercial District lies immediately east of the subject lot. Commercial uses adjacent to the lot are the Washington Tree Service and McDonald's Restaurant.
- 3. Comprehensive Plan**
- 3.1 The Shoreline Comprehensive Plan provides for the development of 1,600-2,400 new dwelling units over a 20-year planning period.
 - 3.2 The Comprehensive Plan Land Use Designation Map identifies the subject lot as High Density Residential. The current residential density of 1.3 units per acre indicates the site is underutilized and is not consistent with the density goals of the Comprehensive Plan. If the site were to be reclassified to the most intensive zone listed under the High Density Residential Land Use Designation and developed to the full potential possible, up to 36 residential units (or a density of 48 units per acre) could be built.
 - 3.3 The Comprehensive Plan also calls for high density residential areas to be near employment and commercial areas and to have access to transit service.
- 4. Zoning Designation**
- 4.1 The designated zone for the subject property is Residential – 6 units per acre (R-6).
 - 4.2 The current R-6 zone is not consistent with the Comprehensive Plan's High Density Residential land use designation. Although the land use designation could permit a simple zone reclassification, a contract rezone is desirable because of property and design restraints. These restraints are further explained below in Section III: Analysis/Issues.

III. ANALYSIS/ISSUES

1. Density

A density of 29 units per acre would be created by the development of the proposed 22 unit apartment building. The contract rezone agreement specifies the number of dwelling units at 22. At a density of 48 units per acre, a total of 36 units might be permitted.

2. Traffic and vehicular access

In order to determine the impacts of increased traffic generation from the project on the surrounding area, a SEPA mitigation measure was imposed in the Mitigated Determination of Non Significance (MDNS) (*Attachment II*). This measure requires the applicant to submit a traffic study prior to the proposed site design, as necessary, to mitigate any significant adverse traffic and pedestrian safety impacts that are identified.

3. Stormwater

In order to mitigate the impacts of increase stormwater runoff from the site on the downstream portions of the McAleer Subasin, a SEPA mitigation measure was imposed in the Mitigated Determination of Non-Significance (MDNS) calculations and

plans prior to the application of the building permit that demonstrates at least a Level 2 Flow Control for the proposed development. The Applicant is required to comply with the other core requirements outlined in the 1998 edition of the King County Surface Water Design Manual. The applicant will be required to record with King County a Declaration of Covenant Associated with Development of Retention/Detention Facility for Surface Water Runoff.

4. Architectural Design Elements

The applicant has provided schematic elevation drawings of the proposed building to show architectural elements that will be incorporated in the design. The applicant may make minor changes to materials and design. A grassy recreation area has been provided at the rear of the building. This area will be accessible to disabled persons through the garage.

5. Height Limits

The Comprehensive Plan permits an increase in height when approved by a contract rezone. The plan also encourages development to be designed with parking away from the street. The narrowness of the subject lot and the use of the lower level for parking, requires the building design to have a base height of 40 feet. The increase of 5 feet from the base height guideline will not have a significant impact on the neighborhood.

6. Setbacks

The proposed site design shows guest parking and a trash and recyclables collection enclosure five feet from the southern boundary. Staff has determined that if conditions are imposed to mitigate any adverse impacts to the abutting R-6 property, the impacts would not be significant. The abutting property is also designated High Density Residential by the Comprehensive Plan and has a high potential for redevelopment. The proposed five feet setback for the guest parking and trash enclosure meets the standard setback requirement between multi-family properties. The mitigating conditions would include the installation of a 6 – feet high solid wood fence to prevent the intrusion of headlights and five feet wide landscaping buffer.

7. Installation of Utilities

All utility lines, including but not limited to, electric, telephone, and cable will be required to be installed underground.

8. Landscaping and significant tree retention

Landscaping will be a significant aspect of the development. A landscaping plan, stamped by a licensed landscaping architect, will be submitted with the building permit. The plan will provide significant buffers to shield abutting commercial uses. In addition, solid fencing or other architectural barriers used as buffers will be incorporated into the landscaping. The proposal includes a landscaped area between the two driveways, placed to obscure garage entry. As many of the existing trees as possible will remain on the site. The trees will be incorporated into the landscaping plan. The applicant has reported some of the trees may be diseased. The City will require an arborist's report to be submitted prior to any removal of trees approved as part of the landscaping plan, unless the diseased trees are in imminent danger of falling and causing damage to person or property. Any significant tree that is removed will be replaced by the property owner.

9. Parking and pedestrian access

Guest parking will be provided at the entrance to the building. The guest stall closest to the elevator will be handicapped accessible. A hard surface pathway from the guest parking to the recreation area at the rear of the building will be provided along the south side of the building. If barrier-free accessibility to the recreation area is provided through the lower garage, the pathway material may be of a non-approved impervious surface, such as stepping stones. A raised concrete walkway will be provided from the street sidewalk to the principal entrance of the building. The sidewalk will be located where minimal conflict between pedestrians and vehicles could occur.

10. Street Frontage Improvements

The proposed development will require an upgrade to the existing street frontage. The standard improvement to 15th Avenue NE is construction of curb and gutter, 6 feet wide sidewalk, a 4 feet wide landscaping strip between the curb and sidewalk. The landscaping strip must include street trees chosen from the City's approved tree list. All sidewalk impediments, such as fire hydrants and utility poles, will be relocated, if necessary, to safer locations. In no case will these impediments be allowed to remain in the sidewalk.

11. Water and sewer availability

A Certificate of Water Availability was received from the Shoreline Water Department indicating an improvement to water service may be required, depending on fire flow requirements. If an improvement is required, construction can occur concurrently with building construction. A Certificate of Sewer Availability was received from the Shoreline Wastewater Management District indicating a side sewer connection was the only improvement required provided the sewer system has the capacity to serve the new line.

VI. CONCLUSIONS

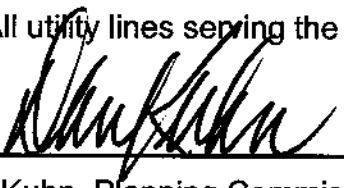
1. The proposed contract rezone to permit the development of a 22 unit apartment building is in conformance with the Shoreline Comprehensive Plan and the Washington State Growth Management Act.
2. The proposed development is an appropriate land use for the subject property and is consistent with the character of the neighborhood.
3. The proposal will provide adequate public facilities and services to the building and will not denigrate from the level of service provided to neighboring properties.
4. The proposed development will assist the City of Shoreline in meeting its housing production targets as established by King County to meet our obligation under the Growth Management Act.
5. The Contract Zoning Agreement will provide certainty about what will be developed on the site. If the development does not proceed in a timely manner, the additional development right granted by this contract rezone will be void.

V. RECOMMENDATION

The Planning Commission recommends that the Reclassification of Property (Contract Rezone) be approved subject to the following conditions.

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. The total number of dwelling units permitted shall be twenty two (22).
3. The project shall comply with all mitigation measures as specified in the Determination of Non-Significance, Attachment II.
4. The project shall be constructed according to the architectural design shown on the building elevation plans, Attachment III, with allowances for minor changes to materials and design.
5. The project shall be constructed with a base height not greater than forty (40) feet, as measured from the existing average grade.
6. The project shall be constructed according to the site design shown on the site plan, Attachment IV, including the following elements (exception, see Condition 7):
 - A total number of forty nine (49) off-street parking stalls, five (5) devoted to guest parking, shall accommodate the parking needs of the use. The guest stalls shall be clearly marked as guest. All resident stalls shall be located in the first level garage as designed.
 - Guest parking and dumpster/recyclables collections enclosure shall maintain a minimum setback of five (5) feet from the southern property line. Landscaping which provides a full screen shall be installed and maintained within the five (5) foot setback. The architecture of the collections enclosure shall be consistent with the architecture of the project.
 - A six (6) foot high solid fence and a minimum twenty (20) foot landscaping buffer shall be installed along all property lines abutting commercial or industrial uses. Pathways serving the residents may be located within the buffers.
 - A hard surface pathway from the guest parking to the recreation area behind the building may have a width less than the required minimum, if barrier-free accessibility to the recreation area is maintained through the lower level garage. The pathway's surface material shall be approved by the City of Shoreline.
 - An arborist's report shall be submitted prior to any removal of significant trees approved as part of the site and landscaping plans, unless diseased trees are in imminent danger of falling and causing damage to person or property. Any significant tree that is removed shall be replaced by the property owner.

7. Frontage improvements along 15th Avenue NE shall be upgraded to the current standards for the street as specified by City of Shoreline Public Works Department. These specifications include:
- Construction of curb and gutter, a six (6) foot wide sidewalk, and a four (4) foot wide landscaping strip between the curb and sidewalk. The landscaping strip shall include street trees chosen from the City of Shoreline's approved tree list.
 - All sidewalk impediments, such as fire hydrants and utility poles, shall be relocated, if necessary, to safer locations. In no case shall these impediments be allowed to remain in the sidewalk.
8. All utility lines serving the project shall be installed underground.



Dan Kuhn, Planning Commission Chair

1/12/00
Date

EXHIBIT B

VICINITY ZONING MAP
SHOWING CONTRACT ZONE
CZ-99-02 FOR THE PARKER DEVELOPMENT



- ZONING KEY**
- R-6: Residential -6 units/acre
 - R-12: Residential -12 units/acre
 - R-24: Residential -24 units/acre
 - R-48: Residential -48 units/acre
 - CB: Community Business
 - RB: Regional Business
 - O: Office

Map not to scale

LEGAL DESCRIPTION FOR CZ-#1999-02

Lot 6, Block 1, Rose Addition No. 2, according to the plat thereof recorded in volume 34 of Plats, Page 26 in King County, Washington, being in the northwest quarter of the northwest quarter of Section 4, Township 24, Range 4.

CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Contract Zone No. CZ-99-02

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated _____, 2000, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and ROBERT PARKER of PARKER DEVELOPMENT, INCORPORATED (hereinafter "Owner").

RECITALS

A. Owners are the owners of real property located in King County legally described as:

Lot 6, Block 1, Rose Addition No. 2, according to the plat thereof recorded in volume 34 of Plats, Page 26 in King County, Washington, being in the northwest quarter of the northwest quarter of Section 4, Township 24, Range 4.

(Hereafter described as "Property").

B. Owner has applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has approved the rezone application provided the Property is developed under conditions and limitations which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the Owner covenants and agrees, on behalf of himself and his successors and assigns, that during the entire period that the Property is zoned CZ-99-02, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owner specifically agrees that this Covenant touches, concerns, enhances, benefits and runs with the Property.

1. **Title.** Owner is the sole and exclusive owner of the Property described above.

2. **Uses.** The Owner or his successors may construct twenty-two (22) residential units in one (1) building on the Property.

3. **Conditions.** The rezone of the Property is subject to the conditions recited in Attachment I.

4. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

5. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building

permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.

6. Filing. A copy of this covenant will be filed for record with the King County Records and Elections Division.

7. Attorney Fees. In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNER

CITY OF SHORELINE

Robert Parker

Bob Deis, City Manager

APPROVED AS TO FORM

Ian Sievers, City Attorney

STATE OF WASHINGTON)

COUNTY OF KING)

) ss.

I certify that I know or have satisfactory evidence that Robert Parker appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By:

Notary Public in and for the State of Washington
residing at _____

My commission expires _____

STATE OF WASHINGTON)

COUNTY OF KING

) ss.
)

I certify that I know or have satisfactory evidence that Bob Deis appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By:

Notary Public in and for the State of Washington
residing at _____
My Commission expires _____

**CONDITIONS OF CONCOMITANT REZONE AGREEMENT
AND COVENANT RUNNING WITH THE LAND
Contract Zone No. CZ-99-02**

The rezone of the property is subject to the conditions recited herein as follow:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. The total number of dwelling units permitted shall be twenty two (22).
3. The project shall comply with all mitigation measures as specified in the Determination of Non-Significance, Attachment II.
4. The project shall be constructed according to the architectural design shown on the building elevation plans, Attachment III, with allowances for minor changes to materials and design.
5. The project shall be constructed with a base height not greater than forty (40) feet, as measured from the existing average grade.
6. The project shall be constructed according to the site design shown on the site plan, Attachment IV, including the following elements (exception, see Condition 7):
 - A total number of forty nine (49) off-street parking stalls, five (5) devoted to guest parking, shall accommodate the parking needs of the use. The guest stalls shall be clearly marked as guest. All resident stalls shall be located in the first level garage as designed.
 - Guest parking and dumpster/recyclables collections enclosure shall maintain a minimum setback of five (5) feet from the southern property line. Landscaping which provides a full screen shall be installed and maintained within the five (5) foot setback. The architecture of the collections enclosure shall be consistent with the architecture of the project.
 - A six (6) foot high solid fence and a minimum twenty (20) foot landscaping buffer shall be installed along all property lines abutting commercial or industrial uses. Pathways serving the residents may be located within the buffers.
 - A hard surface pathway from the guest parking to the recreation area behind the building may have a width less than the required minimum, if barrier-free accessibility to the recreation area is maintained through the lower level garage. The pathway's surface material shall be approved by the City of Shoreline.
 - An arborist's report shall be submitted prior to any removal of significant trees approved as part of the site and landscaping plans, unless diseased trees are in imminent danger of falling and causing damage to person or property. Any significant tree that is removed shall be replaced by the property owner.

7. Frontage improvements along 15th Avenue NE shall be upgraded to the current standards for the street as specified by City of Shoreline Public Works Department. These specifications include:
 - Construction of curb and gutter, a six (6) foot wide sidewalk, and a four (4) foot wide landscaping strip between the curb and sidewalk. The landscaping strip shall include street trees chosen from the City of Shoreline's approved tree list.
 - All sidewalk impediments, such as fire hydrants and utility poles, shall be relocated, if necessary, to safer locations. In no case shall these impediments be allowed to remain in the sidewalk.
8. All utility lines serving the project shall be installed underground.



City of Shoreline
Planning and Development Services

APPLICATION FORM AND AFFIDAVIT

Project Type: Rezone
Project Description: 20028-15th NE. Shoreline
Project Address: 20028-15th NE. Shoreline
Project Cost/Valuation: _____
(Please leave blank if address is not assigned. For multiple addresses, please list on separate sheet and attach.)

Parcel Number (i.e. Property Tax Account Number) 74 1770 - 0060
Legal Description: Lot 6, Block 1, Rose Addition

(If more space is needed for description and/or if site includes multiple parcels, please list each parcel with its legal description on an attached sheet.)

Property Owner: Parillon Development Corp
Address: P.O. Box 7025 City Shoreline State Wash. Zip 98133
Phone: Day (206) 542-2116 Evening (206) 364-5779 mobile (206) 948-7511
Owner's Authorized Agent: Robert Parillon / Ronald D. Johnson 206 546-2288
Address: Same as Above City Architect State _____ Zip Contact person.
Phone: Day () _____ Evening () _____

Name of Contractor: _____
Contact Person: _____ Phone: () _____
Address: _____ City _____ State _____ Zip _____
Contractor's Registration # _____ Expires / / 19

Or, if the property owner is the builder, the owner agrees to comply with Washington State laws regarding contractor's registration.

Property Owner's Signature [Signature]

I am/we are the property owner(s) or authorized agent of the property owner(s) and I/we certify under the laws of the State of Washington under penalty of perjury that the information furnished by the owner(s) or owner's agent in support of this permit application is true and correct. I certify that all applicable City of Shoreline codes and requirements for the work authorized by this permit, if issued, will be met.

Property Owner's Signature [Signature] Date 5-20 19 99

or

Authorized Agent's Signature _____ Date _____ 19 _____



17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1811 ♦ Fax (206) 546-8761

**SEPA THRESHOLD DETERMINATION
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

RECLASSIFICATION OF PROPERTY (CONTRACT REZONE)

DESCRIPTION OF PROPOSAL:	Reclassification of Property (Contract Rezone): To permit construction of a 22-unit, 3-level, multi-family development; including 49 parking stalls (44 underground and 5 surface guest stalls)
TOTAL AREA OF PROPERTY:	32,619 square feet (3/4 acre)
LOCATION OF PROPOSAL:	20028 - 15th Avenue NE
PROJECT APPLICATION NUMBER:	1999-00869
PROPOSED ZONING:	Contract Zone, subject to conditions
CURRENT ZONING:	Residential -- 6 units per acre
CURRENT COMPREHENSIVE PLAN LAND USE DESIGNATION:	High Density Residential (12 to 48 dwelling units per acre)
APPLICANT:	Robert Parker
DATE OF COMPLETE APPLICATION:	August 10, 1999
EFFECTIVE DATE OF NOTICE:	November 3, 1999
END OF APPEAL PERIOD:	5:00 p.m., November 16, 1999

THRESHOLD DETERMINATION: Mitigated Determination of Nonsignificance (MDNS)
The City of Shoreline has determined that the proposal, as modified by the required mitigation measures, will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, site plans, building elevations, Level 1 downstream drainage analysis, and other information on file with the lead agency. This information is available to the public upon request at no charge.

MITIGATION MEASURES:

The following mitigation measures and conditions are required to clarify and change the proposal in accordance with WAC 197-11-350:

1. Traffic and Pedestrian Safety

In order to determine and mitigate the impacts of increased traffic generation from the project on the surrounding area, the applicant shall submit a traffic study prior to the application for a building permit. The traffic study shall include proposed trip generation and distribution and identify the impacts of the proposed project on affected intersections and pedestrian and vehicular safety on 15th Ave. NE. The applicant shall be required to make modifications to the proposed site design and provide or contribute to off-site improvements, as necessary, to mitigate any significant adverse traffic and pedestrian safety impacts that are identified.

2. Stormwater Control

In order to mitigate the impacts of increased stormwater run-off from the site on the downstream portions of the McAleer Creek Subasin, the applicant shall submit engineering calculations and full plans prior to their application for a building permit that demonstrate at least Level 2 Flow Control for the proposed development. The applicant will also be required to comply with the other core requirements outlined in the 1998 edition of the King County Surface Water Design Manual.

PUBLIC COMMENT AND APPEAL

This MDNS is issued under WAC 197-11-350. There is no comment period for this MDNS (WAC 197-11-355(a)). The optional DNS process in WAC 197-11-355 is being used. A Notice of Application (NOA) was issued for this project on September 29, 1999. The NOA stated that the lead agency intended to issue an MDNS for this project and identified proposed mitigation measures. The comment period for the NOA closed on October 14, 1999.

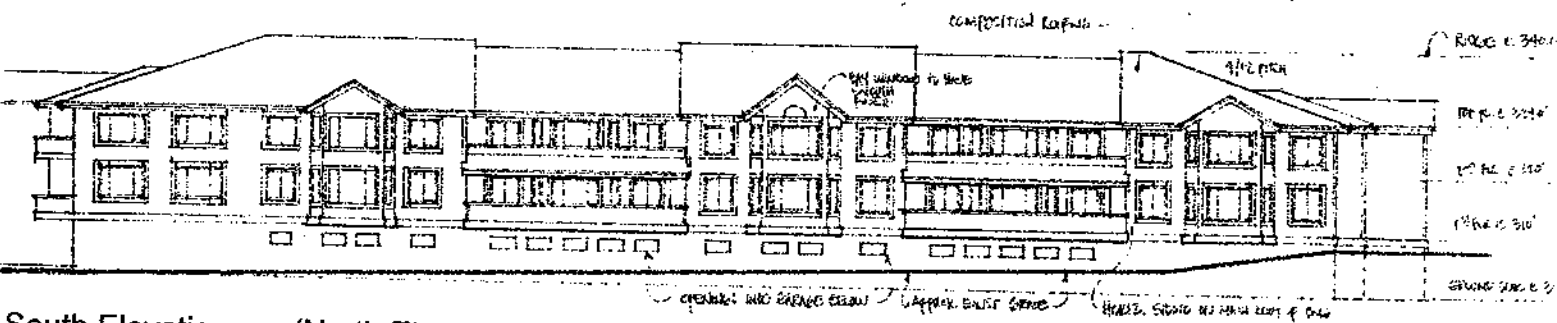
Appeals of the grading permit or SEPA threshold determination must be received by the City Clerk's Office at 17544 Midvale Avenue North, Shoreline, WA 98133 by 5:00 p.m. on November 16, 1999. Appeals must include a fee of \$350.00 and must comply with the requirements of S.M.C. 16.45.030 and Resolution 130, Exhibit A, Section 7.



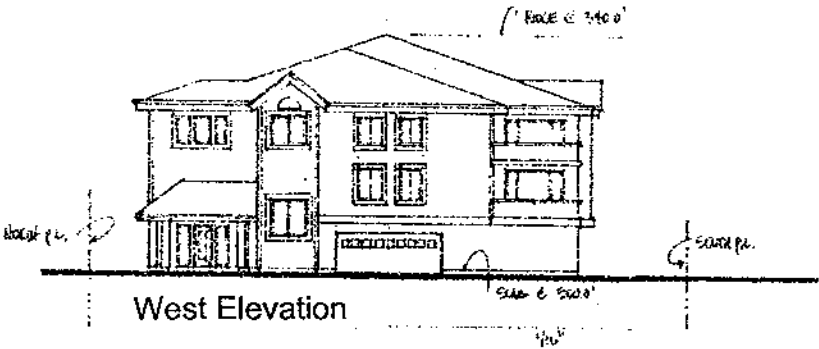
Anna Koloušek
Assistant Director of Planning and Development Services
City of Shoreline

10-26-99
Date

BUILDING ELEVATIONS



South Elevation (North Elevation similar)



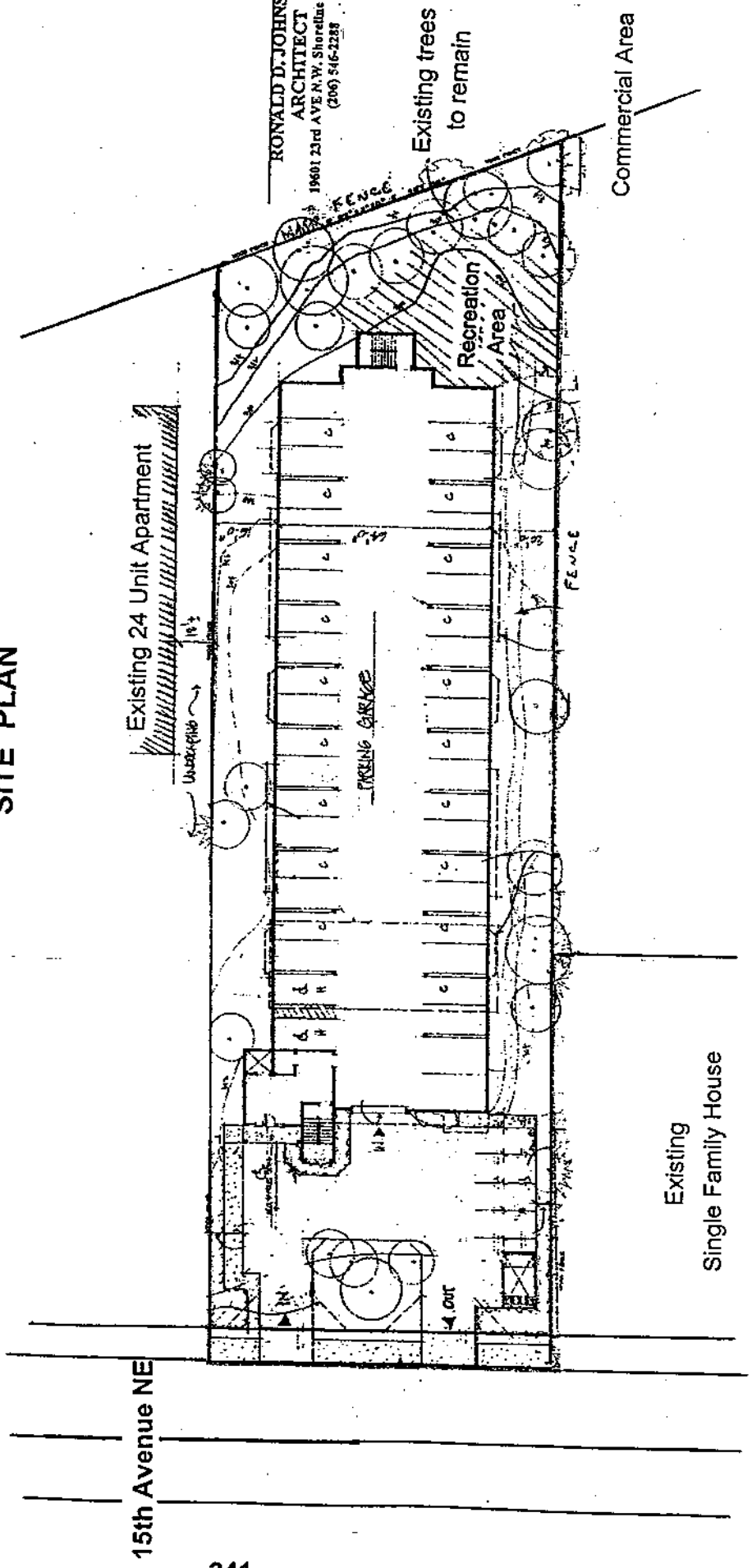
West Elevation

Property Owner: Robert Parker, Parker Development, 206-542-2116

Architect: Ron Johnson, 206-546-2288

RONALD D. JOHNSON
ARCHITECT
19401 23rd AVE N.W. Shoreline Wa. 98177
(206) 546-2288

SITE PLAN



ATTACHMENT C

PLANNING COMMISSION MINUTES NOVEMBER 18, 1999

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

November 18, 1999
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Kuhn
Vice Chair Gabbert
Commissioner McAuliffe
Commissioner Monroe
Commissioner Marx
Commissioner Vadset
Commissioner Maloney
Commissioner Bradshaw

STAFF PRESENT

Tim Stewart, Director, Shoreline Planning & Development Services
Paul MacCready, Planner, Planning & Development Services

ABSENT

Commissioner Parker (Excused)

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Kuhn, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuhn, Vice Chair Gabbert, Monroe, Marx, Maloney, Bradshaw and Vadset. Commissioner Parker was excused, and Commissioner McAuliffe arrived at 7:02 p.m.

3. APPROVAL OF AGENDA

Chair Kuhn noted that Item 8b was removed from the agenda and rescheduled for December 2, 1999.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE AGENDA AS AMENDED.
COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

4. APPROVAL OF MINUTES

Chair Kuhn expressed his concern about what he considers major mistakes in the minutes. He suggested that future minutes contain less detail and be more summary in nature.

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE MINUTES OF OCTOBER 28, 1999 AS SUBMITTED. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

The Commission noted that on Pages 24 and 25, some motions indicate that there were nine members present to vote when there were only eight.

VICE CHAIR GABBERT MOVED TO TABLE THE MINUTES OF NOVEMBER 4, 1999 UNTIL STAFF COULD MAKE THE CORRECTIONS AS INDICATED. MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

Walt Hagen, 711 North 193rd Street, spoke on behalf of the group, Concerned Citizens for Shoreline, and presented a proposal to incorporate neighborhood design standards and review regulations in the new Shoreline Development Code. He summarized that the proposal is designed to set neighborhood sensitive design standards and parameters for development designs and to require and ensure public notice and input at all stages of the process. He asked that the Commission consider the proposal as presented.

6. REPORTS OF COMMISSIONERS

There were no reports from the Commissioners.

7. STAFF REPORTS

Mr. Stewart reported that Phase 2 of the development code review is scheduled as a Commission workshop on January 20, 2000. Chair Kuhn requested that the proposal from Mr. Hagen be included as part of the workshop discussion. Mr. Stewart said it would be included as one of the proposed amendments to the code and presented similar to the process that was used for Phase 1.

Commissioner Bradshaw inquired if the City has taken any further action regarding the possibility of annexing the Point Wells property into the City. Mr. Stewart reported that the City has been working with the Southwest Snohomish County Group of Cities to establish urban growth areas around various cities in southwest Snohomish County. However, nothing has been finalized or put forward for review.

8. PUBLIC HEARING

a. Contract Rezone for 22-Unit Multi-Family Development at 22028 – 15th Avenue Northeast

None of the Commissioners disclosed any ex parte communications regarding the subject of the hearing. No one in the audience voiced a concern regarding ex parte communications, either. Chair Kuhn described the rules and process for the public hearing.

Paul MacCready, City Planner, presented the staff report. He said the request is to rezone property currently zoned as residential (R-6) to a contract rezone designation (CZ-02) to permit the construction of the 22-unit development as proposed. The Comprehensive Plan designation for the subject property is high-density residential. He noted that a contract rezone requires a property specific rezone agreement signed by both the applicant and the City and recorded with King County Records.

Mr. MacCready said that after review of the application, staff concludes that the project is in conformance with the goals and policies of the Comprehensive Plan. It meets the density goals of the high-density residential land use designation, and it helps the City meet the Growth Management housing targets established by King County. Staff has determined that it is an appropriate land use and is consistent with the character of the neighborhood, which includes several existing multi-family developments and the potential for more. Mr. MacCready noted that the City did not receive any written comments either opposing or supporting the proposal. The City recommends approval of the contract rezone with the proposed conditions. He reviewed the conditions, which are listed on Page 38 of the staff report.

Commissioner Bradshaw questioned regarding the proposed pathway design and whether or not it would meet ADA requirements. Mr. MacCready explained that ADA accessibility is provided through the garage, so the pathway is not required to meet ADA standards.

Commissioner Monroe inquired how the significant amount of impervious surface being proposed would impact the stream that is located along 15th Avenue Northeast. Mr. MacCready answered that SEPA mitigation measures mandate that stormwater control measures must meet the 1998 edition of the King County Surface Water Design Manual requirements prior to the issuance of a building permit.

Commissioner Monroe requested a description of the proposed stormwater management system. Mr. MacCready answered that this plan has not been submitted, but engineering plans and calculations showing how the applicant will meet the City's stormwater management requirements are required prior to the issuance of a building permit. Vice-Chair Gabbert inquired how the stormwater would be treated. Mr. MacCready said that plan would also be part of the SEPA mitigation measures which must be met prior to the application of a building permit. He said there are several different options available, depending on the situation of the development.

Chair Kuhn reminded the Commission that their responsibility is to review the contract rezone for a possible development that will have a number of conditions placed upon it. Before a building permit will be issued, the developer will have to meet the applicable conditions and requirements. Mr. MacCready noted that the SEPA determination was mailed to adjacent cities and other agencies, and the City received no comments back.

Ronald Johnson, Architect, 19601 23rd Avenue Northwest, Shoreline, said he is present on behalf of the applicant for the proposed contract rezone. He swore that the testimony he would provide would be true and accurate. Mr. Johnson presented Exhibit 1, a vicinity map diagramming the subject property and surrounding zoning. He described the surrounding developments which include single-family residential, multi-family residential, community business, commercial, storage and office uses. Mr. Johnson referred to Exhibit 2, a diagram illustrating the shape of the building and the location of the proposed parking for the site. The proposal provides a little more than two parking stalls per unit, which is more than normally required by the City. He noted that to the rear of the proposed building, there is a large screen of trees, which they intend to retain. He also pointed out where the outdoor recreational space would be located and described the proposed setbacks to buffer between the subject property and surrounding uses. He also briefly described the proposed design concept for the building and the plans for handicap access.

Commissioner McAuliffe inquired regarding the unit mix of the proposed project. Mr. Johnson answered that there will likely be some one-bedroom units, but most will have two-bedrooms. The size will be about 1,000 to 1,100 square feet.

Commissioner Marx inquired if the applicant would consider the possibility of providing a pedestrian easement behind the development to Ballinger Way to provide access to the public transportation system. Mr. Johnson said the applicant has discussed that possibility, but he noted that the rear portion of the site is very steep. They have, however, discussed the option of providing a gate in that location. Chair Kuhn also cautioned regarding the liability that would be created by encouraging pedestrian access through a parking area.

Mr. Johnson clarified that the applicant understands that he will have to provide engineering designs for stormwater management prior to a building permit application.

Walt Hagen, 711 North 193rd Street, read a letter from Ginger Botham to Paul MacCready regarding the contract rezone proposal. The letter voiced Ms. Botham's concern that the proposed access to the development would not meet the King County Road Standard requirements. The letter advised that staff is required to notify the public if a variance to the road width is proposed, yet no notice for a road width reduction was included in the agenda package for the public hearing. The letter also noted that curbs, gutters and sidewalks are also required. Ms. Botham requested that before the road width standard is modified for this project, an engineering report should be provided to support the change.

Mr. Stewart reviewed that the action before the Commission is a contract rezone, which establishes a site specific set of zoning conditions for the property. The Commission would be taking action to create a separate zoning district with specific rules and regulations for the site. The important question the Commission must address is whether or not the proposal meets the policies and intent of the Comprehensive Plan, not whether it meets other zoning and subdivision regulations.

Regarding the roadway access, Mr. Stewart referred the Commission to the second sheet of site plans which illustrates that the vehicular access to the building would be provided by a driveway on the north (16 feet) to enter the site and one on the south (16 feet) to exit the site. In staff's opinion, those access points are sufficient. He clarified that this proposal would not subdivide the property or create a new

road. This is simply a driveway for the residents to access the development from the street. He concluded that if the traffic study required by SEPA identifies a need for additional site distance or movement space, then it would become a requirement of the development proposal.

Commissioner Maloney inquired if there are standard parameters that are used by staff to create the criteria. Mr. Stewart answered that the Shoreline Comprehensive Plan is used by staff to create the criteria, and it shows this area as high-density residential. Mr. MacCready said it is staff's opinion that the two access points should be considered driveways and regulated by King County Road Standards as such. Commissioner Maloney expressed his opinion that two 16-foot, one-way driveways would be safer than one 24-foot, two-way driveway. In addition, the need to provide turn around space for fire trucks, delivery trucks, etc. would be eliminated.

Peter Schwindt, 2209 Northeast 177th Street, affirmed that his testimony would be true. He clarified that in the King County Road Standards there is no formal definition for a driveway for multi-family and commercial buildings. There is only a definition for a minor access street. While the staff calls these access points "driveways," a variance would be required if the code is actually followed.

Mr. Stewart clarified that under the proposed new procedures for a contract rezone, which have been reviewed by the Commission and forwarded to the Council, a contract rezone is clearly classified as a Type C action which requires a public hearing in front of the Planning Commission and action by the City Council in a quasi-judicial mode. The criteria for granting contract rezones is also part of the procedural requirements established in the proposed new code. Mr. Stewart said the current code operates under the authority that is well established in Washington Law. Mr. MacCready pointed out that an access street refers to a street that accesses more than one property. Fifteenth Avenue would be considered the access street for the subject property.

Dennis Lee, 14547 26th Avenue Northeast, swore to tell the truth to the best of his ability. He suggested that by bringing issues such as height up early in the process, the City would be unable to forget what they have promised and what is in the Comprehensive Plan. Mr. Lee suggested that the developer also meet with the City Fire Department early in the process before a plan has been submitted for review.

Mr. Stewart read a paragraph from the Comprehensive Plan to identify how densities would be applied in the high-density residential zone. It states "The permitted density for this designation will not exceed 48 dwelling units per acre, and the base height will not exceed 35 feet unless a neighborhood sub-area plan or special district overlay plan has been approved." He concluded that the contract rezone is a special district overlay plan and is consistent with the Comprehensive Plan.

Chair Kuhn suggested that rather than creating a special overlay districts through the contract rezone process, they appear to be creating a special overlay lot within a particular land use designation area. He questioned how the City determines whether or not additional height should be allowed. Mr. Stewart clarified that the City Attorney has identified that a contract rezone would establish a single-parcel zoning district. Height becomes subject to a number of policies in the plan concerning neighborhood character. There are a number of design policies which permit flexibility as long as it is consistent with neighborhood character. He said it is staff's opinion that the additional five feet above the 35-foot limitation would not be out of character for this particular project.

Mr. Stewart reminded the Commission that the applicant also has the option of seeking a straight rezone to R-48. If a straight rezone were proposed and approved, there would be no site controls and no design controls. A straight R-48 rezone under the existing code would have a height limitation of 60 feet. That $\frac{3}{4}$ of an acre could be built at 36 units instead of 22 as proposed in the contract rezone application. Therefore, staff recommends that the contract rezone is more appropriate for the surrounding properties.

Robert Parker, 13722 Riviera Place Northeast, Seattle, swore to tell the truth. Mr. Parker said that as he understands the Growth Management Act, he would be required to build 36 units on his property if it were rezoned R-48. Because he wants to do a smaller development, he approached the City for ideas. Staff suggested a contract rezone, and they have worked closely to create a proposal that is appropriate for both he and the City. All of the questions that have been raised were discussed previously.

Mr. Parker noted that the subject property is located in an area that is undergoing a significant transition. The only possibility for residential development is apartments. He suggested that the proposed development would be superior to what currently exists in the neighborhood. Mr. Parker said he likes the concept of having a half circle driveway because they are able to screen the development from the road.

THE PUBLIC PORTION OF THE PUBLIC HEARING WAS CLOSED AT 8:23 P.M.

Commissioner Vadset said he likes the design and location of the proposed development. It will help the City meet the Growth Management Act density goals. He said there is a need for nice residential apartments in the community.

COMMISSIONER VADSET MOVED TO ACCEPT THE STAFF'S RECOMMENDATION TO APPROVE THE CONTRACT REZONE PROPOSAL AS PRESENTED. COMMISSIONER MALONEY SECONDED THE MOTION.

Vice Chair Gabbert agreed that the project would upgrade the area as well as provide a buffer. He supports the one way access driveways that provide a landscape buffer. He also said he likes the idea that the parking is located under the building. The applicant has done a good job in putting the project together.

Commissioner McAuliffe agreed that this is a good project, and is the type of multi-family project that should be encouraged in the City.

Commissioner Marx added that she was very concerned about the proposed 40-foot height because of the comments regarding the 35-foot height limit. However, she noted that because the property is sloped, the height will likely be at or near 35 feet in height. She asked that the City keep the 35-foot height limit in mind as they review a future building permit for the development.

MOTION CARRIED UNANIMOUSLY BY A VOTE OF 8-0.

9. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

10. NEW BUSINESS

Chair Kuhn requested that on substantive matters the minutes be more than cursory, but on non-substantive matters they be extremely summary and succinct. He said it is difficult to recall exactly what was said at the previous meeting. He suggested that they only need to provide a summary list of the public that provided testimony. Mr. Stewart said staff endeavors to provide a summary of the issues that were discussed in sufficient detail that the City Council can understand what the debate was. However, the Planning Commission by-laws require only summary minutes. The detail in the minutes is provided for the benefit of the process. The tape recordings are the official record. Mr. Stewart noted that on quasi-judicial issues, the hearing before the Commission is the only hearing, and that is why error on the side of inclusion as opposed to summary is appropriate.

Commissioner Maloney complimented the staff for providing the Commission with the information they need for their discussions in a timely manner. He commended the staff for working out the agreement with Mr. Parker. He also thanked Mr. Parker for proposing a project that will upgrade the neighborhood.

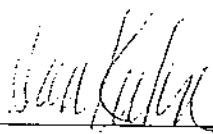
Commissioner Bradshaw said he likes the detail in the minutes because it helps him remember what happened. However, he is not opposed to the summary format, if the Commission has the option of requesting more if necessary.

11. AGENDA FOR NEXT MEETING

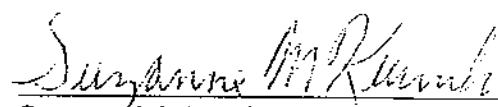
Chair Kuhn noted that there will be a public hearing on December 2, 1999 for a rezone and preliminary subdivision for Elena Lane.

12. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.



Dan Kuhn
Chair, Planning Commission



Suzanne M. Kurnik
Clerk, Planning Commission

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Ordinance No. 224 for Shoreline Village Townhomes Contract Rezone from R-6 (Residential - 6 units/acre) to CZ #1999-01 File # 1998 - 01368

DEPARTMENT: Planning and Development Services

PRESENTED BY: Tim Stewart, Director *KM for TM*
Allan Johnson, Planner II *AJ*

EXECUTIVE / COUNCIL SUMMARY

The decision before your Council is approval of Ordinance No. 224 (Attachment I) for the Reclassification of Property (or Contract Rezone) proposed by John Garbe and Richard Smith for the Shoreline Village Townhomes. If approved, the proposed Reclassification of Property would permit the development of sixteen new dwelling units in eight duplex buildings on approximately 1.6 acres of land on the west side of 15th Avenue NE at NE 166th Street. (See Attachment II) This action would result in the rezoning of this site from R-6 (Residential - 6 units/acre) to CZ (Contract Zone) #1999-01.

This proposed Contract Rezone action would be the first of its kind approved by your Council. A Contract Rezone is different from a typical rezone because the design of the project - and any mitigation measures for the proposed development - become the standards of a new zone that is unique to the project and site. In this case, the new zone would be named CZ #1999-01 and would apply only to the Shoreline Village Townhomes site.

Contract Rezones must conform to the policies of the Comprehensive Plan (For example, the Shoreline Village Townhomes proposal for 16 units is well within the potential 55 units possible under the adopted Comprehensive Plan land use designations of Low Density Residential, High Density Residential and Community Commercial that cover this site). However, instead of rezoning to a standard zoning designation (i.e. R-12, Residential-12 unit/acre) that could allow a variety of future uses or structures - the Contract Rezone ensures that the development must be constructed and maintained as "contracted" through the rezone action. This provides more certainty to the neighborhood and offers the developer assurances that the project can proceed directly to the application for a building permit (instead of having to go through a site plan review process subsequent to a standard rezone action).

The application for Shoreline Village Townhomes and concurrent Reclassification of Property was first discussed with the Planning and Development Services Department in August 1997. The application was determined to be complete on July 9, 1999. The SEPA Determination of Non-Significance (DNS) was issued on October 15, 1999. A public hearing before the Planning Commission was opened and closed on November 4, 1999. Based upon input received through the public review process, the proposed Contract was revised by the Planning Commission as follows:

- A paved roadway as described on site plans for the development shall be dedicated in fee or as a public access easement (Attachment I, Exhibit D #11).
- Vegetation protection requirements were added to the contract conditions (Attachment I, Exhibit D #13).

The Planning Commission Findings and Recommendations (Attachment I, Exhibit A) contains findings of fact, conclusions, and conditions considered by the Planning Commission at the public hearing. No exhibits were submitted for Planning Commission review during the November 4, 1999 public hearing. The minutes from hearing are included for your Council's reference (Attachment III).

Your Council is the final decision making authority for approval of the proposed contract rezone. In this capacity, your Council may wish to add or remove approval conditions in order to ensure that the proposal is in the public interest. However, due to the fact that the public hearing for this application has already occurred before the Planning Commission, your Council's review must be based upon the written record. You may not take new testimony.

RECOMMENDATION

Planning Commission and Staff recommend that your Council adopt Ordinance No. 224 approving the Reclassification of Property (Contract Rezone) CZ 1999-01 for Shoreline Village Townhomes, subject to the conditions provided in the Concomitant Agreement. By approving this contract rezone, your Council will allow the applicant to submit the plans and studies required for building permit approval.

ATTACHMENTS

- | | |
|-----------------|--|
| Attachment I. | Ordinance No. 224, including:
Exhibit A – Planning Commission Findings and Recommendation
Exhibit B – Vicinity Zoning Map and Legal Description
Exhibit C – Concomitant Agreement and Covenant
Exhibit D – Conditions of Rezone and Covenant |
| Attachment II. | Site Plans for Shoreline Village Townhomes
forwarded to Planning Commission November 4, 1999 |
| Attachment III. | Planning Commission Minutes, November 4, 1999 |

Approved By: City Manager LB City Attorney [Signature]

ORDINANCE NO. 224

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING THE CITY'S ZONING MAP TO CHANGE THE
ZONING OF A 1.6 ACRE PARCEL LOCATED AT 15th AVE NE AND
NE 166th FROM R-6 TO CONTRACT ZONE #CZ-1999-01 SUBJECT
TO RESTRICTIVE COVENANTS**

WHEREAS, the subject property, described as Shoreline Village, located on the west side of 15th Avenue NE at NE 166th Street is designated on the Comprehensive Plan as low density, high density residential and community commercial (which allows high density residential development); and

WHEREAS, owners of the property have applied to rezone the above property from R-6 to a Contract Zone. The Planning Commission considered the application for zone change at a public hearing on November 4, 1999, and has recommended approval as subject to a concomitant zoning agreement as a covenant restricting the uses and setting conditions of development as specified in this Contract Zone and Concomitant Zoning Agreement #CZ-1999-01, and

WHEREAS, a declaration of nonsignificance has been issued for the proposal pursuant to the State Environmental Policy Act; and

WHEREAS, the City Council reviewed the recommendations of the Planning Commission and determined that the proposed amendment and Concomitant Zoning Agreement should be approved to provide residential development to accommodate growth consistent with the State of Washington Growth Management Act (RCW Ch. 36.70A);

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

Section 1. Findings. The Planning Commission's Findings and Recommendation attached hereto as Exhibit A, approving the rezone of the parcel, more fully described and depicted in Exhibit B attached hereto, and known as Shoreline Village, are hereby adopted.

Section 2. Amendment to Zoning Map. The official zoning map of the City of Shoreline adopted by Ordinance No. 125, is hereby amended to change the zoning classification of that certain property described and depicted in Exhibit B attached hereto, from R-6 to Contract Rezone #CZ-1999-01 subject to the Concomitant Zoning Agreement attached hereto as Exhibit C, which covenant is incorporated herein as part of this ordinance by reference, and all uses of the property rezoned by this ordinance shall be in strict conformity with the provisions of the Concomitant Zoning Agreement. Nothing in this ordinance or the concomitant zoning agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

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 Covenant, or the application of such provision to other persons or circumstances, shall not be affected.

Section 4. Effective Date and Reversion. This ordinance shall go into effect five days after passage, publication of the title as a summary of this ordinance and the proper execution and recording of the Concomitant Zoning Agreement attached hereto as Exhibit "C"; provided, that if such Agreement is not executed and recorded within thirty days from the date of final passage of this ordinance, this ordinance shall become void and not go into effect. If a complete building application for development of the property rezoned by this ordinance is not filed within three (3) years of the effective date of this ordinance, or owners of all interest in the property file a written request, the property shall revert to an R-6 zoning designation or such other default land use or zoning designation as may hereafter be adopted by the City Council.

PASSED BY THE CITY COUNCIL ON JANUARY 24, 2000

Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, CMC
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

EXHIBIT A

Commission Meeting Date: November 4, 1999

PLANNING COMMISSION FINDINGS AND RECOMMENDATION CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: SHORELINE VILLAGE TOWNHOMES RECLASSIFICATION OF PROPERTY (CONTRACT REZONE) File # 1998-1368
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After reviewing and discussing the Shoreline Village Townhomes Reclassification of Property (Contract Rezone) at a public hearing on November 4, 1999 for the construction of 16 units (in 8 duplex buildings) on 1.6 acres, and considering the testimony and written comments presented, the Shoreline Planning Commission makes the following Findings, Conclusions and Recommendations to the City Council.

SUMMARY INFORMATION

Project Name:	Shoreline Village Townhomes
Project Address:	16605 15 th Ave. N.E. (including 16601, 16603, 16607 15 th Ave. N.E. and unaddressed parcel: KC Assessors No. 0826049090)
Zoning:	R-6 (Residential – 6 units/acre)
Property Size:	1.6 Acres
Proposed Action:	Contract Rezone
Comprehensive Plan Designation:	Low Density Residential, High Density Residential and Community Commercial
Application Number:	1998-1368
Applicants:	John Garbe and Richard Smith
Property Owner:	John Garbe and Richard Smith
Public Hearing Date:	November 4, 1999

I. PROPOSAL:

The proposed Reclassification of Property (Contract Rezone) would permit the development of sixteen new dwelling units in eight duplex buildings on about 1.6 acres of land on the west side of 15th Avenue NE at NE 166th Street. The applicants are John Garbe and Richard Smith (c/o Jim Braun 22727 Hwy 99, Suite 203, Edmonds, WA 98026). The application was first discussed with the City in August 1997. The application was determined to be complete on July 9, 1999. The SEPA Determination of Non-Significance (DNS) was issued on October 15, 1999. The proposal is further described in the Concomitant Rezone Agreement, the Application and in the Shoreline Village Townhomes Plans for File No. 1998-1368. Details of the proposal include:

- A. 16 three bedroom 2.5 bath duplex units with 1,600 SF and decks
- B. 32 parking spaces, including 2 handicapped spaces
- C. a pedestrian access to the school at the west end of the site
- D. construction of a sidewalk system throughout the development
- E. construction of a 34' x 65' area of open space
- F. design (but not construction) of a future sidewalk along the entire north side of the road to accommodate possible short platting of the properties to the north
- G. a 24' roadway constructed to urban road standards with curb and gutter
- H. on site stormwater detention
- I. planned retention of ten significant trees on site including four hemlocks at the northeast corner of the site, three cedars and one hemlock at the west end of the site and the 20' madrona at the southwest corner; removal of 23 other trees
- J. a landscape plan that includes nine new red maples, six new redbuds, eleven flowering pears, fourteen vine maples, five Austrian pines and a number of other new plants including hemlock, arborvitae and rhododendron
- K. architectural features that include front porches, pitched roofs and a mixture of four exterior materials (wood shingles, six inch siding, three inch siding and wood trim) with a style slightly reminiscent of a craftsmen home.

II. FINDINGS:

1. Project Site

- 1.1 The site now consists of five lots approved on 6-11-69 by King County Short Plat No. 7272. These lots would be consolidated into one single lot under the proposal.
- 1.2 Four existing single family dwellings with one outbuilding currently occupy the site. The buildings are generally in poor condition and appear to be deteriorated and in need of substantial rehabilitation. These buildings would be demolished to permit the construction of the new units.

- 1.3 A gravel road on the south side of the site currently provides access to the dwelling units. The development proposal would abandon this road and construct a new paved roadway on the north side of the site.
- 1.4 The site slopes gently (4-10%) from east to west and is vegetated with trees, brush and grass.
- 1.5 The current residential density of 2.5 dwelling units per acre does not meet the city's proposed minimum density of 4.0 dwelling units per acre.

2. Neighborhood

- 2.1 The site is located in the Ridgecrest Neighborhood. The site is bounded on the east by 15th Avenue NE, a heavily used arterial roadway.
- 2.2 Immediately to the south of the site is the Shoreline School Bus Barn. This is used for the storage, maintenance and repair of buses and other vehicles. The Bus Barn is a heavy industrial type use, likely to generate noise, odor and light trespass, especially during the early morning hours. A land use such as the Bus Barn is typically not considered to be highly compatible with single family residential use.
- 2.3 On the southwest and west of the site is the Ridgecrest Elementary School and playfields. A pedestrian path runs along the west boundary of the site. The school is likely to generate significant noise when in use.
- 2.4 On the north is a very well established, low density single family neighborhood. Of the seven single-family properties that abut the site, five have deep back yards that could connect to the new road proposed in this development. This may, in the future, provide short plat development opportunities for the owners of those properties.

3. Comprehensive Plan Designation

- 3.1 The Shoreline Comprehensive Plan provides for the development of 1600-2400 new dwelling units over a 20-year planning period. This is the target King County has established for us to meet the City's obligations under the Growth Management Act. Most of this housing production will be the result of infill development and the redevelopment of underutilized property. The Comprehensive Plan also calls for development that is in character with the existing neighborhood.
- 3.2 The Land Use map in the plan designates this site with a combination of three different land use types: on the west, "low density residential" (about 33%), in the middle, "high density residential" (about 29%) and on the east "community commercial" (about 38%). Community commercial permits high density residential. If the site were rezoned to strictly conform to the adopted land use plan, it could theoretically accommodate as many as 55 dwelling units ($<.33 \times 1.6 \times 6> + <.67 \times 1.6 \times 48> = 3.168 + 51.45 = 54.624$).

4. Zoning Designation

- 4.1 The site is zoned by the City's interim zoning code as R6 Residential. This zone permits single family, duplex, and triplex units (Apartments only permitted under special conditions).
- 4.2 This zoning is not consistent with the adopted Comprehensive Plan's Land Use Map in the area shown as high density and community commercial. Zoning should be consistent with the Comprehensive Plan.

III. ANALYSIS/ ISSUES:

1. Density

The proposed density of 16 dwelling unit on 1.6 acres is well below the density permitted in the comprehensive plan.

2. Neighborhood Character

The land use for duplex units is an appropriate transition between the Bus Barn and the single-family neighborhood. The architectural design of the development is consistent with the character of the single-family area to the north.

3. Traffic

The applicant has provided a traffic study that has found that "The project would have no significant impacts to the traffic operations of the street system in the site vicinity". Staff concurs with this conclusion.

4. Stormwater

The applicant has provided a technical stormwater report that did not find any problems with the downstream conveyance system. Substantial stormwater system improvements that meet or exceed stormwater regulations will be required.

5. Sewer Easement

The City and the applicant are aware of the sewer line that crosses the property. Plans will be designed to protect the lines and maintain service.

6. Soil Stability

Soil studies have been conducted by the applicant and report that the proposed development can be accommodated on the site.

7. Tree removal

Some trees will be removed but significant tree retention is planned. Replacement vegetation will also be required.

8. Historic Resource

The eastern-most structure on this property, planned for demolition, is listed in a King County Historic Site Survey (#1168). The listing is for a c1921 Craftsman style home. This property does not meet any of the major criteria for landmark listing. A condition of the rezone is to establish an archival photograph of the property and to offer the property for sale prior to demolition.

IV. CONCLUSIONS:

1. The proposed contract rezone to permit the development of 16 new dwelling units in eight buildings is in conformance with the Shoreline Comprehensive Plan and the Growth Management Act.
2. The proposed development is an appropriate land use to transition between the Shoreline Bus Barn on the south and the single-family neighborhood on the north and is consistent with neighborhood character.
3. The proposal will provide adequate water, sewer, and stormwater service to the new units and will not denigrate from the level of service provided to abutting properties.
4. The proposal will not remove a valuable and/or significant historic resource.
5. The proposed development will assist the City of Shoreline in meeting its housing production targets as established by King County to meet our obligation under the Growth Management Act.
6. The Contract Zoning Agreement will provide certainty about what will be developed on the site. If the development does not proceed in a timely manner, the additional development right granted by this contract rezone will void.

V. RECOMMENDATION:

The Planning Commission recommends that the Contract Rezone for the Shoreline Village Townhomes be approved subject to the following conditions.

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. A maximum of 16 townhomes in 8 duplex units are permitted as proposed on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999.
3. The following features on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall control development:
 - Structural design, façade materials, gabled rooflines
 - Orientation and siting of structures
 - Building height
 - Building bulk and scale
 - Setbacks for front, back and side yards
 - Lot coverage for buildings
 - Privacy and defensible space
 - Pervious and impervious surface coverage
4. Tree retention as provided on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be required for site development. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit), each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in caliper.
5. Development shall provide and maintain fencing around tree preservation areas for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.
6. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title 18.16.
7. Development applications shall include:
 - (a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.
 - (b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 – 18.60.370.
 - (c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of three years. The performance bond or security may be amended to continue for an additional three years following the installation of substantial replacement vegetation.

The City must approve the Vegetation Mitigation Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit. Vegetation management shall be designed, implemented and

effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

8. Parking spaces and landscaping of parking areas submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall be modified to include:
 - (a) relocation of handicapped parking spaces to area in front of Building E, F or G
 - (b) providing marked guest parking spaces north of Building H
 - (c) combining landscaping areas in parking lot so that a planted areas is located adjacent to Building C,
 - (d) providing that all planted sections within the parking area include trees and shrubs in addition to ground cover.

The City must approve the Vegetation Planting Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit.

9. A sound attenuation fence along the southern boundary of the property, to address noise impacts from the adjacent Shoreline School District Bus Barn shall be provided. The fence shall be approved by the City of Shoreline and installed prior to the issuance of the Certificate of Occupancy for Shoreline Village.
10. A common open space area (34 feet by 65 feet) between buildings D and E shall be provided. This area shall be improved with plantings, seating, and other amenities, as identified on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title 18.16.
11. A paved roadway as described on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title 12.10 shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village.
12. A pedestrian sidewalk as identified on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999, and pursuant to the requirements of SMC Title 18.18 shall be constructed.
13. The development shall provide for a vegetation mitigation plan for the vegetation along the north property line and such plan shall include a provision to protect off-site vegetation. The plan shall be reviewed and approved by a certified arborist.
14. Owner shall design, install and maintain streetlighting which is sufficient to illuminate the site and is directed toward the interior of the site in order to limit impacts on neighboring properties to the north of Shoreline Village. The lighting plan shall be approved by the City of Shoreline and lighting shall be installed prior to the issuance of the Certificate of Occupancy.
15. Owners shall construct and maintain a solid screen (e.g., wood fencing, landscaping) along the northern boundary of the property to provide a buffer along the joint north property line for Shoreline Village and the south property line of the abutting properties on NE 168th Street.

16. Owners shall install, monitor and maintain a Surface/Storm Water Management Plan, pursuant to Memorandum issued by the City of Shoreline on September 14, 1999. The Plan and Agreement shall incorporate the measures listed below:
- (a) Surface and stormwater management must be provided as stipulated in the Technical Information Report prepared by Ron Riach/JRR Engineers, dated 1/6/99.
 - (b) A complete set of construction drawings is to be submitted, approved and a site development permit issued before beginning any construction.
 - (c) An easement must be obtained from the School District for storm drain tight line;
 - (d) All drainage facilities are to be dedicated to the City of Shoreline before a Certificate of Occupancy is issued for Shoreline Townhomes.

The City must approve the Surface/Storm Water Management Plan, including engineering details of the proposed facilities, shall be approved by the City's Planning Department prior to the issuance of the Site development permit.

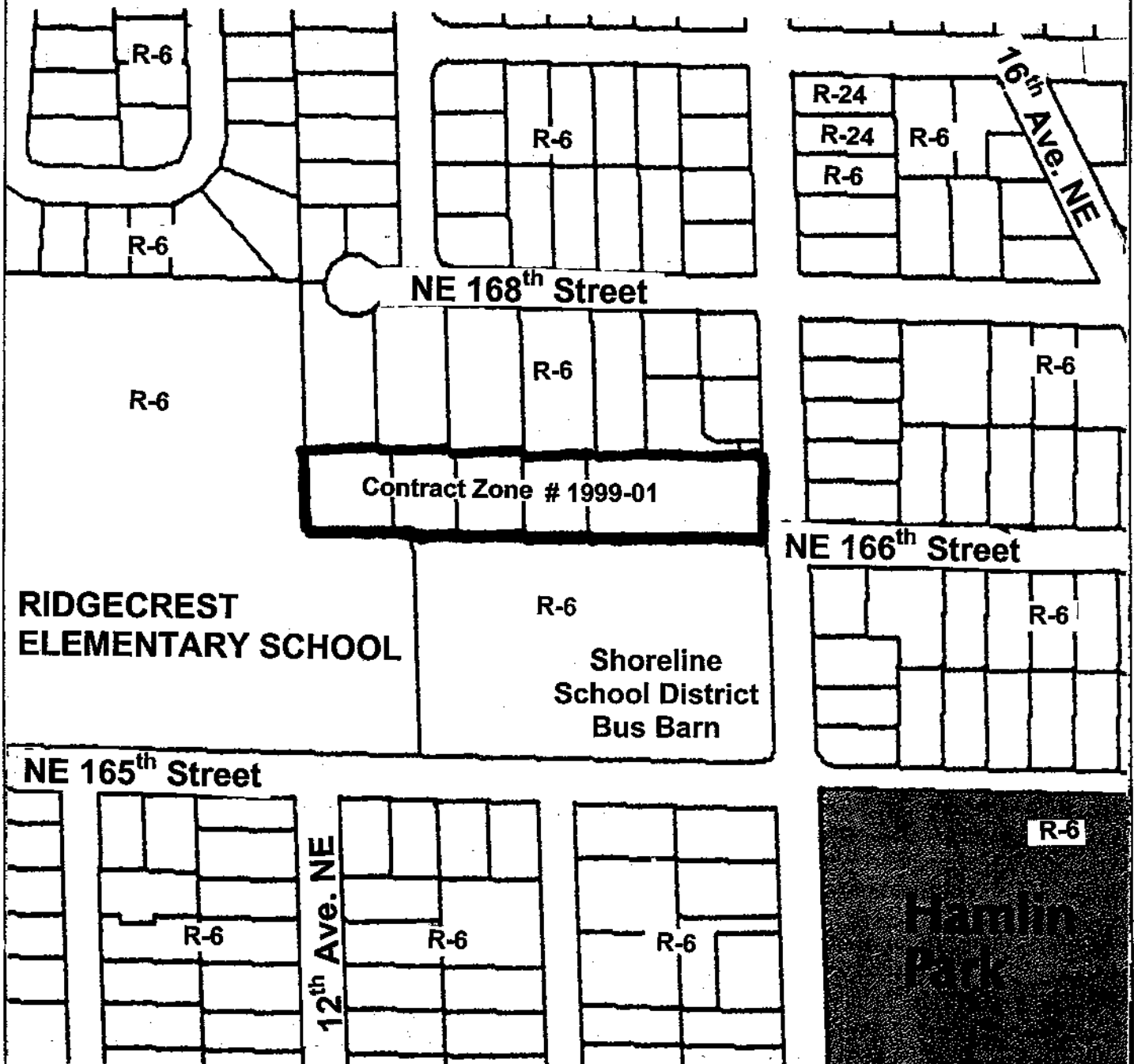
17. Owner shall provide a Standard Conditions Plan and Agreement, with detailed information and specifications for Grading Conditions, Drainage Conditions and Erosion Control Conditions.
18. Owners shall be required to establish and maintain in force and effect, a Homeowner's Association, to be responsible for maintenance of common areas, infrastructure and utilities.
19. Owners shall file a lot line adjustment to vacate lot lines within the Property. The merger shall be completed prior to the issuance of the Site development permit for Shoreline Village.
20. Owners shall, in accord with the direction of the King County Historic Landmarks Commission: (a) provide an archival photographic record of the structure (Lot 87) that is listed in the King County Historic Site Survey; and (b) list the structure for sale for the amount of \$1.00 with the listing to be published weekly for a period of one month prior to demolition. If the structure is sold, then the applicant shall pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the cost of its relocation.

Dan Kuhn, Planning Commission Chair

Date

EXHIBIT B

VICINITY ZONING MAP SHOWING CONTRACT ZONE FOR SHORELINE VILLAGE TOWNHOMES



ZONING KEY

R-6: Residential - 6 units/acre
R-24: Residential - 24 units/acre

Parcel, topo, building, street network, aerial
photo image data, as applicable,
copyrighted by City of Seattle, 1999.
All rights reserved.

No warranties of any sort, including accuracy,
fitness, or merchantability, accompany this
product.

Map not to scale



City of Shoreline
Department of Planning
and Development Services

EXHIBIT B

Page 2

LEGAL DESCRIPTION FOR CZ-#1999-01, SHORELINE VILLAGE TOWNHOMES

Section 8, Township 26 North, Range 4 East, Willamette Meridian, on the west side of the intersection of 15th Avenue NE and NE 166th Street (Tax Parcels 84, 85, 86, 87, 90).

Parcel 84: The east 90 feet of the west 210 feet of the south third of the east half of the north half of the south half of the southeast quarter per King County Short Plat No. 7272.

Parcel 85: Third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 86: The east 90 feet of the west 390 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

Parcel 87: The south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter less the west 390 feet, thereof, less county road per King County Short Plat 7272.

Parcel 90: The west 120 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

EXHIBIT C

CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Shoreline Village Townhomes
#CZ-1999-01

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated _____, 2000, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and JOHN GARBE and RICHARD SMITH (hereinafter "Owners").

RECITALS

A. Owners are the owners of real property located in King County legally described as:

Section 8, Township 26 North, Range 4 East, Willamette Meridian, on the west side of the intersection of 15th Avenue NE and NE 166th Street (Tax Parcels 84, 85, 86, 87, 90).

Parcel 84: The east 90 feet of the west 210 feet of the south third of the east half of the north half of the south half of the southeast quarter per King County Short Plat No. 7272.

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Parcel 90: The west 120 feet of the south third of the east half of the north half of the south half of the southeast quarter of the southeast quarter per King County Short Plat No. 7272.

(Hereafter described as "Property").

B. Owners have applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has approved the rezone application provided the Property is developed under conditions and limitations which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned CZ #1999-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.

1. Title. Owners are the sole and exclusive owners of the Property described above.
2. Uses. The Owners or their successors may construct sixteen (16) residential units in eight (8) duplex units on the Property.
3. Conditions. The rezone of the Property is subject to the conditions recited in Exhibit D.
4. Remedies. Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.
5. Binding Effect. This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.
6. Filing. A copy of this covenant will be filed for record with the King County records and elections division.
7. Attorney Fees. In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

IN WITNESS WHEREOF, the parties have executed this Covenant as of the date first above written.

OWNERS

CITY OF SHORELINE

John Garbe

Bob Deis, City Manager

Richard Smith

APPROVED AS TO FORM:

Ian Sievers
City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that John Garbe appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By: _____
Notary Public in and for the State of Washington
residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Richard Smith appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By: _____
Notary Public in and for the State of Washington
residing at _____
My commission expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Bob Deis appeared before me, and said person acknowledged that he signed this instrument and acknowledged it as the City Manager of City of Shoreline to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: _____

By: _____
Notary Public in and for the State of Washington
residing at _____
My Commission expires _____

EXHIBIT D:

**SHORELINE VILLAGE TOWNHOMES: CONDITIONS OF CONCOMITANT REZONE
AGREEMENT AND COVENANT RUNNING WITH THE LAND**

The rezone of the Property is subject to the conditions recited herein as follows:

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. A maximum of 16 townhomes in 8 duplex units are permitted as proposed on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999.
3. The following features on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 shall control development:
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The City must approve the Vegetation Mitigation Plan, including planting, maintenance and monitoring details, prior to the issuance of the Site development permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

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approved by the City of Shoreline and lighting shall be installed prior to the issuance of the Certificate of Occupancy.

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20. Owners shall, in accord with the direction of the King County Historic Landmarks Commission: (a) provide an archival photographic record of the structure (Lot 87) that is listed in the King County Historic Site Survey; and (b) list the structure for sale for the amount of \$1.00 with the listing to be published weekly for a period of one month prior to demolition. If the structure is sold, then the applicant shall pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the cost of its relocation.

CEMENT CONCRETE CURB & GUTTERS
ON ALL ROADS



Architectural drawing of a building facade. The drawing shows a central entrance with a small balcony above it. To the left of the entrance is a large window with a decorative frame. To the right is another large window. The drawing is a black and white line drawing with some shading.

[illegible][illegible]

SHORELINE VILLAGE TOWNHOMES

OWNER: JOHN CAROL & RICHARD SMITH

EDMONDS, WA 98026

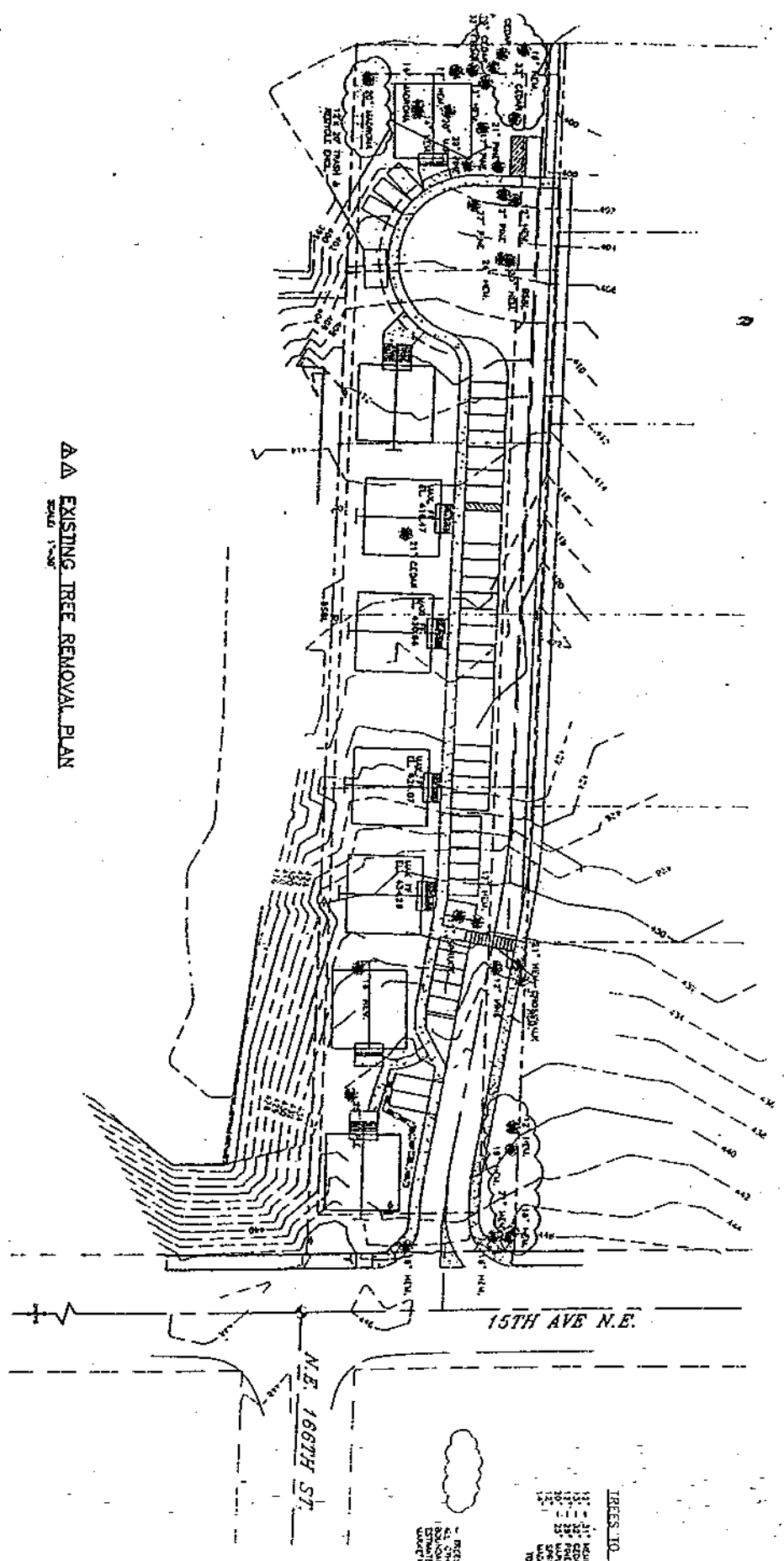
00-04-97 (C26)

ENGINEER: Ronald X. Alcorn, P.E., d.b.a. JWR Engineers

16030 32ND AVE. N., EDMONTON, ALA. 96046
(458) TRF-6070 FAX 743-1771

$$f(x) = \frac{1}{2}x^2 + \frac{1}{2}x + \frac{1}{2}$$

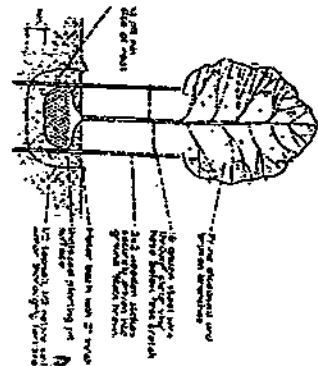
THAT PORTION OF THE SE 1/4, SE 1/4, SECTION 8 TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.



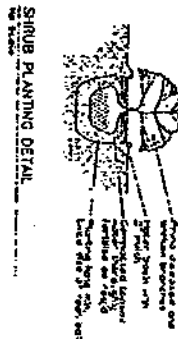
AA EXISTING TREE REMOVAL PLAN
SCALE 1"=40'

JCR ENGINEERING

JCR ENGINEERING	
DATE	8/1/98
BY	JCR
CHECKED	JCR
APPROVED	JCR
THIS PLAN IS REQUIRED BY CITY ORDER DATE PREPARED: AUGUST 1, 1998	
SHEET NO. 1 EXISTING TREE REMOVAL PLAN	
ENGINEER: SHORELINE VILLAGE TOWN OWNER: JOHN CASE & RICHARD SMITH C/O JIM BROWN, 22721 NW (425) 751-4000 (425) 751-4000 (425) 751-4000	



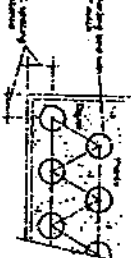
DECIDUOUS TREE PLANTING DETAIL



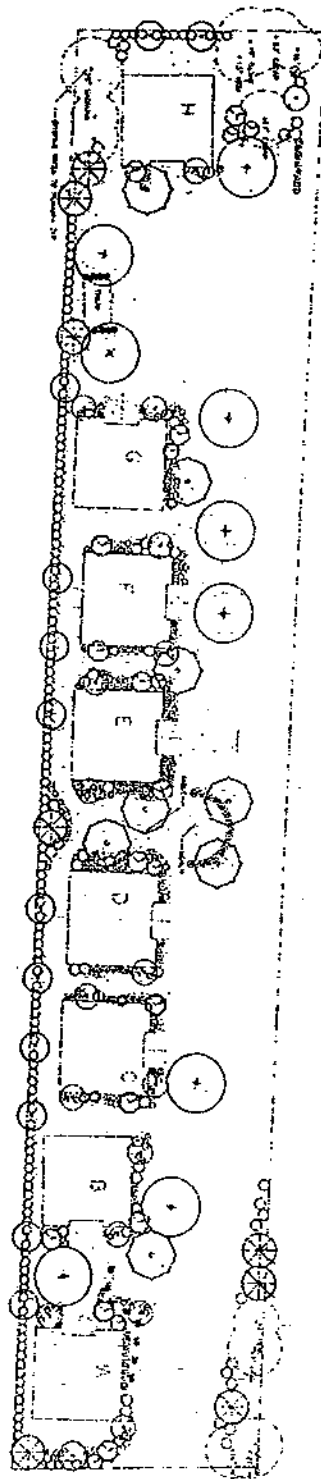
SHRUB PLANTING DETAIL



LAWN / PLANTING DETAIL



ROUND COVER SHADING DETAIL



15TH AVE N.E.

NOTES

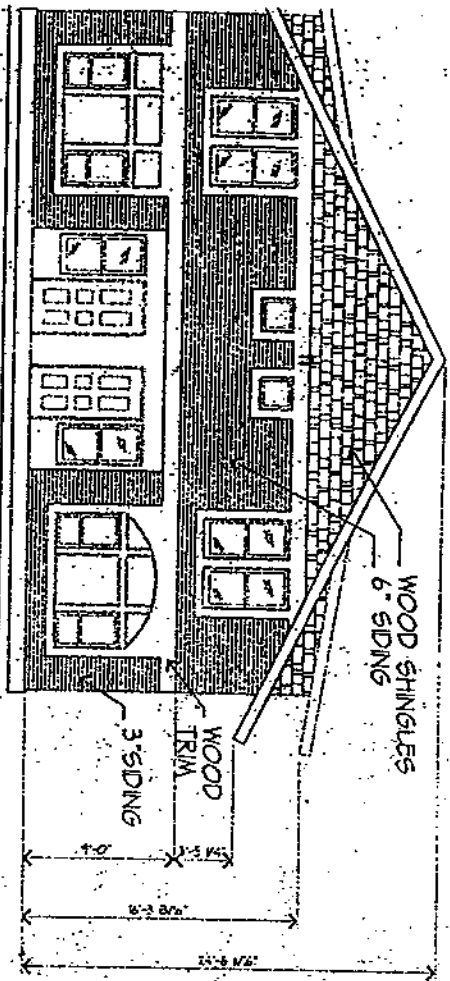
1. All plants, including trees, to be planted in the area provided by the owner. The owner shall provide the necessary permits and approvals for all plantings.
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PLANT LIST

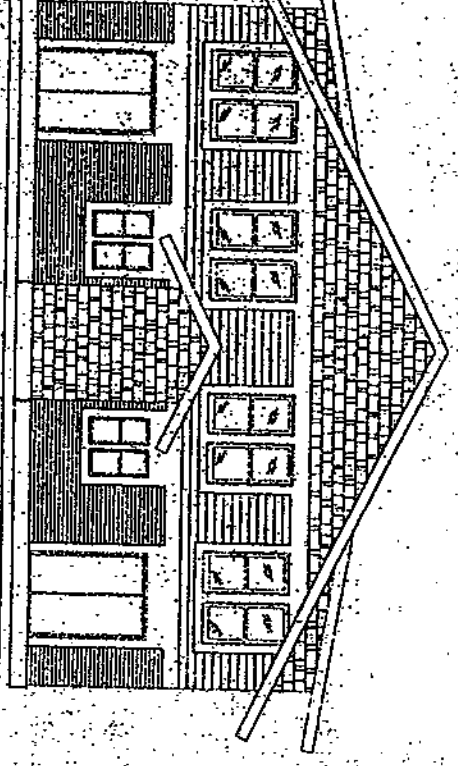
Plant	Quantity	Notes
1. 24" x 24"		

LANDSCAPE PLAN

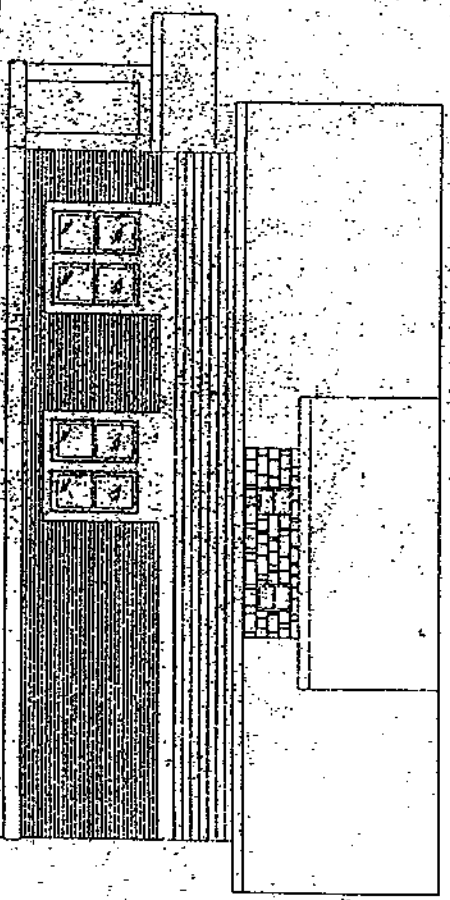




NORTH ELEVATION
scale 1/4"=1'-0"



SOUTH ELEVATION
scale 1/4"=1'-0"



WEST & EAST ELEVATION
scale 1/4"=1'-0"

SHORELINE VILLAGE

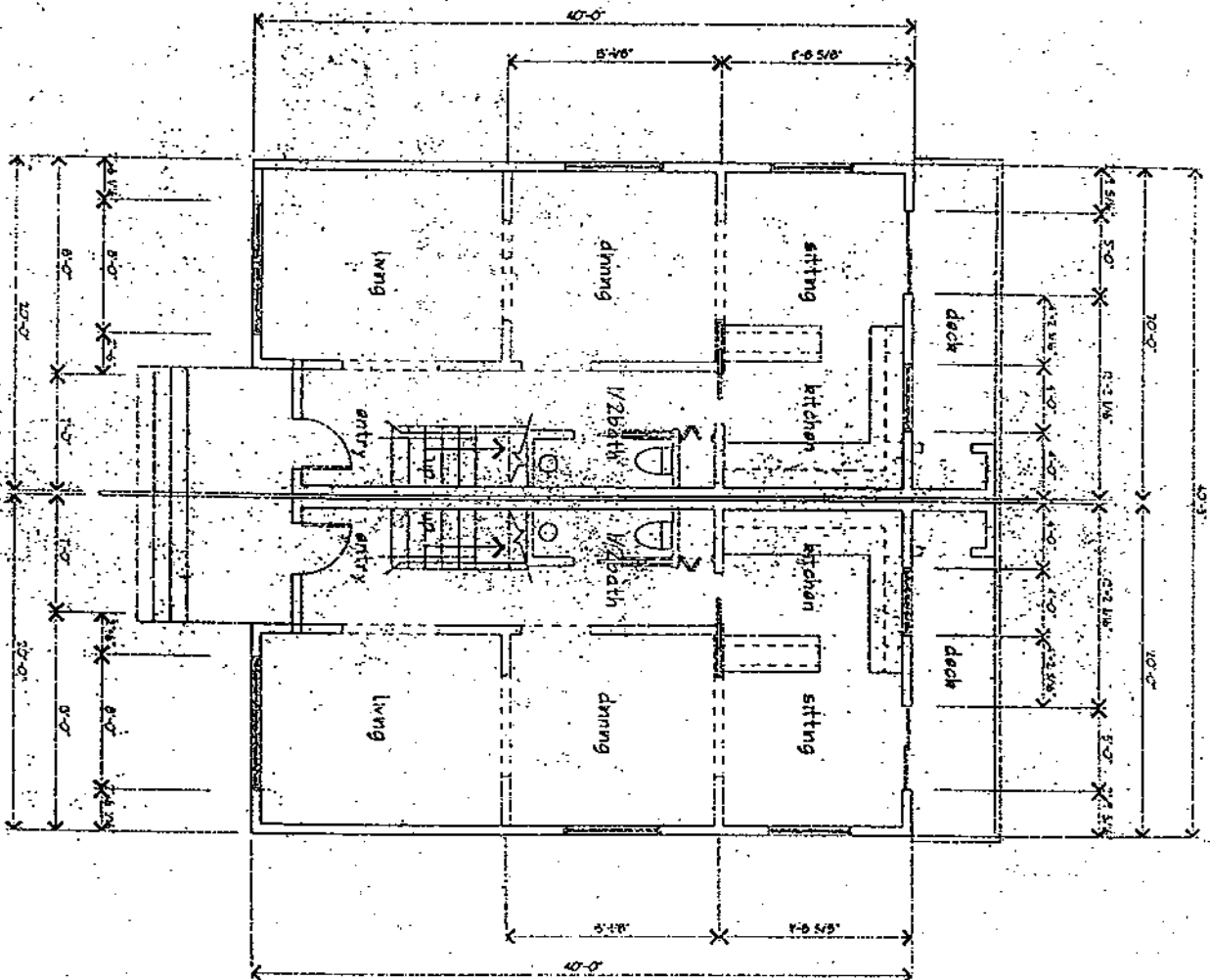
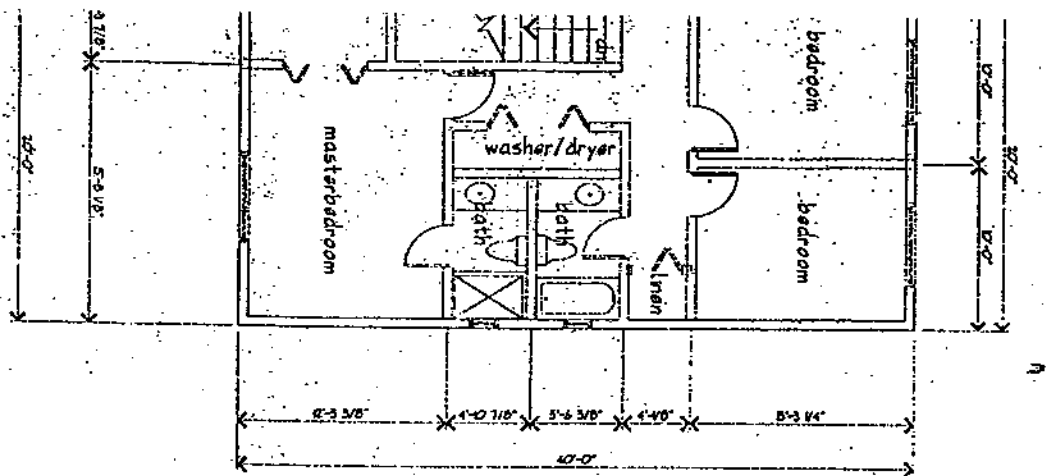
SHORELINE, WASH
SMITH-CARRER DEVE

ARCHITECT
MINAKE
ARCHITECT



PROJECT NO. 1001
DATE 10/1/77
98091
10/1/77

GROUND FLOOR PLAN
1/4" = 1'-0"



ARCHITECTURE
URBAN DESIGN
PLANNING
MINAKER
ARCHITECTS

SHORELINE VILLAGE
SHORELINE, WASHINGTON
SMITH-GARRE INT

279

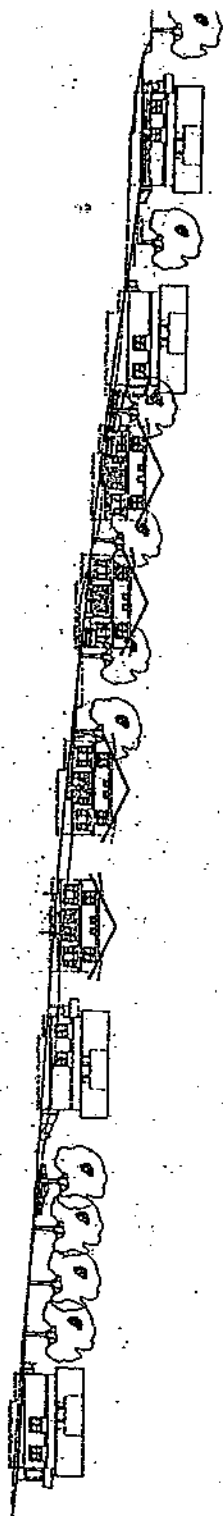
Rev#	Qty	Description
10/12/14	1750	short samples and

POLEC. NAD+TET

17

STREETSCAPE NORTH ELEVATION

Scale 1" = 32'-0"



SHORELINE VILLAGE

SHORELINE, WASHINGTON
SMITH-GARRE DEVELOPMENT

ARCHITECTURAL
URBAN DESIGN
PLANNING
MINAKER
ARCHITECTURE



Author
Date
Scale
Drawing No.

Project No.
Drawing No.
Scale
Drawing No.

These Minutes Approved
December 2, 1999

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

November 4, 1999
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Kuhn
Vice Chair Gabbert
Commissioner McAuliffe
Commissioner Monroe
Commissioner Marx
Commissioner Parker
Commissioner Maloney
Commissioner Bradshaw

STAFF PRESENT

Tim Stewart, Director, Shoreline Planning & Development Services
Kirk McKinley, Transportation Manager (arrived at 7:32 p.m.)
Daniel Bretzke, Project Engineer

ABSENT

Commissioner Vadset

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Kuhn, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Kuhn, Vice Chair Gabbert, Commissioners McAuliffe, Monroe, Marx, Bradshaw, Parker and Maloney. Commissioner Vadset was absent.

3. APPROVAL OF AGENDA

Commissioner Maloney requested that the issue of "utility tax" be added as Item 10a.

COMMISSIONER PARKER MOVED TO APPROVE THE AGENDA AS AMENDED.
COMMISSIONER BRADSHAW SECONDED THE MOTION. MOTION CARRIED
UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER BRADSHAW MOVED TO ACCEPT THE MINUTES OF OCTOBER 21, 1999 AS SUBMITTED. COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENTS

There was no one in the audience wishing to address the Commission during this portion of the meeting.

6. REPORTS OF COMMISSIONERS

There were no reports of Commissioners.

7. STAFF REPORTS

Mr. Stewart reported that the Zevenbergen preliminary plat decision has been appealed and will be heard by the City Council in December in a closed record appeal process.

8. PUBLIC HEARING

a. Shoreline Village Townhomes Contract Rezone

Chair Kuhn reminded the Commissioners of the rules of the Appearance of Fairness Law. He reviewed this law, as well as the public hearing process that would be followed. He inquired if any Commissioners had been contacted by anyone concerning the contents of the public hearing. None of the Commissioners indicated a concern. No one in the audience expressed a concern, either.

Mr. Stewart provided an overview of the staff report on the Shoreline Village Townhomes contract rezone. He explained that a contract rezone is an agreement between the City and a developer and is used as a tool to solidify the terms and conditions of a specific land use proposal in the form of a special zone. He specifically highlighted Attachment A (Page 25, 26 and 27) which lists the 20 conditions that are included in the contract rezone, and each of the conditions would have to be met if the development is to move forward. If the development does not move forward within a certain amount of time, the contract rezone action would be void and the underlying zone that exists today would be reinstated.

Mr. Stewart referred to the development application (Page 28-106), which was included in the packet, as well. He said it is important that the Commission see the type of materials being proposed, the traffic studies and the engineering details to give the Commission an appreciation of the level of work that is put into these issues. There is a summary of the plans and profiles also included in the packet along with various staff reports. Attachment J includes all of the letters of public comment that were received.

Mr. Stewart explained that the application was first presented to the City in August of 1997. A SEPA determination was issued on October 15, 1999. The details of the proposal include sixteen, 2½ bath, duplex units of about 1,600 square feet which all have decks. He said other details of the proposal are included and summarized on Page 16 of the staff report.

Mr. Stewart said the site now consists of five lots, which were approved in 1969 by a King County short plat. Four existing, single-family dwellings occupy the site, and the school district bus barn runs along the south side. To the north of the property is a very well established, single-family neighborhood that contains some fairly large lots. He said the Comprehensive Plan for this area contains three separate use designations: low density, high density and community commercial. Mr. Stewart advised that the permitted density for the subject property could allow as many as 55 dwelling units on the site. But, he cautioned that is a hypothetical number that would require elevators, structured parking, etc.

Mr. Stewart said the current zoning description (Page 18) is R-6. The second line states that this zone permits single-family, duplex, complex and apartments. However, he corrected that apartments are only permitted under certain special conditions. He pointed out that the current zoning of R-6 is not consistent with the adopted Comprehensive Plan land use designation.

He recalled that there have been many issues raised by the public regarding the proposal, including density. Staff feels that the proposed density of 16 dwelling units on 1.6 acres is well below the density that would be permitted by the Comprehensive Plan. Another issue was related to neighborhood character. Staff feels that the proposed land use is appropriate because it provides a transition between the heavily industrial use to the south and the single-family property to the north.

Mr. Stewart advised that the traffic study that was provided by the applicant concludes that the project would have no significant impacts to the traffic operations of the street system in the vicinity of the site. Staff has reviewed the study and concurs with that conclusion. The applicant has provided a technical stormwater report that did not identify any problems with the downstream conveyance system. Substantial stormwater improvements that meet or exceed the stormwater regulations would be required as part of this development. Another issue was related to the sewer easement that runs across the subject property to provide service to the properties abutting the site. He said the City and the applicant are both aware of this easement and plan to protect the lines and maintain the service.

Regarding soils stability, Mr. Stewart said the applicant conducted a soils study which concluded that the proposed development could be accommodated on the site. Mr. Stewart recalled that a number of comments were received regarding tree removal. He said some trees would be removed from the site, but significant tree retention is planned, along with some replacement vegetation. Mr. Stewart pointed out that one of the properties on the eastern most end of the site is listed in a King County historic survey list. However, the King County Historic Commission, as well as the Shoreline Historical Museum, have reviewed this project. Their conclusion is that the project does not meet any of the major criteria for a landmark list. However, staff has suggested a condition that would require the owner to provide an archival photographic record of the structure and list the structure for sale for the amount of \$1 with the listing to be published weekly for a period of one month prior to the property being demolished. If the

structure is sold, the applicant would pay to the buyer an amount equivalent to the cost of demolition of the structure to be contributed to the structure's relocation.

Mr. Stewart reviewed the staff's proposed conclusions that are listed on Pages 18 and 19 of the staff report. Based upon the findings and conclusions, Mr. Stewart said staff recommends that the reclassification of a contract rezone be approved.

Commissioner McAuliffe requested clarification of the term "timely." Mr. Stewart referred to Page 21 of the staff report. The last line states that if a complete building application for development of the property rezoned by this ordinance is not filed within three years of the effective date of the ordinance or the owners of all of the interested properties file a written request, the property shall revert to an R-6 land use designation. He said that three years is a pretty standard amount of time, but he has seen as little as one and as long as five.

Commissioner Bradshaw referred to Page 25, which references a bond requirement (Item 7), and requested further clarification. Mr. Stewart replied that the actual vehicle of providing a performance bond also includes other security that is acceptable to the City. It could be in the form of a security bond, a pass book account that is held by the City, etc.

Commissioner Bradshaw referenced Page 26 and said that it appears that Items 11 and 13 are the same. Mr. Stewart agreed that one of these should be deleted for a total of 19 conditions instead of 20.

Commissioner Bradshaw noted that Attachment D (Page 116), which is a letter from Dan Bretzke to Lenora Blauman, references an underground parking facility. He inquired if this is a requirement of the project. Mr. Bretzke said it was a staff suggestion, but not a requirement. Mr. Stewart added that this condition in the memorandum was not repeated in Attachment A.

Commissioner Bradshaw inquired if Attachment F (Page 119), which is a memorandum from Lenora Blauman, would take care of any historical problems that could result from the removal of this one home. Mr. Stewart said the staff is comfortable because this conclusion was reached after consultation with representatives from the King County Historic Landmarks Commission and the Shoreline Historical Museum.

Commissioner Bradshaw questioned how staff plans to address the concern voiced by Peter and Sheila Theodoratos in their letter found on Page 131 and 132 of the staff report. They expressed a specific concern that their large Laurel hedge be preserved. Mr. Stewart said the condition that involves the hedge is the requirement that a fence be constructed along the north property line. However, if the neighbors and the applicant could come up with acceptable language for protection of the hedge, staff would be in support of that concept.

Commissioner Bradshaw said that on Page 135, a letter from John B. and Kathleen Treisch Saul raises the question about accidents at 15th and 168th. Mr. Stewart said staff has concluded that this proposal would not create any additional traffic problems on 15th. But, it does not mean that the existing

problems would be corrected. It means the incremental increase in the number of trips would not significantly change.

Commissioner Bradshaw noted that a letter from Patricia M. Hale on Page 141 of the staff report suggests that there is a 12-foot gravel channel running under the school. He questioned whether this channel would be affected by the proposed project. Mr. Bretzke answered that there is a significant drain system running under the school that drains the North City Pond, but the proposed project would not impact that system.

Vice Chair Gabbert questioned the reason why the road could not be put on the south side of the subject property. Mr. Stewart said the benefit of putting the road on the north side is that it could provide future access to properties on the north. Mr. Bretzke said that Mike Gillespie, City Engineer, indicated that because 166th does not line up with the subject property, there should be a greater separation between the proposed road and the existing 166th Street.

Vice Chair Gabbert questioned why it was not feasible to have parking located under the units. Mr. Stewart said the density is such that surface parking can be accommodated on the site without the use of underground structures.

Ron Riach, JRR Engineering, 16030 - 52nd Avenue West, Edmonds, said he is the applicant's engineer for this proposal. He thanked the City staff for all of their work on the contract rezone proposal. He said both owners of the subject property are present, and one lives on the property closest to 15th in the house that has been identified as a possible historic structure. He emphasized that the house was relocated to the site in 1959 due to the freeway right-of-way acquisition. This property owner, along with the property owner to the west, genuinely feels that the proposed development is appropriate for the area. It would provide a transition between the industrial use and the R-6 zoning. He suggested that it actually protects the neighbors to the north, even though it is difficult for them to see this when vegetation is being removed for development. He said they have worked hard to retain as many trees as possible.

Mr. Riach emphasized that they have discussed all of the conditions with staff, and they appear to be appropriate. He noted that some of the current concerns were regarding the vegetation and buffer. He said the landscaping plan is well thought out and provides a buffer between the bus barn and the townhomes. He specifically pointed out that the proposed setback was increased above what was required so that they could provide walkways at the rear of the buildings.

Mr. Riach advised that the storm drainage system was based on the King County Standards and the Surface Water Manual. The proposed system would be able to accommodate a significant amount of water beyond what was required by the standards. The applicants voluntarily agreed to upgrade their drainage plan to include a retention system to resolve the issue of possible problems downstream.

Mr. Riach said the owner's intent is to sell the townhomes as owner-occupied units. The proposal before the Commission has all of the elements needed to minimize the impact to the neighbors on the north and provide them the opportunity, if they wish, to short plat in the future with minimal improvements. He said the applicant agrees with the City Engineer that having a public road entrance to

the development that is parallel to 166th to provide an intersection would be the best plan. He said they also approached the school district regarding the easement, but determined that getting the easement back would have been cost prohibitive. He said the access to the site is limited, and there is no left turn onto the site. The traffic consultant agreed that eliminating the incoming traffic to the site to the right only, would be appropriate.

Commissioner McAuliffe inquired if the drawings that have been provided are preliminary. Mr. Riach answered that the construction plans would be submitted when the building permit is applied for. The plans are intended to show the building footprint and exterior building finishes.

Commissioner Maloney inquired if the proposed turn around area is adequate for fire trucks. Mr. Riach said that staff suggested that they construct half of a cul-de-sac. Then, when the properties to the north are developed in the future, the other half could be constructed. There is adequate turn around space for fire trucks and for garbage trucks.

Chair Kuhn said he can understand the need for two handicapped parking spaces, but he questioned their proposed location at the rear of the development. Mr. Stewart said staff has also identified that concern. He referred to Condition 8, on Page 26, which conditions approval on the relocation of the handicapped parking spaces to an area in front of buildings E, F or G. Chair Kuhn suggested that perhaps the location of the handicapped spaces should be dependent upon who purchases the units. Mr. Riach explained that there are many factors that must be considered when identifying handicapped parking spaces--one of which includes the slope of the lot.

At the request of Commissioner Monroe, Mr. Riach described the applicant's proposed method to take care of stormwater run off to adjacent properties. Mr. Riach noted that the proposed stormwater plan would improve the existing conditions for some of the adjacent property owners. Chair Kuhn noted that the Commission received a written comment from the property owner to the north, immediately adjacent to 15th Avenue Northeast regarding an alleged sinkhole that borders their property and the northwest corner of the subject property. He noted that the proposed development includes impervious surface that would slope down to the adjacent property. He questioned what other stormwater measures would be taken other than the cistern running down to the cul-de-sac.

Mr. Riach answered that other than the replanting of areas and the conveyance system, that is the only stormwater proposal for that area. He also noted that the proposal includes a thickened edge along the north side of the road, which would create a flow line 1½ feet from the edge of the asphalt so that water could run down to catch basins, down drainage shoots and into the conveyance system.

Vice Chair Gabbert inquired if the drainage system design is available for review. Mr. Riach referred to Sheet C-2, which provides measurements for the proposed vault. He said the proposed vault would be 18 x 28 feet, and 8½ feet deep. It discharges off site to the south into the catch basin in the school parking lot, and then into the bio-filtration swale that fronts the school property.

Richard Smith, 16605 15th Avenue Northeast, swore that his testimony would be true to the best of his knowledge. Mr. Smith said his family has lived on the property since 1942. The historic value of the

house is in question. It was moved to its current location when the freeway right-of-way was put in. He said the letters submitted by the neighbors seem to make four major points: air pollution, noise, unsightliness, and loss of property value. He said his property was affected more than any other by the bus barn development. The noise and the fumes affect him significantly. He said his property looks right over the bus barn, and it is not a pretty site. He concluded that the bus barn has probably affected his property value more than any others, too. Regarding the issues raised by the neighbors related the degradation of the neighborhood, he said the neighborhood was degraded four years ago when the bus barn was built. No one wants to live by it. He said his existing lot is big enough to put in three houses, but he doesn't want to live there with a house in front of him and a house in back of him. He suggested that this is the best use for the property. Expensive homes would not be appropriate because nobody would want to spend a lot of money on a home next to the bus barn.

Flora Trippett, 1207 Northeast 168th Street, swore to tell the truth to the best of her knowledge. Ms. Trippett said the south boundary of her property would abut the proposed development. She questioned the accessibility from 15th. She said that her husband retired nine years ago, and he had trouble getting onto 15th even in the early morning. Sometimes he had to turn around and go on Fifth; instead. Ms. Trippett said that for years, fire truck access has been difficult. She questioned why the street is suddenly wide enough for fire truck access. Ms. Trippett questions regarding the proposed street lighting. She said they have lived in their house since 1968, and she has paid for a streetlight on the northwest corner of her property (where there is an easement for school access) for many years. Yet, she understands that the City will provide lighting for the new development. Chair Kuhn answered that if the developer is putting in the streetlight, the cost would be born by the people who purchase the houses. Ms. Trippett said she is against the City raising her utility rates to pay for the proposed lighting.

Pete Theodoratos, 1215 Northeast 168th Street, swore that his testimony would be true and correct. He suggested that it is naïve to state that the development would not have a traffic impact to the neighborhood. There are already traffic problems. He agreed with Mr. Smith that the bus barn has a significant affect on the surrounding properties. He questioned what guarantee the City would have that the new homeowners would not sue them because of the bus barn impacts. He understands that they cannot stop the development of this property, but the high-density use that is being proposed would have a significant impact to the area. While staff has assured him that his taxes would not increase, Mr. Theodoratos said he could guarantee that even though his property value would decrease, his taxes would be increased. He said that more and more people are going to be forced out of their homes because surrounding properties are being subdivided.

John Thompson, 16615 - 15th Avenue Northeast, swore to tell the truth. He said he and his wife built their home years ago, and they have been through the construction process when a house was built right next door. It is a noisy and dusty process. Now they are proposing to put in a great number of homes, and it will impact the neighborhood. He noted that the buffers being proposed are insignificant. Because the homes would be lower in price, the likelihood they would become rental units is greater and that would mean a higher turnover rate. Mr. Thompson said that even if they survive this construction, the door is open for other properties in the area to do the same. They would lose the character and privacy of their existing neighborhood. Mr. Thompson asked that the developer buffer the existing homes from the new development as much as they are buffering the new development from the bus barn.

Mr. Stewart emphasized that Condition 15 would require the developer to construct a solid screen along the northern border of the subject property.

Sheila Theodoratos, 1215 Northeast 168th Street, swore to tell the truth. She inquired the total height projection for the proposed buildings. She referred the Commission to the letter she provided regarding the very old and tall Laurel hedge. She said this hedge acts as a beautiful and functional screen from the bus barn, and she is vehemently opposed to its removal. They have provided areas in their yard to attract wildlife, and the hedge is one of the attractions. She said she realizes that the property owner has a right to develop the property, but she asked that they not undermine the root structure of the hedge.

Chair Kuhn referred to Page 38 of the staff report. Environmental Checklist Item 10 states that the height limit of any proposed structure is 35 feet. Mr. Stewart said this item was further modified by A.1, which shows the façade of the buildings, and the height is just less than 25 feet. Therefore, the height limit for any structure on the site would be just less than 25 feet.

John Saul, 1225 Northeast 168th Street, swore to tell the truth. He said he opposes the rezone, but he did not appeal because of the threat of this reverting to the underlying zone, which Mr. Stewart points out would allow 55 units on the property. He suggested that this underlying zoning is being held over the heads of the adjoining property owners. If they don't accept the 16 units they will get 55 units. He said his preferred density for the area would be single-family.

Mr. Saul inquired if the grade of the subject property would be raised at all. He also questioned where the streetlights would be located. He said he would not want to have one located right behind his house. He inquired if the townhouses would be sold as condos, or if the purchasers would be able to purchase the land that the unit sits on. Mr. Riach answered that they would be sold as condominiums, and the association would own the land.

Mr. Stewart referred to C-3 (Page 109 of the staff report) which shows the change between the two grades on the property. He said the change in grade ranges from no change to seven feet along the roadway.

Commissioner Maloney suggested that the neighbors' request that the streetlights be shielded on the north side since the street only serves houses to the south. He felt that would be a reasonable request until such time as there is development on the northern lots. Commissioner Bradshaw noted that Condition 14 includes a provision to limit the impacts to the surrounding properties. Commissioner Maloney agreed, but added that the neighbors could also specifically ask for a shield.

Mr. Saul said it would make a big different if there were no left turn into the subject property from 15th. He inquired if a raised divider on 15th would be provided. Mr. Bretzke said that at this time, there is no sea curbing in the street being proposed. But if there is a problem with people not following the directions, the City may consider putting one in.

Mr. Riach clarified that Item 11 on Page 26 requires a roadway dedicated to the City of Shoreline. There was a significant amount of discussion between the developer and the staff. The applicant's intention

was that the street would be private, as would the lighting. He said the original proposal is for hooded lights on shorter light stands, etc. that would have less impact to the surrounding properties. The lights would probably be situated in the landscaped areas and directed to the roadway and sidewalk, only.

Mr. Riach said that significant discussion has taken place over how an easement agreement could be written to allow the property owners to the north to enjoy the benefit of the road if they decide to sell their property in the future. The staff, and not the applicants, raised this issue. Mr. Stewart inquired if the applicant would accept language that this be a dedicated public access easement. Mr. Riach agreed that would be appropriate, but they would be opposed to it becoming a public right-of-way. Commissioner Maloney inquired if the cost of maintaining the right-of-way would be imposed on the taxpayers. Mr. Stewart said that if it were dedicated as a public right-of-way, the City would have to maintain it.

Regarding the issue of the raised curb to prohibit left turns onto the subject property, Mr. Riach recalled that they discussed that sea curves could actually be more of a hazard than a help because this road is narrow. The City Engineer suggested that they not do this unless they have to.

Vice Chair Gabbert said that the plans do not appear to include any landscaping along the north side of the property. Commissioner Bradshaw noted that a solid screen is required such as a fence, landscaping, etc. Commissioner Maloney noted that in order to protect the hedge they must protect the root system, and part of the root system may be on the subject property. Ms. Theodoratos said that every time she has seen development along the property line, there is a need to move heavy machinery in the area. She suggested that they be required to have sufficient room on the side of the hedge to maneuver heavy equipment without damaging the root system of the hedge.

Chair Kuhn recalled that in the past, the City has required an applicant to hire a certified arborist to provide an opinion and the developer is required to abide by that decision. Mr. Riach agreed that it is the City's responsibility to determine to what extent the property owner is responsible to protect the adjoining properties' vegetation. He said there is no intent to take out any trees or hedges along the north property line, and the applicants would be happy to talk with anybody who is concerned about how the properties could co-exist.

Commissioner Monroe inquired if the applicant would be willing to put up a vegetation bond to protect the properties to the north. Mr. Riach commented that at this time it is premature to say that the vegetation needs to be protected. If the determination is made that they need to be protected, then perhaps a bond would be appropriate. Ms. Trippett inquired if the arborist would also consider the cedar trees along the northern property line. Chair Kuhn said it could encompass all of the vegetation along the northern property line.

Commissioner Maloney recalled that Mr. Smith testified that his house is smelly and dirty from the buses, and he questioned whether it is appropriate to approve a project that may have a health problem. He questioned whether the City should be assured that there is no health problem before a rezone is granted. Mr. Stewart answered that he has not seen any reports that the bus barn is creating a health risk to the surrounding properties. Right now, four single-family residential units occupy the property.

There is also a school immediately to the south of the property. The staff acknowledges that this is a heavy land use with off-site impacts, but he is not aware of any violations. Mr. Stewart added that a SEPA determination of non-significance has been issued and has not been appealed. Chair Kuhn noted that anyone who sells property must fill out a Form 17 to disclose any known risks associated with the property.

CHAIR KUHN CLOSED THE PUBLIC HEARING.

COMMISSIONER PARKER MOVED TO ADOPT THE STAFF'S RECOMMENDATION WITH THE CLERICAL CORRECTIONS AND CONDITIONS REGARDING VEGETATION, ARBORIST AND ACCESS EASEMENT. COMMISSIONER MONROE SECONDED THE MOTION.

Mr. Stewart suggested the following language for Condition 13: "The development shall provide for a vegetation mitigation plan for the vegetation along the north property line and such plan shall include a provision to protect off-site vegetation. The plan shall be reviewed and approved by a certified arborist."

Commissioner Bradshaw noted that they must also deal with the roadway (Condition 11) issue and whether that road should be public or private access. He recalled that the applicant expressed a willingness to dedicate the road as public access easement as opposed to dedicating the road to the City of Shoreline.

Mr. Stewart suggested the following language for Condition 11: "A paved roadway, as described on site plans submitted by JRR Engineering to the City of Shoreline on June 25, 1999 and pursuant to the requirement of SMC Title 12.10, shall be constructed. This roadway shall be dedicated in fee or as a public access easement to the City of Shoreline prior to the issuance of a Certificate of Occupancy for Shoreline Village." Mr. Riach indicated that would be acceptable language.

The Commission discussed the recommended language proposed by Mr. Stewart. He said it is staff's desire that a public access be maintained to enable the properties to the north to redevelop in the future. To clarify some of the Commission's concerns, Commissioner Bradshaw pointed out that an access easement would not require the City to maintain the road. Mr. Stewart agreed that the homeowner's association would be required to maintain the street, and not the City.

Mr. Bretzke said the City operates a drainage utility, and people pay a certain portion of their taxes to the utility. It is the City Engineer's intent that major drainage facilities, such as this one, be maintained by the City because that is the purpose of the City drainage utility fund. The drainage facility under the street would be maintained by the City. Commissioner Maloney inquired if the revenue collected in taxes is adequate to manage the drainage utility.

Mr. Stewart said it is fairly clear that Shoreline's stormwater system is in very poor condition, and that it is going to be a major capital need in the future. The revenue stream that would begin to address that issue is the stormwater utility tax. Commissioner Maloney suggested that if the City does not have adequate revenue to maintain the existing drainage system, it does not make sense to add more costs. Mr. Stewart emphasized that this development proposal would take all reasonable steps to handle

stormwater drainage, and the new structure would be significantly better than what exists in many areas of the City now.

Mr. Bretzke added that the philosophy of the City taking over a drainage facility, especially one that could potentially service other property owners, is that the City is better able to maintain a drainage facility than a homeowners' association is. He said the surface water utility is based upon tax dollars and the proposed development would give a brand new system to the City. It would have a very low maintenance cost but would contribute excess tax dollars to the surface water utility. In effect, this facility will be a net addition to the surface water utility. He suggested that perhaps this issue would be more appropriate as a capital projects discussion.

The Commission continued to discuss whether or not it is appropriate for the City to pay to maintain the stormwater system as currently proposed. Chair Kuhn suggested that if the Commission desires to change this provision, they should make the appropriate motion.

Commissioner Bradshaw called for the question, and Commissioner Parker objected. Vice Chair Gabbert said he has some concerns and would like to propose some amendments to the main motion. He said that if he were a neighbor of this property, he would be concerned about having no buffer or screening.

VICE CHAIR GABBERT MOVED THAT CONDITION 15 BE AMENDED TO PROVIDE A BUFFER ALONG THE FULL LENGTH OF THE NORTH SIDE OF THE PROPERTY (A PLANTING SCREEN). MOTION DIED FOR LACK OF A SECOND.

Mr. Stewart drew the Commission's attention to Condition 15 on Page 27, and questioned how they would like to modify that condition.

VICE CHAIR GABBERT MOVED THAT CONDITION 15 BE AMENDED TO PROVIDE A FIVE-FOOT WIDE VEGETATIVE FENCE THAT COULD GROW TO A HEIGHT OF TWELVE FEET. COMMISSIONER MONROE SECONDED THE AMENDMENT.

Commissioner Marx said she is concerned about the proposed five-foot buffer requirement. She noted that there is only a two-foot area between the road and the property. If a five-foot buffer area were required, the road would have to be redesigned.

MOTION FAILED 2-6, WITH COMMISSIONER MALONEY AND VICE CHAIR GABBERT VOTING IN FAVOR OF THE MOTION AND COMMISSIONERS BRADSHAW, PARKER, MCAULIFFE, MARX, MONROE AND CHAIR KUHN VOTING IN OPPOSITION.

COMMISSIONER MALONEY MOVED TO AMEND CONDITION 15 BY INSERTING THE WORD "VEGETATIVE" BETWEEN "SOLID" AND "SCREEN." MOTION FAILED FOR LACK OF A SECOND.

Vice Chair Gabbert said he still feels that vegetative screening should be required along the northern property line. The way the development is currently proposed, it does not provide a buffer to the existing landowners.

VICE CHAIR GABBERT MOVED THAT CONDITION 15 BE AMENDED TO REQUIRE A VEGETATIVE SCREEN THAT COULD GROW TO AT LEAST 12 FEET HIGH THAT THE DEVELOPER WOULD PROVIDE ALONG THE PROPERTY WHERE HE HAS THE SPACE TO ADD SCREENING. IF THE ADJOINING LANDOWNERS WANT TO HAVE ADDITIONAL SCREENING, THEY COULD WORK WITH THE DEVELOPER TO PUT IT IN. COMMISSIONER MALONEY SECONDED THE MOTION. MOTION FAILED 4-4, WITH COMMISSIONERS BRADSHAW, PARKER, MCAULIFFE AND CHAIR KUHN VOTING IN OPPOSITION AND COMMISSIONERS MALONEY, MARX, MONROE AND VICE CHAIR GABBERT VOTING IN FAVOR.

COMMISSIONER MALONEY MOVED THAT THERE BE A REQUIREMENT FOR A SPECIFIC REPORT FROM A QUALIFIED HEALTH AUTHORITY THAT THERE IS NO HEALTH HAZARD FROM THE BUS BARN. VICE CHAIR GABBERT SECONDED THE MOTION.

Commissioner Parker suggested that the possible health hazard of an adjacent facility is a public issue and not a developer's responsibility. Commissioner Maloney said he does not feel it is proper to ask the City to approve this type of arrangement without reasonable assurance, given the testimony that they have heard, that granting these permits would allow people to live in a healthy condition. He suggested that the City would have liability if it were later determined that this is an unhealthy place to live.

COMMISSIONER BRADSHAW MOVED TO EXTEND THE MEETING FOR 15 MINUTES. COMMISSIONER MCAULIFFE SECONDED THE MOTION. MOTION CARRIED 7-1, WITH VICE CHAIR GABBERT DISSENTING.

COMMISSIONER MALONEY'S MOTION FAILED.

COMMISSIONER PARKER'S MAIN MOTION, INCLUDING CHANGES TO CONDITIONS 11 AND 13, CARRIED 6-2, WITH COMMISSIONERS MONROE, BRADSHAW, MCAULIFFE, PARKER, MARX AND CHAIR KUHN VOTING IN FAVOR, AND COMMISSIONER MALONEY AND VICE CHAIR GABBERT VOTING IN OPPOSITION.

b. CIP/Comprehensive Plan Amendment for the Aurora Corridor

Mr. McKinley explained that about a year ago the City Council started the pre-design phase of the Aurora Corridor and appointed a Citizens Advisory Task Force. After an extensive public involvement process and Commission's review of the three alternatives, a recommendation was forwarded to the Council to pursue Alternative 2. The basic concept of Alternative 2 includes the installation of two additional lanes that would be identified as business access transit lanes, a landscaped center median to provide for left and U-turn pockets, four new signalized pedestrian crossings and four new signalized intersections.

Mr. McKinley said that on August 23, 1999 the Council accepted Alternative 2 and the 32 points that were forwarded to them by the Citizens Advisory Task Force. They also directed staff to begin working on the design for the section between 145th and 165th, which is funded for construction at this point. They also directed them to start the preliminary engineering and environmental process for the whole three-mile corridor.

Mr. McKinley said it was determined that Alternative 2 is in compliance with the Comprehensive Plan, and a detailed analysis that was prepared for the City Council was provided in the Commission's staff report. He asked that the Commission recommend the City Council approve the amendment to the project description in the capital improvement plan to reflect Alternative 2.

Carol Doering, 741 North 184th Street, affirmed that her testimony would be true and correct. She said she was the vice chair for the pre-design task force. She affirmed that they did public outreach to citizens of the community, including the King County Council, Metro and other agencies throughout the area that were connected with issues of public transit and right-of-way. She emphasized that this was a good process, and the Council adopted it unanimously.

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER PARKER MOVED TO ADOPT THE STAFF'S RECOMMENDATION ON THE AURORA CORRIDOR CIP/COMPREHENSIVE PLAN AMENDMENT AS PROPOSED. COMMISSIONER MCAULIFFE SECONDED THE MOTION.

Commissioner Bradshaw inquired how the varying rights-of-way (between 90 to 110 feet) would be affected by the plan. Mr. McKinley said this plan would affect approximately 60 properties. Thirteen or 14 buildings would be affected. Staff feels that by using the recommendations provided the Citizens Advisory Task Force to provided flexibility on the sidewalk width, shifting the roadway center line, etc. they can minimize the impact to buildings.

MOTION CARRIED 8-0.

9. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

10. NEW BUSINESS

a. Utility Tax

Commissioner Maloney advised that the City Council adopted a utility tax that in his view is a hardship on businesses, homeowners and perspective homeowners. He suggested, therefore, that it is a proper concern of the Commission. He proposed that the Commission send a resolution to the City Council suggesting that the utility tax is inappropriate.

Vice Chair Gabbert said that if this tax is for everyone in the City of Shoreline to provide for adequate infrastructure to handle stormwater, then he feels it is a good idea. Commissioner Maloney said the intent is that this would be general revenue to replace I-695. Commissioner Maloney said the message the public was sending to the politicians when I-695 was passed is that they want them to spend less and prioritize their spending.

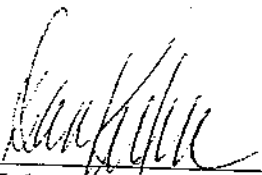
COMMISSIONER MALONEY MOVED TO DRAFT A RESOLUTION TO COUNCIL STATING THAT THE UTILITY TAX IS INAPPROPRIATE. COMMISSIONER BRADSHAW SECONDED THE MOTION. MOTION FAILED 4-4, WITH COMMISSIONERS MALONEY, BRADSHAW, MONROE, AND MCAULIFFE VOTING IN FAVOR. COMMISSIONERS PARKER, MARX, VICE CHAIR GABBERT AND CHAIR KUHN VOTED IN OPPOSITION TO THE MOTION.

11. AGENDA FOR NEXT MEETING

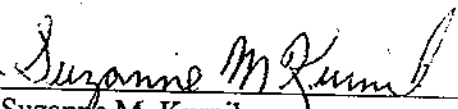
The special meeting that was tentatively scheduled for November 9, 1999 was canceled.

12. ADJOURNMENT

The meeting was adjourned at 9:40 p.m.



Dan Kuhn
Chair, Planning Commission



Suzanne M. Kurnik
Clerk, Planning Commission