

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF DINNER MEETING

Monday, January 10, 2000
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Deputy Mayor Hansen, Councilmembers Grossman, Gustafson, Lee, Montgomery and Ransom

ABSENT: Mayor Jepsen

STAFF: Robert Deis, City Manager; Larry Bauman, Assistant City Manager; Sue Rahr, Police Chief; and Community Services Officer Justin Lee

The meeting convened at 6:10 p.m. All Councilmembers were present with the exception of Councilmembers Lee and Ransom, who arrived later in the meeting, and Mayor Jepsen, who was out of town.

Councilmembers introduced themselves to Shoreline's new Community Services Officer (CSO), Justin Lee.

Officer Lee discussed his background as a Korean-born American.

Police Chief Sue Rahr described some of Officer Lee's activities after completing his CSO training, and then Officer Lee talked about his efforts in coordination of human services with citizens in contact with the Police Department.

Councilmember Ransom arrived at 6:25 p.m.

Both Chief Rahr and Officer Lee commented on his role in delivering gifts from the Police and City employees for the recent holiday Adopt-a-Family program.

Chief Rahr reviewed Officer Lee's regular duties, e.g., following up on domestic violence cases; transporting evidence between the Police Stations and the courts; and various non-enforcement issues (found bicycles, traffic control, etc.).

City Manager Robert Deis pointed out that he expects Officer Lee will also be the City's window to the Korean community and a conduit to the community for City programs.

Officer Lee noted that two of his goals as a CSO in Shoreline are to use his language skills and to let members of the Korean community know that the police are there to help them.

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Responding to Councilmember Grossman's question about the biggest gap for Korean teens and youth, Officer Lee said that communication with parents is the biggest need for teens.

Responding to another question from Council, Chief Rahr reported there is currently very little gang activity in Shoreline.

Councilmember Grossman asked about the level of racial harmony in Shoreline, and Officer Lee responded that he is hearing a lot of positive comments but he hasn't had contact with all spectrums of the ethnic community.

Councilmember Lee arrived at 7:05 p.m.

Mr. Deis asked if Councilmembers were planning to miss any upcoming Council meetings. Councilmember Gustafson will miss the February 21st meeting and Councilmember Montgomery will miss the January 18th meeting.

The meeting adjourned at 7:20 p.m.

Larry Bauman, Assistant City Manager

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CITY OF SHORELINE

SHORELINE CITY COUNCIL

SUMMARY MINUTES OF WORKSHOP MEETING

Tuesday, January 18, 2000
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Gustafson and Ransom

ABSENT: Councilmembers Lee and Montgomery

1. **CALL TO ORDER**

The meeting was called to order at 6:30 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, all Councilmembers were present with the exceptions of Councilmembers Lee and Montgomery.

Councilmember Ransom moved to excuse Councilmembers Lee and Montgomery. Councilmember Grossman seconded the motion, which carried unanimously.

3. **CITY MANAGER'S REPORT AND FUTURE AGENDAS**

City Manager Robert Deis discussed the effects of the January 16 storm and the City staff response.

Noting the upcoming five openings on the Planning Commission, Mr. Deis mentioned City plans to solicit applicants for review and appointment by Council. Mayor Jepsen suggested that Council wait until Councilmembers Lee and Montgomery are present to form an ad hoc committee to review the applications.

Mr. Deis mentioned that Shoreline Police enhanced traffic enforcement on NE 177th Street in response to citizen concerns.

4. **COUNCIL REPORTS**

Councilmember Ransom reported information from the meeting of the State Gambling Commission that he had attended: 1) the commission has approved Goldie's as a level-two mini-casino; 2) State Senator Margarita Prentice is sponsoring legislation to allow

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charitable bingo organizations to share facilities; and 3) legislation has been proposed to allow cities to regulate level-one and level-two gambling establishments without differentiation.

Deputy Mayor Hansen mentioned meetings he had recently attended, including the January 11 festival sponsored by the Richmond Beach Community Council, the January 12 meeting of the Suburban Cities Association and the January 13 meeting of the Puget Sound Regional Council.

Mayor Jepsen noted the "State of the City" address that he delivered to the Shoreline Chamber of Commerce. He mentioned correspondence he had received from the office of King County Executive Ron Sims, following up on Mr. Sims' November visit to Shoreline. Finally, he said he is still collecting nominations for the Municipal Services Strategic Plan interview process.

5. PUBLIC COMMENT: None

6. WORKSHOP ITEMS

- (a) Recommendations for completion of Council's Goal 4: City's role vis-à-vis other youth services providers

Health and Human Services Manager Rob Beem reviewed the staff report.

In response to Councilmember Ransom, Mr. Beem confirmed that Council would need to dedicate General Fund revenues to fund the costs of Option 2, "Infrastructure Development," or Option 3, "Fill Significant Gaps." Councilmember Ransom questioned the percentage increase in youth services that additional funding would achieve. Mr. Deis said additional funding would increase services provided by the Health and Human Services department. Noting the current budget for Health and Human Services, he estimated that a \$100,000 increase in funding would represent an increase in services of nearly 50 percent.

Councilmember Grossman mentioned the difficulty of assessing the results of human service initiatives given the variety and interdependence of services. He went on to express concern that staff has not proposed to increase funding for those services it has determined to be less available. Mr. Beem explained the staff perspective that additional funding of the services the City already provides will improve access to other services (e.g., through greater coordination of City services with those of other agencies). Mr. Deis said staff proposes to focus on services on which the City has influence. He mentioned that the City might provide stop-gap funding for needed services. He underscored the financial expense to the City of providing long-term funding to increase the availability of services.

Councilmember Grossman said the people least able to pay for services are "falling through the cracks" that have resulted from the disagreement between the County and

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suburban cities about human services funding. He asked about the long-term impacts of not funding mental health and substance abuse services. Mr. Deis mentioned studies that have correlated the lack of structured activities for youth to higher rates of teen pregnancy and crime. He said the City has a leadership role in providing structured activities for youth.

Councilmember Gustafson supported the staff proposal that the City provide leadership in a few areas of service and partner with other agencies and advocate in other areas of service. He agreed with the designations of primary focus that staff has proposed. He expressed support for Option 3.

Mayor Jepsen expressed his inclination toward Option 2. However, he agreed with Councilmember Gustafson's comments in support of Option 3. He asserted that the City must consider other human service needs before focusing a predominant amount of resources on youth services.

In response to Mr. Deis, Mayor Jepsen and Councilmember Gustafson said they supported the roles that staff has proposed for the City in the nine areas of youth-related human services.

Deputy Mayor Hansen supported Option 1. He said he must review specific program proposals to determine whether he would support the additional funding proposed in the other options. Mr. Deis said staff could propose specific programs as part of the budget process.

Mayor Jepsen asserted Council support for the definition of roles and responsibilities identified in the matrix under Option 2. He indicated that it provides a framework for further discussion.

Councilmember Ransom supported increased funding for human services related to youth. He agreed that Council must consider specific program proposals and the implications for other human service needs. He expressed enthusiasm for filling significant gaps in human services (e.g., dental health services).

(b) Water Services Study—Evaluation of possible City role in water service delivery

Consultant Dave Parkinson reviewed the CH2MHill report, "Comparison of Water Services Provided Within the City of Shoreline by the City of Seattle and Shoreline Water District."

Kristoff Bauer, Assistant to the City Manager, reviewed five options for the City role in water service delivery.

Mayor Jepsen invited comments from representatives of the Shoreline Water District.

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Cynthia Driscoll, Shoreline Water District Manager, read from a letter to Council which recommended the formation of an ad hoc committee of Councilmembers, Water District representatives, Seattle Public Utilities (SPU) representatives and citizens to review the five options for the City role in water service delivery and to make a recommendation to Council.

Mayor Jepsen noted the City's responsibility, under the Growth Management Act (GMA), for insuring the provision of necessary services to Shoreline residents. He questioned the absence of cities from North King County in the membership of the Cascade Water Alliance (CWA). Mr. Parkinson said much of Lake Forest Park and Kenmore are served by the Northshore Utility District, which voted against membership in the CWA.

Mayor Jepsen asserted the primary issues the Council must address in assessing the five options: the City's responsibility, under the GMA, for insuring the provision of necessary services to Shoreline residents; the potential for problems in the area served by SPU, given the age of the infrastructure; the coordination of resources and services to insure that residents receive the best services for their money. He commented that Option 3, Option 4 or a hybrid of options could address these issues.

Councilmember Ransom said water, sewer, fire and other essential services should eventually be incorporated as part of the City. He commented that the City has developed sufficiently to absorb an operation the size of the Water District and that the City will need to be involved in water issues. He supported a mutually satisfactory City assumption of the Water District (Option 4) and the subsequent, staged assumption of SPU's water service system in Shoreline (Option 5).

In response to Councilmember Grossman, Mr. Bauer said SPU will have to focus more attention on its water system in Shoreline as it ages and begins to fail. Councilmember Grossman noted that the City would face a substantial capital investment if it assumed SPU's water service system in Shoreline. Mr. Deis agreed. He mentioned that the City would also lose SPU as a direct connection to a long-term water supply.

Deputy Mayor Hansen expressed concern that eventual replacement of pipes in the SPU water service system will damage City improvements to sidewalks, streets and other infrastructure. He supported the Water District recommendation for the formation of an ad hoc committee. He also supported the City assumption of the Water District and City assistance in the Water District assumption of the SPU water service system in Shoreline. He stressed the need for the coordination among jurisdictions of capital construction projects.

Councilmember Gustafson supported the goals that Deputy Mayor Hansen identified, and he supported the Water District recommendation for the formation of an ad hoc committee. He favored the consolidation of resources and services to insure cost effectiveness.

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Councilmember Ransom commented that new legislation could eliminate the opportunity for the City to assume the Water District. He said the City must assume the Water District now, if it is going to do so. He asserted that Council must take a strong position in favor of City assumption of the Water District and then determine a mutually satisfactory process to accomplish it.

In response to Councilmember Grossman, Mr. Bauer explained that current State law facilitates City assumption of the Water District; whereas, previously proposed legislation would have established significant hurdles and delays.

Councilmember Grossman noted the contradiction between the City's responsibility under the GMA for providing essential services and its loss of control, under potential legislation, of decisions affecting utilities that provide such services.

Mayor Jepsen identified three key issues for evaluation: 1) the City's responsibility under the GMA for long-term water supply; 2) the status of the current infrastructure; and 3) consolidating overhead and planning. He suggested that Council eliminate Option 1 and Option 5 and that City and Water District staff evaluate the remaining options in terms of the key issues. He said an ad hoc committee is not necessary. Councilmember Gustafson supported Mayor Jepsen's suggestions.

Deputy Mayor Hansen opposed the elimination of Option 5. He stated his long-term goal of one water district serving all of Shoreline. He suggested the elimination of Option 1 and Option 2. Mayor Jepsen and Mr. Deis agreed that Option 2 is impractical.

Mayor Jepsen stated the Council consensus to direct City and Water District staff to analyze Options 3, 4 and 5 against at least the three key issues he identified earlier. Water District Commissioner Mike Harrigan said the Water District will make staff available to participate in the analysis.

In response to Councilmember Ransom, Commissioner Harrigan commented on aspects of the staff report and the Council discussion. In response to Deputy Mayor Hansen, Commissioner Harrigan agreed to provide a written response to the "Comparison of Water Services Provided Within the City of Shoreline by the City of Seattle and Shoreline Water District."

Councilmember Ransom commented that a past Water District presentation on Lake Washington as a source of water was impressive and convincing.

Mr. Deis said he will provide a timeline at the next Council meeting for completing and presenting the requested analysis.

7. CONTINUED PUBLIC COMMENT: None

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At 8:58 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

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CITY OF SHORELINE

SHORELINE CITY COUNCIL

SUMMARY MINUTES OF DINNER MEETING

Monday, January 24, 2000
6:00 p.m.

Shoreline Conference Center
Highlander Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Gustafson, Lee, Montgomery and Ransom

ABSENT: None

STAFF: Robert Deis, City Manager; Larry Bauman, Assistant City Manager; Bill Conner, Public Works Director; Eric Swansen, Senior Management Analyst

The meeting convened at 6:10 p.m. All Councilmembers were present.

Senior Management Analyst Eric Swansen introduced consultants Marilyn Brockman and Robert Drucker of Bassetti Architects and Mike Hassinger of Seneca Group.

Ms. Brockman reviewed the process for developing a program and a conceptual design for a civic center. Mr. Hassinger described the site analysis process and the methods for reviewing financing options.

Ms. Brockman requested Council input on the qualitative issues that will affect the development of a civic center. She reviewed data on other suburban Seattle cities in comparison to Shoreline. She went on to discuss facilities that might be co-located as a civic center.

Mayor Jepsen identified a civic center as an opportunity to create a "one-stop shop" at which the City and other public agencies could provide services at a single site.

Councilmember Grossman suggested a mixed-use project including transit facilities.

Councilmember Ransom recommended that planning include the expansion that will occur as the organization grows to become a comprehensive city.

Councilmember Montgomery suggested that the civic center include common areas for displaying the work of Shoreline artists.

Mayor Jepsen asserted his belief that the project should start simply to create an affordable center but plan for growth and flexibility.

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Councilmembers identified and supported the objective of making the civic center a lever to create economic development. Councilmembers also discussed the types of uses they see as compatible with City offices. Regarding Council chambers, Councilmembers said these facilities should be flexible enough to accommodate a variety of public uses.

The meeting adjourned at 7:25 p.m.

Larry Bauman, Assistant City Manager

CITY OF SHORELINE

**SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING**

Monday, January 24, 2000
7:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

PRESENT: Mayor Jepsen, Deputy Mayor Hansen, Councilmembers Grossman, Gustafson, Lee, Montgomery and Ransom

ABSENT: None

1. **CALL TO ORDER**

The meeting was called to order at 7:30 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll by the City Clerk, all Councilmembers were present.

(a) **Proclamation of "Neighbor Appreciation Day"**

Mayor Jepsen proclaimed February 12, 2000 as Neighbor Appreciation Day in Shoreline. Dick Nicholson, Chair, Council of Neighborhoods, spoke about the value of strong neighborhoods and encouraged residents to participate in Neighbor Appreciation Day.

3. **REPORT OF CITY MANAGER**

Robert Deis, City Manager, noted the cancellation of the Council meeting on March 13 for lack of a quorum—several Councilmembers will be attending the National League of Cities conference.

Mr. Deis provided information in follow up to comments by Councilmember Ransom at the January 18 Council meeting. First, he discussed a newly proposed bill in the State Legislature that would create significant and expensive reporting requirements for cities proposing to assume special districts. Second, he reported on discussions between the Shoreline Water District and the Seattle Public Utilities (SPU) regarding a service area east of Shoreline. Mr. Deis said SPU has assured City staff that it will include the City in discussions or negotiations with the Water District about the service area. He noted that staff has asked SPU to provide a written statement of this understanding.

Next, Mr. Deis noted the need to develop a process for reviewing applications for and appointing new Planning Commissioners. Mayor Jepsen recommended the formation of

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a three-member ad hoc committee of Councilmembers to review applications, conduct interviews and submit recommendations to the full Council. Councilmember Grossman, Mayor Jepsen and Councilmember Lee volunteered to serve on the committee.

Larry Bauman, Assistant City Manager, advised that the terms of three of the five Library Board members will expire on March 31. Deputy Mayor Hansen and Councilmembers Gustafson and Ransom volunteered to serve on an ad hoc committee to review applications for the three Library Board positions.

Mr. Deis went on to report the following appointments to regional committees:

- Mayor Jepsen: Growth Management Planning Council (alternate)
- Deputy Mayor Hansen: Puget Sound Regional Council Executive Committee and Operations Committee
- Councilmember Grossman: Economic Development Council
- Councilmember Gustafson: King County Block Grant Consortium Joint Regional Committee
- Councilmember Lee: Regional Water Quality Committee (alternate)
- Councilmember Montgomery: Regional Transit Committee and Puget Sound Regional Council Transportation Policy Board
- Councilmember Ransom: Jail Advisory Committee (alternate)

Finally, Mr. Deis mentioned a letter from Al Crane concerning Phase 2 of the Draft Development Code. There was Council consensus that staff provide a copy of Phase 2 of the Draft Development Code in the Council office.

4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Virginia Botham, 16334 Linden Avenue N, asserted that staff should include letters from citizens in the materials it provides to Council on land use decisions. She expressed her hope that the City will seriously consider the revisions that citizens propose to Phase 2 of the Draft Development Code. Finally, she encouraged citizens to apply for appointment to the Planning Commission.

(b) Stan Terry, 15811 28th Avenue NE, representing the Briarcrest Neighborhood Association, invited Councilmembers to attend the dedication of the association's neighborhood information kiosk on February 12.

(c) Al Crane, 18551 Meridian Avenue N, presented a letter opposing aspects of Phase 2 of the Draft Development Code.

(d) Margaret Walruse, 14547 26th Avenue NE, thanked Council for its attentiveness to citizen input.

(e) Dennis Lee, 14547 26th Avenue NE, reported on the Planning Commission's deliberations on Phase 1 of the Draft Development Code. He said the Commission did not seriously consider many of the proposed amendments. He asked that Council carefully consider amendments proposed for both Phase 1 and Phase 2.

(f) Robert Goiney, 829 NW 165th Street, discussed a lack of enforcement of the leash law in City parks, particularly in Shoreview Park. He requested that the City enforce its leash law, install appropriate signage and prohibit dogs from Boeing Creek and Hidden Lake.

(g) Brian Doennebrink, 20330 Burke Avenue N, addressed the Metro plan to eliminate 1.05 million hours of bus service by September in response to lower Motor Vehicle Excise Tax revenues. He noted a plan to eliminate five of six peak-hour bus routes in Shoreline. He provided materials to Council about proposed route reductions.

(h) Walt Hagen, 711 N 193rd Street, expressed his concern that the Planning Commission is trying to hurry its consideration of proposed amendments to the Draft Development Code. He mentioned a proposal to restrict consideration to those amendments sponsored by Planning Commissioners. He stressed the importance of citizen participation. He opposed the "key informant" approach that staff has proposed for the Municipal Services Strategic Plan (MSSP) as a restriction of citizen input. He supported the inclusion of the Council of Neighborhoods in the process.

Mayor Jepsen asserted that Council receives and reviews letters from citizens.

Mr. Deis said the Planning Commission will consider all of the proposed amendments to Phase 2 of the Draft Development Code; however, it may limit discussion to the particular amendments it identifies. Planning and Development Services Director Tim Stewart said the Commission has not yet determined the rules it will apply.

In response to Deputy Mayor Hansen, Mr. Stewart confirmed that staff will address every proposed amendment. He said citizens may comment during public hearings on any proposed amendment, regardless of whether the Commission designates it for discussion.

Mr. Deis acknowledged that the effectiveness of the City's leash law depends on the level of enforcement. The City is extremely limited in the enforcement it can provide. He said staff has emphasized education to restrict dogs from sensitive areas (e.g., creeks). Mayor Jepsen noted the divisiveness of discussions regarding enforcement of leash laws. He pointed out that the City relies on the County for animal control in Shoreline.

Councilmember Gustafson recommended that the Parks, Recreation and Cultural Services Advisory Committee consider the issue of leash law enforcement and develop a recommendation for Council consideration. Councilmember Ransom supported this

recommendation. He emphasized the need for a master plan for Shoreview Park to address this issue.

Mayor Jepsen asserted that Council must identify a clear work program before delegating the issue for consideration by the Parks, Recreation and Cultural Services Advisory Committee.

Councilmember Montgomery confirmed the information that Mr. Doennebrink provided. She said Metro has postponed proposed reductions in bus service in the hope that the State legislature will provide additional transit funding.

Mr. Deis said the City has changed the process for gathering input to the MSSP to refer to "key stakeholders," instead of "key informants." He explained that the majority of the key stakeholders will be citizens, and the remainder will be business people. He confirmed that staff has included the Council of Neighborhoods in the process.

6. APPROVAL OF THE AGENDA

Councilmember Montgomery moved approval of the agenda. Councilmember Lee seconded the motion, which carried unanimously and the agenda was approved.

7. CONSENT CALENDAR

Councilmember Montgomery moved approval of the consent calendar. Councilmember Lee seconded the motion, which carried unanimously, and the following items were approved:

**Minutes of Special Meeting of January 3, 2000
Minutes of Regular Meeting of January 10, 2000**

Approval of expenses and payroll as of January 18, 2000 in the amount of \$ 928,205.30

Ordinance No. 226, reducing the tax rate on bingo and raffles

Motion to authorize the City Manager to execute a Commute Trip Reduction (CTR) Implementation Agreement with King County to provide CTR Services

8. ACTION ITEMS: PUBLIC HEARINGS

- (a) **Closed Record Appeal Hearing of the Planning Commission's Recommendations on the Zevenbergen Subdivision**

After Mayor Jepsen confirmed that Councilmembers had not had any ex parte communication regarding the appeal, Mr. Stewart briefly reviewed the staff report.

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Mayor Jepsen noted that he will rely upon City Attorney Ian Sievers and upon Mr. Stewart to determine that the appellant and the applicant do not introduce new information or findings of fact. With that, he called for the presentations of the parties to the appeal.

Michael O'Connell, 620 NW 182nd Street, spoke on behalf of the appellants. He asserted the applicability of the Washington State vesting doctrine to this case. He said the zoning code required 390 square feet of recreation space per unit for subdivisions of eight or more units when the Zevenbergens submitted their application in 1998. There were additional requirements for recreation space totaling 5,000 square feet or more: it must be centrally located; it must be accessible and convenient to all residents; and it must have a street or roadway parking area along ten to 50 percent of the perimeter. He said the Zevenbergen application did not meet these requirements. In response to the Zevenbergens' claim that staff waived these requirements at the time of the application, Mr. O'Connell asserted that staff had no legal authority to do so.

Mr. O'Connell argued that, under the State vesting doctrine, an application must be complete and must comply with current laws in order to vest. He referred to the Noble Manor case in which the State Supreme Court quoted from the legislative report of the statute for vesting of subdivisions. He said the report identified the full completion of an application as a prerequisite of vesting. He said the Zevenbergens argue that their fully completed application vested despite the fact that it did not meet the substantive requirements of the law.

Finally, Mr. O'Connell addressed the Friends of the Law case, in which the State Supreme Court held that an application can be considered vested even in the event of procedural defects. However, Mr. O'Connell differentiated procedural defects from substantial defects. He reiterated that the Zevenbergen application did not meet all of the zoning code requirements. He asserted that it was unlawful and that, as a result, it did not vest. He distributed, and asked Council to read, the King County ordinance referenced by the applicants' attorney. Reserving the remainder of his time, he requested that Council deny the Zevenbergen application.

Courtney Kaylor, 2025 1st Avenue, Suite 1130, Seattle, Washington, represented the applicants. Asserting that neither the facts nor the law support the appellants' claim, she asked Council to deny the appeal and to approve the preliminary plat as unanimously recommended by the Planning Commission. She reviewed the history of the project, including the Planning Commission's recommendation for approval in 1998, the appeal to the Hearing Examiner and the Hearing Examiner's determination of procedural defects and decision to remand the issue to the Planning Commission.

Ms. Kaylor said the applicant agreed to certain conditions at the June 3rd remand hearing and to others during a subsequent meeting with neighboring residents. She said the agreements did not constitute a new or revised application. She explained that the applicant was responding to public comments and staff recommendations. She asserted

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the unfairness of penalizing the applicant for submitting to conditions the neighbors requested.

Ms. Kaylor quoted King County Code 19.36.085, as adopted by the City under SMC 17.05.010: "Applicant-generated modifications or requests for revision(s) which are not made in response to technical staff review, throughout the public process or from examiner conditions which result in any substantial changes as determined by the department including creation of additional lots or elimination of open space requirements shall be treated as a new application for purposes of vesting." She asserted that changes must meet all of these criteria to be treated as a new application. She said the changes to which the applicant agreed met none of them.

Continuing, Ms. Kaylor refuted the claim that the application failed to vest for failing to show common recreation space. She quoted RCW 58.17.033: "A proposed division of land . . . shall be considered under the subdivision . . . ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval . . . has been submitted to the appropriate county, city or town official" and "The requirements for a complete application shall be defined by local ordinance." She then referred to the requirements for a completed application under SMC 16.40.040. She said it does not require a plat application to demonstrate compliance with zoning code requirements in order to vest. She stressed that the application contained the required information, that staff determined the application to be complete and processed it accordingly and that the plat, therefore, vested. The appellants seek to have Council ignore SMC 16.40.040 and impose a new requirement for a completed application. She commented that Council cannot do so.

Finally, Ms. Kaylor said the State Supreme Court held in the Friends of the Law case that the application vested even though it did not comply with a substantive requirement. She quoted from the Court decision: "A preliminary plat application is meant to give local governments an approximate picture of how the final subdivision will look. It is to be expected that modifications will be made during the give and take of the approval process. . . . Once a completed application has been submitted, it is to be judged under the laws in effect at the time of submission. If the applicant can show that the plat, with the proper conditions and modifications, will comply with those laws, it will be approved."

In rebuttal, Mr. O'Connell said the applicant has represented the agreement to include recreation space as mitigation. He stated that compliance with the law is not mitigation. He reiterated that the application the Zevenbergens submitted failed to comply with the law. Supposing the application had come to Council for approval without a recreation space, he said the applicant would not have been able to revise it to include one. He asserted that the application should have been denied before and that it should be denied now.

Councilmember Ransom moved to deny the appeal based on the following key findings: 1) the developer filed a complete application in March 1998 which vested

rights to develop under a 5,000 square foot minimum lot size; 2) subsequent revisions are in response to staff review, public comment or Planning Commission recommendations; and 3) revisions incorporated by the developer or proposed in the Commission recommendation do not materially increase impacts of the development. Councilmember Grossman seconded the motion.

Councilmember Montgomery asked whether an application such as that in question must comply with all applicable regulations before the City may consider it. Mr. Sievers responded that such an application must comply with the City ordinance that determines when a plat will be complete and that once it meets that standard the application vests. He went on to say that changes an applicant makes during the review process that do not create new impacts are not considered a new application under City ordinances.

Councilmember Montgomery asked whether the City ordinance that limits the size of a building footprint in relation to the lot size applies to the proposed subdivision. Mr. Sievers mentioned a statutory requirement that a plat meet all zoning and other land use regulations upon approval. He did not know whether the City requires a plat to show building setback lines.

Councilmember Lee asked if the clear identification of the recreation space is a prerequisite for designating the application to be complete. Mr. Sievers said neither the appellants nor the applicants have disputed the staff determination that the application was complete. Mr. Stewart explained that staff identified the deficient identification of the recreation space during its review of the plat, and the clear identification of the recreation space became one of the conditions of approval that staff recommended to the Planning Commission.

In response to Councilmember Ransom, Mr. Sievers confirmed that the Planning Commission made a recommendation of approval regarding the identification of the recreation space. Mr. Stewart confirmed that the Planning Commission voted unanimously to approve the application with conditions.

Councilmember Grossman favored City policy whereby developers and community members meet, discuss and resolve issues. He said it would set a bad precedent for the City to determine that a developer who participates in a public process and agrees to make changes has thereby submitted a new application. He expressed discomfort at penalizing a developer for cooperating with staff and the community. He said it is unrealistic to expect an initial plat application to be perfect from the outset.

Referring to King County Code 19.36.085, adopted by SMC 17.05.010, Mayor Jepsen asserted his understanding that modifications the applicant makes to respond to City staff, the public or the Hearing Examiner do not constitute a new plat application. He went on to note the examples of substantial change included under KCC 19.36.085 (3). He asked about additional legal definitions of "substantial change." Mr. Sievers noted that SMC 18.40.040 (B) states that "An applicant-requested modification . . . shall be deemed a new application for the purpose of vesting when such modification would

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result in a substantial increase in a project's impacts. . . ." While acknowledging that SMC 18.40.040 (B) does not apply to subdivisions, he said it provides an analogy to help determine the subdivision code.

Deputy Mayor Hansen asserted his understanding that an applicant who concedes to a negotiated mitigation that does not substantially increase the impacts of the project has not submitted a new application for the purpose of vesting. Mr. Sievers agreed.

Deputy Mayor Hansen and Councilmember Lee noted that staff determined the Zevenbergen Subdivision application to be complete in 1998.

A vote was taken on the motion, which carried 6-1, with Councilmember Gustafson dissenting, and the appeal was denied, based on the following key findings: 1) the developer filed a complete application in March 1998 which vested rights to develop under a 5,000 square foot minimum lot size; 2) subsequent revisions are in response to staff review, public comment or Planning Commission recommendations; and 3) revisions incorporated by the developer or proposed in the Commission recommendation do not materially increase impacts of the development.

RECESS

At 9:18 p.m., Mayor Jepsen declared a five-minutes recess. The meeting reconvened at 9:23 p.m.

9. ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Motion to approve the preliminary plat for the Zevenbergen Subdivision, subject to the Findings of Fact, Conclusions and Conditions provided in the Planning Commission report

Mr. Stewart reviewed the 22 conditions of the approval of the Zevenbergen Subdivision (pages 136-139 of the Council packet).

Deputy Mayor Hansen moved that Council approve the preliminary plat for the Zevenbergen Subdivision, subject to the Findings of Fact, Conclusions and Conditions provided in the Planning Commission report. Councilmember Lee seconded the motion.

In response to Mayor Jepsen, Mr. Stewart explained that condition five reflects the conclusion of the Planning Commission in favor of a public right-of-way over an access tract and that condition 18 was meant to preserve the trees along the northern property boundary.

In response to Council questions, Mr. Stewart said Attachment H (page 217 of the Council packet) is the exhibit the applicants presented to the Planning Commission to

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demonstrate how they would meet the conditions imposed by the Planning Commission. He noted that staff has not yet reviewed and approved this plat map. In response to Deputy Mayor Hansen, he confirmed that the plat map must reflect the written conditions of the Planning Commission report to qualify for approval.

Councilmember Lee said many residents of developments similar to the one proposed express concerns about the ability of fire trucks to locate and access their homes. She asked if the City's new development code will address these issues more directly. Mr. Stewart mentioned the City's objective for the new development code to provide clear direction of what the fire department is willing to accept.

A vote was taken on the motion, which carried 7-0, and the preliminary plat for the Zevenbergen Subdivision was approved, subject to the Findings of Fact, Conclusions and Conditions provided in the Planning Commission report.

- (b) Ordinance No. 225, 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 (the Parker Rezone)

Mr. Stewart provided a brief overview of the staff report.

Deputy Mayor Hansen moved that Council adopt Ordinance No. 225. Councilmember Gustafson seconded the motion.

Mayor Jepsen supported the proposed contract rezone.

Noting that the proposed building falls 14 units short of the 36 units possible under the adopted Comprehensive Plan land use designation, Councilmember Grossman expressed concern about City fulfillment of the housing requirement under the Growth Management Act (GMA). Mr. Stewart said staff supports the proposed building for this site. He acknowledged that the City must identify opportunities to make up the shortfall.

A vote was taken on the motion, which carried 7-0, and Ordinance No. 225, amending the City's Zoning map to change the zoning of a .75 acre parcel located at 20028 15th Avenue NE from R-6 to Contract Zone #CZ-99-02 subject to restrictive covenants (the Parker Rezone), was approved.

- (c) Ordinance No. 224, 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 (the Shoreline Village Rezone)

Deputy Mayor Hansen moved that Council adopt Ordinance No. 224. Councilmember Lee seconded the motion.

DRAFT

In response to Deputy Mayor Hansen, Mr. Stewart said people residing north of the proposed project and south of NE 168th Street submitted most of the testimony in opposition to the project.

Deputy Mayor Hansen expressed concern that the proposed access road enters 15th Avenue NE mid-block. Mr. Stewart acknowledged this concern. He said both staff and the Planning Commission discussed it as well.

Councilmember Grossman acknowledged the objections of the neighboring residents, but he noted that the number of units proposed for the site is much fewer than the 55 units permitted under the land use designations in the Comprehensive Plan. He reiterated his concern about meeting the GMA housing requirement. He also expressed concern about housing affordability.

Mayor Jepsen said he did not like the layout of the proposed development—he mentioned the parking and the orientation of the units in particular. However, he questioned whether Council values should influence the consideration of a proposal that has already undergone community and Planning Commission review. Mr. Stewart mentioned the design standards in the new development code as a means of influencing future developments.

MEETING EXTENSION

At 9:58 p.m., Deputy Mayor Hansen moved to extend the meeting until 10:30 p.m. Councilmember Ransom seconded the motion, which carried 5-2, with Councilmembers Grossman and Gustafson dissenting.

Councilmember Grossman expressed uneasiness about Council “micro-managing design and projects.”

Mayor Jepsen moved to amend the motion to add a Condition 21 to allow that prior to filing the Concomitant Rezone Agreement, staff and the applicant will revisit the site layout with the goal of rotating some of the buildings or reconfiguring them so that they face the street where feasible. Deputy Mayor Hansen seconded the motion.

Councilmember Grossman asserted that the amendment falls outside the role of Council. Mayor Jepsen commented that, not having adopted a design code, the City is in a “Catch-22 period” of not being able to provide much guidance to developers.

After additional Council discussion, Mr. Stewart said it will ultimately be the decision of the applicant whether and how to revise the site layout.

A vote was taken on the amendment, which carried 4-3, with Deputy Mayor Hansen, and Councilmembers Grossman and Ransom dissenting.

A vote was taken on the motion to adopt Ordinance No. 224, as amended, which carried 7-0, and Ordinance No. 224, 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, and to the new Condition 21 added by Council, was approved.

10. CONTINUED PUBLIC COMMENT

(a) Virginia Botham, 16334 Linden Avenue N, commented that the City's road standards continue to be unclear. She said staff stated that the driveway in the Parker Rezone did not have to meet commercial road standards. After discussing the research she performed, she asserted that the driveway, as currently proposed, requires a road variance. She expressed concern about the variation from City codes that contract rezones can accommodate. She asked that Council consider this issue when defining contract rezones in the new development code. Finally, she asserted that Shoreline is satisfying its GMA housing requirement.

11. ADJOURNMENT

At 10:15 p.m., Mayor Jepsen declared the meeting adjourned.

Sharon Mattioli, CMC
City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of January 27, 2000
DEPARTMENT: Finance
PRESENTED BY: Al Juarez, Interim Finance Director *Al Juarez*

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to approve expenses formally at the meeting. The following claims expenses have been reviewed by C. Robert Morseburg, Auditor on contract to review all payment vouchers.

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$517,857.60 specified in the following detail:

Payroll and benefits for December 26, 1999 through January 9, 2000 in the amount of \$266,081.07 paid with ADP checks 3715 through 3754, vouchers 20001 through 20093, benefit checks 3192 through 3201.

the following claims examined by C. Robert Morseburg paid on January 21, 2000:

Expenses in the amount of \$9,688.80 paid on Expense Register dated 1/14/2000 with the following claim check: 3191 and

Expenses in the amount of \$139,852.32 paid on Expense Register dated 1/20/2000 with the following claim checks: 3202-3216 and

Expenses in the amount of \$11,925.17 paid on Expense Register dated 1/20/2000 with the following claim checks: 3217-3225 and

Expenses in the amount of \$1,394.93 paid on Expense Register dated 1/21/2000 with the following claim checks: 3226-3232 and

Expenses in the amount of \$6,984.39 paid on Expense Register dated 1/21/2000 with the following claim checks: 3233-3242

the following claims examined by C. Robert Morseburg paid on January 27, 2000:

Expenses in the amount of \$2,700.00 paid on Expense Register dated 1/24/2000 with the following claim check: 3243 and

Expenses in the amount of \$2,510.00 paid on Expense Register dated 1/27/2000 with the following claim checks: 3244-3245 and

Expenses in the amount of \$29,036.58 paid on Expense Register dated 1/27/2000 with the following claim checks: 3246-3250 and

Expenses in the amount of \$47,684.34 paid on Expense Register dated 1/27/2000 with the following claim checks: 3251-3269

Approved By: City Manager _____ City Attorney _____

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Design and Inspection Support Contract for the ORB Organization for the Shoreline Swimming Pool
DEPARTMENT: Parks, Recreation and Cultural Services Department
PRESENTED BY: Wendy Barry, Director

EXECUTIVE / COUNCIL SUMMARY



The purpose of this report is to obtain City Council approval to contract for professional design and inspection support services for the Shoreline Swimming Pool. On October 18, 1999, City Council reviewed various alternatives for the Shoreline Pool Master Plan and selected a preferred alternative that included improvements to the women's locker room, roofing, upgrading interior finishes, and the mechanical, electrical, plumbing and filtering systems. This alternative was also approved by the Shoreline School Board.

As required by City purchasing procedures and RCW 39.80.050, staff reviewed the statements of qualifications and performance data filed with the City in response to its annual solicitation of architectural and engineering services. The ORB Organization was selected as the firm most qualified in the recreation facility design category to provide the design services for the pool. Staff negotiated the proposed contract, which it believes to be fair and reasonable given its scope and complexity.

Staff has negotiated a contract with the ORB Organization for an amount not to exceed \$149,000. The Consultant will provide design services to produce plans and specifications and provide inspection support during construction of the proposed improvements to the Shoreline Swimming Pool. Funding for this project has been obtained from the General Capital Fund and incorporated in the 2000 – 2005 Capital Improvement Program (CIP). The funding breakdown includes \$105,000 in 2000 and \$44,000 in 2001 for a maximum amount of \$149,000 for design.

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute an Agreement for Design and Inspection Support Services for the Shoreline Swimming Pool with the ORB Organization, in the amount not to exceed \$149,000.

Approved By: City Manager  City Attorney 

BACKGROUND / ANALYSIS

The Shoreline Swimming Pool was constructed by King County in 1967 and is located on property owned by the Shoreline School District. On June 1, 1997, the facility was transferred from King County to the City of Shoreline.

On November 9, 1998, the City Council adopted the twenty-year Parks, Open Space and Recreation Services Program (POSP) along with the City's first Capital Improvement Program (CIP). Through the POSP process, staff identified that many of the City's parks are in need of basic repairs and some of the facilities require major renovation. These improvements were analyzed and included as a project in the CIP to provide a mechanism to repair and/or upgrade these City facilities through a master plan process with public involvement.

The Shoreline Swimming Pool improvements have been identified in a master plan process that included two public open houses along with a citywide survey that was distributed in the July 21, 1999 edition of the Shoreline Enterprise. Three alternatives were developed and presented for informal review with City staff, Shoreline School District staff, the architect, and interested residents and other citizens. These alternatives were then reviewed by the City's Parks, Recreation and Cultural Services Advisory Committee prior to City Council's review.

On October 18, 1999, City Council selected a preferred alternative for improvements to the Shoreline Swimming Pool. The preferred alternative includes extending the life of the facility's mechanical, electrical, plumbing, boiler and pool filtering systems by 20 years. In addition, the improvements include replacing the roof, improving and replacing deteriorated fixtures, upgrading interior finishes, enlarging the women's dressing room, enlarging the lobby, and adding work/storage space.

Consultant Selection:

In March 1999, the City Manager executed a consultant contract to prepare the master plan. The ORB Organization was selected as the consultant to complete the design alternatives. The alternatives were presented for review to the public, the Parks, Recreation and Cultural Services Advisory Committee and City Council.

In December of 1999, as required by City purchasing procedures and RCW 39.80, staff reviewed the statements of qualifications and performance data filed with the City in response to its annual solicitation of architectural and engineering services. The ORB Organization was selected as the firm most qualified in the recreation facility design category to provide the design services for the pool. Staff negotiated the proposed contract, which it believes to be fair and reasonable given its scope and complexity.

Scope of Work:

Develop Design Development Documents: Documents will be based on the preferred alternative in the master plan. These will include the refinement of the design of the project, establish the scope, relationships, form, size and appearance of the project by means of plans, sections and elevations, typical construction details, and equipment

layouts. The design development documents shall identify major materials and systems and, establish in general, their quality levels.

Construction Documents: The Consultant will provide construction documents based on the approved design development documents. The construction documents will set forth in detail the requirements for the construction of the project. These documents will include drawings and specifications that establish in detail the quality levels of materials and systems required for the project. The Consultant will compile a project manual that includes the conditions of the contract for construction and technical specifications.

Bidding Phase: The Consultant will assist the City in obtaining competitive bids and will assist in awarding and preparing contracts for construction.

Construction Phase: The Consultant will visit the site at intervals appropriate to the stage of construction and to observe the progress of the work. The Consultant will keep the City informed of the progress and quality of work and will endeavor to guard the City against defects and deficiencies in the construction.

The Consultant will review and certify the amounts due the Contractor and reject work that does not conform to the contract documents. The Consultant will also review any submittals such as shop drawings, product data and samples.

Public Meetings:

The Consultant will participate in up to four public meetings that will allow for public input on architectural design elements and provide project status reports. These will include meetings with the general public, the Parks, Recreation and Cultural Services Advisory Committee and the City Council.

Project Funding:

The Shoreline Swimming Pool improvements have been identified in the 2000 – 2005 Capital Improvement Program for a total of \$1,384,400. The City's General Capital Fund provides funding to complete the identified improvements to the swimming pool facility. The funding breakdown includes \$105,000 in 2000 and \$44,000 in 2001 for a maximum amount of \$149,000 for design.

Project Schedule

The tentative project schedule is to advertise for construction in November 2000 and begin construction spring 2001. This schedule will work around the School District's high school competitive swim schedule.

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to execute an Agreement for Design and Inspection Support Services for the Shoreline Swimming Pool with the ORB Organization, in the amount not to exceed \$149,000.

Council Meeting Date: February 14, 2000

Agenda Item: 8(a)

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

AGENDA TITLE:	Closed Record Appeal Hearing of Planning Commission Recommendations for Denial of the Elena Lane Rezone and Subdivision
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Ian Sievers, City Attorney; Tim Stewart, Director, Planning and Development Services

EXECUTIVE / COUNCIL SUMMARY

The City Council is asked to conduct a closed record appeal of the Planning Commission's Findings and Recommendations (Attachment A) for denial of the application of on the Elena Lane rezone and long subdivision. The appeal was filed by the project applicant, Eric Sundquist, who is represented by G. Richard Hill (see Appeal Statement, Attachment B). Respondents may include any party of record who participated in the hearing on the application before the Planning Commission. Respondents may be identified by filing an optional written argument at least seven days before the Council hearing on the appeal or by offering oral argument at the hearing. The appellant and respondents Martin Kral, Ginger Botham, Brian Lee, Gordon Swan and Lesley J. Snowden-Swan have filed written argument (Attachments C and D-F). Phase One of the new development code proposes elimination of closed record appeals with the attendant difficulty in coordinating submittals to the Council.

The Planning Commission held an open record hearing on this application for reclassification and preliminary plat application on December 2, 1999 and the Commission entered its Findings and Recommendation on December 22, 1999. This appeal was filed on December 30, 1999. Under SMC 16.35.120 the City Council is the appeal body for plat and rezone recommendations and may grant or deny the appeal.

The issue in this appeal whether the R-12 zoning (Residential-12 units/acre) requested in the application and corresponding density of fifteen residential lots is compatible with the Comprehensive Plan goals and policies applicable to the Medium Density Residential land use designation in the Plan. The current zoning (R-6) is not compatible with the new Comprehensive Plan Medium Density Residential designation, and consistency between the Plan and development regulations such as the zoning map is required by the Growth Management Act. Either R-8 or R-12 zoning is appropriate (LU28). A copy of the adopted zoning map and the proposed plat map are attached

(Attachment G and H). If the appeal for R-12 zoning is denied, the Planning Commission's recommendation should be supplemented to require rezoning the property to R-8.

The Planning Commission concluded the higher R-12 zoning with its higher density, smaller lots and greater impervious surface coverage was not compatible with existing development, relying on Housing Policy H1 and Housing Goal H III ("H1: Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city." "H III: Maintain and enhance single family residential neighborhoods, so that they provide attractive living environments, with housing that is compatible in quality, design and scale within neighborhoods and that provides effective transitions between different uses and scales.") Appellants claim the project application is consistent with the policy and goal. The planning staff agrees with the appellant's position, and believes the proposal as conditioned satisfies the Comp Plan goals. (See Staff Report, Attachment I).

In a closed record appeal no additional testimony or evidence may be presented. The appellant has filed a transcript of testimony presented at the open record hearing before the Planning Commission (Attachment J). The balance of the record consists of the documents submitted as part of the application file or admitted during the Planning Commission hearings. These documents are the plat maps (Attachment H) and Attachments B-J to the December 2nd Staff Report available on file in the City Clerk's.

The Council should consider this record and the Planning Commission Report and Recommendation to Council, in light of written argument of the parties and oral argument presented at the council hearing. After introduction by the Mayor and background presentation by the Department of Planning and Development Services, the appellant's representative may present argument, followed by the respondent's argument, and finally, appellant's rebuttal argument, if any. The appellant has the burden of establishing that the Planning Commission recommendation is not supported by the preponderance of evidence.

Council should consider the preliminary plat and rezone application scheduled later on tonight's agenda in light of its decision on this appeal.

RECOMMENDATION

It is recommended that Council hold a closed record hearing, hear arguments by both the appellant and respondent(s) and then decide whether to uphold or deny the appeal. Suggested motions are:

Move to **Uphold** the Appeal and recommend approval of the application for R-12 zoning and the preliminary plat application with amendments to the Conditions for Preliminary Plat Nos. 1(b), 2 and 3 as set forth in the Appellant's Appeal Statement.

-or-

Move to **Deny** the Appeal and recommend rezone of the subject property to R-8 and

review of a revised plat consistent with this zoning by the Planning Commission.

Approved By: City Manager LB City Attorney [Signature]

ATTACHMENTS

Attachment A	Planning Commission Report and Recommendation to City Council
Attachment B	Appeal Statement
Attachment C	Argument of Appellant
Attachments D-G	Argument of Respondents
Attachment H	Zoning Map
Attachment I	Plat Map
Attachment J	Staff Report of December 2, 1999 (Attachments B-J to Staff Report Available in City Clerk's Office)
Attachment K	Transcript of Planning Commission Hearing.

Commission Meeting Date: December 2, 1999

PLANNING COMMISSION FINDINGS AND RECOMMENDATION
CITY OF SHORELINE, WASHINGTON

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

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

I. PROPOSAL:

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

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

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

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

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

II. FINDINGS:

1. THE SITE

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

2. THE NEIGHBORHOOD

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

3. COMPREHENSIVE PLAN

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

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

4. EXISTING ZONING

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

5. ISSUES:

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

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

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

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

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

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

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

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

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

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

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

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

III. CONCLUSIONS


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

IV. RECOMMENDATION

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

ATTACHMENT:

- A. Proposed Plat Conditions


Dan Kuhn, Planning Commission Chair

12/22/99
Date

ATTACHMENT A

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

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

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

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

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

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

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



Planning & Development Services Department
17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 546-1811

AFFIDAVIT OF MAILING

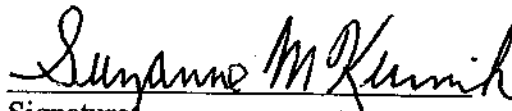
State of Washington)
) ss.
County of King)

I, Suzanne M. Kurnik, being first duly sworn, upon oath depose and state:

(1) that I am a citizen of the United States over the age of 18, that I am competent, and that I have no interest in the proposal described in the attached notice.

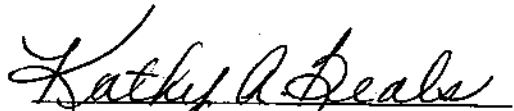
(2) that on the 22nd day of December, 1999, at the hour of 4:30 p.m., I placed in the United States mail, with first class postage affixed, the following notice (copy attached) to all parties of record, as set forth on the attached list:

**Notice of Shoreline Planning Commission Recommendation on Project
Number 1999-00845 to the Shoreline City Council, dated December 22, 1999.**


Signature

Subscribed and sworn to before me this 22nd day of December 1999.




NOTARY PUBLIC in and
for the State of Washington,
residing at King Co.
My commission expires: 12-15-03



PUBLIC NOTICE

The Shoreline Planning Commission held an open record pre-decision public hearing on December 2, 1999 to consider and review citizens' comments on Project Number 1999-0845, a proposal by Eric Sundquist to reclassify (rezone) and subdivide property located at 18034 Stone Ave North.

Pursuant to SMC 16.35.110, you are notified that the Planning Commission concluded its review of the proposal and made a recommendation to the Shoreline City Council to deny the application for Reclassification of Property (Rezone) and Subdivision. Copies of the Planning Commission's Report to the City Council are available for public review at the Shoreline City Hall, City Clerk's Office, 17544 Midvale Avenue North, and at the City Hall Annex, Planning and Development Services Department, 1110 North 175th Street, Room 107.

Appeal Period: Pursuant to SMC 16.35.140, a party of record must file any appeal of the Planning Commission's recommendation no later than 5:00 p.m. on Wednesday, January 5, 2000.

Appeal Fee: Appeals of the Planning Commission Recommendation to the City Council must include a fee of \$350 and must be filed with the City Clerk's Office at 17544 Midvale Avenue North, Shoreline, Washington 98133-4921 by 5:00 p.m., January 5, 2000.

INFORMATION IS AVAILABLE FROM:

Allan Johnson, Planner II
Planning and Development Services Department
City of Shoreline
17544 Midvale Avenue North
Shoreline, Washington 98133-4921
Telephone: (206) 546-6682

An affidavit of posting has been filed with the City Clerk for the Shoreline Planning Commission.

DATED this 22nd day of December, 1999.

ROD ANDERSON
18021 ASHWORTH AVE N
SHORELINE WA 98133

ROSALIND BATES
18027 ASHWORTH AVE N
SHORELINE WA 98133

R BERKLEY
18043 ASHWORTH AVE N
SHORELINE WA 98133

GINGER BOTHAM
16334 LINDEN AVE N
SHORELINE WA 98133

E KAIREZ BRADBROOKE
18052 ASHWORTH AVE N
SHORELINE WA 98133

JUDITH CHANDLER
18016 STONE AVE N
SHORELINE WA 98133

NEALE & SHERRI FROTHINGHAM
PO BOX 374
PORT ANGELES WA 98362

WALT HAGEN
711 N 193RD ST
SHORELINE WA 98133

COLLEEN & CHARLES HOLBROOK
1361 N 180TH ST
SHORELINE WA 98133

DAVE & SUE KERRIGAN
18019 ASHWORTH AVE N
SHORELINE WA 98133

MARTIN & KAREN KRAL
1317 N 183RD ST
SHORELINE WA 98133

BRIAN LEE
18018 STONE AVE N
SHORELINE WA 98133

DANIEL MANN
17920 STONE AVE N
SHORELINE WA 98133

S MICHAEL SMITH
LOVELL-SAUERLAND & ASSOC
19400 33RD AVE W #200
LYNNWOOD WA 98036

ERIC SUNDQUIST
VIKING PROPERTIES INC
PO BOX 1034
LYNNWOOD WA 98046

GORDON SWAN
LESLEY SNOWDEN- SWAN
18037 ASHWORTH AVE N
SHORELINE WA 98133

LLOYD & PENNEY WALES
18031 ASHWORTH AVE N
SHORELINE WA 98133

DEC 30 1999

Attachment B

CITY OF SHORELINE
McCULLOUGH
WILSON
HILL &
FIKSO
A PROFESSIONAL
SERVICE CORPORATION

LAW OFFICES

MARKET PLACE TOWER
SUITE 1130
2025 FIRST AVENUE
SEATTLE, WASHINGTON
98121-2100
(206)448-1818
FAX: (206)448-3444

December 29, 1999

Shoreline City Council
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921

Re: Elena Lane Rezone/Preliminary Plat
File #099-0845

Dear City Council Members:

This is on behalf of Eric Sundquist of Viking Properties ("Sundquist"). Sundquist's address is Viking Properties, PO Box 1034, Lynnwood, WA 98046. The address of Sundquist's representative is set forth on the letterhead above.

Sundquist hereby appeals the recommendation of the Shoreline Planning Commission that the Elena Lane rezone and preliminary plat ("Project") be denied. Sundquist respectfully requests that the Shoreline City Council approve the Project. The Project is consistent with the City's Comprehensive Plan and under state law must be approved. Sundquist was the applicant for approval of the Project, and therefore has an interest in the recommendation being appealed.

This appeal letter describes the Project, summarizes the Planning Commission's recommendation, explains how the Project is consistent with the Comprehensive Plan, describes the Growth Management Act's requirement that zoning decisions must be consistent with the Comprehensive Plan, explains why community opposition may not serve as the basis to deny a rezone, asks the Council to modify the conditions of approval to render them consistent with agreements reached with staff, and concludes by requesting that the Project be approved.

G:\Viking\929.001\CORRICITCOUN02.DOC

1. **Project Description.** The property comprises approximately 1.4 acres, and is located at 18034 Stone Avenue. The Comprehensive Plan Land Use Map designates the site as Medium Density Residential Use (appropriate zoning designations R-8 or R-12 Residential). The proposal is to rezone the property from R-6 to R-12 and to subdivide the property into sixteen lots, of which fifteen would accommodate dwelling units and one would be open space and recreation. Proposed conditions include roadway and sidewalk improvements, drainage improvements, tree preservation, and screening.
2. **Planning Commission Recommendation.** Despite the PDS staff recommendation that the Project should be approved, the Planning Commission recommended that it be denied. The tapes of the Planning Commission deliberations show that the primary reason for the recommendation was the strong opposition from the community to the proposed increased density that the rezone will accommodate. The Planning Commission specifically found:
 - (a) the proposed plat complies with the SMC Title 19 Subdivision Standards (Conclusion 1);
 - (b) the Project will provide adequate water and sewer systems (Conclusion 2);
 - (c) the Project will provide adequate stormwater and water quality systems (Conclusion 3);
 - (d) the Project will retain valuable vegetative buffers (Conclusion 4);
 - (e) the Project's Homeowner's Association will maintain appearance and function of the development (Conclusion 5); and
 - (f) the Project will assist the City in meeting its housing production targets to meet its obligation under the Growth Management Act (Conclusion 6).

Despite these conclusions, the Planning Commission recommended denial of the Project based on alleged inconsistency with Comprehensive Plan policies that "call for compatibility with existing development and neighborhood character" (Conclusions 7 and 8). Sundquist objects to Conclusions 7 and 8 and the Planning Commission's recommendation of denial.

3. **The Project is Consistent with the Comprehensive Plan.** The City Council is respectfully urged to overturn the Planning Commission's recommendation, and to conclude, as PDS staff concluded, that the Project is consistent with the Comprehensive Plan.

The Planning Commission concedes, at Finding 4.1, that the existing property zoning, R-6, is not consistent with the adopted Comprehensive Plan Land Use Map, which designates the property as Medium Density Residential Use.

The proposed R-12 zone, on the other hand, is consistent with the Comprehensive Plan Medium Density Residential Use designation, as acknowledged in Planning Commission Finding 3.3.

The Planning Commission Findings identify four Comprehensive Plan policies as applicable to the Project. The Project is consistent with all four policies.

Finding 3.1 refers to Policy LU23, which directs the City to "ensure land is designated to accommodate a variety of types and styles of residences adequate to meet the growth of 1,600 to 2,400 new housing units and the future needs of Shoreline citizens." The Elena Lane property was redesignated to Medium Density Residential in order to carry out this policy. The Project, which will make the zoning designation consistent with the Comprehensive Plan designation, by the same token is consistent with this policy.

Finding 3.2 refers to Policy H1, which directs the City to "encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the City." The Project, with 15 new single family homes, will increase housing opportunities. Its amenities, which include open space, landscaping, and screening, render it compatible with surrounding development, as well as development, in the language of Policy H1, "throughout the City."

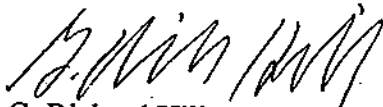
Finding 3.2 also refers to Policy H6, which calls for the City to "encourage compatible infill development on vacant or underutilized sites." The Project is exactly what this Policy calls for: infill development on an underutilized site that complies with the Comprehensive Plan Land Use Map.

Finally, Finding 3.2 also refers to Goal H III, which states that the City should "maintain and enhance single family and multi-family residential neighborhoods, so that they provide attractive living environments, with housing that is compatible in quality, design and scale within neighborhoods and that provides effective transitions between different uses and scales." The Project precisely fulfills the intent of this policy as well. Although the R-12 zoning authorizes multi-family structures, the Project proposes only single family uses, so that there is a more effective transition in scale from the surrounding homes. In addition, the Project's vegetative buffers and fencing provide an additional transitional grace. Finally, it is important to note the project speaks to "compatibility," which means "capable of existing in congenial combination." This Project can exist in congenial combination with the surrounding development.

Because the Project is consistent with the Comprehensive Plan, it should be approved.

4. **The Growth Management Act Requires Approval.** In the Planning Commission deliberations, it was stated that the Comprehensive Plan is merely a policy guide, and does not bind the City when a rezone is presented to it. While this was the law in the past, it is no longer so, since the adoption of the Growth Management Act ("GMA"). GMA requires the City to zone property within its jurisdiction so that the zoning is consistent with and implements the City's GMA Comprehensive Plan. RCW 36.70A.040(3)(d) (cities planning under GMA must adopt development regulations that "are consistent with and implement" the comprehensive plan); RCW 36.70A.130(1) ("any change to development regulations shall be consistent with and implement the comprehensive plan"). Thus, because the Project is consistent with and implements the comprehensive plan, under GMA it must be approved.
5. **Community Opposition May Not Be the Basis for Denial.** The Planning Commission deliberations make clear that the primary basis for its recommendation of denial was the opposition presented by the surrounding neighbors. Yet the law makes clear that to deny a project based on community displeasure is arbitrary, capricious, and unlawful. *Maranatha Mining, Inc. v. Pierce County*, 59 Wn.App. 795, 804, 801 P.2d 985 (1990).
6. **The Plat Conditions Should Be Revised As Agreed with PDS Staff.** At the Planning Commission hearing, PDS staff and the applicant agreed to certain minor modifications of the plat conditions. Sundquist respectfully asks the City Council to amend the plat conditions accordingly, as follows:
 - (a) 1(b) should be amended to read: "Water quality measurements equivalent to biofiltration shall be provided in on-site facilities with specific locations to be determined in final engineering plan."
 - (b) 2 should be amended to read "a 24 foot wide paved roadway," not "a 32 foot wide paved roadway."
 - (c) 3 should be amended to provide that the pedestrian sidewalk will be constructed only on the south side of N. 182nd.
7. **Conclusion and Request for Relief.** Sundquist therefore respectfully asks the City Council (a) to approve the Project and (b) to modify the plat conditions as set forth in paragraph 6 above.

Sincerely,



G. Richard Hill

GRH:grh

cc: Eric Sundquist
Michael Smith

RECEIVED

FEB 7 2000

Attachment C

PHILLIPS
City Manager's Office
McCULLOUGH
WILSON
HILL &
FIKSO
A PROFESSIONAL
SERVICE CORPORATION

LAW OFFICES

MARKET PLACE TOWER
SUITE 1130
2025 FIRST AVENUE
SEATTLE, WASHINGTON
98121-2700
(206)448-1818
FAX: (206)448-3444

RECEIVED

FEB 07 2000

CITY OF SHORELINE

G. RICHARD HILL

December 29, 1999

VIA FACSIMILE

Shoreline City Council
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921

Re: Elena Lane Rezone/Preliminary Plat
File #099-0845

Dear City Council Members:

This is on behalf of Eric Sundquist of Viking Properties ("Sundquist"), and supplements the letter of appeal dated December 29, 1999.

Since the time of the letter of appeal, the transcript of the Planning Commission meeting of December 2, 1999 has been prepared. Sundquist directs the Council's attention to the Planning Commission's deliberations at pp. 68-78. That transcript makes clear that the primary basis for the Commissioners' recommendation of denial was the opposition of the surrounding neighbors.

As one Commissioner who voted against the application stated:

I think that what the developer is offering is a reasonable -- is a reasonable request; however, it seems to me that this body should pay a great deal of attention to the folks who live in the neighborhoods where these developments are taking place... I can't say that I am against this application, but I can say that I feel very strong support for the neighborhood folks. p. 69

Another Commissioner who voted against the application stated:

I agree with Commissioner Monroe that we really need to pay more attention to the neighborhood. And I note particularly that of all the people who testified tonight, other than a developer and a developer's representative, that there was a unanimity of the persons testifying.
p. 70

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Shoreline City Council
February 7, 2000
Page 2

Denial on this basis, community opposition, is unlawful, arbitrary and capricious, as stated in Sundquist's appeal letter.

In addition, Sundquist asks the Council to take quasi-judicial notice of two other recent Shoreline rezone actions. In File #1999-1170, the Planning Commission recommended approval of a rezone of the Dorriz property, 15282 Dayton Avenue N., from R-6 to R-12. And in File #1999-00869, the Planning Commission recommended approval (and we understand the Council adopted the Planning Commission recommendation) of a rezone of property at 20028-15th Avenue NE from R-6 to a High Density Residential contract rezone. Both properties were similarly situated to the Elena Lane property. Both properties were rezoned to bring them into compliance with the comprehensive plan. The only clear distinction between those properties and the Elena Lane property is the extent of neighborhood opposition to the proposal.

Sundquist urges the Council to adopt the staff recommendation that the property be rezoned to R-12, as requested. To do anything less would be unfair, particularly in light of the other similarly situated rezones that have been recently acted upon. To do anything less, in light of the quasi-judicial role the Council fulfills in this appeal, would be arbitrary and capricious.

Thank you for your consideration of this supplemental submittal.

Sincerely,



G. Richard Hill

GRH:gh

cc: Eric Sundquist
Michael Smith

/00 MON 15:59 [TX/RX NO 6567]

P.O. Box 1034
Lynnwood, WA 98046

VIKING PROPERTIES INC.

Building in the Scandinavian
Tradition of Quality
Residential/Commercial Building & Remodeling

Phone 670-2711
Fax 774-6315
State Regis. VIKINPI137JG

CITY OF SHORELINE
FEB 07 2000
RECEIVED

February 7, 2000

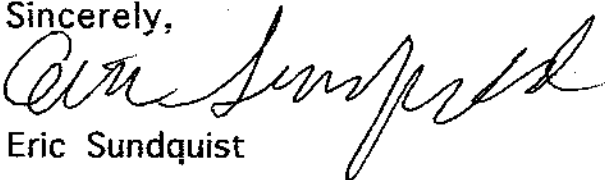
Shoreline City Council
17544 Midvale Ave. N.
Shoreline, Wa. 98133

Re; Elena Lane File No. 099-0845

Dear City Council Members,

I am sending you (enclosed) copies of letters that were sent to the neighbors of my Elena Lane project. I reached out to the neighbors early and often. Some have asserted that I refused to meet with them. This is not true. The only request I received for a meeting was from Martin Kral in a letter I received on Feb. 16, 1999 when I returned from a family vacation. ~~This~~ was only 2 weeks before the Public Hearing and obviously late to make changes. Thank You!

Sincerely,



Eric Sundquist

P.O. Box 1034
Lynnwood, WA 98046

VIKING PROPERTIES INC.

Building in the Scandinavian
Tradition of Quality
Residential/Commercial Building & Remodeling

Phone 670-2711
Fax 774-6315
State Regis. VIKINP1137JG

April 29, 1999

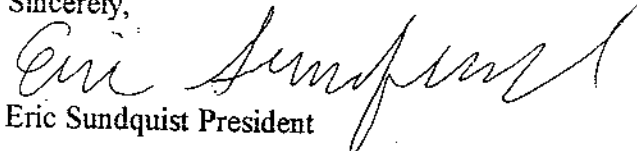
Dear Neighbor,

We at Viking Properties Inc. are planning a new development in your neighborhood. The purpose of this letter is to inform you of the type of development we are planning and to invite neighborhood input. The subject property is located at 18034 Stone Ave. N. As I understand it there was some opposition to this property being designated medium density multifamily in the recently adopted comprehensive plan. If we can work with you to alleviate some of your concerns we will be happy to do so.

The comp plan designation would allow 17 units on this site. However we feel that an apartment building at the maximum allowed density sitting in the middle of the site with asphalt paving all around is not the best use of this property. We will be applying for a small lot single family development and simultaneous rezone to get the density required for the project. We are designing a 15 lot single family subdivision with some open space. We feel that this will be a better transition between the stores and apartments west of the site, and the mostly single family east of it. Examples of small lot developments nearby are 18522 Midvale Ave. N. where homes are being built on lots app. 38 x 74 app. 2814 square feet and at 1323 N. 180 street where the lots are 5,000 square feet with easements on app. 1100 sq. ft. These are not my developments but attractive homes are being built on the sites especially at 180 st. An example of my work nearby is N. 190th. st. and 1st. ave. N.E. These lots are slightly over 5,000 sq. ft. My proposed development at Stone will have average lot sizes of 3,043 sq. ft. The new homes at Stone will feature the same quality materials as the 1st. N.E. project except we will add brick veneers.

If you have any ideas to make our project better please contact us. If you approve of our development concept and prefer it to a multifamily project please contact the city Planning Dept. and support us at the Planning Commission hearing.

Sincerely,



Eric Sundquist President

P.O. Box 1034
Lynnwood, WA 98046

VIKING PROPERTIES INC.

Building in the Scandinavian
Tradition of Quality
Residential/Commercial Building & Remodeling

Phone 670-2711
Fax 774-6315
State Regis. VIKINPI137JG

June 23, 1999

Dear Neighbor,

On April 29th, I mailed you a letter to introduce a new development proposal for single family homes in your neighborhood. The property, which is located at 18034 Stone Ave. N, will be subdivided into lots for fifteen homes and an open space with picnic tables and a play structure. We are calling it Elena Lane. I am enclosing artistic renditions of the plans as they will appear when completed, including views of the cul-de-sac and sample homes.

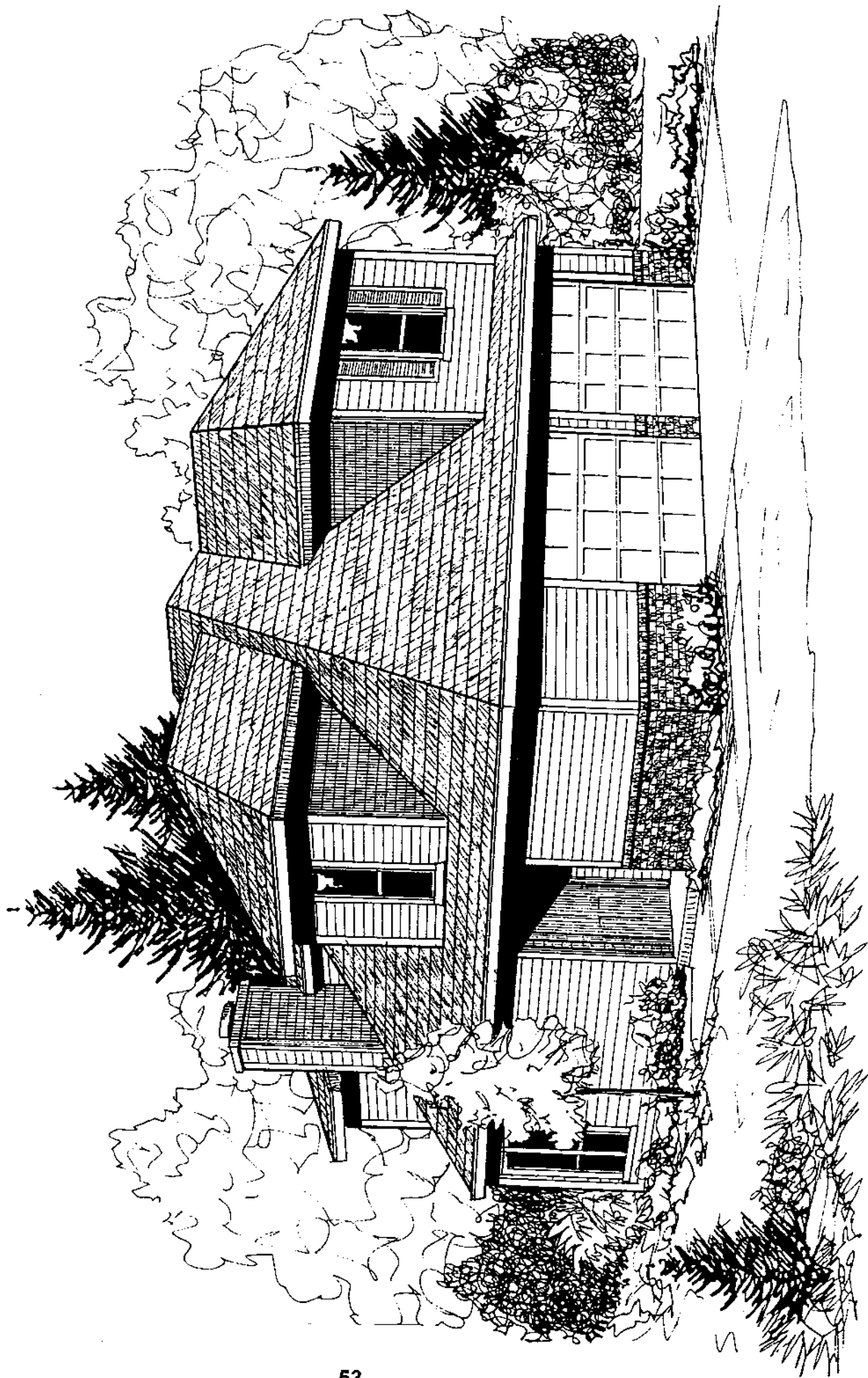
There will be ample parking. All of the homes will have two-car garages and two parking spaces in the driveway. Additional parking will be available on the street.

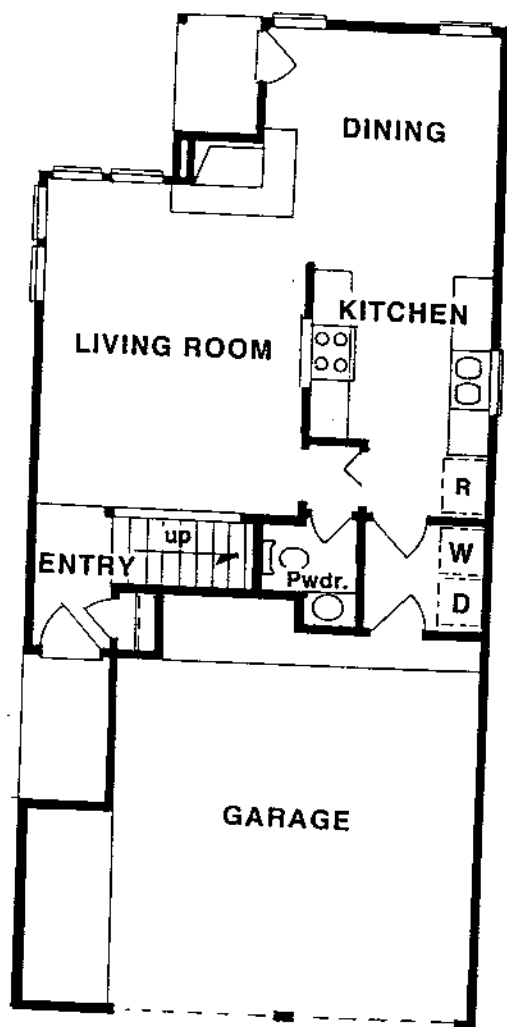
The street will be visually appealing. The homes will feature brick veneers on their exteriors. Each lot (see the landscaping plans which are included with this packet) will be completely landscaped and the street will be lined with trees.

Please review these plans if you are interested. Your comments and suggestions are welcome.

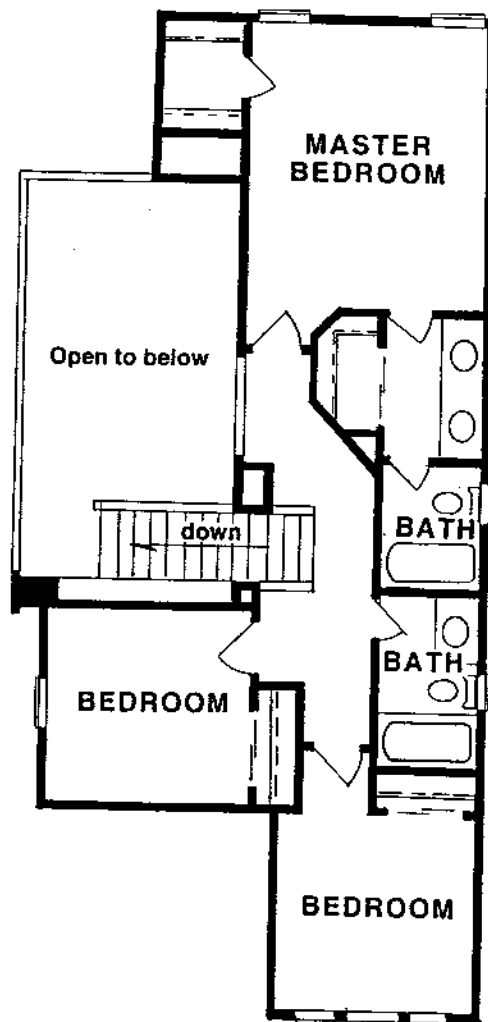
Sincerely,


Eric Sundquist, President

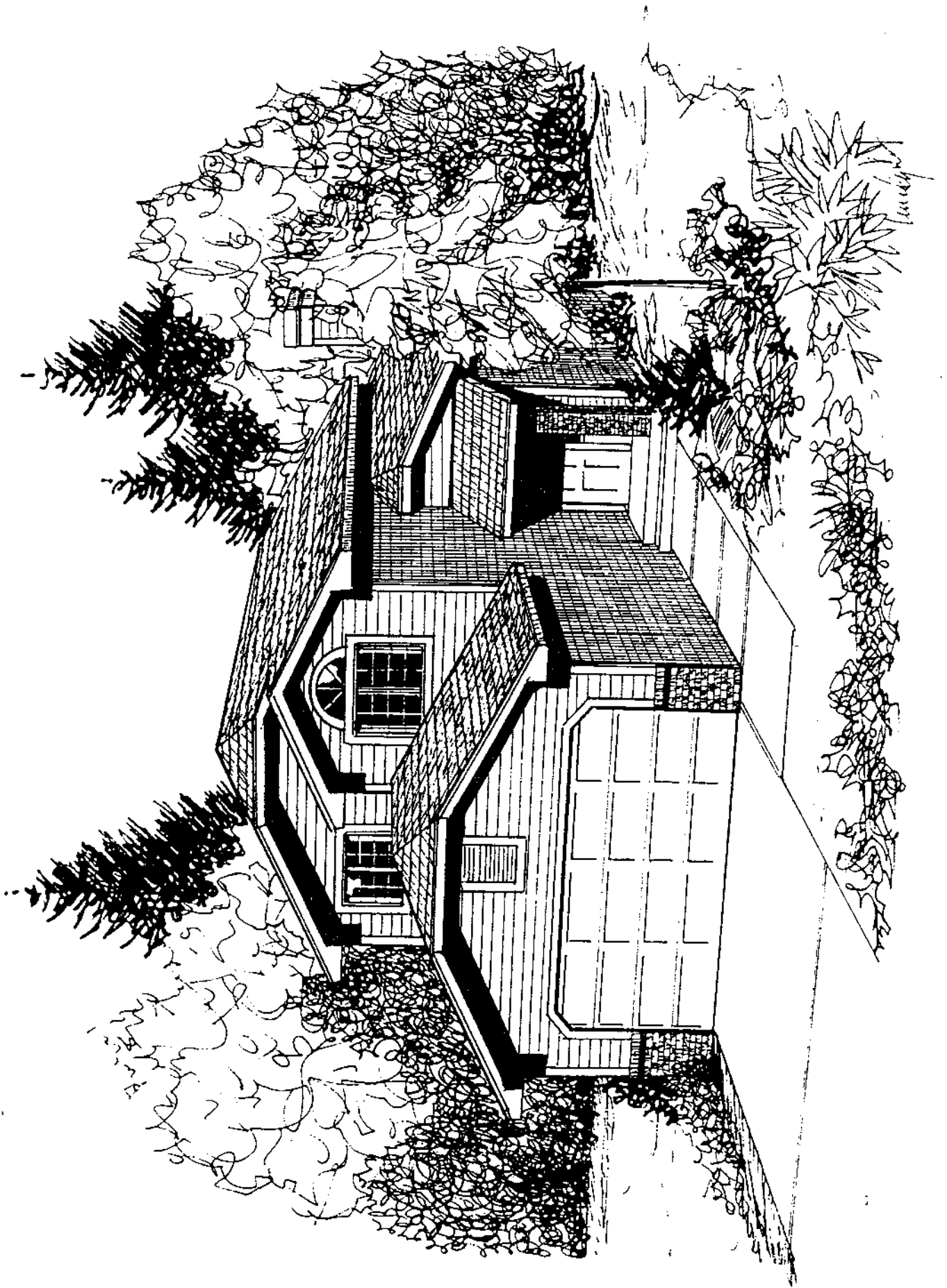


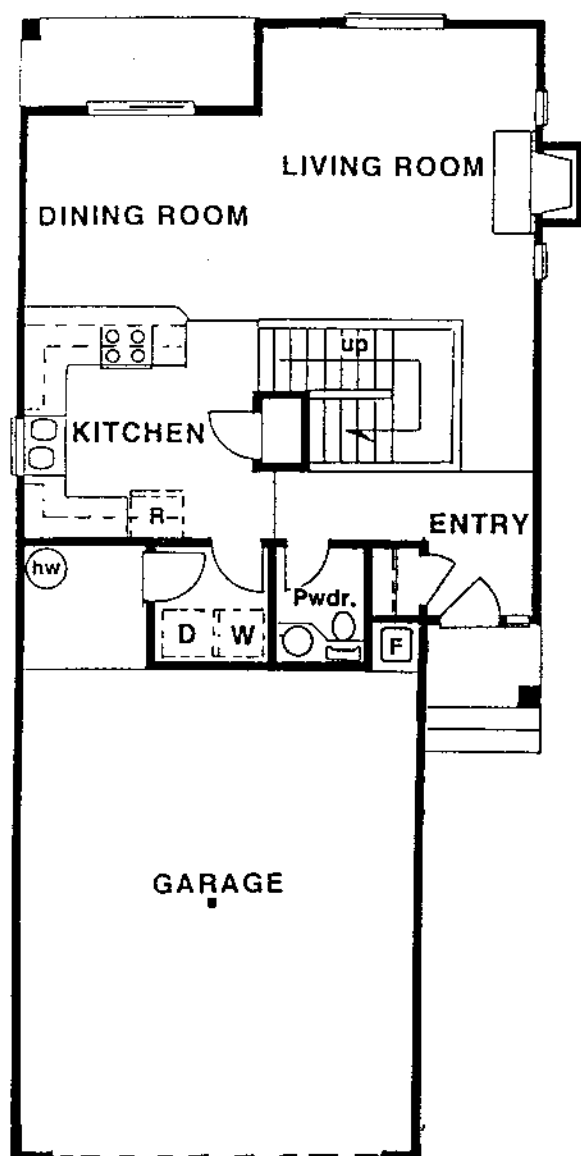


MAIN FLOOR

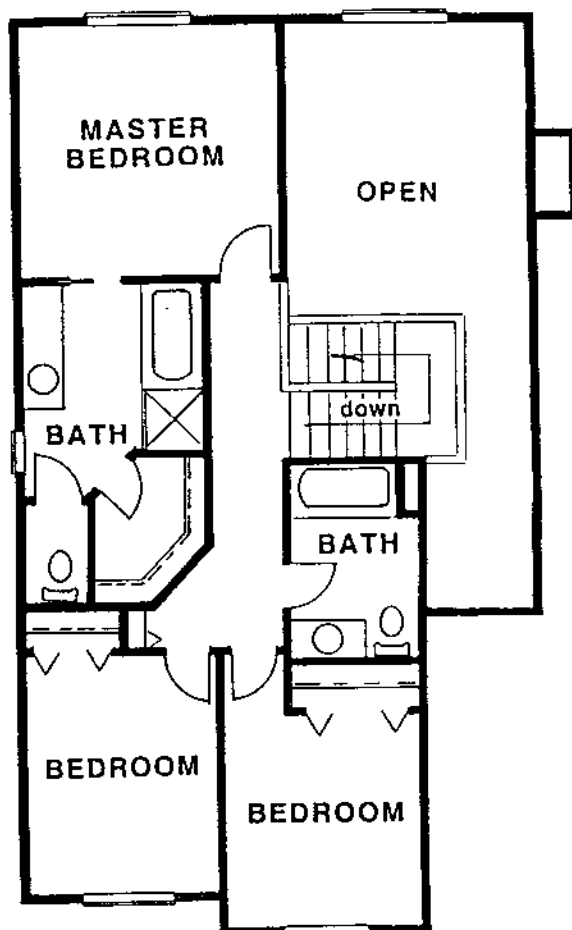


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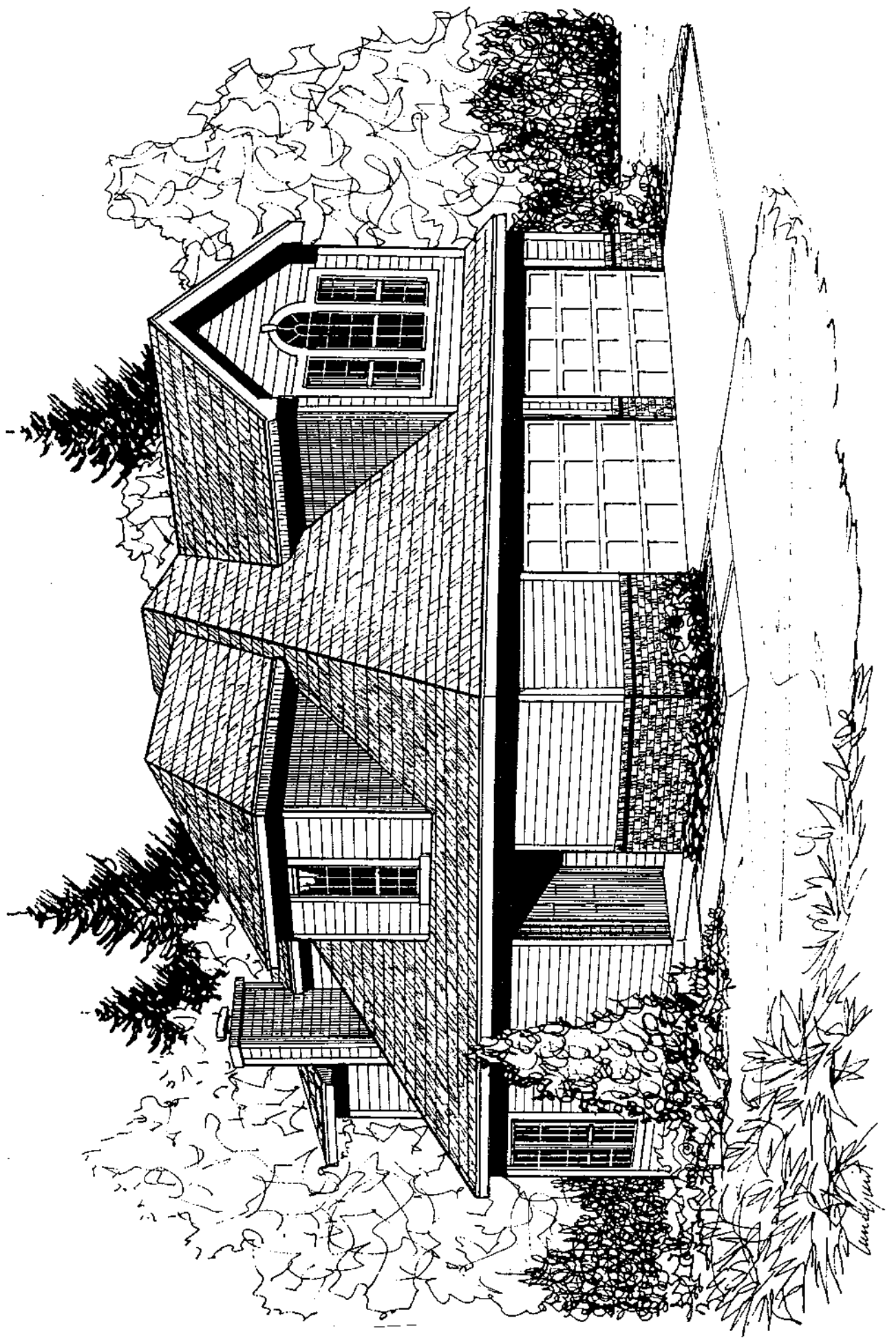


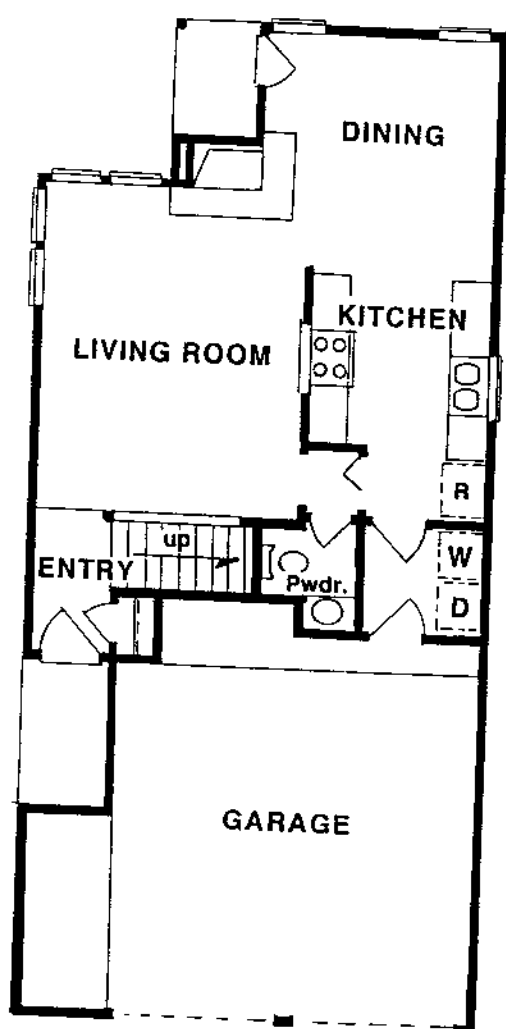


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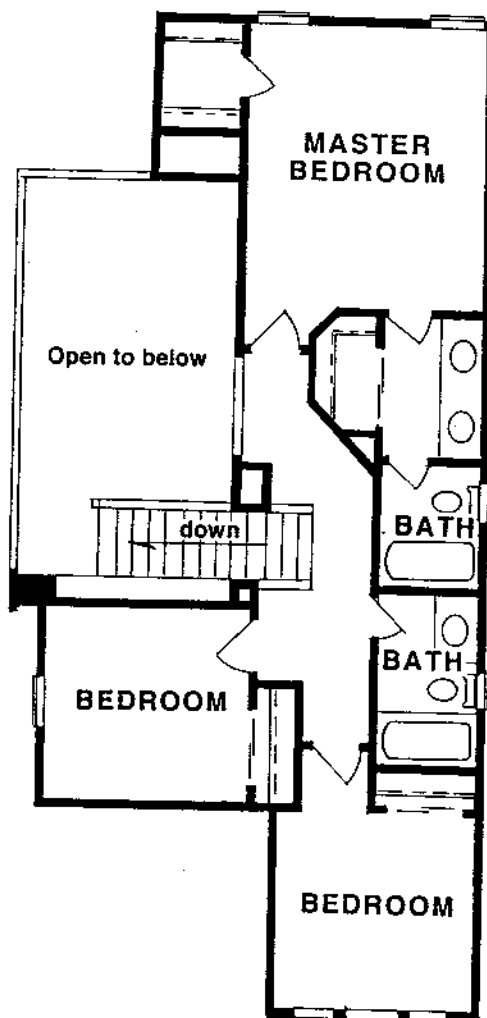


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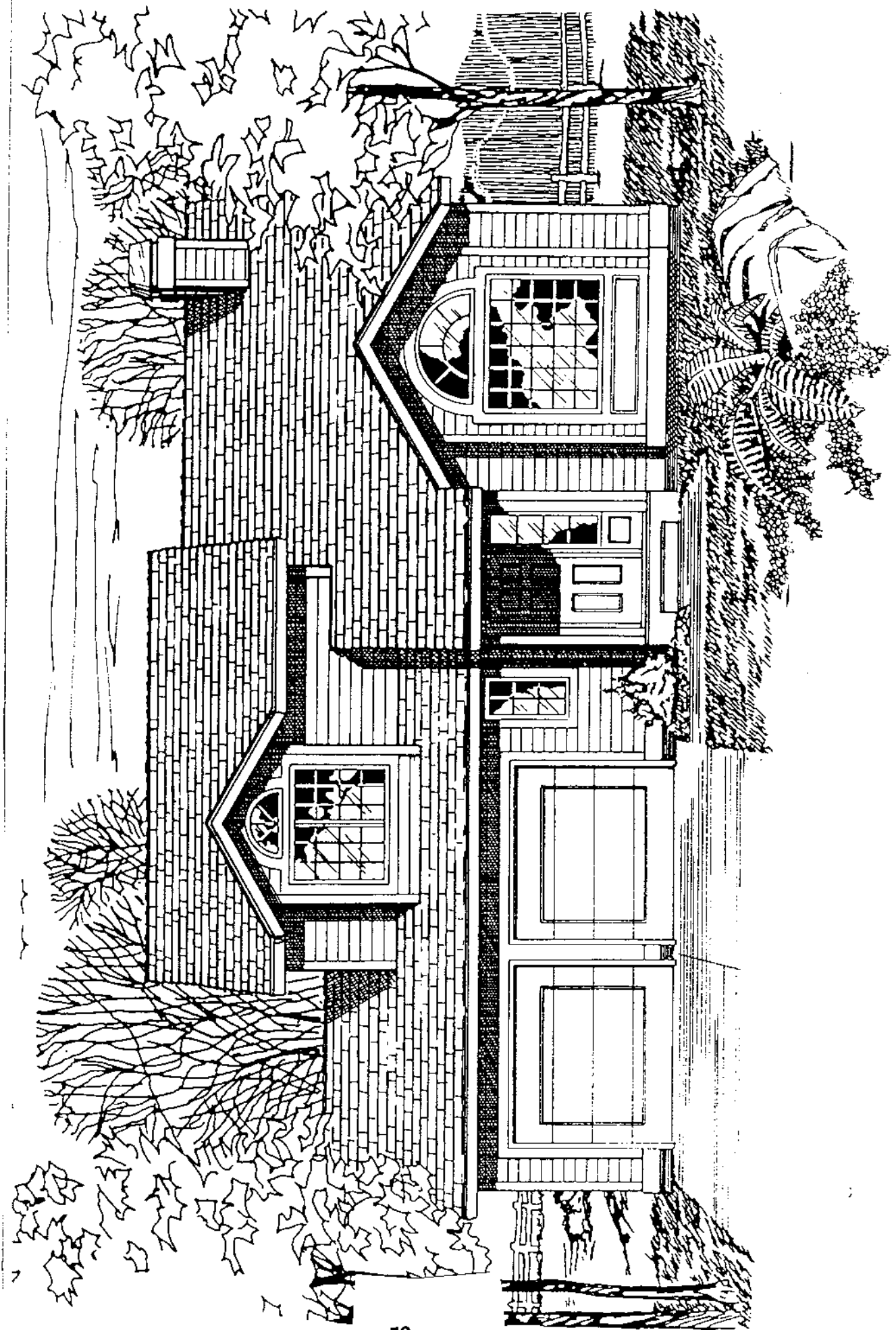


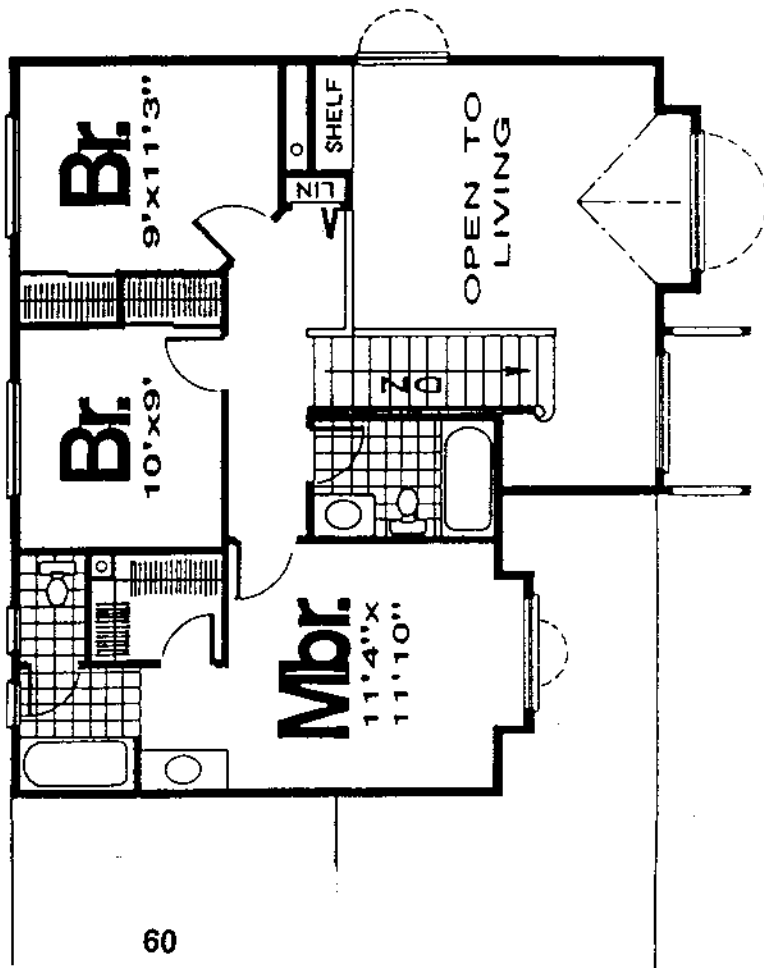
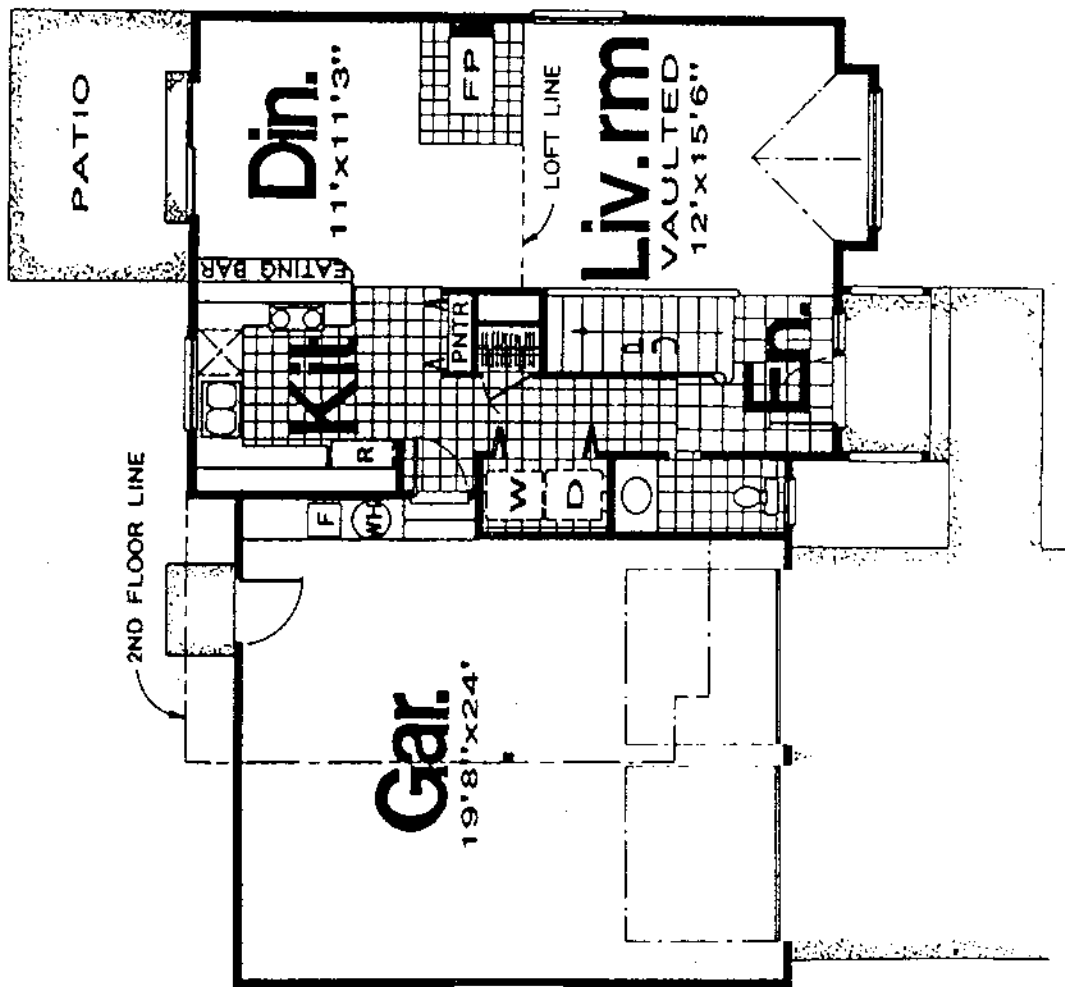


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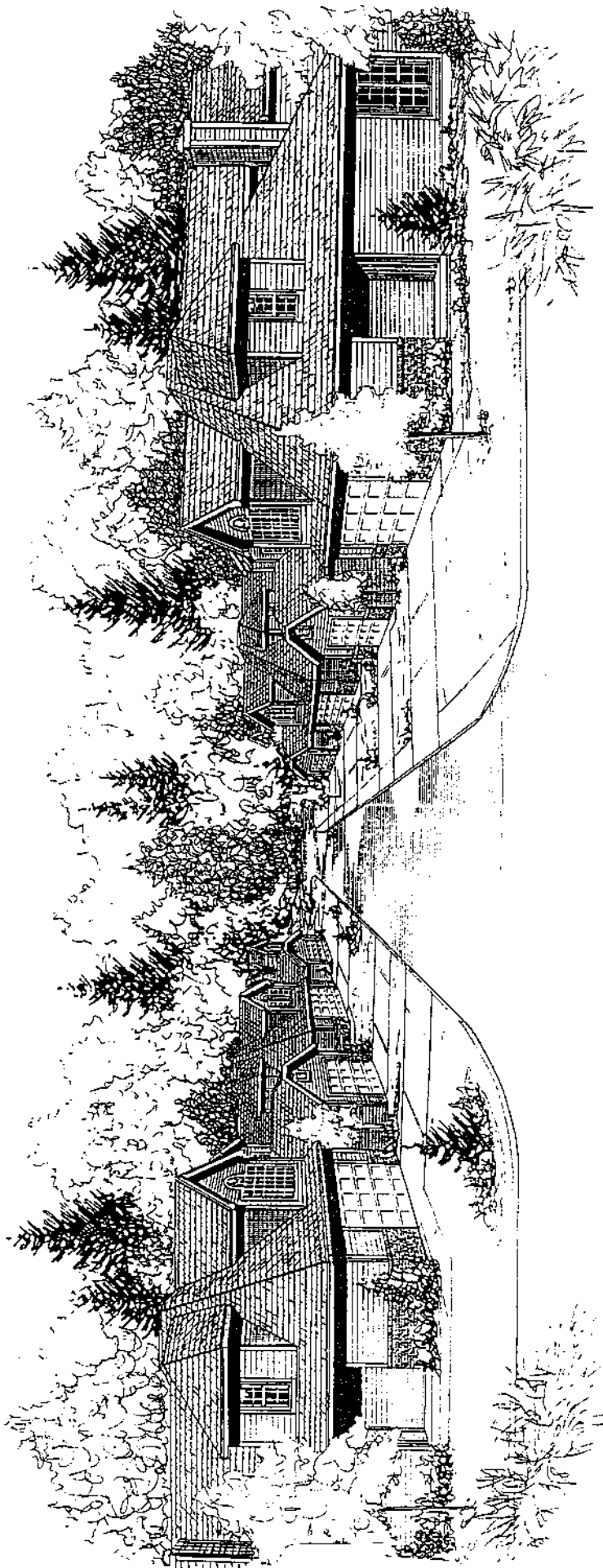


UPPER FLOOR





Plat of Elena Lane



VIKING PROPERTIES INC.

Building in the Scandinavian
Tradition of Quality
Residential/Commercial Building & Remodeling

Phone 670-2711
Fax 774-6315
State Regis. VIKINPI137JG

July 20, 1999

Dear Neighbor of Elena Lane,

Thank you for your recent communications in regards to the Elena Lane development. I would like to address some of the issues that you have raised and answer them.

First, let me clarify the scope of this project. We are not asking for 15 to 17 homes on this property. This site is located in a region that has been designated for medium density development by the City of Shoreline. The Comprehensive plan that was adopted by the City would allow for 17 units on the property. We are asking for a 15 lot subdivision.

I have been accused that I am creating a ghetto with this project. This is not true. All of the homes are attractive and will have some yard, albeit not large. The homes will also have a minimum of four parking places on their property. The street will be built to county and city standards with 2 travel lanes and parking along the side. The paved street will feature concrete curbs and sidewalks. There has been some confusion about the gravel driveway that is shown on the plans that I mailed previously. The new homes will not have gravel driveways. The gravel driveway that is indicated on the map is an existing feature. The new access road, as well as all the driveways, will be asphalt concrete.

Some people have suggested that I build fewer homes on the site. Others have gone so far to suggest that the property remain undeveloped for their children to play on. The Sellers of this property knew the density potential for the site and based the sale price on this potential. With the high cost of development, it is necessary to apply for 15 units for the project to be economically feasible

A few of you have expressed concerns about the impact this new street will have on automobile traffic and noise levels in the neighborhood. There will be a traffic increase. County studies allow us to estimate 6 trips a day for each new residence. This translates to 90 trips a day for the subdivision, or about 1 additional passing car for every 12 minutes between 6 am and midnight. This amounts to a very adaptable increase in traffic. After the homes have been completed, they should not make any more noise than the existing homes in your neighborhood, and if they do, I'm sure that the City has laws against excessive noise.

I have been accused of doing a disservice to my customers at 1st NE and 190th by building homes where the Shoreline Center's parking problem would impact them. Those are beautiful homes and I am proud of that project. I mitigated my own impacts for parking. If you have a problem about this, your complaint is not with me.

Personal attacks are not helpful in finding things that may make this project less of an impact on individual neighbors and their homes. I honored my wife by naming this project Elena Lane. Calling it a ghetto (these homes should sell for most in the neighborhood) or the Street of Greed are not helpful in creating a productive dialog. I worked very hard to find attractive homes with different floor plans (4) and front elevations that would fit into smaller lots. I am including special features to create an attractive project that will be an asset to the community. However, I still welcome productive dialog or constructive thoughts on anything that could improve the project, other than don't build.

I do not care to address what the new neighbor's pet animals might do on other people's lawns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Sundquist".

Eric Sundquist
President

cc: James Holland

Portions of Attachments D-G have been stricken which are not in response to an appeal issue raised by the appellant.

FEB 01 2000

Attachment D

CITY OF SHORELINE

Martin Král
1317 N 183rd St.
Shoreline, WA 98133

January 31, 2000

Sharon Mattioli
City Clerk, City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133

Subject: Closed Record Appeal, Elena Lane Rezone/Plat #099-0845

Dear Ms. Mattioli,

As a party of record in the above named issue, I want to take the opportunity to communicate with you, the Planning staff, and our decision makers in advance of the upcoming closed record appeal of the Planning Commission findings.

While the public has but one turn at expressing its concerns at the Planning Commission hearings, the developer is allowed to rebut such testimony. In doing so, this applicant, Viking Properties, failed to address the following aspects of the proposed development:

2. Compatibility with the neighborhood

The appeal brief emphasizes the need for increased housing opportunities in Shoreline. It sidesteps the corollary condition, namely compatibility with the existing neighborhood (see para. 3 of the appeal). By citing Comp Plan policy H1, the appellant asserts that the City is compelled to maximize these opportunities, even though the amenities he offers are the absolute minimum required under the proposed zoning.

In doing so, he repeats the error initially made by the City Planning staff during the Comp Plan deliberations: The east side of Stone Avenue N. is described as 'single family' on larger lots - actually, the planners noted (quite inaccurately) that it had duplexes as well. The west side, on the other hand, is a 'mixture of single family homes and duplexes on small lots' (Planning Comm. Findings 2.1) A visitor to the area will not be aware that one side of the street is significantly more dense than the other. With one exception, the street face across from the proposed Elena Lane development appears to be single family in character. True, there are several duplexes toward Midvale N., but they are not identifiable as such from the street. Most single family homes are on standard R-6 lots and are owner-occupied.

The proposed development in no way is compatible with the surrounding neighborhood. If approved, Elena Lane will introduce much higher density and adverse effects of noise, traffic, and environmental disturbance to a quiet neighborhood and irreversibly alter the character of this part of the residential corridor.

3. The Growth Management Act compels the City to rezone to the highest permissible density

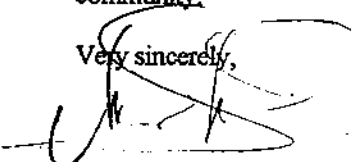
During the Planning Commission hearing, the developer and his representative sought to convince the commissioners that the Comp Plan required approval of the rezone from R-6 to R-12. Since the Plan marked the subject area for Medium Density Residential development, the argument was made that it would be inconsistent with the Plan and the aims of the GMA to deny the application. This assertion was contradicted by one commissioner who took the relevant paragraph (Planning Comm. Findings 4.1) to mean that the GMA was a plan, not an imperative.

Moreover, the developer could have introduced the application at a lower density, namely R-8, and probably gained the Planning Commission's (and the neighbors') approval. Understandably, he was loath to apply for that type of rezone, since it would not allow him to maximize his profit.

What is the point of having two zoning levels of density in Medium Density Residential areas, when developers will always apply for the highest density possible? The City of Shoreline needs to work toward development solutions compatible with its neighborhoods and the residents. The City Council is in charge of our destiny, but ultimately it is accountable to us citizens, not the development community.

I recommend that the Council revisit the arguments made by both sides; it should deny the appeal and suggest to the developer that he submit a development proposal at R-8 density that is more in character with *our* community.

Very sincerely,



Martin Král

RECEIVED

Attachment E

FEB 03 2000

CITY OF SHORELINE

Ginger Botham
16334 Linden Avenue North
Shoreline, WA 98133-5620
February 3, 2000

Sharon Mattioli
City Clerk, City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133

Subject: Closed Record Appeal, Elena Lane Rezone/Plat #099-0845

Dear Ms. Mattioli,

I am a party of record for the above named issue. I believe I am allowed to submit a letter prior to 2/7/2000.

This project, like many others, has in its initial presentation provided the minimum or less in meeting code requirements and has demanded maximum development opportunity.

As a citizen, I want quality development that will complement Shoreline's existing community. Viking's original proposal failed to meet code requirements for a tot play area, minimum recreational space, and proposed minimum surface water facilities. In response to citizen and staff objections, recreation space that meets code has been added, surface water facilities have been upgraded, and the project has been improved.

Viking insists that it has a right to a rezone to the maximum possible for this land: R-12. Abutting property is R-6. Comp Plan shows the lot as Medium Density, R-8 to R-12. I believe that Viking has the right to request a rezone of R-8 to R-12 and the City has the ability to approve any acceptable R-8 proposal and the right to insist on quality development compatible with the neighborhood for any proposal denser than R-8.

Because the Planning Commission Findings and Recommendation is to deny this development, I request you deny this application.

you have the right to deny this application based on both density

Thank you for listening.

Sincerely,


Ginger Botham

February 6, 2000

Attachment F

Shoreline City Council
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921

CITY OF SHORELINE

Re: Elana Lane Rezone
File#099-0845

Dear City Council Members,

My name is Brian Lee and I live at 18018 Stone Avenue North in Shoreline, directly south of the proposed development.

I respectfully ask that you uphold the Planning Commissions decision to reject this rezone. The reasons are numerous and I will attempt to explain them in an organized fashion.

1. The main reason to uphold the Planning Commissions Decision is the negative impact it will have on this Meridian Park neighborhood as well as the entire city of Shoreline. The citizens who wrote comments and attended the Planning Committees meeting regarding the rezone had many valid concerns. The main concerns were water and density. The builder seems to have done an adequate job in dealing with the surface water situation but the problem with this type of overbuilding (70% of the site covered with impervious surfaces) is the pressure it puts on Ronald Bog. If this is approved all builders have an open door to do the same. The plan also calls for a homeowners association to be formed to maintain many specific things except for the SWM system and even if it did I'm not confident it would be done.

2. The Comprehensive Plans minimum zoning is R-4. This site is currently zoned R-6. A jump to R-12 would be radically inconsistent with the neighborhood and in violation of the Plan. The Planning Commission staff made a mistake when they stated the neighborhood had many "small homes on small lots". One has to only look at the area to see that not only are there no small lots even close but the average lot size on this block is over 10,000 square feet! The site plan calls for rear and side yards of approximately 5 feet and very small front yards. The type of site and design alternatives proposed by the builder are clearly incompatible, provides no transition of scale and is unattractive.

The builder himself has contradicted himself on the use and/or market for these homes. On the one hand he states the homes are geared for "empty nesters" or professional people with no desire for a yard. Yet he has provided a "tot lot" for those same professionals and elderly.

3. Another concern brought up by the citizens was safety. The additional 15 homes on this street would increase the traffic by 60%. In spite of the builders comments, these homes will be

purchased primarily by first time home buyers, normally younger people with small children or kids on the way. My 20+ years in the real estate sales field have taught me a little about who buys what. It is unfortunate, but this is where the market has gone. The way the site is developed it forces children to play in the street(As parent I know the kids won't go to the "tot lot"). With 2 car garages and 2 off street parking spaces you have the potential for 60 additional vehicles in addition to any vehicles parked on street. This creates a situation where people are backing out of driveways with poor visibility and kids in the street. You also have kids who may feel protected on a dead end street and not being as cautious as they should and people unfamiliar with the area driving in not paying attention or being as safe as they should creating an incredibly unsafe condition. As a parent, if I were a council member, this alone would be a reason to reject the proposal.

5.Privacy is a huge issue. The way this site is planned the bedroom and bathroom windows will be within 5 feet of parking areas, gardens, and neighbor kids play areas. The goings on in those rooms should not be within earshot of the neighborhood.

Clearly the Comprehensive plan needs some fine tuning. I don't believe the framers of it intended for this type of "infill". I believe that term refers to the pocket lots that can be found throughout Shoreline. Building a home or two on smaller lots does not have nearly the same impact as this proposal. My feeling is the Planning Commissioners agree. At the hearing not one said this plan was a good one. Not a single person except for the builder and his people, of which I include the planning department staff, endorsed this plan. I believe the vote would have been a unanimous rejection if it were not for the feeling two members had that they would be hypocrites because they supported the comprehensive plan.

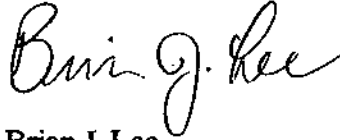
When this builder bought this property it was a gamble. There were no guarantees he would obtain the zoning he needed to maximize his profits. He doesn't live in Shoreline but seems to feel we owe him something. He obviously cares only about money and not about providing quality housing that is compatible in a neighborhood. If he did care perhaps he would have agreed to meet with us when asked, or adjusted his project instead of trying to cram it down our throats.

The Comprehensive Plan, just like most things, works most of the time. It addresses issues that

are important to the residents while creating the window for growth the State mandates. The city has had, in my opinion, fairly rapid growth. The 1600 minimum new dwellings seems like an easy accomplishment at this point. We don't need to overbuild to reach the goals and to allow this to happen would be gross negligence.

If the Comprehensive Plan needs to be fixed to more accurately reflect the desires of the residents then let's fix it. Let's not make a mistake we will have to look at perhaps for the next 100 years. It makes much more sense to have vision and build a Shoreline we can all be proud of.

Sincerely,

A handwritten signature in cursive script that reads "Brian J. Lee". The signature is fluid and written in dark ink.

Brian J. Lee
18018 Stone Ave. N.
Shoreline, WA 98133
(206)920-4686

RECEIVED

FEB 07 2000

CITY OF SHORELINE

18037 Ashworth Ave. N.
Shoreline, WA 98133
206-542-6198

Shoreline City Clerk, Shirley Mattoli
Shoreline City Council
17544 Midvale Ave.
Shoreline, WA 98133

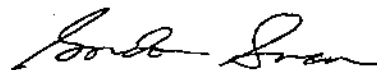
Dear Ms. Mattoli and City Council,

We would like to reiterate our objections on record regarding the 18034 Stone Ave. Rezone/Preliminary Plat request, file #099-0845. Briefly stated, we believe there are compelling reasons to deny this request, mainly that 15 houses on 1.4 acres would be incompatible with the existing development and neighborhood character. We believe the Planning Commission was correct in their conclusions (especially 7 and 8) and recommendation for denial of this request.

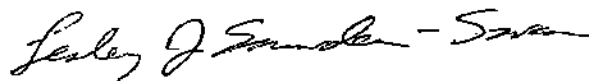
The Comprehensive Plan, as was stated at the Planning Commission public hearing, does not bind the City to only one course of action when any rezone is presented to it; rather it guides the City to the wisest possible decision. It *requires* consideration of existing development and neighborhood character, and provides options such as R8 zoning in Medium Density Residential Use areas, whenever it would provide the best integration of new housing.

Again, we are not opposed to development, and we would welcome compatible development. Viking Properties is an excellent builder, as we have seen around Shoreline. We hope they present an alternative proposal that would be compatible with the existing neighborhood.

Sincerely,



Gordon Swan



Lesley J. Snowden-Swan

Rodney and Karen Anderson
18021 Ashworth Avenue North
Shoreline Washington 98133
February 6th 2000

RECEIVED
FEB 07 2000
CITY OF SHORELINE

Shoreline City Council
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133-4921

Re:Elena Lane Rezone/Preliminary Plat
File #099-0845

Dear City Council Members:

This letter is in response to the Elena rezone/Preliminary Plat file #099-0845.

I should start off in saying that I'm firmly opposed to the proposed development of this land. I have lived in this neighborhood since 1965, and in my current house since 1977. I have several concerns with the proposed development.

1. Character: This does not fit within character of our neighborhood. Currently the lots in this neighborhood are between 6000 and 60,000 square feet. Mr. Sundquist's proposed development would have lots less than 3000 square feet.
2. Privacy: This proposed development is going to put to every one of these houses within ten feet of the property line.
3. Property Value: This development will have an adverse effect on the value of the property in the neighborhood. As well as making it considerably less desirable to live in any house adjacent to this development. We will also find it much harder to sell our houses when we decide we no longer want to live next to this development or in a community that favors this type of expansion.
4. Noise Pollution: Mr. Sundquist's development will increase the noise in the neighborhood tremendously while he builds 15 houses along with all the additional construction equipment and mess on the streets. Creating a danger to the children already in the neighborhood as well as a major inconvenience to all neighbors.
5. Surface water: At the preliminary hearing Mr. Sundquist lawyer's presented a soil report that stated that we have loamy soil. If so, he's the only one that does. My lot is immediately adjacent to the property, I have clay soil that does not absorb water. Several of the neighbors surrounding this property reported the same. I would have to question his report, I believe it is in error. He's planning on taking 1.4 acres and making virtually the whole thing impervious. Water from his development will end up directly in Ronald Bog, which appears to be in danger of flooding spring, winter & fall. No matter how big his holding tank the water eventually must flow to Ronald Bog.

6. Vegetation Conservation: Mr. Sundquist's lawyer stated that they plan on keeping a substantial portion of existing vegetation on the lots. I don't see how they can keep any of the existing vegetation on the lots considering the number of houses being built.
7. Safety: Children from these houses will be playing in the streets since they have no yards. This will create a bad environment for any new residents as well as current residents.

I attended to the preliminary hearing on this project. In response to repeated concerns of the neighbors of children in this proposed complex not having anywhere to play other than on the street. Mr. Sundquist's lawyer has stated that this project probably would be filled with empty nesters and single people. If you look the numbers of people living there according to Mr. Sundquist's lawyer. You have 15 houses with 1 or 2 people or 15 to 30 people. If he were to put 8 nice houses for families you would get 3-5 people per house or 24-45 people.

In response to our concerns of vegetation removal. Mr. Sundquist lawyer responded that substantial numbers trees would be left on the southwest corner of the lot. Mr. Sundquist's lawyer is in error. The only trees in the southwest corner of the lot are on the property line, and do not belong to him. He is trying to take credit for something he has no control over.

In Mr. Sundquist's letter of appeal he again states that he will be preserving trees. The only trees being preserved do not belong to him. He mentions screening. I presume he is talking about a six-foot tall fence. I expect his houses are to be somewhere in the neighborhood a 22-30 feet tall, a six-foot fence will not hide a 30 foot tall house 10 feet from your window.

Mr. Sundquist's letter also states that it appears the commission did not recommend this proposal because of community opposition. I am sure that it's not the only reason. But I hope it is one of the reasons. The voters of Shoreline decided several years ago that we wanted to have a say in what happens in our neighborhoods. Mr. Sundquist is not a resident of our city and does not pay taxes here. He doesn't have the right to tell us how to run our city. I am quite sure that Mr. Sundquist would not want this development next to his house. If he does let him build it in Edmonds, in his backyard.

My conclusion regarding this proposed development is that this project does *not* fit in our neighborhood and should *not* be approved. This project is consistent in one area only... it could meet *minimum* requirements, *minimum* setbacks, *minimum* side yards, *minimum* backyards, *minimum* lot size, and *minimum* privacy.

Is Shoreline to become a city that meets minimum requirements? Or do we have a higher standard in our vision?

This project will be inconstant with the rest of the neighborhood and is firmly opposed by every neighbor anywhere near it. There are no Shoreline residents in favor of this project. "Yes", the current owners of the property have a right to develop their property at the R-6 level. This is the same level that the rest of this block was developed too. They *do not* have the right to devalue my property for their own gain.

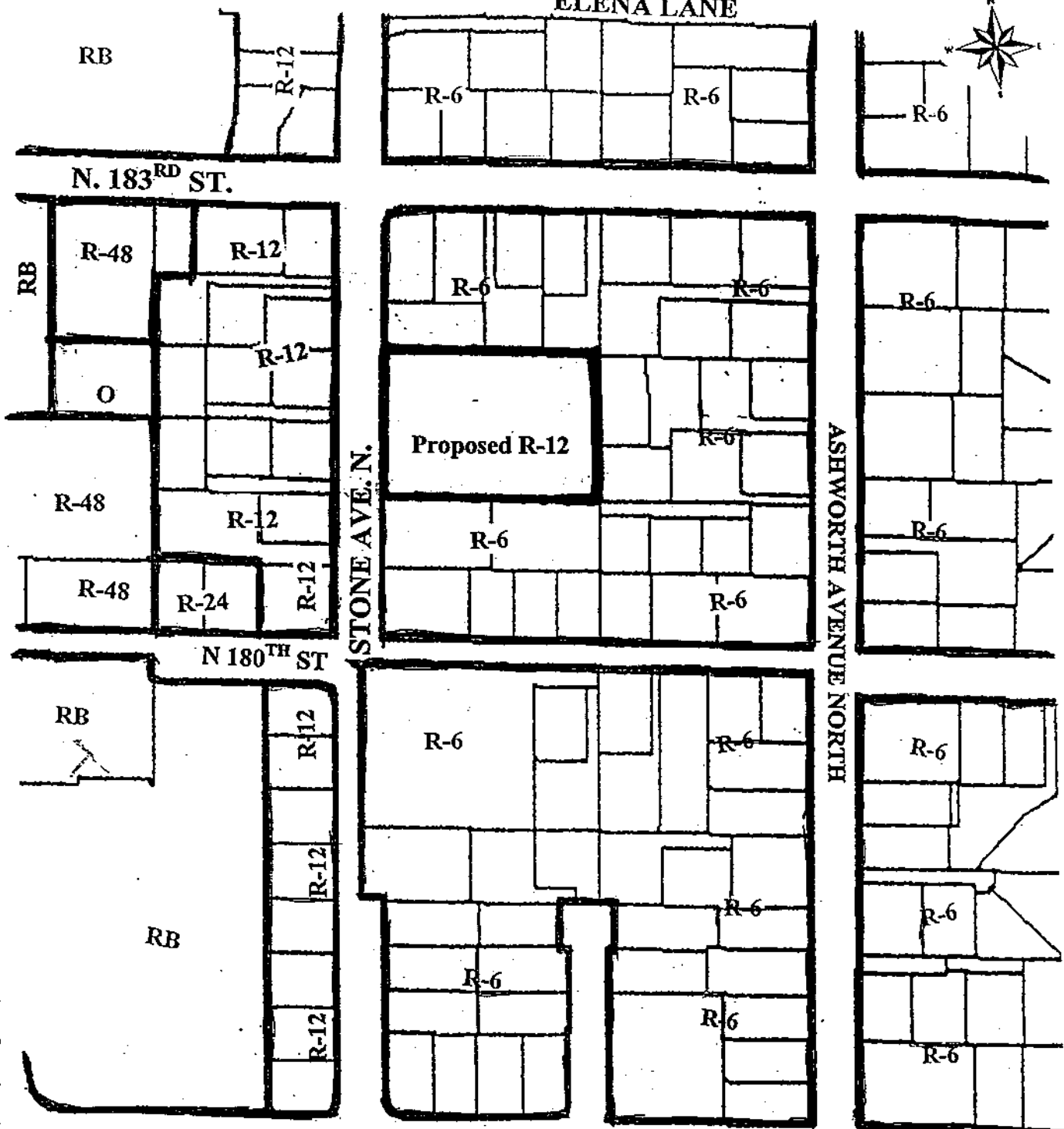
If this project is approved by the Shoreline City Council, it is very obvious to me that we made a mistake when we became "The City of Shoreline". Approval would only go to show that we as Shoreline citizens have no control over what happens in our city. The city council has a duty to maintain the quality of life for the residents currently living here. If the Council is more concerned with the city's "income" than the desires of its citizens there is something seriously wrong! And I certainly will not be voting for any Council members who do not place the welfare of the citizens of Shoreline first!

It is becoming more and more apparent that we citizens will need to retain a lawyer to protect us from our own building department and overzealous developers.

Sincerely Rodney & Karen Anderson

Rodney H. Anderson

VICINITY ZONING MAP

SHOWING REZONE FOR
ELENA LANE

ZONING KEY

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

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

Map not to scale

SHORELINE

City of Shoreline
Department of Planning
and Development Services

N. 183rd STREET

RICHMOND ACRES

N. 182nd PLACE

STONE AVENUE N.

VICINITY MAP

SCALE 1" = 400'

LEGAL DESCRIPTION

LOT 15 AND 16, BLOCK 1, RICHMOND ACRES, ADDITION TO THE PLAT OF THE CITY OF SHORELINE, KING COUNTY, WASHINGTON, BEING THE SOUTHWEST CORNER OF THE WEST CORNER OF A CORNER AVENUE, MEASUREMENT 61.154 FEET

BENCH MARK

THE BENCH MARK SET BY THE SURVEYOR, 62.15 FEET ALONG STONE AVENUE, FROM THE INTERSECTION OF STONE AVENUE AND N. 182ND PLACE TO THE BENCH MARK, IS A CORNER OF A CORNER AVENUE, MEASUREMENT 61.154 FEET

UTILITY DATA

SCALE 1" = 100'

PLAT DATA

OWNER
THE CITY OF SHORELINE
2000 2ND AVENUE S.
SEATTLE, WASHINGTON 98104
TELEPHONE 325-4500

PREPARED BY
J. A. HARRIS, INC.
1000 1ST AVENUE S.
SEATTLE, WASHINGTON 98104
TELEPHONE 325-4500

PREPARED FOR
THE CITY OF SHORELINE
2000 2ND AVENUE S.
SEATTLE, WASHINGTON 98104
TELEPHONE 325-4500

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Attachment I

PRELIMINARY PLAT

FOR

ELENA LANE

IN NW1/4, NE1/4 OF SECTION 7, T2S
R1E, E1/2, S1/2
CITY OF SHORELINE
KING COUNTY, WASHINGTON

1. 10/1/78
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NOTE:
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087

Commission Meeting Date: December 2, 1999

Agenda Item:

**PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE:	ELENA LANE REZONE AND PRELIMINARY PLAT FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director; Allan Johnson, Associate Planner

PROPOSAL:

Proposal: The proposed Reclassification of Property and Preliminary Plat (File No. 099-0845) would permit the development of fifteen new dwelling units on approximately 1.4 acres of land on two contiguous lots (Lot 9 and 10) at 18034 Stone Avenue. The site is now zoned Residential – 6 units per acre (R-6). The proposed zoning would be Residential – 12 units per acre (R-12) – see Attachment A. The proposed zoning is consistent with the Comprehensive Plan Map and Comprehensive Plan Policies.

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

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

- A preliminary plat to create 16 lots, 15 of which would be used for single family development and one which would be a common open space/recreation area.
- construction of a 24 foot wide roadway to urban road standards with curb and gutters.
- on-site stormwater detention pipe in the roadway and linking through a drainage easement to a vault system on the northeast corner of the site; off-site biofiltration.
- construction of sidewalk system (including curbs, gutters and streetlighting) throughout the development.
- construction of sidewalk on Stone Avenue adjacent to the site.
- construction of striped asphalt pedestrian walkway linking the sidewalk to North 180th Street on the south and North 183rd Street to the north; this asphalt walkway will be designed for the future extension of sidewalks as other properties develop; no additional sidewalk will be built by this developer.
- retention of a buffer of mature cedar trees at the southwest corner of the site, as well as other trees, as feasible, on the northern and eastern site boundaries and the interior of the site.

- a boundary landscape plan that includes: red maple, vine maple, fir trees and mixed shrubs.
- 6-foot high decorative wood fencing at the boundaries of the site.
- construction of a fenced tot lot located on the common open space lot.

THE SITE

The site now consists of a single parcel. This parcel would be subdivided into 16 lots under the proposal. The lots would average 3,043 square feet (ranging from 2,975 square feet to 4,045 square feet). The current residential density -- one home on approximately 1.4 acres -- of less than one home per acre does not meet the City's proposed minimum density of 4.0 dwelling units per acre.

The existing single family dwelling and two outbuildings would be removed to build the new homes. A gravel road now provides access to the home and outbuildings. The development proposal would abandon this road and construct a new paved roadway in the center of the site. The site has a gradual slope from the west to the east side of the site, with a maximum slope of five percent. Most of the site is an open grass field. There is a buffer of mature cedar trees on the southwest corner of the site. It will be retained.

THE NEIGHBORHOOD

The site is located in the Meridian Park Neighborhood. The site is on the east side of Stone Avenue. Across Stone Avenue to the west is a mixture of single-family homes and duplexes on small lots. Single-family homes on larger lots exist to the north, east and south of the site. One block west of the site (Midvale Avenue), there are various commercial and light industrial uses (e.g., QFC Shopping Center, public storage, offices, etc.).

The proposed single-family homes on smaller lots would be compatible with the existing single-family homes and duplexes on the west side of Stone Avenue. Elena Lane's proposed homes on smaller lots would be different from the single-family homes on larger lots that are north, south and east of the site. However, this development would be separated from those nearby homes by the plan for open spaces, setbacks, and screening (landscaping and fencing). These improvements help to make the proposal compatible with those surrounding homes.

COMPREHENSIVE PLAN

The Shoreline Comprehensive Plan provides for the development of 1600-2400 new dwelling units over a 20-year planning period. This is the target that the City of Shoreline has established to meet its 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. This area was specifically considered in the development of the Shoreline Comprehensive Plan. The adopted Plan includes a Land Use Map that designates this site (as well as the remainder of the east side of Stone Avenue between North 178th Street and North 185th Street) as Medium Density Residential Use. This classification would allow up to 12 units to the acre. At a density of 12 units per acre, a maximum of 18 units could be developed on the site. The Comprehensive Plan would permit property owners to the

north and south of this parcel to rezone to R-12 in the future to build homes to a density that is similar to the Elena Lane development.

EXISTING ZONING

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

ISSUES:

The development proposal has raised the following issues that staff has analyzed:

- **Density:** The proposed density of 15 dwelling units on approximately 1.4 acres is lower than the maximum density level of 18 units permitted by the Comprehensive Plan Map and policies for Medium Density Residential Use.
- **Preliminary Plat:** The applicant has provided plans for a proposed preliminary plat of 16 lots to comply with the provisions of the City's Subdivision Ordinance (SMC Chapter 17), including requirements for lot size, lot design, lot dimensions and for public facilities and improvements, such as roadways, sidewalks, sewers.
- **Vehicle Traffic:** The applicant has provided a traffic study that reports that this project would have no significant impacts to existing vehicular traffic operations of the street system in the vicinity of the site. Staff concurs with this conclusion. (Attachment E).

The City's staff is aware that citizens are reporting increased cumulative traffic on North 183rd Street. The City is developing a traffic calming program and traffic calming systems will be considered for the North 183rd Street corridor.

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

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

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

- **Open Space/Recreation:** One lot, 4,045 square feet in size, will be dedicated to open space and recreation. This lot will feature a fenced tot lot, grass cover and boundary trees (Hogan's cedar, red maple and mixed shrubs).
- **Stormwater:** The applicant has completed stormwater drainage analyses, including soils studies. The applicant has proposed a stormwater management system

including subterranean detention pipe (to detain 50% of the 2 year through 50 year storm). The detention pipe will underlie North 182nd Place and lead, via an easement, to a stormwater conveyance system on the northeast corner of the site. Staff will recommend that biofiltration be provided in off-site downstream ditch sections with specific locations to be determined in final engineering plans. The system will be designed to limit post-development storm water runoff to be equal to (or less than) predevelopment runoff levels. The system is designed to safeguard development and open spaces on the site. The system is also intended to protect water quality in Thornton Creek and to protect Ronald Bog. Staff concurs with the proposed stormwater management system. (Attachment F.)

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

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

- **Screening:** The buffer of cedar trees on the southwest corner of the property will remain. A landscape hedgerow will be located on the east boundary of the open space area parallel to the tot lot. The applicant plans security fencing for the tot lot. Each home will be screened with wood fencing. There will also be a 6 foot high wood fence around the periphery of the site. Staff concurs with the proposed screening plan.
- **Utilities and Services:** The proposed project has been reviewed by the Fire Department, the Water District and the Sewer District. Each of these agencies has concurred with the basic proposed development. Conditions for service have been established by each agency. (Attachment G - Fire Department Report; Attachment H - Certificate of Water Availability; Attachment I - Certificate of Sewer Availability)

PROPOSED CONCLUSIONS

- The proposed rezone to permit the preliminary plat and development of 15 new single-family homes is in conformance with the Shoreline Comprehensive Plan and the Growth Management Act.
- The proposed preliminary plat is in conformance with the Shoreline Municipal Code Title 19 - Subdivision Standards.
- The proposed development is an appropriate land use in this neighborhood that includes small single-family homes and duplexes on small lots and single-family homes on larger lots.
- The proposal will provide amenities (e.g., open space/recreation area, landscaping, screening) that will enhance compatibility with neighborhood land uses.
- The proposal will provide adequate water and sewer systems to serve the new homes and will not reduce the level of service provided to abutting properties.

- The proposal will provide adequate stormwater systems to service the new homes and will not increase runoff to abutting properties; the system will address water quality and water quantity impacts to Ronald Bog and Thornton Creek.
- The proposal will retain a valuable vegetative buffer resource on the southern boundary at the west side of the site and other vegetation as feasible.
- The proposal will provide a Homeowner's Association to maintain appearance and function of the development.
- The proposed development will assist the City of Shoreline in meeting its housing production targets to meet our obligation under the Growth Management Act.

RECOMMENDATION:

Staff recommends that the Reclassification of Property and Preliminary be approved subject to the conditions described in Ordinance _____ (Attachment A)

ATTACHMENTS:

- A. Ordinance and Agreements
- B. SEPA Threshold Determination
- C. Development Application
- D. Plans and Profiles
- E. Staff Review of Traffic Report
- F. Staff Review of Drainage Report
- G. Fire Department Report
- H. Certificate of Water Availability
- I. Certificate of Sewer Availability
- J. Letters of Public Comment

ORDINANCE _____

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

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

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

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

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

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Planning Commission and has determined that the public use and interest will be served by approving the reclassification of said property from R-6 to R-12; and

WHEREAS, on December 2, 1999, the Planning Commission recommended approval of the preliminary plat application subject to the following conditions and entered findings of fact and a conclusion based thereon in support of that recommendation

- I. Subsequent development of the subject property shall comply with all the conditions of the SEPA Mitigated Determination of Non-Significance issued on September 30, 1999
- II. The subdivision of the subject property shall be accomplished and shall comply with the conditions described in Exhibit A.

WHEREAS, the City Council concurs in the findings of fact and conclusions of the Planning Commission and has determined that the public use and interest will be served by approving the preliminary plat subject to conditions described in Exhibit A; and

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

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

Section 1. Findings. The Planning Commission's findings of fact and conclusions approving the rezone of the parcel and the preliminary plat as set forth by the Planning Commission on December 2, 1999, and as attached hereto (Exhibit A) are hereby adopted.

Section 2. Amendment to Zoning Map. The official zoning map of the City of Shoreline, adopted by Ordinance No. _____, is hereby amended to change the zoning classification of that certain property described below, from R-6 to R-12.

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

Section 3: Preliminary Plat Approval. The preliminary plat for Elena Lane is approved per conditions as shown in Exhibit A.

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

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

PASSED BY THE CITY COUNCIL ON JANUARY _____, 2000

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli
City Clerk

Ian Sievers
City Attorney

Date of Publication: _____, 2000
Effective Date: _____, 2000

EXHIBIT A

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

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

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

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

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

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

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City Manager's Office

SHORELINE PLANNING COMMISSION

DECEMBER 2, 1999

AUDIO TRANSCRIPTION

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1 BE IT REMEMBERED that on December 2,
2 1999, Shoreline, Washington, the following proceedings
3 were had, to wit:
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5 <<<<<< >>>>>>
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7 UNIDENTIFIED SPEAKER: The regular
8 meeting of the Shoreline State Planning Commission
9 Board, December 2, 1999, is called to order. First,
10 call the roll, please.

11 UNIDENTIFIED SPEAKER: Commissioner
12 Bradshaw is excused, Commissioner Parker is absent.
13 Commissioner McAuliffe?

14 MR. MCAULIFFE: Here.

15 UNIDENTIFIED SPEAKER: Commissioner
16 Vadset is excused.
17 Chair Kuhn?

18 MR. KUHN: Here.

19 UNIDENTIFIED SPEAKER: Vice Chair
20 Gabbert is absent.

21 Commissioner Marx?

22 MS. MARX: Here.

23 UNIDENTIFIED SPEAKER: Commissioner
24 Maloney?

25 MR. MALONEY: Here.

1 UNIDENTIFIED SPEAKER: Commissioner
2 Monroe?

3 MR. MONROE: Here.

4 MR. KUHN: Moving on to our approval
5 of the agenda. Are there any additions or deletions,
6 amendments to the agenda? (No response.)

7 Hearing none. We'll go with the agenda as
8 written. Approval of the minutes, minutes for November
9 4, 1999, any additions, corrections, deletions,
10 requests, or other matters? Does somebody move to
11 approve?

12 UNIDENTIFIED SPEAKER: I approve.

13 MS. MARX: Second.

14 MR. KUHN: All those in favor?

15 UNIDENTIFIED SPEAKER: Aye.

16 UNIDENTIFIED SPEAKER: Aye.

17 MR. KUHN: Sole, do we hear an "aye"
18 from you?

19 UNIDENTIFIED SPEAKER: Aye.

20 MR. KUHN: Thank you.

21 Minutes of November 18th, additions, corrections,
22 modifications, etc.?

23 UNIDENTIFIED SPEAKER: Move that
24 they be approved.

25 UNIDENTIFIED SPEAKER: Second.

1 MR. KUHN: All those in favor?

2 UNIDENTIFIED SPEAKER: Aye.

3 UNIDENTIFIED SPEAKER: Aye.

4 MR. KUHN: All those opposed?

5 (No response.) Hearing no opposed. Minutes are
6 approved.

7 Noting Commissioner Gabbert has sauntered in.

8 MR. GABBERT: Thank you. It's
9 seven o'clock by the clock outside.

10 UNIDENTIFIED SPEAKER: Yeah, yeah,
11 yeah.

12 UNIDENTIFIED SPEAKER: I tried that
13 last time. Come on, give me a break.

14 MR. KUHN: All right. There is a
15 sign-up list over here on the table. Please make sure
16 that if you wish to give testimony for the public
17 hearing that you have signed up on the agenda -- on the
18 sign-up sheet that says, "I wish to testify on the Elena
19 Lane rezone."

20 We also have an opportunity for members of the
21 public to make general comments to the planning
22 commission on matters which are not before the planning
23 commission this evening and which are not noticed as a
24 public hearing, so if you wish to make a public comment
25 or a comment addressed to the commission, please come

1 forward, state your name. (No response.)

2 Hearing no one wishing to make public comment on a
3 matter not before the commission this evening, we will
4 pass over and go to reports of commissioners. I don't
5 believe there are any reports of commissioners this
6 evening.

7 Secondly, we will move to staff reports.

8 UNIDENTIFIED SPEAKER: Just a quick
9 item, we've had a -- two of our staff have moved on to
10 bigger and brighter futures. James Holland is now in
11 Arizona as a long-range planning manager, and Lenora
12 Bauman has also gone on to better things.

13 So we have made the appointment of Paul Cohen to
14 fill one of those positions internally to a Planner 3,
15 and we are now going through the process of filling the
16 second vacancy.

17 So that's all we have for a staff report.

18 MR. KUHN: Okay --

19 UNIDENTIFIED SPEAKER: I'm sorry,
20 one other thing is that next Monday evening, the City
21 Council will have a workshop on the Phase I of the
22 development code that staff will be presenting.

23 MR. KUHN: Thank you.

24 The next item on our agenda is the public hearing
25 notice for this evening. Now, before I open the public

Blumen
Can
we fix
this?

1 hearing on the Elena Lane rezone and preliminary
2 subdivision, I would like to remind the commissioners of
3 the rules regarding Appearance of Fairness.

4 The fairness and checklist is provided for each of
5 the commissioners to review. The law requires
6 commission members to disclose any communications they
7 may have received about the subject of this hearing
8 outside of the hearing. These are known as ex parte
9 communications and may be either written or oral
10 communications. When the hearing is open, I will ask
11 whether any commissioner has received any ex parte
12 communications concerning the subject of the hearing.

13 For all those present, I would like to remind you
14 that all testimony presented at tonight's hearing shall
15 be given under oath or affirmation to tell the truth.

16 We request that prior to any person presenting
17 testimony to the planning commission, that they so swear
18 or affirm that the information they are presenting is
19 true and correct. I would also like to remind everyone
20 that we are engaged in the public's business and an
21 appropriate level of decorum should be maintained at all
22 times.

23 All comments should be directed through the Chair.
24 Only one person will have the floor at one time.
25 Applauding, booing, or disruption of the process will

1 not be tolerated. Children and murmur will be tolerated
2 for some period of time, unless they get unruly.

3 The order of the hearing on the Elena Lane rezone
4 and preliminary subdivision will be: First, we'll have
5 staff presentation and questions by the commission;
6 Applicant presentation and questions by the commission;
7 public testimony -- let me check the list here. Public
8 testimony, there are nine people signed up to give
9 testimony. I can't discern from the list whether
10 they're for the Applicant or members of the general
11 public. So in all respects, we'll limit it to four
12 minutes per person, unless we need to adjust that
13 according to who the person is, who signed up, and
14 whether they are a person with the Applicant, which will
15 be something outside of the time allotted for general
16 public testimony. Applicant response, final questions
17 by the commission.

18 we'll then close the public hearing on the rezone
19 and preliminary plat, and then the planning commission
20 will deliberate and formulate a recommendation to the
21 City Council.

22 I now wish to open the public hearing on the Elena
23 Lane rezone and preliminary plat for a single-family
24 development located at 18034 Stone Avenue North,
25 Shoreline, Washington.

1 So that we may comply with the requirements of the
2 Appearance of Fairness Law, I will ask the commissioners
3 if they have been contacted by anyone concerning the
4 subjects of tonight's hearing? (No response.)

5 MR. KUHN: No.

6 Is there anyone in the audience who feels there
7 may be any conflict of interest or ex parte contacts on
8 the part of any commissioners? (No response.)

9 Hearing none, we will now move on to the staff
10 presentation.

11 MR. JOHNSON: Good evening. I am
12 Allen Johnson, a Planner II with Planning & Development
13 Services' staff presenting tonight the proposal for
14 Elena Lane.

15 UNIDENTIFIED SPEAKER: Your speaker
16 is turned off.

17 UNIDENTIFIED SPEAKER: You just have
18 to speak loudly.

19 MR. JOHNSON: Okay.

20 -- for the Elena Lane proposal, File No.
21 1999-0845. And Eric Sundquist is the owner and
22 applicant for this project.

23 There are two actions in this proposal, one
24 involves a rezone from the current R-6 zoning to an
25 R-12, residential 12-unit-per-acre designation.

1 Concurrent preliminary plat is also proposed with this
2 application for 16 lots of which 15 would be designated
3 for single-family homes and one lot would be kept for
4 open space.

5 The gross density of this project is approximately
6 10.5 units per acre. The R-12 proposed zoning and
7 preliminary plat are both consistent with the
8 comprehensive plan designation of medium density
9 residential, which was designated by the comprehensive
10 plan for this location. And the plat is also an
11 appropriate type of land use and density for both the
12 medium density residential designation and the R-12
13 zone.

14 Mitigated determination of nonsignificance was
15 issued for this proposal on October 6th, and during the
16 comment period the City received 12 letters. The
17 comment period ended on October 22nd, and the appeal
18 period for the MDNS ended on November 10th. There was
19 no appeal on this project.

20 Of the 12 letters that were received, primary
21 concerns related to compatibility with adjacent
22 residential development, parking and traffic concerns,
23 pedestrian safety concerns, privacy and aesthetic
24 issues, recreation issues, and surface water management
25 concerns.

1 The proposed preliminary plat has a series of
2 conditions that are intended to address many of these
3 impacts. Some of the conditions would require a maximum
4 of 15 homes, open-space lot dedicated for a top-lot
5 recreation area, provisions for tree retention and
6 landscaping, fence around -- fence or buffer around the
7 edge of the perimeter of the project, homeowner's
8 covenant to ensure that a continuation of -- and
9 maintenance of the open space and landscaping measures
10 to address surface water concerns, and also address
11 design issues to ensure compatibility with the adjacent
12 residential uses.

13 An asphalt walkway is proposed for pedestrians'
14 safety along Stone Avenue, between the project at 180th
15 Street and north to 183rd. On the frontage in front of
16 the property, curb, gutter and sidewalk would be
17 required.

18 And in the letter that you -- or the conditions
19 that you have before you is listed a condition for
20 sidewalks along 182nd, which would be the street that
21 would serve the Elena Lane homes.

22 On the -- the Applicant has requested
23 clarification on that condition and several other
24 conditions, and I'll turn the presentation over at this
25 time to Tim Stewart to address that letter and the staff

10

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1 response to that letter.

2 MR. STEWART: Great. Thank you,
3 Allen.

4 Allen has kind of got stuck at the 11th hour with
5 this project. This project has gone through three
6 project managers, and Allen has picked it up at the very
7 last minute and -- actually, the staff report forward.

8 You have in front of you a copy of a letter that
9 we received today, I think, or yesterday -- it was
10 yesterday that it came in -- asking for changes or
11 clarification to a number of the conditions located on
12 Pages 29 and 30.

13 I really apologize to both you and to the
14 Applicant. I had been told that the conditions included
15 in Exhibit A had been reviewed and approved by the
16 applicants. That is not the case. They received them
17 yesterday.

18 So what I would like to suggest as a way of trying
19 to fairly address this problem is to take the staff
20 report right now and to go through and to let the
21 commission know which of these we might have -- staff
22 might have an issue with.

23 Most of them, however, I would like to point out,
24 are technical in nature and do not change the substance
25 of the recommendation or the report. But they are --

11

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1 there are some issues that need to be clarified.

2 MR. KUHN: Mr. Stewart, let me just
3 clarify for myself. They have not been approved by City
4 staff? They are approved by the Applicant?

5 MR. STEWART: The conditions in
6 Exhibit A on Page 29 -- 29 on your staff report,
7 lists -- starting on Page 29 --

8 MR. KUHN: No, I understand. I'm
9 talking about the fax that was received yesterday.

10 MR. STEWART: That's correct. There
11 are -- most of these, staff does not object to, but
12 there are two that we had concerns with that we would
13 like to tell you about.

14 MR. KUHN: All right. But my -- I
15 want to get clear for the record that the Applicant
16 approves what is contained in this facsimile from
17 Lovell-Sauerland.

18 MR. STEWART: Oh, I'm sorry, yes.
19 This is the true fax from you and --

20 MR. KUHN: No, no, no. I want to
21 know who approved and who didn't approve and whether,
22 you know, if it came from a representative of the
23 Applicant and hadn't been actually approved by the
24 Applicant. But if that's the case, that it has been
25 approved by the Applicant, that's fine, and what we are

12

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