

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Resolution No. 189, Approving the Final Plat for the Hillwood Estates Subdivision at 19202 8th Avenue NW
DEPARTMENT: Planning and Development Services
PRESENTED BY: Tim Stewart, Director of Planning and Development Services

PROBLEM/ISSUE STATEMENT:

The decision before the Council is the approval of the Hillwood Estates Subdivision (long subdivision previously known as the Dohner Subdivision) proposed by Charles and Barbara Dohner for the property located at 19202 8th Avenue NW. The proposal would create from one lot, totaling 1.70 acres, one public right-of-way tract, and ten (10) single family residential building lots. The lot sizes range from 5,021 square feet to 8,636 square feet (See Attachment A for final plat drawings).

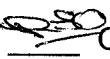
The City Council approved the subject preliminary plat on December 14, 1998 after a closed record public hearing on an appeal of the Planning Commission's recommendation (See Attachment B). The approval followed a public hearing held by the Planning Commission on September 3, 1998. The Planning Commission submitted a recommendation for denial after the public hearing. The Staff recommendation for approval was subject to seven (7) conditions, which are listed later in this report.

The engineering plans have been reviewed and approved by staff. A site development permit has been approved. All required site development including, utility and drainage improvements, road and pedestrian improvements, and landscaping improvements have been guaranteed with a performance bond, with improvements to be completed within two years of final plat approval. The applicant has met the conditions of the preliminary subdivision approval.

The applicant complied with all requirements of the City of Shoreline Code and the Council is asked to approve the final plat by adopting Resolution No. 189 (see Attachment C) and authorize the Mayor, Director of Planning and Development Services, and the City Engineer to sign the final plat. After signing it will be recorded with King County Records and Elections Division.

RECOMMENDATION

Staff recommends the adoption of Resolution No. 189, which will approve the ten (10) lot final plat of the Hillwood Estates Subdivision at 19202 8th Avenue NW and authorize the Mayor, City Engineer, and Planning and Development Services Director to sign the final plat.

Approved By: City Manager  City Attorney 

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INTRODUCTION

Project Address: 19202 8th Avenue NW, Shoreline, WA 98177
Zoning: R-6 Residential (six (6) dwelling units per acre)
Property Size: 74,124 Square Feet (1.70 Acres)
Number of Proposed Lots: Ten (10) residential lots and one public right-of-way tract.
Proposed Lot Size: Lot 1: 5,021 Sq. Ft., Lot 2: 5,028 Sq. Ft., Lot 3: 8,633 Sq. Ft.
Lot 4: 5,039 Sq. Ft., Lot 5: 5,039 Sq. Ft., Lot 6: 5,625 Sq. Ft., Lot 7:
5,610 Sq. Ft., Lot 8: 5,103 Sq. Ft., Lot 9: 5,103 Sq. Ft., Lot 10: 5,103,
Tract A, NW 192nd Street, 7th Place NW, 6th Place NW: 23,257 Sq. Ft.

Comprehensive Plan
Designation: UM (Urban Medium, 4-12 units per acre)
Subdivision: Hillwood Estates Subdivision
Application No.: 2002-201169
Applicant: Charles and Barbara Dohner
Property Owner: Charles and Barbara Dohner

BACKGROUND

Action	Review Authority	Appeal Authority and Decision – Making Body
Preliminary Long Plat (Subdivision)	Planning Commission – Public hearing: September 3, 1998 The Planning Commission submitted a recommendation for denial.	City Council – Public Meeting: December 14, 1998 Closed Record Public Hearing on an appeal of the Planning Commission's recommendation Decision: Preliminary Subdivision Approval
Final Long Plat (Subdivision)	Director – Recommendation of approval to the City Council	City Council – Public Meeting: July 22, 2002 Decision: Final Plat Approval

The preliminary subdivision approval process required public notification of the proposal, followed by an open record public hearing in front of the Planning Commission. The Planning Commission submitted a recommendation for denial to the City Council. Staff forwarded a recommendation for approval subject to seven (7) conditions to the City Council. After a public meeting that included a closed record public hearing on an appeal of the Planning Commission's recommendation for denial, the City Council made a decision to approve the project subject to seven (7) conditions.

Site development engineering plans were created to show how the subdivision will comply with the preliminary approval conditions and code requirements. The Planning and Development Services Department reviewed the site development plans. Necessary corrections to the plans were made before development plan approval. This permit authorizes the developer to fulfill the preliminary approval requirements, such as the installation of site utilities and roads. Site development work that is not completed before final plat approval must be guaranteed by performance bonds or other surety. These financial guarantees assure that the construction as shown on the site development plans will be constructed. A financial guarantee has been given to the City of Shoreline in the amount of \$350,000.

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

ANALYSIS

On December 14, 1998 the Council reviewed and approved this preliminary subdivision subject to the following conditions.

(The compliance with each condition is stated in italic.):

1. The applicant shall revise the design of the proposed access road, from the intersection with 8th Avenue NW to the Southwest corner of the subject property to bring it into full compliance with the King County Road Standards.

Sheets 3, 4, and 5 of 22 of the approved engineering plans show the public road, NW 192nd Street, 6th Place NW and 7th Place NW designed to be in full compliance with the specifications of the King County Road Standards. The public road construction is guaranteed by a performance bond.

2. The applicant shall provide full signage for the public road in accordance with the adopted Road Standards.

Sheet 3 of the approved engineering plans show signage locations for the public road that meet the King County Road Standards. Installation of road signs is guaranteed by a performance bond.

3. The applicant shall install ADA accessibility ramps along the right-of-way in accordance with the adopted Road Standards.

Sheet 3 of the approved engineering plans indicates ADA accessibility ramps along the sidewalks at the intersections of NW 192nd Street, 7th Place NW and, 6th Place NW in compliance with King County Road Standards.

4. The applicant shall place language on the face of the plat providing for dedication of the stormwater management system to the City of Shoreline. This language shall fully implement all relevant provisions of the Shoreline Municipal Code.

The final plat on sheet 2 of 3 includes a note that states "Storm drainage facilities located in the streets in this plat are hereby dedicated and conveyed upon recording to the City of Shoreline. The City of Shoreline shall be responsible for maintenance, repairs and reconstruction of the storm drainage facility upon acceptance by the City of Shoreline."

5. Consistent with the dedication of NW 192nd Street as a public road, the applicant shall install stub lines allowing the connection of 19136, 19140 and 19144 8th

Avenue NW to the water and sewer mains installed to serve the proposed development.

The approved engineering plans sewer detail and water main extension detail show stub out connections for sewer and water service for the above addresses. Additionally, the final plat on sheet 2 of 3 provides a note that states that drainage stubout connections are provided for the lots at 19144, 19140 8th Avenue NW. The lot at 19136 8th Avenue NW currently has direct access to the drainage system along 8th Avenue NW. Sheet 3 of the approved engineering plans indicates storm drainage, sewer, and water stubouts for the lots and a performance bond guarantees their construction.

6. A fire hydrant shall be installed at, or, as close as possible to, the southwest corner of lot 8 of the proposal.

Sheet 1 of 3 of the approved engineering plans, detail of the water main extension indicates a fire hydrant to be installed at lot 7 which abuts lot 8. This location was engineered by Seattle Public Utilities and approved by the City of Shoreline. The installation of the fire hydrant is guaranteed by a performance bond.

7. The water main system serving the proposed subdivision shall be resized to use either, a minimum pipe diameter of 8" for a system with deadends greater than 50' in length, or, a minimum pipe diameter of 6" for looped systems.

Sheet 1 of 3 of the approved engineering plans, detail of the water main extension indicates that a looped system is to be installed for this plat with 6" diameter pipe.

SEPA MITIGATIONS

1. Plants

- A. Prior to the submission of an application for final plat approval, the applicant shall submit a plan that provides for the preservation of all significant trees located in the following areas of the subject property.
 - i. The 36", 48" and 24" trunk diameter Cedar trees located in the proposed access tract immediately west of lot 10.

The 36" and 48" Cedar trees were intended to provide mitigation to the property owners at 19144 and 19140 8th Avenue NW. SEPA mitigation Transportation 2. B below grants accesses to the new public road to these lot owners. During the engineering of this plat these lot owners wished to have access and curb cuts in to the public road in the vicinity of these trees. To accommodate access to these lots the Arborist determined construction impacts would require that the 36" and 48" Cedar trees need to be removed. In order to mitigate this removal the approved landscaping plan includes additional street trees, landscaping, and

fencing to be installed along NW 192nd Street adjacent to 19144 and 19140 8th Avenue NW in the vicinity of the trees being removed. With the access to these lots from the public road NW 192nd Street impervious surfaces will also be removed on these lots in the vicinity providing additional percolation of surface water. The 24" Cedar tree will remain west of lot 10.

- ii. The 26" diameter Fir tree located in the proposed access tract immediately south of lot 4.

The approved landscaping plan shows the 26" diameter Fir tree preserved.

- iii. The 10" Noble Fir and the two (2) 30" diameter Pines located along the eastern boundary of lot 6.

The approved landscaping plan shows all of these trees preserved. These trees are included inside the Tree Growth Protection Area (TGPA) shown on sheet 3 of 3 of the final plat. This protection area establishes upon the underlying owner the responsibility to see that trees and vegetation in this area remain undisturbed and limits any alteration or replacement to conditions specified in the site development permit 2001-102750. Structures and impervious surfaces are not allowed in the TGPA to further aid survival of trees in this area. The final plat on sheet 2 of 3 includes a note that states "All landscaping including the Tree Growth Protection Area to be maintained and watered by lot owners to assure proper establishment of plants. A two year landscape maintenance bond shall be posted with the city for the replacement of plants."

- iv. The 10", 12" and three (3) 30" diameter Pine trees located along the eastern property boundary of lot 7.

The approved landscaping plan shows all of these trees preserved. These trees are included inside the Tree Growth Protection Area (TGPA) shown on sheet 3 of 3 of the final plat. This protection area establishes upon the underlying owner the responsibility to see that trees and vegetation in this area remain undisturbed and limits any alteration or replacement to conditions specified in the site development permit 2001-102750. Structures and impervious surfaces are not allowed in the TGPA to further aid survival of trees in this area.

- v. The 24" and 30" diameter Fir trees located along the southern boundary of lot 8.

The Arborist reviewed the 24" Fir tree and indicated the tree has history of failure and is in declining health and recommended this trees removal. Two replacement trees will be planted to mitigate this tree removal. The 30" Fir tree will be preserved and is located inside the TGPA.

- vi. The 36" diameter Fir tree located on the northern property boundary of lot 10.

The Arborist reviewed the 36" Fir tree and indicated the tree has history of failure and has a shallow root system and recommended this tree for removal. The 26" Fir and 13" Hawthorn trees in the vicinity are to be preserved and are located inside the TGPA.

- B. The applicant shall include with the plan required under A, above, a written report identifying specific protection methods to be used for each identified tree during and after site clearing and development.

The applicant submitted an Arborist report indicating specified tree protection measures. These measures are approved and are recorded on the approved engineering plans. The final plat on sheet 2 of 3 includes a note that states "All construction activity on lots located in this subdivision must follow the tree preservation requirements as shown in the engineering/site development plans on file at the City of Shoreline, file number 2001-102750."

2. Transportation

- A. The applicant shall either, preserve existing landscaping within any unpaved areas of the proposed access tracts, or, fully landscape any unpaved areas remaining within the proposed access tracts following the completion of construction activities.

The approved landscaping plans show full landscaping for all of the areas of the proposed access tracts that do not include roads or curb, gutter and sidewalk. The installation of landscaping has been guaranteed by a performance bond.

- B. The applicant shall place language on the face of the plat allowing use of the proposed N. 192nd Street access road by immediately adjacent properties.

The final plat on sheet 2 of 3 includes a note that states "Access to the public roads, NW 192nd ST, 6th PL NW, and 7th PL NW is hereby granted to the properties at 19136, 19140, and 19144, 19210, 19314, and 19324 8th AVE NW subject to the approval of the location by the City of Shoreline"

RECOMMENDATION

Staff recommends the adoption of Resolution No. 189, which will approve the ten (10) lot final plat of the Hillwood Estates Subdivision at 19202 8th Avenue NW and authorize the Mayor, City Engineer, and Planning and Development Services Director to sign the final plat.

ATTACHMENTS

Attachment A: Copies of the final plat drawings for the subject final plat. Copies of the approved site development permit drawings are available at the Planning and Development Services Department.

Attachment B: Council Minutes from December 14, 1998

Attachment C:

Resolution No. 189

Attachment A

Hillwood Estates Final Plat

HILLWOOD ESTATES

SECTION 1, T.26N., R3E., W.M.
CITY OF SHORELINE
KING COUNTY, WASHINGTON

APPROVALS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

PLANNING AND DEVELOPMENT SERVICES DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

MAYOR, CITY OF SHORELINE

ING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

FINANCE DIVISION CERTIFICATE

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

THIS DAY OF 2002

MANAGER, FINANCE DIVISION

RECORDING CERTIFICATE

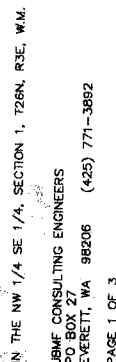
LED FOR RECORD AT THE REQUEST OF LARRY & BARBARA DOWNER, THIS
 COUNTY OF _____ 2002, AT _____ MINUTES PAST _____ M., AND
 _____ OF PLATS, PAGES _____, INCLUSIVE, RECORDS
 _____ KING COUNTY WASHINGTON.

RECORDING NUMBER

DIVISION OF RECORDS AND ELECTIONS

MANAGER

Ann B. Friel
ANN B. FRIEL
OF. LAND SURVEYOR
RTIFICATE NO. 10749
CONSULTING ENGINEER
BOX 27
ERETT, WA 98205 (408)



RESTRICTIONS AND COVENANTS

1. A UTILITY EASEMENT ACROSS THE WEST 10 FEET OF LOTS 1-3 & LOTS 7-10 AND THE SOUTH 10 FEET OF LOT 4 IN THIS SUBDIVISION IS GRANTED FOR THE BENEFIT OF ALL LOTS IN THIS SUBDIVISION.
2. ACCESS TO THE PUBLIC ROADS, NW 192nd ST, 6TH PL NW AND 7TH PL NW IS HEREBY GRANTED TO THE PROPERTIES AT 19136, 19140 AND 19144, 19210, 19314, 19318, 19322, 19326, 19330, 19334, 19338, 19342, 19346, 19350, 19354, 19358, 19362, 19366, 19370, 19374, 19378, 19382, 19386, 19390, 19394, 19398, 19402, 19406, 19410, 19414, 19418, 19422, 19426, 19430, 19434, 19438, 19442, 19446, 19450, 19454, 19458, 19462, 19466, 19470, 19474, 19478, 19482, 19486, 19490, 19494, 19498, 19502, 19506, 19510, 19514, 19518, 19522, 19526, 19530, 19534, 19538, 19542, 19546, 19550, 19554, 19558, 19562, 19566, 19570, 19574, 19578, 19582, 19586, 19590, 19594, 19598, 19602, 19606, 19610, 19614, 19618, 19622, 19626, 19630, 19634, 19638, 19642, 19646, 19650, 19654, 19658, 19662, 19666, 19670, 19674, 19678, 19682, 19686, 19690, 19694, 19698, 19702, 19706, 19710, 19714, 19718, 19722, 19726, 19730, 19734, 19738, 19742, 19746, 19750, 19754, 19758, 19762, 19766, 19770, 19774, 19778, 19782, 19786, 19790, 19794, 19798, 19802, 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HILLWOOD ESTATES

SECTION 1, T.26N., R.3E., W.M.

CITY OF SHORELINE

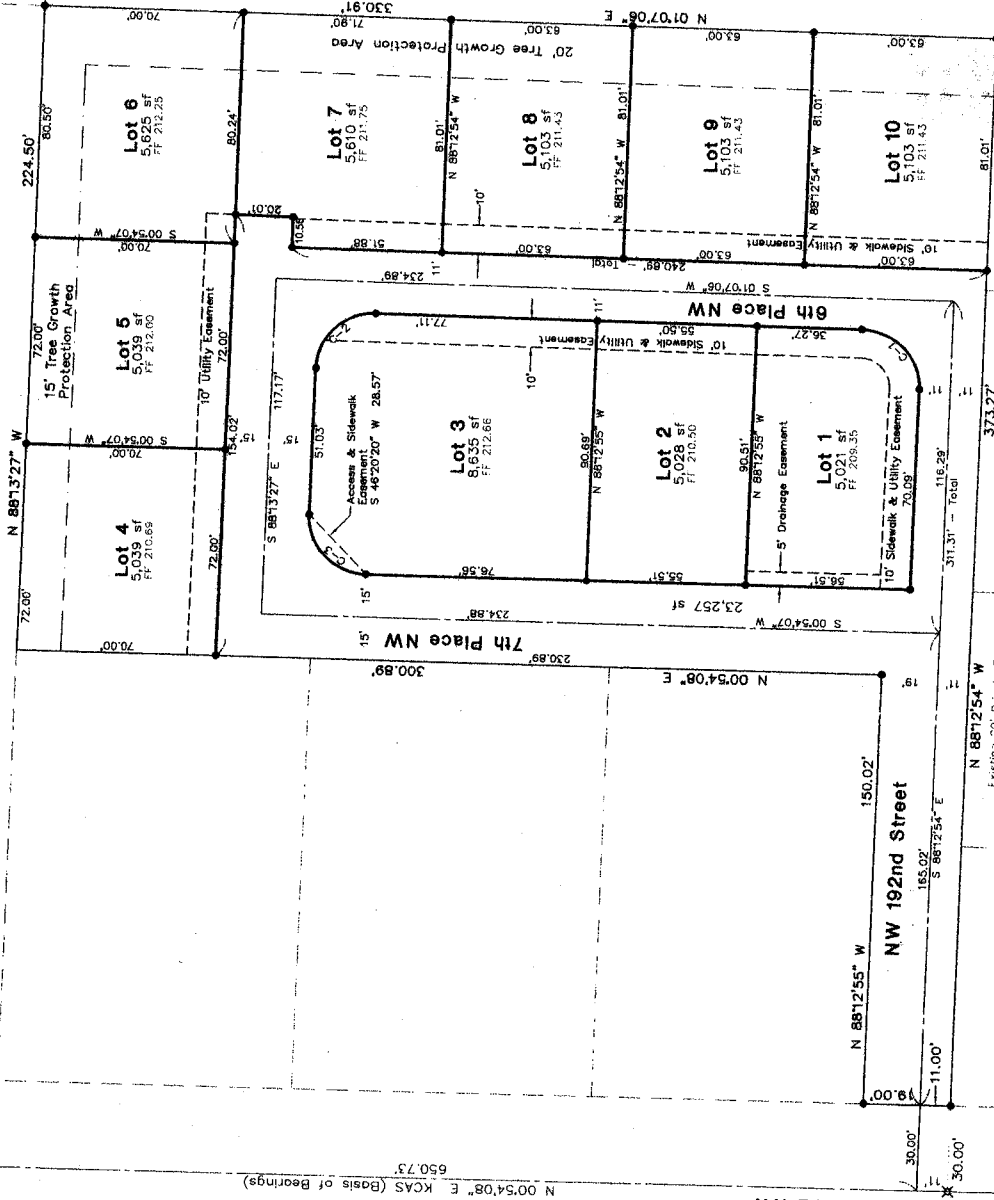
KING COUNTY, WASHINGTON

CONC. MON. (TYP)
CTR. OF SECTION

NE 196th ST

N 88°13'58" W 1339.57'

30'



GRAPHIC SCALE



LEGEND

MERIDIAN ~ KCAS

□ SET 2"X2" HUB & TACK
X FOUND PK NAIL

• SET LOT CORNER (REBAR W/ CAP) LS 10749



IN THE NW 1/4 SE 1/4, SECTION 1, T26N, R3E, W.M.

JBMF CONSULTING ENGINEERS
PO BOX 27
EVERETT, WA 98206 (425) 771-3892
PAGE 3 OF 3

CURVE	RADIUS	LENGTH	TANGENT	DELTA
C-1	20.00'	31.65'	20.25'	90°40'00"
C-2	20.00'	31.65'	19.77'	89°20'33"
C-3	20.00'	31.72'	20.31'	90°52'25"



Attachment B

City Council Minutes December 14, 1998

Motion to authorize the City Manager to execute a revised interlocal agreement with King County for the hourly rate of public defense screening services for indigent district court defendants

Ordinance No. 182 amending Ordinance No. 146, as amended, by creating a General Capital Fund, a Roads Capital Fund, and a Surface Water Capital Fund; adding appropriations to these new funds; and eliminating the Special Capital Improvement Fund and the Appropriations to that fund

Ordinance No. 185 amending Ordinance No. 151, which established medical, dental, vision, life and disability insurance and other benefits for City employees, in order to pay for the increase in the cost of benefits

At 8:32 p.m., Councilmember Lee returned to the Council table.

→ 8. ACTION ITEM: PUBLIC HEARINGS

- (e) Closed record appeal hearing on an appeal of the Planning Commission's recommendation to deny the application of Charles and Barbara Dohner for a preliminary long subdivision (File #1997-02453)

Deputy Mayor Montgomery asked if any Councilmembers have an interest in the property that is the subject of the hearing; if any Councilmembers stand to gain or lose financially as a result of the outcome of this hearing; and if any Councilmembers have engaged in communications outside this hearing with opponents or proponents of the matter to be heard. Councilmembers indicated negative responses to all questions. (Councilmember Gustafson had stepped away from the Council table during this exchange.)

Mr. Stewart explained the difference between quasi-judicial and legislative decisions: in the legislative process the decision body asks what should be; in a quasi-judicial decision the question is whether the application complies with the existing law. Legislative decisions set the rules for quasi-judicial decisions.

Mr. Stewart said this hearing was postponed from the November 23rd meeting. Its purpose is to consider the appeal of the Planning Commission's recommendation to deny the permit application. He described the proposal as outlined on pages 99 and 100 of the Council packet and reviewed page 101 and pages 106 to 111 in the Council packet outlining the application's route through the process. He said staff has found that the proposal is consistent with the King County Comprehensive Plan in effect at the time it was submitted, with the subdivision standards of the City of Shoreline, with the King County Road Standards, and with the Shoreline zoning ordinance. Therefore, staff

recommends approval of the application with seven specific conditions (pages 111 and 112) and the SEPA mitigation.

Continuing, Mr. Stewart said the project has been quite controversial. There were 17 written comments and 18 individuals testified at the public hearing. Many comments addressed the history of storm water problems and the detention system and requested a 100-year storm detention system rather than a 25-year system. The recommendation is for a 25-year system because of the finding that the local storm water collection system does not have downstream problems. Another issue was lot size, since the subdivision has smaller lots than the surrounding neighborhood. However, staff found that all lots were consistent with the adopted standard of the Shoreline zoning code. Mr. Stewart said other areas of concern included the road access, safety and children, and mitigation issues.

Mr. Stewart said the Planning Commission's recommendation for denial of the application (found on pages 94 - 98), found that: 1) there were too many lots and the lots were too small; 2) the project was not in the public interest; and 3) the project was not consistent with the character of the surrounding neighborhood.

Turning to the appeal, Mr. Stewart said it responded to the Planning Commission findings as follows: 1) the application meets all density requirements based upon the codes and requirements of the City of Shoreline at the time the application was filed; 2) the project meets the rules and requirements of the City meant to protect the public interest; and 3) builders cannot be expected to have projects that retain the character of a 1960s-style neighborhood when the public demands 1990s-style homes.

Mr. Stewart said the staff sympathizes with the concerns of the Planning Commission and neighbors. However, the proposal conforms to the laws in effect when the application was submitted. Therefore, staff recommends that Council grant the appeal and approve the plat subject to the findings, conclusions and conditions set forth in the staff report beginning on page 99.

The appellant/applicant, Gary Cooper, 20351 Greenwood Avenue N, felt the application was basically denied because of the lot sizes, which citizens felt were out of character with the neighborhood. He said the City has an obligation to apply the regulations in effect when the application was submitted. He emphasized that "public interest" and "public opinion" are not synonymous. He said the codes protect the public interest in terms of safety. If Council wishes to respond to public opinion, it can make legislative changes. He said neighborhood character is not an issue because this is based on codes and regulations.

Turning to drainage, Mr. Cooper explained that the preliminary drainage plan will be subjected to downstream analysis and perhaps mitigation or a 100-year system will be required. He concluded that most of the lots are configured in such a way that they meet the new setback requirements, even though this was not required.

Responding to Councilmember King, Mr. Cooper said one lot has an existing home on it. The other lots are much smaller than this one. This home will be retained. Mr. Cooper said this lot meets the setback requirements under the code in effect at the time of the application.

Deputy Mayor Montgomery noted that a comment was made at the Planning Commission that building codes are analogous to speed limits, i.e., they set limits but if conditions change, then the limit should be lowered. The statement was made that the Planning Commissioners have a certain amount of discretion to determine the proper limits in given conditions.

Bruce Disend, City Attorney, said this analogy is incorrect. With regard to land use, the law is not so flexible because property rights have constitutional limitations placed upon them. He said the Council establishes the rules by adopting a zoning code. The only way to change the rules is through a variance procedure, which is a process also adopted by the City Council. He concluded that if Council does not feel the rules it has adopted are appropriate, then Council can change those rules. However, until such time as this occurs, the Council must apply the rules in effect at the time of the application. He said the issue of character of the neighborhood is sensitive and residents may feel a subdivision does not fit neighborhood character. However, there is no legal definition of neighborhood character. If Council took the position that it could approve or deny applications based upon the public interest or the character of the neighborhood, there would be no standard other than what occurs on a case-by-case basis. The judicial system does not support this approach, as has been clearly established through litigation.

Councilmember Ransom stated that he had previously discussed with the City Attorney the issue of liability with regard to positions taken by City Councilmembers. He asked whether Councilmembers are protected by the City's liability insurance in cases where the applicant has clearly met all the requirements and yet the City Council chooses to deny the application.

Mr. Disend said if Councilmembers knowingly violate the laws and regulations adopted by the City, a court would determine that this is an arbitrary and capricious action and, to the extent that the applicant suffers injury or damage, would subject such Councilmembers to personal liability. Councilmember Ransom confirmed that in such a case the City's liability insurance would not cover the Council.

Councilmember Lee voiced her difficulty in dealing with this issue and coming to a reasonable conclusion. She had the same question as the Planning Commission: if there are codes and laws that govern approval or denial of these permits, what is the purpose of the Planning Commission's review?

Mr. Disend said one of the principle functions is to determine whether or not the application does meet the applicable laws and regulations. Secondly, some discretion may be exercised. The Planning Commission assesses whether adequate provision has been made for certain fundamental aspects of the development, e.g., adequacy of water,

sewer, streets, and parks. So reviewing a proposal involves both a certain amount of discretion and measuring the proposal against the duly adopted regulations.

Councilmember Lee said it would appear that the staff would have more expertise to make the assessment than a group of citizens. She still did not see what areas of discretion the Planning Commission would have authority to mitigate.

Mr. Disend gave examples of discretionary authority: public versus private roads or the adequacy of parks. He noted that in some jurisdictions these reviews are done by a professional Hearing Examiner rather than a Planning Commission.

Councilmember King had serious concerns about the adequacy of the storm drainage system, given the history of drainage problems in the area. She asked that staff pay special attention to this. She felt this amount of new impervious surface will have some impact on the area's drainage.

Daniel Bretzke, Planning and Development Services, explained that the King County Surface Water Design Manual adopted by Shoreline is based on a 25-year storm event. However, in some cases it might be cheaper for a developer to install a 100-year storm system rather than do downstream mitigation. He explained the drainage system in question, which is at the top of the drainage basin and goes into Puget Sound.

Responding to Councilmember King, Mr. Bretzke said the 25-year storm is a design standard and corresponds to approximately two inches of water hitting the ground in 24 hours. In a 100-year storm this increases to three or four inches. He noted that since Shoreline adopted the County's standards, King County has adopted a new design manual.

Responding to Councilmember Ransom, Doug Mattoon, Public Works Director, said the 1996 storm was almost a 100-year storm by some calculations and a little more by others. The determination is a function of where the measurement is taken and how much snow was on the ground. He said another way of looking at it is that there is a one percent statistical chance that there will be a 100-year storm at any given time. He did not know what the November storms were, but any one of them might have been a 25-year storm somewhere in the City. He emphasized that this project will not drain into the Third Avenue/Boeing Creek area, which is a problem area. Given this, the 25-year storm design is standard procedure.

Councilmember Ransom asked if the Council can increase the standard without being arbitrary and capricious, to which Mr. Mattoon replied that this is where engineering design review comes in. If there is a calculated reason to increase the standard, e.g., drainage into an area with known problems, it can be done. There is no documentation to justify such a requirement in this drainage basin.

Mr. Stewart said it is important to understand that this is a preliminary plat with preliminary designs. As the application moves through the process, much more detailed work will occur.

Mr. Bretzke said the conveyance system must be designed to meet the 25-year storm, i.e., there cannot be overtopping of the catch basin during a storm. Designing a detention system for a 25-year storm matches the flow on the property before construction at the 25-year storm level. This then gives preliminary calculations on the size of the pipes, the size and location of the orifices, and basic elevations to assure there is enough fall into the system. As the design is refined, it might need changes.

Councilmember Gustafson said that, based on the record, he concurred with the Planning Commission in its ruling. However, he realizes the legal requirements Council must meet. He expressed concern about the lock on the gate to the recreational playfield at Einstein Middle School and wondered if this could be viewed as a fault in the requirements.

James Holland, Planning and Development Services, said the access that staff reviewed in preparing the report for the Planning Commission was not the one on the project site but the one down 8th Ave. NW. He said he found this gate open when he walked the site.

Councilmember Gustafson asked that this be checked. He also expressed concern about drainage. He asked about the adequacy of the one-way road and whether it meets the Fire Code.

Mr. Gillespie said the roads shown on the plat meet the minimum width for streets for this type of development. They meet the standards for two-way traffic but, in this case, it has been conditioned for one-way traffic because it is a loop. It is a public street and all the services will be accessible along the street. It was conditioned to be a public street because it is serving ten lots and it is in the City's and property owners' interests to maintain the street.

Returning to the gate to the playfield, Mr. Gustafson said he believed this gate goes into the park area and has been locked for a long time. He did not believe there was access to this area and he questioned whether this allows for meeting the recreational needs of this new housing area.

Mr. Holland said staff reviewed the most direct access by foot, but there are other accesses to the park. He said the gate was clearly unused and therefore he went to the most used access, which was the swing gate.

Mr. Gustafson asked if there is any legal way to make 7,200-square-foot lot sizes retroactive. Mr. Disend assured him there is not. Given this, Mr. Gustafson appealed to developers to recognize that the City has enlarged the lot size to 7,200 square feet and to comply with this lot size, which would fit with neighborhood character.

Deputy Mayor Montgomery asked whether there is flexibility to increase the density on the Einstein side and make the lots closer to the surrounding houses larger. In other words, as long as the number of lots per acre remains constant, could there be lots smaller where there is less visibility?

Mr. Stewart said at one time "clustering" of this type was permitted in King County; however, the code under which the application was made did not contain this provision.

Councilmember Gustafson stated there was no agreement with the neighbors about joint access to the road. Mr. Stewart explained the proposed access, noting staff had originally tried to encourage a joint use agreement but the neighbors to the south did not agree to this. The current design is to have parallel access to the lots to the south and new access on the north side. Councilmember Gustafson said he had the impression that the neighbors to the south were never asked about this. Mr. Stewart said it was part of the staff recommendation and SEPA review initially, but at the Planning Commission neighbors said this was never accomplished.

Councilmember Gustafson said joint use of the road would add to the project and make it somewhat more compatible. He wondered why the neighbors were never asked.

Responding to Councilmember Hansen, Mr. Stewart said all the lots meet minimum requirements and do not include easements or rights-of-way.

Responding to Councilmember King, Mr. Stewart stated that traffic impact analysis is standardized through the Institute of Traffic Engineers, who provide trip designation manuals. Ten trips a day is the standard. Councilmember King was skeptical of this figure.

Responding to Councilmember Lee, Mr. Gillespie said the enforcement of the one-way street will be done by signage and in a residential area this is more-or-less on the honor system. Councilmember Lee questioned making this street one-way. She noted that even though it meets code requirements, it does not seem appropriate here. She felt the plat should be remanded to staff and the applicant to look for a win-win situation. She said she still does not have a clear sense of why the Planning Commission holds hearings and what discretionary issues it can address.

Responding to Councilmember Lee, Mr. Disend said the City has a Planning Commission because the members bring their individual perspectives, experience and points of view. When applications come to the Planning Commission, there are a variety of viewpoints to measure, review and recommend, so there is a better chance of making sure that the public interest is served. He added that the Planning Commission has responsibilities other than land use review.

Councilmember King was concerned about the storm water detention requirements, the access, the number of trips, and the gate access to the playfield; but she feared Council was "stuck" with this project.

Councilmember Ransom pointed out that Council is aware of the citizens' concerns. The moratorium on the smaller lots demonstrates this. However, the City Attorney has made clear that Council does not have any options. The project has met the legal requirements as determined by staff. Staff has explained how each item has been accounted for and that the project is in compliance. If Councilmembers voted against this, they could become personally liable for damages and the City insurance would not cover them. Neither would personal homeowners insurance. He felt it is unreasonable to ask Council, in the face of all of this, to deny the appeal. He said Council swears to uphold the laws and legal counsel has said clearly what Council must do.

Councilmember Ransom moved to grant the appeal and approve the Dohner Long Plat subject to the findings, conclusions and conditions set forth in the staff report that was presented to the Planning Commission and which is set forth in the Council packet beginning at page 99. Councilmember Hansen seconded the motion, which carried 6 - 0.

9. OTHER ACTION ITEMS: ORDINANCES, RESOLUTIONS AND MOTIONS

- (a) Motion to adopt the City of Shoreline Emergency Management Plan and approve implementation of the 1999 work plan

Mr. Mattoon reviewed the staff report.

Deputy Mayor Montgomery invited public comment.

(1) Scott Keeny, Commissioner, Shoreline Fire Department, said the fire department fully supports the proposed Emergency Management Plan and encourages Council to adopt it as presented and to adopt the 1999 work plan. He noted the ongoing development of the fire department's emergency disaster plan as one of the department's primary objectives for 1999. He said the department will soon adjust staff responsibilities to insure the necessary staffing to meet its roles and responsibilities under the plan. He mentioned the fire department's interest in further discussion with the City regarding the possible co-management of the role of the Emergency Management Coordinator. In addition, he said the fire department would welcome the participation of the City and other agencies in locating Shoreline's emergency operations center in the department's new staff, administrative and training center. Finally, he underscored the ongoing work necessary to make the Emergency Management Plan operational and effective.

MEETING EXTENSION

At 9:55 p.m., Councilmember Hansen moved to extend the meeting until 10:45 p.m. Councilmember King seconded the motion, which carried 5-1, with Councilmember Lee dissenting.

Attachment C

Resolution No. 189

RESOLUTION NO. 189

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, APPROVING THE FINAL PLAT OF THE HILLWOOD ESTATES SUBDIVISION.

WHEREAS, the applicant has made application for final plat of the Hillwood Estates Subdivision a ten lot subdivision; and

WHEREAS, the City Council approved the subject preliminary plat of the Hillwood Estates (formerly know as Dohner) Subdivision on December 14, 1998 following a closed record public hearing on an appeal of the Planning Commission recommendation, and

WHEREAS, a public hearing held by the Planning Commission on September 3, 1998, and

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

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

WHEREAS, the applicant complied with all requirements of the City of Shoreline Municipal Code chapter 20.30.060 for recording the plat;

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

Section 1. The Council finds that the conditions of preliminary plat approval have been met and the requirements for recording the final plat have been satisfied. The Council hereby adopts the findings of fact of the Director of Planning and Development Services set out following each preliminary subdivision condition in *Council Agenda Item 7(d) ANALYSIS* section, of the Shoreline Council Meeting packet of July 22, 2002.

The Council further finds that the plat of the Hillwood Estates Subdivision as proposed is in conformity with all applicable zoning ordinances and other land use controls of the City of Shoreline.

Section 2. The final plat of the Hillwood Estates Subdivision is approved.

Section 3. The Mayor, City Engineer, and the Planning and Development Services Director are authorized to sign the plat, which will then be recorded with King County Records and Elections Division.

ADOPTED BY THE CITY COUNCIL ON July 22, 2002.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

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