Council Meeting Date: November 12, 2002 **Agenda Item: 7(f)**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 195, Approving the Final Plat for the Viking Highlands Subdivision at 640 NW 180th Street
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 final plat for the Viking Highlands Subdivision (a long subdivision previously know as the Zevenbergen Subdivision) proposed by John and Nancy Zevenbergen for the property located at 640 NW 180th Street, see Attachment A. The proposal would create from two lots, totaling 2.41 acres, one public right-of-way tract, two open space tracts and thirteen (13) building lots. The lot sizes range from 5,032 square feet to 16,658 square feet. (See Attachment B for final plat drawings).

The Council approved the subject preliminary plat on January 24, 2000 after an appeal to the Hearing Examiner on February 10, 1999, see Attachment C. The approval followed a public hearing held by the Planning Commission and Pro-tem Hearing Examiner opened on June 3, 1999 and closed July 22, 1999. The Planning Commission submitted a recommendation for approval after the public hearing. The Planning Commission and Staff recommendation for approval was subject to twenty-two (22) 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 your Council is asked to approve the final plat by adopting Resolution No. 195 (see Attachment D) 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. 195, which will approve the thirteen (13) lot final plat of the Viking Highlands Subdivision at 640 NW 180th Street 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:	640 NW 180th Street, Shoreline, WA 98177
Zoning:	R-6 Residential (six (6) dwelling units per acre)
Property Size:	105,099 Square Feet (2.41 Acres)
Number of Proposed Lots:	Thirteen (13) residential lots, one public right-of-way tract, and two open space tracts.
Proposed Lot Size:	Lot 1: 5,560 Sq. Ft., Lot 2: 5,034 Sq. Ft., Lot 3: 5,032 Sq. Ft. Lot 4: 5,952 Sq. Ft., Lot 5: 5,623 Sq. Ft., Lot 6: 5,622 Sq. Ft., Lot 7: 5,391 Sq. Ft., Lot 8: 5,391 Sq. Ft., Lot 9: 5,391 Sq. Ft., Lot 10: 16,658, Lot 11: 5,721 Sq. Ft., Lot 12: 5,721 Sq. Ft., Lot 13: 5,924 Sq. Ft. Tract A, NW 181st Court: 11,517 Sq. Ft., Tract B: 5,933 Sq. Ft., Tract C: 496 Sq. Ft.
Comprehensive Plan Designation:	UM (Urban Medium, 4-12 units per acre)
Subdivision:	Viking Highlands Subdivision
Application No.:	2002-201144
Applicant:	John & Nancy Zevenbergen
Property Owner:	John & Nancy Zevenbergen

BACKGROUND

Action	Review Authority	Appeal Authority and Decision – Making Body
Preliminary Long Plat (Subdivision)	Planning Commission – Public hearing: June 3, 1999 The Planning Commission submitted a recommendation for approval subject to 22 conditions.	City Council – Public Meeting: January 24, 2000 Decision: Preliminary Subdivision Approval
Final Long Plat (Subdivision)	Director – Recommendation of approval to the City Council	City Council – Public Meeting: November 12, 2002 Decision: Final Plat Approval

The preliminary subdivision approval process required formal public notification of the proposal, followed by an open record formal public hearing in front of the Planning Commission. The Planning Commission submitted recommendation for approval to the City Council. Staff and Planning Commission forwarded a recommendation for approval subject to twenty-two (22) conditions to the City Council. After a public meeting, the City Council made a decision on the project.

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 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 $681,415.

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 January 24, 2000 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 re-design the proposed subdivision to reduce the number of proposed lots from 14 to 13 and provide recreational area in accordance with the revised subdivision design proposed at the June 3, 1999, public hearing (Exhibit No. 3.C).

   The Final Plat Drawing on page 3 of 3 shows a total of 13 lots and includes two recreational Tracts B and C.

2. No Grading or clearing of the project site shall be allowed until a site development permit has been approved by the City of Shoreline.

   A site development permit/engineering plans permit #2001-101216 was approved on March 12, 2002.

3. The applicant shall provide a children's play area of no less than 20' by 20' as part of the proposed recreational area. The play area shall provide a minimum of one bench for seating, children's play apparatus, and other wise conform with the requirements of subsection 18.14.190 of the Shoreline Zoning Code.

   The approved landscaping plan indicates a play apparatus with safety zone and Redwood bench to be installed in Tract C. The play apparatus and bench installation is guaranteed by a performance bond.

4. The applicant shall revise the proposed design of Access Tract A to provide a minimum public right of way width of 32 feet.

   Sheet 1 of 22 of the approved engineering plans show the Access Tract A, NW 181st Court provides a right of way width of 40 feet.

5. Access Tract A (as revised by other subdivision approval conditions) shall be dedicated to the City of Shoreline as a public right of way.

   The final plat provides dedication of Access Tract A as a public right of way as NW 181st Court.

6. The required public road shall be constructed to the specification provided in the King County Road Standards.

   Pages 3, 4, and 5 of 22 of the approved engineering plans show the public road, NW 181st Court designed to the specifications of the King County Road Standards. The public road construction is guaranteed by a performance bond.

7. In order to minimize the potential for additional on street parking on public roads, each lot to be created by the proposed subdivision shall provide a minimum of four vehicle parking spaces (two covered and two uncovered).

   Restriction and covenant number 5 on sheet 2 of 3 of the final plat states that all lots must provide a minimum of four parking spaces, two covered, two uncovered.

8. As part of the materials required for final approval of the proposed subdivision, the applicant shall submit a traffic control plan that provides for the safe use of the existing public road system by pedestrians and vehicles through all phases of the construction process.

   The approved engineering plans include sheets 1 through 4 of the Traffic Control Plan that illustrate a safe phased construction approach that provides safety for vehicles and pedestrians.

9. The applicant shall either, install fire sprinkler systems in each house built on the lots being provided road access by Access Tract A, or, extend the length of the proposed vehicle turnaround eastwards by a minimum of 5 feet.

   The approved engineering plans show the vehicle turnaround length extended by five feet. After fire department review, an additional condition was required. Sheet 2 of 4 of the final plat includes restriction number 11 that requires residential fire sprinklers on lots 11, 12, and 13. The restriction also states that Lot 1 may require residential sprinklers based upon review at the time of building permit application.

10. 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, 6"diameter pipe for deadends of less than 50' in length, or 6" diameter pipe if the system is a complete loop design.

    Sheet 1 of 2 of the approved engineering plans water main extension detail shows 8" diameter pipe to be installed for the water main. Construction of the water main is guaranteed by a performance bond with the City of Seattle.

11. Prior to final plat approval, the applicant must establish a Homeowners Agreement that provides for the maintenance and repair of all commonly owned facilities, such as landscaping, streetlighting, bioswale and the recreational area, by property owners in the proposed development. The Homeowners Agreement must be

reviewed and approved by the City Attorney and recorded with the King County Auditor.

The City Attorney reviewed and approved a Homeowner's Agreement for the Viking Highlands. The Homeowner's Agreement is referenced in restrictions and covenants numbers 22, 23, and 24 on sheet 2 of 3 of the final plat. The agreement will be recorded with the King County Auditor concurrent with the final plat following final approval.

12. The applicant shall increase the proposed installation depth for all stormwater management facilities crossing NW 180th Street so as to accommodate a future City of Shoreline Public Works Department drainage Capital Improvement Project.

The engineering plans, including stormwater facilities, were reviewed by the City of Shoreline Public Works Department and OTAK Engineering (the City's consultant on 3rd Avenue Drainage Improvements) through the approval process. The plans were revised and approved to provide adequate depth for the stormwater system to accommodate connection to the future City of Shoreline Capital Improvement Project on 3rd Avenue.

13. The stormwater system for the plat shall be designed to provide 100 year storm detention, and more specifically, to limit peak rate outflows from the site to 50% of the pre-development flow rates for the two year 24-hour storm flow and to limit peak rate outflows from the site to the pre-development flow rate for the 10 and 100 year 24 hour storms.

The approved engineering plans on sheets 6 through 14 provide stormwater system capacity to meet this condition. The construction of the stormwater system has been guaranteed by a performance bond.

14. The applicant shall revise the proposed stormwater management system plans to provide water quality control for all surfaces subject to vehicular access through installation of biofiltration swale and FROP-T oil/water separator. These facilities shall be designed using the Department of Ecology manual, or an equivalent manual, to safeguard the water quality of Boeing Creek.

The approved engineering plans on sheets 6 through 14 provide for a stormwater system that includes a biofiltration swale and a FROP-T that is located in the detention tanks located below NW 181st Place. The construction of the stormwater system has been guaranteed by a performance bond.

15. The applicant shall provide revised plans that accurately and adequately address the drainage problems for the houses located at 637, 631, 617, 611, and 605 NW 182nd Street.

The approved engineering plans on sheet 6 of 22 include yard drain stub outs for the lots at 623, 625, 637, 631, 617, 611, and 605 NW 182nd Street. The overall stormdrainage system was designed to accommodate this off site capacity. The

construction of the stormwater system, including stub outs, has been guaranteed by a performance bond. Notice was sent to each of these property owners notifying them of this condition.

16. In recognition of the issue of possible impact of the proposed development on Boeing Creek as potential habitat for salmonids protected under the Federal Endangered Species Act, the applicant must produce evidence satisfactory to the City that the proposed project will have no impact on the habitat potential of Boeing Creek prior to any approvals for development of the site being issued.

    The applicant submitted a report from Talesaea resource and environmental consultants that provides satisfactory evidence that the proposed project will have no impact on the habitat potential of Boeing Creek.

17. All new homes to be constructed on building lots created by this subdivision shall be a maximum of two stories (above the ground level) in height and be of non-uniform color and design.

    The final plat sheet 2 of 3 includes this condition verbatim in restriction and covenant number fifteen (15).

18. The applicant shall revise the design of the proposed subdivision to provide an eight (8) foot wide landscaped buffer between the northern property boundary and Access Tract A.

    The approved engineering plans sheet 3 of 22 includes an eight foot buffer between the access road in Tract A and the property boundary to the north. The approved landscaping plan includes plantings of trees, shrubs and ground covers in the eight-foot wide buffer. The landscaping has been guaranteed by a performance bond.

19. Prior to final plat approval, the applicant shall submit a report prepared by a certified arborist that provides for the preservation of the maximum number of existing trees on the property that are consistent with the approved development The arborists report shall also provide for the following requirements:
    i. That any tree identified for removal shall be replaced on site by two (2) native evergreen trees of a minimum of six (6) feet in height.
    ii. That two trees meeting the above specifications shall also be planted on site when the drip line of any tree located within the landscape buffer required by condition No. 18 (above) will be encroached upon by approved site improvements.
    iii. Each tree to be preserved on site shall be evaluated for susceptibility to blow down. Where blow down is identified as a threat, the report shall specify methods of addressing the problem for each identified tree. Following review and approval by the City, these blow down prevention recommendations shall be implemented for each affected tree at the applicant's expense.
    iv. Each tree on property abutting Tract A to the north shall be evaluated for susceptibility to blow down. Where blow down is identified as a threat, the report

shall specify methods of addressing the problem for each identified tree. Owners of abutting property with potentially affected trees shall determine whether they wish to have the blow down prevention recommendations implemented by the applicant at the applicants expense.

The applicant submitted an arborist report to the City during engineering review. This report was reviewed by the City's on-call arborist. After two revisions and site work by both arborists the above conditions were met. After review of the the proposed site development and landscaping plan, sixteen significant trees (eight inches or greater in diameter breast height if it's is a conifer and twelve inches or greater if deciduous) are to be retained on the site along with fifty (50) smaller trees. As conditioned by 19.i and ii the site would require 272 replacement trees. In the opinion of both arborists, 272 trees would not survive if planted on site. The approved landscaping plan provides for 175 replacement trees to be planted on site and 97 trees to be submitted to the City of Shoreline Public Works Department for planting on public property in the neighborhood.

The approved engineering plans include conditions on sheet 8 of 22 for the specific protection and preservation of trees both retained and to be planted on site. The final plat includes a thirty-foot wide tree growth protection area across all lots that establishes an area for the protection and growth of retention and replacement trees. No structures or impervious surfaces are allowed in the protection area and places the burden upon individual property owners to water, maintain, and assure the growth of trees in this area. A two-year landscaping and maintenance bond will be submitted to the City at the time of site development construction final approval to assure the establishment of landscaping. The landscaping installation including replacement trees has been guaranteed with a performance bond.

20. All street lights to be installed by the applicant at the intersection of 6th Avenue NW and NW 180th Street, the intersection of Access Tract A and 6th Avenue NW, and at the intersection of Access Tract B and NW 180th Street shall be of the non-glare type.

The approved engineering plans on sheets 3 and 4 of 22 provide for the location of three non-glare box type light standards at the conditioned locations stated above. The installation of the light standards has been guaranteed with a performance bond.

21. The improvements to the intersection of NW 180th Street and 6th Avenue NW proposed by the applicant shall be redesigned in accordance with the design concept presented by the neighbors at the June 3 to July 22 public hearing on the preliminary subdivision (Exhibit No. 27C). All new sidewalks identified in this design shall be provided as part of the intersection improvements. The revised design shall be made available for public review prior to receiving formal approval from the City.

The approved engineering plans provide for a redesigned intersection of NW 180th Street and 6th Avenue NW that is in conformance with Exhibit No. 27C. A letter was sent to all parties of record during the engineering approval process

with an update on the proposed improvements to that intersection. Plans for this intersection have been available for review throughout the process in the lobby of the Planning and Development Services Department.

22. Prior to the issuance of a site development permit, the applicant shall submit stormwater (rain), erosion, and sedimentation control plans to minimize the off-site transportation of sediment during the construction of site improvements and new homes.

    The approved engineering plans provide stormwater, erosion and sedimentation control plans to minimize offsite transportation of sediment during construction on site. Specific conditions were added to the engineering plans to ensure compliance with this condition on sheets 6 and 12 of 22.

SEPA MITIGATIONS

1. Earth

A. The applicant shall submit a Soils Report that evaluates the suitability of the existing fill placed in the eastern portion of the property for supporting house foundations and other improvements required for new residential development.

A restriction and covenant on the final plat sheet 2 of 3 includes note number ten (10) that requires that all foundations and footings be inspected by a geotechnical engineer for adequate bearing soil. A report demonstrating the results of the inspection shall be submitted with any application for building permits on site.

2. Stormwater

A. Prior to submission of an application for final plat approval, the applicant shall submit a survey and analysis of the downstream stormwater management system running from the intersection of NW 180th Street and 6th Avenue NW to the intersection of 6th Avenue NW and NW 176th Street. The analysis shall evaluate the adequacy of the present 12" diameter pipe with respect to upstream neighborhood flows currently being collected as well as the flows to be expected from the discharge of the proposed subdivision.

A downstream stormwater analysis was submitted with the engineering plans for approval. The report demonstrates that the 12" diameter pipe along 6th Avenue NW is adequate to accommodate upstream and project flows.

3. Plants

A. Prior to submission of an application for final plat approval, the applicant shall submit a plan that provides for the preservation of all significant trees (12" or greater trunk diameter at breast height) located outside of identified access road, driveway and building footprints.

The arborist reports and approved landscaping plan meet this condition. Most of the significant trees to be retained will be located in the tree growth protection area established on the final plat sheet 3 of 3.

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 approved engineering plans include conditions on sheet 8 of 22 for the specific protection and preservation of trees on site during and after site clearing and development.

4. Aesthetics

A. Any houses built on Lots 4 and 7 of the proposed plat shall have their sides facing the public rights of way modulated for depth and have windows installed so as to relieve the potential for blank wall.

The final plat sheet 2 of 3 includes this condition verbatim in note number eighteen (18).

5. Transportation

A. All lots in the proposed subdivision that require direct access onto NW 180th Street or 6th Avenue NW shall use joint access driveways whenever possible.

The approved engineering plans on sheet 3 of 22 shows joint access driveways and curb cuts for lots 5, 6 and 8, 9. The final plat sheet 2 of 3 includes easement provisions that provide access to these lots from joint use driveways. The final plat drawing sheet 3 of 3 includes access easements for joint use driveways on lots 5,6,8,and 9.

B. Prior to the submission of an application for final plat approval, the applicant shall submit plans for the installation of sidewalks, ADA ramps, curbing and gutter, together with appropriate drainage structures at all four quadrants of the intersection of NW 180th Street and 6th Avenue NW. These plans shall also provide for an appropriate transition to the existing terrain surface.

The approved engineering plans provide for intersection improvements at NW 180th Street and 6th Avenue NW. Improvements include sidewalks, ADA ramps, curbing and gutter, together with appropriate drainage structures on all four corners and are shown on sheet 3 of 22 of the approved plans. Details on sheet 5 of 22 of the engineering plans provide for a minimum 6-foot wide transition taper of material to match the existing surface where the new improvements taper back down to areas without frontage improvements.

C. In order to preserve vehicle and pedestrian safety, the applicant shall install street lighting at the intersection of 6th Avenue NW and NW 180th Street, the intersection of Access Tract A and 6th Avenue NW, and at the intersection of Access Tract B and NW 180th Street. Operating and maintenance expense of these lights shall be the responsibility of the lot owners.

The approved engineering plans on sheets 3 and 4 of 22 provide for the location of three non-glare box type light standards at the conditioned locations stated above. The Homeowner's Agreement document provides for operation and maintenance of the street light standards. The installation of the light standards has been guaranteed with a performance bond.

RECOMMENDATION

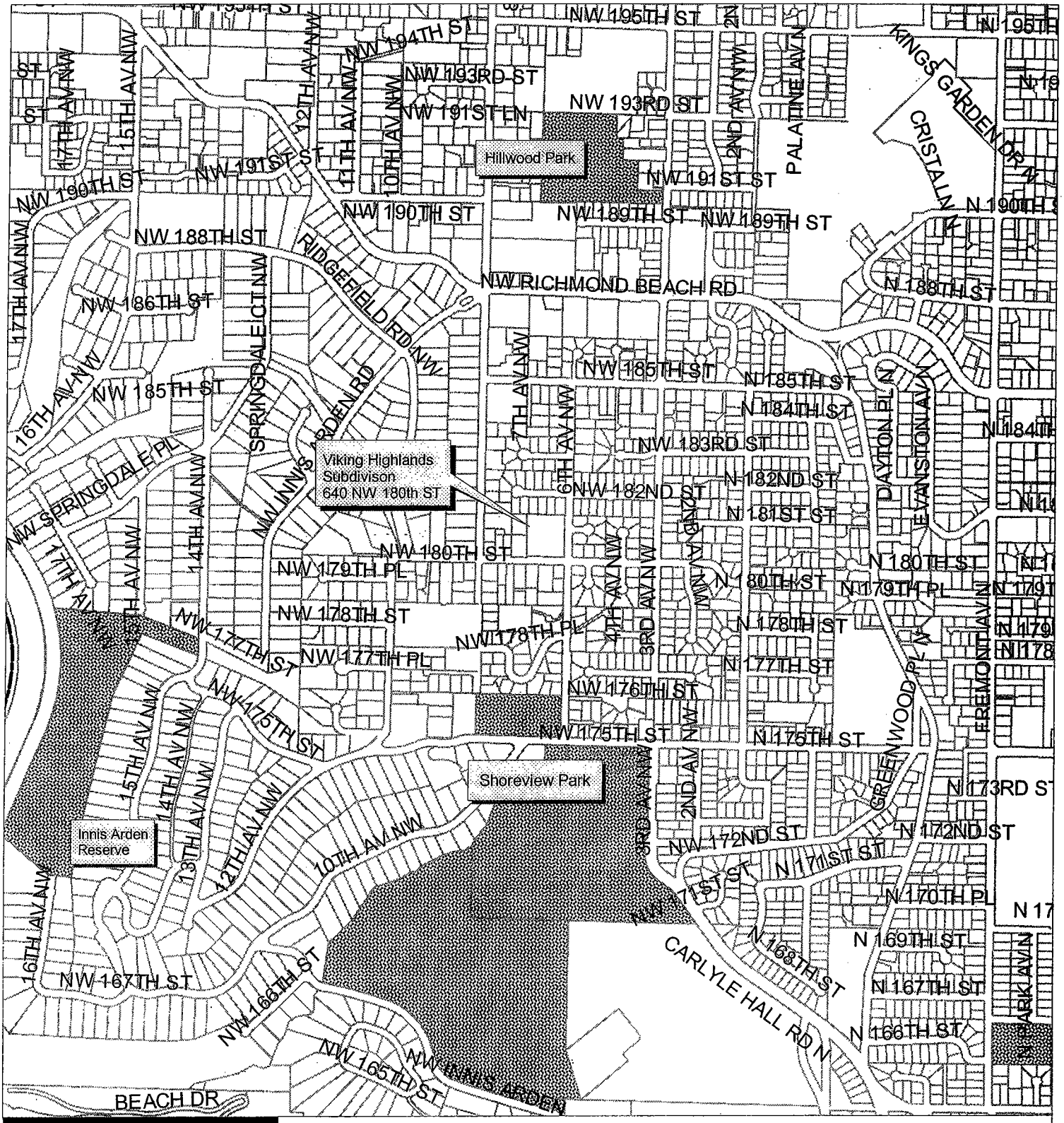
Staff recommends the adoption of Resolution No. 195, which will approve the thirteen (13) lot final plat of the Viking Highlands Subdivision at 640 NW 180th Street and authorize the Mayor, City Engineer, and Planning and Development Services Director to sign the final plat.

ATTACHMENTS

Attachment A:	Vicinity Map
Attachment B:	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 C	City Council Minutes January 24, 2000
Attachment D:	Resolution No. 195

Attachment A

Viking Highlands Vicinity Map



SHORELINE

GEOGRAPHIC INFORMATION SERVICES

Viking Highlands Final Plat Vicinity

640 NW 180th St

City Boundary

Parcel Boundary

Park

N

S

CITY OF SHORELINE

0 500 1000 1500 Feet

1"= 1000 feet

City of Shoreline GIS. Cadastral, Ortho Photo, building outlines, contour data copyrighted by City of Seattle, 1998. All rights reserved.

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

Project name: I:\customer property.apr Plot date: Oct 17, 2002; Viking High

Attachment B

Viking Highlands Final Plat

VOLUME/PAGE

VIKING HIGHLANDS
SECTION 12, T.26N., R.3E., W.M.
CITY OF SHORELINE
KING COUNTY, WASHINGTON

DEDICATION

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

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

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

TRACTS B AND C, DESIGNATED AS PRIVATE RECREATION AREAS, ARE HEREBY GRANTED AND CONVEYED TO LOTS NUMBERED 1 THROUGH 13 WITH AN EQUAL AND UNDIVIDED INTEREST (1/13TH) UPON THE RECORDING OF THIS PLAT, SUBJECT TO AN EMERGENCY MAINTENANCE EASEMENT GRANTED AND CONVEYED TO THE CITY OF SHORELINE. SAID TRACTS SHALL BE MAINTAINED CONSISTENT WITH CITY OF SHORELINE CODE BY THE VIKING HIGHLANDS HOMEOWNERS' ASSOCIATION, ITS SUCCESSORS AND ASSIGNS. USE OF SAID TRACTS IS RESTRICTED TO THAT SPECIFIED IN THE APPROVED FINAL PLAT. THESE TRACTS SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT. THIS COVENANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE OWNERS OF ALL LOTS WITHIN THIS SUBDIVISION AND ALL OTHERS HAVING ANY INTEREST IN THE TRACTS OR LOTS.

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

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS, THIS _____ DAY OF _____, 2002.

JOHN W. ZEVENBERGEN

NANCY A. ZEVENBERGEN

KEYBANK NATIONAL ASSOCIATION

BY:
ITS:

SEATTLE CITY LIGHT EASEMENT
(Overhead and Underground)

THIS EASEMENT GRANTS TO THE CITY OF SEATTLE (HEREAFTER REFERRED TO AS GRANTEE), ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND AUTHORITY TO INSTALL, CONSTRUCT, ERECT, ALTER, IMPROVE, REPAIR, ENERGIZE, OPERATE AND MAINTAIN ELECTRIC OVERHEAD AND UNDERGROUND DISTRIBUTION FACILITIES AT DEPTHS NOT EXCEEDING 15 FEET, WHICH CONSIST OF POLES WITH BRACES, GUYS AND ANCHORS, CROSSARMS, TRANSFORMERS, DUCTS, VAULTS, MANHOLES, CABINETS, CONTAINERS, CONDUITS, WIRES AND OTHER NECESSARY OR CONVENIENT APPURTENANCES TO MAKE SAID UNDERGROUND AND OVERHEAD INSTALLATION AN INTEGRATED ELECTRIC SYSTEM. ALL SUCH ELECTRIC SYSTEM IS TO BE LOCATED ACROSS, OVER, UPON AND UNDER THE FOLLOWING DESCRIBED LANDS AND PREMISES SITUATED IN THE COUNTY OF KING, STATE OF WASHINGTON, TO WIT:

IN ALL INGRESS, EGRESS AND UTILITY EASEMENTS AS SHOWN ON THE FACE OF THE PLAT.

TOGETHER WITH THE RIGHTS AT ALL TIMES TO THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, OR INGRESS TO AND EGRESS FROM SAID LANDS ACROSS ADJACENT LANDS ABUTTING THE DESCRIBED EASEMENT AREA FOR THE PURPOSES OF INSTALLING, CONSTRUCTION, RECONSTRUCTING, REPAIRING, RENEWING, ALTERING, CHANGING, PATROLLING, ENERGIZING AND OPERATING SAID ELECTRIC SYSTEM, AND THE RIGHT AT ANY TIME TO REMOVE ALL OR PART OF SAID ELECTRIC SYSTEM FROM SAID LANDS.

ALSO THE RIGHT TO THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, AT ALL TIMES TO CUT AND TRIM BRUSH, TREES OR OTHER PLANTS STANDING OR GROWING UPON SAID LANDS OR ADJACENT LANDS WHICH, IN THE OPINION OF THE GRANTEE, INTERFERE WITH THE MAINTENANCE OR OPERATION OF THE SYSTEM, OR CONSTITUTE A MENACE OR DANGER TO SAID ELECTRIC SYSTEM.

IT IS FURTHER COVENANTED AND AGREED THAT NO STRUCTURE OR FIRE HAZARDS WILL BE ERECTED OR PERMITTED WITHIN THE ABOVE DESCRIBED EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE GRANTEE, ITS SUCCESSORS AND ASSIGNS; THAT NO DIGGING WILL BE DONE OR PERMITTED WITHIN THE EASEMENT AREA WHICH WILL IN ANY MANNER DISTURB THE FACILITIES OR THEIR SOLIDITY OR UNEARTH ANY PORTION THEREOF; AND THAT NO BLASTING OR DISCHARGE OF ANY EXPLOSIVES WILL BE PERMITTED WITHIN FIFTY (50) FEET OF SAID LINES AND APPURTENANCES.

THE CITY OF SEATTLE IS TO BE RESPONSIBLE, AS PROVIDED BY LAW, FOR ANY DAMAGE THROUGH ITS NEGLIGENCE IN THE CONSTRUCTION, MAINTENANCE AND OPERATION OF SAID ELECTRIC SYSTEM ACROSS, OVER, UPON AND UNDER THE PROPERTY GRANTED IN THIS EASEMENT OR ADJACENT LAND THERETO.

THE RIGHTS, TITLE, PRIVILEGES AND AUTHORITY HEREBY GRANTED SHALL CONTINUE AND BE IN FORCE UNTIL SUCH TIME AS THE GRANTEE, ITS SUCCESSORS AND ASSIGNS SHALL PERMANENTLY REMOVE SAID POLES, WIRES AND APPURTENANCES FROM SAID LANDS OR SHALL OTHERWISE PERMANENTLY ABANDON SAID ELECTRIC, AT WHICH TIMES ALL SUCH RIGHTS, TITLE, PRIVILEGES AND AUTHORITY HEREBY GRANTED SHALL TERMINATE.

APPROVALS

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

PLANNING AND DEVELOPMENT SERVICES DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

MAYOR, CITY OF SHORELINE

ATTEST: CLERK OF THE COUNCIL

CITY OF SHORELINE CITY ENGINEER

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

CITY ENGINEER

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2002.

KING COUNTY ASSESSOR

DEPUTY KING COUNTY ASSESSOR

ACCOUNT NUMBER _____

DECLARATION OF COVENANT ASSOCIATED WITH DEVELOPMENT OF DETENTION FACILITY

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

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

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

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

THIS COVENANT BENEFITS ALL CITIZENS OF CITY OF SHORELINE, TOUCHES AND CONCERNS THE LAND AND SHALL RUN WITH LAND AND BE BINDING ON ALL HEIRS, SUCCESSORS AND ASSIGNS.

THESE COVENANTS ARE INTENDED TO PROTECT THE VALUE AND DESIRABILITY OF THE REAL PROPERTY DESCRIBED ABOVE, AND TO BENEFIT ALL THE CITIZENS OF CITY OF SHORELINE. THEY SHALL RUN WITH THE LAND AND BE BINDING ON ALL PARTIES, AND THEIR SUCCESSORS, ANY RIGHT, TITLE OR INTEREST IN THE PROPERTY OR ANY PART THEREOF, AS WELL AS THEIR HEIRS, SUCCESSORS AND ASSIGNS. THEY SHALL INURE TO THE BENEFIT OF EACH PRESENT OR FUTURE SUCCESSOR IN INTEREST OF SAID PROPERTY OR ANY PART THEREOF, OR INTEREST THEREIN, AND TO THE BENEFIT OF ALL CITIZENS OF CITY OF SHORELINE.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF "VIKING HIGHLANDS" IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 3 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT THE COURSES, ANGLES, AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS LOT, BLOCK AND TRACT CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED; AND THAT I HAVE FULLY COMPLIED WITH PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

JEFFREY T. TREIBER
PRO. LAND SURVEYOR
CERTIFICATE NO. 22969
LOVELL-SAUERLAND & ASSOCIATES, INC.
19400 33RD AVENUE W., SUITE 200
LYNNWOOD, WA 98036 425.775.1591

JEFFREY T. TREIBER — STATE OF WASHINGTON — 22969 — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES 10-15-03

P.F.N. 02-201144

ACKNOWLEDGMENTS

STATE OF WASHINGTON)
COUNTY OF _____) SS.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT JOHN W. ZEVENBERGEN, JR. AND NANCY A. ZEVENBERGEN, HUSBAND AND WIFE, ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: _____

(SIGN) _____

(PRINT) _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT _____
MY APPOINTMENT EXPIRES _____

STATE OF WASHINGTON)
COUNTY OF _____) SS.

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT _____ SIGNED THIS INSTRUMENT, ON OATH STATED THAT _____ WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF KEYBANK NATIONAL ASSOCIATION TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED: _____

(SIGN) _____

(PRINT) _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, RESIDING AT _____
MY APPOINTMENT EXPIRES _____

FINANCE DIVISION CERTIFICATE

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

THIS _____ DAY OF _____, 2002.

FINANCE DIVISION

MANAGER, FINANCE DIVISION

DEPUTY

RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF VIKING PROPERTIES, INC.
THIS _____ DAY OF _____, 2002, AT _____ MINUTES PAST _____ M AND RECORDED IN VOLUME _____ OF PLATS, PAGES _____ INCLUSIVE, RECORDS OF KING COUNTY, WASHINGTON.

DIVISION OF RECORDS AND ELECTIONS

MANAGER

SUPERINTENDENT OF RECORDS

ALTERATION OF LOTS 7 AND 8, RICHMOND BEACH FIVE ACRE TRACTS (VOLUME 12, PAGE 1)

IN NW1/4, NE1/4, SECTION 12, T.26N., R.3E., W.M.

LOVELL-SAUERLAND & ASSOCIATES, INC.
19400 33RD AVENUE W., SUITE 200
LYNNWOOD, WASHINGTON 98036 425.775.1591

LSA FILE NO. 4389 **SHEET 1 OF 3**

VOLUME/PAGE

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VOLUME/PAGE

VIKING HIGHLANDS

SECTION 12, T.26N., R.3E., W.M.
CITY OF SHORELINE
KING COUNTY, WASHINGTON

RESTRICTIONS AND COVENANTS

1. THE LANDSCAPING BUFFER IN TRACT A, WHICH IS THE NORTHERN 8 FEET OF SAID TRACT, IS TO BE PLANTED ACCORDING TO THE LANDSCAPE PLAN ON FILE AT THE CITY OF SHORELINE PERMIT #2001-101216.
2. A 6 FOOT HIGH WOODEN FENCE OR EQUIVALENT PLANTING OF TREES AND SHRUBS TO BE BUILT ON THE NORTHERN BOUNDARY OF LOT 13 AND TRACT A, THE WESTERN BOUNDARY OF LOTS 11-13 AND THE SOUTHERN BOUNDARY OF LOT 11. THIS MAY BE CONSTRUCTED AT THE TIME OF BUILDING PERMITS FOR EACH LOT.
3. ANY FURTHER SUBDIVISION OR ADJUSTMENT TO THE LOT LINES WITHIN THIS SUBDIVISION MUST USE ALL LOTS OF THIS SUBDIVISION FOR CALCULATION OF THE DENSITY AND DIMENSIONAL REQUIREMENT FOR THE CITY OF SHORELINE ZONING CODE.
4. MINIMUM FINISHED FLOOR ELEVATION OF ANY HOUSE CONSTRUCTED IN THIS SUBDIVISION IS SHOWN ON THE FACE OF THE PLAT.
5. ALL LOTS IN THIS SUBDIVISION SHALL PROVIDE A MINIMUM OF FOUR PARKING SPACES (2 COVERED, 2 UNCOVERED).
6. IMPERVIOUS SURFACES ARE NOT PERMITTED IN THE TREE GROWTH PROTECTION AREA AS SHOWN ON THE FACE OF THE PLAT. THESE AREAS TO BE PLANTED IN ACCORDANCE TO APPROVED LANDSCAPING PLAN UNDER CITY OF SHORELINE FILE NUMBER 2001-101216.
7. BUILDING SETBACK LINES IN EFFECT AT TIME OF COMPLETE PRELIMINARY FORMAL SUBDIVISION APPLICATION ARE AS SHOWN ON THE ENGINEERING PLANS. MINIMUM SETBACK TO FACE OF GARAGE IS 20 LINEAR FEET.
8. ALL BUILDING DOWNSPOUTS, FOOTING DRAINS AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE APPROVED PERMANENT DRAINAGE SYSTEM AS SHOWN ON THE APPROVED ENGINEERING/SITE DEVELOPMENT PLANS ON FILE WITH THE CITY OF SHORELINE, FILE #2001-101216. A PLAN DEMONSTRATING COMPLIANCE WITH THIS CONDITION SHALL BE SUBMITTED WITH THE APPLICATION FOR ANY BUILDING PERMIT. ALL CONNECTIONS OF THE DRAINS MUST BE CONSTRUCTED, INSPECTED AND APPROVED PRIOR TO THE FINAL BUILDING INSPECTION AND APPROVAL.
9. DRAINAGE STUB OUT CONNECTIONS ARE PROVIDED FOR THE HOUSES ON THE LOTS LOCATED AT 606, 611, 617, 623, 625 AND 637 N.W. 182ND STREET.
10. ALL FOUNDATIONS AND FOOTINGS TO BE INSPECTED BY GEOTECHNICAL ENGINEER FOR ADEQUATE BEARING SOIL. A REPORT DEMONSTRATING COMPLIANCE WITH THIS CONDITION SHALL BE SUBMITTED WITH THE APPLICATION FOR ANY BUILDING PERMITS.
11. LOTS 11, 12, AND 13 REQUIRE RESIDENTIAL FIRE SPRINKLERS. LOT 1 MAY REQUIRE RESIDENTIAL SPRINKLERS BASED UPON A REVIEW AT THE TIME OF BUILDING PERMIT APPLICATION.
12. CONVEYANCE OF THE TREE GROWTH PROTECTION AREA (TGPA), AS SHOWN ON THE PLAT, UPON RECORDING ESTABLISHES ON ALL PRESENT AND FUTURE UNDERLYING OWNERS AND USERS OF THE UNDERLYING LAND, AN OBLIGATION TO LEAVE HEALTHY TREES UNDISTURBED AND LIMITS LANDSCAPING, CONSTRUCTION, OR OTHER ALTERATION TO REPLACEMENT WITH NATIVE OR COMPATIBLE SPECIES WITH THE APPROVED LANDSCAPING PLAN ON FILE AT THE CITY OF SHORELINE, FILE NUMBER 2001-101216, FOR THE PURPOSE OF GUARANTEEING THE ESTABLISHMENT AND PRESERVATION OF TREES ON EACH LOT, PREVENTING HARM TO PROPERTY AND THE ENVIRONMENT, INCLUDING BUT NOT LIMITED TO CONTROLLING SURFACE WATER RUN-OFF AND EROSION, MAINTAINING SLOPE STABILITY, BUFFERING AND PROTECTING PLANTS AND ANIMAL HABITAT AND FOR AESTHETIC AND OTHER PURPOSES. NO STRUCTURES ALLOWED IN THE TGPA. ANY WORK, INCLUDING LANDSCAPING OR REMOVAL OF DEAD, DISEASED OR DYING VEGETATION IS SUBJECT TO PERMIT REQUIREMENTS OF THE CITY OF SHORELINE CODES. THE CITY OF SHORELINE SHALL HAVE THE RIGHT TO ENFORCE THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS RESTRICTION BY ANY METHOD UNDER THE LAW. THE OBLIGATION TO ENSURE ALL TERMS OF THE TGPA ARE MET IS THE RESPONSIBILITY OF THE UNDERLYING OWNER.
13. ALL CONSTRUCTION ACTIVITY ON LOTS LOCATED IN THIS SUBDIVISION MUST FOLLOW THE TREE PRESERVATION REQUIREMENTS AND THE TREE PRESERVATION GUIDELINES AS SHOWN ON THE ENGINEERING/SITE DEVELOPMENT PLANS ON FILE AT THE CITY OF SHORELINE, FILE NUMBER 2001-101216.
14. ALL LANDSCAPING INCLUDING 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.
15. ALL NEW HOMES TO BE CONSTRUCTED ON BUILDING LOTS CREATED BY THIS SUBDIVISION SHALL BE A MAXIMUM OF TWO STORIES (ABOVE GROUND) IN HEIGHT AND SHALL BE OF NON-UNIFORM COLOR AND DESIGN.
16. ANY HOMES BUILT ON LOTS 4 AND 7 SHALL HAVE THEIR SIDES FACING THE PUBLIC RIGHTS-OF-WAY MODULATED FOR DEPTH AND SHALL HAVE THEIR WINDOWS INSTALLED SO AS TO RELIEVE THE POTENTIAL FOR A BLANK WALL.
17. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "SANITARY EASEMENT", WITH RONALD SEWER DISTRICT, RECORDED UNDER KING COUNTY RECORDING NUMBER 5340627.
18. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "EASEMENT FOR S. SEWER", RECORDED UNDER KING COUNTY RECORDING NUMBER 5463490.
19. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "COVENANT", RECORDED UNDER KING COUNTY RECORDING NUMBER 9010241120.
20. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "QUIT-CLAIM DEED", RECORDED UNDER KING COUNTY RECORDING NUMBER 4981199.
21. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "QUIT-CLAIM DEED", RECORDED UNDER KING COUNTY RECORDING NUMBER 5323912.
22. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "CONTRACT FOR DEVELOPER SEWER MAINLINE EXTENSION", WITH RONALD WASTEWATER DISTRICT, RECORDED UNDER KING COUNTY RECORDING NUMBER 20020725000434.
23. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "ARTICLES OF INCORPORATION OF VIKING HIGHLANDS HOMEOWNERS' ASSOCIATION", RECORDED UNDER KING COUNTY RECORDING NUMBER _____.
24. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "BYLAWS OF VIKING HIGHLANDS HOMEOWNERS' ASSOCIATIONS", RECORDED UNDER KING COUNTY RECORDING NUMBER _____.
25. SUBJECT TO THE TERMS AND CONDITIONS OF THAT CERTAIN "DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, EASEMENTS & RESTRICTIONS OF VIKING HIGHLANDS", RECORDED UNDER KING COUNTY RECORDING NUMBER _____.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON EASEMENTS AS SHOWN ON THE FACE OF THE PLAT IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPE AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY, WITH ELECTRIC, TELEPHONE, TELEVISION CABLE, DRAINAGE AND OTHER UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED.

NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, OR FOR TELEPHONE USE, CABLE TELEVISION, FIRE OR POLICE SIGNALS, OR FOR OTHER PURPOSES SHALL BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.

THE DRAINAGE EASEMENT ACROSS LOTS 2, 3, 5, 6, 7 AND 10, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE VIKING HIGHLANDS HOMEOWNERS' ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, FOR THE BENEFIT OF LOTS 1 THROUGH 13, FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING STORM WATER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES, SUBJECT TO AN EMERGENCY MAINTENANCE EASEMENT GRANTED AND CONVEYED TO THE CITY OF SHORELINE.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 2, 3, AND 4, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE OWNERS OF LOTS 1, 2, 3 AND 4 FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING STORM WATER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 4 AND 5, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE OWNERS OF LOTS 5 AND 6 FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING STORM WATER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOT 10, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE OWNERS OF LOTS 7, 8, 9 AND 10 FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING STORM WATER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 12 AND 13, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE OWNERS OF LOTS 11, 12 AND 13 FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING STORM WATER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE PRIVATE SIDE SEWER EASEMENT ACROSS LOTS 3 AND 4, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO LOTS 2, 3 AND 4 FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING THE PRIVATE SIDE SEWER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE PRIVATE SIDE SEWER EASEMENT ACROSS LOT 9, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO LOT 8 FOR THE PURPOSE OF OPERATING, MAINTAINING AND RECONSTRUCTING THE PRIVATE SIDE SEWER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

THE JOINT USE ACCESS EASEMENT ACROSS LOTS 5 AND 6, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO SAID LOTS 5 AND 6 FOR THE PURPOSE OF VEHICULAR INGRESS AND EGRESS.

THE JOINT USE ACCESS EASEMENT ACROSS LOTS 8 AND 9, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO SAID LOTS 8 AND 9 FOR THE PURPOSE OF VEHICULAR INGRESS AND EGRESS.

NOTES

1. AN APPROPRIATE SECURITY BOND FOR THE INSTALLATION OF A NEW WATER MAIN IS IN PLACE WITH THE CITY OF SEATTLE.
2. A FINANCIAL SECURITY HAS BEEN SECURED TO GUARANTEE THE SITE STABILIZATION, AND INSTALLATION OF COMMON LANDSCAPING.
3. DATE OF COMPLETE APPLICATION FOR THE PRELIMINARY PLAT WAS MARCH 2, 1998.
4. THE CITY OF SHORELINE SITE DEVELOPMENT PERMIT NUMBER IS 2001-101216.

MAINTENANCE PROVISIONS

THE DRAINAGE EASEMENT ACROSS LOTS 2, 3, 5, 6, 7 AND 10, AS SHOWN HEREON, IS FOR THE BENEFIT OF LOTS 1 THROUGH 13, INCLUSIVE. MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THE STORM WATER FACILITIES WITHIN SAID DRAINAGE EASEMENT SHALL BE THE RESPONSIBILITY OF AND THE COSTS OF SAID MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION SHALL BE BORNE BY THE VIKING HIGHLANDS HOMEOWNERS' ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.

PRIVATE MAINTENANCE PROVISIONS

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 2, 3, AND 4 IS FOR THE BENEFIT OF LOTS 1, 2, 3 AND 4. THE OWNERS OF SAID LOTS 1, 2, 3 AND 4 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY BENEFIT FROM, EXCEPT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM SEWER LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 4 AND 5 IS FOR THE BENEFIT OF LOTS 5 AND 6. THE OWNERS OF SAID LOTS 5 AND 6 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY BENEFIT FROM, EXCEPT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM SEWER LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOT 10 IS FOR THE BENEFIT OF LOTS 7, 8, 9 AND 10. THE OWNERS OF SAID LOTS 7, 8, 9 AND 10 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY BENEFIT FROM, EXCEPT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM SEWER LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 12 AND 13 IS FOR THE BENEFIT OF LOTS 11, 12, AND 13. THE OWNERS OF SAID LOTS 11, 12 AND 13 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE DRAINAGE FACILITIES THEY BENEFIT FROM, EXCEPT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED STORM SEWER LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

THE PRIVATE SIDE SEWER EASEMENT ACROSS LOTS 3 AND 4 IS FOR THE BENEFIT OF LOTS 2, 3 AND 4. THE OWNERS OF SAID LOTS 2, 3 AND 4 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE SIDE SEWER FACILITIES THEY BENEFIT FROM, EXCEPT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED SIDE SEWER LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE LOT OWNER.

THE PRIVATE SIDE SEWER EASEMENT ACROSS LOT 9 IS FOR THE BENEFIT OF LOT 8. THE OWNERS OF SAID LOT 8 SHALL BE SOLELY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF THE SIDE SEWER FACILITIES WITHIN SAID EASEMENT.

THE JOINT USE ACCESS EASEMENT ACROSS LOTS 5 AND 6 IS FOR THE BENEFIT OF LOTS 5 AND 6. THE OWNERS OF SAID LOTS 5 AND 6 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF ANY PRIVATE DRIVEWAY IMPROVEMENTS AND APPURTENANCES LOCATED WITHIN SAID EASEMENT.

THE JOINT USE ACCESS EASEMENT ACROSS LOTS 8 AND 9 IS FOR THE BENEFIT OF LOTS 8 AND 9. THE OWNERS OF SAID LOTS 8 AND 9 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND/OR RECONSTRUCTION OF ANY PRIVATE DRIVEWAY IMPROVEMENTS AND APPURTENANCES LOCATED WITHIN SAID EASEMENT.

ALTERATION OF LOTS 7 AND 8, RICHMOND BEACH FIVE ACRE TRACTS (VOLUME 12, PAGE 1)

IN NW1/4, NE1/4, SECTION 12, T.26N., R.3E., W.M.

LOVELL-SAUERLAND & ASSOCIATES, INC.
19400 33RD AVENUE W., SUITE 200
LYNNWOOD, WASHINGTON 98036 425.775.1591

LSA FILE NO. 4989 **SHEET 2 OF 8**

P.F.N. 02-201144

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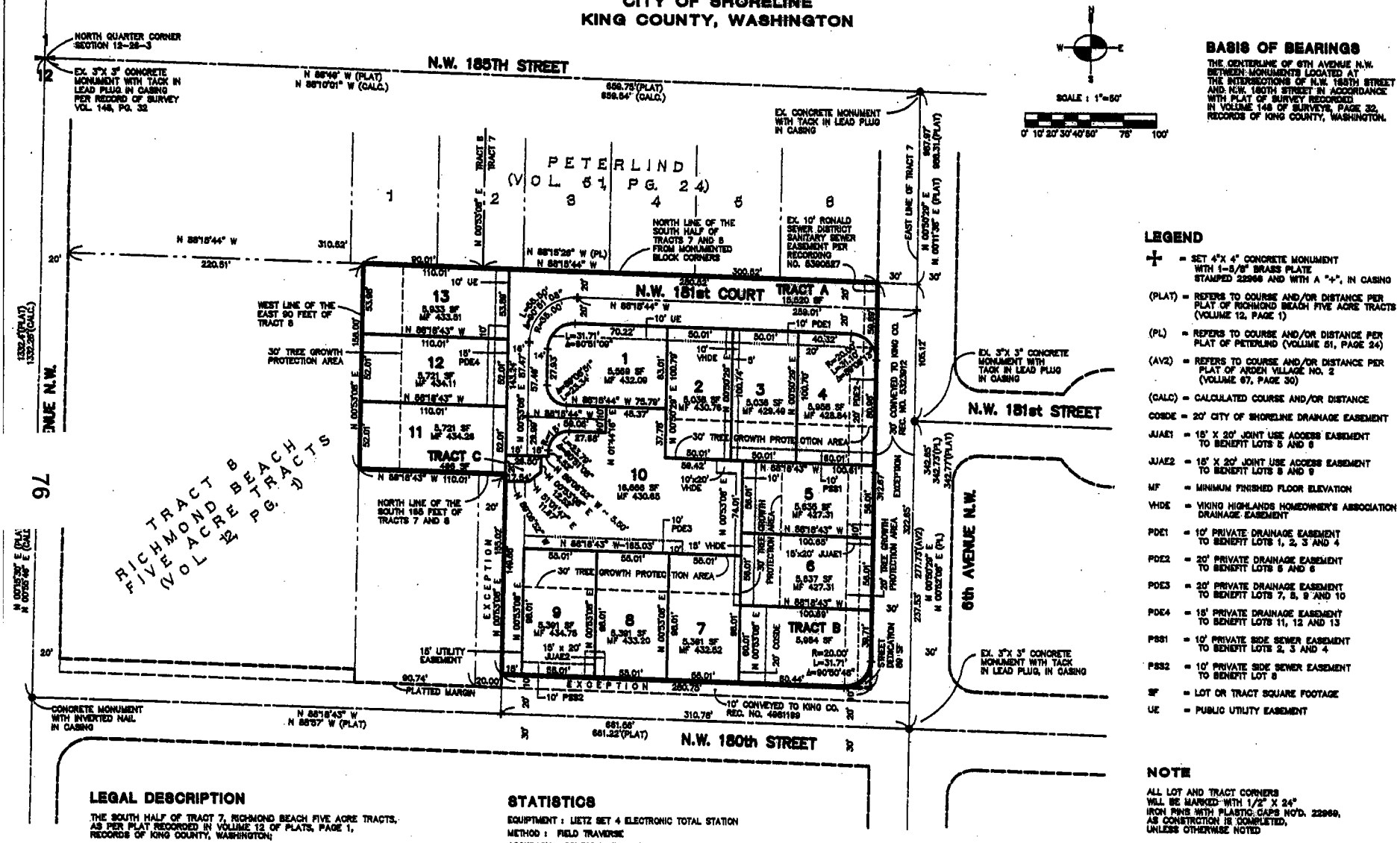
VOLUME/PAGE

VIKING HIGHLANDS

SECTION 12, T.26N., R.3E., W.M.
CITY OF SHORELINE
KING COUNTY, WASHINGTON



BASIS OF BEARINGS

THE CENTERLINE OF 6TH AVENUE N.W. BETWEEN MONUMENTS LOCATED AT THE INTERSECTIONS OF N.W. 185TH STREET AND N.W. 180TH STREET IN ACCORDANCE WITH PLAT OF SURVEY RECORDED IN VOLUME 148 OF SURVEYS, PAGE 32, RECORDS OF KING COUNTY, WASHINGTON.

LEGEND

- ✛ = SET 4"X 4" CONCRETE MONUMENT WITH 1-3/8" BRASS PLATE STAMPED 22966 AND WITH A "+", IN CASING
- (PLAT) = REFERS TO COURSE AND/OR DISTANCE PER PLAT OF RICHMOND BEACH FIVE ACRE TRACTS (VOLUME 12, PAGE 1)
- (PL) = REFERS TO COURSE AND/OR DISTANCE PER PLAT OF PETERLIND (VOLUME 51, PAGE 24)
- (AV2) = REFERS TO COURSE AND/OR DISTANCE PER PLAT OF ARDEN VILLAGE NO. 2 (VOLUME 67, PAGE 30)
- (CALC) = CALCULATED COURSE AND/OR DISTANCE
- COSDE = 20' CITY OF SHORELINE DRAINAGE EASEMENT
- JUAE1 = 15' X 20' JOINT USE ACCESS EASEMENT TO BENEFIT LOTS 5 AND 6
- JUAE2 = 15' X 20' JOINT USE ACCESS EASEMENT TO BENEFIT LOTS 8 AND 9
- MF = MINIMUM FINISHED FLOOR ELEVATION
- VHDE = VIKING HIGHLANDS HOMEOWNER'S ASSOCIATION DRAINAGE EASEMENT
- PDE1 = 10' PRIVATE DRAINAGE EASEMENT TO BENEFIT LOTS 1, 2, 3 AND 4
- PDE2 = 20' PRIVATE DRAINAGE EASEMENT TO BENEFIT LOTS 5 AND 6
- PDE3 = 20' PRIVATE DRAINAGE EASEMENT TO BENEFIT LOTS 7, 8, 9 AND 10
- PDE4 = 15' PRIVATE DRAINAGE EASEMENT TO BENEFIT LOTS 11, 12 AND 13
- PSS1 = 10' PRIVATE SIDE SEWER EASEMENT TO BENEFIT LOTS 2, 3 AND 4
- PSS2 = 10' PRIVATE SIDE SEWER EASEMENT TO BENEFIT LOT 8
- SF = LOT OR TRACT SQUARE FOOTAGE
- UE = PUBLIC UTILITY EASEMENT

NOTE

ALL LOT AND TRACT CORNERS WILL BE MARKED WITH 1/2" X 24" IRON PINS WITH PLASTIC CAPS NO'D. 22966, AS CONSTRUCTION IS COMPLETED, UNLESS OTHERWISE NOTED

LEGAL DESCRIPTION

THE SOUTH HALF OF TRACT 7, RICHMOND BEACH FIVE ACRE TRACTS, AS PER PLAT RECORDED IN VOLUME 12 OF PLATS, PAGE 1, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THE WEST 20 FEET OF THE SOUTH 165 FEET THEREOF; AND,

EXCEPT THE SOUTH 10 FEET THEREOF AS CONVEYED TO KING COUNTY FOR NORTHWEST 180TH STREET BY DEED RECORDED UNDER RECORDING NUMBER 4961189; AND,

EXCEPT THE EAST 30 FEET THEREOF CONVEYED TO KING COUNTY FOR 6TH AVENUE NORTHWEST BY DEED RECORDED UNDER RECORDING NUMBER 5323912.

TOGETHER WITH THE EAST 90 FEET OF THE SOUTH HALF OF TRACT 8, RICHMOND BEACH FIVE ACRE TRACTS, AS PER PLAT RECORDED IN VOLUME 12 OF PLATS, PAGE 1, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 165 FEET THEREOF.

P.F.N. 02-201144

STATISTICS

EQUIPTMENT : LIETZ SET 4 ELECTRONIC TOTAL STATION
METHOD : FIELD TRAVERSE
ACCURACY : CONFORMS TO WAC 332-130-090
MONUMENTS VISITED : SEPTEMBER 20, 2002

BENCHMARK

REFERENCE ENGINEERING PLANS BY DEAN HOUGH & ASSOCIATES WITH REVISION DATE OF MARCH 2002

RIM OF STORM DRAINAGE CATCH BASIN AT SW CORNER OF INTERSECTION OF NW 180TH STREET & 6TH AVENUE NW

ELEVATION = 426.02

DATUM = NAVD 88

JEFFREY T. FREITAG — 22966 — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES 10-15-03

ALTERATION OF LOTS 7 AND 8, RICHMOND BEACH FIVE ACRE TRACTS (VOLUME 12, PAGE 1)

IN NW1/4, NE1/4, SECTION 12, T.26N., R.3E., W.M.

LOVELL-SAUERLAND & ASSOCIATES, INC.
19400 33RD AVENUE W., SUITE 200
LYNNWOOD, WASHINGTON 98036 425.776.1591

LSA FILE NO. 4689 **SHEET 8 OF 8**

VOLUME/PAGE

Attachment C

City Council Minutes January 24, 2000

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

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.

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

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.

Councilmember Ransom reviewed the history of the application. He noted, and Mr. Stewart confirmed, the Planning Commission's unanimous recommendation that Council approve the application with conditions. Councilmember Ransom asserted his understanding that Council is acting like a jury in a civil case to determine whether it has probable cause to believe that the recommendation is reasonable. Mr. Sievers agreed. He said the appellant bears the burden of showing by a preponderance of the evidence that Council should not adopt the recommendation.

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 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 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.

Attachment D

Resolution No. 195

RESOLUTION NO. 195

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, APPROVING THE FINAL PLAT OF THE VIKING HIGHLANDS SUBDIVISION.

WHEREAS, the applicant has made application for final plat of the Viking Highlands Subdivision a thirteen lot subdivision; and

WHEREAS, your Council approved the subject preliminary plat of the Zevenbergen Subdivision on January 24, 2000 following a public hearing held by the Planning Commission on September 17, 1998 and continued to October 1, 1998, and

WHEREAS, the Zevenbergen Subdivision has been renamed the Viking Highlands Subdivision,

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(f)* ANALYSIS section, of the Shoreline Council Meeting packet of November 12, 2002.

The Council further finds that the plat of the Viking Highlands 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 Viking Highlands 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 November 12, 2002.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

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