

June 12, 2000

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## CITY OF SHORELINE

### SHORELINE CITY COUNCIL SUMMARY MINUTES OF REGULAR MEETING

Monday, June 12, 2000  
7:30 p.m.

Shoreline Conference Center  
Mt. Rainier Room

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

**ABSENT:** Councilmember Lee

1. **CALL TO ORDER**

The meeting was called to order at 7:35 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Lee.

**Upon motion by Deputy Mayor Hansen, seconded by Councilmember Montgomery and unanimously carried, Councilmember Lee was excused.**

3. **REPORT OF CITY MANAGER**

City Manager Robert Deis noted the potential cancellation of the July 3<sup>rd</sup> workshop. He also gave the schedule for next week's North City design charrette.

Continuing, Mr. Deis addressed the issue of the fireworks ban. He explained that Shoreline Police confiscated fireworks last year. He noted their philosophy to issue citations only when a matter of public safety was involved. Shoreline Police issued no citations last year. Mr. Deis said he and Police Chief Denise Pentony met with the Fire District Chief and determined that this is a good philosophy. However, staff proposed enhanced enforcement this year with the addition of four more patrol officers. There will also be enhanced educational efforts and advertising of the ban.

Council concurred with this approach.

Responding to Mayor Jepsen, Chief Pentony said the Council of Neighborhoods has heard the recommendation and was very supportive.

Mr. Deis turned to a memorandum regarding the King County Transit local option sales tax proposal. He provided background on King County Executive Sims' proposal to

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place a measure on the November ballot for a 0.3 percent increase in sales tax to fund public transportation improvements, using the funds generated from the 0.2-percent portion of the tax to fill the gap left by Initiative 695 and those from the 0.1-percent portion to fund major regional transit infrastructure projects, such as the extension of Sound Transit light rail to Northgate.

Councilmember Montgomery noted that Shoreline residents already pay a significant tax for Sound Transit and will not be as well served as had been anticipated. She recommended some caveats to Council support: guarantees that light rail will extend to Northgate and that services cut in Shoreline will be restored.

Mayor Jepsen concurred with this assessment. He said if "King County is made whole by the proposal, Shoreline should be made whole." Noting the difficulty of obtaining good transit service in Shoreline, he thanked Councilmember Montgomery for her representation on the Regional Transit Committee. He expressed skepticism about the expenditure of the revenues from the 0.1-percent tax. He commented that the voters who supported the Regional Transit Authority (RTA) had understood that light rail would extend to Northgate.

Councilmember Gustafson asserted that Shoreline should lobby for the extension of light rail to the King-Snohomish County border.

Councilmember Montgomery clarified that Sound Transit (RTA) staff had said funding to include the Northgate link in the early phase of RTA looked very likely. She explained that Sound Transit staff later emphasized the caveat "if the funding is available."

Councilmember Grossman asserted his support for mass transit. However, he questioned that the County can identify \$20 million in budget cuts.

Noting his skepticism, Councilmember Ransom said Shoreline should probably support the proposal, but with as many caveats as possible. He said the County conducted a productivity study in the early 1970s that identified potential savings of 15-20 percent in specific departments. He suggested that another study might result in similar findings.

Deputy Mayor Hansen supported the proposal to the extent that it increases bus transportation. He expressed skepticism about the Sound Transit project. He said a good surface bus system is critical to its success.

Mayor Jepsen summarized Council consensus in support of the 0.2-percent portion of the tax with the caveat that the County maintain transit service levels in Shoreline. He noted more skepticism about, and less support for, the 0.1-percent portion of the tax.

Mr. Deis concluded his report by describing the items collected at the latest recycling event.

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4. REPORTS OF BOARDS AND COMMISSIONS: None

5. PUBLIC COMMENT

(a) Bill Bear, 2541 NE 165<sup>th</sup> Street, distributed the Briarcrest Neighborhood newsletter and remarked on the high turnover of residents in the neighborhood. He said such turnover can be used as an index for problems in the neighborhood. He encouraged Council to consider protection for renters.

(b) Terry Green, Shoreline Chamber of Commerce, invited Councilmembers to the Wednesday meeting of the Chamber to honor former Police Chief Sue Rahr and to welcome Chief Pentony.

(c) Ginger Botham, 16334 Linden Avenue N, emphasized the need for recreational open space in apartment complexes. She opposed crediting storm water runoff tracts, roof decks and balconies as open space.

(d) Ken Howe, 745 N 184<sup>th</sup> Street, distributed a copy of the historic preservation ordinance from Lacey, as well as other information on becoming a certified local government to do historic preservation. He urged the City to become a certified local government.

(e) Clark Elster, 1720 NE 177<sup>th</sup> Street, commented on a traffic problem at the intersection of 15<sup>th</sup> Avenue NE and NE 196<sup>th</sup> Street. He advised that he brought the problem to the attention of Council several months ago and that no one has gotten back to him about it.

(f) Ros Bird, Shoreline Arts Council, invited Councilmembers to the Shoreline Arts Festival in two weeks.

(g) Charlotte Haines, North City Neighborhood Association, reported that North City won third place in the Neighborhoods USA competition. She said this proves that mini-grants function as seed money for neighborhood improvements. She thanked the City Council, staff and the Council of Neighborhoods for help over the years.

(h) Gretchen Atkinson, North City Business Association, invited Councilmembers to the North City tree lighting in December.

6. APPROVAL OF THE AGENDA

**Councilmember Montgomery moved approval of the agenda. Councilmember Gustafson seconded the motion, which carried 6-0.**

7. CONSENT CALENDAR

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**Councilmember Ransom asked that Council pull all meeting minutes from the Consent Calendar except those of the Dinner Meeting of May 8. He then moved approval of the consent calendar, as amended. Councilmember Gustafson seconded the motion, which carried 6-0, and the following items were approved:**

**Minutes of Dinner Meeting of May 8, 2000**

**Approval of expenses and payroll as of May 26, 2000 in the amount of \$609,068.74**

**Ordinance No. 239 amending Metricom's franchise (Ordinance No. 100) to implement blanket permitting and to clarify the franchise fee**

**8. ACTION ITEMS: PUBLIC HEARING**

- (a) A public hearing to consider citizens comments regarding a revised application for open space current use tax assessment under the King County Public Benefit Rating System (PBRS) for the Pym property, located between 20<sup>th</sup> Ave. NW and 17<sup>th</sup> Ave. NW**

Gabe Snedeker, Planning and Community Development Department, provided background on the previous application for an open space current use tax assessment for the Pym property, and he explained the current proposal.

Mayor Jepsen noted that, if approved, and based on current property values and tax rates, Shoreline would lose less than \$40 per year in tax revenue as a result of this action.

Councilmember Ransom expressed concern about the trail that goes through the property and whether the City is guaranteed its use. Mr. Snedeker pointed out that the trail could be rerouted if the property owner decided to eliminate it.

**Mayor Jepsen opened the public hearing. Seeing no one wishing to address the Council on this item, Deputy Mayor Hansen moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried unanimously.**

**Councilmember Montgomery moved to: 1) approve the revised Pym PBRS application as submitted; 2) execute the Decision of Granting Authority, subject to the conditions and restrictions enumerated in King County's report to the City of Shoreline (dated April 26, 1998); and 3) forward the recommendation indicating the Council's decision to the Metropolitan King County Council. Deputy Mayor Hansen seconded the motion.**

Responding to Deputy Mayor Hansen, Mr. Snedeker said King County is the final authority because the County administers the PBRS program. Mr. Deis added that the County sets property valuations.



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Ted Sullivan, King County Administrator of the PBRs program, asserted that King County is not the final authority. He said State law requires that both the City and the County approve the application.

Councilmember Grossman thanked the property owner for agreeing to take this step.

**A vote was taken on the motion, which carried 6 - 0.**

9. **ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS**

- (a) Ordinance No. 238 adopting a unified Development Code, and adopting a new Title 20, repealing Ordinance No. 230 Section 1, repealing SMC Chapters 16.25 and 16.30, and Repealing SMC Title 18

Tim Stewart, Director of Planning and Development Services, reviewed the Development Code issues raised at the May 22<sup>nd</sup> public hearing, as outlined on pages 78 through 80 of the Council packet.

- Bonus floor for mixed-use development—staff recommends revising the text of Exception B-1.1d to step back the bonus floor from the third story walls
- Single-family design standards—staff is neutral on this issue

Mayor Jepsen said perception of quality design may differ from person to person. He recommended against the incorporation of design standards at this time. He advocated that the Planning Commission revisit the issue of scale and orientation.

Councilmember Ransom concurred. He questioned whether the proposed design standards may represent over regulation of individual property rights.

Councilmember Montgomery expressed appreciation for the work of the Planning Academy on this issue. She commented that she is uncomfortable trying to micromanage design.

Councilmember Grossman expressed support for good design in Shoreline neighborhoods. However, he indicated his reluctance to dictate "good design." He said he, too, does not want to micromanage design.

Councilmember Gustafson concurred with the previous comments. He advocated that the Planning Commission revisit the issue.

- Open space requirements for multi-family development

Mr. Stewart emphasized that the proposed code increases the open space requirement for one-bedroom and studio units from the current code. He said debate has concerned the

exceptions, especially B-4.1c, which credits storm water runoff tracts for up to 50 percent of the on-site recreation space requirement. He explained the staff recommendation against changes to the proposed code.

Responding to Councilmember Ransom's question about the slope issue raised by Ms. Botham, Mr. Stewart said 33 percent refers to three feet of horizontal distance for one foot of vertical elevation. He said staff will revise this reference to make it clear, assuming there is no objection.

Mayor Jepsen commented that a one-to-three slope is actually about 19 percent, not 33 percent.

- Setbacks between multi-family and single family developments—staff recommends no change to the proposed language

Mr. Stewart explained that staff reduced the setback to respond to the reduction in the maximum height of multi-family developments. He noted the staff opinion that the proposed 15-foot buffer will provide an adequate visual transition between multi-family zones, in which the maximum height is 35 feet, and single-family zones, in which the maximum height is 30 feet.

Mayor Jepsen supported the current buffer width. He asserted that the City could revisit this issue during its annual review.

Councilmember Grossman commented on the ratio between the cost per unit of housing and the maximum height in multi-family zones. He advocated that the City reconsider the maximum height in the most dense multi-family zones.

Mr. Stewart noted the specific landscaping and design standards with which developers must comply, in addition to complying with the setbacks.

- 3'6" height limit for front yard fences and the modulation of fences along private roads serving lots not fronting on a street—staff recommends no change to the proposed language

Councilmember Ransom said the proposed code does not make clear that the requirement does not apply to back yards.

Anna Kolousek, Assistant Director of Planning and Development Services, said the proposed code clearly states that the 3'6" maximum applies to front yards only.

Responding to Councilmember Ransom, Ms. Kolousek said the requirement applies to chain link fences as well.

- Hobby Kennels—staff recommends an increase in the allowed number of unaltered cats or dogs from three to four

Councilmember Ransom stated that this change would be acceptable to breeders.

- Sidewalks requirements

Mr. Stewart explained that the code requires the construction of a sidewalk if a home is torn down and rebuilt or if a home is substantially remodeled. He said this became an issue last week with a property in Innis Arden. He commented that it may become an issue in other neighborhoods as well. He said the applicant involved with the property in Innis Arden could apply for a variance from the engineering design standard, and the City could waive the sidewalk requirement. He explained that the City would waive the standard variance fee and charge the applicant on a per-hour basis.

Continuing, Mr. Stewart said he has agreed to discuss alternatives with the Innis Arden Neighborhood Association and The Highlands later in the summer (e.g., encouraging the development of sidewalks on certain streets only or developing a program for a "payment in lieu of" sidewalk construction).

Mayor Jepsen called for public comment.

(1) Rob Hill, 17104 13<sup>th</sup> Avenue NW, thanked Council for directing staff to work with him on his site-specific issue concerning the height limit for R-48 zoning.

(2) Dennis Lee, 14547 26<sup>th</sup> Avenue NE, said Briarcrest Neighborhood opposed R-48 for its neighborhood. He asserted that citizens will oppose an increase in the maximum height to allow more R-48 in Shoreline. He said R-48 is not the solution for affordable housing because it creates slums and degraded areas. He supported the inclusion of design standards in the proposed code to preserve neighborhood character. He said Council should err in support of more open space rather than less.

(3) Harry Allen, 1820 NW 195<sup>th</sup> Street, Unit #3, spoke as President of the Park Richmond Condominium Association. He reiterated the opposition to the bonus floor for mixed-use developments that he expressed at the public hearing. He said the minutes of the hearing erroneously indicate that he would accept a bonus floor stepped back eight feet on all sides. He stated that the real problem is the height and the bulk of the building. He said construction of a 60-foot-high building within 30 feet of Park Richmond would "blank out" air space, create shadows, disrupt air flow and destroy privacy. Noting several empty storefronts in his neighborhood, he asserted that an incentive for construction of more business space is unnecessary.

(4) Walt Hagen, 711 N 193<sup>rd</sup> Street, supported the retention of design standards in the proposed code. He said property owners deserve protection. He opposed the bonus floor and a reduction in the size of setbacks. He said the main focus of the code should be maintenance of neighborhood character, not development rights.

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(5) Clark Elster, 1720 NE 177<sup>th</sup> Street, also supported design standards. He commented that design standards exist for other types of construction, but that single-family residents, "the most important segment of the community," are not protected by design standards. He feared that development that is not compatible with a neighborhood will force people to move away.

(6) Kristina Stimson, 2155 N 201<sup>st</sup> Street, supported general design standards. She suggested that each neighborhood could develop its own standards to supersede the general standards. She noted that Seattle uses this approach.

**Deputy Mayor Hansen moved to adopt Ordinance No. 238 amending the City of Shoreline Municipal Code by establishing new Title 20, Development Code, and repealing outdated provisions of the Shoreline Municipal Code. Councilmember Montgomery seconded the motion.**

Councilmember Ransom's asked if the proposed code addresses parking on Aurora Avenue. Mr. Stewart said all land in Shoreline is subject to the provisions of the Development Code.

Councilmember Ransom noted complaints about proposals for shared parking and group entrances. He said Council has not discussed these issues.

Mr. Stewart explained that the Development Code includes specific parking requirements with opportunities for flexibility. He listed several examples.

Deputy Mayor Hansen addressed the issue of the bonus floor. He said he supported the bonus floor for mixed-use development, but he expressed concern about the properties west and east of the Park Richmond Condominiums. He did not know how to address this in the proposed code.

Mayor Jepsen questioned an increase in the maximum height from 35 feet to 60 feet for the addition of one floor.

Mr. Stewart said the Comprehensive Plan designates the area in question as Mixed Use and High Density Residential, both of which have a 35-foot height limitation. He said Council could change the Comprehensive Plan, but a permit application could vest at 60 feet. He noted a second approach imposing a more rigorous process for achieving a bonus floor (e.g., a conditional- or special-use permit).

Ms. Kolousek explained that a story is normally between 10 and 12 feet. She said a story of 25 feet is unlikely, but a 60-foot maximum height would allow for a pitched roof.

Mayor Jepsen suggested that a maximum height of 45 feet would be better than 60 feet.

Councilmember Ransom suggested 50 feet to allow for a penthouse with a vaulted ceiling. He said he did not want to restrict creativity.

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Deputy Mayor Hansen moved to revise Exception B-1.1d to read: "Bonus for mixed use development in NB and O zones: in order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for Mixed Use development to 4 stories or up to 45 feet, if the added story is stepped back from the third story walls at least eight (8) feet, and subject to the following requirements: Residential dwelling units shall occupy a minimum of 25 percent to a maximum of 90 percent of the total floor area of the building." He said he would like to have this considered a temporary solution, to be reviewed by the Planning Commission. Councilmember Gustafson seconded the motion.

Councilmember Ransom proposed a substitute amendment to make the height 50 feet. Councilmember Grossman seconded the motion, which carried 4 - 2 with Mayor Jepsen and Deputy Mayor Hansen dissenting.

Although no one wished to move an amendment with regard to design standards, Councilmember Gustafson reiterated the recommendation that the Planning Commission revisit the issue. He said the proposal is too restrictive, but he advocated the identification of another means of addressing the issue.

Mayor Jepsen advocated that the Planning Commission consider the critical issues of neighborhood character and the scale and orientation of buildings. He said the Planning Commission should consider whether the proposed design standards satisfactorily address these issues. He asserted that the standards should apply only to new construction, not remodels.

There was Council consensus to have the Planning Commission revisit this matter.

Regarding open space requirements, City Attorney Ian Sievers said it would be a technical correction to substitute "three feet of horizontal distance for one foot of vertical elevation" for "33 percent" in the open space exception, V.3.B-4.1cii(1).

With regard to setbacks, Mayor Jepsen mentioned his preference to retain 20 feet.

Moving on to fences, Deputy Mayor Hansen noted that existing higher fences will be grandfathered. He noted that the height restriction will prohibit the construction of a patio or private area in the front yard.

Councilmember Grossman expressed concern about the "common sense" issue of defining the front yard. He said many homes in Shoreline, because of the topography, use the back yard (or downward slope) as the front yard. He noted that many homes in his neighborhood have a street on both sides. He pointed out that the variance process is expensive.

Mr. Stewart pointed out the distinctions between front, side and rear yards.

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Councilmember Montgomery pointed out that people who live on a busy street will not be allowed to create a noise barrier.

Councilmember Ransom said the current regulations seem to say that if the house is on two streets, it has two front yards. He advocated that the 3'6" height restriction apply only to the side of the house the address is on.

Councilmember Grossman suggested that the code give staff reasonable discretion to waive the full variance fee to address specific cases, as with the sidewalk issue in Innis Arden. Councilmember Montgomery indicated her preference for this approach.

Mr. Stewart explained the distinction between engineering variances (Type A actions) and other variances (Type B actions). He said Council could reclassify certain variances as Type A actions to provide more flexibility on some design items.

**Councilmember Ransom moved to apply the 3'6" restriction only to the front yard where the street address is posted. Councilmember Gustafson seconded the motion, which failed 2 - 4, with Councilmembers Gustafson and Ransom voting in the affirmative.**

Councilmember Grossman wished to be able to move this into the category of an engineering review so that there was more flexibility. Mr. Sievers pointed out this would require a major shift in the code. Mr. Stewart added that something like this could be done, but only through next year's work program and annual review process.

**Councilmember Ransom moved that the 3'6" restriction be limited to one front yard only. Councilmember Gustafson seconded the motion, which carried 5 - 1, with Deputy Mayor Hansen dissenting.**

**Councilmember Ransom moved acceptance of the recommendation of staff to increase the number of unaltered dogs or cats that can be kept in the home from three to four. Councilmember Montgomery seconded the motion, which carried 5 - 1, with Mayor Jepsen dissenting.**

In response to Mr. Stewart's comments about concerns in the community regarding sidewalk requirements, Mayor Jepsen asked for concurrence to add this issue to the list of items for reconsideration by the Planning Commission.

## MEETING EXTENSION

At 10:00 p.m., Deputy Mayor Hansen moved to extend the meeting until 11:00 p.m. Councilmember Ransom seconded the motion, which carried 5 - 1, with Councilmember Montgomery dissenting.

**A vote was taken on the motion to adopt Ordinance No. 238, as amended, which carried 6 - 0.**

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- (b) Motion to authorize the City Manager to execute a design services contract not to exceed \$2,374,266 with CH2MHill for Phase 3, Part 2 for the base mapping, preliminary engineering and environmental review for the Aurora Avenue Corridor Project

Bill Conner, Public Works Director, explained a revised schedule for the Aurora Corridor project. He noted that construction should start in October 2001. Mr. Conner introduced CH2MHill consultant, Tim Bevens, who identified the critical paths for this schedule: completion of the environmental review work; and acquisition of the right-of-way needed to support the initial segment of the project. He said the environmental assessment and preliminary engineering will be done for the entire three miles of the project. At the same time, the construction documents for the initial segment will be produced. He explained how the right-of-way acquisition will proceed. He described the cost challenges and progress to date.

Mr. Bevens summarized comments at the open house, which included: concerns about potential historic buildings; air quality; neighborhood traffic; east-west traffic; pedestrian safety; economic impacts to businesses; and the transit-only lanes. He noted interest in adding urban interchanges. He outlined benefits of the proposal, including: meeting Comprehensive Plan level of service standards; accommodating a 20 percent increase in traffic; promotion of mobility by alternative modes; and access management to improve traffic flow and to reduce accident frequency and severity. He said enhancements will be investigated regarding the length of turn bays and additional lanes on east-west streets.

Mr. Bevens analyzed the proposal to add urban interchanges. He explained that such interchanges would: have to be designed to Washington Department of Transportation standards; attract higher volumes of traffic from I-5; cause more neighborhood traffic impacts; concentrate traffic/congestion at ramp terminals; require much more right-of-way and property impacts; restrict access to businesses; and increase the costs of the project to approximately \$150 million. He noted that this alternative received the least support in the community and among other agencies.

Continuing, Mr. Bevens explained plans for coordination efforts, including open houses, meetings with special interest groups, updates at Council meetings, newsletters and announcements, fact sheets and web page information. He described the coordination with the Interurban Trail project.

Mr. Conner outlined the scope of work for the contract before Council. He described the contents of the design memorandum, which will cover the entire project (not just Phase 1) and include establishment of existing conditions and standards for lane width, curb height, sidewalk width, turning radii, types of lights and materials, driveway locations and parking lots. The environmental assessment will also cover the entire project.

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Mr. Deis reiterated that the 2001 construction start date assumes the best case scenario for both the environmental assessment and right-of-way acquisition.

Mayor Jepsen called for public comment.

(1) Walt Hagen, 711 N 193<sup>rd</sup> Street, submitted a letter on behalf of Concerned Citizens for Shoreline. He said the group has analyzed the advantages to the citizens of Shoreline of the proposed plan and finds none for east-west traffic flow or for speeding up flow on Aurora Avenue. He asked Council to review the project design in terms of traffic flow and pedestrian safety.

**Deputy Mayor Hansen moved to authorize the City Manager to enter into a design services contract not to exceed \$2,374,266 with CH2MHill for Phase 3, Part 2 for the base mapping, preliminary engineering and environmental review for the Aurora Avenue Corridor Project. Councilmember Gustafson seconded the motion.**

Mayor Jepsen thanked staff for addressing his concerns about the slippage in the project schedule. He confirmed coordination with the Interurban Trail schedule.

Councilmember Ransom expressed concern about three items: 1) the statement in the "Displacement Relocation Report" that no more than 21 businesses will be displaced; 2) that the City may be required to pay for the value of businesses in addition to property and buildings; and 3) the short timeline for right-of-way acquisition, which is scheduled to conclude in August of this year.

Mr. Conner responded that the 21 number is a best-guess figure. He agreed that for some federal projects, business owners are also compensated for lost business or the value of their business if bought out. He said these standards do not apply to the Aurora project, even though it receives federal funding and Aurora Avenue is a federal highway. He explained that Shoreline will be required to compensate the owner for fair market value of the property.

Mr. Deis said guidelines about how to treat individual businesses have not been established. This methodology, when developed, will be brought to Council for review.

Responding to Councilmember Ransom's question about when parking issues will be addressed, Mr. Conner said staff will try to identify a design that works best for the businesses and the movement of traffic along the corridor. He noted one option to approach and work with co-located businesses as a group. He explained that staff will negotiate parking during the construction phase so businesses will know how and when they will be impacted.

Councilmember Ransom noted past discussion of shifting the centerline to accommodate the location of the Hideaway tavern on the right-of-way. He questioned the feasibility of a shift to the east given the construction of the Walgreens building across the street.



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Chuck Purnell, City Engineer, said staff identified the appropriate location of the building, and the worst case scenario would be replacement of the curb, gutter and sidewalk.

Councilmember Grossman asked when actual dates of construction will be available for businesses. Mr. Conner said the continuing public input period is part of development of the right-of-way policies and procedures manual. He noted that staff will present the manual to Council on July 17 and that it will serve as the basis of subsequent discussions with businesses.

**A vote was taken on the motion to authorize the City Manager to execute a design services contract with CH2MHill for Phase 3, Part 2 for the base mapping, preliminary engineering and environmental review for the Aurora Corridor project, in an amount not to exceed \$2,374,266. The motion carried 6 - 0.**

- (c) Motion to approve the new contract for police services and to authorize the City Manager to sign the agreement and to approve minor wording changes that may occur in its final review and execution

Responding to Mayor Jepsen, Mr. Deis noted that the contract for police services will take effect retroactively January 1, 2000.

Mayor Jepsen pointed out that Mr. Deis served as chair of the committee that negotiated the contract on behalf of the contract cities and that he has kept Council informed of the status of the negotiations.

**Councilmember Montgomery moved to approve the new contract for police services and to authorize the City Manager to sign the agreement and to approve minor wording changes that might occur in its final review and execution. Councilmember Ransom seconded the motion, which carried 6 - 0.**

10. CONTINUED PUBLIC COMMENT: None

11. ADJOURNMENT

At 10:42 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC  
City Clerk

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## CITY OF SHORELINE

### SHORELINE CITY COUNCIL

### SUMMARY MINUTES OF WORKSHOP MEETING

Monday, June 19, 2000  
6:00 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 6:30 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE / ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Ransom, who arrived shortly thereafter.

**There was Council consensus to amend the agenda to take Item 6(a) first.**

6. **WORKSHOP ITEMS**

- (a) Summary of 2000 State Legislative Session with 32<sup>nd</sup> District Delegation

Mayor Jepsen introduced State Representative Carolyn Edmonds. He noted the legislative committees on which she serves and her priority issues. He described some of Representative Edmonds' accomplishments this year, and he thanked her for coming.

Representative Edmonds commended Joyce Nichols, City of Shoreline Community and Government Relations Manager, for her efforts in Olympia. Representative Edmonds said the legislative session was characterized by the unusual circumstances of Initiative 695 and the continuing 49-49 split of Republicans and Democrats in the House of Representatives. She said the session was successful for her because the legislature addressed the losses that cities incurred from passage of I-695. She noted that the legislature provided funding for transit. She expressed her hope for the restoration of transit services to the Richmond Beach community. She said the legislature also provided some funding for Sound Transit.

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Councilmember Ransom arrived at 6:41 p.m.

Concluding, Representative Edmonds said the major unresolved issues this year were privacy legislation, property tax relief, long-term funding for transportation and the costs of prescription drugs.

Mayor Jepsen commented on the local option sales tax. He said Council discussed the issue last week and supported the 0.2-percent sales tax increase that County Executive Ron Sims has proposed to fund local transportation provided it results in the restoration of service to Shoreline. He commented on the problem of combining Shoreline with Seattle in Metro transportation planning. He thanked Representative Edmonds for arranging a tour of the Aurora Corridor and for her diligent work on funding for the project.

Councilmember Montgomery asked about the possibility of additional State funding for transit. Representative Edmonds said the many unknowns about the next session make predictions impossible. She noted the east-west split on transportation issues: legislators from eastern Washington do not sympathize with the transportation difficulties of this area.

Responding to Councilmember Gustafson, Ms. Nichols explained that two task forces were created in response to I-695. One has eight or nine members, including legislators, representatives of the city and county associations and representatives of the State. This group is to propose a formula for dividing future State revenues among the cities and counties that lost money as a result of I-695. The other task force, on local government fiscal capacity, is looking at the fiscal impacts to cities and counties of implementing State regulations. It will have 32 members representing a variety of stakeholders.

Councilmember Ransom commented that the suburban cities have discussed sales tax revenue with King County. He said 3/10 of a cent of sales tax money is still going to the County to provide services that do not benefit Shoreline residents.

State Senator Darlene Fairley commented that the State has the same complaint about the federal government. She noted that the State passes responsibility for mandated services to the counties, which, in turn, pass the responsibility to the cities. She said Councilmember Ransom's comment speaks to inequities in the State tax structure that will eventually have to be addressed.

State Representative Ruth Kagi arrived at 7:05 p.m. Responding to Deputy Mayor Hansen, she said State reserves are at about the same level as when I-695 passed. The State used \$260 million from the reserves to provide "bridge funding" for I-695 losses. The only ongoing funding for cities and counties that was replaced at a relatively high level was public health.

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Mayor Jepsen introduced Representative Kagi. He described the legislative committees on which she serves and her legislative priorities. He also outlined the legislation on which she worked this year.

Representative Kagi reiterated that the major challenge this year was the loss of revenues resulting from I-695. One of the biggest debates was whether the General Fund should be used to fund transportation. An ongoing allocation of \$35 million per year was made to help fund transportation highway bonds. \$80 million of transit funding was replaced (less than 25 percent of the funding that was lost). The State gave local jurisdictions a local option to increase the sales tax by 0.3 percent. She mentioned problems with funding for the ferry system and the \$15 million that went to Sound Transit, the first State funding to Sound Transit. She asserted that State participation is critical to the success of Sound Transit. She encouraged people to support the extension of the light rail line to Northgate. She concluded with a description of activity in the area of criminal justice, including: a \$215,000 study of specialized units; assistance in funding drug courts; and a study of sentencing guidelines.

Mayor Jepsen introduced Senator Fairley. He noted her legislative committee assignments, priorities and successes last year.

Senator Fairley said she relies on the expertise and availability of Ms. Nichols. She went on to list the environment, education, transportation and health care/senior issues as the major concerns of Shoreline citizens. She said the discussion of State funding to replace revenues that cities lost upon passage of I-695 included debate about making such funding contingent upon rescission of city responses to I-695 (e.g., the City's utility tax). She noted Sound Transit funding as another contentious issue. She said Sound Transit originally told the legislature that it only needed enabling legislation and that it would never request supplemental funding.

Senator Fairley mentioned the telecommunications right-of-way bill, saying that she battled to stop the bill until it became acceptable to Shoreline. She mentioned the issue of gambling, noting a public hearing on July 28 at Sea-Tac Airport. Finally, she noted environmental rules to be implemented by the Department of Ecology.

Mayor Jepsen thanked the legislators for their support of Shoreline's interest; other Councilmembers concurred.

Responding to Councilmember Gustafson, Representative Edmonds said a constant theme in the legislature with regard to the Endangered Species Act is that the State should support local jurisdictions, non-profits and community groups in their efforts toward salmon restoration in their communities.

Councilmember Ransom commented on the lack of responsiveness at the Department of Social and Health Services (DSHS). Senator Fairley said the governor's answer-the-phone regulations, which he based on her failed bill, aim to address this problem.

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Representative Edmonds said the designation of Dennis Braddock as the new head of DSHS should result in better customer service by the agency.

Representative Kagi concluded the discussion by noting the forecasted reserve of almost \$1 billion, which is close to the same level as when I-695 passed. She said this is a prudent reserve. She asserted that the State should not spend down the reserve given the susceptibility of the State budget to economic downturns.

Mayor Jepsen thanked the legislators again for participating in the meeting and for working diligently for Shoreline interests.

### 3. CITY MANAGER REPORT AND FUTURE AGENDAS

Mr. Deis confirmed that the July 3<sup>rd</sup> workshop will be cancelled.

Mr. Deis referred to the memo on the skate park to be located in Paramount Park. He noted that the School District is now asking the City to pay for demolition costs if the skate park must be removed to build a new school.

Councilmember Gustafson said the City should proceed with its plans. He asserted there is little risk that the skate park will need to be demolished. He suggested that the City involve the School District in siting the skate park. He indicated that the District could include the facility as an integral part of a school complex, if one becomes necessary.

Councilmember Ransom said students are eager to have a skate park. He expressed doubt that one skate park will be sufficient.

Councilmember Montgomery suggested that the School District identify in writing which of the alternative locations would be the least disruptive to future building plans.

Councilmember Ransom said Site B would be the most effective. He noted that the School District might not select this site.

Mayor Jepsen confirmed consensus to proceed to identify which site works best for the School District.

Responding to Councilmember Lee, Wendy Barry, Director of Parks, Recreation and Cultural Services, said design work will go forward as soon as possible with construction possible in late fall, depending on permitting requirements.

Ms. Barry distributed a list of nominees for the Grand Marshall for the Celebrate Shoreline Parade. She asked Councilmembers to return their ballots as soon as possible.

### 4. COUNCIL REPORTS

# DRAFT

Councilmember Lee commented on her attendance at a technology conference in Seoul, Korea. She compared transportation solutions there with inaction here.

Councilmember Ransom said the Jail Advisory Committee will meet next Monday. He commented on an upcoming Washington State Gambling Commission hearing on whether to allow non-profits to operate card rooms or mini-casinos. He said the commission decisions will affect Cascade Bingo.

Mayor Jepsen said Council should discuss the development of a position on this issue.

Councilmember Montgomery commented on regional transportation problems. She said no city in the world has been able to build its way out of traffic congestion.

Deputy Mayor Hansen mentioned the upcoming conference of the Association of Washington Cities.

Mayor Jepsen noted his attendance at the 225<sup>th</sup> Army birthday celebration, the opening of the North Fire Station, the North City design charrette, the Shoreline Arts Festival and the wastewater facility open house. He mentioned his efforts to have the wastewater meetings rescheduled to a time more conducive to attendance by the general public.

## 5. PUBLIC COMMENTS

(a) Kathy Halliburton, 18315 Wallingford Avenue N, suggested that the City construct the skate park in such a way that it could be moved if necessary.

(b) Walt Hagen, 711 N 193<sup>rd</sup> Street, speaking for Concerned Citizens for Shoreline, called attention to the schematic of Aurora Avenue he set up in the Council chambers. He offered to answer questions on the schematic and on the letter he submitted last week.

(c) Dwight Stevens, 1606 N 197<sup>th</sup> Place, represented the Echo Lake Neighborhood Association. He and Co-Chair Dale Wright submitted a letter on the rechannelization of N 185<sup>th</sup> Street between Aurora Avenue N and 1<sup>st</sup> Avenue NE. He said the neighborhood association reviewed the City proposal in terms of facts, anticipated results, traffic congestion at Midvale Avenue, bicycle safety and capacity.

Mayor Jepsen and Councilmember Ransom supported a permanent skate park. Councilmember Ransom noted that skate parks must be able to withstand significant wear and tear. He said portable facilities do not meet this criteria.

Deputy Mayor Hansen said the elements of a portable skate park are far less expensive than those of a permanent skate park, facilitating replacement.

## 6. WORKSHOP ITEMS

# DRAFT

- (b) Referral to the Planning Commission of a proposed ordinance establishing new regulations for siting telecommunication utilities within the public rights-of-way

Mr. Deis commented that Kristoff Bauer, Assistant to the City Manager, is considered an expert in the State of Washington on the topic of wireless telecommunication issues.

Mr. Bauer provided background on: the problems that led to the new telecommunications legislation (ESSB 6676); the impacts of the legislation on Shoreline; and on the proposed response to the legislative changes.

Mr. Bauer discussed the stringent timelines and other permit requirements that the legislation establishes for cities. He acknowledged that the legislation allows cities to require providers to supply needed information and to require utilities to comply with city timelines. He noted that the legislation clarifies responsibilities for the costs incurred in moving poles.

Continuing, Mr. Bauer stressed the bottom line of the legislation: the City must allow wireless facilities in the right-of-way. He mentioned that City zoning regulations still apply to such facilities. He explained that a facility consists of two pieces—the cell tower and the support equipment at its base—and that the proposal addresses the two pieces differently. He noted the lack of height restrictions in the right-of-way and the lack of a public process for placing a structure in the right-of-way.

Mr. Bauer summarized the following aspects of the proposed ordinance:

- elements in the current ordinance that have not worked have been deleted;
- requirements have been made clearer;
- a right-of-way site permit process has been developed that will allow the City to meet the new timelines;
- site-specific height restrictions have been added which match the height restrictions of the zone adjacent to the right-of-way;
- a public process (similar to the conditional-use permit process) has been added;
- the support equipment must go underground; and
- no new monopolies are allowed.

Mr. Bauer discussed ways to make the support equipment as unobtrusive as possible. He noted the goal to address capacity needs by encouraging providers to install more numerous smaller sites.

Concluding, Mr. Bauer explained that the proposed ordinance will change provisions of the Development Code that Council adopted last week and that it should, therefore, go through the Planning Commission process. He noted that this will necessitate the extension of the current moratorium. Staff will present the extension to Council next week.

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Responding to Mayor Jepsen's concern that the City not establish a precedent that could interfere with the implementation of the City's undergrounding policy, Mr. Bauer said pole relocation will be addressed in the right-of-way site permit.

Councilmember Ransom asked about facilities on private property and whether the franchise fee applies only to public right-of-way. Mr. Bauer said the current proposal does not change any regulations on private property. One of the reasons the legislation allows for a lease payment for use of public property is to forestall a rush of facilities onto public property instead of private property. He explained that there are no franchises fees on telecommunications companies, that they are charged a utility tax.

Responding to Councilmember Ransom, Mr. Bauer said the proposal tries to end the differences in height restrictions between public and private property.

Councilmember Lee commented on the necessity of having GTE and US West participate in the City's planning for undergrounding. Mr. Bauer asserted the difficulty of achieving this goal. He said the companies want to accomplish their objectives with as little interaction as possible with the City. He noted that neither GTE nor US West is interested in getting a master use permit. He said staff is trying to negotiate some kind of agreement.

Noting his meeting with GTE, Mr. Deis compared the attitude of the organization to that of a railroad—a heavily regulated bureaucracy unwilling to vary its procedures from city to city. Mr. Bauer added that GTE and US West "lead with their lawyers first," a strategy that works with most cities. He said the City is trying to demonstrate the workability of a different approach.

Councilmember Gustafson commented on the necessity of developing an accurate data base of rights-of-way. Mr. Bauer said it will be difficult to do this. Furthermore, there will be many other elements to a complete Graphic Information System (GIS) in addition to rights-of-way.

Mr. Deis said the City has requested GIS information for GTE and US West facilities in Shoreline rights-of-way. He said that in the past the companies have not wanted to provide any information; but in the last meeting, GTE has indicated a willingness to discuss this issue. He characterized this willingness as "a huge step."

Mayor Jepsen confirmed Council consensus to send the proposed ordinance to the Planning Commission. He expressed his hope that the ordinance will be as aggressive as possible.

7. CONTINUED PUBLIC COMMENT: None



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# DRAFT

8. EXECUTIVE SESSION

At 8:35 p.m., Mayor Jepsen announced that Council would recess into executive session for 30 minutes to discuss one item of potential litigation. At 9:14 p.m., the executive session concluded, and the workshop reconvened.

8. ADJOURNMENT

At 9:15 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC  
City Clerk

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

Monday, June 26, 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 7:34 p.m. by Mayor Jepsen, who presided.

2. **FLAG SALUTE/ROLL CALL**

Mayor Jepsen led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present with the exception of Councilmember Gustafson, who arrived shortly thereafter.

3. **REPORT OF CITY MANAGER**

Public Works Director Bill Conner discussed recent publications of the National Marine Fisheries Service (NMFS) related to Section 4(d) of the Endangered Species Act and the West Coast salmon species listed as threatened. He said the information that NMFS has issued is much more general than staff had anticipated. He explained that NMFS wants local jurisdictions to prepare plans for protecting threatened salmon species and to submit them for NMFS approval. He noted that NMFS listed the Tri-County proposal (of King, Snohomish and Pierce Counties) as one of several examples of a local proposal. He said the City must decide whether to participate in the Tri-County proposal or to prepare and submit its own proposal.

Continuing, Mr. Conner said NMFS has indicated that its approval of a local proposal will provide the jurisdiction with protection against third-party lawsuits. He noted that the protection is much more extensive than staff had anticipated.

Finally, Mr. Conner said NMFS has indicated that it expects compliance with the 4(d) rule within six months after its publication in the federal register. NMFS anticipates publication by the end of June.

4. **REPORTS OF BOARDS AND COMMISSIONS**

# DRAFT

(a) Annual Report from the Council of Neighborhoods

Dick Nicholson, Immediate Past Chair of the Council of Neighborhoods, reviewed the group's mission and objectives. He went on to discuss the accomplishments and activities of the Council of Neighborhoods during the past year.

Chair Feikema discussed the goals of the Council of Neighborhoods for the coming year, including:

- ongoing potluck dinners with City Council;
- investigation of ways to promote involvement in and sustain the energy of neighborhood associations (e.g., training opportunities);
- investigation of ways to promote two-way communication between neighborhoods and City Council through the Council of Neighborhoods; and
- a tour with City Council of projects funded by Neighborhood Mini-Grants

Chair Feikema expressed her appreciation for the focus of the City on neighborhoods.

Mayor Jepsen supported the proposal to tour Mini-Grant projects.

Councilmember Grossman thanked Chair Feikema and Immediate Past Chair Nicholson for their ongoing commitment to the Council of Neighborhoods.

5. PUBLIC COMMENT

(a) Gretchen Atkinson, President, North City Business Association, thanked the City Council for the North City Design Charrette. In response to questions about the return the City will achieve on the money it is investing in North City, she prepared estimates, with the assistance of Finance Director Debbie Tarry, of potential City tax revenue increases. She said participants in the design charrette identified the potential for 1,592 residential units in new, mixed-use developments in North City during the next five years. She provided estimates of resulting increases in sales tax and utility tax revenues. She suggested that the City waive real estate taxes for a period of time as an incentive to builders to construct large, mixed-use developments in North City.

(b) Bill Bear, 2541 NE 165<sup>th</sup> Street, said the Aurora Corridor Project may reduce east-west traffic and increase divisions between parts of Shoreline. He expressed concern about the potential addition of 1,592 residential units east of I-5. He commented that residents on the east side of Shoreline feel a strong need to protect their interests (e.g., the independence of the Shoreline Water District). He attributed this sentiment to the divisions between the east and west sides and to the lack of representation and concern for the issues of eastside residents. He said an interlocal agreement with the Water District, like the one the City has with the Fire District, would address the City's responsibility to provide water services without necessitating direct City management.

(c) Barbara Goebel, 14556 28<sup>th</sup> Avenue NE, described an annual Fourth of July parade in the Briarcrest Neighborhood in which children, dressed in patriotic

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costumes, walk to the Pinehurst Terrace Nursing Home to entertain residents. She said the neighborhood will have to cancel the parade, a 22-year tradition, because of new parade permit fees.

Mayor Jepsen said he participated in the first two days of the North City Design Charrette. He expressed enthusiasm about the sub-area plan as a catalyst for change driven by North City property owners, residents and businesses. Councilmember Lee agreed. Mr. Deis said staff will review the results of the charrette and develop a report for the consideration of the Planning Commission and Council in early fall.

In response to Mayor Jepsen, Mr. Deis said staff is studying a City policy on fee waivers.

Councilmember Grossman said the parade that Ms. Goebel described highlights the need for such a policy. He asserted that the City supports such events.

In response to Councilmember Montgomery, Mr. Deis said staff will address the question of fee waivers as a policy issue at a future Council workshop.

Councilmember Gustafson suggested the use of Neighborhood Mini-Grant funds to pay the permit fees associated with community events such as the Fourth of July parade in Briarcrest.

## 6. APPROVAL OF THE AGENDA

**Deputy Mayor Hansen moved to approve the agenda. Councilmember Montgomery seconded the motion. Deputy Mayor Hansen moved to add "Parade Waiver" as agenda item 9(b). Councilmember Ransom seconded the motion, which carried 7-0. A vote was taken on the motion to approve the agenda, as amended, which carried 7-0.**

## 7. CONSENT CALENDAR

**Councilmember Ransom asked that Council pull the minutes of the dinner meeting of May 22, 2000. Then he moved to approve the consent calendar, as amended. Deputy Mayor Hansen seconded the motion, which carried 7-0, and the following items were approved:**

**Minutes of Regular Meeting of May 8, 2000  
Minutes of Workshop of May 15, 2000  
Minutes of Regular Meeting of May 22, 2000  
Minutes of Workshop of June 5, 2000  
Minutes of Dinner Meeting of June 12, 2000**

**Approval of expenses and payroll as of June 16, 2000 in the amount of \$1,243,057.21**

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**Motion to authorize the City Manager to execute a contract with CH2MHill for additional analysis on water service alternatives in an amount not to exceed \$49,000**

**Resolution No. 168 authorizing application for funding assistance for a Washington Wildlife and Recreation Program (IAC) as provided in Chapter 79A.15 RCW, acquisition of habitat conservation and outdoor recreation lands**

8. **ACTION ITEMS: PUBLIC HEARINGS**

- (a) Public hearing to consider citizens' comments regarding Ordinance No. 237 adopting a 65-day moratorium on franchising and right-of-way permits for telecommunications and cable television providers, and proposed Ordinance No. 240 extending this moratorium until August 11, 2000

Kristoff Bauer, Assistant to the City Manager, noted Council consideration last week of a proposed ordinance establishing new regulations for siting telecommunication utilities within public rights-of-way. He explained that the extension of the moratorium is necessary to provide time for the Planning Commission to review the proposed ordinance.

**Mayor Jepsen declared the public hearing open. Seeing no one wishing to address Council on Ordinance No. 237 or Ordinance No. 240, Councilmember Lee moved to close the public hearing. Councilmember Gustafson seconded the motion, which carried 7-0.**

Ordinance No. 240 adopting a thirty day extension to a moratorium on acceptance and processing of new franchise applications for service providers of telecommunications and cable television services within the City of Shoreline

**Councilmember Montgomery moved that Council adopt Ordinance No. 240. Councilmember Ransom seconded the motion, which carried 7-0.**

9. **ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS AND MOTIONS**

- (a) Motion to approve the NE 185<sup>th</sup> Street Rechannelization Project to add a center left-turn lane and bicycle lanes to NE 185<sup>th</sup> Street between Stone Avenue N and 1<sup>st</sup> Avenue NE, and to make the recommended improvements to 155<sup>th</sup> Street

Mr. Conner reviewed the staff report and explained the proposal to rechannelize NE 185<sup>th</sup> Street to improve vehicle, bicycle and pedestrian safety along the corridor. He noted changes staff made to the proposal in response to concerns Council raised when

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considering the project last fall. These concerns included: 1) the transition across Aurora Avenue; 2) traffic congestion along 185<sup>th</sup> Street—specifically at Meridian Ave.; 3) parking at Shoreline Covenant Church; 4) and congestion at the QFC Store and police station. He emphasized that while the proposal addresses safety issues, it will not resolve all operational problems on 185<sup>th</sup> Street.

Continuing, Mr. Conner described the proposal to reduce conflicting turn movement on 155<sup>th</sup> Street. He noted that the changes will affect the Chevron station at Aurora Avenue by precluding eastbound turns onto 155<sup>th</sup> Street. He said Chevron management is concerned about negative impacts on its business. He stressed that the proposed changes will make the street much safer. In conclusion, he said restriping on 155<sup>th</sup> Street has reduced accidents there by half.

Mayor Jepsen called for public comment.

(a) Yolanda Byeman, represented Chevron Corporation, 14711 NE 29<sup>th</sup> Place, Bellevue. She estimated that the proposed change will reduce business at the Chevron station by 15 percent. She said City staff has acknowledged Chevron concerns by redesigning the raised traffic island on 155<sup>th</sup> Street to make it a painted island. This will allow Chevron tanker trucks to access the station.

(b) Richard Johnsen, 16730 Meridian Avenue N, said the problems on 185<sup>th</sup> Street stem from decisions King County made in the 1970s. He explained that the County originally planned two lanes of traffic and two parking lanes, but that it did not stripe the road to differentiate between the parking and traffic lanes. He commented on the cost of the project, and he suggested that the City simply stripe and sign 185<sup>th</sup> Street to delineate lanes for parking and traffic.

(c) Dale Wright, 18546 Burke Avenue N, represented the Echo Lake Neighborhood Association. He supported the City proposal. He explained that the reconfiguration will reduce accidents, that it is relatively inexpensive, that it will have few impacts on adjacent properties and that it will be safer for bicyclists. He concurred that reconfiguration cannot resolve the congestion problems in the area and that addressing such problems would be costly and time consuming. He suggested consideration of the concerns of the Shoreline Covenant Church in the context of parking and convenience on Sunday versus ongoing use of the street.

**Councilmember Lee moved to approve the NE 185<sup>th</sup> Street Rechannelization Project to add a center left-turn lane and bicycle lanes to NE 185<sup>th</sup> Street between Stone Avenue N and 1<sup>st</sup> Avenue NE, and to make the recommended improvements to 155<sup>th</sup> Street. Deputy Mayor Hansen seconded the motion.**

Councilmember Ransom raised concerns about congestion on 185<sup>th</sup> Street west of Stone Avenue and about congestion and lack of access to the Safeway parking lot on 155<sup>th</sup> Street. He suggested a second driveway into Safeway from 155<sup>th</sup> Street.

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Mr. Conner said Inca Engineers suggested the proposed solution for 155<sup>th</sup> Street. He explained that the pork-chop island and curb extension on 155<sup>th</sup> Street at the intersection will force traffic into one lane eastbound on 155<sup>th</sup> Street for the first 25 feet. He said the second lane is added as a dedicated right turn into the Safeway parking lot. He noted that the City will stripe the roadway to delineate a 25-foot turn lane in and a 15-foot turn lane out.

Responding to Councilmember Lee, Mr. Deis explained the advantages of eliminating options on 155<sup>th</sup> Street of drivers turning off Aurora Avenue. He said the changes will force drivers to decide whether they are driving east or turning into Safeway.

Councilmember Lee was concerned about access to the Chevron station because it cannot be accessed legally from Aurora Avenue N.

Councilmember Grossman supported both proposals. He appreciated the effort to replace some of the parking for the church on a side street.

Responding to Councilmember Grossman's question, Mr. Deis confirmed the change to a painted island from a raised island to accommodate Chevron trucks. He noted that the City would have to preclude left turns out of Safeway to allow a left turn from Chevron onto 155<sup>th</sup> Street in order to address safety issues. He said staff eliminated the left turn from Chevron because many more drivers want to make the left turn from Safeway. He added that many gas stations in highly-urbanized areas have restricted accesses.

Councilmembers Lee and Montgomery commented on the transition from two lanes to one lane on 185<sup>th</sup> Street west of Aurora Avenue at Stone Avenue. Mr. Conner said the most important thing is to allow drivers enough time to make the necessary adjustments. He said the proposal includes enough distance to prevent backups onto Aurora Avenue.

Councilmember Montgomery supported the left-turn lane at Meridian Avenue. She asked about narrowing the sidewalk to allow for a right-turn lane to southbound Meridian Avenue. Mr. Conner said it is not feasible to remove the bike lane and narrow the sidewalk. He explained that synchronization of the lights and installation of a turn signal should facilitate traffic flow. He said the real solution—buying more right-of-away—can be undertaken but not in this project.

Councilmember Gustafson supported the proposed changes to 185<sup>th</sup> Street.

Deputy Mayor Hansen expressed skepticism that the proposed changes will resolve the problems on 185<sup>th</sup> Street. He said the middle turn lane will facilitate traffic flow. He expressed concern about the safety of the bicycle lanes. He said he otherwise supports the project. He supported the improvements to 155<sup>th</sup> Street. He asserted that ongoing problems on 185<sup>th</sup> Street will result in more cut-through traffic in neighborhoods.

In response to Deputy Mayor Hansen, Mr. Conner said there is slightly more traffic using 155<sup>th</sup> Street than 185<sup>th</sup> Street. He noted that the City no longer receives complaints about

# DRAFT

problems on 155<sup>th</sup> Street. He confirmed that the rechannelization of 155<sup>th</sup> Street included the addition of bicycle lanes.

Councilmember Ransom advocated that the City relocate the bus stop on eastbound 185<sup>th</sup> Street immediately east of Midvale Avenue further east. Mr. Conner agreed that this would ease traffic congestion. He explained that it is not possible to move the bus stop.

In response to Councilmember Ransom, Mr. Conner confirmed that the proposed bicycle lanes on 185<sup>th</sup> Street would end just east of Aurora Avenue. He said the bike route on Richmond Beach Road begins west of 8<sup>th</sup> Avenue NW. He explained the intent to detour bicycles around dangerous traffic on the hill west of Aurora Avenue on Richmond Beach Road.

Mayor Jepsen reiterated the changes to the 155<sup>th</sup> Street improvements depicted in Attachment A: instead of the C curb and raised island, it is painted.

**A vote was taken on the motion to approve the NE 185<sup>th</sup> Street Rechannelization Project to add a center left-turn lane and bicycle lanes to NE 185<sup>th</sup> Street between Stone Avenue N and 1<sup>st</sup> Avenue NE, and to make the recommended improvements to 155<sup>th</sup> Street. The motion carried 7-0.**

(b) Parade Waiver

**Deputy Mayor Hansen moved that all permit fees regarding the Briarcrest Neighborhood Fourth of July Parade on 28<sup>th</sup> NE be waived for 2000 and for future years until such time as a specific fee waiver policy is adopted by the City of Shoreline and as long as the parade is conducted in the same location and manner as in prior years. Councilmember Ransom seconded the motion.**

In response to Councilmember Lee, Ms. Goebel commented that the parade was not subject to permit fees in previous years.

In response to Councilmember Lee, Mr. Deis said the permit fee for the parade did not result from a recently adopted ordinance. He noted that staff is working to develop a uniform policy for fee waivers for Council consideration. He indicated that he will research the circumstances of the parade permit fee.

Councilmember Gustafson expressed support for the motion, and he stressed the need for a uniform policy.

Deputy Mayor Hansen asserted that the motion is necessary for Council to meet its responsibility to assist Shoreline citizens.

**A vote was taken on the motion, which carried 7-0.**

10. CONTINUED PUBLIC COMMENT



# DRAFT

(a) Richard Johnsen, 16730 Meridian Avenue N, commented that he supports City efforts to improve safety on 185<sup>th</sup> Street and 155<sup>th</sup> Street. He mentioned a lack of attention to the original County design of 185<sup>th</sup> Street. He noted the lack of discussion of his suggestion that the City stripe and sign 185<sup>th</sup> Street to delineate lanes for parking and traffic. He proposed that bicyclists share the lanes delineated for parking. He asked if City staff canvassed people residing on 185<sup>th</sup> Street about the impact of the elimination of parking on 185<sup>th</sup> Street.

(b) Dale Wright, 18546 Burke Avenue N, expressed his appreciation for the Council philosophy of soliciting and responding to public input.

(c) Bill Bear, 2541 NE 165<sup>th</sup> Street, noted his understanding that the North City neighborhood was largely not involved in the North City Design Charrette. He reiterated his concern about the potential number of additional residential units in the area. He stressed the need to consider other aspects of increased density besides potential increases in tax revenues.

Deputy Mayor Hansen said he had taken Mr. Johnsen's comments earlier in the meeting into consideration. He asserted that a center turn lane will address the safety problems on 185<sup>th</sup> Street better than parking lanes.

Mayor Jepsen asserted his preference for implementing City solutions over implementing the designs the County proposed originally. Councilmember Lee noted the value of leveraging advances in traffic safety.

Mayor Jepsen stressed that he is concerned with much more than potential tax revenues in considering North City redevelopment. Mr. Deis said the North City Neighborhood Association has been, and will continue to be, extensively involved in the North City sub-area planning process.

Deputy Mayor Hansen commented that North City businesses and residents, not the City, proposed and campaigned for the North City sub-area planning process.

## 11. ADJOURNMENT

At 9:38 p.m., Mayor Jepsen declared the meeting adjourned.

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Sharon Mattioli, CMC  
City Clerk

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

<b>AGENDA TITLE:</b> Approval of Expenses and Payroll as of June 22, 2000
<b>DEPARTMENT:</b> Finance
<b>PRESENTED BY:</b> Al Juarez, Financial Operations Supervisor <i>WJ</i>

**EXECUTIVE / COUNCIL SUMMARY**

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

**RECOMMENDATION**

Motion: I move to approve Payroll and Claims in the amount of \$436,094.05 specified in the following detail:

Payroll and benefits for May 28 through June 10 in the amount of \$241,528.42 paid with ADP checks 2887,2888, 4320 through 4382 vouchers 240001 through 240104 benefit checks 4802 through 4811 and

**the following claims examined by C. Robert Morseburg paid on May 19, 2000:**

Expenses in the amount of \$95,491.56 paid on Expense Register dated 6/19/00 with the following claim checks: 4812-4830 and

Expenses in the amount of \$25,605.38 paid on Expense Register dated 6/21/00 with the following claim checks: 4831-4854 and

Expenses in the amount of \$5,978.00 paid on Expense Register dated 6/22/00 with the following claim checks: 4855-4864 and

Expenses in the amount of \$350.10 paid on Expense Register dated 6/22/00 with the following claim check: 4878 and

Expenses in the amount of \$67,140.59 paid on Expense Register dated 6/22/00 with the following claim checks: 4879-4881

Approved By: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

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

**AGENDA TITLE:** Adoption of Resolution No. 169, Approving the Final Plat for Elena Lane at 18034 Stone Avenue North  
**DEPARTMENT:** Planning and Development Services Department  
**PRESENTED BY:** Tim Stewart, Director  
Daniel Bretzke, Project Engineer

**EXECUTIVE / COUNCIL SUMMARY**

The decision before your Council is the approval of Elena Lane final plat (long subdivision) proposed by Eric Sundquist of Viking Properties, for the property located at 18034 Stone Avenue North. The proposal would create from two lots, totaling 1.4 acres, one recreational / drainage tract and eleven building lots and, on which eleven detached single family homes will be built. The lot sizes range from 3,858 square feet to 5,200 square feet. (See Attachment A for final plat drawings).

Your Council approved the subject preliminary plat on April 24, 2000. Your approval followed a public hearing held by the Planning Commission on March 30, 2000. The Planning Commission's recommendation for approval was subject to nineteen conditions, which are listed later in this report.

The engineering plans have been reviewed and approved by staff. A site development permit has been issued. 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. 169 (see Attachment B) and authorize the Mayor 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. 169, which will approve the eleven (11) lot final plat of Elena Lane at 18034 Stone Avenue North and authorize the Mayor and Planning and Development Services Director to sign the final plat.

Approved By: City Manager LB City Attorney [Signature]

## BACKGROUND / ANALYSIS

### A. Summary Information

Project Address: 18034 Stone Avenue North, Shoreline, WA 98133  
Zoning: R-8 Residential (Eight (8) dwelling units per acre)  
Property Size: 60,437 Square Feet (1.387 Acres)  
Number of Proposed Lots: Eleven (11) residential lots, one drainage tract.  
Proposed Lot Size: Lot 1: 4,212 Sq. Ft., Lot 2: 4,225 Sq. Ft., Lot 3: 3,906 Sq. Ft.,  
Lot 4: 3,663 Sq. Ft., Lot 5: 5,200 Sq. Ft., Lot 6: 4,452 Sq. Ft.,  
Lot 7: 4,316 Sq. Ft., Lot 8: 3,261 Sq. Ft., Lot 9: 3,858 Sq. Ft.,  
Lot 10: 4,225 Sq. Ft., Lot 11: 4,055 Sq. Ft.  
Access Tract A: 9,518 Sq. Ft.

Comprehensive Plan  
Designation: Medium Density Residential  
Subdivision: Elena Lane  
Application No.: 2000- 00767  
Applicant: Viking Properties  
Property Owner: Viking Properties

### B. Review Process

Action	Review Authority	Appeal Authority and Decision – Making Body
Preliminary Long Plat (Subdivision)	Planning Commission – Public hearing: March 30, 2000 Recommendation for approval to the City Council	City Council – Public Meeting: April 24, 1998 Decision: Preliminary Subdivision Approval
Final Long Plat (Subdivision)	Director – Recommendation of approval to the City Council	City Council – Public Meeting: July 10, 2000 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 made a recommendation 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 mitigations 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. After all inspection and plan review fees were paid, a site development permit was issued. This permit authorized 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.

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 your City Council for approval.

### C. Procedural History

On April 24, 2000 your Council reviewed and approved this preliminary subdivision subject to the following conditions.

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

1. Developer shall provide and install a Surface/Storm Water Management Plan, pursuant to the Memorandum issued by the City of Shoreline on March 21, 2000. The Final Surface/Storm Water Management Plan and Agreement shall incorporate the measures listed below:

- (a) Surface and stormwater management must be provided as stipulated in the following; The Technical Information Report prepared by Lovell-Sauerland and Associates, dated 4/29/99, the letter to the City from Lovell-Sauerland dated 3/21/00 and the plans dated 2/18/00;
- (b) Water quality protection measures shall be provided on-site with specific locations to be determined in final engineering plans;
- (c) A complete set of construction drawings is to be submitted, approved, and a site development permit issued before construction can begin;
- (d) All drainage facilities are to be dedicated through a Declaration of Covenant Associated with Development of Detention Facility to the City of Shoreline with recording of the final plat; and
- (e) The developer is required to provide a Drainage Easement Agreement, establishing the legal description of the easement corridor, and providing that said easements are to be maintained, repaired, and/or rebuilt by the owners of the parcels and their heirs, assigns or successors.

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

*Engineering plans were submitted to the City of Shoreline on May 16, 2000, which incorporated the requirements.*

*Water quality is being provided by an approved canister filtration system, which is to be located in the drainage tract. The system will be maintained by the home owners association.*

*Drainage facilities are dedicated to City of Shoreline by a Declaration of Covenant as shown on the face of the final plat.*

*The developer has provided a drainage easement as shown on the face of the plat.*

*The City of Shoreline has approved the surface/ storm water management plan and engineering plans before the site development permit was issued.*

2. Developer shall provide a 24 foot wide paved roadway (North 182<sup>nd</sup> Place), with curb and gutter as proposed on the Preliminary Development Plan submitted by Lovell-Sauerland and Associates to the City of Shoreline on February 22, 2000, and pursuant to the requirements of SMC Title 12.10.

*The engineering plans included a 24 feet wide roadway design. The construction of this road is guaranteed by a performance bond.*

3. Developer shall provide a pedestrian sidewalk on the south side and curb and gutters on both sides of North 182<sup>nd</sup> Place as proposed on the Preliminary Development Plan submitted by Lovell-Sauerland and Associates to the City of Shoreline on February 22, 2000, and pursuant to the requirements of SMC Title 18.18.

*The engineering plans included the design of the sidewalk. The construction of the sidewalk is guaranteed by a performance bond.*

4. Developer shall provide a pedestrian sidewalk, curb and gutters on Stone Avenue North adjacent to the site, as proposed on the Preliminary Development Plan submitted by Lovell-Sauerland and Associates to the City of Shoreline on February 22, 2000, and pursuant to the requirements of SMC Title 18.18.

*The engineering plans included the design of a separated 5 foot wide sidewalk, landscaping, and curb and gutter for the full frontage of the project. The construction of this sidewalk, curb and gutter is guaranteed by a performance bond.*

5. Developer shall provide an asphalt pedestrian walkway, with a painted stripe separating the walkway from vehicular traffic to extend along the east side of Stone Avenue from the south boundary of the site to North 180<sup>th</sup> Street and from the north boundary of the site to North 183<sup>rd</sup> Street. This walkway shall be designed and constructed to ensure that future sidewalk connections can be constructed to be compatible with the sidewalk frontage for Elena Lane and to accommodate storm drainage improvements needed to achieve compliance with the SMC/King County Surface Water Drainage Standards.

*The engineering plans include this design on the engineering plans. The construction of this walkway is guaranteed by a performance bond.*

6. Developer is to provide and install non-glare streetlighting in accordance with a lighting plan approved by Planning and Development Services.

*This design is shown on the engineering plans. The installation of the lights is guaranteed by a performance bond.*

7. The developer is required to meet the conditions established by the Shoreline Sewer Availability Certificate issued on April 27, 1999.

*The applicant will meet the conditions required by the Shoreline Sewer District.*

8. The developer is required to meet the conditions established by the Seattle Water Availability Certificate issued on May 7, 1999.

*The applicant has obtained a permit and has placed a financial guarantee to meet the conditions of the water availability certificate.*

9. The developer is required to meet the conditions established by the Shoreline Fire Department Availability Certificate issued on 8/17/99 (and amended to complete on 9/1/99).

*The Shoreline Fire Department has reviewed the location of fire hydrants and access, to assure compliance to the Fire Department regulations.*

10. A maximum of 11 single-family homes is permitted as proposed on Preliminary Development Plan submitted by Lovell-Sauerland and Associates to the City of Shoreline on February 22, 2000.

*The plat reflects the maximum of 11 single family homes as permitted.*

11. Tree retention as provided on the Preliminary Development Plan prepared by Lovell-Sauerland and Associates, Inc. and submitted to the City of Shoreline on February 22, 2000 shall be required for site development. In the event that trees stipulated for retention are removed (whether inadvertently or through an approved building permit, or by the owner of property to the South of the plat) each tree which is removed shall be replaced by two trees of the same species as the tree that has been removed. Each replacement tree must be a minimum of two inches in caliper.

*A tree retention plan has been submitted. Four trees, which are located in the right of way, will be removed and replaced with eight trees.*

12. Development shall provide and maintain fencing around tree preservation area for the duration of site preparation and construction activities, in order to preserve the natural environment existing within the site.

*The site development permit has been conditioned to protect the trees along the southwestern boundary of the plat.*

13. Development shall provide new landscape plantings, including trees, shrubs, groundcover, and perennial/annual flowering plants, as provided on Landscaping Plans submitted to the City of Shoreline by Burrus Design Group on February 22, 2000, and pursuant to the requirements of SMC Title 18.16.

*A revised landscaping plan has been submitted and approved which is compliance with the February Plans.*

14. Development applications shall include:

- (a) a vegetation maintenance plan which describes products to be used (e.g., application of nutrients, pesticides and herbicides) and maintenance schedule to minimize the introduction of products into runoff flows.



- (b) a vegetation irrigation plan, pursuant to SMC Title 18.16.300 - 18.16.370.
- (c) a performance bond or other security equivalent to 150% of the value of the plantings, to be maintained in full force and effect for a minimum period of one year. The performance bond or security maybe amended to continue for an additional three years following the installation of substantial replacement vegetation.

*Development plans include all of the above requirements.*

- 15. The City must approve the Vegetation Mitigation Plan, including, planting, maintenance, and monitoring details, prior to the issuance of the site development permit. Vegetation management shall be designed, implemented and effectively/regularly maintained by the applicant pursuant to the approved Vegetation Mitigation Plan.

*A vegetation management plan has been approved as a part of the site development permit.*

- 16. Development shall provide and maintain the common open space area (5,546 square feet) including fenced tot lot, grassy field, and plantings, as proposed on the Preliminary Development Plan submitted by Lovell-Sauerland and Associates to the City of Shoreline on February 22, 2000.

*The final plat contains the following condition. "Tract B is a joint use common recreational area as shown, and is for the use and benefit of all lot owners in this plat, their heirs and / or assigns. This area is to be used for recreational purposes. Usage of this area is to be restricted to the hours between 9:00 AM to Dusk. This area shall be maintained, repaired, and or rebuilt by the owners of the parcels having legal access therefrom and their heirs, assigns or successors, the repair and maintenance cost shall be shared equally by the owners of parcels having legal access therefrom or their successors. Liens may be placed against persons not fulfilling their share of maintenance cost."*

- 17. Development shall provide a solid screen of wood fencing around the periphery of the property (except at the southern boundary where the buffer of cedar trees is retained), as proposed on the site plans submitted by Lovell-Sauerland and Associates to the City of Shoreline on February 22, 2000

*The site development plans includes location of fence and its installation has been financially guaranteed.*

- 18. Owners shall be required to establish and maintain in force and effect, a Covenant for a Homeowners' Association. The Association is to be held with undivided interest by all lots in this subdivision. The Association (owners of the parcels having legal access therefrom and their heirs, assigns or successors) is to be responsible for maintaining, repairing and/or rebuilding of: (1) Open Space/Recreation Tract (5,546 square feet) and other common areas; (2) plantings in common areas and on site boundaries; (3) boundary screening; and (4) infrastructure and utilities not dedicated to the City. The Homeowners Association shall also be responsible for prevention of temporary or permanent encroachment of structures or equipment (e.g., boats, recreational vehicles) into the right-of-way and into other public areas.

*The final plat includes the following notes to assure the above conditions are met.  
"All owners of lots in this plat shall provide for the maintenance and repair of all commonly owned facilities, such as sidewalks, the private road, drainage detention and conveyance system, and landscaping as installed as a part of this subdivision."*

19. The onsite detention pond shall be studied and constructed to be as shallow as possible and the outflow drain shall be constructed to drain as quickly as possible.

*The grading of detention pond and the control outlet will be constructed to allow maximum detention in large storm events, and the outflow rate is adjusted to drain small storms quickly. This will allow for the multipurpose play area to be dry between storms.*

## **RECOMMENDATION**

Staff recommends the adoption of Resolution No. 169, which will approve the eleven (11) lot final plat at 18034 Stone Avenue North and authorize the Mayor 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 City Planning and Development Services Department.
- Attachment B:      Resolution No. 169

## 39

EQUIPMENT: LIETZ SET 4 ELECTRONIC TOTAL STATION  
METHOD: FIELD TRAVERSE  
ACCURACY: CONFORMS TO WAC 332-130-090  
MONUMENTS VISITED: MARCH 1, 1999

CENTERLINE OF STONE AVENUE N. FROM N. 180TH STREET  
TO N. 183RD STREET PER PLAT OF RICHMOND ACRES,  
RECORDED IN VOLUME 24 OF PLATS, PAGE 25, RECORDS  
OF KING COUNTY, WASHINGTON (N 0052'23" W)

RA - BEARING AND/OR DIMENSION PER RICHMOND ACRES,  
RECORDED IN VOLUME 24, PAGE 25, RECORDS OF  
KING COUNTY, WASHINGTON

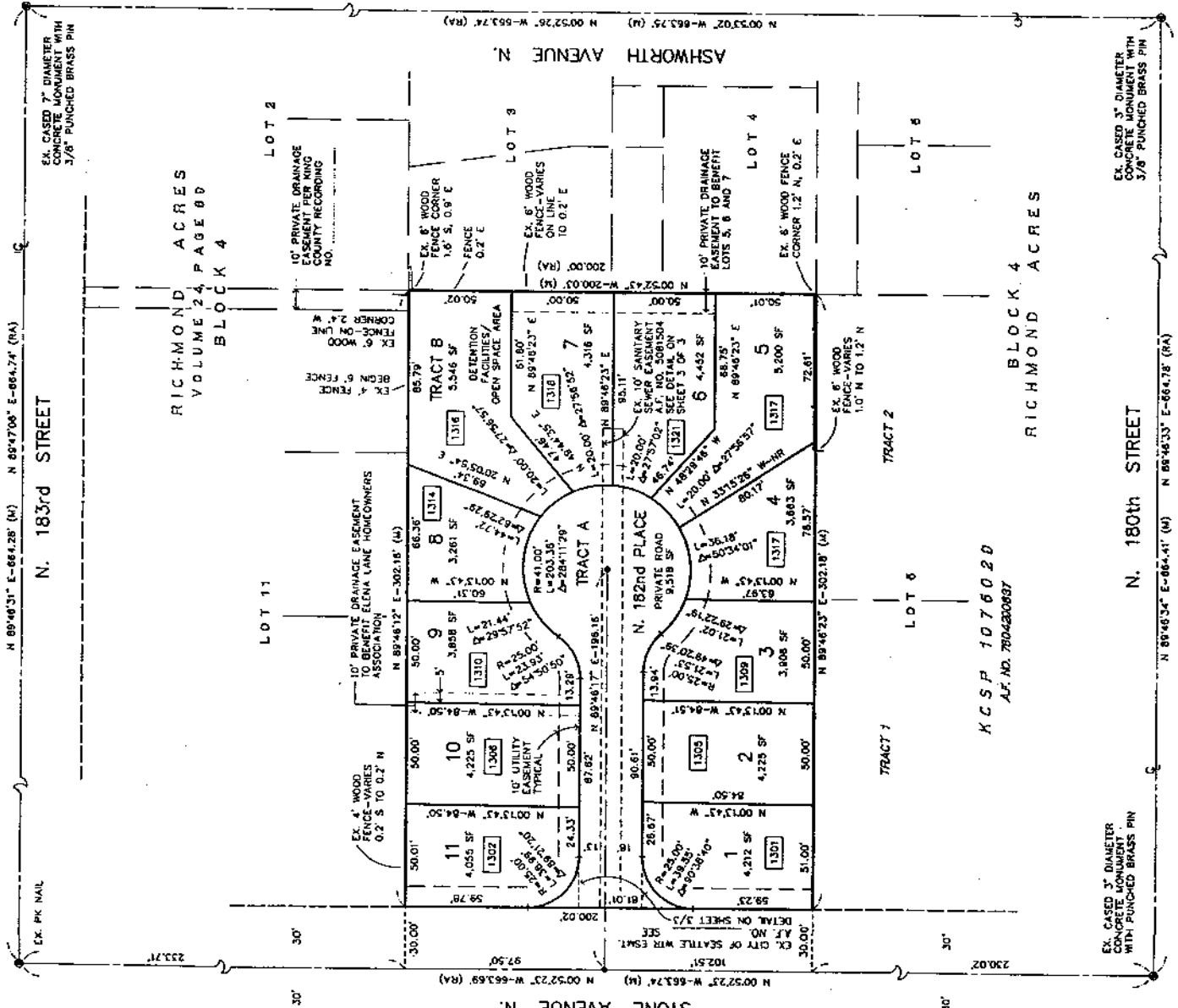
● - SET CASED 4" X 4" CONCRETE MONUMENT WITH  
1--5/8" BRASS CAP, STAMPED WITH "+" AND NO'D. 22959

LOT CORNERS WILL BE STAKED AS CONSTRUCTION IS COMPLETED

LOTS 9 AND 10, BLOCK 4, RICHMOND ACRES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 24 OF PLATS, PAGE 25, IN KING COUNTY, WASHINGTON.



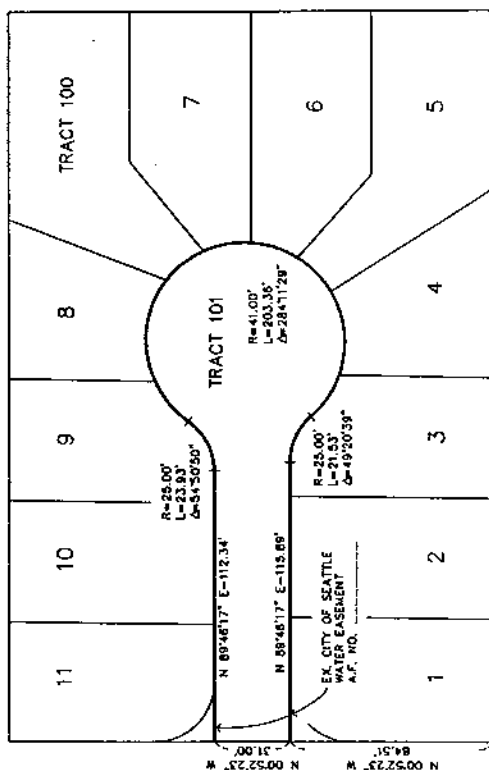
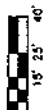
ALTERATION OF LOTS 9 AND 10, BLOCK 4,  
RICHMOND ACRES (VOLUME 12, PAGES 29)  
IN NW1/4, NE1/4, SECTION 7, T.26N., R.4E., W.M.  
LOVELL-SAUERLAND & ASSOCIATES, INC.  
19400 33RD AVENUE W., SUITE 200



**ELENA LANE**

SECTION 7, T.26N., R.4E., W.M.

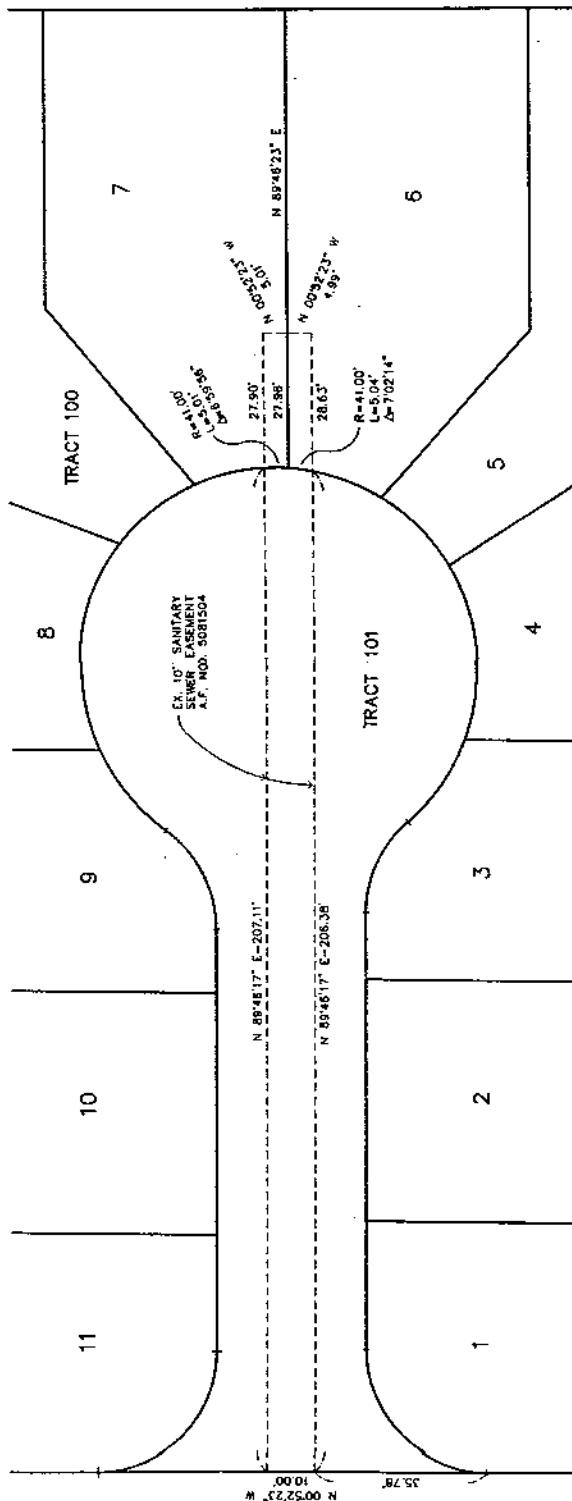
**KING COUNTY, WASHINGTON**



## EASEMENT PROVISIONS

THE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR TEN FOOT PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF THE LOTS AND LOTS TO BE CONVEYED, WITH SUCH RIGHTS AND PRIVILEGES AS ARE NECESSARY TO CONSTRUCT, MAINTAIN, OPERATE AND MANAGE UNDERGROUND CABLES, TELEVISION CABLES, TELEPHONE CABLES, AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION, AND OTHER PROPERTY, WITH ELECTRIC, TELEPHONE, TELEVISION CABLE, CABLE, AND OTHER UTILITY SERVICE. THE GRANTOR HEREBY AGREES TO ENTER UPON THE LOTS AND TRACAT ALL LINES FOR THE PURPOSES HEREIN STATED.

THE PRIVATE DRAINAGE EASEMENT ACROSS LOTS 6 AND 7, AS SHOWN HEREON, IS HEREBY RESERVED FOR AND GRANTED TO THE OWNERS OF LOTS 5, 6 AND 7 FOR THE PURPOSE OF OPERATING, MAINTAINING, AND RECONSTRUCTING THE STORM WATER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.



ALTERATION OF LOTS 9 AND 10, BLOCK 4,  
RICHMOND ACRES (VOLUME 12, PAGES 29)  
IN NW1/4, NE1/4, SECTION 7, T.26N., R.4E., W.M.  
LOVELL-SAUERLAND & ASSOCIATES, INC.  
19400 33RD AVENUE W., SUITE 200



SECTION 7, T.28N., R.4E., W.M.  
CITY OF SHORELINE  
KING COUNTY, WASHINGTON

1. TRACT A, A PRIVATE ROAD, IS HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS, TO THE ADJACENT LOT THROUGHOUT THE ENTIRE TERM OF THE EASE, INCLUDING THROUGHOUT THE ENTIRE TERM OF THE EASE, WITH AN EQUAL AND UNQUINDED INTEREST UPON THE RECORDS OF THE COUNTY OF LOS ANGELES. THIS TRACT SHALL REMAIN AN INDEFEASIBLE AND NOT INSEPARABLE FROM SAID LOTS.
2. TRACT B, A DRAINAGE FACILITY AND COMMON RECREATIONAL AREA, IS HEREBY GRANTED AND CONVEYED, TOGETHER WITH ALL MAINTENANCE OBLIGATIONS, TO LOTS NUMBERED 1 THROUGH 11 INCLUSIVE, WITH AN EQUAL AND UNQUINDED INTEREST UPON THE RECORDS OF THE COUNTY OF LOS ANGELES. THIS TRACT SHALL REMAIN AN INDEFEASIBLE AND NOT INSEPARABLE FROM SAID LOTS.
3. TRACT B IS A JOINT USE COMMON RECREATIONAL AREA AS SHOWN, AND IS FOR THE USE AND BENEFIT OF ALL LOT OWNERS OF THE TRACT, HEREIN AND/OR ASSIGNS. THIS AREA IS TO BE USED FOR RECREATIONAL PURPOSES, UNLESS OTHERWISE SPECIFIED. THIS AREA IS TO BE RESTRICTED TO THE HOURS BETWEEN 9:00 A.M. TO DUSK. THIS AREA SHALL BE MAINTAINED, REPAIRED, AND/OR REPLACED BY THE OWNERS OF THE PARCELS HAVING ACCESS THEREON AND THEIR HEIRS, ASSIGNS, OR SUCCESSORS. THE REPAIR AND MAINTENANCE OF THIS AREA SHALL BE THE RESPONSIBILITY OF THE OWNERS OF THE PARCELS HAVING ACCESS THEREON OR THEIR SUCCESSORS. THE OWNERS OF THE PARCELS HAVING ACCESS THEREON OR THEIR SUCCESSORS SHALL BE PLACED AGAINST THE PARCELS HAVING ACCESS THEREON OR THEIR SUCCESSORS FOR THE MAINTENANCE COST.
4. ALL SITE DEVELOPMENT WORK SHALL BE CONSTRUCTED IN ACCORDANCE TO PLANS UNDER CONSTRUCTION PERMIT NUMBER 2000-00786. THE IMPROVEMENTS, AS SHOWN ON THE ENGINEERING PLAN, HAVE BEEN SECURED WITH A PERFORMANCE GUARANTEE.
5. RUN OFF PROVISION: ALL BUILDING DOWNSPOUTS, FOOTING DRAINS AND ALL IMPROVEMENTS SUCH AS PATIOS AND DRIVEWAYS TO BE CONNECTED TO THE PERMANENT STORM DRAINAGE SYSTEM, AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS UNDER PERMIT NUMBER 2000-00786.
6. A SIX FOOT HIGH WOODEN FENCE OR EQUIVALENT PLANTING OF TREES AND SHRUBS IS TO BE INSTALLED ON PERMETER OF LOTS 1 THROUGH 11 OF THIS PLAN.
7. 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 REQUIREMENTS FOR CITY OF SHORELINE ZONING CODE.
8. ALL OWNERS OF LOTS IN THIS PLAN SHALL PROVIDE FOR THE MAINTENANCE AND REPAIR OF ALL COMMONLY OWNED FACILITIES, SUCH AS COMMON DRIVEWAYS, COMMON STORM DRAINAGE DETENTION AND CONVEYANCE SYSTEM, AND LANDSCAPING AS INSTALLED AS A PART OF THIS SUBDIVISION.
9. A SECURITY BOND HAS BEEN SECURED TO GUARANTEE THE SITE STABILIZATION, INSTALLATION OF COMMON LANDSCAPING.

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 A 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 TITELHOLDERS OF THE FACILITY A WRITTEN NOTICE OF THE CITY'S INTENTION TO HAVE A PERSON RESPONSIBLE FOR MAINTENANCE OF THE FACILITY OR OTHER PERSON OR AGENT IN CONTROL OF SAID PROPERTY, NOTICE OF THE SPECIFIC MAINTENANCE WORKS TO BE COMPLETED, AND THE DIRECTION OF THE DEPARTMENT OF PUBLIC WORKS SHALL BE ASSIGNED TO THE CITY. THE CITY SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND/OR REPAIR IS NOT COMPLETED WITHIN THE TIME SET BY THE DIRECTOR, THE CITY SHALL BE RESPONSIBLE FOR THE REQUIRED MAINTENANCE AND/OR REPAIR. WRITTEN NOTICE WILL BE SENT TO THE TITELHOLDERS. MAINTENANCE WORK WILL NOT COMMENCE UNTIL AT LEAST SEVEN DAYS AFTER SUCH NOTICE IS MAILED.
3. IF AT ANY TIME THE 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 TITELHOLDERS SHALL ASSUME ALL RESPONSIBILITY FOR THE COST OF ANY REPAIRS, MAINTENANCE AND/OR REPAIRS TO THE RETENTION/DETENTION FACILITY, SUCH AS THE REPAIRS AND MAINTENANCE OF THE FACILITY, AND THE CITY SHALL NOT BE RESPONSIBLE FOR THE RECEIPT OF THE INVOICE FOR ANY SUCH WORK PERFORMED. OVERDUE PAYMENTS WILL REQUIRE PAYMENT OF INTEREST AT THE CURRENT LEGAL RATE FOR LOANED MONEY. THE CITY WILL BE BORNE BY THE PARTIES RESPONSIBLE FOR SAID REPAIRS/MAINTENANCE.

THIS COVENANT BENEFITS ALL CITIZENS OF CITY OF SHORLINE, 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 THEREOF AS WELL AS THEIR HEIRS, AND INTEREST IN THE PROPERTY OR ANY PART THEREOF, AS WELL AS THEIR HEIRS, AND INTEREST IN ALL SUCH PROPERTY. AND TO THE BENEFIT OF EACH PERSON OR FUTURE SUCCESSOR IN INTEREST IN ALL SUCH PROPERTY OR ANY PART THEREOF, OR INTEREST THEREIN, AND TO THE BENEFIT OF ALL CITIZENS OF CITY OF SHORELINE.

[illegible]

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, CONSTRUCTING, RECONSTRUCTING, REPAIRING, MAINTAINING, ALTERING, CHANGING, CONTROLLING, 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, MAY 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 SHALL BE PERMITTED OR PERMITTED WITHIN THE ABOVE DESCRIBED SUCCESSOR AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE GRANTEE, ITS SUCCESSORS AND ASSIGNS, THAT NO DIGGING SHALL BE PERMITTED WITHIN THE FACILITY OR THE FACILITIES OF ANY MANNER DISBURSE, OR THAT NO FACILITIES ON THEIR SOLEITY OR NEARLY ANY PORTION THEREOF; AND THAT NO BLASTING OR DISCHARGE OF ANY EXPLOSIVES WILL BE PERMITTED WITHIN FIFTY (50) FEET OF SAID UNITS 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, TELEPHONE OR CABLE LINES. AT WHICH TIME ALL SUCH RIGHTS, TITLE, PRIVILEGES AND AUTHORITY HEREBY GRANTED SHALL TERMINATE.



ALTERATION OF LOTS 9 AND 10, BLOCK 4,  
RICHMOND ACRES (VOLUME 12, PAGES 29)  
IN NW1/4, NE1/4, SECTION 7, T. 28N., R. 4E., W.M.  
LOVELL-SAUERLAND & ASSOCIATES, INC.  
4033 3RD AVENUE W., SUITE 200  
LYNNWOOD, WASHINGTON 98036 425.775.1591

**RESOLUTION NO. 169**

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON,  
APPROVING THE FINAL PLAT OF ELENA LANE.**

WHEREAS, the applicant has made application for final plat of Elena Lane, a eleven lot subdivision; and

WHEREAS, the City Council approved the subject preliminary plat of Elena Lane on April 24, 2000 following a public hearing held by the Planning Commission on March 30, 2000; and

WHEREAS, engineering and site development plans have been approved, and the applicant has been issued a site development permit 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, with improvements to be completed within two years of final plat approval; and

WHEREAS, the applicant complied with all requirements of the City of Shoreline Municipal Code chapter 17.32, 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.

**Section 2.** The final plat of Elena Lane, is approved, subject to a performance bond guaranteeing site development will be completed within two years.

**Section 3.** The Mayor and the Planning and Development 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 10, 2000.**

\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

**CITY COUNCIL AGENDA ITEM**

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Approval of Ordinance No. 242 Creating a Budget Amendment for the 2000 Facilities Operations Budget for Maintenance of the Shoreline Pool

**DEPARTMENT:** Public Works

**PRESENTED BY:** William L. Conner, Public Works Director *WLC*

**EXECUTIVE / COUNCIL SUMMARY**

The purpose of this report is to complete needed repairs to the Shoreline Pool and to obtain your Council's approval for a budget amendment to increase the General Fund appropriations and revenues by \$67,871 for a total General Fund Budget of \$25,870,289. Administratively staff will reflect this increase as expenditures within the 2000 Facilities Operations Division. This will result in an increased division budget from \$964,150 to \$1,032,021.

In 1997, King County and the City of Shoreline entered into an Interlocal Agreement for maintenance of the Shoreline Pool. The Interlocal Agreement term is from January 1, 1997 and extends through December 31, 2000. The agreement provides that the City of Shoreline is eligible to receive reimbursement funds from King County for maintenance /repair work performed at the Shoreline Pool facility. In 2000, the City is eligible to receive reimbursement funds in the amount of \$67,871 from King County, the unused balance from the original \$150,000. As a result, no existing City funds would be required for these maintenance/repair projects.

Staff is in the design stage to upgrade the Shoreline Pool facility in accordance with the Master Plan Program. Staff is proposing to utilize King County's reimbursement funds to complete general maintenance items that are not covered within the Master Plan upgrade. Staff has obtained the necessary approval from King County Parks Department to complete the specified work items before December 31, 2000. The County also agreed to give the City of Shoreline an additional one-year extension to complete the work if necessary. The following work will be completed with these funds:

- Upgrade boiler system by replacing the gas/oil burner with a more reliable and efficient burner system
- Install a back flow prevention valve to improve the boiler efficiency by regulating water flow
- Increase boiler efficiency by increasing outside air flow capacity for combustion air



- Replace worn out parts on the air handling system
- Replace worn out pool valves that provide water to the pool
- Replace two worn out sump pumps
- Waterproof the north foundation wall
- Replace rusted out lifeguard towers
- Refurbish cathodic protection (corrosion) to the pool filter

Ordinance No. 242 will increase the General Fund appropriations and revenues by \$67,871. This will allow the Facilities Operating 2000 budget to absorb repair/maintenance costs associated with the Shoreline Pool facility, that will be reimbursed by King County.

### **RECOMMENDATION**

Staff recommends that your Council adopt Ordinance No. 242 that amends the year 2000 General Fund Budget from \$25,802,418 to \$25,870,289.

Approved By:

City Manager

LB

City Attorney

[Signature]

## ORDINANCE 242

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 222, AS AMENDED, BY INCREASING THE REVENUE TO THE GENERAL FUND AND AUTHORIZING EXPENDITURES FOR REPAIRS TO THE SHORELINE POOL**

WHEREAS, the 2000 Budget was adopted in Ordinance No. 222; and

WHEREAS, in 1997 the City of Shoreline entered into an Interlocal Agreement with King County for the transition of parks, open space, recreation facilities and programs within the City's boundaries; and

WHEREAS, Section 4.6 of this Interlocal Agreement providing transitional funding for repairs to the Shoreline Pool expires December 31, 2000; and

WHEREAS, the City wishes to utilize this source of revenue to provide repairs to the existing pool facility; and

WHEREAS, the City of Shoreline is required by RCW 35A.33.075 to include all revenues and expenditures for each fund in the adopted budget;

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

**Section 1. Amending Section 2 of Ordinance No. 222.** The City hereby amends Section 2 of Ordinance No. 222, as amended, the 2000 Annual Budget, by increasing the appropriation from the General Fund by \$67,871 to \$25,870,289 and by increasing the Total Funds appropriation to \$68,575,761 as follows:

General Fund	<del>\$25,802,418</del>	25,870,289
Development Services Fund	2,372,896	
Street Fund	4,147,325	
Arterial Street Fund	440,608	
Surface Water Mgmt. Fund	5,410,407	
General Capital Fund	9,436,348	
Roads Capital Fund	14,971,423	
Surface Water Capital	3,137,048	
General Reserve Fund	1,670,330	
Equipment Replacement Fund	815,536	
Vehicle Operations/	131,790	
Maintenance Fund		
Unemployment Fund	62,621	
Advance Travel Fund	5,140	
Code Abatement Fund	104,000	

Total Funds    \$ 68,507,892    \$ 68,575,761

**Section 2. Funds for Shoreline Pool Repair.** The City Manager is hereby authorized to receive \$67,871 in revenue in the General Fund and expend an additional \$67,871 from the Public Works, Facility Operations Division to construct needed repairs to the Shoreline pool.

**Section 3. Net Impact on the General Fund.** This ordinance increases the resources for the General Fund by \$67,871 and increases the expenditure authority for the General Fund by \$67,871. This ordinance does not change the General Fund 2000 ending fund balance of \$927,391.

**Section 4. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 5. Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL ON JULY 10, 2000.**

\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sharon Mattioli  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: \_\_\_\_\_, 2000

Effective Date: \_\_\_\_\_, 2000

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

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 241 approving a contract rezone for the Highland Townhomes File #: 2000-000519 permitting the development of five townhomes
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Tim Stewart, Planning Director; Rachael Markle, Senior Planner

**EXECUTIVE / COUNCIL SUMMARY**

The decision before your Council is approval of a reclassification of property (contract rezone) at 514 North 150<sup>th</sup> Street that would permit the development of five units of attached townhomes with secured two car garages below each unit on two parcels totaling 17,126 square feet. The parcels are presently zoned residential six (6) units per acre – R-6. The Comprehensive Plan Land Use Map designates these properties as medium density (Residential 8 units per acre or Residential 12 units per acre).

The application was submitted by the property owner, Catherine Gilbert on March 31, 2000, and was determined to be complete on April 14, 2000. A Mitigated Determination of Non Significance (MDNS) was issued on May 17, 2000. A public hearing before the Planning Commission was opened and closed on June 15, 2000.

The Planning Commission Findings and Recommendation (Exhibit A) contains findings of fact, conclusions, and conditions considered by the Planning Commission. The Planning Commission agreed with staff's recommendation of approval. The Planning Commission voted 8-1 to approve the proposed reclassification of property. The draft minutes from the hearing are also included in Exhibit A for reference.

Your Council is the final decision making authority for approval or denial of the proposed contract rezone. An open record public hearing was previously conducted before the Planning Commission. Therefore your Council's review must be based upon the written record. No new testimony may be heard.

**RECOMMENDATION**

Both the Planning Commission and staff recommend that your Council adopt Ordinance No. 241 approving the Reclassification of Property (Contract Rezone) of the subject property, subject to the Planning Commission's Findings and Recommendation. By

approving this contract rezone, your Council will allow the applicant to submit the plans and studies required for building permit approval.

**ATTACHMENTS**

Exhibit A: Planning Commission Findings and Recommendation

Attachment A: Conditions

Attachment B: SEPA Threshold Determination

Attachment C: Site Plan

Attachment D: Landscape Plan

Attachment E: Building Elevations

Attachment F: Draft Minutes of June 15, 2000 Public Hearing

Exhibit B: Zoning Map Amendment and Legal Description

Exhibit C: Ordinance 241

Exhibit D: Concomitant Agreement

Attachment A: Conditions

Approved By: City Manager LB

City Attorney 

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**Commission Meeting Date: June 15, 2000**

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**PLANNING COMMISSION FINDINGS AND RECOMMENDATION  
CITY OF SHORELINE, WASHINGTON**

<p><b>AGENDA TITLE:</b> Highlands Townhomes - Rezone from Residential 6-units per acre (R-6) to Contract Rezone at 514 North 150<sup>th</sup> Street</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------

After reviewing and discussing the Highlands Townhomes proposal to rezone property located at 514 North 150<sup>th</sup> Street at a public hearing on June 15, 2000 and considering the testimony and written comments presented, the Shoreline Planning Commission makes the following Findings, Conclusions, and Recommendations to the Shoreline City Council.

**I. PROPOSAL**

The proposed reclassification of property located at 514 North 150<sup>th</sup> Street would rezone the existing R-6 zone to a Contract Zone. The subject property consists of two parcels located on the southwest corner of North 150<sup>th</sup> Street and Westminster Way North. The rezone is necessary for the applicant to develop five units on the subject site. The applicant proposes to construct a five unit attached townhouse development on the lots.

The application was submitted by Catherine Gilbert on March 31, 2000 and was determined to be complete on April 14, 2000. The owners of the property are Catherine and John Gilbert. A Mitigated Determination of Non Significance (MDNS) was issued on May 17, 2000. The Contract zone proposed by the applicant complies with the density guidelines for development in the Medium Density Residential land use designation as stated in Shoreline's Comprehensive Plan. Details of the proposal include:

- A. Five attached two story townhomes with secured two car garages below each unit;
- B. The footprint of the proposed buildings is 3,415 square feet, covering 20% of the lot
- C. Total impervious surface, including the footprint of the building, the driveway, and walkways is to cover 8,097 square feet, covering 47% of the lot;
- D. Individual units, although still in the design stage, will be approximately 1,285 square feet in area not including 598 square feet of secured garage space with two or three bedrooms and two and a half baths;
- E. Vehicular access accommodated by a 16 feet wide joint use driveway located on North 150<sup>th</sup> Street;
- F. 9,029 square feet of open space and landscaped areas;
- G. The height of the townhomes will not exceed 32.5 feet above current grade of the land;
- H. Architectural elements, such as staggering the buildings, front porches on each unit, pitched roofs, and the utilization of a mixture of exterior materials including wood shingle and bevel siding;
- I. Planned retention of five existing pine trees on the East side of the lots

- J. A landscape plan that includes Chanticleer Pear trees, Newport Flowering Plum trees, Katsura Trees, Vine Maples, Blue Spruce, a variety of evergreen and flowering shrubs, and a variety of ground covers;
- K. Properties to the North and West will be buffered from the development by the proposed landscaping and the installation of a 6 feet high wooden fence around the perimeter of the property;
- L. Pedestrian access via walkways from the front porch of each unit to the proposed sidewalk adjacent to the property on Westminster Way; and
- M. Construct a 6 feet wide sidewalk with a four feet wide landscaped amenity zones adjacent to the property on Westminster Way and North 150<sup>th</sup> Street.

## **II. FINDINGS**

### **1. SITE**

- 1.1 The subject property consists of two parcels totaling approximately 17,137 square feet (.39 acres) in area.
- 1.2 One single-family house in poor condition is now located on the property. The proposal requires demolition of this house.
- 1.3 There are several pines and Douglas fir trees located on the East Side of the property.
- 1.4 The site is basically flat with an approximate grade change of 2%.

### **2. NEIGHBORHOOD**

- 2.1 The subject property is in the Highland Terrace Neighborhood and adjacent to the Westminster Triangle Neighborhood.
- 2.2 The site is bounded by North 150<sup>th</sup> Street, which is classified as a residential street and Westminster Way, which is classified as a principal arterial and truck route.
- 2.3 Single family housing is located to the North, East, and West of the subject property. Directly South of the subject property are an auto repair shop, an insurance office, and apartments.
- 2.4 The subject property is located less than one half mile from regional businesses (Central Market Complex) to the north and within a quarter mile of mixed business and residential uses to the South.

### **3. COMPREHENSIVE PLAN**

- 3.1 The Shoreline Comprehensive Plan has established a growth target of 1,600 – 2,400 new housing units during the 20-year planning period.
- 3.2 The Comprehensive Plan Land Use Designation Map identifies the subject parcels as Medium Density Residential. Adjacent properties to the north along Westminster Way and Fremont Avenue North are also designated as medium density. Please refer to Exhibit D: Comprehensive Land Use Map.
- 3.3 The current residential density of 2.5 units per acre indicates the site is underutilized and is not consistent with the density goals of the Comprehensive Plan. The Comprehensive Plan stipulates that R-8 or R-12 zoning is appropriate for medium density residential areas. The permitted base density for Medium Density Residential will not exceed 12 dwelling units per acre.

#### **4. ZONING**

- 4.1 The designated zone for the subject property is Residential 6 units per acre (R-6). The R-6 zone is not consistent with the Comprehensive Plan's Medium Density Residential land use designation.
- 4.2 Although a simple reclassification of the property could be allowed, a contract rezone is desirable due to the ability to apply specific design restraints. The reclassification of the zone to a Contract Rezone with residential 12 units per acre density would bring the property into compliance with the Comprehensive Plan.

#### **5. ISSUES**

- 5.1 Density: A density of 12 units per acre would be created by the development of this project. This density complies with the density goals specified for the Residential Medium Density land use designation.
- 5.2 Stormwater control: In order to mitigate downstream impacts on the Boeing Creek Subbasin associated with the construction of increased impervious surface on this site, the project proponent shall construct stormwater management improvements that are consistent with the Shoreline Comprehensive Plan and the 1998 King County Surface Water Design Manual. At a minimum, this measure requires the applicant shall submit project plans and supporting calculations with their application for a building permit that demonstrate Level 2 flow control for the proposed development. The applicant shall also be required to comply with the other core requirements in the 1998 King County Surface Water Design Manual.
- 5.3 Architectural design elements: The applicant has provided schematic elevation drawings of the proposed townhomes to show architectural elements that will be incorporated in the design. The applicant may make minor changes to materials and design.
- 5.4 Landscaping and tree retention: The applicant has provided a detailed landscaping plan. The applicant has also denoted the retention of five pine trees along the East side of the property adjacent to Westminster Way. The applicant may make minor changes in the type and location of landscaping depicted in the plan. A landscaping plan, stamped by a licensed landscaping architect will be submitted with the building permit.
- 5.5 Parking and pedestrian access: Off-street parking will be provided in two car garages located below each townhome. The entrances to each garage will be located on the West side (rear) of the units and accessed from North 150<sup>th</sup> Street by a joint use driveway. Guests may park in front of the garages. Paved walkways are shown on the site plan providing pedestrian access from each townhome to the proposed sidewalk on Westminster Way.
- 5.6 Street frontage improvements: The standard improvements to Westminster Way and North 150<sup>th</sup> Street adjacent to the property shall include construction of a concrete sidewalk that is a minimum of six-feet wide and a four-feet wide landscape amenity zone between the curb and sidewalk. The landscaping strip must include street trees chosen from the City's approved street tree list. Project plans demonstrating compliance with this condition shall be submitted as a requirement for the building permit.
- 5.7 Adequacy of water and sewer services: An approved Certificate of Water



Availability was received from the Shoreline Water Department. An approved Certificate of Sewer Availability was received from the Shoreline Wastewater Management District.

- 5.8 The applicant held a Neighborhood Meeting on March 31, 2000 after noticing property owners located within 500 feet of the proposed development. Approximately fifteen people attended. The applicant reported only supportive comments about the project.
- 5.9 Traffic: According to the 5<sup>th</sup> Edition of the Institute of Transportation Engineering Trip Generation Manual the proposed townhome development would generate an estimated 10.71 automobile trips on weekdays per unit or a total of 53.55 automobile trips per weekday for the site.

- 5.10 Public Comment Letters: Two letters were received during the public comment period from Ginger Botham and Brad Hackett /Kyoung Weston.

#### Summary of Public Comment

Issue	Addressed by Code or Conditions	Staff Response
The placement of the Notice of Application Sign was too high to reach fliers	N/A	Staff placed a second sign on the property on level ground
Width of roadway is not adequate at 16 feet	Code	According to the 1993 King County Road Standards Chapter 3: 3.01 Driveways (3)(a) A joint use driveway tract may be used to serve two parcels. The minimum width of the tract (not paved driveway) shall be 20 feet. Residential driveway width is required to be a minimum of 10' to a maximum of 20'. Therefore, the proposed 16 feet of paved driveway is adequate.
Length of driveway does not meet Code	Code	Since the proposed development is using a joint use driveway for access, the required linear 20 feet of driveway is measured from the garage entrance to the street property line on North 150 <sup>th</sup> Street along the centerline of the driveway to the entrance of the garage. The measurements indicate there is at least 20 feet of driveway between the garages & the street property line.
Will the units be for sale or rent?	N/A	The applicant has not determined this aspect of the project. This information is not part of the City of Shoreline's review for the Reclassification of Property.
A private roadway into a 5-unit project requires a sidewalk on one side of the private road.	Code	According to the 1993 King County Road Standards Chapter 3: 3.01 Driveways (3)(a) "A joint use driveway tract may be used to serve two parcels...", therefore the access to this development is not considered a private roadway. Joint use driveways do not require the construction of a sidewalk on one side.
Concern about controlling the erosion of the embankment on the NE corner of the lot	Code	According to Chapter 16.82 of the King County Integrated Code, which presently governs grading in the City of Shoreline, Section 16.82.100 states (A) "No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director." In addition Section 16.82 (B) Erosion Control states "(a)ll disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion..."
Opposed to multi family development in a single family neighborhood	Code	The Development Code states that a reclassification of property must be consistent with the Comprehensive Plan. The Comprehensive Plan states that a Residential 12 units per acre zoning designation, which permits townhouse development, is appropriate for these parcels.

### III. CONCLUSIONS

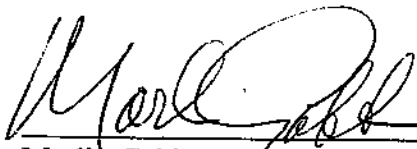
1. The proposed rezone to permit the development of this project is in conformance with the Shoreline Comprehensive Plan and the Washington State Growth Management Act.
2. The proposed development is an appropriate land use for the subject property providing a transition between the neighborhood businesses and offices located to the South of the property and the residential land uses bordering the subject property on the North, East, and West. The architectural design elements proposed as part of this development are consistent with the character of the neighborhood.
3. The proposal will provide adequate water, sewer, and stormwater service to the new townhomes and will not depreciate the level of service provided to abutting properties.
4. The proposed development will assist the City of Shoreline in meeting its housing production targets as established by King County to meet its obligation under the Growth Management Act.
5. The proposal will provide amenities (e.g., open space, landscaping, pedestrian facilities) that will ensure compatibility with neighborhood land uses.
6. The Contract Zoning Agreement will provide certainty about what will be developed on the site.

### IV. RECOMMENDATION

The Planning Commission recommends that the Reclassification of Property (Contract Rezone) be approved subject to the Concomitant Rezone Agreement and conditions described in Attachment A.

### ATTACHMENTS

- Attachment A: Conditions
- Attachment B: SEPA Threshold Determination
- Attachment C: Site Plan
- Attachment D: Landscape Plan
- Attachment E: Building Elevations
- Attachment F: Draft Minutes of the June 15, 2000 Public Hearing



Marlin Gabbert, Planning Commission Chair

6/21/00

Date

**CONDITIONS OF CONCOMITANT REZONE AGREEMENT  
AND COVENANT RUNNING WITH THE LAND  
Contract Zone No. CZ-00-01**

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

1. This Contract Rezone Agreement must be ratified by all parties and recorded against the properties in order to be a valid agreement.
2. The total number of dwelling units permitted shall be five (5).
3. The project shall comply with all mitigation measures as specified in the Mitigated Determination of Non-Significance (MDNS), Attachment B.
4. The project shall be constructed according to the architectural design shown on the building elevation plans, Attachment III, with allowances for minor changes to materials and design.
5. The project shall be constructed according to the site design shown on the site plan, Attachment IV, with allowance for minor changes and shall comply with the Shoreline Municipal Code Chapters 18.12, 18.14, and 18.18.
6. The project shall be constructed according to the Landscape Plan, Attachment V with allowances for minor changes to materials and design and shall comply with the Shoreline Municipal Code Chapter 18.16: Development of Standards – Landscaping and Water Use.
7. Fencing located in the front yard setback shall be a maximum of 3 ½ feet high based on the standards in the Development Code adopted by City Council on June 12, 2000.
8. Stormwater management for the site shall meet the standards in the Development Code adopted by City Council on June 12, 2000
9. Verify with the Shoreline Fire Department the adequacy of the proposed access to accommodate emergency vehicles and make adjustments to the site plan if necessary to ensure adequate emergency access.



## Planning and Development Services

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

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

#### RECLASSIFICATION OF PROPERTY FROM R-6 TO CONTRACT ZONE DEVELOPMENT OF FIVE ATTACHED TOWNHOMES

##### PROJECT INFORMATION

Date of Issuance	May 17, 2000
Applicant:	John Gilbert Construction
Project Number:	2000-000519
Parcel Number:	951110-009408 and 951110-008905
Location of Proposal:	514 North 150 <sup>th</sup> Street
Description of Proposal:	Construct a 5-unit attached townhouse development, which will include two car garages located below each two story unit, a common open space area, stormwater management improvements, sidewalk and frontage improvements, and associated landscaping. One single family home will be demolished to accommodate this project. Project area is approximately 17,137 square feet (.39 acres)
Current Zoning:	Residential, 6 Dwelling Units/Acre (R-6)
Proposed Zoning:	Contract Zone (CZ): Residential, 12 Dwelling Units/Acre (R-12) with Contracted Conditions
Comprehensive Plan:	Medium Density Residential – 7 to 12 Dwelling Units/Acre

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

#### MITIGATION MEASURES:

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

##### 1. Pedestrian Safety and Aesthetics

In order to mitigate adverse impacts to pedestrian safety and aesthetics associated with this proposal, the project proponent shall construct frontage improvements along the portion of Westminster Way abutting the site that are consistent with the Shoreline Comprehensive Plan.

Improvements shall include construction of a concrete sidewalk that is a minimum of six feet wide and a four-foot wide landscape amenity zone with appropriate plantings between the sidewalk and the vehicle travel lane. Project plans demonstrating compliance with this condition shall be submitted as a requirement for the building permit.

## **2. Stormwater Management**

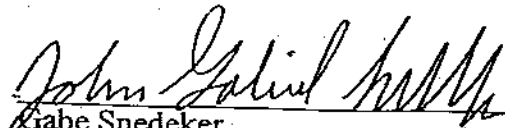
In order to mitigate downstream impacts on the Boeing Creek Subbasin associated with the construction of increased impervious surface on this site, the project proponent shall construct stormwater management improvements that are consistent with the Shoreline Comprehensive Plan and the 1998 King County Surface Water Design Manual. At a minimum, the applicant shall submit project plans and supporting calculations with their application for a building permit that demonstrate Level 2 flow control for the proposed development. The applicant shall also be required to comply with the other core requirements in the 1998 King County Surface Water Design Manual.

## **PUBLIC COMMENT AND APPEAL INFORMATION**

The optional DNS process in WAC 197-11-355 is being used. There is no comment period for this MDNS (WAC 197-11-355(a)). A Notice of Application (NOA) was issued for this project on April 19, 2000. The NOA stated that the lead agency intended to issue an MDNS for this project and identified proposed mitigation measures. The comment period for the NOA closed on May 4, 2000. Please see the information provided below regarding a public hearing on this proposal.

This SEPA threshold determination may be appealed within 21 calendar days of the date of issuance. Appeals of SEPA threshold determination must be received by the City Clerk's Office at 17544 Midvale Avenue North, Shoreline, WA 98133 by 5:00 p.m. on June 6, 2000. Appeals must include a fee of \$350.00 and must comply with the requirements of S.M.C. 16.45.030 and Resolution 130, Exhibit A, Section 7.

The Shoreline Planning Commission will hold a public hearing on this proposal on Thursday, June 15, 2000 at 7:00 p.m. in the Board Room, Shoreline Conference Center, 18560 First Avenue N.E., Shoreline, Washington. The public hearing is being held to consider public comments on this proposal. All interested persons are encouraged to attend the public hearing and may provide written and/or oral testimony at this hearing. For questions about this proposal, please contact Rachael Markle at 206.546.6778, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133.

  
Gabe Snedeker  
SEPA Responsible Official  
Planning and Development Services  
City of Shoreline

5/16/00  
Date

### **III. CONCLUSIONS**

1. The proposed rezone to permit the development of this project is in conformance with the Shoreline Comprehensive Plan and the Washington State Growth Management Act.
2. The proposed development is an appropriate land use for the subject property providing a transition between the neighborhood businesses and offices located to the South of the property and the residential land uses bordering the subject property on the North, East, and West. The architectural design elements proposed as part of this development are consistent with the character of the neighborhood.
3. The proposal will provide adequate water, sewer, and stormwater service to the new townhomes and will not depreciate the level of service provided to abutting properties.
4. The proposed development will assist the City of Shoreline in meeting its housing production targets as established by King County to meet its obligation under the Growth Management Act.
5. The proposal will provide amenities (e.g., open space, landscaping, pedestrian facilities) that will ensure compatibility with neighborhood land uses.
6. The Contract Zoning Agreement will provide certainty about what will be developed on the site.

### **IV. RECOMMENDATION**

The Planning Commission recommends that the Reclassification of Property (Contract Rezone) be approved subject to the Concomitant Rezone Agreement and conditions described in Attachment A.

### **ATTACHMENTS**

- Attachment A: Conditions
- Attachment B: SEPA Threshold Determination
- Attachment C: Site Plan
- Attachment D: Landscape Plan
- Attachment E: Building Elevations
- Attachment F: Draft Minutes of the June 15, 2000 Public Hearing

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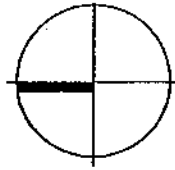
Marlin Gabbert, Planning Commission Chair

Date

RECEIVED

MAR 31 2000

P & DS



CITY of SHORELINE  
KING COUNTY  
NW 1/4 SW 1/4, SEC. 18, T 28 N, R 4 E, M  
LOTS 5 & 6

( 17,137 SQ. FT. )

SCALE : 1" = 20' - 0"

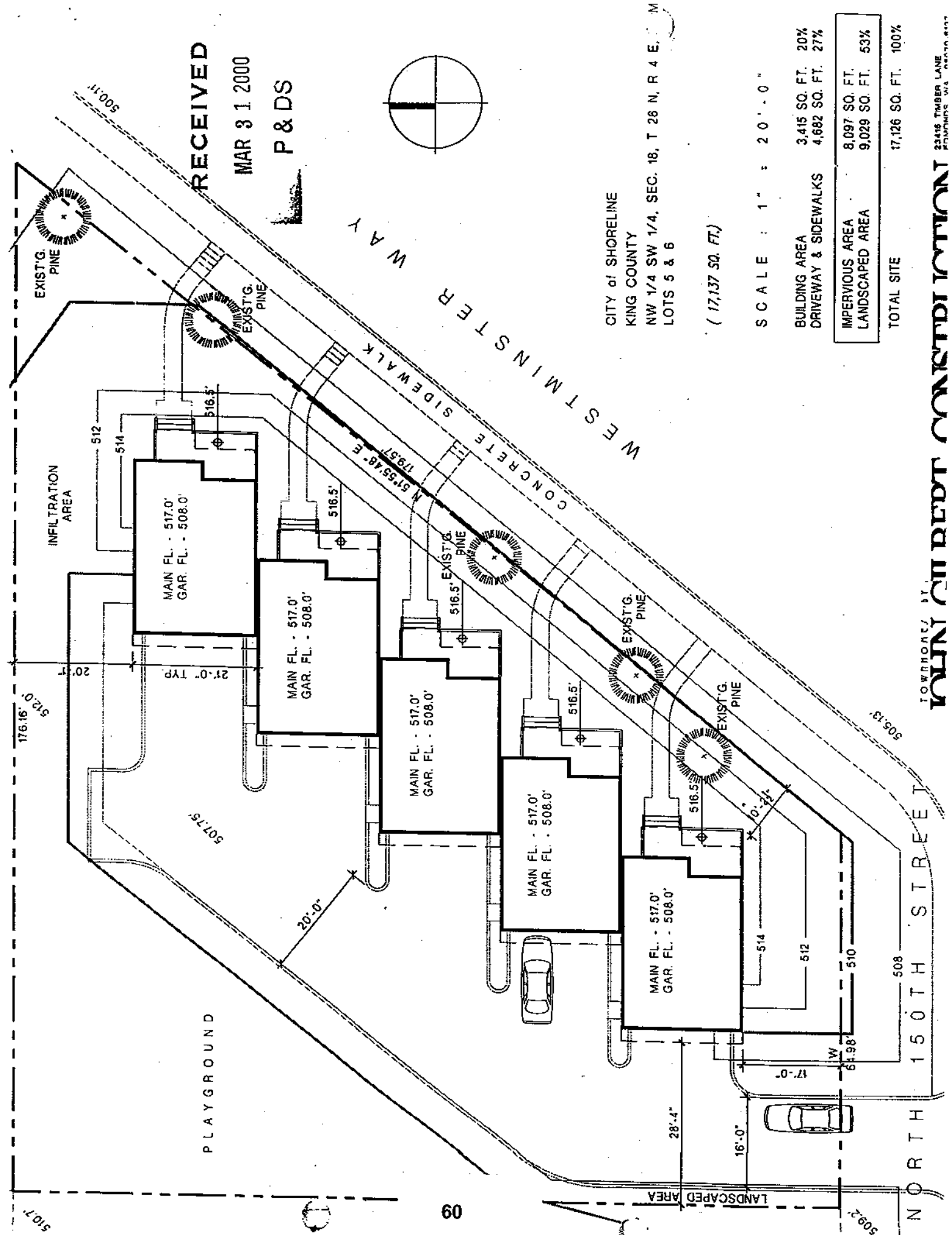
BUILDING AREA 3,415 SQ. FT. 20%  
DRIVEWAY & SIDEWALKS 4,682 SQ. FT. 27%

IMPERVIOUS AREA 8,097 SQ. FT.  
LANDSCAPED AREA 9,029 SQ. FT. 53%

TOTAL SITE 17,126 SQ. FT. 100%

TOWNHOMES BY  
**VALLEY CREDIT CONNECTION**

23416 THUNDER LANE  
SHORELINE, WA 98148-4517



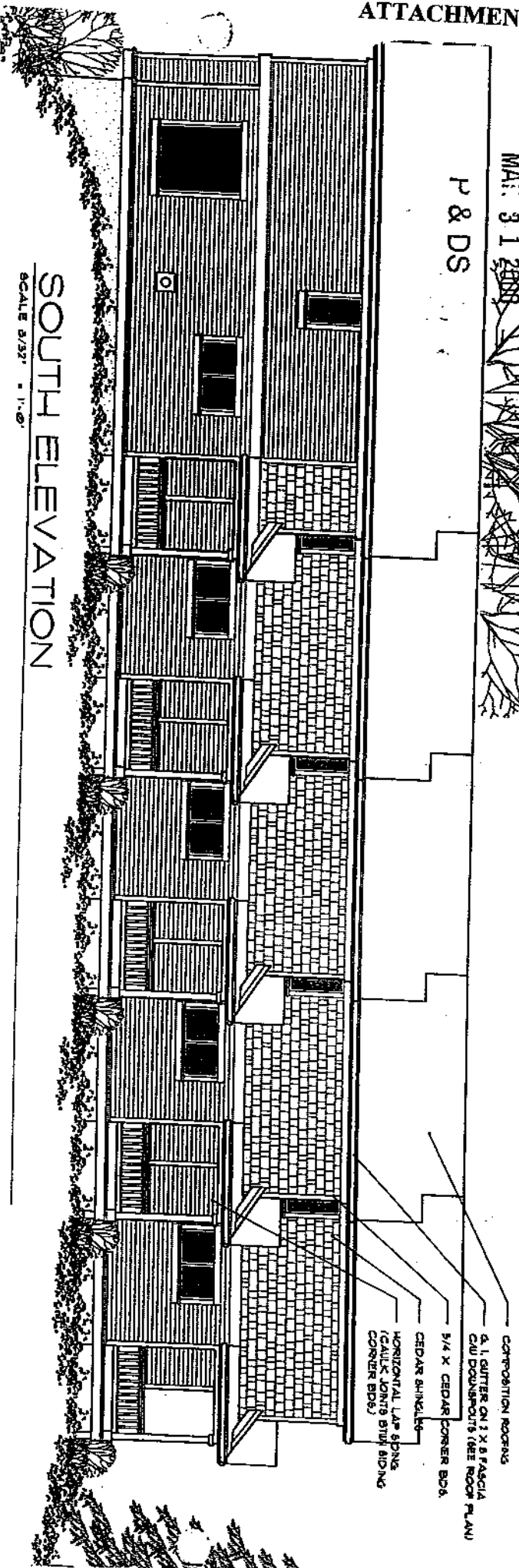




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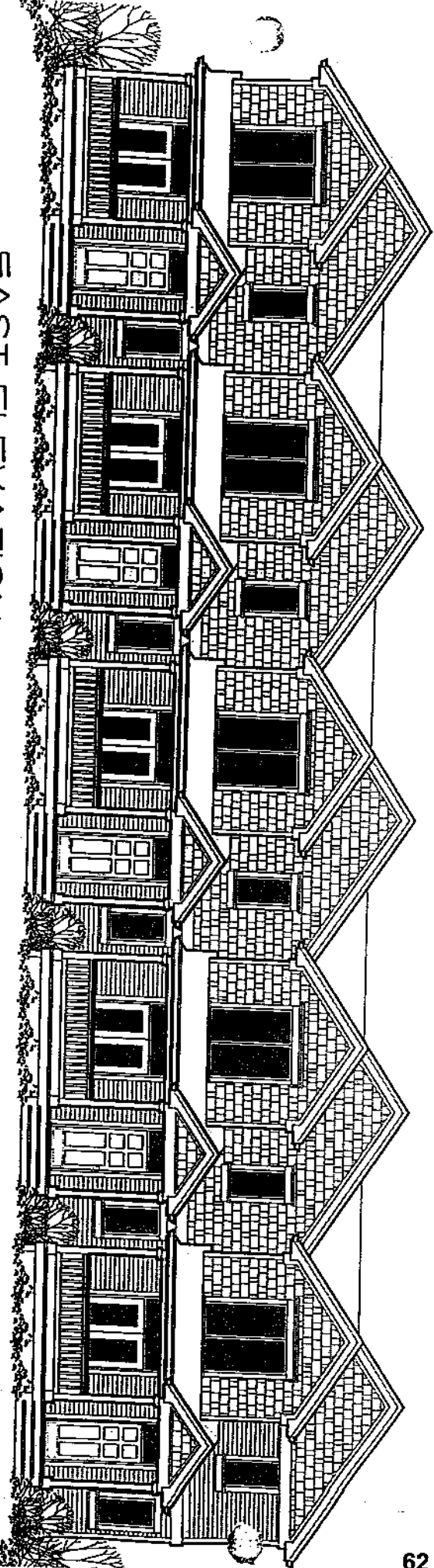
MAR. 31 2008

P & DS



SOUTH ELEVATION

SCALE 3/32" = 1'-0"



EAST ELEVATION

SCALE 3/32" = 1'-0"

TOWNHOMES BY  
 JOHN GILBERT CONSTRUCTION

23415 TIMBER LANE  
 EDMONDS, WA 98020-6137  
 (206) 542-1171

DRAFT

These Minutes Subject to  
July 6 Approval**CITY OF SHORELINE****SHORELINE PLANNING COMMISSION  
SUMMARY MINUTES OF REGULAR MEETING**June 15, 2000  
7:00 P.M.Shoreline Conference Center  
Board Room**PRESENT**

Chair Gabbert  
 Vice Chair McAuliffe  
 Commissioner Monroe  
 Commissioner Doering  
 Commissioner Maloney  
 Commissioner Doennebrink  
 Commissioner Harris  
 Commissioner Marx (arrived at 7:01)  
 Commissioner McClelland

**STAFF PRESENT**

Tim Stewart, Director, Planning & Development Services  
 Kirk McKinley, Planning Manager, Planning & Development Services  
 Rachael Markle, Senior Planner, Planning & Development Services  
 Jeff Thomas, Planner, Planning & Development Services  
 Ian Sievers, City Attorney

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Gabbert, Vice Chair McAuliffe, Commissioners Doering, Monroe, Maloney, Harris, Doennebrink and McClelland. Commissioner Marx arrived at the meeting at 7:01 p.m.

**3. APPROVAL OF AGENDA**

The agenda was amended as follows:

- ☐ Move Item 8a (Public Hearing) to Item 6.
- ☐ Move Item 6 (Reports to the Commissioners) to Item 7.
- ☐ Move Item 7 (Staff Reports) to Item 8

- ❑ Add Item 7a—A report by Commissioner Monroe regarding the recent meeting he attended with Bob Deis and Tim Stewart.
- ❑ Add Item 7b—A letter from Concerned Citizens of Shoreline regarding a meeting.
- ❑ Add Item 7c—Recognition of Past Planning Commission Chairs.
- ❑ Add Item 10a—Phase III Zoning Map.
- ❑ Add Item 10b—Overlay Districts in North City.

#### **4. APPROVAL OF MINUTES**

COMMISSIONER MALONEY MOVED TO ACCEPT THE MINUTES OF MAY 4, 2000 AND MAY 18, 2000 WITH THE FOLLOWING CORRECTION: IT SHOULD BE NOTED ON BOTH SETS OF MINUTES THAT COMMISSIONER MCAULIFFE IS THE VICE CHAIR. VICE CHAIR MCAULIFFE SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

#### **5. PUBLIC COMMENT**

Walt Hagen, 711 North 193<sup>rd</sup> Street, said that he represents the group "Concerned Citizens for Shoreline." He distributed two letters that were provided to the Council at their last meeting expressing their concerns related to the design of the Aurora Corridor. When analyzing Alternative 2, which was the City Council's preference, the group did not find any relief of traffic congestion or improvement in the traffic flow in the east and west directions. He provided the group's analysis outlining their ideas for improving the traffic flow on Aurora.

#### **6. PUBLIC HEARING**

##### **6a. Type-C Action: Contract Rezone of Property Located at 514 North 150<sup>th</sup> Street (Highlands Townhomes)**

Chair Gabbert reminded the Commissioners of the rules regarding the Appearance of Fairness and the public hearing procedures.

THE PUBLIC HEARING WAS OPENED.

There were no ex parte declarations made by any of the Commissioners. There was no one in the audience who challenged any Commissioner's participation in the hearing.

Ms. Markle presented the staff report that was provided to the Commission prior to the meeting and affirmed to tell the truth. She said the proposal before the Commission is the reclassification of property located at 514 North 150<sup>th</sup> Street at the intersection of Westminster Way. The applicant has requested that the property be rezoned from R-6 to a contract rezone to allow for the construction of a 5-unit attached development on two parcels totaling approximately 17,126 square feet. Each unit would be two stories with secured, two-car garages below. Access would be provided from a joint-use driveway from

North 150<sup>th</sup> Street. The units would face Westminster Way and include porches with walkways leading to the proposed frontage improvements.

Ms. Markle said the current zoning of R-6 is not in compliance with the City's adopted Comprehensive Plan land use designation of medium density. The Comprehensive Plan states that appropriate zones for medium density are either R-8 or R-12. By rezoning the property as the applicant has requested, the zoning would be brought into compliance with the Comprehensive Plan.

Ms. Markle pointed out that the applicant has requested a contract rezone instead of a straight rezone to R-12 for the purpose of providing assurance to the public of the scale and design of the development that will occur on the site. Should the rezone be approved, the applicant would be bound by a concomitant agreement to build as specified on the plans that are approved. Upon completion of a SEPA review process, a Mitigated Determination of Non-Significance was issued, and two mitigation measures regarding pedestrian safety and aesthetics and stormwater management were established and incorporated into the recommended conditions of approval. Issues raised in the comment letters received from the public were addressed in the staff report using the Shoreline Municipal Code and the 1993 King County Road Standards.

Ms. Markle concluded that the proposed project is in conformance with the Shoreline Comprehensive Plan and the Washington State Growth Management Act. The proposal provides amenities such as open space, landscaping and pedestrian facilities to this neighborhood and would act as a transition area between neighborhood business to the south and the single-family homes bordering the subject property. She advised that staff recommends approval of the reclassification of the subject property from R-6 to a contract rezone subject to the conditions noted and based on the Findings of Fact and Conclusions.

Commissioner Doennebrink inquired if the driveway for the proposed development would be in the same location as the existing driveway. Ms. Markle answered that it is proposed to come off of North 150<sup>th</sup> Street, and would be required to meet all of the code standards. Commissioner Doennebrink expressed concern about the safety of allowing a driveway to be located so close to the intersection at Westminster Street. Ms. Markle said that after preliminary review, this driveway location was found acceptable by the engineering staff.

Commissioner Doennebrink inquired if any trees would be removed. Ms. Markle said that a few trees would be removed. Commissioner Doennebrink inquired if the bank would be lowered. Ms. Markle said that there cannot be more than a 2/1 slope, so the bank would either have to be graded or some type of rockery or wall would have to be constructed. These issues could be worked out as part of the building permit phase.

Commissioner Doering questioned the location of the playground, and inquired whether it would be open to the public and who would maintain it. Ms. Markle replied that the playground would be maintained by the homeowners as a private playground.

Commissioner Monroe suggested that it would be helpful to the Commission if topographical maps were provided as part of the staff report.

Commissioner McClelland agreed with Commissioner Doennebrink's concerns regarding the driveway location and traffic on Westminster. At this time North 150<sup>th</sup> Street is used as a cut through for people going from Dayton to Westminster in both directions. She questioned whether the transportation staff specifically reviewed the use of North 150<sup>th</sup> Street for access. Ms. Markle explained that this issue would be addressed during the building permit phase, and all aspects of project would have to meet the current code standards. She noted that preliminary review has indicated that the location of the driveway would be acceptable.

Vice Chair McAuliffe requested that staff explain why the applicant has proposed a contract rezone instead of a straight rezone. Ms. Markle responded that the applicant wanted to provide assurance as to the type of development that would be provided on the site. With a contract rezone, the applicant provides information as to the location and type of development as well as the landscaping that would occur on the site. Ms. Markle added that R-12 zoning would allow five units on the subject property, as well.

Catherine Gilbert, applicant, 23485 Timber Lane, Woodway, affirmed that her testimony would be the truth. She explained that after discussions with City staff, she and her husband opted to propose a contract rezone so that they could provide more detailed development plans to the City and the surrounding property owners. They would like to have the support of both the staff and the public. They are known for their quality work and desire to see the project through to fruition. They recognize that this area has a lot of potential.

Ms. Gilbert indicated that the playground proposed on the site would be a private open space supported and maintained by the property owners. She also stated that they have completed a lot of research on behalf of this project, and they are aware of the issues surrounding the location of the driveway and the slope of the bank.

Vice-Chair McAuliffe inquired if the units would be sold or rented. Ms. Gilbert answered that this is a financial decision that will be made after the applicants have gone through the permitting process. It could be a mixture of both. The end product will be a high-caliber, five-unit residential project with staggered design. The target population is professionals with one or two-person households. The living area will be about 1,300 square feet, and the garage and storage space will be about 600 square feet.

Commissioner McClelland inquired if there would be two floors above the garage. Ms. Gilbert said that there would be two floors above the garage, but the buildings would not exceed the maximum height limit. She referred to the elevation drawings that depict both the first and second floor of each unit. The garage would be below the street elevation.

Commissioner McClelland inquired who would be responsible for the development once it is completed. Ms. Gilbert assured the Commission that whether the units are rented or sold, the applicant will insure that the person in charge will be responsible. Chair Gabbert cautioned that the issue of whether the units will be sold or rented is not germane to the rezone proposal and should not be discussed further.

The Commission continued to discuss the elevation of the proposed units. Chair Gabbert clarified that from the street, the units will appear as two stories, but on the driveway side, the units will be three stories to accommodate the garage. Ms. Gilbert referenced a map showing the south and east elevations of the proposed development (Page 24 of the Staff Report).

Vice-Chair McAuliffe inquired if each individual unit would be responsible for placing their garbage out on the street. Ms. Gilbert answered affirmatively. There would be no covered garbage space along the street. Garbage will be stored in the individual garages until the pick up day.

Ms. Gilbert reassured the neighbors that this type of development would have a positive impact to their neighborhood. A lot of very nice landscaping would be provided on the site. She added that they have already held one neighborhood meeting and they will probably hold another neighborhood meeting in the future.

Brad Hackett and Kyoung Weston, 15021 Westminster Way North, affirmed to tell the truth. Mr. Hackett referred to a letter they submitted to the City regarding the issue. He said they are not opposed to the development of the property, but they are concerned about the quality of tenants that will live in the units if they are rented. They would not be as concerned if the units were owner-occupied. He said he is also concerned about the erosion of the bank along Westminster, and requested that a rockery be required. He also inquired how far towards Westminster Street the six-foot fence would extend.

Ms. Gilbert clarified that the steep embankment is the right-of-way and these concerns should be addressed towards the City. The area between the property line and the street is not owned by the applicant. The fencing would only go to the subject property line. She clarified that they intend to retain as many of the trees as possible. However, the City staff has indicated that a few trees present a danger and should be taken down. There is a substantial landscape buffer between the subject property and the property owner to the north. The survey markers are in place already and they are significantly back from the grade that has been a subject of concern. Specific solutions to the erosion problem would be addressed during the design and permitting process.

Ms. Gilbert pointed out that there are many single-family homes in the area, and they are currently being rented. Even if the units are sold to individual property owners, there is no guarantee that the units would not be rented out for various reasons. Again, Chair Gabbert cautioned that the Commission should not be considering the issue of whether the units would be rental or owner-occupied.

Chair Gabbert suggested that if a citizen has a concern regarding the erosion of the bank or about the possibility of the proposed development impacting an adjacent property, they should direct their questions to the staff so that they can be considered as part of the building permit review. Ms. Markle

pointed out that one of the building permit conditions that not more than a 2:1 be maintained. If it is not, then a rockery or some other type of erosion control would have to be placed on the slope.

Mary Jo Heller, 14804 North Park Avenue North (the Westminster Triangle Neighborhood), affirmed that her testimony would be the truth. She said her neighborhood is concerned about the steep embankment and the possibility of erosion. The neighborhood's other concern is the issue of ingress and egress and the number of cars that would be accessing the subject property. If there are five units, then there is a potential for 25 cars. Lastly, she asked that the next neighborhood meeting be held at a reasonable time so that working people could attend.

Ms. Gilbert clarified that two-car garages would be provided for each unit, with additional space in the driveway for two additional cars to park. In addition, there is also parking space near the playground area. Ms. Gilbert said that the last neighborhood meeting was very positive, and she wished Ms. Heller could have been there. She said that the Highland Terrace, Highlands and Westminster neighborhoods are all invited to attend the neighborhood meetings.

Ms. Heller said that as a whole, she understands the concern for density. The neighborhood feels that this is a good project if the concerns are addressed. The potential for 25 cars must be considered. The property can accommodate the proposed number of units if the traffic issues can be mitigated.

#### THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

Commissioner Harris expressed his opinion that the project is attractively designed and fits in with the other townhouse development that is in this area. As far as density, if the zoning is not changed then two large homes could be built on the lot, each with accessory dwelling units. The total number of bedrooms would probably be equal to that of five townhomes. He said he is familiar with the Gilbert's townhome development in Richmond Beach, and it is first class.

Commissioner Doering agreed that the project is very attractive. She said she is hoping that there will be less traffic than some fear because of the development's close proximity to public transportation and other amenities.

Commissioner Doennebrink agreed with Commissioners Doering and Harris. He said his only concern is regarding traffic.

Vice Chair McAuliffe said he likes the project as proposed, and he hopes that they do sell them as condominiums. It will be a very attractive addition to the City of Shoreline.

Commissioner McClelland agreed with the Commissioners who have previously spoken. However, she is concerned about the number of trips coming from that single driveway onto a very small street on a daily basis. This should be carefully considered. She said she does not have a concern with the density that is being proposed, and if the units are high-end rental units, then perhaps the neighborhood concern is not a major factor.



Commissioner Maloney inquired if all of the concerns in Ginger Botham's letter have been addressed in the proposal. Ms. Markle said that to the best of her knowledge they have been addressed in the staff report. Commissioner Maloney inquired if it is the staff's opinion that Ms. Botham's observations are inaccurate. Ms. Markle answered affirmatively. Commissioner Maloney said Ms. Botham has given a great deal of information to the Commission in the past, and he has often felt that she was better informed than he on some issues. Therefore, he is reluctant to think that all of her issues are inaccurate. Ms. Markle said that she reviewed Ms. Botham's issues with several other staff members to make sure that they were addressed adequately.

Commissioner Maloney said he is concerned about the garbage trucks, mail trucks, etc. all servicing these units from North 150<sup>th</sup> Street. This issue needs to be fully addressed. He pointed out that there is totally inadequate turn around space for garbage trucks or any type of emergency vehicle to enter the driveway. While he feels that the proposed project is attractive, he would be more comfortable with four units instead of five.

Commissioner Monroe said he is also concerned about the large amount of impervious surface proposed for the property. The City already has a major flooding problem. Even with all of the mitigation Shoreline is requiring from developers, the problem only seems to be getting worse. He questioned if there are any provisions for draining the below grade garages during heavy storms.

Chair Gabbert said he agrees with the other Commissioners that the proposal appears to be a quality project. The site is being used well, but he agreed that the turn around space may be inadequate. He also agreed that there could be a traffic problem on North 150<sup>th</sup> Street.

Commissioner Marx referred to the required six-foot fence, which needs to be only 3½ feet for that area that is within the front yard setback as indicated in the recently approved Development Code. Ms. Markle pointed out that this requirement is not applicable to the application because it was submitted prior to approval of the Development Code. If the Commission wishes to include this as a condition, they must do so through a formal action.

COMMISSIONER MONROE MOVED TO APPROVE THE APPLICATION WITH THE FOLLOWING CHANGES:

1. STUDY THE PROPOSED TURNAROUND TO DETERMINE IF IT IS FEASIBLE AND MEETS THE CODE REQUIREMENTS.
2. REQUIRE THAT ALL FENCING AND STORMWATER PLANS MEET THE REQUIREMENTS OF THE NEW DEVELOPMENT CODE.

Commissioner McClelland inquired if the area identified as a playground is required by the code. Ms. Markle answered that there is a requirement for open space, but this is in excess of that requirement. Commissioner McClelland pointed out that the site plan could be adjusted to provide more turn around space by decreasing the size of the play area. Ms. Markle agreed that is a possibility.

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The Commission discussed an amendment to the motion to require that there be adequate space on the site to accommodate service vehicles of all types and that they be able to turn around on site. The Commission acknowledged that it is not within their purview to change a site plan, but they could suggest a convenient way for utility vehicles to get access to the site. Perhaps this could be worked out by the applicant and staff. If a car can come in and go out of the driveway at the same time, the traffic flow would be improved.

Vice Chair McAuliffe said that he lives in the Highland Terrace Neighborhood. He noted that garbage trucks come very early in the morning, and he did not feel that they would present a problem. He suggested that if the Fire Department approves the turn around space identified on the site plan, there is no need for the Commission to require that change.

The Commission recommended that City staff work out a solution to the traffic congestion on North 150<sup>th</sup> Street. They agreed that if the driveway were changed so that cars could ingress and egress at the same time, the access situation would be improved. They also agreed that the number of trips and the possible impacts on North 150<sup>th</sup> Street should be identified. Ms. Markle clarified that the Commission is requesting that the impacts of traffic and the findings be attached to the report from the Planning Commission to the City Council. The Commission concurred and added that this information should identify the current uses on North 150<sup>th</sup> Street and the impacts that the new development would have on the current situation.

Mr. McKinley responded that 16 feet is adequate for the driveway to allow two cars to get in and out. As City staff reviews the final design, they will have the vision clearance triangle checked to make sure that cars going in and out would have a good view of Westminster. He clarified that staff would prefer that the access to this development be from North 150<sup>th</sup> Street instead of Westminster.

**THE MOTION WAS RESTATED AS FOLLOWS:**

**COMMISSIONER MONROE MOVED TO RECOMMEND APPROVAL OF THIS PROJECT TO THE COUNCIL WITH THE FOLLOWING ADDED CONDITIONS:**

1. STAFF WILL STUDY THE POSSIBILITY OF ENLARGING THE TURNAROUND AREA TO MAKE SURE THAT IT MEETS THE CODE REQUIREMENTS AND THE NEEDS OF THE FIRE DEPARTMENT.
2. STAFF WILL MAKE A FINDING REGARDING THE TRAFFIC IMPACTS TO NORTH 150<sup>TH</sup> STREET AND INCLUDE THIS IN THE COMMISSION'S REPORT TO THE COUNCIL.
3. THE FENCE WITHIN THE FRONT YARD SETBACK SHOULD BE 3½ FEET PURSUANT TO THE NEW DEVELOPMENT CODE.
4. THE STORMWATER DRAINAGE SYSTEM MUST CONFORM TO THE NEW DEVELOPMENT CODE.

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COMMISSIONER MARX SECONDED THE MOTION. MOTION CARRIED 8-1 WITH  
COMMISSIONER MALONEY VOTING IN OPPOSITION.

## **7. REPORTS OF COMMISSIONERS**

Commissioner Doennebrink said that a few weeks ago when he visited the King County Library he noticed that the Growth Management Commission was conducting a Housing Focus Group. He visited the meeting and found some interesting information regarding Growth Management. At his request, they sent him copies of this information which he distributed to each of the Commissioners.

### **7a. A Report by Commissioner Monroe on Recent Meeting with Staff**

Commissioner Monroe reported that Chair Gabbert, Commissioner Maloney and he met with the City Manager, the Planning Director and the Assistant City Manager. At that time, the three Commissioners asked that all land use issues in the City come before the Commission for review. They also felt that there was a need for a better process for the staff, Council and Commission to communicate with each other to avoid misinterpretations in the future. Third, the Commission would like to be highly involved in the development of the work program for the Planning Staff as it impacts the Commission. He reported that the meeting was an effective exchange of information.

Vice Chair McAuliffe said he believes that the rest of the Commissioners should have been informed of the meeting and invited to participate.

Chair Gabbert agreed that in the future Commissioners should inform the remainder of the Commission when representing the Commission in discussions with other parties. However, the intent of the meeting was to provide an opportunity for those who have been on the Commission several years to discuss some misconceptions and contentions that have existed for quite some time.

Commissioner Doering asked that the three Commissioners provide feedback regarding the result of the meeting and how they intend to accomplish the goal of better communication. Mr. Stewart advised that this issue would be discussed later in the agenda regarding the upcoming joint Commission/Council meeting.

### **7b. Letter from Concerned Citizens of Shoreline**

Chair Gabbert reported that he received a letter from the Concerned Citizens of Shoreline regarding the possibility of the Commission getting together with the group for breakfast. The purpose of the meeting is to allow the group the opportunity to meet the newly seated Commissioners and for a mutual exchange of ideas.

Commissioners Maloney and Doering volunteered to participate as a subcommittee for this meeting. Chair Gabbert cautioned that a Commission subcommittee can only discuss planning issues in general,

and cannot talk about site-specific issues. He requested that staff provide each Commissioner with a copy of the rules governing subcommittee meetings.

**7c. Recognition of Past Planning Commission Chairs**

Chair Gabbert noted that past Commission chairs have not been recognized by the Commission. Commissioner Maloney volunteered to head the chair recognition subcommittee.

**8. STAFF REPORTS**

**8a. Comprehensive Plan Amendment Process Update**

Mr. Thomas said that amending the Comprehensive Plan has been discussed by the Commission at two previous meetings. Staff has been working to put together a packet of information to present to the Commission at one of the meetings in July. Once an amendment package is put together and the review has been completed, staff will begin to advertise for proposed amendments in the fall, with the deadline near the end of the year. The actual first amendment cycle will take place starting in January 2001.

Mr. Thomas pointed out some pages in the Comprehensive Plan and Chapter 3 of the new Development Code which the Commission can review to get a better idea of how this process will work and what they can expect. Page 22 of the Comprehensive Plan describes how the plan was implemented. The second paragraph specifically references the State's Growth Management Act requirement to amend the Comprehensive Plan no more than once a year. Also, Page 62 of the Development Code provides criteria for amending the Comprehensive Plan.

Commissioner Monroe inquired if there is a state mandated deadline for completing the amendments. Mr. Thomas answered that staff would like to have the amendment cycle for 2001 started as soon as possible. There is a State mandate to have a major review completed by September of 2002. Commissioner Monroe noted that in both the Comprehensive Plan and the Development Code, the City has run up against deadlines that require a significant number of meetings within a short time period. He questioned if it is possible to adapt the schedule so that does not happen again.

**8b. North City Design Charette**

Ms. Markle reminded the Commission about the North City Design Charette kickoff that will be held June 20-23, 2000. She noted that each Commissioner should have received an invitation.

**8c. Phase II of Development Code Adoption**

Ms. Markle announced that Phase II of the Development Code was adopted by the City Council on June 12, 2000 with only minor revisions. Copies will be provided to the Commissioners as soon as they are available.

Mr. Stewart reviewed the following issues that were raised by the Council:

- ❑ **Bonus Floor for Mixed-Use Development.** There were some technical changes made that would require that those floors be set back eight feet in all directions and not just from the street face.
- ❑ **Single-Family Design Standards.** The Council adopted the Commission's recommendation to not include single-family design standards, but there was an extensive debate about how the City could provide massing and bulking requirements to help preserve neighborhood character. This issue was referred back to the Commission for further review.
- ❑ **Open Space Requirement for Multi-Family Development.** There were a number of questions regarding the calculation of slope and some of the other requirements. One particular issue was the multiple use of stormwater detention cells. The Council adopted the provision recommended by the Commission that there could be 50 percent of the stormwater detention area used for open space in certain appropriate situations.
- ❑ **Setback Between Multi-Family and Single-Family Development.** The Council discussed whether or not the setbacks should be decreased from the current code setback of 20 feet to 15 feet. He recalled that at the same time the setback was decreased the height limit was decreased from 60 to 35 feet. After further review, they adopted the Commission's recommendation as proposed.
- ❑ **Fence Requirements.** The Council held two debates on this issue. One was regarding the limitation of 3½ feet for a fence in the front yard. The second was related to the requirement that fences be modulated on private roads. The Council ended up adopting the Commission's recommendation.
- ❑ **Hobby Kennels.** The Council increased the number of unaltered dogs and cats allowed from three to four.

Mr. Stewart reported that the Development Code goes into effect June 21, 2000. Staff is in the process of developing a clean copy that includes all of the amendments made by the City Council. Once this is published, it will be distributed.

#### **8d. Dinner with the City Council**

Ms. Markle reported that a dinner for the Commission and City Council has been scheduled for July 24, 2000 at 6:00 p.m. in the Highlander Room. She asked that the Commission inform her of any agenda items they would like to discuss at the dinner meeting.

#### **8e. Short Course on Planning**

Ms. Markle reported that the Short Course on Planning is scheduled for July 17, 2000 starting at 6:00 p.m. She noted that more information would come to the Commission regarding this meeting.

Ms. Markle announced that Lanie Curry will be the new Commission Clerk and is currently training for the position. She will also be the primary contact for correspondence to and from the Commissioners.

## **9. UNFINISHED BUSINESS**

There was no unfinished business.

## **10. NEW BUSINESS**

### **10a. Phase III Zoning Map**

Chair Gabbert pointed out that the City has adopted a Development Code and a Comprehensive Plan, but they do not have a zoning map. Property owners are required to go through the rezone process before they can use the property as it is designated in the Comprehensive Plan.

Mr. Stewart said the City does have a zoning map, but when compared to the Comprehensive Plan land use map there are some areas that are not consistent. The City's challenge for the near future will be to review the Comprehensive Plan and the Zoning Map to identify and correct the inconsistencies. In the meantime, any property owner who feels that a current zone should be changed to conform with the Comprehensive Plan can go through the legislative process to have the zoning amended. Mr. Stewart said there will also be an opportunity for the Commission to review both documents and revisit some of the issues that were unsettled during the Comprehensive Plan adoption.

Commissioner McClelland said that the Commission was told during the public hearing that the City has a goal to increase the number of housing units from between 1,600 to 2,400. She said it would be interesting to know if the changes in the residential housing regulations actually facilitate more housing, and if so, how much more. Mr. Stewart agreed that this is a critical question and will become even more important when the 2000 census data is released. The state will provide King County with a population projection, and the County will have to accommodate that population growth by determining the number of new dwelling units that must be allocated throughout the County. The 1,600 to 2,400 unit figure that was adopted in the Comprehensive Plan in 1998 may have to be adjusted. Staff will consider the existing infrastructure and determine the appropriate opportunities for growth. But they must also consider the realistic constraints that prevent land from being developed as a more intense use. He noted that some of the new elements of the Development Code are very friendly to intensive development that is in scale with the neighborhood (i.e. accessory dwelling units, cottage housing, multi-family residential housing in commercial districts, and opportunities for quality development through the sub area planning process).

Mr. McKinley clarified that the City is required to monitor the amount of developable land. A report will be available soon and will provide a summary of how they have done over the past two years. Mr. Stewart agreed that they need to diligently monitor their production of housing and consider why they are or are not succeeding in their efforts.

#### **10b. Overlay Districts**

Chair Gabbert reminded the Commission that North City is developing an overlay district as funded by the City. He questioned how soon the City could start working on neighborhood overlay districts. Mr. Stewart answered that the subarea planning process recognizes that Shoreline is a diverse community with diverse neighborhoods. In order to accommodate that diversity, the City needs to consider the physical limitations and opportunities of each of the geographic areas. The North City overlay process is a major redevelopment project, and this same type of thing can be done in other economic development targets throughout the City. But the residential subarea plans can be much simpler, and neighborhoods can identify specific issues that are relevant to their particular neighborhood. Staff is very interested in discussing this issue further with the Commission in workshop sessions.

#### **11. AGENDA FOR NEXT MEETING**

Ms. Markle said that a public hearing will be held on July 6, 2000 for the Commission to review the siting of telecommunication facilities in the right-of-way. The draft ordinance will be included in the Commission's packet for review. This is a legislative action.

Commissioner Harris asked that he be excused from the July 6, 2000 meeting.

#### **12. ADJOURNMENT**

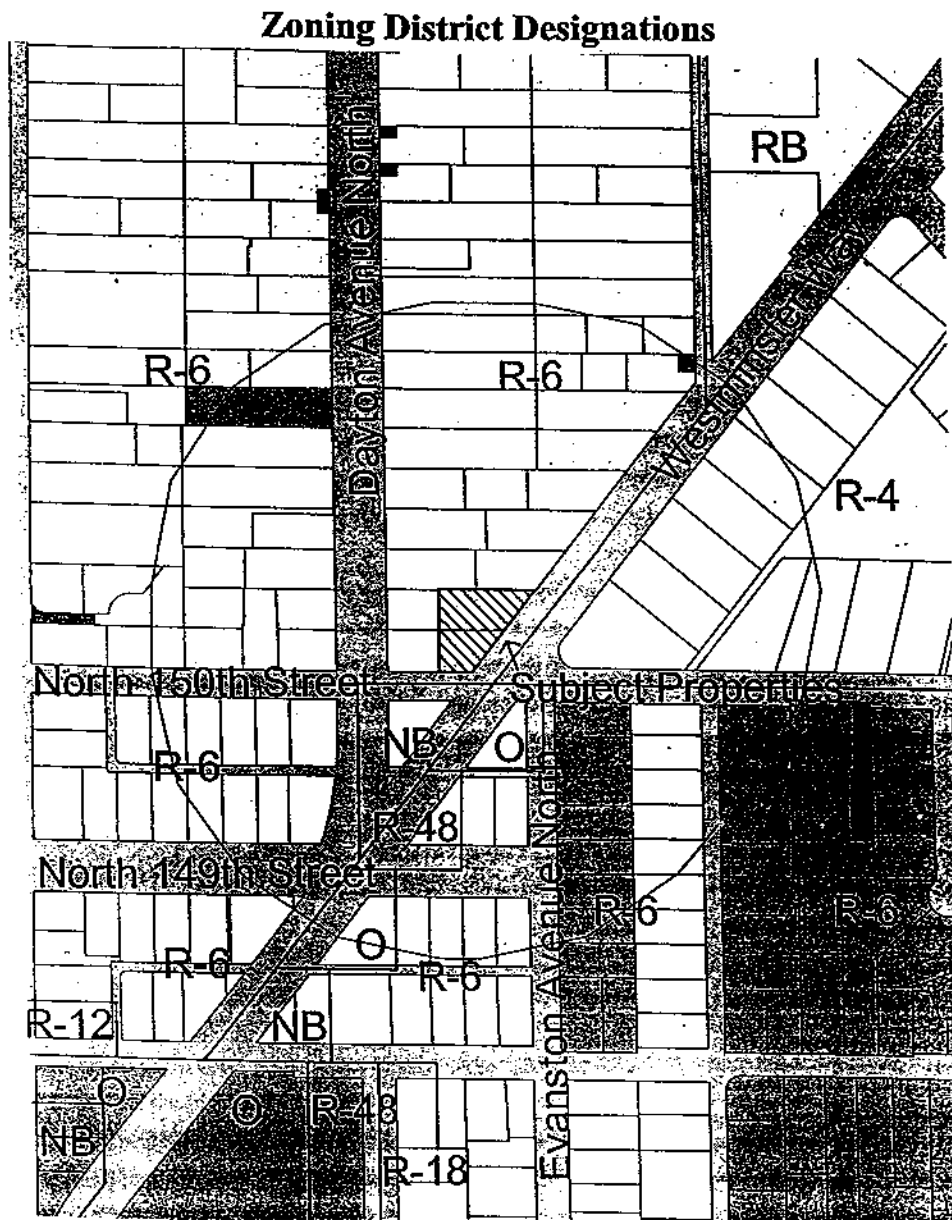
The meeting was adjourned at 9:25 p.m.

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Marlin J. Gabbert  
Chair, Planning Commission

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Suzanne M. Kurnik  
Clerk, Planning Commission



**ZONING KEY:**

R-4	Residential – 4 Units/Acre
R-6	Residential – 6 Units/Acre
R-12	Residential – 12 Units/Acre
R-18	Residential – 18 Units/Acre
R-48	Residential – 48 Units/Acre
RB	Regional Business
NB	Neighborhood Business
O	Office



**EXHIBIT B**

**LEGAL DESCRIPTION**

Lot(s) 5 and 6, Block 2, Woodcrest Addition to King County, Washington, according to the plat thereof, recorded in Volume 35 or Plats, Page(s) 42, records of King County, Washington. Except the West 90 feet of said Lots 5 and 6. Situate in the County of King, State of Washington.

## ORDINANCE NO. 241

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
AMENDING THE CITY'S ZONING MAP TO CHANGE THE ZONING  
OF TWO PARCELS LOCATED AT 514 NORTH 150<sup>TH</sup> STREET FROM  
R-6 TO CONTRACT ZONE #CZ-00-01 SUBJECT TO RESTRICTIVE  
COVENANTS**

WHEREAS, the subject property, located on the north side of North 150<sup>th</sup> Street at 514 North 150<sup>th</sup> Street, are designated on the Comprehensive Plan Map as Medium Density Residential; and

WHEREAS, owners of the property have applied to rezone the above property from R-6 to a Contract Zone. The Planning Commission considered the application for zone change at a public hearing on June 15, 2000, and has recommended approval as subject to a concomitant zoning agreement as a covenant restricting the uses and setting conditions of development as specified in this Contract Zone and Concomitant Zoning Agreement #CZ-00-01; and

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

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

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

**Section 1. Findings.** The Planning Commission's Findings and Recommendation to approve the rezone of the parcels, more fully described and depicted in Exhibit A, attached hereto, are hereby adopted.

**Section 2. Amendment to Zoning Map.** The official zoning map of the City of Shoreline adopted by Ordinance No. 11, is hereby amended to change the zoning classification of that certain property described and depicted in Exhibit B attached hereto, from R-6 to Contract Rezone #CZ-00-01 subject to the Concomitant Zoning Agreement attached hereto as Exhibit C, which covenant is incorporated herein as part of this ordinance by reference, and all uses of the property rezoned by this ordinance shall be in strict conformity with the provisions of the concomitant zoning agreement. Nothing in this ordinance or the concomitant zoning agreement attached hereto shall limit the Shoreline City Council from amending, modifying, or terminating the land use designation adopted by this ordinance.

**Section 3. Severability.** If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Covenant, or the application of such provision to other persons or circumstances, shall not be affected.

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

**PASSED BY THE CITY COUNCIL ON JULY 10, 2000.**

\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: July 13, 2000  
Effective Date: July 18, 2000

**CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND**

**Contract Zone No. CZ-00-01**

This Concomitant Rezone Agreement and Covenant (hereinafter "Covenant") dated \_\_\_\_\_, 2000, by and between the City of Shoreline, Washington, a municipal corporation (hereinafter "City"), and John and Catherine Gilbert (hereinafter "Owners").

**RECITALS**

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

Lots 5 and 6, Block 2, Woodcrest Addition to King County, Washington, according to the plat thereof, recorded in Volume 35 of Plats, Pages 42, records of King County, Washington. Except the West 90 feet of said lots 5 and 6. Situate in the County of King, State of Washington.

(Hereafter described as "Property").

- B. Owner has applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).
- C. The City has conditionally approved the rezone application provided the Property is developed under conditions and limitations, which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the City and Owners agree as follows:

1. **Title.** Owners are the sole and exclusive owners of the Property described above.
2. **Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned CZ-00-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.
3. **Uses.** The Owners or their successors may construct five (5) attached townhomes on the Property subject to the conditions recited in Attachment A, incorporated herein by reference.
4. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have

## Exhibit D

been adopted by the City Council for the Property subsequent to this agreement. Obligations contained herein shall be enforceable against all such successors and assigns.

5. **Filing.** A copy of this covenant will be filed for record with the King County Records and Elections Division.
6. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.
7. **Attorney Fees.** In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

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

OWNER(s)

CITY OF SHORELINE

\_\_\_\_\_  
John Gilbert

\_\_\_\_\_  
Bob Deis, City Manager

\_\_\_\_\_  
Catherine Gilbert

APPROVED AS TO FORM

\_\_\_\_\_  
Ian Sievers, City Attorney

STATE OF WASHINGTON )

COUNTY OF KING )

) ss.

)

**Exhibit D**

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

DATED: \_\_\_\_\_

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

STATE OF WASHINGTON )

) ss.

COUNTY OF KING )

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

DATED: \_\_\_\_\_

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

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

<b>AGENDA TITLE:</b>	Update on Recommended Skate Park Location at Paramount School Park
<b>DEPARTMENT:</b>	Parks, Recreation and Cultural Services
<b>PRESENTED BY:</b>	Wendy Barry, Director <i>WB</i>

**EXECUTIVE / COUNCIL SUMMARY**

The Paramount School Park has been identified as the preferred site for the City's skate park. The purpose of this report is to update your Council on the skate park location at Paramount School Park recommended by the Parks, Recreation and Cultural Services (PRCS) Advisory Committee and staff.

The City of Shoreline has engaged MacLeod Reckord consulting firm to provide design services for the Paramount School Park Improvements and the skate park. Phase One of the Paramount School Park Improvement Project will include ballfield improvements inside the path area, a restroom, frontage improvements, parking improvements on the west side of the park, existing path improvements, and relocation of the existing play area. It will not include the spray pool, basketball court, passive picnic areas, tot play areas, the backstop on the north field, or the parking on the east side of the park.

Input from the community and design team identified possible locations for placement of a skate park at Paramount School Park and design criteria was discussed by the PRCS Advisory Committee earlier this year.

Four possible sites for the skate park were identified by the consultants, including two in the north section of the park, one near the restroom on the west side of the park, and one on the east side of the park. See Attachment A: Paramount School Park Master Plan with Recommended Skate Park Location. The design consultants then developed schematic drawings for each location illustrating the spatial relationships of the skate park to other amenities and a list of pros and cons related for each possible location. The PRCS Advisory Committee reviewed this information at their meeting on June 22.

After evaluating the design criteria, pros and cons, and discussion of the north, east and west options, the PRCS Advisory Committee recommends the skate park be located in the northernmost section of the park, where the existing north parking lot is located. The location is noted on Attachment A: Paramount School Park Master Plan with Recommended Skate Park Location. They expressed strong support for a design that would be more linear in nature, stretching along the eastern portion of the north boundary of the park. This would accomplish several design objectives. The skate park

would be located outside of the adjacent playfield's foul ball territory with sufficient space designed as a buffer between the skate park and the walking path. It would also be more visible from outside the park. The skate park design could tie into the existing plaza at the north end of the park, allowing an appropriate gathering place for viewing and skaters. The topography in this north zone is more conducive to the grade changes that might be used in the skate park design. Until the preliminary design is developed, cost estimates are not available to compare the various locations. At this time, there are no known conditions that would lead staff or consultants to project significant differences in cost between the sites. Also, according to School District staff, this location would be less likely to conflict with a future school building as well.

The PRCS Advisory Committee stressed this recommendation is based on their desire to provide a high-quality facility that the community will be proud of and meets the community needs.

Upon review by your Council, the siting process will be completed. The public design meetings will then begin. The Project Manager has been collecting names of interested stakeholders, skaters, and others to participate in the design effort that could take place this summer or early fall. Construction timelines will be identified when more specific site information is finalized.

The skate park will be included in the bid for the Paramount Park School Improvements. Funding for this project has been obtained from the General Capital Fund and incorporated into the 2000-2005 Capital Improvement Program (CIP). The City's General Capital Fund provides \$1,364,000 in funding to construct the skate park and complete Phase One of the Master Plan approved for Paramount School Park Improvements.

### **RECOMMENDATION**

No formal Council action is required. Staff is seeking Council consensus on the recommended location of the skate park.

Approved By: City Manager LB City Attorney N/A



## BACKGROUND / ANALYSIS

After an extensive siting process, Paramount School Park was identified as the preferred site for the City of Shoreline skate park. On November 1, 1999 the School Board approved the City of Shoreline's Master Plan for Paramount School Park. On May 15, 2000 the Shoreline School Board gave their approval to include a skate park in the approved master plan for Paramount School Park. The School Board's approval was contingent upon the School Board reviewing the final design and the City of Shoreline's agreement to remove the skate park at City expense if Shoreline School District redevelops Paramount School Park for educational program purposes. On June 19, your Council gave your consensus to accept the conditions of approval proposed by the Shoreline School District.

Siting criteria were discussed by the Parks, Recreation and Cultural Services (PRCS) Advisory Committee earlier this year. The criteria are listed here for your reference.

<u>Age/Skill</u>	<u>Location</u>	<u>Other impacts</u>
Intermediate to young	Place away from homes	Concerns about impacts to
Separate the skill levels	Separate from path	drainage
Family oriented	Ease of access	Lessen impacts to passive
Types of wheels	Protect perimeter plantings	areas

The City of Shoreline has engaged MacLeod Reckord consulting firm to provide design services for Phase One of the Paramount School Park Improvements and the skate park. Phase One of the Paramount School Park Improvement Project will include ballfield improvements inside the path area, a restroom, frontage improvements, parking improvements on the west side of the park, improvements to the existing path, and relocation of the existing play area. It will not include the spray pool, basketball court, passive picnic areas, tot play areas, the backstop on the north field, or the parking on the east side of the park.

Input from the community and design team identified possible locations for placement of a skate park at Paramount School Park.

### PRCS Advisory Committee Review

The consultant team provided schematic drawings for each location to illustrate the spatial relationships and developed the following lists of pros and cons for each location. In addition, the Shoreline School District provided information on possible building locations, square footage requirements and orientation. This information was considered and discussed by the PRCS Advisory Committee on June 22.

Staff recommended that the PRCS Advisory Committee eliminate the east and west locations and focus on the best placement of the skate park in the north section of the park. The sites in the east and west sides of the park are the closest to adjacent neighbors and pose the most probability of negative impacts on the neighbors. The sites in the northernmost section of the park offer topography that is conducive to construction of this type of facility and are located farthest away from neighbors. There

are grade changes in this section of the park that can potentially be used in the design of the skate park. The following are the pros and cons for each location.

#### LOCATION A

West side of park near 8<sup>th</sup> Ave. N.E.

##### Pros:

- Moderate natural change in grade.
- No large existing trees affected.
- Away from potential future school building footprint.

##### Cons:

- Close proximity to residences and quiet street
- Restriction on size due to surrounding activities, parking and powerline easement.
- Close proximity to children's play areas and picnic shelter.
- Restricts parking on west side of site – requires expansion of parking on east side to compensate.
- Potential spillover of skateboarding activity into parking lot across sidewalk/parking access path.
- Visibility from arterial limited by restroom/picnic shelter, slope, and distance from 155<sup>th</sup> Street.

#### LOCATION B / C

North side of park near N.E. 155<sup>th</sup> Street

There are not significant differences in the impacts of locations B and C. Each location would have a different spatial orientation to other planned features in the park. However, the pros and cons are similar for each location.

##### Pros:

- Moderate to significant natural change in grade.
- Separation from residences by arterial street and change in grade.
- Located away from children's play areas.

##### Cons:

- Well established existing tree(s) potentially affected.
- Potential conflict with basketball and north access path – fence or railing required between
- Visibility from arterial limited by north slope and low branches on mature trees – selective pruning required.

#### LOCATION D East side of park on 10<sup>th</sup> Ave. N.E.

##### Pros:

- Significant natural change in grade.
- Separation from other activities, including children's play.
- No large existing trees affected.

##### Cons:

- Close proximity to residences and residential street.
- Potential interference with existing underground utilities.
- Potential spillover of skateboarding activity into parking lot.
- Visibility from arterial street somewhat limited by east slope and distance from 155<sup>th</sup> St.

#### PRCS Advisory Committee Analysis and Recommendation

After evaluating the design criteria, pros and cons, and discussion of the north, east and west options, the PRCS Advisory Committee recommends the skate park be located in the northernmost section of the park, stretching along the east portion of the north boundary of the park. This would place a large portion of the skate park where the existing north parking lot is located. They did not support locations C and B. Specifically, they expressed concern that there would not be enough visibility and the features were being placed too close together, potentially diminishing the visitor's experience. Instead, the Committee recommends the site slightly east of site B, a location that had been designated for a future basketball court.

The PRCS Advisory Committee expressed strong support for a design that would be more linear in nature stretching along east portion of the north boundary of the park because it would accomplish several design objectives. The skate park would be visible from outside the park enhancing security and emergency response. It would be located outside of the adjacent playfield's foul ball territory with sufficient space designed as a buffer between the skate park and the walking path. The skate park design could tie into the existing plaza at the north end of the park allowing an appropriate gathering place for skaters and viewing. According to School District staff, if there were a need at some point in the future to build a school, a 52,000 square foot building would be the typical size. The PRCS Advisory Committee reviewed what a 52,000 block would look like on the site and came to consensus that any future school building would likely displace the north playfield. The skate park placed along the north boundary of the park would be less likely to conflict with a future school building as well.

The PRCS Advisory Committee recognized this location displaces the basketball court planned for Phase Two of the Master Plan for Paramount Park. However, they also noted that the community has actively requested a skate park for several years and that the skate park was a much higher priority than a basketball court for the following reasons. There are several basketball courts in the community at schools, churches and in many backyards, and there has not been any similar community action or

request for more basketball courts. As a result, the PRCS Advisory Committee voted unanimously to recommend eliminating the basketball court from Phase Two of the Paramount Park School Master Plan. The PRCS Advisory Committee places a high priority on designing a skate park that will be high quality and meet community needs.

#### Next Steps

Upon review by your Council, the siting process will be completed. The public design meetings will then begin. The Project Manager has been collecting names of interested stakeholders, skaters, and others to participate in the design effort that could take place this summer or early fall. Construction timelines will be identified when more specific site information is finalized.

#### **RECOMMENDATION**

No formal Council action is required. Staff is seeking Council consensus on the location of the skate park.

#### **ATTACHMENTS**

Attachment A: Paramount School Park Master Plan with Recommended Skate Park Location

ATTACHMENT A  
RECOMMENDED  
SKATE PARK  
LOCATION

PARAMOUNT SCHOOL PARK  
MASTER PLAN

MACLEOD RECKORD  
231 SUMMIT AVENUE EAST  
SEATTLE, WA 98102

CITY OF SHORELINE  
17544 MIDVALE AVENUE NORTH  
SHORELINE, WA 98133

SHORELINE SCHOOL DISTRICT  
18550 FIRST AVENUE N.E.  
SHORELINE, WA 98155

