

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 490, a preliminary formal subdivision for 6 lots and 1 critical area tract located at 14521 -11 th Ave NE
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, PADS Director Paul Cohen, Senior Planner

PROBLEM/ISSUE STATEMENT:

The issue before Council is an application for a preliminary formal subdivision that would create 6 lots and 1 critical area tract located at 14521 – 11th Ave NE. The site is located directly south of Paramount Park along NE 145th St (Exhibit A)

The Planning Commission recommends that Council approve the preliminary formal subdivision with conditions (Exhibit B).

Shoreline Municipal Code (SMC) 20.30.060 requires preliminary formal subdivision applications to be processed as a quasi-judicial or "Type-C" action and an open record public hearing. The Planning Commission conducted an open record hearing on September 20, November 15, and December 6, 2007. Council review of Type-C actions must be based on the written record and no new testimony may be heard.

The SEPA determination of non-significance was issued July 5, 2007. That determination was appealed. The Hearing Examiner held an appeal hearing on October 1, 2007 and ruled to uphold the City's determination of non-significance (Exhibit C).

The proposed Preliminary Formal Subdivision (File No. 201584) would create 6 single-family lots, a critical area tract (geologic hazard area and its buffer and a stream buffer) and an access/utility tract on a parcel at 14521 – 11th Ave. NE. (Exhibit D). On-site improvements would include typical water, sanitary sewer, stormwater drainage and other utilities.

The proposed critical area tract includes a geologic hazard area and its buffer and the buffer of a Type II stream (Little's Creek) to the west. A 15-foot development setback from the top of slope is included with this tract. The critical area tract is 19,100 square feet or 27% of the site. This tract reduces the potential buildable lots from 9 to 6. There are 132 total significant trees on site. 30% are protected with no trees of any size to be removed in the critical area and buffers. 70% of trees could be removed which will require a tree replacement ratio between 1 and 3 per removed tree depending on diameter. Though 89 trees could be removed, approximately 180 trees will be replanted.

The Comprehensive Plan designates the site as Low Density Residential. The proposal of infill development is in support of the Comprehensive Plan's goal to accommodate growth that is compatible with the surrounding environment as well as the goal to protect environmentally critical areas.

At the public hearing, the Planning Commission heard from applicant representatives and area residents. The Commission's discussion included storm drainage and its impacts on Little's Creek, the impact on Paramount Park, and site access.

ALTERNATIVES ANALYZED:

The following options are within the discretion of the Council and have been analyzed by staff:

- The Council could approve the preliminary formal subdivision with conditions recommended by the Planning Commission and staff by adopting Ordinance No. 490, included as Exhibit E.
- The Council could approve the preliminary formal subdivision, but amend the Planning Commission's Findings, Conclusions and Recommendation, included as Exhibit B.
- The Council could amend the Planning Commission's Findings, Conclusions, and Recommendation and deny the preliminary formal subdivision.

FINANCIAL IMPACTS:

There are no direct financial impacts to the City.

RECOMMENDATION:

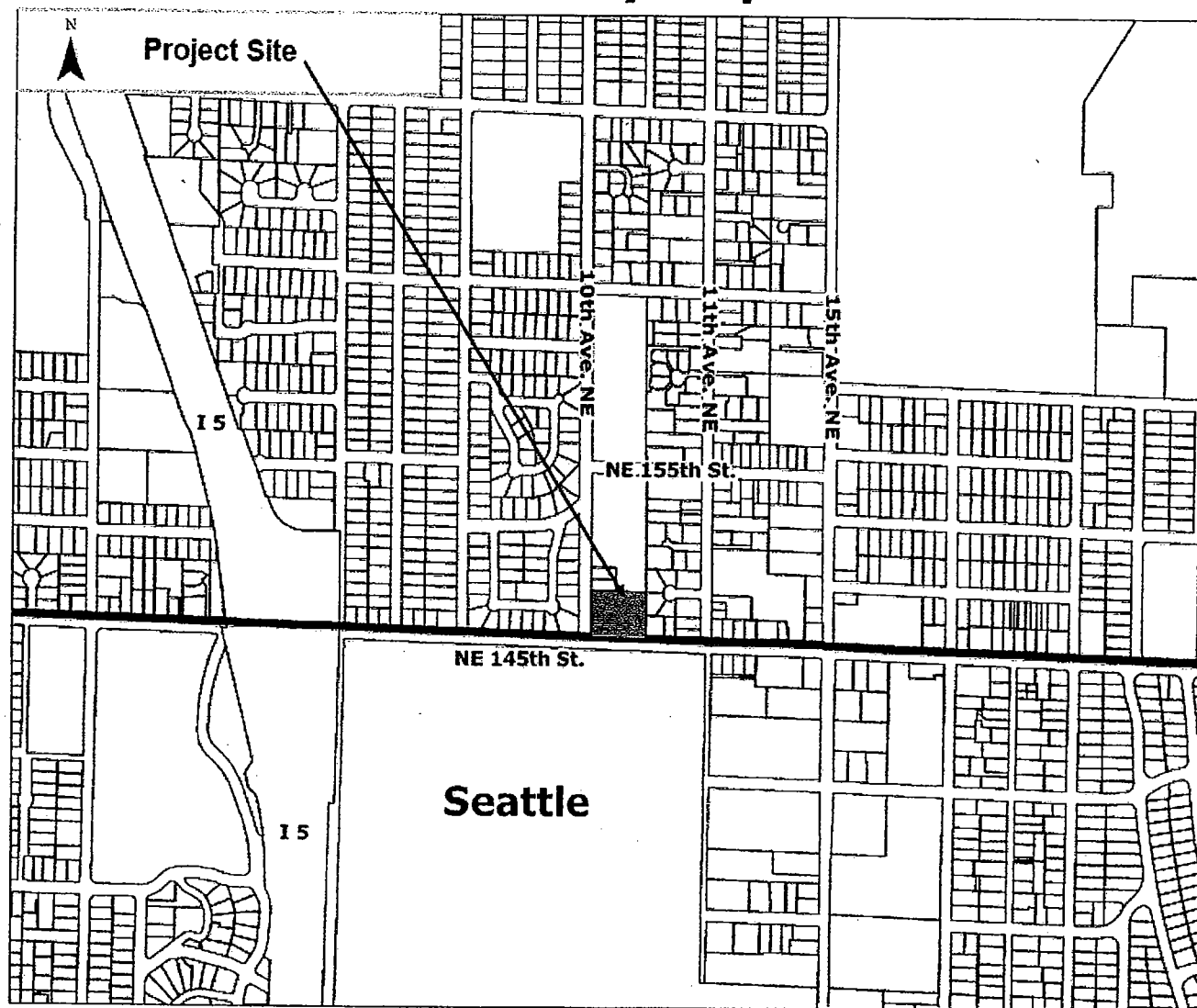
The Planning Commission and staff recommend the Council adopt Ordinance No. 490, included as Exhibit E, thereby approving the preliminary formal subdivision with conditions for 6 building lots and one critical area tract located at 14521 -11th Ave NE.

Approved By: City Manager  City Attorney _____

EXHIBITS:

Exhibit A: Vicinity Map
Exhibit B: Planning Commission Findings, Conclusions, and Recommendation
Exhibit C: SEPA Determination and Hearing Examiner's Decision
Exhibit D: Site Plan and Plat Map
Exhibit E: Ordinance No. 490
Exhibit F: Planning Commission Staff Report, September 20, 2007 (support binder)
Exhibit G: Planning Commission minutes for meetings of September 20, November 15, and December 6, 2007. (support binder)
Exhibit H: Public Comment Letters (support binder)

Vicinity Map



To see the aerial map, go to NWmaps.net/shoreline, click on 'Search from Map', and enter the address or parcel no.

FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE CITY OF SHORELINE PLANNING COMMISSION

Preliminary Formal Subdivision of Plateau at Jackson Review, Project No. 201584

Summary –

After reviewing and discussing the Preliminary Formal Subdivision of Plateau at Jackson proposal on December 6, 2007 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes and therefore unanimously recommended approval of such action with conditions.

I. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 The project site consists of one lot (Tax Parcel No. 6622900830) totaling approximately 69,260 square feet (1.59 acres).
- 1.2 The site is currently vacant. A house on the site was demolished in 2005.
- 1.3 The site occupies a topographic knob. The northwest corner of the site slopes steeply down in a northwesterly direction. The east side of the parcel slopes more gently down in an easterly direction. A portion of the south side of the site slopes steeply down in a southerly direction to NE 145th Street. Over 130 significant trees are located on the site, although the northeast corner of the site is generally cleared.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located at the City of Shoreline's south boundary in the Ridgecrest Neighborhood.
- 2.2 Adjacent to the site to the north is the Paramount Park Open Space and two single-family residences. To the south is NE 145th Street and Jackson Golf Course in the City of Seattle. The neighborhoods to the west and east are developed with single-family detached residences with the exception of a triplex adjacent to the southeast corner of the site.
- 2.3 Streets adjacent to the site include:
 - NE 145th Street to the south; classified as State Route 523 subject to the regulations of the Washington State Department of Transportation. The NE 145th Street right-of-way is located outside of Shoreline's city limits.
 - 10th Avenue NE to the west; a largely undeveloped City of Shoreline right-of-way with a gravel roadway that provides access to two parcels.
 - 11th Avenue NE to the east; a private street as indicated by a street sign, although there is no easement or tract and no other parcels use it for access.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the western two-thirds of the site is Low Density Residential. The designation for the eastern third is Paramount Special Study Area.
- 3.2 Land Use Policy (LU) 9 in the Comprehensive Plan envisions Low Density residential areas as areas already developed predominately with single-family detached dwellings. Appropriate Low Density zoning includes R-4 and R-6, unless a special district plan has been approved. Currently, no Paramount Special Study Area plan has been adopted.

- 3.3 LU46: Provides for the creation of special study areas to some areas of the community where further study for subarea, watershed or neighborhood planning would be appropriate.
- 3.4 LU46.1: Establishes the Paramount District Special Study Area centered on the business district at N 145th Street and 15th Avenue NE, in accordance with the drainage basin located in the approximate area.
- 3.5 H6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.

4. REGULATORY AUTHORITY

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires Preliminary Formal Subdivisions to be processed as a quasi-judicial or Type-C action. Type-C actions require an open record public hearing and review by the Planning Commission, which then forwards a recommendation to the City Council for final approval.
- 4.2 Applicable regulatory controls set forth in the SMC include:
 - SMC 20.30 – Procedures and Administration
(Subdivisions – SMC 20.30.360-480)
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
(Single-family Detached – SMC 20.50.060-.115)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
 - SMC 20.80 – Critical Areas (Geologic Hazard Areas – SMC 20.80.210-.250
and Stream Areas – SMC 20.80.460-.500)
- 4.3 Revised Code of Washington (RCW) 36.70B.040 Determination of Consistency
- 4.4 RCW 58.17.110 Approval/Disapproval of Subdivisions

5. PROCEDURAL HISTORY

- 5.1 Preapplication meeting was held on April 17, 2006.
- 5.2 Neighborhood Meeting was held on October 27, 2006.
- 5.3 Preliminary Formal Subdivision (File No. 201478) application and a State Environmental Policy Act (SEPA) checklist were received on November 13, 2006.
- 5.4 The application was determined to be complete on Nov. 13, 2006.
- 5.5 A Notice of Application for the proposal was issued on Nov. 20, 2006, with the public comment period ending Dec. 5, 2006.
- 5.6 A SEPA threshold Determination of Nonsignificance (DNS) for the proposal was issued on July 5, 2007 with the administrative appeal and comment period ending on July 20, 2007. An appeal of the DNS was received from the Paramount Park Neighborhood Group, Inc. (submitted by Jan Stewart and Vicki Westberg) on July 20, 2007.
- 5.7 A Notice of Public Hearing was issued on July 5, 2007 for the Planning Commission open record public hearing on August 2, 2007.
- 5.8 A notice canceling the August 2, 2007 public hearing, in order to allow the appeal hearing to be consolidated with the project hearing, was issued on July 26, 2007.
- 5.9 A new Notice of Public Hearing was issued on September 5, 2007 for the consolidated Planning Commission open record public hearing and Hearing Examiner SEPA appeal hearing on September 20, 2007.

6. PUBLIC COMMENT AND STAFF RESPONSE

- 6.1 **Public Comment** – A total of five public and two agency comment letters and e-mails were received. Generally, the comments concerned:
- Impacts on the existing bus stop on NE 145th Street
 - The outfall into Little's Creek will require a Hydraulic Project Approval permit (HPA) from the Washington State Department of Fish and Wildlife
 - Traffic safety due to increased traffic
 - Access for fire department vehicles
 - Inadequate amount of parking provided
 - Protection of critical areas
 - Potential encroachment of private yards and uses into Paramount Park Open Space
 - Drainage issues including flooding, pollution and erosion into Little's Creek
 - Stability of steep slopes
 - Buildable area of lots after grading
 - Impact on wildlife and inadequate listing of species in SEPA checklist
- 6.2 **Staff Response regarding bus stop** – During the permit review process plans will be reviewed by KC Metro Transit. Improvements, if necessary, shall be required to conform to the agency's standards for bus stops.
- 6.3 **Staff Response regarding Little's Creek outfall** – An HPA permit is required to discharge stormwater into Little's Creek. A copy of the HPA permit shall be submitted to the City prior to issuance of a site development permit. All conditions of the HPA will be incorporated into the conditions for the site development permit.
- 6.4 **Staff response regarding traffic safety** – Comments expressed concern over traffic safety at the intersection of the proposed new private street and NE 145th Street due to additional traffic and left turns onto NE 145th Street. Preliminary analysis shows the intersection can meet the requirements of SMC 20.70 regarding sight clearance at intersections. The amount of additional vehicle trips generated by 5 additional single-family lots is insignificant when compared to the existing traffic volumes on NE 145th Street and will not impact traffic flow to a measurable degree. The City Traffic Engineer has reviewed the plans and determined six single-family residences likely will not generate enough traffic to warrant restricting turns into and out of the subdivision. Further, he stated the NE 145th Street right-of-way in the vicinity of the proposal is not controlled by the City of Shoreline and the City can not require work in the right-of-way. If a traffic safety issue becomes apparent in the future, the City then can work with the jurisdictions that are responsible for the right-of-way to install necessary traffic restrictions. At this time it would be inappropriate to require the applicant to mitigate a problem that seems unlikely.
- 6.5 **Staff Response regarding fire department vehicle access** – The design and construction of the proposed private street, 11th Avenue NE, must conform to existing standards of the City of Shoreline Engineering Development Guide (EDG). Included are standards regarding grade, length and pavement width. The EDG includes references to the International Fire Code. The site development plans will be reviewed by the Shoreline Fire Department for conformance to their requirements. Fire Department review of the preliminary subdivision plans included comments that if the grade is greater than 15% fire protection sprinklers in all of the residences will be required and that the west side of the street must be posted as a fire lane with no parking. Streets less than 150 feet long do not require a turnaround. The proposed street is 120 feet long. The width of the access tract will accommodate travel lanes and parking on one side.
- 6.6 **Staff response regarding parking** – SMC 20.50.390 requires 2 parking spaces for single-family residential development. Review for compliance with parking standards is

done during the building permit review process. Also, the private street will be wide enough to accommodate parking on the east side of the street.

- 6.7 **Staff response regarding impact on critical areas** – Comments expressed concern regarding the impact of the project on nearby critical areas. Wetland reconnaissance reports state no wetlands or streams are located on the site. Part of the buffer for a Type II stream – which is located off site near the northwest corner of the site – is on the site. However, that buffer will be entirely within the protected area tract required for the steep slope and its buffer. The edge of a Type II wetland located north of the site in Paramount Park Open Space is 120-130 feet from the northern boundary of the site. The standard buffer for Type II wetlands is 115 feet. Therefore, none of the wetland buffer is on the site. The City of Shoreline critical area regulations (SMC 20.80) are designed to protect critical areas from the negative impacts of development by classifying the various critical areas and requiring buffers accordingly. Compliance with SMC 20.80 means development of the site will not have a significant adverse impact on critical areas.
 - 6.8 **Staff response regarding protecting park boundary** – A proposed condition of approval is the requirement that a fence, without gates, be built wherever individual lots are adjacent to the park. The fence will discourage encroachment into the Paramount Park Open Space.
 - 6.9 **Staff Response regarding storm drainage** – Final civil engineering drainage plans are required for the site development permit. Those plans will be evaluated using the standards of the 1998 King County Surface Water Design Manual (KCSWDM) which addresses issues regarding flooding, erosion and water quality. Drainage plans in conformance with the KCSWDM will ensure the proposed development will not increase the likelihood of flooding or pollution of Little's Creek.
 - 6.10 **Staff Response regarding slope stability** – Development is prohibited on slopes in excess of 40%. A geotechnical report states the risk of landslides on the site or adjacent property is minimized with a 15-foot minimum setback from the top of the steep slope in the northwest portion of the site. The steep slopes and 15-foot buffer area will be placed in a separate protected tract. Stability of the exempt slope along NE 145th Street was addressed by an addendum to the original geotechnical report. The addendum recommends a 5-foot setback from the top of the slope without a special footing design; or if foundations are built on the slope, footings located at least 5 feet below the finished grade will protect the integrity of the foundation.
 - 6.11 **Staff Response regarding buildable area after grading** – Review of preliminary grading plans has shown that only Lot 4 and Lot 6 will be significantly impacted by the grading required for the private street. The impact on Lot 4 is entirely within the front setback area so the buildable area is not affected. While some of the buildable area of Lot 6 is impacted, a sufficient area, 35'x40', is not impacted. In addition, a house design on Lot 6 with a street level garage and living areas above and behind the garage would allow the area impacted by grading to be built on as well.
 - 6.12 **Staff response regarding impact on wildlife** – Staff's analysis of the impact on wildlife is unaffected by SEPA checklists which may or may not include an incomplete description of wildlife found on the site. SMC 20.80.260 addresses endangered or threatened species and priority habitat. There is no evidence that endangered or threatened species visit the site or that the site has priority habitat.
7. **ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES**
 - 7.1 The project site is zoned Residential – 6 units per acre (R-6), which would allow up to 10 dwelling units to be constructed on the site.

- 7.2 The proposed net density is 5.2 dwelling units per net acre.
- 7.3 Under SMC 20.40.120 single-family detached dwellings are a permitted use in the R-6 Zoning District.

8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410 & RCW 58.17.110)

The following criteria were used to review the proposed subdivision:

8.1 Environmental (SMC 20.30.410A)

Criteria: *Where environmental resources exist, the proposal shall be designed to fully implement the goals, policies, procedures and standards of SMC 20.80, Critical Areas, and Subchapter 5 of SMC 20.50, Tree Conservation, Land Clearing and Site Grading Standards.*

Staff Analysis: A very high landslide hazard area due to slopes greater than 40% and part of a buffer area for an off-site Type II stream are on site. The proposal complies with the standards established in the critical areas chapter SMC 20.80. See further analysis under **Sections 12, 13 and 14** below. Review for compliance with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5, which will include replacement tree plantings for significant trees removed, will take place during the site development review process.

Criteria: *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

Staff Analysis: Lots are placed such that their buildable areas are located on relatively level areas which will minimize grading. The central location of the access tracts allows for short driveways to serve all lots except Lot 5 which also minimizes grading quantities.

Criteria: *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected.*

Staff Analysis: Conditions which could be potentially hazardous exist due to the steep slopes on the site. Tract B protects the steep slope in the northwest corner from development, thus eliminating the potential creation of a hazardous condition. A geotechnical report states potential hazards due to the steep slope on the south edge of the site are eliminated by either a 5-foot building setback or deep footings. Staff recommends a condition of approval to require a 5-foot setback from the top of that slope and restricting tree removal on the slope to ensure no hazardous conditions are created.

Criteria: *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

Staff Analysis: The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the KCSWDM. Also, an HPA permit is required (pursuant to Washington State Department of Fish and Wildlife regulations which are used to minimize impacts of development on streams and water bodies) to discharge into Little's Creek. See further analysis in **Section 11** below. Because much of the site is a topographic knob higher than the surrounding area, views from nearby properties are already minimal or nonexistent. Development of the site will not change this. Height restrictions, as specified in SMC Chapter 20.50, will ensure the impact on off-site views from the distance will not be impacted.

8.2 Lot and Street Layout (SMC 20.30.410B)

Criteria: *Lots shall be designed to contain a usable building area to ensure the lot is developed consistent with the standards of the SMC and does not create nonconforming structures, uses or lots.*

Staff Analysis: The proposal meets design standards for detached single-family residential development as set forth in SMC Chapter 20.50. Buildable areas of lots are not restricted by any easements or other regulations once an existing roadway easement on the eastern edge of the site is removed. Staff recommends a condition of approval to remove that easement prior to recording of the final plat. The easement serves what is now the City's Paramount Park Open Space. There is no public benefit derived from the easement, so the City has agreed to release the easement. No nonconforming structures, uses or lots will be created.

Criteria: *Lots shall not front on primary or secondary highways unless there is no other feasible access.*

Staff Analysis: None of the proposed lots will front on a public street. Access to NE 145th Street will be via a new private street.

Criteria: *Each lot shall meet the applicable dimensional requirements of the SMC.*

Staff Analysis: This proposal meets the applicable dimensional requirements specified for lots in the R-6 zoning district as set forth in SMC Chapter 20.50. See further analysis in **Section 9** below.

Criteria: *Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.*

Staff Analysis: Staff recommends a condition of approval to require a pedestrian pathway on one side of the private street in order to provide safe access to the existing sidewalk on NE 145th Street.

8.3 Dedications (SMC 20.30.410C)

Criteria: *The City Council may require dedication of land in the proposed subdivision for public use.*

Criteria: *Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.*

Criteria: *Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.*

Criteria: *Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.*

Staff Analysis: No dedications are required for this proposal. See further analysis in **Section 11** below.

8.4 Improvements (SMC 20.30.410D)

Criteria: *Improvements which may be required include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.*

Staff Analysis: Site improvement plans will be reviewed for compliance with the standards specified in the City of Shoreline Development Code and Engineering Development Guide. The site fronts onto the City of Shoreline's 10th Avenue NE right-of-way but a variance from engineering standards has been approved which limits the required frontage improvements to ensuring adequate sight clearance at NE 145th Street and widening the portion of 10th Avenue NE near the intersection with NE 145th Street in order to allow two side-by-side vehicles to pass. See further analysis in **Sections 9, 10, 11 and 12** below.

Criteria: Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.

Staff Analysis: This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities. See further analysis in **Section 11** below.

8.5 Public Health, Safety and General Welfare (RCW 58.17.110)

Criteria: A proposed subdivision shall not be approved unless appropriate provisions are made for public health, safety and general welfare, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, safe walking conditions.

Staff Analysis: This proposal, as conditioned, will provide for the public health, safety and general welfare. Staff recommends conditions of approval to include extra geotechnical studies for utility installation in a critical area, installation of a fence to prevent encroachment into the Paramount Park Open Space, significant tree retention and a 5-foot setback on the exempt steep slope, transit stop replacement if necessary, obtaining a Hydraulic Project Approval permit from the State and requiring a pedestrian pathway on one side of the private street. See further analysis in **Sections 10-14** below.

9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

9.1 Densities and Dimensions in the R-6 Zone (SMC 20.50.020)

Densities

Standard	Regulation		Proposed		
	General	Site Specific	Gross	Net	Net
Base Density	6 du/acre	10 du/gross acre 7 du/net acre	3.77 du/acre	5.22 du/acre (without areas of both tracts)	5.77 du/acre (without area of critical area tract)
Min. Density	4 du/acre	6 du/gross acre 5 du/net acre			

Dimensions

Standard	Regulation	Proposed					
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
Min. lot width	50'	65'	56'	75'	75'	65'	82'
Min. lot area	7,200sf	7,201sf	7,201sf	7,666sf	7,694sf	8,339sf	7,201sf
Front yard setback	20'	Review for compliance with these standards is done during building permit review					
Rear yard setback	15'						
Side yard setback	5' min/15' total						
Base height	30'/35' with pitched roof						
Bldg. coverage	35%						

Impervious area	50%	
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- 8.1 **Significant Tree Removal** (SMC 20.50.290-370) The site contains approximately 132 significant trees. The current proposal is to retain 30% (43) of those trees. SMC 20.50.290 requires retention of at least 20% of the significant trees. Replacement trees will be required in conformance with SMC 20.50.370 which requires 1-3 replacement trees for each significant tree removed depending on the diameter of the significant tree removed. A final tree retention and replacement plan will be required with the site development permit.
- 8.2 **Parking and Access** (SMC 20.50.380-440) Single-family detached housing must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). Review for compliance with parking standards is done during the building permit review process.

Pedestrian access should be:

- separate from vehicular traffic where possible; or
- well marked to clearly distinguish it as a pedestrian priority zone; and
- be at least 3 feet wide (SMC 20.50.430C).

Staff recommends a condition of approval requiring a pedestrian pathway at least 3 feet wide on at least one side of the private street.

10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

- 9.1 **Water Supply** – Shoreline Water District has issued a Certificate of Water Availability and has found the existing water service in conformance with its County-approved water comprehensive plan. No water system improvements are required to complete the project. A water system extension agreement will be required.
- 9.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability for the proposal. A developer mainline extension from an existing sewer in the 10th Avenue NE right-of-way is required. The applicant is also required to provide engineered sewer system improvement plans and a sewer easement.
- 9.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site. A fire hydrant with a calculated fire flow of 5,200 gpm is located adjacent to the site.
- 9.4 **Streets and Access** – The project will provide direct access to the NE 145th Street right-of-way for all lots via a private street. Staff recommends a condition of approval requiring a pedestrian pathway at least 3 feet wide on at least one side of the private street to provide safe pedestrian access to the existing sidewalk on NE 145th Street.

11. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

- 10.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the preliminary Road and Storm Drain Plan for the proposal as being feasible.
- 10.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project will not have a significant impact on the use of the right-of-way.
- 10.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 10.4 **Frontage Improvements**
- The project fronts on NE 145th Street and on 10th Avenue NE.
 - The NE 145th Street right-of-way is improved with a curb, gutter and sidewalk that do not meet the City of Shoreline standards. However, the right-of-way is

outside City limits so the City does not have jurisdiction to require frontage improvements on NE 145th Street.

- The only improvement of the 10th Avenue NE right-of-way is a gravel roadway that does not meet City of Shoreline standards. However, a Variance from Engineering Standards exempting the proposal from installing frontage improvements on 10th Avenue NE has been approved because:
 - i. the gravel roadway within the 10th Avenue NE right-of-way is adequate to provide safe access to the 2 lots it serves
 - ii. the right-of-way does not provide access to the subdivision; and
 - iii. much of the right-of-way is within the buffer area for a nearby Type II stream. To require frontage improvements would require unnecessary further degradation of the already degraded buffer.

12. GEOLOGIC HAZARD AREAS REGULATIONS (SMC 20.80.030F & SMC 20.80.210-250)

12.1 Geologic Hazard Area classification (SMC 20.80.220 and SMC 20.80.030F)

- The steep slope in the northwest portion of the site is in excess of 40% making it a Very High Hazard area subject to regulation pursuant to the City's Geologic Hazard Areas Regulations.
- The steep along the south edge of the site is in excess of 40% but was created by the road-cut for NE 145th Street. Under SMC 20.80.030F, steep slopes created through prior legal grading activity may be exempted if it is demonstrated that no adverse impact will result from the exemption. With a 5-foot setback from the top of that steep slope no adverse impacts will result from exempting the slope from regulation and.

12.2 **Required buffer areas (SMC 20.80.230)** – Very High Hazard areas require a standard buffer of 50 feet from all edges of the landslide hazard area, which can be reduced to a minimum of 15 feet when technical studies indicate the reduction will not increase the risk of the hazard. The Feb. 24, 2006 Associated Earth Sciences, Inc. geotechnical engineering report recommends a minimum top of slope buffer of 15 feet.

12.3 The hazard area and its associated buffer will be preserved by being placed in a separate tract on which development is prohibited. The location and limitations associated with the tract will be shown on the face of the recorded final plat.

13. WETLANDS (SMC 20.80.310-.350)

13.1 No wetlands are located on the site.

13.2 A Type II wetland is located in the Paramount Park Open Space north of the site. Type II wetlands require a standard 115-foot buffer width. However, the edge of that wetland is more than 115 away from the north boundary of the site so its buffer does not extend onto the subject site.

14. STREAM AREAS (SMC 20.80.460-.500)

14.1 No streams are located on the site.

14.2 A Type II stream is located west and north of the site. Its 115-foot buffer extends onto the site but is entirely within the geologic hazard area. The protection for the geologic hazard area and its buffer will include protection for the stream buffer.

14.3 The buffer for the Type II stream also includes part of the largely undeveloped 10th Avenue NE right-of-way. Storm drainage and sanitary sewer lines will be constructed within the right-of-way and within the buffer. SMC 20.80.480(D)(2) exempts construction of utilities from buffer regulations when no feasible alternative location

exists. The only feasible storm drainage and sanitary sewer connection for the project is in the 10th Avenue NE right-of-way.

II. CONCLUSIONS

RCW 36.70B.040 Determination of Consistency, requires a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

- Type of land use;
- The level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development; and
- The characteristics of the development, such as development standards.

RCW 58.17.110 Approval/Disapproval of Subdivisions, requires proposed subdivisions to:

- Make appropriate provisions for the public health, safety, and general welfare; and
- Serve the public use and interest for open spaces, drainage ways, streets, other public ways, potable water supplies, sanitary wastes, parks and recreation, and all other relevant facts.

Based on the above Findings of Fact and with the proposed conditions listed below, the Planning Commission concludes the Preliminary Formal Subdivision of Plateau at Jackson has:

- Met the requirements of the City of Shoreline Development Standards, 2005 Comprehensive Plan, and Municipal Code
- Made appropriate provisions for the public health, safety, and general welfare
- Serves the public use and interest

III. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission on a 6-1-2 vote recommends approval of the Preliminary Formal Subdivision of Plateau at Jackson proposal, Project No. 201584 with the following conditions:

Staff Recommended Conditions of Approval

1. One private access/utility tract, one private critical area protection tract and a maximum of 6 buildable lots shall be created.
2. No buildable lot shall have direct access onto NE 145th Street.
3. Prior to issuance of a site development permit a geotechnical report shall be submitted that addresses issues related to the installation of sanitary sewer and storm drainage pipelines and grading and site development erosion control in Tract B. The report shall:
 - Offer final geotechnical engineering recommendations for construction methods and for pipeline design in order to avoid or minimize the impacts to life and property from geologic hazards during the construction and operation of those pipe lines;
 - Describe a monitoring program for the construction activities permitted in Tract B pursuant to SMC 20.80.250(B)(10).
4. A continuous 6-foot high solid or chain link fence at least 180 feet long starting at the northeast property corner measured west along the north property line shall be constructed prior to occupancy of any dwelling units. The fence shall not have any gates or openings that allow pedestrian passage.
5. No trees shall be removed between the NE 145th Street right-of-way and the top of the exempt steep slope paralleling NE 145th Street unless:

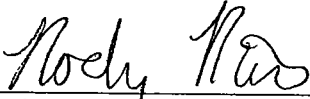
- A certified arborist determines the trees to be removed are an active and imminent hazard to life or property pursuant to SMC 20.50.310(A)(1); or
- Slope stability would be enhanced by the removal of a tree as determined by a geotechnical report. The report shall include recommendations for removal methods.

Existing trees may be trimmed and pruned provided no more than 25 percent of the foliage (or if foliage has not developed, no more than 10 percent of the foliage buds), pruning does not adversely impact the central leader and the natural form of the tree being pruned is not significantly altered.

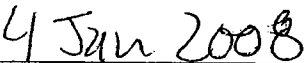
6. All buildings shall be set back a minimum of 5 feet from the top of the exempt steep slope parallel to NE 145th Street, as recommended in the March 5, 2007 Associated Earth Science Inc. Geotechnical Report Addendum.
7. If the existing King County Metro bus stop on NE 145th Street is impacted by the development the bus stop shall be re-established to the standards of King County Metro.
8. The west side of the private street shall be posted as a fire lane where parking is not allowed.
9. An ADA-compliant pedestrian pathway connecting with the existing public sidewalk on NE 145th Street shall be installed along the entire length of the private street in Tract A.
10. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline. The permit application shall include plans for tree retention and replacement, grading and steep slope analysis for pre-site, post-site, and home-site development and all onsite engineering including storm water conveyance and detention, utility installation, and private street construction. The completion of this work shall be secured by a plat performance financial guarantee in the amount of 125% of the estimate cost to complete the work plus a 15% mobilization cost. The approved plans associated with the Site Development Permit shall be substantially in conformance with the approved preliminary civil construction plans.
11. Prior to site development permit issuance a Hydraulic Project Approval (HPA) permit from the State of Washington Department of Fish and Wildlife (WDFW) shall be obtained for the proposed stormwater outfall into Little's Creek. A copy of the HPA shall be provided to the City.
12. Pursuant to SMC 12.15.030, a Right-of-way Permit reviewed and approved by the City of Shoreline is required for installation of utilities in the 10th Avenue NE right-of-way. However, improvements are not required in the 10th Avenue NE right-of-way pursuant to the approved Variance from Engineering Standards.
13. All required conditions established by the November 9, 2006 Shoreline Water District Certificate of Water Availability shall be complied with.
14. All required conditions established by the October 6, 2006 Ronald Wastewater District Certificate of Sewer Availability, including a developer mainline extension from an existing sewer available in the 10th Avenue NE right-of-way, shall be complied with. The sewer system improvements shall require engineered sewer plans to be provided by the developer to the District.
15. Prior to occupancy of any dwelling unit all improvements and tree replacement shall be completed and accepted by the City. Pursuant to SMC 20.30.440, a subdivision maintenance financial guarantee in the amount of 15% of the construction costs for the improvements and tree replacement shall be posted to guarantee against defects of workmanship and materials for two years from the date of acceptance. Also, a 2-year landscape maintenance and replacement agreement shall be submitted and approved by the City.
16. Prior to occupancy of any dwelling unit permanent field markings for Tract B, as required by the City of Shoreline critical area regulations (SMC 20.80), shall be installed and approved.

17. All new development shall be served with underground power with separate meters for each housing unit.
18. Prior to recording of the final plat, the applicant shall prepare documentation to remove the existing 20-foot roadway easement on the east side of the site (Recording No. 3381526), provide it to the City for signature, and record the document with the King County Recorder's Office.
19. Prior to recording of the final plat, survey monuments and lot corners shall be placed in accordance with recognized good practice in land surveying and in conformance with Standard Detail 519 of the 2007 Engineering Development Guide.
20. The exact square footage of each lot and each tract shall be clearly shown on the recorded final plat.
21. All addresses shall be shown on the recorded final plat. The lots shall be addressed as follows:
 - Lot 1: 14510 - 11th Avenue NE
 - Lot 2: 14514 - 11th Avenue NE
 - Lot 3: 14521 - 11th Avenue NE
 - Lot 4: 14517 - 11th Avenue NE
 - Lot 5: 14513 - 11th Avenue NE
 - Lot 6: 14509 - 11th Avenue NE
22. A Declaration of Covenant and License for Stormwater Flow Control Best Management Practices, in a form approved by the City, shall be shown on the recorded final plat.
23. A Joint Maintenance Agreement for the private street and stormwater flow control system establishing ownership and responsibility for maintenance, repair, improvement and rebuilding of those facilities shall be shown on the recorded final plat and recorded separately with a cross-reference to each lot in the subdivision.
24. The following notes shall be shown on the face of the final plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
 - "Tract A is an access and utility tract that is to be shared equally by the lots within this subdivision."
 - "Tract B is a Critical Area Tract established as a permanent protective measure for the on-site landslide hazard area and its buffer and the buffer for an off-site stream. Development, clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations are prohibited within the tract."
 - "No trees shall not be removed between the NE 145th Street right-of-way and the top of the steep slope paralleling NE 145th Street unless a certified arborist determines the trees to be removed are an active and imminent hazard to life or property pursuant to SMC 20.50.310(A)(1) or slope stability would be enhanced by the removal of a tree as determined by a geotechnical report. Trees may be trimmed and pruned provided no more than 25 percent of the foliage (or if foliage has not developed, no more than 10 percent of the foliage buds) including branches up to 1 ½ inches in diameter is removed and pruning does not adversely impact the central leader or does not significantly alter the natural form of the tree being pruned."

City of Shoreline Planning Commission



Rocky Piro
Chairperson



Date



Notice of Public Hearing of the Planning Commission and SEPA Determination

Applicant, Application No. & Permit Requested: D.R. Strong Consulting Engineers, #201584;
Preliminary Formal Subdivision

Location & Description of Project: 6-lot subdivision with separate tracts for critical area protection and access located at 14521 -1 11th Ave. NE

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for **7 p.m. Thursday, August 2, 2007** in the Mt. Rainier Room at the Shoreline Conference Center, 18560 First Avenue NE, Shoreline, WA..

Any person requiring a disability accommodation should contact the City Clerk at 546-8919 in advance for more information. For TTY telephone service call 546-0457. Each request will be considered individually, according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

SEPA Threshold Determination

Effective Date of Notice: July 5, 2007

Threshold Determination: The City of Shoreline has issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11 WAC) for the project described above. After review of the environmental checklist and other information on file, the City has determined this proposal will not have a probable significant adverse impact on the environment.

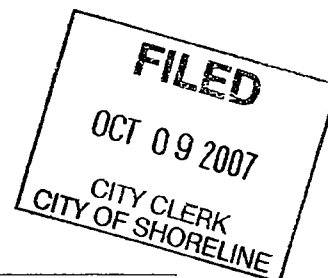
The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. The City of Shoreline will not require any additional mitigation measures under SEPA.

The optional process, as specified in WAC 197-11-355, was used. A notice of application that stated the City's intent to issue a DNS for this project was issued on November 20, 2006 and the public comment period expired on December 5, 2006. There is no additional public comment period for this Threshold Determination.

Administrative Appeal: Written appeals of the SEPA threshold determination prepared in accordance with SMC 20.30 must be received by the City Clerk's Office at 17544 Midvale Avenue North, Shoreline, WA 98133 on or before 5:00 p.m. on July 20, 2007. A fee of \$406.50, payable to the City of Shoreline, must accompany the appeal. Appeal Hearings are required to be consolidated with the public hearing. Therefore, if an appeal is filed, the public hearing may be cancelled and rescheduled.

Copies of the notice of application, SEPA threshold determination, application materials, applicable codes and more specific information on submitting an administrative appeal are available for review at the City Hall Annex, 1110 N. 175th Street Suite #107.

**CITY OF SHORELINE HEARING EXAMINER
FINDINGS, CONCLUSIONS AND DECISION
APPEAL OF SEPA THRESHOLD DETERMINATION**



PROJECT INFORMATION SUMMARY

Applicant: D.R. Strong Consulting Engineers

Location: 4521 11th Avenue NE, Shoreline, WA

Project Number: 201584

Proposed Project: Preliminary Formal Subdivision to create six single family lots, a critical area tract, and an access/utility tract

Appellant: Paramount Park Neighborhood Group, Inc.

SEPA Threshold Determination: Determination of Nonsignificance (DNS)

INTRODUCTION

The Department of Planning and Development Services issued a Determination of Nonsignificance on the above-referenced project proposal on July 5, 2007. The Appellant, Paramount Park Neighborhood Group, Inc., filed an appeal on July 20, 2007. The hearing was scheduled for August 2, 2007, but was continued to September 20, 2007 and October 1, 2007, by order of the Examiner following a prehearing conference with the parties.

The matter was heard by the Hearing Examiner on September 20, 2007 (in conjunction with the Planning Commissions public hearing on the underlying project application) and on October 1, 2007. Represented at the hearing were the Appellant, Paramount Park Neighborhood Group, Inc., by Brian Derdowski (September 20, 2007) and Chris Eagen (October 1, 2007); the City, by Flannery Collins, Assistant City Attorney; and the applicant, by Gary East, attorney at law.

For purposes of this decision, all section numbers refer to the Shoreline Municipal Code (SMC or Code) unless otherwise indicated. After due consideration of the evidence elicited during the appeal hearing, the following shall constitute the findings of fact, conclusions, and decision of the Hearing Examiner on this appeal.

FINDINGS-OF FACT

Proposal and site

1. The project proposal is for a preliminary formal subdivision to create six lots on property addressed as 14521 11th Avenue NE. The property is approximately 69,260 square feet in size, and is undeveloped. The site contains critical areas, including a steep slope area and stream buffer area for Littles Creek, which are located generally at the north and west portion of the site.
2. The property is bordered by NE 145th Street to the south, unimproved 10th Avenue NE to the west, 11th Avenue NE right-of-way to the east, and other properties to the north. The right-of-way for that portion of 10th Avenue NE abutting the site is located entirely within the 115-foot required stream buffer for Littles Creek.

Department review

3. Glen Pickus, at the time a Planner II for the City, conducted the SEPA review of the proposal. The proposal which was considered and reviewed by Mr. Pickus did not propose full street improvements to the 10th Avenue NE frontage abutting the subject property, as would normally be required by SMC 20.70.030.A. The Director of the Department, as responsible SEPA official, subsequently issued a Determination of Nonsignificance (DNS) for the proposal on July 5, 2007.
4. The City issued a Variance from Engineering Standards for the project few weeks later, which waived the requirement for full street improvements for 10th Avenue NE. The variance was granted in order to minimize impacts to the stream buffer, since the 10th Avenue right-of-way was entirely within the buffer. The variance decision also notes that full improvements would be unnecessary, since the proposed new lots would not use 10th Avenue for access and there was no foreseeable reason for the 10th Avenue NE to ever be extended south to NE 145th Street. The variance, as a minor land use decision under WAC 197-11-800, was categorically exempt from SEPA review.

5. Future development of the site will be subject to all of the City's applicable codes and the site development permit process. The site development plans will address details of construction at the site, and the City may require SEPA review of the development of the site.

Appeal

6. The Appellant appealed the DNS on July 20, 2007, and its letter of appeal identified many "procedural objections" and "substantive objections" to the decision. On September 27, 2007, the Appellant moved to have the decision remanded to the City, on the grounds that "no SEPA notice was sent to the affected tribes." The City moved to exclude this claim as being a new issue that had not been identified in the appeal letter or during the prehearing conference on September 17, 2007. The City's motion was granted by order of the Hearing Examiner on September 28, 2007.

7. At the hearing, the Appellant stated that it was withdrawing its SEPA appeal as to all but two issues. The Appellant indicated the remaining issues in its appeal were: that the City had failed to provide SEPA notice to affected tribes, and that the City had erred by failing to consider associated variances or other permits related to the subdivision application. The Appellant contends that regardless of whether any other permits are categorically exempt from SEPA review, they nevertheless represent interdependent proposals that should be reviewed with the subdivision proposal under WAC 197-11-060.

8. Because the issue of notice to affected tribes was not timely raised, and was disposed of by the September 28, 2007 Hearing Examiner Order, the only issue for consideration in this appeal is whether the City erred by failing to consider any associated variances or other permits.

CONCLUSIONS

1. The Hearing Examiner has jurisdiction over this appeal pursuant Chapter 20.30 SMC. The City's SEPA decision is entitled to substantial weight; SMC 20.30.680.B.2. The Appellant bears the burden of showing that the City's decision is not supported by a preponderance of the evidence; Rule 9.8, Shoreline Hearing Examiner Rules of Procedure.

2. As noted above, the Appellant at hearing withdrew all but two issues in its appeal, and one of those issues, concerning notice to affected tribes, was disposed of prior to hearing. Therefore, the sole issue before the Examiner in this appeal is whether the City erred by failing to consider associated variances or other permits as related or interdependent proposals pursuant to WAC 197-11-060, even if those permits were categorically exempt from SEPA review.

3. The variance from engineering standards waived full street improvements along 10th Avenue NE for this project, but the Department considered the proposal in light of the lack of street improvements into account during its SEPA review. Thus, even if the variance could be considered a related or interdependent proposal, the impacts of the proposed variance were considered during the SEPA review of the proposed subdivision. No evidence in the record identifies any other "associated variances and other permits" that were required to have been considered as part of the SEPA review of the subdivision proposal. The appeal should therefore be denied.

DECISION

The Director's Determination of Nonsignificance is hereby **AFFIRMED**.

Entered this 5th day of October, 2007.



Anne Watanabe
Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

SMC 20.30.250 provides that "Any judicial appeal shall be filed in accordance with state law. If there is not a statutory time limit for filing a judicial appeal, the appeal shall be filed within 21 calendar days after a final decision is issued by the City."

EXHIBITS

- | | |
|------------------|---|
| Exhibit 1 | Notice of Public Hearing of the Planning Commission and SEPA Determination
Dated July 5, 2007 |
| Exhibit 2 | Original Appeal Document and Receipt of Appeal Fee
Dated July 20, 2007 |
| Exhibit 3 | Letter from City Clerk Scott Passey to Designated Appellant Representative, Jan Stewart RE: Rescheduling of Appeal Hearing, Project No. 201584
Dated August 3, 2007 |
| Exhibit 4 | Letter from Attorney Gary W. East to Hearing Examiner and referenced persons in interest RE: Plateau at Jackson, Preliminary Formal Subdivision Application #201584
Dated August 6, 2007 |
| Exhibit 5 | Letter from Jan Stewart and Vicki Westberg to City Clerk Scott Passey RE: Preliminary Formal Subdivision #201584 D.R. Strong Consulting Engineers, Applicant SEPA Appeal
Dated September 5, 2007 |
| Exhibit 6 | City of Shoreline List of Documents
Dated September 6, 2007 |
| Exhibit 7 | City of Shoreline Motion to Compel
Dated September 5, 2007 |
| Exhibit 8 | Order Scheduling Hearing Conference
Dated September 6, 2007 |

- Exhibit 9** Order Continuing PreHearing Conference and Hearing
Dated September 10, 2007
- Exhibit 10** Order
Dated September 12, 2007
- Exhibit 11** Letter from Jan Stewart to City Clerk's Office, City of Shoreline
RE: File #201584 (appointing new Appellant Representative)
Dated September 14, 2007
- Exhibit 12** Letter from Brian Derdowski to Anne Watanabe
Dated September 17, 2007
- Exhibit 13** City of Shoreline Witness List
Dated September 17, 2007
- Exhibit 14** City of Shoreline Modified List of Documents
Dated September 17, 2007
- Exhibit 15** Partial List of Witnesses
Dated September 20, 2007
- Exhibit 16** Partial List of Exhibits
Dated September 20, 2007
- Exhibit 17** List of Appellant questions and needs from the City
Date stamped September 20, 2007
- Exhibit 18** Declaration of Kristie Anderson, City of Shoreline Code
Enforcement Officer
Dated September 24, 2007
- Exhibit 19** Response to Appellants' Witness List and Appellants' Request to
Compel Witnesses and Documents w/ Exhibit A – Letter to
Brian Derdowski
Dated September 24, 2007
- Exhibit 20** Order
Dated September 24, 2007
- Exhibit 21** List of Witnesses
Date stamped September 27, 2007
- Exhibit 22** Letter from Brian Derdowski to Anne Watanabe
Dated September 27, 2007

- Exhibit 23** Response to Appellants' Second Request to Compel Witnesses,
 Issue SEPA Notice and City Stipulations
 Dated September 24, 2007
- Exhibit 24** Second Letter from Brian Derdowski to Anne Watanabe
 Dated September 27, 2007
- Exhibit 25** Order
 Dated September 28, 2007
- Exhibit 26** Letter from Brian Derdowski to Anne Watanabe
 Dated September 27, 2007 (Date stamped September 28, 2007)
- Exhibit 27** City of Shoreline Hearing Memorandum
 Date stamped October 1, 2007

DRAWN BY: WJA
 DESIGNED BY: RAK
 PROJECT ENGINEER: WJ
 DATE: 10/20/08
 PROJECT NO: 0812
 SHEET C307 4

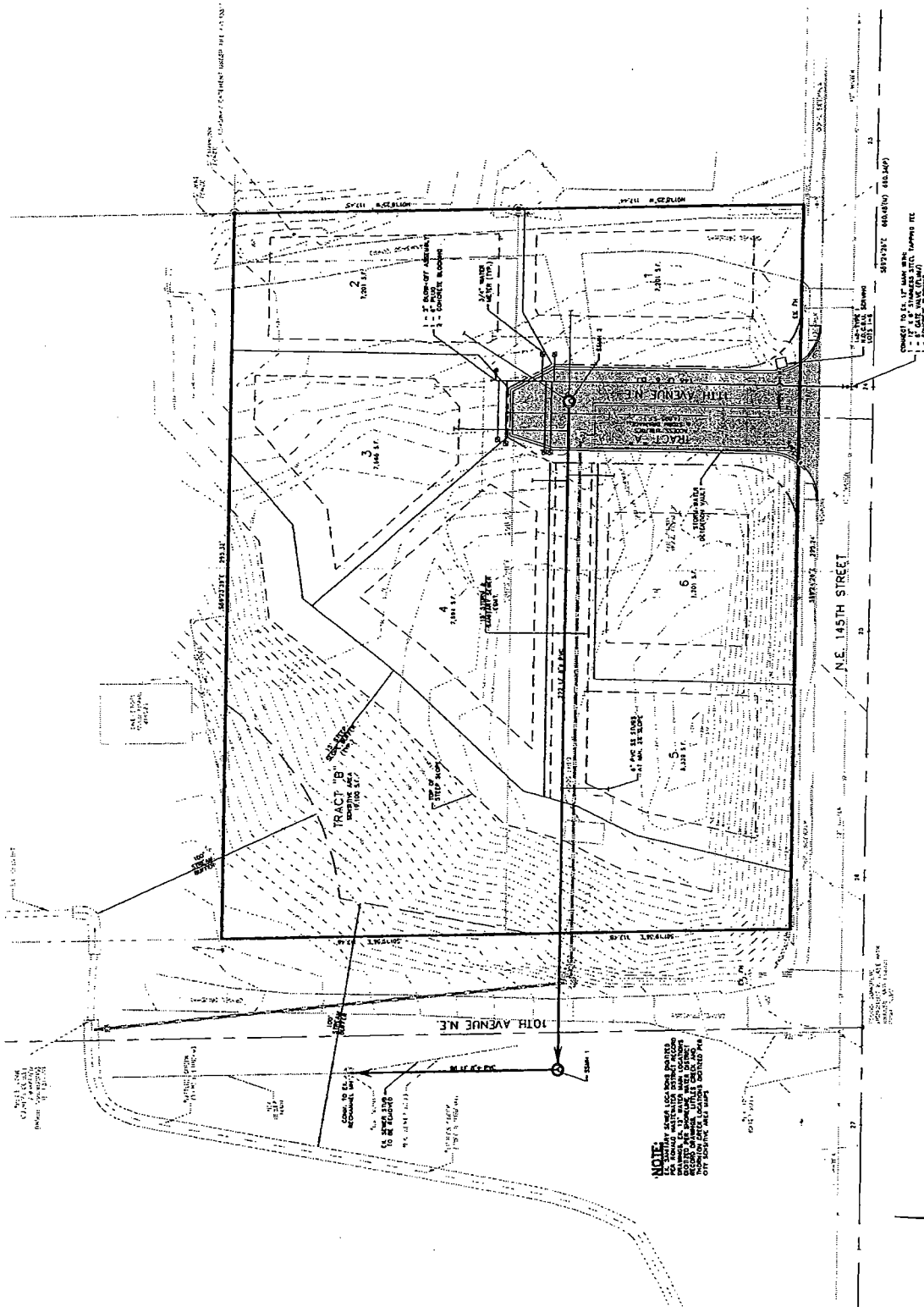


D.R. STRONG ENGINEERS
 ENGINEERS, PLANNERS, SURVEYORS
 1000 1ST AVENUE, SUITE 100
 SEASIDE, WA 98155
 TEL: 206.465.1100
 FAX: 206.465.1101
 WWW.DRS-ENGINEERS.COM

BILL YOUNG
 12222 N 185TH ST., SUITE 102
 SHORELINE, WA 98155
 (206) 547-1171

PLATEAU AT JACKSON
 PRELIMINARY PLAN
 SANITARY SEWER AND WATER PLAN
 14521 11TH AVENUE NE
 SHORELINE, WA 98155

SE 1/4 SEC. 17, TWP. 26, RGE. 4, W.M.



—Z—

GRAPHIC SCALE
 1" = 200'

ORDINANCE NO. 490

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR SIX
LOTS AT 14521 11th AVENUE NORTHEAST**

WHEREAS, the owner of the property located at 14521 11th Avenue Northeast has filed a preliminary formal subdivision application for six single family building lots and one critical area tract located at 14521 11th Avenue Northeast; and

WHEREAS, on September 20, 2007 and November 9, 2007 a public hearing on the application for the preliminary formal subdivision was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on November 9, 2007, the Planning Commission recommended approval with conditions of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings and Recommendation of the Planning Commission, specifically that the preliminary formal subdivision of certain properties as described above and located at 14521 11th Avenue NE is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

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

Section 1. Findings. The Findings and Conclusions on Project No. 201584, as set forth in Part I and Part II, Planning Commission Findings, Conclusions and Recommendation dated January 4, 2008, attached hereto as Exhibit A are hereby adopted.

Section 2. Preliminary Formal Subdivision Adoption. The Plateau at Jackson Preliminary Formal Subdivision, Project No. 201584, as further described and depicted in Exhibit B attached hereto is hereby adopted subject to the conditions set forth in Part III, Planning Commission Findings, Conclusions and Recommendation dated January 4, 2008 and attached hereto as Exhibit A.

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

Section 4. Effective Date. This ordinance shall go into effect five days after passage

and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON JANUARY 28, 2008.

ATTEST:

Scott Passey
City Clerk

Date of Publication:
Effective Date:

Mayor Cindy Ryu

APPROVED AS TO FORM:

Ian Sievers
City Attorney

FINDINGS, CONCLUSIONS AND RECOMMENDATION OF THE CITY OF SHORELINE PLANNING COMMISSION

Preliminary Formal Subdivision of Plateau at Jackson Review, Project No. 201584

Summary –

After reviewing and discussing the Preliminary Formal Subdivision of Plateau at Jackson proposal on December 6, 2007 the City of Shoreline Planning Commission did find and conclude that the application is in compliance with applicable codes and therefore unanimously recommended approval of such action with conditions.

I. FINDINGS OF FACT

1. PROJECT SITE CHARACTERISTICS

- 1.1 The project site consists of one lot (Tax Parcel No. 6622900830) totaling approximately 69,260 square feet (1.59 acres).
- 1.2 The site is currently vacant. A house on the site was demolished in 2005.
- 1.3 The site occupies a topographic knob. The northwest corner of the site slopes steeply down in a northwesterly direction. The east side of the parcel slopes more gently down in an easterly direction. A portion of the south side of the site slopes steeply down in a southerly direction to NE 145th Street. Over 130 significant trees are located on the site, although the northeast corner of the site is generally cleared.

2. NEIGHBORHOOD CHARACTERISTICS

- 2.1 The project site is located at the City of Shoreline's south boundary in the Ridgecrest Neighborhood.
- 2.2 Adjacent to the site to the north is the Paramount Park Open Space and two single-family residences. To the south is NE 145th Street and Jackson Golf Course in the City of Seattle. The neighborhoods to the west and east are developed with single-family detached residences with the exception of a triplex adjacent to the southeast corner of the site.
- 2.3 Streets adjacent to the site include:
 - NE 145th Street to the south; classified as State Route 523 subject to the regulations of the Washington State Department of Transportation. The NE 145th Street right-of-way is located outside of Shoreline's city limits.
 - 10th Avenue NE to the west; a largely undeveloped City of Shoreline right-of-way with a gravel roadway that provides access to two parcels.
 - 11th Avenue NE to the east; a private street as indicated by a street sign, although there is no easement or tract and no other parcels use it for access.

3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT

- 3.1 The Comprehensive Plan land use designation for the western two-thirds of the site is Low Density Residential. The designation for the eastern third is Paramount Special Study Area.
- 3.2 Land Use Policy (LU) 9 in the Comprehensive Plan envisions Low Density residential areas as areas already developed predominately with single-family detached dwellings. Appropriate Low Density zoning includes R-4 and R-6, unless a special district plan has been approved. Currently, no Paramount Special Study Area plan has been adopted.

PC Findings, Conclusions & Recommendation

- 3.3 LU46: Provides for the creation of special study areas to some areas of the community where further study for subarea, watershed or neighborhood planning would be appropriate.
- 3.4 LU46.1: Establishes the Paramount District Special Study Area centered on the business district at N 145th Street and 15th Avenue NE, in accordance with the drainage basin located in the approximate area.
- 3.5 H6: Encourage infill development on vacant or underutilized sites to be compatible with existing housing types.

4. REGULATORY AUTHORITY

- 4.1 Shoreline Municipal Code (SMC) 20.30.060 requires Preliminary Formal Subdivisions to be processed as a quasi-judicial or Type-C action. Type-C actions require an open record public hearing and review by the Planning Commission, which then forwards a recommendation to the City Council for final approval.
- 4.2 Applicable regulatory controls set forth in the SMC include:
 - SMC 20.30 – Procedures and Administration
(Subdivisions – SMC 20.30.360-480)
 - SMC 20.40 – Zoning and Use Provisions
 - SMC 20.50 – General Development Standards
(Single-family Detached – SMC 20.50.060-.115)
 - SMC 20.60 – Adequacy of Public Facilities
 - SMC 20.70 – Engineering and Utilities Development Standards
 - SMC 20.80 – Critical Areas (Geologic Hazard Areas – SMC 20.80.210-.250 and Stream Areas – SMC 20.80.460-.500)
- 4.3 Revised Code of Washington (RCW) 36.70B.040 Determination of Consistency
- 4.4 RCW 58.17.110 Approval/Disapproval of Subdivisions

5. PROCEDURAL HISTORY

- 5.1 Preapplication meeting was held on April 17, 2006.
- 5.2 Neighborhood Meeting was held on October 27, 2006.
- 5.3 Preliminary Formal Subdivision (File No. 201478) application and a State Environmental Policy Act (SEPA) checklist were received on November 13, 2006.
- 5.4 The application was determined to be complete on Nov. 13, 2006.
- 5.5 A Notice of Application for the proposal was issued on Nov. 20, 2006, with the public comment period ending Dec. 5, 2006.
- 5.6 A SEPA threshold Determination of Nonsignificance (DNS) for the proposal was issued on July 5, 2007 with the administrative appeal and comment period ending on July 20, 2007. An appeal of the DNS was received from the Paramount Park Neighborhood Group, Inc. (submitted by Jan Stewart and Vicki Westberg) on July 20, 2007.
- 5.7 A Notice of Public Hearing was issued on July 5, 2007 for the Planning Commission open record public hearing on August 2, 2007.
- 5.8 A notice canceling the August 2, 2007 public hearing, in order to allow the appeal hearing to be consolidated with the project hearing, was issued on July 26, 2007.
- 5.9 A new Notice of Public Hearing was issued on September 5, 2007 for the consolidated Planning Commission open record public hearing and Hearing Examiner SEPA appeal hearing on September 20, 2007.

6. PUBLIC COMMENT AND STAFF RESPONSE

PC Findings, Conclusions & Recommendation

- 6.1 **Public Comment** – A total of five public and two agency comment letters and e-mails were received. Generally, the comments concerned:
- Impacts on the existing bus stop on NE 145th Street
 - The outfall into Little's Creek will require a Hydraulic Project Approval permit (HPA) from the Washington State Department of Fish and Wildlife
 - Traffic safety due to increased traffic
 - Access for fire department vehicles
 - Inadequate amount of parking provided
 - Protection of critical areas
 - Potential encroachment of private yards and uses into Paramount Park Open Space
 - Drainage issues including flooding, pollution and erosion into Little's Creek
 - Stability of steep slopes
 - Buildable area of lots after grading
 - Impact on wildlife and inadequate listing of species in SEPA checklist
- 6.2 **Staff Response regarding bus stop** – During the permit review process plans will be reviewed by KC Metro Transit. Improvements, if necessary, shall be required to conform to the agency's standards for bus stops.
- 6.3 **Staff Response regarding Little's Creek outfall** – An HPA permit is required to discharge stormwater into Little's Creek. A copy of the HPA permit shall be submitted to the City prior to issuance of a site development permit. All conditions of the HPA will be incorporated into the conditions for the site development permit.
- 6.4 **Staff response regarding traffic safety** – Comments expressed concern over traffic safety at the intersection of the proposed new private street and NE 145th Street due to additional traffic and left turns onto NE 145th Street. Preliminary analysis shows the intersection can meet the requirements of SMC 20.70 regarding sight clearance at intersections. The amount of additional vehicle trips generated by 5 additional single-family lots is insignificant when compared to the existing traffic volumes on NE 145th Street and will not impact traffic flow to a measurable degree. The City Traffic Engineer has reviewed the plans and determined six single-family residences likely will not generate enough traffic to warrant restricting turns into and out of the subdivision. Further, he stated the NE 145th Street right-of-way in the vicinity of the proposal is not controlled by the City of Shoreline and the City can not require work in the right-of-way. If a traffic safety issue becomes apparent in the future, the City then can work with the jurisdictions that are responsible for the right-of-way to install necessary traffic restrictions. At this time it would be inappropriate to require the applicant to mitigate a problem that seems unlikely.
- 6.5 **Staff Response regarding fire department vehicle access** – The design and construction of the proposed private street, 11th Avenue NE, must conform to existing standards of the City of Shoreline Engineering Development Guide (EDG). Included are standards regarding grade, length and pavement width. The EDG includes references to the International Fire Code. The site development plans will be reviewed by the Shoreline Fire Department for conformance to their requirements. Fire Department review of the preliminary subdivision plans included comments that if the grade is greater than 15% fire protection sprinklers in all of the residences will be required and that the west side of the street must be posted as a fire lane with no parking. Streets less than 150 feet long do not require a turnaround. The proposed street is 120 feet long. The width of the access tract will accommodate travel lanes and parking on one side.
- 6.6 **Staff response regarding parking** – SMC 20.50.390 requires 2 parking spaces for single-family residential development. Review for compliance with parking standards is

PC Findings, Conclusions & Recommendation

done during the building permit review process. Also, the private street will be wide enough to accommodate parking on the east side of the street.

- 6.7 **Staff response regarding impact on critical areas** – Comments expressed concern regarding the impact of the project on nearby critical areas. Wetland reconnaissance reports state no wetlands or streams are located on the site. Part of the buffer for a Type II stream – which is located off site near the northwest corner of the site – is on the site. However, that buffer will be entirely within the protected area tract required for the steep slope and its buffer. The edge of a Type II wetland located north of the site in Paramount Park Open Space is 120-130 feet from the northern boundary of the site. The standard buffer for Type II wetlands is 115 feet. Therefore, none of the wetland buffer is on the site. The City of Shoreline critical area regulations (SMC 20.80) are designed to protect critical areas from the negative impacts of development by classifying the various critical areas and requiring buffers accordingly. Compliance with SMC 20.80 means development of the site will not have a significant adverse impact on critical areas.
- 6.8 **Staff response regarding protecting park boundary** – A proposed condition of approval is the requirement that a fence, without gates, be built wherever individual lots are adjacent to the park. The fence will discourage encroachment into the Paramount Park Open Space.
- 6.9 **Staff Response regarding storm drainage** – Final civil engineering drainage plans are required for the site development permit. Those plans will be evaluated using the standards of the 1998 King County Surface Water Design Manual (KCSWDM) which addresses issues regarding flooding, erosion and water quality. Drainage plans in conformance with the KCSWDM will ensure the proposed development will not increase the likelihood of flooding or pollution of Little's Creek.
- 6.10 **Staff Response regarding slope stability** – Development is prohibited on slopes in excess of 40%. A geotechnical report states the risk of landslides on the site or adjacent property is minimized with a 15-foot minimum setback from the top of the steep slope in the northwest portion of the site. The steep slopes and 15-foot buffer area will be placed in a separate protected tract. Stability of the exempt slope along NE 145th Street was addressed by an addendum to the original geotechnical report. The addendum recommends a 5-foot setback from the top of the slope without a special footing design; or if foundations are built on the slope, footings located at least 5 feet below the finished grade will protect the integrity of the foundation.
- 6.11 **Staff Response regarding buildable area after grading** – Review of preliminary grading plans has shown that only Lot 4 and Lot 6 will be significantly impacted by the grading required for the private street. The impact on Lot 4 is entirely within the front setback area so the buildable area is not affected. While some of the buildable area of Lot 6 is impacted, a sufficient area, 35'x40', is not impacted. In addition, a house design on Lot 6 with a street level garage and living areas above and behind the garage would allow the area impacted by grading to be built on as well.
- 6.12 **Staff response regarding impact on wildlife** – Staff's analysis of the impact on wildlife is unaffected by SEPA checklists which may or may not include an incomplete description of wildlife found on the site. SMC 20.80.260 addresses endangered or threatened species and priority habitat. There is no evidence that endangered or threatened species visit the site or that the site has priority habitat.
7. **ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES**
- 7.1 The project site is zoned Residential – 6 units per acre (R-6), which would allow up to 10 dwelling units to be constructed on the site.

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- 7.2 The proposed net density is 5.2 dwelling units per net acre.
- 7.3 Under SMC 20.40.120 single-family detached dwellings are a permitted use in the R-6 Zoning District.

8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410 & RCW 58.17.110)

The following criteria were used to review the proposed subdivision:

8.1 Environmental (SMC 20.30.410A)

Criteria: *Where environmental resources exist, the proposal shall be designed to fully implement the goals, policies, procedures and standards of SMC 20.80, Critical Areas, and Subchapter 5 of SMC 20.50, Tree Conservation, Land Clearing and Site Grading Standards.*

Staff Analysis: A very high landslide hazard area due to slopes greater than 40% and part of a buffer area for an off-site Type II stream are on site. The proposal complies with the standards established in the critical areas chapter SMC 20.80. See further analysis under Sections 12, 13 and 14 below. Review for compliance with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5, which will include replacement tree plantings for significant trees removed, will take place during the site development review process.

Criteria: *The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.*

Staff Analysis: Lots are placed such that their buildable areas are located on relatively level areas which will minimize grading. The central location of the access tracts allows for short driveways to serve all lots except Lot 5 which also minimizes grading quantities.

Criteria: *Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected.*

Staff Analysis: Conditions which could be potentially hazardous exist due to the steep slopes on the site. Tract B protects the steep slope in the northwest corner from development, thus eliminating the potential creation of a hazardous condition. A geotechnical report states potential hazards due to the steep slope on the south edge of the site are eliminated by either a 5-foot building setback or deep footings. Staff recommends a condition of approval to require a 5-foot setback from the top of that slope and restricting tree removal on the slope to ensure no hazardous conditions are created.

Criteria: *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.*

Staff Analysis: The project was reviewed by Public Works and does not require additional stormwater drainage conditions. The project must comply with all surface water management requirements set forth in the KCSWDM. Also, an HPA permit is required (pursuant to Washington State Department of Fish and Wildlife regulations which are used to minimize impacts of development on streams and water bodies) to discharge into Little's Creek. See further analysis in Section 11 below. Because much of the site is a topographic knob higher than the surrounding area, views from nearby properties are already minimal or nonexistent. Development of the site will not change this. Height restrictions, as specified in SMC Chapter 20.50, will ensure the impact on off-site views from the distance will not be impacted.

8.2 Lot and Street Layout (SMC 20.30.410B)

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Criteria: *Lots shall be designed to contain a usable building area to ensure the lot is developed consistent with the standards of the SMC and does not create nonconforming structures, uses or lots.*

Staff Analysis: The proposal meets design standards for detached single-family residential development as set forth in SMC Chapter 20.50. Buildable areas of lots are not restricted by any easements or other regulations once an existing roadway easement on the eastern edge of the site is removed. Staff recommends a condition of approval to remove that easement prior to recording of the final plat. The easement serves what is now the City's Paramount Park Open Space. There is no public benefit derived from the easement, so the City has agreed to release the easement. No nonconforming structures, uses or lots will be created.

Criteria: *Lots shall not front on primary or secondary highways unless there is no other feasible access.*

Staff Analysis: None of the proposed lots will front on a public street. Access to NE 145th Street will be via a new private street.

Criteria: *Each lot shall meet the applicable dimensional requirements of the SMC.*

Staff Analysis: This proposal meets the applicable dimensional requirements specified for lots in the R-6 zoning district as set forth in SMC Chapter 20.50. See further analysis in Section 9 below.

Criteria: *Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.*

Staff Analysis: Staff recommends a condition of approval to require a pedestrian pathway on one side of the private street in order to provide safe access to the existing sidewalk on NE 145th Street.

8.3 Dedications (SMC 20.30.410C)

Criteria: *The City Council may require dedication of land in the proposed subdivision for public use.*

Criteria: *Only the City Council may approve a dedication of park land. The Council may request a review and written recommendation from the Planning Commission.*

Criteria: *Any approval of a subdivision shall be conditioned on appropriate dedication of land for streets, including those on the official street map and the preliminary plat.*

Criteria: *Dedications to the City of Shoreline for the required right-of-way, stormwater facilities, open space, and easements and tracts may be required as a condition of approval.*

Staff Analysis: No dedications are required for this proposal. See further analysis in Section 11 below.

8.4 Improvements (SMC 20.30.410D)

Criteria: *Improvements which may be required include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.*

Staff Analysis: Site improvement plans will be reviewed for compliance with the standards specified in the City of Shoreline Development Code and Engineering Development Guide. The site fronts onto the City of Shoreline's 10th Avenue NE right-of-way but a variance from engineering standards has been approved which limits the required frontage improvements to ensuring adequate sight clearance at NE 145th Street and widening the portion of 10th Avenue NE near the intersection with NE 145th Street in order to allow two side-by-side vehicles to pass. See further analysis in Sections 9, 10, 11 and 12 below.

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Criteria: Improvements shall comply with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities.

Staff Analysis: This proposal complies with the development standards of Chapter 20.60 SMC, Adequacy of Public Facilities. See further analysis in Section 11 below.

8.5 Public Health, Safety and General Welfare (RCW 58.17.110)

Criteria: A proposed subdivision shall not be approved unless appropriate provisions are made for public health, safety and general welfare, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, safe walking conditions.

Staff Analysis: This proposal, as conditioned, will provide for the public health, safety and general welfare. Staff recommends conditions of approval to include extra geotechnical studies for utility installation in a critical area, installation of a fence to prevent encroachment into the Paramount Park Open Space, significant tree retention and a 5-foot setback on the exempt steep slope, transit stop replacement if necessary, obtaining a Hydraulic Project Approval permit from the State and requiring a pedestrian pathway on one side of the private street. See further analysis in Sections 10-14 below.

9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

9.1 Densities and Dimensions in the R-6 Zone (SMC 20.50.020)

Densities

Standard	Regulation		Proposed		
	General	Site Specific	Gross	Net	Net
Base Density	6 du/acre	10 du/gross acre 7 du/net acre	3.77 du/acre	5.22 du/acre (without areas of both tracts)	5.77 du/acre (without area of critical area tract)
Min. Density	4 du/acre	6 du/gross acre 5 du/net acre			

Dimensions

Standard	Regulation	Proposed					
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
Min. lot width	50'	65'	56'	75'	75'	65'	82'
Min. lot area	7,200sf	7,201sf	7,201sf	7,666sf	7,694sf	8,339sf	7,201sf
Front yard setback	20'	Review for compliance with these standards is done during building permit review					
Rear yard setback	15'						
Side yard setback	5' min/15' total						
Base height	30'/35' with pitched roof						
Bldg. coverage	35%						

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Impervious area	50%	
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- 8.1 **Significant Tree Removal** (SMC 20.50.290-370) The site contains approximately 132 significant trees. The current proposal is to retain 30% (43) of those trees. SMC 20.50.290 requires retention of at least 20% of the significant trees. Replacement trees will be required in conformance with SMC 20.50.370 which requires 1-3 replacement trees for each significant tree removed depending on the diameter of the significant tree removed. A final tree retention and replacement plan will be required with the site development permit.

- 8.2 **Parking and Access** (SMC 20.50.380-440) Single-family detached housing must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). Review for compliance with parking standards is done during the building permit review process.

Pedestrian access should be:

- separate from vehicular traffic where possible; or
- well marked to clearly distinguish it as a pedestrian priority zone; and
- be at least 3 feet wide (SMC 20.50.430C).

Staff recommends a condition of approval requiring a pedestrian pathway at least 3 feet wide on at least one side of the private street.

10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)

- 9.1 **Water Supply** – Shoreline Water District has issued a Certificate of Water Availability and has found the existing water service in conformance with its County-approved water comprehensive plan. No water system improvements are required to complete the project. A water system extension agreement will be required.
- 9.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability for the proposal. A developer mainline extension from an existing sewer in the 10th Avenue NE right-of-way is required. The applicant is also required to provide engineered sewer system improvement plans and a sewer easement.
- 9.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site. A fire hydrant with a calculated fire flow of 5,200 gpm is located adjacent to the site.
- 9.4 **Streets and Access** – The project will provide direct access to the NE 145th Street right-of-way for all lots via a private street. Staff recommends a condition of approval requiring a pedestrian pathway at least 3 feet wide on at least one side of the private street to provide safe pedestrian access to the existing sidewalk on NE 145th Street.

11. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)

- 10.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the preliminary Road and Storm Drain Plan for the proposal as being feasible.
- 10.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project will not have a significant impact on the use of the right-of-way.
- 10.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 10.4 **Frontage Improvements**
- The project fronts on NE 145th Street and on 10th Avenue NE.
 - The NE 145th Street right-of-way is improved with a curb, gutter and sidewalk that do not meet the City of Shoreline standards. However, the right-of-way is

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outside City limits so the City does not have jurisdiction to require frontage improvements on NE 145th Street.

- The only improvement of the 10th Avenue NE right-of-way is a gravel roadway that does not meet City of Shoreline standards. However, a Variance from Engineering Standards exempting the proposal from installing frontage improvements on 10th Avenue NE has been approved because:
 - i. the gravel roadway within the 10th Avenue NE right-of-way is adequate to provide safe access to the 2 lots it serves
 - ii. the right-of-way does not provide access to the subdivision; and
 - iii. much of the right-of-way is within the buffer area for a nearby Type II stream. To require frontage improvements would require unnecessary further degradation of the already degraded buffer.

12. GEOLOGIC HAZARD AREAS REGULATIONS (SMC 20.80.030F & SMC 20.80.210-250)

12.1 Geologic Hazard Area classification (SMC 20.80.220 and SMC 20.80.030F)

- The steep slope in the northwest portion of the site is in excess of 40% making it a Very High Hazard area subject to regulation pursuant to the City's Geologic Hazard Areas Regulations.
- The steep along the south edge of the site is in excess of 40% but was created by the road-cut for NE 145th Street. Under SMC 20.80.030F, steep slopes created through prior legal grading activity may be exempted if it is demonstrated that no adverse impact will result from the exemption. With a 5-foot setback from the top of that steep slope no adverse impacts will result from exempting the slope from regulation and.

12.2 **Required buffer areas (SMC 20.80.230)** – Very High Hazard areas require a standard buffer of 50 feet from all edges of the landslide hazard area, which can be reduced to a minimum of 15 feet when technical studies indicate the reduction will not increase the risk of the hazard. The Feb. 24, 2006 Associated Earth Sciences, Inc. geotechnical engineering report recommends a minimum top of slope buffer of 15 feet.

12.3 The hazard area and its associated buffer will be preserved by being placed in a separate tract on which development is prohibited. The location and limitations associated with the tract will be shown on the face of the recorded final plat.

13. WETLANDS (SMC 20.80.310-.350)

13.1 No wetlands are located on the site.

13.2 A Type II wetland is located in the Paramount Park Open Space north of the site. Type II wetlands require a standard 115-foot buffer width. However, the edge of that wetland is more than 115 away from the north boundary of the site so its buffer does not extend onto the subject site.

14. STREAM AREAS (SMC 20.80.460-.500)

14.1 No streams are located on the site.

14.2 A Type II stream is located west and north of the site. Its 115-foot buffer extends onto the site but is entirely within the geologic hazard area. The protection for the geologic hazard area and its buffer will include protection for the stream buffer.

14.3 The buffer for the Type II stream also includes part of the largely undeveloped 10th Avenue NE right-of-way. Storm drainage and sanitary sewer lines will be constructed within the right-of-way and within the buffer. SMC 20.80.480(D)(2) exempts construction of utilities from buffer regulations when no feasible alternative location

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exists. The only feasible storm drainage and sanitary sewer connection for the project is in the 10th Avenue NE right-of-way.

II. CONCLUSIONS

RCW 36.70B.040 Determination of Consistency, requires a proposed project shall be reviewed for consistency with a local government's development regulations during project review by consideration of:

- Type of land use;
- The level of development, such as units per acre or other measures of density;
- Infrastructure, including public facilities and services needed to serve the development; and
- The characteristics of the development, such as development standards.

RCW 58.17.110 Approval/Disapproval of Subdivisions, requires proposed subdivisions to:

- Make appropriate provisions for the public health, safety, and general welfare; and
- Serve the public use and interest for open spaces, drainage ways, streets, other public ways, potable water supplies, sanitary wastes, parks and recreation, and all other relevant facts.

Based on the above Findings of Fact and with the proposed conditions listed below, the Planning Commission concludes the Preliminary Formal Subdivision of Plateau at Jackson has:

- Met the requirements of the City of Shoreline Development Standards, 2005 Comprehensive Plan, and Municipal Code
- Made appropriate provisions for the public health, safety, and general welfare
- Serves the public use and interest

III. RECOMMENDATION

Based on the aforementioned Findings and Conclusions, the Planning Commission on a 6-1-2 vote recommends approval of the Preliminary Formal Subdivision of Plateau at Jackson proposal, Project No. 201584 with the following conditions:

Staff Recommended Conditions of Approval

1. One private access/utility tract, one private critical area protection tract and a maximum of 6 buildable lots shall be created.
2. No buildable lot shall have direct access onto NE 145th Street.
3. Prior to issuance of a site development permit a geotechnical report shall be submitted that addresses issues related to the installation of sanitary sewer and storm drainage pipelines and grading and site development erosion control in Tract B. The report shall:
 - Offer final geotechnical engineering recommendations for construction methods and for pipeline design in order to avoid or minimize the impacts to life and property from geologic hazards during the construction and operation of those pipe lines;
 - Describe a monitoring program for the construction activities permitted in Tract B pursuant to SMC 20.80.250(B)(10).
4. A continuous 6-foot high solid or chain link fence at least 180 feet long starting at the northeast property corner measured west along the north property line shall be constructed prior to occupancy of any dwelling units. The fence shall not have any gates or openings that allow pedestrian passage.
5. No trees shall be removed between the NE 145th Street right-of-way and the top of the exempt steep slope paralleling NE 145th Street unless:

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- A certified arborist determines the trees to be removed are an active and imminent hazard to life or property pursuant to SMC 20.50.310(A)(1); or
- Slope stability would be enhanced by the removal of a tree as determined by a geotechnical report. The report shall include recommendations for removal methods.

Existing trees may be trimmed and pruned provided no more than 25 percent of the foliage (or if foliage has not developed, no more than 10 percent of the foliage buds), pruning does not adversely impact the central leader and the natural form of the tree being pruned is not significantly altered.

6. All buildings shall be set back a minimum of 5 feet from the top of the exempt steep slope parallel to NE 145th Street, as recommended in the March 5, 2007 Associated Earth Science Inc. Geotechnical Report Addendum.
7. If the existing King County Metro bus stop on NE 145th Street is impacted by the development the bus stop shall be re-established to the standards of King County Metro.
8. The west side of the private street shall be posted as a fire lane where parking is not allowed.
9. An ADA-compliant pedestrian pathway connecting with the existing public sidewalk on NE 145th Street shall be installed along the entire length of the private street in Tract A.
10. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline. The permit application shall include plans for tree retention and replacement, grading and steep slope analysis for pre-site, post-site, and home-site development and all onsite engineering including storm water conveyance and detention, utility installation, and private street construction. The completion of this work shall be secured by a plat performance financial guarantee in the amount of 125% of the estimate cost to complete the work plus a 15% mobilization cost. The approved plans associated with the Site Development Permit shall be substantially in conformance with the approved preliminary civil construction plans.
11. Prior to site development permit issuance a Hydraulic Project Approval (HPA) permit from the State of Washington Department of Fish and Wildlife (WDFW) shall be obtained for the proposed stormwater outfall into Little's Creek. A copy of the HPA shall be provided to the City.
12. Pursuant to SMC 12.15.030, a Right-of-way Permit reviewed and approved by the City of Shoreline is required for installation of utilities in the 10th Avenue NE right-of-way. However, improvements are not required in the 10th Avenue NE right-of-way pursuant to the approved Variance from Engineering Standards.
13. All required conditions established by the November 9, 2006 Shoreline Water District Certificate of Water Availability shall be complied with.
14. All required conditions established by the October 6, 2006 Ronald Wastewater District Certificate of Sewer Availability, including a developer mainline extension from an existing sewer available in the 10th Avenue NE right-of-way, shall be complied with. The sewer system improvements shall require engineered sewer plans to be provided by the developer to the District.
15. Prior to occupancy of any dwelling unit all improvements and tree replacement shall be completed and accepted by the City. Pursuant to SMC 20.30.440, a subdivision maintenance financial guarantee in the amount of 15% of the construction costs for the improvements and tree replacement shall be posted to guarantee against defects of workmanship and materials for two years from the date of acceptance. Also, a 2-year landscape maintenance and replacement agreement shall be submitted and approved by the City.
16. Prior to occupancy of any dwelling unit permanent field markings for Tract B, as required by the City of Shoreline critical area regulations (SMC 20.80), shall be installed and approved.

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17. All new development shall be served with underground power with separate meters for each housing unit.
18. Prior to recording of the final plat, the applicant shall prepare documentation to remove the existing 20-foot roadway easement on the east side of the site (Recording No. 3381526), provide it to the City for signature, and record the document with the King County Recorder's Office.
19. Prior to recording of the final plat, survey monuments and lot corners shall be placed in accordance with recognized good practice in land surveying and in conformance with Standard Detail 519 of the 2007 Engineering Development Guide.
20. The exact square footage of each lot and each tract shall be clearly shown on the recorded final plat.
21. All addresses shall be shown on the recorded final plat. The lots shall be addressed as follows:
 - Lot 1: 14510 - 11th Avenue NE
 - Lot 2: 14514 - 11th Avenue NE
 - Lot 3: 14521 - 11th Avenue NE
 - Lot 4: 14517 - 11th Avenue NE
 - Lot 5: 14513 - 11th Avenue NE
 - Lot 6: 14509 - 11th Avenue NE
22. A Declaration of Covenant and License for Stormwater Flow Control Best Management Practices, in a form approved by the City, shall be shown on the recorded final plat.
23. A Joint Maintenance Agreement for the private street and stormwater flow control system establishing ownership and responsibility for maintenance, repair, improvement and rebuilding of those facilities shall be shown on the recorded final plat and recorded separately with a cross-reference to each lot in the subdivision.
24. The following notes shall be shown on the face of the final plat:
 - "Any further proposed subdivision or adjustment to the lot lines within this plat must use all lots of this plat for calculation of the density and dimensional requirements of the Shoreline Municipal Code."
 - "Tract A is an access and utility tract that is to be shared equally by the lots within this subdivision."
 - "Tract B is a Critical Area Tract established as a permanent protective measure for the on-site landslide hazard area and its buffer and the buffer for an off-site stream. Development, clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations are prohibited within the tract."
 - "No trees shall not be removed between the NE 145th Street right-of-way and the top of the steep slope paralleling NE 145th Street unless a certified arborist determines the trees to be removed are an active and imminent hazard to life or property pursuant to SMC 20.50.310(A)(1) or slope stability would be enhanced by the removal of a tree as determined by a geotechnical report. Trees may be trimmed and pruned provided no more than 25 percent of the foliage (or if foliage has not developed, no more than 10 percent of the foliage buds) including branches up to 1 ½ inches in diameter is removed and pruning does not adversely impact the central leader or does not significantly alter the natural form of the tree being pruned."

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City of Shoreline Planning Commission

Rocky Piro
Rocky Piro
Chairperson

4 Jan 2008
Date

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