



## **Memorandum**

**DATE:** December 6, 2007

**TO:** Shoreline Planning Commission

**FROM:** Paul Cohen, Senior Planner

**RE:** Hearing Continuation for Plateau at Jackson Subdivision

On September 20, 2007 staff presented the proposal and recommendation for the subdivision Plateau at Jackson. To view the original staff report, visit the City's website at: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/pds/pc/092007/3.iii.pdf>. At that meeting the Planning Commission continued the hearing to November 15<sup>th</sup>. On November 15<sup>th</sup>, the Planning Commission heard public testimony and then approved a continuation to December 6, 2007.

Jill Mosqueda, Development Review Engineer, and I will be prepared to answer questions that were raised from the November 15<sup>th</sup> hearing. Please call me at 546-6815 or email me at [pcohen@ci.shoreline.wa.us](mailto:pcohen@ci.shoreline.wa.us) if you have questions.

### **Attachments**

1. Draft Findings, Conclusions and Recommendation for Approval or Denial or Modification
2. Memo from Legal Staff

**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 145<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> Street to the south; classified as State Route 523 subject to the regulations of the Washington State Department of Transportation. The NE 145<sup>th</sup> Street right-of-way is located outside of Shoreline's city limits.
  - 10<sup>th</sup> Avenue NE to the west; a largely undeveloped City of Shoreline right-of-way with a gravel roadway that provides access to two parcels.
  - 11<sup>th</sup> 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.

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- 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 145<sup>th</sup> Street and 15<sup>th</sup> 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.

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- 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 145<sup>th</sup> 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 145<sup>th</sup> Street due to additional traffic and left turns onto NE 145<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> 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, 11<sup>th</sup> 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

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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 145<sup>th</sup> 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

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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 145<sup>th</sup> 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 145<sup>th</sup> 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.*

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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 10<sup>th</sup> 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 145<sup>th</sup> Street and widening the portion of 10<sup>th</sup> Avenue NE near the intersection with NE 145<sup>th</sup> 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					



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Rear yard setback	15'	is done during building permit review
Side yard setback	5' min/15' total	
Base height	30'/35' with pitched roof	
Bldg. coverage	35%	
Impervious area	50%	

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 10<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> Street.

**11. ENGINEERING AND UTILITY DEVELOPMENT STANDARDS (SMC 20.70)**

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- 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 145<sup>th</sup> Street and on 10<sup>th</sup> Avenue NE.
  - The NE 145<sup>th</sup> 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 145<sup>th</sup> Street.
  - The only improvement of the 10<sup>th</sup> 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 10<sup>th</sup> Avenue NE has been approved because:
    - i. the gravel roadway within the 10<sup>th</sup> 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 145<sup>th</sup> 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.

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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 10<sup>th</sup> 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 10<sup>th</sup> 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 unanimously 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 145<sup>th</sup> Street.

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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 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; and
  - 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 145<sup>th</sup> Street right-of-way and the top of the exempt steep slope paralleling NE 145<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> 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 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 10<sup>th</sup> Avenue NE right-of-way. However, improvements are not required in the 10<sup>th</sup> Avenue NE right-of-way pursuant to the approved Variance from Engineering Standards.

## Item 7.1 - Attachment 1

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 10<sup>th</sup> 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 - 11<sup>th</sup> Avenue NE
  - Lot 2: 14514 - 11<sup>th</sup> Avenue NE
  - Lot 3: 14521 - 11<sup>th</sup> Avenue NE
  - Lot 4: 14517 - 11<sup>th</sup> Avenue NE
  - Lot 5: 14513 - 11<sup>th</sup> Avenue NE
  - Lot 6: 14509 - 11<sup>th</sup> 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."

**Item 7.1 - Attachment 1**

- “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 145<sup>th</sup> Street right-of-way and the top of the steep slope paralleling NE 145<sup>th</sup> 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



**Memorandum**

**DATE:** November 29, 2007

**TO:** Planning Commissioners

**FROM:** Flannary Collins, Assistant City Attorney *FfC*

**RE:** Plateau at Jackson subdivision

During the November 15, 2007 Planning Commission meeting, the Planning Commission requested clarification on two issues associated with the Plateau at Jackson subdivision:

- City process for vacating easements; and
- Whether an in lieu of fee could be required when an engineering variance is granted.

1. Relinquishment of easements.

The City’s street vacation chapter is found at Chapter 12.17 SMC. The purpose of the street vacation chapter is to set forth procedures and criteria for the vacation of City right-of-way and easements associated with traffic circulation and roadway access (such as sidewalk easements on Aurora Avenue North).<sup>1</sup> The street vacation chapter is not intended to cover easements not connected to a roadway that do not provide a public benefit, such as the easement associated with the Plateau at Jackson subdivision.

The City Attorney’s Office is developing a surplus ordinance that will establish procedures for city abandonment or relinquishment of other types of real property, such as non-roadway easements, that no longer serve any public benefit and are no longer needed by the City. That ordinance will outline City abandonment or relinquishment of City-owned property with no payment required by the property owner.

The easement associated with the Plateau at Jackson covers the easterly 20 feet of Lot 13. (See map attached as Exhibit A - Attachment A to September 20 staff report.)

<sup>1</sup> Street vacations can be initiated either by the petition method, where the owners of two-thirds interest in the real estate abutting the street submit a petition to vacate, or by the resolution method, where the city council proposes a vacation. The Planning Commission considers both the petition method and the resolution method street vacations, and makes a recommendation to the City Council who then either approves or denies the vacation.

## Item 7.1 - Attachment 2

The easement, granted by the property owner of Lot 13 to the owner of Lot 12 in 1944, gave the owner of Lot 12 the right to construct, improve, repair and maintain a road across Lot 13 and also granted the public use of the easement. The easement dead-ends at the end of Lot 13 and does not extend into Lot 14. Thus, the easement does not extend to the public right-of-way (145<sup>th</sup> Street), but does attach to Paramount Park Open Space (former Lot 12). When the City acquired Paramount Park Open Space (former Lot 12) in 1997, the City assumed the easement by default.

The easement currently allows users of Paramount Park Open Space to walk on the easterly 20 feet of Lot 13, but does not allow access to Lot 14 or 145<sup>th</sup> Street. Thus, there does not appear to be any public benefit in this easement. The City would not require that the street vacation process be used for an easement not connected to the road that serves no public benefit, and would not require that the subdivision applicant pay the City for an easement assumed by default.

On a separate but related note, the City's relinquishment of the easement does not need to be a condition of subdivision approval. If the owner wants to request that the City relinquish the easement during the building permit application process, the owner can do this, or he can shrink the size of the building that extends into the easement area.

### 2. Engineering variance.

The City granted the property owner an engineering variance on July 26, 2007. The variance exempts 10<sup>th</sup> Avenue from full street improvements but requires that the intersection of 10<sup>th</sup> Avenue and 145<sup>th</sup> Street be upgraded to improve sight clearance and to allow vehicles to pass at the intersection.

There are two situations where required frontage improvements are waived: (1) SMC 20.70.030(E)(2) allows for payment in lieu of construction of required frontage improvements; and (2) SMC 20.30.290 allows for an engineering variance from frontage improvements. No payment in lieu of construction is made if a variance is granted. A variance is only granted if it will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property and improvements in the vicinity; and a comparable result in the public interest is produced. In both circumstances, the in lieu of fee and the engineering variance, there is a public benefit; here, the public benefit associated with the engineering variance is the protection of Littles Creek, a Type II stream. (See engineering variance attached as Exhibit B – Attachment L to September 20 staff report.)

Further, whether the City is allowed to require full frontage improvements for 10<sup>th</sup> Avenue is questionable under Benchmark Land Co. v. City of Battleground<sup>1</sup>, since any requirement for street improvements must be directly related to traffic generated by the development. The proposed subdivision is creating a new access in the middle of Lot 14, and will not be using 10<sup>th</sup> Avenue to access tracts.

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<sup>1</sup> 145 Wn. 2d 685, 49 P.3d 860 (2002).



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

BILL YOUNG  
12222 N 185TH ST., SUITE 102  
SHORELINE, WA 98133  
(206) 547-7171

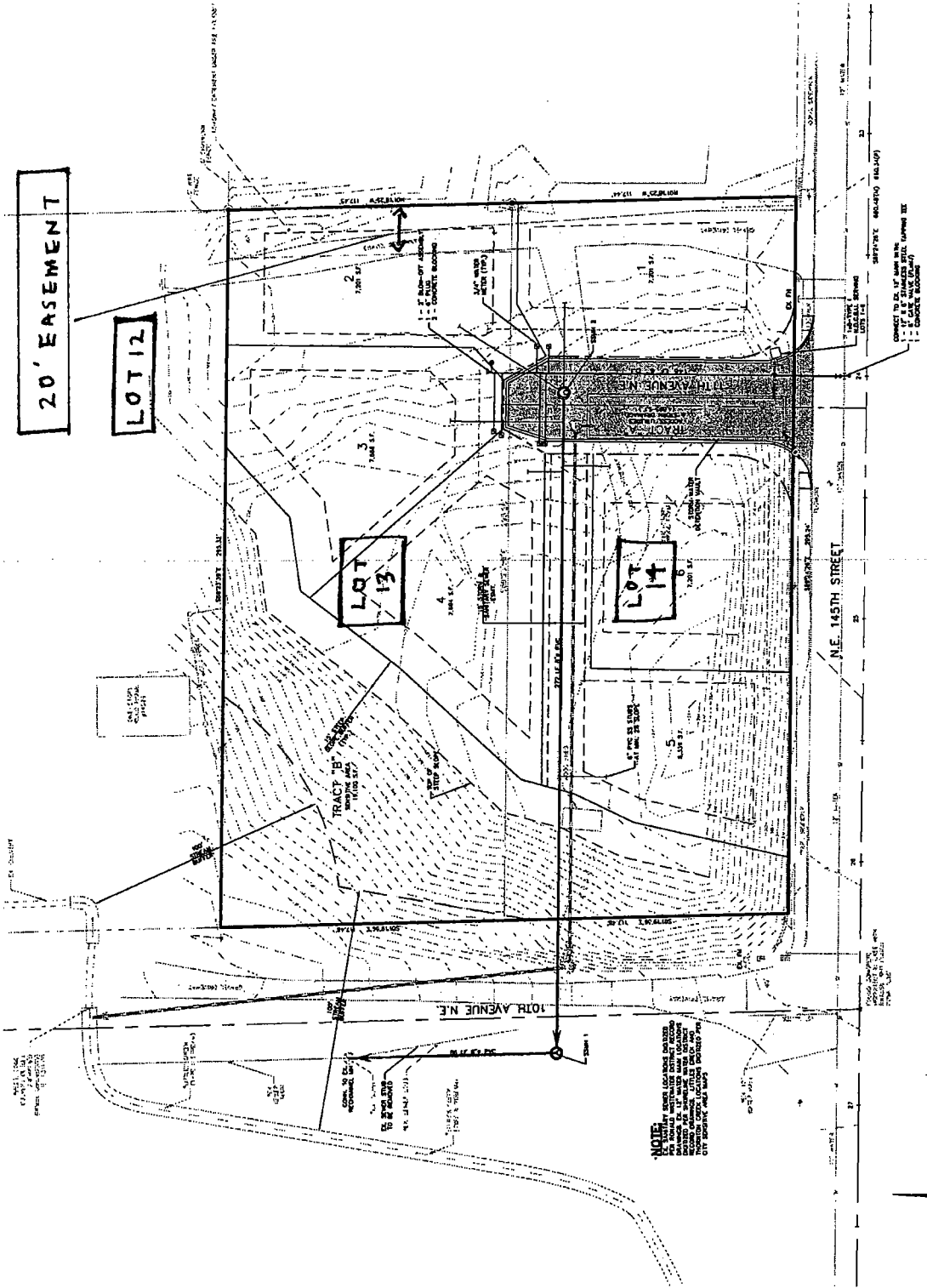
DRS DESIGN GROUP  
REGISTERED PROFESSIONAL ENGINEERS  
10000 15TH AVENUE NE  
SUITE 10000  
SHORELINE, WA 98155  
TEL: (206) 547-7171  
WWW.DRSDESIGN.COM



DATE	10/10/08
PROJECT NO.	08110
SHEET NO.	4
SHEET TOTAL	4

DRAWN BY: MMK  
DESIGNED BY: MMK  
PROJECT ENGINEER:  
DATE: 10/10/08  
PROJECT NO.: 08110  
SHEET NO.: 4  
SHEET TOTAL: 4

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



IN WASHINGTON STATE, REGISTERED PROFESSIONAL ENGINEERS ARE NOT PERMITTED TO SEAL OR SIGN ANY DESIGN OR DRAWING FOR WHICH THEY ARE NOT LICENSED UNDER THE ENGINEERING ACT OF 1932 AS AMENDED.



*City of Shoreline*  
*Planning and Development Services*

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

**Variance from Engineering Standards**

Project Number: 201584  
Owner/Agent: Bill Young / D.R. Strong Consulting Engineers  
Project Address: 14521 – 11<sup>th</sup> Ave. NE

**Code Section to be varied: 20.70.030A Required Street Improvements, Shoreline Municipal Code**

The proposal is to not require street improvements for the 10<sup>th</sup> Ave. NE frontage abutting the property.

**Decision Criteria**

SMC 20.30.290 of the Shoreline Municipal code provides a mechanism for the City to grant an adjustment in the application of engineering street standards, where there are unique circumstances relating to the proposal that strict implementation of engineering standards would impose an unnecessary hardship on the applicant, providing the applicant demonstrates that:

1. The granting of such variance will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
2. The authorization of such variance will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
3. A variance from engineering standards shall only be granted if the proposal meets the following criteria:
  - a. Conform to the intent and purpose of the Code;
  - b. Produce a compensating or comparable result which is in the public interest;
  - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
4. Variances from road standards must meet the objectives for fire protection. Any variance from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.

**Findings and Conformance to Criteria**


1. The 10<sup>th</sup> Avenue NE right-of-way is largely unimproved from NE 145<sup>th</sup> Street to NE 151<sup>st</sup> Street. Only three houses currently use that portion of the right-of-way for access. None of the proposed subdivision's new lots will use 10<sup>th</sup> Avenue NE for access. The east frontage of the right-of-way is occupied by the proposed subdivision, two houses and Paramount Park Open Space. The west frontage of the right-of-way is fully developed with no opportunity for additional houses or dwelling units. There is no foreseeable reason that 10<sup>th</sup> Avenue NE will ever be extended south to NE 145<sup>th</sup> Street. As conditioned, granting the variance will not be detrimental to the public welfare or create adverse impacts.

2. The portion of the 10<sup>th</sup> Avenue NE right-of-way adjacent to the project site is entirely within the 115-foot stream buffer of nearby Little's Creek, a Type II stream. Granting the variance will not adversely affect implementation of the Comprehensive Plan but supports implementation of Land Use Policies 85, 91 and 131 to minimize adverse environmental impacts, conserve and protect environmentally critical areas and preserve and protect streams.
3. Granting the variance, as conditioned, will produce a compensating result in the public interest (protecting critical areas) and meets the objectives of safety and function based upon sound engineering judgment (the conditions will improve the safety and functionality of the intersection of 10<sup>th</sup> Avenue NE and NE 145<sup>th</sup> Street.
4. Because the proposed subdivision is not accessible via 10<sup>th</sup> Avenue NE due to the steep slopes along the west side of the subdivision, fire protection vehicles would not be able to use it in emergency situations. Granting the variance does not affect meeting objectives for fire protection.


**City Decision Section**

**Decision:** Full street improvements to current standards are not required for 10<sup>th</sup> Avenue NE. However, the intersection of 10<sup>th</sup> Avenue NE and NE 145<sup>th</sup> Street shall be upgraded to improve sight clearance and to allow two vehicles to pass at the intersection.

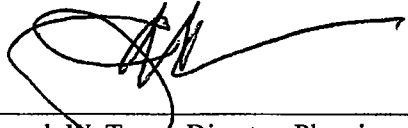
**Reviewed by:**

 *FM.* Date: 7-26-07  
 \_\_\_\_\_  
 Mark Bunje, Fire Marshal, Shoreline Fire Department

**Reviewed and Prepared by:**

 *P.E.* Date: 07-24-07  
 \_\_\_\_\_  
 Jill Mosqueda, Development Review Engineer, Planning and Development Services

**Approved by:**

 Date: 7/24/07  
 \_\_\_\_\_  
 Joseph W. Tovar, Director, Planning and Development Services