

# AGENDA

## CITY OF SHORELINE PLANNING COMMISSION REGULAR MEETING



**Thursday, March 16, 2006  
7:00 p.m.**

**Shoreline Conference Center  
18560 1<sup>st</sup> Ave. NE | Rainier Room**

	<u>Estimated Time</u>
<b>1. CALL TO ORDER</b>	7:00 p.m.
<b>2. ROLL CALL</b>	7:01 p.m.
<b>3. APPROVAL OF AGENDA</b>	7:02 p.m.
<b>4. DIRECTOR'S REPORT</b>	7:03 p.m.
<b>5. APPROVAL OF MINUTES</b> a. February 16, 2006      b. March 2, 2006	7:08 p.m.
<b>6. GENERAL PUBLIC COMMENT</b>	7:10 p.m.

*The Planning Commission will take public comment on any subject which is not of a quasi-judicial nature or specifically scheduled for this agenda. Each member of the public may comment for up to two minutes. However, Item 6 (General Public Comment) will be limited to a maximum period of twenty minutes. Each member of the public may also comment for up to two minutes on action items after each staff report has been presented. The Chair has discretion to limit or extend time limitations and number of people permitted to speak. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers must clearly state their name and address.*

<b>7. PUBLIC HEARING</b> <i>Quasi-Judicial Public Hearing</i>	7:15 p.m.
<b>i. File #201478 - Preliminary Formal Subdivision for Shoreline Townhomes</b>	
a. Staff Overview and Presentation of Preliminary Staff Recommendation	
b. Applicant Testimony	
c. Questions by the Commission to Staff and Applicant	
d. Public Testimony or Comment	
e. Presentation of Final Staff Recommendation	
f. Final Questions by the Commission and Commission Deliberation	
g. Closure of the Public Hearing	
h. Vote by Commission to Recommend Approval or Denial or Modification	
<b>8. REPORTS OF COMMITTEES AND COMMISSIONERS</b>	9:15 p.m.
<b>9. UNFINISHED BUSINESS</b>	9:20 p.m.
<b>10. NEW BUSINESS</b>	9:25 p.m.
a. Potential Amendment of the Bylaws	
<b>11. ANNOUNCEMENTS</b>	9:35 p.m.
<b>12. AGENDA FOR April 6, 2006</b>	9:39 p.m.
Planning Commission Officer Elections	
Public Hearing: Sundquist 15 <sup>th</sup> Ave. NE Comp Plan Amendment & Rezone	
Public Hearing: Permanent Hazardous Trees Regulation & Critical Areas Stewardship Plan	
<b>13. ADJOURNMENT</b>	9:40 p.m.

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 546-2190.*

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# DRAFT

These Minutes Subject to  
March 16<sup>th</sup> Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

February 16, 2006  
7:00 P.M.

Shoreline Conference Center  
Board Room

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#### **COMMISSIONERS PRESENT**

Chair Harris  
Vice Chair Piro  
Commissioner Hall  
Commissioner Kuboi  
Commissioner McClelland  
Commissioner Phisuthikul  
Commissioner MacCully  
Commissioner Sands

#### **STAFF PRESENT**

Joe Tovar, Director, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

#### **COMMISSIONERS ABSENT**

Commissioner Broili

#### **CALL TO ORDER**

Chair Harris called the regular meeting of the Shoreline Planning Commission to order at 7:06 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Vice Chair Piro, Commissioners Hall, Kuboi, McClelland, MacCully and Sands. Commissioner Phisuthikul arrived at 7:12 p.m. and Commissioner Broili was excused.

#### **APPROVAL OF AGENDA**

The agenda was approved as presented.

## **DIRECTOR'S REPORT**

Mr. Tovar introduced Steve Cohn, the City's new Planner III, who previously worked for the City of Bellevue for a number of years. Mr. Cohn said he was pleased and excited to join the City of Shoreline staff. Mr. Tovar also announced that Rachael Markle, Assistant Director of Planning and Development Services, would return to work on May 1<sup>st</sup>.

Mr. Tovar reported that they received five applications for the Planning Commission positions that would become available the end of March. Only one incumbent has submitted an application to date. He said they anticipate additional applications before the deadline of February 21<sup>st</sup>.

## **APPROVAL OF MINUTES**

The minutes of January 19, 2006 were approved as corrected.

## **GENERAL PUBLIC COMMENT**

There was no one in the audience who expressed a desire to address the Commission during this portion of the meeting.

## **REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner Hall reported that as directed by the Commission, a subcommittee (Commissioner Hall, Commissioner Sands, Commissioner Broili, Mr. Tovar and Mr. Torpey) met to discuss certain critical areas issues. Mr. Tovar reviewed some of the options staff was considering, which all came forward to help frame the City Council's discussion on February 13<sup>th</sup>.

## **STAFF REPORTS**

### **Update on Recent Council Land Use Actions**

#### **Hazardous Tree Moratorium**

Mr. Tovar recalled that on January 3, 2006 the City Council adopted a moratorium on a provision in the City's code that created exceptions for the cutting of hazardous trees. At the same time, they adopted an interim regulation that was much more rigorous. The interim control did not include recreational trails as an exception, which was a specific issue raised by the Innis Arden Club. After conducting a public hearing on February 6<sup>th</sup>, the City Council amended the interim control to grant permission for someone to remove the hazardous portion of a tree if it could be shown there is an actual risk to someone using a recreational trail. He emphasized that the interim ordinance would still require an individual to contact the City before cutting a hazardous tree, and staff would have the ability to visit the property prior to granting permission. Emergency situations could be approved quickly by the City's Customer Response Team. To date, Mr. Tovar reported that no one has challenged the amended interim control.

Mr. Tovar reminded the Commission that the interim control expires on May 3<sup>rd</sup>, so the Commission must forward a recommendation for a permanent regulation before that time. He explained that the Commission has the option of recommending adoption of the interim control as it currently exists, adoption of the recommendation they made to the City Council in the fall of 2005, or going back to the previous regulation. He said staff would like to create code language based on the Commission's previous recommendation to the City Council and bring it back to the Commission for a public hearing in March.

Mr. Tovar reported that since the subcommittee meeting, staff has met with representatives from the Association for Responsible Management of Innis Arden (ARM) and the Innis Arden Club to discuss the general concept. Staff invited these individuals to review the proposal and provide their comments at the public hearings conducted at both the Planning Commission and City Council levels.

Commissioner Phisuthikul asked if the City was contacted regarding any hazardous tree emergencies during the recent wind storm. Mr. Tovar answered that the City only heard reports about trees that actually fell on power lines.

Commissioner Sands asked how the tree cutting ordinance would be applied to trails located in City parks. Mr. Tovar explained that the tree regulations in the Critical Areas Ordinance would be applied equally to both public and private properties. However, under state law, the City is protected from liability within parks as long as they have done a responsible job of maintaining the trails. A private property owner would be subject to a much greater risk of exposure.

Mr. Tovar reminded the Commission that the City Council approved an expenditure of \$50,000 for the Parks Department to work on an urban forest or natural resource management plan. This could include a review of trees and vegetation on all publicly owned land, land within the right-of-way and private property. He said he has already met with the Parks and Public Works Directors to discuss what the project might include.

#### Critical Areas Ordinance

Mr. Tovar reported that the City Council received the Commission's recommendation for the Critical Areas Ordinance on October 24, 2005, but they were unable to review and deliberate the recommendation until just recently. Since the Planning Commission closed the public hearing, the City Council has received oral and written comments from citizens and the Department of Fish and Wildlife regarding the ordinance. They decided to hold an additional hearing on February 13<sup>th</sup> to allow the public to respond to comments that were submitted after October 24<sup>th</sup>. In addition, the public was invited to respond to proposed City Council changes to the ordinance. After the hearing on February 13<sup>th</sup>, the City Council scheduled further deliberations to take place on February 27<sup>th</sup>.

Mr. Tovar reminded the Commission that a proposal was made late in the process to adopt the Washington State Department of Ecology's Wetland Classification System. The Commission agreed that they should revisit the option at a later date, so this issue would be scheduled for discussion later in 2006.

Commissioner Hall asked how the clearing ordinance would be related to the Critical Areas Ordinance. Mr. Tovar said some of the issues raised over the past months have been related to people using heavy equipment within critical areas. Therefore, he suggested the Commission not only talk about tree cutting, but any type of modification of land surface that is proposed within a critical area.

#### Cottage Housing Ordinance

Mr. Tovar recalled that at the last Commission Meeting, staff described six options that would be presented to the City Council regarding the Cottage Housing Ordinance. The City Council requested staff to prepare two draft ordinances; one that that would adopt the Planning Commission's recommendation with additional changes and one that would repeal the ordinance altogether. They ultimately chose to repeal the Cottage Housing Ordinance, and formal action was taken on February 13<sup>th</sup> (Ordinance 408).

Mr. Tovar further advised that on February 13<sup>th</sup>, the City Council directed staff to prepare a proposed work program for a comprehensive housing strategy. He recalled that this concept was also discussed as part of the Commission's recommendation regarding cottage housing. Over the next few months, staff would prepare a potential work program for the City Council's review at their April retreat. Mr. Tovar pointed out that code amendments might be necessary as a result of the Council's decision to repeal the Cottage Housing Ordinance. He noted that there are no current permits for the construction of additional cottage housing developments within the City.

Commissioner MacCully pointed out that the most recent *SUNSET MAGAZINE* featured a cottage housing development by Jim Soules on the eastside, which gained a prestigious award as one of the 15 best housing developments on the West Coast.

Commissioner Hall referred to Comprehensive Plan Land Use Policy 27, which states that the City shall have cottage housing. He inquired regarding the timing for the 2006 Comprehensive Plan amendment docket. Mr. Tovar answered that the deadline for submitting amendments for the 2006 docket expired on December 31, 2005. Commissioner Hall asked staff to propose an amendment for the 2007 docket that would remove Land Use Policy 27 from the Comprehensive Plan.

Commissioner McClelland said that if the Commission would be participating in portions of comprehensive housing strategy process, it would be helpful to obtain adequate statistical data regarding the current housing stock in Shoreline. Mr. Tovar agreed that this type of information would be helpful and would be considered by the City Council for possible inclusion in the scope of work for the project. Commissioner McClelland said it would also be helpful to have statistical data to indicate how often the accessory dwelling unit ordinance has been used.

Commissioner Hall requested that future consideration of a comprehensive housing strategy include a discussion on the following policy approaches:

- Requiring a residential component of mixed use development in certain sub areas or on projects over a certain size.

- Implementing inclusionary zoning that would require, by regulation, some percentage of affordable units in projects over a certain size.
- Establishing a minimum net density in certain zones.

Commissioner Kuboi asked staff to clarify what the Planning Commission's role would be in identifying the underlying goals of the comprehensive housing strategy. Mr. Tovar answered that the ultimate scope and schedule would include a work program for the Commission, as well.

### **Discussion on Potential Work Program and Community Outreach**

Mr. Tovar reported that, recently, the City Council has discussed the need to revisit the "vision for Shoreline," and reevaluate the values of the community. This need has been expressed on numerous occasions by members of the public, as well. In addition, the City Council has discussed the community's strong desire to be heard. Much frustration has been expressed by citizens that they have not had enough opportunity to participate in the process. At their retreat, the City Council plans to discuss the option of creating task forces, ad hoc advisory groups, City Council subcommittees, etc. He said staff anticipates changes in the near future. He suggested that the Commission also consider how they could utilize the talents and skills of the Commissioners in a different format or configuration to discuss issues such as an urban forestry plan, a stewardship or vegetation management plan and a design component to address the issue of cottage housing.

Commissioner MacCully suggested that the Commission work to come up with a process that reaches out to the citizens who don't feel comfortable participating in a public process to find out what issues they feel are important. He suggested that a less formal process would have more potential for success in this regard. Mr. Tovar agreed that many citizens do not feel comfortable speaking at public hearings, but there might be other ways to reach these individuals such as surveys, etc.

Commissioner McClelland shared her experience of inviting 120 of the households in her neighborhood to an open house for a candidate, but only two attended. She also shared how one of her neighbors has very thoughtful and strong points of view on many issues, but never attends public meetings to make her voice heard. She suggested that the Commission must find a clever way to fill the gap between people expressing their opinions to neighbors and doing the work it takes to implement change. The citizens who have successfully implemented change have sat through the meetings and public hearings to make sure their voices were heard.

Mr. Tovar said that if the City Council decides to pursue the concept of task forces or advisory groups clustered around specific issues, staff would likely recommend the Planning Commission have some role or representation in the process.

Commissioner Phisuthikul said that on numerous occasions he has recommended that the City Council revisit the "Vision of Shoreline." While the City Council has discussed this concept, they have not made any formal decision on how to proceed. He asked how the Planning Commission could successfully encourage the City Council to provide direction. Mr. Tovar answered that the Commission could certainly express their ideas and opinions to the City Council regarding this issue. However, staff

bases its work schedule on the priorities set by the City Council, and this would be a significant discussion at their April retreat.

Commissioner MacCully said it would be helpful to come up with better communication between the City Council and all of the advisory boards, including the Planning Commission. He said he would like the City Council to identify meaningful work for the Commission to do. He expressed his frustration that it takes the City too long to take action on any one issue. He pointed to the Economic Development Task Force, which seemed to accomplish a significant amount of work in a short period of time. Mr. Tovar said the Economic Development Task Force has been used as an example of a successful ad hoc focused effort, with different stakeholder groups that didn't have much interaction with each other. Commissioner Sands said that the difficult task will be implementing the Economic Development Plan, since it would require zoning changes, etc.

Commissioner Sands referred to the detailed Planning Commission Agenda Planner, which is quite lengthy. He expressed the need for the City Council to provide priority direction as soon as possible so that the Commission could move forward. Mr. Tovar agreed that it would be difficult for the Commission to move forward with any of the items on the agenda without further direction from the City Council regarding priorities. Hopefully, additional information would be available after their retreat in April.

Commissioner Hall pointed out that Chair Harris is responsible for establishing Planning Commission agendas, and the only item on the next agenda is a discussion on the Special Use Permit. Since this would not likely take a full meeting, he suggested staff invite someone from the Department of Ecology to provide a presentation on the Ecology Wetlands Manual. He advised that there are other smaller issues the Commission could work on, as well. Chair Harris agreed that there are issues the Commission could work on while they wait for further direction from the City Council on the larger items. The remainder of the Commission concurred and identified the following topics they could start working on now:

- A presentation from the Department of Ecology regarding their Ecology Wetlands Manual.
- A joint meeting with the Parks Board to discuss the upcoming Urban Forestry Plan Project.
- A discussion on the concept of Planning Commissioners becoming involved with Neighborhood Councils.

Chair Harris cautioned that staff has been shorthanded, and the Commission must be careful about having meetings without adequate staff direction.

Mr. Tovar advised that he would contact the Department of Ecology and request a presentation regarding the Ecology Wetlands Manual at a future Commission meeting. The Commission agreed that they are open to staff scheduling any educational opportunity available to help them do their job.

## **PUBLIC COMMENT**

**Greg Davenport** advised that he is currently contemplating submitting an application to join the Planning Commission. He said that it is apparent to him from the Commission's discussion that there is not an ideal amount of cooperation and coordination with the City Council. He said he is surprised to find that the City Council does not observe or participate in the Planning Commission meetings.

Chair Harris clarified that none of the Commissioners intended to imply that there is not adequate cooperation between the Commission and City Council. He explained that because there are numerous new City Council Members, they have their hands full just working through their issues. He said the Planning Commission worked hard in August, September and October of 2005. But now they have less work to do, and they are all anxious for something to work on. They are waiting for a work plan from the City Council. Chair Harris explained that it is not typical for City Council members to attend Planning Commission meetings, since the Commission is an advisory board for the Council. The Chair of the Commission is invited to attend City Council meetings as necessary.

## **UNFINISHED BUSINESS**

Mr. Tovar referred the Commission to an article in *THE POST INTELLIGENCER* titled, "*The Original Burbs are in Trouble.*" He noted that the City of Shoreline is mentioned in the first sentence of this article as an original suburban area. Mr. Tovar explained that, in the article, King County has been identified as an area where the demographics of the community have changed significantly since World War II. He said he has also spent time working with the group, Cascade Land Conservancy. After adopting their regional conservation strategy, they broke into two subcommittees. He participates on the "Great Cities and Towns" Subcommittee, which is interested in advancing the objectives of the Cascade Land Conservancy's Conservation Strategy within the urban area. They have been working to collect research materials from various sources to frame the discussion, which would be focused on the suburbs rather than the inner city.

Mr. Tovar referred the Commissioners to a web link for a report that was completed last year called, "*The New Suburbanism.*" This article identifies that the major growth in the country is taking place in the suburbs, and that is also where the job creation is taking place. Many of these issues are typical of places such as Shoreline. He suggested that the report might be a primer for the Commission's future comprehensive housing strategy discussion.

## **NEW BUSINESS**

Commissioner Hall reminded the Commission that they already have a backlog of issues dating back to their March 2005 retreat. He said he would happy to see any of them introduced and moved forward.

The Commission discussed whether or not it would be appropriate to hold another retreat in 2006. They agreed that a retreat could be scheduled for sometime in April, after the new Commissioners have been appointed.

### **AGENDA FOR NEXT MEETING**

Chair Harris reviewed that a public hearing on a Special Use Permit for the Shoreline Community College Pagoda Building is scheduled for March 2, 2006.

### **ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission



# DRAFT

These Minutes Subject to  
March 16<sup>th</sup> Approval

## CITY OF SHORELINE

### SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

March 2, 2006  
7:00 P.M.

Shoreline Conference Center  
Mt. Rainier Room

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#### **COMMISSIONERS PRESENT**

Chair Harris  
Vice Chair Piro (arrived at 7:07 p.m.)  
Commissioner Sands  
Commissioner Broili  
Commissioner McClelland  
Commissioner Phisuthikul  
Commissioner MacCully  
Commissioner Kuboi  
Commissioner Hall

#### **STAFF PRESENT**

Joe Tovar, Director, Planning & Development Services  
Steve Cohn, Senior Planner, Planning & Development Services  
Paul Cohen, Senior Planner, Planning & Development Services  
Glen Pickus, Planner II, Planning & Development Services  
Steve Szafran, Planner II, Planning & Development Services  
Jessica Simulcik Smith, Planning Commission Clerk

#### **CALL TO ORDER**

Chair Harris called the regular meeting of the Shoreline Planning Commission to order at 7:03 p.m.

#### **ROLL CALL**

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Sands, Broili, McClelland, Phisuthikul, MacCully, Hall and Kuboi. Vice Chair Piro arrived at 7:07 p.m.

#### **APPROVAL OF AGENDA**

The Director's Report was moved to after the public hearing and Commission deliberations on the Special Use Permit application for Shoreline Community College. The agenda was approved as amended.

#### **APPROVAL OF MINUTES**

The February 16, 2006 minutes were not available for approval.

## **GENERAL PUBLIC COMMENT**

There was no one in the audience who expressed a desire to address the Commission during this portion of the meeting.

## **PUBLIC HEARING ON SPECIAL USE PERMIT FOR SHORELINE COMMUNITY COLLEGE PAGODA BUILDING**

Chair Harris reviewed the rules, procedures and agenda for the Type C Quasi Judicial Public Hearing. He invited Commissioners to disclose any ex parte communications they received regarding the subject of the hearing outside of the hearing. None of the Commissioners identified ex parte communications. (Note: Vice Chair Piro had not arrived at the meeting yet.)

### **Staff Report**

Mr. Cohen, project manager for the subject application, introduced Glen Pickus, who is also a member of the planning team. He advised that Mr. Pickus joined the Planning & Development Services Staff in mid-August.

Mr. Cohen reviewed that the application is to expand the existing Shoreline Community College Student Union (Pagoda) Building from two stories to three stories. There would be no expansion in the building footprint, but the overall square footage would increase by approximately 50% to a total of 60,000 square feet by adding an extra floor. He briefly described the location of the subject building, and pointed out that the site has access from the south, with a service access off of Greenwood Avenue, as well. The building is separated from Greenwood Avenue by about 500 feet.

Mr. Cohen explained that because the college is a non-conforming use in single-family zone, expansion requires a special use permit. He stated that staff received no written or oral comments regarding the proposed project. He explained that when analyzing a special use permit, nine criteria must be considered. He briefly reviewed staff's analysis that concluded that the proposal would meet each of the criteria:

- **Criterion 1: The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.** The improved and updated Student Union Building would allow the college to better facilitate and respond to students' needs in Shoreline's only higher education institution.
- **Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.** The updated building would be compatible with the other campus buildings that surround it and with the surrounding residential neighborhood because the current building has been in existence for the past 40 years. However, there are some issues that must be considered such as traffic and parking impacts. The applicant completed a parking study showing adequate capacity for parking on the site, and the issue tends to be more related to enforcement. Staff recommends an additional condition regarding a master use plan.

- **Criterion 3: The special use will not materially endanger the health, safety and welfare of the community.** There would be no health or safety issues related to the proposal. If approved, the City would require a building permit and structural safety issues would be reviewed at that time.
- **Criterion 4: The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.** Because the proposal would replace the same use within the existing campus, it would not create an over-concentration of college uses.
- **Criterion 5: The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.** The special use would not cause any increased pedestrian or vehicular traffic in the neighborhood, except the infrequent service vehicle after construction.
- **Criterion 6: The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.** The need for public facilities would not be increased by the proposed use, and adequate infrastructure exists for the site.
- **Criterion 7: The location, size and height of buildings, structures, walls and fences, and screening vegetation for special use shall not hinder or discourage the appropriate development or use of neighboring properties.** The proposal would not hinder the development of other buildings on the campus because it would stay within the same footprint. In addition, the neighboring properties have all been developed into permanent uses.
- **Criterion 8: The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.** There are four policies in the Comprehensive Plan (LU67, LU70, LU72, and LU75) that talk to the fact that essential public facilities are allowed by State regulation, provide benefits to the community, should be designed to be compatible with the community, and impacts should be mitigated. Staff believes the proposal would be consistent with the Comprehensive Plan policies.
- **Criterion 9: The special use is not in conflict with the standards of the critical areas overlay.** The site of the Student Union Building has not been identified as a critical area.

Mr. Cohen concluded by stating that staff does not believe the proposal to expand the facility would impact the surrounding neighborhood nor would it increase impervious surface, since the building would stay within the context of the overall campus. Staff's only concern is the added pressure for parking on a campus where problems already exist. He advised that, in the past, the college has made small changes without addressing the overall parking problem, but they are in the process of preparing a master plan for City approval. As part of their review of the college's Master Plan, staff would consider issues such as stormwater, traffic, parking, etc.

Mr. Cohen said staff's preliminary recommendation is that the special use permit be approved with two conditions:

- **Condition 1: The Community College shall submit building permit applications for the proposal that show where they would replace the 12 parking spaces lost as a result of the project.** Even though the parking study shows the college has capacity to accommodate the parking

needs, staff is concerned about the removal of some of the close-in parking. It is important that none of the existing parking be lost.

- **Condition 2: That a campus master plan be completed by the college and approved by the City prior to applications for any future construction permits for habitable space.** Issues such as parking and traffic could be dealt with and mitigated as part of the master plan process.

Mr. Cohen advised that an additional issue has come up since the staff report was sent to the Commissioners. Although the application is for an expansion of a land use, it was not explained in the staff report that the expansion would increase the building height above the 30-foot height limit of the underlying zone by about 10 feet. The new building would be approximately 12 feet higher than the roofline of the existing building. Mr. Cohen explained that the application is for both the expansion of the use and the structure. He referred to RCW 36.70A.200, which states that “each city shall include a process for identifying and siting essential public facilities, which include state education facilities.” This RCW also states that “no local comprehensive plan or development regulation may preclude the siting of essential public facilities.” He noted that the college has stated that the expansion of the facility is essential to meet the program needs of the college as enrollment has increased and services have changed since the building was constructed in 1964. Since the expansion would meet the program and service needs of students without expanding the number of classrooms, staff believes the proposed project could be considered essential. However, he said he reviewed Criteria 2 and 7 again based on the increased building height:

**Criterion 2: The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.** The 12-foot height increase above the existing roofline would remain compatible with the single-family neighborhood to the east because there would still be a 500-foot separation with treed vegetation.

**Criterion 7: The location, size and height of buildings, structures, wall and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.** The proposed building would be taller than most of the surrounding buildings, but would not prevent other campus buildings from redeveloping. All other nearby residential properties are fully developed.

Based on the new height information, Mr. Cohen advised that staff recommends approval of the special use permit, with the two conditions identified earlier.

### **Applicant Testimony**

**Wendell Johnson, Reid Middleton, Inc., 728 – 134<sup>th</sup> Street Southwest, Suite 200, Everett, 98204,** advised that the proposed project is intended to enhance student facilities. No new classrooms or new demand on roads would be created. The proposed project would stay within the existing footprint, but would go up higher to create more floor space within the building. Because the building is relatively old, the college would also like to enhance the aesthetics. Mr. Johnson said he has reviewed the two conditions proposed by staff, and the college totally concurs with Condition 2 (master plan). He noted

that the college has been in the process of developing a master plan for quite a while, and they are on the verge of bringing the draft document to the City for consideration.

Mr. Johnson referred to Condition 1 (replacement of 12 lost parking spaces). He noted that the proposed site plan identifies landscaping along the south edge of the building, which is where the parking spaces are currently located. From an aesthetics standpoint, it is better to have landscaped buffers between the building and the parking, and the college feels it is important to provide landscape and pedestrian improvements. Next, Mr. Johnson referred to the parking study that was submitted as part of the application, which indicates there is adequate parking to meet the needs of the expanded facility. The college agrees with staff that the parking issue is more related to enforcement. He also noted that 8 or 9 of the 12 parking spaces that would be lost are currently being used by college staff, and the college can control where these people park. Mr. Johnson pointed out that by removing the 12 parking spaces, the total amount of pervious surface would be increased. If they are required to create 12 spaces elsewhere, they could be faced with a new drainage issue.

**Kae Peterson, Shoreline Community College, 16101 Greenwood Avenue North**, pointed out that parking space is not as much of an issue as the general traffic flow; and right now, the college is in an enrollment slump. She announced that the college formed a Traffic Community Task Force in the spring of 2004, and all representatives from the Council of Neighborhoods whose neighborhoods touched college property were invited to participate. The Task Force considered solutions for improving the traffic flow into the college, as well as addressing current parking problems. Two community open houses were held to solicit public comment. In August of 2005, the college implemented zoned parking in the Highland Terrace Neighborhood, and SCC pays the City for the cost of this zoned parking. Because there have been no documented complaints about parking around the college since that time, she concluded that much of the parking issue has already been mitigated.

Ms. Peterson pointed out that during construction there would be a number of lost parking spaces in the staff lot, and the college is working on an agreement that would allow exempt staff to park on the nearby Department of Transportation site. They also run a shuttle bus every 45 minutes from the Sears parking lot to the college campus. Because the college feels they can adequately mitigate the parking issues, even during construction, she asked that staff's Condition 1 be eliminated as a stipulation for the special use permit.

Ms. Peterson emphasized that the college's draft Master Plan addresses parking, area traffic and circulation, storm drainage, critical areas, and on-site future improvements. They are in the final stages of the Environmental Impact Study and plan to present the study and Master Plan to the College Trustees for adoption in June. The document should be submitted to the City by July 1<sup>st</sup>. She concluded that she supports the staff's recommended Condition 2, requiring a master plan.

Commissioner Kuboi inquired if Condition 1 would require that all 12 of the replacement parking spaces be paved. Mr. Cohen answered that if the college were to replace the 12 spaces, they would have to meet City parking standards, which would require pavement. Commissioner Kuboi pointed out that the college also has a lot of parking that is not paved.

Commissioner Hall noted that there is no structured parking on the Shoreline Community College campus. He asked how many State colleges and universities in King County have structured parking. Ms. Peterson answered that most of the community colleges do not have structured parking. The State's capital projects system does not allow for the State to pay for structured parking. However, Bellevue Community College developed structured parking four years ago using student fees and a certificate of participation. Commissioner Hall noted that Seattle Central Community College and North Seattle Community both have parking located underneath their buildings. Ms. Peterson answered that this parking was constructed using private dollars.

Commissioner McClelland pointed out that the RCW referenced earlier by Mr. Cohen is actually related to the siting of essential public facilities, and the proposal is related to a building that already exists. She asked if it would be better for the college to obtain a variance for the additional height. Mr. Tovar pointed out that the Growth Hearings Board recently concluded that this section of the RCW applies not just to the original siting of a facility, but to expansion proposals, as well. He explained that variance criteria are based on hardship, and an applicant must show that it is not reasonable for the City to require compliance. He added that the college's new Master Plan would become the City's process for dealing with expansion and would grant the City authority to vary dimensions, including height, as identified in the final approved Master Plan. Currently, there is no tool in the City's Development Code to address questions such as varying dimensions of structure for reasons other than hardship.

Commissioner MacCully asked if the Student Union Building could be seen from Greenwood Avenue. Mr. Cohen answered that the building could only be seen from the access drive that comes off of Greenwood Avenue. He noted that the vegetation between the building and Greenwood Avenue is mature and blocks much of the building's view. Ms. Peterson added that the music building is the structure most prominently seen from Greenwood Avenue.

Commissioner Sands inquired if the community college has signed contracts with Sears for parking. Ms. Peterson answered that they have a contract that is renewed annually on July 1<sup>st</sup>. They have been leasing about 250 parking spaces at the Sears site for the past 10 years. During a normal quarter, there are between 150 and 200 cars parked there every day. Commissioner Sands noted that these spaces could be eliminated if Sears decided to redevelop the property.

Commissioner Sands asked if the college's proposed Master Plan would change the ingress and egress to the school so that the Student Union Building would be visible from any of the roads. Ms. Peterson answered that there are some references in the Master Plan to changing the ingress and egress to the college, but none of the proposals would increase the visibility of the Student Union Building.

Vice Chair Piro asked if the college foresees any increased travel to the campus as a result of the expansion. Ms. Peterson answered that there would be no additional trips associated with the project. Vice Chair Piro noted that the college has a pattern of supplying 10% more parking than would be required as an extra cushion during peak times. He questioned what problem would be solved by requiring the college to replace the 12 spaces if they already have more than adequate parking. Mr. Cohen answered that staff doesn't foresee an extreme problem, but they are concerned about the loss of parking capacity. The location of the lost parking spaces is more important than the actual number, and

the 12 spaces are located nearest to the building. Vice Chair Piro pointed out that the proposal includes sidewalk improvements, thus improving the opportunity for people to access the building by foot. Mr. Cohen summarized that once the college's Master Plan is approved by the City, staff would feel much more confident about the parking. In the long run, these additional spaces might be absorbed by the Master Plan. Vice Chair Piro suggested that the college has a much more sophisticated way of looking at walking and pedestrian improvements, vanpooling opportunities with the off-site shuttle, etc. He said he is not convinced that Condition 1 would really be necessary.

Commissioner MacCully noted that the proposal also includes office space for 85 to 100 employees. He asked if these employees would be relocated from other buildings, or if the college would hire additional staff. Ms. Peterson replied that there would be no net increase in employees. She briefly described the college's plan to relocate existing employees. Commissioner MacCully commented that the proposed sidewalk improvements are well deserved and overdue.

Commissioner Phisuthikul asked if the height calculation average would reach to the highest point of the structure. Mr. Cohen explained that the height calculations were based on the flat of the building. Parapet walls, mechanical equipment, spires, flag poles, air conditioning units, skylight structures, etc. would not be included in the height calculation. He briefly described how the height was measured from the existing average finished grade. He noted that the height from the pedestrian entry would be about 33 feet, but the average height of the structure would be 40 feet.

Commissioner Hall asked if Shoreline Community College has a group trip reduction program or some other type of incentive to reduce the number of cars coming to the campus. Ms. Peterson answered that the college works with Metro and King County in this regard.

Commissioner Hall asked if the City has the authority to regulate or limit enrollment or employment at the college. Mr. Cohen said they only have indirect control if various City regulations on parking are being violated or buildings are being constructed without City approval. Again, Ms. Peterson said the parking issue would be addressed in the Master Plan. She advised that although the State assigned the college a 19% increase in enrollment over the next 20 years, this number does not look probable.

Mr. Cohen emphasized that the City views the college's Master Plan as an important document that would mitigate existing impacts, as well as anticipated ones. It will address a wide range of topics including parking, traffic, drainage, critical areas, etc. The Master Plan will be accompanied by an Environmental Impact Statement. The benefit of the Master Plan is that the City would be able to anticipate and mitigate issues. In addition, once the document is approved, it would allow the college to apply for permits without a special use permit as long as the proposal fits the approved Master Plan.

Again, Mr. Cohen recommended approval of the special use permit with the two staff proposed conditions. In addition, he suggested the Commission consider the following additional condition:

- **Condition 3: That the applicant provide a parking agreement with the suppliers of parking (Washington State Department of Transportation and Sears) for the displaced parking during**

**construction.** Since this would be a large and lengthy project, parking near the building could be tight.

Recognizing that the proposal expansion is near a residential community, Commissioner Kuboi asked if staff has concerns about impacts during construction such as working hours, sound, noise, etc. Mr. Cohen answered that the City has standard conditions for every construction permit. He explained the City's current requirements to control the impacts associated with construction. Commissioner Kuboi asked if staff envisions additional requirements because the project involves a large non-residential facility adjacent to residential development. Mr. Cohen said that in addition to the standard conditions, staff would also watch traffic routes for construction to make sure heavy equipment does not access the site through residential areas.

Commissioner Broili asked if the proposed expansion of the Student Union Building would meet all of the criteria and provisions set forth in the college's Master Plan that is soon to be released. Ms. Peterson answered affirmatively.

Commissioner Phisuthikul asked if the construction would also limit where the construction workers could park. **Randy Stegmeier, Shoreline Community College**, answered that the existing Student Union Building parking lot would become the staging area for construction, including parking for construction workers. Again, Mr. Cohen emphasized that Condition 3 would help address the issue of lost parking space during construction. In addition, the construction permit would require construction vehicles to park on-site rather than on the streets.

Commissioner Broili said it seems like traffic enforcement might have to be increased during the year-long construction period. He asked if this would be an added cost for the City. Mr. Cohen answered that it would be difficult for the City to anticipate and set up a procedure before the problems occurs, but the City would respond on a complaint basis. Ms. Peterson emphasized that only the staff parking lot would be impacted during construction, and the college has much more control over where these people park.

Commissioner McClelland pointed out that no one came to the hearing to speak on the proposal, and staff did not receive any comments from the citizens. She asked if this could be taken as an indication that the neighbors know what is going on and are okay with the proposal. Ms. Peterson said the college sent out postcards with detailed information about the project to every household within the neighborhoods touching the campus. She said that the key to improving the neighborhoods' perception of the college was the involvement of the Council of Neighborhood Representatives on the Traffic Study Task Force.

Commissioner Kuboi asked if the project would implement any features that could be viewed as being environmentally friendly. Ms. Peterson answered that the State requires all buildings constructed with taxpayers funds to be LEED certified.



### **Public Testimony or Comment**

There was no one in the audience who expressed a desire to address the Commission regarding the subject of the public hearing.

**VICE CHAIR PIRO MOVED THAT THE PUBLIC HEARING BE CLOSED. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

### **Planning Commission Deliberation on Special Use Permit for Shoreline Community College Pagoda Building**

**VICE CHAIR PIRO MOVED THAT THE COMMISSION MOVE FORWARD WITH THE STAFF RECOMMENDATION, INCLUDING CONDITIONS 2 AND 3 BUT EXCLUDING CONDITION 1. COMMISSIONER MACCULLY SECONDED THE MOTION.**

Commissioner McClelland suggested that perhaps Condition 1 could be revised to require the college to submit a site plan that would reassign the vehicles.

Vice Chair Piro said Condition 1 does not really address accessibility or mobility issues, which would be done as part of the college's Master Plan process. He suggested that it be eliminated.

Commissioner MacCully said he would support the elimination of Condition 1 because Condition 3 would provide for more off-campus parking to easily absorb the loss of 12 spaces. He emphasized that the 12 spaces are currently utilized by college staff, and the college should be responsible for deciding where these people park. He summarized that the variation between the number of parking spaces available and the maximum number of cars they have parking there would be large enough to absorb the 12 parking spaces with no impact.

Chair Harris said he would support the elimination of Condition 1, too. The City could issue tickets to people who choose to park in the street, so parking would be a self-limiting issue for the college. He said he trusts the college to police themselves to avoid negative publicity.

Commissioner Hall said that although the college plays a huge role in the community, there has been a history of parking problems. He pointed out that the peak demand identified by the applicant is for 2,145 spaces. However, because enrollment at the college varies, the demand could either go up or down and the City has no way to regulate the situation. In addition, he noted that increasing the floor area by 50% would create more usable space, resulting in more people on the campus at any given time. He reminded the Commission that the college has previously made other minor improvements that did not meet the threshold for requiring additional parking, and the City has no control over whether or not the college is able to use the off-site parking areas. In addition, the parking study identifies 190 parking spaces on the street, where no parking is allowed. He suggested that there are not even enough parking spaces today for the college, and removal of even one space would place an unacceptable burden on the community.

Vice Chair Piro cautioned that Commissioner Hall could be misguided in assuming that the peak parking demand of 2,145 would be a given for the demand of people using vehicles. He said they must also realize that some people choose never to park on the campus, and they are included in the satellite lot and on-street parking numbers. If those options are taken away, they would not necessarily seek parking on campus. He summarized that there are other behavioral issues included in the figure, as well.

Commissioner Broili agreed with Commissioner Hall and his concerns related to parking. While enrollment is down right now, this could change rapidly in the future for a variety of reasons. He said he would be opposed to the loss of any parking spaces as a result of the proposed project.

Vice Chair Piro reminded the Commission that any long-range increase in enrollment would be factored into the Master Plan. He summarized that it would be inappropriate to suggest that the loss of 12 spaces would translate into a pattern of continual loss of parking space in the future. He complimented the college staff for being very tuned in to the issue of accessibility and mobility to their campus.

Commissioner Sands said he is most concerned about parking problems during construction because much of the future problems would likely be taken care of with the new Master Plan. He suggested that Condition 3 be changed to require the applicant to not only provide agreements for the off-site parking, but that the contracts show at least an additional 60 to 90 spots to compensate for the loss of space during construction.

**COMMISSIONER SANDS MOVED THAT THE MAIN MOTION BE AMENDED TO RECOMMEND THAT THE PARKING AGREEMENT, SPELLED OUT IN CONDITION 3, INCLUDE THE NUMBER OF PARKING SPOTS DISPLACED DURING CONSTRUCTION. COMMISSIONER KUBOI SECONDED THE MOTION TO AMEND. THE MOTION TO AMEND WAS APPROVED UNANIMOUSLY.**

**THE MAIN MOTION, AS AMENDED, WAS APPROVED 7-2, WITH COMMISSIONERS HALL AND BROILI VOTING IN OPPOSITION.**

## **DIRECTOR'S REPORT**

### **Change in Public Hearing Sequence**

Mr. Tovar noted that the Commission utilized a new public hearing sequence, which was developed after extensive discussions among the staff. He said that, in the past, citizens have expressed concern that staff makes a recommendation prior to listening to their comments. He explained that sometimes new issues are raised by citizens or the applicant, and staff would like an opportunity to respond. Providing both a preliminary staff recommendation prior to a public hearing and a final staff recommendation at the end of the public hearing places staff in the position of being able to provide a better and more complete recommendation. However, they must be careful not to foster the impression that this is an attempt by the staff to have the last word. In their final recommendation, staff should not argue points they have already made or disagree or rebut things that have been said. Rather, staff should

clarify the questions that have not been responded to or suggest conditions in response to concerns that were raised.

Secondly, Mr. Tovar noted that closure of the public hearing was moved to after the Commission's final questions and deliberation. This allows the applicants and citizens to hear the Commission's deliberation and respond to questions upon request.

Commissioner Hall asked if involving staff in suggesting alternative conditions or a revised recommendation based on public testimony would modify their role in the quasi-judicial proceeding. He pointed out that the Commissioners are required, as appointed representatives, to listen to all parties before making a recommendation. Secondly, Commissioner Hall said that the Snohomish County Council's hearing process requires that decisions be made in a public hearing. They cannot close the public hearing until a final vote has been taken.

Mr. Tovar explained that the citizens don't always understand that the staff's role in quasi-judicial proceedings is to make a professional recommendation to the Commission and to provide clerical support to the Commission in articulating its own recommendations. The citizens sometimes think of the staff as advocates for their own or the applicant's position, and providing both a preliminary and final recommendation might help to resolve some of this problem. Mr. Tovar suggested that the Commission could also consider the merits of requiring that all decisions be made before the public hearing is closed.

Commissioner Broili suggested that on future public hearing agendas, they should insert "Planning Commission Question and Answer Period" after the applicant's testimony but before the public testimony. This would help both the public and the applicants have a clear understand of their opportunity for participation. Mr. Tovar agreed that it would be ideal for the Commission to clarify and ask as many questions as possible prior to the public testimony.

### **Suggestions for Upcoming Agendas through May**

Mr. Tovar referred the Commissioners to the agenda planner that was provided by staff. He proposed that the April 20<sup>th</sup> agenda include a presentation by the Department of Ecology on the 2006 Wetland Manual. The Commission could consider Urban Forest Management Strategies on May 4, which could also be a good opportunity to hold a joint meeting with the Park Board. Since the May 18<sup>th</sup> meeting falls two weeks after the City Council's retreat, he could provide a report regarding how the Council's discussion would impact the Planning Commission's work program.

### **Planning Commission Appointment Process**

Mr. Tovar announced that the City Council appointed a subcommittee to screen the 19 applications they received for the upcoming vacant Planning Commission positions. The committee has scheduled interviews with six of the candidates on March 9<sup>th</sup>. On March 21<sup>st</sup>, the City Council would interview the final candidates from the first interview, as well as three other candidates. Hopefully, the City Council would reach a final decision on March 21<sup>st</sup> and then make the appointments at their March 28<sup>th</sup> meeting.

Commissioner Broili questioned why six of the candidates would be interviewed twice, and three would only be interviewed once. Mr. Tovar pointed out that there is a tremendous amount of talent in the northwest quadrant of the City, and this area is already well represented on the Commission. There was a strong sense that they wanted representation from other parts of the City, as well.

Commissioner MacCully said that earlier in the day he spoke with Mr. Tovar who shared information about his attendance record for both 2004 and 2005. As he reviewed his reasons for not attending the meetings, Commissioner MacCully said he realized that his priorities have changed since he was first appointed to the Commission. He urged his fellow Commissioners to also think about where their participation on the Commission falls on their list of priorities.

### **City Council's Recent Action to Adopt the Critical Areas Ordinance**

Mr. Tovar reported that, with the exception of the provisions for cutting hazardous trees, the City Council adopted the amendments to the City's Critical Areas Regulation on February 27<sup>th</sup>. The hazardous tree issue would come back before the Commission for further deliberation on April 6<sup>th</sup>. He referred the Commission to the green handout, which outlines the amendments the City Council made to the Planning Commission's recommendation. He briefly reviewed the following amendments:

- **Section 20.80.030(L) – Partial Exemptions:** The Council expressed a concern that while some of the activities were listed as exemptions, they wanted to have some type of judgment rendered about how impacts might occur to a critical area if these activities were on or near them. The original Council draft stated that there could be no impact from the listed activities, but they felt this was a bit much. Instead, they used the term “undue adverse effect.”
- **Section 20.80.030(P) – Partial Exemptions:** The Council agreed that mitigation projects related to utility construction should not be prohibited in the critical areas or their buffers.
- **Section 20.80.085 – Pesticides, Herbicides and Fertilizers on City-Owned Property:** This new section was offered by a Council Member who obtained the provision from the City of Seattle. Originally, the City Council discussed applying the rules to all property, but the ultimate decision was to apply them to City-owned property only. The provision could be revisited in the future if they want to expand it in some way. As part of the Urban Forest Management Plan, the City Council asked staff to not look at just the regulations, but at best management practices, programs and education, cultivating a stewardship concept, etc.

Commissioner Hall suggested that when considering future code amendments, there might be merit in considering whether a restoration project should be an exception, too. For example, a tree planting project would require fertilization.

- **Section 20.80.090 – Buffer Areas:** The Commission recommended standard buffers for the new code, and staff tried to explain this to the City Council. They ultimately decided to clarify that the

standard buffer is the maximum buffer required by the City. The Council wanted to communicate that, when there is a choice, the City would require the maximum buffer reasonably possible.

- **Section 20.80.110 – Critical Areas Reports Required:** The City Council felt the way the provision was written was somewhat tilted in favor of the applicant, and the Council wanted a greater degree of independence and credibility for technical expert information provided to the City staff. The new language requires that, in all cases, an applicant must use the City’s consultant to render a judgment about activities in critical areas. Even if an applicant hires their own consultant to submit a critical areas report, the City would be obliged to require the applicant to pay for the City’s consultant to prepare a report, as well. Staff intends to look for ways to limit situations of redundancy. The Council’s intent is that the City staff have independent, credible, expert advice when making decisions regarding critical areas.
- **Section 20.80.330(F) – Required Buffer Areas (Wetlands):** The new language in this section resulted from a recommendation made by the Department of Fish and Wildlife. The language would require that a habitat survey be conducted within the area of concern in order to identify and prioritize highly functional fish and wildlife habitat within the study area.
- **Section 20.80.470 – Streams:** There was a lot of City Council discussion about how to classify streams, how to differentiate between the different types of streams, and what characteristics or factors should be used to make this judgment. The new language states that a Type II Stream has either salmonid or fish use or demonstrated salmonid habitat value as determined by a qualified professional. Mr. Tovar reviewed the code definition (Section 20.20.042) for a “qualified professional.”

The previous code said that recreational value was one factor for determining whether a stream was Type II. The City Council concluded that this was not an appropriate criterion, since the purpose of the Critical Areas Ordinance is to protect the environmental attributes of critical areas. Commissioner Hall pointed out that the Growth Management Act’s purpose for protecting frequently flooded areas and geologically hazardous areas is to protect human health, life and property. The purpose of protecting aquifer recharge areas is to protect human health. The purpose of protecting wetlands is split between protecting ecological functions and water quality for human health. He summarized that it is important to help the public and the development community understand that they are not only trying to protect wildlife, but human health, as well.

Mr. Tovar pointed out that the purpose of the amendments to Items C and D was to clarify the difference between a Type III and a Type IV Stream. Commissioner Broili asked why the term “natural drainage swales” was taken out of Item D. Commissioner Hall said this was done because it would have precluded unnatural drainage swales. The new language would include anything without a flow, whether it was a swale or not.

- **Section 20.80.480 – Required Buffer Areas (Streams):** Again, the new language in this section resulted from a recommendation made by the Department of Fish and Wildlife.

- **Section 20.80.480(H) – Restoring Piped Watercourses:** The City Council discussed this issue at length. They ultimately adopted language that would allow the voluntary opening of previously channelized/culverted streams and the rehabilitation and restoration of streams especially on public property or when a property owner is a proponent in conjunction with a new development. The earlier version merely encouraged the opening of previously channelized/culverted streams. He said it is important to convey that the City does not compel the restoration of piped watercourses.

Commissioner Sands asked if a “proponent in conjunction with a new development” would essentially be the developer or just a proponent of an adjacent development. Mr. Tovar answered that this term would actually refer to the applicant. Commissioner Sands expressed his concern that the language in this section is not really clear.

Mr. Tovar referred to the language regarding the process for restoring piped watercourses. He said that the strong intent of the Council was that if a stream were opened up, the City should require as large a setback as possible. However, they acknowledged the problem that if too much land were required for a buffer, it would discourage the restoration of piped watercourses. He explained that the director would seek advice from a qualified professional before making a determination of whether or not the restored piped watercourse should be required to support fish access.

- **SMC Section 20.80.460(A):** Staff recommended that the word “open” be removed to make it consistent with the draft version of the definition of stream in Section 20.20.046(S).
- **SMC Section 20.80.380(H):** Staff was notified by Community Trade and Economic Development (CTED, a State agency) that inclusion of language that dictates where mobile homes may or may not be placed within the City of Shoreline is no longer legal per Senate Bill 6593 adopted in the 2004 legislative session.

Mr. Tovar reported that on the whole, the City Council agreed with and appreciated the Commission’s recommendation. They thanked them for all of their hard work. The changes had a common theme of being clear and more protective of critical areas wherever possible.

## **REPORTS OF COMMITTEES AND COMMISSIONERS**

Commissioner McClelland said she heard that the Economic Development Task Force was continuing their work. Commissioner Sands said he doesn’t know of any Task Force activities. They were only going to have one additional meeting after the City Council makes a decision on the Draft Economic Development Plan. There have been a couple of minor modifications made to the plan by City Council Members, and all of the members of the Task Force were given an opportunity to review them and respond. No one has voiced a concern. He summarized that he is hopeful the City Council would approve the document after their review on March 6<sup>th</sup>.

## **UNFINISHED BUSINESS**

There was no unfinished business scheduled on the agenda.

## **NEW BUSINESS**

There was no new business scheduled on the agenda.

## **ANNOUNCEMENTS**

No additional announcements were made during this portion of the meeting.

## **AGENDA FOR NEXT MEETING**

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

## **ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

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David Harris  
Chair, Planning Commission

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Jessica Simulcik Smith  
Clerk, Planning Commission

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**PLANNING COMMISSION AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b> Preliminary Formal Subdivision Review for Shoreline Townhomes
<b>DEPARTMENT:</b> Planning and Development Services
<b>PRESENTED BY:</b> Glen Pickus, AICP, Planner II

**A. PROPOSAL**

The proposed Preliminary Formal Subdivision (File No. 201478) would create 18 zero-lot-line lots and a critical area tract (wetland and its buffer) on two contiguous parcels at 1160 N 198<sup>th</sup> St. (**Attachment A**). The development would consist of 18 townhome units in 4 buildings (**Attachment B**). The applicant is proposing a Wetland and Buffer Enhancement Plan (**Attachment C**) to allow for the establishment of minimum wetland buffer widths. Onsite improvements would include typical water, sanitary sewer, and other utilities. Out of the ordinary is the proposed surface water management plan which employs Low Impact Design as provided for in the 2005 King County Surface Water Management Manual. Primary elements of Low Impact Design are the use of pervious pavement and rain gardens to limit, control and treat stormwater runoff.

Under SMC 20.30.060 Preliminary Formal Subdivisions are a quasi-judicial Type C decision in which the Planning Commission is required to hold an open-record public hearing to consider the application and public testimony then make a recommendation for approval, approval with conditions or denial to the City Council which is the decision-making authority for Preliminary Formal Subdivisions.

**B. FINDINGS OF FACT**

**1. PROJECT SITE CHARACTERISTICS**

- 1.1 The project site consists of two contiguous lots (Tax Parcel Nos. 2227300070 & 2227300071) totaling approximately 49,531 square feet (1.1 acres).
- 1.2 The site is currently vacant, although a single family residence was located on the site until it was demolished in 1995. Remaining on site are a 500-gallon underground home heating oil tank and concrete slabs and walkways.
- 1.3 The site is located on the north shoreline of Echo Lake. It is generally flat, sloping gently to the southeast, towards the lake, with slopes less than 2%. The southeast corner of the site contains a Type II wetland adjacent to the lake. The wetland is approximately 1,600 square feet in area.
- 1.4 One significant tree (to be retained) is located on the site, within the proposed wetland buffer.

**2. NEIGHBORHOOD CHARACTERISTICS**

- 2.1 The project site is located in the Echo Lake Neighborhood, south of N 200<sup>th</sup> Street and east of Aurora Avenue N.

- 2.2 Adjacent to the site are multi-family residential developments to the east, west and south and an office building to the north. Echo Lake Park and a portion of the Interurban Trail are approximately 360 feet east of the site. The Aurora Village Transit Center and retail shopping center are located about 350 feet north of the site. West of the site up to Aurora Avenue N are some single family residences and commercial buildings.
- 2.3 N 198<sup>th</sup> Street is classified as a local street. Aurora Avenue N is a principal arterial. N 200<sup>th</sup> Street is a collector arterial. N 199<sup>th</sup> Street is a private street.

### **3. COMPREHENSIVE PLAN LAND USE DESIGNATION AND POLICY SUPPORT**

- 3.1 The Comprehensive Plan land use designation for the site is High Density Residential. Policy LU14 in the Comprehensive Plan envisions High Density residential areas as transition areas between high intensity uses and lower intensity residential uses. All residential uses are permitted in High Density Residential areas.
- 3.2 LU23: “Ensure that land is designated to accommodate a variety of types and styles of housing units adequate to meet the needs of Shoreline citizens.”
- 3.3 H1: “Encourage a variety of residential design alternatives that increase housing opportunities in a manner that is compatible with the character of existing residential and commercial development throughout the city.”
- 3.4 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  
(Multi-family Design Standards – SMC 20.50.120-210)
  - SMC 20.60 – Adequacy of Public Facilities
  - SMC 20.70 – Engineering and Utilities Development Standards
  - SMC 20.80 – Critical Areas (Wetlands – SMC 20.80.310-350)
- 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 meetings were held on June 21, 2005 and Sept. 9, 2005.
- 5.2 A Neighborhood Meeting was held on July 27, 2005.
- 5.3 A third party review of the applicant’s wetland delineation report (**Attachment D**) by the City’s consultant, The Watershed Company, was completed Oct. 18, 2005 (**Attachment E**). The review agreed with and supported the report.

- 5.4 Preliminary Formal Subdivision (File No. 201478) and Site Development Permit (File No. 108437) applications and a State Environmental Policy Act (SEPA) checklist were received on Nov. 8, 2005 (**Attachment F**).
- 5.5 The applications were determined to be complete on Nov. 17, 2005.
- 5.6 A Notice of Application for the proposal was issued on Nov. 23, 2005, with the public comment period ending Dec. 7, 2005. Because the site was not posted with the Notice of Application in a timely manner, a Revised Notice of Application was issued on Dec. 1, 2005, with the public comment period ending Dec. 15, 2005 (**Attachment G**).
- 5.7 A deviation from the provisions of the City-adopted 1998 King County Surface Water Design Manual (as provided for by the manual's general adjustment process) to allow implementation of the 2005 King County Surface Water Design Manual (KCSWDM) stormwater management flow control Best Management Practices was approved on Feb. 1, 2006 (**Attachment H**).
- 5.8 A SEPA threshold Mitigated Determination of Nonsignificance (MDNS) for the proposal was issued on Feb. 7, 2006 (**Attachment I**) with the administrative appeal and comment period ending on Feb. 21, 2006. No comments or appeals were received.
- 5.9 A Notice of Public Hearing was issued on Feb. 28, 2006 for the Planning Commission open record public hearing on March 16, 2006 (**Attachment J**).

## **6. PUBLIC COMMENT AND STAFF RESPONSE**

- 6.1 **Public Comment** – A total of seven comment letters and e-mails were received.
- 6.2 **Staff Response regarding project name** – Three of the comment letters (**Attachment K**) objected to the original name for the project, Echo Lake Townhomes. Staff requested the applicant change the name of the project. The project is now named Shoreline Townhomes.
- 6.3 **Staff Response regarding impact on Echo Lake** – Three letters (**Attachment L**) commented on potential negative impacts of the project on Echo Lake's water quality and wildlife habitat. With wetland and buffer enhancement and construction of stormwater management flow control BMPs, the quality of surface water flowing from the site into Echo Lake will be improved over existing conditions. The hydrology of the wetland will be improved with the partial removal of an existing concrete wall separating the wetland from the lake and installation of dispersion trenches.

The concern that erosion into the lake would be increased by removing the existing concrete wall at the edge of the lake was addressed by modifying that proposal to include removal of only the portion of the wall above the mean high water mark, which will allow a hydraulic connection between the wetland and the lake while still stabilizing the shoreline.

Concerns about increased erosion caused by the concentration of pedestrian activities near the lake were addressed by modifying the wetland enhancement plan to include a raised boardwalk and viewing platform near the lake and fencing, signage, and increased plantings of rose and snowberry plants along pedestrian paths to encourage pedestrians to off the ground near the wetland and lake.

Wildlife habitat opportunities will be increased with removal of invasive non-native plants, planting of native plants, and installation of bird and bat boxes in the wetland buffer.

- 6.4 **Staff response regarding pervious concrete maintenance** – One of the letters referred to in 6.3 above also commented on the need to properly maintain the proposed pervious concrete roadway. The staff recommended conditions of approval include the establishment of a homeowner's association responsible for the maintenance of common facilities, including the pervious concrete and rain gardens. Another proposed condition requires recording a declaration of covenant and grant of easement, as required by the KCSWDM, with maintenance provisions for the rain gardens and porous concrete.
- 6.5 **Staff response regarding pedestrian access** – The letter referred to in 6.4 above also commented on the need for sufficient and safe pedestrian routes to nearby commercial and transit services. Adequate pedestrian paths are included in the proposal not only on site but also along the access easement that connects the site to N 198<sup>th</sup> Street. A staff-recommended condition of approval to implement all of the recommendations in the Traffic Impact Assessment prepared by Transportation Engineering NorthWest would improve off-site pedestrian safety.
- 6.6 **Staff response regarding King County request** – King County Wastewater Treatment Division requested copies of sewer extension plans. Staff contacted personnel in the Wastewater Treatment Division to clarify the request. During those discussions it was determined the sewer main crossing the site was not being modified so it was unnecessary to submit sewer extension plans (**Attachment M**).

## **7. ZONING DESIGNATION, MAXIMUM DENSITY AND PERMITTED USES**

- 7.1 The project site is zoned Residential – 48 units per acre (R-48), which would allow up to 55 dwelling units to be constructed on the site.
- 7.2 The proposed density is 15.8 dwelling units per acre.
- 7.3 Under SMC 20.40.120 townhomes are a permitted use in the R-48 Zoning District.

## **8. PRELIMINARY SUBDIVISION REVIEW CRITERIA (SMC 20.30.410)**

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 Type II wetland is located on the site. The proposal complies with the standards established in the critical areas chapter SMC 20.80.200. See further analysis under **Section 12.2** below. The project must comply with tree conservation, land clearing and site grading standards specified in SMC Chapter 20.50, Subchapter 5.

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: With the type of structures proposed, placement of access over existing utility easements, and the relatively flat site, grading will be minimized.

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: There are no existing natural hazardous conditions on the site. An abandoned home heating oil storage tank and contaminated soil on the site as described in the Aug. 22, 2005 Environmental Site Assessment by Earth Solutions NW (**Attachment O**) will be removed in conformance with relevant regulations prior to construction per Mitigation Measure #6 of the SEPA threshold MDNS (**Attachment I**).

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. See further analysis in **Section 11.1** below. The project must comply with all height restrictions as specified in SMC Chapter 20.50 which will minimize the impact, if any, on off-site views.

#### 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 zero-lot-line development as set forth in SMC Chapter 20.50. All lots will be buildable with a zero-lot-line townhouse dwelling unit. 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 site fronts on any public streets. Access to N 198<sup>th</sup> St., which is not a primary or secondary highway, is provided via a "Non-Exclusive Access and Utilities Easement" (King County Recording No. 20060106000015) across private property southwest of the site.

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

Staff Analysis: This proposal meets the applicable dimensional requirements specified for zero-lot-line development as set forth in SMC Chapter 20.50. See further analysis in **Section 9.1** 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: Adequate pedestrian walks are provided within the project site. Existing public pedestrian walks and bicycle paths outside of the site are adequate to serve the additional impacts generated by the project. Improvements to the pedestrian access across private land to N 198<sup>th</sup> Street will be required per the recommendations of the Traffic Impact Analysis by Transportation Engineering Northwest, Inc. (**Attachment N**).

#### 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 11.2** 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: This project will comply with the all requirements specified in the City of Shoreline Development Code and Engineering Development Guide. 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.

### 9. SITE DEVELOPMENT STANDARDS (SMC 20.50)

#### 9.1 Densities and Dimensions in the R-48 Zone (SMC 20.50.020)

Standard	Regulation	Proposed
Base Density	48 du/acre	16 du/acre
Min. Density	8 du/acre	16 du/acre
Min. lot width	30 ft. <sup>(2)</sup>	18-44 ft.
Min. lot area	2,500 sq. ft. <sup>(2)</sup>	1,423 – 4,535 sq. ft.
Min. front yard setback	10 ft.	18 ft. - west
Min. rear yard setback	5 ft.	38 ft. - east
Min. side yard setback	5 ft.	25 ft. - north 6 ft. - south
Base height	50 ft. with pitched roof <sup>(9)</sup>	n.a.
Max. building coverage	70%	18.2%
Max. impervious surface	90%	55%

Exceptions

(2) These standards may be modified to allow zero lot line developments.

(9) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, NCBD, RB, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

- 9.2 **Open Space** (SMC 20.50.160) Multifamily developments must provide on-site common recreational open space of at least 170 square feet for each dwelling unit of three or more bedrooms. Exception 20.50.160(A)(2) allows private yards, patios, balconies or roof decks to be credited towards the total recreation space requirement when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Private yards or patios must have a minimum area of 100 square feet and a minimum dimension of 10 feet. The proposal provides each dwelling unit with a patio area at least 170 square feet in area with dimensions at least 10 feet by 17 feet, creating suitable recreational opportunities. Community pathways and gathering areas along with the wetland buffer enhancement plan's boardwalk and viewing platform add to the project's total area of common recreational open space.

Multifamily developments shall provide tot/children play areas within the recreation space on-site except when facilities are available within one-quarter mile that are developed as public parks and are accessible without crossing arterial streets. Play areas are not required for this project as Echo Lake Park is located less than one-quarter mile from the project and is accessible by pedestrians without having to cross any streets.

- 9.3 **Significant Tree Removal** (SMC 20.50.290-370) The site contains one significant tree. That tree is located within the wetland buffer area and will be retained. This complies with the requirement that at least 20% of the significant trees be retained. As no significant trees are to be removed, there are no replanting requirements.
- 9.4 **Parking and Access** (SMC 20.50.380-440) Townhouse developments must provide two off-street parking spaces per dwelling unit (SMC 20.50.390A). The proposal provides each dwelling unit with a one-car garage and a driveway at least 20 feet long to provide a second parking space. In addition, four guest parking spaces are proposed.

Access may cross required yard setbacks provided no more than 10% of the setback area is displaced (SMC 20.50.420). Less than 10% of the setback area is proposed to be displaced by access. Direct access from the street right-of-way to parking areas is subject to SMC 20.60 and the Shoreline Engineering Development Guide.

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 five feet wide (SMC 20.50.430).

All proposed pedestrian access is at least five feet wide and delineated with either a paving material different from that used by vehicle access or by painted lines.

- 9.5 **Landscaping** (SMC 20.50.450-520) Type II landscaping, a filtered screen functioning as a partial visual separator to soften the appearance of parking areas and building elevations, consisting of trees generally interspersed throughout the landscaped strip and spaced to create a continuous canopy with a mix of deciduous and evergreen trees, shrubs and ground cover is required within the yard setback area for multifamily developments adjacent to multifamily and commercial zoning, except where the setback area is displaced by access or

parking. The approved Feb. 27, 2006 Weisman Design Group landscaping plan (**Attachment P**) complies with these requirements.

#### **10. ADEQUACY OF PUBLIC FACILITIES (SMC 20.60)**

- 10.1 **Water Supply** – Seattle Public Utilities has issued a Water Availability Certificates (**Attachment Q**) for the proposal.
- 10.2 **Sewer Service** – Ronald Wastewater District has issued a Certificate of Sewer Availability (**Attachment R**) for the proposal.
- 10.3 **Fire Protection** – The Shoreline Fire Department has reviewed and approved the plans for site access and fire hydrant proximity to the site (**Attachment S**).
- 10.4 **Traffic Capacity** – The project will generate an estimated 9 “P.M. Peak Hour Trips,” which is below 20 P.M. Peak Hour Trips, the threshold trigger to require traffic facility improvements as set forth in SMC 20.60.140(A) (See Traffic Impact Analysis, Transportation Engineering Northwest, Oct. 27, 2005, **Attachment N**.)

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

- 11.1 **Storm Water Management** – The City of Shoreline Public Works Department has approved the Road and Storm Drain Plan for the proposal.
- 11.2 **Right-of-Way Dedication** – No right-of-way dedication is required as the project does not front any right-of-way and will not have a significant impact on the use of the right-of-way.
- 11.3 **Utility Undergrounding** – SMC 20.70.470(A)(3) requires the undergrounding of utilities when new residential lots are created.
- 11.4 **Frontage Improvements** – The project does not front on any right-of-way. Although there may be a site distance deficiency at the intersection of N 198<sup>th</sup> St. and Aurora Ave. N, none of those deficiencies can be improved by work within the right-of-way. No frontage improvements are required.

#### **12. WETLAND REGULATIONS (SMC 20.80.310-350)**

- 12.1 **Wetland classification** (SMC 20.80.320) – The wetland on the site has been classified as a Type II wetland (see **Attachment C**, Wetland Delineation Report, Adolfson Associates, Inc., Oct. 2005) and confirmed by a third party (see **Attachment D**, The Watershed Company letter, Oct. 18, 2005).
- 12.2 **Required buffer areas** (SMC 20.80.330) – Type II wetlands require a minimum buffer width of 50 feet and a maximum buffer width of 100 feet. The maximum buffer width is required unless the proposed development:
  - is considered low impact; or
  - if wetland and buffer enhancement are implemented.

The proposal to use the minimum buffer width is allowed because it is both considered low impact and wetland and buffer enhancement are part of the proposal.

This proposal is low impact as:

- the proposed use does not involve usage or storage of chemicals;
- passive-use areas are located adjacent to the buffer; and
- the wetland and its buffer are incorporated into the site design in a manner which eliminates the risk of adverse impact on the critical area.



Wetland and buffer enhancement are achieved with the:

- Construction of bat and bird boxes to enhance wildlife habitat with structures likely to be used by wildlife.
- Removal of invasive non-native species followed by planting of native vegetation, which will increase the value of wildlife habitat and improve water quality.

Low impact uses and activities (pedestrian path, boardwalk and viewing platform) are proposed within the buffer. Those uses are consistent with the purpose and function of the wetland buffer and do not detract from the integrity of the buffer. A viewing platform is to be located at the edge of the buffer next to the wetland to proactively mitigate potential erosion and other negative impacts caused by overuse of areas by pedestrians.

The wetland 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.

### C. 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 in **Attachment U**, staff concludes the Preliminary Formal Subdivision of Shoreline Townhomes 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

### D. STAFF PRELIMINARY RECOMMENDATION

Staff's preliminary recommendation to the Planning Commission is to forward to the City Council a recommendation of **APPROVAL** with conditions as described in **Attachment U** for the Shoreline Townhomes Preliminary Formal Subdivision application.

## E. PLANNING COMMISSION ROLE AND OPTIONS

The Planning Commission's recommendation options to the City Council are:

1. Recommend approval with conditions, based on the staff Findings of Fact and Conclusions.
2. Recommend approval without conditions or conditions different from the staff recommended conditions, based on new Findings of Fact and Conclusions as amended by the Planning Commission.
3. Recommend denial of the application, based on new Findings of Fact and Conclusions as amended by the Planning Commission.

## F. ATTACHMENTS

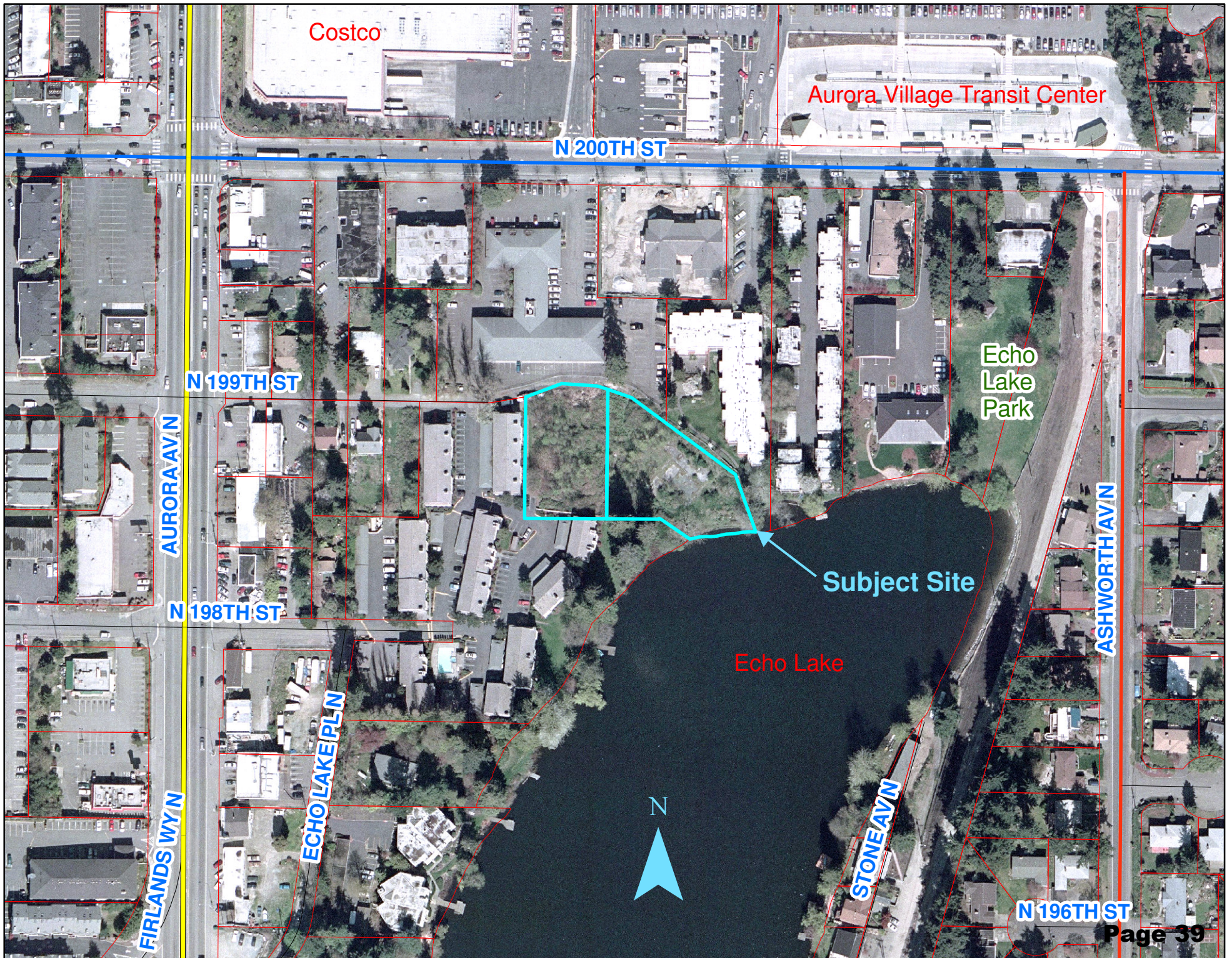
- Attachment A: Vicinity Map
- Attachment B: Site Plan and Plat Map (boundaries, lot lines, easements)
- Attachment C: Wetland and Buffer Enhancement Plan, Adolfson Associates, Inc., February 2006
- Attachment D: Wetland Delineation Report, Adolfson Associates, Inc., October 2005
- Attachment E: Third Party Review of Wetland Delineation Report, The Watershed Company, Oct. 18, 2005
- Attachment F: SEPA Checklist,, Adolfson Associates, Inc., October 2005
- Attachment G: Notice of Application, Nov. 23, 2005 and Revised Notice of Application, Dec. 1, 2005
- Attachment H: Memo approving deviation from 1998 King County Stormwater Design Manual, Feb. 1, 2006
- Attachment I: SEPA Threshold MDNS, Feb. 7, 2006
- Attachment J: Notice of Public Hearing, Feb. 28, 2006
- Attachment K: Public Comments regarding subdivision name
- Attachment L: Public Comments regarding impact on Echo Lake area water quality, wildlife habitat, and pedestrian safety
- Attachment M: King County Wastewater Treatment Division comment letter, Dec. 6, 2005, and staff response, Dec. 15, 2005
- Attachment N: Traffic Impact Assessment, Transportation Engineering Northwest, Oct. 27, 2005
- Attachment O: Environmental Site Assessment Report (without appendices), Earth Solutions, NW, Aug. 22, 2005
- Attachment P: Landscape Plan, Weisman Design Group, Oct. 25, 2005
- Attachment Q: Seattle Public Utilities Water Availability Certificate (revised), Feb. 10, 2006
- Attachment R: Ronald Wastewater District Sewer Availability Certificate, Oct. 24, 2005
- Attachment S: Fire Lane Plan
- Attachment T: Draft CC&Rs
- Attachment U: Preliminary Staff Recommended Conditions of Approval

ATTACHMENT A:

VICINITY MAP

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ATTACHMENT B:

# SITE/DEVELOPMENT PLANS

## Project Data

[illegible]

**ADDRESS:**  
Expo Lakes Townhomes  
1145 N. 199TH Street  
Shoreline, WA 98153

**SCOPE OF WORK:**  
Construct (8) new townhome buildings w/  
attached garages on two vacant lots.  
Proposed are (1) 3 Unit Building, (1) 4 Unit  
Building, (1) 5 Unit Building and (1) 6 Unit  
Building. See Civil, Landscaping and Wetland  
drawings for scope of other proposed  
improvements.

SEE SURVEY

TAX PARCEL NUMBER:



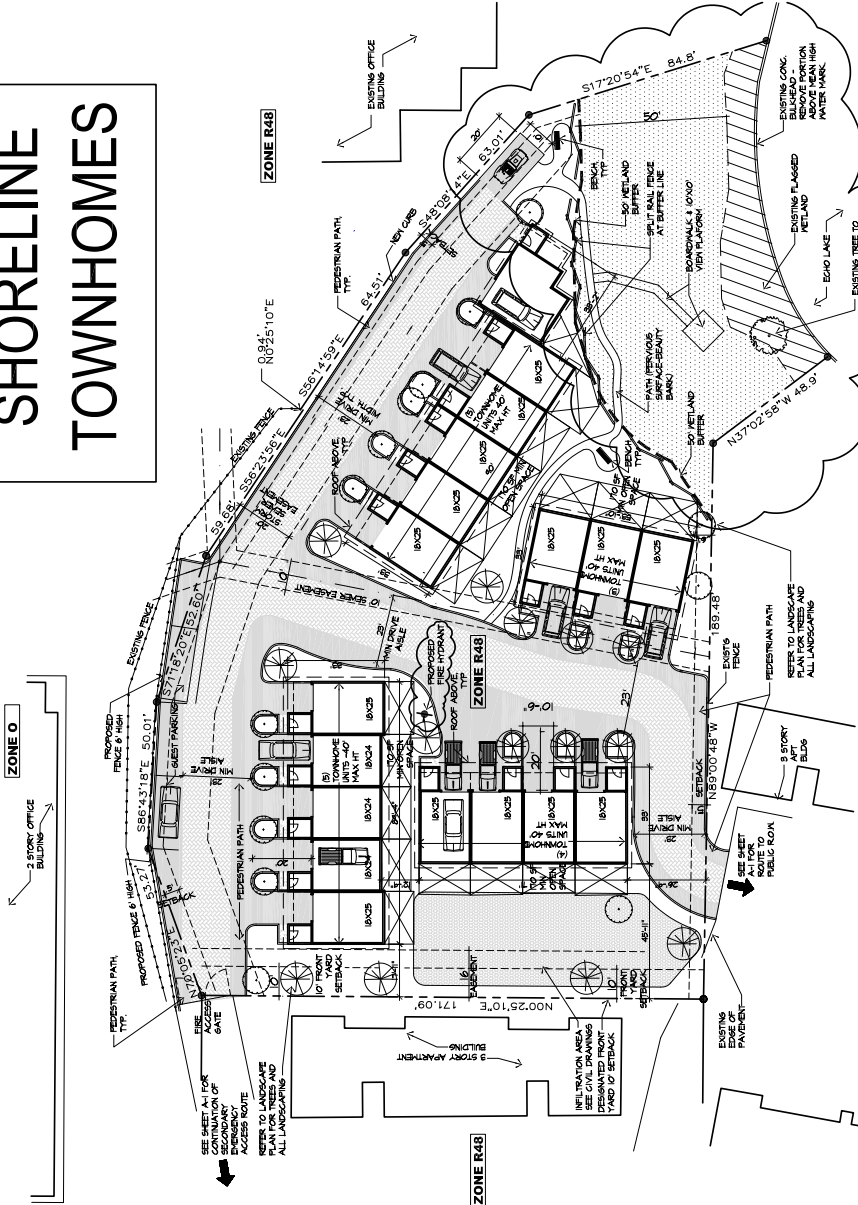
R-3

CONSTRUCTION TYPE:

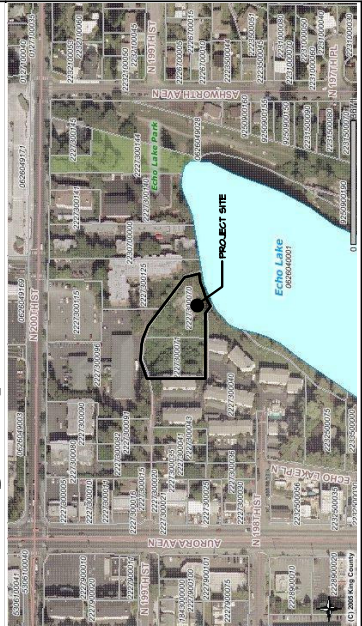
**CODES:**

2003 International Residential Code (IRC),  
2003 Washington Energy Code and all  
applicable provisions of prevailing local, state,  
and federal codes and ordinances, including  
appropriate licensing laws including any local  
amendments.

NOTE: TRASH CONTAINERS TO BE STORED IN GARAGE  
THERE ARE NO WINDOWS IN THE GARAGE  
NO YARD LIGHTS TO DIRECTLY ILLUMINATE  
OTHER PROPERTIES, SHIELD AS REQ'D  
REFER TO CIVIL DRAWINGS FOR ALL WATER  
MANS, VALVES, FIRE HYDRANT AND  
FRONTAGE IMPROVEMENTS  
REFER TO LANDSCAPE PLAN FOR PLANTING  
CALLOUTS  
REFER TO SURVEY FOR LEGAL DESCRIPTION,  
ALL RECORDED EASEMENTS, EXISTING SITE



### Vicinity Map



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A-2	EXISTING TOPOGRAPHY
PP-1	PRELIMINARY LOTS, PLAT / BOUNDARY AND LOT LINES
PP-2	PRELIMINARY LOTS, PLAT / INGRESS/EGRESS/PEDESTRIAN AND UTILITY EASEMENT
C-0	CIVIL COVER SHEET
C-1	GENERAL NOTES
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C-3	SEWER / WASTE WATER PLAN
C-4	STREET IMPROVEMENT PLAN
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C-8	UTILITY PLAN
C-9	PROFILES AND DETAILS
C-10	CIVIL DETAILS
C-11	CIVIL DETAILS
C-12	CIVIL DETAILS
C-13	LANDSCAPE PLAN
PL-1	LANDSCAPE PLANTING PLAN
FIGURE 2	LANDSCAPE PLANTING DETAILS
FIGURE 3	WETLAND & BUFFER PLANTING DETAILS
FIGURE 4	WETLAND & BUFFER PLANTING NOTES

## Project Team

**OWNER:**  
Prescott Homes, Inc.  
415-1st St., Ste. 11  
Kirkland, WA 98033  
479-827-2823  
Contact: Greg McPhee

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**ARCHITECT:**  
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Contact: Craig Anderson  
Bart Sanderson

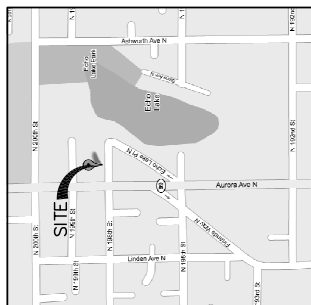
**CIVIL ENGINEER:**  
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Contact: Nathan Davis

**ENVIRONMENTAL CONSULTANT:**  
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Contact: Donna Froholm

**SURVEY:**  
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2215 5th Ave. Ste. 266  
Seattle, WA 98021  
425-531-8093  
Contact: Thomas Anderson



## SE 1/4 SEC. 6 , TWP. 26N , RGE. 4E , W.M.



VICINITY MAP  
NTS

[illegible]

## BASIS OF BEARINGS

UNRECORDED SURVEY BY CHENOWETH & ASSOCIATES  
DATED AUGUST, 1987, JOB NO. LS87118.

## GENERAL NOTES

- GENERAL NOTES  
1. THIS MAP IS BASED ON THE CHICAGO TILE INSURANCE COMPANY MAP FOR TILE INSURANCE, ORDER NO. 1166587, DATED MAY 20, 2005 AT 8:00 A.M.  
2. INSTRUMENTATION FOR THIS SURVEY WAS A 3-SECOND NIKON NPL 352 TOTAL STATION. PROCEDURES USED IN THIS SURVEY MET OR EXCEEDED STANDARDS SET BY MAP 332-130-090.  
3. THE INFORMATION ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE IN SEPTEMBER 2005 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.  
4. UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS AND AS-BUILT PLANS WHERE AVAILABLE. ACTUAL UTILITIES NOT SHOWN ON THIS MAP MAY EXIST ON THIS SITE.



ATTACHMENT C:

# WETLAND & BUFFER ENHANCEMENT PLAN

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**SHORELINE TOWNHOMES  
WETLAND AND BUFFER  
ENHANCEMENT PLAN**

**PREPARED FOR**

**PRESCOTT HOMES  
10613 NE 38<sup>TH</sup> PLACE, #17  
KIRKLAND, WASHINGTON 98033**

**FEBRUARY 2006**

---

**PREPARED BY:**

**Adolfson Associates, Inc.  
5309 Shilshole Ave NW, Ste 200  
Seattle, Washington 98107  
206.789.9658**



## **EXECUTIVE SUMMARY**

At the request of the Prescott Homes, Adolfson Associates, Inc. (Adolfson) prepared this enhancement plan for the proposed Shoreline Townhomes project, located at 1145 North 199<sup>th</sup> Street in Shoreline, Washington (Figure 1). This enhancement plan has been prepared based on requirements in the Shoreline Municipal Code (SMC) Chapter 20.80 – Critical Areas.

Prescott Homes is proposing to construct 18 townhomes on an approximately 1.1-acre site immediately northwest of Echo Lake in the City of Shoreline. The site consists of two parcels (2227300070 and 2227300071) that are currently undeveloped.

Adolfson identified one wetland on the property, which occurs as a palustrine emergent lake-fringe wetland (Adolfson 2005). This wetland is a Type II wetland in the City of Shoreline because it is associated with Echo Lake. The wetland and wetland buffer on the site have been degraded by previous land use activities, and the dominant plant species are primarily non-native. Under current conditions, the on-site wetland and wetland buffer provide little value as wildlife habitat. In addition, the existing bulkhead disrupts the connectivity between the lake and the adjacent wetland.

As part of the proposed project, the wetland buffer will be reduced from 100 feet to 50 feet and enhanced as allowed under SMC 20.80.330.B and SMC 20.80.330.D.2. The primary goal of the enhancement plan is to increase the habitat value of the on-site portion of the Type II wetland and associated buffer for fish and wildlife. Another goal includes increasing the aesthetic value of wetland and wetland buffer for residents in the vicinity of the townhomes project. Finally, the dispersal trenches have been located in the wetland buffer to ensure that the wetland continues to receive water once the site is developed (SMC 20.80.330.G).

This enhancement plan identifies how the on-site wetland and wetland buffer will be enhanced to comply with SMC 20.80.330.D.2, and presents a planting plan with planting specifications.

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## 1.0 PROJECT AUTHORIZATION

At the request of the Prescott Homes, Adolfson Associates, Inc. (Adolfson) prepared this enhancement plan for the proposed Shoreline Townhomes project, located at 1145 North 199<sup>th</sup> Street in Shoreline, Washington (Figure 1). This enhancement plan has been prepared based on requirements in the Shoreline Municipal Code (SMC) Chapter 20.80 – Critical Areas.

## 2.0 PROJECT DESCRIPTION

Prescott Homes is proposing to construct 18 townhomes on an approximately 1.1-acre site immediately northwest of Echo Lake in the City of Shoreline. The site consists of two parcels (2227300070 and 2227300071) that are currently undeveloped. Once the townhomes are constructed, vehicular access will be from North 198<sup>th</sup> Street and through an existing apartment complex that Prescott Homes is in the process of converting to condominiums. The drainage design incorporates low impact development.

As part of the proposed project, the wetland buffer will be reduced from 100 feet to 50 feet as allowed under SMC 20.80.330.B and SMC 20.80.330.D.2 and as described in this enhancement plan. An approximately three-foot-wide trail of beauty bark will be constructed in the outer edge of the wetland buffer as allowed under SMC 20.80.330.F. A boardwalk and platform will also be constructed within the wetland buffer to provide views of the lake. The intent of the boardwalk and platform is to limit pedestrian access to the wetland buffer, thereby reducing the potential for pedestrian intrusions into the planted wetland and wetland buffer areas. To maintain wetland hydrology, dispersion trenches will be constructed in the buffer as per SMC 20.80.330.G.

## 3.0 EXISTING CONDITIONS

Current access to the two parcels is from North 199<sup>th</sup> Street, a one-lane road that ends in the north-central portion of the site. There are no structures on the property, but cement walkways are present in the east-central portion of the site. The areas immediately north, west, and south of the site have been developed for residential and commercial uses, and the site is near the intersection of North 200<sup>th</sup> Street and Aurora Avenue.

The site is relatively flat, but slopes down from the west to Echo Lake. A cement bulkhead was previously constructed along the shoreline. Just beyond the bulkhead, discarded debris has been dumped into the lake. Much of the vegetation on the site consists of non-native shrubs and herbaceous plant species such as knotweed, Himalayan blackberry, Scot's broom, thistle, and Robert geranium. Some trees occur on the property. Along the western property line, red alder, big-leaf maple, horse chestnut, and black cottonwood are present and one large, non-native tree is present in the southeastern portion of the site. Several young native trees, such as Douglas-fir and red alder, are present on the eastern portion of the site.

Adolfson identified one wetland on the property, which occurs as a palustrine emergent lake-fringe wetland (Adolfson 2005). This wetland is a Type II wetland in the City of Shoreline because it is associated with Echo Lake. The wetland and wetland buffer on the site have been



degraded by previous land use activities, and the dominant plant species are primarily of non-native. Under current conditions, the on-site wetland and wetland buffer provide little value as wildlife habitat, and the aesthetic value is limited by debris left by people who have used the site. In addition, the existing bulkhead disrupts the connectivity between the lake and the adjacent wetland. This wetland is described in greater detail in the wetland delineation report prepared for the project.

## 4.0 BUFFER REDUCTION

The proposed project avoids wetland impacts. This enhancement plan has been prepared because the Prescott Homes is proposing to reduce the wetland buffer from the maximum buffer width of 100 feet to the minimum buffer width 50 feet for Type II wetlands (SMC 20.80.330.B). SMC 20.80.330.D.2 states that buffers can be reduced if:

2. *Wetland and buffer enhancement is implemented. This includes but is not limited to the following:*
  - a. *Enhancement of fish and wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck houses, bat boxes, nesting platforms, snags, rootwads/stumps, birdhouses, and heron nesting areas.*
  - b. *Planting native vegetation that would increase value for fish and wildlife habitat, improve water quality, or provide aesthetic/recreational value.*

This enhancement plan is intended to show compliance with Code requirements for buffer reduction and enhancement.

## 5.0 ENHANCEMENT GOALS AND OBJECTIVES

The primary goal is to enhance the on-site portion of the Type II wetland and the associated 50-foot-wide reduced buffer as habitat for fish and wildlife. Enhancement includes removing non-native vegetation, removing the cement walkways that currently exist in much of the buffer, planting native species, and installing bird and bat boxes. The native plant species to be installed will provide habitat for wildlife and increase the overall habitat value of the area. Enhancement also includes removal of that portion of the existing concrete bulkhead that is above the mean high water mark. Removal of this portion of the bulkhead is intended to restore the connection between Echo Lake and the wetland. Another enhancement action intended to improve habitat for fish in the lake will be the removal of discarded debris in the lake within approximately 20 feet of the existing bulkhead.

A second goal includes increasing the aesthetic value of wetland and wetland buffer for residents in the vicinity of the townhomes project. For this reason, a pedestrian trail, boardwalk, and platform are proposed within the wetland buffer (Figure 2). Low impact uses, such as trails, are allowed in buffers under SMC 20.80.330.F. The pedestrian trail will be located in the outer edge of the wetland buffer, and the boardwalk and viewing platform will be designed to reduce the potential for human intrusion into the wetland. The boardwalk and platform will be constructed of non-deteriorating plastic-wood decking that will allow precipitation to infiltrate into the soils

below the structure. Enhancement also includes removing the impervious cement walkways that currently occur in much of the buffer.

A third goal is to maintain wetland hydrology after construction. This will be accomplished by placing the stormwater dispersal trenches in the wetland buffer is to ensure that the wetland continues to receive water once the site is developed. SMC 20.80.330.H allows stormwater facilities in the buffer if it will enhance the buffer and protect the wetland. Planting around the dispersal trenches will provide cover so that, over time, the structures are not obvious.

## 6.0 ENHANCEMENT

The proposed project avoids impacts to wetlands. The on-site wetland and wetland buffer will be enhanced for the proposed buffer reduction (Figure 2). As required under SMC 20.80.050.B, the wetland and wetland buffer will be placed in a separate critical areas tract to provide permanent protection.

### 6.1 Minimization

Impacts to the reduced wetland buffers will be minimized to the extent possible. The trail is limited to three feet in width and the viewing platform to 100 square feet. The area to be graded is the minimum necessary to install the dispersal trenches (Figure 2). Other measures to be implemented that will minimize impacts during construction include:

- A pre-construction meeting will be held on-site with the construction contractor and the project biologist to discuss the construction sequence.
- The limits of the construction area will be marked with orange barrier fencing. This type of barrier reduces the potential for heavy equipment to damage vegetation and soil outside the construction area.
- The temporary erosion and sedimentation control measures and best management practices (BMPs) established for this project will be used. This includes the use of silt fences, sediment rolls, and/or straw bales to prevent suspended particles from leaving the construction zone. The contractor will be responsible for inspection of all erosion control measures and will repair any damage to the erosion control structures, as required.
- The staging areas and stockpile sites will be located outside the wetlands and wetland buffers.
- The portion of the existing concrete bulkhead that is above the mean high water mark will be removed in such a way to avoid incidental backspill into the lake.
- The erosion control measures will be maintained until bare soils have been successfully vegetated and approved by a professional biologist.

### 6.2 Planting Plan

Wetland. Non-native shrubs and herbaceous vegetation will be removed from the wetland, and will be re-vegetated as shown on the planting plan (Figure 2). Table 1 lists the plant species to

be planted in the enhanced wetland. All of these plants are native to the area and will enhance the vegetative structure and diversity of the wetland. Trees and shrubs will be planted in the wetland with herbaceous vegetation planted along the wetland edge. A large non-native, deciduous tree that currently occurs in the wetland will be retained as it provides cover to the southern portion of the wetland and contributes organic matter to the wetland and lake.

**Table 1. Planting List for Wetland**

Scientific Name	Common Name	Layer	Quantity
<i>Malus fusca</i>	Western crabapple	tree	8
<i>Cornus stolonifera</i>	red-osier dogwood	tree	19
<i>Salix lasiandra</i>	Pacific willow	tree	10
<i>Rubus spectabilis</i>	salmonberry	shrub	12
<i>Carex lenticularis</i>	shore sedge	herbaceous	12
<i>Carex obnupta</i>	slough sedge	herbaceous	12
<i>Scirpus microcarpus</i>	small-fruited bulrush	herbaceous	12

Wetland Buffer. Non-native vegetation will be removed from the wetland buffer, most of which is non-native shrubs and herbaceous species. The plants to be used in re-planting the buffer are shown in Table 2, all of which are native to the area. The buffer areas to be re-planted are shown on Figure 2. The buffer plantings listed in Table 2 will increase the vegetative structure and diversity of the buffer and increase the overall habitat value of the wetland/wetland buffer/lake system. The rose and snowberry plants will be installed along the edge of the pedestrian trail, boardwalk, and platform. Over time, these plants will discourage pedestrians from going off the trail.

**Table 2. Planting List for Wetland Buffer**

Scientific Name	Common Name	Layer	Quantity
<i>Thuja plicata</i>	Western red cedar	tree	6
<i>Acer circinatum</i>	vine maple	shrub	28
<i>Corylus cornuta</i>	hazelnut	shrub	28
<i>Rosa gymnocarpa</i>	bald-hip rose	shrub	35
<i>Symphoricarpos albus</i>	snowberry	shrub	38
<i>Physocarpus capitatus</i>	Pacific ninebark	shrub	30
<i>Sambucus racemosa</i>	red elderberry	shrub	38
<i>Ribes sanguineum</i>	red-flowering currant	Shrub	38

Any areas that are disturbed will be seeded with a seed mix of *Alopecurus geniculatus* (water foxtail), *Agrostis stolonifera* (redtop), and *Festuca rubra* (red fescue) to stabilize soils and decrease the potential for non-native species to become established. The seed mix will be applied as stated on Figure 2.

Plants shown in Tables 1 and 2 will be installed between late October and early March, and will be installed based on details and notes presented on Figures 3 and 4. Plant substitutions are not

allowed unless approved by the project biologist and the City of Shoreline. Mulch will be placed to a depth of at least four inches around each installed plant.

### **6.3 Grading/Soils**

To locate the dispersal trenches as far from the wetland as possible, approximately five to eight feet of buffer at the trench outlet (for the south trench) must be graded down to an elevation of 398 feet. The area to be graded for trench installation should be over-excavated by a depth of nine inches (as shown on Figure 2) to allow for nine inches of topsoil to be replaced. Topsoil from the site should be used in the over excavated area. The final grade adjacent to the trench should be to elevation 398.

The cement walkways currently on the site will be removed as part of buffer enhancement. Any compacted subgrade materials that may be present under the cement areas should be removed as well. Topsoil from the site should be backfilled into those areas where cement and subgrade materials are to be removed. Final grade of backfilled topsoil in these areas should match existing grades.

### **6.4 Habitat Features**

To increase the habitat value of the enhanced wetland and wetland buffer, bird boxes and bat boxes will be installed. The location of these habitat features is shown on Figure 2. One bat box will be located in the southern portion of the wetland buffer. A cluster of two swallow boxes will be attached to a post, which will be installed in the central portion of the wetland buffer. In addition, two bird boxes with small holes will be installed to attract songbirds such as chickadees and wrens. One of these bird boxes will be located in the southwestern portion of the wetland and the other will be placed in the northwestern portion of the wetland buffer. The holes in the bird boxes will be sized to exclude starlings.

## **7.0 PERFORMANCE STANDARDS**

Performance standards have been established to meet the enhancement goals. For this project, the restoration effort will be considered successful if the wetland buffer meets the following criteria:

- Installed plant survival of 100 percent through the first growing season;
- At least 80 percent survival of installed plants during the second through fifth monitoring years;
- At least 80 percent cover of planted species by Year 5; and
- Percent cover of non-native species less than 15 percent in each of the five monitoring years.

## **8.0 CONSTRUCTION PHASE**

This enhancement plan will be implemented prior to or concurrent with site development. Plant installation will be between October and March. Project biologists will conduct periodic site

visits during construction and installation to verify that the plants are being installed as planned, and that sediment control devices are functioning properly. Once the plants have been installed and approved by the City, the landscape architect or project biologist will provide the City with an as-built, which will be used to determine plant survival during monitoring.

## **9.0 MONITORING**

Monitoring will be conducted by a qualified biologist. Monitoring of the wetland and buffer enhancement areas will begin when construction is complete and will continue annually for five years post-construction. Specifically, monitoring will be conducted as follows:

- Upon completion of the wetland and buffer enhancement plantings;
- Approximately 30 days after plants have been installed;
- Twice annually during Monitoring Years 1 and 2, once early in the growing season (April) and later in the growing season (August); and
- Once annually during Monitoring Years 3 through 5, with monitoring data to be collected later in the growing season (August).

The main objective for mitigation monitoring is to document the level of success in meeting the performance standards. Survival data will be based on the as-built provided by the landscape contractor after the plants have been installed. Permanent sampling points will be established in the enhanced wetland and buffer to assess the success of the mitigation project and obtain percent cover data. In addition, permanent photo-points will be established that show an overview of the enhanced wetland and wetland buffer as well as vegetation conditions at the sampling points.

### **9.1 Data Collection**

The following will be recorded each time the site is monitored:

- Survival rates of planted vegetation;
- General plant health assessment;
- Percent cover of planted vegetation;
- Percent cover of non-native species; and
- Photographs showing general overview of restored areas and monitoring points.

In addition, any wildlife that is observed using the replanted buffers will be noted.

### **9.2 Reporting**

Monitoring reports will document the success in meeting the performance standards. The reports will recommend maintenance and plant species replacements, as necessary. Photographs will be included in the annual monitoring reports. Monitoring reports will be submitted by Prescott Homes to the City of Shoreline annually for five years no later than September 30 of each year.

To comply with SMC 20.80.350.G.3.d, monitoring reports will be prepared:

- Upon completion of the initial enhancement plantings;
- Within 30 days after plants are installed;
- Twice annually during Monitoring Years 1 and 2 (early spring and mid-summer); and
- Once annually during Monitoring Years 3 through 5 (mid-summer).

Monitoring reports will be finalized and submitted within 30 days of completing the monitoring. For early spring monitoring, the reports will be submitted by May 31 and mid-summer reports will be submitted by September 30.

### **9.3 Maintenance**

Maintenance of the replanted wetland buffers will begin after completion of the project and continue for five years. The landscape contractor will be responsible for plant survival for a period of one year. After that, maintenance will be performed by a qualified professional contracted by Prescott Homes. Maintenance could include, but may not be limited to:

- Installing supplemental plantings as needed;
- Watering, as needed, to ensure that the planted areas receive at least one inch of water per week during the first year after plants are installed;
- Watering or providing irrigation during the second and third growing seasons if conditions are unseasonably dry;
- Manually removing non-native or invasive plant species if the percent cover exceeds 15 percent (herbicides shall not be used to control non-natives);
- Providing fencing around plants (where needed) to prevent animal damage; and
- Providing fencing to prevent vandalism or damage caused by humans.

## **10.0 PERFORMANCE BOND**

The City of Shoreline will require a performance bond to ensure that enhancement of the wetland and wetland buffer are implemented as presented in this report. According to SMC 20.80.350.G.2, the performance bond shall equal 125 percent of the cost of the mitigation project for a minimum of five years. The bond may be reduced in proportion to the work successfully completed over the period of the bond.

## **11.0 CONTINGENCY PLAN**

If any portion of the restoration effort is not successful, a contingency plan will be implemented. Such plans are prepared on a case-by-case basis to remedy any aspects of the effort that are not meeting the performance standards. The plan, if required, would be developed in cooperation with the Prescott Homes and the City of Shoreline.

## **12.0 LIMITATIONS**

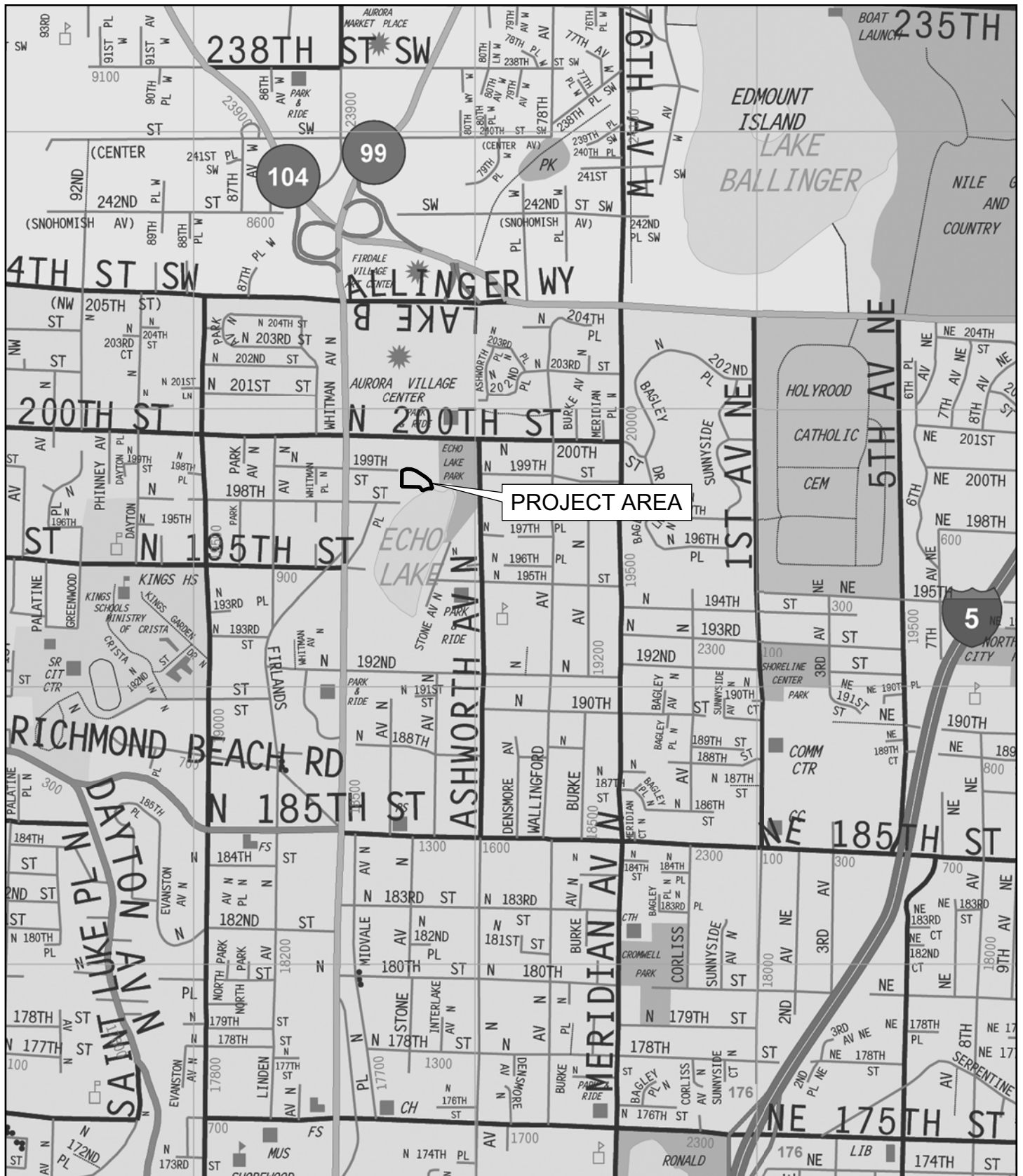
Within the limitations of schedule, budget, and scope-of-work, we warrant that this work was conducted in accordance with generally accepted environmental science practices, including the technical guidelines and criteria in effect at the time this work was performed. The information provided in this report represents the authors' best professional judgment, based upon information provided by the project proponent in addition to that obtained during the course of conducting this work. No other warranty, expressed or implied, is made.

## REFERENCES

Adolfson Associates, Inc. 2005. *Echo Lake Townhomes Wetland Delineation Report*. Prepared for Prescott Homes.



## **FIGURES**



File name: Fig01\_vicinity.ai  
 Created/last edited by: JAB  
 Date last updated: 02/22/06  
 Reference: 25096



NOT TO SCALE

Map data are the property of the sources listed below.  
 Inaccuracies may exist, and Adolfson Associates, Inc. implies no warranties or  
 guarantees regarding any aspect of data depiction.  
 SOURCE: Thomas Bros. Maps, 2004.

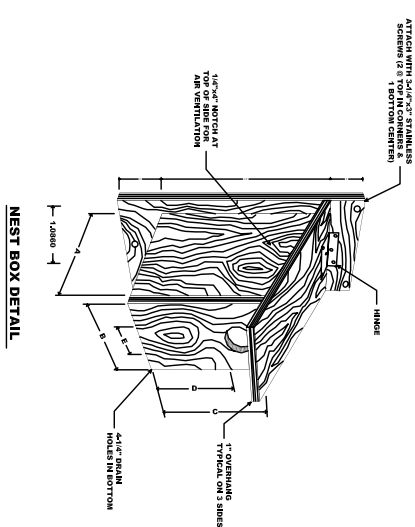
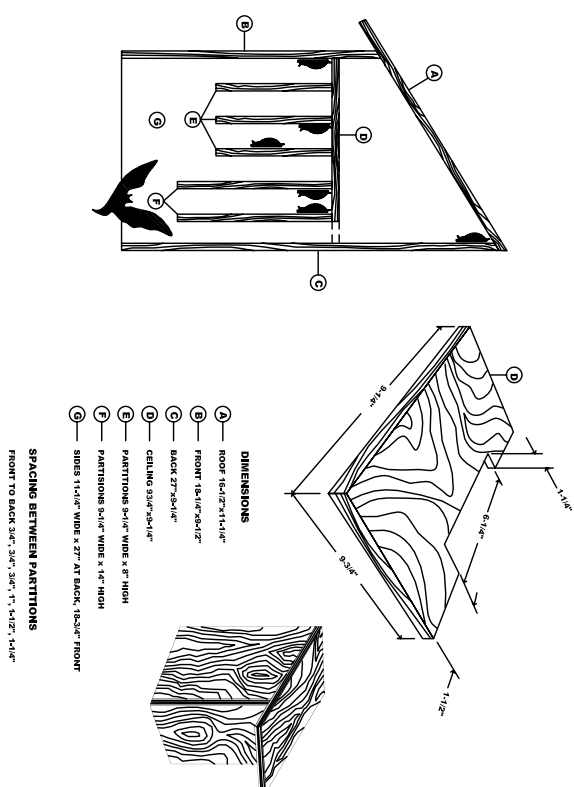
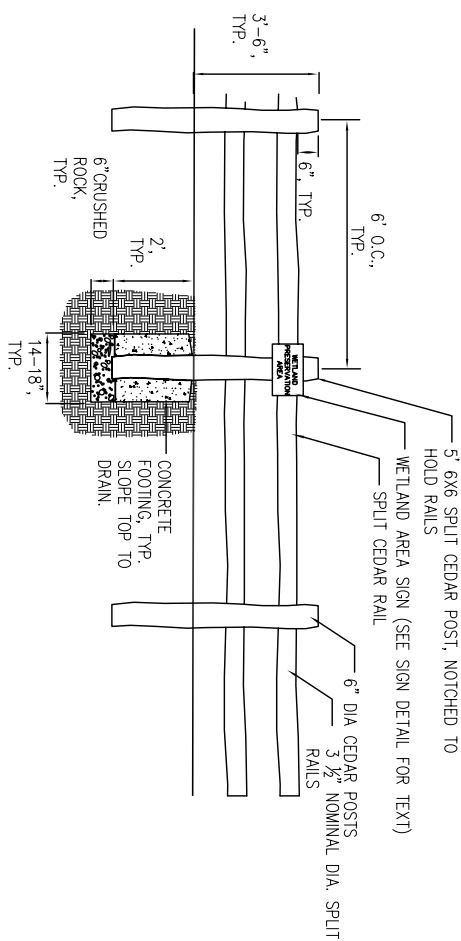
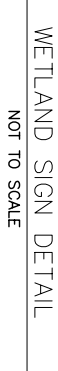
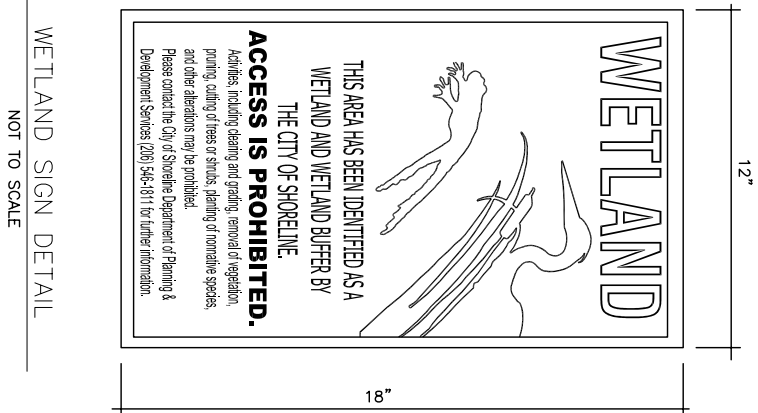
**FIGURE 1**

VICINITY MAP

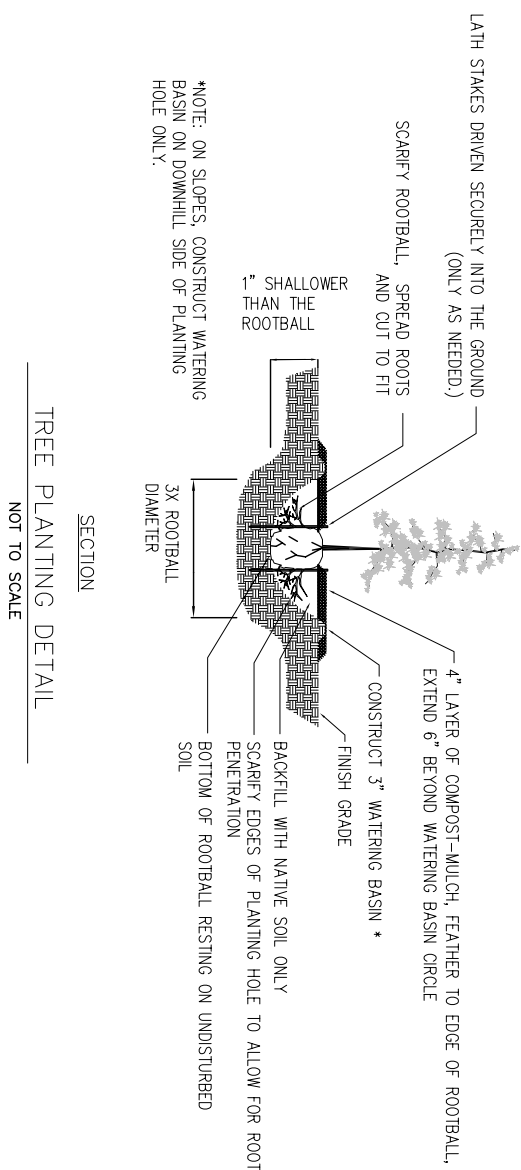
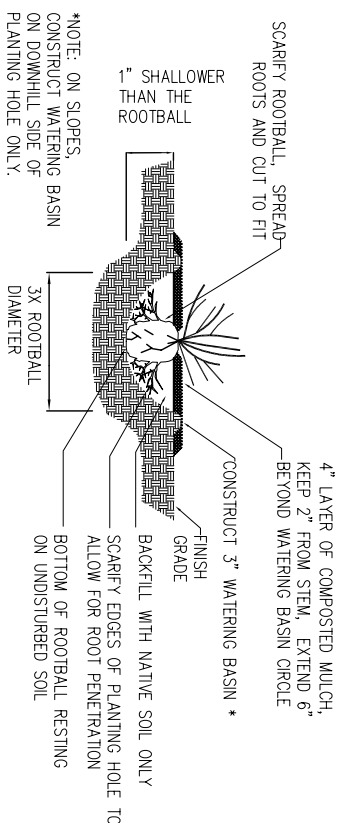
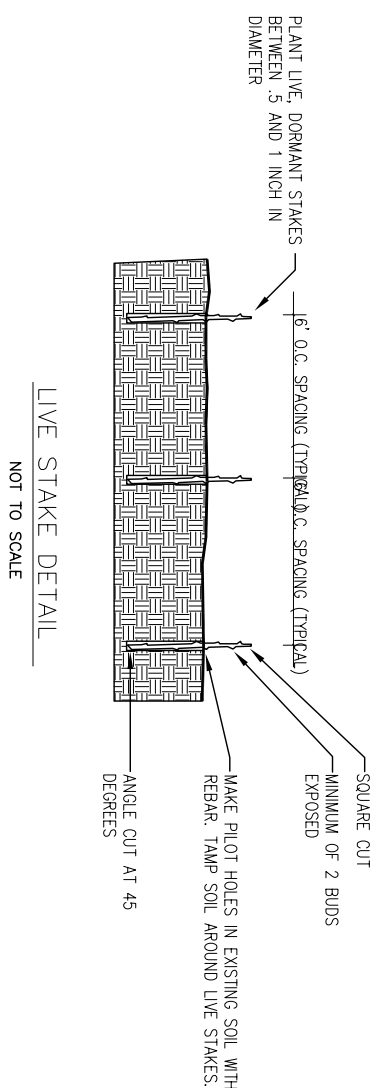
SHORELINE TOWNHOMES

SHORELINE, WASHINGTON





NEXT DOG SPECIFICATIONS						
Trainer's Refers	Years of Canine	Depth of Canine	Endurance Above	Size of Reference	Height Above	Quantity
	A+B	C	D	E	F	
BARB SWALLOW, ROBIN	6-7	7	*		6-15	2
CHICKADEE NINETYFIVE	4-4.4	8-10	6-8	1,125	8-18	1
DOWNY WOODPECKER	4-4.4	6-8	1-6	1,125	6-10	1
THORN WOODPECKER	4-4.4	6-8	1-6	1,125	6-10	1
GREEN SWALLOW	5-5	6	6-15	1,25	10-15	2



**FIGURE 3 - PLANTING DETAILS**  
SHORELINE TOWNHOMES  
SHORELINE, WASHINGTON  
PRESCOTT HOMES



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ATTACHMENT D:

**WETLAND DELINEATION  
REPORT**

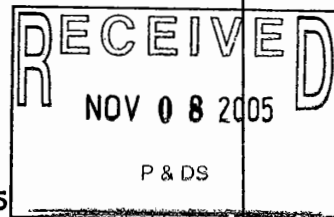
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**ECHO LAKE TOWNHOMES  
WETLAND DELINEATION**

**PREPARED FOR:**

**PRESCOTT HOMES, INC.  
10613 NE 38<sup>TH</sup> PLACE #17  
KIRKLAND, WA 98033**



**OCTOBER 2005**

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**PREPARED BY:**

**Adolfson Associates, Inc.  
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Seattle, Washington 98107  
206.789.9658**



**201478**

## **EXECUTIVE SUMMARY**

At the request of Prescott Homes Inc. (Prescott Homes), Adolfson Associates, Inc. (Adolfson) delineated wetlands and prepared this technical report for the proposed Echo Lake Townhomes project on two parcels (#2227300070 and #2227300071) located in the City of Shoreline, King County, Washington. The study area is located within Section 4, Township 25 North, Range 5 East. All rights-of-entry to the subject property were granted by Prescott Homes. The boundaries of the study area were established based on information provided by Prescott Homes.

Adolfson biologists Donna Frostholt and Janice Martin conducted a site visit on August 3, 2005. Access to the site is via North 199<sup>th</sup> Street, a one-lane roadway. The site is bounded by North 199<sup>th</sup> Street, offices and apartments to the north, Echo Lake to the southeast and condominiums to the southwest. There are no structures on-site. However, there are building foundations located near the eastern portion of the site, and geotechnical studies had recently been completed. A large approximate 10-foot high, 100 square-foot debris pile full of unearched stumps and branches was found at the northwest corner of the site near the entrance. Walking trails are present on the site and lead to the lake. There is a cement bulkhead between the site and Echo Lake.

One wetland was identified on-site. Wetland A is a palustrine emergent, lake-fringe wetland associated with Echo Lake. Wetland A is a Type II wetland because it is associated with Echo Lake, and is hydrologically connected to lake fringe wetlands to the east, south and southwest of Echo Lake (personal communication, Matt Torpey, City Planner, August 19, 2005).

According to the City of Shoreline Municipal Code (SMC), critical areas are defined under Chapter 20.80 the City's Critical Areas Ordinance. The City is in the process of updating their Critical Areas Code and regulatory implications for this site may change. The new Critical Areas Code is anticipated to be adopted by December 2005 (personal communication, Matt Torpey, City Planner, August 19, 2005).

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## **1.0 PROJECT AUTHORIZATION AND SCOPE OF WORK**

At the request of Prescott Homes Inc. (Prescott Homes), Adolfson Associates, Inc. (Adolfson) delineated wetlands and prepared this technical report for the proposed Echo Lake Townhomes project on two parcels (#2227300070 and #2227300071) located in the City of Shoreline, King County, Washington. The study area is located within Section 4, Township 25 North, Range 5 East. All rights-of-entry to the subject property were granted by Prescott Homes. The boundaries of the study area were established based on information provided by Prescott Homes.

The Scope of Work for this project included wetlands determinations and delineations on two parcels, and preparation of this technical report. A brief discussion of regulatory implications and permitting considerations is also included in this report.

## **2.0 SITE DESCRIPTION**

The Echo Lake Townhomes site, an approximately 1.1-acre site composed of two parcels (#2227300070 and #2227300071), is located in the City of Shoreline, Washington, Section 4, Township 25 North, Range 5 East. The site is bounded by North 199<sup>th</sup> Street, offices and apartments to the north, Echo Lake to the southeast and condominiums to the southwest (Figure 1).

There were no structures on-site. There are building foundations located near the eastern portion of the site, and geotechnical testing had recently been completed. A large approximate 10-foot high, 100 square-foot debris pile of unearthed stumps and branches was found at the northwest corner of the site near the entrance. A few walking trails occur on the site and lead to the lake. There is a cement bulkhead between the site and Echo Lake. The site slopes upwards from Echo Lake to the west towards Highway 99.

## **3.0 WETLAND DEFINITION AND REGULATIONS**

Wetlands are formally defined by the Corps of Engineers (Corps) (Federal Register 1982), the Environmental Protection Agency (EPA) (Federal Register 1986), the Washington Shoreline Management Act (SMA) (1971) and the Washington State Growth Management Act (GMA) (1992) as "... those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (Federal Register, 1982, 1986). In addition, the SMA and the GMA definitions add: "Wetlands do not include those artificial wetlands intentionally created from non-wetland site, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those

artificially created wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands”.

Numerous federal, state, and local regulations govern development and other activities in or near wetlands; at each level, there are typically several agencies charged with such powers. Specific regulatory implications concerning the subject property are summarized within this report.

## **4.0 METHODS**

Two levels of investigation were conducted for the analysis of wetlands on the subject property: a review of existing information and an on-site investigation.

### **4.1 Review of Existing Information**

A review of existing literature, maps, and other materials was conducted to identify wetlands or site characteristics indicative of wetlands on the subject property. Note that these sources can only indicate the likelihood of the presence of wetlands; actual wetland determinations must be based upon data obtained from field investigations.

Several documents were available for this review:

- *U.S. Geological Survey 1:24,000 Topographic Map*, Edmonds East quadrangle. 1987 updated 1994.
- *National Wetland Inventory*, Edmonds East quadrangle. (U.S. Fish and Wildlife Service, 1987 updated 1999).
- *Hydric Soils of the State of Washington*. (Natural Resources Conservation Service, 2001).
- *McAleer Creek and Lyon Creek Basins Characterization Report*. May 2004. Tetra Tech / KCM.
- *King County Sensitive Areas Map Folio*. (1990).
- *A Catalog of Washington Streams and Salmon Utilization Volume 1 Puget Sound* (Williams et. al, 1975).
- *Echo Lake Site Soils Report*. Terra Associates. February 1989.
- *Preliminary site soils infiltration information email*. Scott Riegel of Earth Solutions. August 25, 2005.

### **4.2 On-site Investigation**

Methods defined in the *Washington State Wetlands Identification and Delineation Manual* (Washington State Department of Ecology, 1997), a manual consistent with the *Corps of*

*Engineers Wetlands Delineation Manual* ("1987 Manual") (Environmental Laboratory, 1987) were used to determine the presence and extent of wetlands on the subject property Washington state and all local governments must use the state delineation manual to implement the SMA and/or the local regulations adopted pursuant to the GMA. The methodology outlined in the manual is based upon three essential characteristics of wetlands: (1) hydrophytic vegetation; (2) hydric soils; and (3) wetland hydrology. Field indicators of these three characteristics must all be present in order to make a positive wetland determination (unless problem areas or atypical situations are encountered).

The "routine on-site determination method" was used to determine the wetland boundaries. The routine method is used for areas equal to or less than five acres in size, or for larger areas with relatively homogeneous vegetative, soil, and hydrologic properties.

Formal data plots were established in areas of relatively homogeneous vegetation, where information regarding each of the three wetland parameters (vegetation, soils, and hydrology) was recorded. Dominant herbs and saplings/shrubs within a five-foot radius, and dominant trees and woody vines within a 30-foot radius from the data plot center were recorded on the data form (Washington State Department of Ecology, 1997). This information was used to distinguish wetlands from non-wetlands. If wetlands were determined to be present on the subject property, the wetland boundaries were delineated. Wetland boundaries were identified with sequentially-numbered colored flagging imprinted with the words "WETLAND DELINEATION." Data plot locations were marked with colored flagging.

## **5.0 WETLAND CHARACTERISTICS**

### **5.1 Hydrology**

Water must be present in order for wetlands to exist; however, it need not be present throughout the entire year. Wetland hydrology is considered to be present when there is permanent or periodic inundation or soil saturation for more than 12.5 percent of the growing season (typically two weeks in lowland Pacific Northwest areas). Areas which are inundated or saturated for between 5 and 12.5 percent of the growing season in most years, may or may not be wetlands. Areas inundated or saturated for less than 5 percent of the growing season are non-wetlands (Ecology 1997).

Indicators of wetland hydrology include observation of ponding or soil saturation, water marks, drift lines, drainage patterns, sediment deposits, oxidized rhizospheres, water-stained leaves, and local soil survey data. Where positive indicators of wetland hydrology are observed, it is assumed that wetland hydrology occurs for a sufficient period of the growing season to meet the wetland criteria, as described by Ecology (1997).

## **5.2 Soils**

Hydric soils are indicative of wetlands. Hydric soils are defined as soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile (Federal Register, 1994). The NRCS, in cooperation with the National Technical Committee for Hydric Soils, has compiled lists of hydric soils (NRCS, 2001). These lists identify soil series mapped by the NRCS that meet hydric soil criteria. It is common, however, for a map unit of non-wetland (non-hydric) soil to have inclusions of hydric soil, and vice versa. Therefore, field examination of soil conditions is important to determine if hydric soil conditions exist. The NRCS has developed a guide for identifying field indicators of hydric soils (NRCS, 1998). This list of hydric soil indicators is considered to be dynamic; revisions are anticipated to occur on a regular basis as a result of ongoing studies of hydric soils. Due to anaerobic conditions, hydric soils exhibit certain characteristics, collectively known as "redoximorphic features," that can be observed in the field (Vepraskas, 1999). Redoximorphic features include: high organic content, accumulation of sulfidic material (rotten egg odor), greenish- or bluish-gray color (gley formation), spots or blotches of different color interspersed with the dominant (or matrix) color (mottling), and dark soil colors (low soil chroma) (USDA, NRCS, 1998; Vepraskas, 1999). Soil colors are described both by common color name (for example, "dark brown") and by a numerical description of their hue, value, and chroma (for example, 10YR 2/2) as identified on a Munsell soil color chart (Munsell Color, 2000). Soil color is determined from a moist soil sample.

## **5.3 Vegetation**

Plants must be specially adapted for life under saturated or anaerobic conditions to grow in wetlands. The U.S. Fish and Wildlife Service (USFWS) has determined the estimated probability of each plant species' occurrence in wetlands and has accordingly assigned a "wetland indicator status" (WIS) to each species (USFWS, 1997). Plants are categorized as obligate (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU), upland (UPL), not listed (NL), or no indicator status (NI). Definitions for each indicator status are listed in the Glossary (Appendix A). Species with an indicator status of OBL, FACW, or FAC are considered adapted for life in saturated or anaerobic soil conditions. Such species are referred to as "hydrophytic" vegetation. A (+) or (-) sign following the WIS signifies greater or lesser likelihood, respectively, of being found in wetland conditions.

Areas of relatively homogeneous vegetative composition can be characterized by "dominant" species (see Glossary in Appendix A). The indicator status of the dominant species within each vegetative strata is used to determine if the plant community may be characterized as hydrophytic. The vegetation of an area is considered to be hydrophytic if greater than 50% of the dominant plant cover is comprised of species having an indicator status of OBL, FACW, or FAC.

Common plant names are used throughout this text. The common and taxonomic (scientific) names and wetland indicator status for each plant noted is presented in Appendix B. Scientific nomenclature of all plant species encountered follows that of Hitchcock and Cronquist (1973).

Where the taxonomic names of plant species have been recently changed, former names (synonymies) are included in Appendix B.

## 6.0 FINDINGS

The following sections describe the results of the field investigation conducted by Donna Frostholt and Janice Martin on the Echo Lake Townhomes site on August 3, 2005. These sections describe the wetland found on the site, upland habitats, and observations of wildlife. Four data plots were established within relatively uniform areas of vegetation on the site. Data sheets, which correspond to formal data plots, are provided in Appendix C.

### 6.1 Existing Information

A wetland inventory report prepared by Tetra Tech/KCM (2002) identified approximately 0.2 acre of lake fringe wetland along the east, south and southwestern edges of Echo Lake. The existing wetland on the subject property was not identified in the Tetra Tech/KCM report (2002) entitled *McAleer Creek and Lyon Creek Basins Characterization Report* (Figure 2).

The National Wetlands Inventory (NWI) indicates that all of Echo Lake is wetland (Figure 3). The USGS topographic map (Figure 4) shows the topography of the subject property and surrounding areas.

### 6.2 Wetlands Determinations

One wetland was identified on the subject property. This wetland is associated with Echo Lake. The following describes the wetland and the upland habitats found on the site. Figure 5 shows the location of the wetland on the Echo Lake Townhomes property. GeoDatum professionally surveyed the wetland boundaries.

#### 6.2.1 Wetland A

Location and Geomorphic Setting. Wetland A is a palustrine emergent wetland located near the southeast corner of the subject property along the shoreline of Echo Lake. There is a bulkhead separating the wetland from the Lake. It is likely that the wetland extends both north and south of the subject property. Wetland A is characterized by Data Plot A-1.

Hydrology. At the time of the site visit, the soils in the wetland were damp to the soil surface, and the water depth of the Lake immediately adjacent to the bulkhead was eight inches. Based on our observations, it was assumed that soils would be saturated to the surface early in the growing season in years of normal precipitation. For this reason, we have assumed that the wetland hydrology parameter has been met.



**Soils.** The soil observed at Data Plot A-1 was a blackish-brown (2.5Y 3/1) silt loam from the soil surface to 12 inches in depth. From 12 to 14 inches in depth the soil was a dark grey (2.5Y 4/1) sand.

**Vegetation.** Wetland A is a palustrine emergent wetland that consists of such herbaceous plant species as spreading bentgrass, velvet grass, yellow flag, creeping buttercup, toad rush, and soft rush. Trees, some of which are partially rooted outside of the wetland, provide cover to some of the wetland.

### **6.3 Upland Description**

Upland vegetation on the Echo Lake Townhomes site consists of a number of weedy species such as velvet grass, Himalayan blackberry, bull thistle and Robert's herb. Native trees, such as Douglas-fir, and non-native ornamentals are present in the upland areas. There were no signs of wetland hydrology in the upland areas.

### **6.4 Wildlife Observations**

Wildlife use of the site included mallard, black-capped chick-a-dee, American robin, barn swallow, and bullfrog. Other species of birds, mammals, reptiles and or amphibians in addition to those observed are expected to use habitat on the project site. For example nocturnal species may be present that were not active during the site visit or other species may only be highly visible in this area during certain seasons.

### **6.5 Off-site Wetlands**

Echo Lake has been documented to have lake fringe wetlands along the east, south and southwestern shorelines of the Lake. There is a possibility that more wetland areas exist nearby due to the hydrological connection to the lake. The proximity of these wetlands can provide habitat corridors and connections for wildlife to refuge, food and other habitats.

## **7.0 REGULATORY IMPLICATIONS**

Wetlands are regulated at the local, state, and federal level. Agencies with jurisdiction include the City of Shoreline, U.S. Army Corps of Engineers, and Washington State Department of Ecology (Ecology). Regulatory implications associated with development in wetlands include, but may not be limited to, those discussed in this section. All applicable permits should be obtained prior to developing or otherwise altering wetlands.

## **7.1 Local Regulations**

The City of Shoreline regulates wetlands and lakes in the City's Code under subchapter 4 (SMC 20.80 – Critical Area). According to SMC 20.80.060, all critical area tracts shall be clearly marked with permanent field markings. Any alteration or impact to the functions or values of critical areas must be in accordance with the standards set forth in SMC 20.80.080 and SMC 20.80.350. Required wetland buffers within the Echo Lake Townhome project area shall be in accordance with SMC 20.80.330 which provides a minimum and maximum buffer widths. According to SMC the maximum buffer widths for Wetland A is 100 feet and the minimum buffer width is 50 feet.

The City is in the process of updating their Critical Areas Code and regulatory implications for this site may change. The new Critical Areas Code may be adopted by December, 2005 (personal communication, Matt Torpey, City Planner, August 19, 2005).

## **7.2 State Regulations**

Section 401 of the Federal Clean Water Act directs each state to certify that proposed in-water activities will not adversely affect water quality or violate state aquatic protection laws. Ecology is responsible for administering the state certification program. The state certification process is usually triggered through a Section 404 permit application. The response from Ecology may be approval, approval with conditions, denial, or a request for delay due to lack of information. A Section 401 Water Quality Certification is required for any project permitted under Section 404 of the Clean Water Act (see Federal Regulations below). Any conditions attached to the 401 Certification become part of the Section 404 permit.

## **7.3 Federal Regulations**

The U.S. Army Corps of Engineers regulates discharges of dredged or fill materials into waters of the United States, including wetlands under Section 404 of the Clean Water Act. The purpose of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." A Section 404 permit may be required if a proposed project involves filling wetlands. The Corps has established two types of permit programs under Section 404: nationwide and individual. Nationwide permits are issued when a proposed activity will have minimal adverse impacts to wetlands. All other projects are permitted under the individual permitting process. The Corps determines which permitting process is used for a proposed project. The Corps will require that wetland impacts be avoided or minimized to the extent practicable, and mitigation will likely be required for unavoidable wetland impacts.

## **8.0 LIMITATIONS**

It should be recognized that the delineation of wetland boundaries is an inexact science; wetland professionals may disagree on the precise location of wetland boundaries. The final determination of wetland boundaries is the responsibility of the resource agencies that regulate

activities in and around wetlands. Accordingly, all wetland delineations performed for this study, as well as the conclusions drawn in this report, should be reviewed by the appropriate regulatory agencies prior to any detailed site planning or construction activities. Further, wetlands are by definition transition areas; wetland boundaries may change with time. We therefore recommend that this wetlands study be verified with the appropriate regulatory agencies as soon as practical.

Within the limitations of schedule, budget, and scope-of-work, we warrant that this study was conducted in accordance with generally accepted environmental science practices, including the technical guidelines and criteria in effect at the time this study was performed, as outlined in the Methods section. The results and conclusions of this report represent the authors' best professional judgment, based upon information provided by the project proponent in addition to that obtained during the course of this study. No other warranty, expressed or implied, is made.

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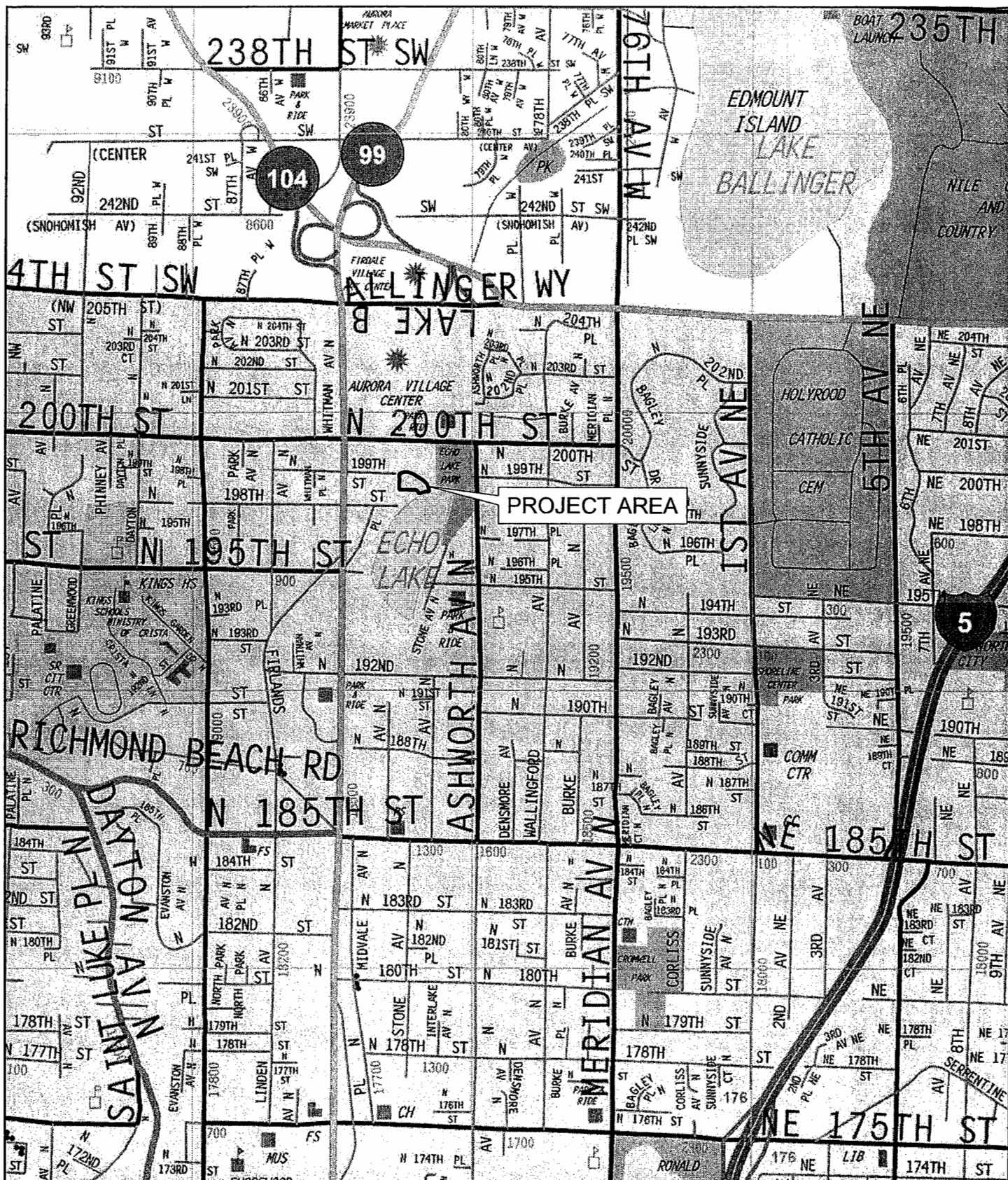
Washington State Department of Ecology . 1997. *Washington State Wetlands Identification and Delineation Manual*. Washington State Department of Ecology, Publication No. 96-94.

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Personal Communications

Matt Torpey, City of Shoreline Planner, Planner II, telephone communication on August 19, 2005.

## **FIGURES**



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Created/last edited by: JAB  
Date last updated: 10/03/05  
Reference: 25096



NOT TO SCALE

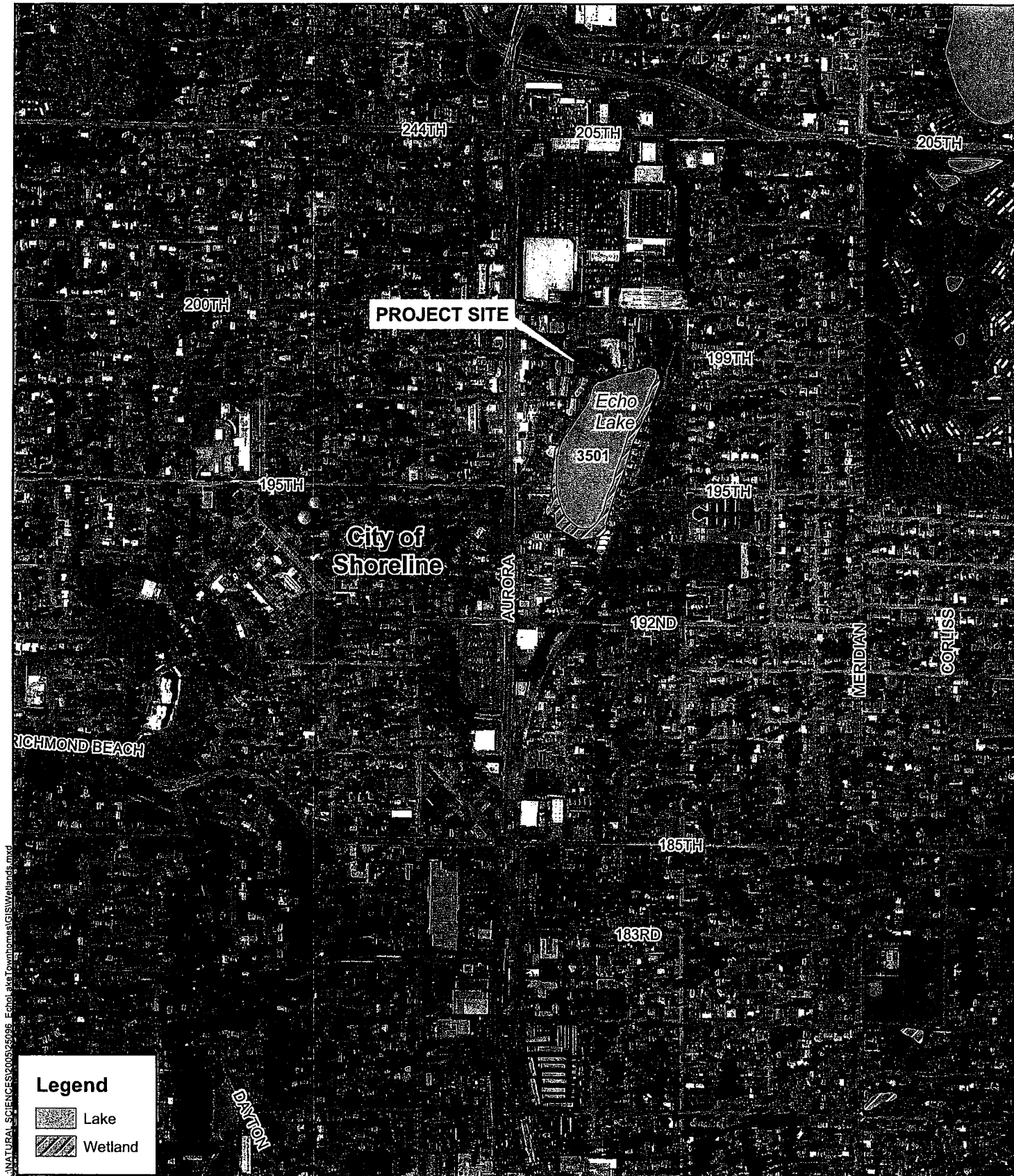
Map data are the property of the sources listed below.  
Inaccuracies may exist, and Adolphson Associates, Inc. implies no warranties or  
guarantees regarding any aspect of data depiction.  
SOURCE: Thomas Bros. Maps, 2004.

FIGURE 1

VICINITY MAP

ECHO LAKE TOWNHOMES  
SHORELINE, WASHINGTON

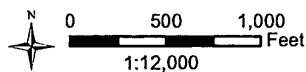




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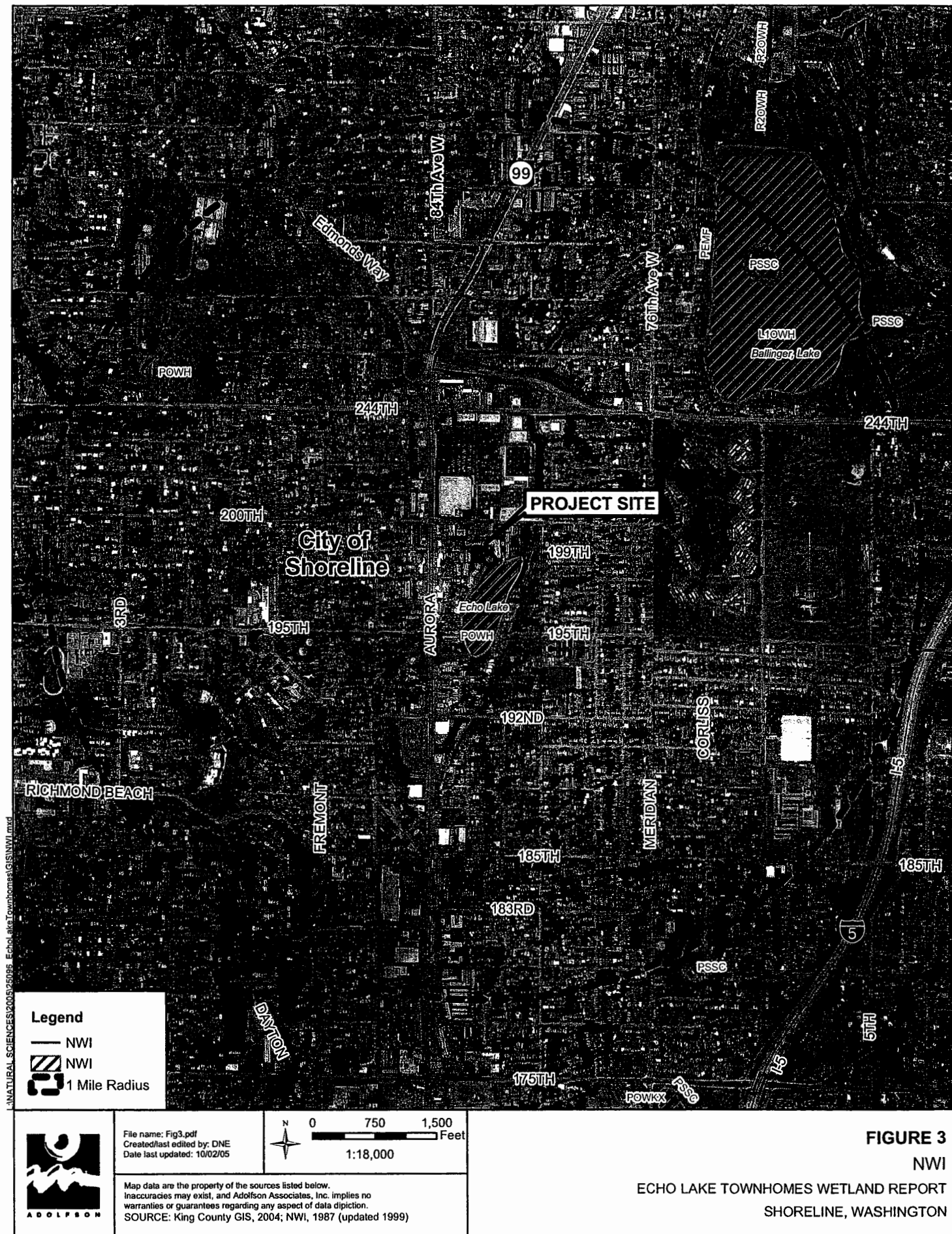


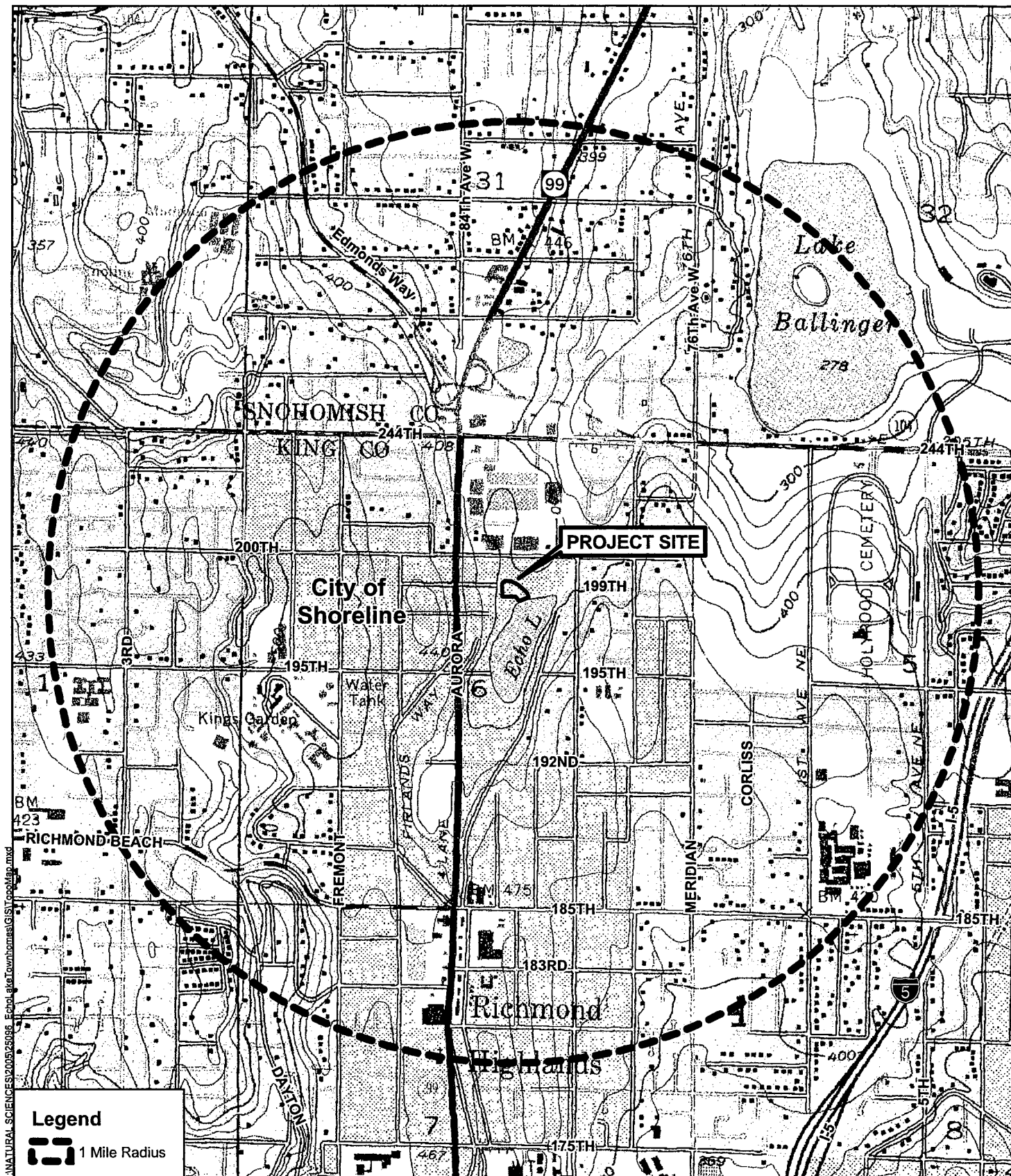
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Map data are the property of the sources listed below.  
 Inaccuracies may exist, and Adolfson Associates, Inc. implies no  
 warranties or guarantees regarding any aspect of data depiction.  
 SOURCE: King County GIS, 2004; City of Shoreline wetlands, 2002



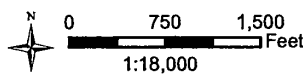




**Legend**  
 1 Mile Radius



File name: Fig4.pdf  
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 Date last updated: 10/02/05



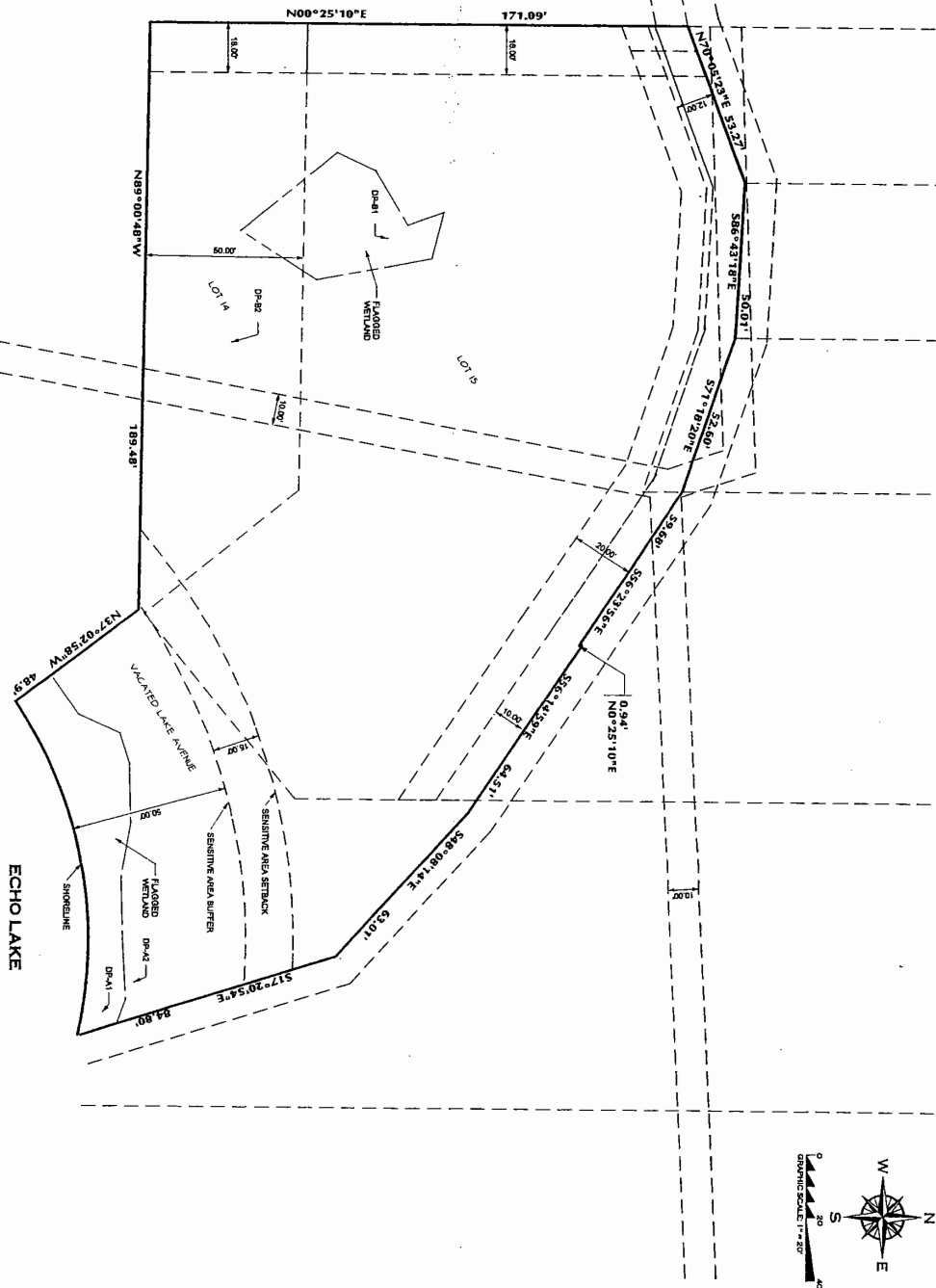
Map data are the property of the sources listed below.  
 Inaccuracies may exist, and Adolfson Associates, Inc. implies no  
 warranties or guarantees regarding any aspect of data depiction.  
 SOURCE: King County GIS, 2004; USGS Topoquad, 1994

**FIGURE 4**  
**TOPOGRAPHY**  
 ECHO LAKE TOWNHOMES WETLAND REPORT  
 SHORELINE, WASHINGTON

# GENERAL NOTES

1. THIS EXHIBIT IS BASED ON THE CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE, ORDER NO. 1196987, DATED MAY 20, 2005 AT 8:00 A.M.
2. THE INFORMATION ON THIS MAP DOES NOT REPRESENT THE RESULTS OF A SURVEY. UTILITY LOCATIONS ARE BASED ON AN UNRECORDED SURVEY BY CHENOWETH & ASSOCIATES, DATED AUGUST, 1987, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

- SCHEDULE B, EASEMENT 1, PER AP: 1310285, RIGHT-OF-WAY
- SCHEDULE B, EASEMENT 2, PER AP: 1882086, WATERLINE, DRIVEWAY & UTILITIES
- SCHEDULE B, EASEMENT 3, PER AP: 1882086, DRIVEWAY & UTILITIES
- SCHEDULE B, EASEMENT 4, PER AP: 381310, WATERMAIN
- SCHEDULE B, EASEMENT 5, PER AP: 445431, S DRAIN
- SCHEDULE B, EASEMENT 6, PER AP: 445431, SET PROPERTY ASIDE AS BEACH PROPERTY
- SCHEDULE B, EASEMENT 7, PER AP: 5122968, SEWER
- SCHEDULE B, EASEMENT 8, PER AP: 5122968, SEWER
- SCHEDULE B, EASEMENT 9, PER AP: 5122968, SEWER, (DOES NOT AFFECT SUBJECT PARCEL)
- SCHEDULE B, EASEMENT 10, PER AP: 5122968, SEWER, (DOES NOT AFFECT SUBJECT PARCEL)
- SCHEDULE B, EASEMENT 11, PER AP: 5122968, SEWER
- SCHEDULE B, EASEMENT 12, PER AP: 7109210382, SEWER, (DOES NOT AFFECT SUBJECT PARCEL)
- SCHEDULE B, EASEMENT 13, PER AP: 9709110988, DEBRIS REMOVAL, (TEMPORARY EASEMENT)



For name, FDOT, and/or other information, contact the Washington Department of Ecology, 1000 4th Avenue, NW, Olympia, WA 98501. Map data are the property of the Washington Department of Ecology. No warranty is made by the Department of Ecology for the accuracy or completeness of the data contained herein. SOURCE: GeoData, Inc. Survey

**FIGURE 5**  
SURVEYED WETLAND BOUNDARIES  
ECHO LAKE TOWNHOMES WETLAND DELINEATION REPORT  
SHORELINE, WASHINGTON

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ATTACHMENT E:

THIRD PARTY REVIEW OF  
WETLAND DELINEATION  
REPORT

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# The Watershed Company

October 18, 2005

Kim Lehmberg  
City of Shoreline  
17544 Midvale Ave  
Shoreline, WA 98133-4921

Re: Echo Lake Wetland Delineation Review

Dear Kim:

Thank you for the opportunity to review the wetland delineation study conducted on the property located at 1150 N 198<sup>th</sup> Street in the City of Shoreline. Comments in this letter are based on review of the October 2005 report entitled *Echo Lake Townhomes Wetland Delineation* prepared for Prescott Homes, Inc. by Adolfson Associates; the October 4, 2005 letter from Donna Frostholm of Adolfson Associates to the City of Shoreline; and on my October 14, 2005 site visit.

The scope of this review is limited to two areas flagged by Adolfson Associates on the property and does not address any other critical areas that might exist on the site. We offer the following review comments:

1. Existing flags marking the boundary of Wetland A (as labeled on Figure 5 in the *Echo Lake Townhomes Wetland Delineation Report*) were accurate. Flags 5 through 7 were missing, and the area where they had been located appeared to be recently cleared of woody vegetation (mostly Himalayan blackberry) to create access to the shoreline of Echo Lake. Flags 2 and 8 were attached to vegetation that appeared to have been moved during mowing; I could not reliably pinpoint their original location, but they were generally in line with the wetland boundary.
2. The October 2005 report rates Wetland A as Type II per a conversation with Matt Torpey, City of Shoreline Planner, on August 19, 2005, based on its association with Echo Lake and hydrological connection to other lake fringe wetlands. We confirmed this rating with Kim Lehmberg, City of Shoreline Planner, on October 18, 2005.
3. The area labeled Wetland B on Figure 5 in the *Echo Lake Townhomes Wetland Delineation Report* does not meet wetland criteria. Much of the flagged area had been disturbed for geotechnical studies. Regenerating vegetation was present at the time of my site visit and was composed of upland species, including red alder and black cottonwood seedlings, Himalayan blackberry, vine maple, English ivy, clover, bindweed, hawkweed, bracken fern, and grasses. Soils in "Wetland B" were olive brown (2.5Y 4/3), very sandy gravelly loam to approximately 18 inches, and dark yellowish brown (10YR ¾) sandy loam to at least 22 inches below that. There was no saturation or other evidence of wetland hydrology in this area at the time of my site visit.

K. Lehmberg  
October 18, 2005  
Page 2 of 2

Regarding the boundary of Wetland A, we agree with the results given in the October 2005 wetland delineation report. Although several flags are missing, the wetland boundary appears to be generally linear between the remaining flags. Regarding the area flagged and referred to as Wetland B, we agree with the October 4, 2005 letter that the area does not meet wetland parameters. We do not believe that an addition delineation or report is warranted.

This concludes our review comments for this project at this time. Please feel free to call with any questions about this information.

Sincerely,



Suzanne Tornassi  
Wildlife and Wetland Biologist



ATTACHMENT F:

# SEPA CHECKLIST

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**ECHO LAKE TOWNHOMES**  
**SEPA CHECKLIST**

**PREPARED FOR:**

**PRESCOTT HOMES, INC**  
**10613 NE 38<sup>TH</sup> PLACE #17**  
**KIRKLAND, WA 98033**

**OCTOBER 2005**

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**PREPARED BY:**

**Adolfson Associates, Inc.**  
**5309 Shilshole Ave NW, Ste 200**  
**Seattle, Washington 98107**  
**206.789.9658**



**201478**

## **INTRODUCTION**

Prescott Homes is proposing to construct 18 townhomes on an approximately 1.1-acre site immediately northwest of Echo Lake in the City of Shoreline (Figures 1 and 2). The site consists of two parcels (2227300070 and 2227300071) that are currently undeveloped (Figure 3). Land use in the vicinity includes commercial buildings, apartment buildings, high use arterial roads, and open space associated with Echo Lake (Figure 4).

The townhome units would be located in four separate structures of three to six units each. The development will also include a 23-foot wide drive lane accessing the proposed buildings, guest parking spaces, fencing on property boundaries, and a pedestrian pathway leading to a common area. The existing concrete bulkhead at the Echo Lake shoreline will also be removed.

Primary access to the project site is proposed via extension of an existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, which accesses North 198<sup>th</sup> Street. Emergency vehicle access would be provided directly from North 199th Street, located on the northwest corner of the project site. A gate would be installed at the emergency vehicle access driveway to prevent general access to the development (Figure 5).

This State Environmental Policy Act (SEPA) Environmental Checklist has been prepared to address the environmental impacts resulting from the proposed Echo Lake Townhomes.

## ENVIRONMENTAL CHECKLIST

### A. BACKGROUND

1. **Name of the proposed project:** Echo Lake Townhomes

2. **Name of Applicant:**

Prescott Homes, Inc.

3. **Address and telephone number of applicant and contact person:**

Greg Kappers  
10613 NE 38<sup>th</sup> Place #17  
Kirkland, WA 98033  
(425) 822-2829

4. **Date checklist prepared:** October 24, 2005

5. **Agency requesting checklist:**

City of Shoreline  
Department of Community Development Services

6. **Proposed timing or schedule (including phasing, if applicable):**

The general project schedule includes construction starting in Spring 2006 with completion in late 2006/early 2007.

7. **Plans for future additions, expansion, or further activity related to or connected with this proposal:**

None proposed at this time.

8. **Environmental information that has been prepared, or will be prepared, directly related to this project:**

The following studies related to the Echo Lake Townhomes have been conducted to date:

*Wetland Delineation, Echo Lake Townhomes, 2005. Prepared by Adolfson Associates, Inc.*

*Wetland and Buffer Enhancement Plan, Echo Lake Townhomes, 2005. Prepared by Adolfson Associates, Inc.*

*Phase 1 Environmental Report Expanded Phase I Report Echo Lake Property*, 2005. Prepared by Earth Solutions NW LLC.

*Infiltration Evaluation Echo Lake Townhome Development*, 2005. Prepared by Earth Solutions NW LLC.

*Technical Information Report (Full Drainage Review) Echo Lake Townhomes*, 2005. Prepared by Davido Consulting Group, Inc.

*Traffic Impact Assessment Echo Lake Townhomes*, 2005. Prepared by Transportation Engineering NorthWest, LLC.

**9. Applications that are pending for governmental approvals or other proposals directly affecting the property covered by the proposal:**

None.

**10. List of governmental approvals or permits that will be needed for the proposal:**

City of Shoreline Preliminary and Final Plat Approval  
City of Shoreline Site Development Permit  
City of Shoreline Building Permits  
City of Shoreline Critical Areas Review  
Washington Department of Fish and Wildlife Hydraulic Project Approval

**11. Brief, complete description of the proposal, including the proposed uses and the size of the project and site:**

Prescott Homes is proposing to construct 18 townhomes on an approximately 1.1-acre site immediately northwest of Echo Lake in the City of Shoreline (Figures 1 and 2). The site consists of two parcels (2227300070 and 2227300071) that are currently undeveloped (Figure 3). Land use in the vicinity includes commercial buildings, apartment buildings, high use arterial roads, and open space associated with Echo Lake (Figure 4).

The townhome units would be located in four separate structures of three to six units each. The development will also include a 23-foot wide drive lane accessing the proposed buildings, guest parking spaces, fencing on property boundaries, open space and landscaped areas, and a pedestrian pathway leading to a common area. The development proposal includes reducing the wetland buffers for the Type II wetland from 100 feet to 50 feet. Enhancement of the existing wetland and the wetland buffer will be conducted as part of the buffer reduction. The existing concrete bulkhead at the Echo Lake shoreline will also be removed.

Primary access to the project site is proposed via extension of an existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, which accesses North 198<sup>th</sup> Street. Emergency vehicle access would be provided directly from North 199<sup>th</sup> Street, located on the northwest corner of the project site. A gate would be installed at the emergency vehicle access driveway to prevent general access to the development (Figure 5).

Construction is planned for early to mid-2006 to early 2007. Construction activities will include the demolition of existing concrete building pads, vegetation clearing, grading, filling, building construction, and paving. Backhoes, trucks, compactors, loaders, small graders, and paving equipment will be used to prepare the area. Best Management Practices (BMPs) include the use of stabilized construction entrance, inlet protection, seeding, mulching, and silt fencing and will be used to prevent erosion and sedimentation into surface waters, drainage systems, and adjacent properties.

Low impact development measures are proposed for stormwater quality and control. The primary water quality and flow control measure for on-site runoff is permeable pavement with infiltration beds in the access road. A biofiltration swale and rain garden is proposed for 199<sup>th</sup> Street runoff (see Attachment A – Plan Sheets).

A *Wetland Delineation Report* (Adolfson Associates, 2005a) and a *Wetland and Buffer Enhancement Plan* (Adolfson Associates, 2005b) have been prepared to describe critical areas located on the site and proposed enhancement of the wetland and wetland buffer. These reports are submitted with this checklist.

**12. Location of the proposal, including street address, if any, and section, township, and range; legal description; site plan; vicinity map; and topographical map, if reasonably available:**

The project site is a 1.1-acre area composed of two parcels (#22273000071 and #222730070) on the northwest shore of Echo Lake. The site is located at 1145 N 199<sup>th</sup> Street (Figure 1).

The proposed project is located in Section 4, Township 25 North, Range 5 East, W.M., in Shoreline, Washington.

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

**a. General description of the site (underline):**

Flat, rolling, hilly, steep slopes, mountainous, other

The majority of the site is level with gentle sloping to the southeastern portion of the site.

**b. What is the steepest slope on the site (approximate percent slope)?**

The steepest slopes (approximately 3 percent) are found near the shoreline of Echo Lake.

**c. What general types of soils are found on the site (for example clay, sand, gravel, peat, muck)? Specify the classification of agricultural soils and note any prime farmland.**

The Infiltration Evaluation Report prepared by Earth Solutions NW LLC (2005) found that the site is underlain primarily by native soils consisting of a loose layer of topsoil transitioning to medium dense to dense silty sand and silty sand with gravel (Earth Solutions NW LLC, 2005). This description is consistent with soils information obtained from the Generalized Geologic Map of Seattle and Suburban Areas (Galster et al., 1991), which identifies soils in the project area as Vashon till (Qvt). The King County Soil Survey does not provide soil information for this site.

No portion of the site is farmed or considered prime farmland.

**d. Are there any surface indications or a history of unstable soils in the immediate vicinity? If so, describe.**

There is no evidence of unstable soils at the project site or in the immediate vicinity.

**e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate the source of the fill.**

Site grading activities are expected to consist of clearing, grubbing and stripping; excavation for building foundations; backfilling around footings, behind walls and beneath floor slabs; and sub-grade preparations for slab-on-grade floors and pavement areas. Grading for road construction will also occur.



It is estimated that approximately 1,000 cubic yards of grading and approximately 2,700 cubic yards of fill material will be required. The existing site soil may be used as structural fill provided the soil is free of organics and other deleterious material. Approximately 1,700 cubic yards of import fill is anticipated to be required.

**f. Could erosion occur as a result of clearing, construction, or use?**

In general, soils on slopes steeper than 40 percent have high erosion potential and soils on slopes inclined between 15 and 40 percent have medium to high erosion potential (depending on the character of the soil). The maximum site slope is approximately three percent; therefore, no appreciable erosion is likely to occur during and after construction. Construction erosion and sedimentation control measures consistent with City of Shoreline requirements will be implemented during construction and are described below under 1(h).

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example buildings or asphalt)?**

The townhomes, roadways, and parking areas would represent approximately 27, 175 square feet (0.62 acre) of impervious surface area on the site (approximately 51 percent of the project site).

**h. Describe the proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

The City of Shoreline has adopted the 1998 *King County Surface Water Design Manual* (KCSWDM) by reference with exceptions in the KCSWDM addendum in the *City of Shoreline Engineering Development Guide*. During construction, all applicable City of Shoreline and King County Surface Water Design Standards Best Management Practices (BMPs) for erosion and sedimentation control (ESC) will be implemented. Erosion and sedimentation control facilities will be constructed prior to or in conjunction with all clearing and grading so as to ensure that the transport of sediment to surface waters, drainage systems, and adjacent properties is minimized. The ESC measures will include:

- Installing a perimeter silt fence;
- Constructing a stabilized construction entrance;
- Providing inlet protection at all catch basins;
- Inspecting and maintaining ESC facilities to ensure continued proper functioning;
- Removing the cement bulkhead such that incidental backfill does not occur;

- Stabilizing any areas of exposed soils that will not be disturbed for two days during the wet season or seven days during the dry season with the appropriate ESC methods (e.g., seeding, mulching, covering); and
- Upgrading ESC measures as needed for unexpected storm events and modified to account for changing site conditions (e.g., relocation of silt fences).

**2. Air**

- a. What types of emissions to the air would result from the proposal (e.g. dust, automobile, odors, industrial, wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.**

During construction, dust, odors, and emissions from heavy machinery, trucks, and other vehicles traveling to and operating on the site would be anticipated for a period slightly less than one year.

Following construction, the anticipated use of the site would moderately increase the automobiles traveling on local roads to and from the townhome development. The increase in traffic would increase the amount of automobile emissions compared to existing conditions. An estimated total of 110 daily, weekday a.m. and p.m. peak hour vehicular trips would be generated at full occupancy. This increase in vehicular trips would result in a negligible increase in emissions because this represents a small percentage of traffic on surrounding roads.

Wood burning fireplaces will not be incorporated into the design of the units. Therefore, there will be no wood smoke emissions post-construction.

- b. Are there any off-site sources of emissions or odors that may affect your proposal? If so, generally describe.**

No off-site sources of emissions or odors have been identified that would affect the proposed development.

- c. Describe proposed measures to reduce or control emissions or other impacts to air, if any.**

Contractors are expected to use known, available, and reasonable measures to meet the Puget Sound Clean Air Agency's requirements. Appropriate best management practices (BMP's) are expected to be employed to reduce surface and air movement of dust during grading, demolition, and construction activities. Mitigation measures may include:

- Impervious surfaces on the site should be swept, vacuumed, or otherwise maintained to suppress dust.
- Temporary ground covers, sprinkling the project site with water, or use of temporary stabilization practices upon completion of grading.
- Wheel-cleaning stations could be provided to ensure construction vehicle wheels and undercarriages do not carry excess dirt from the site onto adjacent roadways.
- Construction would be planned to minimize exposing areas of earth for extended periods.

**3. Water**

**a. Surface:**

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Surface water features in the vicinity include Echo Lake and one palustrine emergent wetland (Wetland A) located near the southeast edge of the site along the Echo Lake shoreline. Echo Lake is an approximately 12-acre lake, with a maximum depth of approximately 30 feet.

Adolfson biologists confirmed the location of Wetland A during a wetland delineation in 2005. The results of the study are included in the *Wetland Delineation Report Echo Lake Townhomes* (Adolfson Associates, 2005a). Wetland A is characterized in detail in the report.

- 2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

The proposed project will occur within 200 feet of Echo Lake and the onsite wetland, but has been designed to avoid impacts to the lake and adjacent wetland. Construction erosion and sedimentation control (ESC) measures would be used to provide the least amount of disturbance to Echo Lake, the wetland, and the wetland buffer during the construction.

An existing, approximately 90-foot long concrete bulkhead located at the Echo Lake shoreline would be removed as part of this proposal. Construction equipment will operate from land and work will be conducted in a manner to prevent materials from entering the lake.

- 3. Estimate the amount of fill and dredge material that could be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill materials.**

The proposal will not require any dredge or fill activities in surface water or wetlands in the project area. The bulkhead will be removed but will be taken out in a manner that avoids incidental backfill of substrate. This area will be planted with emergent plants to stabilize soils.

- 4. Will the proposal require surface water withdrawals or diversion? Give general description, purpose, and approximate quantities, if known.**

The proposal will not require any surface water withdrawals or diversions.

- 5. Does the proposal lie within a 100-year flood plain? If so, note location on the site plan.**

According to the King County GIS center's 100-year floodplain maps, the proposed project site does not lie within a 100-year floodplain (King County, 2005). The sources for the data include FEMA preliminary and final flood insurance maps (FIRMs) and King County flood boundary work maps.

**b. Ground**

- 1. Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.**

An infiltration evaluation was performed for the proposed stormwater infiltration system at the site (Earth Solutions NW LLC, 2005). Infiltration rates were deemed to be suitable at the site to a depth. By design, infiltration trenches involve water discharge to the ground, which may reach groundwater. The proposed stormwater flow control and water quality treatment [described in c(1)] provide the necessary water quality treatment prior to infiltration to the ground as stipulated by the 2005 King County Surface Water Design Standards for Low Impact Development.

- 2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any. Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) is expected to serve.**

The project would not result in the discharge of any waste material to ground water. Stormwater facilities and sanitary sewer service will be provided as part of the proposed development.

**c. Water Runoff (including stormwater)**

- 1. Describe the source of runoff (including stormwater) and method of collection and disposal, if any (including quantities if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

***EXISTING DRAINAGE AND STORMWATER MANAGEMENT***

The existing 1.1-acre project site is an undeveloped, vacated residential lot with 5,048 square feet (0.12 acre) of impervious surface. Currently, stormwater from the site infiltrates and/or evaporates and any runoff sheet flows through existing vegetation towards Echo Lake.

***PROPOSED DRAINAGE AND STORMWATER MANAGEMENT***

A Technical Information Report (TIR) detailing proposed stormwater management for the site has been prepared (Davido Consulting Group, Inc., 2005) and is submitted with this SEPA Checklist. The TIR contains descriptions and summaries of the analyses and designs for project stormwater facilities, including water quality treatment and flow control.

Low impact development (LID) flow control and water quality facilities are proposed for the onsite and offsite stormwater runoff based on Appendix C of the 2005 *King County Surface Water Design Manual* (KCSWDM) and the LID Technical Guidance Manual for Puget Sound. City staff has provided direction to utilize Appendix C of the 2005 KCSWDM for LID. The LID approach minimizes runoff flow paths on impervious surfaces and integrates filtration and infiltration facilities with small-scale stormwater controls (versus conventional large-scale structural facilities).

Stormwater runoff from most of the townhome roofs will be routed to rain gardens or discharged to an infiltration bed under the access road. Roof runoff from some of the townhome roofs will be routed to a dispersion trench in the wetland enhancement area to help irrigate the enhancement plantings. The access road and parking area stormwater runoff will be routed to permeable pavement providing infiltration and filtration of stormwater before percolating into an infiltration bed under the permeable pavement. The roadway infiltration bed was designed for all of the site impervious surface runoff plus tributary pervious surfaces using the 100-year event.

Runoff from North 199<sup>th</sup> St will be collected in a catch basin with an oil spill control device installed on the outlet pipe leading to a biofiltration swale flowing into a rain garden located in the western portion of the site. The rain garden for the North 199<sup>th</sup> Street runoff was designed for the 1.10-year event plus additional pond volume to provide a factor of safety over the 6-month event. Overflow systems in the access road infiltration bed and North 199<sup>th</sup> Street rain garden will route any overflow to dispersion trenches located in the wetland buffer enhancement area.

The proposed access road permeable pavement and gravel infiltration bed system together with spill control devices installed in the overflow catch basins will provide the necessary water quality treatment for the onsite runoff. The permeable pavement system is designed so that concentrated flows do not develop thereby reducing the chances of clogging the permeable pavement by solids or pollutants (i.e. oil). The infiltration bed will provide further filtration of the stormwater. Any overflow routed to the dispersion trenches in the wetland buffer enhancement area will receive filtration through the dispersion trench and landscaping.

The proposed rain garden and gravel infiltration bed system together with the biofiltration swale and spill control device installed in the North 199<sup>th</sup> Street runoff collection catch basin will provide the necessary water quality treatment for the North 199<sup>th</sup> Street runoff. The biofiltration swale, which flows into the rain garden, was designed in accordance with the KCSWDM to treat the 6-month flow with conveyance capacity for higher flows (i.e., 100-year flow). The rain garden will provide additional treatment in the amended soils prior to infiltration in the infiltration bed.

The proposed stormwater facility provides factors of safety and redundancies for the flow control and treatment of the onsite and North 199<sup>th</sup> Street runoff. These factors of safety and redundancies are described in the TIR submitted with this SEPA Checklist (Davido Consulting Group, Inc., 2005).

**2. Could waste materials enter ground or surface waters? If so, generally describe.**

The project would not result in the discharge of waste material to ground or surface waters. The townhome development would be connected to the sanitary sewer system and permanent stormwater facilities would be provided as described above.

**d. Describe proposed measures to reduce or control surface, ground, and runoff water impacts, if any.**

Provided that all construction and design standards described in Section 3.c.1 are implemented as part of the proposed project, no impacts to surface or ground water quality are anticipated.

As described above, during construction all applicable City of Shoreline and King County Surface Water Design Standards BMPs would be implemented. The City of Shoreline has adopted the King County 1998 Surface Water Design Manual (KCSWDM) by reference with exceptions in the KCSWDM addendum in the City of Shoreline Engineering Development Guide. City staff has also provided direction to utilize Appendix C of the 2005 KCSWDM for Low Impact Development (LID).

#### **4. Plants**

The following information has been largely summarized from the *Wetland Delineation Report Echo Lakes Townhomes* (Adolfson Associates, 2005a). Additional information has been incorporated from a site visit by Adolfson Associates staff in October 2005.

Much of the vegetation on the site consists of non-native shrubs and herbaceous plant species such as knotweed, Himalayan blackberry, scotch broom, thistle, and Robert geranium. Some trees occur on the property. Along the western property line, red alder, big-leaf maple, horse chestnut, and black cottonwood are present and one large, non-native tree is present in the southeastern portion of the site. Several young native trees, such as Douglas-fir and red alder, are present on the eastern portion of the site.

##### **a. Types of vegetation found on site:**

**Deciduous trees:** black cottonwood, willow, red alder, big-leaf maple, horse chestnut, non-native ornamentals

**Evergreen trees:** Douglas fir, shore pine

**Shrubs:** Himalayan blackberry, Scot's broom, honey locust, English ivy

**Grass:** bentgrass, velvet grass, ryegrass, orchard grass, reed canarygrass along with thistle, knotweed, and bracken fern.

**Pasture:** none

**Wet Soil Plants:** creeping buttercup, toad rush, soft rush

**Water Plants:** yellow iris

##### **b. What kind and amount of vegetation will be removed or altered?**

Grading and construction for the proposed development will affect approximately 0.80 acre of vegetation on the site. Development would require removal of mostly non-native shrubs and herbaceous species.

**c. List threatened or endangered species or critical habitat known to be on or near the site.**

The Washington Natural Heritage Program (WNHP) identified no rare plants in the project vicinity (WDNR, 2005). Site reconnaissance did not indicate habitat for any endangered species.

**d. Describe proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on site.**

Vegetated rain gardens with native plants are proposed for each townhome unit (Figure 2).

As part of the *Wetland and Buffer Enhancement Plan* (Adolfson Associates, 2005b), non-native shrubs and herbaceous vegetation will be removed from Wetland A, and will be re-vegetated with plants that are native to the area. Trees and shrubs will be planted in the wetland with emergent (herbaceous) vegetation planted along the wetland edge. A large non-native, deciduous tree that currently occurs in the wetland will be retained as it provides cover to the southern portion of the wetland and contributes organic matter to the wetland and lake.

Non-native vegetation will also be removed from the wetland buffer, most of which are shrub and herbaceous species, and re-vegetated with native plants. The native plants will increase the structural diversity and plant species diversity in the buffer. Rose and snowberry plants will be installed along the edge of the pedestrian trail. Over time, these plants will discourage pedestrians from going off the trail.

**5. Animals**

**a. Underline any birds and animals which have been observed on or near the site or are known to be on or near the site:**

**Fish:** bass, salmon, trout, herring, shellfish, other

Adolfson biologists found no fish at the project site.

**Amphibians:** frogs, salamanders, other



Adolfson biologists observed one bullfrog during an August 2005 site visit. No other amphibians were identified during the site visits.

**Reptiles:** lizards, snakes, turtles, other

Adolfson biologists observed no reptiles at the project site.

**Birds:** hawks, heron, eagle, songbirds, ducks, other

Adolfson biologist observed a mallard, black-capped chick-a-dee, American robin, and barn swallow during an August 2005 site visit.

**Mammals:** deer, bear, elk, beaver (mountain beaver evidence), other

Mammals were not observed during site visits conducted by Adolfson biologists. However, wildlife that typically occurs in urban areas are likely to use the site, including deer, raccoon, opossums, and small mammals.

**b. List any threatened or endangered species or critical habitat near the site.**

Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species lists consider certain habitat types to be priority habitats. WDFW has identified Echo Lake as a priority wetland habitat. No priority species are identified at or in the general vicinity of the project site (WDFW, 2005).

**c. Is the site part of a migratory route? If so, explain.**

The project site is located within the Pacific Flyway, which is a flight corridor for migrating waterfowl and other avian fauna. The Pacific Flyway covers the entire Puget Sound region, and extends south from Alaska to Mexico and South America.

**d. Proposed measures to preserve or enhance wildlife, if any.**

Native plant species will be installed in the wetland and wetland buffer to increase the overall habitat value of the area to wildlife. To further increase the habitat value of the enhanced wetland and wetland buffer, bird boxes and bat boxes will be installed. One bat box will be located in the southern portion of the wetland buffer. A cluster of two swallow boxes will be attached to a post, which will be installed in the central portion of the wetland buffer. In addition, two bird boxes with small holes will be installed to attract songbirds such as chickadees and wrens. One of these bird boxes will be located in the southwestern portion of the wetland and the other will be placed in the northwestern portion of the wetland buffer.

**6. Energy and Natural Resources**

- a. **What kinds of energy (electric, natural gas, oil, wood, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Development of the townhome site would require electrical power for lighting the new buildings, as well as safety lighting around parking areas and walkways approaching the buildings. The townhomes would also require natural gas for heating. Puget Sound Energy would provide both.

- b. **Would the project affect the potential use of solar energy by adjacent properties? If so, explain.**

The proposed development would not affect the use of solar energy by adjacent properties because the maximum height of the townhouse buildings (40 feet at roofline) would not be taller than adjacent buildings. The proposed facility would comply with height restrictions established by City of Shoreline.

- c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

Energy conservation features are being developed as building design plans progress. All buildings will be insulated per current building and energy codes. Impacts to energy resources are not anticipated as a result of the proposed development

## **7. Environmental Health**

- a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spills, or hazardous waste that could occur as a result of this proposal? If so, describe.**

The project site is not listed on the State Environmental List, National Priorities List (NPL), Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List, or Leaking Underground Storage Tank (LUST) List. Several nearby properties are located on the CERCLIS List and LUST List. Of these, one site is located on Aurora Avenue North, less than 0.125 mile from the project site. According to the Washington State Department of Ecology database, remediation at this site has been completed (Earth Solutions NW LLC, 2005).

A Phase 1 Environmental Site Assessment was conducted by Earth Solutions NW LLC (2005) on the project site. One underground storage tank for home heating oil was found on the site. No evidence of product release was found. Prior to project construction, the tank will be removed in accordance with Washington State Department of Ecology regulatory guidelines. A diesel fuel leak from an abandoned flat-bed truck and a chemical release from an

abandoned 55-gallon drum were also found on the site. Based on an analytical evaluation of the soils, total petroleum hydrocarbon compounds from the diesel leak were below cleanup action levels. Low levels of contaminants of concern were found at the location of the 55-gallon drum. These impacted soils will require management as regulated waste. The Phase 1 Environmental Assessment recommends an initial excavation of five to ten yards of soil in the vicinity of the 55-gallon drum, and disposal to an acceptable hazardous waste site (Earth Solutions NW LLC, 2005).

No significant risk of exposure to environmental health hazards would occur as a result of the development. All facilities would be provided with appropriate overhead sprinklers, and a fire alarm system that complies with the International Fire Code.

**1. Describe special emergency services that might be required.**

No special emergency services would likely be required. Typical emergency services such as fire, police, and emergency medical response may be required for emergencies developing as a result of residential use.

**2. Describe proposed measures to reduce or control environmental health hazards.**

Disposal of regulated wastes according to Ecology's regulations would reduce risks to acceptable levels.

**b. Noise**

**1. What types of noise exist in the area which may affect your project (for example: traffic, equipment operation, other)?**

Due to site topography, vegetation, and surrounding land uses the only source of noise that may affect the project is vehicular traffic along Aurora Avenue.

**2. What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example: traffic, construction, operation, other)?**

Short-term noise impacts could result from construction vehicles and equipment during daylight hours. Residents in adjacent apartment houses and business occupants are the likely receptors. According to the Shoreline Municipal Code (SMC 9.05.010), development activity and operation of heavy machinery would be limited to 7 a.m. to 10 p.m. on weekdays and 9 a.m. to 10 p.m. on weekends. No development activity or operation of heavy machinery would occur outside of these times, except

if permitted by the director of community development and only in cases where the activity would not interfere with any residential use permitted in the zone in which it is located.

Long-term noise impacts to residents of the Echo Lake Condominiums and other adjacent properties could result from increased traffic of vehicles traveling to the townhome site.

**3. Describe proposed measures to reduce or control noise impacts, if any.**

Construction activities will be restricted to hours designated by the Shoreline Municipal Code for Noise Control. If construction activities exceed permitted noise levels, the City would instruct the contractor to implement measures to reduce noise impacts to comply with the Shoreline Municipal Code, which may include additional muffling of equipment.

**8. Land and Shoreline Use**

**a. What is the current use of the site and adjacent properties?**

The site is currently undeveloped. There are concrete building pads located near the eastern portion of the site, remnants of past residential use.

The site is bounded on the north by a commercial office complex, on the northeast by a multi-unit apartment complex, on the southeast by Echo Lake, on the south by a condominium complex, and on the west by a multi-unit townhome complex.

**b. Has the site been used for agriculture? If so, describe.**

The site has not been used for agriculture in the recent past based on evidence of past use as a single-family residence site.

**c. Describe any structures on the site.**

There are no structures currently on the proposed site. Any pre-existing structures have been removed, leaving the original concrete building pads in the eastern half of the site. There is a cement bulkhead at the shoreline edge that will be removed to increase the connectivity between the lake and the wetland habitats on the site.

**d. Will any structures be demolished? If so, what?**

No structure will be demolished.

**e. What is the current zoning classification of the site?**

The site is currently zoned R-48; Residential (48/units/acre).

**f. What is the current comprehensive plan designation of the site?**

According to the City of Shoreline Comprehensive Plan Map, the site is designated as High Density Residential.

**g. If applicable, what is the current shoreline master program designation of the site?**

Not Applicable. Echo Lake is not a designated shoreline of the state.

**h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.**

According to the Shoreline Municipal Code (SMC) Chapter 20.80 – Critical Areas, the only Growth Management Act (GMA) defined critical (sensitive) area within the site proposed for the Echo Lake Townhomes is the wetland complex described as Wetland A. A description of the wetlands and sensitive areas is included in the *Wetland Delineation Report Echo Lake Townhomes* (Adolfson, 2005). This palustrine emergent lake-fringe wetland is a Type II wetland in the City of Shoreline because it is associated with Echo Lake.

As part of the proposed project, the wetland buffer will be reduced from 100 feet to 50 feet as allowed under SMC 20.80.330.B and SMC 20.80.330.D.2. An enhancement plan has been prepared to show compliance with Code requirements for buffer reduction. An approximately three-foot wide trail will be constructed in the outer edge of the wetland buffer as allowed under SMC 20.80.330.F. As mitigation for the pedestrian trail in the buffer, an additional area beyond the 50-foot reduced buffer will be enhanced. To maintain wetland hydrology, dispersion trenches will be constructed in the buffer as per SMC 20.80.330.G.

**i. Approximately how many people would reside or work in the completed project?**

Approximately 18 to 36 people would reside in the completed townhomes.

**j. Approximately how many people would the completed project displace?**

No people would be displaced as a result of the project.

**k. Describe proposed measures to avoid or reduce displacement impacts, if any.**

Not applicable.

1. **Describe proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

The development of the Echo Lakes Townhomes is compatible with the projected land use under the City of Shoreline Comprehensive Plan (2004). The plan identifies the proposed site for use as high density residential.

## 9. **Housing**

- a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

The proposed development would result in the construction of 18 middle-income housing townhome units. The townhomes would be divided among four separate structures within the project area.

- b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

No units would be eliminated; the project site is currently a vacant lot.

- c. **Describe proposed measures to reduce or control housing impacts, if any.**

No impacts to housing are anticipated; therefore mitigation measures are not warranted.

## 10. **Aesthetics**

- a. **What is the tallest height of any of the proposed structure(s), not including antennas? What is the principal exterior building material(s) proposed?**

The townhome units will each have a base height of 35 feet. Pitched roofs that will be incorporated into the design of the townhomes will extend 5 feet in height, resulting in the townhomes reaching 40 feet in height.

- b. **What views in the immediate vicinity would be altered or obstructed?**

No views in the immediate vicinity would be adversely altered or obstructed. The currently vacant lot separates surrounding land uses from nearby Echo Lake; however, as demonstrated in Figure 3, adjacent property owners' views of the lake are currently obstructed by dense shoreline vegetation, some of which will be removed as part of the proposed project and re-planted to provide some views of the lake from the common areas.

**c. Describe proposed measures to reduce aesthetic impacts, if any.**

Landscaping will be incorporated in the design of development. The wetland buffer will be enhanced with native vegetation as describe under 4(d).

**11. Light and Glare**

**a. What type of light and glare will the proposal produce? What time of day would it mainly occur?**

Light and glare that would emanate from the development would be typical of residential structures. Lighting would originate from the interior and exterior of the individual townhomes. Headlights from automobiles accessing the new development during hours of darkness would also be a source of lighting that could be detected from adjacent property owners. Communal access drive lighting is not proposed as part of this project.

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

Light and glare from the project would not be considered a safety hazard and it would interfere with views because it will be consistent with applicable lighting standards for residential units in Shoreline.

**c. What existing off-site sources of light or glare may affect your proposal?**

No off-site sources of light or glare would interfere with the proposed development.

**d. Describe the proposed measures to reduce or control light and glare impacts, if any.**

Light and glare as a result of the proposed project is not anticipated to cause adverse impacts to neighboring properties; therefore mitigation measures are not warranted.

**12. Recreation**

**a. What designated and informal recreational opportunities are in the immediate vicinity?**

Echo Lake Park is located approximately 350 feet east of the project site, on the northeast corner of Echo Lake. Echo Lake Park is a 0.9-acre passive use park that includes a restroom, fishing area, and picnic area. Two separate two- to three-story buildings separate the park from the project site.

**b. Would the proposed project displace any existing recreational uses? If so, describe.**

The project would not displace any existing recreational uses.

- c. Describe proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant.**

Construction activities are not expected to adversely affect users enjoyment of nearby Echo Lake Park; therefore, no mitigation measures are warranted. The proposed project does not include any provisions for new recreational opportunities.

**13. Historic and Cultural Preservation**

- a. Are there any places or objects listed on or eligible for national, state, or local preservation registers known to be on or next to the site? If so, generally describe.**

No places or object listed or eligible for national, state, or local preservation registers are located on or next to the site.

- b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site.**

No landmarks or evidence of historic, archaeological, scientific, or cultural importance are known to be on or next to the site. The site has been previously disturbed by past residential use.

- c. Describe proposed measures to reduce or control impacts, if any.**

No measures are required.



**14. Transportation**

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.**

Aurora Avenue North, located approximately one block west of the site, is the major arterial that provides access to the proposed development from North 198<sup>th</sup> Street and North 199<sup>th</sup> Street. North 198<sup>th</sup> Street east of Aurora Avenue is a two-lane unchannelized roadway with up to 22 feet of travel pavement serving one single-family residential home and two commercial buildings. The roadway dead-ends into the Echo Lake Waterfront Condominiums. North 199<sup>th</sup> Street is a two-lane unchannelized roadway with up to 17 feet of pavement. The roadway serves five single-family homes, a commercial building, and provides pedestrian access to an apartment/condominium complex. The roadway dead-ends at the project site.

Primary site access to the project site is proposed via extension of the existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, which accesses North 198<sup>th</sup> Street directly (Figure 5). Emergency-only access would connect to the eastern dead end of North 199<sup>th</sup> Street. This access roadway would be gated to restrict non-emergency vehicular travel from utilizing this route.

- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?**

The site is not directly served by public transit; however, King County Metro (Routes 301, 342, 358, and 373) provides bus service at a transit stop located along Aurora Avenue North located approximately one block west of the project site. The Aurora Village Transit Center park-and-ride lot is located on N 200<sup>th</sup> Street in the vicinity of Ashworth Avenue N and serves King County Metro Routes 301, 303, 331, 342, 346, 358, and 373 and Community Transit Routes 100, 101, 118, 130, and 131. All transit stops are located less than ¼-mile walking distance of the project site.

- c. How many parking spaces would the completed project have? How many would the project eliminate?**

The individual townhomes would each have a parking garage and private driveway that will accommodate up to two motor vehicles. No parking spaces would be eliminated. Approximately four guest parking stalls would be constructed as part of the proposed development.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe.**

The proposed project will not require any new roads or streets, or improvements to existing roads or streets.

- e. **Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

The project use will not occur in or in the immediate vicinity of water, rail, or air transportation.

- f. **How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.**

Trip generation rates compiled by the Institute of Transportation Engineers (ITE) *Trip Generation*, 7<sup>th</sup> Edition, 2003, were used to estimate daily traffic, a.m., and p.m. peak hour traffic that would be generated by the proposed action (Transportation Engineering NW LLC, 2005). An estimated total of 110 daily, 8 a.m. peak hour (1 entering and 7 existing), and 9 p.m. peak hour (6 entering and 3 exiting) vehicular trips would be generated at full occupancy of the townhome units.

- g. **Describe proposed measures to reduce or control transportation impacts, if any.**

The City of Shoreline has expressed concern with vehicular and pedestrian traffic impacts on North 199<sup>th</sup> Street due to existing and proposed traffic control treatments in the project vicinity, which make it difficult for vehicles to utilize North 199<sup>th</sup> Street. As a result, this project proposes to restrict the use of the existing site driveway on North 199<sup>th</sup> Street to emergency vehicle access only. Increased traffic that would be generated by the proposed project would be discouraged to use North 199<sup>th</sup> Street by provided a "No Right Turn" illustration and "Exit to North 198<sup>th</sup> Street" with an arrow for southbound movements from the primary site driveway. Additional speed bumps to stop potential cut-through traffic within the existing Echo Lake Waterfront Condominiums site.

## 15. Public Services

- a. **Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally explain.**

The project would not result in the need for additional public services because the area is already served by fire, police, etc., and the site is zoned for high-density residential use.

- b. **Describe proposed measures to reduce or control direct impacts on public services.**

None required.

**16. Utilities**

**a. Underline utilities currently available at the site:**

Electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic systems, other (stormwater drainage)

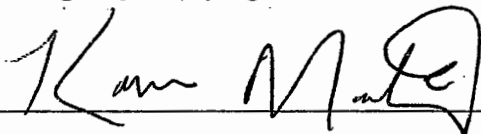
**b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity, which might be needed.**

The proposed project will require the extension of existing utilities and public services currently available at the site including electricity, natural gas, water, refuse service, telephone, and sanitary sewer. Stormwater detention would be provided on-site through the use of low impact development measures as described in Section 3(c)(1).

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_



Date Submitted: \_\_\_\_\_

November 1, 2005

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ATTACHMENT G:

NOTICE OF APPLICATION &  
REVISED NOTICE OF  
APPLICATION

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## **NOTICE OF APPLICATION**

### ***Preliminary Formal Subdivision of Echo Lake Townhomes***

See reverse side for site plan.

**Date of Notice: November 23, 2005**

#### **PROJECT INFORMATION**

<b>PROJECT DESCRIPTION:</b>	18-unit attached townhome subdivision
<b>APPLICANT/AUTHORIZED AGENT:</b>	Prescott Homes, Inc. (Greg Kappers)
<b>PROPERTY OWNER:</b>	Frontier Investment Company, Inc. (Rob Hill)
<b>APPLICATION FILE NUMBERS:</b>	201478/108437
<b>REQUIRED ACTIONS/PERMITS:</b>	Preliminary Formal Subdivision approval/Site Development Permit
<b>PROJECT LOCATION:</b>	1160 N 198 <sup>th</sup> Street
<b>PARCEL NUMBERS:</b>	2227300070 & 2227300071
<b>COMPREHENSIVE PLAN DESIGNATION:</b>	High Density Residential
<b>CURRENT ZONING:</b>	R-48; Residential; 48 units/acre
<b>APPLICATION DATE:</b>	November 8, 2005
<b>COMPLETE APPLICATION DATE:</b>	November 17, 2005
<b>EFFECTIVE DATE OF NOTICE:</b>	November 23, 2005
<b>END OF PUBLIC COMMENT PERIOD:</b>	December 7, 2005

#### **PROJECT REVIEW**

The Department of Planning and Development Services has reviewed the proposed project for probable significant adverse environmental impacts. This proposal is subject to SEPA rules contained in WAC Chapter 197-11. No SEPA threshold determination has been made. As a result of the project review, the City may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement is prepared. Issuance of this Notice of Application does not constitute approval of the project for construction.

An environmental checklist; site, civil construction, landscape and wetland/buffer enhancement plans; infiltration evaluation, full drainage review, and wetland delineation reports; and other submittal items are available for viewing at the City of Shoreline Department of Planning and Development Services, located at 1110 N. 175th St., Suite # 107.

This project will require preliminary formal subdivision approval, issuance of a site development permit, final formal subdivision approval, and building permits with associated mechanical and fire protection permits. Preliminary determination of the development regulations that will be used for project mitigation and consistency include, but are not limited to: the *Shoreline Municipal Code*, *Shoreline's Comprehensive Plan*, *International Building Code*, *International Fire Code*, and *King County Surface Water Design Manual*. Issuance of this Notice of Application does not constitute approval of the project for construction.

#### **PUBLIC COMMENT**

You are encouraged to submit written comments on this project to the Department of Planning and Development Services, 17544 Midvale Ave. N, Shoreline, WA 98133-4921. Written comments become part of the public record and must be received at the above address before 5:00 p.m. on Wednesday, December 7, 2005. Upon request, a copy of the subsequent final decision on the project may be obtained.

For questions or comments, please contact Glen Pickus, Planner II, at 206-546-1249, [gpickus@ci.shoreline.wa.us](mailto:gpickus@ci.shoreline.wa.us), or write to the above address.

The City's SEPA determination for this project may be appealed within 14 calendar days following the effective date of the determination. If an appeal is filed, the City will schedule an open record public hearing to be conducted by the Hearing Examiner. Appeals, including a \$380.00 fee, must be filed in writing with the City Clerk's Office located at 17544 Midvale Avenue N.

The City's decision on the preliminary formal subdivision application may be appealed to Superior Court within 21 calendar days following the effective date of the Notice of Decision.



## *Planning and Development Services*

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

# **REVISED NOTICE OF APPLICATION – new dates; project unchanged** ***Preliminary Formal Subdivision of Echo Lake Townhomes***

See reverse side for site plan.

**Date of Notice: December 1, 2005**

### **PROJECT INFORMATION**

<b>PROJECT DESCRIPTION:</b>	18-unit attached townhome subdivision.
<b>APPLICANT/AUTHORIZED AGENT:</b>	Prescott Homes, Inc. (Greg Kappers)
<b>PROPERTY OWNER:</b>	Frontier Investment Company, Inc. (Rob Hill)
<b>APPLICATION FILE NUMBERS:</b>	201478/108437
<b>REQUIRED ACTIONS/PERMITS:</b>	Preliminary Formal Subdivision approval/Site Development Permit
<b>PROJECT LOCATION:</b>	1160 N 198 <sup>th</sup> Street
<b>PARCEL NUMBERS:</b>	2227300070 & 2227300071
<b>COMPREHENSIVE PLAN DESIGNATION:</b>	High Density Residential
<b>CURRENT ZONING:</b>	R-48; Residential; 48 units/acre
<b>APPLICATION DATE:</b>	November 8, 2005
<b>COMPLETE APPLICATION DATE:</b>	November 17, 2005
<b>EFFECTIVE DATE OF NOTICE:</b>	December 1, 2005
<b>END OF PUBLIC COMMENT PERIOD:</b>	December 15, 2005

### **PROJECT REVIEW**

The Department of Planning and Development Services has reviewed the proposed project for probable significant adverse environmental impacts. This proposal is subject to SEPA rules contained in WAC Chapter 197-11. No SEPA threshold determination has been made. As a result of the project review, the City may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement is prepared. Issuance of this Notice of Application does not constitute approval of the project for construction.

An environmental checklist; site, civil construction, landscape and wetland/buffer enhancement plans; infiltration evaluation, full drainage review, and wetland delineation reports; and other submittal items are available for viewing at the City of Shoreline Department of Planning and Development Services, located at 1110 N. 175th St., Suite # 107.

This project will require preliminary formal subdivision approval, issuance of a site development permit, final formal subdivision approval, and building permits with associated mechanical and fire protection permits. Preliminary determination of the development regulations that will be used for project mitigation and consistency include, but are not limited to: the *Shoreline Municipal Code*, *Shoreline's Comprehensive Plan*, *International Building Code*, *International Fire Code*, and *King County Surface Water Design Manual*. Issuance of this Notice of Application does not constitute approval of the project for construction.

### **PUBLIC COMMENT**

You are encouraged to submit written comments on this project to the Department of Planning and Development Services, 17544 Midvale Ave. N, Shoreline, WA 98133-4921. Written comments become part of the public record and must be received at the above address before 5:00 p.m. on Thursday, December 15, 2005. Upon request, a copy of the subsequent final decision on the project may be obtained.

For questions or comments, please contact Glen Pickus, Planner II, at 206-546-1249, [gpickus@ci.shoreline.wa.us](mailto:gpickus@ci.shoreline.wa.us), or write to the above address.

The City's SEPA determination for this project may be appealed within 14 calendar days following the effective date of the determination. If an appeal is filed, the City will schedule an open record public hearing to be conducted by the Hearing Examiner. Appeals, including a \$380.00 fee, must be filed in writing with the City Clerk's Office located at 17544 Midvale Avenue N.

The City's decision on the preliminary formal subdivision application may be appealed to Superior Court within 21 calendar days following the effective date of the Notice of Decision.



ATTACHMENT H:

**SURFACE WATER DESIGN  
MANUAL DEVIATION APPROVAL  
MEMO**

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## Memorandum

**DATE:** February 1, 2006  
**TO:** Glen Pickus  
**FROM:** Jeff Forry *JF*  
**RE:** Drainage Review – 1160 N 198<sup>th</sup> St (201478 and 108437)

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As you are aware, the City of Shoreline, using the general adjustment process outlined in the King County Surface Water Design Manual (KCSWDM), has allowed the referenced proposal to deviate from the provisions of the 1998 KCSWDM and apply the BMP's for "Low Impact Development" delineated in the 2005 KCSWDM. We have reviewed the design concepts with Jerry Shuster, Water and Environmental Services Manager. Based on Melanie Arnold's (contract plan reviewer) review and the specific system design requirements for water quality and flow control BMP implementation (i.e. rain garden, pervious pavement, level spreaders, and bio-swales) it has been determined that the system as designed is generally consistent with the provisions of the Shoreline Municipal Code for surface water and stormwater management.

Some additional information will be necessary to complete the review process including a declaration of covenant as provided for in the 2005 editions of the King County Surface Water Design Manual and information detailing how the "199<sup>th</sup> Ave drainage basin" is connected to the catch basin at the northwest corner of the property. These details should include the specific method of spill control.

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ATTACHMENT I:

MDNS

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## ***Planning and Development Services***

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

### **SEPA THRESHOLD DETERMINATION MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) Preliminary Formal Subdivision of Shoreline Townhomes (formerly known as Echo Lake Townhomes)**

#### **PROJECT INFORMATION**

<b>Date of Issuance:</b>	February 7, 2006
<b>Proposed Project Description:</b>	18-unit attached townhome subdivision comprised of 4 buildings on a site with a Type II wetland.
<b>APPLICANT/AUTHORIZED AGENT:</b>	Prescott Homes, Inc. (Greg Kappers)
<b>PROPERTY OWNER:</b>	Frontier Investment Company, Inc. (Rob Hill)
<b>APPLICATION FILE NUMBERS:</b>	201478/108437
<b>Location:</b>	1160 N 198 <sup>th</sup> Street
<b>Parcel Numbers:</b>	2227300070 & 2227300071
<b>Comprehensive Plan Land Use Designation:</b>	High Density Residential
<b>Zoning:</b>	R-48; Residential; 48 units/acre
<b>COMMENT PERIOD DEADLINE:</b>	5:00 p.m. Tuesday, February 21, 2006

#### **THRESHOLD DETERMINATION: Mitigated Determination of Nonsignificance (MDNS)**

The City of Shoreline has determined that the proposal, as modified by the required mitigation measures and the requirements of the Shoreline Development Code, will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after visits to the project site, review of the environmental checklist, wetland delineation, wetland and buffer enhancement plan, drainage review, site plan, civil construction plans, landscaping plan, and other information on file with the City. This information is available for review to the public upon request at no charge.

This project will require preliminary plat approval by the City Council, issuance of a site development permit and building permits with associated mechanical and fire protection permits. A Notice of Application for the preliminary formal subdivision was issued on November 23, 2005 and a Revised Notice of Application was issued December 1, 2005. Issuance of this Threshold Determination does not constitute preliminary subdivision or permit approval.

**MITIGATION MEASURES REQUIRED UNDER SEPA SUBSTANTIVE AUTHORITY** The following conditions are required to clarify and change the proposal in accordance with WAC 197-11-350:

1. Prior to permit issuance a HPA permit from the State of Washington Department of Fish and Wildlife shall be obtained for work to be done within Echo Lake. The work shall include removal of the portion of an existing concrete bulkhead above the mean highwater mark and recently deposited debris within 20 feet of the shoreline.
2. The October 2005 Echo Lake Townhomes Wetland and Buffer Enhancement Plan prepared by Adolfson Associates, Inc. shall be revised, submitted and approved by the City, to include:
  - Facilities, such as non sight-obscuring fences and signage, to discourage and/or limit pedestrian access to the wetland and buffer area.

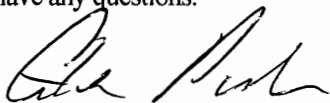
- Signs to be placed no more than 50 feet apart along the edge of the wetland buffer stating, "This area has been identified as a wetland and wetland buffer by the City of Shoreline. Access is prohibited. Activities, including clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations may be prohibited. Please contact the City of Shoreline Department of Planning & Development Services (206) 546-1811 for further information."
  - A boardwalk through the buffer area to a viewing platform located within the buffer adjacent to the delineated wetland area, to restrict the inevitable pedestrian intrusions into the buffer to a set path and gathering area.
3. Prior to occupancy the revised wetland and buffer enhancement plan shall be implemented.
  4. Monitoring of the wetland and its buffer by a qualified biologist in compliance with SMC 20.80.350 shall be implemented including submitting monitoring reports:
    - Upon completion of the wetland and buffer enhancement plan;
    - 30 days after planting;
    - Twice annually for the early growing season (no later than May 31) and the end of the growing season (no later than September 30) during Monitoring Years 1 and 2.
    - Once annually for the end of the growing season (no later than September 30) during Monitoring Years 3-5.
  5. Low Impact Development design, in compliance with the 2005 King County Surface Water Design Manual, substantially in conformance with civil construction plans submitted Nov. 8, 2005, shall be constructed.
  6. Remediation as described in the August 22, 2005 Environmental Site Assessment of the subject site by Earth Solutions NW, LLC, shall be completed prior to building permit issuance. Remediation required shall include:
    - Decommission/removal by a licensed professional in a manner in conformance with relevant regulatory requirements of the 500-gallon underground storage tank on the site; and
    - A Phase II investigative remediation including, but not limited to, removal of impacted soils – approximately 5-10 cubic yards of soil in the area where a 55-gallon drum was found – followed by confirmation sampling to ensure no contaminated soils remains. The impacted soils shall be disposed of at a permitted facility. A report conforming to the State of Washington Department of Ecology procedures shall be sent to the City of Shoreline.

**Note:** the City may also require minor modifications to the project proposal to comply with specific standards contained in the Shoreline Municipal Code, including Chapter 20.80 - Critical Areas.

The SEPA mitigation measures required for this project are based on the policies in the Shoreline Comprehensive Plan, SEPA policies, and regulations in the Shoreline Municipal Code as provided under SMC 20.30.670. Please see the Shoreline Comprehensive Plan (e.g. Policies LU87, LU91, LU111, LU115, LU117, LU120, LU121, AND LU124), RCW 43.21C.020, and SMC Chapter 20.80 for more information about the sources of SEPA Substantive Authority. SEPA conditions supplement the existing requirements of the Shoreline Municipal Code. Please note that additional project conditions will be required based on the application of code standards to this project, e.g. critical areas and enhanced buffers shall be placed in a separate tract on which development is prohibited or similarly preserved through a permanent protective mechanism acceptable to the City.

#### **PUBLIC COMMENT AND APPEAL INFORMATION**

The City will not act on this proposal until the end of the SEPA comment/appeal period. Written comments on the SEPA Threshold Determination must be received by 5:00 p.m. Tuesday, February 21, 2006. Please send written comments to Glen Pickus, Project Manager, at 17544 Midvale Avenue North, Shoreline, WA 98133-4921. Issuance of the Threshold Determination does not constitute approval of the project. This project will require an open record public hearing before the Planning Commission and a decision by the City Council at a public meeting. The threshold determination may be appealed by a party with standing within 14 calendar days following the effective date of this determination. If an appeal is filed, the City will schedule an open record public hearing to be conducted by the Hearing Examiner. Appeals, including a \$390.00 fee, must be filed in writing with the City Clerk's Office located at 17544 Midvale Ave. N. Please contact Glen Pickus, Planner II, at (206) 546-1249 or gpickus@ci.shoreline.wa.us if you have any questions.



Glen Pickus, Planner II, Dept. of Planning & Development Services, City of Shoreline

2-6-06

Date



ATTACHMENT J:

# NOTICE OF PUBLIC HEARING

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**NOTICE OF PUBLIC HEARING**  
***Preliminary Formal Subdivision of Shoreline Townhomes***

**Date of Notice: February 28, 2006**

**PROJECT INFORMATION**

<b>PROJECT ACTION:</b>	Preliminary Formal Subdivision
<b>PROJECT DESCRIPTION:</b>	18-unit attached townhome subdivision
<b>APPLICANT/AUTHORIZED AGENT:</b>	Prescott Homes, Inc. (Greg Kappers)
<b>PROPERTY OWNER:</b>	Frontier Investment Company, Inc. (Rob Hill)
<b>APPLICATION FILE NUMBERS:</b>	201478/108437
<b>REQUIRED ACTIONS/PERMITS:</b>	Preliminary Formal Subdivision approval/Site Development Permit
<b>PROJECT LOCATION:</b>	1160 N 198 <sup>th</sup> Street
<b>PARCEL NUMBERS:</b>	2227300070 & 2227300071
<b>COMPREHENSIVE PLAN DESIGNATION:</b>	High Density Residential
<b>CURRENT ZONING:</b>	R-48; Residential - 48 units/acre
<b>APPLICATION DATE:</b>	November 8, 2005
<b>COMPLETE APPLICATION DATE:</b>	November 17, 2005
<b>DATE OF NOTICE OF APPLICATION:</b>	December 1, 2005
<b>DATE OF SEPA THRESHOLD MITIGATED DETERMINATION OF NONSIGNIFICANCE:</b>	February 7, 2006
<b>EFFECTIVE DATE OF NOTICE OF PUBLIC HEARING:</b>	February 28, 2006
<b>OPEN RECORD HEARING DATE:</b>	March 16, 2006

**PROJECT REVIEW**

The Planning & Development Services Department has conducted an evaluation of the project proposal in accordance with the Shoreline Municipal Code. Issuance of this Notice of Public Hearing does not constitute approval of this project proposal for construction. The project will require issuance of a site development permit, right-of-way use permit, and ancillary permits. Additional conditions based on public comments and further staff review may be required for incorporation into the project proposal.

Information related to this application is available at the Planning & Development Services Department for review. Development regulations that will be used for project mitigation and consistency include, but are not limited to: the *Shoreline Municipal Code*, *City of Shoreline Comprehensive Plan*, *International Fire Code*, and *2005 King County Surface Water Design Manual*.

**ENVIRONMENTAL REVIEW**

Per **WAC 197-11-350** a Mitigated Determination of Nonsignificance is being utilized for this action. The City of Shoreline issued a MDNS for the proposal on Feb. 7, 2006, of which a copy may be obtained on request. The City of Shoreline has determined the proposal, as modified by the required mitigation measures and the requirements of the Shoreline Development Code, will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030(2)(c).

**PUBLIC HEARING**

The City of Shoreline Planning Commission will hold an open record Public Hearing **7:00 p.m. Thursday, March 16, 2006**, to consider public comments regarding the proposal and forward a recommendation to the City Council. The hearing will take place in the **Mt. Rainier Room, Shoreline Conference Center, 18560 First Avenue NE, Shoreline, Washington**. All interested persons are encouraged to attend this Public Hearing and provide written and oral comments.

**Questions or More Information:** Please contact Glen Pickus, Planner II, City of Shoreline Planning and Development Services at (206) 546-1249 or [gpickus@ci.shoreline.wa.us](mailto:gpickus@ci.shoreline.wa.us).

Any person requiring a disability accommodation should contact the City Clerk at (206) 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.

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ATTACHMENT K:

PUBLIC COMMENT -  
SUBDIVISION NAME

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December 5, 2005

In regards to: Preliminary Formal Subdivision of Echo Lake Townhomes

Department of Planning and Development Services  
City of Shoreline  
17544 Midvale Ave. N  
Shoreline, WA 98133-4921

Dear Department of Planning and Development Services,

With regards to the above captioned project to be located at 1160 N 198<sup>th</sup> Street, with a townhome association known by the name of 'Echo Lake Townhomes' already in existence I feel that an additional property located so nearby with the same name will create confusion for the post office and visitors to name a few. The current Echo Lake Townhomes association is located on North 200<sup>th</sup> Street and was established in approx. 1979.

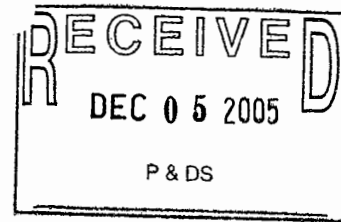
Please accept this letter as my formal objection to the proposed name of the 18-unit subdivision.

Sincerely,

Michelle Faith, Board President

ECHO LAKE TOWNHOMES  
1417 N 200TH STREET, A1  
SHORELINE, WA 98133

City of Shoreline  
Planning and Development services



In the matter of the application (201478/108437) for a subdivision to be named ~~Echo Lake Townhomes~~. This Name is now in Use at 1409 through 1417 North 200<sup>th</sup> Street, and has been since 1979. I feel as a resident that having two developments with the same name in close proximity would cause confusion with visitors, package delivery and possibly even mail. I would ask that a permit be denied unless the developers choose a different name.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Balliet".

Robert E. Balliet  
206- 533- 6386



12/12/2005

Department of Planning and Development Services  
City of Shoreline  
17544 Midvale Av. N.  
Shoreline, WA 98133-4921

RE: Preliminary formal subdivision of Echo Lake Townhomes  
1160 N. 198<sup>th</sup> Street Application # 201478/108437

Dear Department of Planning and Development Services

The Echo Lake Townhomes Condominium Association feels that the subdivision application in the name of Echo Lake Townhomes should be changed to a less similar name. Having two developments with the same name will only serve to confuse public visitors, create a safety concern regarding fire department and emergency aid calls, could affect postal delivery and is sure to create logistic and record keeping problems for the City of Shoreline and King County. We have had this name since 1979. We strongly urge the City to require that this subdivision choose a different name.

Sincerely;

Steve Link  
The Roanoke Group Inc.  
Agents for Echo Lake Townhomes Association

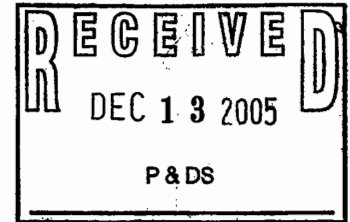
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ATTACHMENT L:

# PUBLIC COMMENT - ENVIRONMENTAL IMPACT

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Kathie Brodie  
1415 N. 200th St., Ste B-7  
Shoreline, WA 98133-3220  
Ph: (206) 546-8266 F: (206) 546-1164  
e-mail: miss.brodie@verizon.net



12/12/05

Glen Pickus, Planner II  
Department of Planning  
and Development Services  
17544 Midvale Avenue N.  
Shoreline, WA 98133-4921

Re: Preliminary Formal Subdivision of Echo Lake Townhomes  
Application File Numbers 201478/108437

Dear Mr. Pickus,

I would like to raise some concerns that I have about the proposed increase of 18-units to the subdivision of Echo Lake Townhomes.

I have lived in the current Echo Lake Townhomes since 1989 just northeast of the proposed subdivision, and since that time I have seen the quality of the lake deteriorate. It is a very fragile eco system that should be respected. Adding 18 family units will overly burden the lake and surrounding area.

Many people live on the waterfront because they love the setting. They don't fish or swim or boat on smaller lakes. Therefore, I am not overly concerned about the number of additional human beings that the proposed development would dump into the lake, but rather I am concerned about how the additional structures will affect the lake. There will be additional asphalt driveways and streets which will keep surface water from being absorbed into the current soil, and the gardening chemicals and oil and gas from cars will very likely find a way to enter the lake. I have noticed oil and gas sheens on the lake many days at the current density, and adding 18 new units with the additional driveways and sidewalks and parking areas certainly is only going to make matters worse. All the runoff could end up in the

lake, which would add greatly to the deterioration of the lake quality. And this lake enters the watershed, so it needs to be protected.

The building process would be very damaging to the lake. The native soils will be disturbed and could enter the water. This area was a peat bog years ago so foundations need to be stabilized. Soil testing should be required to be conducted to a depth that would indicate a stable building platform, which is potentially deeper than usual.

Then there is the wildlife that inhabits the area in and around the lake. We occasionally have otters and a blue heron, along with many possums and a raccoon family. There are also many birds that I can't name, but I did take pictures of a Mandarin Duck in 2003 that had not previously been seen on Echo Lake, according to the Audubon Society.



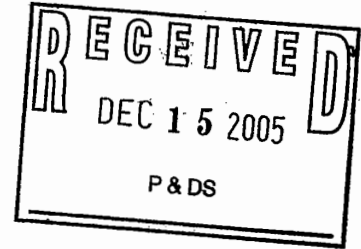
So I ask you to please be vigilant to protect the lake and its surrounds. Err on the side of caution. It is so much easier to keep a lake clean than it is to try to bring it back from pollution. There is so very much at stake here.

Thank you. I would appreciate being put on the mailing list for this project.

Sincerely,

Kathie Brodin

Bryan Johnson  
1413 N. 200<sup>th</sup> E-4  
Peg Nielsen  
1413 N. 200<sup>th</sup> E-2  
Shoreline, WA 98133  
December 14, 2005



Glen Pickus  
Department of Planning/Development  
17544 Midvale Ave. N.  
Shoreline, WA 98133

In re: Application Files # 201478/108437

Dear Mr. Pickus,

We recognize that the proposal for development of an 18 unit townhome complex appears to meet the zoning for the property.

But as long-time residents of the Echo Lake community (Bryan Johnson since 1981, Peg Nielsen since 1989), we have concerns.

We both love the lake and regret its degradation over the past five to six years.

After construction of the apartment complex south of the proposal condominium development, the lake has been the victim of apparent nitrogenation. Prior to that construction, we saw crawfish, water snakes and lizards, raccoons, and a variety of ducks and waterfowl. Wildlife, undoubtedly, has been impacted adversely by the ever more frequent algae blooms at the north end of the lake: blooms which are, undoubtedly, the result of fertilizer contamination. There has also been an increase in oil-like sheens on the lake, which could also interfere with re-oxygenation.

Our concern is two fold. The first concern is the potential impact of any major housing development including the removal of the filtration provided by the natural growth in the now undeveloped area. The second concern is the pending development at the south end of the lake. It is our belief that any development of the lake should receive intense review and that the review should include all potential development and what is best for the lake, regardless of its present zoning.

Sincerely

A handwritten signature in black ink, appearing to be 'Bryan Johnson'.

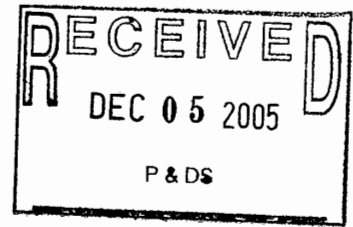
Bryan Johnson

A handwritten signature in black ink, appearing to be 'Peg Nielsen'.

Peg Nielsen

Mark Deutsch  
19715 Ashworth Ave N  
Shoreline, WA 98133

December 5, 2005



Glen Pickus  
Planning & Development Services  
City of Shoreline  
1110 N 175<sup>th</sup> St, #107  
Shoreline, WA 98133

Re: Echo Lake Townhomes Application

Dear Glenn:

I have lived by Echo Lake for over a dozen years, and I am writing to express my concerns about the Echo Lake Townhomes application. I understand that a recommendation will be made by the Planning Commission prior to any City Council action. I would like my concerns to affect what ultimately may be recommended / approved.

My concerns include common areas & buffer, erosion on the lake, access to / from the site, and proper maintenance of any pervious concrete.

Since the application is being vested prior to the update to our Comp Plan / Development Code, I understand that there is a lower buffer area required. I want to make sure that all work either will not degrade or enhance the water quality in our lake. [There already is fairly intense development around the lake, and more is planned.] One area that this may occur is if their mitigation work limits access to the lake. So long as people will approach the lake via trails in only a few areas, I would expect that erosion in the wetlands area is likely to increase. Further, the concrete edge at the lake is likely to be removed. What will be done to ensure that this also does not promote further increase of erosion of the soil into the lake?

I understand that pervious surfaces will be used throughout the development. While I applaud the reduction in impervious surface, proper maintenance and operational procedures must be in place to ensure the surfaces operate properly and allow water to percolate into the soil.

Finally, it is not clear from the development plan what common areas and sidewalks there will be for such an intense development. Given that the area is already zoned for R-48, please make sure that there are sufficient areas for people to meet safely as well as walk through the development. I believe safe pedestrian access is most critical into the development along either 198<sup>th</sup> or 199<sup>th</sup> streets. I do not see sidewalks shown, but believe they ought to be present to allow people in the development to reach transit and local stores safely without cars.

Sincerely,

A handwritten signature in black ink that reads 'Mark Deutsch'. The signature is stylized with a large, sweeping 'M' and a cursive 'Deutsch'.

Mark Deutsch



ATTACHMENT M:

PUBLIC COMMENT -  
KING COUNTY &  
STAFF RESPONSE

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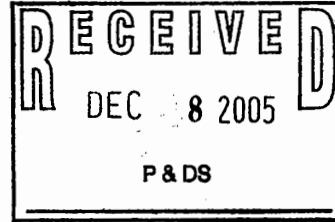


## King County

### Wastewater Treatment Division

Department of Natural Resources and Parks

King Street Center  
201 South Jackson Street  
Seattle, WA 98104-3855



December 6, 2005

Glen Pickus, Planner  
Department of Planning and Development Services  
City of Shoreline  
17544 Midvale Avenue North  
Shoreline, WA 98133-4921

RE: Notice of Application—Echo Lake Townhomes (File Nos. 201478/108437)

The King County Wastewater Treatment Division has reviewed the Notice of Application, dated November 23, 2005, for the **Preliminary Formal Subdivision of Echo Lake Townhomes**. King County is requesting that the **City of Shoreline** submit sewer extension plans and modifications for the Echo Lake Townhomes project to Eric Davison in the Design, Construction and Asset Management Program, Civil/Architectural Section. Drawings should be submitted for review during design development so that King County staff can assess the project's impacts. Drawings should be sent to:

Eric Davison, DCAM, Civil/Architectural Section  
King County Wastewater Treatment Division  
201 South Jackson Street, KSC-NR-0508  
Seattle, WA 98104-3855

Thank you for the opportunity to review and comment on this proposal. If you have questions, please contact Eric at (206) 684-1707 or at [Eric.Davison@metrokc.gov](mailto:Eric.Davison@metrokc.gov).

Sincerely,

Barbara Questad  
Environmental Planner

cc: Eric Davison, DCAM, Civil/Architectural Section

**Glen Pickus**

**From:** Glen Pickus  
**Sent:** Thursday, December 15, 2005 1:43 PM  
**To:** 'Eric.Davison@metrokc.gov'  
**Cc:** 'B.Questad@metrokc.gov'  
**Subject:** Echo Lake Townhomes (File Nos. 201478/108437); City of Shoreline

This is a follow-up to the Dec. 6<sup>th</sup> letter sent by Barbara Questad requesting the City submit to you sewer extension plans and modifications for the above-referenced project and our Dec. 13<sup>th</sup> telephone conversation. As I explained to you, the project will not involve any sewer extensions as there already is a sewer main crossing the property. It appears the dwelling units will connect to that main with side sewers. You told me if that was the case then it is not necessary to submit any plans. If the sewer plans change I will keep you advised and will contact Ronald Wastewater District.

*Glen Pickus, Planner II*  
*City of Shoreline*  
*17544 Midvale Avenue North*  
*Shoreline, Washington 98133-4921*  
*206.546.1249 | fax 206.546.8761*  
*[gpickus@ci.shoreline.wa.us](mailto:gpickus@ci.shoreline.wa.us)*

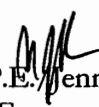
ATTACHMENT N:

# TRAFFIC IMPACT ASSESSMENT REPORT

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DATE: October 27, 2005

TO: Greg Kappers, Director Land Acquisitions  
Prescott Homes

FROM: Michael Read, P.E.  Jennifer Ting, P.E.  
Transportation Engineering Northwest, LLC

RE: Echo Lake Townhomes, Shoreline, WA - Traffic Impact Assessment

---

Transportation Engineering Northwest, LLC (TENW) is assisting Prescott Homes, Inc. in evaluating vehicular and pedestrian site access, safety, and circulation issues for the proposed up to 18-unit residential development known as *Echo Lake Townhomes* in Shoreline, WA. The study area is located to the northwest of Echo Lake Waterfront Condominiums, which is accessed via N 199<sup>th</sup> Street and N 198<sup>th</sup> Street to the east of Aurora Avenue N (SR 99). A study area map shown in **Figure 1**.

Primary site access to the project site is proposed via extension of an existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, which accesses N 198<sup>th</sup> Street. Emergency-only access would be provided onto N 199<sup>th</sup> Street and would be restricted through the use of an emergency gate. The proposed site plan is illustrated in **Figure 2**.

This study addresses the following:

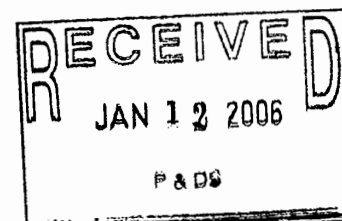
- Inventory of existing conditions.
- Assessment of nonmotorized safety and circulation issues.
- Evaluation of future site access driveway circulation and improvements.
- Summary of recommendations.

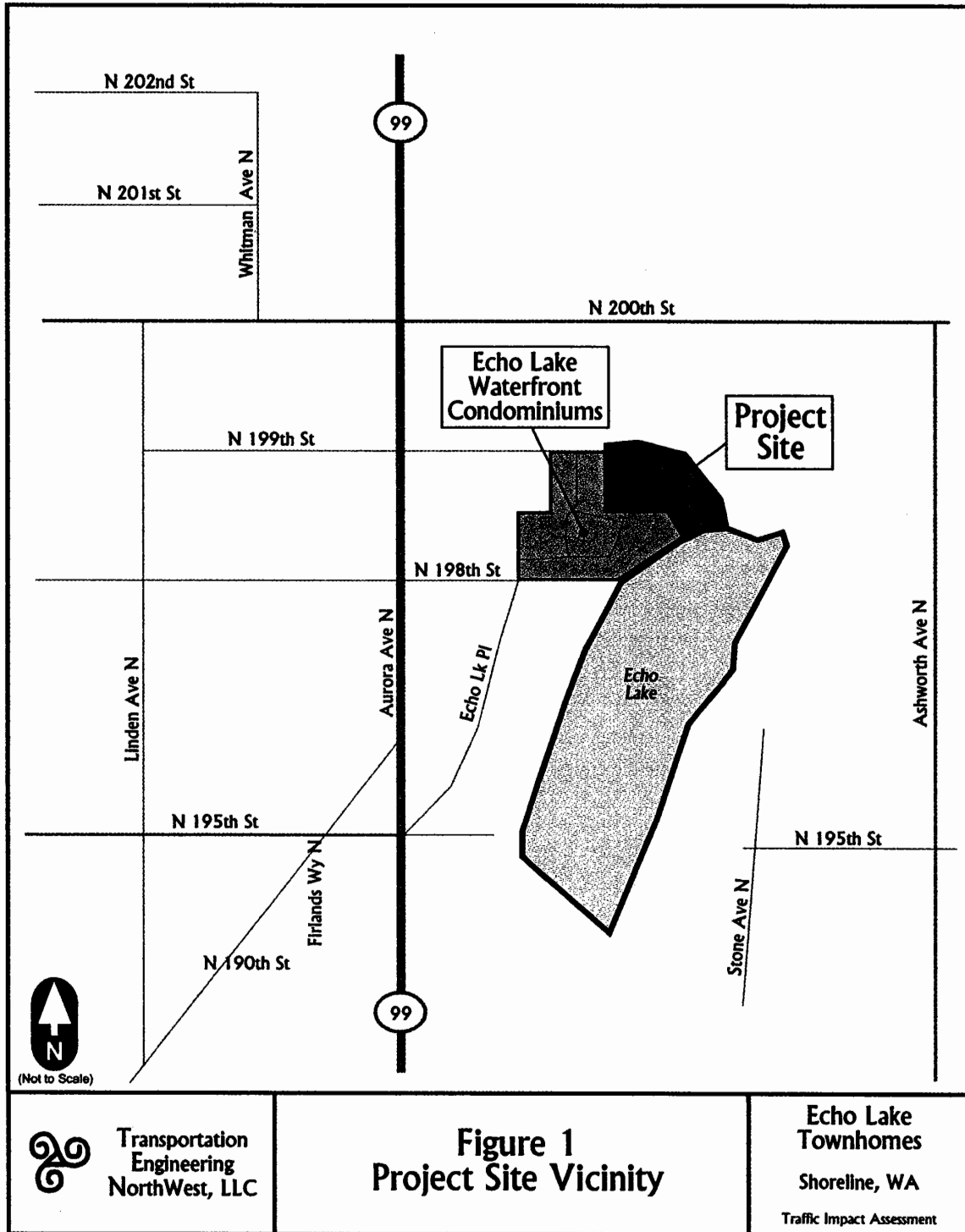
## Existing Conditions

This section summarizes existing roadway conditions, vehicular traffic volumes, public transportation service locations, and nonmotorized transportation.

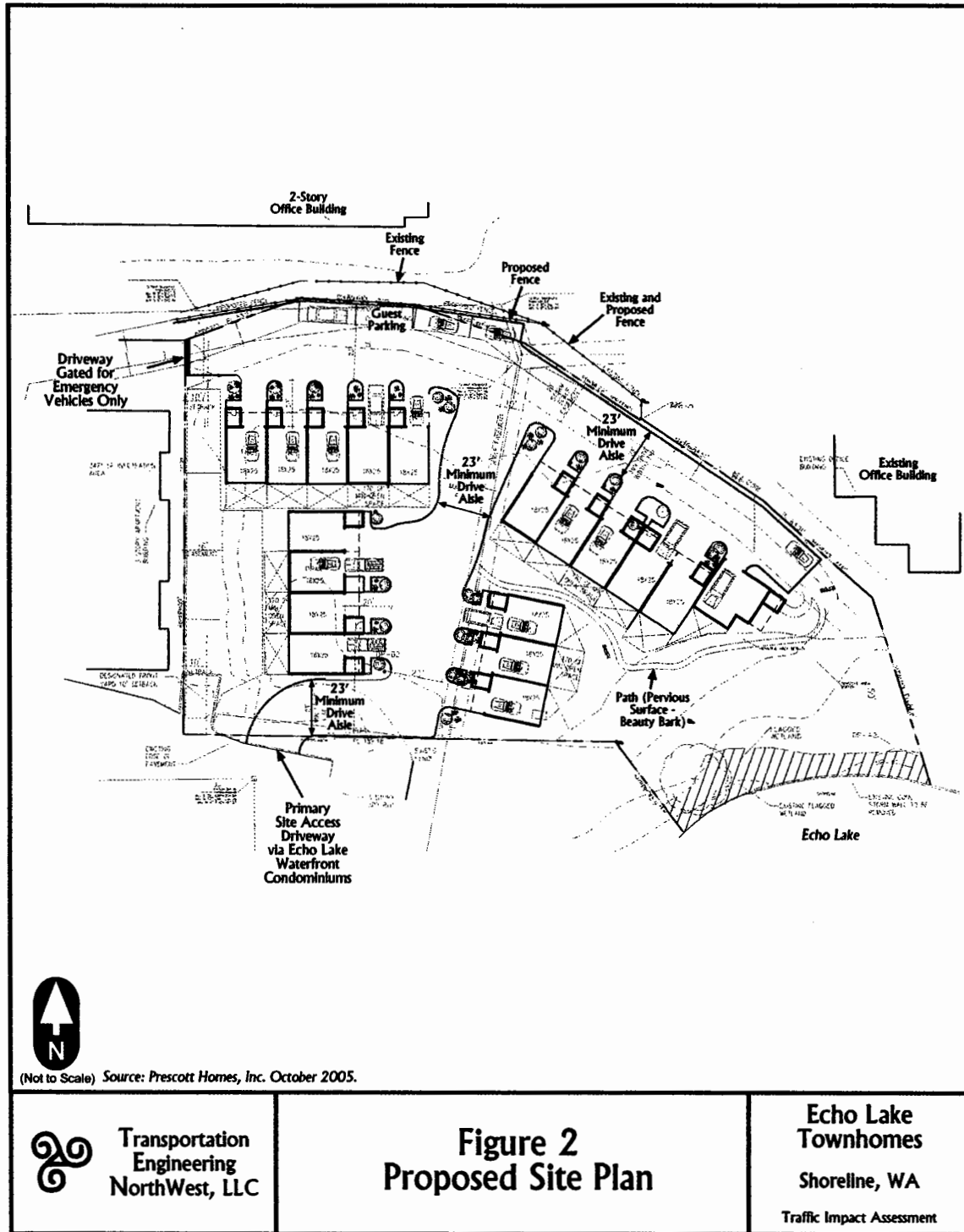
## Roadway Conditions

The following paragraphs describe existing vicinity arterial roadways. Roadway characteristics are described in terms of facility type, number of lanes, and posted speed limits.









**N 198<sup>th</sup> Street** east of Aurora Avenue N (SR 99) is a two-lane unchannelized roadway with up to 22 feet of travel pavement serving one single-family residential home, parking for two commercial buildings, and dead ends into the Echo Lake Waterfront Condominiums. A 10-foot paved parallel parking lane is provided on the north side of the street from Aurora Avenue N (SR 99) to the single-family home driveway and for 2 parallel parking stalls on the south side of the street immediately east of Aurora Avenue N (SR 99). The roadway has an approximate grade of six percent. There is no posted speed limit sign, but it is assumed to be 25 mph.

**N 199<sup>th</sup> Street** is a two-lane unchannelized roadway with up to 17 feet of pavement. The roadway serves five single-family homes and parking to a commercial building, and pedestrian access to an apartment/condominium complex. The roadway dead ends into the Echo Lake Waterfront Condominiums. The roadway has an approximate grade of 3 percent. There is no posted speed limit sign, but it is assumed to be 25 mph.

**Aurora Avenue N (SR 99)** is a north-south, four-lane principal, urban arterial with a two-way, center left-turning lane. Travel lanes are generally 12 feet wide with approximately 10-foot paved shoulders on both sides of the street. Curbs, gutters and sidewalks are located along various retail property frontages of Aurora Avenue N (SR 99). The posted speed limit is 40 mph.

**Echo Lake Place** is a one-way northbound roadway providing access to parking areas for apartment/condominium complexes and commercial buildings abutting Aurora Avenue N (SR 99) on the west side of the street, and two single-family residential homes and an approximate 25-unit apartment/condominium complex on the east side of the street. The paved roadway is a minimum of 12 feet. The posted speed limit is 25 mph.

**Site Roadways within Echo Lake Waterfront Condominiums** include a two-lane unchannelized roadway with a 23-to 24-foot paved travel lane width. There is no posted speed limit within the development, however, vehicles traveling within the site were observed to be traveling slowly due to short distances, speed bumps, and the six percent grade of the site access roadway on N 198<sup>th</sup> Street.

### **Existing Traffic Volumes**

TENW conducted vehicular traffic counts on N 198<sup>th</sup> Street between Aurora Avenue N (SR 99) and the Echo Lake Waterfront Condominiums site during typical peak hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. on Wednesday, October 26<sup>th</sup>, 2005. The a.m. peak hour was found to be between 8:00 to 9:00 a.m. and the p.m. peak hour was determined to be 5:00 to 6:00 p.m. Vehicular traffic volumes on N 198<sup>th</sup> Street were observed to be 58 vehicles (16 eastbound and 41 westbound) during the a.m. peak hour and 65 vehicles (41 eastbound and 24 westbound) during the p.m. peak hour.

## Public Transportation Service Locations

King County–Metro provides public transportation services in the vicinity of the project site. Transit routes 301, 342, 358 and 373 stop on Aurora Avenue N (SR 99) south of N 200<sup>th</sup> Street for southbound travel and north of N 198<sup>th</sup> Street for northbound travel. The Aurora Village Transit Center park-and-ride lot is located on N 200<sup>th</sup> Street in the vicinity of Ashworth Avenue N and serves King County Metro Routes 301, 303, 331, 342, 346, 358, and 373 and Community Transit Routes 100, 101, 118, 130, and 131. All transit stops are located less than ¼-mile walking distance of the project site. The Aurora Village Transit Center is located less than ½-mile walking distance of the proposed development.

## Nonmotorized Transportation

TENW conducted nonmotorized traffic counts on N 198<sup>th</sup> Street between Aurora Avenue N (SR 99) and the Echo Lake Waterfront Condominiums site during typical peak hours of 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. on Wednesday, October 26<sup>th</sup>, 2005. The peak hour was observed to be the same as for vehicular traffic: 8:00 to 9:00 a.m. during the morning peak hour and 5:00 to 6:00 p.m. during the evening peak hour.

Nonmotorized traffic volumes on N 198<sup>th</sup> Street were observed to be 3 pedestrians traveling westbound during the a.m. peak hour and 3 pedestrian (2 eastbound and 1 westbound) during the p.m. peak hour. No bicycle traffic was observed. No additional nonmotorized traffic occurred outside of the a.m. and p.m. peak hours during the 2-hour traffic counts. It should be noted that none of the pedestrian traffic during the p.m. peak hour were related to the Echo Lake Waterfront Condominiums but traveled to/from Echo Lake Place and existing single-family homes on N 198<sup>th</sup> Street.

N 198<sup>th</sup> Street provides access to 102 condominiums as part of Echo Lake Waterfront Condominiums, 2 commercial buildings, and 1 single-family home. In addition, there are 12 apartments/condominiums and 1 single-family home that could potentially use N 198<sup>th</sup> Street for pedestrian access. Therefore, there are a total of up to 156 residential units that have access to N 198<sup>th</sup> Street for vehicular use. This results in an existing pedestrian utilization rate of 0.02 (pedestrian volumes divided by residential units) during both the a.m. and p.m. peak hour on N 198<sup>th</sup> Street.

A school bus stop was observed stopping for one middle-school aged child at the entrance of Echo Lake Waterfront Condominiums at the intersection of Echo Lake Place and N 198<sup>th</sup> Street with a pick-up at about 8:45 a.m. and a drop-off at about 3:40 p.m.

## Traffic Impact Assessment

This section documents new trips generated by the project development, and impacts to nonmotorized and vehicular site access, circulation and safety issues.

### Trip Generation

Trip generation rates compiled by the Institute of Transportation Engineers (ITE) *Trip Generation, 7<sup>th</sup> Edition*, 2003, were used to estimate daily traffic, a.m. and p.m. peak hour traffic that would be generated by the proposed action. Average rate equations (ITE land use code 230) were used based upon total units to estimate new trips generated by the proposed 18-unit townhouse residential development.

**Table 1** summarizes trip generation by the proposed action. An estimated total of 110 daily, 8 a.m. peak hour (1 entering and 7 exiting), and 9 p.m. peak hour vehicular trips (6 entering and 3 exiting) would be generated at full build-out and occupancy of the project.

**Table 1: Project Trip Generation**

Land Use	ITE Land Use Code	Dwelling Units (X)	A.M. Peak Trip Generation			P.M. Peak Trip Generation			Daily Trip Generation
			Enter	Exit	Total	Enter	Exit	Total	
Condominiums/Townhouses	230	18	1	7	8	6	3	9	110

Source: ITE *Trip Generation Manual*, 7<sup>th</sup> Edition, 2003.

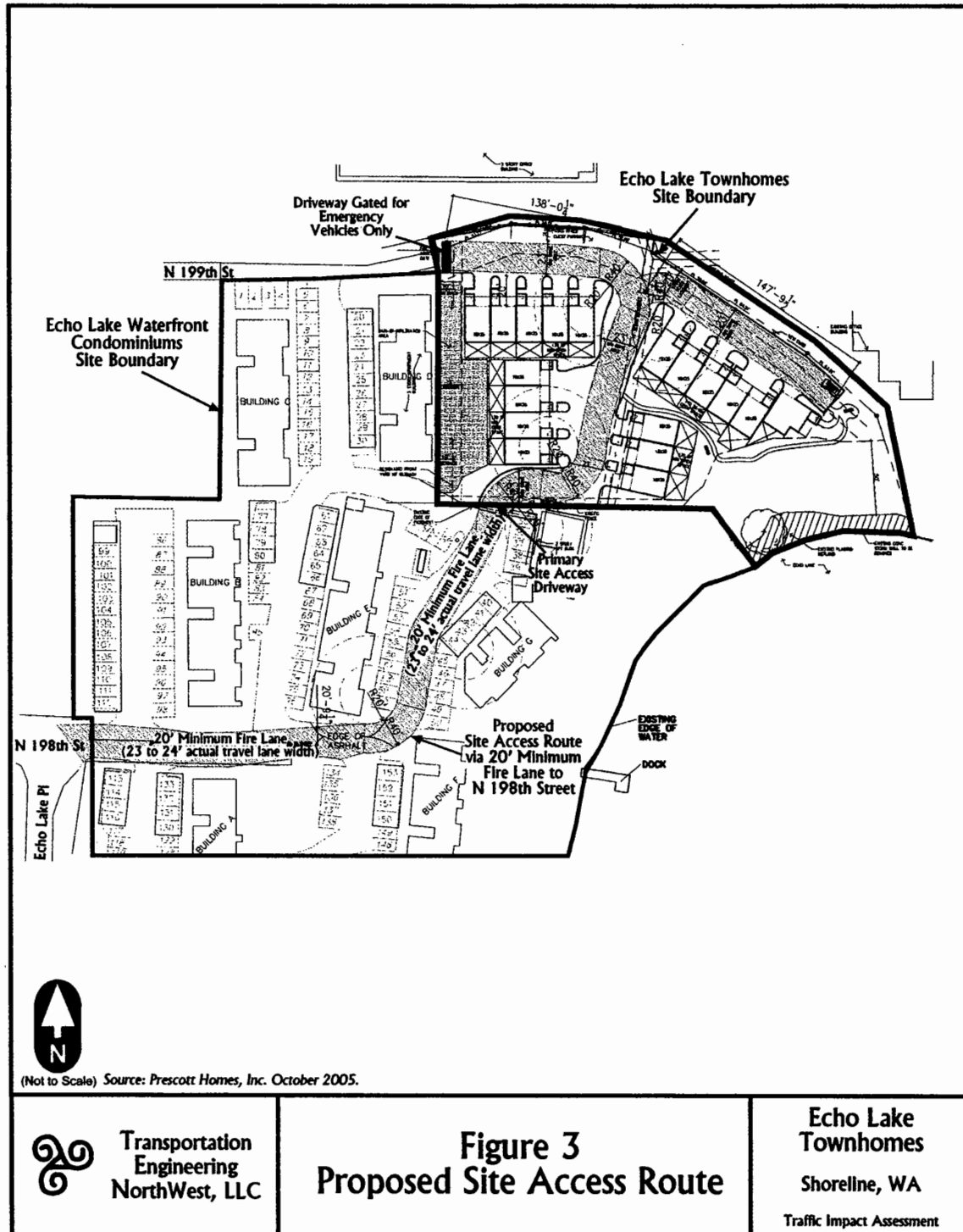
### Nonmotorized Transportation Impacts

With an existing pedestrian utilization rate of 0.02 on N 198<sup>th</sup> Street and an additional 18 residential units for the proposed *Echo Lake Townhomes* development would result in a future nonmotorized generation of approximately 1 pedestrian or less during both the a.m. and p.m. peak hour. Therefore, there would be less than 5 pedestrians with the proposed development utilizing N 198<sup>th</sup> Street during both the a.m. and p.m. peak hour, which is an insignificant amount.

A paved pervious pathway would be located on the southeast section of the proposed development. It is recommended that a painted crosswalk be provided on the central north-south site access roadway in the vicinity of the paved pathway within the proposed *Echo Lake Townhomes* project. No additional nonmotorized transportation facility improvements would be required as part of this project.

### Vehicular Site Access, Safety and Circulation Issues

**Figure 3** shows the proposed travel route for the *Echo Lake Townhomes*, which is illustrated as the "20' Minimum Fire Lane." It should be noted, that field inventory conducted by TENW indicates that this internal site roadway ranges between 23 and 24 feet in width. Primary site access to the project site is proposed via extension of an existing private access roadway located in the northwest section of the existing Echo Lake Waterfront Condominiums site, accessing N 198<sup>th</sup> Street directly.



Emergency-only access would connect to the eastern dead end of N 199<sup>th</sup> Street and serve emergency vehicles only. This access roadway would be gated to restrict vehicular travel from utilizing the route onto N 199<sup>th</sup> Street.

There is an existing chain-link fence located along the northern perimeter of the project site. This fence would be relocated along certain sections and would encompass the full length of the existing fence to restrict pedestrian access between the project site and apartment/condominium/office complexes and the Aurora Village Transit Center located to the north of the project site. A proposed new curb located along the northern section of the site would also prevent vehicles from traveling between the project site and apartment/condominium/office complexes and the Aurora Village Transit Center.

### **Gated Emergency-Only Access Driveway**

Fire and other emergency response vehicles (i.e., ambulance, aid cars, etc.) would have secondary access via N 199<sup>th</sup> Street at a gated restricted entry on the property's northwestern boundary at the existing dead end of N 199<sup>th</sup> Street. Access for emergency vehicles at this secondary entry would be accommodated through installation of standard Opticom pre-emption devices that are typically used at key traffic signal systems to pre-empt and prioritize fire and emergency vehicles through signalized intersections. Opticom emitters on fire, emergency and police vehicles would trigger the vehicular gates to automatically open, with a lock box (Knox-Box system) backup override using a common security key in case of power failure.

### **Vicinity and Internal Circulation**

Within the *Echo Lake Townhomes* site, internal access would consist of two roadways: 1) an existing north-south roadway located through the middle of the proposed site, and 2) an emergency-only east-west roadway located at the northern perimeter of the site that accesses the gated restricted driveway onto N 199<sup>th</sup> Street. The two internal site roadways intersect one another in a T-configuration. These roadways would be paved and approximately 23 feet in width. The proposed internal site roadways provide adequate two-way general vehicular and emergency access for the 18-unit townhome complex.

The primary site access roadway would be marked as a fire lane with a 20-foot minimum pavement width. There are currently two "No Parking Fire Lane" signs located within the Echo Lake Waterfront Condominiums site (see **Figure 4**). These signs do not meet the City of Shoreline's Fire Department *Marking of Fire Lanes* standards. Therefore, the proposed designated fire lane signs and any new additional signs should meet the City of Shoreline's Fire Department standards to include red letters on white background with a red border. Additionally, the pavement adjacent to the yellow painted vertical curbs should read with block lettering, "No Parking – Fire Lane" and also be painted in yellow.

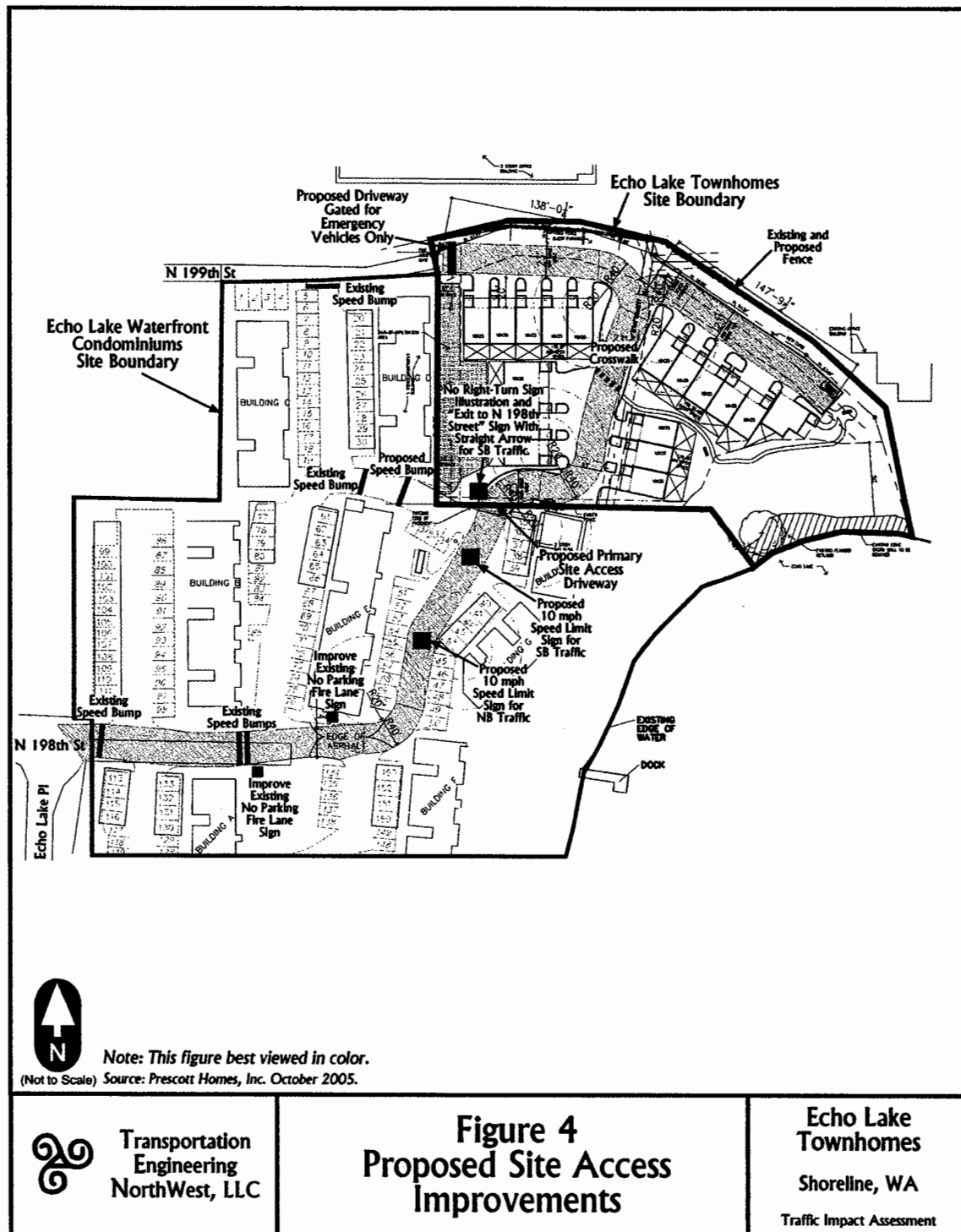
The City of Shoreline is concerned about vehicular and pedestrian traffic impacts on N 199<sup>th</sup> Street, which is why the site driveway on N 199<sup>th</sup> Street has been proposed as restricted to emergency access vehicles only. Based upon existing and proposed traffic control treatments in the project vicinity, it would be difficult for vehicles to utilize N 199<sup>th</sup> Street. A c-curb is located on Aurora Avenue N (SR 99) and extends from N 200<sup>th</sup> Street to the south beyond N 199<sup>th</sup> Street, separating northbound and southbound travel. Therefore, any project trips from existing and proposed development would be unable to make westbound left-turns onto Aurora Avenue N (SR 99) from N 199<sup>th</sup> Street and southbound left-turns from Aurora Avenue N (SR 99) onto N 199<sup>th</sup> Street. Any traffic that could potentially utilize N 199<sup>th</sup> Street would have to make northbound right-turns or westbound right-turns at the Aurora Avenue N (SR 99) and N 199<sup>th</sup> Street intersection. Due to the location of the primary site access roadway, it is unlikely that northbound right-turns would be made at N 199<sup>th</sup> Street, rather they would be made sooner at Echo Lake Place or N 198<sup>th</sup> Street. The only viable turning movement from the proposed development at the Aurora Avenue N (SR 99) and N 199<sup>th</sup> Street intersection are westbound right-turns.

Increased traffic that would be generated by the proposed *Echo Lake Townhomes* project would be discouraged to use N 199<sup>th</sup> Street by providing a "No Right Turn" illustration and "Exit to N 198<sup>th</sup> Street" with an arrow for southbound movements from the primary site driveway, adding additional speed bumps to slow potential cut-through traffic within the existing Echo Lake Waterfront Condominiums site, and reminding residents through the Homeowner's Association only to utilize N 198<sup>th</sup> Street. The location of existing and proposed speed bumps, and the proposed signage are shown in **Figure 4**.

Pedestrian access onto N 199<sup>th</sup> Street would be restricted with the installation of gates and fences, although pedestrians could still utilize N 199<sup>th</sup> Street through the Echo Lake Waterfront Condominiums site. However, based upon existing pedestrian traffic counts, pedestrian utilization on N 199<sup>th</sup> Street as a result of the proposed *Echo Lake Townhomes* would be minimal to none.

## **Safety Issues**

During the traffic counts conducted in October 2005, vehicles were observed to travel slowly within the Echo Lake Waterfront Condominiums site due to a six percent grade of N 198<sup>th</sup> Street, which extends into the site, speed bumps, general friction of parked vehicles along the interior roadways, and short travel distances within the site. However, to manage traffic speeds within the existing Echo Lake Waterfront Condominiums site, painted 10 mph speed limit signage at select locations along the interior roadway serving the *Echo Lake Townhomes* is recommended, with enforcement provided by the Homeowner's Association for both the Echo Lake Waterfront Condominiums and *Echo Lake Townhomes*. These locations are shown in **Figure 4**.





## Recommendations

A review of potential traffic, nonmotorized, safety, and site circulation issues was evaluated for the proposed *Echo Lake Townhomes* project. The following measures are recommended to mitigate transportation impacts:

- A painted crosswalk should be provided on the central north-south site access roadway in the vicinity of the proposed paved pathway.
- The proposed fence should encompass the full length of the existing fence to restrict pedestrian access between the project site and apartment/condominium/office complexes and the Aurora Village Transit Center located to the north of the project site. In addition, the proposed emergency vehicle-only gate would be constructed to limit direct pedestrian access onto N 199<sup>th</sup> Street.
- Fire and other emergency response vehicles would also have access to the secondary site driveway on N 199<sup>th</sup> Street through the installation of standard Opticom pre-emption devices and a Knox-Box system at a gated restricted entry on the property's western boundary at the existing dead end of N 199<sup>th</sup> Street.
- All existing and proposed designated fire lane signs within the existing Echo Lake Waterfront Condominiums and proposed *Echo Lake Townhomes* sites should meet the City of Shoreline's Fire Department standards.
- Increased traffic that would be generated by the proposed *Echo Lake Townhomes* project would be discouraged to use N 199<sup>th</sup> Street by providing a "No Right Turn" illustration and "Exit to N 198<sup>th</sup> Street" with arrow for southbound movements from the primary site driveway, adding additional speed bumps to slow potential cut-through traffic within the existing Echo Lake Waterfront Condominiums site, and reminding residents through the Homeowner's Association only to utilize N 198<sup>th</sup> Street.
- To manage traffic speeds within the existing Echo Lake Waterfront Condominiums site, painted 10 mph speed limit signage at select locations along the interior roadway serving the *Echo Lake Townhomes* is recommended, with enforcement provided by the Homeowner's Association for both the Echo Lake Waterfront Condominiums and *Echo Lake Townhomes*.

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ATTACHMENT O

# ENVIRONMENTAL SITE ASSESSMENT REPORT

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PREPARED FOR  
PRESCOTT HOMES

August 22, 2005



Nels B. Cone  
Environmental Project Manager



Bob Levinson, P.E.  
Principal

ENVIRONMENTAL SITE ASSESSMENT  
EXPANDED PHASE I REPORT  
ECHO LAKE PROPERTY  
NORTH 199<sup>th</sup> STREET and  
ECHO LAKE PLACE NORTH  
SHORELINE, WASHINGTON 98133

ES-0120.001

Earth Solutions NW, LLC  
2603 – 151<sup>st</sup> Place Northeast, Redmond, Washington 98052  
Ph: 425-284-3300 Fax: 425-284-2855  
Toll Free: 866-336-8710

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## Earth Solutions NW LLC

- Geotechnical Engineers
- Geologists
- Environmental Scientists
- Construction Monitoring

### EXECUTIVE SUMMARY

This Phase I Environmental Site Assessment has revealed specific environmental contamination. At the time of the site assessment, a further Phase II investigative remediation is warranted for the subject property. This summary discusses the site characteristics and existing conditions that have passed a visual site assessment.

- **Underground Storage Tank:** One underground storage tank was found on subject property. No evidence of product release from it was found. Removal from the site is recommended in accordance with regulatory guidelines.
- **Aboveground Storage Tank:** No aboveground tanks were found on subject property.
- **Asbestos:** No asbestos containing materials were identified on the subject property.
- **Polychlorinated Biphenyl:** No likely sources of PCB (polychlorinated biphenyl) compounds were identified on the subject property.
- **Fill Soil or Suspect Terrain:** No suspect fill soil was found on the subject property.
- **Vegetation:** Minor amounts of stressed vegetation were found associated with an abandoned Truck found on the subject property.
- **Drinking Water:** At the time of the site assessment, no connection for drinking water was identified on the subject property. There is no reason to suspect that tainted water exists on this property.
- **Waste Disposal and Debris:** At the time of the site assessment the environmental assessor found a large slash pile of containing tree stumps and other vegetation waste. However, this debris is not a recognized environmental concern.
- **Containers:** A blue 55-gallon drum labeled as containing "Mineral Spirits" was found on the subject property. Samples taken from its vicinity indicate product release to the environment.
- **Manufacturing Equipment:** No abandoned manufacturing or processing equipment was found on the subject property. However, an abandoned flat-bed truck was found parked partially on the Northeast corner of the property.
- **Chemical or Fuel Stains:** Diesel fuel stains were found on the subject property associated with an abandoned flat bed truck.
- **Adjoining Property:** No contamination from adjoining properties was discovered at the time of the site assessment.
- **Historical Research:** There are no indications that past use of the subject property has generated any current potential environmental contamination.
- **Regulatory Database Search:** At the time of the site assessment, no recognizable environmental concern was identified for the subject property.

## **1.0 INTRODUCTION**

### **1.1 Purpose**

The purpose of this Phase I Environmental Site Assessment is to help defend the innocent purchaser in accordance with the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for commercial real estate. This is undertaken by appropriate inquiry for the innocent purchaser defense by obtaining various present, historical, physical, and regulatory information.

Although the site assessor strives to investigate each site sufficiently to discover all possible sources of contamination, the assessor cannot warrant that the work undertaken for this report will provide a due diligence defense asserted under CERCLA or any other federal, state, or local laws. However, the site assessor will follow the guidelines established by the American Society for Testing and Materials Standard Practice for the Phase I Environmental Site Assessment process, (ASTM Designation E 1527-00).

### **1.2 Project Objectives and Scope of Work**

The objective of this Environmental Site Assessment (ESA) is to evaluate the property for current and historical sources of environmental concerns, evidence of hazardous substance disposal or releases from or onto the property, evidence of environmental threats from adjacent properties, and whether further environmental investigation of the subject property is warranted. This report includes the findings from two different parcels. Information from these parcels is combined into this one complete report. For ease of understanding this report, these two parcels are referred to in total as one *Subject Property*. This report meets and/or exceeds ASTM Standards for ESAs.

The site reconnaissance of the subject property was performed on June 20<sup>th</sup>, 2005 by Nels B. Cone, Washington State Registered Site Assessor. The assessment included a review of the subject property's current and/or previous occupancy and operations, a visual reconnaissance of the former building remains and property, a visual review of adjacent property uses and conditions from public right-of-ways, and a review of state and federal agency database records.

In addition, the history of the Site and adjacent property uses were assessed by evaluating practically available aerial photographs, insurance maps, city and suburban directory listings, tax records, United States Geological Survey topographical maps, and by interviewing appropriate individuals that had knowledge of the subject property and surrounding area.

On July 27, 2005, the scope of work was expanded to include an investigation for an underground storage tank and hazardous chemical sampling. The sampling activities and methods used are explained further with this report. The results from those efforts are discussed in the conclusions.

## **2.0 SITE DESCRIPTION**

### **2.1 Location and Legal Description**

The subject property is located at: North 199<sup>th</sup> Street and Echo Lake Place North, Shoreline, King County, Washington 98133. The legal description of the property is listed as parcels 222730071 and 222730071, Echo Lake Park Addition, Recorded in King County Plats, Township 26N, Range 4E, Section 6.

### **2.2 Site Characteristics**

This section of the report gives a general visual description that one would expect to see at the subject property. Unless specific problems are discussed, this does not imply that problems were observed, just that the site assessor looked for possible concerns.

#### **2.2.1 Building Lot Size**

When the two parcels are combined, the size of the subject property is reported as being 1.12 acre, which is consistent with most combined residential lots in the area.

#### **2.2.2 Topography**

The majority of the subject property is level with gentle sloping to the southeastern portion of the site.

#### **2.2.3 Landscaping**

The subject property appears to once have had residential landscaping. At the time of the site assessment, most of the property was overgrown with yearly vegetation.

#### **2.2.4 Fencing**

The subject property has a chain-link fence running along the Northern property edge. The Eastern property boundary has a discontinuous concrete block fence constructed almost to the waterline of Echo Lake. The Southern property boundary is contained by a wooden fence running its length, again almost to the waterline. The Western property border has no formal fence or enclosure, but is bounded by dense vegetation.

#### **2.2.5 Street Access**

The subject property can be accessed by one private paved driveway entering from the West. At the time of the site assessment, an abandoned flat bed truck was located parked partially on the subject property's western entrance.

## **2.3 Neighborhood Profile**

The following section of the report includes general descriptions of the local infrastructure and surrounding properties in the neighborhood that might influence the environmental risks of the subject property.

### **2.3.1 Energy Supply to the Subject Site**

The subject property receives its energy supply from the regional electric utility. At the time of the site assessment, no electrical connection was identified.

### **2.3.2 Water Supplies for the Subject Site**

The subject property receives its drinking water from the municipal water supply. At the time of the site assessment, no water connection was identified.

### **2.3.3 Sanitary Sewer System**

The subject property has the ability to convey its wastewater to the public sanitary sewer system. At the time of the site assessment, the no connection was identified.

### **2.3.4 Storm Water Disposal**

The storm water flows off the subject property to the Southeast. It appears that it then flows into Echo Lake itself. No formal storm sewer drains were observed on the subject property.

### **2.3.5 Energy Supply to Adjacent Sites**

The adjacent sites receive their energy supply from the municipal electric utility, but may be supplied with gas as well.

### **2.3.6 Water Supplies for the Adjacent Sites**

The adjacent properties have public water connections for drinking and lawn irrigation systems with water supplied by the municipal water utility.

### **2.3.7 Sanitary Sewers for the Adjacent Sites**

The adjacent properties have underground sanitary sewers that flow to a municipal wastewater disposal system.

### **2.3.8 Storm Water Disposal for the Adjacent Sites**

The storm water from the adjacent sites flow into an underground system, and then the storm water flows into a regional storm water collection system.

### **2.3.9 Zoning Restrictions**

The subject property land is zoned for residential or multi-family residential use and according to historical records, has been zoned residential use going back at least 30 years.

### **2.3.10 Flood Zone**

The subject property is not within a known flood zone. However, its elevation and proximity to Echo Lake suggest that onsite flooding should not be ruled out.

### **2.3.11 Fire Station**

The Shoreline Fire District has a firehouse (Station #4) located approximately two miles from the subject property. This local fire department has an emergency response level of Two. Level Two is the second of three levels but indicates the ability to extinguish medium containers (e.g., one ton cylinder, portable containers, nurse tanks, and multiple small packages). It can extinguish medium fire and explosion potential items. Special resources can be used to control small chemical leaks or releases. It can handle limited evacuation in a localized area involving hazardous materials.

## **2.4 Geology and Groundwater**

The subject property is approximately at 400 feet above sea level elevation. The dominant soil composition on the subject property is commonly listed as "Alderwood", according to SCS King County Soil Survey data. These gravelly-sandy loam soils drain moderately well with a seasonally fluctuating groundwater table. Based upon observations during the excavation activities, no groundwater or damp soils were encountered at a depth of six feet. The nearest well to the subject site is over one half mile away. Based upon the topography of the site, ground water flow direction is indicated to the East and Southeast corner of the subject property.

## **3.0 INFORMATION FROM SITE RECONNAISSANCE AND INTERVIEWS**

On June 20<sup>th</sup> 2005, Nels Cone conducted a site reconnaissance of the subject property. The focus of this effort was to identify obvious visual signs of potential environmental concern caused by present and/or past site activities. The entire site was given a walking inspection, and the property owner was interviewed. The results from these efforts are individually identified and presented below. Photographs from this site reconnaissance were also taken and are presented in Appendix A. On July 27<sup>th</sup>, 2005, additional site investigation for an underground storage tank and hazardous chemical sampling was performed.

### **3.1 Descriptions of Structures or Other Improvements**

During the initial site visit, the environmental site assessor observed the foundation remains of a former single-family residential building and a detached garage. According to the property owner, the former residence was demolished sometime in 1995 and its underground storage tank for home heating oil tank was not removed at that time. Physical condition of the property structure on the day of site assessment appeared only in average condition.

### **3.2 Physical Settings Analysis**

This section of the report includes visual observations of the physical settings made at the time of the site assessment. Unless specific concerns are discussed, this does not imply that these problems were observed, just that the site assessor looked for these possible problems.

#### **3.2.1 Environmental Issues Associated with Storage Tanks**

During the initial site visit, a visual inspection for vent pipes, cover plates, fill pipes, accessways, and monitoring wells normally associated with underground storage tanks (USTs) was performed but none were found. On the second site visit, using provided property diagrams and a tracked excavator, a 500-gallon UST was found off the west side of the former residence. Soil exposure beneath the UST, at approximately six feet was made. At no time was soil staining or petroleum odor encountered. However, it was found that the tank had been completely filled with water at some time in the past. One small breach was made half-way down the side of the UST which surprisingly revealed clear water with no sign of petroleum sheen or smell. Given the observable condition of the soil, no soil sampling was performed at that time. None-the-less, this UST is not in compliance with local regulatory requirements. While this UST was not removed from the ground at the time, it will require a properly licensed professional to perform its removal from the subject property. Additionally, all observations indicate that no fuel USTs or AGTs appear present on immediately adjoining properties to the North, East, South or West.

#### **3.2.2 Fill Soil (Suspicious Terrain)**

The environmental site assessor did not observe fill soil on the subject property. The site may have been graded at some point in the past, yet no evidence of suspicious terrain was found.

#### **3.2.3 Chemical, Ground, Soil or Pavement Stains**

The environmental site assessor did not observe stains at any location on the subject property. However, a 55-gallon drum labeled as "Mineral Spirits" was discovered onsite. Sampling and testing for hazardous chemicals were performed to address probable leakage from this drum.

#### **3.2.4 Corrosion**

The environmental site assessor did not observe corrosion at any location on the subject property.

### **3.2.5 Odors**

The environmental assessor detected a strong petroleum odor near the abandoned flat bed truck found onsite. Sampling for diesel range petroleum pollutants was performed and while these chemicals were found, they were below action levels.

### **3.2.6 Drains, Vaults and Sumps**

At the time of the site assessment, no drains, vaults or sumps were observed at any location on the subject property.

### **3.2.7 Polychlorinated Biphenyls (PCB)**

PCB releases are regulated by the Toxic Substance Control Act 15 U.S.C. Section 2601 et. seq. and administered by the Environmental Protection Agency in accordance with "toxic substances." No transformers, capacitors, elevators or other PCB sources were observed on site during the time of the site reconnaissance.

### **3.2.8 Fuel Stains**

As previously indicated, the environmental assessor observed diesel fuels stains beneath the abandoned flat-bed truck found on the western entrance to the subject property. Sampling and testing, (NW-TPH-Dx analysis) for petroleum impacted soils was performed on July 27<sup>th</sup> 2005, in accordance with the Sampling and Analysis Plan found in Appendix D. Results from these tests revealed petroleum impacted soils beneath the Washington State MTCA Clean-up level of 2000 mg/kg. This vehicle has a Washington State License Plate Number of 07779-W, year dated 2001. Contact information for the owner of this abandoned flat bed truck was obtained on June 27<sup>th</sup>, 2005.

Tom Seferovich    Contractor # ONYXL\*\*984RR  
Onyx, L.L.C.  
206-271-3621, Cell  
425-825-0769, Fax

### **3.2.9 Manufacturing Equipment**

Abandoned Manufacturing, Distillation or Process Equipment was not found on the subject site. No Treatment, Generation, Disposal, or Storage of Waste Activities was found on the subject site. However, as indicated above, an abandoned flat-bed truck was found partially parked on the Northwest corner of the subject property.

### **3.2.10 Vegetation**

At the time of the site assessment, stressed vegetation was found associated with the abandoned flat-bed truck found near the Northwest entrance to the subject property.

### **3.2.11 Containers**

As previously mentioned, the environmental assessor observed one 55-gallon drum located on the Northwest corner of the subject property. It was empty at the time of its discovery on June 20<sup>th</sup>, 2005. This drum had the following label on it:

MINERAL SPIRITS	Jan 01	Recycle 1-800-451-3471
8401 15031	UN1268	PGIII
UN 1A1/Y1.6/250	USA/R1231/03RL	

This label describes the chemical product it contains, its date of manufacture, a phone number for a drum recycling business, its international designation for the product (petroleum distillates) that it contains, its packaging group code, along with its U.S. designation for the drum design.

On July 27<sup>th</sup>, 2005, sampling for volatile (EPA 8260B) and semi-volatile compounds (EPA 8270c/SIM) was performed in accordance with the Sampling and Analysis Plan found in Appendix D. Since this drum appeared to have rolled off the back of the abandoned flat-bed truck, it was placed back on the truck and after speaking with the truck owner by phone, the truck was then pushed westward, off the subject property.

### **3.2.13 Solid Wastes and/or Debris**

Other than the hazardous chemicals associated with the 55-gallon drum mentioned above, no other wastes were found on the day of site assessment. While the environmental assessor also found a large slash pile containing tree stumps and other vegetation waste, this debris is not a regulated environmental concern.

### **3.2.14 Wells**

There are no drinking wells on the subject property, nor within the surrounding quarter mile.

## **3.3 Present Uses of the Subject Property**

The uses of the subject property observed by the environmental site assessor on the day of site assessment are listed below along with potential environmental concerns associated with their uses. Unless specific problems are discussed, this does not imply that these problems were observed, just that the site assessor looked for possible concerns.

At the time of this site assessment, no formal use of the subject property was observed.

## **3.4 Present Uses of the Adjacent Properties**

The uses of the adjacent properties observed by the environmental site assessor on the day of site assessment are listed below along with potential environmental concerns associated with their uses. Unless specific problems are discussed, this does not imply that these problems were observed, just that the site assessor looked for possible concerns.



At the time of the site assessment, to the North of the subject property is a commercial office complex. No processing and/or manufacturing activities were observed.

At the time of the site assessment, to the East of the subject property is a multi-unit apartment complex. No processing and/or manufacturing activities were observed.

At the time of the site assessment, to the South of the subject property is a multi-unit townhouse complex. No processing and/or manufacturing activities were observed.

At the time of the site assessment, to the West of the subject property is a multi-unit townhouse complex. No processing and/or manufacturing activities were observed.

#### **4.0 HISTORICAL USE INFORMATION**

##### **4.1 Past Uses of the Subject Property**

The following data has been generated from municipal records, real estate data services, present owners, neighboring property owners, and/or other reliable sources.

According to the present property owner, the subject property has been a vacant lot since 1995. Prior to this time, it was it contained a single family residence of unknown age.

##### **4.2 Past Uses of the Adjacent Properties**

The following data has been generated from municipal records, real estate data services, present owners, neighboring property owners, and/or other reliable sources.

According to the present owner of the subject property, land directly to the North of the subject property was undeveloped land until a multi-unit office complex was built sometime in late 1970s. The property to the South and West had been developed as a multi-unit apartment complex going back to sometime in the early 1980s. Prior to that time they were large single-family lots going back sometime into the 1950s. The property to the East also remained a large single-family lot up until early 1970s; shortly after which it was developed in to a multi-family apartment. To the best of his knowledge, at no time did these properties have uses that would be of environmental concern

### **4.3 Aerial Photographs**

#### **4.3.1 Subject Property**

Past use according to **1964** aerial photographs indicates the subject property with a residential structure and detached garage where the slab foundations are presently seen onsite. Past use according to **1970** aerial photographs also indicates the subject property relatively unchanged from the previous six years. Past use according to **1985** aerial photographs indicates the subject property with a residential structure and detached garage where the slab foundation is presently seen onsite with the most prevalent change from previous photographs being the significant growth of trees and other onsite vegetation. Present use according to recent, **(2002)** aerial photographs indicate an open cleared lot with the remains of a concrete slab foundation as presently seen onsite.

#### **4.3.2 Adjoining Properties**

Aerial photographs were also surveyed for uses or structures of the adjacent properties to the North, South, East and West.

Past use according to **1964** aerial photographs indicates single-family residential structures to the South, West, Northwest and Northeast. Undeveloped wooded lots appear to the North and to the East.

Past use according to **1970** aerial photographs indicates single-family residential structures to the West, Northeast and South as previously seen six years earlier. To the North, the lot appears to have been cleared of lumber. To the Northwest appears a large commercial-type building. To the East appears an apartment complex as seen onsite today.

Past use according to **1985** aerial photographs indicates single-family residential structures to the Northwest. To the West, South and East appear to be larger apartment-type complexes as seen onsite to day. To the North appears an office complex and parking lot as is seen onsite today.

Present use according to recent **(2002)** aerial photographs indicates structures on the adjacent properties consistent with those found today. No observable differences are seen.

### **4.4 Map Research**

#### **4.4.1 Fire Insurance Maps for the Subject Property**

Historical Sanborn and Kroll Fire insurance maps as far back as 1965 did not show any usage of the subject site indicating that contaminating activities were likely to have occurred.

#### **4.4.2 Fire Insurance Maps for the Adjacent Properties**

Historical Sanborn and Kroll Fire insurance maps as far back as 1965 did not show any usage of the nearby properties indicating that contaminating activities were likely to have occurred.

#### **4.4.3 USGS Maps Showing the Subject Property**

Most recently updated (1982) USGS topographical map does not show any usage of the subject site indicating that contaminating activities were likely to have occurred.

#### **4.4.4 USGS Maps Showing the Adjacent Properties**

Most recently updated (1982) USGS topographical map does not show any usage of the nearby properties indicating that contaminating activities were likely to have occurred.

#### **4.5 Local Fire Department Inquiries**

At the time of the site assessment, the subject property lies within the Shoreline Fire District. It is serviced by the Shoreline Station #4 Firehouse. A review of their records by authorized Fire Department personnel was made and their responses are provided below.

##### **4.5.1 Fire Department Inquiries for the Subject Property**

Consulting with the local fire department indicates no records of industrial contamination having occurred on the subject property. Nor do their records show any underground storage tanks having been onsite.

##### **4.5.2 Fire Department Inquiries for the Adjacent Properties**

Consulting with the local fire department indicates no records of industrial contamination having occurred on the adjacent properties. Nor is there record of any underground storage tanks located on the adjacent properties.

#### **4.6 Title Abstract**

The King County Assessor and Recorder's Office was contacted for information regarding title, deeds, liens, restrictions, easements or other issues relating to an environmental site assessment. At the time of the contact, no environmental concerns were reported.

#### **4.7 Department of Environmental Health Review**

The King County Department of Environmental Health performed a review of its database for environmental concerns associated with the subject property and adjacent properties going back for a period of seven (7) years. The following programs were reviewed:

- Vector Nuisance/Illegal Dumping Program
- Wastewater Program
- Methamphetamine Lab Program
- Local Hazardous Waste Program
- Tacoma Smelter Plume Project
- Waste Characterization Program

Based upon this review, no environmental concerns relating to the property were found within their records.

#### **4.8 Historical Directories**

A review of Polk and Cole historical directories was performed for 1955, 1965, 1979, and 1987. Based upon this review, no business or operation presenting an environmental concern to the subject property or the surrounding properties was identified.

#### **4.9 Building Permits**

The King County Department of Development and Environmental Service was contacted to perform a review of its records for the subject property. However, at the time of the site assessment, this public agency database keeps records on file going back only to 1996. Building permits prior to then, when the residential structure was assumed to be built, (1940s), are not available.

### **5.0 REGULATORY RECORDS REVIEW**

The following information was obtained from a contracted EDR Regulatory Database search. This information was deemed as accurate and limited confirmation was made of key parameters, in accordance with standard professional practices. The complete EDR document is included in Appendix F for further review as needed.

#### **5.1 Federal Government Records for the Subject Property**

The subject property is not on the National Priorities List. The subject property is not on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list. The CERCLIS list is maintained by the United States Environmental Protection Agency. The subject property is not on the Resource Conservation and Recovery Act - Treatment, Storage or Disposal Facility list.

## **5.2 Federal Government Records for the Adjacent Properties**

No properties are on the National Priorities List within the list's qualifying radius of 1.0 mile (1.6 Km). Nearby properties are not on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list and are not within the list's qualifying radius of 1.0 mile (1.6 Km). The CERCLIS list is maintained by the United States Environmental Protection Agency. The adjacent properties are not listed under the Resource Conservation and Recovery Act - Treatment, Storage or Disposal Facility List.

## **5.3 State Government Records for the Subject Property**

The subject property is not on the State Environmental List which is equivalent to the National Priorities List (NPL). The subject property is not on the State Environmental List which is equivalent to the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List. No tanks have ever been registered for placement on the subject site. The subject property is not on the Leaking Underground Storage Tank (LUST) List. No leaking tanks were observed or have been reported. The subject property is neither a solid waste/landfill facility nor listed in any government records as such.

## **5.4 State Government Records for the Adjacent Properties**

Nearby properties are not on the State Environmental List which is equivalent to the National Priorities List and are not within the list's qualifying radius of 1.0 mile (1.6 Km). Several (4) nearby properties are on the State Environmental List which is equivalent to the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List and are within the list's qualifying radius of 1.0 mile (1.6 Km). Of these, one is less than 0.125 mile away and is at a higher elevation than the subject property, and is located due west at 19905 Aurora Avenue North, Shoreline. Further research into the Washington State Department of Ecology database reveals this site as having finished remediation for minor amounts of gasoline and diesel product. Given its completed remedial status and nature of pollutant, the likelihood of environmental concern from this site is low.

Two others are at equal or higher elevation than the subject property, yet are over 0.5 miles from the subject property. The remaining one site is also over 0.5 mile away, yet is down gradient at a lower elevation from the subject property. As such, the likelihood of environmental concern from these sites is low.

Several (3) nearby properties are on the State Leaking Underground Storage Tank (LUST) List and are within the qualifying radius of 0.5 mile (0.8 Km). Of these, two are at an equal or higher elevation than the subject property, yet are well over 0.25 mile from the subject property. The remaining one is also over a 0.25 mile away, yet is down gradient at a lower elevation than the subject property. As such, the likelihood of environmental concern from these sites is low.

Several (3) nearby properties are on the Washington State Department of Ecology Independent Cleanup Report List. Of these, two are at an equal or higher elevation than the subject property, yet are well over 0.25 mile from the subject property. The remaining one is also 0.25 mile away, yet is also down gradient at a lower elevations than the subject property. As such, the likelihood of environmental concern from these sites is low.

No nearby properties are a solid waste/landfill facility, nor located within 0.5 mile of a solid waste/landfill facility.

## **5.5 Information Regarding Environmental Liens or Specialized Knowledge**

The following information was compiled from government records and Interviews of persons closely associated with the subject property.

### **5.5.1 No Current Environmental Law Violations or Liens on Property Owner**

On the date of site assessment, no environmental liens regarding this site had been placed on the owner of the property, and there are no known citations for environmental law violations regarding this site relating to the owner of this property.

#### *No Past Environmental Law Violations or Liens On Property Owner*

On the date of site assessment, no past environmental liens regarding this site had been placed on the owner of the property, and there are no known past citations for environmental law violations regarding this site relating to the owner of this property.

### **5.5.2 Presence of Dangerous Conditions on the Subject Property**

No hazardous substances, petroleum products or environmental violations existed on the subject property on the day of site assessment in quantities believed to be potential contaminants.

#### *Past Dangerous Conditions on the Subject Property*

No hazardous substances, petroleum products or environmental violations existed on the subject property in the past in quantities believed to be potential contaminants.

### **5.5.3 Possible Legal Action Involving the Property Owner**

The following information was obtained from interviews of owners and/or adjacent property owners of the site. Unless otherwise noted, no effort was made to verify the accuracy of this information through a review of court or other public records. The following information was disclosed.

*No Past Legal Action Taken Against Property Owner*

Owners of the site stated that no past lawsuits or administrative proceedings have been filed against the present property owner for the release of hazardous substances or petroleum products. Unless otherwise noted, no effort was made to verify the accuracy of this information through a review of court or other public records.

*No Pending Legal Action Taken Against Property Owner*

Owners of the site stated that no pending lawsuits or administrative proceedings have been filed against the present Facility Operator for the release of hazardous substances or petroleum products. Unless otherwise noted, no effort was made to verify the accuracy of this information through a review of court or other public records.

## 6.0 FINDINGS AND CONCLUSIONS

ESNW performed a Phase I Environmental Site Assessment for the property located at North 199<sup>th</sup> Street and Echo Lake Place North, Shoreline, King County, Washington in accordance with ASTM E 1527-00 Standards. This included a site reconnaissance, key person interviews, historical information review, regulatory agency database review and expanded environmental sampling.

Findings reveal several environmental concerns related to the subject property including diesel fuel leakage from the abandoned Flat-Bed truck, an out of compliance UST associated with the former residence, and hazardous chemical release from a 55-gallon drum found on the subject property. The UST is minimally regulated, yet needs to be decommissioned by licensed professional. A summary of analytical results from soil sampling related to the abandoned truck and 55-gallon drum are presented in the two tables below. The actual laboratory data is presented in Appendix C.

TABLE 1.

<u>Sample Location</u>	<u>Sample ID</u>	<u>Volatiles*</u>	<u>Petroleum (ppm)^</u>
Beneath Eastern End of Flat-Bed Truck	ES-120-01-TR1	NA	1697
Outside Eastern End of Flat-Bed Truck	ES-120-01-TR2	NA	650
Under Blue 55-Gallon Drum	ES-120-01-55GD	ND	NA

\*EPA Method 8260B Analysis consists of 68 Compounds of Concern reported in mg/kg, (ppm).

^NW-TPH-Dx, Total Petroleum Hydrocarbons-Extended Diesel Range, MTCA Cleanup Level = 2000 ppm.

NA = Not Applicable or Not Tested, ND = Not Detected.

Based upon the evaluation of the above analytical (Method NW-TPH-Dx) results for the soils tested beneath and near the abandoned flat bed truck, total petroleum hydrocarbon compounds are present, but below cleanup action levels. Base upon the analytical results for soil tested for the presence of volatile (EPA Method 8260B) compounds beneath the 55-gallon drum, no compounds of concern are present. However, when tested for the presence of semi-volatile (EPA Method 8270C/SIM) compounds, the soil beneath the 55-gallon drum shows the presence of several compounds of concern.

**TABLE 2.**

<b>Sample ES-120-01-55GD</b>	<b>Concentration</b>	<b>Cleanup Level</b>
<b>Compound</b>	<b>mg/kg (ppm)</b>	<b>mg/kg (ppm)</b>
Acenaphthylene	0.042	See benzo[a]pyrene*
Fluorene	0.017	See benzo[a]pyrene*
Phenanthrene	0.18	See benzo[a]pyrene*
Anthracene	0.035	See benzo[a]pyrene*
Di-n-butylphthalate	0.044	800
Fluoranthene	0.3	See benzo[a]pyrene*
Pyrene	0.35	See benzo[a]pyrene*
Butylbenzylphthalate	0.2	1600
Benzo[a]anthracene	0.13	See benzo[a]pyrene*
Chrysene	0.21	See benzo[a]pyrene*
bis(2-Ethylhexyl)phthalate	0.25	70
Benzo[b]fluoranthene	0.26	See benzo[a]pyrene*
Benzo[k]fluoranthene	0.079	See benzo[a]pyrene*
Benzo[a]pyrene	0.2	0.1
Indeno[1,2,3-cd]pyrene	0.13	See benzo[a]pyrene*
Dibenz[a,h]anthracene	0.034	See benzo[a]pyrene*
Benzo[g,h,i]perylene	0.26	See benzo[a]pyrene*

\***Benzo[a]pyrene.** MTCA Cleanup level based on direct contact using Equation 740-2. If other carcinogenic PAHs are suspected of being present at the site, test for them and use this value as the total concentration that all carcinogenic PAHs must meet using the toxicity equivalency methodology in WAC 173-340-708(8).

Evaluation of this analytical information for the soil sample tested beneath the 55-gallon drum reveals a reasonable environmental concern. Most all of the compounds that cause this concern are in a class of compounds known as Polycyclic-Aromatic Hydrocarbons, (PAHs); of which the compound Benzo[a]pyrene is used as the determinant chemical to drive cleanup actions. Specifically, a site is considered successfully remediated when all compounds in this class total a concentration no greater than 0.1 mg/kg (ppm). A class of compounds known as phthalates were also found onsite, but are well below cleanup levels.

These analytical results are consistent with field observations in that stressed vegetation was Not found in the vicinity of the 55-gallon drum. Specifically, the low levels of PAHs found onsite are not sufficient to cause plant distress. While it is impossible to predict the exact amount of PAH product associated with the 55-gallon drum, the lack of stressed vegetation and the low levels of these compounds reflect a limited impact to the surrounding environment.

At the time of this site assessment, a further Phase II investigative remediation is warranted for the subject property. These impacted soils will require management as regulated waste. From a cost-containment perspective, an initial excavation of five to ten yards of soil in the vicinity of the 55-gallon drum with confirmatory soil testing is recommended.



## **7.0 LIMITATIONS AND EXCEPTIONS OF ASSESSMENT**

### **7.1 Limiting Conditions and Influence on Fair Market Value**

The professional environmental site assessor has used his or her best judgment and has conducted the ASTM suggested inquiries when conducting this assessment.

This environmental site assessment cannot wholly eliminate uncertainty regarding the potential for recognized environmental conditions concerning the subject site or adjoining properties.

Due to the additional cost needed to obtain information or that the time required to gather it could outweigh the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions.

Not every property will require the same amount of site assessment work. Various factors will determine the appropriate level of involvement, such as the type of property being assessed, how it is used, the extent of contamination, and the amount and kind of data collected. Any one of these will determine the appropriate level of environmental site assessment.

Not all inquiries will identify a significant environmental condition existing on the subject property. All environmental assessments are governed by circumstances and conditions that existed on the day of site assessment.

The presence of environmental liabilities and their associated clean up costs may influence the fair market value of the subject property. Market value is understood to be the most probable price estimated in terms of money that the property will bring if exposed for sale on the open market by a seller who is willing but not obliged to sell, allowing a reasonable time to find a buyer who is willing but not obliged to buy, both parties having full knowledge of all the uses to which it is adapted, for which it is capable of being used, or for which it has been used.

The environmental assessor assumes no responsibility for any changes in the fair market value of the property that might result from the performance of the environmental assessment activities, or disclosures of environmental conditions relating to the property

### **7.2 Certification of Site Assessment**

The environmental site assessor certifies and agrees that:

The site assessor has no present or contemplated future interest in the property inspected.

The site assessor has no personal interest in or bias with respect to the subject matter of the assessment report or the participants to the sale. This Environmental Site Assessment Report is not based in whole or in part upon the race, color, or national origin of the prospective owners or Facility Operators of the property inspected, or upon the race, color or national origin of the present owners or Facility Operators of the properties in the vicinity of the property inspected.

The site assessor has personally inspected the property and has made an exterior site assessment of all neighboring properties in the report. To the best of the site assessor's knowledge and belief, all statements and information in this Site Assessment Report are true and correct, and the site assessor has not knowingly withheld any significant information.

The legal description and address furnished is correct according to the information furnished to the site assessor.

This site assessment report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the environmental organizations with which the site assessor is affiliated.

All conclusions and opinions concerning the subject site that are set forth in the Site Assessment Report were prepared by the site assessor whose signature appears on the Assessment Report.

### **7.3 General Qualifications**

In the professional judgment of the site assessor, the scope of this investigation was sufficient to determine whether further investigation was warranted, given the nature and specific circumstances of the site. The site assessor performed this Phase I ESA in conformance with the care and skill currently exercised by reputable environmental consulting firms practicing under similar conditions in the state of Washington. No other warranty or representation of any kind, expressed or implied, at common law or created by statute, is extended, made or intended by the site assessor's rendering consulting services or furnishing oral and/or written reports of its findings.

The site assessor has no obligation to any third party who intends to, or will, rely on this report and specifically disclaims any such responsibility. The site assessor assumes no obligation for reporting any facts revealed by the environmental site assessment or contained in the Phase I ESA report to anyone other than the Client.

This report does not constitute legal advice, nor does the site assessor purport to give legal advice. Environmental conditions and regulations are subject to constant change and reinterpretation. It should not be assumed that current conditions and/or regulatory positions will remain constant. Furthermore, because the facts stated in this report are subject to professional interpretation, differing conclusions could be reached by other professionals.

Certain information contained in this report may have been obtained from agencies or through personal interviews. The site assessor cannot warrant that such information is accurate. Except as discussed in the report, the site assessor has not verified the accuracy of such information.

Contaminates may be hidden in the subsurface materials, having been placed there due to the actions of man, or covered by foliage, water, snow, concrete, asphalt, or other materials. This contamination may not be present in predictable locations. The most that the site assessor can do is formulate a logical assessment program to reduce the client's risk of later discovering previously unknown contamination. The greater the extent of exploration on a property, the greater the probability of finding contamination, if present. Even with extensive exploration, it is not possible to say with total certainty that contaminants are not present at a particular site.

Many environmental assessments are undertaken to satisfy the "due diligence" requirement in the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and appropriate state requirements. The level of investigative work required to demonstrate "due diligence" has not been legislatively defined by Congress, the U.S. EPA, or appropriate state bodies. Although the site assessor strives to investigate each site to discover all possible sources of contamination, the site assessor cannot warrant that the work undertaken for this report will provide a due diligence defense asserted under CERCLA, or any other federal, state, or local laws.

No warranty can be made that conditions observed were representative of areas not observed. Tests or data collected for this report were obtained only for the purposes stated in this report, and should not be used for reasons other than those intended.

The site assessor assumes no responsibility for legal issues affecting the property inspected, nor does the site assessor render any opinion as to the marketability of title.

Any sketches in the report may show approximate dimensions. Sketches are only included to assist the reader in visualizing the property. The site assessor did not survey the property.

Unless arrangements have been previously made, the site assessor will not be required to give testimony or appear in court because of having made the Environmental Site Assessment with reference to the property in question.

Possession of this Environmental Site Assessment Report does not carry with it the rights of publication, and any parts thereof may not be reproduced in any form without written permission of its writer, or the client who ordered the report.

The site assessor assumes that there are no hidden, unapparent, or latent conditions or defects on the property, subsoil, or structures that would render it more valuable, less valuable or hazardous. The site assessor assumes no responsibility for such conditions or for the site assessment, engineering, or repair that might be required to discover or correct such factors.

Information, estimates, and opinions furnished to the environmental site assessor and contained in the report were obtained from sources considered reliable and believed to be true and correct. The site assessor however, assumes no responsibility for the accuracy of such information.

This Environmental Site Assessment is not intended to (but indeed may) have a direct effect on the value of the property inspected. It is conducted solely for the educational benefit of the principal parties.





























The contents of this report, including any conclusions as to value or hazards and the identity of the site assessor shall not be disseminated to the public through advertising media, public relations media, news media, sales media, or any other public means of communication without the prior written consent and approval of the environmental site assessor.

ATTACHMENT P:

LANDSCAPE PLAN

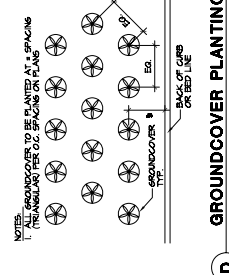
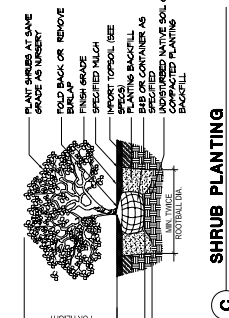
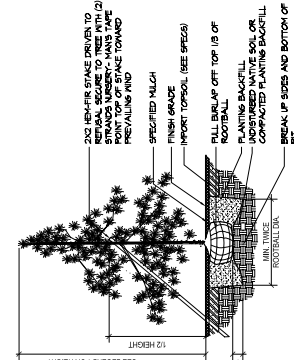
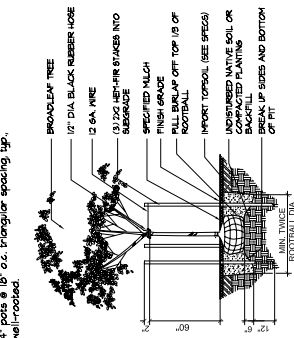
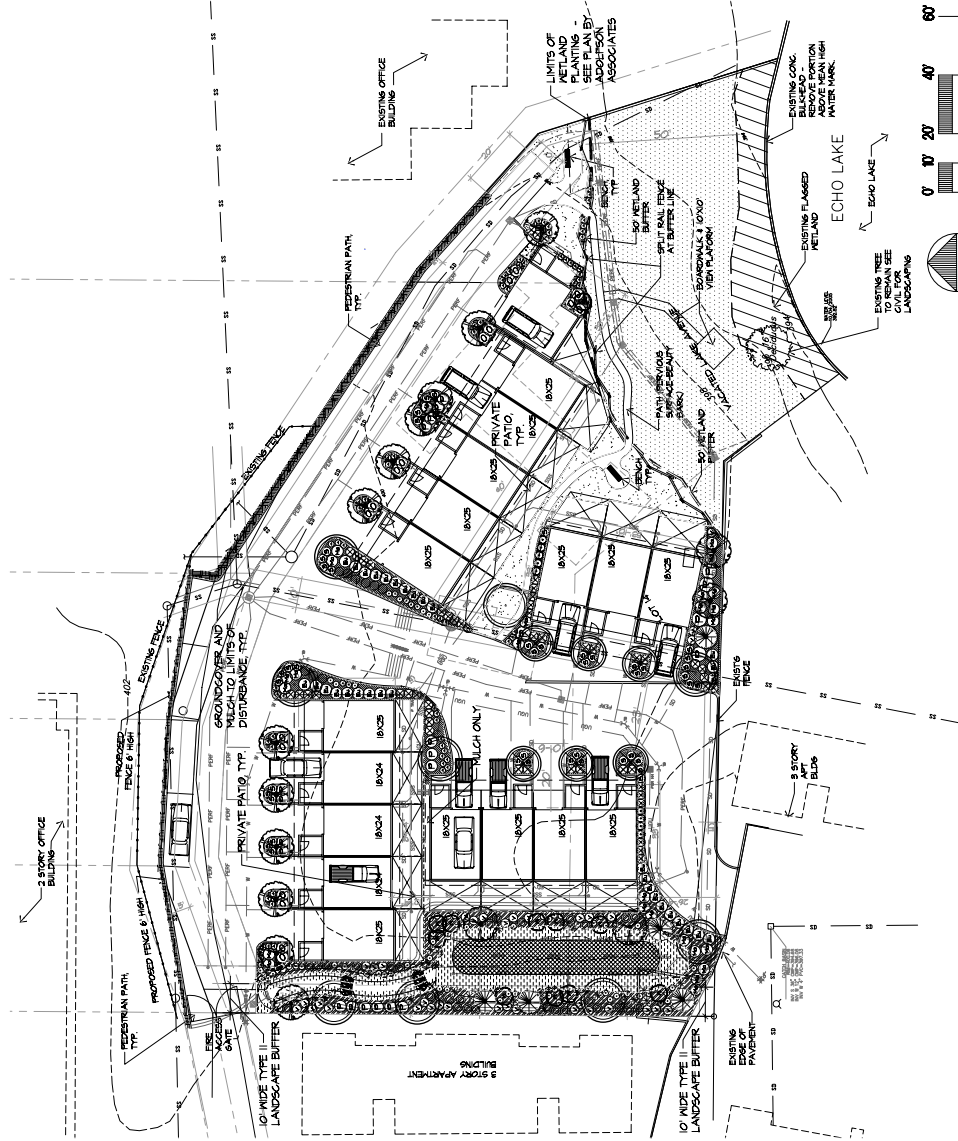
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# LANDSCAPE SCHEDULE

SYMBOL	QTY.	SCIENTIFIC NAME	COMMON NAME	REMARKS/DESCRIPTION
<b>DECIDUOUS TREES</b>				
	4	<i>Camptocarpus japonicum</i>	Katsura Tree	1-1/2" cal., 7-8' ht., well-branched B&B, spacing as shown on plan.
	16	<i>Acer circinnatum</i>	Vine Maple	Multi-stem min. 3" @ 1" cal., min. 12' ht., well-branched B&B, spacing as shown on plan.
	6	<i>Acer palmatum Bloodgood</i>	Bloodgood Japanese Maple	1-1/2" cal., 7-8' ht., well-branched B&B, spacing as shown on plan.
<b>CONIFER TREES</b>				
	5	<i>Thuja plicata 'Hogan'</i>	Hogan Cedar	5-6' ht. full and bushy to base, spacing as shown on plan.
<b>MEDIUM / LARGE SHRUBS</b>				
	27	<i>Morinda a. Orange Flame'</i>	Orange Flame Oregon Grape	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	17	<i>Oenothera l. 'Mildred'</i>	Holly-leaved Oenothera	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	22	<i>Pieris japonica Forest Flame'</i>	Forest Flame Pieris	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	11	<i>Thuja occ. Emerald'</i>	Emerald Green Arborvitae	4-5' ht. full and bushy B&B or container, spacing as shown.
	35	<i>Yucca ovata</i>	Evergreen Yucca	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	34	<i>Syrphocarpus alba</i>	Shrubbery	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	11	<i>Hamamelis 'Harmelma Dore'</i>	Dore Hamamelis	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	32	<i>Euonymus a. 'Compasia'</i>	Dwarf Winged Euonymus	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	51	<i>Prunus l. 'Otto Luyken'</i>	Otto Luyken Laurel	Min. 24" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
<b>SMALL SHRUBS</b>				
	73	<i>Cornus stolonifera 'Kelsley'</i>	Dwarf Redwing Dogwood	Min. 15" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	77	<i>Gaultheria procumbens</i>	Soldi	1 gal. cont. full and bushy, spacing as shown on plan.
	4	<i>Pinus mugo mugo</i>	Mugo Pine	Min. 15" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
	45	<i>Spiraea j. 'Pink Princess'</i>	Pink Flowering Spiraea	Min. 15" spread/ht., full and bushy B&B or cont. spacing as shown on plan.
<b>GROUNDCOVERS, VINES AND FERNS</b>				
	25	<i>Asplenium platyneuron</i>	Kimblewick	1 gal. @ 30" o.c. triangular spacing, cont. typ., well-rooted.
	25	<i>Nepenthes</i>	Crimpey	1 gal. @ 30" o.c. triangular spacing, cont. typ., well-rooted.
	25	<i>Fragaria chiloensis</i>	Sand Strawberry	4" pots @ 18" o.c. triangular spacing, full, well-rooted.
	25	<i>Polygonum multiflorum</i>	Sword Fern	1 gal. cont. full, min. 12" healthy fronds per plant or transplanted from on-site, spacing as shown on plan.
	25	<i>Seed Lawn</i>		See spec.
	25	<i>Infiltration Pond Seed Mix</i>		See spec.
<b>INFILTRATION POND PLANTING MIX</b>				
	40	<i>Iris ensata</i>	Japanese Iris	1 gal. cont. full, well-branched. Plant in random groups of 5-7 @ 30" o.c.
	60	<i>Carex obovata 'Aurea'</i>	Aurea Golden Sedge	
	60	<i>Cornus stolonifera 'Kelsley'</i>	Dwarf Redwing Dogwood	
	300	<i>Fragaria chiloensis</i>	Sand Strawberry	
	25	<i>Fence</i>		

## PLANTING NOTES

- ALL NEW LANDSCAPE AREAS ARE TO BE WATERED WITH AN AUTOMATIC WATER CONSERVING IRRIGATION SYSTEM.
- ALL NEW SHRUB AND GROUNDCOVER AREAS ARE TO BE MULCHED WITH A MINIMUM 2" DEPTH OF SPECIFIED MULCH.
- WHERE GROUNDCOVERS ARE PROVIDED, IT SHALL BE PLANTED AT THE SPECIFIED SPACING THROUGHOUT THE BED, INCLUDING AREAS UNDERNEATH TREES AND SHRUBS START FIRST ROW 12" FROM EDGE OF BED.
- REFER TO SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.



## A DECIDUOUS TREE PLANTING

## B CONIFER TREE PLANTING

## C SHRUB PLANTING

## D GROUNDCOVER PLANTING

THIS PLAN IS FOR CODE SUBMITTAL TO GOVERNING JURISDICTIONS AND IS NOT FOR BIDDING OR CONSTRUCTION.

L1.01  
Sheet



Prescott Homes, Inc.  
1160 N 198th Street, Shoreline, Washington

WEISMAN DESIGN GROUP  
LANDSCAPE ARCHITECTURE  
2222 EAST ANDERSON STREET  
SEATTLE, WA 98102-5416  
PH 206.322.3272 FAX 206.322.1799  
WWW.WDAGROUP.COM

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ATTACHMENT Q

# WATER AVAILABILITY CERTIFICATE

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## WATER AVAILABILITY CERTIFICATE

For Property: **1160 N 198th Street** In: Shoreline Map No: 202-2

Requested for: Building Permit Rec'd by SPU: 02/03/2006

Developer:

**This Certificate is:**

**Approved; Building Permit may be approved at this time.** Property owner may order water service after meeting all service requirements. No change to the water distribution system is required. (see Water Service Requirements.)

**Approval Comments:**

Approval of this WAC is conditional: design and installation of about 175 feet 8" diameter DIP water main in private roadway extending from north end of existing 8" main (near SW corner of property) to connect with existing 4" main near north edge of property, including 1 standard fire hydrant. Also required, installation of about 220 ft of 4" D.I. main along extension of N 199th St. The minimum roadway width for installation of 4" water mains is 20 feet between building faces, or between building face and property line, for the full height of the building(s).

Certificate Prepared by: K Y

Certified by: Karen Younge

Date: 02/10/2006

This Water Availability Certificate ID No. **20060241** shall be valid for no more than 18 months from the date of certification. Changes after certification date may alter requirements.

**Fireflow or other Seattle Fire Department requirements may alter water availability at any time. Water availability requirements will change if existing system cannot support desired water service.**

### EXISTING WATER SYSTEM INFORMATION

**Water Service(s):**

Size: 1" Type: Domestic Material: Galvanized Iron Meter: In

**Pressure Zone:** 590 **Elevation:** 402 **Static Pressure:** 81 psi

Recommended design pressure is 20 psi less than static pressure.

Proximity of nearest fire hydrant is: 1270 feet SW of Property. Rate of flow at nearest hydrant is approximately: 3140 gpm at 20psi for 2 or more hours, based on: Flow Test

**Comment:**

Tested hydrant is on SE corner of 199th St and Echo Lake Pl.

**Water Main:**

Size: 4 inches Material: Cast Iron Class: 150 Year: 1946

- SubStandard
- Abutting

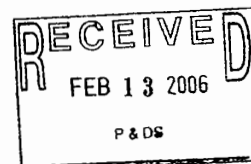
Water Main is available to serve in: N 199th Street AND Easement over adjoining property

Distance of main to margin of street is      feet.

Public ROW width is      feet.

The water system is in conformance with a County approved water comprehensive plan, and has water right claims sufficient to provide service.

The proposed project is within Seattle's water utility's direct service area.



201478

Property: **1160 N 198th Street** WAC ID No: 20060241

**Water Service Requirements:**

- New Meter Location: N 198th Street
- The maximum allowable size for the fire services is the same size as the main; the largest available fire service is 8 inches. The maximum allowable size for irrigation, domestic, and combination services is one size smaller than the main; the largest available domestic or irrigation service size is 6 inches; and the largest available combination service is 10 inches.
- **One meter will serve the domestic water needs of a single legal parcel.** If the legal parcel is shortplatted prior to approval for occupancy after final inspection of the building permit, then separate meters will be required for each legally described parcel. This may necessitate the installation of a water main by the developer.
- The property owner is responsible for the installation, maintenance and liability of the service line from the City union near the meter to the building served. New water service piping from the City union to the building must be inspected by SPU prior to covering. Call (206) 684-5800 for an inspection.
- For new water services, Property owner must sign SPU's Application and Agreement for Water Service, pay all connection service charges, and other charges which may or may not be listed below, and submit the legal description of the property to be served. Apply for service at 700 5th Avenue, 31st floor. The time between the service order and installation varies depending on workload, service size and type. **Wait Times can be 30-90 days;** call (206) 684-5800 for the current projected wait time.
- Backflow Prevention Assemblies on private property may be required. SPU and KCHD (King County Health Dept) are the administrative authorities engaged in a joint program identifying actual and potential cross-connections between the public water supply and possible sources of contamination. Please call Water Quality Inspection Services at (206) 684-3575 for more information.
- Prior to ordering a new water meter that will serve a back lot, a recorded easement with a suggested minimum width of 5' must be provided. If more than one water service line is needed through an easement, the easement is suggested to be a minimum of 2.5' per service line.
- Underground piping through an easement, from the City union to the property line, must be either type K or L copper, or Ipex Kitec (PE-AL-PE) and fittings.
- A PRV (pressure-reducing valve) on private property is required. The Uniform Plumbing Code requires a PRV when water pressure is 80 psi or greater for domestic water service only.

**Required Payments:**

- A calculated Connection Charge may apply when any new water service is ordered.
- When required by the Fire Department, or when requested by the developer, standard charges for hydraulic modeling or a hydrant flow test are due.
- Standard charges are due when any new water service is ordered, or when any existing water service is retired or re-established.
- For questions regarding standard charges or other fees for water service, please contact Seattle Public Utilities at 206-684-5800.

**General Comments:**

- One domestic water meter is allowed to serve one legal parcel. A subdivision must be approved with address(es) assigned prior to ordering additional water service(s).
- Plans provided at this time do not indicate change to existing water service(s). Please provide detailed plans of water services at time of ordering new meter(s). Please realize that water requirements may change when desired water service is requested.
- If the proposed project changes after this review of Water Availability, or if the current plan submitted to SPU does not detail the entire scope of the proposed project, water requirements may change and a new Water Availability Certificate will need to be issued to supersede the Water Availability Certificate which is based on incomplete or modified data.
- Customers connected to sewers in the King County (KC) service area are subject to the KC capacity charge. Call King County (206) 296-1450 for more information.
- WAC request does not show number of stories in proposed building. Backflow protection (DCVA) required on services exceeding 3 stories or 30 ft. in height above the meter (measured to the highest water fixture).

ATTACHMENT R:

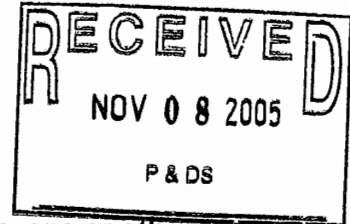
# CERTIFICATE OF SEWER AVAILABILITY

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RONALD WASTEWATER DISTRICT  
CERTIFICATE OF SEWER AVAILABILITY



This certificate provides the City of Shoreline with information necessary to evaluate development proposals.



- ☒ Sewer Available - See Requirements Below.  
☐ Sewer Not Available At This Time - See Conditions Below.  
☐ Building Permit ☒ Preliminary Plat or PUD ☐ Short Subdivision ☐ Rezone or other \_\_\_\_\_

APPLICANT'S NAME: Greg Kappers

PROPOSED USE: 18 Town Homes

LOCATION: 1145 N 199 St

SEWER AGENCY INFORMATION

- ☐ Sewer service will be provided by side sewer connection only to an existing 6" or Main size sewer adjacent feet from the site and the sewer system has the capacity to serve the proposed line.  
**OR**

- ☒ Sewer service will require an improvement by the sewer system of:

- ☐ (1) \_\_\_ feet of sewer trunk or lateral to reach the site; and/or ☒ (2) the construction of a collection system on the site; and/or ☒ (3) *All 6" side sewers will serve to a new manhole to be installed on the existing main.*

2. a. ☒ The sewer system improvement is in conformance with a city approved sewer comprehensive plan **OR**  
b. ☐ The sewer system improvement will require a sewer comprehensive plan amendment.  
3. a. ☒ The proposed project is within the corporate limits of the District or has been granted Boundary Review Board approval for extension of service outside the District or city **OR**  
b. ☐ Annexation or BRB approval will be necessary to provide service.

4. Service is subject to the following:

- ☒ a. Connection charge: Will be due. See attachment.  
☒ b. Easement(s): May be required  
☒ c. Other: See attachment.

I hereby certify that the above sewer agency information is true. This certification shall be valid for one year from date of signature.

Ronald Wastewater District

Al Dann

Agency Name

Signatory Name

Planning & Development and IT Analyst

24 October 2005

Title

Signature

Date

## ATTACHMENT TO CERTIFICATE OF SEWER AVAILABILITY


Dated: 24 October 2005

For Applicant: Greg Kappers

Sewer service is available contingent upon the owner meeting all District requirements under our Rules and Regulations, Res. 05-06 as amended, and any other District policies pertinent to the particular project. We have reviewed the applicant's request and noted some conditions below. A more comprehensive review during Ronald Wastewater application review process may reveal other conditions to be met.

4. c. Other

- ☒ Applicable District permits, fees, plan review and approval.
- ☒ All new connections, additional connections, or revised connections are subject to Metro Capacity Charge. Questions: contact Metro Community Relations at 684-1138.
- ☒ Connections are subject to Ronald Wastewater District General Facilities Charge and/or Local Facilities Charge as outlined in Res. 05-04.
- ☐ Approved/Recorded short plat or lot line adjustment submitted to District with side sewer permit application.
- ☐ Addition encroaches on existing side sewer. Check with Local Plumbing Agency regarding current plumbing regulations.
- ☒ Rezone may impact our sewer facility and require future upgrading of our facilities. You will be responsible for all costs (FOR ALL APARTMENT AND CONDO REQUESTS).
- ☒ This project requires a developer (mainline) extension. Developer to complete application and submit fees.  
( *installation of a new manhole over existing mainline to serve new town homes* )
- ☐ May require saddle on main and right of way permits.
- ☐ May require Department of Fisheries approval and permit.
- ☐ Hold Harmless (Indemnification) required.
- ☐ Cap off of existing sewer required prior to demolition of any structure. Permit and inspection is required.  
NOTE: Unit will remain in billing until cap off is completed per District specifications.
- ☒ Easement may be required on District form and must be returned to District for recording along with appropriate fee. Easement must be submitted prior to issuance of any permits.


Prepared by   
Alton C. Dann



ATTACHMENT S:

# FIRE LANE PLAN

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**CB ANDERSON ARCHITECTS**  
 7205 Greenwood Avenue, N.W.  
 Seattle, Washington 98103  
 Tel: 206.461.1111  
 Fax: 206.461.1111

**CLIENT & APPLICANT:**  
 Prescott Homes, Inc.  
 10613 NE 38th Place #17  
 Kirkland, WA 98033  
 (425) 822-2629

**PROJECT:**  
 Shoreline Townhomes  
 1160 N 198th Street  
 Shoreline, WA 98133

**SHEET TITLE:**  
 FIRE LANE PLAN

**REVISIONS:**  
 28 Feb 2006

**DRAWN BY:**  
 JMS

**SCALE:**  
 1" = 30'-0"

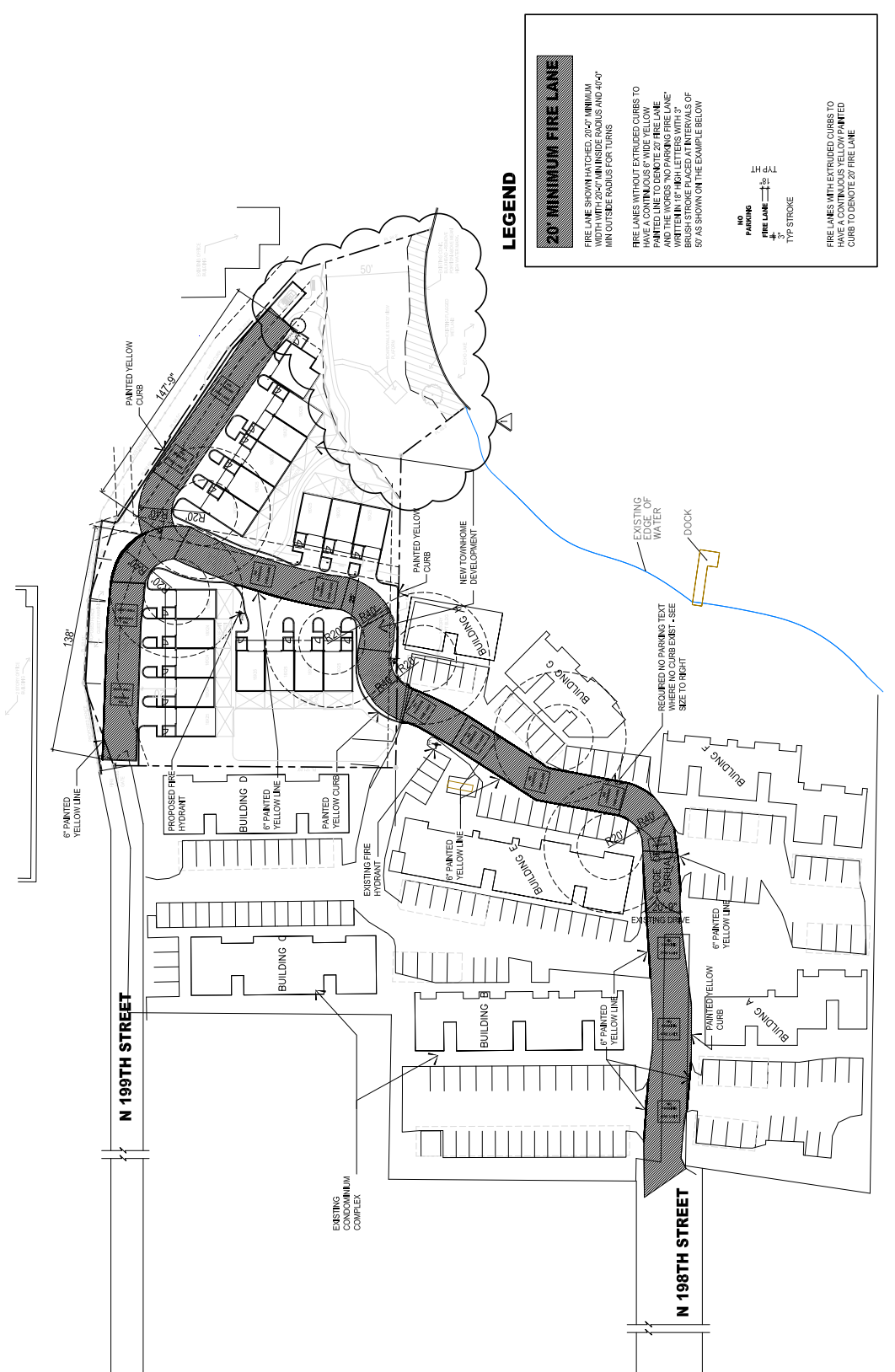
**DATE:**  
 28 October 05

**JOB NUMBER:**  
 00000

**SHEET NUMBER:**  
 A-1

NOT FOR CONSTRUCTION UNLESS CITY APPROVAL STAMP APPEARS ON THIS SHEET

COPYRIGHT © ANDERSON ARCHITECTS. ALL RIGHTS RESERVED. NOT TO BE REPRODUCED WITHOUT PERMISSION. ORIGINAL SHEET SIZE 24" x 36"



### LEGEND

#### 20' MINIMUM FIRE LANE

FIRE LANE SHOWN HATCHED, 20'-0" MINIMUM WIDTH WITH 20'-0" MIN INSIDE RADIUS AND 40'-0" MIN OUTSIDE RADIUS FOR TURNS

FIRE LANES WITHOUT EXTRUDED CURBS TO HAVE A CONTINUOUS 8" WIDE YELLOW PAINTED CURB. THE WORDS "NO PARKING" AND THE WORDS "FIRE LANE" SHALL BE WRITTEN IN 18" HIGH LETTERS WITH 3" BRUSH STROKE PLACED AT INTERVALS OF 50' AS SHOWN ON THE EXAMPLE BELOW

NO PARKING  
 FIRE LANE  
 TYP HT  
 TYP STROKE

FIRE LANES WITH EXTRUDED CURBS TO HAVE A CONTINUOUS YELLOW PAINTED CURB TO DENOTE 20' FIRE LANE



NORTH

### FIRE LANE PLAN

SCALE: 1" = 30'-0"



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ATTACHMENT T

**DRAFT CC&Rs**

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AFTER RECORDING RETURN TO:  
Prescott Homes, Inc.,  
10613 NE 38<sup>th</sup> Pl, #17  
Kirkland, WA 98033

**DRAFT COPY**

GRANTOR Prescott Homes, Inc.

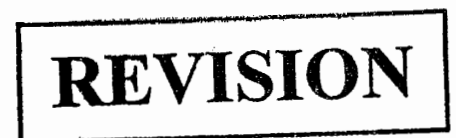
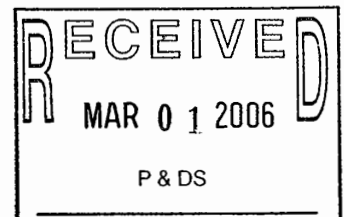
GRANTEE Prescott Homes, Inc.

Legal Description: See "Exhibit A"

ASSESSOR's TAX PARCEL NUMBERS: #2227300071  
#2227300070

DECLARATION OF PROTECTIVE COVENANTS,  
EASEMENTS, PARTY WALL PROVISIONS,  
CONDITIONS AND RESTRICTIONS

**DRAFT COPY**



201478

201478  
Page 209

THIS DECLARATION, running with the land, executed this 23rd day of February 2006, by Prescott Homes, Inc., a Washington corporation ("Declarant") is made with reference to the following facts:

## 1 TOWNHOUSE DEVELOPMENT

1.1 Declarant is the owner of two adjacent parcels of land located in City of Shoreline, King County, Washington, commonly known as 1160 N 198<sup>th</sup> Street., and legally described on **Exhibit A** attached hereto, and graphically depicted on **Exhibit B**. As of the date of this Declaration, Declarant is in the process of subdividing Parcel 226 into eighteen (18) lots (subdivision, number #201478). The lots to be included in the plat are referred to herein as the Lots.

1.2 Declarant declares that Parcel 1160 N 198<sup>th</sup> Street and all eighteen (18) lots upon recording of the subdivision, shall be subject to the terms of this Declaration. Declarant agrees and covenants that all land and improvements now existing or hereafter constructed thereon will be held, sold, conveyed subject to, and burdened by the following easements, covenants, conditions and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of such lands for the benefit of all of such lands and the owners thereof and their heirs, successors, grantees and assigns.

1.3 Declarant is constructing one residential townhouse dwelling structure ("each a "Townhouse") on each of the Lots as graphically depicted on **Exhibit B**.

1.4 Adjoining Townhouses share use of a common wall defined herein as a "Party Wall".

1.5 All Lots have certain non-exclusive ingress, egress, parking and utility easement rights under the terms of this Declaration.

1.6 Declarant desires to impose certain protective covenants, additional easements, Party Wall provisions, conditions, and restrictions upon the Real Property for the mutual benefit of all lots under the terms of this Declaration.

NOW, THEREFORE, Declarant hereby declares and establishes these protective covenants, easements, party wall provisions, conditions and restrictions.

## 2 DEFINITIONS

2.1 "Benefited Owner" shall mean an Owner benefiting from an easement right granted under this Agreement.

2.2 "Burdened Owner" shall mean an Owner burdened by an easement right granted under this Agreement.

2.3 "Declarant" shall mean Prescott Homes, Inc., a Washington corporation.

2.4 "Ingress, Egress, Pedestrian Access, Utility and Parking Easement" shall mean the easement designated as "Ingress, Egress Pedestrian Access, Utility and Parking Easement" and legally described on **Exhibit A** and as graphically depicted on **Exhibit B**.

2.5 "Lot" shall mean any one of the 1160 N 198<sup>th</sup> Street Lots. Each Lot shall include the land and the Townhouse located on such land.

2.6 "Owner" shall mean the record owner of a fee simple title to any Lot or Lots, which are a part of the Real Property.

2.7 "Party Wall" shall mean a wall used and intended to be used in common by two adjoining Lot Owners for the benefit and convenience of each such Lot Owner.



2.8 "Real Property" shall mean that certain real property described on **Exhibit A**.

2.9 "Structure" shall mean any improvement on the Property, including but not limited to any building, fence, wall, driveway, walkway, patio, garage, storage shed, carport, mailboxes, swimming pool, rockery, dog run or the like.

2.10 "Townhouse" shall mean any one of the eighteen (18) residential structures, which are, located on any 1160 N 198<sup>th</sup> Street Lot.

2.11 "Tract "A" shall mean that tract of land consisting of the wetland and wetland buffer area. Tract "A" shall be deeded to an entity other than Declarant or the Lot Owners of the Real Property.

2.11 "Utility" shall mean any fixtures, lines and equipment, including, without limitation, water, storm sewer, television cable, fiber optic, communications lines, drainage lines or courses, sanitary sewer, gas, water, electric and telephone lines, pipes, security systems, lighting, miscellaneous Utility conduit and other related or similar facilities

### 3 EASEMENTS

3.1 GRANT OF INTERNAL STRUCTURAL EASEMENTS FOR UTILITIES Declarant declares that utility lines, which provide services to the Lots, were or will be installed within the Townhouses at locations, which are not necessarily identified on any map or plan. Such wires, pipes and lines were installed between the floor or ceiling joist and/or in the Party Walls without regard to boundaries of ownership. Declarant grants an easement for utility purposes over and across each Lot where each such wire, pipe and/or line currently lies to favor of the Lots served by such wires, pipes and/or lines. In the event any repair or replacement of any such wire, line or pipe is required by any Lot Owner and such repair or replacement requires entry into another Lot Owner or Lot Owners' Townhouse, the "Consenting Lot Owner" (i.e., the Owner of the lot which will be entered) agrees to grant reasonable rights of entry for such purposes and further grants such other Lot Owner the right to make such repairs or replacements from within such consenting Lot Owner's Townhouse, on condition that the Lot Owner(s) in need of such entry and such work, promptly pays the cost of such work and restores the Consenting Lot Owner's Townhouse to the same condition it was before such entry and work therein. This provision is intended to be interpreted in favor of the Consenting Lot Owner who must grant entry for such purposes and shall be liberally interpreted to ensure that a Consenting Lot Owner is not damaged by such work.

3.2 GRANT OF SHARED INGRESS, EGRESS AND UTILITIES EASEMENT Each Owner of a Lot is hereby granted and conveyed a perpetual nonexclusive easement for pedestrian access and utilities over, across, under and through such portion of the Ingress, Egress, Pedestrian Access, Utilities and Parking Easement, common open space easements, and utility easements for infiltration areas as is located on any other Lot. In addition, each owner of a lot is hereby granted and conveyed a perpetual non-exclusive easement for vehicular ingress and egress and parking across that portion of the Ingress, Egress, Pedestrian Access, Utility and Parking Easement dedicated for parking and as located on Lots 7, 8 and 9. In no event shall any Owner construct any Structure in the Ingress, Egress, Pedestrian Access, Utilities, common open space, utility infiltration easements and Parking Easement Area, or cause or allow to continue any condition which would render the Ingress, Egress, Pedestrian Access, Utilities and Parking Easement Area to become impassable, difficult or dangerous to use.

3.3 GRANT OF EXTERNAL EASEMENTS Declarant grants Utility Easements including, but not limited to, electrical power wires, natural gas pipelines, cable wires, natural gas pipelines, telephone wires, security systems, water pipelines, plumbing pipelines, retention system and mail service and related equipment as follows:

3.3.1 Declarant grants Utility Easements for all typical Utility and service purposes, including, but not limited to, electrical power lines, water pipelines, infiltration areas, drainage pipes and related equipment which form a part of the drainage and retention system which services the property, cable, natural gas, mail service security systems, and telephone to all Lots, for the utilities and services as constructed, but the location not specifically called out as an easement area on the Plat. The intent of this easement is to allow

the supplies of such Utility services a reasonable right of access and right to perform improvements, maintenance and repair of the Utility service systems.

3.3.2 Declarant grants a use and maintenance easement over "Tract "A" to benefit all Lots. Tract "A" shall be deeded to another entity and will be used and maintained by the Owners of the Lots. Maintenance will include maintenance of the boardwalk and buffer area.

3.3.3 NA

3.3.4 Declarant has built and located fences or vegetation on along property lines or as close to them as functionally and physically possible given natural, man-made, or aesthetic considerations. Declarant hereby grants Easements for all fences and vegetation as constructed, whereby they encroach on a property line.

3.3.5 Declarant grants that no structure shall be built on a Lot in such a manner as to prohibit routine maintenance and repair of any structure, and access for repair and maintenance shall not be denied.

3.3.6 The intent of these Easements are to direct and grant Owners and the suppliers of such Utility services, a reasonable right of access and right to make necessary repairs and replacement of component parts of the Utility service systems. The Owners of the Lot(s) which benefit from any work in such Utility Easement area shall bear the cost of such repair and replacement and are obligated to restore the ground surface, vegetation, fences or structures to the same condition prior to such Utility repair or replacement. The fact that Utility services are located on one specific Lot shall not impose any greater obligation of maintenance of any Utility services upon the Owners of that Lot than on any other Lot Owners.

3.4 TEMPORARY CONSTRUCTION EASEMENTS Each Owner burdened by an easement right under this Declaration hereby grants to any other Owner benefited by such easement a non-exclusive appurtenant temporary construction easement on, over and under such portion of the burdened Owner's Lot adjacent to the Ingress, Egress, Pedestrian Access, Utility and Parking Easement Area on such burdened Lot as is reasonably necessary (each a "Construction Easement Area") and on, over and under the and Utilities Easement Area to maintain, repair or replace the improvements contemplated under this Declaration. Any Owner desiring to exercise its rights under this Section 3.5 (each an "Initiating Owner") shall give any applicable burdened Owner (each a "Burdened Owner") not less than thirty (30) days prior notice of the Initiating Owner's exercise of its access rights in any Construction Easement Area located on the Burdened Owner's Lot and shall coordinate its activities therein so as to cause minimum disruption of the Burdened Owner's activities on the Burdened Owner's Lot. The Initiating Owner shall cause its contractor or contractors to conform to all reasonable requests from the Burdened Owner or its occupants regarding minimization of interference with or use of the Construction Easement Area and any access and parking areas outside the Construction Easement Area. In the event that the Initiating Owner disturbs the surface of any Construction Easement Area, it will completely and fully restore the same, together with all improvements and plantings thereon, as much as reasonably possible to the condition existing immediately before such invasion. All restoration shall be performed as soon as reasonably possible following completion of any work and shall be coordinated in advance with the Burdened Owner so as to cause the minimum amount of disruption to the use of and operations on the Burdened Owner's Lot. Notwithstanding any of the foregoing provisions of this Section 3.5, however, in the event of an emergency, an Initiating Owner may make all necessary repairs thereto without the necessity of prior notice to a Burdened Owner, provided only that the Initiating Owner gives the Burdened Owner notice that it is undertaking emergency repairs as soon as possible after commencing such repairs.

#### 4 PARTY WALLS

4.1 DECLARATION OF RELATIONSHIP The Party Walls shared by the Lot Owners which were built as a part of the original construction of the Townhouses and which were intended to be located on the common boundary line of the Lots, which share such Party Walls. All Party Walls are declared to be a Party Wall under the laws of the

state of Washington together with and subject to an easement for use by each adjoining Lot Owner. No windows, chimney flue or other openings may be made in any Party Wall without written joint consent.

4.2 ENCROACHMENT In the event any portion of any adjoining townhouse on a Lot shall actually encroach upon the adjoining Lot, or if any such encroachment shall hereinafter arise because of settling or shifting of the building structure or other cause, there shall be deemed to be an Easement in favor of the Owners of the encroaching lot to the extent of such encroachment so long as such encroachment shall exist.

4.3 MAINTENANCE The costs of reasonable repairs and maintenance of the Party Wall shall be shared equally by the Lot Owners who share use of the Party Wall.

4.4 DAMAGE AND DESTRUCTION In the event a Party Wall is damaged or destroyed including by fire, windstorm, earthquake, or other casualty, the following rules shall apply:

4.4.1 Sole Negligence or Fault If such damage or destruction was caused by the sole negligence or fault of one Lot Owner who shares the Party Wall including any acts of omission of such Lot Owner's guests, invitees or licensees, then such Lot Owner shall promptly take all necessary steps to repair such damage and restore the Party Wall to the condition it was prior to such damage or destruction.

4.4.2 Other Causes If such damages or destruction was caused other than by the sole negligence of one Lot Owner who shares the Party Wall, then both Lot Owners who share the Party Wall shall promptly repair such damage or restore the Party Wall to the condition it was prior to such damage or destruction. The Lot Owners shall contribute equally to the cost of such repair or restoration.

4.5 HOLD HARMLESS Each Owner shall fully and completely indemnify and hold any other Owner fully and completely harmless from any and all claims, costs, liabilities and damages arising out of use of any Ingress, Egress and Utilities Easement Area by itself, its agents, contractors and employees (including reasonable attorneys' fees incurred in the investigation or defense of such actions). If any mechanic's, material, laborer's or other lien is asserted against the Ingress, Egress and Utilities Easement Area or the Construction Easement Area or a Burdened Owner's Lot as a result of the construction, repair, maintenance or replacement of any of the improvements constructed in an Easement Area by or on behalf of any Benefited Owner, such Benefited Owner shall cause such lien to be discharged prior to entry of final judgment for the foreclosure of such lien and further agrees to indemnify and hold the Burdened Owner and the Burdened Owner's Lot fully and completely harmless to same extent as set forth in the first sentence of this paragraph on account of such claim or lien. Upon request of the Burdened Owner, the Benefited Owner agrees within thirty (30) days to cause such lien to be released and discharged of record, either by paying the indebtedness which gave rise to such lien or by posting bond or other security as shall be required by law to obtain such release and discharge. Nothing herein shall prevent the Benefited Owner from contesting the validity of a lien so long as the contest is pursued with reasonable diligence. In the event the contest is determined adversely to the Benefited Owner (allowing for appeal to the highest appellate court), the Benefited Owner shall promptly pay in full the required amount, together with any interest, penalties, costs or other charges necessary to release such lien. Upon the Benefited Owner's default hereunder, any amount payable by the Benefited Owner to the Burdened Owner or its successors or assigns, shall bear interest at the rate of five percent (5%) in excess of the prime rate of interest published as such in the Wall Street Journal from time to time. The Burdened Owner shall have a lien on the Benefited Owner's Lot to secure payment and performance of the Benefited Owner's obligations hereunder. Such lien shall attach and take effect only upon recordation of a claim of lien in the office of the recorder of King County, Washington and be foreclosed in the same manner as a mortgage of real property under RCW Ch. 61.12. Each Lot Owner shall indemnify and hold harmless the Owner of any adjoining lot for any labor or material liens arising from work done or material supplied to make repairs or improvements for such Owner's Lot.

## 5 RESTRICTIONS

5.1 SATELLITE DISH/ANTENNA No Lot Owner shall be permitted to install, erect and/or maintain any satellite dishes which are larger than twenty-four inches (24") in diameter and no such dish shall be situated in such a way as to unduly interfere with another Lot Owner's view. "Ham" radio antenna and antennas of a similar type are prohibited.

5.2 YARD LIGHT The existing exterior lighting fixtures were selected and installed by Declarant to provide indirect lighting. Existing lighting fixtures may from time to time be replaced with fixtures that similarly cast indirect light. The wattage or candlepower of new or replacement light bulbs shall not be unreasonably increased. Any Lot Owner may install additional external lighting fixtures provided that such additional lights do not unreasonably cast direct light in the windows of another Lot Owner's Townhouse.

5.3 PETS No animals or fowl shall be raised, kept or permitted on any lot excepting only domestic dogs or cats and excepting caged birds kept within the dwelling unit provided such dogs, cats and pet birds are not permitted to run at large and are not permitted to be kept, bred or raised for commercial purposes or in unreasonable numbers. All pets shall live within their Owner's residence or within the fenced area of each Owner's yard.

5.4 PARKING LIMITATION Each owner of a lot shall be assigned one parking stall in the Ingress, Egress, Pedestrian Access, Utility and Parking Easement area which will be located in front of each Owners garage door. In addition, there will be guest parking easements for four parking stalls located adjacent to the north property line of Lots 7, 8, and 9. It shall be the responsibility of all the lot owners to maintain and repair the parking area located in the Ingress, Egress, Pedestrian Access, Utility and Parking Easement Area pursuant to Section 6.2.6.

5.5 CLOTHING LINES No clotheslines shall be located on a Lot to be visible from the street or other Lots.

5.6 RENTAL OF UNITS Lot Owners may rent or lease Townhouses for residential purposes. However, all rental agreements must be in writing and must include language in substantially the following form:

"Tenant understands and agrees that the rental premises are subject to certain Protective Covenants, Easements, Conditions and Restrictions. Tenant agrees to conform to and abide by all the provisions imposed by said Protective Covenants, Easements and Restrictions, a copy of which is attached hereto as an Exhibit."

Any Lot Owner that rents or leases its Townhouse must provide/ attach a clear and legible copy of this Declaration to all such rental or lease agreements.

## 6 MAINTENANCE

6.1 MAINTENANCE OF STRUCTURES AND LANDSCAPING Each Lot Owner has the obligation and responsibility to maintain his/her Townhouse in good condition and repair. Each Lot Owner shall neatly maintain, water and cultivate all trees, shrubs, flowers, lawns and other landscaping located on such Lot Owner's lot.

6.2 ROOFING AND WEATHER PROTECTION The owner of each townhouse shall maintain the roof, gutters and other weather protection related improvements of such Owner's Townhouse.

6.2.1 In the event of damage, deterioration or destruction of the roof, gutters or other weather protection related improvements of a Lot Owner's Townhouse, such Lot Owner shall promptly repair or replace the damaged, deteriorated or destroyed roof, or portion thereof, with particular care and attention to damages which may be caused to the adjoining Townhouse. If such work is ignored, delayed or not accomplished in a timely and efficient manner, each Lot Owner owes his/her adjoining Lot Owner(s) a duty to maintain and repair all such damages, deterioration and destruction in prompt and workmanlike manner.

6.2.2 In the event any roofing, rain gutter or other weather protection related improvements are replaced, the parties agree that all replacement materials shall be of comparable quality as the existing construction and be selected from materials, which closely approximate the original color.

6.2.3 In addition to all duties described herein to maintain and repair the roof, Lot Owners shall be obligated to cause a new roof to be installed on their respective Townhouse before each twentieth (20th) anniversary commencing March 1, 2007. The Owners of the Lots shall each collectively solicit at least three itemized bids for re-roofing the buildings from reputable licensed building and/or roofing contractors doing business in King County, Washington, 180 days before the expiration of said twentieth (20th)

anniversary. The Lot Owners shall jointly contract with the contractor whom the Lot Owners vote and select (in accordance with the provisions of Paragraph 7 below) and shall share the cost evenly (Lot Owners 1-6 shall each pay 1/6 of the cost to re-roof their building, Lot Owners 7-11 shall each pay 1/5 of the cost to re-roof their building, Lot Owners 12-15 shall each pay 1/4 the cost of re-roofing their building and Lot Owners 16 to 18 shall each pay 1/3 the cost to re-roof their building .)

6.2.4 In addition to all duties described herein to maintain and repair the roof, Lot Owners shall be obligated to repaint or re-stain the exterior of the two buildings on the Real Property before each tenth (10th) anniversary commencing March 1, 2007. The Owners of the Lots shall each collectively solicit at least three itemized bids for repainting or re-staining the buildings from reputable licensed painting contractors doing business in King County, Washington, 180 days before the expiration of said tenth (10th) anniversary. The Lot Owners shall jointly contract with the contract or whom the Lot Owners vote and select (in accordance with the provisions of Paragraph 7 below) and shall share the cost evenly (Lot Owners 1-6 shall each pay 1/6 of the cost of re-paint their building, Lot Owners 7-11 shall each pay 1/5 of the cost to re-paint their building, Lot Owners 12-15 shall each pay 1/4 the cost of re-paint their building and Lot Owners 16 to 18 shall each pay 1/3 the cost to re-paint their building .)

6.2.5 In the event any Lot Owner(s) fails to participate in the process of soliciting bids, selecting the contractor and/or contracting for the repaint/ restaining and/or the re-roofing work, the remaining Lot Owners are authorized to proceed without such non-participating Lot Owner's cooperation and are authorized to contract for such work, including work on the Townhouse of the non-participating Lot Owner. Notwithstanding the non-participation by any Lot Owner, such Lot Owner shall not be relieved of such Lot Owner's liability for paying the costs of such work. This provision is intended to benefit the participating Lot Owners and contractor selected to perform such work

6.2.6 The color of any paint/stain or the color of any replacement or new roofing shall be approximately the original color, unless the Lot Owners otherwise agree by a 100% vote.

6.3 MAINTENANCE OF EASEMENT AREAS Each Lot shall share equally in the costs of repair and maintenance of all Easement Areas on the Real Property. The Lot Owners shall collectively determine the time and manner of repair and maintenance of the Easement Areas, the time and manner of payment therefore by the Lot Owners, and all other matters relating to the repair and maintenance of said Easements. In the absence of a unanimous collective determination of such work and/or payment, the voting provision of paragraph 7 below shall apply.

6.4 MAINTENANCE OF PERVIOUS PAVEMENT Each Lot shall share equally in the cost of maintenance and repair of the pervious pavement areas including but not limited to annual sweeping and washing of the pavement surface using a mechanical street sweeper.

6.5 MAINTENANCE OF WETLAND BUFFER AREA IN "TRACT "A" Each Lot shall share equally in the cost of maintenance and repair of the wetland buffer area and pedestrian boardwalk. Said maintenance shall commence at the end of the Declarants obligation to maintain the buffer area plants which will be two to three years after occupancy permits are issued for the project. Regular maintenance of the buffer area will include trash and garbage pick up, repair of the pedestrian boardwalk as needed, repair of fencing as needed, and

## 7 COST OF MAINTENANCE

7.1 INDIVIDUAL EXPENSES Individual Lot Owners shall maintain exterior lighting, including the replacement of light bulbs. Such Lot Owner shall maintain exterior lights that draw power from any given lot, shall be maintained by such Lot Owners.

7.2 SHARED EXPENSES The following expenses are indicative of the expenses, which by this Declaration are intended to be shared equally by all Lot Owners: (i) maintenance and repair of improvements in the easement areas, (ii) maintenance and repair of the drainage and retention system, (iii) maintenance and repair of common utilities in the Easement Areas.

7.3 RATE OF SHARING OF EXPENSES All shared expenses shall be paid by the Lot Owners at the uniform rate of 1/4<sup>th</sup> per Lot, with the exception of party wall, roofing and exterior painting expenses, which shall be shared as outlined above. Additionally, when a Townhouse development consists of more than one structure, shared Expenses benefiting only one duplex Townhouse structure shall be shared by same structure, Lot Owners in same proportions herein declared.

7.4 DECISIONS In order to provide a structure and procedure for decisions and actions which affect more than one Lot Owner or which pertain to easement areas or maintenance or repair of improvements located in easement areas or which involve a Shared Expense, every Lot Owner, by acceptance of a deed or contract for such Lot, is hereby deemed to covenant and agree to be bound by the voting procedure set forth herein. Such voting right shall be appurtenant to the Lot owned by such Lot Owner and may not be transferred except by sale or transfer of the Lot itself. Ownership of a Lot shall be the sole qualification for voting.

7.5 VOTING Each lot shall vest its Owner(s) with one vote on all matters. No Lot shall be entitled to more than one vote. Lots owned by a husband and wife, or jointly by more than one individual or entity, shall be entitled to only one vote per lot by the Lot Owners cumulatively and not individually. Matters involving the repair and maintenance of improvements in easement areas and/or the drainage and retention system shall require an affirmative vote of one hundred percent (100%) of Lot Owners. Matters involving alterations or improvement of improvements located in the easement areas shall require an affirmative vote of one hundred percent (100%).

7.6 EXTRAORDINARY USE - COSTS In the event one or more Lot Owners should, by their use of the Ingress, Egress and Utilities Easement Area, cause the improvements in such area to be subjected to other than reasonable wear and tear and, should such improvements in the Ingress, Egress and Utilities and Easement Area(s) be damaged by such use, the Lot Owners(s) subjecting such easement area(s) to such extraordinary use shall have the obligation to repair such damage upon demand by one hundred percent (100%) of the remaining Lot Owners to restore said easement area(s) to the condition existent prior to such use. The Lot Owner who subjected the improvements to such unreasonable wear and tear shall cause the repairs to be completed and pay for all such costs.

7.7 LIEN FOR FAILURE TO PAY In the event any Lot Owner fails to pay, within thirty (30) days, of receiving a bill for a portion of any Shared Expenses or any other expense authorized by these Declarations, then the same shall become a lien against the lot, and the Lot Owner or Lot Owners who have paid in excess of their aliquot share may file a claim of lien. The lien shall be a lien against the property of the non-paying Lot Owner and foreclosure shall be in the same manner as a judicial foreclosure of a mortgage. The lien shall have perpetual existence until paid and released by a recorded lien release. The unpaid balance of any obligation owing by a non-paying Lot Owner shall bear interest at the highest legal rate in effect on the date of the lien until paid and the non-paying Lot Owner shall be liable for costs and attorney fees expended to any collection action including, but not limited to, the foreclosure of the lien. Sale or transfer of any lot shall not affect the aliquot amount of the Shared Expenses which became due prior to such sale or transfer whether a lien is filed prior to the sale or not. No sale or transfer shall relieve such Lot Owner from liability for any Shared Expenses thereafter becoming due or from the lien thereof.

7.8 PERSONAL LIABILITY The liability of a Lot Owner for Shared Expenses under the terms of this Declaration shall be the personal obligation of the Owner of the lot at the time such obligation became due. The personal obligation of such owner shall not be relieved by sale or transfer of the lot, and shall not become the personal obligation of the Lot Owner's successors in interest unless expressly assumed by the successors in interest. The new Lot Owner shall be personally liable for Shared Expenses or other charges, which become due on or after the date of sale or transfer. Provided, however, that nothing in this section shall relieve the Lot Owner from liability for Shared Expenses or the lien therefore.

## 8 GENERAL

8.1 DECLARATION The Lots shall be held, sold and conveyed subject to the easements, covenants, conditions, changes, liens and restrictions set forth herein and on the Plat. This Declaration is created for the purpose of enhancing and protecting the value, desirability and attractiveness of the Real Property. All easements, covenants, conditions, charges, liens and restrictions set forth herein shall run with the land and shall be binding on all parties



having or acquiring any right, title or interest in any Lot and shall inure to the benefit of each Lot Owner thereof, and are imposed upon each Lot as a servitude in favor of each and every other Lot as the dominant tenement or tenements.

8.2 TERM This Declaration shall be effective in perpetuity unless terminated by a termination agreement executed by the then-Owners of one hundred percent (100%) of the Lots. Any termination agreement must be in writing, signed by the approved Lot Owners, and must be recorded with the King County Auditor.

8.3 AMENDMENT BY LOT OWNER This Declaration can be amended only by an Affirmative vote of the Lot Owners of one hundred percent (100%) of the Lots. Provided, however, no amendment shall be passed which materially impairs the substantial rights of a Lot Owner as established herein. Any such amendment must be in writing, signed by the approved Lot Owners, and recorded with the county auditor. Provided, also that no amendment to this Declaration shall amend the voting requirements contained in Section 7 without the affirmative vote of one hundred percent (100%) of the Lot Owners.

8.4 NOTICE Any notice required hereunder shall be deemed effective when personally delivered or three days after mailing by certified and regular mail to the Lot Owner of public record at the time of such mailing to such Lot Owner's address as appears on the King County Assessor's tax records and to the street address of the Lot(s) herein.

8.5 ENFORCEMENT BY COURT ACTION Lot Owners shall have the right to enforce any provision of this Declaration or to recover damages resulting from any violation thereof by any proceeding at law or in equity.

8.6 CONDITION PRECEDENT TO ACTION Prior to taking legal action against any Lot Owner, written notice shall be given to the offending Lot Owner. Such notice shall specify the nature of the offense and shall also specify the action necessary to cure. Such notice shall also provide a reasonable opportunity to cure which, except in the case of an emergency, shall not be less than thirty (30) days.

8.7 AMENDMENT BY COURT ACTION Any Lot Owner shall have the right to seek amendment by way of civil suit wherein the basis for the amendment is either (a) governmental requirements, or, (b) manifest unfairness due to substantially changed circumstances beyond the control of the Lot Owner seeking the amendment. In any such court action, the court may exercise its equitable powers to grant such relief as is deemed appropriate.

8.8 EXPENSES OF ACTIONS The expenses of any corrective action or enforcement of this Declaration, if not paid by the offending Lot Owner within thirty (30) days after written notice and billing, may be filed as a lien upon such Lot, enforceable as other liens herein.

8.9 NO WAIVER Failure of any Lot Owner(s) to enforce any provision herein shall not be deemed a waiver of the right to do so.

8.10 COSTS AND ATTORNEYS FEES In the event of legal action, the prevailing party shall be entitled to recovery of actual costs and reasonable attorney's fees. For the purposes of this Declaration, "legal action" shall include suits, appeals, and any action, negotiations, demands, or otherwise where the prevailing party has necessarily and reasonably retained an attorney. If it is the intent of this provision to reimburse the prevailing party for all reasonable attorney's fees and actual costs incurred in defending or enforcing the provisions of this Declaration or a Lot Owner's rights hereunder.

8.11 SEVERABILITY Invalidation of any provision hereof shall not affect the other provisions, which shall remain in force and effect.

8.12 RELEASE UPON SALE OF INTEREST Upon the assignment, conveyance, sale or other transfer by an Owner of its entire interest in its Lot, that Owner shall be released from the obligations specific to this Declaration accruing after the effective date of such transfer if any and all amounts which shall be then due and payable by the transferring Owner to the non-transferring Owner(s) under this Declaration shall have been paid. No transferee of an Owner shall be liable for a transferring Owner's default under this Declaration if such default occurred prior to the effective date of the transfer, but nothing contained herein shall affect the existence, priority, validity or

enforceability of any lien placed upon the affected Lot under the provisions of this Declaration prior to the effective date of the transfer.

DECLARANT:

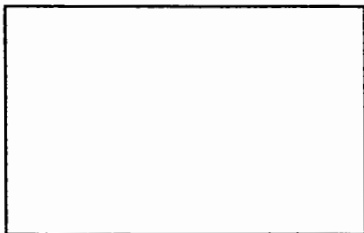
Prescott Homes, Inc.,  
a Washington Corporation.

By: Carl G. Pollard, President

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of PRESCOTT HOMES, INC., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

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



\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Printed Name of Notary Public)

My Appointment expires \_\_\_\_\_



ATTACHMENT U:

STAFF RECOMMEND  
PRELIMINARY CONDITIONS OF  
APPROVAL

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## ATTACHMENT U

### Staff Recommended Conditions of Approval

1. A maximum of 18 lots and one private land tract, for protection of the wetland and its associated buffer, shall be created. The sizes and the assigned addresses for the lots shall be shown on the face of the Final Plat. The delineation and size of the private land tract shall be declared on all plans submitted for the Site Development Permit and also shown on the face of the Final Plat.
2. A maximum of 18 zero-lot-line townhome lots are permitted as depicted in the Site Plan prepared by CB Anderson Architects and Preliminary Formal Subdivision Plan Boundary and Lot Lines prepared by GeoDatum, Inc., both submitted to the City on Nov. 8, 2005.
3. All mitigation measures in the Mitigated Determination of Non Significance issued by the City of Shoreline on Feb. 7, 2006 (**Attachment I**) shall be implemented prior to occupancy including:
  - a. Prior to permit issuance a HPA permit from the State of Washington Department of Fish and Wildlife shall be obtained for work to be done within Echo Lake. The work shall include removal of:
    - the portion of an existing concrete bulkhead above the mean highwater mark; and
    - recently deposited debris within 20 feet of the shoreline.
  - b. Prior to occupancy the revised Wetland and Buffer Enhancement Plan prepared by Adolfson Associates, Inc., Feb. 2006 (**Attachment C**), shall be implemented.
  - c. Monitoring of the wetland and its buffer by a qualified biologist in compliance with SMC 20.80.350 shall be implemented including submitting monitoring reports:
    - Upon completion of the wetland and buffer enhancement plan;
    - 30 days after planting;
    - Twice annually for the early growing season (no later than May 31) and the end of the growing season (no later than September 30) during Monitoring Years 1 and 2.
    - Once annually for the end of the growing season (no later than September 30) during Monitoring Years 3-5.
  - d. Stormwater management flow control BMPs (commonly referred to as Low Impact Development) in compliance with the 2005 King County Surface Water Design Manual and substantially in conformance with civil construction plans prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005, shall be constructed.
  - e. Remediation as described in the August 22, 2005 Environmental Site Assessment of the subject site by Earth Solutions NW, LLC (**Attachment O**), shall be completed prior to building permit issuance. Remediation required shall include:
    - Decommission/removal by a licensed professional in a manner in conformance with relevant regulatory requirements of the 500-gallon underground storage tank on the site; and
    - A Phase II investigative remediation including, but not limited to, removal of impacted soils – approximately 5-10 cubic yards of soil in the area where a 55-gallon drum was found – followed by confirmation sampling to ensure no contaminated soils remains. The impacted soils shall be disposed of at a permitted facility. A report conforming to the State of Washington Department of Ecology procedures shall be sent to the City of Shoreline.
4. Pursuant to SMC 20.30.430, the developer shall have a Site Development Permit reviewed and approved by the City of Shoreline for all onsite engineering including storm water

conveyance and infiltration, utility installation, onsite landscaping, and wetland and buffer enhancement. The completion of this work shall be secured by a plat performance financial guarantee. The approved plans associated with the Site Development Permit shall be substantially in conformance with the civil construction plans and Technical Information Report prepared by Davido Consulting Group, Inc., submitted to the City on Nov. 8, 2005.

5. Emergency access only shall be allowed from N 199<sup>th</sup> St. Access shall be restricted at all times by a locked gate equipped with a Knox-Box system and/or an Opticom pre-emption device. N 199<sup>th</sup> St. may be used for unrestricted access only if it is improved to public road standards.
6. All recommendations contained in the Traffic Impact Assessment prepared by Transportation Engineering Northwest, Oct. 27, 2005 (**Attachment N**), shall be implemented prior to issuance of a certificate of occupancy.
7. Developer shall meet all required conditions established by the Feb. 10, 2006 revised Seattle Public Utilities Water Availability Certificate (**Attachment Q**).
8. Developer shall meet all required conditions established by the Oct. 24, 2005 Ronald Wastewater District Sewer Availability Certificate (**Attachment R**).
9. Prior to issuance of a certificate of occupancy:
  - Landscaping shall be installed, inspected and approved substantially in conformance with the Landscape Plan prepared by Weisman Design Group, Oct. 25, 2005 (**Attachment P**); and
  - A landscape maintenance and replacement agreement shall be submitted and approved by the City.
10. Prior to recording of the Final Plat, owners shall be required to establish, record and maintain in force and effect a Covenant for a Homeowner's Association substantially in conformance with the Draft Covenant (**Attachment T**). The Association is to be held with undivided interest by the 18 zero-lot-line town home lots (described as lots 1-18) in this subdivision. The Homeowner's Association is to be responsible for maintaining, repairing and/or rebuilding of the (1) critical area tract for wetland protection, (2) access road and parking; (3) required landscaping; and (4) infrastructure and utilities not dedicated to the City of Shoreline including rain gardens and pervious concrete.
11. Prior to recording of the Final Plat a declaration of covenant and grant of easement shall be recorded for the rain gardens and pervious concrete as required by the 2005 King County Surface Water Design Manual, Appendix C, as described in sections C.1.3.3.3, C.2.5.3 and C.2.6.7.
12. 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 a protected wetland and buffer tract where all development is permanently prohibited including, but not limited to, activities such as clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations."
  - "Access via N 199<sup>th</sup> Street shall be for emergency purposes only. Access shall be restricted by a gate to be locked at all times, accessible only by fire, police and other emergency agency vehicles. General access via N 199<sup>th</sup> Street may be allowed only

if N 199<sup>th</sup> Street, from the subdivision's western boundary to Aurora Avenue N, is improved to conform with public road standards.

- “This subdivision contains a stormwater management flow control BMP (best management practice) called ‘permeable pavement,’ which was installed to minimize the stormwater quantity and quality impacts of some or all of the paved surfaces on your property. Permeable pavements reduce the amount of rainfall that becomes runoff by allowing water to seep through the pavement into a free-draining gravel or sand bed, where it can be infiltrated into the ground.

The type of permeable pavement used is porous concrete.

The area covered by permeable pavement as depicted by the flow control BMP site plan and design details must be maintained as permeable pavement and may not be changed without written approval from the City of Shoreline.

Permeable pavements must be inspected after one major storm each year to make sure it is working properly. Prolonged ponding or standing water on the pavement surface is a sign that the system is defective and may need to be replaced. If this occurs, contact the pavement installer or the City of Shoreline for further instructions. A typical permeable pavement system has a life expectancy of approximately 25-years. To help extend the useful life of the system, the surface of the permeable pavement shall be kept clean and free of leaves, debris, and sediment through regular sweeping or vacuum sweeping. The Homeowner's Association is responsible for the repair of all ruts, deformation, and/or broken paving units.”

- “This subdivision contains a stormwater management flow control BMP (best management practice) called a ‘rain garden,’ which was installed to mitigate the stormwater quantity and quality impacts of some or all of the impervious or non-native pervious surfaces of the subdivision. Rain gardens, also known as “bioretention,” are vegetated closed depressions or ponds that retain and filter stormwater from an area of impervious surface or non-native pervious surface. The soil in the rain garden has been enhanced to encourage and support vigorous plant growth that serves to filter the water and sustain infiltration capacity. Depending on soil conditions, rain gardens may have water in them throughout the wet season and may overflow during major storm events.

The size, placement, and design of the rain garden as depicted by the flow control BMP site plan and design details must be maintained and may not be changed without written approval from the City of Shoreline. Plant materials may be changed to suit tastes, but chemical fertilizers and pesticides must not be used. Mulch may be added and additional compost should be worked into the soil over time.

Rain gardens must be inspected annually for physical defects. After major storm events, the system should be checked to see that the overflow system is working properly. If erosion channels or bare spots are evident, they should be stabilized with soil, plant material, mulch, or landscape rock. A supplemental watering program may be needed the first year to ensure the long-term survival of the rain garden's vegetation. Vegetation should be maintained as follows: 1) replace all dead vegetation as soon as possible; 2) remove fallen leaves and debris as needed; 3) remove all noxious vegetation when discovered; 4) manually weed without herbicides or pesticides; 5) during drought conditions, use mulch to prevent excess solar damage and water loss.”

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## Memorandum

**DATE:** March 8, 2006

**TO:** Shoreline Planning Commission

**FROM:** Steven Cohn, Senior Planner, PADS

**RE:** Potential Bylaws Change

At your last meeting, the Director suggested modifications to the Public Hearing format. The changes would have staff present its preliminary recommendation, then listen to testimony from the applicant and public. If staff hears new information at the hearing that warrants a modification to the preliminary recommendation, staff could modify it and present a final recommendation that reflects the change. In addition, the revised format defines the order of presentation from the staff, the applicant and the public, and offers the Commissioners two opportunities to ask questions within the Public Hearing context.

This format was used for the public hearing on Shoreline Community College's proposed Special Use Permit at your last meeting and again at the meeting tonight. It does not change the Order of Business as defined by the Commission's Bylaws; rather, it expands on it.

As defined in Article 4, Section 3 of the Bylaws (page 4), the Order of Business for each meeting that includes a Public Hearing is:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Director's Report
5. Approval of Minutes
6. General Public Comment
7. Public Hearing
  - a. Staff Report
  - b. Applicant Testimony
  - c. Public Testimony or Comment
  - d. Close Public Hearing
8. Commission Deliberations
9. Reports of Committees and Commissioners
10. ...

The revised format only affects the Public Hearing portion of the meeting. The revision defines eight steps in the Public Hearing, rather than the four steps noted above:

7. Public Hearing
  - a. Staff overview of proposal and preliminary recommendation
  - b. Applicant Testimony
  - c. Questions by the Commission to staff or applicant
  - d. Public Testimony or Comment
  - e. Presentation of final staff recommendation
  - f. Final questions by the Commission and Commission deliberation
  - g. Closure of Public Hearing
  - h. Vote by Commission to recommend approval, modification, or denial
8. Reports of Committees and Commissioners
9. ...

Staff does not believe that this represents a fundamental change in the “Order of Business”, but rather a clarification of the Public Hearing format. Therefore, it may not be necessary to modify the Commission’s Bylaws to implement this change. However, for clarity’s sake, staff suggests that the Bylaws be modified through the following motion:

**MOTION TO MODIFY ARTICLE 4, SECTION 3 OF THE PLANNING COMMISSION BYLAWS TO REFLECT THE FOLLOWING PUBLIC HEARING FORMAT, AND MODIFY THE NUMBERING OF THE ORDER OF BUSINESS TO REFLECT THIS CHANGE:**

7. Public Hearing
  - a. Staff overview of proposal and preliminary recommendation
  - b. Applicant Testimony
  - c. Questions by the Commission to staff or applicant
  - d. Public Testimony or Comment
  - e. Presentation of final staff recommendation
  - f. Final questions by the Commission and Commission deliberation
  - g. Closure of Public Hearing
  - h. Vote by Commission to recommend approval, modification, or denial

If you have questions about any of the ideas covered in this memo, please contact me at 546-1418 prior to your next meeting.