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ORDINANCE NO. 661

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, APPROVING A PRELIMINARY FORMAL SUBDIVISION FOR FIVE LOTS AT 17921 1st AVENUE NORTHEAST

WHEREAS, the owner of the property located at 17921 1st Avenue Northeast filed a preliminary formal subdivision application for five single family building lots located at 17921 1st Avenue Northeast; and

WHEREAS, on April 29, 2013, a public hearing on the application for the preliminary formal subdivision was held before the Hearing Examiner for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on April 30, 2013, the Hearing Examiner recommended approval with conditions of the preliminary formal subdivision and entered findings of fact and conclusions based thereon in support of that recommendation; and

WHEREAS, the City Council does concur with the Findings, Conclusions and Recommendation of the Hearing Examiner dated April 30, 2013, specifically that the preliminary formal subdivision of the property located at 17921 1st Avenue Northeast is consistent with both the City of Shoreline Comprehensive Plan and Development Code and is appropriate for this site;

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

Section 1. Findings. The Findings and Conclusions set forth in the Hearing Examiner's Findings, Conclusions and Recommendation dated April 30, 2013 attached hereto as Exhibit 1 are hereby adopted.

Section 2. Preliminary Formal Subdivision Adoption. The Kaintz Preliminary Formal Subdivision, File No. 201922, as further depicted in Exhibit 2 attached hereto is hereby adopted subject to the conditions attached as Exhibit 3, referred to by the Hearing Examiner as Attachment G in the Hearing Examiner's Findings, Conclusions and Recommendation dated April 30, 2013.

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

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of the title as a summary of this ordinance.

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PASSED BY THE CITY COUNCIL ON JUNE 3, 2013.

Keith A. McGlashan, Mayor

ATTEST:

Scott Passey
City Clerk

APPROVED AS TO FORM:

for Ian Sievers
City Attorney

Date of Publication: June 6, 2013
Effective Date: June 11, 2013

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EXHIBIT 1

CITY OF SHORELINE HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION

PROPOSAL INFORMATION SUMMARY

Project:	Preliminary Formal Subdivision	
File Number:	201922	
Applicant:	Robert Nehring for Tim Kaintz	
Recommendations:	Department:	Approve with conditions
	Hearing Examiner:	Approve with conditions
Public Hearing:	April 29, 2013	

Introduction

The applicant seeks a preliminary formal subdivision to create five lots to allow for the construction of five detached, single-family residences. A public hearing on the proposed subdivision was held on April 29, 2013, in Council Chambers at Shoreline City Hall, 17500 Midvale Avenue North in Shoreline. The applicant, Tim Kaintz, was represented by Robert Nehring, and the Planning and Development Services Department was represented by Brian Lee, Associate Planner. The Department's Preliminary Recommendation and seven attachments were marked and admitted as Exhibit 1. The Hearing Examiner inspected the site on the date of the hearing.

For purposes of this recommendation, all section numbers refer to the Shoreline Municipal Code (SMC or Code) unless otherwise indicated. After considering the evidence in the record, the Examiner enters the following findings of fact, conclusions and recommendation on the application.

Findings of Fact

1. The application is for a preliminary formal subdivision to create five residential building lots at property addressed as 17921 1st Avenue NE, in the Meridian Park neighborhood. It is located at the corner of North 180th Street and 1st Avenue NE, and is approximately .88 acres in size. The property is relatively flat, with no critical areas and no known hazardous conditions.

2. The property is zoned R-6 and developed with a detached single-family residence and a double-wide mobile home, both of which will be removed. The surrounding area is also zoned Low-Density Residential and developed primarily with single-family residences.

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3. The Comprehensive Plan designates the site as Low-Density Residential. Plan Policy H3 encourages "infill development on vacant or underutilized sites," and Policy H3 encourages "a variety of residential design alternatives that increase housing choice."

4. A SEPA Determination of Non-Significance was issued on April 2, 2013 for the proposal.

5. There are eight significant trees on the site. Six trees (80%) will be approved for removal during the site development permit process, and six replacement trees will be required.

6. The densities and dimensions of the proposal are shown on page 4 of the Department's preliminary recommendation and comply with the requirements of the R-6 zone.

7. Access to the property will be from North 180th Street and 1st Avenue NE, which are neither primary nor secondary highways.

8. The proposed home sites are located near the street, with relatively short, individual driveways. Exhibit 1, Attachment A.

9. Frontage improvements will be required for the proposal and installation or a surety instrument will be required prior to final approval.

10. During the development review, the City Public Works Department determined that the conceptual plans were sufficient to conclude that the proposed improvements can meet site development and right-of-way requirements. Further analysis will be required before a building permit is issued. The Ronald Wastewater District issued a Certificate of Sewer Availability, and Seattle Public Utilities issued a Water Availability Certificate.

11. The Shoreline Fire Department reviewed and approved the proposed plans for access and water pressure to the site. Proximity to a fire hydrant must be verified during the building permit review process, and any homes located greater than 500 feet from a hydrant must have fire sprinklers.

12. A neighborhood meeting on the proposal was held on December 4, 2012. The notice of application was issued on February 2013, with the public comment period ending March 7, 2013.

13. No public comments on the application were submitted to the Department or offered at the public hearing.

14. The Department reviewed the proposal and recommends approval with the conditions set forth in Attachment G to the Department's preliminary recommendation, Exhibit 1.

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Conclusions

1. Under Ordinance 534, the Hearing Examiner holds a public hearing on a proposed preliminary formal subdivision and makes a recommendation to the City Council, which makes the final decision on the application.

2. SMC 20.30.410 provides the Code criteria for preliminary subdivisions, which address environmental resources and impacts, lot and street layout, and dedications and improvements.

3. RCW 58.17.110(2) provides that a subdivision shall not be approved unless:

> (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.

4. Environment. The proposed subdivision meets the environmental criteria of SMC 20.30.410.A. As noted, there are no environmentally critical areas on the site and no known hazardous conditions. Grading will be minimized by the relatively flat topography and by placement of the home sites near streets, thus requiring driveways of minimal length. The proposed development must comply with the City's tree conservation requirements and with grading and drainage requirements. Off-site impacts will be minimized by the development's compliance with those requirements and with Code requirements that limit height.

5. Lot and Street Layout. The proposed lots shown in Attachment A to Exhibit 1 contain usable building areas and meet the design standards for Chapter 20.50 SMC. No nonconforming structures, uses or lots would be created. The proposed lots would not front on primary or secondary highways, and each lot would meet the dimensional requirements for R-6 zones. The proposed subdivision includes frontage improvements, including sidewalks along both abutting streets. The proposed subdivision meets the criteria of SMC 20.30.410.B.

6. Dedications and Improvements. No dedications were identified that would be required for this five-lot subdivision. The proposal will comply with applicable Development Code requirements; meets the standards of Chapter 20.60 SMC (Adequacy of Public Facilities) with regard to water supply, wastewater disposal and fire protection; and meets the applicable standards of Chapter 20.70 SMC (Engineering and Utility

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Development Standards). The proposed subdivision meets the criteria of SMC 20.30.410.C.

7. The proposed preliminary subdivision meets the criteria SMC 20.30.410 and the provisions of RCW 50.17.110. It makes appropriate provision for the public health, safety and general welfare, drainage, access, and other facilities and services. It will also serve the public use and interest, creating additional opportunities for owner-occupied housing developed in a manner that is consistent with the City's Comprehensive Plan policies.

Recommendation

The Hearing Examiner recommends that the City Council **APPROVE** the proposed preliminary formal subdivision with the conditions included in Attachment G to the Department's preliminary recommendation.

Entered this 30th day of April, 2013.

Sue A. Tanner
Hearing Examiner

EXHIBIT 2

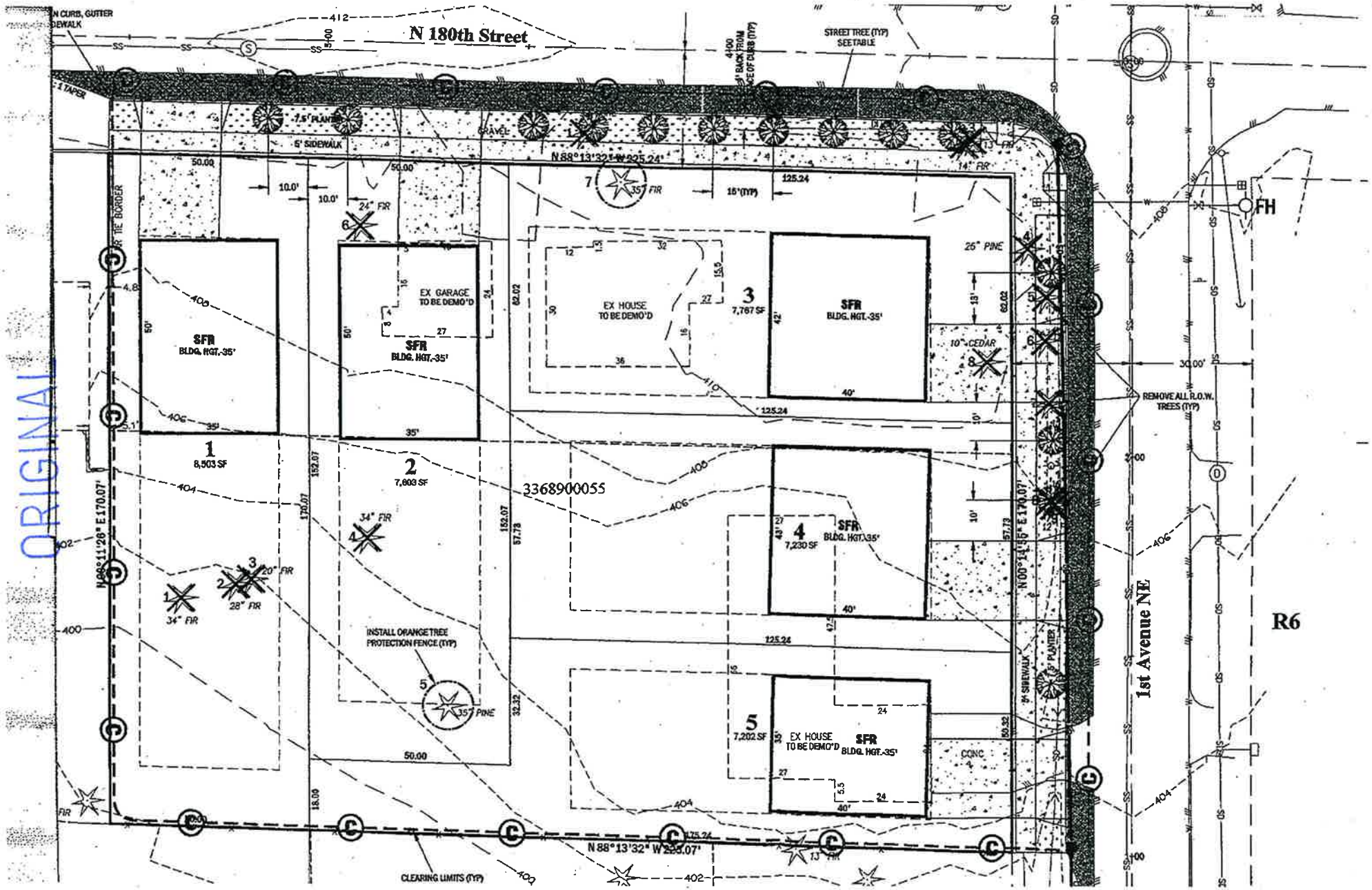
N 180th Street
1st Avenue NE
R6
FH
STREET TREE (TYP) SEE TABLE
REMOVE ALL R.O.W. TREES (TYP)
INSTALL ORANGE TREE PROTECTION FENCE (TYP)
CLEARING LIMITS (TYP)
EX GARAGE TO BE DEMO'D
EX HOUSE TO BE DEMO'D
SFR BLDG. HGT.-35'
1 8,503 SF
2 7,603 SF
3 7,767 SF
4 7,230 SF
5 7,202 SF
3368900055
N 88°13'32" W 225.24'
N 88°13'32" W 225.07'
N 00°11'28" E 170.07'
25" PINE
10" CEDAR
35" PINE
35" FIR
34" FIR
28" FIR
20" FIR
24" FIR
14" FIR
13" FIR
CONC.
5' SIDEWALK
5' PLANTER
GRAVEL
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EXHIBIT 3

ATTACHMENT G

Recommended Conditions of Approval

A. All existing and proposed restrictions, easements, tracts, and their purpose shall be clearly shown on the final formal subdivision.

B. All utility easements for water service, sewer service, underground power, and telecommunications shall be noted on the final formal subdivision.

C. A use and maintenance agreement shall be recorded, filed separately or noted on the final formal subdivision for all joint access and utility easements.

D. The applicant shall submit a detailed tree removal/replanting plan with the Site Development permit application. Preservation of retained trees shall be guaranteed during construction through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures. Further preservation of retained trees following construction shall be required for a period of 36 months and shall be guaranteed through an approved maintenance agreement.

E. All conditions of the water and sewer availability certificates must be met.

F. All conditions required by Shoreline Fire Department must be met.

G. All new development shall be served with underground power and separate meters for each housing unit.

H. The exact square footage of each lot shall be clearly shown on the final formal subdivision.

I. All addresses shall be shown on the recorded final formal subdivision. Each unit shall be addressed as follows:

- Lot 1 – 2341 North 180th Street
- Lot 2 – 2347 North 180th Street
- Lot 3 – 17927 1st Avenue NE
- Lot 4 – 17921 1st Avenue NE
- Lot 5 – 17915 1st Avenue NE

J. Single-family residences and other improvements constructed on the lots created by this subdivision must implement the flow control best management practices (BMPS) stipulated in the drainage plan Declaration of Covenant and Grant of Easement recorded for each lot. Compliance with this stipulation must be addressed in the drainage plan submitted for drainage review when application is made for a single-family residential building permit for the lot.

K. Temporary erosion and sediment control plans and grading plans in accordance with the 2005 DOE Manual shall be submitted and approved prior to issuance of a site development and/or building permit for the site.

L. Prior to recording of the final formal subdivision, plans for all site improvement work shall be prepared by a Civil Engineer licensed in the State of Washington and approved by the City.

M. Before the site development permit can be issued, a financial guarantee shall be submitted in the form of a performance bond to the City of Shoreline to assure the completion of all required improvements.