ORDINANCE NO. 241

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

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

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

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

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

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

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

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

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

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

PASSED BY THE CITY COUNCIL ON JULY 10, 2000.

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Ian Sievers
City Attorney

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

EXHIBIT A
Ordinance No. 241

Commission Meeting Date: June 15, 2000

PLANNING COMMISSION FINDINGS AND RECOMMENDATION
CITY OF SHORELINE, WASHINGTON

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

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

I. PROPOSAL

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

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

A. Five attached two story townhomes with secured two car garages below each unit;
B. The footprint of the proposed buildings is 3,415 square feet, covering 20% of the lot
C. Total impervious surface, including the footprint of the building, the driveway, and walkways is to cover 8,097 square feet, covering 47% of the lot;
D. Individual units, although still in the design stage, will be approximately 1,285 square feet in area not including 598 square feet of secured garage space with two or three bedrooms and two and a half baths;
E. Vehicular access accommodated by a 16 feet wide joint use driveway located on North 150th Street;
F. 9,029 square feet of open space and landscaped areas;
G. The height of the townhomes will not exceed 32.5 feet above current grade of the land;
H. Architectural elements, such as staggering the buildings, front porches on each unit, pitched roofs, and the utilization of a mixture of exterior materials including wood shingle and bevel siding;
I. Planned retention of five existing pine trees on the East side of the lots
J. A landscape plan that includes Chanticleer Pear trees, Newport Flowering Plum trees, Katsura Trees, Vine Maples, Blue Spruce, a variety of evergreen and flowering shrubs, and a variety of ground covers;
K. Properties to the North and West will be buffered from the development by the proposed landscaping and the installation of a 6 feet high wooden fence around the perimeter of the property;

L. Pedestrian access via walkways from the front porch of each unit to the proposed sidewalk adjacent to the property on Westminster Way; and
M. Construct a 6 feet wide sidewalk with a four feet wide landscaped amenity zones adjacent to the property on Westminster Way and North 150th Street.

II. FINDINGS

1. SITE

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

2. NEIGHBORHOOD

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

3. COMPREHENSIVE PLAN

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

4. ZONING

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

5. ISSUES

5.1 Density: A density of 12 units per acre would be created by the development of

this project. This density complies with the density goals specified for the Residential Medium Density land use designation.

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

5.3 Architectural design elements: The applicant has provided schematic elevation drawings of the proposed townhomes to show architectural elements that will be incorporated in the design. The applicant may make minor changes to materials and design.

5.4 Landscaping and tree retention: The applicant has provided a detailed landscaping plan. The applicant has also denoted the retention of five pine trees along the East side of the property adjacent to Westminster Way. The applicant may make minor changes in the type and location of landscaping depicted in the plan. A landscaping plan, stamped by a licensed landscaping architect will be submitted with the building permit.

5.5 Parking and pedestrian access: Off-street parking will be provided in two car garages located below each townhome. The entrances to each garage will be located on the West side (rear) of the units and accessed from North 150th Street by a joint use driveway. Guests may park in front of the garages. Paved walkways are shown on the site plan providing pedestrian access from each townhome to the proposed sidewalk on Westminster Way.

5.6 Street frontage improvements: The standard improvements to Westminster Way and North 150th Street adjacent to the property shall include construction of a concrete sidewalk that is a minimum of six-feet wide and a four-feet wide landscape amenity zone between the curb and sidewalk. The landscaping strip must include street trees chosen from the City's approved street tree list. Project plans demonstrating compliance with this condition shall be submitted as a requirement for the building permit.

5.7 Adequacy of water and sewer services: An approved Certificate of Water Availability was received from the Shoreline Water Department. An approved Certificate of Sewer Availability was received from the Shoreline Wastewater Management District.

5.8 The applicant held a Neighborhood Meeting on March 31, 2000 after noticing property owners located within 500 feet of the proposed development. Approximately fifteen people attended. The applicant reported only supportive comments about the project.

5.9 Traffic: According to the 5th Edition of the Institute of Transportation Engineering Trip Generation Manual the proposed townhome development would generate an estimated 10.71 automobile trips on weekdays per unit or a total of 53.55 automobile trips per weekday for the site.

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

Summary of Public Comment

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

III. CONCLUSIONS

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

IV. RECOMMENDATION

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

ATTACHMENTS

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

Marlin Gabbert, Planning Commission Chair — 6/21/00 Date

Attachment A
to Exhibit A
Ordinance No. 241

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

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

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

Attachment B
to Exhibit A
Ordinance No. 241

City of Shoreline
Planning and Development Services
17544 Midvale Avenue North
Shoreline, WA 98133-4021
(206) 546-1811 – Fax (206) 546-8761

SEPA THRESHOLD MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

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

PROJECT INFORMATION

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

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

MITIGATION MEASURES:

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

1. Pedestrian Safety and Aesthetics
In order to mitigate adverse impacts to pedestrian safety and aesthetics associated with this proposal, the project proponent shall construct frontage improvements along the portion of

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

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

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

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

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

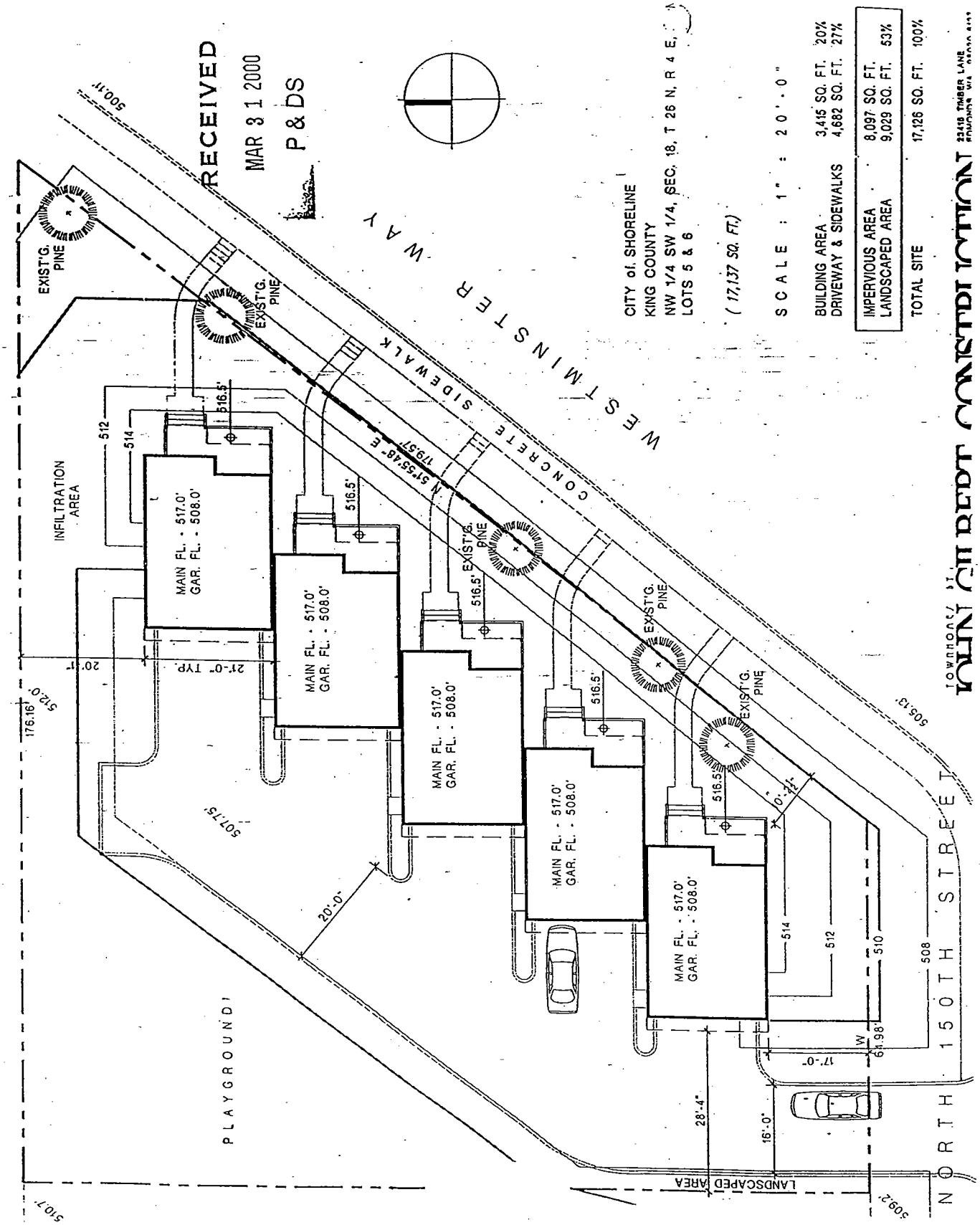
John Gabriel Snedeker 5/16/00

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

Date

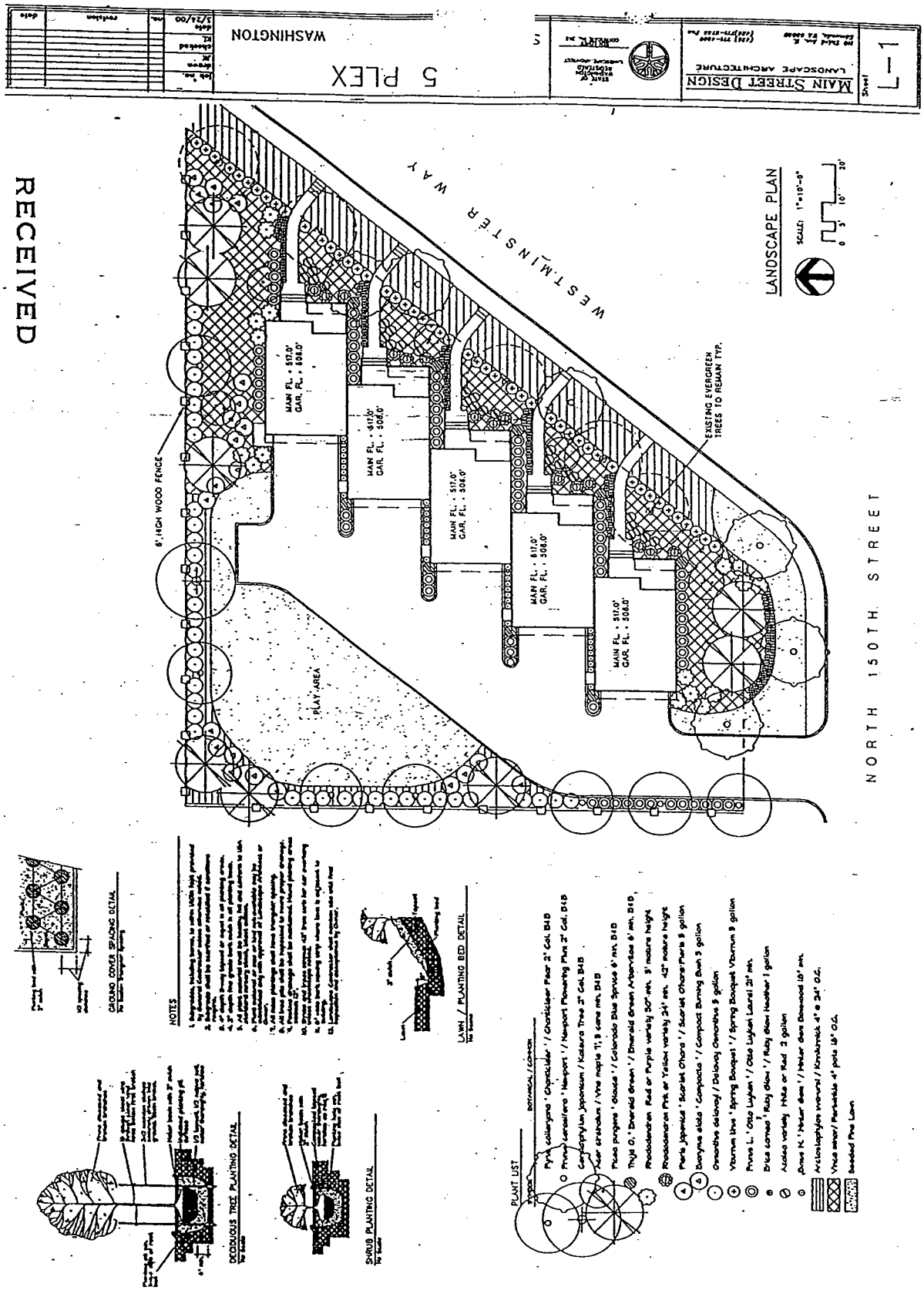
Attachment C
to Exhibit A
Ordinance No. 241

SITE PLAN



Attachment D
to Exhibit A
Ordinance No. 241

LANDSCAPE PLAN



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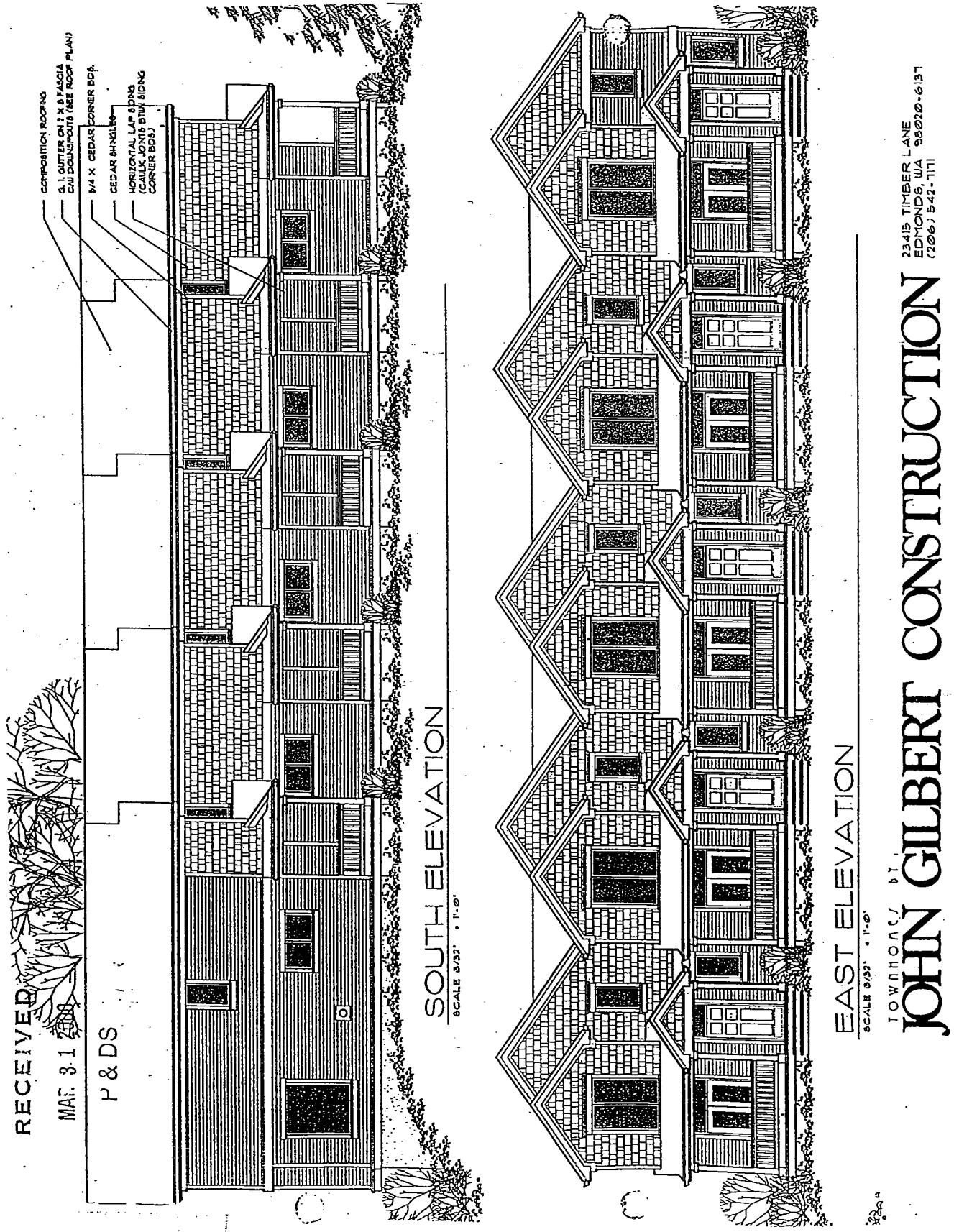
Attachment E
to Exhibit A
Ordinance No. 241

BUILDING ELEVATIONS



Attachment F
to Exhibit A
Ordinance No. 241

DRAFT

These Minutes Subject to
July 6 Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

June 15, 2000 Shoreline Conference Center
7:00 P.M. Board Room

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

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

1. CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF AGENDA

The agenda was amended as follows:

- Move Item 8a (Public Hearing) to Item 6.
- Move Item 6 (Reports to the Commissioners) to Item 7.
- Move Item 7 (Staff Reports) to Item 8
- Add Item 7a—A report by Commissioner Monroe regarding the recent meeting he attended with Bob Deis and Tim Stewart.
- Add Item 7b—A letter from Concerned Citizens of Shoreline regarding a meeting.
- Add Item 7c—Recognition of Past Planning Commission Chairs.
- Add Item 10a—Phase III Zoning Map.
- Add Item 10b—Overlay Districts in North City.

4. APPROVAL OF MINUTES

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

5. PUBLIC COMMENT

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

6. PUBLIC HEARING

6a. Type-C Action: Contract Rezone of Property Located at 514 North 150th Street (Highlands Townhomes)

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

THE PUBLIC HEARING WAS OPENED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Gabbert suggested that if a citizen has a concern regarding the erosion of the bank or about the possibility of the proposed development impacting an adjacent property, they should direct their questions to the staff so that they can be considered as part of the building permit review. Ms. Markle pointed out that one of the building permit conditions that not more than a 2:1 be maintained. If it is not, then a rockery or some other type of erosion control would have to be placed on the slope.

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

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

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

THE PUBLIC PORTION OF THE HEARING WAS CLOSED.

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

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

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

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

Commissioner McClelland agreed with the Commissioners who have previously spoken. However, she is concerned about the number of trips coming from that single driveway onto a very small street on a daily basis.

This should be carefully considered. She said she does not have a concern with the density that is being proposed, and if the units are high-end rental units, then perhaps the neighborhood concern is not a major factor.

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

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

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

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

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

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

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

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

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

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

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

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

THE MOTION WAS RESTATED AS FOLLOWS:

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

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

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

7. REPORTS OF COMMISSIONERS

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

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

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

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

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

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

7b. Letter from Concerned Citizens of Shoreline

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

Commissioners Maloney and Doering volunteered to participate as a subcommittee for this meeting. Chair Gabbert cautioned that a Commission subcommittee can only discuss planning issues in general, and cannot talk about site-specific issues. He requested that staff provide each Commissioner with a copy of the rules governing subcommittee meetings.

7c. Recognition of Past Planning Commission Chairs

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

8. STAFF REPORTS

8a. Comprehensive Plan Amendment Process Update

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

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

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

8b. North City Design Charette

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

8c. Phase II of Development Code Adoption

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

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

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

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

8d. Dinner with the City Council

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

8e. Short Course on Planning

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

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

9. UNFINISHED BUSINESS

There was no unfinished business.

10. NEW BUSINESS

10a. Phase III Zoning Map

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

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

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

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

10b. Overlay Districts

Chair Gabbert reminded the Commission that North City is developing an overlay district as funded by the City. He questioned how soon the City could start working on neighborhood overlay districts. Mr. Stewart answered that the

subarea planning process recognizes that Shoreline is a diverse community with diverse neighborhoods. In order to accommodate that diversity, the City needs to consider the physical limitations and opportunities of each of the geographic areas. The North City overlay process is a major redevelopment project, and this same type of thing can be done in other economic development targets throughout the City. But the residential subarea plans can be much simpler, and neighborhoods can identify specific issues that are relevant to their particular neighborhood. Staff is very interested in discussing this issue further with the Commission in workshop sessions.

11. AGENDA FOR NEXT MEETING

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

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

12. ADJOURNMENT

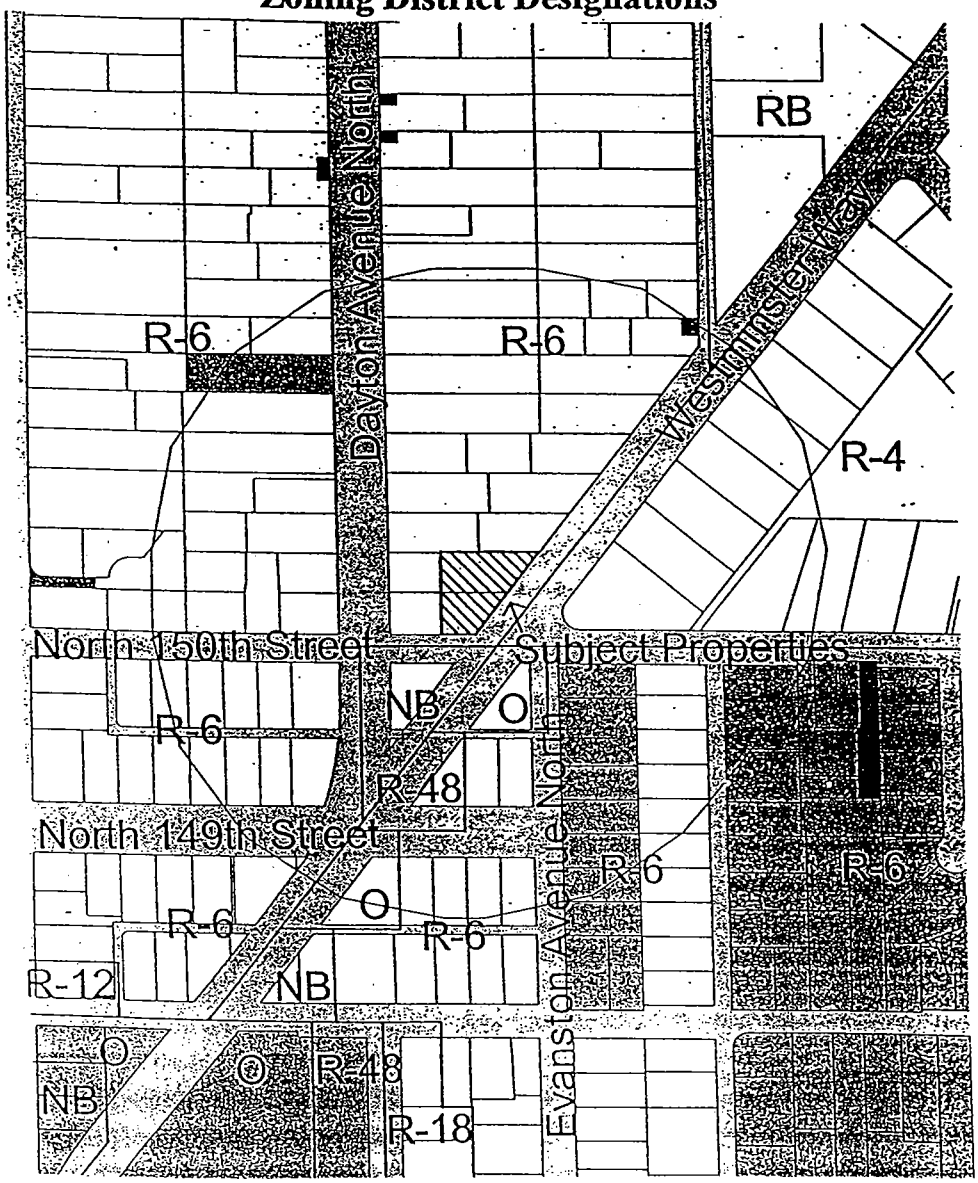
The meeting was adjourned at 9:25 p.m.

Marlin J. Gabbert	Suzanne M. Kurnik
Chair, Planning Commission	Clerk, Planning Commission

EXHIBIT B
Ordinance No. 241

ZONING MAP

Zoning District Designations



N
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NTS

514 North 150th Street

ZONING KEY:

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

EXHIBIT B
Ordinance No. 241

LEGAL DESCRIPTION

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

EXHIBIT C
Ordinance No. 241

CONCOMITANT REZONE AGREEMENT AND COVENANT RUNNING WITH THE LAND

Contract Zone No. CZ-00-01

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

RECITALS

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

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

(Hereafter described as "Property").

B. Owner has applied to rezone the Property from its current zoning, R-6, to Contract Zone, consistent with the Comprehensive Plan adopted by the City pursuant to the Growth Management Act (RCW Ch.36.70A).

C. The City has conditionally approved the rezone application provided the Property is developed under conditions and limitations, which shall be considered as a qualification to the City's zoning designation.

NOW THEREFORE, the City and Owners agree as follows:

1. **Title**. Owners are the sole and exclusive owners of the Property described above.

2. **Covenant.** Owners covenant and agree, on behalf of themselves and their successors and assigns, that during the entire period that the Property is zoned CZ-00-01, the Property will be developed only in accordance with this Covenant and subject to the conditions provided herein. The Owners specifically agree that this Covenant touches, concerns, enhances, benefits and runs with the Property.

3. **Uses.** The Owners or their successors may construct five (5) attached townhomes on the Property subject to the conditions recited in Attachment A, incorporated herein by reference.

4. **Binding Effect.** This Covenant shall remain in full force and effect, and be binding upon the Owners and their successors and assigns until 1) amended, modified or terminated by an ordinance adopted by the Shoreline City Council, 2) Owners fail to file a complete building permit application within three (3) years of the effective date of recording this covenant, or 3) Owners of all interest in the property file a written declaration with the City that they wish the Property to revert to a R-6 land use designation or such other default zoning as may have

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

5. **Filing.** A copy of this covenant will be filed for record with the King County Records and Elections Division.

6. **Remedies.** Violations of this Covenant shall be enforced by the City according to enforcement procedures applicable to zoning code violations.

7. **Attorney Fees.** In the event that legal action is commenced to enforce or interpret any revision of this Covenant, including any appeal thereof, the substantially prevailing party shall be entitled to its costs including reasonable attorney's fees.

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

OWNER(s)

_____
John Gilbert

_____
Catherine Gilbert

CITY OF SHORELINE

_____
Robert E. Deis, City Manager

APPROVED AS TO FORM:

_____
Ian Sievers, City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

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

DATED:_____

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

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

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

DATED:_____

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