

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

November 15, 2007
7:00 P.M.

Shoreline Conference Center
Mt. Rainier Room

COMMISSIONERS PRESENT

Chair Piro
Vice Chair Kuboi
Commissioner Wagner
Commissioner Phisuthikul
Commissioner McClelland
Commissioner Harris
Commissioner Hall
Commissioner Broili
Commissioner Pyle

STAFF PRESENT

Joe Tovar, Director, Planning & Development Services
Steve Cohn, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Steve Szafran, Associate Planner, Planning & Development Services
Flanner Collins, Assistant City Attorney
Jill Mosqueda, Development Review Engineer
Jessica Simulcik Smith, Planning Commission Clerk

CALL TO ORDER

Chair Piro called the regular meeting of the Shoreline Planning Commission to order at 7:05 p.m.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Piro, Vice Chair Kuboi, Commissioners Wagner, Phisuthikul, Harris, Hall, Pyle, McClelland and Broili.

APPROVAL OF AGENDA

The Commission agreed to add a discussion on the South Echo Lake Open Space issue and the resolution the Commission developed for City Council consideration related to coordinating the efforts of the various transit agencies. The remainder of the agenda was approved as presented.

DIRECTOR'S REPORT

Mr. Tovar advised that two public hearings were scheduled on the agenda: the Plateau at Jackson Preliminary Formal Subdivision proposal and the Ridgecrest Commercial Area Zoning proposal. He suggested that those members of the audience who were present to participate in the Ridgecrest public hearing meet in a separate room with staff. This would allow the project managers to describe the

current proposal and identify changes that have been made since the last public hearing. The public could ask questions and prepare to provide testimony regarding the proposal later in the meeting.

Mr. Tovar advised that he does not anticipate the Commission would have enough time to complete their deliberations on the Ridgecrest Zoning Proposal and make a recommendation now. He suggested they carry the hearing over to a special meeting on December 13th, which would take the place of the regularly scheduled meeting on December 20th.

APPROVAL OF MINUTES

Commissioner Wagner asked that the second to the last paragraph on Page 11 be changed to reflect that she was actually posing a question about which jurisdiction had control of 145th Street.

The minutes of September 20, 2007 minutes were approved as corrected.

GENERAL PUBLIC COMMENT

LaNita Wacker, Shoreline, said she was present to provide general comments about the last iteration of the Ridgecrest Commercial Area Zoning proposal. Chair Piro asked Ms. Wacker to save her comments for the public hearing scheduled later on the agenda.

Les Nelson, Shoreline, said he recently read through the Shoreline Comprehensive Plan and noticed that it is out of synch with the Shoreline Development Code and Zoning Code. He urged the City to begin the necessary steps to resolve the inconsistencies. He recommended that while the interim control is in place, the Commission should consider removing all language related to unlimited density from the Development Code. At the very least, they should be very careful about where they allow it to occur. Chair Piro said the Commission is aware that the Comprehensive Plan does not always match the Development Code and Zoning Code, and the Commission would work to resolve this problem in 2008. He asked staff to advise the public on how they could submit input to the Commission regarding the project. Mr. Tovar suggested the public could submit potential Development Code and Comprehensive Plan amendments to the Commission in writing by mid December, and the comments would be considered by the Commission when they review their 2008 Work Program on January 3rd. He emphasized that the Work Program must be formally adopted by the City Council.

Jim Abbott, Shoreline, explained that he and his partners own property at 185th and Linden Avenue, which is currently zoned Community Business. He recalled that numerous sessions have been conducted by the Planning Commission and City Council regarding a code amendment that would allow an increased number of units within the proposed building. The City Council sent the matter back to the Planning Commission for further review, and he asked the Commission to provide information about when the issue would be scheduled for further discussion. Mr. Tovar advised that the Commission would discuss their future schedule later in the evening. He explained there are numerous City issues that require the Commission's agenda time, and all quasi-judicial items have priority.

REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided reports during this portion of the meeting.

CONTINUED PUBLIC HEARING ON PROPOSED PLATEAU AT JACKSON PRELIMINARY FORMAL SUBDIVISION

Chair Piro reminded the Commissioners of the Rules of Appearance of Fairness and invited them to disclose any communications they may have received regarding the subject of the hearing outside of the hearing. None of the Commissioners disclosed ex parte communications or other concerns related to the Appearance of Fairness Rules. No one in the audience identified a concern, either.

Chair Piro carefully reviewed the rules and procedures for the quasi-judicial public hearing. He opened the public hearing and invited all those who want to provide testimony (staff, applicant, Commission, public) to raise their right hand and swear and affirm that their testimony would be truthful.

Staff Overview and Presentation of Preliminary Staff Report

Paul Cohen, project manager, reminded the Commission that the proposal was initially presented to the Commission on September 20th. At that time, staff recommended approval of the application, with a long list of standard conditions. The Planning Commission decided to continue the hearing to November 1st, where the project proponents were allowed another opportunity to testify. A SEPA Appeal hearing was conducted by the Hearing Examiner on November 1st, as well; and the Hearing Examiner issued a decision affirming the Planning Director's decision to approve the SEPA Determination. He noted that the Staff Report was previously presented to the Commission.

Mr. Cohen referred to the four review criteria for preliminary subdivision applications and made the following comments on each one:

- *Where environmental resources exist (streams, trees, ravines, and wildlife habitat, etc.) proposals shall be designed to fully implement the goals, policies, procedures and standards of the Critical Areas and Tree Conservation and Land Clearing Chapters.* Staff believes very strongly that the proposal would meet this requirement, and in some cases, the applicant is going beyond what is required. For example, the proposal is to keep the slope facing Northeast 145th Street nearly intact, even though it is not protected under the Critical Areas Ordinance.
- *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.* This issue was raised at the September 20th meeting, and staff asked the developer to provide an alternative layout showing the access moved to the far eastern property line. This alternative is available for the Commission's review. He noted that the alternative would force the applicant to reduce the project from six to five lots, but it would not ensure there would be any less grading. Because of the configuration of the lots, it may even force more grading in order to make the lots accessible from the access drive. Handouts of the alternative were distributed amongst the Commission and audience.

- *Where conditions exist which would be hazardous to the future residents of this property and nearby adjacent residents (steep slopes, flooded plains, unstable soil, etc), criteria related to geological conditions must be met.* Based on the geological report, staff believes these criteria have been met. The slope is stable; and with adequate buffers from streams and steep slopes, the hazards would be adequately addressed.
- *The proposal shall be designed to minimize off-site impacts, especially upon drainage and views:* Jill Mosqueda from the Engineering Department was present to answer questions regarding the City's current drainage standards and how the proposal would meet the standards.

Chair Piro invited Mr. Cohen to display an illustration of the current layout of the proposal so staff could compare it with the alternative layout provided more recently by the applicant at the request of staff. Mr. Cohen reviewed the initial proposal, which identifies six lots, the critical areas tract, buffers and access. He explained that the alternative layout moves the access drive to the eastern property line because it would require less grading for the driveway versus what was proposed. This alternative would only accommodate five lots, and steep driveways may be required to access the pie-shaped lots. He emphasized that the initial layout included a 19,000 square foot critical area tract and protection of the steep slope along Northeast 145th Street. He noted that roads that can be serviced from both sides are generally more proficient, which is what the initial layout proposed. The alternative layout would provide access to the individual lots from one side only.

Commissioner Phisuthikul asked if the area of the six lots in the initial layout would be less than the five pie-shaped lots shown in the alternative layout. Mr. Cohen answered that the lots in the alternative layout would be larger, which is necessary to get a wide enough spot for the house.

Applicant Testimony

Walter Shostak, D.R. Strong Consulting Engineers, Seattle, advised that he was present to represent the applicant. He briefly reviewed the process he used for creating the alternative layout. He explained that no matter what method he used to create a joint-use driveway tract, he was only able to locate five building sites on the property. He pointed out that loading a road from one of two sides is less efficient. He expressed his belief that the proposed layout is better because it represents a more efficient use of the site and maximizes the lot yield.

Questions to Staff and Applicant

Commissioner Pyle asked if the applicant's engineer considered providing a 50-foot buffer from the top of the slope when first analyzing the site for the potential number of units and lot line scenarios that could be placed on the property, or was it automatically reduced down to 15 feet. Mr. Shostak said he could not answer this question because he did not create the original layout for the project.

Commissioner Phisuthikul inquired if a steep slope analysis of the property was completed prior to creating the alternative layout. He also asked if the applicant's engineer considered the potential impact

of the lot usage after grading to make it feasible for a construction site. Mr. Shostak said a steep slope analysis was not done, but he has successfully worked on slopes that are far steeper and more challenging.

Vice Chair Kuboi asked Mr. Shostak to speak to the process that was used to identify a stormwater management plan for the site. Mr. Shostak answered that the project must comply with the 1998 King County Stormwater Manual as adopted by the City of Shoreline. The applicant used the method outlined in the manual for estimating detention and water quality volumes. He referred to the Level 1 Downstream Analysis Report that accompanied the subdivision application and describes the sizing requirements of the proposed stormwater plan. He explained that they initially considered options such as dispersion and infiltration, which are good alternatives. He advised that for an urban lot of this size there was not enough room to use the dispersion technique and still meet the criteria of the manual. While infiltration and low-impact development techniques are still options, the preliminary proposal of a detention vault would handle the water quality and detention requirements associated with the project.

Vice Chair Kuboi asked about the parameters that controlled the design and sizing of the stormwater detention system. Mr. Shostak explained that the subject property was modeled as total forested till soil, with portions converted to impervious area for the roof, pavement and lawn areas. Vice Chair Kuboi noted that several of the public comments regarding the proposed project were related to stormwater drainage issues as a result of tree removal and additional impervious surfaces. He asked about the process that was used to take these issues into consideration. Mr. Cohen introduced Jill Mosqueda, Shoreline Development Review Engineer, and invited her to explain this issue further.

Ms. Mosqueda summarized that the soil on the site has been identified as glacial till, which means it has been compacted by glaciers and is like concrete. It won't slide, slough or infiltrate. She explained that the Engineering Department's first choice is to keep the water on site, which is not possible in this situation. The developer's only alternative is to detain the stormwater and meter it out at a certain rate. She explained that the King County Stormwater Manual and the City's amendments are the equivalent of the 2005 King County Surface Water Design Manual, and Shoreline has been doing Level 2 Flow Control for about ten years. Therefore, projects in the City are already required to design to a higher standard than the adopted manual.

Vice Chair Kuboi requested an explanation of Level 2 Flow Control. Ms. Mosqueda answered that this requires a developer to not only detain the water and meter it out at a certain rate, but also meter it out over time so the volume is quite a bit larger than a Level 1 Flow Control would be. Vice Chair Kuboi asked what happens if the glacial till soil is disturbed. Ms. Mosqueda answered that if a trench were cut through the soil, it would stand straight up on both sides like concrete. Vice Chair Kuboi asked if the City has a mechanism for verifying that stormwater management systems work as intended after projects are completed. Ms. Mosqueda answered that the City's Operations Department inspects all stormwater management systems when they are constructed and then annually thereafter. She briefly described the design requirements and the inspection process used to verify whether or not a system has been maintained and functions properly.

Commissioner Broili asked Ms. Mosqueda to share more information about the design requirements for stormwater systems. Ms. Mosqueda explained that Level 2 Flow Control requirements are based on a return of 25 years, and the volume would be based on the existing rainfall records and the amount of impervious surface running off the site. Commissioner Broili expressed concern that there have been four years in a row of 100-year events. He asked if the system would be designed to meet that level or to a lesser level. Ms. Mosqueda answered the project would be designed to the current standard, which is less than a 100-year flood. Again, she noted that the project engineer modeled the proposed stormwater system as a forest moving to impervious surface, which is the worst case scenario. Therefore, the proposed system is more conservative than it could have been.

Public Testimony or Comment

The Commission asked the public to identify their questions for staff and the applicant prior to giving their testimony. Once all public testimony has been received, the staff and applicant would be invited to respond to each one.

Jan Stewart, Shoreline, said she was present to represent the Paramount Park Neighborhood Group. She submitted binders (Exhibit 1) containing her Power Point presentation materials to each Commissioner. She explained that the group originally formed in 1989 to advocate for open space additions and nominated the 3½ acres of what is now the southern section of the park, which is directly adjacent to the subject property. She provided an aerial photograph showing no separation of the existing forested areas of the subject property and the parks to the north and south. She suggested the wildlife corridor should not be ignored when determining the use of the subject property. She pointed out that the City's Parks, Recreation and Open Space Plan includes a long-term recommendation for the City to purchase land south of Paramount Open Space Park to enhance the park environment.

Ms. Stewart provided pictures of birds that were taken by neighbors from either the subject property or adjacent properties. She suggested the application provides much misinformation about the priority species found in the corridor. She advised that the group's goals eventually expanded to include habitat and water quality improvements. Through a series of grants, they have done extensive restoration work in the 3½ acre section of the park in order to reverse the damaging effects of logging, filling, grading, dumping, and invasion of non-native plant species. She provided a photograph of Mr. Little's abandoned tractor, which seems to be forever restrained by the trees growing through it.

Ms. Stewart suggested that perhaps the greatest benefit from the grant projects has come from the creation of two wetland retention ponds, which have restored wetland function, improved habitat and water quality, and reduced flooding downstream. She provided pictures of both the upper and lower ponds. She emphasized that neighborhood flooding downstream from the ponds has not been eliminated entirely. She provided photographs to illustrate typical creek flow during the fall and winter months, and photographs to illustrate the situation after heavy rains. She noted that a tree near the culvert under 10th Northeast was uprooted last year after a period of heavy rain was followed by a windstorm.

Ms. Stewart said the group believes the runoff from the proposed development, as currently planned, would virtually eliminate the gains the neighborhood group has made in water quality and flood control

for neighbors downstream from the proposed outfall. They believe the City has a responsibility to the neighborhood and should not allow the proposal to go forward with its current design. Alternatives exist but have not been considered.

Ms. Stewart said the group is also concerned about the steep slopes that exist on the subject property and surrounding properties. She provided a photograph illustrating the effects of erosion on the 10th Northeast slope. She noted where a cut would be made to the slope to provide a new access road and advised that a narrow sidewalk also exists at the base of the steep slope. Ms. Stewart provided photographs to illustrate the group's pedestrian and traffic concerns such as narrow sidewalks and sight distance problems looking both east and west along 145th. In addition, she said the group believes the following issues need to be resolved prior to any decision for approval.

- It appears the City has no clear policy on the vacation of easement. If this is true, a policy should be created.
- The group does not favor vacating the easement in question without compensation to the City.
- The variance granted from road improvements on 10th Northeast should not have been allowed without mitigations.
- More information should be provided regarding the work that is proposed to be done in the roadway for utilities, as well as an upgrade done at the intersection with Northeast 145th Street.
- A traffic study should be performed.
- A code enforcement geotech report should be required.
- Encroachment and management of the critical area tract and park boundaries must be addressed.

Ms. Stewart expressed her belief that the Hydraulic Permit Approval (HPA) requirements for the outfall would not address stormwater problems as has been stated by staff. She encouraged the Commission to review the additional discussion points found in her written submittal before making a recommendation on the proposed application.

Vice Chair Kuboi requested further information about the stormwater alternatives Ms. Stewart believes the applicant has not pursued. Ms. Stewart said that last fall, a neighbor forwarded a comment letter to the City suggesting the water be diverted into the holding ponds upstream, since that is what they were designed for. She said the group disagrees with the City Planner's response that the detention vault would be an additional holding pond that would function much like the holding ponds mentioned. The City Planner also suggested that the HPA would protect downstream properties from flooding. She clarified that the group does not question that a detention pond is necessary, but they are concerned about where it would be located. The developer has indicated it would not be economically feasible to locate the facility 400 feet down Northeast 145th Street, but this option would avoid encroachment into the critical area and into the creeks that flow through the backyards of downstream neighbors.

Chair Piro noted that Ms. Stewart's concerns appear to focus primarily on stormwater rather than the proposed configuration of lots. Ms. Stewart agreed, but she said the group would prefer the project create fewer lots so there would be less impervious surface and less stormwater runoff.

Chair Piro referred to the map of the area that was provided by Ms. Stewart. He recalled that Ms. Stewart raised a concern about connectivity between the two City parks. He invited staff to identify where the critical area tract would be located. Mr. Cohen noted that the upper left 1/3 of the site would be set aside as a protected critical area tract. It includes the buffer area to the stream and beyond, as well as the steep slope that extends further into the site. Chair Piro expressed his belief that setting aside the northwest quadrant of the property for a critical areas tract would provide some connectivity between Paramount and Jackson Parks. Ms. Stewart pointed out that numerous significant trees on the subject property would be lost, and it would be many years before new ones would be large enough to mitigate the impacts. She cautioned that many of the larger trees could be saved and development could occur around them, instead. She said she is also concerned that the critical area be maintained and protected in the future. Chair Piro asked if Ms. Stewart is aware of any effort to outright acquire the subject property in order to maintain the connection between Paramount and Jackson Parks. Ms. Stewart answered she is not aware of any effort in this regard, but the concept is discussed in the Parks, Recreation and Open Space Plan.

Vice Chair Kuboi referred to Ms. Stewart's comment that it would be satisfactory to divert the detention flow to the holding ponds to the north. Ms. Stewart clarified that she is not necessarily advocating for this, but the alternative should at least be considered since the ponds would allow more natural infiltration than a single-flow outfall.

Llyn Doremus, Bellingham, said she was invited to speak on behalf of the Paramount Park Neighborhood Group. She advised that she has a background in hydrology and a degree in geological engineering. She summarized that there are complicated issues related to the stormwater runoff and erosion hazards on the subject property, and steep slopes exist on two sides. On the west side, the bowing structure at the base of trees indicates there has been erosion on the site. There has also been downstream flooding.

Ms. Doremus said the applicant proposes to remove about 89 of the 130 trees that currently exist on the site, and this would have a significant impact on slope stability. Trees stabilize slopes because their roots act as a gripping force to keep soils in place. In addition, the removal of trees would eliminate the evaporation and transpiration function that trees perform, and this would result in quite a bit more moisture on site. Ms. Doremus emphasized that stormwater treatment is regulated under the NPDES Permit Phase 2 that the Department of Ecology is currently working to implement, and they offer a much more complicated method of regulation than the current King County Stormwater Manual. She suggested the new stormwater retention and release requirements be adopted for the proposed project because they are more sophisticated and would soon be required.

Commissioner Harris asked Ms. Doremus to provide clarification of what the new requirements would be. Ms. Doremus said the Phase 2 NPDES Permit for stormwater management for Western Washington went into effect earlier this year, and it has a very big regulatory component (5-volume manual) that includes a numerical model for calculation of stormwater runoff and treatment. At some point in the near future, the City of Shoreline would be required to either adopt the 5-volume manual or some other equivalent control. These new controls would require future development to contain half of 2, 25 and 50-year storms and then release at a rate that is similar to the previous release rates. She expressed her

belief that the new requirements would be appropriate for the subject property to address existing stormwater problems. Commissioner Harris summarized that Ms. Doremus approves of the project with proper stormwater control. Ms. Doremus answered affirmatively. She added that a number of factors associated with the project would contribute to worsening stormwater runoff. She agreed that routing stormwater from the site to a natural system such as the existing detention ponds would be appropriate to allow for infiltration and dispersion.

Vice Chair Kuboi asked if the 89 trees that would be removed are located on slopes. Ms. Doremus answered that 89 trees would be removed from the property, and some are located on the slopes. However, it is important to recognize that all of them contribute to evaporation of stormwater. Vice Chair Kuboi asked how removal of the trees on site would contribute to erosion. Ms. Doremus emphasized that glacial till soils do slide, and she noted the Lincoln Park slide that occurred in Seattle in 1996. She explained that, regardless of the location, trees absorb moisture, and increased moisture results in additional water movement over the site and a decrease in the friction capacity between the soils. This all adds to the process of erosion.

Vice Chair Kuboi asked if Ms. Doremus feels the applicant's proposed design, which is based on worst case scenario, represents a realistic interpretation of the City's existing methodology. Ms. Doremus said the applicant's information does not address the accurate amount of transition from forested site to impervious surface, and the flow statistics for containment and release do not take into account the full range of 2 to 50-year events.

Commissioner Phisuthikul asked Ms. Doremus to share her opinion about whether the south slope would be endangered by the proposed project, as well. Ms. Doremus answered that she believes the south slope along Northeast 145th Street should be classified as a steep slope, and she believes the proposal could impact this slope. She recommends a 50-foot setback in this location. She said she understands the City's Critical Areas Ordinance offers exemptions to the developer, but she recommended they also consider the safety of the sidewalk and street below. Commissioner Phisuthikul noted that if the slope is classified as "steep," there should be no construction or grading allowed in the area. Ms. Doremus agreed.

Commissioner Wagner asked if all 89 of the trees proposed for removal are considered significant based on the City's definition. Mr. Cohen answered affirmatively. He noted that the City would require the applicant to replace the trees on a 1 to 3 ratio, depending on the size of trees being removed.

Barry Sommerdorf, Shoreline, said he lives downstream from the subject property. He provided pictures of what the creek looks like downstream under normal circumstances and when there is a significant storm. He expressed his concern that runoff from the proposed detention facility would go directly into the stream. If there are no holding ponds, the water would run downstream and flood the creek on a regular basis. While the applicant's engineer and City staff have indicated that stormwater can be adequately managed, he is not convinced at this point. Mr. Sommerdorf pointed out that the trees located on the steep slope on the west side of the subject property sway significantly when the wind blows. He expressed concern that running stormwater and sewer lines through this area would weaken the trees, making them unsafe. He advised that sewer and storm drain outtake is already located just a

few feet away from the subject property on Northeast 145th Street, so the applicant should connect in this location rather than going through a sensitive area.

Vicki Westberg, Shoreline, commented that groundwater systems keep creeks, springs, and wetlands fed during long periods of dry weather. They filter the water naturally and regulate the release of stormwater in periods of heavy rainfall, as do the trees. She expressed her belief that the applicant has come into the neighborhood unaware of the history of the residents and others who have labored for nearly 20 years to restore the natural wetland systems of the Paramount Park Natural Area, which shares a boundary with the subject property. He assumed there were no wetlands involved and that the only wildlife was the songbird. He also assumed that no one would attend the original neighborhood meeting, where there were approximately 20 people in attendance. His proposed plan would not only have immediate negative impacts on the environment and residents, but a cumulative negative impact, as well.

Ms. Westberg suggested the applicant's plan disregards people, wildlife, and the natural systems that would be disrupted by his project. It allows too much stormwater to be discharged off site and too little ground water recharged. She expressed her belief that the plan must reduce the number of houses to no more than four to allow for the retention of more trees and tree function. She noted that while some developments are done well, others are a detriment to their surroundings. She said it appears the proposed project is one of the latter since it cuts corners to save money at the expense of the community and the environment. She asked the Commission to not assume that granting variances would solve the problem or that mitigation would make up for bad or illegal choices. She encouraged the Commission not to set a precedent for this kind of development.

Donna Eggen, Shoreline, suggested the best solution would be for the City to purchase the property and extend the Paramount Park open space all the way to Northeast 145th Street. She reminded the Commission that the goal of obtaining space to extend the park is in the City's Park, Recreation and Open Space Plan. She referred to the aerial photograph that was provided in the notebook submitted by Ms. Stewart, which illustrates how the subject property belongs with the rest of Paramount Park and provides a corridor connection to Jackson Park across the street. She suggested the City partner with an organization to take advantage of this once-in-a-lifetime opportunity. She submitted her written comments, which were identified in the record as Exhibit 2.

Commissioner Pyle asked if the objective of maintaining open space and habitat connectivity across the landscape and expanding parks properties could be met if the protected area tract proposed as part of the subdivision process were to be deeded over to the City. This would expand Paramount Park and allow for continued maintenance of the corridor along the slope, which is the stream riparian area. Ms. Eggen said they would ideally like to have the entire property as open space, but deeding the protected area tract to the City would be a wonderful alternative.

Dennis Lee, Shoreline, said he is concerned that there should be no outflow, utilities, or other disturbance on the slope towards the park. He noted that while the slope is fairly stable at this time, there are old-growth stumps on the hillside, as well as trees that lean slightly. Any disturbance in this area could result in instability. In addition, the access driveway should be located downhill so that if

detention or retention systems fail, the water would run away from the slope. That's what currently exists naturally. He said his home is built on hard pan or glacial till, and sand is located 3½ feet down where the water runs in. This could be a problem on a slope such as the one that exists on the subject property. Digging deeper than what was done for the geotechnical report should not be allowed unless holes have been drilled and core samples have been taken to identify what is under the glacial till. The drainage must go out at the Northeast 145th Street entrance. Any other design would change the character of the property. He suggested the easement disposition could be traded for other land. He noted that doing infiltration on a high spot makes it difficult to know what's going on unless you drill holes because the water could come out below.

Donn Charnley, Shoreline, professor emeritus of geology from Shoreline College and a lecturer at the University of Washington, said he was asked to review the proposal and provide his professional point of view. He referred to a map illustrating the glacial features of the subject property, which was identified as Exhibit 3. He explained that soils on the subject property include glacial till, esperance sand, and laughton clay, which acts as a much more impervious layer than till. When landslides occur in the area, it is almost always where the clay underlies the sand or till and the water comes down and lubricates it and away it goes. He emphasized that trees hold slopes in place, and the existing trees are bowed because the slope moves while they are growing. The tree roots bend until the roots get a hold, and then they grow straight up. The greater the curve of a tree, the more slope movement.

Mr. Charnley said he hardly endorses Mr. Lee's suggestion that drilling be done to identify the current soil conditions below the glacial till. The soil on top can only hold so much water, and the trees do much of that job. He pointed out that the Colorado River experienced significant flooding in 1912 and again in 1914. He said that while the idea of planning for a 100-year storm is good to identify extreme situations, the City should not assume that because they had a 50-year flood, it won't happen again for another 50 years.

Commissioner Broili asked where the laughton clay material is located on the site. Mr. Charnley said there is none he could see, but he noted there can be 100 feet of till in one location and only two feet with sand under it in another. In order to plan adequate drainage, it is important to test drill ever few yards to form an underground three-dimensional picture of what is going on under the glacial till on the entire site.

Vice Chair Kuboi asked how deep of a boring would be necessary to identify the underlying soils. Mr. Charnley suggested a minimum of 20 feet to as much as 40 feet.

Terry Benson, Shoreline, said she took many of the photos that have been presented to the Commission by prior speakers. She said she is a certified creek steward for the City of Seattle, with Thornton Creek being her primary focus at Meadowbrook where the beaver ponds are. She expressed her belief that any construction along Little Creek is going to desperately impact Thornton Creek, as well. She said the neighbors are fortunate to have abundant wildlife in the area, and many are classified and headed for the Endangered Species List, including the Pileated Woodpecker, salamanders, flycatcher bird, owls and butterflies. These species have all been declining over the last several years. Ms. Benson reported that

Little Creek has flooded into her yard on several occasions. If construction on the subject property is allowed to further impact her property, she would guarantee a lawsuit.

Commissioner McClelland asked Ms. Benson to explain why she no longer sees the species she listed. Ms. Benson said she doesn't know why except for the debris and toxins being washed down the creek. A few times she has seen large, brown clusters of bubbles, so she knows something has been introduced into the creek that doesn't belong there, and this is usually a runoff situation. Commissioner Harris said he visited Little Creek yesterday and found suds in the creek.

Chair Piro recalled Ms. Benson's comment that there should be no more development along Little Creek. He asked her to share her ideas for alternative development on the subject property. Ms. Benson said the absolute best use of the property is for the City of Shoreline to purchase it and incorporate it into the greenbelt.

Bill Bear, Shoreline, emphasized that every development and every increase in the number of people moving into the area adds to the toxins that accumulate in the streams, air and our bodies. He read a section from the Puget Sound Partnership's State of the Sound Report which states, "In 2005 ten Washington residents agreed to have their hair, blood and urine tested for the presence of toxic chemicals as part of an investigative study by the Toxic Free Legacy Coalition. The study revealed that some of the same toxic chemicals we find in Puget Sound are showing up in our bodies. Each person tested positive for at least 26 and as many as 39 of the toxic chemicals tested for." Mr. Bear said it is important for the Commission to understand the full implications of what is being proposed. Every time they add people, they are adding more toxins to Puget Sound, and this impacts the fish, wildlife and people. In 2004 the Sightline Institute conducted a study that tested mother's breast milk for PBDE's, which cause immune problems and cancer, and found them to be present.

Given the time constraint, the Commission took a five-minute break from the hearing to discuss how to proceed with the two public hearings. Mr. Tovar suggested the Commission continue the Ridgcrest Commercial Area public hearing to a special meeting on Thursday, November 29th, and scratch the meeting that was proposed for December 13th. This would allow the Commission to proceed now with the Plateau at Jackson public hearing, and possibly continue it for further Commission deliberation on Thursday, December 6th.

COMMISSIONER HALL MOVED TO OPEN THE RIDGECREST COMMERCIAL AREA ZONING PUBLIC HEARING AND CONTINUE IT TO A SPECIAL MEETING ON THURSDAY, NOVEMBER 29, 2007 AT 7:00 P.M. COMMISSIONER PYLE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

CONTINUED PUBLIC HEARING ON PROPOSED PLATEAU AT JACKSON PRELIMINARY FORMAL SUBDIVISION

The Commission agreed to extend the meeting to accommodate all those who signed up to participate in the public hearing.

Wendy DiPeso, Shoreline, pointed out that the current land owner has no stake in the community, and she is not opposed to him maximizing his profit. However, she and her husband would not be allowed to do the same because it does not fit within the community values. In a similar way, she suggested the proposed development runs counter to the best interest of the community because it further degrades an important wildlife corridor. The community would be better served if the area were restored to a natural state. She suggested the City pursue opportunities to partner with one or more of the numerous non-profit land use organizations to purchase the property. This would allow Mr. Little to benefit from the sale, and the developer would be released from an unanticipated headache. It would also protect the interest of future generations. Ms. DiPeso urged the Commission to consider who the community belongs to. Does it belong to developers who come to the area temporarily to extract the highest value or does it belong to those who make it their home?

Don Norman, Shoreline, said he was present to speak on behalf of the Paramount Park Neighborhood Group. In addition to his written testimony that was submitted to the Commission prior to the meeting, Mr. Norman pointed out there are two pieces of hardly developed property to the north of the northwest corner of the property. If these two pieces of property were purchased, 10th Avenue Northeast could also be decommissioned, and that would increase the corridor value in the entire area.

Ken Cottingham, Shoreline, said he has been a professional transportation engineer for the past 51 years. He said he has worked on several traffic projects in Shoreline, using the standards promulgated by the Federal, State, County and City governments. As he reviewed the proposed project, he noted there would be platoons of heavy traffic on Northeast 145th Street. If he were to do a traffic study for the proposed project, he would not likely recommend the proposed turning movements onto the access road, particularly left hand turns. He said when reviewing projects of this type he also reviews the grade of the proposed access road to make sure it meets the standard requirements.

Commissioner Phisuthikul asked Mr. Cottingham to share his thought regarding the alternative design that was presented by the applicant. Mr. Cottingham said it is difficult to interpret the sight distance numbers that were provided on the diagram. Commissioner Phisuthikul asked Mr. Cottingham whether he felt the alternative access from 11th Avenue would be better than the access that was originally proposed by the applicant. Mr. Cottingham said he did not have enough information to respond. He said given topographical changes in the area, he did not feel the sight distance would be sufficient enough, based on the speed of approaching cars, to make full left and right turns. However, he cautioned that a full traffic study would be necessary to make a final determination.

Vice Chair Kuboi asked which jurisdiction would have control over a traffic study and design considerations for the subject property since the westbound lanes of Northeast 145th Street are under King County's jurisdictions and the subject property is located within the City of Shoreline. Mr. Cottingham pointed out that the State Department of Transportation Department (DOT) has jurisdiction over Northeast 145th Street (State Route 523). The applicant would be required to meet the DOT's standard requirements, which are nearly the same as those of the County, State and Federal Governments.

Richard Tinsley, Shoreline, agreed with the previous speakers who suggested the best use of the subject property would be to add it to the Paramount Park Open Space. He expressed his belief that the property should remain wooded since it is part of an important wildlife corridor. The City of Shoreline has expressed their goal of adding property to Paramount Park and enhancing pedestrian access, which could be done via the easement that exists on the subject property. He said he would be opposed to the City giving the easement to the developer with very little in return. He also pointed out there are different types of till soils. Some are extremely hard but other types do allow water to permeate through. He suggested that water currently percolates through the soil, and the soil has experienced erosion.

Brian Derdowski, Issaquah, presented the following questions to staff:

- Has anyone from the City with current professional engineering qualifications visited the site and analyzed the report that was submitted by the applicant?
- Was an analysis done to determine whether it would be possible to run sewer and other utilities directly to Northeast 145th Street and what this would require?
- Has City staff measured the sight lines for the access road and provided documentation for the record?
- Has staff analyzed the permeable soils that do exist on the east side of the property line that would allow infiltration along the top of the slope? Mr. Derdowski advised that the developer's engineer met with him on site and found there was likely some permeable soil along the east side of the property line that could infiltrate.
- Does the City have any specific written policies that govern the vacation of road easements? If so, were these policies reviewed and applied to the proposed application?

Mr. Derdowski said he represented the appellant group in an effort to negotiate a settlement with the applicant, but their attempts failed when the developer walked away at the last minute. He suggested the Commission instruct the Planning staff to do the following:

- Prepare a transportation study to examine the site line and capacity issues and to document the need for turning restrictions.
- Deny the easement vacation and require its use as the access road.
- Require the standard steep slope setback and not allow the setback to be reduced by 80%. Testimony was provided by a highly qualified technical expert that this would be highly problematic.
- Require infiltration to the maximum extent practical to improve the water quality situation.

Mr. Derdowski suggested that if staff were to prepare the above listed findings, the Commission would have the opportunity to review the information and alternatives when they reconvene. He requested the Commission leave the record open for the transportation component, since the appellants' transportation consultant did not receive a copy of the alternative design until today.

Mr. Derdowski said he objects to the notion that the Commission could construct an open record hearing that is fair under the rules that were adopted. The two-minute requirement is not reasonable and does not lend itself to the creation of a full and complete hearing. He thanked the Commission for their

public service to the people of Shoreline. Chair Piro said Mr. Derdowski knows full well the Commission's practice is to give people more time when there are not so many who want to participate.

There was no one else in the audience who expressed a desire to address the Commission during the public hearing.

Comments from Staff Regarding Questions Raised

In response to questions raised by Mr. Derdowski, Mr. Cohen reported that all staff members involved with the project review have visited the site. Staff also reviewed the application with Ms. Mosqueda, who is the City's licensed engineer.

Ms. Mosqueda explained that relinquishing an easement would not require a vacation process. The easement property is owned by the property owner and benefits the City by allowing access to the park. Therefore, the property owner should not be required to pay money to get the easement back.

Ms. Mosqueda said it is not her job to conduct an analysis of the subject property to identify the types of soils that exist and the best methodology for stormwater management. This responsibility lies with the developer's engineer. She doesn't work for the developer; she works for the City. It is her responsibility to make sure proposed designs meet the City standards. She reviews engineering plans and identifies problems that need to be taken care of.

Ms. Mosqueda advised that staff explored (not analyzed) the option of diverting the detention into the City of Seattle's stormwater system. However, it was found to be unfeasible because of the elevation of the existing infrastructure to the east and west and the elevation of the subject property. In addition, it is important to recognize that Northeast 145th Street has 30,000 average daily trips, so it would be difficult to close the street for an extended period of time for construction when there are other alternatives. The issue of who has jurisdiction over this street is also a complicated question. She noted that the proposed access would be an automatic right in and right out because of the traffic that exists on the street.

Ms. Mosqueda emphasized that the project is in the early stages. The SEPA Determination was just recently made, and the application is not far enough in the design phase to provide detailed information about engineering aspects. Mr. Cohen further explained that the application is for a preliminary subdivision request, and the intent is to require just enough information to determine whether or not the proposal is feasible. Many of the engineering issues raised by the public could be corrected or addressed during the final design and construction phases of the project. He cautioned that staff is not recommending approval of exact engineering plans for the subject property at this time, but they believe it would be possible to design a feasible project.

Ms. Mosqueda said the alternative access proposal would not meet any of the City's standards and would never be approved without some kind of engineering variance. This access must be separated from the other access point for residents to the east. Chair Piro recalled the Commission initially discussed the option of creating a shared access. Ms. Mosqueda said she reviewed this option closely, but there are issues related to sight distance and the sight itself that would make this option unfeasible.

Mr. Cohen noted that shared access would require the property owners to the east to agree, and the City cannot require them to do so. Chair Piro asked if this option has been discussed with the property owners to the east, and Mr. Cohen answered no.

Ms. Mosqueda explained that some of the flooding that has occurred on Little Creek would improve because downstream capacity was improved over the past summer.

Commissioner Wagner said the largest concerns are related to stormwater management. It appears there is already a huge problem with the site because it can't infiltrate water. She asked staff to share how the current situation would be altered by the proposed development. Ms. Mosqueda answered that the subject property does handle water because it is vegetated. It may infiltrate some, but it does not have an infiltration rate that would allow them to put concentrated runoff from the roofs into the ground. The site doesn't meet any of the criteria for keeping the water on site. When the property is developed, trees would be removed and replaced with development that water will run off of. The proposed alternative represents the quickest and easiest method for taking care of the runoff, and most engineers like it because it is a common practice. The applicant's stormwater engineer has reviewed the subject property as if it were totally forested and infiltrates water, and this is very conservative because there is no infiltration on the site right now.

Mr. Cohen added that the applicant's stormwater proposal would essentially reduce the runoff rate to what it would be like if the site were forested. There is no detention system on the site at this time. When determining whether there should be fewer lots and less impervious surface, Mr. Cohen pointed out that impervious surfaces could be increased or remain the same even if there were fewer than six lots created on the site.

Commissioner Pyle asked if a stormwater general permit from the Department of Ecology would be required for the site. Ms. Mosqueda said a Department of Ecology construction permit would be required during the construction phase of the project. The City is working to create new regulations to implement the Phase II NPDES Permit, but the developer would not be required to meet the NPDES Permit requirements. Commissioner Pyle asked if a Forest Practices Permit would be required from the Department of Natural Resources. Ms. Mosqueda said she doesn't know if this permit would be required.

Commissioner Pyle requested staff provide more information about the street vacation regulations.

Commissioner Phisuthikul asked staff to share their opinion about whether the slope to the south of the property would be considered steep. Ms. Mosqueda said the cut was made when Northeast 145th Street was constructed, so it is not a natural slope. Mr. Cohen added that while the slope is steep, it is not covered under the Critical Areas Ordinance because it's a human made cut into the slope, and these are exempt under the code. He advised that the way the proposal has been recommended for approval, other than the drive entry, the slope and its vegetation would remain intact. Commissioner Phisuthikul summarized that according to the City's regulations, the south slope of the property is not considered a critical area because it is not a natural slope. Mr. Cohen answered affirmatively, and Commissioner Pyle referred to Code Section 20.80.030.F.

Commissioner Broili noted the proposed detention overflow would eventually be discharged into Little Creek. Mr. Cohen agreed and noted that an HPA permit would be required for the outfall. Commissioner Pyle pointed out it is not possible to apply for or obtain an HPA Permit until you have received your SEPA Threshold Determination. Therefore, the applicant may not have applied for the permit at the point at which the hearing was scheduled.

Commissioner Harris noted the City granted a variance to waive the frontage improvement requirements on 10th Avenue because the developer was not going to use that access. He asked why an in-lieu-of payment was not required. Mr. Mosqueda said a verbal agreement has been discussed, but the applicant has not applied for this engineering variance yet. The in-lieu-of payment would be collected when the developer submits an application for a development permit.

Commissioner Hall asked what happened to the Commission's parking lot issue to try and resolve the Northeast 145th Street right-of-way issue. He suggested that if this issue had been clarified earlier, many of the current problems could have been resolved. Ms. Mosqueda suggested the Commission raise this issue with the new Public Works Director.

CHAIR PIRO CONTINUED THE PLATEAU AT JACKSON PUBLIC HEARING TO THURSDAY, DECEMBER 6, 2007 AT 7:00 P.M.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no reports by Committees or Commissioners.

UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

NEW BUSINESS

There was no new business scheduled on the agenda.

ANNOUNCEMENTS

There were no announcements.

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 9:55 P.M.

Rocky Piro
Chair, Planning Commission

Jessica Simulcik Smith
Clerk, Planning Commission