

From: [Greg Logan](#)
To: [City Council](#)
Subject: City Council Documents for City Council Presentation
Date: Monday, May 01, 2017 3:38:12 PM
Attachments: [CUP 201577 Conditions - Revisions \(2016\).docx](#)

Shoreline City Council,

Below is the Summary of the most egregious results of City Manager and Planning Staff visit to the Highlands that I will reference in my next presentation to the Shoreline City Council. Please note that despite being informed that our neighborhood would be visited, we were totally ignored.

The unilateral revisions of the original conditions (attached) included adding two new “conditions” and essentially eliminating one original condition. Each revision results in the creation of NEW significant impacts. These revisions were made in the Spring of 2016 - eight (8) years after the original conditions were provided in 2008 with no environmental review and no opportunity for judicial review.

Solution #1 to the Highlands Utility Facility/Yard – Highland Terrace Residential Neighborhood Issue: **Rescind the 2016 Revisions to the original Conditions for CUP Permit 201577.**

1. Added “Condition” - Back-hoe/Loader Slamming 12’ Pike into “Drop-Box”

- a. Paragraph added Spring 2016 -
 - **Landscape waste drop-box located outside the 200 foot setback and compression by a backhoe is a necessary function of the drop-box to fill the containers *as a permitted function of the utility yard.* You have indicated that this activity is limited to 45 minutes in the morning and 45 minutes in the afternoon to minimize the duration of the activity.** [italics added]
- b. Contrary to italicized language, the Highland’s Green Waste disposal was NOT permitted as a function of the Utility Yard as stated here in the newly added “condition”. The Utility Facility and Yard was specifically permitted based on a “Non-Conforming” Use. In contrast, the Green Waste disposal was specifically identified by both former City Attorney Ian Seivers AND Hearing Examiner Sue Tanner as NOT Non-Conforming – since this use was not formally engaged by the Highlands on this land prior to their application.
- c. The Green Waste disposal was specifically permitted as a “Drop Box” use per former City Attorney Ian Seivers clear statements. This is VERY clear throughout the entire process.
- d. A “Drop Box” use is permitted in a residential zone in Shoreline. A “Drop

Box” is that little box that you see all around Shoreline for CLOTHES/SHOES, NEWSPAPERS, etc.!!!

- i. Clearly an industrial sized back-hoe/loader CANNOT jam a 12’ spike into the Drop-Box that is permitted in a Shoreline residential neighborhood. This was the point of my presentation to the Council in the spring of 2016.
- ii. Planning Staff has not only incorrectly characterized the Highlands Green Waste disposal as a function of “the utility yard”, but has unilaterally permitted a “Transfer station” type function with no due process. A transfer station is not only a new use but is NOT permitted in a residential zone and never formally existed on this site.
- e. The Highlands’ Green Waste disposal has functioned for YEARS using just the “drop-box” with NO heavy equipment daily slamming a pike into it. The added daily heavy equipment is a very recent innovation.

2. Eliminated Condition – Eliminating City Provided Back-up Beeper Protection

- a. Language highlighted in italics added Spring 2016 -
 - All utility yard vehicles with back-up beepers shall be the best available and legally authorized to minimize sounds and broadcast direction. *This does not apply to vehicles not owned or operated by the utility yard.* [Italics, Highlight added]
- b. The fact is that 98+% of the heavy equipment activity in the lay-down yard is Contractor activity. Therefore, Planning Staff has unilaterally eliminated Condition 7 - with no environmental review and no opportunity for judicial review.
- c. Condition 7 was provided by the City of Shoreline to protect our neighborhood from the exact impact seen in the video I recently provided the Council. *This protection is now stolen from us with no due process.*

3. Added Condition - Branch and Tree Grinding (Stump Grinding)

- a. Paragraph added Spring of 2016 -
 - Branch chipping is an allowable activity following storm related tree damage otherwise branches shall be placed in the drop-boxes.
- b. The actual grinding activity has been FAR, FAR more intense than just little branches with a small chipper as implied by the above language (see Impact below). This grinding is done via a leased, special industrial sized and extremely loud grinder and includes MANY large chunks of downed trees including trunks.

c. Former City Attorney Ian Seivers specifically confirmed with the Highlands that they would not engage in stump grinding to make certain that no activity of this level of intensity would occur adjacent to our residential neighborhood. The Highlands specifically confirmed that they would NOT be engaging in this type of activity.

i. The grinding of large branches, trunks and large wood pieces is of the same level of intensity as stump grinding – and the impact is much worse – due to the duration.

d. Impact

i. The noise level of the grinding is unbelievably severe, continuous and completely fills my home. The noise duration was not for a few hours but DAYS – essentially eight (8) hours a day for approximately 2.5 days at the last occurrence.

ii. I am ABSOLUTELY UNABLE TO EXIST – much less function - IN MY OWN HOME FOR THE ENTIRE TIME THIS ACTIVITY OCCURS. Therefore, my property has essentially been stolen by the City of Shoreline and given to the Highlands.

e. Planning Staff has essentially created a **new use** that -

i. Is a function of the Green Waste Disposal which was permitted as a Drop-Box Use.

1. >>> This function is *absolutely impossible* with a Drop Box Use

ii. Was never described in the application AND of a nature of which the Highlands asserted that would not engage, and

iii. Had no environmental, impact or opportunity for judicial review, and

iv. Is TOTALLY INCOMPATIBLE with a residential neighborhood contrary the requirement of the Shoreline Comprehensive Plan and Development Code.



Planning & Community Development

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(206) 801-2500 ♦ Fax (206) 801-2788

April 1, 2016

Andy McCrae, General Manager
The Highlands, Inc.
NW 155 St
Shoreline, WA 98177

RE: Site Development Permit 110810 and CUP 201577

Dear Andy:

Thanks for meeting with us at the utility yard March 29, 2016 to discuss neighbor complaints regarding noise from the utility yard. The noise complaints we received center around:

- Compressing yard and landscape waste in the drop-boxes with backhoe.
- Back-up beepers on construction vehicles.
- Trucks idling within 200 feet of the east property line and the east access drive.
- Branch chipping
- General noise attenuation

The July 23, 2008 Permit 110810 Conditions of Approval

1. Business and Machinery Hours are only between 8 AM and 5 PM, Monday through Friday. In addition to these hours, recycling activity is also allowed between 10 AM and 5 PM on Saturday and Sunday.
2. Utility yard shall not use the lay down yard north of the access drive until plantings in the eastern 80 feet of landscaping are completed, inspected and approved. Or (2) the applicant has posted a performance bond in form and amount satisfactory to the City to assure completion of the plantings within two months of the date of issuance of permits for installation of the plantings.
3. All construction vehicles shall be stored in buildings (or west or south of the storage building) and diesel engines preheated prior to starting engines. All vehicles shall be warmed up either inside the storage building or outside west or south of the building.
4. No idling construction equipment is allowed in the east access drive or lay down yard.

5. No loading activity involving heavy equipment or diesel engines shall occur within 200 feet of the eastern property line. The areas where this activity is prohibited shall be signed and demarcated.
6. Material storage bins shall be relocated to the west side of the utility yard along the west access drive.
7. All construction equipment must be outfitted with the best available and legally authorized back-up beepers to minimize sounds and their broadcast direction.
8. The lay down yard shall only be used for equipment and material related to community projects, not for equipment and material related to residential development.
9. All exterior lighting shall be shielded from directly reaching adjacent single family property.
10. Any violation of these conditions will result in a Stop Work Order.

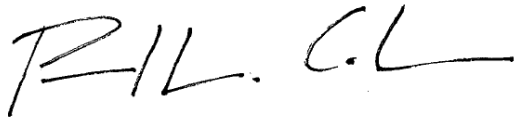
After touring the yard and discussing noise issues and the conditions of development the City has further refined the original conditions for compliance with the following conditions of Permit 110810.

- Landscape waste drop-box located outside the 200 foot setback and compression by a backhoe is a necessary function of the drop-box to fill the containers as a permitted function of the utility yard. You have indicated that this activity is limited to 45 minutes in the morning and 45 minutes in the afternoon to minimize the duration of the activity.
- All utility yard vehicles with back-up beepers shall be the best available and legally authorized to minimize sounds and broadcast direction. This does not apply to vehicles not owned or operated by the utility yard.
- Trucks shall not be allowed to idle in the east access drive or laydown yard. Increased signage and demarcation of the 200-foot setback shall be implemented that clearly communicate which side of the demarcation that materials or equipment can be loaded or unloaded.
- Branch chipping is an allowable activity following storm related tree damage otherwise branches shall be placed in the drop-boxes.
- All construction vehicles must be stored in buildings (or west or south of the storage building) and diesel engines preheated prior to starting engines. All vehicles shall be warmed up either inside the storage building or outside west or south of the building.
- A general noise attenuation wall was not required with permit# 110810 because the submitted noise study showed that a wall would be ineffective considering the measured level of noise from the utility yard and the large area of the noise source that would be discernably, attenuated by a wall.

- Noise that exceeds these parameters or source from outside the utility yard shall be administered by Chapter 9.05 – Public Disturbance Noise of the Shoreline Municipal Code and enforced by Shoreline Police.

Please contact me if you have any questions or concerns at 206 801 2551 or pcohen@shorelinewa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R.L. Cohen". The letters are stylized and connected, with a long horizontal stroke at the end.

P&CD Planning Manager

Cc:

Greg Logan, Highland Terrace Resident

Debbie Tarry, City Manager

Rachael Markle, P&CD Director

Randy Olin, Customer Response Team Manager