



CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.ci.kirkland.wa.us

MEMORANDUM

To: Dave Ramsay, City Manager

From: Rob Jammerman, Development Engineering Manager
Jennifer Schroder, Parks and Community Services Director

Date: May 2, 2006

Subject: Proposed property trade along the south side of the of Mark Twain Park

RECOMMENDATION

It is recommended that City Council authorize the City Manager and Parks and Community Services Director to proceed with the required process to trade a portion of Mark Twain Park for an equal portion of property from the adjacent property owner.

POLICY IMPLICATIONS

The Kirkland City Council will have the final approval of this proposed property trade, but because the Mark Twain Park property was deeded to the City by King County, it also requires King County Council approval. The Kirkland Parks Board reviewed the proposed trade in November of 2005 and recommended that the City Council approve it.

BACKGROUND DISCUSSION

The Public Works Department and Parks Department have been contacted by Mr. Jag Basra about the possibility of dedicating 3005 sq. ft. of the Mark Twain Park for a City-required street extension, and trading approximately 13,274 sq. ft. of property along the south side of Mark Twain Park for an equal portion of Mr. Basra's property. Mr. Basra and his brother own two large parcels directly south of Mark Twain Park which are addressed 10510 and 10522 130th Avenue NE. The two parcels make up approximately 2.32 acres, and the north parcel shares the south property line of the Park and aligns with the panhandle shaped portion of the Park property (see Attachment 1 for a map of the property). Mr. Basra is planning on subdividing this property and has asked if the City would consider the following:

- A. **The required street connection:** The City's Comprehensive Plan calls for a new NE 105th Street connection through Mr. Basra's property and along the south side of the panhandle portion of the Park property (see Attachment 2). This street connection was included in the North Rose Hill Neighborhood Plan update which was adopted in October of 2003. Although the street extension could be designed to meander around the Park property, doing so would require the adjacent property to the south to shoulder the entire right-of-way dedication and improvement costs for the street connection. Mr. Basra has pointed out that the City would not meander the street connection around the Park property if it was privately owned, and therefore the City should assist in this street connection by allowing part of the street to be on the Park property (if the Park boundaries remain in their current configuration).

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- B. **Option 1:** If the City sees merit in participating in the NE 105th Street extension, Mr. Basra has offered to construct the entire street extension (to the east property line of the subject property) if the City will transfer our half of the right-of-way for the street extension. The Park street dedication would be 20 feet wide along the entire south property line of the panhandle portion of the Park and is approximately 3,005 sq. ft. (see Attachment 3). With this option, the benefit for Mr. Basra is that the street will not have to be meandered around the panhandle portion of the Park. The benefit for the City is that Mr. Basra has offered to install all of the street improvements, which will save the City money in the future if the Park property is redeveloped. It is estimated that the dollar value of the property being transferred from Park to public right-of-way is approximately \$60,100 (3005 sq. ft @ \$20 psf) and the value of the street improvements that Mr. Basra would construct for the City is approximately \$37,500 (150 ft at \$250 plf).
- C. **Option 2 (recommended by staff and the Parks Board):** If the Council sees merit in Option 2 and believes the City should participate in the road extension by dedicating the right-of-way, Mr. Basra has also asked if the City would consider a land trade whereby approximately 13,274 sq. ft. would be traded to eliminate the Park panhandle and give Mr. Basra a more rectangular property for his subdivision (see map as Attachment 4). This would appear to be a benefit for both the City and Mr. Basra for the following reasons:
- The trade would make both pieces of property more useable; Mr. Basra would have a more rectangular property that would provide for a better subdivision layout and the City would eliminate the panhandle portion of the Park.
 - The proposed subdivision would dedicate and improve the entire street extension (to the east property line of the subject property); the City would be relieved of having to dedicate or improve the street extension at this time, or in the future.
 - The City would gain seven additional significant trees into the park property; per a preliminary tree survey, the trade would transfer nine significant trees to Mr. Basra's property and 16 significant trees to the City.

The map titled **Final Layout** (Attachment 5) shows how the Park and Mr. Basra's property would look after the trade.

- D. **Option 3:** If the City is not interested in doing the street dedication or land trade at this time, Mr. Basra has indicated that he will likely segregate the eastern portion of the lot into one single lot through the Lot Line Adjustment process and the remaining property to the west will be subdivided (see Attachment 6). As a condition of the subdivision, Mr. Basra will be required to dedicate and improve NE 105th Street up to the panhandle portion of the Park and the segregated lot that is not part of the subdivision. This option would not require any involvement from the Parks Department, and the street would not be extended until the City redeveloped the Park property or the segregated lot was subdivided in the future.

If the City Council authorizes staff to move forward with the proposed land trade, the Parks Department will work the King County Parks Department and seek King County Council approval. After their approval, the matter will be brought back to the Kirkland City Council for final approval.

Please let us know if you have any questions.

Attachments (6)

cc: Daryl Grigsby, Public Works Director
John Burkhalter, PE, Senior Development Engineer

Attachment 1



Mark Twain Park Property



Developer Property



XV.F. NORTH ROSE HILL NEIGHBORHOOD

Table NRH-1: North Rose Hill Street Connection Plan Description List

1. NE 88TH STREET BETWEEN 124TH AVENUE NE AND 126TH AVENUE NE
2. NE 108TH STREET BETWEEN SLATER AVENUE NE AND 123RD AVENUE NE
3. NE 105TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE
4. NE 103RD PLACE BETWEEN 132ND AVENUE NE AND EXISTING CUL-DE-SAC END
5. NE 101ST PLACE BETWEEN 131ST PLACE NE AND 132ND AVENUE NE
6. NE 97TH STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
7. NE 94TH STREET BETWEEN 125TH AVENUE NE AND 124TH AVENUE NE
8. 125TH AVENUE NE BETWEEN NE 91ST STREET AND NE 95TH STREET
9. 130TH AVENUE NE BETWEEN NE 87TH STREET AND NE 94TH STREET
10. NE 91ST STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
11. NE 90TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE
12. 131ST AVENUE NE BETWEEN NE 90TH STREET AND NE 91ST STREET
13. 122ND AVENUE NE BETWEEN NE 90TH STREET AND NE 92ND STREET
14. 126TH PLACE NE BETWEEN NE 102ND PLACE AND NE 100TH PLACE
15. NE 101ST PLACE BETWEEN 124TH AVENUE NE AND 125TH AVENUE NE
16. NE 116TH STREET BETWEEN 127TH AVENUE NE AND 132ND AVENUE NE
17. NE 109TH PLACE BETWEEN SLATER AVENUE AND 124TH AVENUE NE

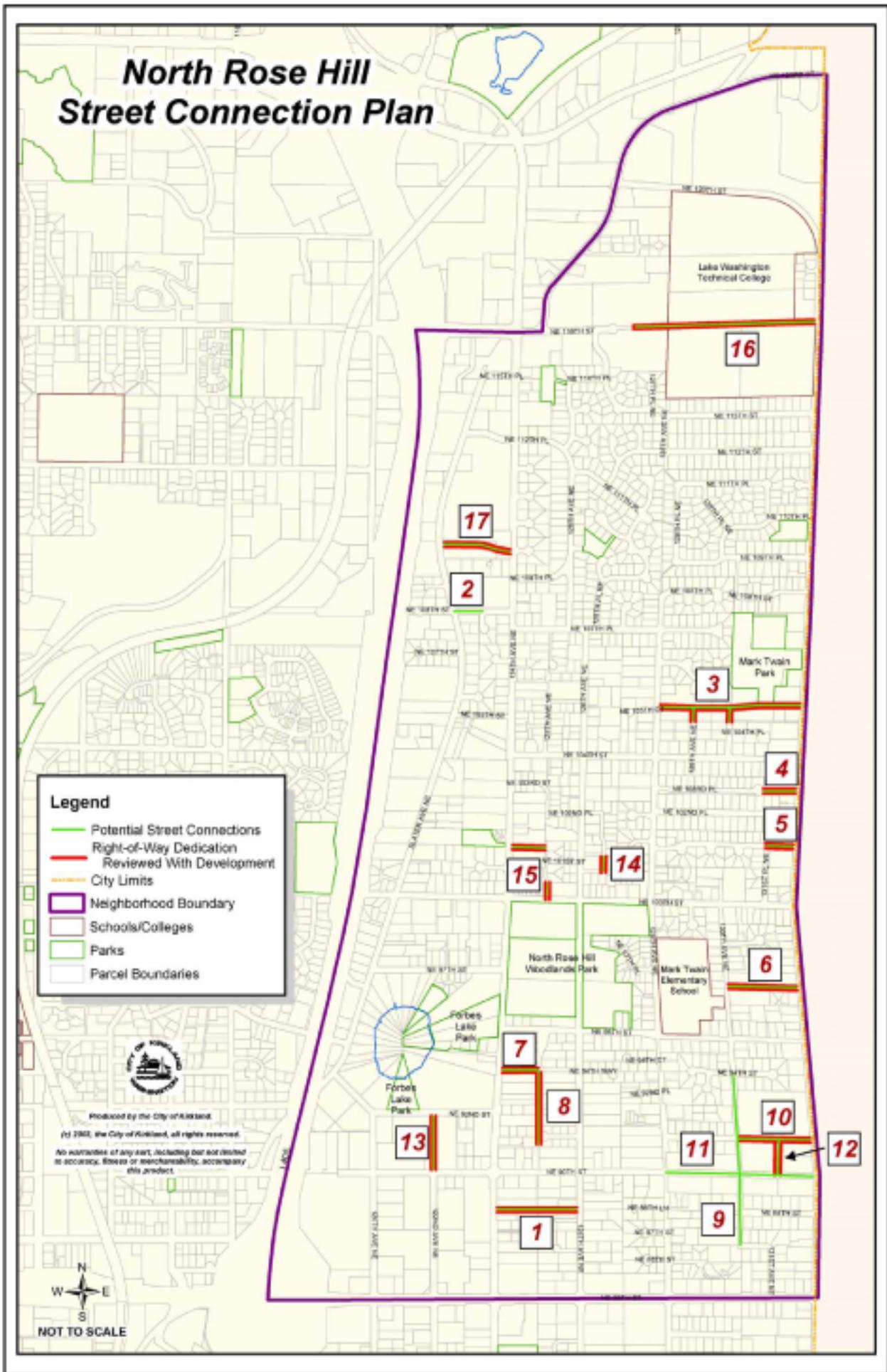
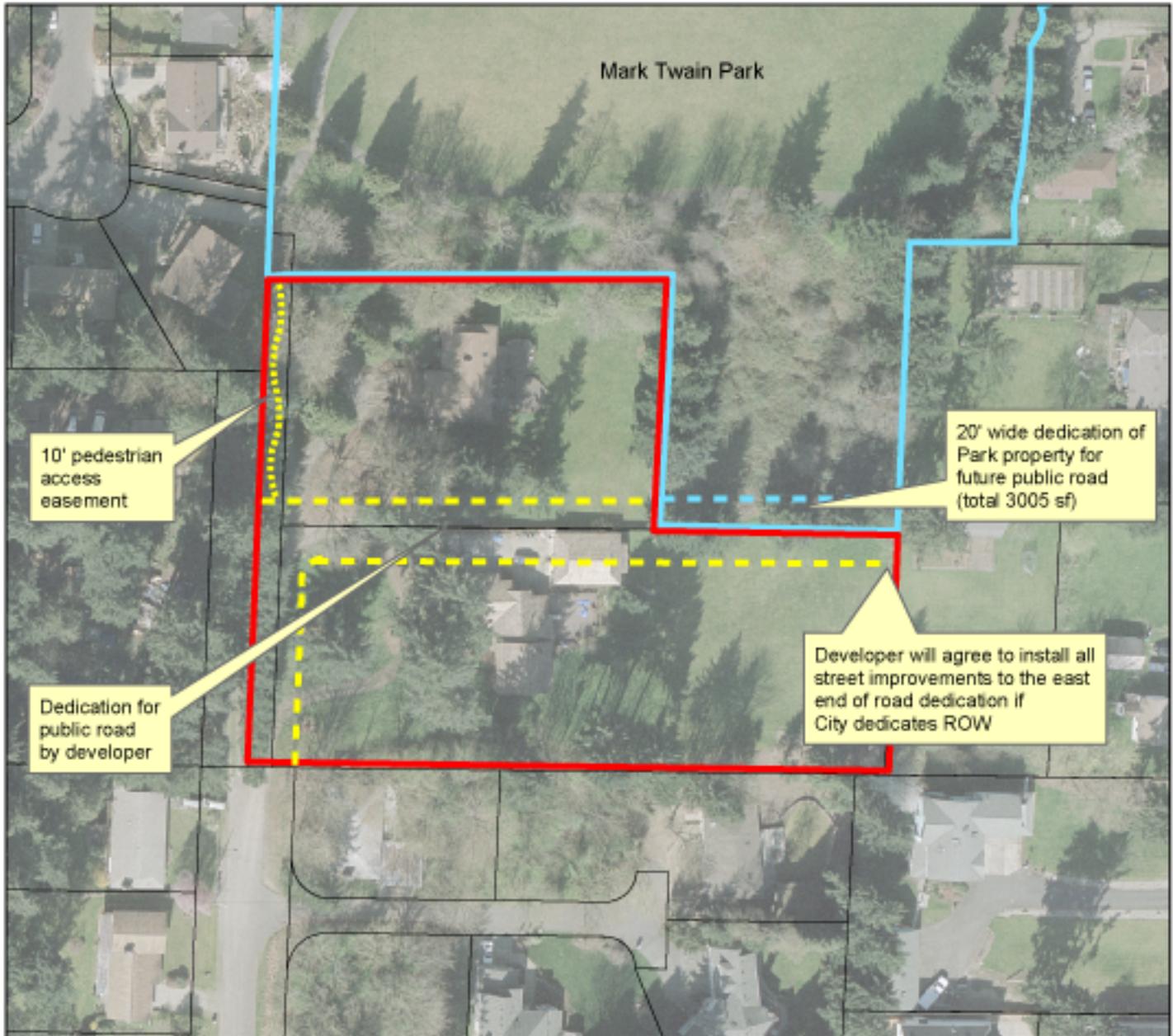


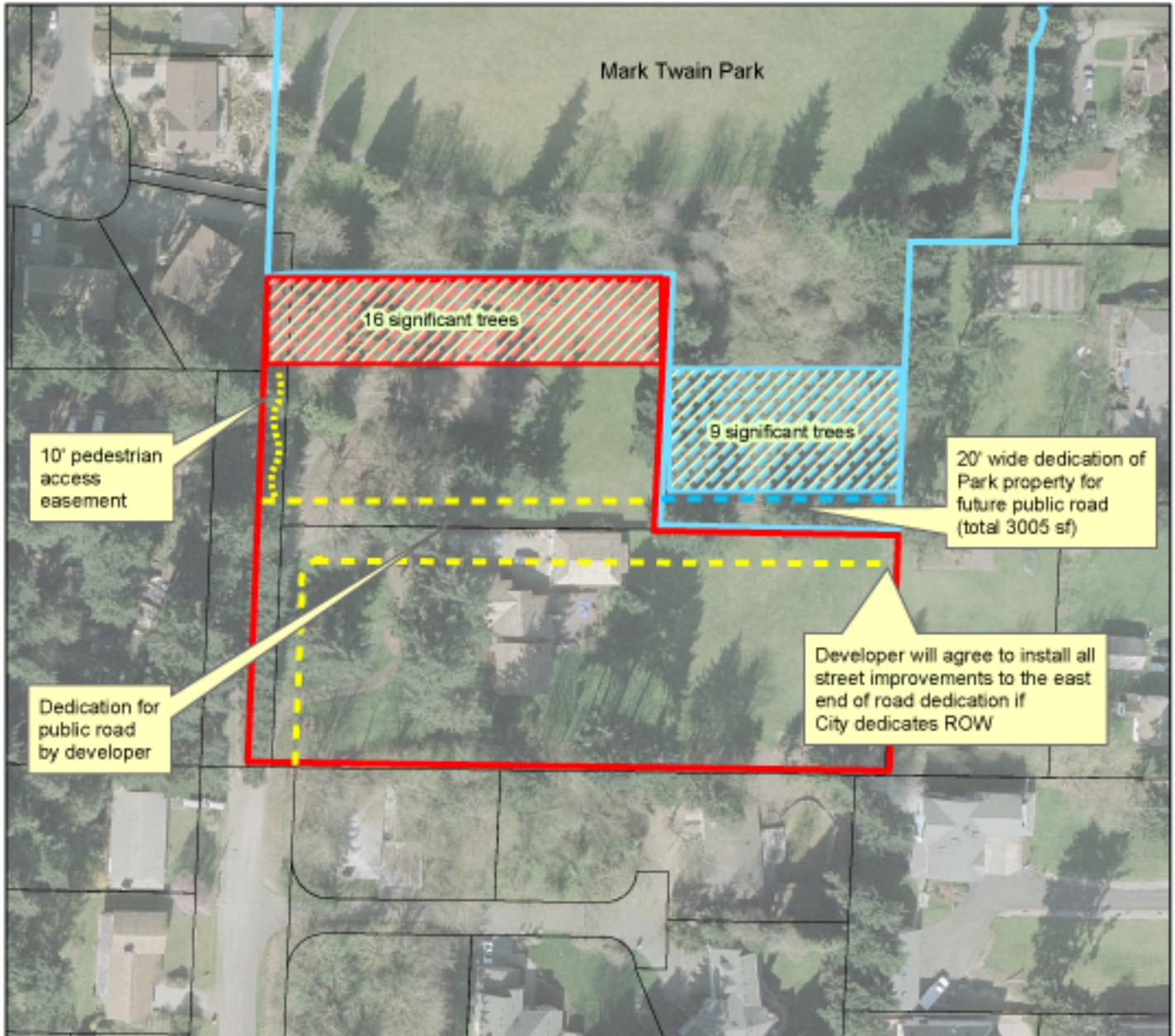
Figure NRH-6: North Rose Hill Street Connection Plan

Option 1



Mark Twain Park Property	— (solid blue line)
Park Road Dedication	- - - (dashed blue line)
Developer Property	— (solid red line)
Developer Road Dedication	- - - (dashed yellow line)

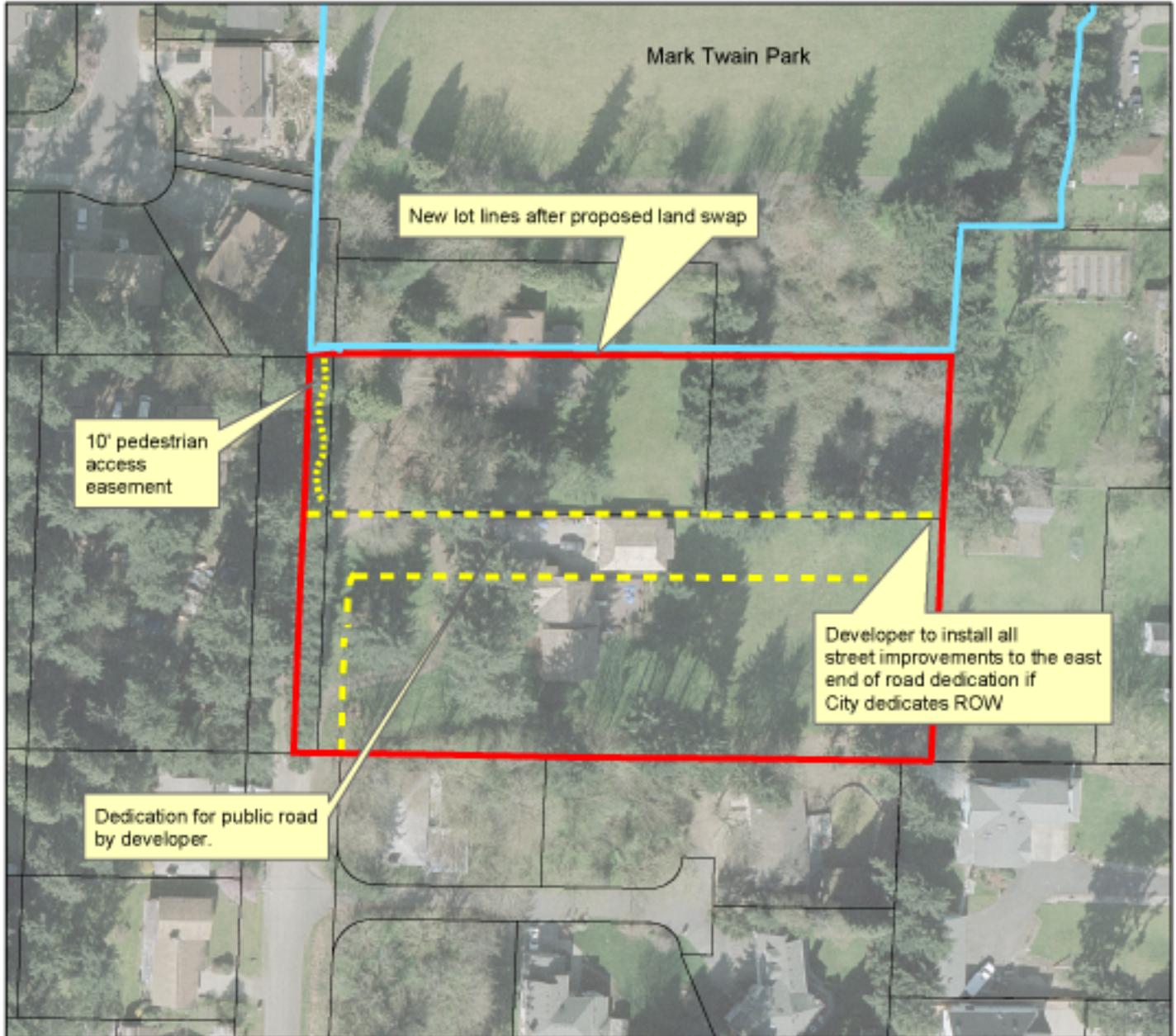
Option 2



Mark Twain Park Property	
Park Road Dedication	
Developer Property	
Developer Road Dedication	

Park property (13274 sq ft) swap for Developer property (13274 sq ft)

Option 2 - Final Layout (with ROW transfer and property swap)



- Mark Twain Park Property ————
- Developer Property ————
- Developer Road Dedication ————

Option 3



- Mark Twain Park Property ————
- Developer Property ————
- Developer Road Dedication - - - -



CITY OF KIRKLAND

Planning and Community Development Department
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MEMORANDUM

To: David Ramsay, City Manager **QUASI-JUDICIAL**

From: Eric Shields, Planning Director

Date: April 17, 2006

Subject: HINDLE ROHDE REASONABLE USE REQUEST, ZON05-00011

RECOMMENDATION

Consider the reasonable use application and direct staff to return to the May 16th, 2006 Council meeting with a resolution to either:

Grant the application as recommended by the Hearing Examiner and Houghton Community Council; or
Modify and grant the application; or
Deny the application.

In the alternative, direct the application be considered at a reopening of the hearing before the Hearing Examiner and Houghton Community Council and specify the issues to be considered at the hearing.

The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting. A resolution reflecting the recommendation of the Hearing Examiner is enclosed.

RULES FOR CITY COUNCIL CONSIDERATION

The City Council shall consider the reasonable use application based on the record before the Hearing Examiner and Houghton Community Council, the recommendation of the Hearing Examiner. Process IIB does not provide for testimony and oral arguments. However, the City Council in its discretion may ask questions of the applicant, and the staff regarding facts in the record, and may request oral argument on legal issues.

BACKGROUND DISCUSSION

The application is a request for approval of a reasonable use permit to allow construction of one single-family residence on the subject property (see Enclosure 1, Exhibit A). The subject property is adjacent to Yarrow Bay Wetlands associated with Lake Washington. The Type 1 wetland and the associated buffer impact the entire property. Since the wetland is associated with Lake Washington it also falls under the Shoreline Master Program and would require a shoreline conditional use permit if any construction were to occur within the wetland. No development is proposed within the wetland,. However, the proposed development would impact approximately 5,000 square feet of the wetland buffer.

The Hearing Examiner and Houghton Community Council conducted a joint public hearing for the proposed project on March 27, 2006 (see Enclosure 2). Houghton Community Council recommended approval with one additional condition requiring the applicant to install superior landscaping to mitigate the impacts of the five foot setback between the house and the north property line prior to final inspection (see Enclosure 3). This condition was added to address concerns expressed by the neighbors and Houghton Community Council members about the mass and bulk of a house setback five feet from the north (front) property line adjacent to NE 38th Street.

Based on the record established at the hearing, the testimony by parties at the hearing, and Houghton Community Council recommendation to approve with an additional condition, the Hearing Examiner recommended approval of the application on April 4, 2006.

ENCLOSURES

1. Hearing Examiner Recommendation and Supporting Documents
2. Minutes from the Hearing Examiner – Houghton Community Council Joint Hearing
3. Minutes from the Houghton Community Council Meeting

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND RECOMMENDATION**

APPLICANTS: Jeff and Barb Hindle

FILE NO.: ZON05-00011

SITE LOCATION: 96xx 38th Avenue NE

APPLICATION: A request for approval of a reasonable use permit to allow construction of one single-family residence with an Accessory Dwelling Unit in the basement within a wetland buffer. The proposal includes impact to approximately 5,000 square feet of Type I wetland buffer. The subject property is zoned RS 12.5 and contains 27,547 square feet. A reduction of the required 20 foot front setback adjacent to NE 38th Street and 97th Avenue NE has been incorporated into the proposal to reduce wetland and wetland buffer impacts (see Attachment 2, Sheet C-1). The applicant has proposed restoring 7,366 square feet of the wetland and wetland buffer south of the proposed residence.

REVIEW PROCESS: Process IIB, Hearing Examiner and Houghton Community Council conduct public hearing and make recommendation; City Council makes final decision.

SUMMARY OF KEY ISSUES: Compliance with reasonable use and zoning code decisional criteria (see Exhibit A, Section II.E).

SUMMARY OF RECOMMENDATIONS:

Department of Planning and Community Development:	Approve with conditions
Houghton Community Council:	Approve with conditions
Hearing Examiner:	Approve with conditions

PUBLIC HEARING:

After reviewing the Department of Planning and Community Development Advisory Report, the Hearing Examiner and the Houghton Community Council held a public hearing on the application. The hearing commenced at 7 p.m. on March 27, 2006, in City Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. The record was

EXHIBIT	1
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held open to receive Exhibits C and D (photocopies of the PowerPoint presentations given by staff and the applicants, respectively, at the hearing) and Exhibit E (the speaker sign-in sheet) and to receive the recommendations of the Houghton Community Council on this application. The Community Council submitted a recommendation on the proposal to Hearing Examiner on April 3, 2006

The following persons spoke at the public hearing:

From the City:

Desiree Goble, Project Planner

From the Applicant:

Jeff Hindle, Applicant

Barb Hindle, Applicant

Donna Frosthalm, Applicants' wetland consultant, Adolfsen and Associates

Rick Jones, Applicants' architect, Nash Jones Anderson architects

Diana Kircheim, Applicants' attorney, Groen, Stephens and Klinge

From the Community:

Philip C. Irvin

Ted Barr

Krista Rave-Perkins

FINDINGS AND CONCLUSIONS

Having considered the entire record in this matter, and the recommendation of the Houghton Community Council, the Hearing Examiner now makes and enters the following:

A. Site Description:

1. Site Development and Zoning:

a. Facts:

(1) Size: 27,547 square feet (0.63 acres) according to King County Records.

(2) Land Use: There are no improvements located on the subject property.

(3) Zoning: RS 12.5, a single-family, low density residential zone with a minimum lot size of 12,500 square feet.

(4) Shoreline Designation: The shoreline map indicates that Lake Washington extends southward into an area identified as Yarrow Bay (see SEPA Attachment 3 to Attachment 5). The

shaded area identified as Conservancy 2 Environment (C-2) on the shoreline map indicates that the area is within the shorelines jurisdiction. Shorelines jurisdiction applies to the water and submerged lands of Lake Washington as well as the wetland areas associated with the Lake.

(5) **Terrain:** The subject property slopes downward to the east from the western property line, the overall grade change is approximately 17% within the proposed building pad. There is a ridge close to the northwest property corner that would be within the construction zone. The sensitive areas maps indicate that the property is located within a moderate landslide hazard area. A geotechnical report addressing the ability of the subject property to support the proposal was submitted (Exhibit A, Attachment 5, SEPA Attachment 5).

(6) **Vegetation:** The northern part of the property, Lot 10, is largely covered with Himalayan blackberry, reed canarygrass, red alder, salmonberry, large-leaf avens, and sword fern. Much of the southern part of the property, Lots 11 and 12, is covered by Himalayan blackberry.

(7) **Hydrology:** The subject property is completely covered by a Type 1 wetland or its associated buffer. The Type 1 wetland extends westward from Yarrow Bay. There are three finger like projections extending westward onto the property (See Exhibit A, Attachment 2).

- b. **Conclusions:** The combination of the hydrology, terrain, and vegetation on the subject property are relevant factors in this reasonable use permit application. Because the sensitive areas and buffers cover 100 percent of the subject property, no buildable area exists on the subject property without allowing disturbance of a portion of the wetland buffer. The wetland on the subject property is contiguous with Lake Washington and is located within a Conservancy 2 Environment.

2. **Neighboring Development and Zoning:**

- a. **Facts:** All of the adjoining properties to the east, south, and west are zoned RS 12.5 and are unimproved. An application for one single-family residence on the property to the south has been proposed and is proceeding through the review process. As proposed, the house would be completely outside of the wetland and its associated buffer. Access to that property would be from

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NE Points Drive. The property located on the northeast corner of the property is zoned Park/Public Use (see Attachment 1) and is unimproved. The property directly north of the subject property is zoned RS 12.5 and is developed with a single-family residence.

- b. Conclusion: The proposed single-family residence is compatible with development to the north.

B. Site History

1. Facts: The subject property is comprised of Lots 10-12, Block 2, Yarrow Bay Apartment, Division 1 which was recorded on June 23, 1959, when the property was within the jurisdiction of the Town of Houghton. This is the first development permit for the subject property that has been submitted since the Town of Houghton and the City of Kirkland consolidated on July 3, 1968.
2. Conclusion: The subject property is a legal building site which was created on June 23, 1959. The applicant must meet all of the criteria of the current zoning, environmental, and shoreline regulations which came into effect after the creation of the lots. History is not a constraining factor in the consideration of this application.

C. Public Comment

The initial public comment period ran from June 30, 2005 to July 22, 2005. One letter of support (see Exhibit A, Attachment 4) was received during this time frame.

At the public hearing, testimony from the community included comments from: Philip Irvin, who owns property nearby and supports the proposal; Tedd Barr, who lives near the site and is president of a homeowners' association of nearby residences, and opposes the proposal because of the reduced setback, and Krista Rave-Perkins, who opposes the proposal because it is within a wetland buffer and is near a wetland.

D. State Environmental Policy Act

1. Facts: A Mitigated Determination of Nonsignificance (DNS) was issued on March 3, 2006. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 5.
2. Conclusion: The applicant and the City have satisfied the requirements of SEPA. The applicant must fulfill the conditions set forth in the Mitigated Determination of Nonsignificance.

E. Reasonable Use Criteria

Facts:

1. Zoning Code Section 90.140 identifies decisional criteria by which the decision maker shall determine whether or not application of Chapter 90 will deny reasonable use of the property, and whether the proposed use and activities are a reasonable use of the property. The criteria include:
 - a. There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable;
 - b. No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors; and
 - c. The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface-water quality;
2. Under KZC 90.140, the applicant must submit a report prepared by a qualified professional which describes how the proposal would or would not comply with the above three criteria.
3. Two other criteria are to be considered in determining whether the application of Chapter 90.140 would deny reasonable use of the property:
 - a. The inability to derive reasonable use is the result of the applicant's actions, such as segregating or dividing property and creating the undevelopable condition, or taking actions in violation of any local, state, or federal law or regulation; and
 - b. The land use and environmental regulations which prevent reasonable use of the property were in effect at the time of the purchase of the property by the applicant.
4. The subject property is located within the RS 12.5 zone. This is a low density residential zone that allows the following land uses to be considered on the subject property, providing that all criteria (process, setbacks, special and general regulations, etc.) are met: detached dwelling

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unit, church, school or daycare center, mini school or day care center, golf course, public utility, government or community facility, or public park (see Exhibit A, Attachment 8).

5. The zoning requires a minimum lot size of 12,500 square feet per lot. The subject property is comprised of three platted lots with a total size of 27,547 square feet. When only considering lot area, there is sufficient land area for two building sites. Development of a second lot would require an intrusion into the wetland to access an area for construction.
6. The applicants entered into a purchase agreement in August 2004 with the current owner of the property. The applicants submitted an initial proposal to the Department that included approximately 1000 square feet more interior space than the current application, and also located the house approximately 60 feet back from the northern property line, so that a portion of the house would be within the wetland.
7. In December 2004, a pre-submittal meeting between the City and the applicants occurred, and the City suggested that the house be moved closer to the road to move the house away from the wetland. The applicants submitted revised plans and studies in support of their reasonable use request (Exhibit A, Attachment 5, April 2005 Statement of Compliance).
8. The City's wetland consultant, The Watershed Company, reviewed and commented on the Applicant's response to the approval criteria (Exhibit A, Attachment 5, July 21, 2005 letter from Hugh Mortensen).
9. The applicants subsequently submitted a revised Statement of Compliance (Exhibit A, Attachment 6a) dated January, 2006, which was reviewed by The Watershed Company. The Watershed Company submitted a letter to the Department describing the results of its review (Exhibit A, Attachment 7), indicating that the revised proposal had reduced the impacts on the wetlands because of the reduction in the house size and landscaped area, the avoidance of wetland areas, and the reduction in overall site grading. The Watershed Company noted that most of its earlier recommendations had also been adequately addressed by the revised proposal, but three recommendations had only been partially met: (1) the statement of compliance was unclear as to the figures for impervious surfaces and treatment of the garage and driveway; (2) additional information was still needed regarding the fencing or equivalent barrier plantings; and (3) the statement did not address handling of water from perimeter or foundation drains.
10. The current proposal is for construction of one single-family residence with an accessory dwelling unit (mother-in-law apartment) in the

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basement. The site plan indicates that there is a minimum five-foot setback from the edge of the wetland; the house is now located completely outside of the wetland. The staff has concluded that this distance should provide adequate maintenance access to the house without encroaching into the wetland.

11. The footprint of the proposed house would be 2,265 square feet, including a 794 square foot three-stall garage, and a 95 square foot covered porch (see Attachment 2, Sheet C-1). The overall shape of the house is an ell configuration. The main portion of the ell that extends closest to NE 38th Street right-of-way will be setback five feet from the front (north) property line. A fireplace shaft would extend 18-inches further into the five-foot setback. The distance between the property line and the front façade of the garage is 19.5 feet.
12. The house extends a maximum of 42 feet south of NE 38th Avenue (the north property line). There is a second story deck off of the master suite that extends a maximum nine feet further south along the southwest corner of the house. Along the southeast side of the house is another second story deck that projects approximately six feet further south.
13. A second-story deck is proposed along the east side of the house. The deck is approximately 12 feet wide and would extend to the property line (a front property line) fronting along 97th Avenue NE, an unopened right-of-way. The proposed house would encroach eight feet into the front setback yard along 97th Avenue NE. The City has no plans to improve the right-of-way given the location of the wetland.
14. The proposed impervious area of the house, covered porch, driveway, and walkways is approximately 2,900 square feet. The area underneath the three second story decks is pervious and is not included in lot coverage.
15. Floor area ratio (FAR) does not apply within the Houghton Community Council disapproval jurisdiction. However, if the property was located within an area to which FAR applied, the maximum size house allowed within the RS 12.5 zone could not exceed 35 percent of the lot size. The maximum gross FAR allowed for a 27,547 square foot lot is 9,641 square feet. The elevation drawings indicate that only a portion of the proposed basement would count in FAR. There appears to be approximately 4,294 square feet that would be included in a FAR calculation translating to 16 percent FAR (4,294/27,547), well below the 35 percent. This figure includes the wall widths, which are typically excluded, so the actual percentage is slightly lower than the estimated 16 percent.

16. The total square footage of the proposed house excluding the basement is 3,802 square feet. The average square footage of all of the homes that access from 96th Ave NE and NE Points Drive is 4,345 square feet, excluding any basement area (see Exhibit A, Attachment 9). These numbers include the square footage first floor, second floor, and garage.
17. The proposed house is similar in size to neighboring houses. The total square footage of the proposed house is 5,056 square feet. The average square footage of all of the homes that access from 96th Ave NE and NE Points Drive is 4,699 square feet (see Exhibit A, Attachment 9). These numbers include the square footage of the house (all floors) and garage. The average property size of these properties is 13,264 square feet. The size of the subject property is 27,547 square feet.
18. The survey indicates that the property line is approximately one-half foot behind the existing curb in NE 38th Street. The proposed garage would be located 20 feet behind the curb.
19. Public Works conditions indicate that NE 38th Street was improved by the Southbay Development approximately seven years ago. The existing street improvements consist of storm drainage, curb and gutter along both sides of the street, and a sidewalk and landscape strip along the north side of the street. Due to the sensitive environmental features adjacent to this right-of-way, Public Works has determined that the existing street improvements are adequate and the standard for this street should be modified such that a sidewalk is only required on one side of the street. This modification is being recommended as allowed by KZC 110.70.3(b & c). Under this recommended modification, no further street improvements will be required along the south side of NE 38th Street with this project.
20. 97th Avenue NE is currently unimproved. Due to the sensitive areas that encompass most of this right-of-way, Public Works has waived the requirement to improve this right-of-way, with this project, per KZC 110.70.5.
21. Since this wetland is associated with Lake Washington, it is also regulated by the City's Shoreline Master Program (SMP). Any grading or construction of a residence that is located within the wetland would require a Shoreline Conditional Use Permit under the SMP (see Attachment 10). Shorelines jurisdiction only applies to the wetland and not to the wetland buffer.
22. The applicant is proposing to restore sections of the wetland and wetland buffer. The restoration is intended to increase the existing wetland

functions and values on the subject property. The intention of the restoration plan is to increase the structural and vegetative diversity of the wetland habitat over time and increase the connectivity of the degraded habitats on the property with the higher quality habitats immediately south of the property. The plan also calls for the removal of non-native plants and replacement with native trees and shrubs within the restoration area.

23. The restoration proposal also calls for the installation of bird boxes for songbirds and swallows, and downed woody material. These features will provide additional habitat value for birds and additional habitat for small animals.
24. The total impervious area is approximately 2,900 square feet (walkways, driveway, landings, and the house). As proposed, the three uncovered second story decks are exempt from lot coverage calculations providing that the surface below the decks is pervious. Impervious area on the subject property is 11 percent (2,900 square feet/27,547 square feet). Impervious area could be further reduced if the applicant were to utilize pervious concrete on the exterior of the house.
25. The Geotechnical Report indicates that the soils on the western portion of the subject property are cohesionless sands, contain zones of ground water seepage, and will not support vertical excavations for rockery construction. The report also states that a reinforced earth rockery will require ten feet or more excavation distance from the back of the rocks to allow for construction of the reinforced fill zone and sloping of the temporary cut. The report also states that a cantilevered concrete wall can be utilized instead of the rockery.
26. The elevation drawings indicate that the finished floor elevation of the main floor of the house is 71 feet; however, the site plan indicates that the elevation of the driveway close to the northwest corner of the garage is 74 feet. No retaining walls are proposed along the southern portion of the garage; however, the elevation in that vicinity will be lowered approximately eight feet along the back side of the garage and there is no indication how the slope will be protected.
27. The geotechnical report recommends installing a continuous drain along the outside lower edge of the perimeter building foundations. The Watershed Company has recommended that any water collected through perimeter or curtain foundation drains, sump pumps to dewater sub-grade areas are directed towards dispersal systems that outlet towards the wetland.

28. The Statement of Compliance submitted by the applicant states that the “Applicants are proposing to construct on only one of the lots” and “none of Lots 11 and 12 will be used by the property owner” (see Attachment 6). The Watershed Company has indicated that preservation of existing resources is a legitimate mitigation strategy when combined with enhancement (see Exhibit A, Attachment 7).
29. Zoning Code Section 90.150 provides the means of requiring the applicant to dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers.
30. As noted in section B above, the lots were created in 1959; the subdivision of Yarrow Bay Apartment, Division 1 was recorded on June 23, 1959.
31. The Highwood Company, the current property owner, purchased the property on August 3, 1990. At the time of purchase a different set of regulations were in place. These regulations required a 50-foot buffer from the edge of the wetland; under those regulations, an applicant could propose a modification of a wetland and or wetland buffer providing that they met the established criteria.
32. The applicants do not own the property, but have an agreement with the property’s owner to purchase the property, contingent on approval of their reasonable use request.
33. The Houghton Community Council, after considering the record presented at the public hearing, recommended that the application be approved with one additional condition. The additional condition is intended to address concerns that were expressed by the neighbors and Community Council members about the mass and bulk of the house given its five-foot setback from the north property line. The condition is: “The applicant shall install superior landscaping to mitigate the impacts of the five foot setback between the house and north property line prior to final inspection.”

Conclusions:

1. There is no other permitted type of land use for the property that would have a lesser impact on the wetland and its associated buffer than the proposed single family use. Other uses allowed by the zoning, e.g., institutions such as churches, daycare centers or schools, were not shown to be feasible or to have less impact on the wetland and wetland buffers, than would the proposed single family use.

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2. No on-site alternative to the proposal was shown to be feasible and reasonable. The applicants have moved the house as close to the north (front) property line as possible while leaving a reasonable parking pad depth of 20 feet behind the existing curb. The footprint could not be shifted further north, south or west, nor could it achieve a greater height, given the height limits.
3. The only area into which the applicants could shift the proposed building would be toward the east, which would bring it closer to the wetland. While there was public testimony urging that the house actually be placed in the wetland so that the house would be further from the street and other residences, this would not meet the requirements of 90.140, and would result in greater impacts to the wetland than the current proposal. However, the additional landscaping recommended by the Houghton Community Council will help to address some of the visual impacts of the reduced front setback.
4. The size of the house is reasonable, given the fact that the subject property is comprised of three platted lots with sufficient area for two buildable lots, when only considering lot size. The house has less (non-basement) square footage than the average of houses in the vicinity, although its proposed footprint size and square footage would be compatible with those of other homes in the neighborhood. The house and deck setbacks from the wetland will provide adequate space for maintenance of the proposed residence.
5. The application, with the conditions recommended by the Department (Exhibit A, Section I.B. and Attachment 3), would result in the minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions, and will not cause significant degradation of groundwater or surface-water quality. The proposal and the conditions set forth in the Department's advisory report and attachments, will result in the minimum feasible alteration and impairment the sensitive areas and the related resources and conditions.
6. The inability to derive a reasonable use of the property is not the result of any action taken by the property owner. The lots were created prior to the property owner's purchase of them, and the constraints on the property were not created by the owner. The wetlands regulations preventing the reasonable use of the property were not in effect at the time of the purchase of the property in 1990. At that time, the applicable regulations set a 50-foot wide wetland buffer, rather than a 100-foot wide buffer.

7. The grant of the requested reasonable use exception would be consistent with the criteria set forth in KZC 90.140.

F. Shoreline Master Program (SMP)

Fact: The applicant has not requested approval of a Shoreline Conditional Use Permit. The proposal does not require a substantial development permit if no land surface modification or single-family construction occurs within the wetland associated with Shoreline jurisdiction (see Exhibit A, Attachment 10).

Conclusion: To ensure that proposal complies with the SMP, the following conditions should be placed on the application: All construction activity should be located outside of the wetland. The restoration of the wetland and its associated buffer should be done manually. No mechanical equipment should be allowed south of the wetland boundary immediately south of the proposed house.

G. Comprehensive Plan

1. Facts:

- a. The subject property is located within the Lakeview neighborhood. Figure L-1 on page XV.A-2 designates the subject property for low density residential, with a density of 3-5 dwelling units per acre (see Exhibit A, Attachment 11).
- b. The Natural Environment section of the Lakeview Neighborhood plan supports housing configurations that minimize disruptions to natural systems and urges special care to minimize adverse impacts to the wetland during and after construction.
- c. Zoning Code Section 90.50 requires installation of a silt fence and a protective six-foot high chain link fence at the edge of the wetland during and along the east and west property lines of the construction area. The Watershed Company has recommended that all on-site storm drainage be collected and dispersed back to the wetland.
- d. The following policies are listed in the Natural Environment Element of the Comprehensive Plan:
 - (1) Policy NE-1.6: Strive to minimize human impacts on habitat areas.
This policy is addressed by Zoning Code Section 90.50 requiring that the applicant install a barrier (split rail fence or vegetative barrier) at the edge of the wetland. The

applicant has proposed a vegetation barrier instead of a fence to be located at the edge of the wetland. The Watershed Company has stated that the vegetative buffer consisting of snowberry alone is not equivalent to a split rail fence. Snowberry is a dense shrub, that is low growing and has no thorns. They recommend that the *Rosa gymnocarpa* shrub be mixed in evenly with the snowberry (see Exhibit A, Attachment 7).

Zoning Code Section 90.150 further addresses Policy NE 1.6 by requiring dedication of development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers. The City typically receives a NGPE restricting activities that may occur within the wetland and wetland buffer (see Exhibit A, Attachment 12).

- (2) Policy NE-2.2: Protect surface water functions by preserving and enhancing natural drainage systems wherever possible.

Negative impacts to the storm water facilities can be reduced by minimizing new impervious surfaces. This can be accomplished by utilizing pervious concrete on all driveways and outdoor pathways. One way to preserve the natural drainage system, as recommended by the wetlands biologists, would be to collect all drainage from the footing and roof drains and diverting this water back to the wetland.

2. Conclusions: The proposed residence is consistent with the neighborhood plan. With the inclusion of a protective barrier at the wetland edge south of the house, recording a NGPE across the remaining portion of the property south of the house, collection of the roof and footing drains and diversion of this water back to the wetland the proposal would be consistent with the natural environment element of the Comprehensive Plan. The proposed protective barrier should mix the *Rosa gymnocarpa* shrub in evenly with the snowberry to provide a barrier equivalent to split rail fence.

H. General Zoning Code Criteria

1. Fact: Zoning Code section 152.70.3 states that a Process IIB application may be approved if: it is consistent with all applicable development regulations and, to the extent there is no applicable development

regulation, the Comprehensive Plan; and it is consistent with the public health, safety, and welfare.

2. Conclusion: The proposal as conditioned complies with the criteria in section 152.70.3. It is consistent with all applicable development regulations, as well as the Comprehensive Plan. In addition, it is consistent with the public health, safety, and welfare because it will allow reasonable use of a property, while protecting the wetland on the subject property, which is of value to the community as a whole.

I. Development Review Committee

Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Exhibit A, Attachment 3.

Conclusion: The comments and requirements are supported by the record and should be applied to this proposal.

J. Subsequent Modifications

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, approval of the application is recommended, along with the conditions set forth in Exhibit A and Exhibit F.

Entered this 4th day of April, 2006, per authority granted by KZC 152.70. A final decision on this application will be made by the City Council.



Anne Watanabe
Hearing Examiner

EXHIBITS

The following exhibits were offered and entered into the record:

Exhibit A: Department of Planning and Community Development Staff Advisory Report

Attachments:

1. Vicinity/Zoning Map
2. Site Plans
3. Development Standards
4. Correspondence from Philip Irvin
5. Environmental Determination and supporting documents
 - SEPA 1 Site Map
 - SEPA 2 Map from the Kirkland's Streams, Wetlands and Wildlife Study
 - SEPA 3 Shoreline Map
 - SEPA 4 Environmental Checklist
 - SEPA 5 Geotechnical Report
 - SEPA 6 Adolfson and Associates Statement Of Compliance with KZC 90.140 dated July 2005
 - SEPA 7 The Watershed Company review of Adolfson's compliance statement
6. Information from Adolfson and Associates
 - a. Statement Of Compliance with KZC 90.140, dated January 2006
 - b. Wetland Buffer Enhancement Plan dated January 2006
 - c. letter from Dave Carlton
7. The Watershed Company review of Adolfson's revised compliance statement
Shoreline Use Chart dated March 7, 2006
8. RS 12.5 Use Zone Chart
9. House Size for all Properties Accessing From 96th Ave NE and NE Points Drive
10. Shoreline Use Chart
11. Comprehensive Plan Map for the Lakeview Neighborhood
12. Natural Greenbelt Protective Easement (NGPE)
13. Slope Covenant
14. Sensitive Area Covenant

Exhibit B: Department Corrections to Advisory Report

Exhibit C: Photocopy of Department Powerpoint Presentation

Exhibit D: Photocopy of Applicants' Powerpoint Presentation

Exhibit E: Sign-in Sheet, March 27, 2006 public hearing

Exhibit F: Houghton Community Council Recommendation to the Hearing Examiner

Hearing Examiner Recommendation

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PARTIES OF RECORD

Jeff and Barbara Hindle, 202 1st Street #402, Kirkland, WA 98033

Philip Irvin, 7704 Mary Ave NW, Seattle, WA 98117

Diana Kirchheim, 11100 NE 8th Street, Suite 750, Bellevue, WA 98004

Rick Jones, 11644 NE 80th Street, Kirkland, WA 98033

Donna Frosthalm, 5309 Shilshole Avenue, #200, Seattle, WA 98107

Ted Barr, 9610 NE 38th Street, Kirkland, WA 98033

Phil Irvin, 7704 Mary Avenue NW, Seattle, WA 98117

Krista Rave-Perkins, 12403 NE 25th Street, Bellevue, WA 98005

Department of Planning and Community Development

Department of Public Works

Department of Building and Fire Services

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

**ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Kirkland Hearing Examiner and Houghton Community Council

From:  Désirée Goble, AICP, Project Planner
 Eric R. Shields, AICP, Planning Director

Date: March 17, 2006

File: ZON05-00014, HINDLE/ROHDE REASONABLE USE REQUEST,

Hearing Date and Place: March 27, 2006 at 7:00 p.m.
City Hall Council Chamber
123 Fifth Avenue, Kirkland

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I. INTRODUCTION

A. APPLICATION

1. Applicant: Jeff and Barb Hindle
2. Site Location: 96xx 38th Avenue NE (see Attachment 1)
3. Request: A request for approval of a reasonable use permit to allow construction of one single-family residence with an Accessory Dwelling Unit in the basement within a wetland buffer. The proposal includes impact to approximately 5,000 square feet of Type I wetland buffer. The subject property is zoned RS 12.5 and contains 27,547 square feet. A reduction of the required 20 foot front setback adjacent to NE 38th Street and 97th Avenue NE has been incorporated into the proposal to reduce wetland and wetland buffer impacts (see Attachment 2, Sheet C-1). The applicant has proposed restoring 7,366 square feet of the wetland and wetland buffer south of the proposed residence.
4. Review Process: Process IIB, Hearing Examiner and Houghton Community Council (HCC) conduct a public hearing and make recommendation; City Council makes final decision. If the City Council approves the application, then the HCC will vote to approve or disapprove the application.
5. Summary of Key Issues and Conclusions: compliance with the reasonable use and zoning code decisional criteria please refer to Sections II.E and II.H of this report.

B. RECOMMENDATIONS

1. Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:
2. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
3. A shoreline conditional use permit is required for any land surface modification or intrusions into wetland (see Conclusion II.E.4.b.2).
4. As part of the application for a Building Permit the applicant shall submit:
 - a. A letter from the geotechnical engineer indicating that they have reviewed all rockeries and or retaining walls to assure that all retaining walls and or rockeries can be constructed on the subject property without intruding into the wetland (see Conclusion II.E.4.b.2).
 - b. A legal description for the area of the subject property excluding the area north of the wetland where the house is proposed. This legal description will be incorporated into the NGPE and will be recorded prior to issuance of the building permit (see Conclusion II.E.4.b.4 and II.G.2).

5. The Building Permit application shall include plans incorporating the following features:
 - a. All proposed exterior impervious surfaces shall be constructed of pervious concrete or another comparable substance as approved by the Planning Department (see Conclusion II.E.4.b.1).
 - b. Plans for retaining the slope along the southwest side of the garage (see Conclusion II.E.4.b.2).
 - c. Final grade elevation within the construction area need to be verified (see Conclusion II.E.4.b.2).
 - d. A water collection system to capture all on site perimeter drains, curtain foundation drains, sump pump water for dispersal system towards the wetland (see Conclusion II.E.4.b.3).
 - e. A notation stating that mechanical equipment is only allowed within the construction area north of the wetland as shown on the site plan (see Conclusion II.F.2).
 - f. A revised wetland restoration plan showing that the *Rosa gymnocarpa* shrubs are evenly mixed in with the snowberry plant (see Conclusion II.G.2).

II. **FINDINGS OF FACT AND CONCLUSIONS**

A. **SITE DESCRIPTION**

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 27,547 square feet (0.63 acres) according to King County Records.
 - (2) Land Use: There are no improvements located on the subject property.
 - (3) Zoning: RS 12.5, a single-family, low density residential zone with a minimum lot size of 12,500 square feet.
 - (4) Shoreline Designation: The shoreline map indicates that Lake Washington extends southward into an area identified as Yarrow Bay (see SEPA Attachment 3 to Attachment 5). The shaded area identified as Conservancy 2 Environment (C-2) on the shoreline map indicates that the area is within the shorelines jurisdiction. Shorelines jurisdiction applies to the water and submerged lands of Lake Washington as well as the wetland areas associated with the Lake.
 - (5) Terrain: The subject property slopes downward to the east from the western property line, the overall grade change is approximately 17% within the proposed building pad. There is a ridge close to the northwest property corner that would be within the construction zone. The sensitive areas maps indicate that the property is located within a moderate landslide hazard area. A geotechnical report addressing the ability of the subject property to support the proposal was submitted (see SEPA Attachment 5 to Attachment 5).

- (6) Vegetation: The northern part of the property, Lot 10, is largely covered with Himalayan blackberry, reed canarygrass, red alder, salmonberry, large-leaf avens, and sword fern. Much of the southern part of the property, Lots 11 and 12, is covered by Himalayan blackberry.
 - (7) Hydrology: The subject property is completely covered by a Type 1 wetland and its associated buffer (see Attachment 2).
- b. Conclusions: The combination of the hydrology, terrain, and vegetation on the subject property are relevant factors in this reasonable use permit application. Because the sensitive areas and buffers cover 100 percent of the subject property, no buildable area exists on the subject property without allowing disturbance of a portion of the wetland buffer. The wetland on the subject property is contiguous with Lake Washington and is located within a Conservancy 2 Environment.
2. Neighboring Development and Zoning:
- a. Facts:
 - (1) All of the adjoining properties to the east, south, and west are zoned RS 12.5 and are unimproved.

An application for one single-family residence on the property to the south has been proposed and is proceeding through the review process. As proposed, the house would be completely outside of the wetland and its associated buffer. Access to that property would be from NE Points Drive.
 - (2) The property located on the northeast corner of the property is zoned Park/Public Use (see Attachment 1) and is unimproved.
 - (3) The property directly north of the subject property is zoned RS 12.5 and is developed with a single-family residence.
 - b. Conclusion: The proposed single-family residence is compatible with development to the north.

B. HISTORY

1. Facts: The subject property is comprised of Lots 10-12, Block 2, Yarrow Bay Apartment, Division 1 which was recorded on June 23, 1959, when the property was within the jurisdiction of the Town of Houghton. This is the first development permit for the subject property that has been submitted since the Town of Houghton and the City of Kirkland consolidated on July 3, 1968.
2. Conclusion: The subject property is a legal building site which was created on June 23, 1959. The applicant must meet all of the criteria of the current zoning, environmental, and shoreline regulations which came into effect after the creation of the lots. History is not a constraining factor in the consideration of this application.

C. PUBLIC COMMENT

The public comment period ran from June 30, 2005 to July 22, 2005. One letter of support (see Attachment 4) was received during this time frame.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: A Mitigated Determination of Nonsignificance (DNS) was issued on March 3, 2006. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 5.
2. Conclusion: The applicant and the City have satisfied the requirements of SEPA. The applicant must fulfill the conditions set forth in the Mitigated Determination of Nonsignificance.

E. REASONABLE USE APPROVAL CRITERIA

1. Approval Criteria of a Reasonable Use Application
 - a. Facts: Zoning Code Section 90.140 establishes three decisional criteria by which the decision maker shall determine whether or not application of Chapter 90 will deny reasonable use of the property, and whether the proposed use and activities are a reasonable use of the property. The applicant's response to the criteria is included as SEPA Attachment 6 to Attachment 5, and Attachment 6. The City's wetland consultant, The Watershed Company has reviewed and commented on the Applicant's response to the approval criteria (see SEPA Attachment 7 to Attachment 5, and Attachment 7). Sections 2 through 4, below contain the staff's findings of fact and conclusions based on these three criteria.

There are two additional criteria that the decision maker must consider in determining whether application of this chapter will deny reasonable use of the property. Sections 5 and 6, below, contain the staff's findings of fact and conclusions based on these two additional criteria.

- b. Conclusions: Based on the following analysis, the application meets the established criteria for approving a reasonable use application.
2. Criterion 1: There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable.
 - a. Facts:
 - (1) The subject property is located within the RS 12.5 zone. This is a low density residential zone that allows the following land uses to be considered on the subject property, providing that all criteria (process, setbacks, special and general regulations, etc.) are met: detached dwelling unit, church, school or daycare center, mini school or day care center, golf course, public utility, government or community facility, or public park (see Attachment 8).
 - (2) One single-family residence generates the least intensive impact on the subject property.
 - (3) The applicant has proposed construction of one single-family residence with an accessory dwelling unit (mother-in-law apartment) in the basement.
 - (4) The site plan indicates that there is a minimum five-foot setback from the edge of the wetland. This should provide adequate maintenance access to the house without encroaching into the wetland.

- b. Conclusion: The proposed single family residence is the least intensive use. There is no other permitted land use for the subject property that would have a lesser impact on the wetland and associated buffer.
3. Criterion 2: No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors.

a. Facts:

- (1) The Type 1 wetland extends westward from Yarrow Bay. There are three finger like projections extending westward onto the property (see Attachment 2).

The proposed house location is completely outside of the wetland.

- (2) The zoning requires a minimum lot size of 12,500 square feet per lot. The subject property is comprised of three platted lots with a total size of 27,547 square feet. When only considering lot area, there is sufficient land area for two building sites. Development of a second lot would require an intrusion into the wetland to access an area for construction.

- (3) The footprint of the proposed house has 2,458 square feet, including a 794 square foot three stall garage, and a 95 square foot covered porch (see Attachment 2, Sheet C-1). The overall shape of the house is an ell configuration. The main portion of the ell that extends closest to NE 38th Street right-of-way will be setback five feet from the front (north) property line. A fireplace shaft would extend 18-inches further into the five-foot setback. The distance between the property line and the front façade of the garage is 19.5 feet.

The house extends a maximum of 42 feet south of NE 38th Avenue (the north property line). There is a second story deck off of the master suite that extends a maximum nine feet further south along the southwest corner of the house. Along the southeast side of the house is another second story deck that projects approximately six feet further south.

A second story deck is proposed along the east side of the house. The deck is approximately 12 feet wide and would extend to the property line (a front property line) fronting along 97th Avenue NE, an unopened right-of-way. The proposed house would encroach eight feet into the front setback yard along 97th Avenue NE. The City has no plans to improve the right-of-way given the location of the wetland.

The proposed impervious area of the house, covered porch, driveway, and walkways is approximately 3,055 square feet. The area underneath the three second story decks is pervious and is not included in lot coverage.

- (4) Floor area ratio (FAR) does not apply within the Houghton Community Council disapproval jurisdiction. However, if the property was located within an area that FAR applied the maximum size house allowed within the RS 12.5 zone could not exceed 35 percent of the lot size. The maximum gross FAR allowed for a 27,547 square foot lot is 9,641 square feet. The elevation drawings indicate that only a portion of the

proposed basement would count in FAR. There appears to be approximately 4,294 square feet that would be included in a FAR calculation translating to 16 percent FAR (4,294/27,547), well below the 35 percent. This figure includes the wall widths which are typically excluded so the actual percentage is slightly lower than the estimated 16 percent.

- (5) The proposed house is similar in size to neighboring houses. The total square footage of the proposed house is 5,056 square feet. The average square footage of all of the homes that access from 96th Ave NE and NE Points Drive is 4,699 square feet (see Attachment 9). These numbers include the square footage of the house (all floors) and garage. The average property size of these properties is 13,264 square feet. The size of the subject property is 27,547 square feet.

The total square footage of the proposed house excluding the basement is 3,802 square feet. The average square footage of all of the homes that access from 96th Ave NE and NE Points Drive is 4,345 square feet, excluding any basement area (see Attachment 9). These numbers include the square footage first floor, second floor, and garage.

- (6) The survey indicates that the property line is approximately one-half foot behind the existing curb in NE 38th Street. The proposed garage would be located 20 feet behind the curb.
- (7) Public Works conditions indicate that NE 38th Street was improved by the Southbay Development approximately seven years ago. The existing street improvements consist of storm drainage, curb and gutter along both sides of the street, and a sidewalk and landscape strip along the north side of the street. Due to the sensitive environmental features adjacent to this right-of-way, Public Works has determined that the existing street improvements are adequate and the standard for this street should be modified such that a sidewalk is only required on one side of the street. This modification is being recommended as allowed by KZC 110.70.3(b & c). Under this recommended modification, no further street improvements will be required along the south side of NE 38th Street with this project.

97th Avenue NE is currently unimproved. Due to the sensitive areas that encompass most of this right-of-way, Public Works has waived the requirement to improve this right-of-way, with this project, per KZC 110.70.5.

b. Conclusion:

- (1) The applicant has moved the house as close to the north (front) property line as possible while leaving a reasonable parking pad depth of 20 feet behind the existing curb.
- (2) The size of the house is reasonable given the fact that the subject property is comprised of three platted lots with sufficient area for two buildable lots when only considering lot size and is consistent with neighboring development.
- (3) The house and deck setbacks from the wetland will provide adequate

space for maintenance of the proposed residence.

- (4) The only area for the applicant to shift the proposed house is to the east which would move it closer to the wetland.

4. Criterion 3: The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface-water quality.

a. Facts:

- (1) Since this wetland is associated with Lake Washington, it is also regulated by the City's Shoreline Master Program (SMP). Any grading or construction of a residence that is located within the wetland would require a Shoreline Conditional Use Permit under the SMP (see Attachment 10). Shorelines jurisdiction only applies to the wetland and not to the wetland buffer.

- (2) The applicant is proposing to restore sections of the wetland and wetland buffer. The restoration is intended to increase the existing wetland functions and values on the subject property. The intention of the restoration plan is to increase the structural and vegetative diversity of the wetland habitat over time and increase the connectivity of the degraded habitats on the property with the higher quality habitats immediately south of the property. The plan also calls for the removal of non-native plants and replacement with native trees and shrubs within the restoration area.

The restoration proposal also calls for the installation of bird boxes for songbirds and swallows, and downed woody material. These features will provide additional habitat value for birds and additional habitat for small animals.

- (3) The total impervious area is approximately 2,900 square feet (walkways, driveway, landings, and the house). As proposed, the three uncovered second story decks are exempt from lot coverage calculations providing that the surface below the decks is pervious. Impervious area on the subject property is 11 percent (2,900 square feet/27,547 square feet). Impervious area could be further reduced if the applicant were to utilize pervious concrete on the exterior of the house.

- (4) The Geotechnical Report indicates that the soils on the western portion of the subject property are cohesionless sands, contain zones of ground water seepage, and will not support vertical excavations for rockery construction. The report also states that a reinforced earth rockery will require ten feet or more excavation distance from the back of the rocks to allow for construction of the reinforced fill zone and sloping of the temporary cut. The report also states that a cantilevered concrete wall can be utilized instead of the rockery.

The elevation drawings indicate that the finished floor elevation of the main floor of the house is 71 feet; however, the site plan indicates that the elevation of the driveway close to the northwest corner of the garage is 74 feet. No retaining walls are proposed along the southern portion of

the garage; however, the elevation in that vicinity will be lowered approximately eight feet along the back side of the garage and there is no indication how the slope will be protected.

- (5) The geotechnical report recommends installing a continuous drain along the outside lower edge of the perimeter building foundations. The Watershed Company has recommended that any water collected through perimeter or curtain foundation drains, sump pumps to dewater sub-grade areas are directed towards dispersal systems that outlet towards the wetland.
- (6) The Statement of Compliance submitted by the applicant states that the "Applicants are proposing to construct on only one of the lots" and "none of Lots 11 and 12 will be used by the property owner" (see Attachment 6). The Watershed Company has indicated that preservation of existing resources is a legitimate mitigation strategy when combined with enhancement (see Attachment 7).
- (7) Zoning Code Section 90.150 provides the means of requiring the applicant to dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers.

b. Conclusion:

- (1) All exterior hard surfaces should be constructed of pervious concrete or another comparable substance as approved by the Planning Department.
- (2) The house size and or location may need to be modified in order to meet the geotechnical engineers' requirements for retaining wall and slope of inclination recommendations. In no case should the house or any land surface modification or related construction intrude into the wetland without the issuance of a Shoreline Conditional Use Permit. The plans should be clarified to indicate how the slope will be supported along the southwest corner of the house and clarify the final grade elevation and verify the final grade on the subject property.
- (3) All water collected on the subject property (perimeter/curtain foundation drains, sump pumps to dewater sub-grade areas) should be directed towards a dispersal systems that outlets towards the wetland.
- (4) A NGPE should be recorded to assure that all undeveloped portions of the subject property would be provided with the highest degree of protection in perpetuity.

5. Criterion 4: The inability to derive reasonable use is the result of the applicant's actions, such as segregating or dividing property and creating the undevelopable condition, or taking actions in violation of any local, state, or federal law or regulation.

a. Facts: As discussed in the history section of this report the lots were created when the subdivision of Yarrow Bay Apartment, Division 1 was recorded on June 23, 1959.

b. Conclusion: The inability to derive reasonable use is not the result of any action

taken by the applicant or property owner.

6. Criterion 5: The land use and environmental regulations which prevent reasonable use of the property were in effect at the time of purchase of the property by the applicant.

a. Fact:

- (1) The Highwood Company, the current property owner, purchased the property on August 3, 1990.
- (2) At the time of purchase a different set of regulations were in place. These regulations required a 50 buffer from the edge of the wetland. An applicant could propose a modification of a wetland and or wetland buffer providing that they met the established criteria.

- b. Conclusion: The property owner purchased the property prior to the effective date of the current regulations and could have applied for a modification under prior regulations. The request may have been approved provided that all of the approval criteria were met.

7. GENERAL ZONING CODE CRITERIA

- a. Fact: Zoning Code section 152.70.3 states that a Process IIB application may be approved if:

- (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- (2) It is consistent with the public health, safety, and welfare.

- b. Conclusion: The proposal complies with the criteria in section 152.70.3. It is consistent with all applicable development regulations (see Sections II.4) and the Comprehensive Plan (see Section II.G). In addition, it is consistent with the public health, safety, and welfare because it will allow reasonable use of a property, while protecting the wetland on the subject property, which is of value to the community as a whole.

F. SHORELINE MASTER PROGRAM (SMP)

1. Fact: As explained in Section II.A.1.a.4 of this report, this proposal is exempt from shoreline regulations providing no land surface modification or single-family construction occurs within the wetland associated with Shoreline jurisdiction (see Attachment 10). The applicant has not requested approval of a Shoreline Conditional Use Permit.
2. Conclusion: All construction activity should be located outside of the wetland. The restoration of the wetland and its associated buffer should be done manually. No mechanical equipment should be allowed south of the wetland boundary immediately south of the proposed house.

G. COMPREHENSIVE PLAN

1. Facts:

- a. The subject property is located within the Lakeview neighborhood. Figure L-1 on

page XV.A-2 designates the subject property for low density residential, with a density of 3-5 dwelling units per acre (see Attachment 11).

- b. The Natural Environment section of the Lakeview Neighborhood plan supports housing configurations that minimize disruptions to natural systems and urges special care to minimize adverse impacts to the wetland during and after construction.

Zoning Code Section 90.50 requires installation of a silt fence and a protective six-foot high chain link fence at the edge of the wetland during and along the east and west property lines of the construction area. The Watershed Company has recommended that all on-site storm drainage be collected and dispersed back to the wetland.

- c. The following policies listed in the Natural Environment Element of the Comprehensive Plan:

- (1) Policy NE-1.6: Strive to minimize human impacts on habitat areas.

This policy is addressed by Zoning Code Section 90.50 requiring that the applicant install a barrier (split rail fence or vegetative barrier) at the edge of the wetland. The applicant has proposed a vegetation barrier instead of a fence to be located at the edge of the wetland. The Watershed Company has stated that the vegetative buffer consisting of snowberry alone is not equivalent to a split rail fence. Snowberry is a dense shrub, that is low growing and has no thorns. They recommend that the *Rosa gymnocarpa* shrub be mixed in evenly with the snowberry (see Attachment 7).

Zoning Code Section 90.150 further addresses Policy NE 1.6 by requiring dedication of development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers. The City typically receives a NGPE restricting activities that may occur within the wetland and wetland buffer (see Attachment 12).

- (2) Policy NE-2.2: Protect surface water functions by preserving and enhancing natural drainage systems wherever possible.

Negative impacts to the storm water facilities can be reduced by minimizing new impervious surfaces. This can be accomplished by utilizing pervious concrete on all driveways and outdoor pathways. One way to preserve the natural drainage system, as recommended by the wetlands biologists, would be to collect all drainage from the footing and roof drains and diverting this water back to the wetland.

2. Conclusion: The proposed residence is consistent the neighborhood plan. With the inclusion of a protective barrier at the wetland edge south of the house, recording a NGPE across the remaining portion of the property south of the house, collection of the roof and footing drains and diversion of this water back to the wetland the proposal would be consistent with the natural environment element of the Comprehensive Plan. The proposed protective barrier should mix the *Rosa gymnocarpa* shrub in evenly with the snowberry to provide a barrier equivalent to split rail fence.

H. DEVELOPMENT REVIEW COMMITTEE

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

IV. CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

A. CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

B. JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 152.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 152, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 152 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 14 are attached.

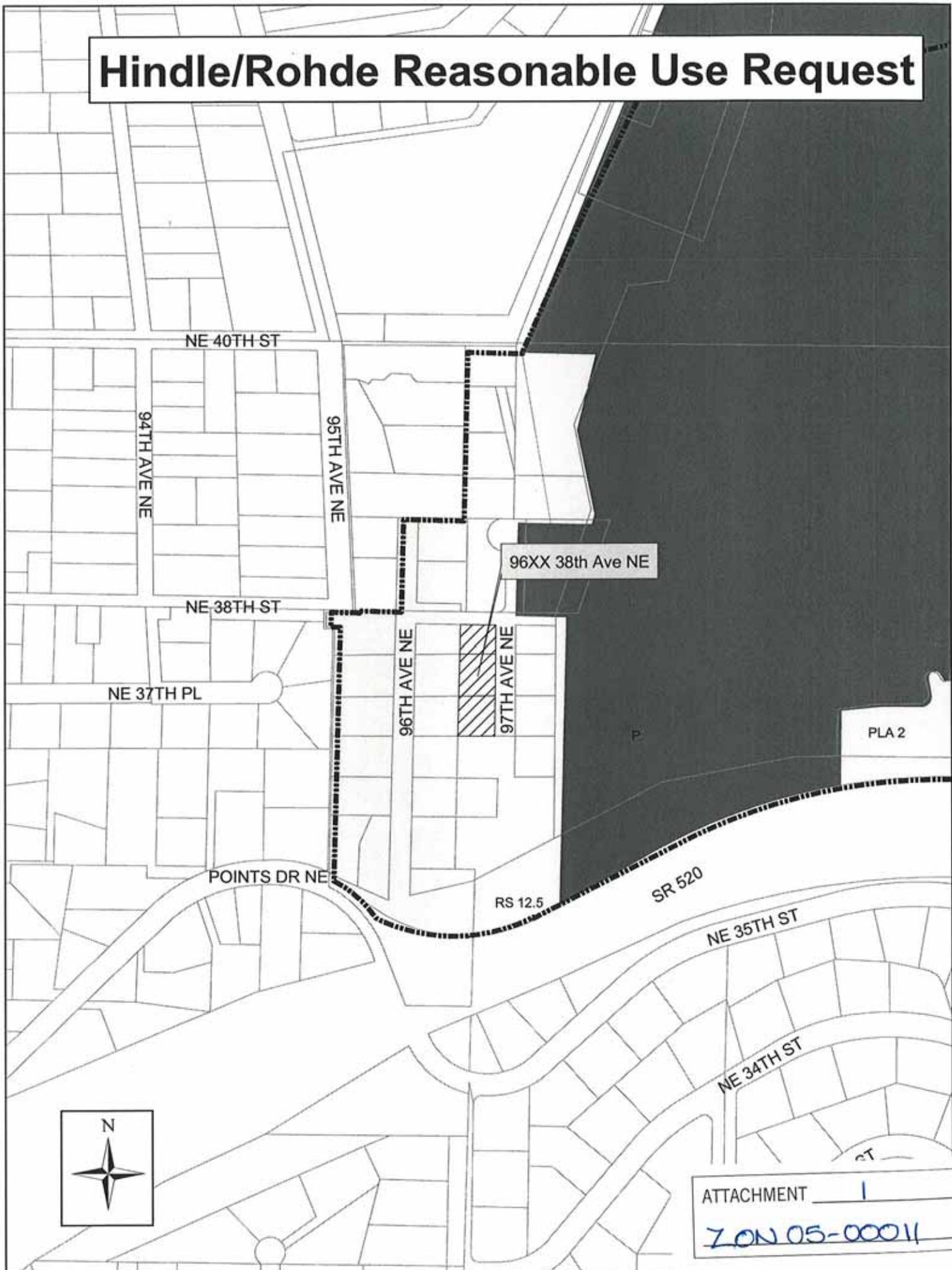
1. Vicinity/Zoning Map
2. Site Plans
3. Development Standards
4. Correspondence from Philip Irvin
5. Environmental Determination and supporting documents
 - SEPA 1 Site Map
 - SEPA 2 Map from the Kirkland's Streams, Wetlands and Wildlife Study
 - SEPA 3 Shoreline Map
 - SEPA 4 Environmental Checklist
 - SEPA 5 Geotechnical Report
 - SEPA 6 Adolfson and Associates Statement Of Compliance with KZC 90.140 dated July 2005
 - SEPA 7 The Watershed Company review of Adolfson's compliance statement
6. Information from Adolfson and Associates
 - a. Statement Of Compliance with KZC 90.140, dated January 2006
 - b. Wetland Buffer Enhancement Plan dated January 2006
 - c. letter from Dave Carlton
7. The Watershed Company review of Adolfson's revised compliance statement Shoreline Use Chart dated March 7, 2006
8. RS 12.5 Use Zone Chart
9. House Size for all Properties Accessing From 96th Ave NE and NE Points Drive
10. Shoreline Use Chart
11. Comprehensive Plan Map for the Lakeview Neighborhood
12. Natural Greenbelt Protective Easement (NGPE)
13. Slope Covenant
14. Sensitive Area Covenant

VII. PARTIES OF RECORD

Jeff and Barbara Hindle, 202 1st Street #402, Kirkland, WA 98033
Philip Irvin, 7704 Mary Ave NW, Seattle, WA 98117
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

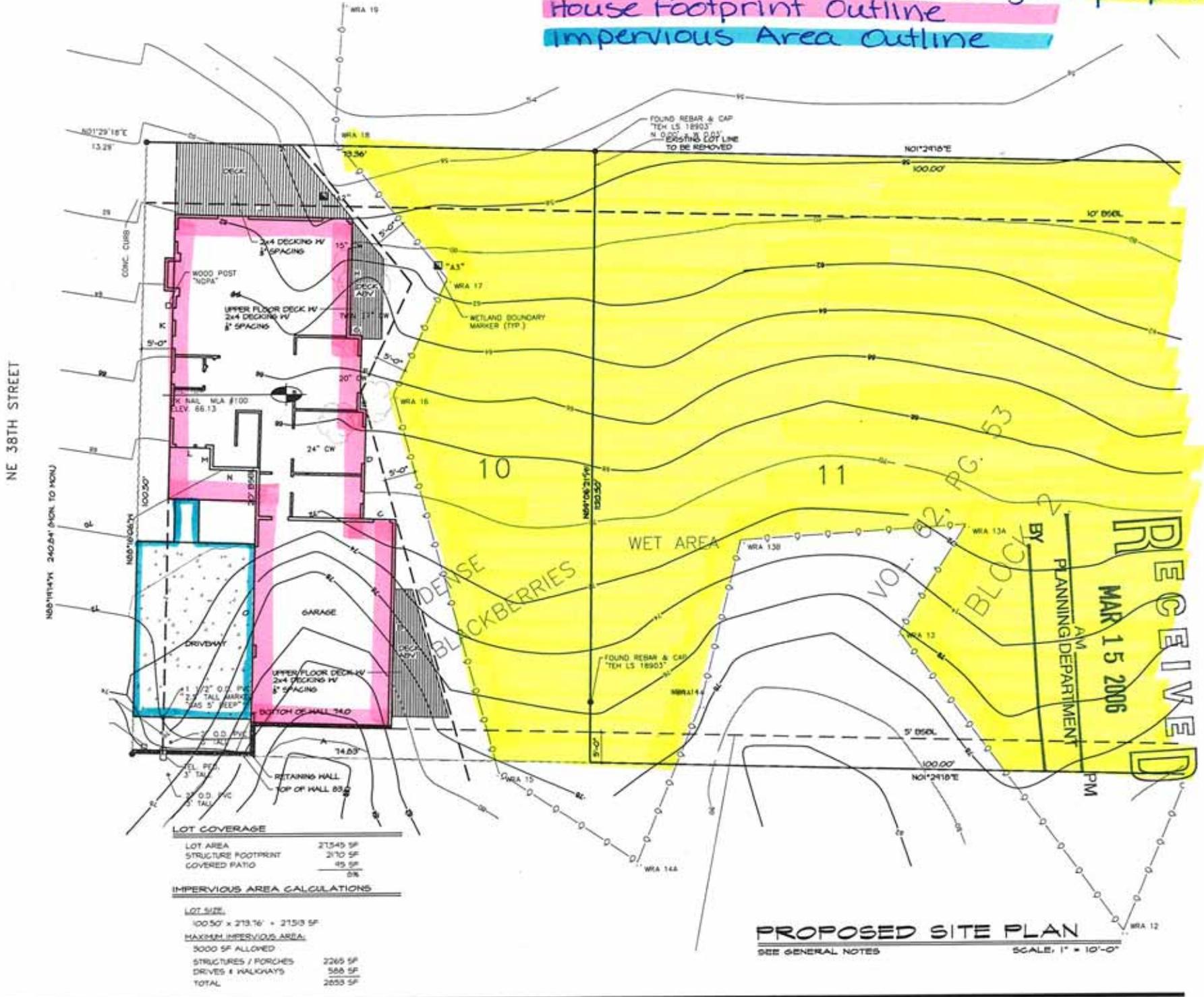
A written recommendation will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

Hindle/Rohde Reasonable Use Request



ATTACHMENT 1
ZON 05-00011

Wetland, Type I ON the subject property
 House Footprint Outline
 Impervious Area Outline



RECEIVED
 MAR 15 2006
 AM
 BY PLANNING DEPARTMENT
 PM

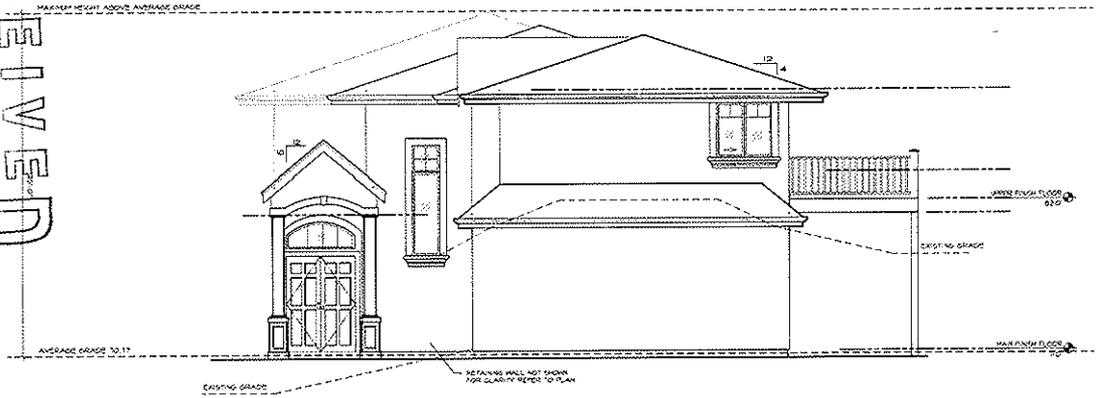
ATTACHMENT 2
 ZON05-00011

BY
 PLANNING DEPARTMENT
 NOV 10 2005
 PM

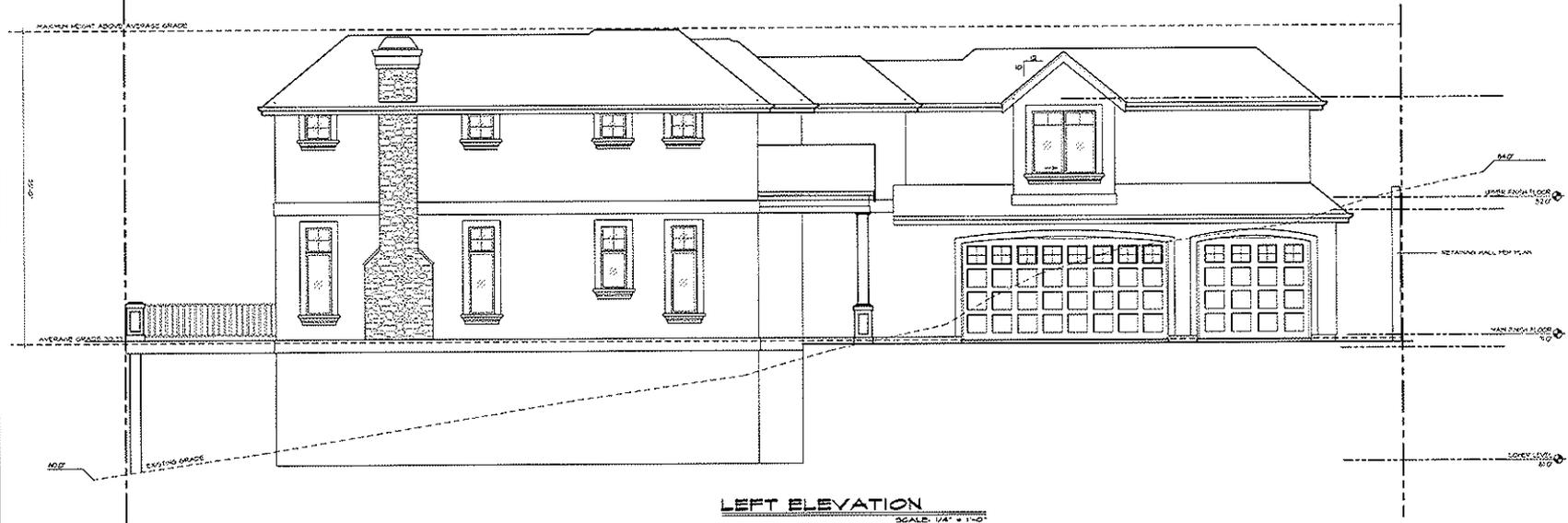
RECEIVED

NOTES

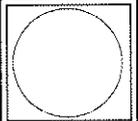
1. ALL HOOD EXPOSED TO WEATHER SHALL BE PROPERLY TREATED OR COATED.
2. SILLS AND SEAL ALL WINDOW DOORS AND EXTERIOR ENVELOPE PENETRATIONS.
3. GUARDING AND STAIRS OVER EASE.
4. CERTIFICATE REPORTS ARE REQUIRED FOR FENCES, FLOODING, MECHANICAL, AND ELECTRICAL.
5. SIGN OFF WORK REPORTS SHALL OCCUR IN EXACT AS BIDD DIRECTION.
6. REFER TO ALL ELEVATIONS FOR TYPICAL NOTES.
7. S.D. = SAFETY CLASS.



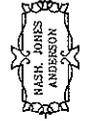
FRONT ELEVATION
 SCALE: 1/4" = 1'-0"



LEFT ELEVATION
 SCALE: 1/4" = 1'-0"



1644 NE 60th St
 #1000
 (425) 825-4111
 801 S.W. 11th St
 Suite 100
 (503) 233-8077
 WWW.HUNTERANDERSON.COM



Project:
ROHDE RESIDENCE
 NE 88th STREET &
 9TH AVENUE EAST
 KIRKLAND, WA

Date: 11-10-05
 Permit:
 Revisions:

Drawn by: RLM
 Checked by: RLM

SHEET
 OF
 A7

CAPRECCO/CPG
 GUSTOPHELLE
 ARCHITECTS

ELEVATIONS

Vertical dimensions on this drawing shall have precedence over horizontal dimensions. Contractor shall verify all dimensions, locations, etc., pertaining to the work before proceeding. The Owner must be notified of any variances from the dimensions and/or elevations shown on these drawings. Any such variances shall be reviewed by the Owner prior to proceeding with the work, or the Contractor shall accept full responsibility for the cost to rectify same.

NOTES

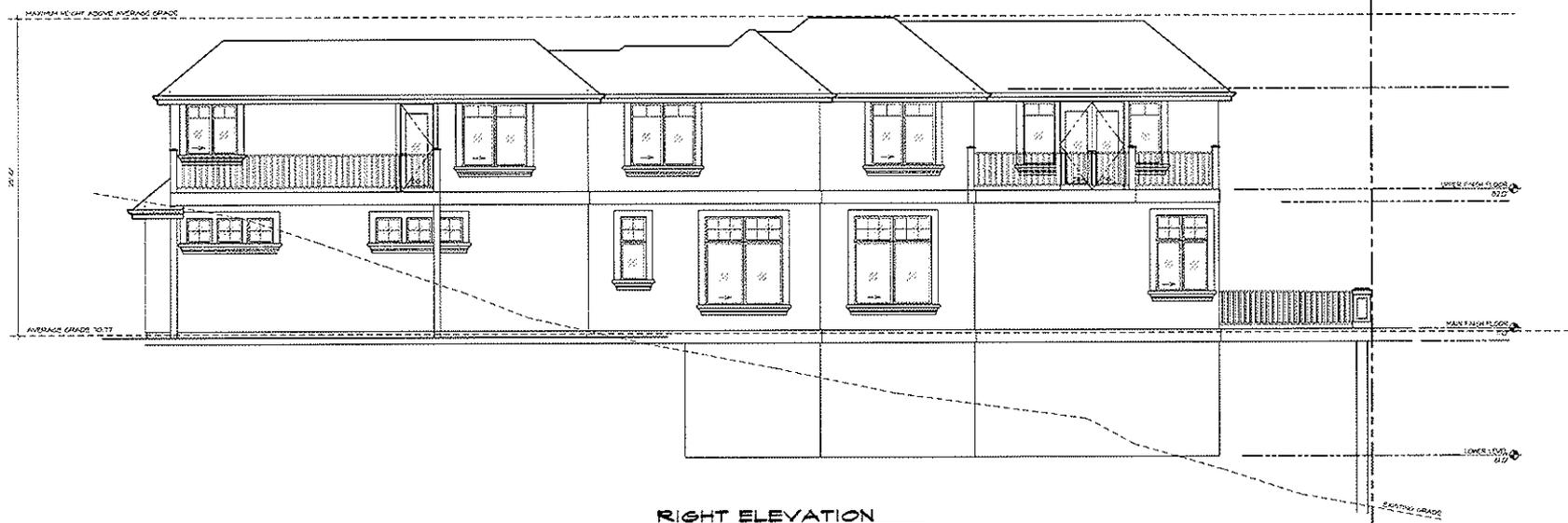
1. ALL WOOD EXPOSED TO WEATHER SHALL BE TREATED TO RESIST ROT AND INSECT DAMAGE.
2. CALLS AND SEAL ALL WINDOWS, DOORS AND EXTERIOR ENVELOPE PENETRATIONS.
3. GLAZING PER STATE ENERGY CODE.
4. SEPARATE PERMITS ARE REQUIRED FOR PERMS, PLUMBING, MECHANICAL, AND ELECTRICAL.
5. SOIL OR WOOD ROTTING SHALL OCCUR IN EXACTS AS SHOWN ELSEWHERE.
6. REFER TO ALL ELEVATIONS FOR FINISH NOTES.
7. 50 - SAFETY GLASS.

BY _____
 PLANNING DEPARTMENT
 AVN
 PM

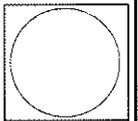
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 NOV 10 2005



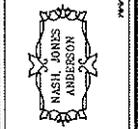
REAR ELEVATION
 SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"



1844 NE 60th St.
 #300-301
 4251 62nd Ave NE
 Kirkland, WA 98033
 206.835.8222
 www.nashjonasanderson.com



Project: **ROHDE RESIDENCE**
NE 56TH STREET &
4TH AVENUE EAST
KIRKLAND, WA

Date: 11-10-05
 Permit:
 Revision:

Drawn by: RLM
 checked by: RL

SHEET
 OF **A1.1**
A7

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 NASH, JONAS & ANDERSON

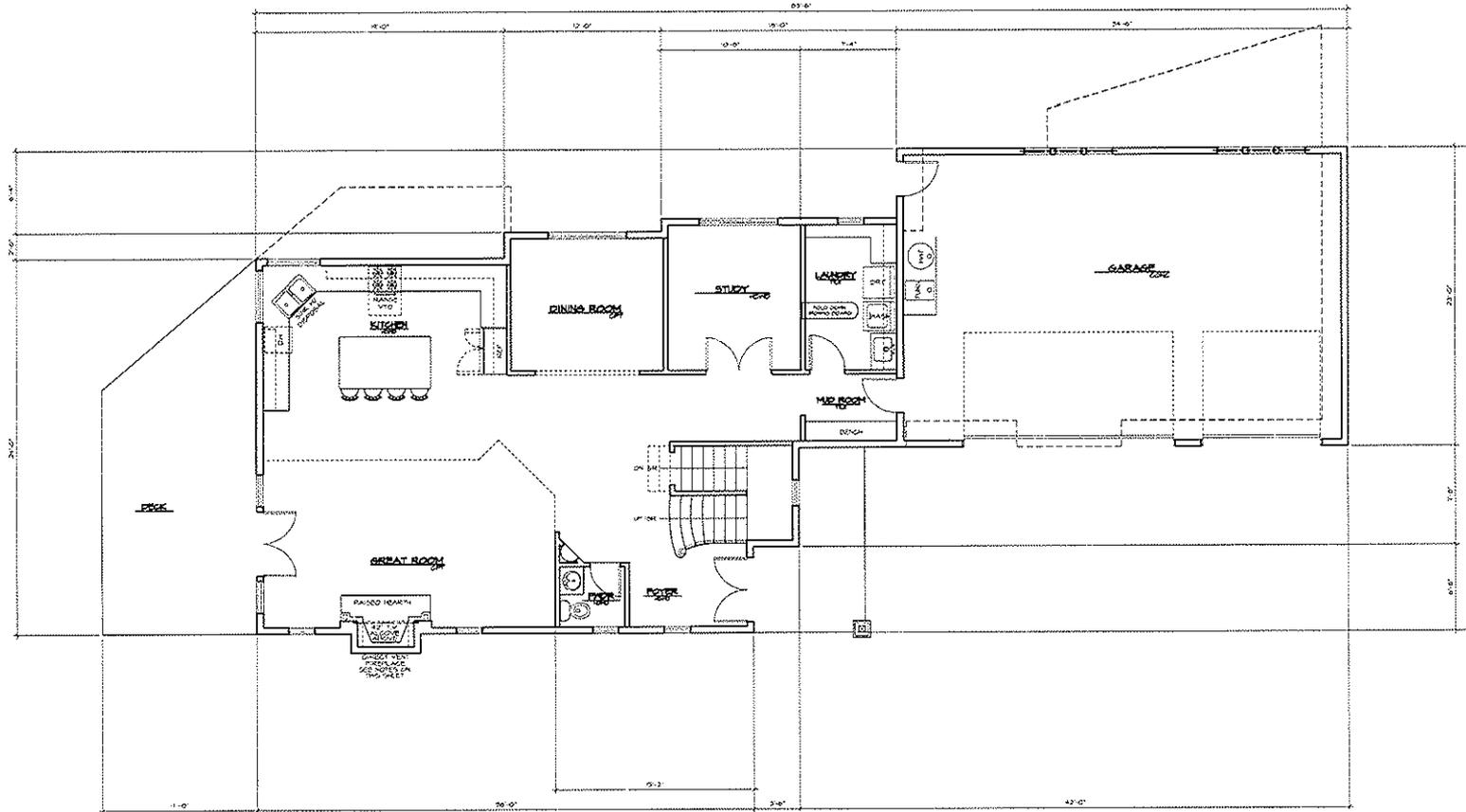
ELEVATIONS

RECEIVED

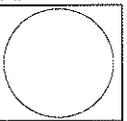
NOV 10 2005

AM _____ PM _____
PLANNING DEPARTMENT
BY _____

Written dimensions on this drawing shall have precedence over
field dimensions. Contractor shall verify all dimensions,
conditions, etc., pertaining to the work before proceeding.
The Owner must be notified of any variances from the
drawings and/or conditions before any work is done. Any
such variances shall be recorded by the Owner prior to
proceeding with the work or the Contractor shall accept
full responsibility for the cost to rectify same.



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"
13'11" OF
GARAGE 1/4" OF



1844 NE 80th St.
Kirkland, WA
(425) 835-4111
800 876 4829 ext. 84
504 1st St.
1st Floor
02020 864-0011
WWW.MANHATTANDESIGN.COM



Project: **ROHDE RESIDENCE**
NE 88TH STREET &
4TH AVENUE EAST
KIRKLAND, WA

date: 11-10-05
permits:
revisions:

drawn by: RLM
checked by: RU

SHEET
A5
OF
A7

CARROLLING
COSTINPELLER
ASHILLERONG

MAIN
FLOOR PLAN



CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587-3225

www.ci.kirkland.wa.us

DEVELOPMENT STANDARDS LIST

File: Hindle Reasonable Use Request, ZON05-00011

PLANNING DEPARTMENT CONDITIONS

Zoning Code Standards

85.25.1 Geotechnical Report Recommendations. The geotechnical recommendations contained in the report by Terra Associates, Inc. dated November 2, 2004 shall be implemented.

90.45 Wetlands and Wetland Buffers. No land surface modification may take place and no improvement may be located in a wetland or within the environmentally sensitive area buffers for a wetland, except as specifically provided by issuance of this permit.

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.55.4 Mitigation/Monitoring/Maintenance. The cost of producing and implementing the mitigation plan, the monitoring and maintenance program, reports, and drawing, as well as the review of each component by the City's wetland consultant, shall be borne by the applicant.

95.35 Plant Replacement. The applicant shall replace any plants required by this Code that are unhealthy or dead for a period of five years after initial planting.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

ATTACHMENT 3
ZON05-00011

115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall not be closer than 5 feet to any side property line unless the standards in 115.115.5.a.2 are met.

152.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to issuance of a grading or building permit:

85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property (see Attachment 13).

90.50 Wetland Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.150 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County (see Attachment 12).

90.145 Bonds. The applicant shall submit a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter.

90.155 Liability. The applicant shall enter into an agreement with the City which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the stream, minor lake, or wetland (see Attachment 14).

110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

115.115.5.a Driveway Width and Setbacks. Driveway and/or parking area shall comply with the maximum 20 feet in width in any required front yard, and shall not be closer than 5 feet to any side property line unless the standards in 115.115.a.2 are met.

Subdivision Standards

22.26.030 Plat Alteration. The appropriate means of vacating any plat or portion thereof, is by means of a plat alteration.

FIRE DEPARTMENT CONDITIONS

Due to grade on NE 38th over 15 percent, fire sprinklers are required in the house.

BUILDING DEPARTMENT CONDITIONS

Buildings must comply with 2003 editions of the International Building, Residential, Mechanical, Fire and Uniform Plumbing Codes, as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code (WAC 51-11); and the Washington State Ventilation and Indoor Air Quality Code (WAC 51-13).

PUBLIC WORKS CONDITIONS

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.ci.kirkland.wa.us.
2. The Building Permit will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees The fees can also be review the City of Kirkland web site at www.ci.kirkland.wa.us The applicant should anticipate the following fees:
 - Water and Sewer connection Fees (paid with the issuance of a Building Permit)
 - Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
 - Water Meter Fee (paid with the issuance of a Building Permit)
 - Right-of-way Fee
 - Review and Inspection Fee (for utilities and street improvements).
 - Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.
3. This project is exempt from concurrency review.
4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code The impact fees shall be paid prior to issuance of the Building Permit(s)
5. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
6. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).
7. A completeness check meeting is required prior to submittal of any Building Permit applications.

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the NE 38th St. right-of-way is adequate to serve the project.
2. Provide a 6-inch minimum side sewer stub to the lot.

Water System Conditions:

1. The existing water mains within NE 38th St are adequate to serve this proposed project.
2. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter.

Surface Water Conditions:

1. Provide an erosion control plan with Building or Land Surface Modification Permit application The plan shall be in accordance with the 1998 King County Surface Water Design Manual.
2. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours If an erosion problem already exists on the site, other cover protection and erosion control will be required.
3. The roof and driveway drainage shall be collected and conveyed to an approved drywell system or discharged to the wetland buffer.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts NE 38th Street and the unopened 97th Ave. NE Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property Section 110.30-110.50 establishes that this street must be improved with the following:
 - A. NE 38th Street was improved by the Southbay Development approximately 7 years ago. The existing street improvements consist of storm drainage, curb and gutter along both sides of the street, and a sidewalk and landscape strip along the north side of the street. Due to the sensitive environmental features adjacent to this right-of-way, Public Works believes that the existing street improvements are adequate and the standard for this street should be modified such that sidewalk is only required on one side of the street. This modification is being recommended as allowed by KZC 110.70.3 (b & c). Under this recommended modification, no further street improvements will be required along the south side of NE 38th Street with this project.
 - B. 97th Ave. NE is currently unimproved. Due to the sensitive areas that encompass most of this right-of-way, the requirement to improve this right-of-way, with this project, is waived per KZC 110.20.5.
2. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
3. Remove and replace all broken existing curb, gutter, and sidewalk along property frontage.
4. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)
5. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.
6. Underground all new and existing on-site utility lines and overhead transmission lines.

Desiree Goble

From: Philip C Irvin [philip_irvin@juno.com]
Sent: Monday, June 27, 2005 8:05 PM
To: Desiree Goble
Subject: ZON05-00011

7704 Mary Ave NW
Seattle, WA 98117
June 27, 2005

RE: ZON05-00011

Dear Desiree Goble:

I own the building lots between the applicant and the water. I believe that this proposal is entirely reasonable and I support it. I would, of course, expect the applicant to return the favor.

I wish to keep abreast of the proceedings and any actions, rulings and recommendations by the relevant bodies.

I am at (206) 386-4526 (office), (206) 782-3564 (home) or (206) 781-1074 (fax). My e-mail address is philip_irvin@juno.com.

Sincerely,

Philip Irvin

ATTACHMENT <u>4</u>
<u>ZON05-00011</u>



CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189
(425) 587-3225

DETERMINATION OF NONSIGNIFICANCE (DNS) .

CASE #: SEP05-00011

DATE ISSUED: 2/21/2006

DESCRIPTION OF PROPOSAL

A request for approval of a reasonable use permit to allow construction of one single-family residence within a Type 1 wetland and wetland buffer. The proposal includes impact to approximately 5,000 square feet of the wetland buffer. The subject property is zoned RS 35 and contains 27,577 square feet. The proposal includes a reduction of the required 20 foot front setback adjacent to NE 38th Street to 5 feet for a portion of the house.

PROPONENT: **BARBARA ROHDE**

LOCATION OF PROPOSAL

SOUTHWEST CORNER OF NE 38TH ST & 90TH AVE NE

LEAD AGENCY IS THE CITY OF KIRKLAND

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This DNS is issued under 197-11-340 (2); the lead agency will not act on this proposal for 14 days from the date above. Comments must be submitted by 5:00 p.m. 3/7/2006

Responsible official: *Paul A. Fur* 2-21-06
Eric Shields, Director Date
Department of Planning and Community Development
425-587-3225

Address: City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033-6189

You may appeal this determination to NANCY COX at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., March 07, 2006 by WRITTEN NOTICE OF APPEAL.

You should be prepared to make specific factual objections. Contact Nancy Cox to read or ask about the procedures for SEPA appeals.

ATTACHMENT 5
ZON 05-00011

Please reference case # SEP05-00011.

Publish in the Eastside Journal (date): _____

Distribute this form with a copy of the checklist to the following:

- Environmental Review Section, Department of Ecology,
P.O. Box 47703, Olympia, WA 98504-7703
 - Department of Fish and Wildlife (for streams and wetlands - with drawings)
North Lake Washington Tributaries Area Habitat Biologist
16018 Mill Creek Boulevard, Mill Creek, WA 98012
 - Department of Fish and Wildlife (for shorelines and Lake Wa. - with drawings)
Lake Washington Tributaries Area Habitat Biologist
C/O DOE
3190 160th Avenue SE, Bellevue, WA 98008
 - Seattle District, U.S. Army Corps of Engineers,
P.O. Box C-3755
Seattle, WA 98124
 - Attn: Lynn Best, Acting Director, Environmental Division, Seattle City Light
700 5th Avenue, Suite 3316
P.O. Box 34023
Seattle, WA 98125-4023
 - Muckleshoot Tribal Council, Environmental Division, Fisheries Department
39015 172nd SE
Auburn, WA 98092
 - Northshore Utility District,
P.O. Box 82489
Kenmore, WA 98028-0489
 - Shirley Marroquin
Environmental Planning Supervisor
King County Wastewater Treatment Division
201 South Jackson Street, MS KSC-NR-0505
Seattle, WA 98104-3855 - and -
 - Gary Kriedt
King County Metro Transit Environmental Planning
201 South Jackson Street, MS KSC-TR-0431
Seattle, WA 98104-3856
 - Director of Support Services Center
Lake Washington School District No. 414
P.O. Box 97039
Redmond, WA 98073-9739
 - John Sutherland, Developer Services
Washington State Department of Transportation
15700 Dayton Ave. N., MS 240
P.O. Box 330310
Seattle, WA 98133-9710
 - Tim McGruder, Conservation Chair
East Lake Washington Audubon Society
13450 NE 100th St.
Kirkland, WA 98033
-
-

Applicant / Agent Jeff & Barb Hindle, 202 1st St #402, Kirkland,
WA 98033

---MITIGATING MEASURES INCORPORATED INTO THE PROPOSAL: -----

Prior to the issuance of any permits for the project or the start of any construction activity, the applicant shall:

- a. Revise the plans to show compliance with The Watershed Company recommendations:
 1. Prepare a planting specification detail or pit preparation instructions.
 2. Include a provision for a temporary irrigation system. The maintenance plan (see #3, below) should specify irrigation timing and quantity.
 3. Include a provision to remove on-site invasive non-native shrubs, including Himalayan blackberry and reed canary grass, from the wetland and buffer area. The plan should also specify how these weeds are to be controlled during the maintenance period.
 4. Show the location of construction barrier fencing and silt fencing. Show details on how the silt fencing is to be installed (lower edge keyed into a shallow trench). As an alternative to silt fencing, coir or straw wattles could - also be used unless large soil quantities are to be stockpiled near the buffer.
 5. Ensure that the amount of water flowing into the wetland remains unchanged post development. Foundation and yard drains are to direct intercepted water back to the wetland such that no part of undisturbed wetland is deprived of hydrology.
- b. The revised landscape plan shall be reviewed and approved by the City's consultant The Watershed Company at the applicant's expense.
- c. Modify the proposals and any subsequent plans to indicate that the removal of invasive plant material occurring south of the proposed house will be conducted by hand.
- d. Submit a monitoring and maintenance program prepared by a qualified professional. The monitoring and maintenance plan shall include the following:
 1. The goals and objectives for the mitigation plan;
 2. Success criteria by which the mitigation will be assessed (minimum standards would be 100 percent first year survival, minimum 80 percent cover in years three through five, and maximum 10 percent cover by invasive weeds);
 3. Plans for a five-year monitoring and maintenance program;
 4. A contingency plan in case of failure; and
 5. Proof of a written contract with a qualified professional who will perform the monitoring program.
- e. The monitoring program shall consist of at least two site visits per year by a qualified professional, with annual progress reports submitted to the Planning Official and all other agencies with jurisdiction.

- f. The cost of producing and implementing the mitigation plan, the monitoring and maintenance program, reports, and drawing, as well as the review of each component by the City's wetland consultant, shall be borne by the applicant.
- g. The applicant shall provide a performance and maintenance bond to assure that all work or actions are satisfactorily completed or maintained in accordance with the approved plans, and to assure that all work or actions not satisfactorily completed or maintained will be corrected to comply with approved plans.

cc: Case # ZON05-00011

Distributed to agencies along with a copy of the checklist. (see attached).



2-21-06

Distributed By:
SEPA_C_A, rev: 2/17/2006

Date:



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Eric R. Shields, AICP, SEPA Responsible Official

From: Désirée Goble, AICP, Project Planner

Date: January 23, 2006

File: **Hindle-Rohde Reasonable Use Request, ZON05-00011, 96xx NE 38th Street**

Subject: ENVIRONMENTAL DETERMINATION FOR HINDLE-ROHDE REASONABLE USE REQUEST

Jeff Hindle and Barb Rohde have applied for a Reasonable Use permit to construct a single-family residence located within the inner two-thirds of the required 100 foot wetland buffer (see Attachment 1). The property is located on the southwest corner of NE 38th Street and 97th Ave NE. The proposal also includes the installation of plants within the wetland and wetland buffer. The subject property is contiguous with Yarrow Bay 1 Wetland as illustrated on the Yarrow Creek Basin Map 6 (see Attachment 2). This wetland adjoins the shoreline of Lake Washington and is in an area designated Conservancy Environment 2 (see Attachment 3); therefore, the wetland falls under Shoreline jurisdiction.

Subsequent to submittal of the application, the applicant and planning department staff have had a number of conversations regarding the proposal. These discussions have resulted in submittal of a modified site plan relocating the residence entirely out of the wetland close to the north property line. Based on these conversations, staff understands that the applicant intends to modify the landscape plan. The modified proposal should include the hand removal all invasive plant material and installation of native wetland plants within the wetland and wetland buffer south of the house.

I have had an opportunity to visit the site and review the environmental checklist (see Attachment 4), geotechnical report (see Attachment 5), Adolfson and Associates (the applicants' consultant) statement of compliance with KZC 90.140 (see Attachment 6), and The Watershed Company review of Adolfson compliance statement (see Attachment 7).

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed within the staff advisory report, which will be presented at the public hearing. The new landscape plan for the area south of the proposed residence should incorporate all of The Watershed Company recommendations that are relevant to plantings within the wetland and wetland buffer. In contrast, State law specifies that this environmental review under the State Environmental Policy Act (SEPA) is to focus only on potential significant impacts to the environment that could not be adequately mitigated through the Kirkland regulations and Comprehensive Plan.¹

¹ESHB 1724, adopted April 23, 1995

Based on my review of all available information and adopted policies of the City, I am recommending that the proposal be changed or clarified to include the following mitigating measures so that a Determination of Non-significance (DNS) can be issued.

Wetland and Stream Impacts

Prior to the issuance of any permits for the project or the start of any construction activity, the applicant shall:

- a. Revise the plans to show compliance with The Watershed Company recommendations:
 - 1) Prepare a planting specification detail or pit preparation instructions.
 - 2) Include a provision for a temporary irrigation system. The maintenance plan (see #3, below) should specify irrigation timing and quantity.
 - 3) Include a provision to remove on-site invasive non-native shrubs, including Himalayan blackberry and reed canary grass, from the wetland and buffer area. The plan should also specify how these weeds are to be controlled during the maintenance period.
 - 4) Show the location of construction barrier fencing and silt fencing. Show details on how the silt fencing is to be installed (lower edge keyed into a shallow trench). As an alternative to silt fencing, coir or straw wattles could - also be used unless large soil quantities are to be stockpiled near the buffer.
 - 5) Ensure that the amount of water flowing into the wetland remains unchanged post development. Foundation and yard drains are to direct intercepted water back to the wetland such that no part of undisturbed wetland is deprived of hydrology.
- b. The revised landscape plan shall be reviewed and approved by the City's consultant The Watershed Company at the applicant's expense.
- c. Modify the proposals and any subsequent plans to indicate that the removal of invasive plant material occurring south of the proposed house will be conducted by hand.
- d. Submit a monitoring and maintenance program prepared by a qualified professional. The monitoring and maintenance plan shall include the following:
 - 1) The goals and objectives for the mitigation plan;
 - 2) Success criteria by which the mitigation will be assessed (minimum standards would be 100 percent first year survival, minimum 80 percent cover in years three through five, and maximum 10 percent cover by invasive weeds);
 - 3) Plans for a five-year monitoring and maintenance program;
 - 4) A contingency plan in case of failure; and
 - 5) Proof of a written contract with a qualified professional who will perform the monitoring program.

- e. The monitoring program shall consist of at least two site visits per year by a qualified professional, with annual progress reports submitted to the Planning Official and all other agencies with jurisdiction.
- f. The cost of producing and implementing the mitigation plan, the monitoring and maintenance program, reports, and drawing, as well as the review of each component by the City's wetland consultant, shall be borne by the applicant.
- g. The applicant shall provide a performance and maintenance bond to assure that all work or actions are satisfactorily completed or maintained in accordance with the approved plans, and to assure that all work or actions not satisfactorily completed or maintained will be corrected to comply with approved plans.

This recommendation is based on adopted policies of the City as found in the City's Comprehensive Plan. Specifically the following elements of the 1995 Comprehensive Plan contain the following policies:

Natural Environment

Policy NE-1.3: Use a variety of techniques to manage activities affecting air, vegetation, water, and the land to maintain or improve environmental quality, to preserve fish and wildlife habitat, to prevent degradation or loss of natural features and functions and to minimize risks to life and property.

Policy NE-1.4: Proactively pursue restoration or enhancement of the natural environment.

Policy NE-1.6: Strive to minimize human impacts on habitat areas.

Policy NE-2.2: Protect surface water functions by preserving and enhancing natural drainage systems wherever possible.

Policy NE-2.3: Comprehensively manage activities that may adversely impact surface and ground water quality or quantity.

Policy NE-2.4: Improve management of storm water runoff from impervious surfaces by employing low impact development practices where feasible through City projects, incentive programs, and development standards.

Policy LU-1.5: Regulate land use and development in environmentally sensitive areas to ensure environmental quality and avoid unnecessary public and private costs.

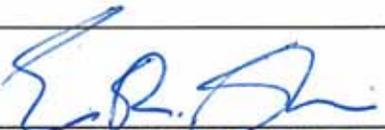
SEPA ENCLOSURES

1. Site Map
2. Map from the Kirkland's Streams, Wetlands and Wildlife Study
3. Shoreline Map
4. Environmental Checklist
5. Geotechnical Report
6. Adolfson and Associates Statement Of Compliance with KZC 90.140
7. The Watershed Company review of Adolfson compliance statement

Review by Responsible Official:

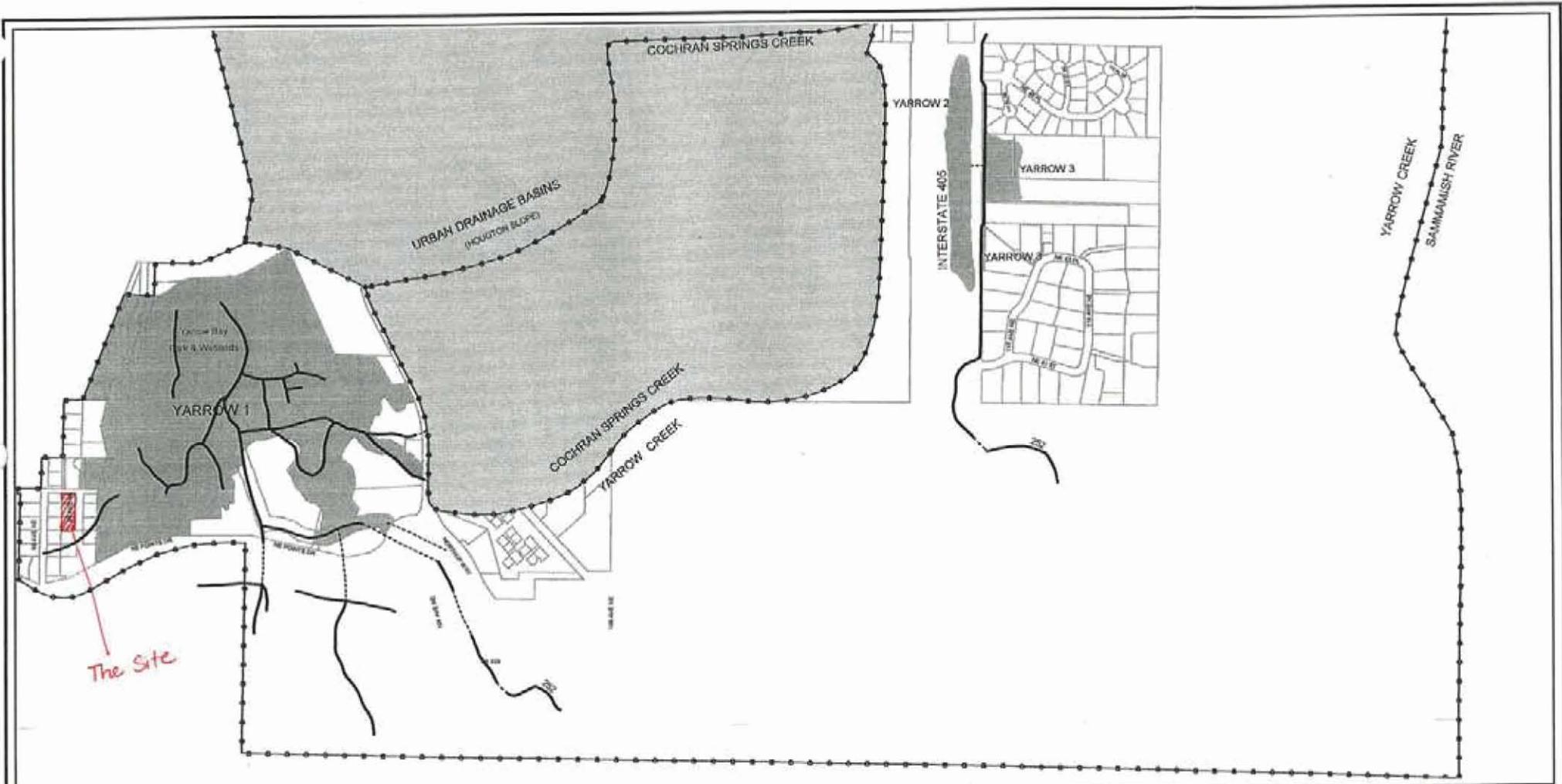
I concur I do not concur

Comments: _____


Eric R. Shields, Planning Director

1/23/06
Date

cc: Jeff Hindle and Barb Rohde, 202 1st Street #402, Kirkland, WA 98033



**City of Kirkland Wetlands and Streams
July, 1998**

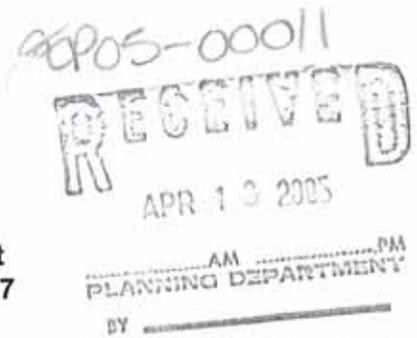
-  Wetlands
-  Streams
-  Culverts
-  Basin Boundary



Note: Boundaries of features shown are approximate, based on aerial photos and field observations. These lines have not been surveyed.

ATTACHMENT CEPA 2
The Watershed Company
FILE NO. ZONCA-00011

Map 6: Yarrow Creek Basin



SEPA ENVIRONMENTAL DOCUMENTS

If an application for a land use or building permit is subject to environmental review under Chapter 43.21C RCW, all SEPA environmental documents must be submitted with the filing of a land use permit or building permit application or the City will not accept the application.

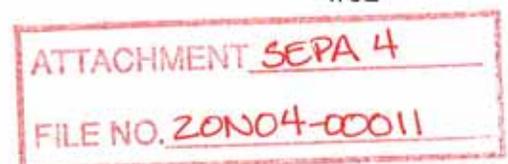
The following is a list of the environmental documents that must be submitted with the land use or building permit application:

1. **Environmental Checklist.** The checklist form can be obtained from the Kirkland Planning Department.
2. **Road concurrency test decision memo.** Applicants must pass road concurrency *before* submitting for a land use or building permit and the environmental documents. Concurrency application forms are available from Public Works or the Planning Departments. If the application passes road concurrency, the Public Works Department's Transportation Engineer will provide the applicant or applicant's traffic engineer with a concurrency test decision memo and traffic information that needs to be included in the Traffic Impact Analysis. A copy of this memo must be submitted to show that road concurrency has been passed.
3. **Traffic Impact Analysis.** Traffic Impact Analysis Guidelines can be obtained from the Planning or Public Works Departments. The Traffic Impact Analysis is to be completed after the road concurrency test has been successfully passed. Information from the City's Transportation Engineer is to be included in the Traffic Impact Analysis along with all other information specified in the guidelines.
4. **Other supplemental environmental information.** Ask the assigned planner at the pre-application meeting what other environmental information will be required with the environmental submittal. All studies and reports must be prepared by a licensed and qualified specialist in the field and approved by the City. Supplemental impact assessment reports or studies that may be required include, but not be limited to the following:

- Lighting
- Environmental health hazard
- Historic
- Wetland and/or stream delineation and analysis, prepared or reviewed by the City's consultant
- Hydrology
- Wildlife
- Views
- Noise
- Geotechnical soils analysis

YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT DESIGN AND PROJECT COMPLIANCE WITH CITY REGULATIONS AND TO OBTAIN GUIDANCE ON THE ENVIRONMENTAL MATERIALS THAT YOU MUST SUBMIT.

1/02



CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable: *Hindle/Rhode Single Family Residence under City of Kirkland Critical Areas Reasonable Use Exception.*
2. Name of applicant: *Jeff Hindle and Barbara Rohde*
3. Tax parcel number: *9808500-160, 9808500-170, 9808500-180*

4. Address and phone number of applicant and contact person: *11777 Juanita Drive NE; Kirkland, WA 98034; Tel. (206) 949-0600*
5. Date checklist prepared: *April 11, 2005*
6. Agency requesting checklist: *City of Kirkland Planning and Community Development Department*
7. Proposed timing or schedule (including phasing, if applicable): *The construction schedule is contingent upon conclusion of the design, environmental review, public process, and permitting. It is anticipated that construction may begin in 2005.*
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
None at this time.
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
The following studies related to the Hindle/Rhode Single Family Residence proposal have been conducted to date:
Wetland Delineation , Hindle/Rhode Residence, Kirkland, Washington, January 18, 2005. Performed by Wetland Resources, Inc.
Geotechnical Report, Hindle/Rhode Residence Kirkland, Washington, November 2, 2004. Prepared by Terra Associates, Inc.
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
None.
11. List any government approvals or permits that will be needed for your proposal, if known.
SEPA Review
City of Kirkland Reasonable Use Exception
City of Kirkland Building Permit
City of Kirkland Clearing and Grading Permit
Section 404 & Section 401 of the Clean Water Act
12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
The applicant is planning to construct a new single-family residence on an undeveloped lot in the Yarrow Bay area of Kirkland, Washington. A map of the vicinity is shown in Figure 1. The approximately 2/3 acre site consists of three legal lots (Lots 10-12) located in Block 2 of Yarrow Bay Apartments Addition, Division 1. All three lots are fully encumbered by wetland and wetland

buffer regulated under the City of Kirkland Zoning Code (KZC Chapter 90 (Drainage Basins). The general site vicinity is developed with single-family residences.

A wetland delineation was conducted on the site in January 2005, which classified approximately 65 percent of the site as Type 1 wetland (Wetland Resources, Inc, 2005) (Figure 2). The only non-wetland portion of the site occurs along the northern portion of Lot 10, which fronts NE 38th Street, and along the western portions of Lots 11 and 12, which have no street frontage. The non-wetland portions fall within the required wetland buffer.

The proposal includes construction of a single-family residence with a basement level Accessory Dwelling Unit. A site plan is shown on Figure 3. Out of a combined lot size of 27,620 square feet, a footprint of approximately 4,696 square feet will be impervious including areas for house, garage, driveway, and walkways. The house will be situated on the northern portion of the site (on Lot 10 and a portion of Lot 11) to take advantage of the site's only street access from NE 38th Street and to minimize encroachment into the wetland. The house will be a two (2) story structure with 3,266 square feet of main and upper floor space, 1,832 square feet of basement space, and a three-car garage. The proposed residence will impact approximately 2,688 square feet of wetland (and a portion of lot 11 for use as yard) and all of the wetland buffer in Lot 10 (i.e., lot adjacent to NE 38th Street). The remaining area of wetland on the site will be enhanced through removal of non-native, invasive species and revegetating with native plants.

The applicant is requesting a Reasonable Use Exception as provided through KZC 90.140 for relief from critical areas requirements as to construct the single-family residence on the site.

13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The site is located in Block 2 of the Yarrow Bay Apartments Addition, Division 1 in the City of Kirkland, Washington (Section 19, Township 35N, Range 5E, W.M. in King County, Washington). The site is accessed from NE 38th Street. A map of the vicinity is shown in Figure 1.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY
REVIEWED BY:

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other
(Rolling, slopes)

The following description of site topography is summarized from the Geotechnical Report (Terra Associates, 2004).

The site is currently undeveloped, with no surface evidence of substantial cuts and fills on the site. The site is bounded to the north by NE 38th Street and to the south and east by undeveloped land. Surrounding properties to the north and west are developed as single-family residential. The proposed residence will be constructed on a portion of the site with slopes generally ranging in elevation from 58 feet to 84 feet above sea level. The site slopes to the east at an overall inclination of about 20 percent, with a maximum east-to-west topographic relief of approximately 28 feet. The steepest slopes are found at a small ridge located in northwestern corner of the property.

- b. What is the steepest slope on the site (approximate percent slope)?
The overall site grade is 20 percent. The steepest slopes (fifty percent) are found in a localized area along the western ridgeline.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

The Geologic Map of the Kirkland Quadrangle identifies Quaternary recessional outwash deposits (Qvr) of the Vashon age as the geologic unit on an in the vicinity of the site (Terra Associates, 2004). This geologic unit includes soils consisting of "sand and gravel with minor silt and clay layers." Surface soil data obtained from the Soil Survey of King County mapped the soils in the area as Alderwood gravelly sandy loam (AgD) (SCS, 1973). The recessional outwash soils observed at the site are not consistent with Alderwood soil, which forms over glacial till. The soils more resemble Everett-Alderwood gravelly sandy loam, 6 to 15 percent slopes (EwC). The SCS describes the erosion potential for EwC

soils as slight to moderate.

Terra Associates (2004) performed a geotechnical assessment of the site in October 2004. They reported that subsurface conditions observed in 4 test pits excavated across the site were relatively uniform. They consisted of topsoil overlaying loose to medium dense sandy silt, silty sand, and gravelly sand with silt, generally consistent with Qvr soils. Topsoil was observed in the test pits to depths of 1 foot below ground surface.

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

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No signs of soil erosion or indications of past or current soil instability were observed at the site.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
Site grading activities are expected to consist of clearing, grubbing and stripping; excavation for building foundations; backfilling around footings; and grading for driveway and yard preparation.

The existing soil on the site may be used as structural fill provided the soil is free of organics and other deleterious material. If the soil cannot be properly used to achieve the required compaction, or the amount of soil is insufficient to establish site grades, import fill will be required. Import fill would meet the requirements set by American Society for Testing and Materials (ASTM) Test Designation D-698 (Standard Proctor).

A reinforced earth rockery will be required along the western edge of the building lot (Lot 10) to support soil cuts necessary for construction of the driveway. The rockery will consist of a medium (up to 6 feet high) rock wall and a 2:1 (Horizontal:Vertical) back-slope will be graded to the property line. Rockery construction will conform to the Associated Rockery Contractors (ARC) Standard Rock Wall Construction Guidelines.

It is estimated that excavations of five to eight feet deep will be required for driveway and building construction. It is estimated that fills (onsite and import) of up to five feet may be required to establish yard on the north and south slopes of the house. The difference will have to be transported off-site.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
As with any construction, there is a potential erosion risk anytime soils would be

The landscape plan is currently being modified to show only hand removal of plants within the wetland + wetland buffer south of the residence. All plants installed in this area will be native wetland plants.

exposed. Best Management Practices (BMPs) for erosion prevention and sediment containment will be implemented to reduce the risk.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?
Approximately 4,696 square feet (17%) of the site will be covered with impervious surfaces following construction.

✓

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Best Management Practices for erosion prevention & sediment containment; City of Kirkland standards.

✓

2. AIR

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.
Only short-term emissions consistent with house construction and with operations of a finished single family home.

✓

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
No off-site sources of emissions or odors have been identified that would affect the proposed development.

✓

c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Appropriate best management practices (BMPs) are expected to be employed to reduce surface and air movement of dust during grading and construction activities. Mitigation measures may include sweeping or otherwise maintaining impervious surfaces to suppress dust; and/or sprinkling the project site with water during dry site conditions.

✓

3. WATER

a. Surface

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Surface water features on the site include a forested wetland. A wetland delineation was conducted by Wetland Resources, Inc. (2005), which designated the wetland as a Type 1 wetland (Figure 2). According to KZC 90.30 (Definitions), the wetland is considered a Type 1 wetland based on a

✓

contiguous connection to Lake Washington provided by wetlands that extend offsite to the east. The attached wetland delineation map (Figure 2) shows the wetland extending from side-slope seeps location along the ridge to the west and extending downslope to the east. The wetland covers approximately 65 percent of the site. Type 1 wetlands have a 100-foot standard buffer under KZC 90.45 (Wetland Buffers and Setbacks). The wetland, together with its regulated buffer, occupies 100 percent of the site.

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

The proposed project has been modified since the original design plans were prepared to reduce impacts to wetlands. However, to allow for the proposed single-family residence, development will occur within the northern portion of the wetland and wetland buffer. The development will impact approximately 2,688 square feet of the wetland and all of the wetland buffer on Lot 10.

In order to minimize encroachment into the wetland, the majority of the building site is located on Lot 10, which has the highest percentage of wetland buffer (non-wetland) area. Lot 10 fronts NE 38th Street, which is the only street access to the site. Developing this portion of the site thereby reduces the site area (and consequently minimizes wetland encroachment) associated with driveway access and building construction. Construction erosion and sedimentation control BMPs would be used to provide the least amount of disturbance to adjacent wetland areas during construction.

Wetland and wetland buffer areas on Lots 11 and 12 that are outside the development footprint will be enhanced through removal of non-native and invasive plants, and planting with native plant species to increase plant species diversity on the site. This area contains a mix of deciduous and evergreen forest components. Planting native species and removing non-native plants will provide improved wetland functions and values on the site. The enhanced wetland and wetland buffer area will be set aside from any future development. The preliminary landscape plan shows the planting design including native plantings on Lots 11 and 12.

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

Construction of the house will involve structural fills consisting of imported free-draining granular material within the 2,688 square foot wetland impact area.

The plans have been further modified to completely remove the residence from the wetland. Refer to ~~the~~ SEPA Attachment #1 and the applicant is working on modifying the preliminary landscape plans so that only native wetland plants ~~will~~ will be proposed within the enhanced area south of the house.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
Where possible, final exterior grades will promote free drainage away from the residence. Where final site grades do not allow for directing surface water away from the residence, water will be collected and tightlined down the slope away from the residence. However, the overall flow path for surface and sub-surface water will not result in altered drainage patterns post-construction. Water will continue to flow downslope through the wetland complex to Lake Washington.
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
According to the King County 100-year floodplain maps, the project site does not lie within a 100-year floodplain (King County, 2004). The sources for the data include FEMA preliminary and final flood insurance maps (FIRMs) and King County flood boundary work maps.
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.
The proposal would not result in the discharge of any waste material to surface waters.

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.
Construction and operation of the finished house will not require direct discharge to ground water. The geotechnical report (Terra Associates, Inc., 2004) indicates that groundwater was encountered at a depth of 5 feet and 3.5 feet below surface at two test pits. The locations where the seepage was found indicate that the seepage is likely flowing within the swale situated south and adjacent to the northwestern ridgeline. The occurrence of seepage in the test pits is also consistent with adjacent observed seepage zones on surface. The groundwater conditions reported in the geotechnical report are for specific dates, and therefore may not necessarily be indicative of other times. Generally in the project area, a seasonal perched groundwater table often develops on relatively impervious lodgement till during winter/spring months. The thickness of the perched water table is dependant on local subsurface conditions, precipitation amounts and other factors.

The City's Wetland Consultant has recommended that the footing drains be directed back towards the wetland.

Groundwater seepage will likely be encountered during site excavation activities on the western portion of the building site. Though rock wall drains will intercept some groundwater, it may be necessary to construct additional interceptor drains to reduce the potential for groundwater impacts to the residence. In addition, a continuous drain may be placed along the outside perimeter of the building foundation and tightlined downslope.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

The project would not result in the discharge of any waste material to groundwater. The house would be connected to the sanitary sewer system.

c. Water Runoff (including storm water):

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

Most of the surface water runoff on the developed portion of the site originating from the roof and walkways will be allowed to infiltrate into the ground with no other provision for collection. There is a single catch basin located in the center of the concrete driveway.

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

The development would not result in the discharge of waste material to ground or surface waters. The house would be connected to the sanitary sewer system.

Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Provided that all construction and design standards are implemented as part of the proposed project, no impacts to surface or ground water quality of the City stormwater system are anticipated.

4. PLANTS

- a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation:

- b. What kind and amount of vegetation will be removed or altered?
Grading and construction of the proposed house, including yard areas, will remove approximately 12,000 square feet of trees (alders), shrubs, grass, and wetland plants. No conifer trees would be removed or altered by the development.
- c. List threatened or endangered species known to be on or near the site.
The Washington Natural Heritage Program (WNHP) identified no rare plants in the project vicinity (WDNR, 2005).
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
The landscape design for the developed portion transitions from a mix of ornamental and native plantings in the front of the house (north side) to predominantly native plant material species in the rear of the area of residential development. The planting design makes use of groundcover, understory and canopy layer plantings throughout (Figure 4).

The only vegetation that can be removed from the wetland is invasive non-native species

✓

Existing vegetation on the site, particularly on Lot 10, is primarily deciduous and includes large areas of Himalayan blackberry and reed canarygrass. The planting design on Lot 10 includes a mix of ornamental and native evergreen and deciduous trees and shrubs. With the exception of a turf area in the front and back yards, all groundcover plantings consist of Northwest native species.

As mentioned earlier the landscape plan will be revised to remove invasive non-native plants from the wetland. All ~~work~~ work will be done by hand & must be reviewed & approved by the city's consultant

The undeveloped south portion of the property will be maintained and enhanced. A clear buffer area (approximately 20 feet wide) will be maintained from the proposed development. Invasive plant material will be identified and removed. The wetland area will be enhanced with native plant species typical of plant material already existing on the site. All work done in the wetland will be performed in such a manner as to minimize the impact to existing native plant communities. The plant material used will typically be one gallon in size with the intent to provide soil stability and to further enhance the existing wetland and wildlife habitat.

5. ANIMALS

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

birds: hawk, heron, eagle, songbirds, other *Songbirds were observed on the site.*

Bald eagles and herons are expected to be in the area.

mammals: deer, bear, elk, beaver, other *No mammals were observed on the site.*

Small mammals would be expected on the site.

fish: bass, salmon, trout, herring, shellfish, other

- b. List any threatened or endangered species known to be on or near the site.
The Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) list considers certain habitat types to be priority habitat areas, including bald eagle nest, heron rookeries, and large concentrations of waterfowl. The nearest documented heron breeding area is located approximately 0.50 mile northeast of the site. The nearest documented bald eagle nest is located less than 0.25 mile northeast from the site.
- c. Is the site part of a migration route? If so, explain.
The project site is located within the Pacific Flyway, which is a flight corridor for migrating waterfowl and other avian fauna. The Pacific Flyway covers the entire Puget Sound region, and extends south from Alaska to Mexico and South America.
- d. Proposed measures to preserve or enhance wildlife, if any:
As described above, wetland and wetland buffer areas on the property outside the development area will be set aside from future development. This forested area contains alder, western red cedar, snags, side slope seeps, downed woody material, and hummocks, and provides important habitat value to birds, small mammals, amphibians, and reptiles. The proposal includes the removal of any non-native plants in the set aside area and revegetating those areas with native plants, which is intended to increase the site habitat functions and values in this area over time.

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
The house would require electrical power and would also require natural gas for heating. Both are provided by Puget Sound Energy at the site.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
No. The proposed development would not affect the use of solar energy by

adjacent properties. The house would comply with height restrictions established by the City of Kirkland Municipal Code, which is a maximum building height of 27 feet above the finished grade. Surrounding canopy height and topography conditions would affect the potential use of solar energy much more than the proposed development.

The maximum allowable height is 25 feet above ABE.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: *Energy-efficient appliances, windows, insulation, and other features will be used.*

✓

7. ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.
No significant risk of exposure to environmental health hazards would occur as a result of the proposal.

✓

- 1) Describe special emergency services that might be required.
No special emergency services would likely be required.

✓

- 2) Proposed measures to reduce or control environmental health hazards, if any:
None proposed.

✓

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
There are no noise sources in the area which may affect the project.

✓

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

Short-term noise impacts could result from construction vehicles and equipment during daylight hours. According to City of Kirkland Zoning Code 115.25, development activity and operation of heavy machinery would be limited to 7 a.m. to 8 p.m. on weekdays and 9 a.m. to 6 p.m. on Saturdays. No construction activity would occur outside of these times, on Sundays or on holidays. Long-term noise would be minimal and typical of single-family residential use.

✓

- k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
The development of the single-family residence with ADU is compatible with existing land use in the neighborhood and with the projected land use under the City of Kirkland Comprehensive Plan (Low Density Residential). Surrounding properties to the north and west are single-family residential. The plan identifies the proposed development site for use as residential.

✓

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
One housing unit with an ADU would be provided. Depending on the criterion for designation as high, middle, or low-income housing, the residence would likely be considered high-income housing by the City of Kirkland.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
No housing units would be eliminated.
- c. Proposed measures to reduce or control housing impacts, if any:
Not applicable.

✓

✓

✓

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
The tallest above grade portion of the house would be 27 feet. Consistent with City of Kirkland Zoning Code standards, no portion of the house would exceed 27 feet. The principal exterior building material proposed will be a combination of wood siding, stucco, and stone. Colors for the house are not yet known, but would likely be neutral (light) color(s).
- b. What views in the immediate vicinity would be altered or obstructed?
No views in the immediate vicinity would be obstructed as a result of the development. Due to the site topography and forest cover, territorial views from surrounding developed properties would not be significantly altered.
- c. Proposed measures to reduce or control aesthetic impacts, if any:
Building materials, color, retention of existing trees, and landscaping with native trees and shrubs would be used to complement the forested, natural character of the site. Although the design details have not been finalized, the architectural

The house will comply with the 25 feet above Average Bldg. Elev.

✓

✓

Are there any places or objects listed in, or proposed . . . , national, state, or local preservation registers known to be on or next to the site? If so, generally describe.
According to the National Register of Historic Places and the Washington Heritage Register, there are no listed places or objects on or adjacent to the site (OAHP, 2005).

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.
No designed landmarks or evidence of historic, archaeological, scientific, or cultural importance are located on or next to the site.

c. Proposed measures to reduce or control impacts, if any:
The proposed project does not involve any construction activities that would adversely affect designated landmarks or historic properties.

14. TRANSPORTATION

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on-site plans, if any.
The site is fronted by NE 38th Street to the north and extends to the south between 97th Avenue NE and the 96th Avenue NE undeveloped right-of-way. A driveway approach would be constructed to provide access to the site from NE 38th Street. From NE 38th Street, the neighborhood is served by 96th Avenue NE, NE Points Road, and Highway 520.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
There is currently no public transit serving the Yarrow Bay Division neighborhood. The nearest transit service is located on Lake Washington Boulevard.

c. How many parking spaces would the completed project have? How many would the project eliminate?
The residence would include parking for three vehicles in the garage and guest parking would be available on the driveway.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
No new roads or street, or improvements to existing roads or street would be required.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air

transportation? If so, generally describe.
No.

- f. How many vehicular trips per day would be generated by the completed project? If know, indicate when peak volumes would occur.
The number of vehicular trips per day generated by the completed project would be typical of other single-family residences.
- g. Proposed measures to reduce or control transportation impacts, if any:
None.

15. PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
The project may result in an incremental increase in the need for public services, but would be within the capacity of the service providers.
- b. Proposed measures to reduce or control direct impacts on public services, if any.
Impacts to public services are not anticipated; therefore, mitigation measures have not been developed.

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other *Utilities are readily available along NE 38th Street right-of-way, which will serve as the access for the residence.*
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
Utilities proposed to serve the development would include electricity, natural gas, telephone, DSL or cable for internet services, water, and sanitary sewer service.

C. SIGNATURE

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

Signature: 

Date Submitted: 4/15/05

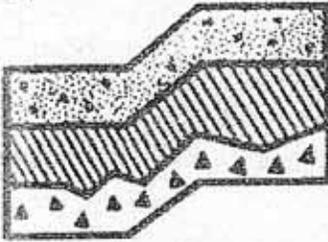
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BY _____

GEOTECHNICAL REPORT

Rohde Residence
NE 38th Street and 97th Avenue East
Kirkland, Washington

Project No. T-5612



Terra Associates, Inc.

Prepared for:

Ms. Barb Rohde
Kirkland, Washington

November 2, 2004

ATTACHMENT SEPA 5
FILE NO. ZON 04-00011



TERRA ASSOCIATES, Inc.

Consultants in Geotechnical Engineering, Geology
and
Environmental Earth Sciences

November 2, 2004
Project No. T-5612

Ms. Barb Rohde
11277 Juanita Drive
Kirkland, Washington 98034

Subject: Geotechnical Engineering Study
Rohde Residence
NE 38th Street and 97th Avenue East
Kirkland, Washington

Dear Ms. Rohde:

As requested, we have conducted a geotechnical engineering study for the subject project. The attached report presents our findings and recommendations for the geotechnical aspects of project design and construction.

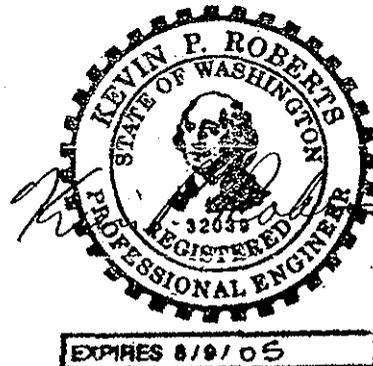
In our opinion, the soil and groundwater conditions are suitable for the planned residential construction. Undisturbed native soil subgrades or compacted structural fill placed above these native soils will provide suitable bearing for standard spread footing foundations.

We appreciate the opportunity to be of service to you during the design phase of this project, and look forward to working with you during the final design and construction phases. We trust the information presented in this report is sufficient for your current needs. If you have any questions or required additional information, please call.

Sincerely yours,
TERRA ASSOCIATES, INC.

Kevin P. Roberts, P.E.
Senior Engineer

cc: Mr. Jeff Hindle, Sensa Networks



11/02/04

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**Geotechnical Report
Rohde Residence
NE 38th Street and 97th Avenue East
Kirkland, Washington**

1.0 PROJECT DESCRIPTION

The project consists of developing an approximately 2/3-acre lot for single-family residence construction. A driveway will access the residence from NE 38th Street. Planned garage and main floor elevations are each at Elev. 75.0. A basement will daylight at the residence's eastern perimeter, and will have its floor constructed at Elev. 65.0.

Cuts ranging from five to eight feet will be required for driveway and garage construction at the western margin of the site. Single and two-tier rockeries are planned to accommodate vertical grade breaks near the western property line. Fills ranging to a maximum thickness of about five feet will be placed to establish grades near the northern and southern margins of the residence.

Detailed building plans are unavailable for our review. We anticipate the residence will be constructed with spread footing foundations and a slab-on-grade floor for the garage. We expect structural loads will be approximately two to three kips per lineal foot for continuous bearing walls.

The recommendations contained in the following report are based on our understanding of these design features. *If actual features vary or changes are made, we should review them in order to modify our recommendations, as required.* We should review final design drawings and specifications to verify that our recommendations have been properly interpreted and incorporated into project design.

2.0 SCOPE OF WORK

Our work was completed in accordance with our authorized proposal dated October 6, 2004. Accordingly, on October 19, 2004, we excavated 4 test pits to a maximum depth of 12 feet below existing surface grades. Using the information obtained from the subsurface exploration, we performed analyses to develop geotechnical recommendations for project design and construction. Specifically, this report addresses the following:

- Soil and groundwater conditions
- Site excavation and grading
- Suitability of soils for use as fill
- Foundation support
- Slab-on-grade construction
- Lateral earth pressures
- Retaining walls
- Rockeries
- Site drainage

It should be noted that the recommendations outlined in this report regarding drainage are associated with soil strength, design earth pressures, erosion, and stability. Design and performance issues with respect to moisture as it relates to the structure environment (i.e., humidity, mildew, mold) are beyond Terra Associates' purview. A building envelope specialist or contractor should be consulted to address these issues, as needed.

3.0 SITE CONDITIONS

3.1 Surface

The project site is an undeveloped, rectangular parcel situated at the southwestern corner of the intersection of NE 38th Street and the 97th Avenue NE right-of-way in Kirkland, Washington. The approximate location of the site is shown on Figure 1. The site is bordered on the east, south, and west by undeveloped property. NE 38th Street bounds the site on the north.

Site grades slope to the east at an overall inclination of about 20 percent, with a maximum east-to-west topographic relief of approximately 28 feet. A small ridge is located in the northwestern corner of the property. South of this ridge, a broad swale, broad ridgeline, and an additional swale form the site's western topography. These features flatten to a continuous slope in the site's eastern areas. We observed two areas of seepage in the swale between the locations of Test Pits TP-1 and TP-3. No signs of soil erosion or indications of past or current soil instability were observed at the site. The site is forested with mature deciduous trees, with thick brush comprising the understory.

3.2 Soils

The site soils consist of 12 inches topsoil, overlying loose to medium dense sandy silt, silty sand, and gravelly sand with silt. These sandy soils were observed in all test pits to depths ranging from two feet in Test Pit TP-2 to the total test pit depth of 11 feet in TP-3.

We encountered stiff to very stiff silt and clayey silt at depths of two and six feet in TP-2 and TP-4, respectively. In Test Pit TP-4, the stiff silt was observed to the total depth of the test pit. Dense, non-plastic sandy silt underlies the silty sand at a depth of nine feet in Test Pit TP-1. Similar dense sandy silt was also found underlying the clayey silt at a depth of eight feet in Test Pit TP-2.

According to the *Geologic Map of the Kirkland Quadrangle*, by James P. Minard (1983), indicates the soils in this area have been mapped as Quaternary recessional outwash deposits (Qvr) of the Vashon age. These soils consist of "sand and gravel with minor silt and clay layers." The medium dense silty sand with gravel and stiff/dense silt encountered in our test pits is consistent with this description.

3.3 Groundwater

We encountered groundwater seepage in Test Pit TP-1 and TP-3 at depths of 5 and 3 ½ feet, respectively. The locations of TP-1 and TP-3 indicate the seepage is likely flowing within the swale situated south and adjacent to the northwestern ridgeline. The occurrence of seepage in these test pits is also consistent with adjacent observed seepage zones on the swale's ground surface.

The groundwater levels observed at the site represent early wet season conditions. Groundwater levels will likely be somewhat higher during and shortly after the peak rainy season (February through May).

3.4 Seismic Considerations

Based on the soil conditions encountered and the local geology, the 2003 International Building Code (IBC) indicates that site class "D" (stiff soil profile) should be used in structural design.

Liquefaction is a phenomenon where there is a reduction or complete loss of soil strength due to an increase in water pressure induced by vibrations. Liquefaction mainly affects geologically recent deposits of loose, fine-grained sands that are below the groundwater table.

Based on the stiff/dense nature of the silts, and the medium dense, coarse grained, and gravelly characteristics of the site's sandy soils, it is our opinion that the risk for liquefaction to occur at this site during an earthquake is small.

4.0 DISCUSSION AND RECOMMENDATIONS

4.1 General

Based on our study, it is our opinion that the site is suitable for the proposed construction from a geotechnical standpoint. The proposed residence can be supported on conventional spread footing foundations bearing on the competent native soils, or on compacted structural fill placed above these native soils.

Excavations in the western portion of the site for rockery construction will expose cohesionless sands and zones of groundwater seepage. As indicated by caving soils in Test Pit TP-1, these soils will not stand vertical as required for cut rockery construction. Accordingly, where the rockery is four feet and greater in height, it will need to be built as a rockery facing free-draining fill that is reinforced with geo-textile. A reinforced earth rockery will require ten feet or more excavation distance from the back of the rocks to allow for construction of the reinforced fill zone and sloping of the temporary cut. Unless excavation easements onto the adjacent western property can be obtained, the four- to five-foot rockeries, including the upper tier rockery planned adjacent to the property line will not be feasible for construction. It appears that shifting part of the rockery eastward and eliminating the upper tier will be feasible, provided a single six-foot high rockery is built adjacent to the driveway and a 2:1 (Horizontal:Vertical) back-slope is graded to the property line. This design option is presented below. Alternatively, a cantilevered concrete wall can be used in lieu of reinforced fill rockeries to support the western soil cuts.

Groundwater seepage will likely be encountered during western site excavation activities. Though rockery and/or retaining wall drains will intercept some groundwater, it may be necessary to construct additional interceptor drains to reduce potential groundwater impacts to the residence. Evaluation of the need for additional interceptor drains should be made by the geotechnical engineer during construction.

We anticipate the on-site silty sand soils will be suitable for use as structural fill in the building area. However, these soils are wet and contain a significant amount of fines. Accordingly, unless these soils are dried through aeration, or are treated with soil amendments, they will be difficult to compact as structural fill. The owner should be prepared to import free-draining granular material for use as structural fill and backfill for reinforced earth rockery construction, and where moisture conditions prevent the use of on-site materials in building areas. Due to its extreme sensitivity to moisture conditions, the on-site silt and clayey silt will not be suitable for re-use as structural fill.

The following sections provide detailed recommendations regarding these issues and other geotechnical design considerations. These recommendations should be incorporated into the final design drawings and construction specifications.

4.2 Site Preparation and Grading

To prepare the site for construction, all vegetation, organic surface soils, and other deleterious materials should be stripped and removed from the areas under construction. Organic topsoil will not be suitable for use as structural fill, but may be used for limited depths in non-structural areas.

Once clearing and stripping operations are complete, building cuts and driveway grading can be initiated at the site. Prior to placing fill, all exposed surfaces of the loose, upper soils should be compacted. In addition, probing should be done to determine if any isolated soft and yielding areas are present. If excessively yielding areas are observed and cannot be stabilized in place by compaction, the affected soils should be excavated and removed to firm bearing and restored to grade with new structural fill. If the depth of excavation to remove unstable soils is excessive, use of a geotextile reinforcing/separation fabric, such as Layfield Plastics LP180, Mirafi 500X, or equivalent can be considered in conjunction with structural fill. Our experience has shown that, in general, a minimum of 18 inches of a clean, granular structural fill over the geotextile fabric should establish a stable bearing surface.

Our study indicates that the native soils contain a sufficient amount of fines (silt and clay size particles) that will make them difficult to compact as structural fill when too wet or too dry. Accordingly, the ability to use the soils from site excavations as structural fill will depend on their moisture content and the prevailing weather conditions when site grading activities take place. Soils that are too wet to properly compact can be dried by aeration during dry weather conditions or mixed with an additive such as cement, cement kiln dust (CKD), or lime to stabilize the soil and facilitate compaction. If an additive is used, additional Best Management Practices (BMPs) for its use should be incorporated into the Temporary Erosion and Sedimentation Control plan (TESC) for the project.

If grading activities are planned during the wet winter months, or if they are initiated during the summer and extend into fall and winter, the owner should be prepared to import wet weather structural fill. For this purpose, and for use in the reinforced fill zone behind the rockery, we recommend importing a granular soil that meets the following grading requirements.

U.S. Sieve Size	Percent Passing
3 inches	100
No. 4	75 maximum
No. 200	5 maximum*

*Based on the 3/4-inch fraction.

Prior to use, Terra Associates, Inc. should examine and test all materials imported to the site for use as structural fill.

Structural fill should be placed in uniform loose layers not exceeding 12 inches and compacted to a minimum of 95 percent of the soil's maximum dry density, as determined by American Society for Testing and Materials (ASTM) Test Designation D-698 (Standard Proctor). The moisture content of the soil at the time of compaction should be within two percent of its optimum, as determined by this ASTM standard. In non-structural areas, the degree of compaction can be reduced to 90 percent.

We recommend grading permanent fill slopes to an inclination of 2:1 or flatter. All permanent slopes graded at the site must be protected from erosion by planting with erosion-resistant vegetation.

4.3 Excavations

All excavations at the site associated with confined spaces, such as lower building level retaining walls, must be completed in accordance with local, state, or federal requirements. Based on the Washington State Department of Labor and Industries current occupational safety and health regulations, the loose to medium dense soils would be classified as Type C soils, and the underlying stiff silt and dense sandy silt observed on the site would be classified as Type B soils.

Accordingly, for temporary excavations of less than 20 feet in depth, the side slopes in Type C soils should be laid back from the toe to the crest of the slope at an inclination of 1.5:1 (Horizontal:Vertical) or flatter. The side slopes in Type B soils should be laid back at a slope inclination of 1:1 or flatter. All exposed slope faces should be covered with a durable reinforced plastic membrane during construction to prevent slope raveling and rutting during periods of precipitation.

This information is provided solely for the benefit of the owner and other design consultants, and should not be construed to imply that Terra Associates, Inc. assumes responsibility for job site safety. It is understood that job site safety is the sole responsibility of the project contractor.

4.4 Foundations

The residence can be supported on conventional spread footing foundations bearing on competent native soils or on structural fills placed above these native soils. Perimeter foundations exposed to the weather should be at a minimum depth of 18 inches below final exterior grades. Interior foundations can be constructed at any convenient depth below the floor slab.

We recommend designing foundations for a net allowable bearing capacity of 2,500 pounds per square foot (psf). For short-term loads, such as wind and seismic, a one-third increase in this allowable capacity can be used in design. For these loads, building settlements should be less than one-half inch total and one-fourth inch differential.

For designing foundations to resist lateral loads, a base friction coefficient of 0.35 can be used in design. Passive earth pressures acting on the sides of the footings and buried portions of the foundation stem walls can also be considered. We recommend calculating this lateral resistance using an equivalent fluid weight of 350 pounds per cubic foot (pcf). We recommend not including the upper 12 inches of soil in this computation because it can be affected by weather or disturbed by future grading activity. This value assumes the foundation will be constructed neat against competent native soil or backfilled with structural fill, as described in Section 4.2 of this report. The values recommended include a safety factor of 1.5.

4.5 Slab-on-Grade Floors

Slab-on-grade floors may be supported on subgrades prepared as recommended in Section 4.2 of this report. Immediately below the floor slabs, we recommend placing a four-inch thick capillary break layer of clean, free-draining, coarse sand or fine gravel that has less than three percent by weight of material passing the No. 200 sieve. This material will reduce the potential for upward capillary movement of water through the underlying soil and subsequent wetting of the floor slabs.

The capillary break layer will not prevent moisture intrusion through the slab caused by water vapor transmission. Where moisture by vapor transmission is undesirable, such as covered floor areas, a common practice is to place a durable plastic membrane on the capillary break layer and then cover the membrane with a layer of clean sand or fine gravel to protect it from damage during construction, and aid in uniform curing of the concrete slab. It should be noted that if the sand or gravel layer overlying the membrane is saturated prior to pouring the slab, it will be ineffective in assisting in uniform curing of the slab, and can actually serve as a water supply for moisture transmission through the slab and affecting floor coverings. Therefore, in our opinion, covering the membrane with a layer of sand or gravel should be avoided if floor slab construction occurs during the wet winter months and the layer cannot be effectively drained.

Other methods are available for preventing or reducing water vapor transmission through the slab. We recommend consulting with a building envelope specialist or contractor for additional assistance regarding this issue.

4.6 Basement and Retaining Walls

The magnitude of earth pressure development on lower-level building retaining walls will depend, in part, on the *quality of the wall backfill*. We recommend placing and compacting wall backfill as structural fill. Below improved areas, such as pavements or floor slabs, the backfill should be compacted to a minimum of 95 percent of its maximum dry unit weight, as determined by ASTM Test Designation D-698 (Standard Proctor).

To guard against hydrostatic pressure development, drainage must be installed behind the wall. A typical wall drainage detail is shown on Figure 3.

With wall backfill placed and compacted as recommended and drainage properly installed, we recommend designing unrestrained walls for an active earth pressure equivalent to a fluid weighing 35 pcf.

For restrained walls, an additional uniform lateral pressure of 100 psf should be added. These values assume a horizontal backfill condition and that no other surcharge loading, such as traffic, sloping embankments, or adjacent buildings, will act on the wall. If such conditions will exist, then the imposed loading must be included in the wall design. In this case, we should be contacted for the appropriate design parameters. Friction at the base of foundations, and passive earth pressure will provide resistance to these lateral loads. Values for these parameters are provided in Section 4.4 of this report.

4.7 Rockeries

As discussed above, Test Pit TP-1 indicates that wet cohesionless silty sands will be exposed during excavation for rockery construction. These soils will not stand in vertical cuts, as would be required for cut face rockery construction. We recommend constructing rockeries that are four feet and greater in height against fill reinforced with geo-textile. A design detail for reinforced earth rockery construction is shown as Figure 4. Rockery construction should conform to the Associated Rockery Contractors (ARC) Standard Rock Wall Construction Guidelines.

Where rockeries less than four feet in height will be constructed against structural fill, the structural fill should be overbuilt and then cut back prior to constructing the rockery. This will provide a more competent and stable soil face behind the rockery.

To minimize impacts from groundwater seepage to the rockery, we recommend installing a perforated drainpipe along the base of the excavation for the reinforced fill zone. In addition, we recommend importing free-draining fill for placement in the reinforced zone. The excavated wet silty sand and on-site silts will not be suitable for reuse as structural fill behind the rockery.

4.8 Drainage

Surface

Final exterior grades should promote free and positive drainage away from the residence at all times. Water must not be allowed to pond or collect adjacent to foundations or within the immediate building area. We recommend providing a gradient of at least three percent for a minimum distance of ten feet from the building perimeter, except in paved locations. In paved locations, a minimum gradient of one percent should be provided, unless provisions are included for collection and disposal of surface water adjacent to the structure.

Surface water must not be allowed to flow uncontrolled over the crests of the site slopes and embankments. Surface water should be directed away from the slope crests to a point of collection and controlled discharge. If site grades do not allow for directing surface water away from the slopes, water should be collected and tightlined down the slope face in a controlled manner.

Subsurface

We recommend installing a continuous drain along the outside lower edge of the perimeter building foundations. The foundation drains should be tightlined to an approved point of controlled discharge independent of the roof drain system. Subsurface drains must be laid with a gradient sufficient to promote positive flow to the point of discharge. All drains should be provided with cleanouts at easily accessible locations. These cleanouts should be serviced at least once every year.

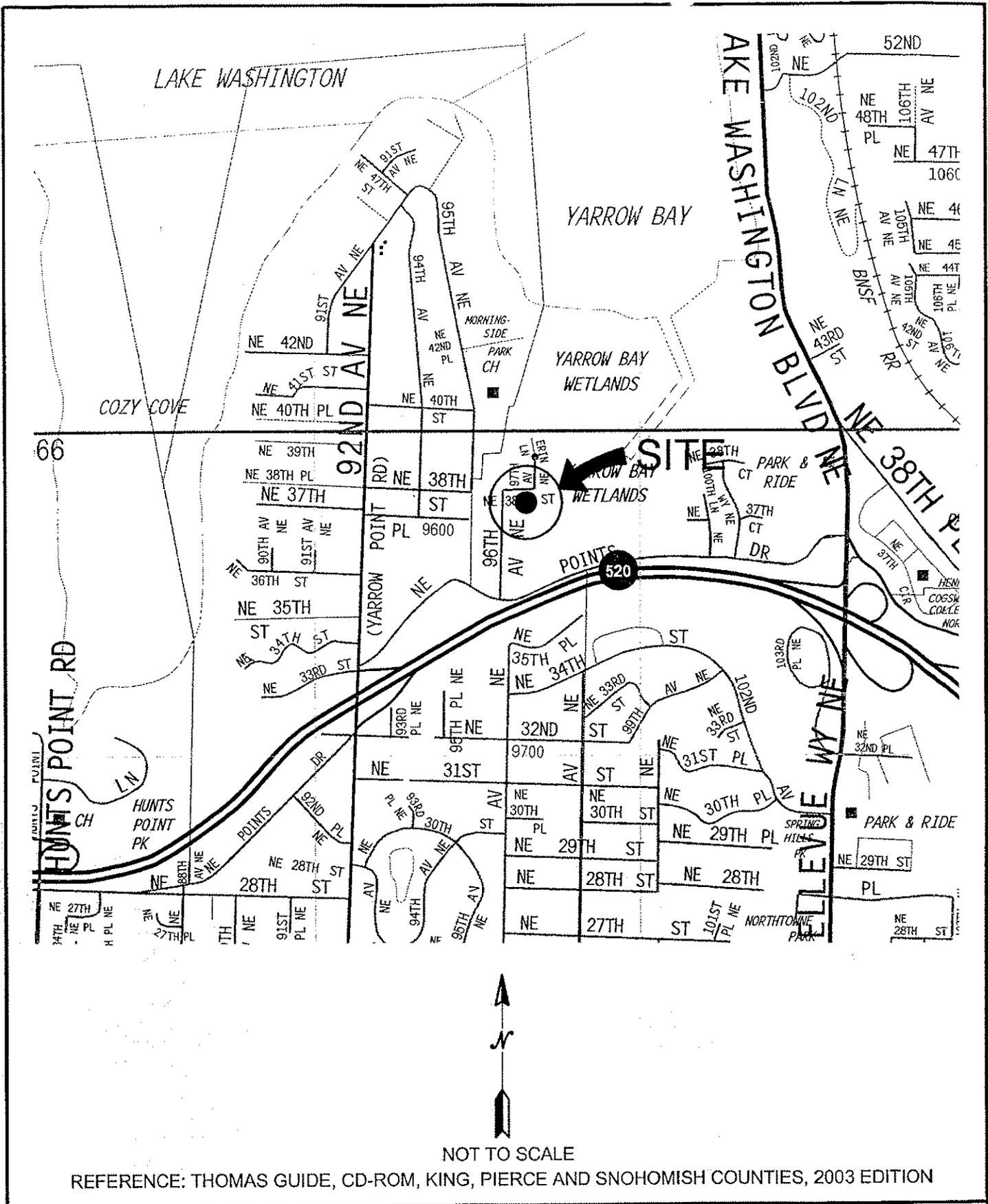
5.0 ADDITIONAL SERVICES

Terra Associates, Inc. should review the final project designs and specifications in order to verify that earthwork and foundation recommendations have been properly interpreted and incorporated into project design. We should also provide geotechnical services during construction to observe compliance with our design concepts, specifications, and recommendations. This will allow for expedient design changes if subsurface conditions differ from those anticipated prior to the start of construction.

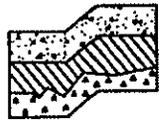
6.0 LIMITATIONS

We prepared this report in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made. This report is the copyrighted property of Terra Associates, Inc., and is intended for specific application to the Rohde Residence project in Kirkland, Washington. This report is for the exclusive use of Ms. Barb Rohde, Sensa Networks, and their authorized representatives.

The analyses and recommendations presented in this report are based on data obtained from the on-site test pits. Variations in soil conditions can occur, the nature and extent of which may not become evident until construction. If variations appear evident, Terra Associates, Inc. should be requested to reevaluate the recommendations in this report prior to proceeding with construction.



REFERENCE: THOMAS GUIDE, CD-ROM, KING, PIERCE AND SNOHOMISH COUNTIES, 2003 EDITION



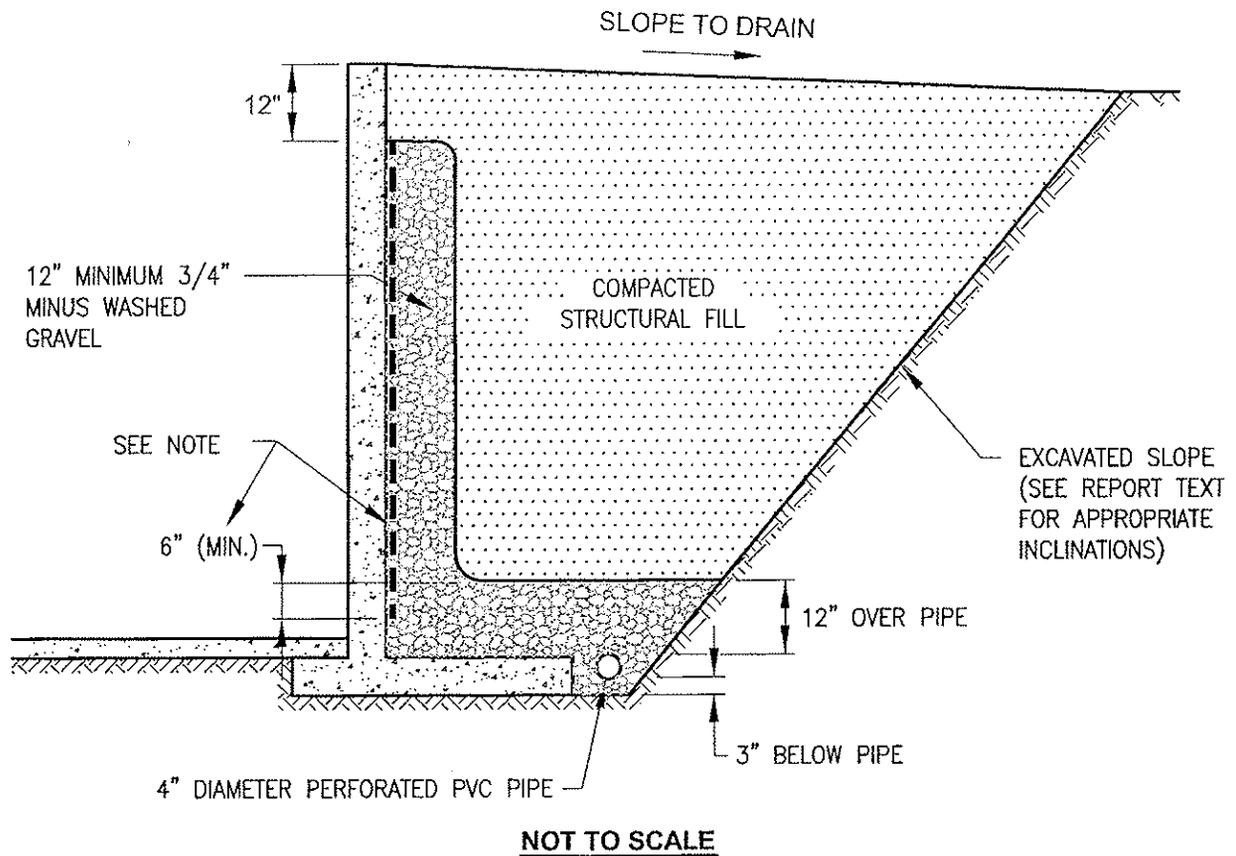
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 Geology and Environmental Earth Sciences

VICINITY MAP
 ROHDE RESIDENCE
 KIRKLAND, WASHINGTON

Proj. No. T-5612

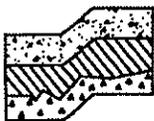
Date NOV 2004

Figure 1



NOTE:

MIRADRAIN G100N PREFABRICATED DRAINAGE PANELS OR SIMILAR PRODUCT CAN BE SUBSTITUTED FOR THE 12-INCH WIDE GRAVEL DRAIN BEHIND WALL. DRAINAGE PANELS SHOULD EXTEND A MINIMUM OF 6 INCHES INTO 12-INCH THICK DRAINAGE GRAVEL LAYER OVER PERFORATED DRAINPIPE.



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TYPICAL WALL DRAINAGE DETAIL
ROHDE RESIDENCE
KIRKLAND, WASHINGTON

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Figure 3

APPENDIX A
FIELD EXPLORATION AND LABORATORY TESTING

Rohde Residence
Kirkland, Washington

On October 19, 2004, we explored subsurface conditions at the site by excavating 4 trackhoe test pits to a maximum depth of 12 feet below existing surface grades. The approximate test pit locations are shown on Figure 2. The test pit logs are presented on Figures A-2 and A-3.

A geological engineer from our office conducted the field exploration, maintained a log of each test pit, classified the soils encountered, collected representative soil samples, and observed pertinent site features. All soil samples were visually classified in accordance with the Unified Soil Classification System (USCS) described on Figure A-1.

Representative soil samples obtained from the test pits were placed in sealed containers and taken to our laboratory for further examination and testing. The moisture content of each sample was measured and is reported on the test pit logs. Determination of Atterberg Limits was completed on one sample, the results of which are shown on the log of Test Pit TP-2. Grain size analyses were performed on two samples. The results are shown on Figure A-4.

MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTION
COARSE GRAINED SOILS More than 50% material larger than No. 200 sieve size	GRAVELS More than 50% of coarse fraction is larger than No. 4 sieve	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
		Gravels with fines	GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
			GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS More than 50% of coarse fraction is smaller than No. 4 sieve	Clean Sands (less than 5% fines)	SW	Well-graded sands, gravelly sands, little or no fines.
		Sands with fines	SP	Poorly-graded sands or gravelly sands, little or no fines.
			SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS More than 50% material smaller than No. 200 sieve size	SILTS AND CLAYS Liquid limit is less than 50%	ML	Inorganic silts, rock flour, clayey silts with slight plasticity.	
		CL	Inorganic clays of low to medium plasticity, (lean clay).	
		OL	Organic silts and organic clays of low plasticity.	
	SILTS AND CLAYS Liquid limit is greater than 50%	MH	Inorganic silts, elastic.	
		CH	Inorganic clays of high plasticity, fat clays.	
		OH	Organic clays of high plasticity.	
HIGHLY ORGANIC SOILS			PT	Peat.

DEFINITION OF TERMS AND SYMBOLS

COHESIONLESS	Density	Standard Penetration Resistance in Blows/Foot	I 2" OUTSIDE DIAMETER SPLIT SPOON SAMPLER II 2.4" INSIDE DIAMETER RING SAMPLER OR SHELBY TUBE SAMPLER ▼ WATER LEVEL (DATE) Tr TORVANE READINGS, tsf Pp PENETROMETER READING, tsf DD DRY DENSITY, pounds per cubic foot LL LIQUID LIMIT, percent PI PLASTIC INDEX N STANDARD PENETRATION, blows per foot
	Very loose 0-4 Loose 4-10 Medium dense 10-30 Dense 30-50 Very dense >50		
COHESIVE	Consistency	Standard Penetration Resistance in Blows/Foot	
	Very soft 0-2 Soft 2-4 Medium stiff 4-8 Stiff 8-16 Very stiff 16-32 Hard >32		



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UNIFIED SOIL CLASSIFICATION SYSTEM
ROHDE RESIDENCE
KIRKLAND, WASHINGTON

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Date NOV 2004

Figure A-1

Test Pit No. TP-1

Logged by: JV

Approximate Elev. 79

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL		
5	Gray to tan silty SAND with gravel and cobbles, loose to medium dense, wet. (SM)	7.7	▼
		14.4	
		14.6	
10	Bluish-gray, non-plastic sandy SILT, slightly layered, dense, moist. (ML)	5.2	
15	Test pit terminated at 11 feet. Caving of hole observed from approximately 3 to 8 feet. Groundwater seepage encountered at 5 feet.		

Test Pit No. TP-2

Logged by: JV

Approximate Elev. 66

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL		
5	Bluish-gray, clayey SILT, stiff, moist. (ML) $q_u = 0.75 - 1.25$ tsf	33.2	LL = 40 PI = 13
		31.2	
10	Bluish-gray, non-plastic, sandy SILT, layered, dense, moist. (ML)	25.6	
15	Test pit terminated at 12 feet. No groundwater seepage observed.		



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TEST PIT LOGS
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Figure A-2

Test Pit No. TP-3

Logged by: JV

Approximate Elev. 77

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL		
	Reddish-tan, oxidized, gravelly SAND, loose to medium dense, moist. (SP)	8.6	▼
	Gray silty SAND with gravel and cobbles, medium dense, moist. (SM)	13.6	
5	Tan to gray gravelly sandy SILT to silty SAND with layered coarse-grained sand, medium dense, wet to saturated. (SM/ML)	7.6	
10		5.7	
15	Test pit terminated at 11 feet. Groundwater encountered at 3.5 feet.		

Test Pit No. TP-4

Logged by: JV

Approximate Elev. 63

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL		
	Tan-gray, coarse grained, gravelly silty SAND with cobbles, medium dense, wet. (SM)	9.3	
		10.3	
5	Gray, slightly layered SILT, stiff to very stiff, moist. (ML)	23.9	
10		34.0	
15	Test pit terminated at 11 feet. No groundwater encountered.		



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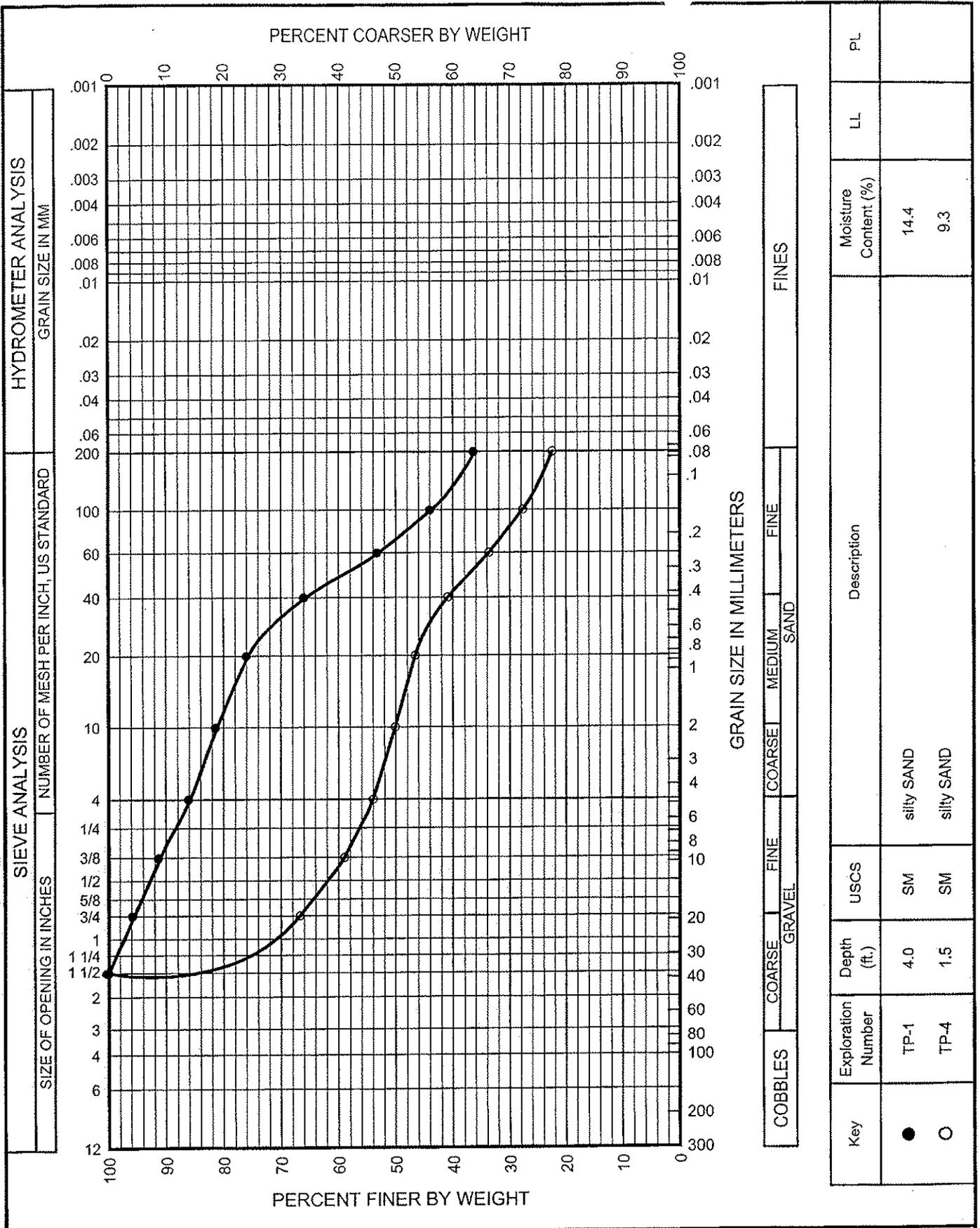
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TEST PIT LOGS
ROHDE RESIDENCE
KIRKLAND, WASHINGTON

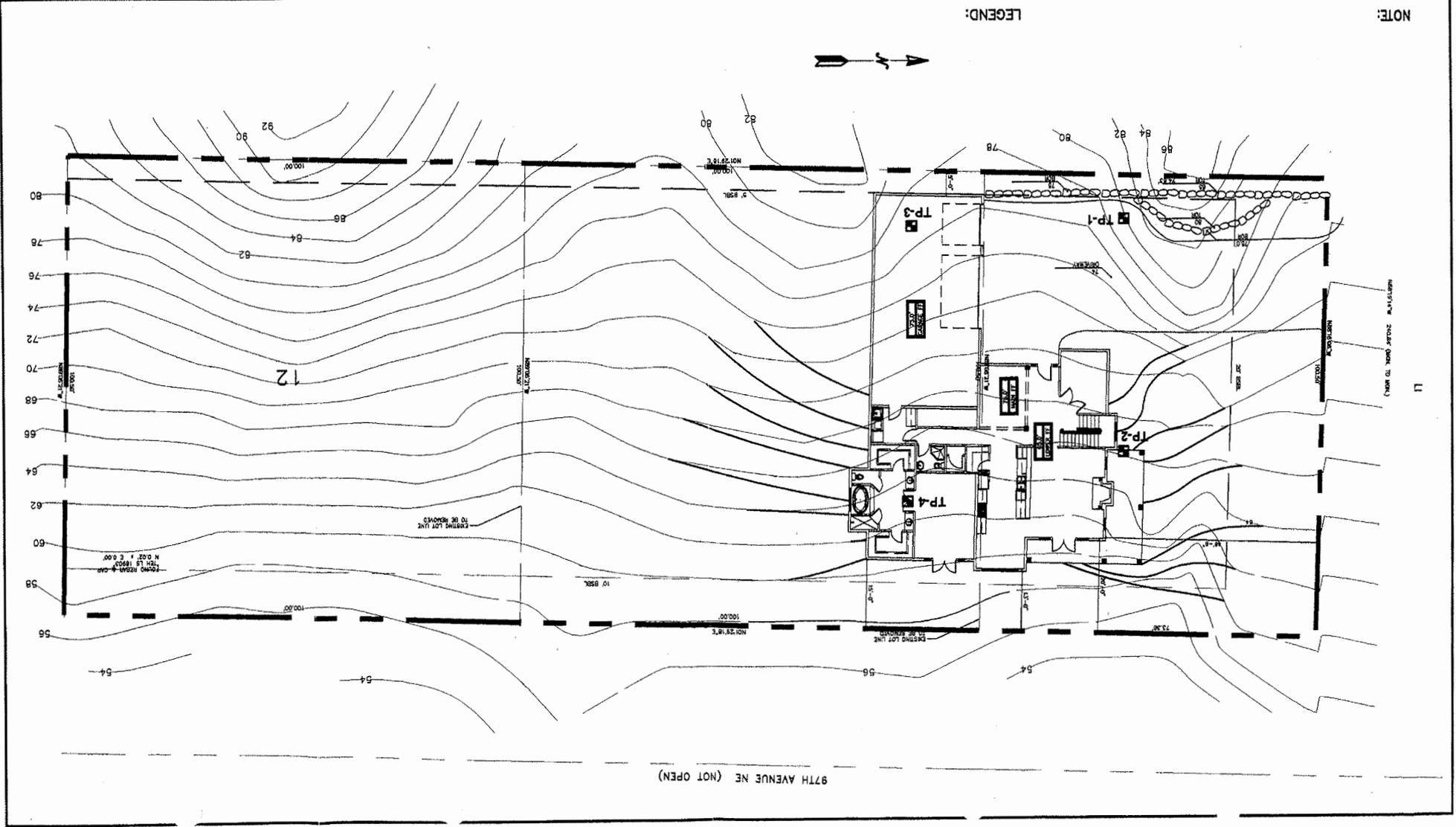
Proj. No. T-5612

Date NOV 2004

Figure A-3



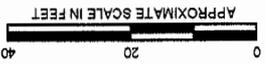
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97TH AVENUE NE (NOT OPEN)

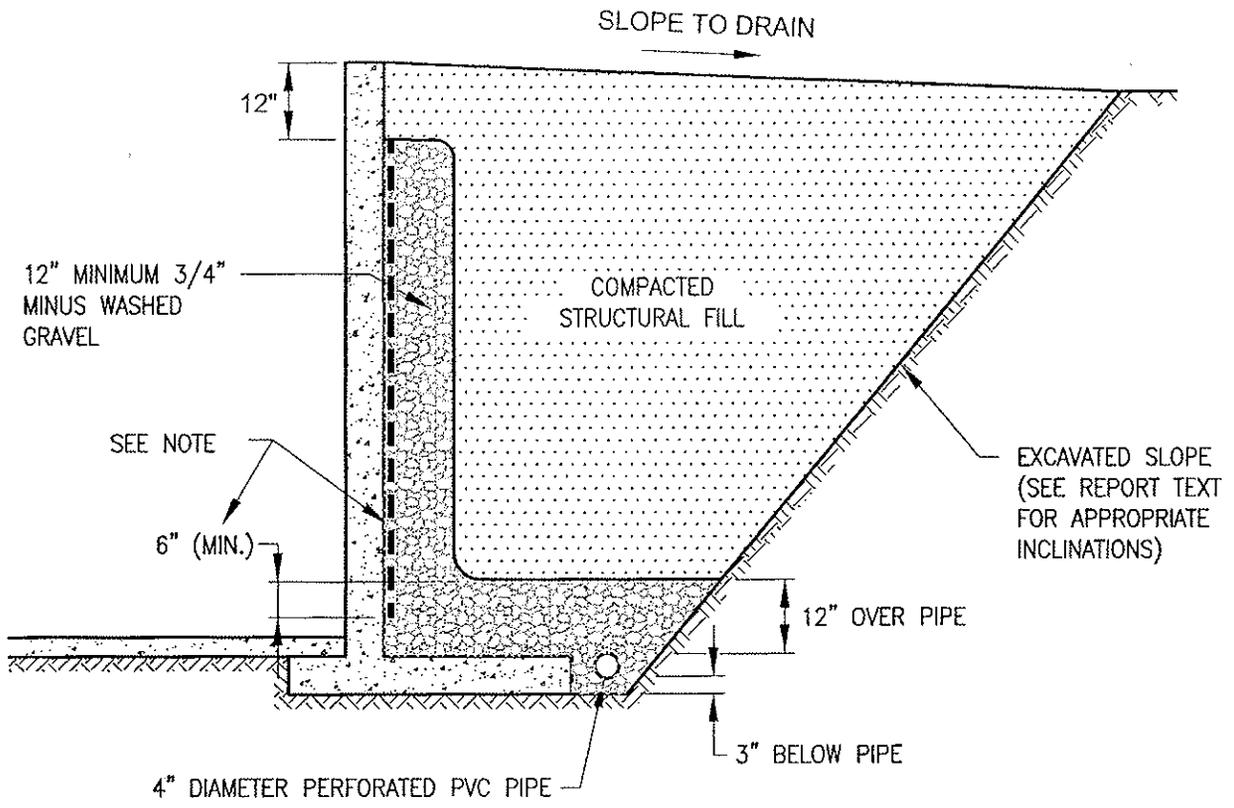
LEGEND:

TP-1 APPROXIMATE LOCATION OF TEST PIT



NOTE:
 THIS SITE PLAN IS SCHEMATIC. ALL LOCATIONS AND DIMENSIONS ARE APPROXIMATE. IT IS INTENDED FOR REFERENCE ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.

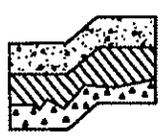
REFERENCE:
 SITE PLAN PROVIDED BY SENSIA NETWORKS



NOT TO SCALE

NOTE:

MIRADRAIN G100N PREFABRICATED DRAINAGE PANELS OR SIMILAR PRODUCT CAN BE SUBSTITUTED FOR THE 12-INCH WIDE GRAVEL DRAIN BEHIND WALL. DRAINAGE PANELS SHOULD EXTEND A MINIMUM OF 6 INCHES INTO 12-INCH THICK DRAINAGE GRAVEL LAYER OVER PERFORATED DRAINPIPE.



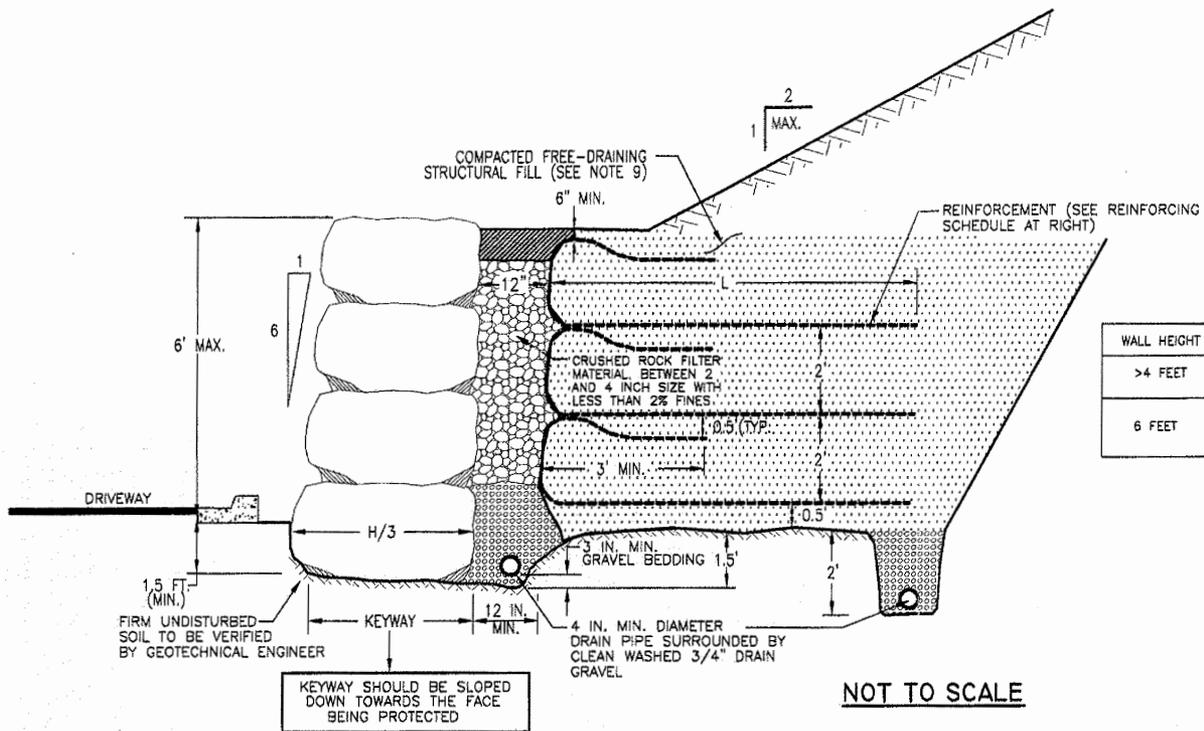
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TYPICAL WALL DRAINAGE DETAIL
 ROHDE RESIDENCE
 KIRKLAND, WASHINGTON

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Date NOV 2004

Figure 3



REINFORCING SCHEDULE

WALL HEIGHT	LAYER NO.	REINFORCEMENT MIRAFI OR EQUIVALENT	LENGTH "L" (FEET)	HEIGHT (FEET)
>4 FEET	1	HS 400	4.0	0.5
	2	HS 400	4.0	2.5
6 FEET	1	HS 400	5.0	0.5
	2	HS 400	5.0	2.5
	3	HS 400	5.0	4.5

NOT TO SCALE

NOTES

- REFER TO CIVIL GRADING DRAWINGS FOR WALL ALIGNMENTS AND ELEVATIONS.
- ROCKERY FACING TO BE CONSTRUCTED IN ACCORDANCE WITH ASSOCIATED ROCKERY CONTRACTORS (ARC) GUIDELINES.
- ROCK QUALITY SHALL MEET WSDOT SPECIFICATION 9-13.7, ROCK FOR ROCK WALL.
- ALL CAP ROCKS MUST BE SECURE AND NOT ABLE TO BE DISLODGED BY HAND.
- GEOTEXTILE REINFORCEMENT SHALL BE PLACED ON HORIZONTAL SURFACES OF COMPACTED STRUCTURAL FILL. GEOTEXTILE SHALL BE PULLED TIGHT AND SHALL BE FREE OF FOLDS OR RIDGES OF LOOSE FABRIC.
- PROTECT GEOTEXTILE FROM CONSTRUCTION DAMAGE PER MANUFACTURERS SPECIFICATIONS. CONSTRUCTION EQUIPMENT SHALL NOT TRAVEL DIRECTLY ON REINFORCEMENT. ANY GEOTEXTILE THAT IS DAMAGED SHALL BE REPLACED WITH NEW GEOTEXTILE AT CONTRACTORS EXPENSE.
- GEOTEXTILE SHALL BE MIRAFI OR EQUIVALENT AS SHOWN IN THE REINFORCING SCHEDULE. ALL GEOTEXTILE SHALL BE CLEARLY IDENTIFIED AND LABELED IN THE FIELD. ANY UNMARKED ROLLS OR PORTIONS THEREOF THAT CANNOT BE IDENTIFIED SHALL NOT BE USED IN WALL CONSTRUCTION.
- FOR ROCKERY HEIGHT OF LESS THAN FOUR FEET, STRUCTURAL FILL SHALL BE OVERBUILT IN FRONT OF ROCKERY ALIGNMENT A HORIZONTAL DISTANCE EQUAL TO THE ROCKERY HEIGHT OR THREE FEET WHICHEVER IS GREATER. ROCKERY ALIGNMENT SHALL THEN BE EXCAVATED THROUGH COMPACTED STRUCTURAL FILL TO EXPOSE COMPETENT STABLE SOIL FACE AGAINST WHICH ROCKERY CAN BE ASSEMBLED.
- STRUCTURAL FILL SHALL CONSIST OF FREE-DRAINING PIT RUN MATERIAL (GRAVELLY SAND) CONTAINING NO MORE THAN 5 PERCENT BY WEIGHT OF FINES. SEE REPORT TEXT FOR COMPACTION RECOMMENDATIONS.



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REINFORCED FILL/ROCKERY DETAIL
ROHDE RESIDENCE
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Date NOV 2004

Figure 4

APPENDIX A
FIELD EXPLORATION AND LABORATORY TESTING

Rohde Residence
Kirkland, Washington

On October 19, 2004, we explored subsurface conditions at the site by excavating 4 trackhoe test pits to a maximum depth of 12 feet below existing surface grades. The approximate test pit locations are shown on Figure 2. The test pit logs are presented on Figures A-2 and A-3.

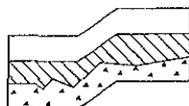
A geological engineer from our office conducted the field exploration, maintained a log of each test pit, classified the soils encountered, collected representative soil samples, and observed pertinent site features. All soil samples were visually classified in accordance with the Unified Soil Classification System (USCS) described on Figure A-1.

Representative soil samples obtained from the test pits were placed in sealed containers and taken to our laboratory for further examination and testing. The moisture content of each sample was measured and is reported on the test pit logs. Determination of Atterberg Limits was completed on one sample, the results of which are shown on the log of Test Pit TP-2. Grain size analyses were performed on two samples. The results are shown on Figure A-4.

MAJOR DIVISIONS			LETTER SYMBOL	TYPICAL DESCRIPTION
COARSE GRAINED SOILS More than 50% material larger than No. 200 sieve size	GRAVELS More than 50% of coarse fraction is larger than No. 4 sieve	Clean Gravels (less than 5% fines)	GW	Well-graded gravels, gravel-sand mixtures, little or no fines.
			GP	Poorly-graded gravels, gravel-sand mixtures, little or no fines.
		Gravels with fines	GM	Silty gravels, gravel-sand-silt mixtures, non-plastic fines.
			GC	Clayey gravels, gravel-sand-clay mixtures, plastic fines.
	SANDS More than 50% of coarse fraction is smaller than No. 4 sieve	Clean Sands (less than 5% fines)	SW	Well-graded sands, gravelly sands, little or no fines.
			SP	Poorly-graded sands or gravelly sands, little or no fines.
		Sands with fines	SM	Silty sands, sand-silt mixtures, non-plastic fines.
			SC	Clayey sands, sand-clay mixtures, plastic fines.
FINE GRAINED SOILS More than 50% material smaller than No. 200 sieve size	SILTS AND CLAYS Liquid limit is less than 50%		ML	Inorganic silts, rock flour, clayey silts with slight plasticity.
			CL	Inorganic clays of low to medium plasticity, (lean clay).
			OL	Organic silts and organic clays of low plasticity.
	SILTS AND CLAYS Liquid limit is greater than 50%		MH	Inorganic silts, elastic.
			CH	Inorganic clays of high plasticity, fat clays.
			OH	Organic clays of high plasticity.
HIGHLY ORGANIC SOILS			PT	Peat.

DEFINITION OF TERMS AND SYMBOLS

COHESIONLESS	Density	Standard Penetration Resistance in Blows/Foot	I 2" OUTSIDE DIAMETER SPLIT SPOON SAMPLER II 2.4" INSIDE DIAMETER RING SAMPLER OR SHELBY TUBE SAMPLER ▼ WATER LEVEL (DATE) Tr TORVANE READINGS, tsf Pp PENETROMETER READING, tsf DD DRY DENSITY, pounds per cubic foot LL LIQUID LIMIT, percent PI PLASTIC INDEX N STANDARD PENETRATION, blows per foot
	Very loose Loose Medium dense Dense Very dense	0-4 4-10 10-30 30-50 >50	
COHESIVE	Consistency	Standard Penetration Resistance in Blows/Foot	
	Very soft Soft Medium stiff Stiff Very stiff Hard	0-2 2-4 4-8 8-16 16-32 >32	



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ROHDE RESIDENCE
KIRKLAND, WASHINGTON

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Date NOV 2004

Figure A-1

Test Pit No. TP-1

Logged by: JV

Approximate Elev. 79

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL	7.7	▼
5	Gray to tan silty SAND with gravel and cobbles, loose to medium dense, wet. (SM)	14.4	
5		14.6	
5		5.2	
10	Bluish-gray, non-plastic sandy SILT, slightly layered, dense, moist. (ML)	22.9	
15	Test pit terminated at 11 feet. Caving of hole observed from approximately 3 to 8 feet. Groundwater seepage encountered at 5 feet.		

Test Pit No. TP-2

Logged by: JV

Approximate Elev. 66

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL	33.2	LL = 40 PI = 13
5	Reddish-brown sandy SILT with some gravel, weathered, loose, moist. (SM-ML)		
5	Bluish-gray, clayey SILT, stiff, moist. (ML) $q_u = 0.75 - 1.25$ tsf	31.2	
10		25.6	
15	Test pit terminated at 12 feet. No groundwater seepage observed.		



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TEST PIT LOGS
ROHDE RESIDENCE
KIRKLAND, WASHINGTON

Proj. No. T-5612

Date NOV 2004

Figure A-2

Test Pit No. TP-3

Logged by: JV

Approximate Elev. 77

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL		
	Reddish-tan, oxidized, gravelly SAND, loose to medium dense, moist. (SP)	8.6	▼
	Gray silty SAND with gravel and cobbles, medium dense, moist. (SM)	13.6	
5	Tan to gray gravelly sandy SILT to silty SAND with layered coarse-grained sand, medium dense, wet to saturated. (SM/ML)	7.6	
10		5.7	
15	Test pit terminated at 11 feet. Groundwater encountered at 3.5 feet.		

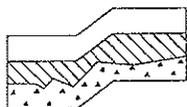
Test Pit No. TP-4

Logged by: JV

Approximate Elev. 63

Date: 10/19/04

Depth (ft.)	Soil Description	Moisture Content (%)	
0	TOPSOIL		
	Tan-gray, coarse grained, gravelly silty SAND with cobbles, medium dense, wet. (SM)	9.3	
5		10.3	
	Gray, slightly layered SILT, stiff to very stiff, moist. (ML)	23.9	
10		34.0	
15	Test pit terminated at 11 feet. No groundwater encountered.		



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TEST PIT LOGS
ROHDE RESIDENCE
KIRKLAND, WASHINGTON

Proj. No. T-5612

Date NOV 2004

Figure A-3

APRIL 2005

**STATEMENT OF COMPLIANCE WITH
KZC 90.140 (REASONABLE USE)
HINDLE/ROHDE
ZONING PERMIT APPLICATION
KIRKLAND, WASHINGTON**

RECEIVED
APR 13 2005

AM PM
PLANNING DEPARTMENT
BY _____

Prepared for:
Jeff Hindle/Barbara Rohde
11277 Juanita Drive NE
Kirkland, WA 98034

Prepared by:
Adolfson Associates, Inc.
5309 Shilshole Ave. NW, Suite 200
Seattle, WA 98107

ATTACHMENT SEPA 6
FILE NO. 20N04-00011

SUMMARY

Jeff W. Hindle and Barbara J. Rohde are proposing to build one single-family residence with a basement level Accessory Dwelling Unit on Lot 10 and a small portion of Lot 11 (two of the three legal lots on-site). All three lots are fully encumbered by wetland and wetland buffer.

The applicant is requesting a Reasonable Use Exception for relief from critical area requirements as provided through Kirkland Zoning Code (KCZ) 90.140.

SITE DESCRIPTION

The approximate 2/3-acre site consists of three legal lots (Lots 10-12) located in Block 2 of Yarrow Bay Apartments Addition, Division 1 in the City of Kirkland, Washington (Section 19, Township 35N, Range 5E) (Figure 1). The general site vicinity is developed as single-family residences. The site slopes from the highest elevations along the west property boundary down to the east.

A wetland delineation was conducted on the site in January 2005 by Wetland Resources, Inc., which classified the majority of the site as a Type 1 wetland. Type 1 wetland designations apply to: (a) wetlands that are contiguous to Lake Washington; (b) wetlands containing at least one-quarter acre of organic soils, such as peat bogs or mucky soils; (c) wetland equal to or greater than 10 acres in size and having three or more wetland classes, as defined by U.S. Fish and Wildlife Service (Cowardin et al., 1979), one of which is open water; (d) wetlands that have significant habitat value to state or federally listed threatened or endangered wildlife species; or (e) wetlands that contain state or federally listed threatened or endangered plant species (KCZ 90.30). The subject wetland was classified as Type 1 because it is part of a larger wetland complex that is associated with Lake Washington. Type 1 wetlands have a 100-foot standard buffer. The only upland (non-wetland) portions of the site are wetland buffer areas located along the northern portion of Lot 10, which fronts NE 38th Street, and areas along the western portions of Lots 11 and 12, which have no street (access) frontage (Figure 2).

APPLICABLE CRITERIA (KCZ 90.10.140)

The site is subject to a number of zoning development conditions under KZC 15.10 and critical areas regulations under KCZ Chapter 90. Under KZC 15.10 a maximum 50% lot coverage is allowed within a single-family residential zone (RS12.5). As noted, a Type 1 wetland covers approximately 65% of the applicant's property. That wetland, together with its required buffer, occupies 100% of the applicant's property, and is regulated under KZC Chapter 90.

The application of KZC 90.35 (Delineations, Regulations, Criteria, and Procedures) would deny the applicant any ability to construct a residence on the property, which is zoned single-family residential. The site is fully encumbered with sensitive areas, the majority of which is wetland and the remainder being wetland buffer.

Reasonable Use Criteria (KCZ 90.140):

The applicant is requesting a Reasonable Use Exception under KZC 90.140. Required, as part of the application, are statements describing how the proposal complies with three applicable criteria:

1. There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable; and
2. No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors; and
3. The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface-water quality.

STATEMENT OF COMPLIANCE WITH APPLICABLE CRITERIA

Criteria (1)

There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable.

The property is zoned RS 12.5, single-family residential, in an area of single-family homes. Other uses permitted in this zone include church, school, day-care facility, golf course, public utility, park, and government facility. Other than parks, no other use with less impact are permitted in the zone. A single-family residence on this property is the only feasible and reasonable use for a private property owner.

Criteria (2)

No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors.

Since the site is fully encumbered by wetland and wetland buffer, no portion of the proposed residence could occur within a non-sensitive area. In order to minimize impacts on wetlands on this site, the applicant proposes to develop Lot 10, which contains the highest percentage of wetland buffer (non-wetland) area, and a portion of Lot 11. Lot 10 fronts NE 38th Street, which is the only street access to the site. Developing this portion of the site thereby minimizes wetland impacts by reducing the area associated with driveway access. Wetland and wetland buffer areas on Lots 11 and 12 that are outside of the development footprint will be enhanced through removal of non-native invasive species and native plantings to improve the functions and values on the site (Figure 3).

The initial site plan has been revised by siting the house 40 feet closer to the northern property boundary – up to the 20-foot minimum required front setback from NE 38th Street. Moving the

structure closer to the road reduces the footprint of the development in the wetland. It also places the structure in a relatively degraded area within the on-site portion of the wetland. In doing this, the higher quality southern portion of the wetland will not be disturbed by construction of the house.

The initial site plan has also been revised to minimize the amount of grading south of the house. Figure 3 indicates that no grading is needed south of the structure. This modification was made specifically to minimize wetland impacts for construction of the house.

Consideration was given to reducing the driveway footprint, but it was concluded that no other driveway location would achieve the approach angle off of NE 38th Street. Other site considerations include the presence of a steep topography along the proposed 12.5-foot-wide driveway up to the proposed location of the garage where the natural topography has a more gradual slope. Without extensive excavations into the ridge bank and shoring-up of large vertical grade breaks, the width required for construction of a garage at a closer-in location (to NE 38th Street) could not be achieved.

The proposal is consistent with the size and character of residences in the *Reserve at Yarrow Bay*. The proposal is also consistent with the normal development expectations for a residential property in the neighborhood. The proposed structure will be a two-story home with basement that includes 3,266 square feet of main and upper floor space, 1832 square feet of basement space and a three-car garage. The average square footage of a residence in *The Reserve at Yarrow Bay* is 3,761 square feet (above ground). Based on information proved by the applicant (Barb Rodhe, who manages a real estate office), the proposed residence is an average of approximately 500 square feet *smaller (above ground)* than the other homes in the neighborhood.

It is also important to note that the property consists of three lots, all of which are zoned for residential development. Much of the house footprint occurs on the smallest of the three lots (Lot 10), which is nearest the existing road. As currently designed, the southernmost lot (Lot 12) and a portion of the middle lot (Lot 11) will not be used by the property owners.

Criteria (3)

The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface water quality.

The proposal has been designed to minimize the impact to the wetland functions and values and to provide enhancement on the remaining area of the property to benefit the wetland functions and values on the site. Descriptions of how the proposal results in minimum feasible alternation/impairment to the items included in Criteria (3) are provided below:

Functional Characteristics

The proposal will impact approximately 2,688 square feet of wetland and all of the wetland buffer in Lot 10 (i.e., lot adjacent to NE 38th Street). The remaining area of wetland on the site will be enhanced through removal of non-native, invasive species and revegetating with native plants.

Though not a requirement by KZC, the applicant proposes to enhance the remaining wetland area on the south side of the site. A clear buffer area shall be maintained from the new development with a dense area of native plants of approximately 20 feet wide. Invasive plant material located in remaining areas of Lots 11 and 12 shall be identified and removed. The wetland and wetland buffer area shall be enhanced with native plant species. Removing invasive species and planting native species will increase the wildlife habitat of the wetland, and possibly increase the aesthetic value of the wetland.

Existing Contours

Excavations ranging from five to eight feet will be required for driveway and garage construction at the northwestern portion of the property. Single and two-tier rockeries are planned to accommodate vertical grade breaks in this area. Fills ranging to a maximum thickness of about 5 feet will be placed to establish grades near the northern and southern margins of the residence.

Grading has been limited to that necessary to construct the house. Existing contours south of the proposed structure will not be modified as part of the site development.

Vegetation

The landscape design for the developed portion of the property is sensitive to the needs and preferences of the applicant (future homeowner) and the site's context and need to minimize impacts. The planting design for the developed portion transitions from a mix of ornamental and native plantings in the front of the house (north side) to predominantly native plant material species in the rear of the area of residential development. The planting design makes use of groundcover, understory and canopy layer plantings throughout (Figure 4).

Existing vegetation on the site, particularly on Lot 10, is primarily deciduous and includes large areas of Himalayan blackberry and reed canarygrass. The planting design includes a mix of ornamental and native evergreen and deciduous trees and shrubs. With the exception of a turf area in the front and back yards, all groundcover plantings consist of Northwest native species.

The undeveloped south portion of the property shall be maintained and enhanced. A clear buffer area (approximately 20 feet wide) shall be maintained from the proposed development. Invasive plant material shall be identified and removed. The wetland area shall be enhanced with native plant species typical of plant material already existing on the site. All work done in the wetland will be performed in such a manner as to minimize the impact to existing native

plant communities. The plant material used will typically be one gallon in size with the intent to provide soil stability and to further enhance the existing wetland and wildlife habitat.

Fish and Wildlife Resources

All enhancement work done in the wetland will be performed in such a manner as to minimize the impact to wildlife habitat. Enhancement plantings installed south of the developed portion of the property are intended to increase the habitat value of the area.

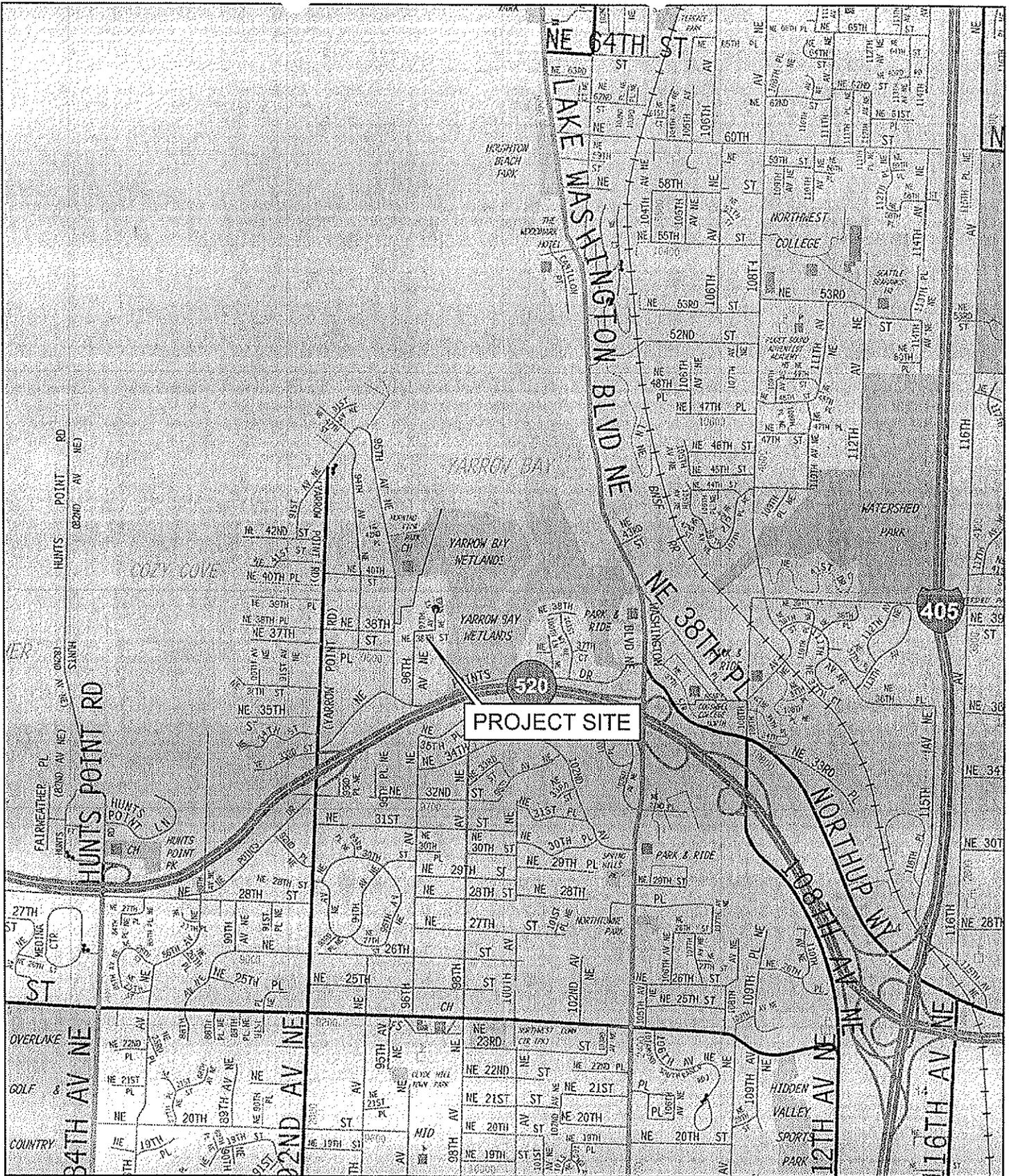
Hydrological Conditions

Most of the surface water runoff on the developed portion of the site will be allowed to infiltrate into the ground with no other provision for collection. There is a single catch basin located in the center of the concrete driveway. Surface and subsurface water will be directed away from the foundation. However, the overall flow path for surface and sub-surface water will not result in altered drainage patterns post-construction. Water will continue to flow downslope through the wetland complex to Lake Washington. Therefore, wetland hydrologic conditions are not expected to be affected by site development.

Groundwater and Surface Water Quality

All earthwork will be conducted during the dry season from June to October to minimize sediment transport to wetlands. Construction of the single-family residence is not expected to negatively affect groundwater or surface water quality.

FIGURES



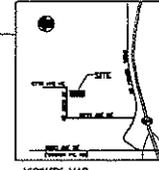
File name: Fig1_vicinity.at
 Created/last edited by: JAB
 Date last updated: 4/11/05
 Reference: 25031

NOT TO SCALE

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

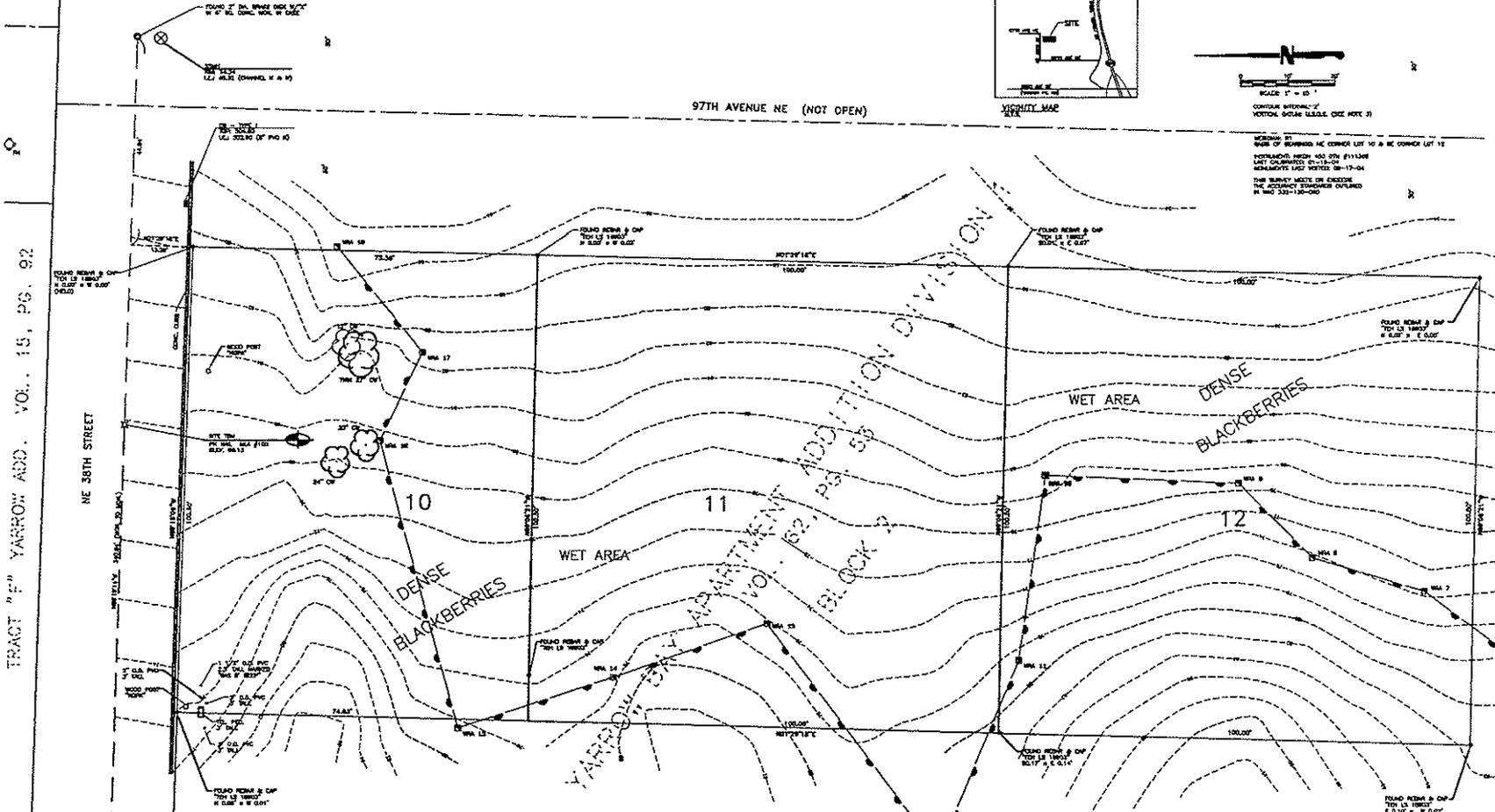
FIGURE 1
 SITE VICINITY MAP
 HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON

POR. NE 1/4 SEC. 19, T.25N., R5E., W.M.



CONTOUR INTERVAL: 2' VERTICAL SCALE: AS SHOWN (SEE NOTE 3)

WARNING: THIS SURVEY IS BASED UPON RECORDS OF THE PUBLIC RECORDS DIVISION OF THE WASHINGTON STATE ARCHIVES. THE ACCURACY OF THE RECORDS IS NOT GUARANTEED BY THE ARCHIVES. THE ARCHIVES ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THE RECORDS.



LEGAL DESCRIPTION

LOTS 10, 11 AND 12, BLOCK 5, YARROW SUBDIVISION ADDITION, DIVISION 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 15 OF PLATS, PAGE 92, IN KING COUNTY, WASHINGTON.

REFERENCES

1. SURVEY NO. 25031
2. TOPOGRAPHIC SURVEY BY THE BARNES & ARBOLD, DATED JULY 1967, PROJECT NO. 4700
3. TOPOGRAPHIC SURVEY BY THE BARNES & ARBOLD, DATED FEBRUARY, 1962, PROJECT NO. 4700

NOTES

1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY IS SHOWN BASED UPON THIS SURVEY RECORDED UNDER REC. NO. 25031.
2. INDICATORS OF WETLAND ARE SHOWN FOR REFERENCE PURPOSES ONLY. NO REPRESENTATION HAS BEEN MADE REGARDING THE PRECISE BOUNDARIES BETWEEN THE SUBJECT WETLANDS AND THE SUBJECT PROPERTY.
3. THE VERTICAL SCALE ON THE TOPOGRAPHIC SURVEY'S HORIZONTAL PROJECTIONS IS BASED ON THE NAD 83 DATUM.
4. NO TITLE REPORT WAS PROVIDED AND IT IS UNKNOWN WHETHER OR NOT ANY ENCUMBRANCES AFFECT THE SUBJECT PROPERTY.
5. THIS IS COVERED BY SURVEY RECORDS, RECORDED AND FILED. ONLY A PORTION OF THE LATEST THESE ARE SHOWN ON THIS SURVEY.

LEGEND

- COLLECTED SAMPLE POINT
- PINE PLANT
- KING COUNTY WETLAND SURVEY
- COUNTY BOUNDARY
- SEE REFERENCE SURVEY RECORDS FILE
- SEE NEARBY YELLOW PLANTING, AS NOTED
- FOUND FROM 1/2" UP, AS NOTED
- NOT FOUND IN LEGAL, AS NOTED
- FOUND IN LEGAL, AS NOTED
- NOT FOUND IN LEGAL, AS NOTED
- FOUND CONTROL POINT, AS NOTED
- BOUNDARY TREE
- COTTONWOOD
- PINE HYDRANT
- SANITARY WOOD MANHOLE
- SCRUB BUSH
- WETLAND BOUNDARY APPROX.
- WETLAND BOUNDARY

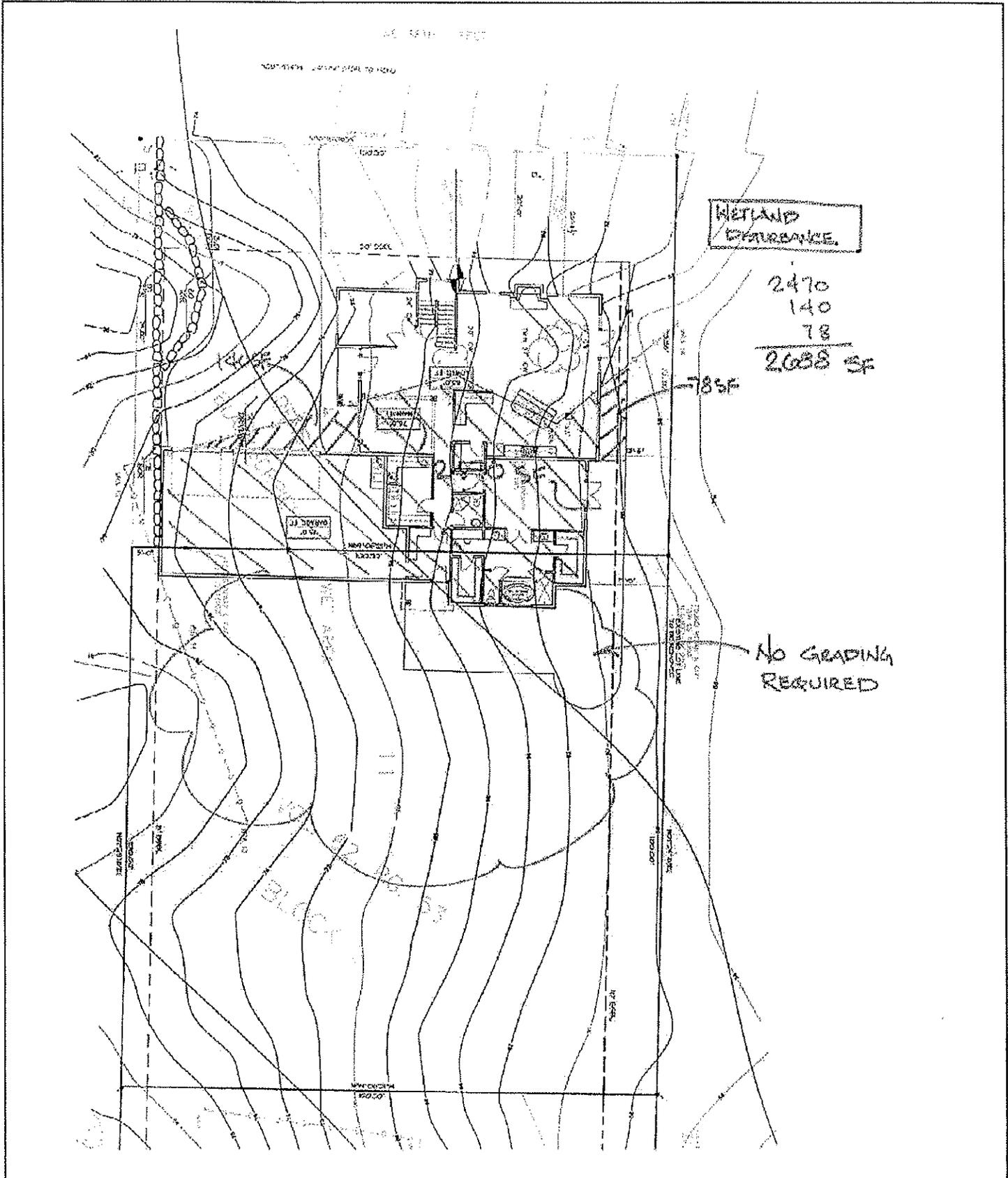


File name: Fig2_wetland.ai
Created/last edited by: JAB
Date last updated: 04/11/05
Reference: 25031

NOT TO SCALE

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

FIGURE 2
WETLAND DELINEATION
HINDLE/ROHDE PROPERTY
KIRKLAND, WASHINGTON



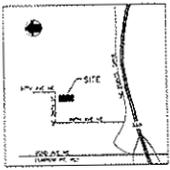
File name: Fig3_residence.ai
 Created/last edited by: JAB
 Date last updated: 4/11/05
 Reference: 25031



NOT TO SCALE

Map data are the property of the sources listed below. Inaccuracies may exist, and Adolfsen Associates, Inc. implies no warranties or guarantees regarding any aspect of data depiction.
 SOURCE: Rick Jones, Architect.

FIGURE 3
PROPOSED RESIDENCE
 HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON



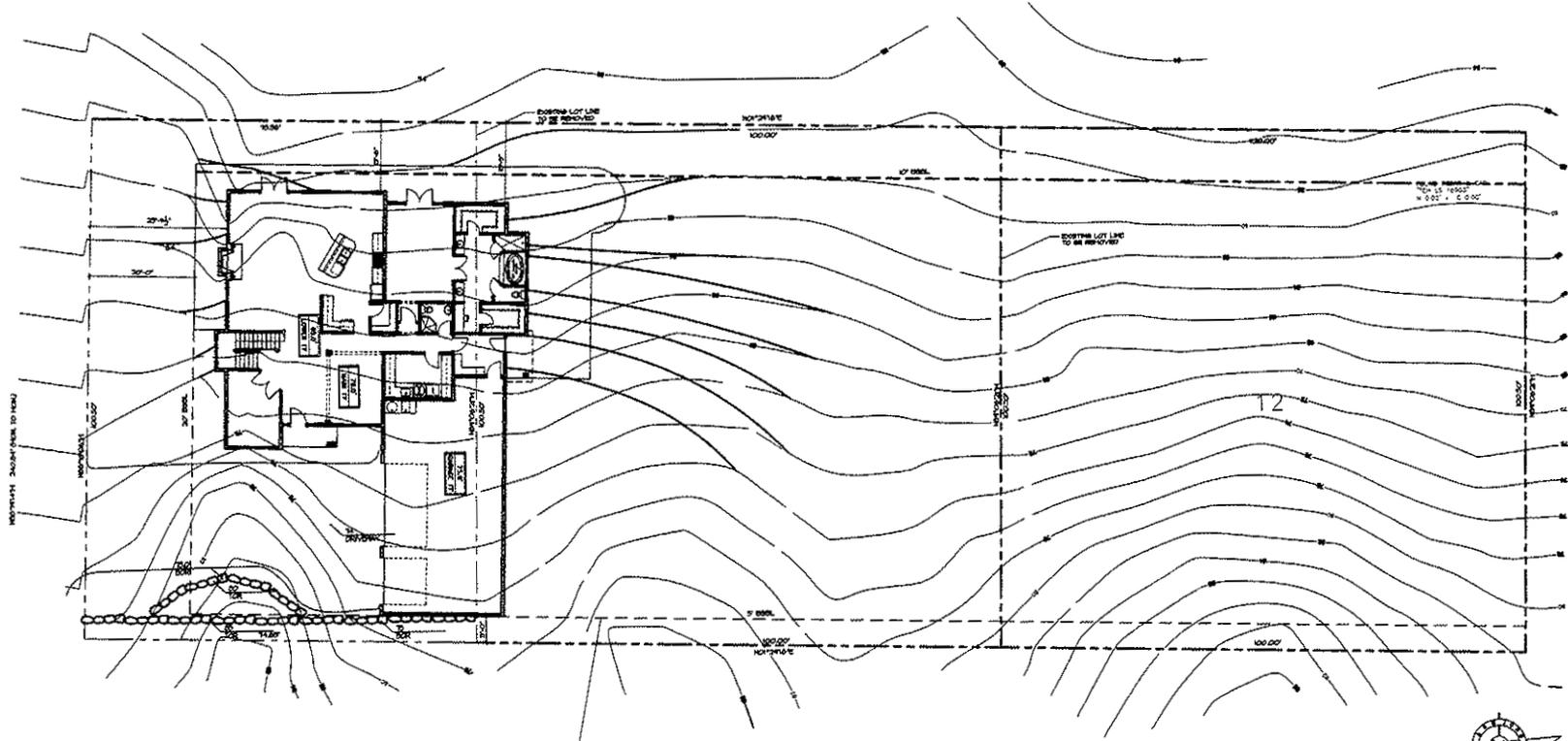
LEGAL DESCRIPTION
 LOT 10, 11 AND 12, BLOCK 3, FAIRMONT
 APARTMENT ADDITION, DIVISION 1,
 ACCORDING TO THE PLAT THEREON RECORDED
 IN VOLUME 23 OF PLATS, PAGE 20, 14 KING
 COUNTY, WASHINGTON.

LOT COVERAGE
 LOT AREA 21349 SF
 STRUCTURE 3588 SF
 COVERED PATIO 54 SF

VICINITY MAP

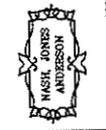
97TH AVENUE NE (NOT OPEN)

NE 38TH STREET



PROPOSED SITE PLAN
 SEE GENERAL NOTES SCALE: 1" = 10'-0"

10614 NE 30TH ST.
 FAIRMONT WA
 (425) 836-4111
 6401 B.V. NEWSOME BL.
 BOZEMAN, MT
 (406) 730-3427
 WWW.NASIKJONESANDERSON.COM



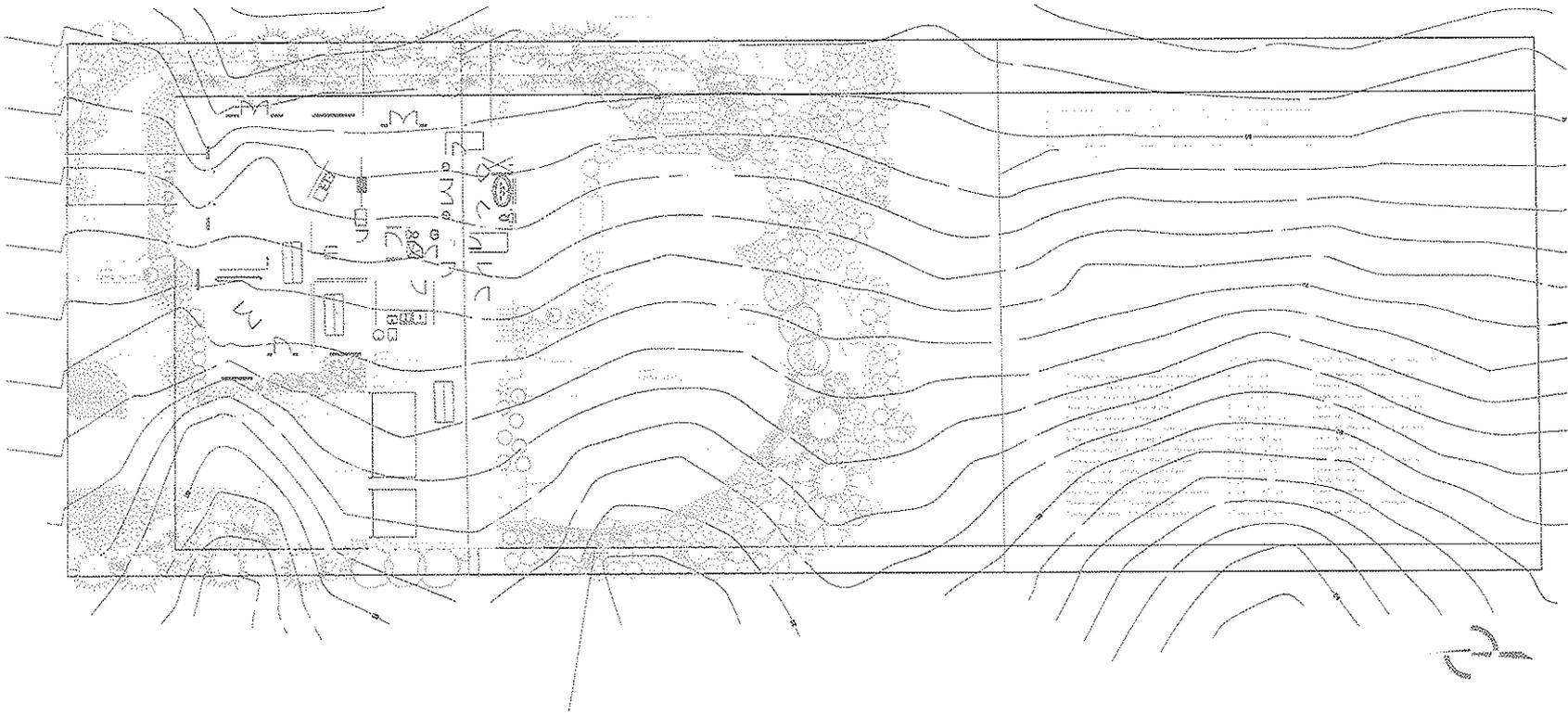
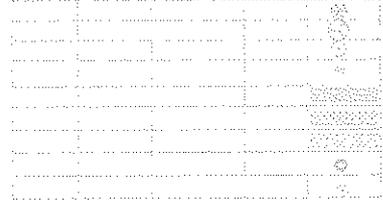
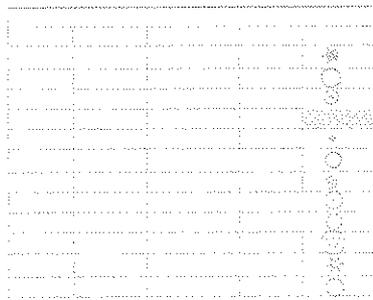
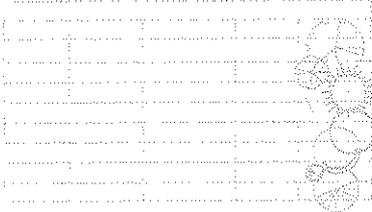
Project: **ROHDE RESIDENCE
 NE 88TH STREET &
 97TH AVENUE EAST
 KIRKLAND, WA**

Date: 3-1-09
 Permits:
 Revisions:

Drawn by: RLH
 Checked by: RLH

SHEET

OF



STATE OF MICHIGAN
LANDING REPORT

John E. Miller
CONTRACT NO. 101
DATE: 1/18/2001

CALL BEFORE YOU DIG!
1-800-424-3333

XXXXXXX

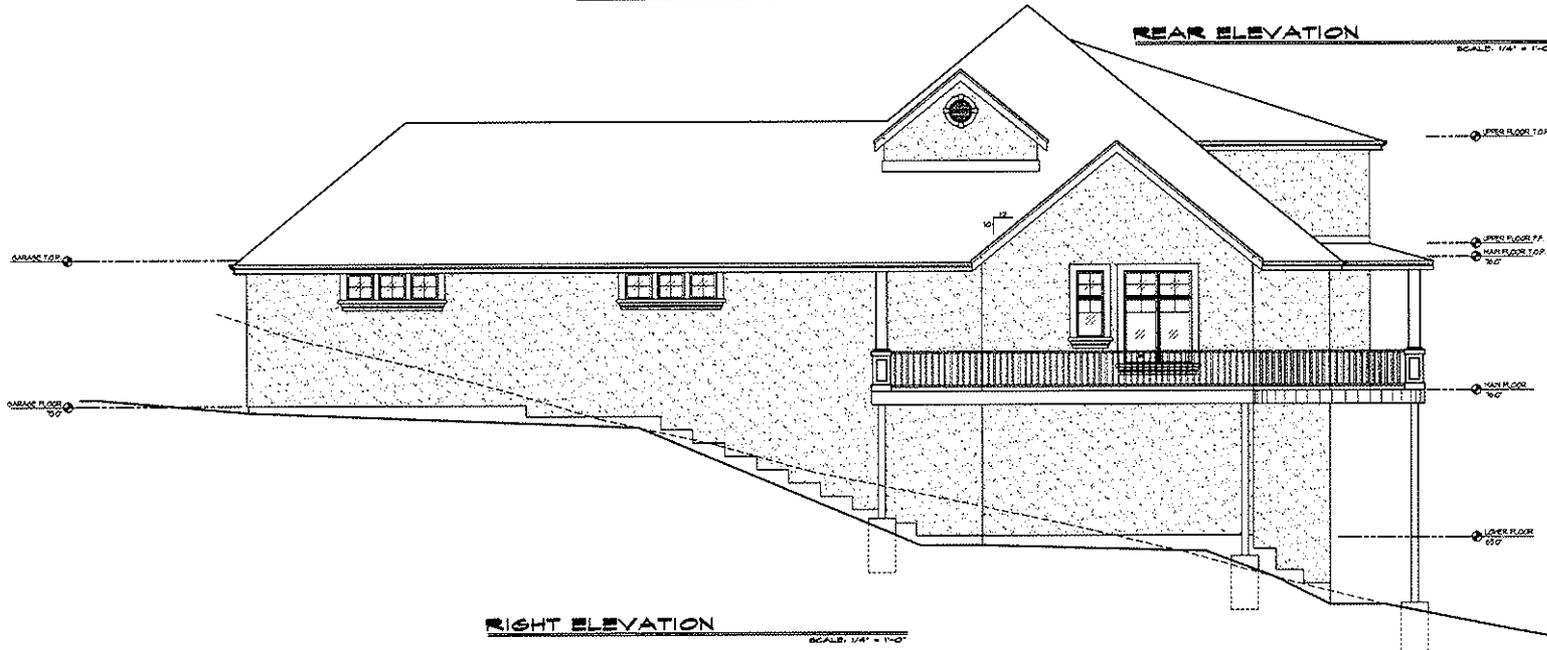
L-1

Vertical dimensions on this drawing shall have precedence over horizontal dimensions. Contractor shall verify all dimensions, conditions, etc., conforming to the plans before proceeding. The Owner must be notified of any variances from the drawings and/or conditions shown on these drawings. Any such variances shall be requested by the Owner prior to proceeding with the work, or the contractor shall accept full responsibility for the work to remedy same.



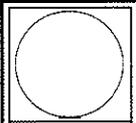
REAR ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



1124 N. 20TH ST.
 SUITE 200
 (405) 232-2111
 3601 SW. MERRY BL.
 TULSA, OK
 (907) 442-2427
 WWW.HUNTERANDSON.COM



PROJECT:
ROHDE RESIDENCE
 NE 38TH STREET &
 4TH AVENUE EAST
 KIRKLAND, WA

Date: 11-09-04
 Revisions:

Drawn by: RLH
 checked by: RLH

SHEET
 OF
A2
A7

COPYRIGHT ©
 GUTENHUBER
 ARCHITECTS

FOUNDATION
 FLOOR PLAN

Section dimensions on this drawing shall have precedence over overall dimensions. Contractor shall verify all dimensions, conditions, etc., pertaining to the work before beginning. The Owner shall be notified of any variations from the drawings and/or conditions shown on these drawings. Any such variation shall be reviewed by the Owner prior to proceeding with the work, or the Contractor shall accept full responsibility for the cost to rectify same.

NOTES:

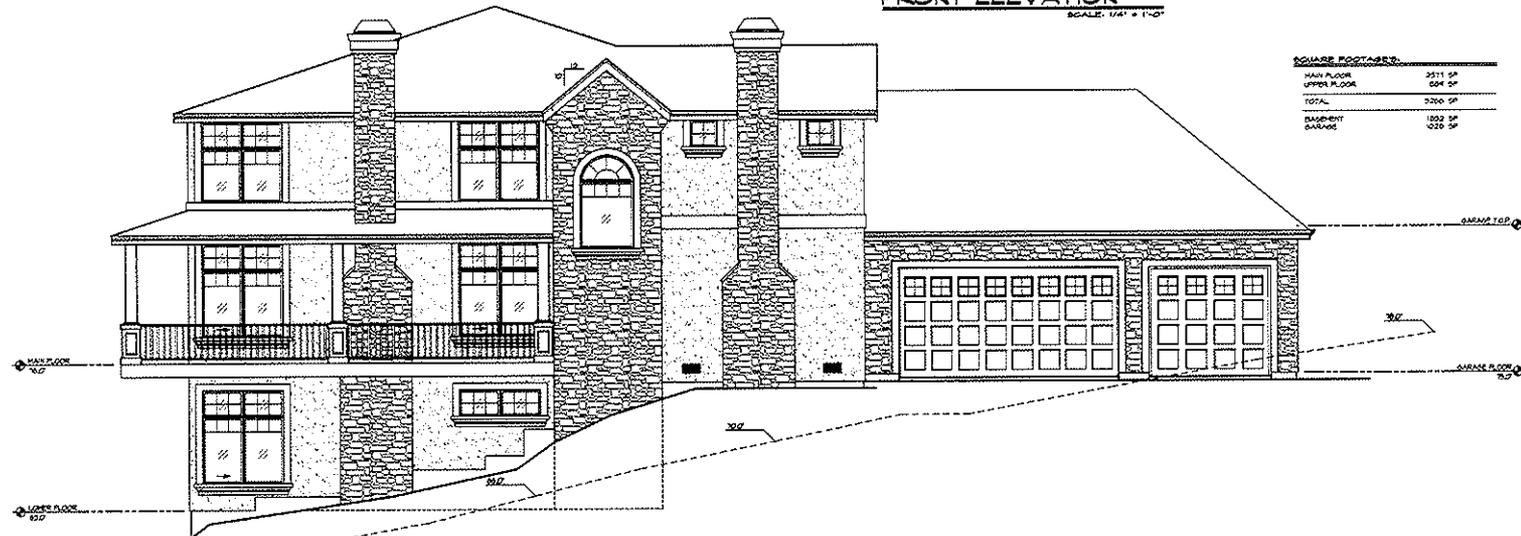
1. ALL WOOD EXPOSED TO WEATHER SHALL BE PRESSURE TREATED OR COCAAL.
2. GABLE AND SEAL ALL WINDOW / DOOR AND EXTERIOR ENVELOPE PENETRATIONS.
3. GLAZING PER STATE ENERGY CODE.
4. SEPARATE PERMITS ARE REQUIRED FOR FINISHES, PLUMBING, MECHANICAL, AND ELECTRICAL.
5. SINK OF ROOF VENTING SHALL OCCUR 11" ABOVE AS BUILT ELEVATIONS.
6. REFER TO ALL ELEVATIONS FOR TYPICAL NOTES.
7. 90.1 SAFETY GLASS.



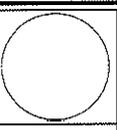
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGES:

MAIN FLOOR	2511 SF
UPPER FLOOR	694 SF
TOTAL	3205 SF
BASEMENT	1022 SF
GARAGE	620 SF



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



PROJECT:
RONDE RESIDENCE
NE 88TH STREET &
4TH AVENUE EAST
KIRKLAND, WA

DATE: 11-09-04
PERMITS:
REVISIONS:

DRAWN BY: RJA
CHECKED BY: RJA

SHEET
A1
OF
A7

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©2004 BILLY ANDERSON

ROOF
FRAMING PLAN

PERMANENT DIMENSIONS ON THIS DRAWING SHALL HAVE PRECEDENCE OVER LOCATED DIMENSIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS, CONDITIONS, ETC. PERTAINING TO THE WORK BEFORE PROCEEDING. THE OWNER SHALL BE NOTIFIED OF ANY VARIATIONS FROM THE APPROVED GRADING CONDITIONS SHOWN ON THESE DRAWINGS. ANY SUCH VARIATIONS SHALL BE REPORTED BY THE OWNER PRIOR TO PROCEEDING WITH THE WORK, OR THE CONTRACTOR SHALL ACCEPT FULL RESPONSIBILITY FOR THE WORK TO PROCEED AS SHOWN.

FOUNDATION NOTES

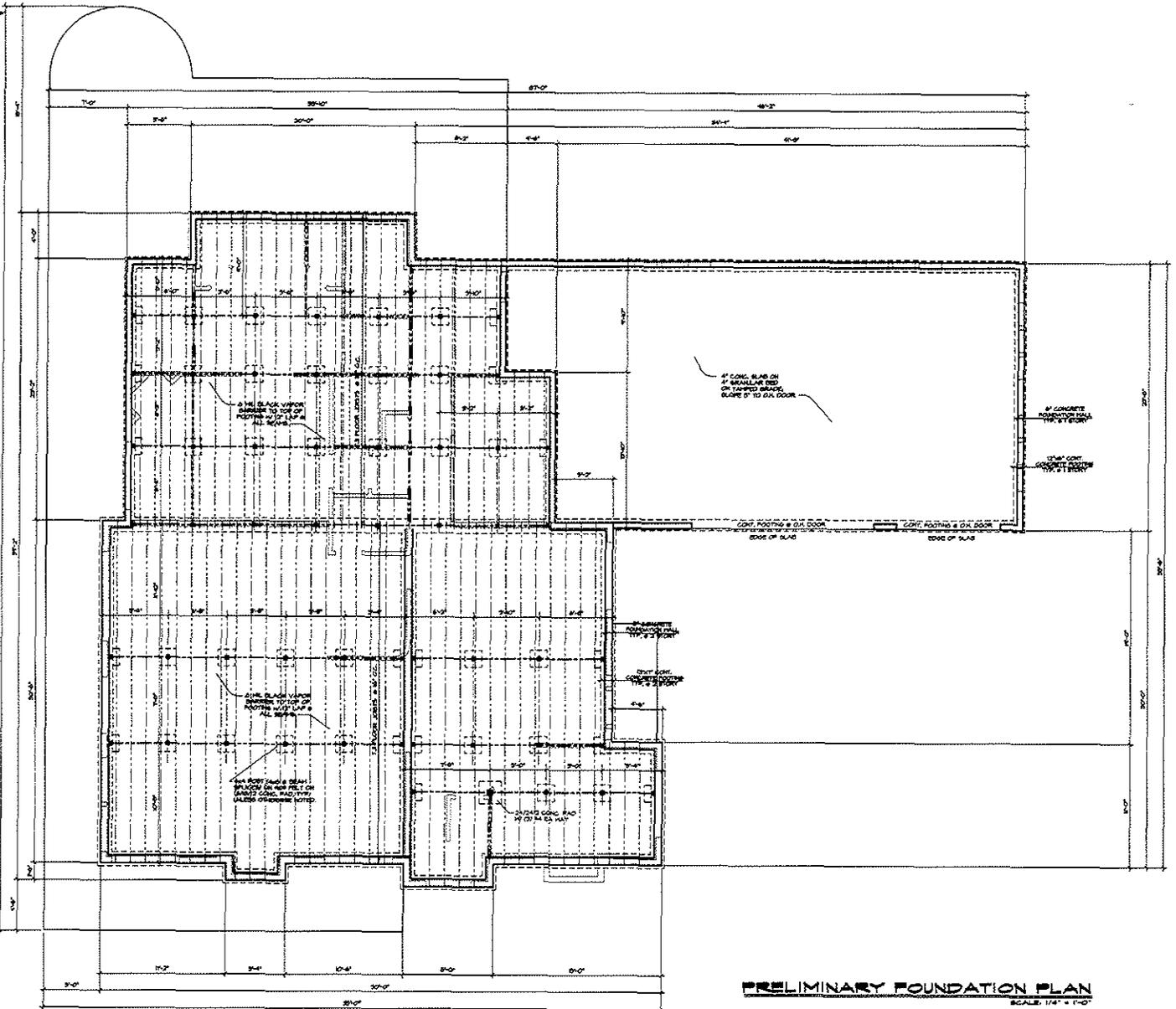
1. PROVIDE CRACK SPACE DRAWN AT LIGHT POINT IN CRACK SPACE.
2. SLURRY ALL CONCRETE STOPS AND/OR PARTS 1/4" PER FOOT AWAY FROM COORDINATE.
3. ALL WOOD IN CONTACT WITH CONCRETE SHALL BE PRESERVE TREATED OR COPPER.
4. INSULATE WOOD FLOORING UNDER BOARDING WALLS.
5. PROVIDE 6 MIL VAPOR BARRIER WITH 12" OVERLAP AT SEAMS TO TOP OF FOOTING THROUGH CRACK SPACE.
6. FASTENED INTO OR IN CONTACT WITH PRESERVE TREATED OR PRESERVE TREATED WOOD SHALL BE OF HOT-DIPPED GALVANIZED STEEL, STAINLESS STEEL, ALUMINUM BRASS, OR COPPER. EXCEPT FOR 1/2" DIA. PIPING OR GREATER STEEL BOLTS.

CEILING VENTILATION CALCULATIONS

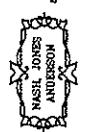
2500 SF OF CRACK SPACE AREA
 2500 SF / 100 = 25.0
 12.5% OF 144 VENTS = 18.0
 25.0 SF TOTAL VENT AREA REQUIRED
 18.0 VENTS / 18.0 SF = 1.0 VENT PER SF
 2500 SF / 1.0 = 2500 SQUARE FEET OF VENTS REQUIRED
 24 TOTAL VENTS PROVIDED

LEGEND

- BOARDING WALL
- BOARDING ABOVE
- FLOOR LINE ABOVE
- MULTIPLE 2x STUDS & POINT LOAD
- SCHEDULED BRACE WALL REFER TO
- SCHEDULED STRAP PER PLAN
- INDICATES STRUCTURAL HOLDING TYPICAL WHERE SHOWN UNLESS NOTED OTHERWISE
- PEL & POINT LOAD ABOVE
- INDICATES 2x6 OVERHANGING HANGING SPAN UNSUPPORTED AT 12" O.C. & 12" O.C.
- BLVA BOLT LENGTH IN VERTICAL MEMBER
- BATTERY LOCATION
- HEAT REGISTER
- DOWNSPOUT
- SA SAFETY GLASS
- VID VENT TO OUTSIDE
- SAF VENT TO OUTSIDE 50% AIR FLOW



PRELIMINARY FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"



**NASH JONES
ANDERSON**

1644 N.E. 20th St.
 Suite 200, Ft. Lauderdale, FL 33304
 (954) 526-4171
 Fax: (954) 526-4171
 www.nashjonesanderson.com

Project: **ROHDE RESIDENCE
 NE 80TH STREET &
 9TH AVENUE EAST
 KIRKLAND, WA**

date: 11-09-04
 revision: 1

drawn by: RLM
 checked by: RJL

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A2
 OF
A7

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FOUNDATION FLOOR PLAN



The Watershed Company

21 July 2005

Desiree Goble
City of Kirkland Planning Department
123 Fifth Avenue
Kirkland, WA 98033

RECEIVED

JUL 22 2005

AM PM
PLANNING DEPARTMENT

Re: Hindle/Rohde Reasonable Use Application and Wetland Review

BY _____

Dear Desiree,

Thank you for the opportunity to review information submitted for the Hindle/Rohde project located at 96XX 38th Ave NE (tax parcels 980850-0160,0170 & 0180). This letter shall serve as our environmental review of the wetland delineation, wetland mitigation and reasonable use request prepared by the applicant's environmental consultant, Adolfson Associates Inc. (AAI).

In addition to a site visit on June 27nd, 2005, documents reviewed for the project include the following:

- 1) April 2005 Statement of Compliance with KZC 90.140 (Reasonable Use) Hindle/Rohde Zoning Permit Application.

The original wetland delineation was flagged by Wetland Resources Inc. The application proposes to construct a single family home, with attached 3-car garage and associated lawn and landscaping. This proposal would impact a type 1 wetland and wetland buffer.

Findings

Overall, the wetland boundary was accurate. However, there was a slight discrepancy in the wetland boundary between flags WRA-13 and WRA-15. The edge of the wetland between flags WRA 13 and WRA 14 is situated farther to the east than flagged. The wetland boundary between flags WRA 14 and WRA 15 is farther to the west than shown. The revised wetland boundary should have minimal changes in the overall size of the wetland and should not affect the project.

According to King County Assessor's Office, Lots 10, 11 and 12 are 7,447, 10,050 and 10,050 square feet respectively for a total of 27,547 square feet. The proposal indicates most of Lot 10 will be covered by impervious surfaces and landscaping, and half of Lot 11 will have a lawn, landscaping and impervious surfaces. A proposed 30 to 50 foot wide native planting area south of the site will cover approximately $\frac{1}{4}$ of Lot 11. Using the King County Assessors Office data and the proposed site plan approximately 13,500 square feet of the site will be impacted with half of the area being impervious. The enhancement area is approximately 2,500 square feet.



Typically, successful reasonable use proposals have the garage on the lower floor with living space above, to minimize the building footprint and thus the impact to wetland and buffer. Also, formally landscaped areas, especially lawns, are limited to areas within the 10-foot building setback. Large lawns and ornamental plantings are not acceptable as they do not minimize or avoid disturbance.

The submitted plan does not address monitoring or maintenance. Also, no performance standards, such as percent survival, percent cover, etc. were included in the plans. Per The Washington Department of Ecology's (DOE) guidance on buffer restoration (DOE 2005), plans should specify that the buffer be vegetated to a condition that is comparable to an undisturbed plant community in the ecoregion.

The DOE guidance states that buffers vegetated with dense trees and shrubs are effective at reducing intrusion of noise and light. Suitable tree spacing is 9 feet on-center throughout the buffer area. Shrubs should be under-planted at a spacing of 6 feet on-center. Salal and other low-cover species should be clumped beneath and around trees and shrubs rather than in large planting beds.

There are no planting specifications or details on what types of mulch, amendments, or planting pit preparations. Also, there is no provision for a temporary irrigation system. For best survival and to reach cover goals, all mitigation areas need a minimum of 1 inch of water per week during the first growing season (from June 1st through October 1st).

There are also large thickets of Himalayan blackberry in several areas of the wetland and buffer. The applicant proposed to identify and remove invasive plant material in the remaining areas of lots 11 and 12. There are no proposed plantings in the areas where blackberry removal is necessary. These areas need to be shown on a revised planting plan and describe how these invasive plants are to be eradicated. Also, where blackberries are proposed to be removed, appropriate plantings (evergreen trees and dense shrubs) should be shown.

KZC section 90.50 requires that temporary fencing, including silt fencing, be installed on each new development project that abuts a wetland or buffer. Further, upon project completion the buffer edge is to be marked with either a 3 to 4 foot tall split rail fence or permanent plantings of equivalent barrier value. This is especially important in plats where new owners may not be aware of wetland and buffer regulations.

Any development must minimize the hydrological changes in surface and groundwater movement. It is essential that the amount of water presently recharging the wetland and wetland buffer remain unchanged post construction. Any foundation drain that captures water that would otherwise flow into the wetland must not be conveyed to storm sewers but instead allow captured water to flow back into the wetland via a dispersal trench or other redistribution method.

Recommendations

The following plan changes are recommended:

- 1) Re-flag wetland boundaries from flags WRA-13 to WRA-15 and depict the changes on the site plans.
- 2) Submit a revised site plan whereby the impacted and impervious areas are substantially reduced from the present configuration. The overall impact and impervious areas should also be included on the site plan.
- 3) Prepare a planting specification detail or pit preparation instructions.
- 4) Include a provision for a temporary irrigation system. The maintenance plan (see #7, below) should specify irrigation timing and quantity.
- 5) Have a wetland biologist design appropriate performance standards. Minimum standards would be 100 percent first year survival, minimum 80 percent cover in years three through five, and maximum 10 percent cover by invasive weeds.
- 6) Have a wetland biologist produce 5-year maintenance and monitoring plans.
- 7) Include a provision to remove on-site invasive non-native shrubs, including Himalayan blackberry and reed canary grass, from the wetland and buffer area. The plan should also specify how these weeds are to be controlled during the maintenance period.
- 8) Show the location of construction barrier fencing and silt fencing. Show details on how the silt fencing is to be installed (lower edge keyed into a shallow trench). As an alternative to silt fencing, coir or straw wattles could also be used unless large soil quantities are to be stockpiled near the buffer.
- 9) Incorporate into the plan a permanent fence or planting barrier at the edge of the new buffer.
- 10) Ensure that the amount of water flowing into the wetland remains unchanged post development. Foundation and yard drains are to direct intercepted water back to the wetland such that no part of undisturbed wetland is deprived of hydrology.

Please call if you have any questions or if you need further assistance on this project.

Sincerely,



Hugh Mortensen
Ecologist/PWS

References

Granger, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, WA.

**STATEMENT OF
COMPLIANCE WITH
KZC 90.140 (REASONABLE
USE) HINDLE/ROHNDE
ZONING PERMIT
APPLICATION
KIRKLAND, WASHINGTON**

PREPARED FOR
JEFF HINDLE/BARBARA ROHDE
11277 JUANITA DRIVE NE
KIRKLAND, WASHINGTON 98034

JANUARY 2006

PREPARED BY:
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206.789.9658



ATTACHMENT 6a
Att 70N05-00011

SUMMARY

Jeff W. Hindle and Barbara J. Rohde (Applicants) are proposing to build one single-family residence with a basement level Accessory Dwelling Unit on Lot 10 (one of the three legal lots on-site). All three lots are fully encumbered by wetland and wetland buffer.

The applicant is requesting a Reasonable Use Exception for relief from critical area requirements as provided through Kirkland Zoning Code (KZC) 90.140.

SITE DESCRIPTION

The approximate 2/3-acre site consists of three legal lots (Lots 10 – 12) located in Block 2 of Yarrow Bay Apartments Addition, Division 1 in the City of Kirkland, Washington (Section 19, Township 35N, Range 5E) (Figure 1). The general site vicinity is developed as single-family residences. The site slopes from the highest elevations along the west property boundary down to the east.

A wetland delineation was conducted on the site in January 2005 by Wetland Resources, Inc., which classified the majority of the site as a Type 1 wetland. Type 1 wetland designations apply to: (a) wetlands that are contiguous to Lake Washington; (b) wetlands containing at least one-quarter acre of organic soils, such as peat bogs or mucky soils; (c) wetland equal to or greater than 10 acres in size and having three or more wetland classes, as defined by U.S. Fish and Wildlife Service (Cowardin et al., 1979), one of which is open water; (d) wetlands that have significant habitat value to state or federally listed threatened or endangered wildlife species; or (e) wetlands that contain state or federally listed threatened or endangered plant species (KZC 90.30). The subject wetland was classified as Type 1 because it is part of a larger wetland complex that is associated with Lake Washington. Type 1 wetlands have a 100-foot standard buffer. The upland (non-wetland) portions of the site are wetland buffer areas located along the northern portion of Lot 10, which fronts NE 38th Street, and areas along the western portions of Lots 11 and 12, which have no street (access) frontage (Figure 2).

APPLICABLE CRITERIA (KZC 90.10.140)

The site is subject to a number of zoning development conditions under KZC 15.10 and critical areas regulations under KZC Chapter 90. Under KZC 15.10, a maximum 50% lot coverage is allowed within a single-family residential zone (RS12.5). As noted, a Type 1 wetland covers approximately 61 percent of the applicant's property. That wetland, together with its required buffer, occupies 100 percent of the applicant's property, and is regulated under KZC Chapter 90.

The application of KZC 90.35 (Delineations, Regulations, Criteria, and Procedures) would deny the applicant any ability to construct a residence on the property, which is zoned single-

family residential. The site is fully encumbered with sensitive areas, the majority of which is wetland and the remainder being wetland buffer.

Reasonable Use Criteria (KZC 90.140)

The applicant is requesting a Reasonable Use Exception under KZC 90.140. Required, as part of the application, are statements describing how the proposal complies with three applicable criteria:

1. There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable; and
2. No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors; and
3. The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface-water quality.

STATEMENT OF COMPLIANCE WITH APPLICABLE CRITERIA

Criteria (1)

There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable.

The property is zoned RS 12.5, single-family residential, in an area of single-family homes. Although the property consists of three lots, the Applicants are proposing to construct on only one of the lots. Other uses permitted in this zone include church, school, day-care facility, golf course, public utility, park, and government facility. Other than parks, no other use with less impact are permitted in the zone. It is the understanding of the Applicants that, at this time, the City is not interested in obtaining the southern parcels as park property because these parcels would not be contiguous with other park parcels. A single-family residence on this property is the only feasible and reasonable use for a private property owner.

Criteria (2)

No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors.

Since the site is fully encumbered by wetland and wetland buffer, no portion of the proposed residence could occur within a non-sensitive area. In order to minimize impacts to wetlands on this site, the applicant proposes to develop Lot 10. This lot fronts NE 38th Street, which is the only street access to the site. Developing this portion of the site thereby avoids wetland

impacts. Wetland and wetland buffer areas on Lots 11 and 12, which are outside of the development footprint, will be enhanced through removal of non-native invasive species and native plantings to improve the functions and values on the site (Figure 3).

The current site plan has been revised by siting the house within five feet of the northern property boundary. Moving the structure closer to the road eliminates development in the wetland and reduces the development footprint in the wetland buffer.

The current site plan has also been revised to minimize the amount of grading south of the house. No grading will occur within five feet of the wetland boundary. This modification was made specifically to avoid wetland impacts during construction of the house.

The current site plan also reduces the driveway footprint and has the three-car garage located under the second story of the house. To achieve this, excavations into the ridge bank and installation of a retaining wall are included in the current plan.

The proposal is consistent with the size and character of residences in the *Reserve at Yarrow Bay*. The proposal is also consistent with the normal development expectations for a residential property in the neighborhood. The proposed structure will be a two-story home with basement that includes 2,860 square feet of main and upper floor space, 1,247 square feet of basement space and 794 square feet for a three-car garage. The average square footage of a residence in *The Reserve at Yarrow Bay* is 3,761 square feet (above ground). Based on information provided by the Applicant (who has obtained information from the Northwest Multiple Listing Service), the proposed residence is an average of approximately 900 square feet *smaller (above ground)* than the other homes in the neighborhood.

It is also important to note that the property consists of three lots, all of which are zoned for residential development. Much of the house footprint occurs on the smallest of the three lots (Lot 10), which is nearest the existing road. As currently designed, the southernmost portion of Lot 10 and none of Lots 11 and 12 will be used by the property owners.

Criteria (3)

The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface water quality.

The proposal has been designed to minimize the impact to the wetland functions and values by locating the house entirely within the wetland buffer. As compensation for impacts to the wetland buffer, enhancement will be provided immediately south of the house. Enhancement is intended to increase the existing wetland functions and values on the site. A *Wetland and Wetland Buffer Enhancement Plan* has been prepared by Adolfson (dated January 2006) for this project. Descriptions of how the proposal results in minimum feasible alternation of or impairment to the items included in Criteria (3) are provided below:

Functional Characteristics

The proposal avoids the wetland, but will impact 4,209 square feet of wetland buffer on Lot 10 (i.e., lot adjacent to NE 38th Street). As compensation of the loss of wetland buffer habitat, enhancement of the wetland and wetland buffer will be conducted at a mitigation ratio of 1.75:1, resulting in 7,366 square feet of enhanced wetland and wetland buffer on the property. Enhancement will include removal of non-native, invasive species and revegetating with native plants. Enhancement will (1) increase the structural and vegetative diversity of the wetland habitat over time and (2) increase the connectivity of the degraded habitats on the property with the higher quality habitats immediately south of the property. Along the outer edge of the planted area, native species that would discourage people from accessing the areas of enhanced habitat will be densely planted with such species as rose. To further increase the habitat value of the property, bird boxes for songbirds and swallows will be installed.

To increase the aesthetic value of the wetland and wetland buffer, Himalayan blackberry will be removed from the area to be enhanced and native species such as western crabapple and red-osier dogwood will be planted in the wetland and red-flowering currant and hazelnut will be planted in the wetland buffer.

Existing Contours

The contours within the wetland will not be altered by construction of the house. However, excavations of up to approximately 13 feet will be required in the northwestern portion of the wetland buffer to construct the driveway and garage. A retaining wall is planned to accommodate the vertical grade breaks in this area.

Grading has been limited to that necessary to construct the house. Modifications to the site plan, which were made to reduce the total footprint of the house, will result in grading in the northwestern portion of the property to allow for construction of the garage. Existing contours south of the proposed structure will not be modified as part of the site development.

Vegetation

Ornamental plantings may be installed in the front of the house (north side). Along the south side of the house, a mix of native and ornamental plantings may be installed within the five-foot-wide strip between the wetland edge and the footprint of the house.

Existing vegetation on the site, particularly on Lot 10, is primarily deciduous and includes large areas of Himalayan blackberry and reed canarygrass. Much of the area immediately south of the house consists of Himalayan blackberry, although some native species such as red alder, salmonberry, sword fern, and large-leaf avens are present. With the proposed enhancement, non-natives (such as Himalayan blackberry, ivy, and holly) will be removed from approximately 7,366 square feet of the wetland and wetland buffer, and replaced with native trees and shrubs. The plant material used will typically be one gallon in size with the intent to provide soil stability and to further enhance the existing on-site habitats.

Fish and Wildlife Resources

All enhancement work done in the wetland will be performed in such a manner as to minimize the impact to wildlife habitat. Enhancement plantings installed south of the developed portion of the property are intended to increase the habitat value of the area by improving on-site habitat conditions and the connectivity to the adjacent high quality wetland habitats to the east. In addition, bird boxes for songbirds and swallows will also increase the habitat value of the area for these species, and downed woody material will provide additional habitat for small animals.

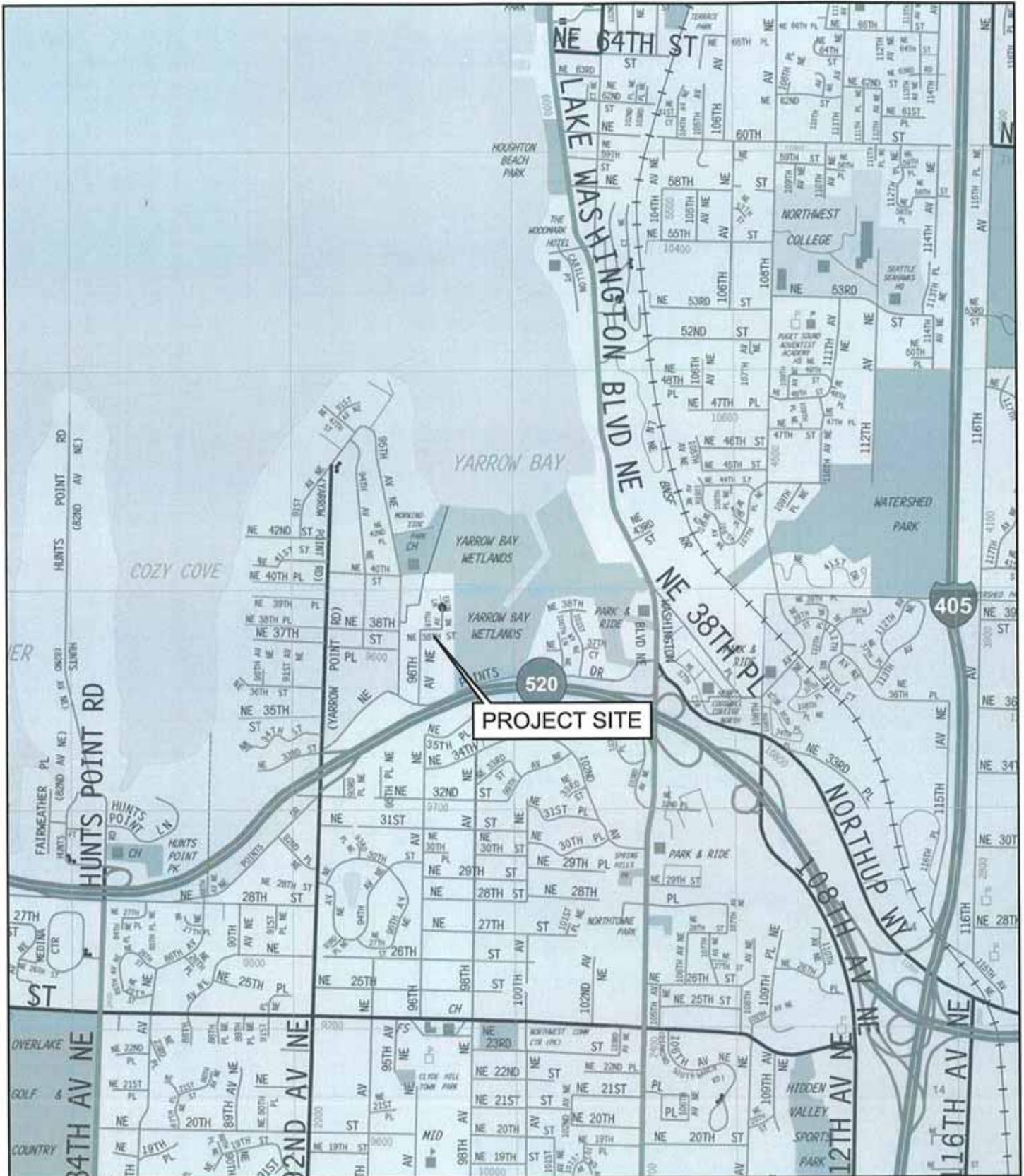
Hydrological Conditions

Surface and subsurface water will be directed away from the foundation. However, the overall flow path for surface and sub-surface water will not result in altered drainage patterns post-construction. Roof runoff will be directed to the wetland via spreader blocks (from roof drains) or shallow dry wells so that water will be continue to flow to the wetland post-construction. Therefore, water will continue to flow downslope through the wetland complex to Lake Washington and wetland hydrologic conditions would not be expected to be affected by site development.

Groundwater and Surface Water Quality

Erosion control measures, such as silt fencing, will be installed to prevent sediments from being transported to the wetland. Construction of the single-family residence is not expected to negatively affect groundwater or surface water quality.

FIGURES



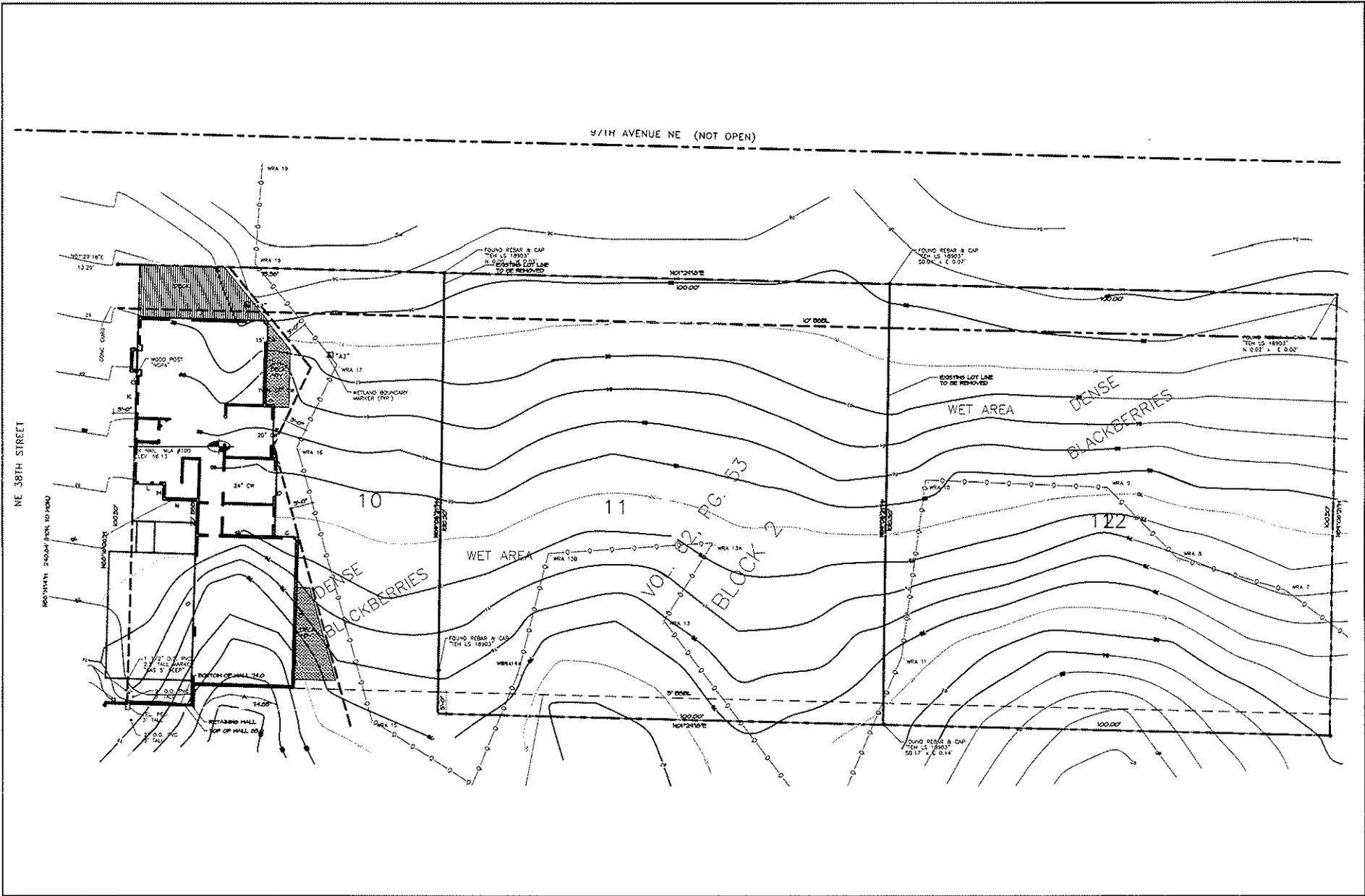
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 Created/last edited by: JAB
 Date last updated: 4/11/05
 Reference: 25031



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 SOURCE: Thomas Bros. Maps, 2004.

FIGURE 1
 SITE VICINITY MAP
 HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON



File name: Fig02_sitemap.ai
 Created/last edited by: JAB
 Date last updated: 01/17/06
 Reference: 25031.1

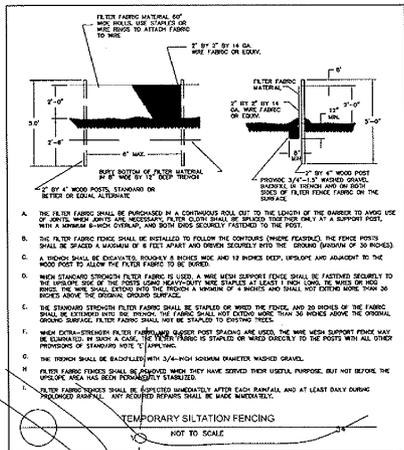


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 SOURCE:

FIGURE 2
SITE MAP

HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON



- A. THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL UP TO THE LENGTH OF THE BARBER TO AVOID USE OF SPICES. WHEN APPLIED TO WOODPOSTS, THE FABRIC SHALL BE SPACED TOGETHER WITH A SUPPORT POST WITH A MINIMUM 8-INCH OVERLAP, AND BOTH ENDS SECURELY FASTENED TO THE POST.
- B. THE FILTER FABRIC FENCE SHALL BE INSTALLED TO FOLLOW THE CONTIGUOUS FENCE FOOTPRINT. THE FENCE POSTS SHALL BE SPACED A MAXIMUM OF 8 FEET APART AND ORIENT SECURELY INTO THE GROUND (MINIMUM OF 30 RIGIDS).
- C. A WOODPOST SHALL BE PROVIDED, BOUNDED 8 INCHES WIDE AND 12 INCHES DEEP, UPRIGHT AND ADJACENT TO THE WOOD POST TO ALLOW THE FILTER FABRIC TO BE BOUND.
- D. WHEN STANDARD STRENGTH FILTER FABRIC IS USED, A WIRE MESH SUPPORT FENCE SHALL BE FASTENED SECURELY TO THE WOODPOST TO ALLOW THE FABRIC TO BE BOUND. THE FABRIC SHALL NOT EXTEND MORE THAN 30 INCHES ABOVE THE ORIGINAL GROUND SURFACE.
- E. THE STANDARD STRENGTH FILTER FABRIC SHALL BE STAPLED TO WOOD POSTS, AND 30 INCHES OF THE FABRIC SHALL BE STAPLED INTO THE GROUND. THE FABRIC SHALL NOT EXTEND MORE THAN 30 INCHES ABOVE THE ORIGINAL GROUND SURFACE. THE FABRIC SHALL NOT BE STAPLED TO THE WOODPOSTS.
- F. WHEN EXTRA-STRENGTH FILTER FABRIC UNDER POST SPACING IS USED, THE WIRE MESH SUPPORT FENCE MAY BE ELIMINATED. IN SUCH A CASE, THE FILTER FABRIC IS STAPLED OR WIED DIRECTLY TO THE POSTS WITH ALL OTHER PROVISIONS OF STANDARD SPEC. 17.1.1.1.1.1.
- G. THE TRENCH SHALL BE BACKFILLED WITH 3/4-INCH HIGH DRAINER WASHED GRAVEL.
- H. FILTER FABRIC FENCES SHALL BE PROVIDED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE IMPROVE AREA HAS BEEN DEMONSTRATED.

MITIGATION SUMMARY

LOT SIZE: 27,546 S.F.
 ON-SITE WETLAND: 16,867 S.F.
 ON-SITE BUFFER: 10,679 S.F.

BUFFER IMPACT: 4,209 S.F.
 PROPOSED MITIGATION AREA (IMPACT X 1.75): 7,366 S.F.

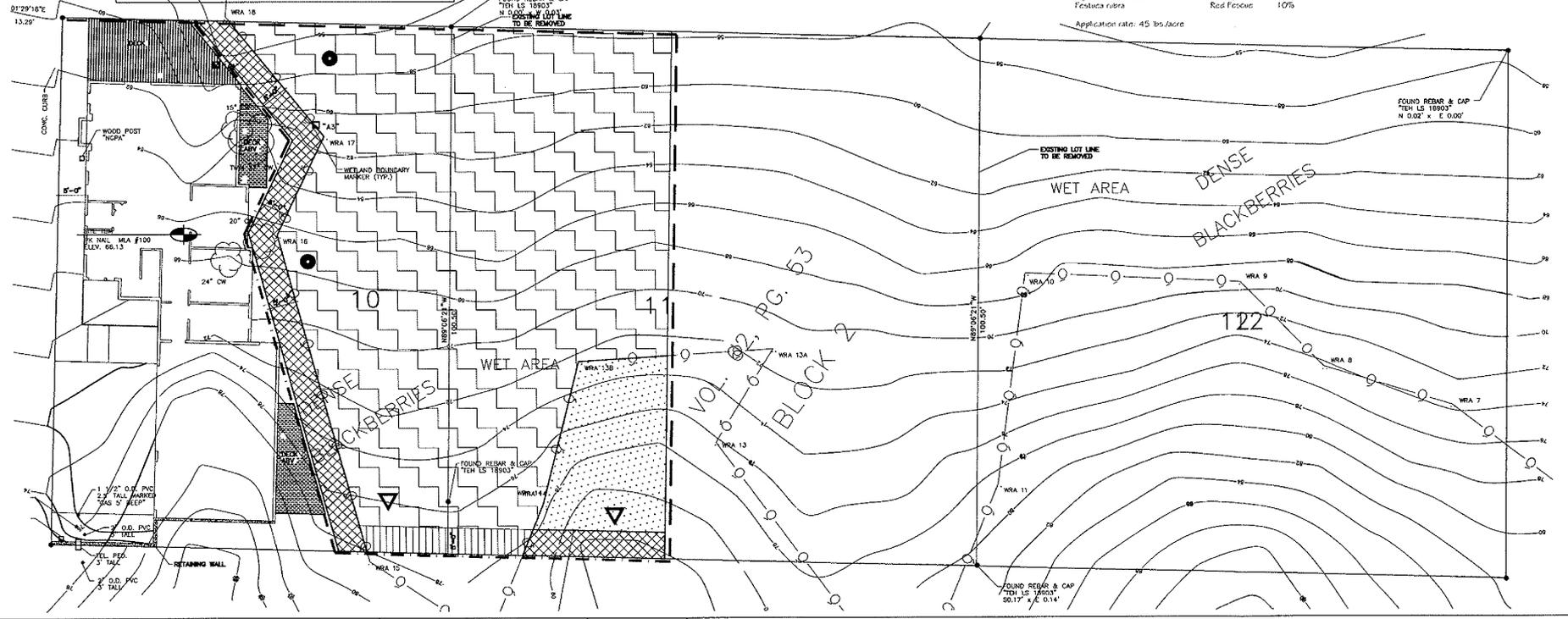
LEGEND

- SHALLOW BOX
- ▽ SHALLOW BOX
- SILT FENCE
- ORANGE CONSTRUCTION FENCE

PLANTING SCHEDULE

SCIENTIFIC NAME	COMMON NAME	QTY	SIZE	SPACING/NOTES
WETLAND ENHANCEMENT PLANTS				
<i>Cornus stolonifera</i>	Redwing Dogwood	XX	1 GAL	5' O.C.
<i>Lonicera involucrata</i>	Black Twinstory	XX	1 GAL	5' O.C.
<i>Mahoe fusca</i>	Oregon Crabapple	XX	2 GAL	5' O.C.
<i>Physocarpus capitatus</i>	Pacific Noddy	XX	1 GAL	5' O.C.
<i>Rosa pratincola</i>	Swamp Rose	XX	1 GAL	5' O.C.
<i>Rubus spectabilis</i>	Salmalberry	XX	1 GAL	5' O.C.
<i>Salix lasioandra</i>	Pacific Willow	XX	1.5" O.75" x 25" DIAM. x 18" LONG	(Group of 3 stakes @ 18" O.C.)
<i>Totima menziesii</i>	Piggyback Plant	XX	1 GAL	3' O.C.
BUFFER ENHANCEMENT PLANTS				
<i>Acer circinnatum</i>	Vine Maple	XX	2 GAL	5' O.C.
<i>Corylus cornuta</i>	Hazelnut	XX	2 GAL	5' O.C.
<i>Physocarpus capitatus</i>	Pacific Noddy	XX	1 GAL	5' O.C.
<i>Ribes sanguineum</i>	Road-flowering Currant	XX	1 GAL	5' O.C.
<i>Sambucus racemosa</i>	Road Elderberry	XX	2 GAL	5' O.C.
<i>Rosa gymnocarpa</i>	Baldpate Rose	XX	1 GAL	5' O.C.
<i>Symphoricarpos albus</i>	Snowberry	XX	2 GAL	5' O.C.
<i>Thuja plicata</i>	Western Redcedar	XX	2 GAL	5' O.C.
PERIMETER WETLAND ENHANCEMENT PLANTS				
<i>Physocarpus capitatus</i>	Pacific Noddy	XX	1 GAL	3' O.C.
<i>Rosa pratincola</i>	Swamp Rose	XX	1 GAL	3' O.C.
PERIMETER BUFFER ENHANCEMENT PLANTS				
<i>Rosa gymnocarpa</i>	Baldpate Rose	XX	1 GAL	3' O.C.
<i>Symphoricarpos albus</i>	Snowberry	XX	2 GAL	3' O.C.
Seed Mix				
Seed all areas of disturbed soil with the following mix:				
<i>Alopecurus gracillatus</i>	Water Foxtail	60%		
<i>Agrostis stolonifera</i>	Roughtop	30%		
<i>Festuca rubra</i>	Rod Fescue	10%		

97TH AVENUE NE (NOT OPEN)



ADOLFSON ASSOCIATES, INC.
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SCALE 1"=10'
 MAP DATA ARE THE PROPERTY OF THE SOURCES LISTED BELOW. REPRODUCERS MAY EXIST, AND ADOLFSON ASSOCIATES, INC. ACCEPTS NO WARRANTIES OR GUARANTEES REGARDING ANY ASPECT OF THIS DEPICTION.
 SOURCE: SOURCE AND DATE

File name: 25031_Planting.dwg
 Date: 1/24/05 mbe
 Revised:

FIGURE 3
 CONCEPTUAL PLANTING PLAN
 HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON

HALF-SIZED PRINT AT 11X17

**WETLAND AND BUFFER
ENHANCEMENT PLAN**

PREPARED FOR

**JEFF HINDLE/BARBARA ROHDE
11277 JUANITA DRIVE NE
KIRKLAND, WASHINGTON 98034**

JANUARY 2006

PREPARED BY:

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



ATTACHMENT 6-b
ZON05-00011

EXECUTIVE SUMMARY

At the request of the Jeff Hindle and Barbara Rohde (Applicants), Adolfson Associates, Inc. (Adolfson) has prepared this enhancement plan for the construction of a single-family residence on an approximately 2/3-acre parcel located on NE 38th Street in Kirkland, Washington (Figure 1). The site consists of three undeveloped parcels (Lots 10, 11, and 12), as shown on Figure 2. The Applicants are requesting a Reasonable Use Exception, based on Kirkland Zoning Code (KZC) 90.140, to construct the house in the wetland buffer on Lot 10. This enhancement plan incorporates project-related recommendations provided by The Watershed Company in their July 21, 2005 review letter to the City of Kirkland (City).

One wetland has been delineated on the property by Wetland Resources, Inc (Figure 2). This wetland is a Type 1 wetland in the City of Kirkland because it is associated with Lake Washington. The property is undeveloped and the wetland consists of side slope seeps through forest and shrub habitats. Some of Lot 10 consists of non-native plant species, indicating that portions of the wetland and wetland buffer on this parcel may have been disturbed by previous land use activities. Much of Lots 11 and 12 consists of Himalayan blackberry, and provide enhancement opportunities. The easternmost portions of Lots 11 and 12 appear to have had relatively little disturbance and consist of fairly high-quality wetland habitat in the urban environment.

As part of the proposed project, the wetland buffer on Lot 10 will be developed as a single-family residence, resulting in 4,209 square feet of permanent wetland buffer impact. As compensation for wetland buffer impacts, the portion of the wetland and wetland buffer south of the house will be enhanced at a mitigation ratio of 1.75:1, resulting in 7,366 square feet of enhancement. Enhancement at a mitigation ratio of 1.75:1, which is more than the 1:5:1 mitigation ratio required by the City, is proposed because native species are present in patches within the area proposed for enhancement. Enhancement is proposed for the northernmost portion of the wetland and wetland buffer in order to minimize disturbance to the side slope seeps while enhancement activities are being conducted. The primary goal of the enhancement plan is to increase the habitat value of the on-site portion of the Type 1 wetland and associated buffer for wildlife by removing non-native species and planting native species. Another goal includes increasing the aesthetic value of the wetland and wetland buffer, which will be accomplished by removing dense thickets of unattractive non-native species shrubs, such as Himalayan blackberry, and replanting with more appealing natives such as red-flowering currant in the buffers and black twinflower in the wetland. Enhancement plantings are also intended to provide a natural barrier that discourages people from entering the wetland.

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1.0 PROJECT AUTHORIZATION

At the request of Jeff Hindle and Barbara Rohde (Applicants), Adolfson Associates, Inc. (Adolfson) prepared this enhancement plan for the construction of a single-family residence on an approximately 2/3-acre parcel, located on NE 38th Street in Kirkland, Washington (Figure 1). This enhancement plan incorporates recommendations prepared by The Watershed Company, which were provided to the City of Kirkland (City) in a review letter dated July 21, 2005.

2.0 PROJECT DESCRIPTION

The Applicants are proposing to construct a single-family home in the northernmost portion of the approximately 2/3-acre site in the City of Kirkland. The site consists of three undeveloped parcels (Lots 10, 11, and 12), as shown on Figure 2. This figure also shows that the entire site consists of wetland and wetland buffer. The house will be constructed within the wetland buffer only, and will be designed to avoid any impacts to the wetland. The location of the house is also shown on Figure 2. Access to the house will be from NE 38th Street.

3.0 EXISTING CONDITIONS

One wetland was identified and delineated by Wetland Resources, Inc. (Figure 2). The wetland is a Type 1 wetland in the City of Kirkland because it is associated with Lake Washington. The property is undeveloped and the wetland consists of side slope seeps through forest and shrub habitats. Some of Lot 10 (lot to be developed as a single-family residence) consists of non-native plant species, indicating that portions of the wetland and wetland buffer on this parcel may have been disturbed by previous land use activities. Some native plant species occur in Lot 10 including red alder, salmonberry, large-leaf avens, and sword fern. Much of Lots 11 and 12 are dominated by Himalayan blackberry. However, the area immediately east of these lots have relatively little disturbance and consisting of fairly high-quality wetland habitat in the urban environment. Species present immediately east of these lots include red alder, salmonberry, and skunk cabbage. The on-site portion of this large wetland occurs as side slope seeps on steep slopes that grade down to the east towards Lake Washington.

Single-family residences have been constructed in the vicinity of the site. According to the Applicants, the average above ground square footage of a residence in *The Reserve at Yarrow Bay* is 3,761 square feet (based on information provided by Barb Rodhe, the applicant, that was obtained by the Northwest Multiple Listing Service). The above ground square footage of the house proposed by the Applicants is smaller than those in the immediate vicinity of the site.

4.0 BUFFER IMPACTS

The proposed project avoids wetland impacts. The above ground square footage for the single-family residence is 2,860. To construct the house, 4,209 square feet of wetland buffer will be permanently impacted. The Applicants are requesting a Reasonable Use Exception to construct in the wetland buffer. To show compliance with Kirkland Zoning Code (KZC) 90.140, Reasonable Use documentation has been prepared for this project. This documentation, entitled

Statement of Compliance with KZC 90.140 (Reasonable Use), was prepared by Adolfsen for the Applicants in January 2006. Please see that document for detailed information regarding construction in the wetland buffer. This enhancement plan has been prepared to describe the enhancement proposed for the remaining on-site portions of the wetland and wetland buffer (i.e., area immediately south of the proposed house).

5.0 ENHANCEMENT GOALS AND OBJECTIVES

The primary goal is to enhance the habitat value of the on-site portion of the Type I wetland and associated buffer. Enhancement includes removing non-native vegetation and planting native species. Non-native species on the property, such as Himalayan blackberry, ivy, and holly, will be removed. The native plant species to be installed will (1) enhance the aesthetic value of the wetland and wetland buffer, and (2) increase the habitat value of the wetland and wetland buffer for wildlife on the property. To further enhance the habitat value of the wetland and wetland buffer for wildlife, bird boxes will be installed for swallows and songbirds, and woody debris will be placed in the enhanced wetland and wetland buffer.

Another goal of this enhancement plan is to discourage people from entering the wetland. This wetland occurs in an urban area that has new houses under construction or in the process of being permitted. Enhancement plantings along the outer edge of the wetland and wetland buffer will be densely installed so that, over time, vegetation will help protect the wetland from unintended human impacts.

6.0 ENHANCEMENT

The on-site wetland and wetland buffer will be enhanced for potential impacts to the buffer. As compensation for the 4,209 square feet of buffer impact, 7,366 square feet of wetland and wetland buffer will be enhanced. Enhancement will be conducted at a mitigation ratio of 1.75:1, more than the 1.5:1 required by the City, because some patches of native vegetation are already present within the area to be enhanced. The area to be enhanced is immediately south of the house and is shown on Figure 3. Enhancement of the area closest to the house was chosen in order to minimize the potential for trampling vegetation and disturbing side slope seeps over the course of the five-year monitoring period.

6.1 Minimization

Impacts to the wetland buffers have been minimized to the extent possible. The total area of the house has been reduced to avoid the wetland and minimize impacts to the wetland buffer. Measures to be implemented that will minimize impacts during construction include:

- A pre-construction meeting will be held on-site with the construction contractor and the project biologist to discuss the construction sequence.
- The limits of the construction area will be marked with orange barrier fencing. This type of barrier reduces the potential for heavy equipment to damage vegetation and soil outside the construction area.

- The temporary erosion and sedimentation control measures and best management practices (BMPs) established for this project will be used. This includes the use of silt fences, sediment rolls, and/or straw bales to prevent suspended particles from leaving the construction zone. The contractor will be responsible for inspection of all erosion control measures and will repair any damage to the erosion control structures, as required.
- The staging areas and stockpile sites will be located outside the wetlands and wetland buffers.
- The erosion control measures will be maintained until bare soils have been successfully vegetated and approved by a professional biologist.

6.2 Planting Plan

Wetland. Non-native shrubs and herbaceous vegetation will be manually removed from the wetland, and will be re-vegetated as shown on the conceptual planting plan (Figure 3). Table 1 lists the plant species to be planted in the enhanced wetland. All of these plants are native to the area and will enhance the vegetative structure and diversity of the wetland. Native trees, shrubs, and herbs that are currently on the property will be retained. Therefore, a wetland biologist must be on-site during planting installation as many of the following plants will need to be adjusted based on micro-site conditions. Enhancement plantings will be designed to mimic natural shrub clustering and not necessarily to provide uniform cover.

Table 1. Planting List for Wetland

Scientific Name	Common Name	Layer
<i>Malus fusca</i>	Western crabapple	tree
<i>Salix lasiandra</i>	Pacific willow	tree
<i>Cornus stolonifera</i>	red-osier dogwood	shrub
<i>Rubus spectabilis</i>	salmonberry	shrub
<i>Rosa pisocarpa</i>	swamp rose	shrub
<i>Lonicera involucrata</i>	black twinberry	shrub
<i>Physocarpus capitatus</i>	Pacific ninebark	shrub
<i>Tolmiea menziesii</i>	piggyback plant	herbaceous

Wetland Buffer. Non-native vegetation will be manually removed from the wetland buffer. The plants to be used in re-planting the buffer are shown in Table 2, all of which are native to the area. The buffer areas to be re-planted are shown on Figure 3. Native trees, shrubs, and herbs currently in the buffer will be retained. For this reason, the plants shown in Table 2 must be field located by a wetland biologist prior to installation. The rose and snowberry plants will be installed along the edge of the wetland buffer. Over time, these plants will discourage people from entering the wetland.

Table 2. Planting List for Wetland Buffer

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

Any areas within the wetland buffer that are disturbed during construction will be seeded with a seed mix of *Alopecurus geniculatus* (water foxtail), *Agrostis stolonifera* (redtop), and *Festuca rubra* (red fescue) to stabilize soils and decrease the potential for non-native species to become established. The seed mix will be applied as shown on Figures 3 and 4.

Plants shown in Tables 1 and 2 will be installed between late October and early March, and will be installed based on details presented on Figure 4. Plant substitutions are not allowed unless approved by the project biologist and the City of Kirkland. Mulch will be placed to a depth of at least four inches around each installed plant and no closer than two inches to the plant stem.

6.3 Grading/Soils

To protect the side slope seeps, no grading or heavy equipment will be allowed on Lots 11 and 12. Non-native species will be manually removed. All cleared non-native woody debris will be removed from the site and properly disposed.

6.4 Hydrology

The side slope seeps will likely sustain the planted vegetation for much of the year. However, the installed plants may need water during the dry summer months or during periods of unusually low precipitation. To ensure that the installed plants do not die from lack of water, a temporary irrigation system will be installed. For the first two years following installation of the plants, a minimum of one inch of water will be provided to the enhanced wetland and wetland buffer during periods of low precipitation.

6.5 Habitat Features

To increase the habitat value of the enhanced wetland and wetland buffer, bird boxes will be installed. The location of these habitat features is shown on Figure 3. A cluster of two swallow boxes will be attached to each post, with one post installed in the western portion of the wetland and one post installed in the western portion of the wetland buffer. In addition, two bird boxes with small holes will be installed to attract songbirds such as chickadees and wrens. Both of these bird boxes will be located in the northern portion of the wetland. The holes in the bird boxes will be sized to exclude starlings.

Woody debris will be interspersed within the enhanced areas to provide habitat for small mammals, birds, amphibians, and reptiles. The woody material will be placed so that one-quarter of the diameter is buried in the substrate. Logs will be placed parallel to the slope (rather than vertical) to encourage use by small animals, to reduce soil erosion and surface water runoff, and trap nutrients suspended in runoff (Link 1999). The location of the woody material will be field located by the biologist during enhancement. Downed trees within the northern portion of Lot 10 will be the source of the woody material and a minimum of six logs will be placed in the wetland and wetland buffer.

7.0 PERFORMANCE STANDARDS

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

- Installed plant survival of 100 percent through the first growing season;
- At least 80 percent survival of installed plants during the second monitoring year;
- At least 60 percent cover of native vegetation during Year 3;
- At least 80 percent cover of native vegetation during Years 4 and 5; and
- Percent cover of non-native species less than 10 percent in each of the five monitoring years.

8.0 CONSTRUCTION PHASE

This enhancement plan will be implemented prior to or concurrent with site development. Plant installation will be between October and March. Project biologists will conduct periodic site visits during construction and installation to verify that the plants are being installed as planned, and that sediment control devices are functioning properly. Once the plants have been installed and approved by the City, the landscape architect or project biologist will provide the City with an as-built, which will be used to determine plant survival during monitoring.

9.0 MONITORING

Monitoring will be conducted by a qualified biologist. Monitoring of the wetland and buffer enhancement areas will begin when construction is complete and will continue annually for five years post-construction. The main objective for mitigation monitoring is to document the level of success in meeting the performance standards. Two site visits will be conducted annually: once in early spring to confirm wetland hydrology and one in mid-summer to assess plant survival/plant cover. Survival data will be based on the as-built provided by the landscape contractor after the plants have been installed. Permanent sampling points will be established in the enhanced wetland and buffer to assess the success of the mitigation project and obtain percent cover data. In addition, permanent photo-points will be established that show an overview of the enhanced wetland and wetland buffer as well as vegetation conditions at the sampling points.

9.1 Data Collection

The following will be recorded when the site is monitored:

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

In addition, any wildlife that is observed using the on-site habitats will be noted.

9.2 Reporting

Monitoring reports will document the success in meeting the performance standards. One monitoring report will be prepared annually, and will summarize the annual monitoring results. The reports will recommend maintenance and plant species replacements, as necessary. Photographs will be included in the annual monitoring reports. These reports will be finalized within 30 days of completing the monitoring. Monitoring reports will be submitted to the City of Kirkland annually for five years no later than October 31 of each year.

9.3 Maintenance

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

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

10.0 PERFORMANCE BOND

The City of Kirkland will require a performance bond to ensure that enhancement of the wetland and wetland buffer are implemented as presented in this report. According to KZC 90.145, the performance bond shall equal 125 percent of the cost of the mitigation project for a minimum of five years plus the cost of an administrative deposit. The bond may be released if the mitigation effort complies with permitting requirements and approvals.

11.0 CONTINGENCY PLAN

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

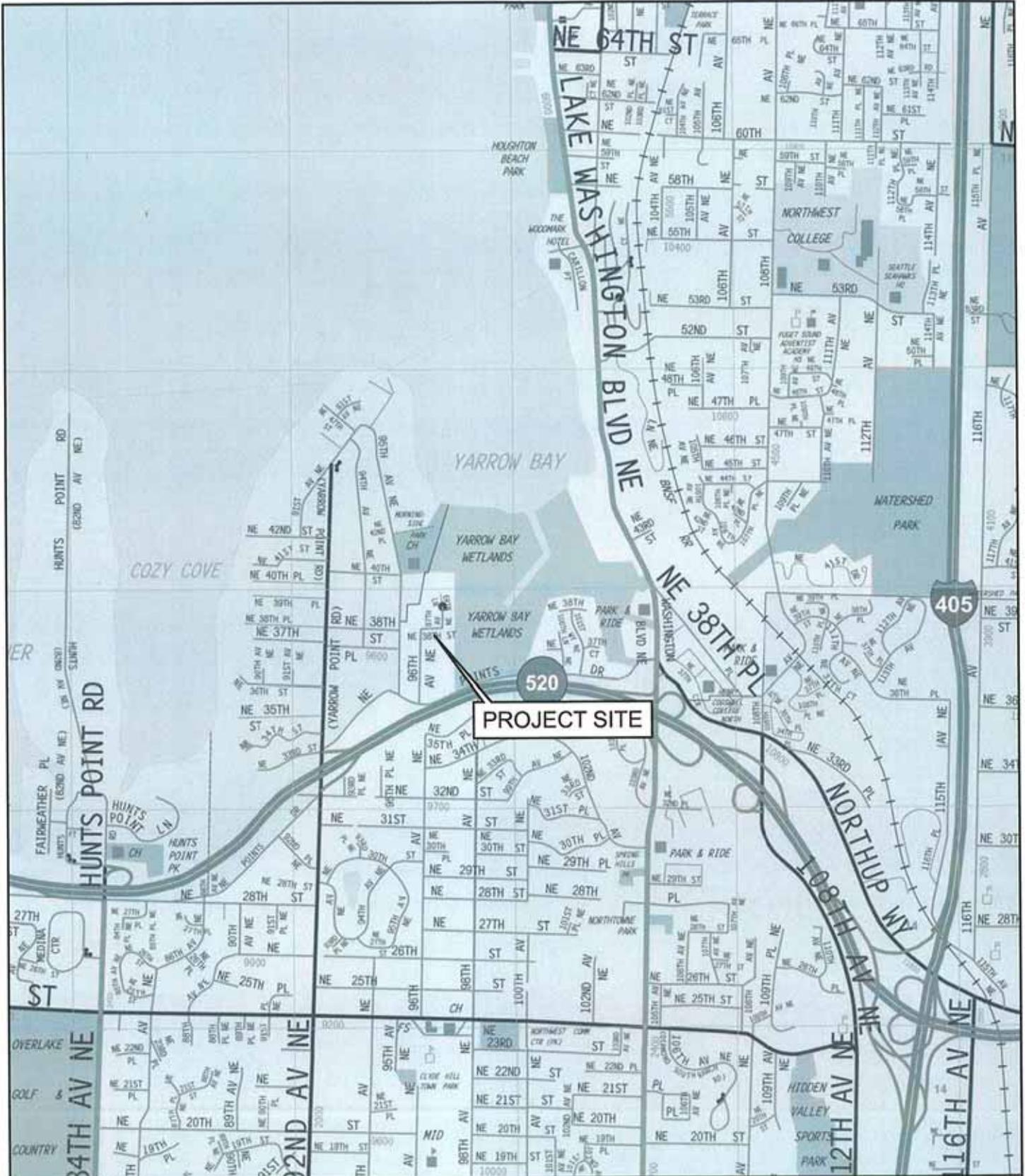
12.0 LIMITATIONS

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

REFERENCES

Link, R. 1999. *Landscaping for Wildlife in the Pacific Northwest*. University of Washington Press (published in association with the Washington Department of Fish and Wildlife).

FIGURES

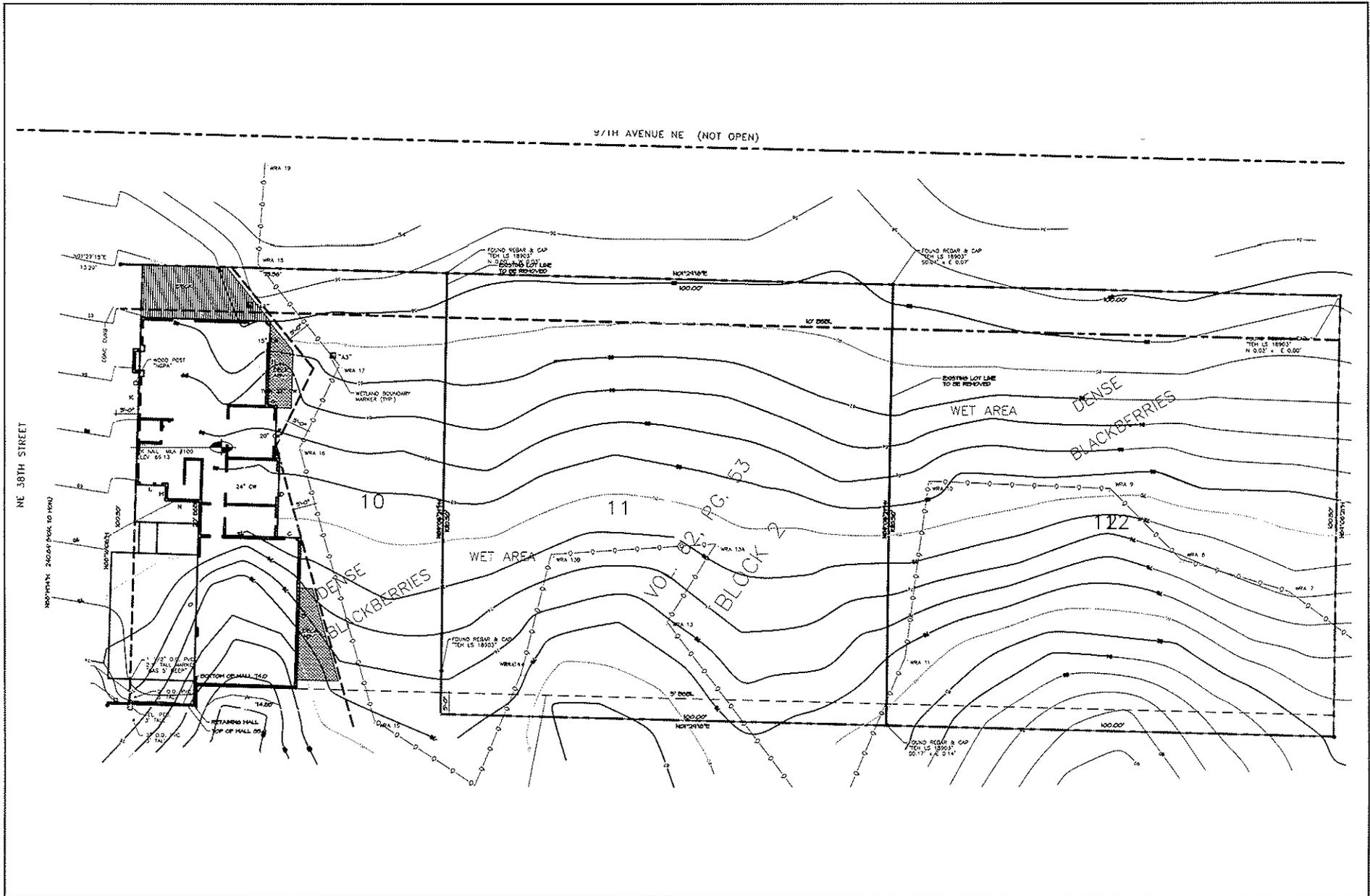


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 Created/last edited by: JAB
 Date last updated: 4/11/05
 Reference: 25031

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 guarantees regarding any aspect of data depiction.
 SOURCE: Thomas Bros. Maps, 2004.

FIGURE 1
 SITE VICINITY MAP
 HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON



File name: Fig02_sitemap.ai
 Created/last edited by: JAB
 Date last updated: 01/17/06
 Reference: 25031.1



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 SOURCE:

FIGURE 2
SITE MAP
 HINDLE/ROHDE PROPERTY
 KIRKLAND, WASHINGTON

NOTES

GENERAL

REFER TO ADOLFSON ASSOCIATES, INC. REPORT FOR DETAILED DESCRIPTIONS OF IMPACTS, PROPOSED MITIGATION, AND MONITORING METHODS.

WETLAND PROTECTION METHODS

BEST MANAGEMENT PRACTICES (BMP) SHALL BE EMPLOYED PRIOR TO AND DURING CONSTRUCTION AND SHALL INCLUDE: PRECONSTRUCTION MEETING WITH THE GENERAL CONTRACTOR, THE GRADING CONTRACTOR, THE LANDSCAPE CONTRACTOR ON-SITE FOREMAN, CITY OF KIRKLAND AND PERSONNEL, AND PROJECT BIOLOGIST/LANDSCAPE ARCHITECT TO EXPLAIN THE GENERAL CONCEPT, PLAN, AND CONSTRUCTION INSTRUCTIONS. OTHER ATTENDEES MAY INCLUDE REPRESENTATIVES FROM THE PROJECT ENGINEER, AND THE PROJECT SURVEYOR.

NO HEAVY EQUIPMENT SHALL CROSS WETLAND AREAS. ALL CLEARING AND BURNING IN WETLANDS SHALL BE DONE BY HAND. CLEARLY MARKING WITH BRIGHT FENING THE LIMITS OF CLEARING AND BURNING. COVERING ALL MACHINERY, TOOLS, MATERIALS, CONSTRUCTION ACTIVITY AND DEBRIS TO THE CONSTRUCTION AREAS. PLANTING ALL EXPOSED SOIL WITH NATIVE VEGETATION AND/OR SPECIES SELECTED WITHIN 14 DAYS AFTER GRADING ACTIVITIES. MAINTAINING EROSION CONTROL, MEASURING UNITS. THE AREA HAS BEEN SUCCESSFULLY PLANTED AND INSPECTED, SITE CONSTRUCTION IS COMPLETED, AND THE CITY OF KIRKLAND HAS ISSUED "FINAL APPROVAL" OF THE MITIGATION AREAS.

STAKING/MARKING MITIGATION AREAS

1. LIMITS OF CLEARING, GRADING, AND MITIGATION PLANTING AREAS MUST BE CLEARLY MARKED BY SURVEYING PRIOR TO AND DURING A SITE SURVEY AND GRADING ACTIVITIES, AND B) ENHANCEMENT PLANTINGS.

SITE PREPARATION

1. REMOVE NON-NATIVE SPECIES (SEE MAINTENANCE ACTIVITIES BELOW) FROM ALL PROPOSED PLANTING AREAS.
2. OVER EXCAVATE 6" MINIMUM AND LOOSEN COMPACTED SUBGRADE 6" TO 12".
3. INSTALL 1/2" SALVAGED ORBITE TOPSOIL. REPLACED SOILS SHALL CONTAIN AT LEAST 30% ORGANIC MATTER BY BULK DENSITY. SOIL AMENDMENTS IF NEEDED TO BE APPROVED BY PROJECT BIOLOGIST. MECHANICALLY TILL INTO SUBSOIL NO MORE THAN 6" AT A TIME.
4. FINISHED GRADE SHALL MATCH EXISTING GRADE EXCEPT AT THE OUTLET OF THE SOUTH DISPERSEAL TRENCH, WHERE FINISHED GRADE SHALL BE 25A.

MAINTENANCE

IN ORDER TO ACHIEVE PERFORMANCE STANDARDS, THE PERMITTEE SHALL HAVE THE ENHANCEMENT AREA MAINTAINED FOR THE DURATION OF THE MONITORING PERIOD. FIVE (5) YEARS. PROVIDE AT LEAST TWO MONITORING VISITS PER GROWING SEASON THROUGHOUT FIVE YEAR MONITORING PERIOD WITH ADDITIONAL VISITS AS DETERMINED NECESSARY BY PROJECT BIOLOGIST. REMOVAL OF ALL NON-NATIVE SPECIES SUCH AS HIMALAYAN MONARDRA, IVY AND HOLLER, YACHTER RED, AND BLACK COTTONWOOD BERRILLINGS/BARKING WITHIN THE MITIGATION AREA WILL BE THINDED TO A MINIMUM OF 12-FOOT CENTERS THROUGHOUT THE MONITORING PERIOD. REMOVE ALL NON-NATIVE VEGETATION DEBRIS. WATER IF PLANTS APPEAR EXCESSIVELY DRY. WATER ALL PROPOSED PLANTING AREAS AT A RATE OF AT LEAST (1) INCH OF WATER PER WEEK WITHOUT RAINFALL FROM JUNE 15 THROUGH SEPTEMBER 15 FOR AT LEAST THE FIRST TWO YEARS OF THE FIVE YEAR MONITORING PERIOD.

SUCCESS CRITERIA

1. 100% SURVIVAL OF ALL PLANTED TREES AND SHRUBS AFTER THE FIRST YEAR, AND AT LEAST 80% SURVIVAL IN YEAR TWO.
2. AT LEAST 80% COVER IN YEARS THREE AND FOUR.
3. AT LEAST 90% COVER IN YEARS FOUR AND FIVE.
4. ALL DEBRIS SUCH AS TRUNK AND BRANCH SHALL BE REMOVED ANNUALLY. NON-NATIVE PLANT SPECIES COVER SHALL NOT EXCEED 25% PERCENT.

MONITORING

1. MONITORING SCHEDULE (ADJUST YEAR ACCORDING TO ACTUAL CONSTRUCTION SCHEDULE):

PLANTING COMPLETED, 1ST PHOTOGRAPHS	WITHIN 30 DAYS
1ST YEAR MONITORING VISITS	SPRING & SUMMER
2ND YEAR MONITORING VISITS	SPRING & SUMMER
3RD YEAR MONITORING VISITS	SPRING & SUMMER
4TH YEAR MONITORING VISITS	SPRING & SUMMER
5TH YEAR MONITORING VISITS	SPRING & SUMMER

2. MONITORING PROTOCOL
1ST YEAR: ESTABLISH PERMANENT MONITORING PLOT AND PHOTO POINT LOCATIONS THROUGHOUT MITIGATION AREA. 2ND THROUGH 5TH YEAR: DETERMINE SURVIVAL AND/OR PERCENT COVER/COMPOSITION BY SPECIES. RECOMMEND MAINTENANCE OR CONTINGENCY ACTIVITIES.

3. MONITORING REPORT
FOLLOWING EACH YEAR'S MONITORING VISIT, PROVIDE A REPORT DETAILING THE FINDINGS OF THE VISIT. REPORT SHALL INCLUDE INFORMATION CONCERNING SURVIVAL AND CONDITION OF THE INSTALLED PLANTS, DECISIONS OF INVASIVE WEED COVER, PHOTOGRAPHS FROM ESTABLISHED PHOTO POINTS, AND ANY RECOMMENDATIONS FOR MAINTENANCE AND REPAIRS. THIS REPORT SHOULD BE SUBMITTED TO THE CITY OF KIRKLAND AND TO THE RESPONSIBLE PARTY OR OWNER BY OCTOBER 31 OF EACH YEAR'S MONITORING VISIT. THE RESPONSIBLE PARTY OR OWNER SHOULD ADDRESS ALL MAINTENANCE AND REPAIR RECOMMENDATIONS WITHIN 4 MONTHS OF RECEIVING EACH MONITORING REPORT, AND SHOULD FORWARD A MEMO TO THE CITY DETAILING ANY ACTIONS THAT WERE TAKEN.

CONTINGENCY PLANS

APPROPRIATE CONTINGENCY PLANS WILL BE DEVELOPED AS NECESSARY DURING THE 5-YEAR MONITORING PERIOD TO CORRECT PROBLEMS IDENTIFIED DURING MONITORING. IF NECESSARY, REPLANTING WILL BE CONDUCTED AFTER THE REASON FOR FAILURE HAS BEEN DETERMINED (E.G., POOR PLANTING STOCK, MOISTURE REGIME, HERBIVORY, DISEASE, SHADING CONDITIONS, HYDROLOGIC CONDITIONS, VANDALISM, PLANT COMPETITION, ETC.) IT WILL BE THE RESPONSIBILITY OF THE APPLICANTS TO HAVE THE PLANTS REINSTALLED AFTER THE 1-YEAR CONTRACTOR GUARANTEE PERIOD.

ALL CONTINGENCY PLANS WILL BE SUBMITTED TO THE CITY OF KIRKLAND FOR APPROVAL PRIOR TO IMPLEMENTATION.

RECORD DRAWINGS

AN AS-BUILT DRAWING WILL BE PROVIDED IMMEDIATELY AFTER COMPLETION OF PLANTING AND WILL INCLUDE A DIRECT COUNT OF PLANT SPECIES IN EACH PLANTING ZONE, AS WELL AS THE ESTABLISHED MONITORING PHOTO POINTS. THE AS-BUILT DRAWING SHOULD BE SUBMITTED TO THE CITY OF KIRKLAND WITHIN 30 DAYS OF INSTALLATION AND BEFORE THE ACCEPTANCE OF THE MITIGATION INSTALLATION.

PLANTING

1. PLANT MATERIALS SHALL BE NATIVE PLANTS, NURSERY GROWN IN THE PUGET SOUND AREA OF WASHINGTON.

HANDLING

1. PLANTS SHALL BE HANDLED SO AS TO AVOID ALL DAMAGE, INCLUDING BREAKING, BRUISING, ROOT DAMAGE, SUNBURN, BRYING, FEEDING OR OTHER INJURY. PLANTS MUST BE COVERED DURING TRANSPORT. PLANTS SHALL NOT BE BOUND WITH TYRE OR ROPE IN A MANNER THAT COULD DAMAGE BRANCHES. PROTECT PLANT ROOTS WITH BUBBLE AND WET SOIL IN THE PERIOD BETWEEN DELIVERY AND INSTALLATION. DO NOT LIFT CONTAINER STOCK BY TRUNKS, STEMS OR TOPS. DO NOT REMOVE FROM CONTAINERS UNTIL READY TO PLANT. WATER ALL PLANTS AS NECESSARY TO KEEP MOISTURE LEVELS APPROPRIATE TO THE SPECIES HORTICULTURAL REQUIREMENTS. PLANTS SHALL NOT BE ALLOWED TO DRY OUT. ALL PLANTS SHALL BE WATERED THOROUGHLY IMMEDIATELY UPON INSTALLATION. SOAK ALL CONTAINERED PLANTS THOROUGHLY PRIOR TO INSTALLATION. PLANTS WHOSE ROOTS HAVE DRIED OUT FROM EXPOSURE WILL NOT BE ACCEPTED AT INSTALLATION INSPECTION.

DAMAGED PLANTS

1. DAMAGED BRIDED OUT, OR OTHERWISE MISHANDLED PLANTS WILL BE REJECTED AT INSTALLATION INSPECTION. ALL REJECTED PLANTS SHALL BE IMMEDIATELY REMOVED FROM THE SITE.

PLANT NAMES

1. PLANT NAMES SHALL COMPLY WITH THOSE GENERALLY ACCEPTED IN THE NATIVE PLANT NURSERY TRADE. ANY QUESTION REGARDING PLANT SPECIES OR VARIETY SHALL BE REFERRED TO THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT.

PLANT SUBSTITUTIONS

1. PLANT SUBSTITUTIONS ARE NOT PERMITTED WITHOUT THE PERMISSION OF THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT. SIMILAR SPECIES SUBSTITUTIONS OF LARGER SIZE DO NOT REQUIRE SPECIAL PERMISSION. HOWEVER, SMALL PLANTS OTHER EXPERIENCE LESS THAN PLANT STOCK AND ADAPT MORE QUICKLY TO SITE CONDITIONS, RESULTING IN A HIGHER SUCCESS RATE. AS SUCH, SMALLER PLANTS WILL BE APPROVED AS SUBSTITUTIONS BASED ON CERTAIN SITE-SPECIFIC CONDITIONS (TREES NOT LESS THAN 1 GALLON SIZE HOWEVER).

QUALITY AND CONDITION

1. PLANTS SHALL BE NORMAL IN PATTERN OF GROWTH, HEALTHY, WELL BRANCHED, VIGOROUS, WITH WELL DEVELOPED ROOT SYSTEMS, AND FREE OF PESTS AND DISEASES. DAMAGED, OVERSIZED, PEST-INFESTED, SCARPED, BRUISED, DRIED OUT, BURNT, BARKED, OR DEFECTIVE PLANTS WILL BE REJECTED. PLANTS WITH PAWING WOUNDS OVER 1" IN DIAMETER WILL BE REJECTED.

ROOTS

1. ALL PLANTS SHALL BE CONTAINERIZED OR BALLEED AND BURLAPPED, UNLESS EXPLICITLY AUTHORIZED BY THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT. ROOT-BOUND PLANTS OR B&B PLANTS WITH DAMAGED, CRACKED OR LOOSE ROOTBALLS (SHOULD ROOTBALLS BE REJECTED). IMMEDIATELY BEFORE INSTALLATION, PLANTS WITH MINOR ROOT DAMAGE (HOME BROKEN AND/OR TWISTED ROOTS) MUST BE RECONDITIONED. ROOTS OF CONTAINERIZED PLANTS MUST BE PRUNED OR STRAIGHTENED AND THE HOLES OF THE ROOT BALL MUST BE ROUGHENED FROM TOP TO BOTTOM TO A DEPTH OF APPROXIMATELY HALF AN INCH IN 1/2 TO FOUR PLACES.

TIMING

1. PLANTINGS SHALL BE INSTALLED IN THE FALL-WINTER SEASON TO ENSURE ADEQUATE MOISTURE DURING PLANT ESTABLISHMENT.

PLANTING SPECIFICATIONS

1. THIS PLANTING PLAN IS DESIGNED TO REPLICATE NATURAL PLANT COMMUNITIES IN SPECIES COMPOSITION AND ARRANGEMENT. EVEN SPACING AND STRAIGHT-ROW PLANTING ARE NOT DESIRED WITH THE EXCEPTION OF PLANTING ALONG THE TRAIL THROUGH THE BUFFER.

2. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE 100% PLANT SURVIVAL FOR ONE YEAR AFTER PROVISIONAL ACCEPTANCE BY THE CITY OF KIRKLAND. ALL DEAD OR DYING PLANTS SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR ANY GUARANTEED THROUGH THE FOLLOWING YEAR. PRIOR TO PLANT INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT OF ANY CONDITIONS THAT ARE LIKELY TO IMPAIR PLANT SURVIVAL. ALTERNATIVES WILL BE APPROVED BY THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT PRIOR TO PLANT SUBSTITUTION.

3. PLANT PROCUREMENT, TRANSPORT, STORAGE, HANDLING, PLANTING TECHNIQUES, CARE OF EXISTING SOIL AND VEGETATION, AND WATERING ARE TO BE PERFORMED PER LANDSCAPE INDUSTRY STANDARDS.

4. DEPENDING ON THE AVAILABILITY OF NATURAL RAINFALL, THE LANDSCAPE CONTRACTOR MAY NEED TO PROVIDE SUPPLEMENTAL WATERING TO ENSURE PLANT SURVIVAL.

5. PLANT PROCUREMENT, TRANSPORT, STORAGE, HANDLING, PLANTING TECHNIQUES, CARE OF EXISTING SOIL AND VEGETATION, AND WATERING ARE TO BE PERFORMED PER LANDSCAPE INDUSTRY STANDARDS.

6. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE 100% PLANT SURVIVAL FOR ONE YEAR AFTER PROVISIONAL ACCEPTANCE BY THE CITY OF KIRKLAND. ALL DEAD OR DYING PLANTS SHALL BE REPLACED BY THE LANDSCAPE CONTRACTOR ANY GUARANTEED THROUGH THE FOLLOWING YEAR. PRIOR TO PLANT INSTALLATION, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT OF ANY CONDITIONS THAT ARE LIKELY TO IMPAIR PLANT SURVIVAL. ALTERNATIVES WILL BE APPROVED BY THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT PRIOR TO PLANT SUBSTITUTION.

PERCENT COVER

1. AT THE TIME OF PLANTING: 100% WITH GRASS SEED ONSPOTTED. ANY NONMULCHED OR BARE AREA GREATER THAN 1 SQUARE FOOT SHALL BE RESEED OR PLANTED.

STAKING

MOST SHRUBS AND TREES DO NOT REQUIRE ANY STAKING. IF THE PLANT CAN STAND ALONE WITHOUT STAKING IN A MODERATE WIND, DO NOT USE A STAKE. HOWEVER, IF THE PLANT NEEDS SUPPORT, THEN USE A STAKE WITH STRAPPING OR WRAPPING PLACED AS LOW AS POSSIBLE ON THE TRUNK TO LOOSELY BRACE THE TREE WITH TWO STAKES (SEE PLANTING DETAIL). DO NOT BRACE THE PLANT TIGHTLY OR TOO HIGH ON THE STEM. IF THE PLANT IS UNABLE TO STAY, IT WILL FURTHER LOSE THE ABILITY TO SUPPORT ITSELF. IF PLANTS FALL OVER FOR ANY REASON, THEY WILL BE REPLANTED OR REPLACED AS NECESSARY. DO NOT USE WIRE IN A BURRHOLES HOLES FOR STAKING AS IT EXERTS TOO MUCH PRESSURE ON THE BARK. AS SOON AS SUPPORTING THE PLANT BECOMES UNNECESSARY, REMOVE THE STAKES. ALL STAKES MUST BE REMOVED WITHIN TWO (2) YEARS OF INSTALLATION.

MULCHING

1. ALL TREES, SHRUBS, GROUNDCOVERS AND CROPTERS TO RECEIVE 4" OF FULLY ADDED GEAR GROVE COMPOST OR EQUAL TO BE APPROVED BY PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT PRIOR TO INSTALLATION TO ASSIST PLANT SURVIVAL (SEE DETAIL THIS SHEET). COMPOST SHALL BE KEPT WELL AWAY (AT LEAST 2") FROM THE TRUNKS AND STEMS OF ALL PLANTS. NO BARK PRODUCTS OR RANGOLIT WILL BE PERMITTED. MULCH SHALL BE FREE OF WEED SEEDS.

SEEDING

1. HYDROSEED OR HAND SEED ALL AREAS OF DISTURBED SOIL WITHIN THE MITIGATION AND TRAIL RESTORATION AREAS EXCLUDING MULCHED PLANT SITES. SEE THE PLANT SCHEDULE FOR SEED MIX AND APPLICATION RATES. HYDROSEED TO INCLUDE TACKIFIER, MULCH AND FERTILIZER COMPONENTS. PROJECT BIOLOGIST TO APPROVE FINAL MIX.

2. TIMING: SEEDING SHALL NOT TAKE PLACE UNTIL MULCH HAS BEEN APPLIED. CONTRACTOR SHALL INSURE THAT AREAS TO RECEIVE SEED ARE CLEAN OF DEBRIS AND THAT FINAL GRADES ARE COMPLETE. SEEDING SHALL BE PERFORMED AFTER OTHER PLANT INSTALLATION IS COMPLETE. SEEDING IS THE FINAL STEP OF THE INITIAL INSTALLATION; SITE SHALL BE CLOSED TO ALL VEHICLES AND FOOT TRAFFIC SHALL BE MINIMIZED AFTER SEEDING IS COMPLETE. SEEDING SHALL NOT TAKE PLACE WHEN THE GROUND IS FROZEN OR IN WINDY WEATHER. SEEDS SHALL BE HAND BROADCAST OR BY MECHANICAL HAND POWERED SPREADER, WITH AN EVEN DISTRIBUTION AS FEASIBLE. AREAS WITHIN 12" OF STEMS OF INSTALLED PLANTS SHALL NOT BE SEEDS.

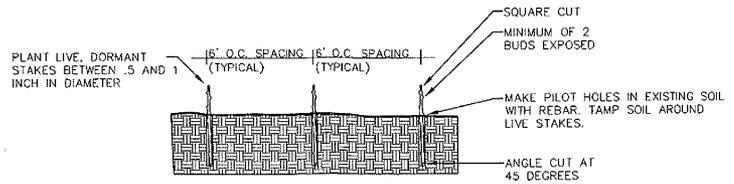
3. PERCENT WEED SEED SHALL BE 0.005% BY WEIGHT MAXIMUM. CONTRACTOR SHALL PROVIDE TO THE PROJECT BIOLOGIST OR LANDSCAPE ARCHITECT A COPY OF SEED ANALYSIS TAG, PROOF OF PROVENANCE, AND SUPPLIER GUARANTEE OF CONTENTS AND PURITY.

TEMPORARY EROSION AND SEDIMENTATION CONTROL (TESC)

PRIOR TO INITIATION OF CONSTRUCTION ACTIVITIES, SILT FENCING SHALL BE PLACED AROUND THE PERIMETER AREAS OF PROPOSED DISTURBANCE. THIS CONTROL MEASURES WILL FUNCTION TO PREVENT SILTATION WITHIN THE WETLANDS, STAKES, AND BUFFER. ALL SEDIMENTATION CONTROL STRUCTURES SHALL BE KEPT IN PLACE AND FUNCTIONING UNTIL GROUND VEGETATION IS FULLY ESTABLISHED. REFER TO THE SITE ENGINEER'S TESC PLAN FOR ALL DETAILS.

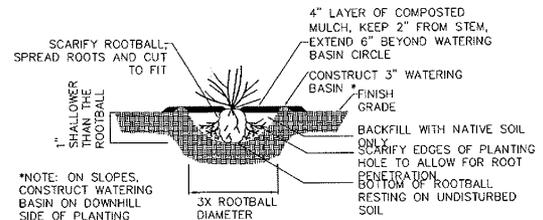
HERBICIDES/PESTICIDES

CHEMICAL CONTROLS SHALL NOT BE USED IN THE MITIGATION/RESTORATION AREA, SENSITIVE AREAS, OR THEIR BUFFERS. HOWEVER, LIMITED USE OF HERBICIDES MAY BE APPROVED DEPENDING ON SITE-SPECIFIC CONDITIONS, ONLY IF APPROVED BY CITY OF KIRKLAND STAFF.



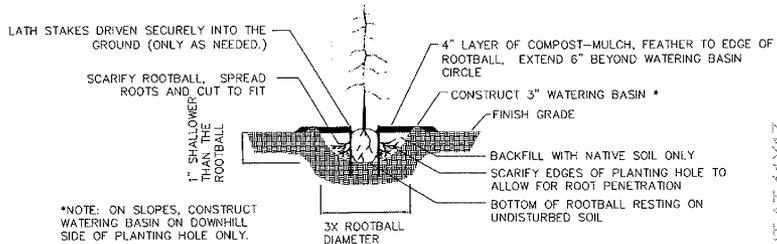
LIVE STAKE DETAIL

NOT TO SCALE



SHRUB PLANTING DETAIL

NOT TO SCALE



TREE PLANTING DETAIL

NOT TO SCALE

HALF-SIZED PRINT AT 11X17

<p>ADOLFSON ASSOCIATES, INC. Environmental Solutions 5309 Shilshole Ave. NW Seattle, WA 98107 P: (206) 709-9856 F: (206) 788-9884</p>	<p>NOT TO SCALE</p>	<p>File name: 25031_Planting.dwg Date: 1/24/05 mbe Revised:</p>
	<p>MAP DATA ARE THE PROPERTY OF THE SOURCES LISTED BELOW. SOURCE: NADY, JAMES ANDERSON, 12-20-03</p>	

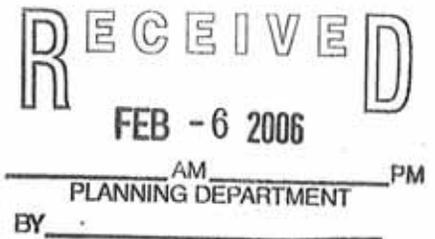
FIGURE 4
PLANTING DETAILS
HINDLE/ROHDE PROPERTY
KIRKLAND, WASHINGTON



Environmental Solutions

January 17, 2006

Jeff Hindle
Barbara Rohde
11277 Juanita Drive NE
Kirkland, Washington 98034



Subject: Hindle/Rohde - Stormwater Flows

Dear Jeff and Barb:

I have reviewed Sheets C1 and C2 as submitted to us by Mr. Rick Jones on January 9, 2006. Sheet C1 is a plan sheet showing the layout of the proposed home, the adjacent street, the adjacent wetlands and the topography of the site. Sheet C2 has the same information, but at a larger scale and does not include the entire site.

Recommendation 10 in the July 21, 2005 letter from Hugh Mortensen of the Watershed Company reads, "Ensure that the amount of water flowing into the wetland remains unchanged post development. Foundation and yard drains are to direct intercepted water back to the wetland such that no part of undisturbed wetland is deprived of hydrology."

Currently less than half of the site that is proposed to be disturbed drains towards the wetland, Figure 1. The remainder of the construction site drains to the north towards NE 38th Street, or to the east. In order to meet the requirements of recommendation 10 the following steps should be included in the design and the construction of the home.

- All sections of the roof that flow to the south should flow to roof drains on the south side of the house.
- Roof drains should be placed as far uphill, to the west, as possible.
- Water from all roof drains should flow onto a spreader block that directs flow towards the wetland, or a shallow dry well could be used in lieu of a spreader block. If spreader blocks are used they need to be sized for the amount of flow anticipated and to prevent erosion.
- Additional sections of the roof may be designed to drain towards the wetland to provide additional flow for the wetland. Should you decide to direct more flow towards the wetland care must be taken to prevent erosion within the wetland or its buffer.

We have enjoyed working with you on this project. Please feel free to contact us if you have questions or if you need additional assistance.

Sincerely,
ADOLFSON ASSOCIATES, INC.

Dave Carlton, PE
Director of Water Resources

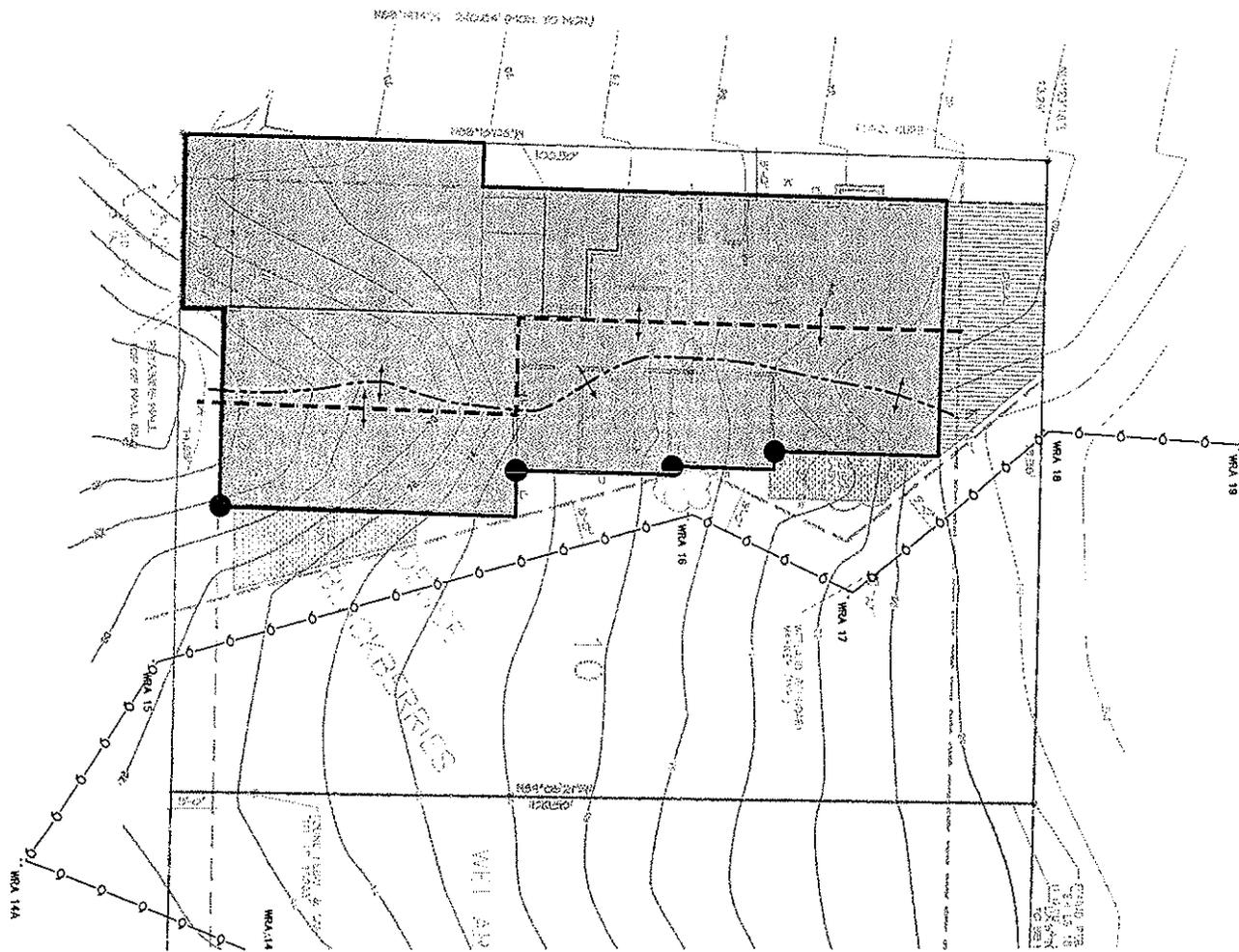
ADOLFSON ASSOCIATES, INC. 5309 Shilshole Avenue NW, Suite 200, Seattle,

25031

Tel 206 789 9658 Fax 206 789 9684 adolfs@adolfs.com

ATTACHMENT 6c
ZON 05-00011

NE 38TH STREET



- ROOF DRAINAGE
- - - - - EXISTING DRAINAGE
- ○ ○ ○ WETLAND BOUNDARY
- DOWNSPOUT LOCATIONS



File name:
Fig01_roof_drainage.ai
Created/last edited by: JAB
Date last updated: 01/24/06
Reference: 25031.1



NOT TO SCALE

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

FIGURE 1
DRAINAGE TO WETLAND
HINDLE/ROHDE PROPERTY
KIRKLAND, WASHINGTON



The Watershed Company

7 March 2006

Desiree Goble
City of Kirkland Planning Department
123 Fifth Avenue
Kirkland, WA 98033

RECEIVED

MAR -8 2006

AM PM
PLANNING DEPARTMENT
BY _____

Re: Hindle/Rohde Reasonable Use Application and Wetland Review

Dear Desiree,

Thank you for the opportunity to review information resubmitted for the Hindle/Rohde project located at 96XX 38th Ave NE (tax parcels 980850-0160,0170 & 0180). This letter shall serve as our second environmental review of the wetland delineation, wetland mitigation and reasonable use request prepared by the applicant's environmental consultant, Adolfsen Associates Inc.

Resubmitted documents reviewed for the project include the following:

- 1) January 2006 Statement of Compliance with KZC 90.140 (Reasonable Use) Hindle/Rohde Zoning Permit Application, prepared by Adolfsen Associates
- 2) January 2006 Wetland and Buffer Enhancement Plan, also prepared by Adolfsen Associates.
- 3) January 17, 2006 Stormwater Flows letter from Dave Carlton of Adolfsen Associates.

Wetland Resources Inc flagged the original wetland delineation.

Findings

As requested, the new proposal has diminished impacts to the wetland over the initial submittal. The lower impacts are a result of reducing house size and landscaping area, eliminating wetland area loss, and reducing overall site grading.

Recommendations 1 and 3-8 made in my 21 July 2006 review letter have been adequately addressed in the resubmitted materials. However, Recommendations 2, 9 and 10 have only partially been addressed.

Recommendation two asked, in part, that the overall impact and impervious area be shown on the site plan. The impact is clearly shown, however no area figures are given for impervious surfaces. The site plan is not very clear. There appears to be a driveway in front of what appears to be a garage on the west end of the home. This driveway and garage should be labeled. Also, through innovative design of the built portion of the site, impacts can be further reduced. For instance, this driveway could be constructed of permeable concrete to allow infiltration through the surface.

Recommendation nine concerned a fence or equivalent barrier plantings. Since no fence is proposed, it is assumed that the perimeter enhancement plants of snowberry and rose are the proposed barrier plantings. While it is a dense shrub, snowberry is not an equivalent barrier as it is fairly low growing and has no thorns. Therefore, the plan should show the rose plants mixed in evenly with the snowberry, rather than in clusters. Additionally, the monitoring plan should specifically address whether this hedge barrier is dense enough upon installation, is functioning as intended over time, or whether additional plantings are needed to close up openings that may appear from stress or mortality or other reasons.

Recommendation ten was partially addressed by the letter from Mr. Carlton. However, the letter only addresses roof drains. No mention of perimeter or curtain foundation drains is made in this submittal. Also, since the home is so close to the wetland, will the construction require the use of sump pumps to dewater sub-grade areas of the garage, crawl space or basement? Both foundation drains and sump pump water should also be directed towards dispersal systems that ultimately outlet towards the wetland.

The Statement of Compliance document states that the "Wetland and buffer areas on Lots 11 and 12...will be enhanced..." However, the supplied figures show enhancements on only a portion of Lot 11 and none on Lot 12. This document also states that the "Applicants are proposing to construct on only one of the lots" and later on "none of Lots 11 and 12 will be used by the property owners." The implication is that the wetland and buffers on these other lots are being preserved. Preservation of existing resources is a legitimate mitigation strategy, when combined with enhancement. If preservation is part of the overall mitigation strategy, it should be clearly stated and quantified.

This letter is not meant to determine whether or not the proposed house is of a reasonable size or whether the proposed application represents a reasonable use of the lot. That being acknowledged, a smaller impact area would obviously have less of an impact on the wetland and buffer. A proposal with a smaller home, 2-car garage instead of a 3-car and less deck area would leave more area for buffer and enhancement of buffer.

Please call if you have any questions or if you need further assistance on this project.

Sincerely,



Hugh Mortensen
Ecologist/PWS

CHAPTER 15 - SINGLE-FAMILY RESIDENTIAL (RS) ZONES

15.05 User Guide. The charts in KZC 15.10 contain the basic zoning regulations that apply in each RS 35, RS 12.5, RS 8.5, RS 7.2 and RS 5.0 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 15.08

Zone
RS

Section 15.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
(Does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care Center uses).
3. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
4. May also be regulated under the Shoreline Master Program, KMC Title 24.

ATTACHMENT **8**
ZON 05-00011

(Revised 12/04)



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
		Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear						
.010 Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 3.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 zones, the minimum lot size is 35,000 square feet. In RS 12.5 zones, the minimum lot size is 12,500 square feet. In RS 8.5 zones, the minimum lot size is 8,500 square feet. In RS 7.2 zones, the minimum lot size is 7,200 square feet. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RS 35 zones, F.A.R. is 20 percent of lot size. In RS 12.5 zones, F.A.R. is 35 percent of lot size. In RS 8.5 zones, F.A.R. is 50 percent of lot size. In RS 7.2 zones, F.A.R. is 50 percent of lot size. In RS 5.0 zones, F.A.R. is 60 percent of lot size. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
			Front	Side	Rear						
.020 Church	See Spec. Reg. 3.	As established on the Zoning Map. See Spec. Reg. 1.	20'	20' on each side	20'	70%	25' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 4.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. The property must be served by a collector or arterial street. 3. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 4. No parking is required for day-care or school ancillary to the use.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
USE ↓ ↑	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	School or Day-Care Center	See Spec. Reg. 10.	As established on the Zoning Map. See Spec. Reg. 1.	If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50'	If this use can accommodate 13 to 49 students or children, then: 20' 20' on each side 20'	70%	25' above average building elevation. See Spec. Reg. 12.	D	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 3. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Car-pooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.	

REGULATIONS CONTINUED ON NEXT PAGE

Section 15.10

Zone
RS

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
USE ↓ REGULATIONS →	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
			Front	Side	Rear							
.030 School or Day-Care Center (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 11. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 12. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i>	
.040 Mini-School or Mini-Day-Care Center	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Special Regulation 1.	20'	5' but 2 side yards must equal at least 15'.	10'	50%	25' above average building elevation.	E	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 3. A six-foot-high fence is required along the property lines adjacent to the outside play areas. REGULATIONS CONTINUED ON NEXT PAGE	



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
USE ↓ ↑	REGULATIONS ↓ ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Mini-School or Mini-Day-Care Center (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 4. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines by five feet. 6. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 7. The location of parking and passenger loading areas shall be designated to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 9. May include accessory living facilities for staff persons. 10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.050	(Reserved)											
.060	Golf Course	Process IIA, Chapter 150 KZC.	1 acre	50'	50' on each side	50'	50%	25' above average building elevation.	E	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. May not include miniature golf. 3. The following accessory uses are specifically permitted as part of this use. a. Equipment storage facilities. b. Retail sales and rental of golf equipment and accessories. c. A restaurant.
.070	Public Utility	See Special Regulation 2.	None	20'	20' on each side	20'	70%		A			1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.080	Government Facility Community Facility				10' on each side							

Section 15.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
USE ↓ REGULATIONS →	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--	B	See KZC 105.25.	1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: <ol style="list-style-type: none"> a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board; b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following: <ol style="list-style-type: none"> 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds: <ol style="list-style-type: none"> 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare; 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040. 		

REGULATIONS CONTINUED ON NEXT PAGE



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Public Park (continued)									<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:</p> <ul style="list-style-type: none"> a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. <p>2. Development and use of a park does not require a Master Plan under this Code if it will not involve any of the following:</p> <ul style="list-style-type: none"> a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet; c. The construction of more than 20 parking stalls; d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment. 		

**HOUSE SIZES FOR ALL PROPERTIES ACCESSING
FROM 96TH AVE NE AND NE POINTS DRIVE**

Property Address	1 st Floor sf	2 nd Floor sf	Basement	Garage	Total sf	Year Built	Property Size (sf)
3605 96 th Ave NE	1,840	1,210	1,550	810	5,410	1998	13,244
3617 96 th Ave NE	1,750	1,850		660	4,260	1998	14,172
3701 96 th Ave NE	1,650	1,980		760	4,390	1999	15,051
3708 96 th Ave NE	2,480		2,200	797	5,477	2005	9,401
3709 96 th Ave NE	1,920	1,760		760	4,440	1997	15,025
3715 96 th Ave NE	3,360			990	4,350	1999	14,999
3727 96 th Ave NE	1,746	1,850		730	4,326	1999	16,663
3811 97 th Ave NE	2,910	1,020		830	4,760	1999	21,621
3901 97 th Ave NE	1,850	2,200		720	4,770	2000	13,008
3923 97 th Ave NE	2,710	1,140		860	4,710	2000	14,276
3929 97 th Ave NE	2,610	1,170		750	4,530	2001	12,831
3933 97 th Ave NE	1,530	2,490		1,090	5,110	2001	13,515
9610 NE 38 th St.	1,620	2,020		720	4,360	1998	13,181
9612 NE 38 th St.	1,730	1,620		770	4,120	1998	12,705
9506 Points Drive NE	1,640	1,040	1,560	1,230	5,470	1991	12,535

Total	31,346	21,350	5,310	12,477	70,483		212,227
Average (Total/15)	2,090	1,423	354	832	4,699		13,264

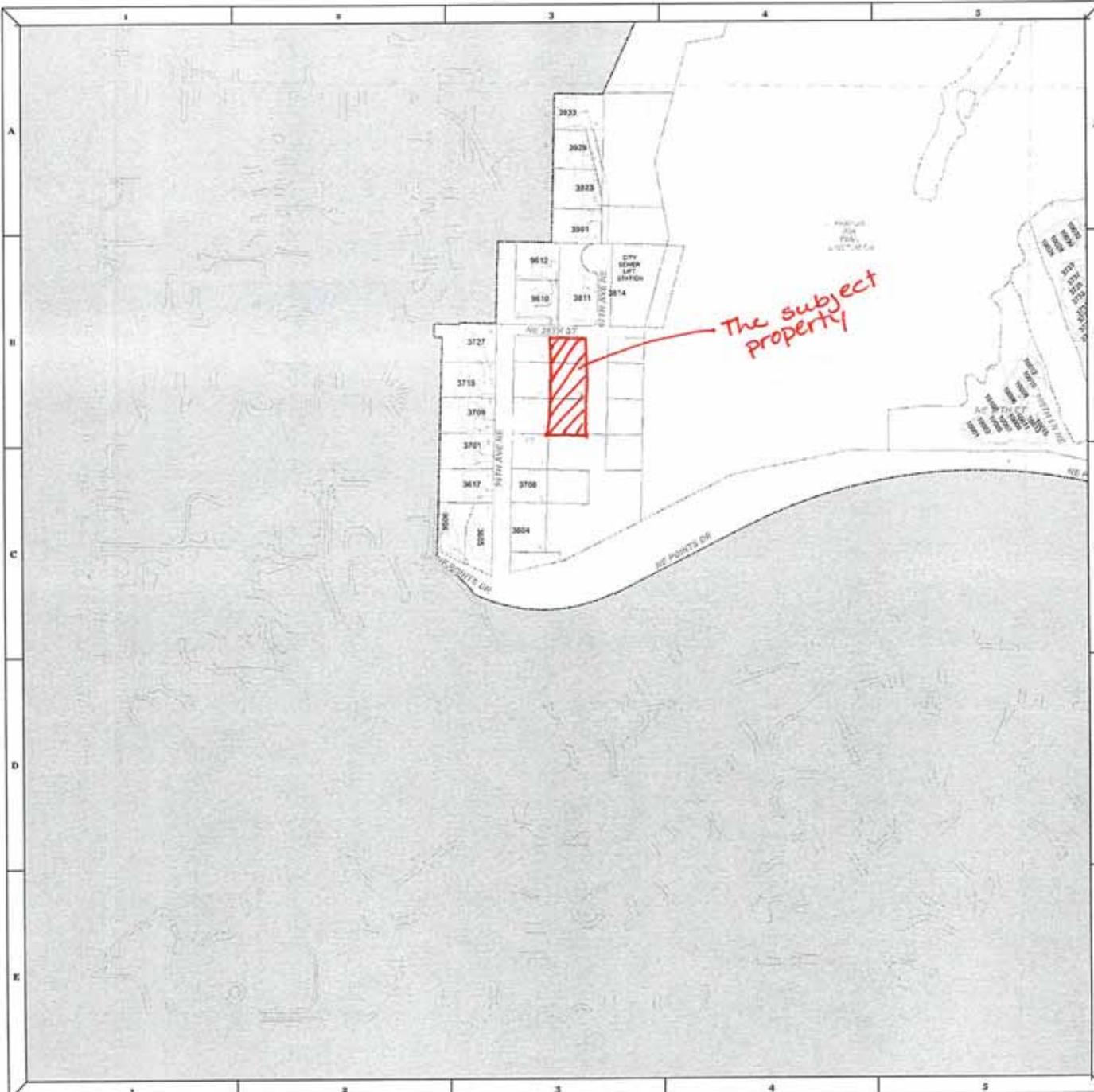
Proposed House:	1,379	1,629	1,254	794	5,056		27,547
-----------------	-------	-------	-------	-----	-------	--	--------

Source: King County Assessor Parcel Records
 Building Permit BLD03-01178 provided the garage size for the residence at 3708 96th Ave NE

ATTACHMENT <u>9</u>
<u>ZON 05-00011</u>



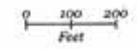
City of Kirkland Site Address Book



The subject property

Legend

- Driveway
- Seattle City Light Easement
- Street Centerline
- Railroad
- Parcel Boundary
- Kirkland City Limit
- Kirkland Grid System
- FEMA 100 Year Flood Plain
- Methane Mitigation Area
- Building Footprints
- Apartments
- Condominiums
- Parks
- Unopened Right-of-ways
- Accessory Dwelling Units



Produced by the City of Kirkland
and the Planning Department
for the purpose of providing information
to the public. It is not intended to be used
for any other purpose.

CHART 24.05.110

SHORELINE ENVIRONMENT USES	URBAN MIXED 1 SHORELINE ENVIRON.	URBAN MIXED 2 SHORELINE ENVIRON.	URBAN RESIDENTIAL 1 SHORELINE ENVIRON.	URBAN RESIDENTIAL 2 SHORELINE ENVIRON.	SUBURBAN RESIDENTIAL SHORELINE ENVIRON.	CONSERVANCY 1 SHORELINE ENVIRON.	CONSERVANCY 2 SHORELINE ENVIRON.
Detached Residential	SDP*	SDP*	SDP*	SDP*	SDP*	SCUP	SCUP
Attached or Stacked Residential	SDP	SDP	SDP	SDP	NP	NP	SCUP
Restaurant or Tavern	SDP	SDP	SDP	NP	NP	NP	NP
Retail or Office	SDP	SDP	NP	NP	NP	NP	NP
Moorage Structures and Facilities	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Public Parks	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Utilities Government Facilities, Roads, etc.	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Bulkheads and Similar Structures	SDP	SDP	SDP	SDP	SDP	NP*	NP
Breakwaters	SDP	SDP	SCUP	SCUP	NP	NP*	NP*
Dredging	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Filling	SCUP	SCUP	SCUP	SCUP	SCUP	NP*	NP*
Public Access Pier or Boardwalk	SDP	SDP	SDP	SDP	NP	NP*	NP*
Land Surface Modification	SDP	SDP	SDP	SDP	SDP	SCUP	SCUP

SDP: Substantial Development Permit
 SCUP: Shoreline Conditional Use Permit

NP: Not Permitted

NP* May be permitted as an accessory to public parks if approved through a S.C.U.P.

*: This use is exempt from Substantial Development Permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-14-040(g), as amended.

NOTE: Hydraulic permits may also be required from the State Department of Fisheries and Wildlife for development or activities located waterward of the ordinary high water mark.

ATTACHMENT 10
 ZON 05-00011

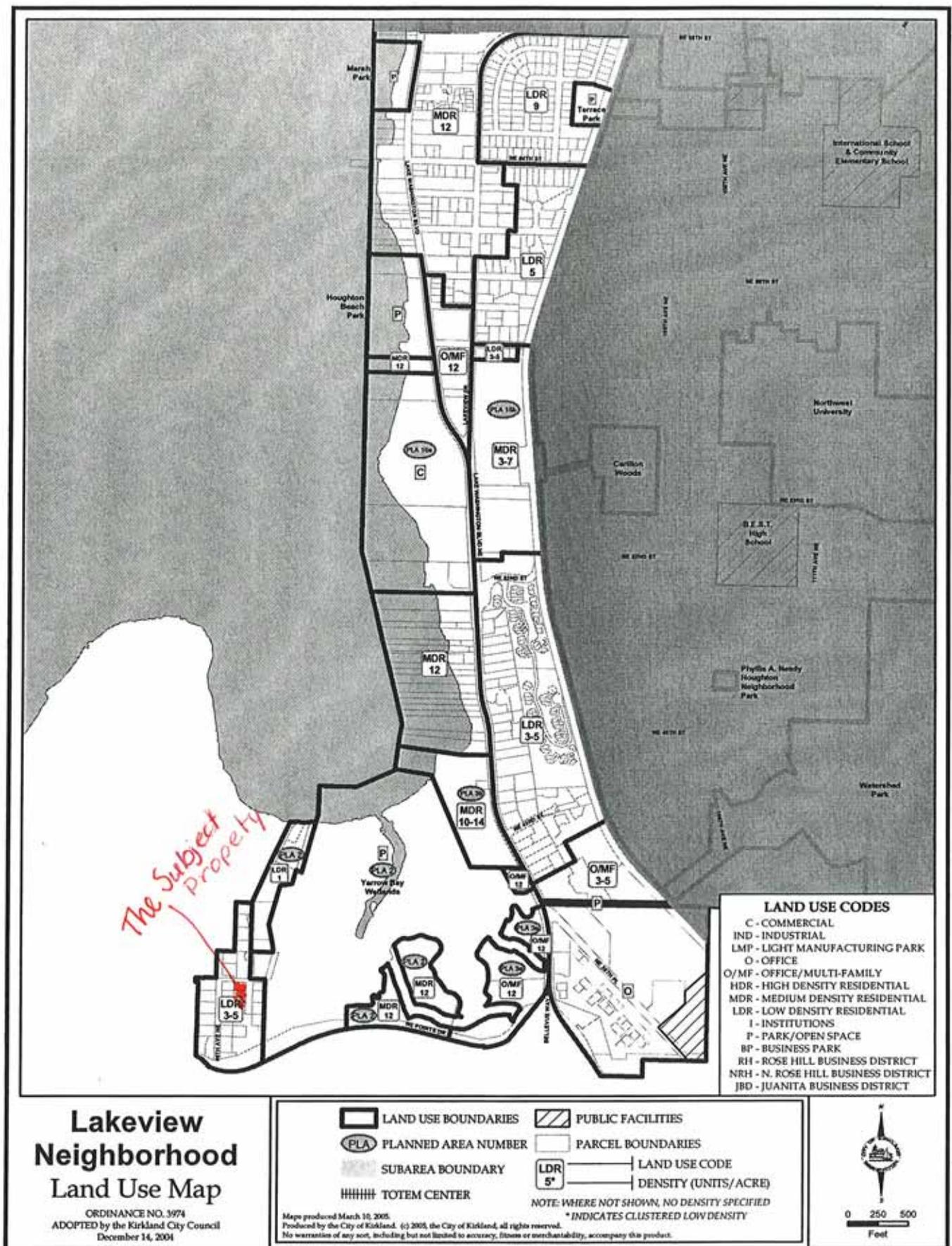


Figure L-1: Lakeview Land Use



NATURAL GREENBELT PROTECTIVE EASEMENT

Parcel Data File: _____

Grantor: _____, owner of the hereinafter described real property, hereby grants to

Grantee: The City of Kirkland, a municipal corporation.

A natural greenbelt protective easement over and across the following described real property to-wit:

See Exhibit A.

No tree trimming, tree topping, tree cutting, or tree removal, nor shrub or brush-cutting or removal, (((nor application of pesticides, herbicides, or fertilizers))) nor construction, clearing, or alteration activities shall occur within the easement area without prior written approval from the City of Kirkland. Application for such written approval to be made to the Kirkland Department of Planning and Community Development who may require inspection of the premises before issuance of the written approval and following completion of the activities. Any person conducting or authorizing such activity in violation of this paragraph or the terms of any written approval issued pursuant hereto, shall be subject to the enforcement provisions of Chapter 170, Ordinance 3719, the Kirkland Zoning Code. In such event, the Kirkland Department of Planning and Community Development may also require within the immediate vicinity of any damaged or fallen vegetation, restoration of the affected area by planting shrubs of comparable size and/or trees of three inches or more in diameter measured one foot above grade. The Department also may require that the damaged or fallen vegetation be removed.

Each of the undersigned owners agree to defend, pay, and save harmless the City of Kirkland, its officers, agents, and employees from any and all claims of every nature whatsoever, real or imaginary, which may be made against the City, its officers, agents, or employees for any damage to property or injury to any person arising out of the existence of said Natural Greenbelt Protective Easement over said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, including all costs and expenses, and recover attorney's fees as may be incurred by the City of Kirkland in defense thereof; excepting therefrom only such claims as may arise solely out of the negligence of the City of Kirkland, its officers, agents, or employees.

ATTACHMENT 12
ZON05-00011

This easement is given to satisfy a condition of the development permit approved by the City of Kirkland under Kirkland File/Permit No. _____, for construction of _____ upon the following described real property:

See Exhibit B

This easement shall be binding upon the parties hereto, their successors and assigns, and shall run with the land.

DATED at Kirkland, Washington, this _____ day of _____, _____.

DRAFT

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

DRAFT

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared _____ and _____

to me known to be the individual(s) described herein and who executed the Natural Greenbelt Protective Easement and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name
Notary Public in and for the State of Washington, Residing at:

My commission expires: _____



GEOLOGICALLY HAZARDOUS AREAS COVENANT

<p><i>File No.:</i></p> <p><i>Parcel No.:</i></p> <p><i>Project Name:</i></p> <p><i>Project Address:</i></p>
--

Declarant _____ hereby declares and agrees as follows:

1. Declarant is the owner of the real property described below and incorporated herein by reference, which is the "property" referred to herein.
2. Declarant agrees to defend, indemnify, and hold the City of Kirkland harmless from all loss, including claim made therefor, which the City may incur as a result of any landslide or seismic activity occurring on the property and for any loss including any claim made therefor resulting from soil disturbance on the "property" in connection with the construction of improvements, including but not limited to storm water retention and foundations. "Loss" as used herein means loss including claim made therefor from injury or damage incurred on or off the "property," together with reasonable expenses including attorneys fees for investigation and defense of such claim.
3. This hold harmless is a perpetual covenant running with the "property" and is binding upon the Declarant's successor and assigns.
4. The real property subject to this Agreement is situated in Kirkland, King County, Washington, and described as follows:

(Insert legal description below:)

DRAFT

DATED at Kirkland, Washington, this _____ day of _____, _____.

ATTACHMENT <u>13</u>
<u>ZON05-00011</u>

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

DRAFT

(Individuals Only)

STATE OF WASHINGTON)

County of King

) SS.
)

On this ____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared _____ and _____

_____ to me known to be the individual(s) described herein and who executed the Geologically Hazardous Areas Covenant and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____



SENSITIVE AREAS COVENANT

The undersigned, being all of the owners of the hereinafter described real property, hereby acknowledge that pursuant to the City of Kirkland Zoning Code Sections 90.40 and/or 90.85, the City of Kirkland has determined that there are environmentally sensitive areas (i.e., wetlands or streams) present on the described real property. This determination is based on review of the development permit application submitted to the City by the applicant and contained in File Number _____.

The undersigned agree that they are fully aware of the City of Kirkland regulations established for the protection of environmentally sensitive areas. In addition, there may be other state and federal regulations related to development activity in or around the sensitive area. The undersigned further agree that no development activity, including grading, removal of vegetation, or building may occur and that no pesticides, herbicides, or fertilizers shall be used within environmentally sensitive areas or environmentally sensitive area buffers defined by the Kirkland Zoning Code without prior written authorization from the City of Kirkland Department of Planning and Community Development.

The undersigned hereby agree to indemnify, defend, and save harmless the City of Kirkland, its officers and employees from any claim, real or imaginary, filed against the City of Kirkland, its officers, or employees alleging damage or injury caused by fault on the part of the undersigned, their employees or agents, and/or the City of Kirkland, its officers, or employees and arising out of maintenance, flooding, damming, or enlargement of the sensitive area existing on the hereinafter described real property; provided, however, this agreement shall not include damage resulting from the sole fault of the City or its officers, agents, or employees. "Fault" as herein used shall have the same meaning as set forth in RCW 4.22.01. This Agreement shall also include all reasonable cost and expense, including attorney's fees, incurred by the City of Kirkland in investigation and/or defense of any such claim.

This covenant is binding on all the owners of the real property hereinafter described and their heirs, successors, and assigns and runs with the land described as follows:

DRAFT

»Legal Description

DATED at Kirkland, this _____ day of _____, _____.

ATTACHMENT 14
ZON05-00011

(Sign in blue ink)

(Individuals Only)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

DRAFT

(Individuals Only)

STATE OF WASHINGTON)

) SS.

County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, _____ personally appeared _____ and _____

_____ to me known to be the individual(s) described herein and who executed the Sensitive Areas Covenant and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Notary's Signature

Print Notary's Name

Notary Public in and for the State of Washington, Residing at: _____

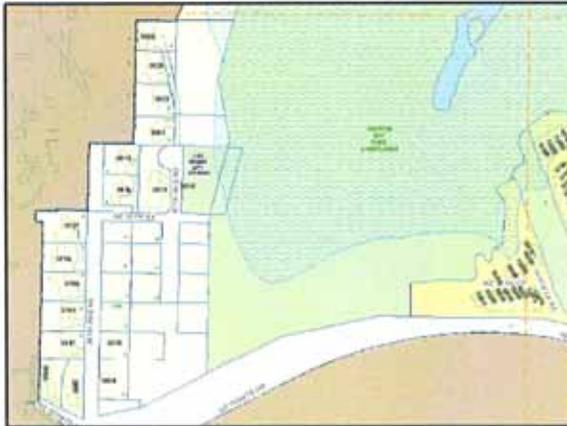
My commission expires: _____

Hindle-Rohde Reasonable Use Request

Hindle-Rohde Use Request

- Exhibit A - Staff Report
- Exhibit B - Corrections
- Public Notification Requirement
 - Newspaper 13 day advance publication
 - Notification mailed
 - Site posted
- Site Location

Hindle-Rohde Use Request

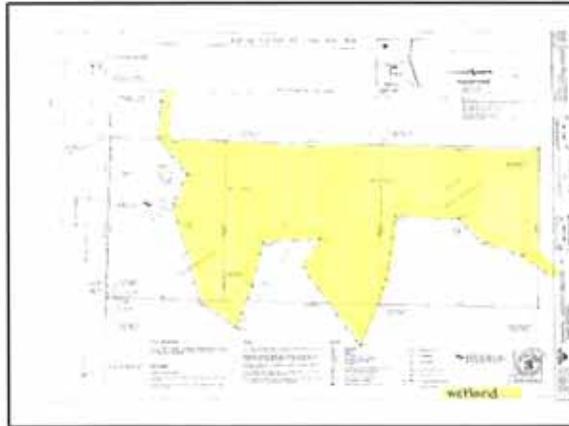
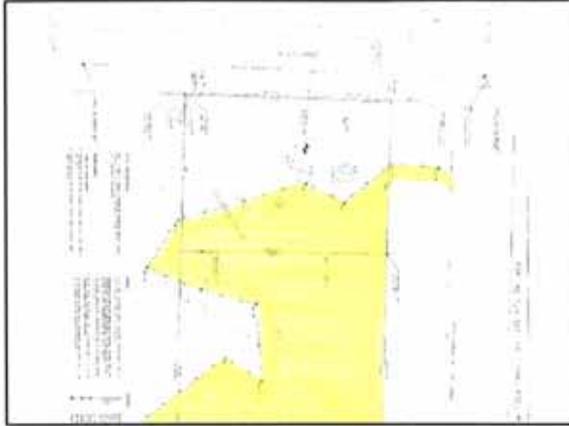


A **Reasonable Use Permit** provides a process to allow use of a property when application of KZC Chapter 90 would deny reasonable use of the property

Hindle-Rohde Use Request

- Site Specifics
 - Primary / Secondary Basin
 - Type 1 Wetland
 - 100 foot buffer
 - 10 foot building setback from the wetland buffer
 - Wetland/Lake Washington/Shoreline Jurisdiction
- Maximum 1/3 buffer reduction

Hindle-Rohde Use Request



Kirkland Zoning Code Section 90.140 establishes five criteria for approving a reasonable use request

Hindle-Rohde Use Request

Zoning Code Section 90.140
Criterion 1

There is no permitted type of land use for the property with less impact on the sensitive area and the buffer is feasible and reasonable.

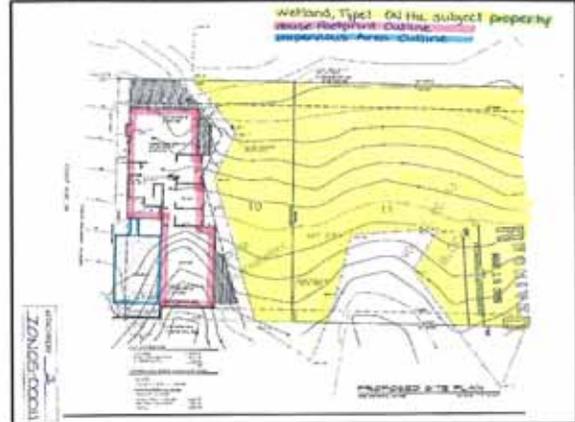
Hindle-Rohde Use Request

- Permitted land uses in a RS 12.5 zone include:
- SFR
 - Church
 - School / Daycare Center
 - Mini School / Day Care Center
 - Golf Course
 - Public Utility
 - Government or Community Facility
 - Public Park
- Hindle-Rohde Use Request

Zoning Code Section 90.140 Criterion 2

No on-site alternative to the proposal is feasible and reasonable, considering possible changes in site layout, reductions in density and similar factors.

Hindle-Rohde Use Request



- RS 12.5 – minimum lot size
- Property size - 27,547 s.f. (2 lots 10,050 s.f., 7,447 s.f.)
- 25,000 s.f. – 2 Building sites IF no sensitive areas on the property
- House is outside of the wetland
- House is 5 ft. behind the front property line
- Garage is setback 20 ft. behind the curb

Hindle-Rohde Use Request



- Footprint is 2,265 s.f.
- Impervious area (house, covered porch, driveway, and walkways) is ~2900 s.f.
- Average house in the vicinity
 - 4,699 s.f. (total square footage)
 - 4,345 s.f. excluding the basement
- Applicant house
 - 5,056 s.f. (total square footage)
 - 3,802 s.f. excluding the basement
- Average property size in the vicinity is 13,264 s.f.
- The subject property is 27,547 s.f.

Hindle-Rohde Use Request

- 97th Avenue NE is unimproved
- The City has no intent to install improvements within 97th Avenue NE
- PW has waived installation of r-o-w improvements within 38th Avenue NE

Hindle-Rohde Use Request

Zoning Code Section 90.140 Criterion 3

The proposal, as conditioned, will result in minimum feasible alteration of or impairment to the functional characteristics of the sensitive areas, and their existing contours, vegetation, fish and wildlife resources, and hydrological conditions; and will not cause significant degradation of groundwater or surface-water quality.

Hindle-Rohde Use Request

- Wetland associated with Lake Washington subject to Shorelines Jurisdiction
- A LSM or new SFR within the wetland requires a Shoreline Conditional Use Permit
- The house and all related construction will remain completely outside of the wetland
- Natural Greenbelt Protective Easement (NGPE) would provide the highest degree of protection in perpetuity

Hindle-Rohde Use Request

- The intent of the restoration plan is:
 - increase the wetland functions and values
 - increase wetland habitat structure and vegetative
 - increase the connectivity of the on site degraded habitat to higher quality habitat to the south
 - remove non-native plants
 - replace non-native plants with native trees and shrubs
 - install bird boxes for songbirds and swallows
 - install downed woody material

Hindle-Rohde Use Request

- elevation drawings - finished floor elevation of the main floor of the house is 71 feet
- site plan - elevation of the driveway is 74 feet
- no retaining wall ends at sw garage corner
- elevation at SW corner of garage proposed to be lowered ~ eight feet

Hindle-Rohde Use Request

- Impervious area ~ 2,900 s.f.
- Recommended Conditions of Approval
 - Pervious concrete should be used on all exterior hard surfaces
 - All water collected on the subject property (perimeter/curtain foundation drains, sump pumps to dewater sub-grade areas) should be directed towards a dispersal systems that outlets towards the wetland.
 - Clarify how slope will be supported on the southwest corner of the house
 - Provide a NGPE over the remaining property south of the wetland

Hindle-Rohde Use Request

Zoning Code Section 90.140 Criterion 4

The inability to derive reasonable use is the result of the applicant's actions, such as segregating or dividing property and creating the undevelopable condition, or taking actions in violation of any local, state, or federal law or regulation.

- Subdivision recorded on June 23, 1959.

Hindle-Rohde Use Request

Zoning Code Section 90.140 Criterion 5

The land use and environmental regulations which prevent reasonable use of the property were in effect at the time of purchase of the property by the applicant.

Hindle-Rohde Use Request

- Property purchased August 3, 1990.
- Different regulations in place at time of purchase
 - 50 buffer from the edge of the wetland
 - Modification of a wetland and or wetland buffer meeting established criteria may have been approved.

Hindle-Rohde Use Request

History of Regulations

- February 18, 1997 - Moratorium
- October 20, 1998 – Interim Regulations
 - Two reasonable uses requests
- April 2, 2002 - Current Regulations
 - One request going through the process

Hindle-Rohde Use Request

Planning Staff recommend approval with conditions as stated in the staff report.

Hindle-Rohde Use Request

Questions

Hindle-Rohde Use Request

Hindle: Reasonable Use Hearing

March 27, 2006
File # ZON05-00011

Introductions

Applicants:

- Jeff & Barbara Hindle

Consultants:

- Donna Frosthalm, *Adolfson & Associates*, Wetland Consultant
- Rick Jones, Architect, *Nash Jones Anderson*
- Diana Kirchheim, Attorney *Groen, Stephens & Klinge*

Overview

In this presentation we will:

- Provide information on the property
- Describe the neighborhood
- Give a history of our project to date
- Outline our project
 - Input from our consultants

The Project Site



The property



The Reserve at Yarrow Bay



EXHIBIT

D

ZON05-00011

Project history

- Entered into purchase agreement August, 2004
- Preliminary discussions with City Planner, Desiree Gobel
- Architectural, site & landscaping plans drawn

Project history

- Interior square footage 1000 square feet larger than home in current application
- Home was approx. 60 feet back from northern property line

Project history

- December 2004: Pre-submittal meeting with City of Kirkland (Planning, Public Works, Fire and Building)
- Preliminary revisions suggested by City
 - Move house closer to road so less home situated in Wetland
 - Reduce size of back lawn

Project history

- Revised plans
- Continued studies, delineations, geo-tech reports, architectural drawings, environmental impact documents
- Application submitted April, 2005
- Application confirmed complete Spring, 2005

Project history: A Setback

- Planning Department can't support project if any portion is in wetland
- Shoreline Conditional Use Permit required
- Getting Permit could take a year (+) and added cost

Project history: A Setback

- City presents other option – Situate house entirely within wetland buffer

This would require:

- A total re-draw of house
- New landscaping plans
- Redo wetland consultant documents

We start over

Our current project:

Sept, 2005 we met with:

- Our planner, Desiree Gobel
- Eric Shields – Head of Planning for City of Kirkland
- Asked the City to outline specifically what they could and would support
- This proposal reflects those parameters

Our project

- Single family, two-story home
- 3-car garage
- ADU in the basement
- Situated entirely within wetland buffer at north end of property
- No encroachment/encumbrance of wetland

Our project

- Applying for variance of 20-foot setback
- The closest home (to the North) will still be at least 40 feet from the proposed location of our house

Our project

- Designed to be consistent with the existing neighborhood, while minimizing impact on the wetlands
- Considerably smaller than adjoining homes
- Lot is more than twice size of adjoining lots.

Our project

- Proposed home has 2,998 square feet of above ground square footage
- 1,254 square feet in the basement.
- 515 square feet smaller (above-ground square footage) than other homes

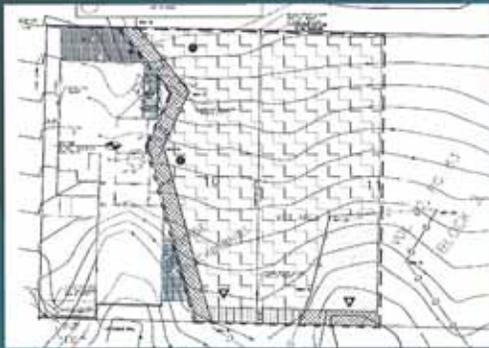
Our project

- Impervious area approx. 3055 sq feet.
- Footprint, including landscaping just under 5000 square feet
- No formal living room, no large formal entry
- Has "great room" concept to reduce footprint

Our project

- The Planning Department recommended that we enhance the wetlands in the property.
- Our proposal includes enhancing 1.7 times the size of the wetland buffer area we will be encumbering.

Mitigation Plan



Rick Jones - Architect



Diana Kirchheim, Attorney

Alternate location?

- We can't go north - road,
- We can't go south - wetland
- We can't go east - already at the property line
- We can't go west - same reason
- We can't go up - height restrictions.

Alternate size?

- Reducing the size would hurt the value of the surrounding homes.

Each Reserve at Yarrow Bay home has:

- A three car or a four car garage.
- Average above ground square footage of 3,515 square feet (w/o garage)
- Our proposed above ground square footage is 2998 (w/o garage)

Wetland enhancement

- Our plan proposes enhancing the wetlands at a ratio of 1.7 times the wetland buffer area we're encumbering.

Conclusion

Outreach:

- Support for our project in the neighborhood
- Only one letter received regarding project
- We ask for your support
- Thanks for your time

SPEAKER SIGN IN

MEETING DATE: **March 27, 2006**

*** PLEASE PRINT ***

AGENDA ITEM **Hindle-Rohde Reasonable Use Permit**

FILE NUMBER: **ZON05-00011**

LAST NAME	FIRST NAME	MAILING ADDRESS	CITY/STATE	ZIP CODE
Kirchheim	Aiana	1100 NE 8th St. Ste 750 Bellevue, WA	Bellevue WA	98004
JONES	Rick	110 11644 NE 80TH ST KIRKLAND WA 98033	KIRKLAND WA	98033
Frostholm	Donna	5309 Shilshole Ave. #200 Seattle WA 98107		
BARRE TED	Ted	9610 N.E 38th St Kirkland, WA 98033	Kirkland	98033
IRVIN	Philip	7204 Mary Ave NW Seattle WA 98117		
Raye Perkins FIRST	Finista	12403 NE 25th St. Bellevue, WA 98005.		

whichever this is would be correct.

***A COMPLETE READABLE NAME AND MAILING ADDRESS IS REQUIRED FOR YOU TO BE ABLE TO RECEIVE INFORMATION MATERIALS PROVIDED TO "PARTIES OF RECORD".**

EXHIBIT E
ZON05-00011



Houghton Community Council

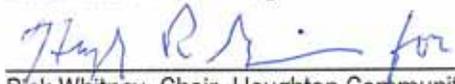
CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.828.1100

www.ci.kirkland.wa.us

MEMORANDUM

To: Anne Watanabe, Hearing Examiner

From: 
Rick Whitney, Chair, Houghton Community Council

Date: March 30, 2006

Subject: HINDLE-ROHDE REASONABLE USE REQUEST, FILE NUMBER ZON05-00011
RECOMMENDATION OF HOUGHTON COMMUNITY COUNCIL

Recommendation to the Hearing Examiner

After consideration of the testimony and record presented at the public hearing on Hindle-Rohde Reasonable Use Request, File ZON05-00011 held on March 27, 2006, the Houghton Community Council (HCC) recommends approval of the Hindle-Rohde Reasonable Use Application, ZON05-00011, with one additional condition.

The applicant shall install superior landscaping to mitigate the impacts of the five foot setback between the house and the north property line prior to final inspection.

This condition was added to address concerns expressed by the neighbors and HCC members about the mass and bulk of a house setback five feet from the north (front) property line.

EXHIBIT	<u>F</u>
<u>ZON05-00011</u>	



**HEARING EXAMINER – JOINT HEARING WITH HOUGHTON
COMMUNITY COUNCIL
MEETING MINUTES – March 27, 2006**

1. Call to Order and Roll Call 7:00 p.m.

- Members Present: Chair Rick Whitney, Hugh Givens, David Hess, James Nickle, and Elsie Weber
- Absent/Excused: Betsy Pringle, Bill Goggins
- Staff present: Dawn Nelson, Nancy Cox, Desiree Goble
- Hearing Examiner Pro Tem: Anne Watanabe
- Hugh Mortensen, Watershed Company

2. Announcement of Agenda

Council Chair announced the agenda

3. PUBLIC HEARING: Hindle-Rohde Reasonable Use Exception Application, 96XX 38th Avenue NE, File No. ZON05-00011

Chair read a statement regarding the Fairness Doctrine. There were no objections to participation of members of Houghton Community Council in this hearing. He then turned the meeting over to the Hearing Examiner.

Ms. Watanabe announced that, following the close of the record in this matter her written recommendation will be submitted to City Council. She administered an oath to all testifying, that testimony each one is to give is true.

Desiree Goble, Planner for City of Kirkland, 123 Fifth Avenue, Kirkland, represented the Department of Planning and Community Development. She advised that public notices were provided in this matter. Ms. Goble submitted the Staff report which included a thorough review of her and Eric Shields' March 17, 2006 Advisory Report to the Kirkland Hearing Examiner and Houghton Community Council. She provided an errata sheet regarding two items on Page 6 of the Report. Planning Staff recommends approval, with inclusion of conditions stated in the Report.

Ms. Goble answered questions by members of the Council and Hearing Examiner concerning adjoining properties, wetlands, seismic hazard, floodplains, and liquefaction and the City's potential liability. Ms. Goble assured the Council that it is her understanding that, the City will follow the geo-technical engineer recommendations stating that a site is buildable. The City then ensures that the applicant abides by the geotechnical recommendations in that report so that the City would not be liable [should something untoward occur]. Ms. Goble highlighted the changes that have taken place in the proposal over time, subsequent to the original proposal. She referred to Attachment 2 that shows the current proposal that shows the proposed building moved as far to the North as possible, outside of the wetland.

Ms. Watanabe asked that the applicant sign in.

Applicants **Jeff and Barbara Hindle**, 220 First Street #402, Kirkland thanked everyone for their time. They introduced various specialists accompanying them. They gave the project

history, description of the property, and comparison to the neighborhood. They said they are amenable with all conditions that the City outlined in the Staff report and that their application meets criteria set forth by the Planning Department in previous meetings with them. They are applying for a variance of the 20' setback so that the house can be situated 5' from the property line, to move it farther from the wetland; and setback variance from the City right-of-way on the eastern property line. They cited variance precedents.

Donna Frostholm, Adolphson & Associates, wetlands consultant, 5309 Shilshole Avenue NW, Seattle presented a wetlands enhancement plan.

Rick Jones, Architect from Nash Jones Anderson Architects, 11644 NE 80th Street, Kirkland spoke to floor elevations and topography.

Diana Kirchheim, Bellevue land use attorney, discussed the legal precedence of the project and the reasonable use law. She said her clients have agreed to the conditions that the City has imposed and they will be enhancing wetland area that is 1.7 times the size of the wetland buffer impact area.

Ms. Hindle outlined reasons why alternate locations for the building would not work, i.e., North is the roadway, South is the wetlands, farther East or West would be over the property line, and height restrictions preclude going up. They feel reducing the size of the home would devalue other properties in the neighborhood. Council asked questions of Mr. and Ms. Hindle regarding neighboring properties at The Reserve at Yarrow Bay. Additional questions were addressed to Ms. Kirchheim who said that the City would have to compensate the Hindle's for loss of use of their property if they weren't permitted to build their house, and that it would constitute a "take and possess" issue.

Philip Irvin, 7704 Mary Avenue NW, Seattle, spoke. He owns property adjoining the subject property (four lots directly to the East) and had written a letter to the City regarding this project. He voiced a concern regarding the potential of any future building on his lot blocking the Hindles' view, and the Hindles' potential objections to that scenario.

Staff fielded questions from the Council concerning the wetland buffer width. Ms. Watanabe invited comments from the audience.

Ted Barr, 9610 NE 38th St., Kirkland, president of The Reserve at Yarrow Bay properties homeowners association, spoke. He opposes the proposed setback variance, as he feels it would negatively impact the aesthetic and actual resale value of surrounding homes and the integrity of the neighborhood. He said that, in order to avoid setting precedence Council needs to deny the five-foot setback. He answered questions from the Council.

Krista Rave-Perkins, 12403 NE 28th Street, Bellevue is in opposition to placing the house into the wetlands or the wetland buffer. She cited studies and reports regarding wetlands and wetland buffers and the benefits they provide.

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Ms. Kirchheim emphasized that the proposed house is not being built in the wetland area and denial of the setback variance would constitute denial of all reasonable use. She also wanted to state that the current proposal does not block any views.

Ms. Watanabe said the testimony portion of the hearing is closed. The hearing record remains open for her receipt of Council's recommendation on the application. Mr. Jones provided information regarding the proposed house's elevation, referencing national geographical vertical data.

ADJOURNMENT: 8:46 p.m.

Hearing no further testimony, the Hearing Examiner declared the hearing closed at 8:46 p.m.

Nancy Cox, Development Review Manager
Department of Planning and Community Development

RECORDING SECRETARY: Marlene Eisele
City of Kirkland



HOUGHTON COMMUNITY COUNCIL

March 27, 2006

1. Call to Order and Roll Call 7:00 p.m.

- Members Present: Chair Rick Whitney, Hugh Givens, David Hess, James Nickle, and Elsie Weber
- Absent/Excused: Betsy Pringle, Bill Goggins
- Staff present: Dawn Nelson, Nancy Cox, Desiree Goble

2. Announcement of Agenda

Chair announced the agenda.

3. PUBLIC HEARING: Hindle-Rohde Reasonable Use, 96XX 38th Avenue NE, File No. ZON05-00011

- Chair read a statement regarding the Fairness Doctrine. There were no objections to participation of members of Houghton Community Council in this hearing. The Public Hearing on the Hindle-Rohde Reasonable Use Permit application ensued. *See March 27, 2006 minutes of Hearing Examiner – Joint Hearing with Houghton Community Council.*

4. Reading and/or Approval of Minutes:

a. February 27, 2006

It was moved and seconded to dispense with the reading of the minutes; minutes were approved as written.

5. Council Member Reports and Comments

Mr. Hess said he will miss the next two meetings.

6. Work Program Review

None.

7. Requests from the Audience

None.

8. Unfinished Business

A. Hindle-Rohde Reasonable Use, File No. ZON05-00011

Discussion ensued regarding the Public Hearing that just occurred. Staff answered questions posed by Council. Chair wants a landscaping plan to mitigate the reduced front yard setback, similar to the property at Kirkland Avenue and 6th. Staff clarified that the project Mr. Givens refers to is a Planned Unit Development and some landscaping was required but most of the landscaping done there was at the developer's own behest. It was emphasized that site-specific landscaping plans are not typically required for single-family developments.

MOTION: It was moved by Mr. Givens and seconded by Ms. Weber to recommend approval on the zoning permit application with additional provision that the 5' setbacks be landscaped with superior landscape design intended to mitigate and soften the impact of the reduced front yard setback. There was discussion. Motion carried unanimously.

B. Final Action: Homeless Encampment Zoning Code Amendments to Chapter 127 Temporary Use Permits – FILE NO.: ZON05-00028

Ms. Cox advised that on March 21, 2006 Kirkland City Council, by a vote of 6-1, passed Ordinance 4047, requiring sponsorship for homeless encampments by churches only within the Houghton Neighborhood.

EXHIBIT

3

FILE NO.

ZON05-00011

MOTION: Ms. Weber moved and Mr. Hess seconded to approve Resolution 2006-3. There was discussion. Motion carried unanimously.

C. Final Approval: Amendments to Chapter 117 KZC – Personal Wireless Service Facilities.

Mr. Bergstrom explained to Council that the ordinance was adopted by City Council exactly as was recommended by this Council.

MOTION: Ms. Weber moved to pass Resolution 2006-2 approving Ordinance 4045, seconded by Mr. Hess. The motion carried unanimously.

Council thanked Mr. Bergstrom for his good work on this Amendment.

9. New Business

A. Single-Family Floor Area Ratio (FAR) Regulations - FILE NO.: ZON05-00019

Mr. Bergstrom gave background on this issue. He said City Council has asked Staff to look at the question of whether FAR regulations are working and, if not, what should be done about it. It was determined by City Council that some changes should be made and Mr. Bergstrom asked if this Council wanted to be involved in this effort. There was Council discussion and they expressed interest regarding being involved. Mr. Bergstrom will keep this Council in the loop.

10. Administrative Reports and Community Council Discussion

None.

11. Adjournment 9:37 p.m.

Moved by Mr. Givens, seconded by Ms. Weber and passed unanimously, the meeting was adjourned.

Rick Whitney, Chair

Nancy Cox, Development Review Manager
Department of Planning and Community Development

RECORDING SECRETARY: Marlene Eisele

RESOLUTION R-4575

A RESOLUTION OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A PROCESS IIB PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON05-00011 BY BARBARA AND JEFFREY HINDLE BEING WITHIN A RS 12.5 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH PROCESS IIB PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIB permit, filed by Barbara and Jeffrey Hindle, representing the owner of said property described in said application and located within RS 12.5 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

WHEREAS, said environmental checklist and determination have been available and accompanied the application through the entire review process; and

WHEREAS, the application has been submitted to the Hearing Examiner who held hearing thereon at her meeting of March 27, 2006; and

WHEREAS, the Hearing Examiner after her public hearing and consideration of the recommendations of the Department of Planning and Community Development did adopt certain Findings, Conclusions, and Recommendations and did recommend approval of the Process IIB permit subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The findings, conclusion, and recommendation of the Hearing Examiner as signed by the Hearing Examiner and filed in the Department of Planning and Community Development File No. ZON05-00011 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Process IIB permit shall be issued to the applicant subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes,

ordinance, or regulations applicable to this project, other than expressly set forth herein.

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Process IIB permit is subject shall be grounds for revocation in accordance with Ordinance 3719, as amended, the Kirkland Zoning Ordinance.

Section 5. Notwithstanding any recommendation heretofore given by the Houghton Community Council, the subject matter of this resolution and the permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council or the failure of said Community Council to disapprove this resolution within sixty days of the date of the passage of this resolution.

Section 6. A complete copy of this resolution, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Section 7. A certified copy of this resolution, together with the findings, conclusions, and recommendations herein adopted shall be attached to and become a part of the Process IIB permit or evidence thereof delivered to the permittee.

PASSED by majority vote in open meeting of the Kirkland City Council on the _____ day of _____, 20____.

SIGNED IN AUTHENTICATION thereof on the _____ day of _____, 20____.

Mayor

Attest:

City Clerk