



**CITY OF KIRKLAND**

Planning and Community Development Department  
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**ADVISORY REPORT  
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Kirkland Hearing Examiner

**From:** \_\_\_\_\_ Lauri Anderson, AICP, Project Planner

\_\_\_\_\_ Dawn Nelson, AICP, Planning Supervisor

\_\_\_\_\_ Eric R. Shields, AICP, Planning Director

**Date:** June 10, 2008

**File:** HIGHLAND GLEN SHORT PLAT, WETLAND AND WETLAND/STREAM BUFFER MODIFICATIONS,  
AND VARIANCE, FILE NO. SPL07-00034

**Hearing Date and Place:** June 19, 2008  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

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## I. **INTRODUCTION**

### A. **APPLICATION**

1. Applicant: Ken Davidson, DCK Property LLC
2. Site Location: 10405 111<sup>th</sup> Avenue NE (see Attachment 1).
3. Request: Six-lot short plat with wetland and wetland/stream buffer modifications. Applicant also is requesting a variance to reduce required front yards from 20' to 10' on all lots. (See Attachment 2.)
4. Review Process: Process IIA, wetland modification, wetland/stream buffer modification, short plat and variance; Hearing Examiner conducts public hearing and makes final decision.
5. Summary of Key Issues and Conclusions: Key issues for approval of this project include: compliance with the standards for wetland and buffer modifications, treatment of steep slopes, and compliance with the variance criteria. The Watershed Company (the City's wetland/stream consultant) concludes that adequate mitigation is provided for the wetland and buffer modifications. The variance provides additional protection for the steep slopes without sacrificing neighborhood character.

### B. **RECOMMENDATIONS**

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:

1. 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, including the requirement that all houses be sprinklered because of inadequate fire flow and that the turnaround at the north end of 111<sup>th</sup> Avenue NE be improved. 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 (see Conclusion II.G.).

Some of the requirements from the Zoning Code that apply to the wetland modification, wetland/stream buffer modification, and steep slopes on-site appear in the following conditions of approval, as well as in Attachment 3.

2. Trees shall not be removed or altered following short plat approval except as approved by the Planning Department. Attachment 3, Development Standards, contains specific information concerning tree retention requirements (see Conclusion II.E.5).
3. Prior to recording the short plat, the applicant shall:
  - a. Obtain a demolition permit and demolish the existing house and any associated structures (see Conclusion II.A.1).
  - b. Revise the short plat mylar to:

- (1) Remove proposed building pads as currently shown on Attachment 2 from the short plat map (see Conclusion II.A.1).
  - (2) Add a note to the face of the mylar stating that the required front yard for Lots 1 through 6 is 10' (rather than 20') (see Conclusion II.D.23).
  - (3) Identify a western edge of building pads 10' closer to the front property line than is currently shown on Attachment 2 for Lots 1 through 4 (see Conclusion II.D.26).
  - (4) Identify a northern edge of building pad 10' closer to the front property line than is currently shown on Attachment 2 for Lot 6 (see Conclusion II.D.26).
  - (5) Expand the NGPE boundary (wetland buffer line) on Lots 2 and 3 so that no part of the wetland buffer is less than 50' (see Conclusion II.D.22).
- c. Submit for recording a natural greenbelt protective easement over the wetland, stream and associated buffers in a format approved by the Planning Official (see Attachment 3, Zoning Code Section 90.150).
- d. Follow the wetland and wetland/stream buffer enhancement plans as described in Enclosure 4 to Attachment 7, including modifications described in the letter dated April 22, 2008 from Talasaea Consultants, Inc. (see Conclusions II.D.2 and II.D.13). In lieu of completing the improvements, the applicant may submit a financial security device consistent with the standards outlined in Zoning Code section 90.145 to cover the cost of completing the wetland and wetland/stream buffer enhancement improvements (see Conclusion II.E.4).
- e. Install the required right-of-way improvements as described in Attachment 3 and as follows:
- (1) 111<sup>th</sup> Avenue NE right-of-way bordering the subject property: Widen street to 24 ft. from the face of curb on the east side of the street or 20' wide along portions of the right-of-way encumbered by the wetland buffer; install storm drainage and curb and gutter and street trees. Install curb and sidewalk on the east side of 111<sup>th</sup> Avenue NE (see Conclusion II.E.1).
  - (2) NE 104<sup>th</sup> Street right-of-way bordering the subject property: Complete installation of a vertical curb and gutter along the north side of the street where this is no curb currently; where feasible plant street trees (see Conclusion II.E.1).
  - (3) Prior to installing these improvements, plans must be submitted for approval by the Department of Public Works.
  - (4) In lieu of completing these improvements, the applicant may submit to the Department of Public Works a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval (see Conclusion II.E.4).
  - (5) In no case shall the street improvements, with the exception of street trees, encroach into the 50' wetland buffer. Species and planting locations of street trees inside the 50' buffer shall be reviewed for

approval by the City's wetland consultant at the applicant's expense (see Conclusion II.E.1).

- f. Revise utility plans for Lot 6 to show that no sewer line encroachment shall occur in the wetland buffer (see Conclusion II.D.22).
4. As part of the application for a Land Surface Modification Permit the applicant shall:
    - a. Submit plans for installing the street improvements in the 111<sup>th</sup> Avenue NE and/or NE 104<sup>th</sup> Street rights-of-way bordering the subject property, and a revised utility plan for Lot 6, to be approved by the Department of Public Works.
    - b. Submit a written acknowledgement on the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations for the site and incorporated those recommendations into the plans (see Conclusion II.E.2 and Attachment 3, Zoning Code Section 85.25.1)
  5. As part of any application for a Building Permit the applicant shall:
    - a. Submit a request for deviation from the garage setback requirements of KZC Section 115.43. The request should respond to the deviation criteria outlined in that section (see Conclusion II.E.3).
    - b. Submit a written acknowledgement on the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations for the site and incorporated those recommendations into the plans (see Conclusion II.E.2 and Attachment 3, Zoning Code Section 85.25.1)
    - c. Submit verification that no improvements are proposed within 10' of the approved wetland buffer (see Attachment 3, Zoning Code Section 90.45.2).
  6. Prior to issuance of any permits for the site, the applicant shall:
    - a. Submit a signed and notarized hold harmless agreement pertaining to the wetland and stream on-site (see Attachment 3, Zoning Code Section 90.155).
    - b. Submit a signed and notarized hold harmless agreement pertaining to the steep slopes on-site (see Attachment 3, Zoning Code Section 85.45).
    - c. Install a six-foot high construction phase fence along the upland boundary of the wetland buffer with silt screen fabric installed per City standard (see Attachment 3, Zoning Code Section 90.50).
  7. Prior to final inspection, the applicant shall:
    - a. Submit to the Planning Department an as-built planting plan of the wetland and wetland/stream buffer improvements to be used in the final inspection of the land surface modification or any building permit for the project.
    - b. Install between the upland boundary of the wetland buffer and the developed portion of the site, either 1) a permanent 3-4' tall split rail fence or 2) permanent planting of equal barrier value (see Attachment 3, Zoning Code Section 90.50).
    - c. Submit to the Planning Department proof of a written contract with the City's wetland consultant to cover the final inspection of the wetland and

wetland/stream buffer enhancement plan (see Attachment 3, Zoning Code Sections 90.55 and 90.100).

- d. Submit to the Planning Department a financial security device to cover all monitoring and maintenance activities that will need to be done including consultant site visits, reports to the Planning Department and any vegetation that needs to be replaced (see Attachment 3, Zoning Code Section 90.145).
- e. Submit to the Planning Department proof of a written contract with a qualified professional who will perform the monitoring and maintenance program outlined (see Attachment 3, Zoning Code Sections 90.55 and 90.100).
- f. Submit to the Planning Department proof of a written contract with the City's wetland/stream consultant to cover review of reports prepared by the applicant's consultant for a period of 5 years (see Attachment 3, Zoning Code Sections 90.55 and 90.100). As an alternative, the applicant may choose to fund the City's wetland/stream consultant to perform the 5-year monitoring and maintenance program. In this case, no additional review contract is necessary.

## II. **FINDINGS OF FACT AND CONCLUSIONS**

### A. **SITE DESCRIPTION**

#### 1. Site Development and Zoning:

##### a. Facts:

- (1) Size: 145,770 sq.ft., or 3.35 acres
- (2) Land Use: The site currently is developed with one single-family residence located on the southeast corner of the property. This residence is proposed for removal and it would not meet required setbacks on the proposed lots if it were to remain.
- (3) Zoning: RS8.5, Single-Family Residential with a minimum lot size of 8,500 sq.ft.

The applicant is proposing 6 lots which range in size from 11,259 sq.ft. to 36,532 sq.ft. The building pads shown on Attachment 2 do not accurately reflect setbacks in all cases, nor do they reflect the variance request that would reduce required front yards from 20' to 10'.

As the site contains a wetland, stream and buffers, the maximum development potential calculation in KZC 90.135 applies. Based on this calculation, the maximum number of dwelling units that could be constructed on this property is 7 (see Attachment 4).

- (4) Terrain and Vegetation: The site slopes steeply down from the 111<sup>th</sup> Avenue NE right-of-way to the east and the NE 104<sup>th</sup> Street right-of-way to the south to the Burlington Northern Railroad (BNRR) right-of-way to the north and west. Slopes range from a 43% slope that extends for about 60' from the northwest side of the existing residence, to 20-25% slopes typical of the rest of the subject property.

A wetland, stream and associated buffers are located on-site. The wetland is a Type 2 palustrine forested wetland to the north and a palustrine emergent wetland to the south. The total size is approximately 1.24 acres.

The stream is a perennial, non-fish-bearing Class B stream that flows both from the north and the south along the base of the slope on-site. The stream is supported by the wetland. The two stream channels converge to exit the site to the west through a 24-inch culvert under the BNRR right-of-way. After leaving the site, the stream passes through a catch basin, through a series of underground pipes, and eventually flows into Forbes Creek. Forbes Creek contains priority resident and anadromous fish.

The property is heavily vegetated with trees—primarily red alder and black cottonwood—and understory vegetation including Himalayan blackberry, reed canarygrass, lady-fern, giant horsetail, sword fern and Indian plum.

- b. Conclusions: Minimum lot sizes and maximum development potential are met with this proposal. Prior to recording the short plat, the existing residence should be removed. Proposed building pad locations as shown on Attachment 2 should be removed from the final mylar as they do not accurately reflect all setbacks or the variance request. Steep terrain and critical areas and their buffers constrain this site. These issues are discussed in Sections D and E of this report.

2. Neighboring Development and Zoning:

- a. Facts: The site is bordered on the east and south by single-family residences. Development to the north across the BNRR right-of-way is King County green space, with multifamily development beyond. Crestwoods Park is located to the west across the BNRR right-of-way.

Surrounding zoning is RS8.5 (Single-Family, 8,500 sq.ft. minimum lot size) to the east and south, P (Park) to the west, and PLA9 (Medium-Density Residential, Planned Area) to the north.

- b. Conclusion: The proposal is compatible with the surrounding land uses and zoning designations which are primarily residential.

## **B. PUBLIC COMMENT**

1. Facts: The first notice of application period for this project ran from January 10 through January 28, 2008. One inquiry and a comment letter were received via e-mail during this time (see Attachments 5).

Mr Cooledge asked in his comment letter that a four-way stop be added to the intersection of NE 104<sup>th</sup> Street and 111<sup>th</sup> Avenue NE and that the two existing utility poles on the subject property be removed.

The Public Works Department provided a letter of response to Mr. Cooledge (see Attachment 6). That letter states that if a four-way stop is warranted based on an analysis being conducted separately from this permit review, the signs will be installed.

Too, the poles will be abandoned if the services they currently provide are no longer necessary.

A second notice of application period for the variance portion of this project began on May 30, 2008 and concludes on June 17, 2008. Any public comment received during this period will be presented at the public hearing.

2. Conclusions: The one letter of concern received to date about this project was addressed by the Public Works Department.

### **C. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

1. Facts: A Determination of Nonsignificance (DNS) for this project was issued on May 15, 2008. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 7.
2. Conclusion: The applicant has satisfied the requirements of SEPA.

### **D. APPROVAL CRITERIA**

#### 1. SHORT PLATS

- a. Facts: Municipal Code section 22.20.140 states that a short subdivision may be approved only if:
  - (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
  - (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The decision-maker shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.
- b. Conclusion: The proposal complies with Municipal Code section 22.20.140. It is consistent with the Comprehensive Plan (see Section II.F). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.A, D, E and G) and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it provides for infill development in the manner envisioned by the Comprehensive Plan while continuing to protect the environmentally-sensitive areas on-site.

#### 2. MODIFICATION OF A WETLAND

- a. Facts:
  - (1) The applicant is proposing 2,510 sq.ft. of "paper fill" in three locations in the 56,287 sq.ft. Type 2 wetland on-site. "Paper fill" is described on page 13 of the Critical Areas and Conceptual Mitigation Report (see Enclosure 4 to Attachment 7). "Paper fill" does not actually add fill to the wetland, but pushes the area considered buffer into the wetland,

allowing for a buffer less than the prescribed minimum (in this case, 50').

- (2) As mitigation for the paper fill, the applicant is proposing 3,944 sq.ft. of wetland creation in two locations on the site and 4,304 sq.ft. of wetland enhancement.
  - (3) Zoning Code Section 90.55.2 establishes the decisional criteria for approving an improvement or land surface modification in a Type 2 wetland. These criteria must be satisfied even if no actual "fill" occurs. The applicant's response to the criteria is included in Enclosure 4 to Attachment 7.
  - (4) Sections 3 through 12 contain the staff's findings of fact and conclusions based on these ten criteria.
  - (5) Attachment 8 includes two review letters from the City's wetland consultant, The Watershed Co. The Highland Glen proposal went through several revisions in order to satisfy The Watershed Co. that the City's standards for wetland fill and mitigation were met, and several letters and e-mails were exchanged. Only the two final letters are attached, demonstrating that the City's wetland consultant has reviewed and recommended approval of the project.
- b. Conclusion: Based on the following analysis, the application as proposed in Enclosure 4 to Attachment 7 would meet the established criteria for an improvement or land surface modification in a Type 2 wetland if the recommended conditions of approval are satisfied.
3. Criterion 1: It will not adversely affect water quality.
- a. Facts:
- (1) The sources of hydrology in the wetland include groundwater seeps along the eastern edge of the site, surface flow and a possible failed septic system. Evidence of the failed septic system is found in elevated levels of fecal coliform bacteria in the seeps near the existing single-family residence. The applicant proposes to remove the septic system.
  - (2) The paper fill does not actually fill the wetland, so material is not added to the wetland and the wetland size is not reduced.
  - (3) The applicant is creating two additional areas of wetland with clean water coming from roof and footing drains.
- b. Conclusion: Water quality should be improved with this proposal. Removal of the septic system may reduce levels of fecal coliform bacteria. New wetland areas will provide additional stormwater treatment.
4. Criterion 2: It will not adversely affect fish, wildlife, or their habitat.
- a. Facts:
- (1) No actual fill occurs in the wetland.

- (2) Two new wetland creation areas will provide additional wetland habitat.
    - (3) The wetland currently is degraded with non-native vegetation and trash. The applicant proposes 4,304 sq.ft. of wetland enhancement, including the removal of non-native vegetation and planting of native vegetation.
  - b. Conclusion: Fish and wildlife should not be adversely affected by this proposal. Additional wetland habitat will be provided. No wetland habitat is destroyed.
5. Criterion 3: It will not have an adverse effect on drainage and/or storm water detention capabilities.
- a. Facts:
    - (1) The use of “paper fill” does not reduce the size of the existing wetland.
    - (2) The new wetland creation areas should provide additional stormwater detention capabilities and stormwater outfalls will be placed to take stormwater directly to them.
    - (3) The applicant proposes to install a storm water detention/treatment system in 111<sup>th</sup> Avenue NE to capture runoff from one lot and the road.
  - b. Conclusion: No adverse effects on drainage and/or stormwater detention capabilities are expected. The existing wetland will not be filled. The new wetland creation areas will provide additional stormwater detention. In addition, the applicant is proposing a new stormwater detention/treatment system for one lot and the road.
6. Criterion 4: It will not lead to unstable earth conditions or create erosion hazard or contribute to scouring actions.
- a. Facts:
    - (1) Only minor changes to the slopes for purposes of wetland creation are proposed.
    - (2) The applicant’s geotechnical engineer has reviewed the plans and has not expressed any concerns (see Enclosure 5 to Attachment 7).
    - (3) Surface flow from the adjacent streets appears to have caused some areas along the eastern edge of the site to slump or erode, according to the Talasaea Consultants. This surface flow will now be redirected to new facilities at the north end of 111<sup>th</sup> Avenue NE.
  - b. Conclusion: The proposal is not expected to result in unstable earth conditions, erosion hazards, or scouring. The project plans have been reviewed by a geotechnical engineer who concludes that “the site is underlain by competent soils, and the risk of geologic hazards are (sic) low.”
7. Criterion 5: It will not be materially detrimental to any other property or to the City as a whole.
- a. Facts:

- (1) There are relatively few changes to slopes on-site.
  - (2) The wetland enhancement would eliminate noxious vegetation and trash.
  - (3) Removal of the septic system may reduce fecal coliform levels in the wetland.
  - (4) New stormwater detention/treatment facilities will capture runoff from 111<sup>th</sup> Avenue NE.
  - (5) In accordance with Zoning Code Section 90.55.4, a five-year maintenance and monitoring program is proposed to ensure that the goals of the mitigation plan are met.
- b. Conclusion: The proposal should not be materially detrimental to any other property or to the City as a whole. No unstable slope conditions are expected; the wetland will be revegetated with native plants and trash will be removed; fecal coliform counts may be reduced; stormwater quality will be improved; and a maintenance/monitoring program will ensure the success of the mitigation project.
8. Criterion 6: It will result in a land surface modification of no more than ten percent of the wetland on the subject property.
- a. Facts:
- (1) The paper fill will affect 2,510 sq.ft. of the 56,287sq.ft. wetland on-site.
- b. Conclusion: This standard is met. Less than 5% of the wetland on-site will be affected.
9. Criterion 7: Compensatory mitigation is provided in accordance with the table in subsection (4) of this section.
- a. Facts:
- (1) The applicant is proposing 3,944 sq.ft. of wetland creation and 4,304 sq.ft. of wetland enhancement to mitigate for the impacts of the paper fill.  
  
The minimum compensatory mitigation is 2:1, with no more than 1/3 of the mitigation being enhancement. As the wetland "paper fill" is 2,510 sq.ft., a minimum of 5,020 sq.ft. of compensatory mitigation must be provided, with at least 3,343 sq.ft. of that being wetland creation.
- b. Conclusion: The applicant has satisfied the compensatory mitigation requirements. The applicant is providing more wetland creation and wetland enhancement than is required.
10. Criterion 8: Fill material does not contain organic or inorganic material that would be detrimental to water quality or fish and wildlife habitat.
- a. Facts:

- (1) The “paper fill” does not put any actual material into the wetland. The applicant’s report states that no detrimental organic or inorganic fill will be used as part of the wetland enhancement.
  - b. Conclusion: No detrimental fill is proposed.
11. Criterion 9: All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.
  - a. Facts:
    - (1) A wetland planting plan has been proposed by the applicant and has been reviewed and recommended for approval by the City’s wetland consultant, The Watershed Co.
    - b. Conclusion: All exposed areas will be revegetated with native plants.
12. Criterion 10: There is no practicable or feasible alternative development proposal that results in less impact to the wetland or its buffer.
  - a. Facts:
    - (1) The proposed plan clusters the buildable areas up the hill and away from the wetland.
    - (2) No actual wetland fill is proposed; new wetland creation in fact will occur.
    - (3) The applicant is proposing fewer lots than could be achieved using the maximum development potential formula.
  - b. Conclusion: There is no practicable or feasible alternative development proposal that would result in less impact to the wetland or its buffer. The building sites are clustered as far as possible from the wetland. No actual wetland fill occurs and new wetland is created.
13. MODIFICATION OF A WETLAND AND STREAM BUFFER
  - a. Facts:
    - (1) Currently, the wetland/stream buffer is degraded. The buffer is vegetated with non-native and invasive Himalayan blackberry, and, when visited by the geotechnical engineer, it contained abundant trash, including household garbage, automotive parts, plastic, and bottles and cans.
    - (2) Zoning Code Sections 90.60 and 90.100 state that wetland/stream buffers may be reduced by no more than one-third of the standard buffer width with enhancement. The applicant is proposing a reduction in the standard 75’ wetland buffer by as much as one-third (minimum of 50’). The applicant also is proposing to modify the standard 60’ buffer from a Class B stream by as much as one-third (minimum of 40’). (See Figure 7 in Enclosure 4 to Attachment 7.)

- (3) As mitigation for the buffer reduction, approximately 35,268 sq.ft. of wetland and stream buffer enhancement is proposed.
  - (4) Zoning Code sections 90.60.2.b and 90.100.2 establish nine decisional criteria for approving an improvement or land surface modification in a Type 2 wetland buffer or an environmentally sensitive area buffer for a stream. The applicant's response to the criteria is included in Enclosure 4 to Attachment 7.
  - (5) Sections 14 through 22 contain the staff's findings of fact and conclusions based on the nine criteria.
  - (6) Attachment 8 includes two review letters from the City's wetland and stream consultant, The Watershed Co. The Highland Glen proposal went through several revisions in order to satisfy The Watershed Co. that the City's standards for wetland/stream buffer modification were met, and several letters and e-mails were exchanged. Only the two final letters are attached, demonstrating that the City's wetland/stream consultant has reviewed and recommended approval of the project.
- b. Conclusion: Based on the following analysis, the application as proposed in Enclosure 4 to Attachment 7 would meet the established criteria for an improvement or land surface modification in the environmentally sensitive area buffer for a Type 2 wetland or a Class B stream if the recommended conditions of approval are satisfied.
14. Criterion 1: It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations Report* (Adolfson Associates, Inc. 1998).
- a. Facts:
- (1) The City's wetland consultant, The Watershed Co., has reviewed the proposed buffer modification and has concluded that it meets the standards and recommendations in these reports. The resulting buffer, though reduced in size, will be of higher quality.
- b. Conclusion: The proposal is consistent with these identified City documents.
15. Criterion 2: It will not adversely affect water quality.
- a. Facts:
- (1) Clean roof and footing drainage will be discharged through level spreaders into the buffer area.
  - (2) Storm water from surface streets will be collected, detained and directed to local stormwater treatment facilities.
- b. Conclusion: The proposed buffer enhancement should improve the water quality of stormwater passing through the area.
16. Criterion 3: It will not adversely affect fish, wildlife, or their habitat.
- a. Facts:

- (1) The applicant proposes to remove the non-native and invasive vegetation in the wetland/stream buffer.
  - (2) The applicant proposes planting of native vegetation and installation of habitat features such as downed logs and snags. One habitat feature is proposed for every 2,500 sq.ft. of buffer, including bird nest boxes on snags and bat roosting boxes on existing large trees.
  - (3) As required by the Zoning Code, the applicant will install a barrier between the new development and the buffer area, to limit use by residents.
  - (4) The applicant proposes several measures to improve the quality of stormwater runoff in the area.
- b. Conclusion: The project will not adversely affect fish, wildlife, or their habitat. The removal of non-native invasive species in the buffer and replanting with native species should enhance the area for wildlife, as should installation of habitat features. The potential for improved water quality should positively impact fish downstream. The buffer area would be protected by fencing or a vegetative barrier.
17. Criterion 4: It will not have an adverse effect on drainage and/or storm water detention capabilities.
- a. Facts:
- (1) The enhanced buffer should not change the drainage or stormwater detention capabilities.
  - (2) The project as a whole proposes to install a stormwater detention and treatment facility to handle runoff from roads. Clean roof and footing drain runoff would aid wetland hydrology.
- b. Conclusion: The buffer modification should not have an adverse effect on drainage and/or storm water detention capabilities. Modifications to the wetland should improve stormwater detention capabilities. Several storm drainage treatment improvements are proposed.
18. Criterion 5: It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions.
- a. Facts:
- (1) Only minor changes to the slopes for purposes of buffer enhancement are proposed.
  - (2) Although existing vegetation such as Himalayan blackberry will be removed from the slopes, new native vegetation will be planted in its place.
  - (3) The applicant's geotechnical engineer has reviewed the plans and has not expressed any concerns (see Enclosure 5 to Attachment 7).

- (4) According to Talasaea Consultants, surface flow from the adjacent streets appears to have caused some areas along the eastern edge of the site to slump or erode. This surface flow will now be redirected to new facilities at the north end of 111<sup>th</sup> Avenue NE.
- b. Conclusion: The proposal is not expected to result in unstable earth conditions, erosion hazards, or scouring. The project plans have been reviewed by a geotechnical engineer who concludes that “the site is underlain by competent soils, and the risk of geologic hazards are (sic) low.”
19. Criterion 6: It will not be materially detrimental to any other property or to the City as a whole.
- a. Facts:
- (1) The current condition of the degraded wetland/stream buffer should be improved with replacement of the invasive vegetation by native plants, removal of trash, installation of habitat features, and improved water quality.
- (2) The applicant’s geotechnical engineer concludes that the proposal should not increase slope instability or erosion hazards if recommendations in the geotechnical report are followed.
- b. Conclusion: The proposal will not be materially detrimental to any other property or to the City as a whole. Existing conditions in the area should be improved with this project.
20. Criterion 7: Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.
- a. Facts:
- (1) The applicant’s wetland/stream report states that no detrimental organic or inorganic fill will be used as part of the buffer enhancement.
- b. Conclusion: No detrimental fill material is proposed for this project.
21. Criterion 8: All exposed areas are stabilized with vegetation normally associated with native wetland/stream buffers, as appropriate.
- a. Facts:
- (1) The applicant proposes to enhance the wetland/stream buffer with native vegetation.
- (2) The City’s wetland consultant has reviewed the applicant’s proposed planting plan and has concluded that the plant choices are appropriate.
- b. Conclusion: Exposed areas are proposed to be stabilized with native vegetation.
22. Criterion 9: There is no practicable or feasible alternative development proposal that results in less impact to the buffer.
- a. Facts:

- (1) This site has a maximum development potential of 7 lots and six lots are proposed.
  - (2) The configuration of the wetland buffer severely constrains the possible location of new development.
  - (3) The applicant has located the proposed building pads in areas with the least possible impact to the site.
  - (4) In most cases, buffer reductions are the minimum necessary to provide adequate building pads. For example, on Lot 3 a reduction to 50' is proposed. However, on Lot 5, the full 75' buffer is provided. In one location, on Lots 2 and 3, the buffer is shown to be reduced to less than 50', although no house pad encroachment is necessary in this area.
  - (5) The applicant's initial utility plan proposes that the sewer line for Lot 6 travel through the wetland buffer to a manhole near the railroad tracks. As an alternative, the sewer could be pumped, via individual grinder pump, to the sewer main in NE 104<sup>th</sup> Street, thereby avoiding the buffer.
- b. Conclusion: With two exceptions, there is no alternative development proposal that results in less buffer impact: (1) the NGPE boundary (wetland buffer line) should be expanded on Lots 2 and 3 so that no part of the wetland buffer is less than 50'; and (2) Sewer should be pumped, via individual grinder pump, to the sewer main in NE 104<sup>th</sup> Street rather than be extended through the wetland buffer.

23. VARIANCE

a. Facts:

- (1) KZC Section 15.10.010 requires a front yard setback off of a right-of-way of 20'.
  - (2) Because of the location of the existing and proposed street improvements for 111<sup>th</sup> Avenue NE and NE 104<sup>th</sup> Street, the distance to the setback line for houses on the six lots would range from 40' to 50' from the street curb (see Attachment 9).
  - (3) With encouragement from the Department of Planning and Community Development, the applicant is proposing a reduction in the required front yard from 20' to 10'.
  - (4) Zoning Code section 120.20 establishes three decisional criteria for approving a variance. The applicant's response to the criteria is included as Attachment 10. Sections 24 through 26 contain the staff's findings of fact and conclusions based on these three criteria.
- b. Conclusion: Based on the following analysis, the application would meet the established criteria for a variance if the recommended conditions of approval are satisfied.

24. Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole.

a. Facts:

- (1) The Comprehensive Plan, Highlands Neighborhood Chapter, Policy H-4.1, states that the City should “encourage clustered development on slopes with high or moderate landslide or erosion hazards” in an effort to “retain the natural topography and existing vegetation” (see Attachment 11).
- (2) The applicant’s proposal clusters the houses along the east and south edges of the property to avoid as much as possible the steep slopes and wetland/stream on-site.
- (3) With a 20’ setback, the houses would be set back 40’ to 50’ from the curb line of neighboring streets because of the location of existing/proposed street improvements.
- (4) Requiring this 20’ setback pushes the homes farther to the west and north—farther down the steep slope and toward the wetland and stream.
- (5) Even with a 10’ setback, the houses would be set back 30’ to 40’ from the curb line of neighboring streets.

b. Conclusion: Allowing the setback reduction would benefit property or improvements in the area of the subject property and the City as a whole by keeping the houses farther away from the steep slopes and wetland/stream on-site, without sacrificing the consistency of the streetscape in the area.

25. Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The site is steeply sloped and a wetland and stream are located on the property.
- (2) The applicant is clustering the houses along the eastern and southern edges of the property to avoid the wetland and stream and to keep back from the slope as much as possible.
- (3) Although proposed Lot 5 has a fairly level building pad even without the setback variance, its location at the “entry” to the new houses makes it desirable that it share a consistent setback pattern with the other lots. Too, this lot is encumbered by two front yard setbacks.

b. Conclusion: The special circumstances of the site’s steep topography and the configuration of the wetland and stream make this variance desirable for five of the six lots. The sixth lot (Lot 5) warrants a variance because of its location as the “entry” to the new development. Allowing this lot the same variance as those surrounding it will maintain a consistent streetscape while still supporting the pattern of longer-than-normal driveways on the west side of the street.

26. Criterion 3: The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

a. Facts:

- (1) Typical homes are required to be set back 20' from the right-of-way in the RS zone. The back of the sidewalk is often within five feet of the edge of the right-of-way, resulting in homes being setback 20 to 25 feet from the edge of the required street improvements.
- (2) The existing and proposed right-of-way improvements in 111<sup>th</sup> Avenue NE are located in the eastern half of the actual right-of-way to avoid the wetland buffer.
- (3) The improvements to NE 104<sup>th</sup> Street are located in the southern half of the right-of-way, curving away from the subject property.
- (4) Even with a setback reduction to 10', the new houses would be set back 30' to 40' from the curb lines of the neighboring streets because of the location of the existing and proposed street improvements in the right-of-way.

b. Conclusion: The variance would not constitute a grant of special privilege as the driveways to the new houses still would be longer than those required on neighboring lots—even with the variance. To ensure that the houses are placed closer to the right-of-way as a result of a variance approval, a note should be added to the mylar identifying the building line for the back of structures on these lots.

27. GENERAL ZONING CODE CRITERIA

a. Fact: Zoning Code section 150.65.3 states that a Process IIA 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 150.65.3. It is consistent with all applicable development regulations (see Sections II.A, D, E and G) and the Comprehensive Plan (see Section II.F). In addition, it is consistent with the public health, safety, and welfare because it will provide additional housing for the community in a way that protects and preserves the steep slopes, wetland and stream on-site.

**E. DEVELOPMENT REGULATIONS**

1. Right-of-Way Improvements

a. Facts: Access - Right-of-Way: Municipal Code section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code

with respect to improvement of adjacent right-of-way. Of the six lots, five will access from 111<sup>th</sup> Avenue NE. One lot will be served by NE 104<sup>th</sup> Street.

- (1) Zoning Code Chapter 110 establishes right-of-way improvement requirements. Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts 111<sup>th</sup> Avenue NE which is shown on the City Rights-of-Way Designation Map as a neighborhood access street, and NE 104<sup>th</sup> Street which is also a neighborhood access street.
- (2) Sections 110.30 through 110.50 establish that neighborhood access streets should be improved as follows: 111<sup>th</sup> Avenue NE should be widened to 24 ft. from the face of curb of the east side of the street, or 20' wide along portions of the right-of-way encumbered by the wetland buffer; install storm drainage and curb and gutter and street trees. A 5' sidewalk is required along the street frontage, but due to the topography and environmental constraints, the Public Works Department is recommending that the applicant be allowed to participate in the Construction in-lieu program. The installation of curbs and sidewalks on the east side of 111<sup>th</sup> Avenue NE is recommended as part of this Construction-in-lieu program.
- (3) NE 104<sup>th</sup> Street should be improved as follows: Complete installation of a vertical curb and gutter along the north side of the street where this is no curb currently; where feasible plant street trees. Due to the steep topography in the area, the Public Works Department is recommending that no additional street improvements be required.
- (4) Per KZC 90.60, a wetland buffer can be reduced by no more than one-third (in this case, 50'). On Lot 4, the 50' wetland buffer extends nearly 30' into the 111<sup>th</sup> Avenue NE right-of-way.
- (5) Per KZC 90.60, vegetation planted in a modified buffer should be that normally associated with a native buffer.

b. Conclusions:

- (1) Pursuant to sections 110.10 and 110.25, the applicant should improve the 111<sup>th</sup> Avenue NE and NE 104<sup>th</sup> Street rights-of-way as described above.
- (2) The applicant should contribute to the Construction-in-lieu fund for sidewalks per KZC 110.70, including installation of curbs and sidewalks on the east side of 111<sup>th</sup> Avenue NE.
- (3) As with the site improvements, the right-of-way improvements, with the possible exception of street trees, should not be located within the 50' wetland buffer.
- (4) Species and location of street trees proposed in wetland buffer areas should be reviewed for approval by the City's wetland consultant.

2. Environmentally Sensitive Areas – Geologically Hazardous Areas

a. Facts:

- (1) The site is mapped as a high landslide hazard area. Zoning Code Section establishes that the City may require mitigation based on recommendations in a geotechnical report provided for proposed development in a high landslide hazard area.
  - (2) Municipal Code section 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography,
  - (3) The applicant has submitted a geotechnical report and supplemental letter (see Enclosure 5 to Attachment 7) stating that, “the site is underlain by competent soils, and the risk of geologic hazards are (sic) low.” The geotechnical engineer further states that “any potential risks can be mitigated for each lot development based on the lot-specific geotechnical conditions, and the incorporation of measures to minimize these impacts.” The measures are discussed in the report, including the recommendation that the spreader pipes be fed by a tight-lined system so as not to recharge the slope areas below the structures and that concentrated discharge points be avoided which could result in erosion.
  - (4) The applicant’s variance request would move the houses to the east and south, farther up the slope.
- b. Conclusion: The applicant should comply with the geotechnical recommendations contained in the Golder Associates report dated October 30, 2007. The variance, as requested, should be approved (see Section II.D.23).
3. Garage Setback Requirements
- a. Facts:
- (1) KZC Section 15.10.010 Special Regulation 6 states that single-family garages must comply with the requirements of KZC Section 115.43. This section requires that a front yard setback for a garage be 8’ greater than the front yard setback for the remainder of the house.
  - (2) Without a variance approval, garages on the six lots would have to be set back 28’ from the front property line, unless the criteria for deviation (KZC 115.43.4) were met.
  - (3) Staff is recommending that the variance be approved and that the front yard setback be reduced to 10’. This change would place the garage setback at 18’ from the front property line.
  - (4) Requiring this garage setback results in longer-than-normal driveways because of the location of existing and proposed street improvements in 111<sup>th</sup> Avenue NE and NE 104<sup>th</sup> Street.
- b. Conclusion: The applicant should apply for a deviation from the garage setback requirements and include design details for the garage that minimize the dominant appearance of the garage when viewed from the street. The deviation criteria in KZC 115.43.5 should be used as guidance.

4. Bonds and Securities

a. Facts:

- (1) Municipal Code section 22.32.080 states that in lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat.
- (2) Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.
- (3) Zoning Code section 90.145 establishes the requirement for the applicant to submit a performance or maintenance bond to ensure compliance with any aspect of the Drainage Basins regulations contained in Chapter 90 of the KZC or any decision or determination made pursuant to the chapter.

b. Conclusions:

- (1) Site and right-of-way improvements required as a result of the plat should be completed prior to recording, unless a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of plat approval is submitted.
- (2) In order to ensure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to occupancy, unless the applicant can demonstrate compliance with the criteria in Zoning Code section 175.10.2.
- (3) In order to ensure that the wetland and wetland/stream buffer enhancement work is completed in compliance with the approved plans, the applicant should submit a financial security device to the Planning Department prior to recording the short plat to cover the cost of completing the improvements, unless they are to be installed prior to recording. The security should be consistent with the standards outlined in Zoning Code Section 90.145.

5. Natural Features - Significant Vegetation

a. Facts:

- (1) Regulations regarding the retention of trees can be found in Chapter 95 of the Kirkland Zoning Code. The applicant is required to retain all viable trees on the site following the short plat approval. Tree removal will be considered at the land surface modification and building permit stages of development.

(2) The applicant has submitted a Tree Plan III, prepared by a certified arborist (see Attachment 12), including recommendations for tree preservation and protection. Specific information regarding the tree density on site and the viability of each tree can be found in Attachment 3, Development Standards.

(3) The City's Arborist has reviewed and approved this plan.

b. Conclusion:

The applicant has provided a Tree Plan III with the short plat application and this plan has been reviewed by the City's Arborist. The applicant should retain all viable trees during the construction of plat improvements and residences and comply with the specific recommendations of the City's arborist.

**F. COMPREHENSIVE PLAN**

1. Facts: The subject property is located within the Highlands neighborhood. Figure H-4 on page XV.M-12 designates the subject property for Low Density Residential, 5 units per acre (see Attachment 13). The proposed density is approximately 1.8 units per acre.

The Highlands neighborhood plan contains a policy that speaks to clustering on this site. This policy is discussed under the Variance criteria, Section II.D.24, above.

2. Conclusion: The application conforms to the policies in the Comprehensive Plan. The proposed density is low by Comprehensive Plan standards, but the site is significantly constrained by environmentally-sensitive areas.

**G. DEVELOPMENT STANDARDS**

1. Fact: Additional comments and requirements placed on the project are found in the Development Standards, Attachment 3, including the requirement that all houses should be sprinklered as the fire flow in the area is less than the standard, and that the turnaround at the end of 111<sup>th</sup> Avenue NE should be improved.

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. APPEALS AND JUDICIAL REVIEW**

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

**A. APPEALS**

1. Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or

comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., \_\_\_\_\_, twenty-one (21) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

## **B. JUDICIAL REVIEW**

Section 150.130 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 21 calendar days of the issuance of the final land use decision by the City.

## **V. LAPSE OF APPROVAL**

Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete permit application approved under Chapter 150, 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 150.130, 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 the development activity approved under Chapter 150 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.

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, 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 recording of the short plat.

## **VI. APPENDICES**

Attachments 1 through 13 are attached.

1. Vicinity map
2. Site plan
3. Development standards
4. Maximum development potential calculation
5. Public comment
  - a. E-mail from Erik Nielsen
  - b. E-mail from Gregory Cooledge
6. Response from Public Works Department dated February 11, 2008
7. SEPA documents
8. Letter dated April 7, 2008 and e-mail dated April 30, 2008 from The Watershed Co.
9. Preliminary street improvement plan
10. Applicant's response to variance criteria
11. Highland Neighborhood Plan Policy H-4.1
12. Tree Plan III prepared by Brian Gilles dated March 12, 2007
13. Highlands Neighborhood Plan Land Use Map

## **VII. PARTIES OF RECORD**

Applicant: Ken Davidson, DCK Property, LLC  
P.O. Box 817  
Kirkland, WA 98083

Parties: Erik Nielsen

[eriknielsen@hotmail.com](mailto:eriknielsen@hotmail.com)

Gregory Cooledge  
11107 NE 104<sup>th</sup> Street  
Kirkland, WA 98033

Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

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











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

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Date: 6/10/2008

DEVELOPMENT STANDARDS

CASE NO.: SPL07-00034

PCD FILE NO.:SPL07-00034

You can review your permit status and conditions at [www.kirklandpermits.net](http://www.kirklandpermits.net)

PUBLIC WORKS CONDITIONS

Permit Information

Permit #: SPL07-00034

Project Name: Highland Glen 7-lot Short Plat

Project Address: 10405 111th Ave. NE

Date: December 20, 2007

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

Rob Jammerman, Development Engineering Manager

Phone: 425-587-3845 Fax: 425-587-3807

E-mail: [rjammer@ci.kirkland.wa.us](mailto:rjammer@ci.kirkland.wa.us)

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Senior Development Engineer

Phone: 425-587-3846 Fax: 425-587-3807

E-mail: [jburkhal@ci.kirkland.wa.us](mailto:jburkhal@ci.kirkland.wa.us)

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](http://www.ci.kirkland.wa.us).
2. This project 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](http://www.ci.kirkland.wa.us). The applicant should anticipate the following fees:
  - o Water and Sewer connection Fees (paid with the issuance of a Building Permit)
  - o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
  - o Water Meter Fee (paid with the issuance of a Building Permit)
  - o Right-of-way Fee
  - o Review and Inspection Fee (for utilities and street improvements).
  - o 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. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the subdivision (and subsequent Building Permits if multiple houses are demolished). The credit amount for each demolished single family home will be equal to the most currently adopted Traffic Impact Fee schedule.
6. 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.
7. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
8. 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).
9. A completeness check meeting is required prior to submittal of any Building Permit applications.
10. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit. If a Building Permit for a new house is applied for prior to applying for the LSM Permit, the Building Permit will not be issued until a complete LSM Permit is applied for.
11. The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. Contact the Development Engineer assigned to this project to assist with this process
12. All subdivision recording mylar's shall include the following note:

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer or storm water stub from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer or surface water stub, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the maintenance of the vegetation within the abutting landscape strip. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

#### Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the 111th Ave. NE public right-of-way along the front of the property is adequate to serve lots 1-5. There is sewer to the south of this property in the NE 104th St. right-of-way. The sewer for lots 6 and 7 will either need to be conveyed via a side sewer to the manhole near the railroad tracks as the plans show, or the sewer will need to be pumped, via individual grinder pumps, to the sewer main in NE 104th St (the pumps shall discharge to a side sewer line that conveys the sewer to the sewer main).
2. Provide a 6-inch minimum side sewer stub to each lot.

#### Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.
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.
3. The existing water service may be used provided that it is in the right location, is not galvanized, and is sized adequately to serve the building (per the Plumbing Code). If it is not used, it shall be abandoned at the water main.
4. Provide fire hydrants per the Fire Departments requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control and water quality treatment per the 1998 King County Surface Water Design Manual. If this project creates greater than 10,000ft<sup>2</sup> impervious surface area, Level 2 Flow Control is required. Runoff discharged towards landslide hazard areas and/or steep slopes must be evaluated by a geotechnical engineer or qualified geologist. In addition, the geotechnical report must address all aspects of the stormwater design.
2. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
3. Any site storm water that must by-pass the on-site storm water detention system must be accounted for in the design of the detention system.
4. As part of the roof and driveway drainage conveyance system for each new house, each lot shall contain a 10 ft. long (min.) perforated tight line connection with an overflow to the public storm drain system (COK Plan No. CK-D.39). The tight line connections shall be installed with the individual new houses.
5. The Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.  
Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch  
[http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage\\_NWPs](http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_NWPs)  
Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495
6. If this project disturbs greater than one acre, the applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Dept. of Ecology. Specific permit information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>  
Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland Public Works Department pre-construction meeting with a completed SWPPP.
7. 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. The erosion control plan must address the protection of sensitive areas during construction. BMPs must be adequate to protect the steep slope, stream, and wetlands.
8. 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.

9. Based on recommendations in the project geotechnical report by Golder and Associates, all preliminary site grading shall be completed during the summer months. Unless the Geotechnical recommends otherwise, Public Works recommends that site grading should only occur between May 1 and September 30th.

10. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 111th Ave. NE and NE 104th St. These streets are Neighborhood Access type streets. 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:

111th Ave. NE

- A. Widen the street to 24 ft. from the face of curb of the east side of the street or 20 ft wide along portions of the right-of-way encumbered by the wetland buffer.
- B. Install storm drainage and curb and gutter and street trees 30 ft on-center 2.5 feet behind the new curb.
- C. A 5 ft wide sidewalk is required along the street frontage, but due to the topography and environmental constraints, Public Works recommends that the developer be allowed to participate in the Construction in-lieu program (per KZC 110.70) as requested by the developer. The construction-in-lieu shall consist of pedestrian related improvements near the subdivision and shall be at least 75% of the value of the sidewalk that would have been built along the project frontage. In this case, the installation of curbs and sidewalks on the east side of 111th Ave. NE, as proposed by the developer, is the first logical choice. If more off-site improvements are needed to reach the 75% dollar value of required sidewalk, the Public Works Department will work with the Developer to determine a mutually agreeable location.

NE 104th Street

- A. Complete the installation of a vertical curb and gutter along the north side of the street (where there is no curb now).
- B. Where feasible, plant street trees 30 ft on-center 2.5 ft behind the new curb.
- C. Due to the topography, no additional street improvements will be required along the north side of NE 104th St.

2. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 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. The Planning Department is considering a front yard setback reduction of 10 ft (in lieu of 20 ft) for all of the new lots. If the modification is approved each lot will still have driveway lengths in excess of 20 ft from the face of the garage to the new curb along the street which will provide adequate parking in the driveways for each new home.

4. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.

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.

7. New street lights along 111th Ave. NE may be required per Puget Sound Energy design and Public Works approval. The applicant should have PSE Intolight analyze the lighting needs to determine if more lights are required. If lights are required, the design must be submitted prior to issuance of the

Land Surface Modification Permit.

\*\*\* FIRE DEPARTMENT CONDITIONS \*\*\*

Fire flow in this area is less than 1000 gpm; all houses shall be sprinklered. (This is based on updated water modeling information which shows that available fire flow is approximately 870 gpm on both NE 104th and 111th Avenue NE)

The 2 existing fire hydrants located on 111th Avenue NE shall be equipped with 5 inch "STORTZ" adapter couplings. The adapter shall be installed and approved prior to any combustible construction.

The turnaround at the end of 111th Avenue NE shall be improved to the extent shown on the preliminary utility plan submitted.

\*\*\*BUILDING DEPARTMENT COMMENTS\*\*\*

Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.050

Building permits must comply with the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code ; and the Washington State Ventilation and Indoor Air Quality Code.

Structures must be designed for seismic design category D2, wind speed of 85 miles per hour and exposure B.

Plumbing water meters and service lines shall be sized in accordance with the current UPC and Fire sprinkler requirements.

Project is in a landslide hazard area. A geotechnical report required to address development activity. Report must be prepared by a Washington State licensed Professional Engineer. Recommendations contained within the report shall be incorporated into the design of the Short Plat and subsequent structures.

Demolition permit required for removal of existing structures, if applicable.

Prior to recording of the short plat, the existing structure on lots 4 & 5 must be removed due to its proximity to proposed lot lines.



## **DEVELOPMENT STANDARDS LIST**

**File:** Highland Glen Short Plat, SPL07-00034

### **SUBDIVISION STANDARDS**

**22.28.030 Lot Size.** Unless otherwise approved in the preliminary subdivision or short subdivision approval, all lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland zoning code or other land use regulatory document.

**22.28.210 Significant Trees.** The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code. The Planning Official is authorized to require site plan alterations to retain Type 1 trees. The applicant shall retain all viable trees at the short plat approval stage and all viable trees with the required Land Surface Modification Permit, except for those trees needed to be removed for installation of the plat infrastructure improvements. The applicant shall also retain all viable trees during the development of each single family lot except for those trees required to be removed for the construction of the house and other associated site improvements. A Tree Plan III was submitted with the short plat. There are more than 300 significant trees on the site, 5 of which are viable trees outside of the wetland/buffer. None of the trees outside of the wetland/buffer are Type 1 trees. A minimum of 101 tree credits are required for the subject site. If at any stage of development, tree retention on the site falls below the minimum required tree density, replanting shall be required per KZC Section 95.35.

**22.32.010 Utility System Improvements.** All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

**22.32.030 Stormwater Control System.** The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

**22.32.050 Transmission Line Undergrounding.** The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

**22.32.060 Utility Easements.** Except in unusual circumstances, easements for utilities should be at least ten feet in width.

**27.06.030 Park Impact Fees.** New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

### ***Prior to Recording:***

**22.20.362 Short Plat - Title Report.** The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

**22.20.366 Short Plat - Lot Corners.** The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the

short plat improvements are completed.

**22.20.390 Short Plat - Improvements.** The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

**22.32.020 Water System.** The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

**22.32.040 Sanitary Sewer System.** The developer shall install a sanitary sewer system to serve each lot created.

**22.32.080 Performance Bonds.** In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one year to ensure completion of these requirements within one year of plat/short plat approval.

***Prior to occupancy:***

**22.32.020 Water System.** The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.

**22.32.040 Sanitary Sewer System.** The developer shall install a sanitary sewer system to serve each lot created.

**22.32.090 Maintenance Bonds.** A two-year maintenance bond may be required for any of the improvements or landscaping installed or maintained under this title.

**ZONING CODE STANDARDS**

**85.25.1 Geotechnical Report Recommendations.** The geotechnical recommendations contained in the report by Golder Associates dated October 30, 2007 shall be implemented.

**85.25.3 Geotechnical Professional On-Site.** A qualified geotechnical professional shall be present on site during land surface modification and foundation installation activities.

**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 in this Section.

**90.45.2 Wetland Buffer Setback.** Structures shall be set back at least 10' from the wetland buffer.

**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 Monitoring and Maintenance of Wetland Buffer Modifications:** Modification of a wetland buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with the criteria found in 90.55 and which is prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

**90.80 Streams.** No land surface modification may take place and no improvements may be located in a stream except as specifically provided in this Section.

**90.90 Stream Buffers.** No land surface modification may take place and no improvement may be located within the environmentally sensitive buffer for a stream, except as provided in this Section.

**90.95 Stream Buffer Fence.** Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream 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 stream 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.

**90.100 Monitoring and Maintenance of Stream Buffer Modifications:** Modification of a stream buffer will require that the applicant submit a 5-year monitoring and maintenance plan consistent with KZC section 90.55. This plan shall be prepared by a qualified professional and reviewed by the City's wetland consultant. The cost of the plan and the City's review shall be borne by the applicant.

**90.125 Frequently Flooded Areas.** No land surface modification may take place and no improvements may be located in a frequently flooded area, except as specifically provided in Chapter 21.56 of the Kirkland Municipal Code.

**95.50.2.a Required Landscaping.** All required landscaping shall be maintained throughout the life of the development. The applicant shall submit an agreement to the city to be recorded with King County which will perpetually maintain required landscaping. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

**95.52 Prohibited Vegetation.** Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

**110.60.5 Street Trees.** All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

**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.

**115.42 Floor Area Ratio (F.A.R.) Limits.** Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed.

**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.

**115.90 Calculating Lot Coverage.** The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

**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 Required Setback Yards.** This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

**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.

**115.115.3.n Covered Entry Porches.** In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met.

**115.115.3.p HVAC and Similar Equipment:** These may be placed no closer than five feet of a side or rear

property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

**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 be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

**115.135 Sight Distance at Intersection.** Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

**150.22.2 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 recording:***

**110.60.5 Landscape Maintenance Agreement.** The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

**110.60.6 Mailboxes.** Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

***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.

**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.

**90.95 Stream Buffer Fence.** Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream 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 stream 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.

**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.

**95.35.2.b.(3)(b)i Tree Protection Techniques.** A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

**95.35.6 Tree Protection.** Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees

to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

**27.06.030 Park Impact Fees.** New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

***Prior to occupancy:***

**85.25.3 Geotechnical Professional On-Site.** The geotechnical engineer shall submit a final report certifying substantial compliance with the geotechnical recommendations and geotechnical related permit requirements.

**90.145 Bonds.** The City may require 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. A 5-year maintenance and monitoring bond is required for the wetland and buffer modifications.

**95.50.2.b Tree Maintenance.** For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

**110.60.5 Landscape Maintenance Agreement.** The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

**110.60.6 Mailboxes.** Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

**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.

**DAVIDSON, CZEISLER &  
KILPATRIC, P.S.**

Kenneth H. Davidson  
Robert T. Czeisler  
Dan W. Kilpatric  
Sara M. Earls

LAWYERS  
520 KIRKLAND WAY, SUITE 400  
KIRKLAND, WASHINGTON 98033

(425) 822-2228  
FAX (425) 827-8725  
Mailing Address: PO Box 817  
Kirkland, WA 98083-0817

March 21, 2008

VIA FACSIMILE & US MAIL

RECEIVED

MAR 25 2008

AM \_\_\_\_\_ PM \_\_\_\_\_  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

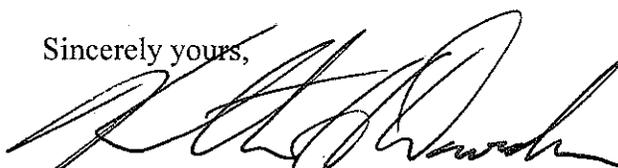
Lauri Anderson  
Planning & Community Development Dept.  
City of Kirkland  
123 - 5<sup>th</sup> Avenue  
Kirkland, WA 98033

Re: Highland Glen Short Plat & Wetland and Buffer Modifications  
File No. SPLO7-00034

Dear Ms. Anderson:

Enclosed please find Jim Hart's calculations for maximum density for our short plat. Mr. Hart's office may have done more than required. The relevant calculation you will find under the line entitled "Total Site" on the page entitled "Without paper fill calculation" which shows a maximum density of 7.37 lots. We are proposing 6 lots. His calculations for each lot are based on the original 7 lot submittal and, I believe, are not necessary. He has also calculated maximum density with paper fill at 8.26 lots, which may also be more than you need.

Sincerely yours,



Kenneth H. Davidson, Manager  
DCK Property, LLC

KDH:akt  
Enc.

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ATTACHMENT 4  
SPL 07-00034  
39

**Without paper fill calculations**

	<b>Site or lot area (in sq ft. ±)</b>	<b>Buildable area (in sq ft.±)</b>	<b>Buffer area (in sq ft.±)</b>	<b>Percentage of site in buffer</b>	<b>Development factor</b>	<b>Zoning</b>	<b>Maximum Dwelling Unit Potential</b>
<b>Total site</b>	145,770	21,868	67,984	47%	60%	8,500	<b>7.37</b>
<b>Lot 1</b>	17,096	978	16,118	94%	10%	8,500	<b>0.30</b>
<b>Lot 2</b>	9,090	3,371	4,999	55%	50%	8,500	<b>0.69</b>
<b>Lot 3</b>	16,112	1,982	9,997	62%	40%	8,500	<b>0.70</b>
<b>Lot 4</b>	32,813	3,252	13,339	41%	60%	8,500	<b>1.32</b>
<b>Lot 5</b>	19,993	7,547	2,857	14%	90%	8,500	<b>1.19</b>
<b>Lot 6</b>	20,019	3,961	5,215	26%	80%	8,500	<b>0.96</b>
<b>Lot 7</b>	30,710	1,137	15,848	52%	50%	8,500	<b>1.07</b>

**LAURI ANDERSON**

---

**From:** "Erik Nielsen" <eriknielsen@hotmail.com>  
**To:** "LAURI ANDERSON" <lwanderson4@msn.com>  
**Sent:** Tuesday, January 22, 2008 11:25 AM  
**Subject:** RE: Highland Glen Short Plat SPL07-00034

Lauri,

Thanks for your email. Can you fax the 8 1/2" by 11" version of the site plan to my attention at 206.239.1958?

Do you have any information about the buffer modifications being requested or are the only buffer modifications being requested related to the wetland modifications? I also thought there was a request for access to an easement for use for a common driveway for a couple of the lots. Do you have any information on the buffer modifications or the easement access?

I can go by the Planning Department to review the wetland report and the full-size plans. Do you know the time-frame for when the staff report will be completed and available for review?

Thanks for your assistance.

-Erik

Erik C. Nielsen eriknielsen@hotmail.com

---

**From:** LWANDERSON4@MSN.COM  
**To:** eriknielsen@hotmail.com  
**Subject:** Re: Highland Glen Short Plat SPL07-00034  
**Date:** Tue, 22 Jan 2008 11:00:56 -0800

Hi Erik,

I would be happy to fax/mail you an 8 1/2" x 11" copy of the site plan for the project. The wetland report--a more lengthy document--and the full-size site plan are available for review in the file at City Hall. Would you be able to visit the Planning Department to look at those materials, or should we try another approach? (The staff report is not yet prepared so I don't yet have a good concise summary...)

Lauri

----- Original Message -----

**From:** Erik Nielsen  
**To:** lwanderson4@msn.com  
**Sent:** Tuesday, January 22, 2008 6:46 AM  
**Subject:** Highland Glen Short Plat SPL07-00034

Lauri,

I would like to receive more information about the Highland Glen Short Plat SPL07-00034 project. I am interested reviewing the plot map for the proposed 7 lots and the modifications be requested to the wetland and buffers.

Thanks for your assistance.

ATTACHMENT 5a

SPL07-00034

-Erik

Erik C. Nielsen eriknielsen@hotmail.com

---

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**LAURI ANDERSON**

---

**From:** "Gregory Cooledge" <gregorycooledge@msn.com>  
**To:** <lwanderson4@msn.com>  
**Sent:** Saturday, January 26, 2008 1:48 PM  
**Subject:** Permit No SPL07-00034

RE: Permit No SPL07-00034

Concern #1

The interception of NE 104<sup>th</sup> St and 111<sup>th</sup> Ave NE will be receiving additional traffic. I would like the intersection to receive a Four Way stop. Currently traffic going north on 111<sup>th</sup> Ave NE, going on a down slop, tends to be going well over the speed limit. Living on that intersection, I am seeing a lot of traffic taking that corner well over the speed limit.

Concern #2

There are two utility poles that exist solely for the one structure on this site. Since the structure will be removed and all of the new structures will have its utilities underground, I would like to see the two utility poles removed.

Gregory Cooledge  
11107 NE 104<sup>th</sup> St  
Kirkland WA 98033

ATTACHMENT <u>5b</u>
<u>SPL 07-00034</u>



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

**To:** Lauri Anderson, AICP, Planner

**From:** Rob Jammerman, Development Engineering Manager

**Date:** February 11, 2008

**Subject:** Highland Glen 7-lot Short Plat, File No. SPL07-00034, Public Comment Letter from Mr. Gregory Cooledge.

The Public Works Department has reviewed the e-mail letter from Mr. Gregory Cooledge, dated January 26<sup>th</sup>, 2008 and would like to offer the following:

1. **Request for a 4-way stop at the intersection of 111<sup>th</sup> Ave. NE and NE 104<sup>th</sup> Street.** This matter has been forwarded to the Public Works Transportation Division for analysis outside of the Short Plat process. If a 4-way stop at the interaction is warranted, with or without the proposed short plat, the Transportation Division will have the signs installed. Noel Schoneman, NTCP Coordinator, has made contact with Mr. Cooledge to let him know that the Transportation Division is studying his request.
2. **Request to have the utility poles removed.** If the existing utility poles only provide overhead utility service to the existing home, and these lines can be abandoned when the existing home is removed, the existing utility poles will also be removed. Puget Sound Energy will have to be consulted to determine if the poles can be removed; it is possible that they also serve some other need and they have to remain in place.

Please let me know if you have any questions.

ATTACHMENT 6SPL07-00034





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

**DETERMINATION OF NONSIGNIFICANCE (DNS) .**

CASE #: SEP07-00034

DATE ISSUED: 5/15/2008

DESCRIPTION OF PROPOSAL

**SEPA determination part of SPL; subdividing a 145,770 SF lot into 6 lots in an RS8.5 zone. A wetland, stream and steep slopes are located on-site. Wetland and buffer modifications are proposed.**

PROPONENT: **KEN DAVIDSON**

LOCATION OF PROPOSAL

**10405 111TH AVENUE 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. 5/29/2008

Responsible official:

Eric Shields, Director  
Department of Planning and Community Development  
425-587-3225

5/15/08  
Date

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

**You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., May 29, 2008 by WRITTEN NOTICE OF APPEAL.**

You should be prepared to make specific factual objections. Contact the Planning Department at 425-587-3225 to read or ask about the procedures for SEPA appeals.

Please reference case # SEP07-00034.

Publish in the Seattle Times (date): 5/20/08

ATTACHMENT 7  
SPL07-00034

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
- Jan McGruder, Executive Director  
East Lake Washington Audubon Society  
PO Box 3115  
Kirkland, WA 98083

Applicant / Agent

Ken Davidson, DCK Property, LLC, P.O. Box 817,  
Kirkland, WA 98083

cc: Case # SPL07-00034

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

*Betty Kalar*

Distributed By:  
SEPA\_C\_A, rev: 5/13/2008

*5-15-08*

Date:





## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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### MEMORANDUM

**To:** Eric R. Shields, AICP, SEPA Responsible Official  
**From:** Lauri Anderson, Planning Consultant  
**Date:** May 9, 2008  
**File:** SPL07-00034  
**Subject:** ENVIRONMENTAL DETERMINATION FOR DCK PROPERTY, LLC, HIGHLAND GLEN SHORT PLAT, 10405 111<sup>TH</sup> AVENUE NE

The Highland Glen Short Plat would create six lots for single-family development on a 3.3-acre site. The site contains a Type 2 wetland of approximately 56,287 sq.ft., with a 75' buffer, and a perennial Class B stream with a 60' buffer. The site is located in a high landslide hazard area. (See Attachments 1 and 2.)

I have had an opportunity to visit the site and review the environmental checklist (see Attachment 3).

The applicant is proposing 2,510 sq.ft. of "paper fill" in the wetland (see page 13 of Attachment 4 for a description of "paper fill"), and a reduction in some of the wetland and stream buffers by as much as one-third. To mitigate for the impacts of these encroachments, the applicant is proposing 3,944 sq.ft. of wetland creation and 4,304 sq.ft. of wetland enhancement, along with 37,268 sq.ft. of wetland/stream buffer enhancement (see Attachment 4).

The applicant has submitted a geotechnical report (see Attachment 5) concluding that "the site is underlain by competent soils, and the risk of geologic hazards are (sic) low."

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.<sup>1</sup>

A public hearing will be held on this project specifically to address the wetland and buffer impacts. The staff advisory report, which will be presented at the public hearing, will fully analyze the proposal, including the wetland and buffer impacts and the geotechnical recommendations, to determine if the project complies with all applicable City codes and policies. The staff advisory report also will identify recommended conditions of approval that would bring the project into compliance with the regulations and policies.

Based on my review of all of the available information, including the City regulations and policies that will mitigate any potential significant adverse impacts to the environment from this project, I am recommending that a Determination of Non-significance (DNS) be issued.

#### SEPA ENCLOSURES

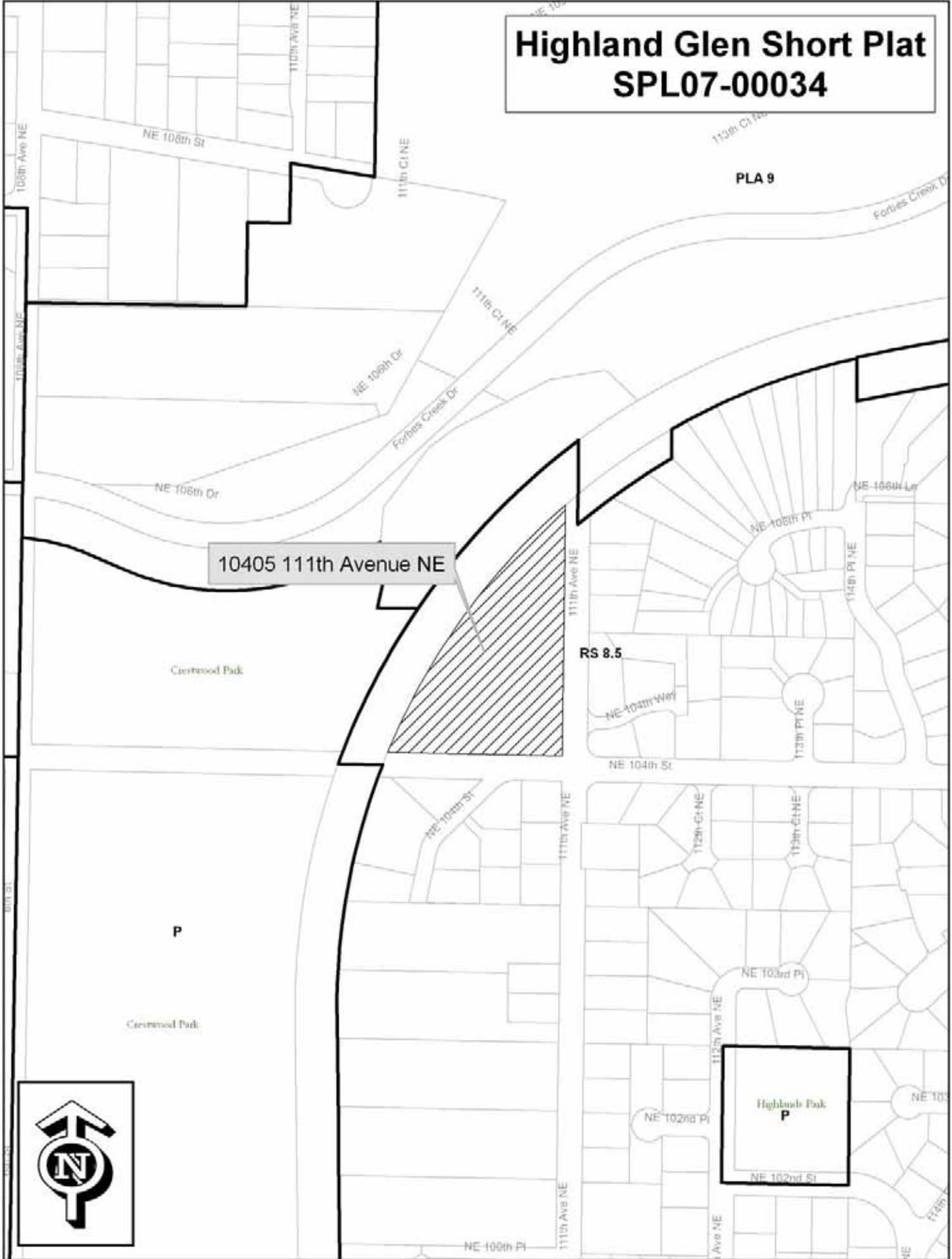
1. Vicinity Map
2. Site Plan
3. Environmental Checklist
4. Critical Areas and Conceptual Mitigation Report dated February 22, 2008 and revised on March 20, 2008, along with letter and documentation dated April 22, 2008, by Talasaea Consultants, Inc.

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<sup>1</sup>ESHB 1724, adopted April 23, 1995



# Highland Glen Short Plat SPL07-00034



10405 111th Avenue NE

PLA 9

RS 8.5

Crestwood Park

P

Crestwood Park

Highlands Park  
P



# 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).

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

KGROUND

Name of proposed project, if applicable: *Highland Glen Short Plat*

Name of applicant: *DCK Property, LLC - Ken Davidson, Manager*

Tax parcel number: *322605-9026-08*

ENCLOSURE	3
SEPA - SPL07-00034	

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AM  
PLANNING DEPARTMENT  
BY

4. Address and phone number of applicant and contact person: PO Box 817, Kirkland, WA 98083-0817 Contact: Ken Davidson 425-822-2228

5. Date checklist prepared: October 30, 2007

6. Agency requesting checklist: City of Kirkland, Department of Planning

7. Proposed timing or schedule (including phasing, if applicable): Complete required improvements and obtain final short plat approval within 12 months of preliminary short plat approval.

8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?

No

9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. <sup>WAK</sup>

Critical Areas and Conceptual Mitigation Report by Talasaea Consultants  
Geotechnical report by Golder and Associates  
Tree Plan III by Brian Gilles

Supplemental letter from Talasaea, and geotechnical information on fill also provided.

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.

No

11. List any government approvals or permits that will be needed for your proposal, if known.

Short plat application approval  
Approval of proposed wetland and wetland buffer modifications, and stream buffer modification. <sup>WAK</sup>

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.

5 (Y) <sup>WAK</sup>

Subdivision of property into seven lots for single family residences

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.

3.3 acres at 10405 - 111<sup>th</sup> Avenue NE, Kirkland, WA

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY  
REVIEWED BY:  
Lauri Anderson,  
Planning Consultant

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other  
*Slopes*
- b. What is the steepest slope on the site (approximate percent slope)?  
43%
- 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.  
*See Geotechnical report of Golder and Associates*
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.  
*No*
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.  
*N/A*
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.  
*Erosion could occur during construction of required 111<sup>th</sup> Avenue street improvements. Appropriate BMPs will be implemented to control sediment transport.*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?  
*None related to short plat process or improvements. Houses will be constructed pursuant to individual building permits*
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:  
*Silt fencing and other customary and appropriate erosion control during construction of required 111<sup>th</sup> Avenue improvements*

High landslide hazard  
area.

Some filling or grading.  
for foundation construction  
and road improvements.

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.  
**Dust possible during construction**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.  
**No**

c. Proposed measures to reduce or control emissions or other impacts to air, if any:  
**N/A**

### 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.

**Seasonal stream enters culvert under railroad right-of-way. Eventually reaches Forbes Creek after passing through storm water facilities at apartment complex. A wetland exists on 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.

**Yes. Some wetland impacts and mitigation is necessary. Wetland mitigation and buffer enhancement is proposed in the Critical Areas and Conceptual Mitigation Report prepared by Talasaea Consultants, Inc.**

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.

**None**

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

**Surface water from street widening and driveways will be diverted to public storm sewer.**

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**No**

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.

**No**

b. Ground

**Stream is perennial, but not fish-bearing.**

**Stream buffer impacts and mitigation also proposed.**

Page received 2/26/08

Give general description, purpose, and approximate quantities if known.  
**Roof and footing drains will be discharged to hydrate wetlands.**  
 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.  
 None

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.  
**Clean water from roofs and foundation drains will be discharged through flow through catch basins and storm water lines to a new detention and treatment facility at north end of 111th Avenue.**
- 2) Could waste materials enter ground or surface waters? If so, generally describe.  
 No

Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:  
**Clean water from roofs and foundation drains will be used to hydrate wetlands as part of wetland enhancement program.**

4. PLANTS

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

- |                                     |                            |  |
|-------------------------------------|----------------------------|--|
| <input checked="" type="checkbox"/> | deciduous tree:            | alder, maple, aspen, other                         |
| <input checked="" type="checkbox"/> | evergreen tree:            | fir, cedar, pine, other                            |
| <input type="checkbox"/>            | shrubs                     |  |
| <input type="checkbox"/>            | grass                      |  |
| <input type="checkbox"/>            | pasture                    |  |
| <input type="checkbox"/>            | crop or grain              |  |
| <input checked="" type="checkbox"/> | wet soil plants:           | cattail, buttercup, bullrush, skunk cabbage, other |
| <input type="checkbox"/>            | water plants:              | water lily, eelgrass, milfoil, other               |
| <input type="checkbox"/>            | other types of vegetation: |  |

b. What kind and amount of vegetation will be removed or altered?  
**Himalayan blackberry and reed canarygrass will be removed as part of the proposed wetland mitigation plan. Deciduous trees (eg., big-leaf maple, red alder and black cottonwood) may be removed as necessary to construct residential building pads, driveways, and general infrastructure.**

- c. List threatened or endangered species known to be on or near the site.  
*No priority species or habitats are indicated on or adjacent to the subject property by the Natural Heritage program.*
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  
*Native evergreen and deciduous trees and shrubs will be planted in the wetland enhancement area and the enhanced buffer to provide improved habitat value within the mitigation areas.*

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  
mammals: deer, bear, elk, beaver, other  
fish: bass, salmon, trout, herring, shellfish, other
- b. List any threatened or endangered species known to be on or near the site.  
*No priority species or habitats are indicated on the subject property by the PHS program. However, PHS does show that Forbes Creek contains populations of priority resident and anadromous fish. Also, a bald eagle (Haliaeetus leucocephalus) nest is indicated along the shores of Lake Washington approximately one mile west of the project site. This nest is sufficiently distant that nesting eagles will not be disturbed by any development activities*
- c. Is the site part of a migration route? If so, explain.  
*no*

- d. Proposed measures to preserve or enhance wildlife, if any:  
*The primary goal of the mitigation project is to replace the functions and values lost due to the impact of approximately 5,288 square feet of a Type 2 wetland through paper fill. To accomplish this goal, the proposed project will create a minimum of 1,985 square feet of new wetlands; enhance 54,671 square feet of existing wetland, and enhance 45,666 square feet of existing wetland buffer.*

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.  
*Not applicable for short plat application. Kinds of energy for single family homes to be built under separate building permits is not yet known, but expected to be typical for single family residences.*
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.  
*No*

*"Paper fill" proposed for 2,510 sq. ft. of wetlands. 3,944 sq. ft. of wetland creation and 4,304 sq. ft. of wetland enhancement proposed, along with 37,268 sq. ft. of wetland stream buffer enhancement.*

- 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:  
*None*

## 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*

- 1) Describe special emergency services that might be required.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

### b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?  
*None*

- 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.  
*Noise from construction machinery during construction of street improvements.*

- 3) Proposed measures to reduce or control noise impacts, if any:  
*Hours of construction are limited*

## 8. LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?  
*Single family residences*

- b. Has the site been used for agriculture? If so, describe.  
*No*

- c. Describe any structures on the site.  
*One single family home*

d. Will any structures be demolished? If so, what?  
*Existing home will be demolished*

e. What is the current zoning classification of the site?  
*RS8500*

f. If applicable, what is the current shoreline master program designation of the site?  
*N/A*

g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.  
*One class II wetland and one Class C stream*

h. Approximately how many people would reside or work in the completed project.  
*Assuming 7 houses are built, 21-24*

i. Approximately how many people would the completed project displace?  
*Following demolition of existing house, three.*

j. Proposed measures to avoid or reduce displacement impacts, if any:  
*7 new houses will replace one demolished house*

k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:  
*Project is only for single family lots with density less than adjoining properties.*

## 9. HOUSING

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.  
*Seven - high income housing likely.*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.  
*One middle income housing unit replaced*

c. Proposed measures to reduce or control housing impacts, if any:  
*Total housing increased by six*

*Stream is Class B.  
Also a high landslide hazard area.*

*6 houses now proposed.*

*6 new houses proposed.*

*Six units would be provided.*

*Total housing increased by five.*

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?  
*No structures are proposed in short plat application. Homes built under separate building permits must comply with height limits within zoning code.*
- b. What views in the immediate vicinity would be altered or obstructed?  
*None*
- c. Proposed measures to reduce or control aesthetic impacts, if any:  
*N/A*

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
*None with short plat. Reflections off windows of houses to be built under separate building permits may occur.*
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
*No*
- c. What existing off-site sources of light or glare may affect your proposal?  
*None*
- d. Proposed measures to reduce or control light and glare impacts, if any:  
*None*

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
*Crestwood Park is located across the railroad right-of-way*
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
*No*
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
*None*

13. HISTORICAL AND CULTURAL PRESERVATION

a. Are there any places or objects listed in, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
*No*

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.  
*N/A*

c. Proposed measures to reduce or control impacts, if any:  
*N/A*

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.  
*111<sup>th</sup> Avenue NE and NE 104<sup>th</sup> Street*

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?  
*No*

c. How many parking spaces would the completed project have? How many would the project eliminate?  
*N/A*

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).  
*111<sup>th</sup> Street will need to be improved to standard width in front of property*

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.  
*None for short plat approval, but upon construction of new homes, typical*

*number of trips for up to six additional single family residences which may be constructed.*

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. *None for short plat, but upon construction of homes, typical increased need associated with potentially six new residences.*
- b. Proposed measures to reduce or control direct impacts on public services, if any. *N/A*

16. UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other
- 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. *Storm sewer will be improved in 111<sup>th</sup> Avenue NE. Otherwise existing utilities will be used.*

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: *Reneeth A. Swisher*

Date Submitted: *November 8, 2007*

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

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Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

Proposed measures to reduce or respond to such demand(s) are:

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7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.





**TALASAEA**  
CONSULTANTS, INC.

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AM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

TAL 909

22 April 2008

Ms. Lauri Anderson, Planning Consultant  
City of Kirkland, Department of Planning  
123 Fifth Avenue  
Kirkland, WA 98033-6189

REFERENCE: Highland Glen Short Plat, File No. SPL07-00034  
SUBJECT: Response to 7 April 2008 Comments and Recommendations  
from Watershed Company

Dear Lauri:

This letter and revised figures/plans (4 copies attached) addresses items raised in the letter written by Watershed Company dated 7 April 2008. Minor changes have been made to the Critical Areas and Conceptual Mitigation Report currently on file with the City of Kirkland (dated 20 March 2008). These changes reflect the concepts that were recently discussed through email correspondence and will supersede the information in the Critical Areas and Conceptual Mitigation Report currently on file with the City of Kirkland (dated 20 March 2008). The items from the letter are as follows:

- Comment #1 – *There are concerns about the suitability of the westernmost wetland creation area. The slope in this area is greater than 2:1 in some areas and would more than likely cause significant damage to the adjacent wetlands and buffer during construction.*
- Response #1 - Based on field observations, we have relocated the wetland creation area to a more appropriate location. The 50' buffers for the new wetland creation areas do not extend beyond the property line and are in areas that do not exceed a 4.5:1 slope. See Figures 8 & 9 (attached with this letter) for more detail.
- Comment #2 – *There is no provision for restoring the temporary impacts to the wetland and wetland buffer as a result of the installation of the roof/footing drain. The drain lines should also be routed to avoid trees and other desirable native vegetation.*
- Response #2 – The installation of the roof/footing drain lines will require temporary disturbance within the wetland buffer areas. The construction corridors for the drain lines should be of minimal disturbance (5-foot wide

corridor preferred) and should avoid impacts to desirable native vegetation per the direction and approval of the City official responsible for overseeing construction activities. The restoration of the construction corridors for the drain lines shall follow the enhancement measures within Section 6.3 (Wetland and Stream Buffer Enhancement) in the Critical Areas and Conceptual Mitigation Report currently on file with the City of Kirkland (dated 20 March 2008). Also, a note has been added to Figures 8 & 9 and to sheets W1.2 and W2.0 in the Critical Areas and Conceptual Mitigation Plan to address this comment (see attachments).

- Comment #3 – *The following plants should be removed from the Conceptual Planting Plan: Shore pine, high bush cranberry, and evergreen huckleberry.*
- Response #3 – These plants have been removed from sheet W2.0 in the Critical Areas and Conceptual Mitigation Plan (see attachment).
- Comment #4 – *The larger ball & burlap tree sizes do not perform as well as the smaller container stock*
- Response #4 – The larger ball & burlap tree sizes have been removed from sheet W2.0 in the Critical Areas and Conceptual Mitigation Plan (see attachment).

In addition to this letter, I am submitting documentation to support the responses provided above. These items are to replace the figures and plans in the Critical Areas and Conceptual Mitigation Report currently on file with the City of Kirkland (dated 20 March 2008). The documentation is as follows:

- Figure 8 (Proposed Site Plan & Conceptual Mitigation Plan) – 4 copies
- Figure 9 (Conceptual Planting Plan & Schedule) – 4 copies
- Sheet W1.2 (Mitigation Plan) – 4 folded copies
- Sheet W2.0 (Conceptual Planting Plan & Schedule) – 4 folded copies

We trust that the enclosed information adequately addresses The Watershed Company's comments and recommendations. If you have any questions or comments, please contact Bill Shiels, Jason Walker, or me at 425-861-7550.

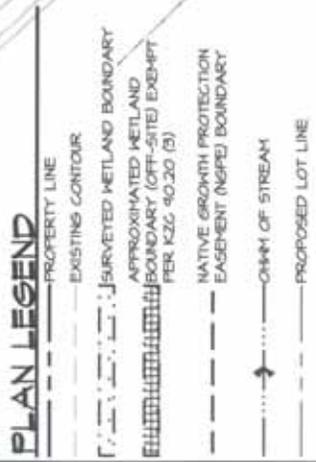
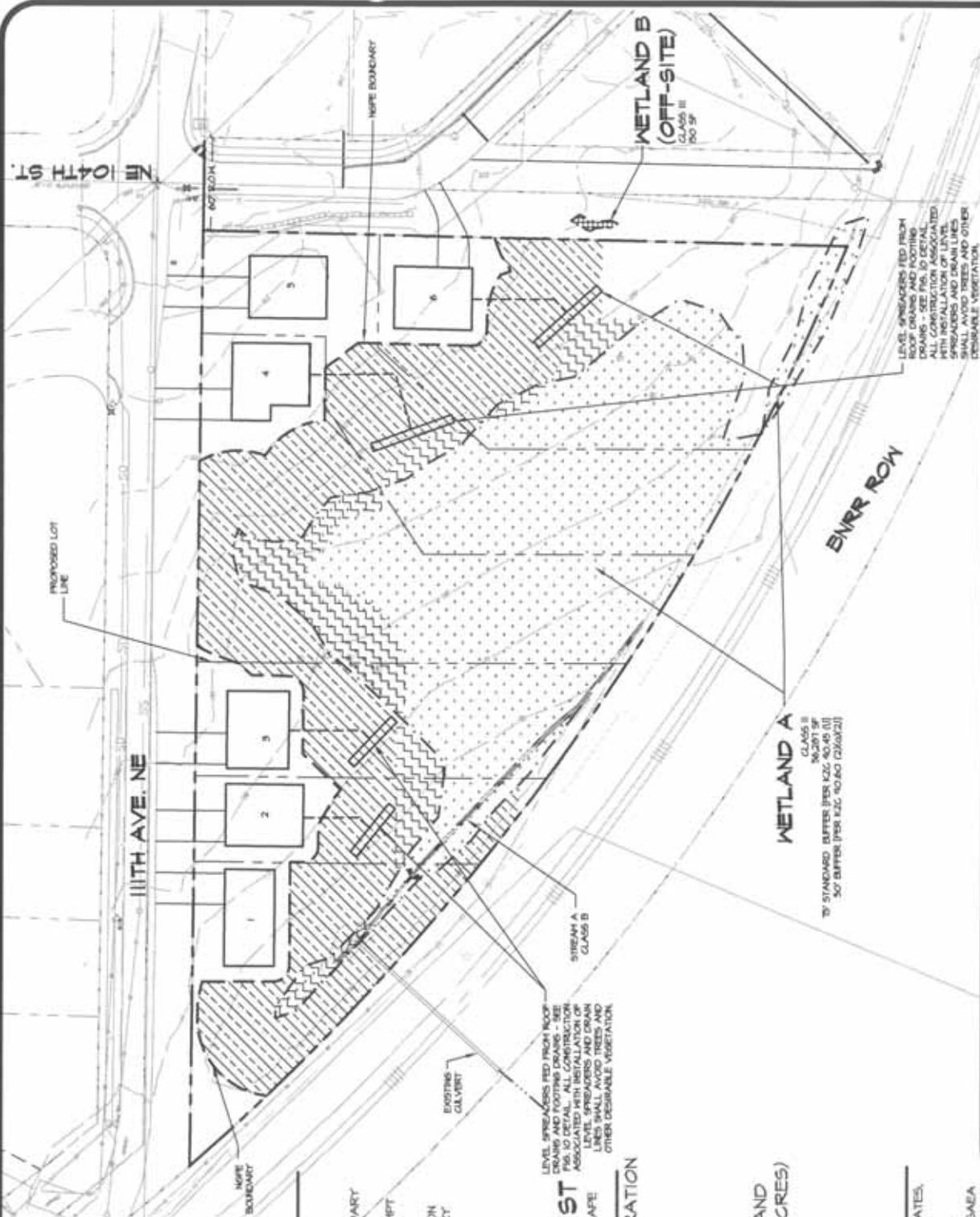
Sincerely,



Jason Long  
Project Manager  
TALASAEA CONSULTANTS, INC.

cc: Ken Davidson





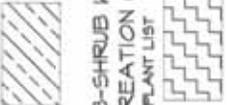
### PLANT COMMUNITIES LIST

(ALL PLANTS TO BE FIELD LOCATED BY LANDSCAPE ARCHITECT/BIOLOGIST)

### BUFFER ENHANCEMENT & RESTORATION

(.87 ACRES)

REFER TO SHEET K2.0 FOR PLANT LIST



### FORESTED / SCRUB-SHRUB WETLAND

### ENHANCEMENT & CREATION (.25ACRES)

REFER TO SHEET K2.0 FOR PLANT LIST



### NOTES

1. SURVEY PROVIDED BY JIM HART & ASSOCIATES, 220 6TH ST., KIRKLAND, WA 98033, (425) 822-4171.
2. WETLAND B FIELD LOCATED BY TALASAEA CONSULTANTS FOR VISUAL ENHANCEMENT.
3. SOURCE DRAWING WAS MODIFIED BY TALASAEA CONSULTANTS FOR VISUAL ENHANCEMENT.
4. THIS PLAN IS AN ATTACHMENT TO THE WETLAND MITIGATION REPORT PREPARED BY TALASAEA CONSULTANTS IN OCTOBER OF 2007.



FIGURE		DESIGN	DRAWN	TAL#
CONCEPTUAL PLANTING PLAN & SCHEDULE		JJK	JL	904
APPLICANT		SCALE		
KEN DAVIDSON		1"=100'		
ADDRESS		DATE		
KIRKLAND, WA 98033		02-22-08		
AT		REVISED		
NE 104TH ST.		04-22-08		
IN		PROJECT		
FORBES CREEK		HIGHLAND GLEN SHORT PLAT		
PURPOSE		CRITICAL AREAS REPORT		

**TALASAEA**  
CONSULTANTS, INC.

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