



CITY OF KIRKLAND  
Planning & Building Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)

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## MEMORANDUM

**To:** Paul Stewart, AICP, SEPA Responsible Official  
**From:** Désirée Goble, AICP, Planner  
**Date:** January 27, 2016  
**File:** SEP15-00576, SUB15-00572  
**Subject:** STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION  
BRIDLESTONE ESTATE SUBDIVISION & REZONE

### GENERAL

The subject property, located at 4600 through 4646 116<sup>th</sup> Ave NE (see Enclosure 1), contains 17.6 acres and currently contains 5 dwelling units, numerous out building, barns and paddocks. The applicant, Cher Anderson with KLN Construction, has proposed to (see Enclosure 2):

- Rezone the property from RS 35 (minimum lot size of 35,000 s.f.) to RS 12.5 (minimum lot size of 12,500 s.f.), and
- Subdivide the property into 35 lots, and
- Eliminate the existing northern access to 116<sup>th</sup> Ave NE, and
- Relocate and widen the existing southern access to 116<sup>th</sup> Ave NE to meet the City's right-of-way improvement requirements while complying with all stream and wetland requirements, and
- Fill and "paper fill" a portion of the wetland to provide road access to the property from 116<sup>th</sup> Avenue NE at the existing southern access and install the required right-of-way improvements along 116<sup>th</sup> Ave NE, and
- Reduce and enhance wetland buffer from 75 feet to 50 feet in a limited area to allow the require widening of the existing southern access to 116<sup>th</sup> Ave NE, and
- Install a new culvert to allow the wider access to 116<sup>th</sup> Ave NE, and
- Demolish all existing structures.

### ANALYSIS

The SEPA "threshold determination" is the formal decision as to whether the proposal is likely to cause a significant adverse environmental impact for which mitigation cannot be identified. If it is determined that a proposal may have a significant adverse impact that cannot be mitigated, an Environmental Impact Statement (EIS) would be required.

Many environmental impacts are mitigated by City codes and development regulations. For example, the Kirkland Zoning Code has regulations that protect sensitive areas, limit noise, provide setbacks, establish height limits, etc. Where City regulations have been adopted to address an environmental impact, it is presumed that such regulations are adequate to achieve sufficient mitigation [WAC 197-11-660(1)(e) and (g)].

I have had an opportunity to visit the subject property and review the following documents:

- Environmental Checklist dated March 18, 2015 (see Enclosure 3)

- Critical Areas Report and Mitigation Plan prepared by Wetland Solutions, Inc. and revised on November 6, 2015 (see Enclosure 4)
- Traffic Impact Analysis Review Memo from Thang Nguyen dated April 22, 2015 (see Enclosure 5)
- Traffic Concurrency Test Notice from Thang Nguyen dated January 26, 2016 (see Enclosure 6)

It will be necessary to further analyze certain aspects of the proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed within the staff advisory report, which will be presented at the public hearing.

Below is an analysis of key SEPA elements identified by staff and/or brought up by the general public (see Enclosure 7).

### **Transportation**

The Public Works Department has reviewed the Traffic Study for the proposed development (see Enclosure 5) and concluded that the project will not have a significant adverse traffic impact. The project is forecasted to generate 36 net new PM peak trips. The project will be required to pay traffic impact fees as outlined in the memo. A new traffic concurrency test notice was issued on January 26, 2016 and will expire on January 26, 2017 (see Enclosure 6) unless the conditions listed under Expiration are met.

### **Public Comment**

A large number of public comments were received on this project mostly dealing with the loss equestrian facilities (boarding, lessons, 4-H program, etc.) that previously operated on the subject property, loss of equestrian access to Bridle Trails State Park from an equestrian facility on the subject property, fire response times, increased traffic, fill and "paper fill" of the wetlands. The staff report to be presented at the public hearing for the project will respond to these issues.

Karen Walter, Watersheds and Land Use Team Leader for the Muckleshoot Indian Tribe Fisheries Division, has requested that the project treat its stormwater using enhanced treatment methods as the stormwater will eventually discharge to Yarrow Creek, a fish-bearing water. She states that enhanced treatment is necessary to avoid impacts to coho salmon, in particular. She provided scientific literature to support her comments (see Enclosure 7).

Public Works Surface Water staff reviewed Ms. Walter's comments and provided the following response regarding stormwater treatment. The other issues identified in the e-mail will be dealt with in the Staff Report.

*Kirkland concurs that treatment of stormwater is an important aspect of mitigating the impacts of development on fish and fish habitat. Kirkland follows surface water design manuals that were developed based on best available science, and adopts new regulations as scientific knowledge changes. These design manuals have the intent of protecting fish and fish habitat from the impacts of stormwater. We have reviewed requirements in the current manual that Kirkland uses, the 2009 King County Surface Water Design Manual, as well as newer manuals that the City will be adopting by the end of 2016. Based on that review, the Basic level of water quality treatment will be required for all pollution generating impervious surface area in the Bridlestone Estates Subdivision. The land use of this project does not warrant the enhanced level of water quality treatment. Per the 2014 Stormwater Management Manual for Western WA (prepared by the WA State Department of Ecology), enhanced treatment is only required for industrial, commercial, and multi-family residential projects, and roads with high annual average daily traffic. This is the standard used by the City of Kirkland. The most recent stormwater manual in our area, the 2016*

*King County Surface Water Design Manual, which Kirkland will be adopting by the end of 2016, only requires the use of enhanced treatment in high density subdivisions (with densities equal to or greater than 8 units per acre), in addition to commercial, industrial, multifamily and some roads. These requirements were the same in the 2009 King County Surface Water Design Manual. The Bridlestone Estates Subdivision does not meet this high density and therefore enhanced treatment is not warranted.*

**CONCLUSION**

Based on my review of all available information and adopted policies of the City, I have not identified any significant adverse environmental impacts. Therefore, I recommend that a Determination of Non-Significance be issued for this proposed action.

**ENCLOSURES**

1. Vicinity Map
2. Site Plan
3. Environmental Checklist
4. Critical Areas Report and Mitigation Plan prepared by Wetland Solutions, Inc.
5. Traffic Impact Analysis Review Memo prepared by Thang Nguyen
6. Traffic Concurrency Test Notice prepared by Thang Nguyen
7. Karen Walter, Muckleshoot Indian Tribe Fisheries Division letter and e-mail attachment regarding Coho Salmon

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I concur     I do not concur

Comments: \_\_\_\_\_  
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1-28-2016

Paul Stewart, Acting Planning Director    Date

cc: Cher Anderson, KLN Construction, Inc., 19000 33<sup>rd</sup> Ave W, Suite 200, Lynnwood, WA 98036