



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225
www.kirklandwa.gov

Exhibit B---Staff Report with Corrected Decision
for Avalon West
Appeal of two short plats:
Avalon East : SUB14-01032
Avalon West: SUB14-01033

**CITY OF KIRKLAND
CORRECTED NOTICE OF DECISION**

**Date corrected notice sent:
January 22, 2015**

- Permit application:** Avalon West [SUB14-01033](#)
- Location:** [Vacant Lot](#) located west of 10633 128th Ave NE
- Applicant:** Merit Homes
- Project description:** Subdivide one vacant parcel in to two single family lots
- Decisions Included:** Short Plat (Process I)
- Project Planner:** Susan Lauinger
- Department Decision:** **Approval with Conditions**

NOTE: The notice of decision sent on January 15th, 2015 contains directional errors pertaining to the east and west short plats. Pursuant to Kirkland Zoning Code section 145.45.6, this notice corrects those errors but does not change the conditions of approval, decision date, or appeal deadline.

Since review of this proposed subdivision is occurring simultaneously with the Avalon East short plat located immediately to the east, there is an opportunity to coordinate the access to the two developments. Specifically, there is no apparent reason why the two developments could not easily share the same access driveway/access easement. This would have the benefit of reducing the extent of roadway pavement and the attendant vegetation removal. The driveway/easement on the Avalon West site is the logical location to serve both developments.

Therefore, prior to recoding this short plat, the applicant shall revise the short plat to include in the recording the necessary easement to accommodate the Avalon East access.

Eric Shields, Director
Department of Planning and Community Development

Decision Date: January 9, 2015
Appeal Deadline: January 29, 2015

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision.* A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., January 29, 2015. For information about how to appeal, contact the Planning Department at (425)587-3225. An appeal of this project decision would be heard by the City's Hearing Examiner.



CITY OF KIRKLAND
 Planning and Community Development Department
 123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225
www.kirklandwa.gov

**CITY OF KIRKLAND
 NOTICE OF DECISION**

JANUARY 15, 2015

Permit application: Avalon West [SUB14-01033](#)

Location: [Vacant Lot](#) located west of 10633 128th Ave NE

Applicant: Merit Homes

Project description: Subdivide one vacant parcel in to two single family lots

Decisions Included: Short Plat (Process I)

Project Planner: Susan Lauinger

Department Decision: **Approval with Conditions**

Since review of this proposed subdivision is occurring simultaneously with the Avalon East short plat located immediately to the east, there is an opportunity to coordinate the access to the two developments. Specifically, there is no apparent reason why the two developments could not easily share the same access driveway/access easement. This would have the benefit of reducing the extent of roadway pavement and the attendant vegetation removal. The driveway/easement on the Avalon East site is the logical location to serve both developments.

Therefore, prior to recoding this short plat, the applicant shall revise the short plat to eliminate the proposed access easement on the south side of the property and relocate access to/from the easement to the north of the property.

Eric Shields, Director
 Department of Planning and Community Development

Decision Date: January 9, 2015
 Appeal Deadline: January 29, 2015

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision. A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., January 29, 2015. For information about how to appeal, contact the Planning Department at (425)587-3225. An appeal of this project decision would be heard by the City's Hearing Examiner.*

CONDITIONS OF APPROVAL

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed (see Conclusion IV.B).

2. Prior to recording the short plat, the applicant shall record on the face of the plat, a floor area ratio restriction and accessory dwelling unit restriction for Lot 3 pursuant to Kirkland Municipal Code (KMC) section 22.28.042(d) and KMC 22.28.042 (f) (see Section V).

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RSX 7.2
Property Size	Attachment 2 shows that the property is 14,956 SF
Comprehensive Plan	(LDR 6) Low Density Residential, 6 dwelling units per acre
Current Land Use	Single family home
Proposed Lot Sizes	Lot 3: 7,754 SF Gross 5,015 SF Net (excluding easement for Lot 4 per KMC 22.28.080) Lot 4: 7,204 SF
Lot Size Compliance	Both lots meet the minimum lot size for the zone after applying the small lot size provisions of Kirkland Subdivision Code Section 22.28.042. See Section V below for a compliance analysis.
Terrain	The site is generally flat and landscaped with trees and vegetation typical of a single family home. There are no slopes.
Trees	There are 4 significant trees on the site. The survey indicates that there were 2 additional trees on this site, which were removed by the applicant as part of a tree removal notification. This matter was referred to code enforcement (case COM14-00460) and was settled for this lot. Avalon East, the adjacent short plat, has a continuing code enforcement case. Attachment 4 shows the location, tree number, and general health of the remaining existing trees, as assessed by the applicant's arborist . The applicant is proposing phased review of the short plat pursuant to KZC 95.30.6.a. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Access	Access to both lots is proposed via a panhandle over Lot 3 and an access easement from 128 th Ave NE.
Neighboring Zoning and Development: North, South, East and West	Single Family Homes in the RSX 7.2 Zoning Designation surround the property on all sides

III. PUBLIC NOTICE AND COMMENT

- A.** The public comment period for this application ran from July 24th 2014 to August 11th, 2014. The City received three public comments from the Elder Family: Sandi, Sam, and Lauren whose home borders the site (See Attachment 5). The concerns expressed in the attached letters are paraphrased below and staff responses are found in italics. Note that these same comments were submitted for Avalon East, the adjacent short plat and each comment may or may not pertain to this application.

1. Merit Homes, the applicant, has already cut trees on this lot and the adjacent lot, which was arranged with the prior owners **and is illegal because they didn't** follow tree regulations and laws concerning ownership of property in this State.

Staff Response: The tree cutting that occurred has been referred to code enforcement and will be resolved through the code enforcement process (File COM14-00460). The City allows applicants to act on behalf of the owners of property within the City.

2. The Elders are strongly opposed to any additional tree cutting.

*Staff Response: Chapter 95 of the Kirkland Zoning Code (KZC) regulates trees within the City. **The applicants are proposing a "phased tree review", which means that tree retention will be decided in "phases" starting with utility and infrastructure placement for a land surface modification permit then with each successive single family building permit. Decisions on the retention of trees is decided with the individual permits based on the placement of the utilities and the homes and the retention value of each tree. Trees are not allowed to be removed at the short plat stage. KZC Section 95.35.5 states: "the Planning Official is authorized to require site plan alterations to retain trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions". (see also Attachment 3 for the City's review of trees within this short plat).***

3. Merit Homes should be required to plan their building in a way that will mitigate the damage to their **neighbor's** [trees] and to the city.

KZC Chapter 95 requires that applicants identify trees on adjoining property and install tree protection measures prior to development activity. See Attachment 3 for tree retention requirements on the subject property.

4. The number of significant trees that will be removed as part of the short plat application violates various sections of KZC Chapter 95, including 95.05, purpose and intent.

Staff Response: The purpose and intent section contains general information about the intent of the regulations within Chapter 95. However, the intent section does not contain any specific requirements for development or for retention of trees within Kirkland. The purpose and intent section is intended to help citizens and developers understand why the City requires tree retention. It does not contain guidance for when trees can and cannot be removed and thus is not an appropriate code section to regulate tree retention.

5. The access road should be located to the north to avoid removal of the trees within that proposed easement.

Staff Response: The neighboring short plat application, Avalon East SUB14-01032, which is a 2 lot short plat proposal by the same applicant and contains a property sharing the east property line, shows a proposed access road along the south property line. And the Avalon West proposal includes an access easement along the north property line (see Attachment 6). The applicant is proposing two separate access roads because KMC 22.28.080.b(1) does not allow an applicant to count the area within the flag lot portion as part of the lot area unless that easement serves only one lot. If the applicant were to propose one 4-lot short plat, there would not be enough lot area under this scenario for 4 lots.

6. The tree preservation plan as shown would cause the lots to fall below the required tree density.

Staff Response: KZC Chapter 95 requires that the tree density be met both with a short plat and with each individual lot. As stated earlier, tree retention in this case will be decided in phases starting with utilities and access placement and then with each

*building permit. The overall short plat tree density required for Avalon West is 10 tree credits. The density per lot is as follows: the 7,204 SF lot requires 5 tree credits and 5,045 SF lot requires 4 tree credits. The density requirements are fulfilled at the time of tree retention final decision, usually with the building permit. KZC 95.33 states that the **tree density may consist of existing trees pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees.***

7. Failure to comply with all of the tree retention plan requirements justifies denial of the short plat permit.

*Staff Response: The KMC requires that short plats adhere to the tree retention requirements of KZC Chapter 95. KZC Chapter 95 requires that the applicant hire a certified arborist to create a report for the short plat application where all significant **trees on site are tagged, and evaluated for health. The City's** arborist takes that information and "types" the trees on site with a high, moderate or low retention value based on health and placement of the tree. In a phased review such as this application, that "tree typing" is carried over to subsequent permits where the decision is made to retain or remove each tree. See Attachment 3, Development Standards, **for the City's** typing of each tree. The applicants have complied with the short plat application requirements. Cutting trees after commencement of development activity, as stated earlier, has been referred appropriately to code enforcement and will be settled using KMC Chapter 1.12.*

8. Sam Elder submitted another comment email on Thursday November 13th (see Attachment 7) concerning the code enforcement penalties and required tree restoration plan. He contends that the short plat process should be halted and the project re-noticed to the public because the tree plans that were initially submitted were incorrect. He further contends that the code enforcement case must be settled prior to the short plat application moving forward.

Staff response: The project will not be re-noticed. The tree plan was corrected before a decision was made and the correction of that tree plan has no bearing on actual tree retention at this stage of development. Short plats allow new lot lines to be drawn. Tree retention is not decided at this phase unless an integrated development plan (IDP) is applied for, which is not the case for this application. Although a new lot line configuration was also submitted, it has no bearing on the tree retention plan previously submitted on 6/7/14.

Code enforcement cases are resolved per chapter 1.12 of the KMC and that is the appropriate process based on requirements of KZC Section 95.55. KMC Chapter 1.12 does not require that penalties or restoration be resolved prior to submitting development action for the same property. Therefore, the City does not have authority to deny the application or require the applicant to submit a new application.

IV. CRITERIA FOR SHORT PLAT APPROVAL

- A.** Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision 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 Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning Director may approve a short subdivision only if:

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

4. It is consistent with the public health, safety, and welfare.

B. Conclusions: The proposal complies with the applicable development regulations of Municipal Code section 22.20.140 and Zoning Code section 145.45. With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations 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 will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

A. The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Complies as proposed	Complies as conditioned	Code Section
		KMC 22.28.042: Lots – Small Lot Single Family <i>For subdivisions not subject to KMC 22.28.30 or .040 or .048, minimum lot size is met if at least 50% of the lots meet the minimum lot size and the remaining lots meet the following requirements.</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	In RS 6.3 and RS 7.2 zones, substandard lots are at least 5,000 square feet
<input type="checkbox"/>	<input checked="" type="checkbox"/>	FAR is restricted on face of plat to: <input checked="" type="checkbox"/> Maximum of 30% of lot size; OR <input checked="" type="checkbox"/> Maximum of 35% of lot size with the following restrictions: <ul style="list-style-type: none"> • Primary roof form of all structures peaked with minimum pitch of 4:12; and • All structures set back at least 7.5’ from side property lines
<input type="checkbox"/>	<input checked="" type="checkbox"/>	An ADU prohibition is recorded on the face of the short plat

Complies as proposed	Complies as conditioned	Code Section
		KMC 22.28.050 – Lots - Dimensions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15’ where abutting right-of-way, access easement, or tract

VI. 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.

SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370) The short plat must be recorded with King County within seven (7) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) 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.

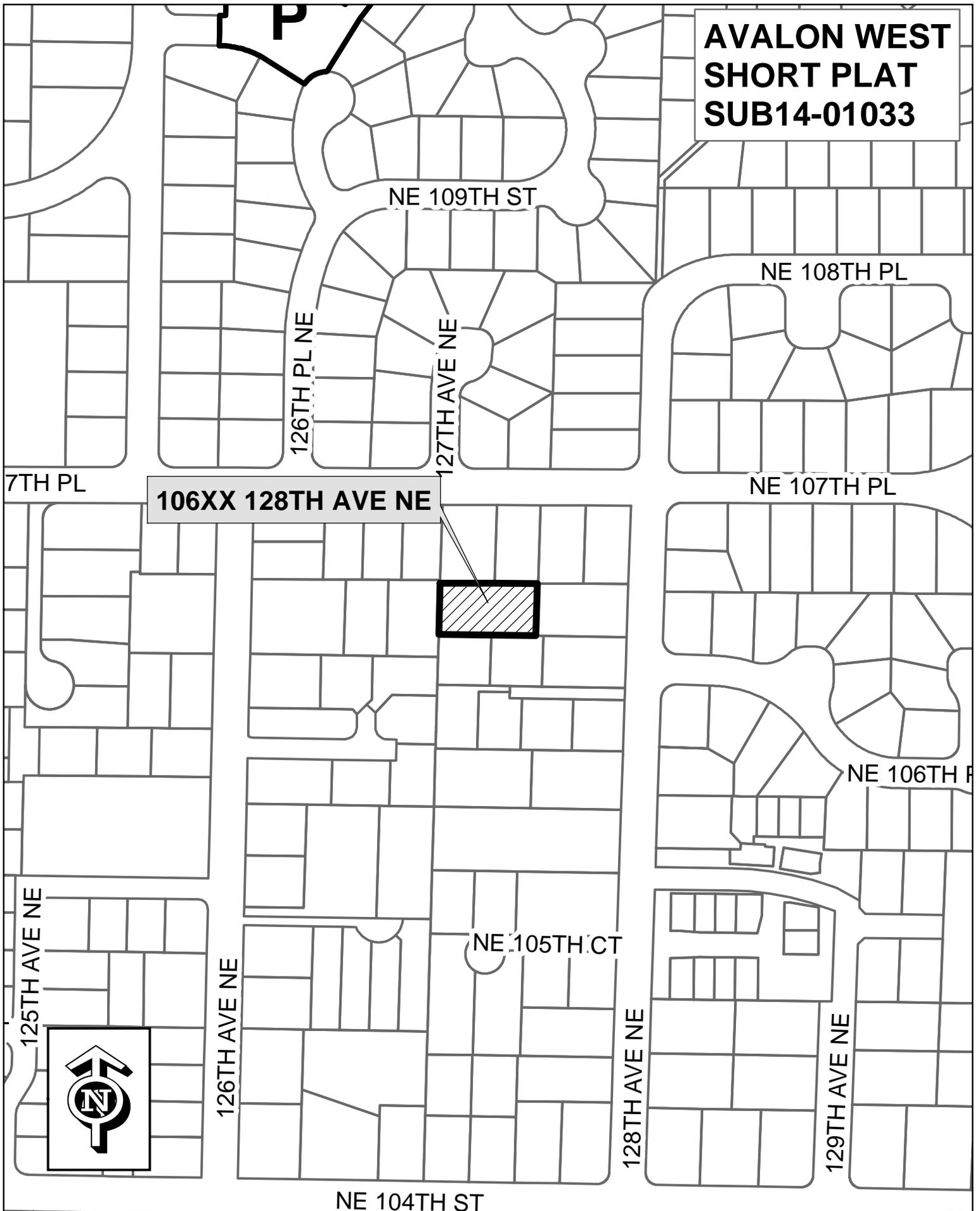
VII. APPENDICES

Attachments 1 through 7 are attached.

1. Vicinity Map
2. Plans and survey
3. Development Standards
4. Tree Retention Plan and Arborist Report
5. Public Comment letters
6. Overhead view showing access
7. Elder second comment letter 11/13/14

VIII. PARTIES OF RECORD

Applicant: Merit Homes
Parties of Record
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services





CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3225 ~ www.kirklandwa.gov

SHORT PLAT DEVELOPMENT STANDARDS LIST

File: SUB14-01033

This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.

KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code

TREE PLAN SUMMARY

KMC 22.28.210 & KZC 95.30 Significant Trees.

A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. There are 4 significant trees on the site, of which 4 are viable. These trees have been assessed by staff and the City’s Arborist. They are identified by number in the following chart.

Significant Trees:	High Retention Value	Moderate Retention Value	Low Retention Value (V) – viable (NV) – not viable
15 (vine maple)		✓	
16 (Doug fir, 32.5")		✓	
18 (Black Pine)			✓(V)
19 (Hemlock)	✓		

Urban Forester Notes:

The site is a flag lot with trees #15, 16 and 18 within the “pole” portion of the lot. This area does not have any required yards. Tree #16 is a large specimen quality Douglas fir. Trees #15 and 18 have been pruned harshly to maintain clearance for the existing driveway. Tree #15 is still in decent health but tree #18 is unlikely to ever regain its form or heal the defects caused by the pruning.

Tree #19 should be retained. The plans note that it is proposed for removal due to utilities yet the easement runs along the north property line. The arborist report is accurate in describing the “unusual basal structure on west lower trunk” but it does not appear to be restricting growth. There is a significant amount of debris within the drip line of the tree that can easily be removed by hand or with machinery without impacting the root zone.

There was a grove removed from this site. It was composed of tree #19, the removed 33.2-inch DBH Douglas fir and the removed 25.7" @18" above grade Pacific Dogwood. No disease or decay could be easily observed in the stumps of the removed trees.

ROW trees: no concerns at this time

Neighbor's trees: no concerns at this time

Phased Review Retention Guidelines:

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

PRIOR TO RECORDING

KMC 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.

KMC 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.

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

KMC 22.28.110-130 Vehicular Access Easements. Municipal Code sections 22.28.110 and 22.28.130 establish that if vehicular access within the plat is provided by means other than rights-of-way, the plat must establish easements or tracts, compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.

KZC 95.50.3 Maintenance of Preserved Grove. The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.

KMC 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.

KMC 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.

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

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

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

KMC 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.

KZC 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 95.55 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.

KZC 90.100.3 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 95.55. 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.

KZC 118 Hazardous Liquid Pipelines:

If the subject property is within 150 feet of the Olympic Pipeline, include the following statement on the face of the plat "All development activity, landfilling, excavation and construction is subject to the setback requirements of KZC 118, Hazardous Liquid Pipelines"

LAND SURFACE MODIFICATION AND/OR BUILDING PERMIT REQUIREMENTS

KZC 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.

KZC 95.34 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.

KZC 95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

KZC 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.

KZC 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.

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

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

KZC 105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

KZC 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.

KZC 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.

KZC 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. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

KZC 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.

KZC 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.

KZC 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.

KZC 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.

KZC 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.

KZC 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. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

KZC 115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

KZC 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.

KZC 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.

KZC 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.

KZC 145.22.2 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 OCCUPANCY

KZC 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.

KZC 95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter.

KZC 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.

KZC 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.



DEVELOPMENT STANDARDS SUB14-01033

FIRE DEPARTMENT

Contact: Grace Stuart at 425-587-3660; or gstuart@kirklandwa.gov

As noted on the plans submitted:

ACCESS

The houses on Lots 3 and 4 require sprinklers due to reduced access width. (Lot 2 is close enough to the ROW that sprinklers are not required.)

HYDRANTS AND FIRE FLOW ARE ADEQUATE

Existing hydrants in the area are adequate to provide coverage. The hydrant on the corner of 128th Ave NE and NE 107th Place shall be equipped with a 5" Storz.

Fire flow in the area is approximately 1700 gpm which is adequate for the proposed project.

SPRINKLER THRESHOLD

Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet.; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Public Works Staff Contacts

Land Use and Pre-Submittal Process:

John Burkhalter, Development Engineer Supervisor

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

E-mail: jb Burkhalter@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer

Phone: 425-587-3856 Fax: 425-587-3807

E-mail: p Vartanian@kirklandwa.gov

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.kirklandwa.gov.
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.kirklandwa.gov The applicant should anticipate the following fees:
 - o Water, Sewer, and Surface Water 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

SUB14-01033

Page 2 of 5

- o Review and Inspection Fee (for utilities and street improvements).
 - o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit.
 4. Submittal of Building Permits within a subdivision prior to recording:
 - Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be submitted prior to recording of the subdivision for each existing parcel number in the subject property, however in order for it to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with the Building Permit application. If the utility and street improvements are to be reviewed and constructed through a Land Surface Modification permit process, then Building Permit cannot be applied for because it will be deemed incomplete until the Land Surface Modification Permit is APPROVED.
 - Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process, the Building Permits for the new homes can only be applied for after the Land Surface Modification Permit has been submitted, reviewed, and approved.
 - Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been APPROVED.
 - Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be review on an expedited or green building fast track if the associated Land Surface Modification Permit has been reviewed and approved by the Public Works Department.
 5. Subdivision Performance and Maintenance Securities:
 - 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. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet. Contact the Development Engineer assigned to this project to assist with this process.
 - If the Developer will be installing the improvements prior to recording of the subdivision, there is a standard right of way restoration security ranging from \$10,000.00 to 30,000.00 (value determined based on amount of right-of-way disruption). This security will be held until the project has been completed.
 - Once the subdivision has been completed there will be a condition of the permit to establish a two year Maintenance security.
 6. This project is exempt from concurrency review.
 7. 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.
 8. 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.
 9. 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).
 10. A completeness check meeting is required prior to submittal of any Building Permit applications.
 11. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.
 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

SUB14-01033

Page 3 of 5

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. Existing public sewer system in the area is adequate to provide sanitary sewer service for each lot within the proposed projects. The most westerly lot may have to gravity to the SW via a 10' utility easement to the existing SSMH installed with Stella Grove (12710 NE 106th Lane). Investigate if any joint use maintenance would be needed with lots from the Stella Grove Plat. The easterly lot may drain this westerly direction or be served to the east if the LLA is recorded as proposed or an easement is obtained from parcel #6743700370 (having this lot served to the east is the preferred alternative as it represents the shortest side sewer if fall is available).
2. Provide a 6-inch minimum side sewer stub to each lot.
3. All side sewer stubs serving the property shall be PVC type pipe per Public Works Pre-approved Plans Sanitary Sewer Design Criteria. Any side sewer not meeting this standard shall be removed and replaced.

Water System Conditions:

1. The existing water main in 128th Ave is adequate to serve this proposed development. A utility easement from parcel #6743700370 will be necessary if the LLA is not recorded as shown with a pan handle.
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. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home. If fire sprinklers are required for either lot 1" meters at minimum will be required and the services lines after the meter will need to be sized accordingly to provide the necessary flow for the sprinkler system designs.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. Summarized below are the levels of drainage review based on site and project characteristics:

- **Small Project Drainage Review (Types I & II)**

Small project drainage reviews are divided into two types, Type I and Type II, primarily based on the amount of impervious surface area. Typical Type I projects create between 500 and 1,999ft² impervious surface area. Type II projects involve between 2,000 and 9,999ft² impervious surface areas, with a total of no more than 5,000ft² of new impervious area and not more than a total of 9,999ft² impervious surface area added since 01/08/01.

- **Targeted Drainage Review**

A targeted project drainage review is required for projects that meet the new impervious area criteria for small projects, but also have additional characteristics that require a more in-depth level of review, such as sensitive drainage areas or the construction/modification of a 12" pipe or ditch.

2. A preliminary drainage report (Technical Information Report) must be submitted with the subdivision application.
3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement.

SUB14-01033

Page 4 of 5

4. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.
5. This project is creating or replacing more than 5000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual. The enhanced treatment level is encouraged when feasible for multi-family residential, commercial, and industrial projects less than 1 acre in size.
6. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
7. It doesn't appear that any work within an existing ditch will be required, however the developer has been given notice that 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.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>
8. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
9. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
10. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques. The tight line connections shall be installed with the individual new houses.
11. The storm sewer must be extended to serve all the lots. Extend the system through the existing easement at 12710 NE 106th Ln (Lot 5 Stella Grove). Provide a storm utility easement for parcel #6743700370 to the east.
12. Provide a plan and profile design for the storm sewer system.

Street and Pedestrian Improvement Conditions:

1. The subject property does not abut a public right-of-way therefore street improvements are not required. However, if the LLA is recorded as proposed with a pan handle for one of the lots the subject property would then abut 128th Avenue NE, and property would abut a Neighborhood Access type street. Zoning Code sections 110.10 and 110.25 would then require the applicant to make half-street improvements in the right-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:
 - A. Widen the street to 14 ft. from centerline to face of curb, match Stella Grove SP to the south.
 - B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced.
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

SUB14-01033

Page 5 of 5

3. Public Works Driveway Policy shall be met.
4. Access Easement from Parcel # 6743700370 is required unless LLA is recorded as proposed. A 10 foot wide access in an 15 easement is all that is required if fire sprinklers are provided for each of the lots and no other lots access this easement.
5. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)
6. 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.
7. 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.
8. Underground all new and existing on-site utility lines and overhead transmission lines.
9. Underground any new off-site transmission lines.
10. If the LLA is recorded as proposed the following is required. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 128th Avenue NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on 128th Avenue NE Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners
11. If the LLA is recorded as proposed the following is required. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

