



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

MEMORANDUM

To: Kirkland Hearing Examiner

From: Désirée Goble, Planner *DG*
Dawn Nelson, Planning Supervisor *DN*

Date: November 26, 2014

Subject: APPEAL OF PLANNING OFFICIAL DENIAL OF A MINOR IMPROVEMENT REQUEST, FILE NO. SAR14-01808

I. INTRODUCTION

- A. Appellants: One appeal letter was submitted to the City and signed by the following parties (see Enclosure 1):
- Roman Eremenko
 - Inna Boriskina
- B. Action Being Appealed: September 9, 2014 Planning Official decision denying a request to install Minor Improvements into a wetland buffer covered by a Natural Greenbelt Protective Easement (NGPE) (see Enclosure 2).
- C. Appeal Summary: The appellants argue that 1) the City's decision to deny the proposed minor improvements is based on false statements of fact, incorrect findings, and unsupported conclusions; and 2) that the project planner has negligently drawn out this case, resulting in a needlessly protracted and incorrect decision.

See Section IV for more information regarding the appeal issues and staff analysis.

II. RULES AND CRITERIA FOR APPEAL AND DECISION

- A. Rules: Kirkland Zoning Code (KZC) Section 90.45.5 specifies that a minor improvement decision may be appealed pursuant to KZC Section 90.160. KZC 90.160 states that the decision may be appealed using the appeal provisions of Process I found in KZC Sections 145.60 through 145.100.
- B. Criteria for Submission of an Appeal: Under KZC Section 145.60.2, the appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the date of the distribution of the Planning Official's decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Planning Official's decision that are being disputed by the person(s) filing the appeal.
- C. Participation in the Appeal: Per KZC 145.70, only those persons entitled to appeal the decision under KZC Section 145.60 may participate in the appeal; provided, that the applicant may submit a written response to an appeal filed by an appellant, regardless of whether the applicant filed an appeal. These persons may participate in either or both of the following ways:

- By submitting written comments or testimony to the Hearing Examiner prior to the commencement of the hearing.
 - By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.
- D. Hearing Scope and Considerations: KZC Section 145.75 states that the appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the Planning Official's decision disputed in the letter of appeal, and the Hearing Examiner may only consider comments, testimony and arguments on these specific elements.
- E. Burden of Proof: KZC Section 145.95 states that the person(s) filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Official made an incorrect decision
- F. Decision on the Appeal: Pursuant to KZC Section 145.105, the Hearing Examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the Hearing Examiner's findings and conclusions, they shall either:
- Affirm the decision being appealed; or
 - Reverse the decision being appealed; or
 - Modify the decision being appealed.

KZC Section 145.105.3 requires that the Hearing Examiner issue a decision within 90 calendar days of the date the letter of appeal was filed. Because the appeal letter was filed on September 23, 2014, the Hearing Examiner must issue a decision by December 22, 2014.

III. **BACKGROUND**

- A. Site Location: The subject property is located at 9237 124th Ave NE (see Enclosure 2, Attachment 1).
- B. Applicant's Proposal: The applicant requested approval to install minor improvements, as defined by Kirkland Zoning Code (KZC) Section 90.30.9, within approximately 1,520 square feet of wetland buffer covered by a Natural Greenbelt Protective Easement (NGPE) (see Enclosure 2, Attachment 2). The proposed minor improvements include the following components:
- Four cubic yards of Cedar Grove compost
 - 144 square foot pervious concrete paver patio
 - 146 square foot pervious concrete paver pathway
 - approximately 680 square foot area covered by grass lawn
 - nine sword ferns planted 3 feet on center
 - 12 inch wide area covered with bark adjacent to the sword fern.
- C. Minor Improvements located with a Wetland Buffer: KZC Section 90.45.5 allows an applicant to propose a minor improvement within a wetland buffer provided they met the following criteria:

Minor Improvements – Minor improvements may be located within the sensitive area buffers specified in subsection (1) of this section. These minor improvements

shall be located within the outer one-half (1/2) of the sensitive area buffer, except where approved stream crossings are made. The Planning Official shall approve a proposal to construct a minor improvement within an environmentally sensitive area buffer if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not adversely affect drainage or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
- e. It will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The Planning Official may require the applicant to submit a report prepared by a qualified professional which describes how the proposal will or will not comply with the criteria for approving a minor improvement. The Planning Official's decision may be appealed in accordance with KZC 90.160.

IV. **APPEAL ISSUES**

On September 23, 2014, a timely appeal letter was submitted to the City in regards to the Planning Official's decision to deny the proposed minor improvements to be installed in the required wetland buffer (see Enclosure 1). The elements of the decision disputed in the appeal are summarized below, followed by Staff's response.

A. **PROJECT HISTORY OMISSION**

Appellants: The City's denial omitted a number of facts. The list starts on Enclosure 1, Page 1. Due to these omissions the appellants believe that the minor improvement plan is unfairly being considered, devoid of context, and that other irrelevant issues were raised to cloud the issue.

Planning Official Response: Staff included facts that were relevant to the minor improvement approval decision. Many other facts relating to the building permit were also omitted because they were not relevant.

B. **FALSE STATEMENTS**

Appellants: The City's decision identifies the area to be modified as 780 square feet but the attached document scales out to 679.46 square feet (see Enclosure 1, Attachment 7). The City's decision incorrectly states that chemicals and fertilizers will typically be used. The City's decision incorrectly identifies the minor improvement area as 1,520 square feet. The actual impacted area is 672 square feet (28 feet by 24 feet) of land previously covered by brick patio, within which the 290 square feet of pervious concrete grid pavers fit (see Enclosure 1, Attachment 6).

Planning Official Response: The applicant's proposed minor improvement plan did not identify how much lawn area was proposed and the plan did not identify a scale. Therefore, Staff did their best to determine the scale of the drawing then print the plan out at a scale of 1-inch equal 10 feet. Based on this information Staff then estimated the area of lawn and used the term "approximately" when stating the area. The appellant is correct that Staff recalculated the lawn area and the change wasn't reflected in the final decision.

The note that the appellant has clouded in Enclosure 1, Attachment 6 was not submitted with the original proposal (see Enclosure 2, Attachment 3, second page) and the 24 foot by 28 foot box does not include the entire area of the proposed work.

The proposal did not definitively identify the boundary of the minor improvement or provide dimensions for the area where the minor improvements would be installed. The actual proposal states, "This proposal will be located within the center of the grass lawn area which is located in the outer 40 feet of the 100 foot buffer." Staff interpreted the information provided.

The area identified in Enclosure 1, Attachment 6 reflects the area of disturbance that occurred after the building permit was issued and house was constructed. The building permit condition of approval to restore the disturbed areas of the wetland buffer was a requirement intended to address the disturbance that occurred prior to issuance of the building permit.

The applicant's proposal states that "Fertilizer should not be necessary." This statement is not the same as "fertilizer shall not be used" or "fertilizer will not be used". The City's decision was intended to reflect this distinction in fact (section III.B.1.b) and conclusion section III.B.2.b of the decision.

C. OMISSION

Appellants: The City's decision omitted the proposed sword ferns in the water quality discussion see Section III.D.1 (see Enclosure 2).

Planning Official Response: Sword ferns are considered a ground cover as is a lawn. Nine sword ferns, a lawn, and bark mulch do not provide the vegetation layers to maximize the storm water detention capabilities that a restored wetland buffer is intended to provide.

D. FAILURE TO CONSIDER NEARBY AREA

Appellants: The property to the south of the subject property contains buildings that extend much farther west than the subject properties western property line. The City's Denial, Section III.C.2(2) (see Enclosure 2) claims that the proposed minor improvement will increase human activity in the area. The property to the south has substantial human activity much farther west in the wetland buffer and in the wetland itself.

Planning Official Response: Staff did not consider surrounding properties in the decision because that is not an approval criterion.

Furthermore, the property to the south proposed a Planned Unit Development that included a wetland buffer modification. At the time their proposal was submitted the required buffer width was 50 feet, which could be reduced 50 percent. The development that was constructed complied with the conditions of approval for the approved Planned Unit Development (PUD).

The property to the north is owned by the City and Staff has verified that the Parks Department is not mowing the property nor did they install the trees or planter boxes that are currently on that property.

E. MISCLASSIFICATION OF PROJECT

Appellants: The City's response erroneously applies wetland buffer modification standards to this request for a minor improvement in City's denial (see Enclosure 2, Section III.F). The proposed improvement is not a "de facto" buffer modification.

Planning Official Response: The appellant is correct that the wetland buffer modification is not relevant to a minor improvement request. However, the point Staff was making was that the scope of the proposed improvement is more in line with a buffer modification than a minor improvement.

F. **APPEAL DEADLINE**

Appellants: The project planner has misled the applicant in the e-mail sent on September 11, 2014, saying (and highlighting) that an appeal must be delivered by September 26, 2014, when the actual final date was September 24, 2014 (see Enclosure 2, Attachment 9).

Planning Official Response: Staff realized that the decision would not be picked up by our mail handler before September 10th and would not be delivered to the post office before September 11th at the earliest. The additional time was intended to take this information into consideration since the decision was mailed to the applicant/property owner. An appellant can always submit an appeal before the deadline.

V. **STAFF RECOMMENDATION**

Staff recommends that the Hearing Examiner uphold the Planning Official's September 9, 2014 decision to deny the minor improvement request.

VI. **ENCLOSURES**

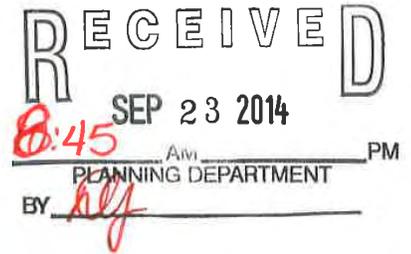
1. Appellant Letter dated September 23, 2014
2. Minor Improvement Decision dated September 9, 2014

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Date: September 22, 2014

Total pages (including attachments): 20

Subject: Appeal of Decision Regarding Minor Improvements for BLD09-00018



We hereby appeal the September 9, 2014 decision by the project planner Desiree Goble to deny the KZC 90.45.5 minor improvements and restoration plan proposed for BLD09-00018 at 9237 124th Ave NE in Kirkland. This appeal is based on the following points:

OMISSION OF PROJECT HISTORY: See below for amended project history:

In the beginning of February 2012, the project planner conducted a final planning inspection for BLD09-00018. On February 28 2012, the applicant received a correction letter indicating corrections that were required to be made to the property. One of those corrections was the removal of a paved brick patio, and a restoration plan for this disturbed area. (See Attachment 1)

On March 12, 2012, the applicants and the project planner met with Nancy Cox to discuss these corrections. During the meeting, it was decided that prior to any corrections listed in the February letter the applicant would provide the credentials of a qualified wetland professional for approval to prepare a restoration plan with minor improvements.

On March 15, 2012, Kim Peterson of Blue Heron Services, a wetland professional, submitted all required documents to the planning department for approval (See Attachment 2). There was no response from the planning department concerning these documents. After many failed attempts to contact the project planner, and no response for nearly two years, the applicant decided that the planning department had no further issues about the property.

On February 3, 2014, the applicant received a letter from the project planner including a verbatim copy of the February 2012 correction letter from the project planner. (See Attachment 3 and Attachment 1)

On February 11, 2014, the applicant and project planner met with Nancy Cox to again discuss these corrections. It was again concluded that prior to any corrections listed in the aforementioned February letter, the project planner would confirm the credentials of Kim Peterson so that Ms. Peterson could prepare a restoration plan with minor improvements to correct the area previously impacted by the paved brick patio.

On February 14, 2014, the applicant received a letter from the project planner approving the use of Kim Peterson (see Attachment 4).

On April 14, 2014, a restoration plan with minor improvements was submitted to the project planner (see Attachment 5). All other issues listed on the February 2014 correction letter had been corrected by this point.

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On May 1, 2014, the applicant, project planner, Nancy Cox, and the attorneys Oskar Rey and John Watson met to discuss this restoration plan with minor improvements to make sure that all issues listed in the February 2014 correction letter were satisfied. During all these meetings in these three years, no previous permits were discussed and no further issues were brought up. It was confirmed by all parties that this project only concerns the February 2012 correction letter and restoration of the area disturbed by the paving stones.

Based on the City of Kirkland's omission of the aforementioned history delineated above, the applicant believes that the minor improvement plan is unfairly being considered, devoid of context, and that other irrelevant issues are being brought up by Kirkland's project planner to cloud the issue regarding an application for minor improvements and a restoration plan to install a backyard patio for a total of a 672 square foot area (see Attachment 6).

FALSE STATEMENT: The project planner incorrectly states the area to be modified. The 780 square foot area mentioned in I.C. is, by the project planner's own calculation in attachment 3 of that document, 679.46 square feet (see Attachment 7). 100 square feet of lawn have been incorrectly added, and this figure is erroneously carried through multiple points in the official decision.

FALSE STATEMENT: The project planner incorrectly states as fact in point III.B.1.b. that chemicals and fertilizers will typically be used. This is incorrect, as the proposal clearly indicates that fertilizer should not be necessary (see Attachment 5, page 4, last paragraph).

FALSE STATEMENT: The entirety of the 1,520 (38' x 40') square foot area is considered by the project planner to be part of a single minor improvement. This is an incorrect assumption, as most of that area is unmodified. The 38' x 40' dimensions were for reference only.

The actual impacted area is 672 square feet (28' x 24') of land covered by paved brick patio, within which the 290 square feet of pervious concrete grid pavers fit (see Attachment 6).

OMISSION: The proposed sword ferns are omitted from consideration in point III.D.1 concerning water quality.

FAILURE TO CONSIDER NEARBY AREA: Directly south of the property in question is an apartment complex with residential buildings extending much farther west than this property's property lines. Point III.C.2.(2) of the project planner's findings claims that this minor improvement proposal will increase human activity in the area, when in fact there is substantial human activity much farther west in the wetland buffer and in the wetland itself (see Attachment 8).

Furthermore, the wetland buffer adjacent to this property is infested with blackberry bushes, an invasive species. Left alone, blackberry would take over the entirety of the buffer. Both the city-owned lot directly north of this property and the private lot north of that have large portions of wetland buffer covered with grass lawns.

MISCLASSIFICATION OF PROJECT: The project planner erroneously applies KZC 90.60 (Wetland Buffer Modification) to this KZC 90.45.5 (Minor Improvement) project in point III.F.

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Minor improvements are not a “de facto” buffer modification, and KZC 90.45.5 clearly states that “minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer.” This proposal is located in the outer 40 feet of the 100 foot wetland buffer (see Attachment 5, bottom of page 2).

Importantly, the applicant feels that during the entirety of the proposed project, the project planner’s indifference, inattention, and negligence resulted in an extended ordeal of incompetent bureaucratic obfuscation.

The project planner has consistently failed to respond in a timely manner to inquiries or to follow up on matters, dragging this project out for close to three years as of this writing. The applicant has made a good faith effort to respond to communication in a timely manner; this was not reciprocated by the project planner.

The project planner has misled the applicant in the e-mail sent on September 11, 2014, saying (and highlighting) that an appeal must be delivered by September 26, 2014, when the actual final date was September 24, 2014 (see Attachment 9).

On March 18, 2014, the project planner informed the applicant that *vacinium ovatum* – evergreen huckleberry, a native species – is not an acceptable plant for a vegetative buffer, and that only thorny plants were acceptable. The applicant considers this an attempt to devalue the property and cause harm to the residents of this property.

The project planner has also attempted to require the applicant to hire a city consultant (The Watershed Company) at exorbitant rates, despite the applicant already having hired an approved specialist. The reason for this was a peer review that is not required by KZC 90.45.5. The applicant was forced to hire an attorney to review this case, and the project planner rescinded this requirement for a peer review during the meeting on May 1, 2014.

Ultimately, the applicant considers that this three year case has been an elaborate attempt in bad faith to poorly represent the Kirkland in 2022 vision statement to collaborate with property owners to establish varied and flexible development standards and fairly balance public interests with private property rights.

The applicant hereby requests that the Hearing Examiner reverses this decision on the grounds that 1) the decision is based on false statements of fact, incorrect findings, and unsupported conclusions; and 2) that the project planner has negligently drawn out this case, resulting in a needlessly protracted and incorrect decision.

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Attachments:

Attachment 1 (3 pages): Correction letter sent by project planner dated February 17, 2012 and signed by project planner.

Attachment 2 (2 pages): E-mail from Kim Peterson regarding her experience dated March 15, 2012.

Attachment 3 (1 page): Letter sent by project planner dated February 2, 2014 and signed by project planner concerning the 2012 correction letter (Attachment 1).

Attachment 4 (1 page): Letter sent by project planner dated February 14, 2014 and signed by project planner concerning minor improvements, restoration, and Kim Peterson's qualifications.

Attachment 5 (5 pages): Restoration and minor improvements plan submitted to Planning Department dated April 8, 2014.

Attachment 6 (1 page): Map of area and notes regarding planting.

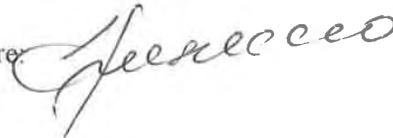
Attachment 7 (1 page): Screenshot of PDF document sent to applicant by project planner, including project planner's note of calculated area.

Attachment 8 (1 page): Photographs of surrounding area.

Attachment 9 (1 page): E-mail from project planner to applicant concerning appeal dated September 11, 2014.

From: Roman Eremenko
9237 124th Ave NE
Kirkland, WA 98033

Signature:



Inna Boriskina
9237 124th Ave NE
Kirkland, WA 98033

Signature:



Attachment # 1



February 28, 2012

Inna Boriskina
9237 124th Ave NE
Kirkland, WA 98033

Dear Ms. Boriskina,

On Friday, February 17, 2012, I completed a Planning Department inspection for your house located at 9237 124th Avenue NE (BLD09-00018). Unfortunately, I was unable to sign off on the inspection due to a number of unauthorized revisions made to the approved site plan that was issued with the building permit.

Below are five items that must be corrected within the next thirty days:

1. Modify the deck and stairs located on the west side of the house to match the revision submitted on July 18, 2011 and approved by the City on July 19, 2011. The approved revision allowed the deck to extend 5 feet west of the house with stairs extended to the south from the south side of the deck. Please refer to the attached drawings.
2. Remove all pavers/bricks from the wetland buffer.
3. Remove all fence post, pots, lanterns, and other miscellaneous items from the wetland buffer.
4. Install a three to four foot tall split rail fence or permanent planting of equal barrier value at the edge of the wetland buffer. If you choose to install a vegetative barrier please provide a list of plants for review and approval by the Planning Department prior to planting. This requirement can be found in Kirkland Zoning Code (KZC) Section 90.50.
5. By the deadline established below submit the name of the qualified professional that you have selected to prepare a wetland buffer restoration plan. Also, provide a timeline for implementing the restoration plan. The restoration plan shall comply with KZC Section 90.65 and 90.55(4), be prepared by a qualified professional to the City of Kirkland Planning Department to restore the area of the wetland buffer that has been disturbed.

Once these items have been corrected please call the Planning Department for another final inspection. Please call for a re-inspection on or before April 1, 2012. If you have any questions I can be reached at 425.587.3251.

Sincerely,

Planning and Community Development


Désirée Goble

cc: Tom Phillips, Building Services Manager
BLD09-00018
RomanSkyline@gmail.com



Standing at the southeast corner of the patio. The patio, lanterns, fence post, pots shall be removed from the wetland buffer.



The deck and stairs need to be modified to match the approved revision. The deck was permitted providing that it didn't extend more than five feet west of the house and the stairs were to extend south of the deck.

Attachment # 2 page-1



Roman E <romanskyline@gmail.com>

Blue Heron Services Inc / Kim Peterson

Kim <bheron@seanet.com>

Thu, Mar 15, 2012 at 11:06 AM

To: dgoble@kirklandwa.gov

Cc: Roman E <romanskyline@gmail.com>, Legal file <bheron@seanet.com>

3 15 2012
Desiree Goble
City of Kirkland WA

Good Morning,

Attached is an outline of my experience, training and education.
None of my site specific projects are included as most all of our work is single family homes and I do not release that type of information without clearing the release

My company has been Incorporated since 2000 and I have been in operation since 1994

Typically we work with Single Family Homeowners, small contractors: currently are working on a lot of code violations

I was looking for the information on the last project we did in Kirkland; but it looks as if it was ore then 6 years ago and I no longer have anything

I hope this provides you with the type of data you are looking for

If not please let me know

Kim Peterson
Blue Heron Services Inc
360 793 7767

 **Blue Heron Kim Peterson Note for City of Kirkland WA.pdf**
104K

Attachment # 2 page-2

Kim Peterson
713 Ave A PO 393
Index Washington 98256
360 793 7767 425 327 5799

Work Experience Profile

1984 to current Blue Heron Services, Inc. (Owner)
Environmental Consultants & Land Use Assistance Planning Assistance Real Estate Consulting

Agency Experience:

1980 to 1988 Town of Index Planning Chair / Planning Administrator
1983 to 1990 Town of Index Council Person / Public Works and Planning
1986 to 1990 Town of Index Shoreline Administrator
1986 to 1986 Snohomish County Rep. / GMA Planning Process Committee
1992 to current Town of Index Grants Staff.
1992 to current FEMA/FIRM coordinator
1992 to 1998 Town of Index Environmental Permit Coordination
1990 to current Town of Index Snohomish County HUD representative
1993 to current Water Distribution Manager WDMII / Town of Index
1997 to current Water Distribution Manager / Big Bend Landowners Assoc.
1997 to 1998 City of Gold Bar / Coordinated Permit Process for Land Use and Shoreline
1997 to 2007 City of Gold Bar (consultant / assistant) Environmental / Land Use
1998 to 1999 Grotto Water System / Emergency Assistance
1999 to 2000 Town of Skykomish / consultant for Water system
2007 to 2008 Puget Sound Energy Environmental Permitting
2010 to 2012 Shoreline Planner Washington State Shoreline Planning Update

Training, Certification & Conferences:

Water System Law	5/03
Extension Education / Wetland Soils / Training update	3/01
Corp of Engineers Training Update for ESA and new NWP	2/01
CTED / Conference for Private and Public Partnerships	12/00
Washington State Wetland Functions Assessment Project	1/98
Extension Education / Identifying Grasses for Wetland ID	9/97
Dept. of Ecology/ Wetland Delineation Training (2/97 Manual)	7/97
Washington State University / Technical Writing	5/97
Dept. of Ecology: Flood Plain Management Training	4/97
Snohomish County: Short Plat/ Survey update	2/97
Green River Community College / Soils for Sanitation	1997
Dept. of Ecology / Training, Wetland Delineation (Corps Manual)	1995
Washington State & DOE / Environmental health: Soils #1 and #2	1995
WESO / Wattsun5 TrainingEnergy calculation software	1994
Washington State Planning Course	1993
Town of Index Snohomish County HUD	1992
Private Industry Small Business Training	1990
DOE SEPA training	1990
DOE SEPA Training	1984

Kim Peterson 360 793 7767 3/15/2012

Attachment # 3



February 3, 2014

Inna Boriskina
9237 124th Ave NE
Kirkland, WA 98033

Dear Ms. Boriskina:

It was brought to my attention that your building permit for construction of a new single-family residence at 9237 124th Ave NE still hasn't received an approved final inspection. Enclosed is a copy of a letter dated February 28, 2012, explaining that I was unable to approve a Planning Department final inspection on February 17, 2012 due to five issues. To date I haven't been notified that any of these issues have been corrected.

No later than February 18, 2014 provide an update on how you propose to correct the items identified in the February 28, 2012 letter (enclosed).

We expect the first four items on the list to be corrected to our satisfaction by April 14, 2014. The fifth item, restoring the wetland buffer, is more complicated and involves multiple steps that will need to be met prior to implementation. Therefore this step shall be completed to our satisfaction no later than December 1, 2014. Part of the reason for extending this deadline is to provide adequate time to find a qualified professional and have them prepare a wetland buffer restoration plan. That plan will be submitted to the Planning Department for review and approval. Once it is approved you can move forward with implementation. Installation of plants in the fall will require less watering and provide a better chance of the plants becoming established over the winter.

Once all of the items mentioned in the February 28, 2012 letter have been corrected, then verified and approved by the Planning Department I will sign off on your building permit.

If any of the deadlines identified above are missed this case will be referred to Penny Skovold, Code Enforcement Officer. If you have any questions I can be reached at 425.568.3251.

Sincerely,

Planning and Community Development

A handwritten signature in blue ink that reads "Désirée Goble".

Désirée Goble, AICP
Planner

cc: BLD09-00018
RomanSkyline@gmail.com
Penny Skovold, Code Enforcement Officer
Nancy Cox, Development Review Manager
Tom Phillips, Building Services Manager

Attachment # 4

February 14, 2014



Inna Boriskina
9237 124th Ave NE
Kirkland, WA 98033

Dear Ms. Boriskina:

On February 11, 2014 Olga Razumovich and Roman met with Nancy Cox and Desiree Goble to discuss the correction letter sent out on February 3, 2014. Below is a summary of the issues that we discussed at this meeting. The ***bold italicized*** text following the issue is intended to clarify when the City expects these items to be corrected:

1. The attendees propose installing minor improvements (walkways, pedestrian bridges, benches, and similar features, as determined by the Planning Official) in the outer half of the unmodified 100 foot wetland buffer. To accomplish this task they will need complete the following steps:
 - a. Have a qualified professional prepare a plan, complying with Kirkland Zoning Code (KZC) Section 90.45(5). We approve the use of Kim Peterson at Blue Heron Services, Inc. The City will require peer review for compliance with the established approval criteria by the City's wetland consultant at the applicants' expense.
 - b. The plan should also include restoration of all disturbed areas of the wetland buffer. The restoration plan must only incorporate native plants and other habitat features and must be implemented prior to final inspection.
 - c. ***Propose a timeline for submitting a wetland restoration plan by February 27, 2014. A complete restoration plan must be submitted no later than April 14, 2014.***
2. Modify the deck and stairs located on the west side of the house to comply with the building permit revision approved on July 19, 2011. The approved revision allowed the deck to extend 5 feet west of the house with stairs extending to the south from the south side of the deck. If you prefer to extend the stairs to the north you must submit a revision with the proposed change to the Building Department. ***This issue shall be corrected to the City's satisfaction no later than March 31, 2014.***
3. Remove all pavers/bricks, fence post, pots, lanterns and other miscellaneous items from the wetland buffer and cover disturbed areas with cardboard and at least 3 inches of arborist chips (this will help cut down on weeds, protect the area from erosion, and can usually be acquired at no cost). Other alternatives to cover the disturbed areas include filter fabric or straw. ***This issue shall be corrected to the City's satisfaction no later than March 31, 2014.***
4. Install a split rail fence along the edge of the unmodified wetland buffer. If you wish to use a plant barrier you should submit a plan complying with KZC Section 90.50. ***This issue shall be corrected to the City's satisfaction no later than March 31, 2014.***

We discussed approaching the Parks Department for their consideration of a Lot Line Alteration. It is my understanding that Roman discussed the possibility with Michael Cogle. Remember that restoration of the disturbed wetland buffer and installation of the split rail fence was a short plat and building permit condition of approval and will be required regardless of whether or not you wish to pursue the Lot Line Alteration.

If you have any questions about this letter please contact me at dgoble@kirklandwa.gov or 425.587.3251.

Sincerely,

PLANNING AND COMMUNITY DEVELOPMENT

A handwritten signature in cursive script that reads "Désirée Goble".

Désirée Goble, AICP
Planner

Attachment # 5 page-1



April 8 2014

Application and Request for Minor Improvement:

Applicant Name BORISKINA INNA

Parcel Number 123850-0763

Site Address 9237 124TH AVE NE

Contact: romanskyline@gamil.com 425 223 9160

Legal: BURKE-FARRARS KIRKLAND DIV #14 LOT 3 KIRKLAND SP #SPL 06-00038 REC

#20080115900003 SD SP DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW 124TH AVE NE
OF E 180 FT MEAS PLW N LN

Composition of Minor Improvement:

All work takes place in the outer 40 feet of the 100 foot wetland buffer located on this property. This proposal includes previous City

Proposal:

Restoration has taken place in regards to development within the buffer without a permit, A split rail fence has been installed as directed by the city at the Buffer edge

This additional proposal for minor modification, is to install a 12 x 12 area of pervious concrete grid pavers and 3' wide pathway (total of 290 sf) , within an area of seeded grass and herbaceous growth. This will create an area of lawn adjacent to the pavers to prevent and limit impacts of storm water run off and rainfall. Adjacent to the lawn is proposed planting of 9 sword fern (see map) followed by at least 12" of bark at a minimum depth of 6". The plantings and bark will further protect the area from any possible negative impacts from storm water.

Pervious Pavers defined as: method, materials and techniques for creating "permeable" solutions which include a base and sub-base that allow the movement of storm water through the surface.

Proposal will include planting at least nine, 5 gallon sword fern on the north and east sides of the permeable pavers. The south side of this area has existing arborvitaes along the eastern fence line which will provide the functions proposed by the sword fern.

Parcel Number 123850-0763 Site Address 9237 124TH AVE NE

page 1

Attachment # 5 page-2

Proposal will include installing at least 4 c.y. of Compost (Cedar Grove Compost or equivalent), for a minimum of 1 foot in width and 6" in depth as a soil amendment for the purpose of enhancing the poor quality on site soils.

Purpose:

This minor improvement will allow for access to, and sitting in, a very poor quality buffer area located on the east side of this homes lot.

The proposed area of impact is located within the outer 40 feet of a 100 foot wetland buffer, on the east side of the split rail fence which was installed as requested by the City of Kirkland in April 2014.

(letter dated February 17, 2014) meeting the code requirement:

90.50 Wetland Buffer Fence or Barrier the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, (1) a permanent 3- to 4-foot-tall split rail fence.

As stated in the Kirkland in 2022 vision statement, this home (as well as the community) should be a delightful place to call home and the city will provide creative approaches to providing suitable housing by establishing varied and flexible development standards. Regulation should fairly balance public interests with private property rights.

Project:

The proposal for this "Minor Improvement" will meet the criteria set out in **KMC 90.45 (5)** which says "Minor Improvements" may be located within the sensitive area buffers specified in subsection (1) of this section.

1. Minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer.

This proposal will be located within the center of the grass lawn area which is located in the outer 40 feet of the 100 foot wetland buffer.

Attachment # 5 page-3

2. Minor Improvements will not adversely affect water quality;

The proposal includes installation of a minimum of 6" of mulch added to the soils (amending the poor quality soils found there) at the edge of the grass area for a width of at least 12" to further filter and distribute any storm water run-off.

Nine, 5 gallon (minimum), *Polystichum munitum* (Sword fern) will be planted on three sides of the 12 x 12 grid space, in order to create a vegetated barrier which prevents surface water flows from concentrating as they flow away from the improvement.

Minor Improvements will not adversely affect fish, wildlife, or their habitat;

The wetland associated with this buffer is located off site to the east.

The buffer vegetation health is medium to poor state; dominated by bare ground or blackberries and alders which are about 10 to 14 DBH.

Installation of a small pad of pervious pavers surrounded by grass and mulch should not be capable of having a measurably adverse impact on the habitat in the area.

Minor Improvements will not adversely affect drainage or storm water detention capabilities;

Currently the lot area east of the installed fence has some grass and herbaceous growth and then bare soils, or soils with blackberry vine growth. The pervious concrete pavers, installed soil enchantment and vegetation plantings should not be capable of negatively altering the existing conditions regarding rainfall and run off, or of creating new negative impacts. Installation of the organics to the soil should increase the ability of the site to protect against any adverse effects of storm water.

Minor Improvements will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;

Pervious concrete pavers provide the dual purpose of a walking and standing surface as well as a surface which does not accelerate run off and typically absorbs water from typical amounts of storm water rain fall.

Pervious pavers provide a way to limit erosion which could be caused by walking, sitting or standing on bare or lightly vegetated soils.

The pavers have the capability of stabilizing the back yard and offering an all-weather surface less likely to become muddy and erosive.

Attachment # 5 page-4

The proposed location for placement of this area is well within that designation allowed by minor improvement and well away from the top of slope.

Pervious concrete products do require maintenance as with any landscaping feature.

Installation and maintenance should follow the manufactures recommendations.

Minor Improvements will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

This proposed Minor Improvement does not create or continue a negative effect on open space or scenic views in the area.

The proposed Minor Improvement is likely to provide an opportunity for the family to gather in an environment other than inside the home, enjoy the outdoors and enjoy the scenic views available from this lot.

Soils in the proposed impact area and all areas of temporary disturbance shall have compost and enhancement added which creates and adequate porosity to allow root growth. A minimum of 6" of compost should be worked into the soils prior to planting. All plantings should be healthy, have no broken limbs and should not be root-bound in the container if not a bare root plant.

Installation of the rich compost medium will allow absorption of rainfall and run off, and may be capable of contributing to the recharge of the area while preventing erosion.

The selection of the sword fern as the preferred plant at this location is because it is tolerant of typical conditions in the northwest. Hand watering through the first summers will be required (plantings should receive 1" of water per week which is approximately 15 minutes of soaker hose or sprinkler). Do not flood area.

Fertilizer should not be necessary. Future applications of quality compost, each spring and/or fall, should provide adequate nutrients. Maintenance of the landscaping/minor improvement is an important part of this installation.

Attachment # 5 page-5

Please contact me with any questions or concern

Kim Peterson
Blue Heron Services Inc
PO 393 Index WA 98256
360 793 7767
bheron@seanet.com

PLANTING NOTES:

- Dig a hole for the plant about twice as wide as the diameter of the root mass
- Use fertilizer in an appropriate manner, time release tablets are best
- Water thoroughly when planting in order to wet soil and fill in air pockets
- Do not compact soil around the roots, except by watering
- Mulch well and often

Install plants from late fall to early spring. The earlier this is done, the more the roots will establish themselves before the summer dry period.

Soil amendments increase the soil's infiltration capacity and help reduce runoff from the site. They have the added benefit of changing physical, chemical, and biological characteristics so that the soils become more effective at maintaining water quality.

Lawn may be installed as rolled turf or seeded soils.

Seed Source, this supplier can make suggestions based on soil testing and location for seeding of all areas of disturbed soil throughout the buffer area.

Seeds Only PO Box 1281 Issaquah, WA 98027
425-831-2076 or 1 888 528-9788 Fax: 425-831-2078 pmarksdss@aol.com

During site visit in spring 2014 the majority of the buffer in the lot area and adjacent lot areas was bare of healthy vegetation. The buffer and habitat conditions would benefit from the addition of a native herbaceous seed mix on any bare soils followed by appropriate watering until established, and/or the installation of organic compost.

NOTE:

Should the applicant disagree with a denial of this proposal by the Planning Official, the decision may be appealed in accordance with KZC 90.160.

Attachment # 6

Proposed planting NINE (9) Polystichum munitum as FIVE (5) Gal specimens
Plantings should be placed approx. 3 feet on center on the north and west side at the
defining point between grass/herbacoues growth and amended compost / bark soils.
Plant value approximately \$100.00

Plantings aid in providing a permanent erosion prevention barrier protecting the buffer
area.

-  Polystichum munitum / Sword Fern
-  Grass Lawn (OPTION: Poa compressa, rolled turff or other).

Planting is proposed to surround the edge of the minor modification at the typical spacing
of 5 to 6 feet on center (for installation of 5 gallon specimens), This equals about 52
lineal feet for 9 plantings (with the south edge allowed to sheet flow over grass). Plants
will need to be installed in fully amended soils, with a compost or bark cover, in order to
achieve the "post construction" soil amendment goals. The flow path for run off to the
south exceeds 10 feet to the property line. Enhancement of the soils at the trees on the
property line would serve the trees well and provide additional run off protection.

DIMENSIONS ARE FOR REFERENCE ONLY TO
PROVIDE CONCEPT OF MITIGATION PROPOSAL

AREA OF PREVIOUS IMPACTS
28 x 24 = 672 sf +/- (52. l.f. / 6' o.c. = min. 9 plantings)

Applicant Name BORISKINA INNA
Legal: BURKE-FARRARS KIRKLAND DIV #14 LOT 3
KIRKLAND SP #SPL 06-00038 REC #20080115900003 SD SP
DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW
124TH AVE NE OF E 180 FT MEAS PLW N LN

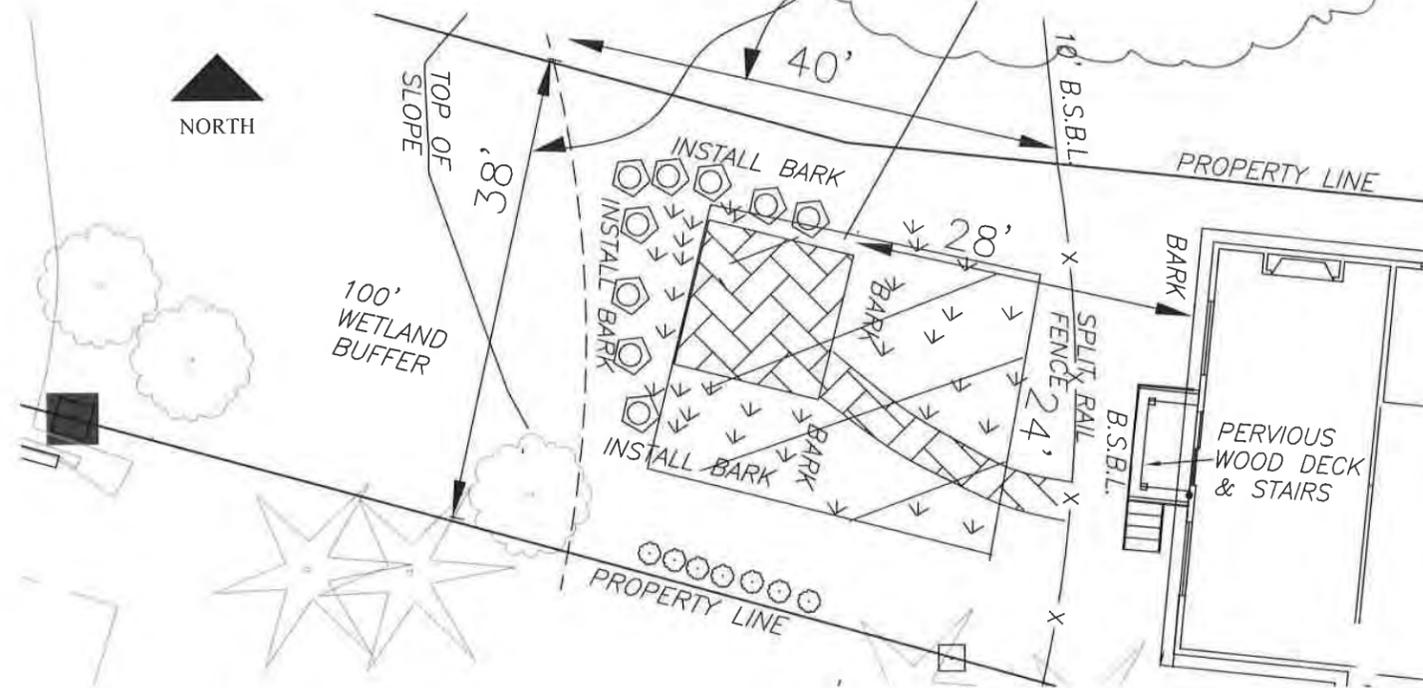
Soils in planting area shall have adequate porosity to encourage root growth. A
minimum of 6" of compost should be worked into the soils prior to planting.

All plantings should be healthy, have no broken limbs and should not be root-bound
in the container, if not a bare root plant. Multi stemmed shrubs are typical in this
species, staking should not be necessary.

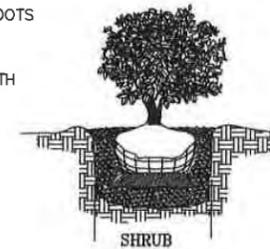
The selected species is tolerant of typical conditions in the Northwest though hand
watering will be necessary. Plantings should receive 1" of water per week which is
approximately 15 minutes of soaker hose or sprinkler. Do not flood area.

Fertilizer should not be necessary. Future applications of quality compost, each
spring and/or fall, should provide adequate nutrients.

Pervious pavers shall be installed per the manufactures guidelines and maintained as
required to retain porosity.



CUT AND REMOVE ALL WRAPPING
PIT DIMENSIONS SHOULD BE LARGER THEN ROOT BALL
PLACE ALL ROOTBALLS SO TOPS ARE
LEVEL WITH FINISH GRADE
SCARIFY ROOTS TO 4"
TAMP OUT ALL AIR POCKETS
BACKFILL THOROUGHLY
PRUNE BROKEN LIMBS AND ROOTS
LEVEL WITH FINISH GRADE
WATER WELL
MULCH WITH A MIN. 6" DEPTH



This project shall be installed by hand.

The wetland buffer is that area which is immediately adjacent to the wetland and protects the sensitive area and
provides essential habitat elements for fish and/or wildlife.

Proposal includes installation of 290 sf of Pervious Pavers defined as: method,
materials and techniques for creating "permeable" solutions which include a
base and sub-base that allow the movement of storm water through the surface.

Minor Modification: install a 12 x 12 area of pervious concrete grid pavers and
3' wide pathway (total of 290 sf), within an area of seeded grass and herbaceous
growth. This will create an area of lawn adjacent to the pavers to prevent and
limit impacts of storm water run off and rainfall.

Adjacent to the lawn is proposed planting of 9 sword fern (see map) followed
by at least 12" of bark at a minimum depth of 6".
The plantings and bark will further protect the area from any possible negative
impacts from storm water.

During site visit in spring 2014 the majority of the buffer in the lot area and
adjacent lot areas was bare of healthy vegetation. The buffer and habitat
conditions would benefit from the addition of a native herbaceous seed mix on
any bare soils followed by appropriate watering until established, or the
installation of organic compost.

NOTES AND COMMENTS:

Empty box for notes and comments.

SITE PLAN

Applicant Name BORISKINA INNA
Parcel Number 123850-0763
Site Address 9237 124TH AVE NE
Contact: romanskyline@gamil.com 425 223 9160

DATE: ~~4-8-2014~~
REV #: 9 16 2014
REV #:
REV #:

Attachment # 6

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 Grass Lawn (OPTION: Poa compressa, rolled turff or other).

RECEIVED

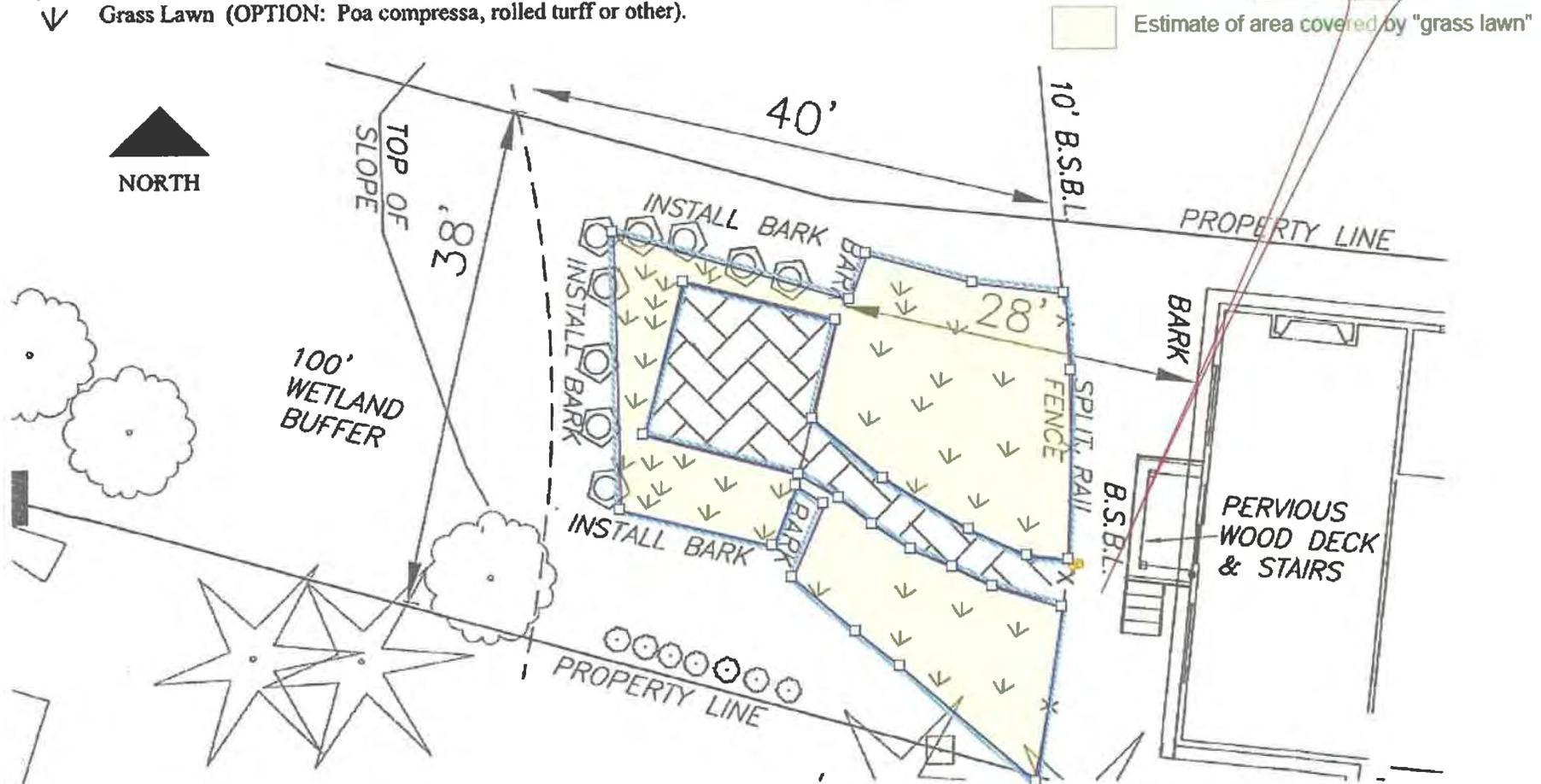
APR 14 2014

AM
 PLANNING DEPARTMENT

BY _____

dgoble
 9/4/2014 5:05:47 PM

679.46 sq ft



Attachment # 7

The wetland buffer is that area which is immediately adjacent to the wetland and protects the sensitive area and provides essential habitat elements for fish and/or wildlife.

Attachment # 8



Attachment # 9



Roman E <romanskyline@gmail.com>

Minor Improvement Decision

Desirée Goble <DGoble@kirklandwa.gov>
To: Roman E <romanskyline@gmail.com>

Thu, Sep 11, 2014 at 4:27 PM

Roman,

Attached is a copy of the Minor Improvement Decision. The decision includes the wrong deadline for submitting an appeal, the correct date is highlighted below.

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., **September 26, 2014**, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

Désirée Goble, AICP

Planner

Planning & Community Development

City of Kirkland

123 5th Ave

Kirkland, WA 98033



Staff Memo Minor Improvement in NGPE, BLD09-00018.pdf
3586K



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.kirklandwa.gov

SUMMARY OF DECISION

PLANNING OFFICIAL—MINOR IMPROVEMENT REQUEST

File: BLD09-00018

Project Name: Minor Improvement Proposal

Applicant: Inna Boriskina

Project Planner: Désirée Goble, AICP 

Date: September 9, 2014

Decision Based on the analysis of code compliance (Section III) in this report, this request is denied.

I. GENERAL INFORMATION

- A. Applicant: Inna Boriskina
- B. Site Location: 9237 124th Ave NE (see Attachment 1)
- C. Request: The applicant is requesting approval to install minor improvements, as defined by Kirkland Zoning Code (KZC) Section 90.30.9, within approximately 1,520 square feet of wetland buffer covered by a Natural Greenbelt Protective Easement (NGPE) (see Attachment 2). The proposed minor improvements include the following components:
 - Four cubic yards of Cedar Grove compost
 - 144 square foot pervious concrete paver patio
 - 146 square foot pervious concrete paver pathway
 - approximately 780 square foot area covered by grass lawn (see Attachment 3)
 - nine sword ferns planted 3 feet on center
 - 12 inch wide area covered with bark adjacent to the sword fern.
- D. Review Process: Planning Official Decision

II. BACKGROUND

- A. Site Development and Zoning
 - 1. Facts:
 - a. Size: The subject property is 7,200 square feet, 3,370 square feet of which is within a required wetland buffer and is covered by a NGPE.
 - b. Land Use: The property is developed with one single family

residence.

- c. Wetland: The wetland surrounding Forbes Lake is a Type 1 wetland and is located within a primary basin. Both the Type 1 wetland classification and primary basins categorization are the considered the highest quality natural resource within Kirkland and deserving the highest level of protection provided by KZC Chapter 90.

2. Conclusion: The size of the property, land use, and the location of the proposed improvements within a Type 1 wetland buffer in a primary basin are factors to be considered in the decision.

B. History

1. Facts:

- a. Olga and Victor Razumovich applied for a three lot short plat (Razumovich Short Plat SPL06-00038) which was approved with conditions on February 13, 2007. A large area of the property was covered by a Type 1 wetland and/or the required 100 foot buffer. The recorded short plat included a graphic depiction of the NGPE location and text explaining constraints that apply to the area covered by the NGPE (see Attachment 4). The short subdivision dedication language includes language dedicating "... to the use of the public all the easements and tracts shown on this short plat for all public purposes as indicated hereon, including but not limited to parks, open space....". The dedication language would apply areas covered by the NGPE.
- b. One of the short plat conditions of approval was to connect the sanitary sewer manholes located on the adjoining properties to the north and south. This required the sewer line to be placed within the wetland buffer.
- c. Permit number BLD09-00018 was issued with conditions of approval to Olga and Victor Razumovich for the construction of a new single-family residence on Lot 3 of the Razumovich Short Plat on July 28, 2009. The site plan shows the location of the sewer line across the property (see Attachment 5).

Condition of approval number 26 required the applicant to "Submit a restoration plan to the City of Kirkland Planning Department to restore that area of the wetland buffer disturbed during construction. The restoration plan shall only incorporate native plants and other habitat features and shall be implemented prior to final inspection."

To date the Planning Department hasn't received a plan meeting this requirement. The applicant did install a lawn, patio and other features without review and approval by the Planning Department. The patio has been removed.

2. Conclusion: This information provides background regarding the wetland buffer on the subject property and restrictions that apply to the property.

III. ANALYSIS OF CODE COMPLIANCE

A. KZC Chapter 90 - Minor Improvements

1. Facts:

- a. KZC section 5.10.610 defines open space as "Vegetated and pervious land not covered by buildings, roadways, sidewalks, driveways, parking areas, plazas, terraces, swimming pools, patios, decks, or other similar impervious or semi-impervious surfaces."
 - b. KZC section 90.30.9 defines minor improvements as walkways, pedestrian bridges, benches, and similar features, as determined by the Planning Official, pursuant to KZC 90.45.5 and 90.90.5.
 - c. KZC section 90.45.5 allows minor improvements located within the outer one-half of the sensitive area buffer and establishes five decisional criteria that must all be met prior to approving a minor improvement as defined by KZC section 90.30.9.
 - d. KZC section 90.10.1 states: Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment loads; remove waterborne contaminants such as excess nutrients, synthetic organic chemicals (e.g., pesticides, oils, and greases), and metals; provide shade for surface water temperature moderation; provide wildlife habitat; and deter harmful intrusion into wetlands.

The primary purpose of wetland regulations is to achieve a goal of no net loss of wetland function, value, and acreage within each drainage basin, which, where possible, includes enhancing and restoring wetlands.
 - e. The proposed minor improvements are located in the outer 40 feet of the required 100 foot wetland buffer.
2. Conclusion: Analysis of the required criteria for minor improvements is found below.
- B. Criterion 1: It will not adversely affect water quality.
1. Facts:
 - a. Water quality is typically maintained through the uptake of nutrients by plant roots. A wetland buffer planted with native vegetation maximizes the ability of the buffer to maintain water quality.
 - b. The applicant is proposing to install 290 square feet of pervious pavers and approximately 780 square foot "grass lawn". Although not stated in the proposal, lawns typically imply that the area will be mowed, irrigated, fertilized, that chemicals will be used, and the area will be watered during the summer months.
 - c. The only native plants proposed within 1,520 square foot area are nine sword ferns.
 2. Conclusions:
 - a. Installation of nine sword ferns within 1,520 square feet is insufficient to provide the intended water quality benefit of a wetland buffer planted with native plants.
 - b. The proposal increases the possibility of adversely impacting water quality through the use of fertilizers and chemicals typically used by individuals in the maintenance of lawns.
 - c. A wetland buffer restored with native plants would require little intervention once the plants were established. It would provide the

added benefit of regulating storm water runoff into the wetland, reducing sediment transport, and remove waterborne contaminants.

C. Criterion 2: It will not adversely affect fish, wildlife, or their habitat.

1. Facts:

- a. Forbes Lake is approximately 400 feet west of the west property line. The area between Forbes Lake and the subject property is vegetated with trees and shrubs.
- b. Native vegetation provides wildlife a food source through the seeds and berries produced by the plants. A buffer planted with multiple vegetation layers, small and large shrubs and evergreen and deciduous trees, would maximize the benefits to wildlife by providing nesting areas for birds and other small animals. As a more structurally diverse buffer matures, the benefits to wildlife and their habitat increases.
- c. Over time, even if the buffer were left alone, natural succession would occur and the wetland buffer would be populated with cottonwood, red alder, and willow trees.
- d. The only native plant on the proposal is the sword ferns which is considered a ground cover.

2. Conclusions:

- (1) Due to the distance between the proposed minor improvements and Forbes Lake, no adverse effect to fish is anticipated.
- (2) Approval of the proposed minor improvements will impede the wetland buffer's ability to restore itself to a native habitat.

The proposal to plant nine Sword ferns does not provide a food source or any significant habitat for wildlife. Also, a more active use of the NGPE by humans will discourage wildlife from using the area. This proposal will result in an adverse effect on wildlife and their habitat.

D. Criterion 3: It will not adversely affect drainage or storm water detention capabilities.

1. Facts:

- a. Installation of a patio and lawn will do little to improve the soil's ability to absorb water.
- b. A lawn has very shallow roots and the lack of vegetation layers provided by trees and shrubs greatly reduces the ability of the storm water detention by plant roots.

2. Conclusion: The proposal will decrease the ability of the soils to absorb storm water.

E. Criterion 4: It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions.

1. Fact: The site topography decreases gradually towards the west. There is a drop-off just beyond the area where the minor improvements are proposed, but there are no proposed improvements near this topographic change.

2. Conclusion: This criterion is met.

F. Criterion 5: It will not be materially detrimental to any other property or to the City as a whole, including the loss of significant open space or scenic vistas.

1. Facts:

- a. Approval of the proposal will significantly reduce the wetland buffer area from 3,370 square feet to 1,850 square feet, a 46 percent reduction of the on-site wetland buffer.
- b. The wetland buffer modification provisions of KZC 90.60 allow a maximum one-third reduction to the width of a wetland buffer. The maximum allowed buffer reduction would be 33 feet. The applicant's proposed reduction is 40 feet.
- c. Approving the proposed minor improvement would exceed the maximum allowed through a wetland buffer modification, would not go through the appropriate review process, and wouldn't provide any of the mitigation required by an approved wetland buffer modification.

2. Conclusion: Approval of applicant's proposal would be detrimental to other properties and the City as a whole since it would de facto approve a wetland buffer modification that exceeds the maximum allowed by KZC 90.60 and not provide any of the mitigation required by this section of the code.

G. Compliance with KZC Chapter 90 - Minor Improvements

1. Fact: Four of the five decisional criteria have not been met.
2. Conclusion: Request of minor improvement should be denied.

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. Appeal To The Hearing Examiner

Section 90.160 the Zoning Code allows all decisions made pursuant to this chapter to be appealed using the applicable appeal provisions of Chapter 145 KZC.

Section 145.60 of the Zoning Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. 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., September 24, 2014, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

B. Judicial Review

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. APPENDICES

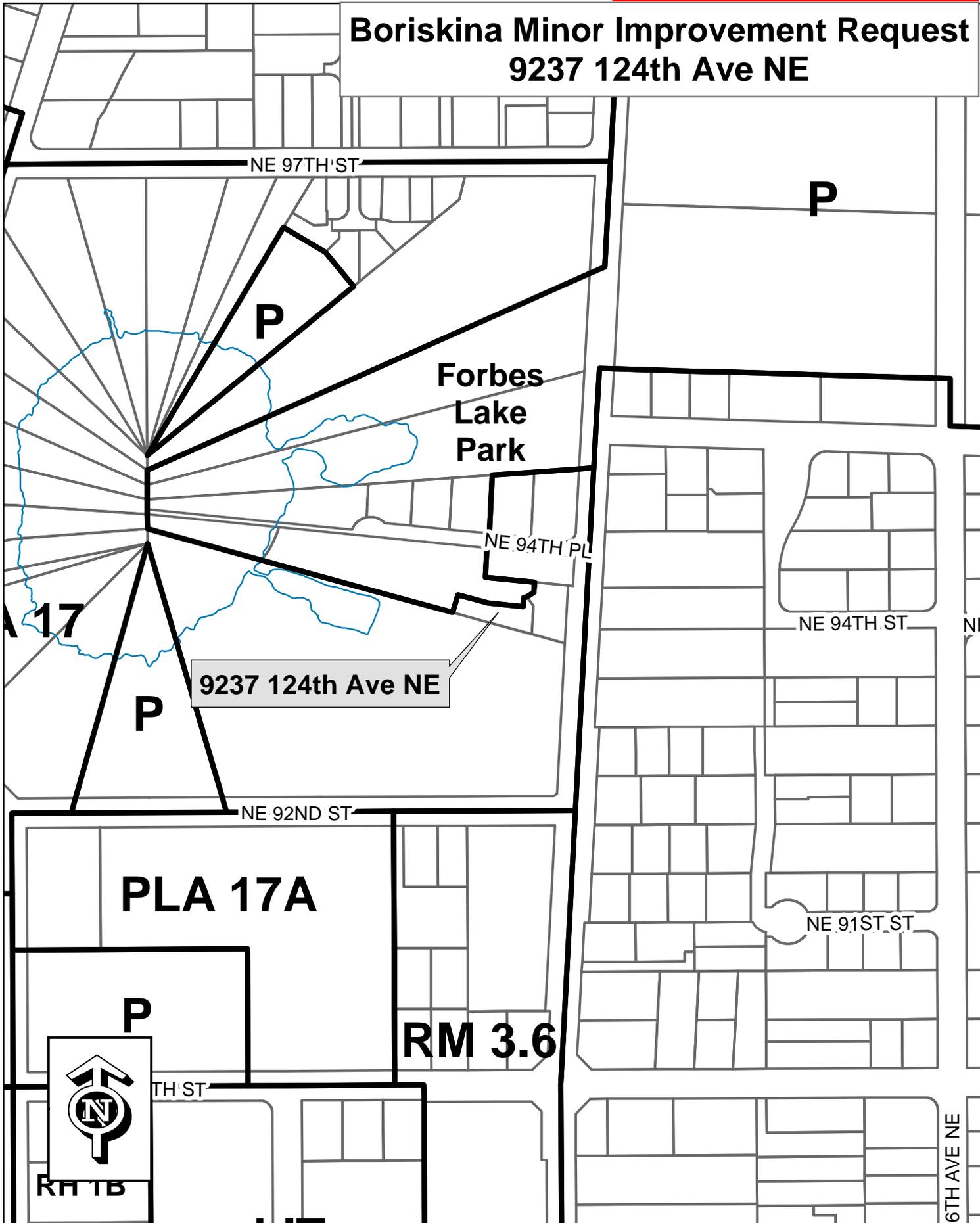
BLD09-00018 - Minor Improvement Request
Page 6 of 6

Attachments 1 through 6 are attached.

1. Vicinity Map
2. Applicant's Proposal
3. Estimated Lawn Area
4. Razumovich Short Plat (SPL06-00038)
5. Building Permit # BLD09-00018 site plan and conditions of approval

Boriskina Minor Improvement Request

9237 124th Ave NE



Attachment 2
Boriskina Minor Improvement



RECEIVED
APR 14 2014
AM _____ PM _____
PLANNING DEPARTMENT
BY _____

April 8 2014

Application and Request for Minor Improvement:

Applicant Name BORISKINA INNA

Parcel Number 123850-0763

Site Address 9237 124TH AVE NE

Contact: romanskyline@gamil.com 425 223 9160

Legal: BURKE-FARRARS KIRKLAND DIV #14 LOT 3 KIRKLAND SP #SPL 06-00038 REC

#20080115900003 SD SP DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW 124TH AVE NE

OF E 180 FT MEAS PLW N LN

Composition of Minor Improvement:

All work takes place in the outer 40 feet of the 100 foot wetland buffer located on this property. This proposal includes previous City

Proposal:

Restoration has taken place in regards to development within the buffer without a permit, A split rail fence has been installed as directed by the city at the Buffer edge

This additional proposal for minor modification, is to install a 12 x 12 area of pervious concrete grid pavers and 3' wide pathway (total of 290 sf) , within an area of seeded grass and herbaceous growth. This will create an area of lawn adjacent to the pavers to prevent and limit impacts of storm water run off and rainfall. Adjacent to the lawn is proposed planting of 9 sword fern (see map) followed by at least 12" of bark at a minimum depth of 6". The plantings and bark will further protect the area from any possible negative impacts from storm water.

Pervious Pavers defined as: method, materials and techniques for creating "permeable" solutions which include a base and sub-base that allow the movement of storm water through the surface.

Proposal will include planting at least nine, 5 gallon sword fern on the north and east sides of the permeable pavers. The south side of this area has existing arborvitaes along the eastern fence line which will provide the functions proposed by the sword fern.

Parcel Number 123850-0763 Site Address 9237 124TH AVE NE

page 1

Proposal will include installing at least 4 c.y. of Compost (Cedar Grove Compost or equivalent), for a minimum of 1 foot in width and 6" in depth as a soil amendment for the purpose of enhancing the poor quality on site soils.

Purpose:

This minor improvement will allow for access to, and sitting in, a very poor quality buffer area located on the east side of this homes lot.

The proposed area of impact is located within the outer 40 feet of a 100 foot wetland buffer, on the east side of the split rail fence which was installed as requested by the City of Kirkland in April 2014.

(letter dated February 17, 2014) meeting the code requirement:

90.50 Wetland Buffer Fence or Barrier the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, (1) a permanent 3- to 4-foot-tall split rail fence.

As stated in the Kirkland in 2022 vision statement, this home (as well as the community) should be a delightful place to call home and the city will provide creative approaches to providing suitable housing by establishing varied and flexible development standards. Regulation should fairly balance public interests with private property rights.

Project:

The proposal for this "Minor Improvement" will meet the criteria set out in KMC 90.45 (5) which says "Minor Improvements" may be located within the sensitive area buffers specified in subsection (1) of this section.

1. Minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer.

This proposal will be located within the center of the grass lawn area which is located in the outer 40 feet of the 100 foot wetland buffer.

2. Minor Improvements will not adversely affect water quality;

The proposal includes installation of a minimum of 6" of mulch added to the soils (amending the poor quality soils found there) at the edge of the grass area for a width of at least 12" to further filter and distribute any storm water run-off.

Nine, 5 gallon (minimum), Polystichum munitum (Sword fern) will be planted on three sides of the 12 x 12 grid space, in order to create a vegetated barrier which prevents surface water flows from concentrating as they flow away from the improvement.

Minor Improvements will not adversely affect fish, wildlife, or their habitat;

The wetland associated with this buffer is located off site to the east.

The buffer vegetation health is medium to poor state; dominated by bare ground or blackberries and alders which are about 10 to 14 DBH.

Installation of a small pad of pervious pavers surrounded by grass and mulch should not be capable of having a measurably adverse impact on the habitat in the area.

Minor Improvements will not adversely affect drainage or storm water detention capabilities;

Currently the lot area east of the installed fence has some grass and herbaceous growth and then bare soils, or soils with blackberry vine growth. The pervious concrete pavers, installed soil enchantment and vegetation plantings should not be capable of negatively altering the existing conditions regarding rainfall and run off, or of creating new negative impacts. Installation of the organics to the soil should increase the ability of the site to protect against any adverse effects of storm water.

Minor Improvements will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;

Pervious concrete pavers provide the dual purpose of a walking and standing surface as well as a surface which does not accelerate run off and typically absorbs water from typical amounts of storm water rain fall.

Pervious pavers provide a way to limit erosion which could be caused by walking, sitting or standing on bare or lightly vegetated soils.

The pavers have the capability of stabilizing the back yard and offering an all-weather surface less likely to become muddy and erosive.

The proposed location for placement of this area is well within that designation allowed by minor improvement and well away from the top of slope.

Pervious concrete products do require maintenance as with any landscaping feature.

Installation and maintenance should follow the manufactures recommendations.

Minor Improvements will not be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

This proposed Minor Improvement does not create or continue a negative effect on open space or scenic views in the area.

The proposed Minor Improvement is likely to provide an opportunity for the family to gather in an environment other than inside the home, enjoy the outdoors and enjoy the scenic views available from this lot.

Soils in the proposed impact area and all areas of temporary disturbance shall have compost and enhancement added which creates and adequate porosity to allow root growth. A minimum of 6" of compost should be worked into the soils prior to planting.

All plantings should be healthy, have no broken limbs and should not be root-bound in the container if not a bare root plant.

Installation of the rich compost medium will allow absorption of rainfall and run off, and may be capable of contributing to the recharge of the area while preventing erosion.

The selection of the sword fern as the preferred plant at this location is because it is tolerant of typical conditions in the northwest. Hand watering through the first summers will be required (plantings should receive 1" of water per week which is approximately 15 minutes of soaker hose or sprinkler). Do not flood area.

Fertilizer should not be necessary. Future applications of quality compost, each spring and/or fall, should provide adequate nutrients. Maintenance of the landscaping/minor improvement is an important part of this installation.

Please contact me with any questions or concern

Kim Peterson
Blue Heron Services Inc
PO 393 Index WA 98256
360 793 7767
bheron@seanet.com



PLANTING NOTES:

- Dig a hole for the plant about twice as wide as the diameter of the root mass
- Use fertilizer in an appropriate manner, time release tablets are best
- Water thoroughly when planting in order to wet soil and fill in air pockets
- Do not compact soil around the roots, except by watering
- Mulch well and often

Install plants from late fall to early spring. The earlier this is done, the more the roots will establish themselves before the summer dry period.

Soil amendments increase the soil's infiltration capacity and help reduce runoff from the site. They have the added benefit of changing physical, chemical, and biological characteristics so that the soils become more effective at maintaining water quality.

Lawn may be installed as rolled turf or seeded soils.

Seed Source, this supplier can make suggestions based on soil testing and location for seeding of all areas of disturbed soil throughout the buffer area.

Seeds Only PO Box 1281 Issaquah, WA 98027
425-831-2076 or 1 888 528-9788 Fax: 425-831-2078 pmarksdss@aol.com

During site visit in spring 2014 the majority of the buffer in the lot area and adjacent lot areas was bare of healthy vegetation. The buffer and habitat conditions would benefit from the addition of a native herbaceous seed mix on any bare soils followed by appropriate watering until established, and/or the installation of organic compost.

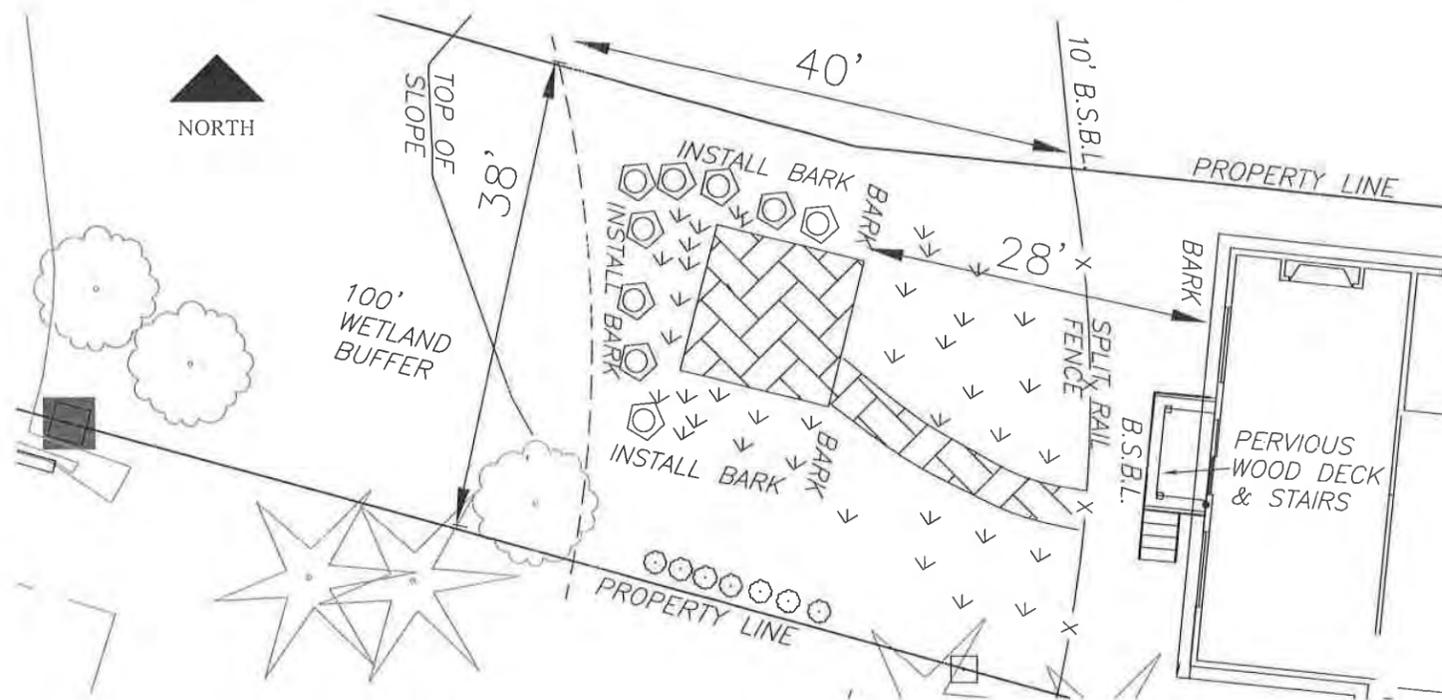
NOTE:

Should the applicant disagree with a denial of this proposal by the Planning Official, the decision may be appealed in accordance with KZC 90.160.

Proposed planting NINE (9) Polystichum munitum as FIVE (5) Gal specimens
Plantings should be placed approx. 3 feet on center on the north and west side at the
defining point between grass/herbacous growth and amended compost / bark soils.
Plant value approximately \$100.00

Plantings aid in providing a permanent erosion prevention barrier protecting the buffer
area.

-  Polystichum munitum / Sword Fern
-  Grass Lawn (OPTION: Poa compressa, rolled turf or other).



The wetland buffer is that area which is immediately adjacent to the wetland and protects the sensitive area and provides essential habitat elements for fish and/or wildlife.

Proposal includes installation of 290 sf of Pervious Pavers defined as: method, materials and techniques for creating "permeable" solutions which include a base and sub-base that allow the movement of storm water through the surface.

Minor Modification: install a 12 x 12 area of pervious concrete grid pavers and 3' wide pathway (total of 290 sf), within an area of seeded grass and herbaceous growth. This will create an area of lawn adjacent to the pavers to prevent and limit impacts of storm water run off and rainfall.

Adjacent to the lawn is proposed planting of 9 sword fern (see map) followed by at least 12" of bark at a minimum depth of 6".

The plantings and bark will further protect the area from any possible negative impacts from storm water.

During site visit in spring 2014 the majority of the buffer in the lot area and adjacent lot areas was bare of healthy vegetation. The buffer and habitat conditions would benefit from the addition of a native herbaceous seed mix on any bare soils followed by appropriate watering until established, or the installation of organic compost.

RECEIVED
APR 14 2014
AM PM
PLANNING DEPARTMENT
BY _____

Applicant Name BORISKINA INNA
Legal: BURKE-FARRARS KIRKLAND DIV #14 LOT 3
KIRKLAND SP #SPL 06-00038 REC #20080115900003 SD SP
DAF LOT 19 BLOCK 43 OF SD ADD LESS N 60 FT MEAS PLW
124TH AVE NE OF E 180 FT MEAS PLW N LN

Soils in planting area shall have adequate porosity to encourage root growth. A minimum of 6" of compost should be worked into the soils prior to planting.

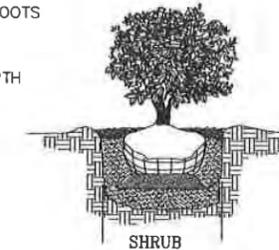
All plantings should be healthy, have no broken limbs and should not be root-bound in the container, if not a bare root plant. Multi stemmed shrubs are typical in this species, staking should not be necessary.

The selected species is tolerant of typical conditions in the Northwest though hand watering will be necessary. Plantings should receive 1" of water per week which is approximately 15 minutes of soaker hose or sprinkler. Do not flood area.

Fertilizer should not be necessary. Future applications of quality compost, each spring and/or fall, should provide adequate nutrients.

Pervious pavers shall be installed per the manufactures guidelines and maintained as required to retain porosity.

- CUT AND REMOVE ALL WRAPPING
- PIT DIMENSIONS SHOULD BE LARGER THEN ROOT BALL
- PLACE ALL ROOTBALLS SO TOPS ARE LEVEL WITH FINISH GRADE
- SCARIFY ROOTS TO 4"
- TAMP OUT ALL AIR POCKETS
- BACKFILL THOROUGHLY
- PRUNE BROKEN LIMBS AND ROOTS
- LEVEL WITH FINISH GRADE
- WATER WELL
- MULCH WITH A MIN. 6" DEPTH



This project shall be installed by hand.

NOTES AND COMMENTS:

SITE PLAN

Applicant Name BORISKINA INNA
Parcel Number 123850-0763
Site Address 9237 124TH AVE NE
Contact: romanskyline@gmail.com 425 223 9160

DATE: 4 8 2014
REV #:

REV #:

REV #:

Proposed planting NINE (9) *Polystichum munitum* as FIVE (5) Gal specimens
Plantings should be placed approx. 3 feet on center on the north and west side at the defining point between grass/herbacoues growth and amended compost / bark soils.
Plant value approximately \$100.00

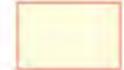
Plantings aid in providing a permanent erosion prevention barrier protecting the buffer area.

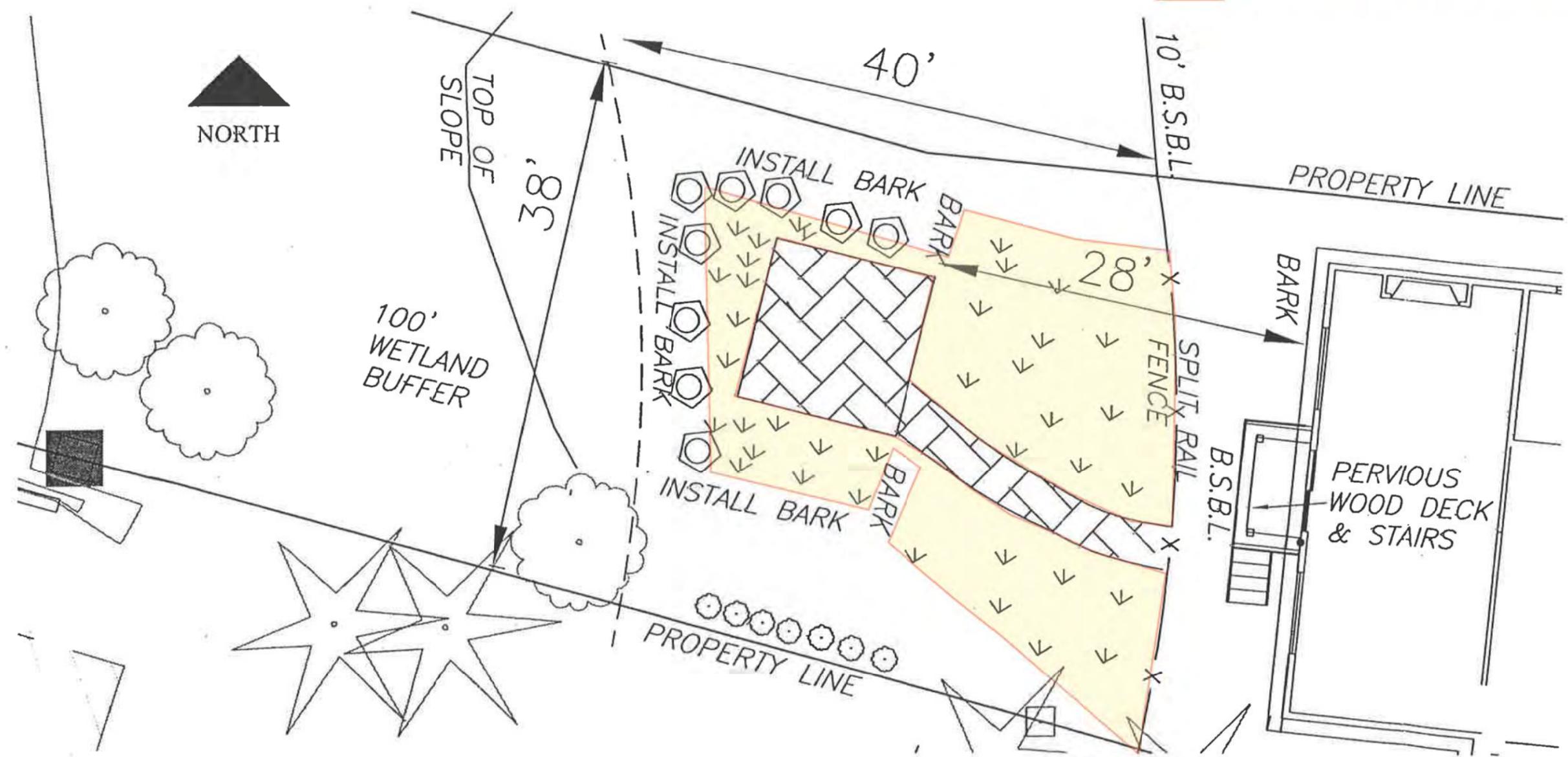
RECEIVED
APR 14 2014

AM _____ PM
PLANNING DEPARTMENT
BY _____

 *Polystichum munitum* / Sword Fern

 Grass Lawn (OPTION: *Poa compressa*, rolled turff or other).

 Estimate of area covered by "grass lawn"



The wetland buffer is that area which is immediately adjacent to the wetland and protects the sensitive area and provides essential habitat elements for fish and/or wildlife.

Attachment 3
Boriskina Minor Improvement Request

Attachment 4
Boriskina Minor Improvement Request

**Enlargement of NGPE language recorded
on the Razumovich Short Plat**

RAZUMOVICH SHORT PLAT

SE 1/4, NW 1/4, SECTION 4, TWP. 25 N., RANGE 5 E., W.M.

NATURAL GREENBELT PROTECTIVE EASEMENT (N.G.P.E)

NO TREE TRIMMING, TREE TOPPING, TREE CUTTING OR TREE REMOVAL, NOR SHRUB OR BRUSH CUTTING OR REMOVAL, NOR CONSTRUCTION, CLEARING OR ALTERATION ACTIVITIES, NOR APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF KIRKLAND. APPLICATION FOR SUCH WRITTEN APPROVAL TO BE MADE TO THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES. ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH, OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 170, ORDINANCE 2740, THE KIRKLAND ZONING CODE. IN SUCH EVENT, THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MAY ALSO REQUIRE WITHIN THE IMMEDIATE VICINITY OF ANY DAMAGED OR FALLEN VEGETATION, RESTORATION OF THE AFFECTED AREA BY PLANTING SHRUBS OF COMPARABLE SIZE AND/OR TREES OF THREE INCHES OR MORE IN DIAMETER, MEASURED ONE FOOT ABOVE GRADE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGED OR FALLEN VEGETATION BE REMOVED. EACH OF THE UNDERSIGNED OWNERS AGREES TO DEFEND, PAY AND SAVE HARMLESS THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS OF EVERY NATURE WHATSOEVER, REAL OR IMAGINARY, WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID WETLAND BUFFER AND NATURAL GREENBELT PROTECTIVE EASEMENT OVER SAID OWNER'S PROPERTY OR THE ACTIONS OF THE UNDERSIGNED OWNERS IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT, INCLUDING ALL COSTS AND EXPENSES, AND RECOVER ATTORNEY'S FEES AS MAY BE INCURRED BY THE CITY OF KIRKLAND IN DEFENSE THEREOF, EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.

THE UNDERSIGNED AGREE THAT THEY ARE FULLY AWARE OF THE CITY OF KIRKLAND REGULATIONS ESTABLISHED FOR THE PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS. IN ADDITION, THERE MAY BE OTHER STATE AND FEDERAL REGULATIONS RELATED TO THE DEVELOPMENT ACTIVITY, INCLUDING GRADING, REMOVAL OF VEGETATION, OR BUILDING MAY OCCUR AND THAT NO PESTICIDES, HERBICIDES, OR FERTILIZERS SHALL BE USED WITHIN ENVIRONMENTALLY SENSITIVE AREAS OR ENVIRONMENTALLY SENSITIVE AREA BUFFERS DEFINED BY THE KIRKLAND ZONING CODE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

THIS EASEMENT AND COVENANT IS BINDING ON ALL THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS AND RUNS WITH THE LAND.

**Enlargement of Short Plat dedication language
recorded on the Razumovich Short Plat**

ACKNOWLEDGEMENTS, DECLARATION, DEDICATION, AND RESTRICTIONS
(R.C.W. 58.27.165)

SHORT SUBDIVISION DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS that we, the undersigned being all of the owners of the land hereby short subdivided; hereby declare this short plat to be the graphic representation of the short subdivision made hereby, and do hereby dedicate to the use of the public forever all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown hereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all the easements and tracts shown on this short plat for all public purposes as indicated hereon, including but not limited to parks, open space, utilities and drainage unless such easements or tracts are specifically identified on this short plat as being dedicated or conveyed to a person or entity other than the public.

Further, the undersigned owners of the land hereby short subdivided waive for themselves, their heirs and assigns and any person or entity deriving title from the undersigned, any and all claims for damages against the City of Kirkland, its successors and assigns which may be occasioned by the establishment, construction, or maintenance of roads and/or drainage systems within this short subdivision other than claims resulting from inadequate maintenance by the City of Kirkland.

Further, the undersigned owners of the land hereby short subdivided agree for themselves, their heirs and assigns to indemnify and hold the City of Kirkland, its successors and assigns, harmless from any damage, including any costs of defense, claimed by persons within or without this short subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or subsurface water flows within this short subdivision or by establishment, construction or maintenance of the roads within this short subdivision. Provided, this waiver and indemnification shall not be construed as releasing the City of Kirkland, its successors or assigns, from liability for damages, including cost of defense, resulting in whole or in part from the negligence of the City of Kirkland, its successors, or assigns.

This subdivision dedication, waiver of claims and agreement to hold harmless is made with the free consent and in accordance with the desires of said owners.

IN WITNESS WHEREOF we set our hands and seals.


VIKTOR RAZUMOVICH


OLGA RAZUMOVICH

238/274

RAZUMOVICH SHORT PLAT

A PORTION OF THE SE 1/4, NW 1/4, SECTION 4, TWP. 25 N., RANGE 5 E., W.M.

Short Plat
City of Kirkland

FILE NO: SPL 06-00038
CITY OF KIRKLAND
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STATE OF WASHINGTON
COUNTY OF KING) SS
ON THIS 13 DAY OF December, 2007, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY
COMMISSIONED AND SWORN, PERSONALLY APPEARED
Viktor AND Oлга Razumovich

TO ME KNOWN TO BE THE INDIVIDUAL(S) DESCRIBED HEREIN AND WHO EXECUTED
THE SHORT PLAT, AND ACKNOWLEDGED THAT They
SIGNED THE SAME AS their FREE AND VOLUNTARY
ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL HERETO AFFIXED, THE DAY AND YEAR FIRST
ABOVE WRITTEN.

liorepades
NOTARY'S SIGNATURE
MARIA PAREDES
PRINT NOTARY'S NAME
NOTARY IN AND FOR THE STATE OF WASHINGTON, RESIDING AT:
Shoreline
MY COMMISSION EXPIRES: 11-22-2009



NATURAL GREENBELT PROTECTIVE EASEMENT (N.G.P.E.)

NO TREE TRIMMING, TREE TOPPING, TREE CUTTING OR TREE REMOVAL, NOR SHRUB OR BRUSH CUTTING OR REMOVAL, NOR CONSTRUCTION, CLEARING OR ALTERATION ACTIVITIES, NOR APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF KIRKLAND. APPLICATION FOR SUCH WRITTEN APPROVAL TO BE MADE TO THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES. ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH, OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 170, ORDINANCE 2740, THE KIRKLAND ZONING CODE. IN SUCH EVENT, THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MAY ALSO REQUIRE WITHIN THE IMMEDIATE VICINITY OF ANY DAMAGED OR FALLEN VEGETATION, RESTORATION OF THE AFFECTED AREA BY PLANTING SHRUBS OF COMPARABLE SIZE AND/OR TREES OF THREE INCHES OR MORE IN DIAMETER, MEASURED ONE FOOT ABOVE GRADE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGED OR FALLEN VEGETATION BE REMOVED. EACH OF THE UNDERSIGNED OWNERS AGREES TO DEFEND, PAY AND SAVE HARMLESS THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES, FROM ANY AND ALL CLAIMS OF EVERY NATURE WHATSOEVER, REAL OR IMAGINARY, WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID WETLAND BUFFER AND NATURAL GREENBELT PROTECTIVE EASEMENT OVER SAID OWNER'S PROPERTY OR THE ACTIONS OF THE UNDERSIGNED OWNERS IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT, INCLUDING ALL COSTS AND EXPENSES, AND RECOVER ATTORNEY'S FEES AS MAY BE INCURRED BY THE CITY OF KIRKLAND IN DEFENSE THEREOF; EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.

THE UNDERSIGNED AGREE THAT THEY ARE FULLY AWARE OF THE CITY OF KIRKLAND REGULATIONS ESTABLISHED FOR THE PROTECTION OF ENVIRONMENTALLY SENSITIVE AREAS. IN ADDITION, THERE MAY BE OTHER STATE AND FEDERAL REGULATIONS RELATED TO THE DEVELOPMENT ACTIVITY, INCLUDING GRADING, REMOVAL OF VEGETATION, OR BUILDING MAY OCCUR AND THAT NO PESTICIDES, HERBICIDES, OR FERTILIZERS SHALL BE USED WITHIN ENVIRONMENTALLY SENSITIVE AREAS OR ENVIRONMENTALLY SENSITIVE AREA BUFFERS DEFINED BY THE KIRKLAND ZONING CODE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM THE CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

THIS EASEMENT AND COVENANT IS BINDING ON ALL THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY AND THEIR HEIRS, SUCCESSORS, AND ASSIGNS AND RUNS WITH THE LAND.

- NOTES:
- ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, "ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE".
 - 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.
 - INGRESS, EGRESS AND UTILITY EASEMENT OVER LOT 1 FOR THE BENEFIT OF LOTS 1, 2 & 3, TO BE EQUALLY AND JOINTLY MAINTAINED BY LOTS 1, 2 AND 3.
 - ACCESS EASEMENT OVER LOT 1 FOR THE BENEFIT OF LOT 3 TO BE MAINTAINED BY LOT 3.
 - ACCESS EASEMENT OVER LOT 2 FOR THE BENEFIT OF LOTS 2 AND 3 TO BE EQUALLY AND JOINTLY MAINTAINED BY LOTS 2 AND 3.
 - PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR LOTS WITHIN THIS PLAT THE OWNER OF SAID LOT SHALL SIGN A LOCAL IMPROVEMENT DISTRICT (LID) NO PROTEST AGREEMENT FOR FUTURE UNDERGROUNDING OF OFF-SITE/FRONTAGE TRANSMISSION LINES ON 124TH AVE NE.
 - THE 10' PRIVATE UTILITY EASEMENT OVER LOTS 1, 2, AND 3 FOR THE BENEFIT OF LOTS 1, 2, AND 3 SHALL BE MAINTAINED BY LOTS 1, 2, AND 3.

EXAMINED, REVIEWED, AND APPROVED BY THE CITY OF KIRKLAND PURSUANT TO THE SHORT SUBDIVISION PROVISIONS OF TITLE 22 (LAND SUBDIVISION), KIRKLAND MUNICIPAL CODE, THIS 14th DAY OF January, 2008.

Scott Noble
DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DEPARTMENT OF ASSESSMENT
EXAMINED AND APPROVED THIS 15th DAY OF January, 2008.

Scott Noble David Kissinger
KING COUNTY ASSESSOR Deputy Assessor
Pd. #123850-0760



Scott Burrison
Supt. of Records

ACKNOWLEDGEMENTS, DECLARATION, DEDICATION, AND RESTRICTIONS
(R.C.W. 58.27.165)

SHORT SUBDIVISION DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS that we, the undersigned being all of the owners of the land hereby short subdivided, hereby declare this short plat to be the graphic representation of the short subdivision made hereby, and do hereby dedicate to the use of the public forever all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown hereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all the easements and tracts shown on this short plat for all public purposes as indicated hereon, including but not limited to parks, open space, utilities and drainage unless such easements or tracts are specifically identified on this short plat as being dedicated or conveyed to a person or entity other than the public.

Further, the undersigned owners of the land hereby short subdivided waive for themselves, their heirs and assigns and any person or entity deriving title from the undersigned, any and all claims for damages against the City of Kirkland, its successors and assigns which may be occasioned by the establishment, construction, or maintenance of roads and/or drainage systems within this short subdivision other than claims resulting from inadequate maintenance by the City of Kirkland.

Further, the undersigned owners of the land hereby short subdivided agree for themselves, their heirs and assigns to indemnify and hold the City of Kirkland, its successors and assigns, harmless from any damage, including any costs of defense, claimed by persons within or without this short subdivision to have been caused by alterations of the ground surface, vegetation, drainage, or surface or subsurface water flows within this short subdivision or by establishment, construction or maintenance of the roads within this short subdivision. Provided, this waiver and indemnification shall not be construed as releasing the City of Kirkland, its successors or assigns, from liability for damages, including cost of defense, resulting in whole or in part from the negligence of the City of Kirkland, its successors, or assigns.

This subdivision dedication, waiver of claims and agreement to hold harmless is made with the free consent and in accordance with the desires of said owners.

IN WITNESS WHEREOF we set our hands and seals.

Viktor Razumovich
TAYLOR BEAM & WHITAKER
MORTGAGE CORPORATION

Oлга Razumovich

SURVEYOR'S CERTIFICATE
This map correctly represents a survey, made by me or under my direction, in conformance with the requirements of the Survey Recording Act at the request of Viktor Razumovich on 11-22-07.
James A. Hart
Surveyor
Certificate No. 3409



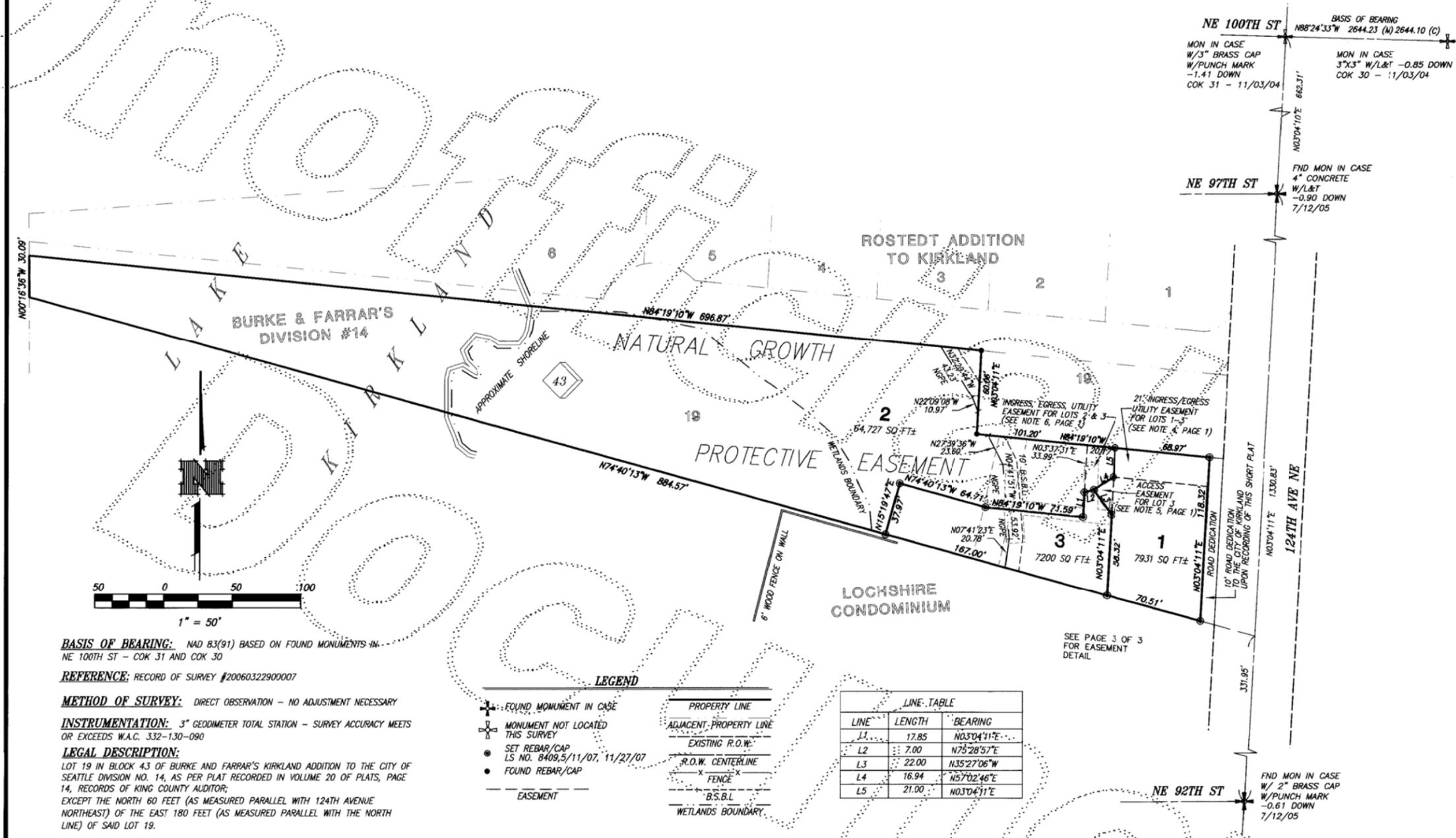
JIM HART
AND ASSOCIATES
PROFESSIONAL
LAND SURVEYORS
220 - 6th St. KIRKLAND, WASHINGTON 98033
PHONE (425) 822-4171

238/275

RAZUMOVICH SHORT PLAT
A PORTION OF THE SE 1/4, NW 1/4, SECTION 4, TWP. 25 N., RANGE 5 E., W.M.

Short Plat
City of Kirkland

FILE NO: SPL 06-00038
CITY OF KIRKLAND
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT



BASIS OF BEARING: NAD 83(91) BASED ON FOUND MONUMENTS IN NE 100TH ST - COK 31 AND COK 30

REFERENCE: RECORD OF SURVEY #20060322900007

METHOD OF SURVEY: DIRECT OBSERVATION - NO ADJUSTMENT NECESSARY

INSTRUMENTATION: 3" GEDDIMETER TOTAL STATION - SURVEY ACCURACY MEETS OR EXCEEDS W.A.C. 332-130-090

LEGAL DESCRIPTION:
LOT 19 IN BLOCK 43 OF BURKE AND FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE DIVISION NO. 14, AS PER PLAT RECORDED IN VOLUME 20 OF PLATS, PAGE 14, RECORDS OF KING COUNTY AUDITOR;
EXCEPT THE NORTH 60 FEET (AS MEASURED PARALLEL WITH 124TH AVENUE NORTHEAST) OF THE EAST 180 FEET (AS MEASURED PARALLEL WITH THE NORTH LINE) OF SAID LOT 19.

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON

LEGEND

+	FOUND MONUMENT IN CASE	---	PROPERTY LINE
+	MONUMENT NOT LOCATED THIS SURVEY	---	ADJACENT PROPERTY LINE
o	SET REBAR/CAP	---	EXISTING R.O.W.
o	LS NO. 8409, 5/11/07, 11/27/07	---	R.O.W. CENTERLINE
o	FOUND REBAR/CAP	---	FENCE
---	EASEMENT	---	B.S.B.L.
---		---	WETLANDS BOUNDARY

LINE TABLE

LINE	LENGTH	BEARING
L1	17.85	N03°04'11"E
L2	7.00	N75°28'57"E
L3	22.00	N35°27'06"W
L4	16.94	N57°02'48"E
L5	21.00	N03°04'11"E

20080115900003
CITY OF KIRKLAND
01/15/2008 14:54
KING COUNTY, WA

SURVEYOR'S CERTIFICATE

This map correctly represents a survey, made by me or under my direction, in conformance with the requirements of the Survey Recording Act at the request of V & O RAZUMOVICH on MAY, 2007.

James A. Hart
Surveyor

Certificate No. 8409



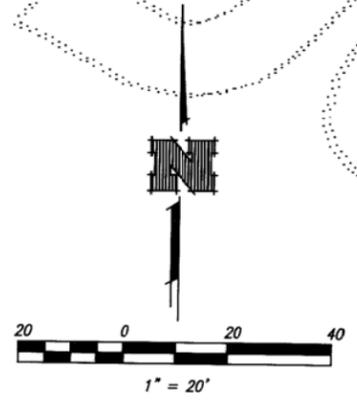
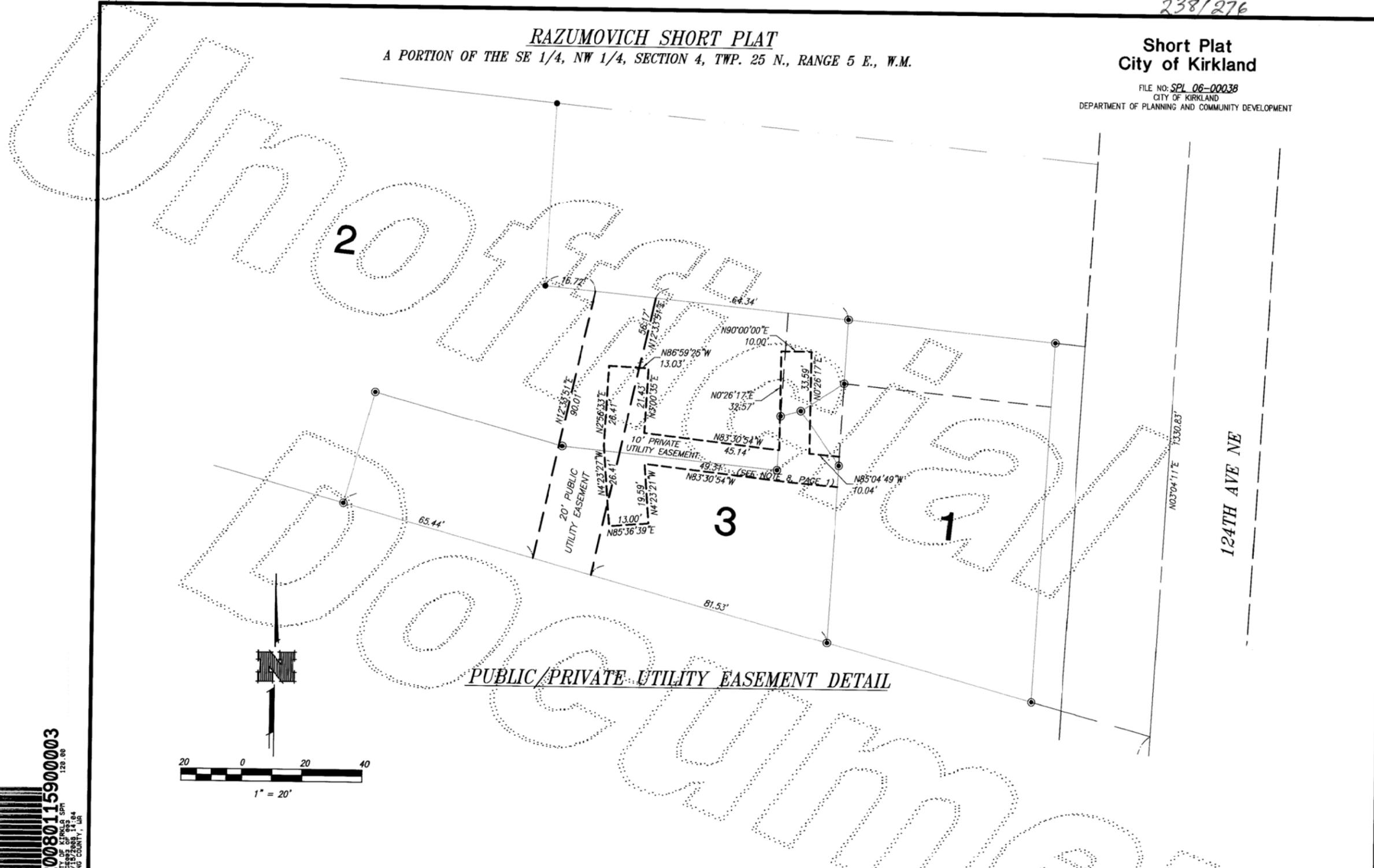
JIM HART AND ASSOCIATES
PROFESSIONAL LAND SURVEYORS
220 - 6th St. KIRKLAND, WASHINGTON 98033
PHONE (425) 822-4171

2381276

RAZUMOVICH SHORT PLAT
A PORTION OF THE SE 1/4, NW 1/4, SECTION 4, TWP. 25 N., RANGE 5 E., W.M.

Short Plat
City of Kirkland

FILE NO: SPL 06-00038
CITY OF KIRKLAND
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT



PUBLIC/PRIVATE UTILITY EASEMENT DETAIL

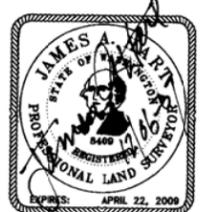
200801159000003
CITY OF KIRKLAND
OFFICE OF THE CLERK
KING COUNTY, WA

RECORDED BY THE RECORDER
CITY CLERK
CITY OF KIRKLAND
13215

SURVEYOR'S CERTIFICATE

This map correctly represents a survey, made by me or under my direction, in conformance with the requirements of the Survey Recording Act at the request of Y. O. RAZUMOVICH on MAY, 2007.

James Hart
Surveyor
Certificate No. 8409

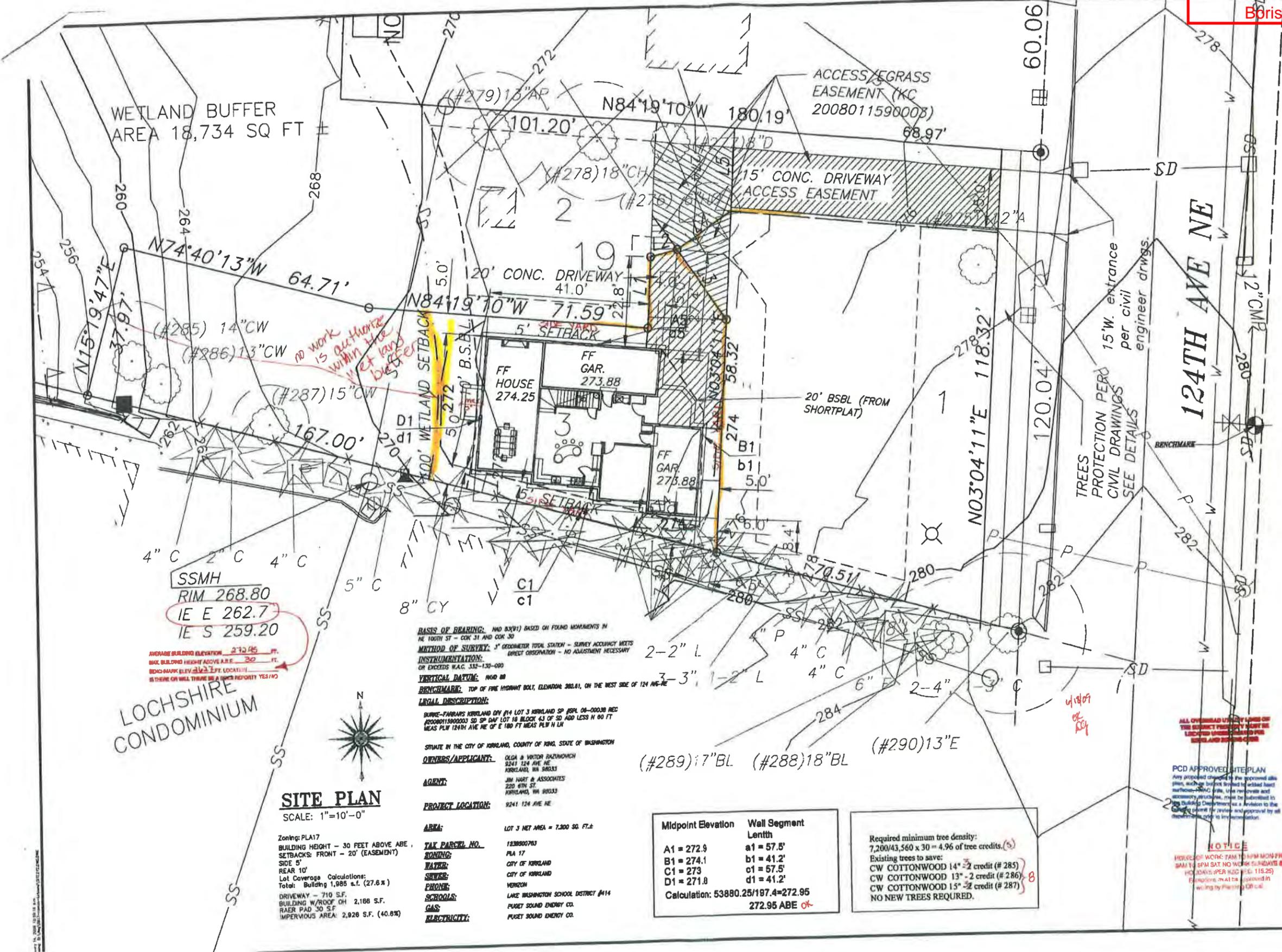


Surveyor Stamp



JIM HART
AND ASSOCIATES
PROFESSIONAL
LAND SURVEYORS
220 - 6th St. KIRKLAND, WASHINGTON 98033
PHONE (425) 822-4171

Attachment 5
Brisikina Minor Improvement



SSMH
RIM 268.80
IE E 262.7
IE S 259.20

LOCHSHIRE
CONDOMINIUM

SITE PLAN
SCALE: 1"=10'-0"

Zoning: PL17
BUILDING HEIGHT - 30 FEET ABOVE ABE.
SETBACKS: FRONT - 20' (EASEMENT)
SIDE 5'
REAR 10'
Lot Coverage Calculations:
Total: Building 1,985 s.f. (27.6%)
DRIVEWAY - 710 S.F.
BUILDING W/ROOF OH 2,188 S.F.
RAER PAD 30 S.F.
IMPERVIOUS AREA 2,926 S.F. (40.6%)

BASIS OF BEARING: MAG. (NAD 83) BASED ON FOUND MONUMENTS IN NE 100TH ST - COR 31 AND COR 30
METHOD OF SURVEY: 3" DIAGONAL TIE STATION - SURVEY ACCURACY MEETS EXACT OBSERVATION - NO ADJUSTMENT NECESSARY OR EXCEEDS R.A.C. 132-133-000
INSTRUMENTATION: MAG. 00
VERTICAL DATUM: MAG. 00
BENCHMARK: TOP OF FINE HYDRANT BOLT, ELEVATION 262.61, ON THE WEST SIDE OF 124 AVE-NE

LEGAL DESCRIPTION:
SUNNY-PARKWAY KIRKLAND DIV (#14 LOT 3 KIRKLAND SP #PL 06-00038 REC #20080115900003) SD SP DAF LOT 18 BLOCK 43 OF SD ADD LESS H 80 FT MEAS PLW 124TH AVE NE OF E 180 FT MEAS PLW N LN

STATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON

OWNERS/APPLICANT: OLGA & VICTOR BRISIKINA
9241 124 AVE NE
KIRKLAND, WA 98033

AGENT: JIM HART & ASSOCIATES
220 6TH ST.
KIRKLAND, WA 98033

PROJECT LOCATION: 9241 124 AVE NE

AREA: LOT 3 NET AREA = 7,300 SQ. FT.±

TAX PARCEL NO.: 128900793
CONTROL: PL 17
CITY: CITY OF KIRKLAND
SCHOOL: LAKE WASHINGTON SCHOOL DISTRICT #114
GAS: PUGET SOUND ENERGY CO.
ELECTRICITY: PUGET SOUND ENERGY CO.

Midpoint Elevation	Wall Segment Length
A1 = 272.9	a1 = 57.5'
B1 = 274.1	b1 = 41.2'
C1 = 273	c1 = 57.5'
D1 = 271.8	d1 = 41.2'
Calculation: $53880.25/187.4 = 272.95$ ABE OK	

Required minimum tree density:
 $7,200/43,560 \times 30 = 4.96$ of tree credits.⁽⁵⁾
Existing trees to save:
CW COTTONWOOD 14" - 2 credit (#285)
CW COTTONWOOD 13" - 2 credit (#286)
CW COTTONWOOD 15" - 2 credit (#287)
NO NEW TREES REQUIRED.

ALL OVERLAP UTILITY LINES ON THE SUBJECT PROPERTY MUST BE LOCATED AND MARKED FOR EASEMENT PURPOSES
PCD APPROVED SITE PLAN
Any proposed changes to the approved site plan, including but not limited to, shall be submitted to the City of Kirkland for review and approval by all interested parties.

NOTICE
HOURS OF WORK: 8AM TO 5PM MON-FRI.
NO WORK ON SATURDAYS & SUNDAYS (PER RCW 18.25)
Emergency work will be allowed in writing by the City Engineer.

A L A
AURGO ARCHITECTURE
8436 NE 143rd Street, Bothell, WA 98011
(425) 420-2821 • Fax: (425) 400-0387
email: aae@aurgo.com



NEW HOUSE PROJECT
LOT 3
9241 124TH AVE NE
KIRKLAND WA 98033

Date: 1.12.09

Job No. 0817
Sheet Of
C1 1

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3600



PERMIT NO.: BLD09-00018

DATE: 07/02/2009

PERMIT CONDITIONS AS FOLLOWS:

- 1) *****PUBLIC WORKS CONDITIONS - Contact 425-587-3800***** All work associated with this project, including street improvements and utility connections, must meet the City of Kirkland Public Works Standards and Policies. A Public Works Standards and Policies book can be purchased from the Public Works Department, or reviewed at the public counter during normal business hours.
- 2) It is highly advisable to consult the Public Works Pre-Approved Plans and Policies Manual prior to construction or implementation of procedures set forth in your specific conditions. Adherence to the Manual is not only required, but may prevent delays in your final inspection. In addition to the general requirements listed in the Manual, the owner/contractor is responsible for the implementation of any "redline", plan review comments found in the plans submitted to, and reviewed by the Public Works Department.
- 3) After issuance of the permit, if additional review and inspection by the Public Works Department of a modified design is required; or, when a specific project-related inspection has been requested of the Public Works Department by the contractor/owner, and the task has not been properly prepared for inspection; the Public Works will exercise the City of Kirkland Municipal Code Ordinance 3675 amendment of Chapter 21.08.240 requiring the payment of \$79.00/hr. for review or inspection. The payment of this fee must be made before the City will grant any further inspections, including a final inspection. Please contact the Public Works Department for information on fee payment at 425-587-3800 before requesting a re-inspection. Call 425-587-3805, prior to 6:00 A.M., for an inspection the same day
- 4) All plans submitted as "revisions" must adhere to the following format: (1) all revised portions must be clouded and indexed with a number circumscribed in a triangle/delta; (2) the nature of the revision must be described in a revision block or similar fashion; and (3) only subsequent revisions will be clouded, though previous revision number and triangles must be retained.
- 5) The developer/contractor must call the Public Works Construction Inspector, Tom Chriest at 425-587-3805, prior to 6:00 a.m. for same day inspections. Calls received after 6:00 a.m. will go to the inspectors voice mail for next day inspections.
- 6) Any public improvements damaged during construction shall be replaced prior to final building inspection.
- 7) Record drawings are required for all utility systems and are to be drawn by the contractor, engineer or developer showing relation to permanent structures (e.g. house foundation). Include the contractor's name, north arrow, street names, depth and length of pipes, distances to cleanouts, bends, backflow preventer valves, etc. If storm drainage and other utilities are nearby, include those within close proximity(for example, crossings). Measurements shall be from two fixed locations on a permanent structure to allow for future triangulation, and exact location of the utility. Record drawings are required and not providing them will delay your final inspection.
- 8) PRIOR TO THE FINAL INSPECTION, THE ABILITY FOR VEHICLES TO TURNAROUND WITH THE CURRENT DRIVEWAY CONFIGURATION MUST BE VERIFIED. IF THIS CANNOT BE ACHIEVED, AN EASEMENT FROM LOT 1 MUST BE OBTAINED AND ADDITIONAL TURNAROUND PAVEMENT INSTALLED. CONTACT THE PUBLIC WORKS INSPECTOR AT THE TIME OF THE DRIVEWAY INSPECTION FOR VERIFICATION.
- 9) The Building Permit Inspection Card must be signed off by Public Works prior to any request for final building inspection. To request a Public Works inspection, please call 425-587-3805 prior to 6 a.m. for same-day inspections.
- 10) All rights-of-ways, streets and sidewalks shall be kept clean and shall not be used for stockpiling any construction materials or debris.
- 11) Do not build over existing utility lines.
- 12) Prior to final inspection, all utility services on the site (power, phone, etc), new and existing, must be placed underground from the building to the point of origin at the primary/distribution lines of the utility; overhead lines to secondary or service poles will not be allowed.
- 13) Prior to Certificate of Occupancy, the property owner must sign a Local Improvement District (LID) No-Protest Agreement to participate in potential undergrounding projects along the property frontage in the future. The feasibility of this will be determined by the City. The agreement is to be submitted to the Public Works Dept for recording with the King County Recorder's Office.
- 14) Construction drainage control shall be maintained by the developer and subject to periodic inspections. During the period from May 1 to 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. If erosion problems already exist on the site, other cover protection and

PERMIT NO.: BLD09-00018

DATE: 07/02/2009

PERMIT CONDITIONS AS FOLLOWS:

erosion control will be required.

- 15) Contractor is responsible for keeping streets and/or storm drains clean at all times from mud and debris.
- 16) NEW! Erosion and Sediment Control (ESC) Inspections Required: Approved ESC measures must be installed prior to commencement of construction, and periodic inspections will be conducted during the course of construction.

ESC Inspection #1 - Required prior to pouring concrete for foundation and footings
ESC Inspection #2 - Required after foundation backfill, rough grading, and prior to subfloor framing inspection. Subfloor framing inspection will not be performed until this ESC inspection has been successfully completed.
ESC Inspection #3 - Required for final site stabilization. A final building department inspection and sign-off will not occur until the final ESC inspection has been fully completed.

For demolition permits, only ESC Inspection #3 is required.
- 17) Adequate drainage protection must be provided for adjacent properties.
- 18) Sewer billing will start upon completion of Rough Plumbing inspection
- 19) To request a water meter installation, call your Public Works inspector to verify placement and configuration of the water service. If the service is ready for a water meter, your inspector will schedule the installation with the Water Department; please allow 48 hours for installation, once it has been approved. Call the Public Works Inspector at 425-587-3805 prior to 6 am for a same-day inspection. Calls received after 6 am will go to the inspector's voice mail for an inspection the following day.
- 20) Side sewer record drawings must be prepared prior to the arrival of the Public Works Inspector. If the drawing is not ready, a side sewer inspection will not be conducted at that time; the contractor will have to schedule a re-inspection at another time and the record drawings must be complete.
- 21) Before pouring or paving a driveway, please call for Public Works inspection at 425-587-3805 by 6 am for same day inspection. The inspector must confirm that the location and dimensions of the driveway are according to plan.
- 22) Drywell/infiltration trench must be installed according to the approved site plan and inspected by the Public Works Department prior to backfill. Roof downspouts and surface area drains must be tightlined to this drywell and inspected prior to backfill. Call 425-587-3805 prior to 6 a.m. to request same-day inspections.
- 23) ***PLANNING CONDITIONS - Contact Desiree Goble PH# 425-587-3251***
- 24) BUILDING PERMIT INSPECTION CARD MUST BE SIGNED OFF BY PLANNING PRIOR TO ANY REQUEST FOR FINAL BUILDING INSPECTION. PLEASE CALL 425-587-3235 TO REQUEST INSPECTION. 24 HOUR ADVANCE NOTICE REQUIRED FOR INSPECTION.
- 25) Install either (1) a permanent three- to four-foot-tall split rail fence; or (2) permanent planting of equal barrier value; or (3) equivalent barrier, as approved by the Planning Official.
- 26) Submit a restoration plan to the City of Kirkland Planning Department to restore the area of the wetland buffer disturbed during construction. The restoration plan shall only incorporate native plants and other habitat features and shall be implemented prior to final inspection.
- 27) The combined height of fences and retaining walls within 5' of each other in a required yard is limited to 6 feet, unless certain criteria in Zoning Code Section 115.115.3.g are met. Please contact the Planning Department at 425-587-3235 for more information on the modification criteria.
- 28) Any proposed increase in the total impervious surfaces on the site must be submitted for review as a revision to this building permit prior to the addition of impervious area.
- 29) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure.
- 30) Rockeries and retaining walls may be a maximum of 4 feet high in a required yard, unless certain criteria in Zoning Code Section 115.115.3.g are met. Please contact the Planning Department at 425-587-3235 for more information on the modification criteria.
- 31) All driveways and parking surfaces must be of asphalt or a superior material.
- 32) Prior to final inspection, all driveways and parking surfaces must be completed.

PERMIT NO.: BLD09-00018

DATE: 07/02/2009

PERMIT CONDITIONS AS FOLLOWS:

- 33) Any proposed changes to the approved site plan must be submitted as a revision to the building permit for review and approval prior to implementation.
- 34) No trees located within the wetland buffer may be removed without prior written consent of the Planning Department.
- 35) All mechanical units shall comply with the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, Revised Code of Washington (RCW) 70.107. See Chapter 173-60 Washington Administrative Code (WAC). A link to the WAC and RCW is available at www.kirklandpermits.net.
- 36) Plants listed as prohibited in the Kirkland Plant List (available from the Planning Department) shall not be planted in the City. These plants include Blackberry, Fragrant water lily, Ivy, Herb Robert, Knotweed, Old man's beard, Poison hemlock, Reed canarygrass, Scotch broom, Spurge laurel, Yellow archangel, and Yellow flag iris. Other plants, while not prohibited, are discouraged, including Butterfly bush, English holly, and English laurel.
- 37) All development activity and heavy equipment operation is restricted to 7:00 a.m. to 8:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. Saturday. Other restrictions on Saturday include: no working in the right-of-way, no work requiring inspection, and no trucking into or out of the site; however, light grading work on-site on Saturday is allowed. NO development activity or heavy equipment operation may occur on Sundays or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- 38) *BLDG. DEPT. CONDITIONS Contact Darin Kolilis PH# 425-587-3600 with any questions*

Conditions noted below are part of the approved plans and shall remain attached to them at all times. The approval of plans and specifications does not permit the violation of any section of the International Building Code, International Residential Code, International Mechanical Code, International Fire Code, or any City of Kirkland regulation or state law. Corrections as indicated below, along with the unchanged information shown on the drawings, must be complied with. In addition, since this correction sheet is a review aid, it shall not be used in lieu of the above mentioned codes, regulations, and laws. Therefore, code compliance with all noted applicable code sections on this correction sheet, as well as other applicable code sections not specifically noted, shall be required. The approved plans are required to be on the job site.

- 39) See approved plans for balance of Building Department comments.
- 40) All work is subject to field inspection.
- 41) Do not cover any repaired or replaced areas prior to Building division inspection and approval.
- 42) A. Inspection(s) required -
ONLINE - Same day inspection requests submitted online by 6:00AM are available at www.mybuildingpermit.com click on the "inspections" tab at the top of the page.
TELEPHONE - call by 3:00PM for a next day inspection 425-587-3605 (24 hours a day)
Do not rely on cell phones for inspection requests.

