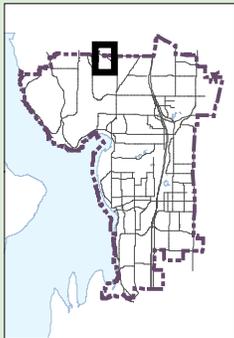
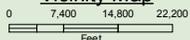


# CHAFFEY PRIVATE AMENDMENT REQUEST- CAM12-01477

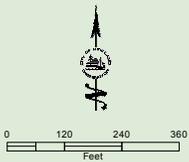
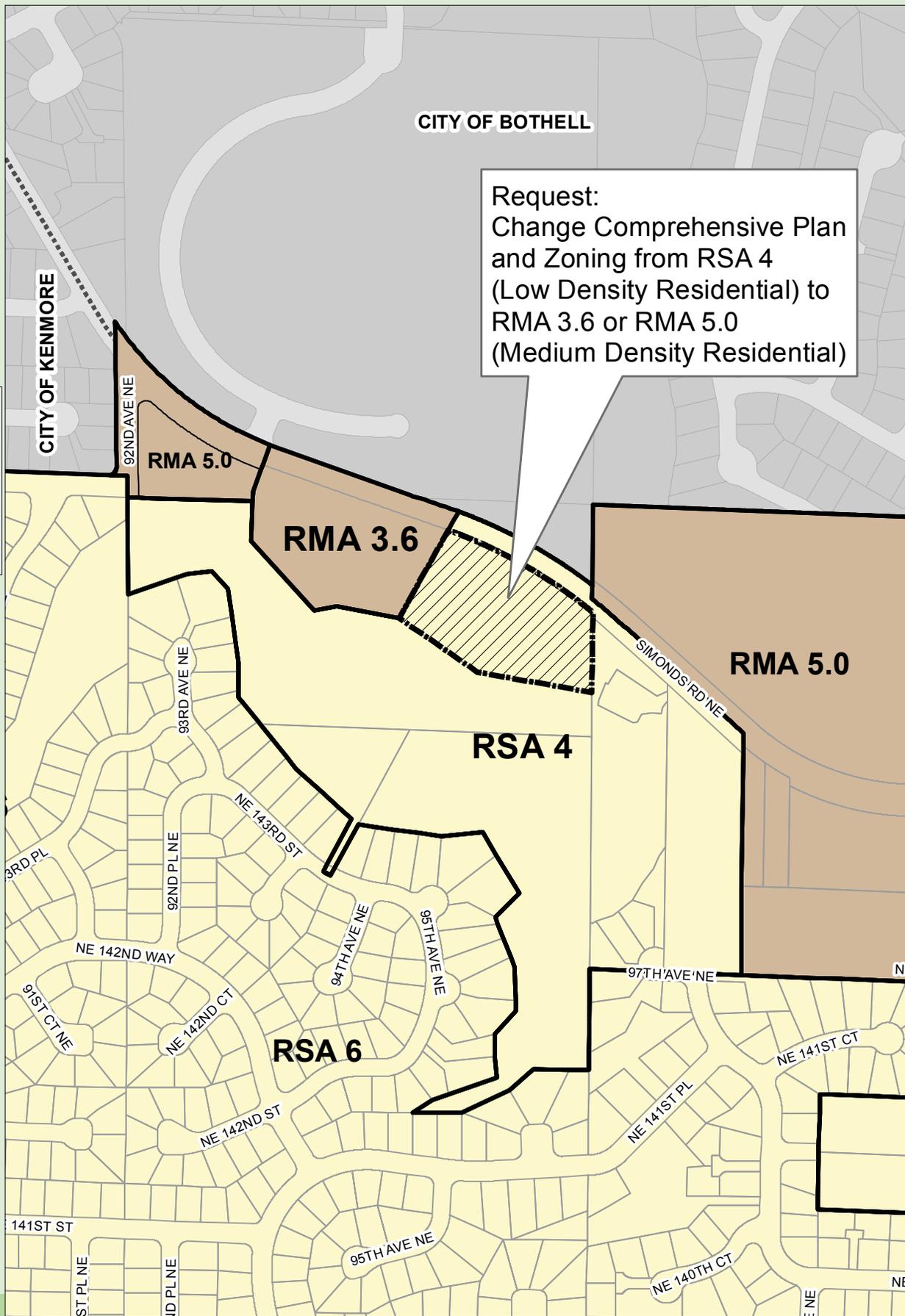


Vicinity Map



Legend

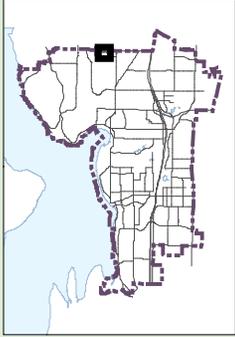
- Tax Parcel Boundaries
- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space



Produced by the City of Kirkland.  
© 2013, the City of Kirkland, all rights reserved.  
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.



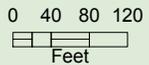
# CHAFFEY PRIVATE AMENDMENT REQUEST- ZONING, TOPOGRAHY AND STREAMS



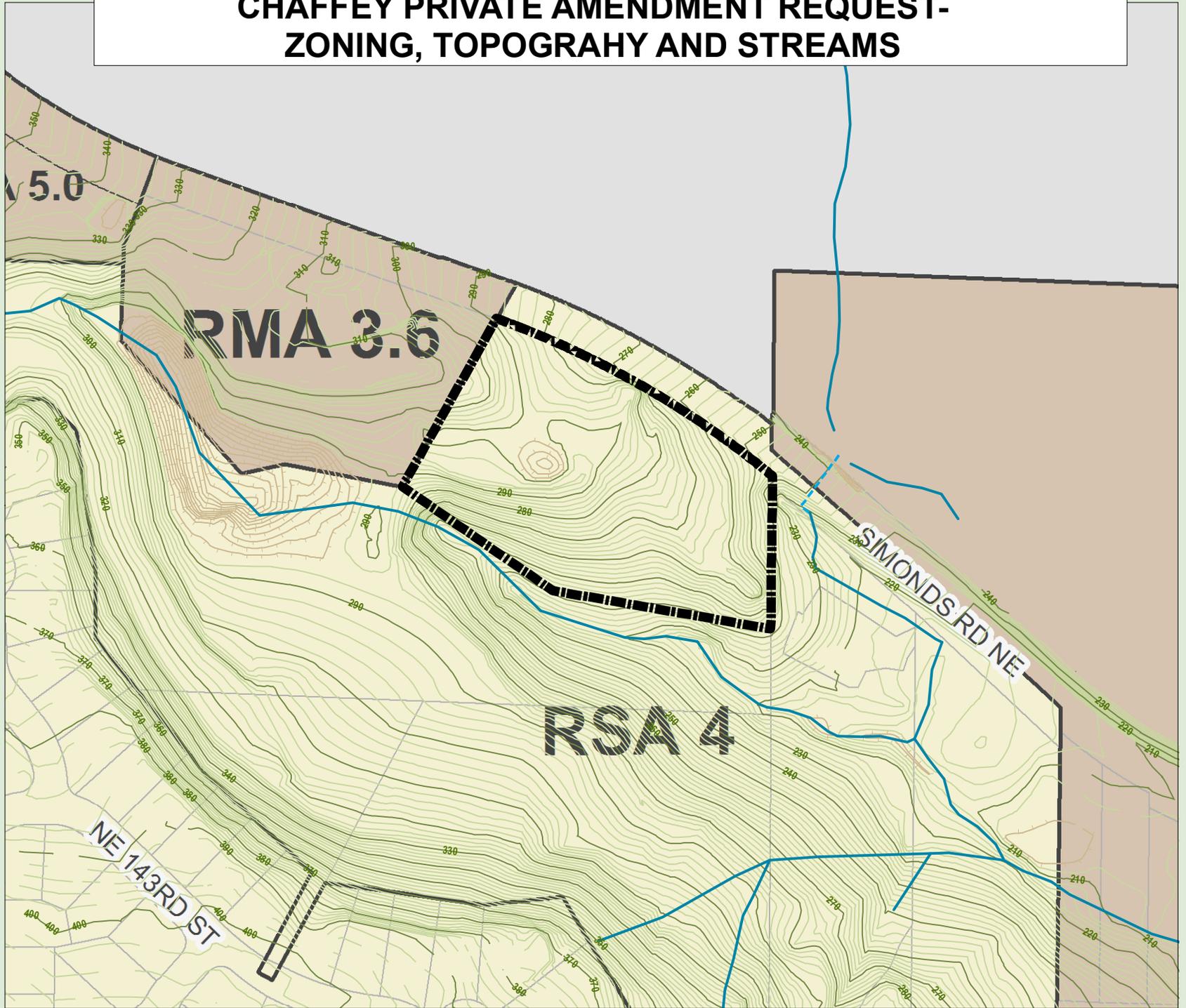
Vicinity Map



- Legend**
- Tax Parcel Boundaries
  - Commercial
  - Industrial
  - Light Manufacturing Park
  - Office
  - High Density Residential
  - Medium Density Residential
  - Low Density Residential
  - Institutions
  - Park/Open Space
  - Stream- Open
  - Stream- Pipe
  - Contour
  - Index Contour
  - Contour (Depression)
  - Index Contour (Depression)



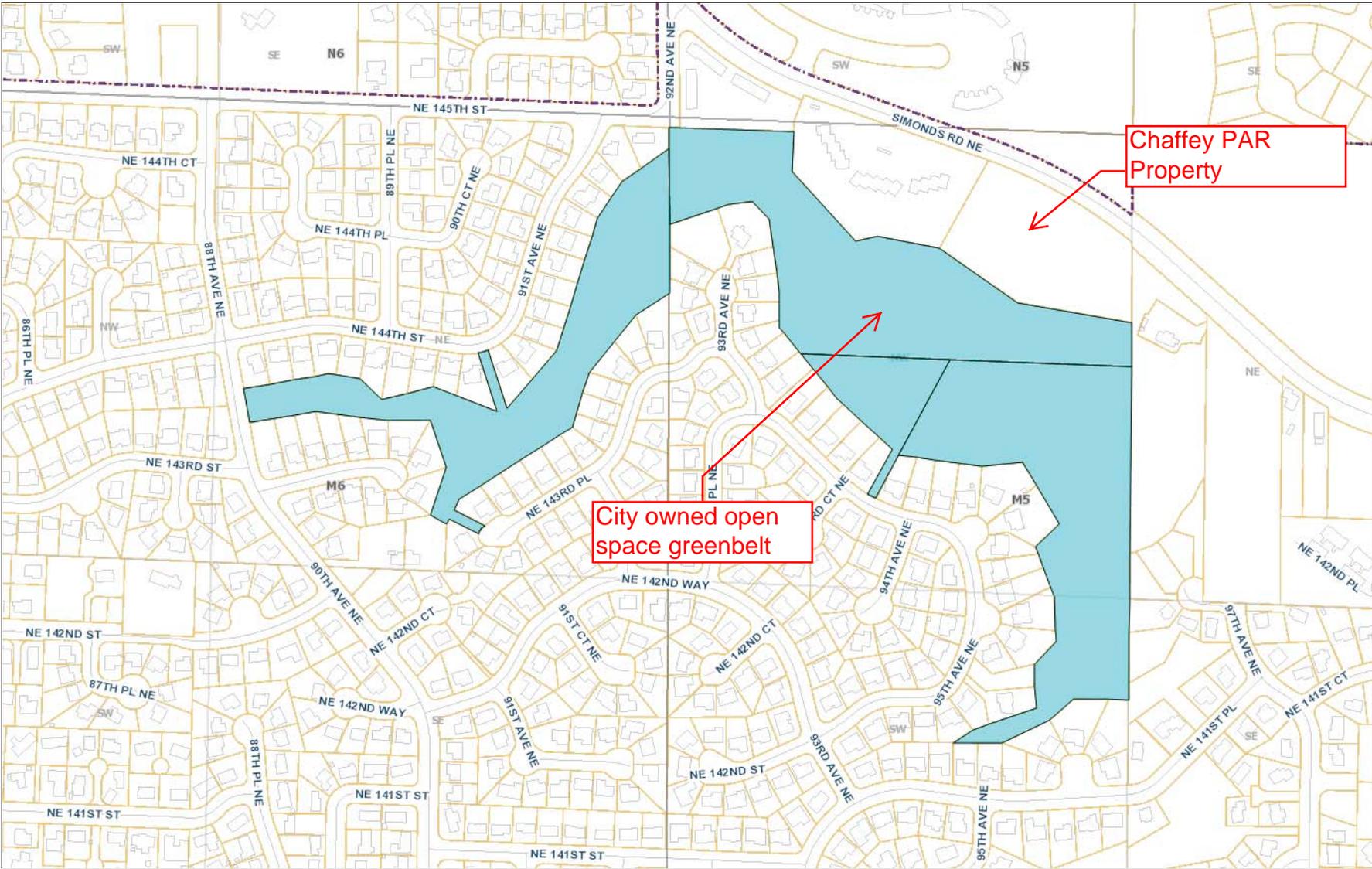
Produced by the City of Kirkland.  
© 2013, the City of Kirkland, all rights reserved.  
No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.







GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



- Legend**
- City Limits
  - Grid
  - QQ Grid
  - Streets
  - Parcels
  - Buildings
  - Parks
  - Schools

Chaffey PAR Property

City owned open space greenbelt

1:3,274



0.1 0 0.05 0.10 Miles

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet  
Produced by the City of Kirkland. © 2013 City of Kirkland, Washington, all rights reserved.

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**  
city of Kirkland Greenbelt (storm water function)





CITY OF KIRKLAND  
PLANNING AND COMMUNITY DEVELOPMENT  
123 Fifth Avenue, Kirkland, WA 98033  
425.587.3225  
www.kirklandwa.gov

**APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN,  
ZONING CODE AND ZONING MAP**

*Directions: You may use this form or answer questions on separate pages.*

**I. CONTACT INFORMATION:**

- A. Applicant Name: Chatterley Building Group
- B. Mailing Address: P.O. Box 5600 Kirkland WA 98033
- C. Telephone Number: 425-822-2080 ext 1355
- D. Email Address: jasonge.chatterleybuildinggroup.com
- E. Property Owner Name (if different than applicant): Bill Grady (Eclipse Holding LLC)
- F. Mailing Address: P.O. Box 158 Mukilteo WA 98131
- G. Telephone Number: \_\_\_\_\_
- F. Email Address: \_\_\_\_\_

*Note: If the applicant is the property owner, or is representing the property owner, then the property owner must sign the last page. If the applicant is neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete the attached Affidavit of Service that this has been done.*

*Also Note: Copies of staff reports and meeting agendas will be sent by email unless you request to the project planner that you want copies mailed to you.*

**II. FOR SITE SPECIFIC PROPOSAL:**

- A. Address of proposal: (if vacant provide nearest street names) 95th Ave NE / Simonds RD NE (approx. 14467 Simonds RD NE)
- B. King County Tax Parcel number(s): 1926059070
- C. Describe improvements on property if any: develop land

D. Attach a map of the site that includes adjacent street names. see attached

**IV. PROPERTY OWNER'S SIGNATURE OR SERVICE OF AFFIDAVIT:**

A. *If the applicant is the property owner, or is a legal representative of the property owner, then the property owner must sign below.*

**ORIGINAL SIGNATURES ONLY/ NO COPIES**

Name – sign:   
 Name – print: Bill Brady  
 Property owner or Legal Representative? owner  
 Date: 11/30/12  
 Address: PO box 158 Mobile AL 36684  
 Telephone: 425-355-7335

B. *If the applicant is neither the property owner nor a legal representative of the property owner, then the affected property owner must be notified as follows:*

1. Send or hand-deliver a copy of this completed application to all affected property owners (Exhibit A or Exhibit B); and
2. Complete the attached Affidavit of Service that confirms that a copy of the completed application form has been provided to all property owners. Submit the Affidavit of Service along with Exhibit A and/or Exhibit B with the application form and fee.

**Attachments:**

- Affidavit of Service
- Exhibit A for mailing document
- Exhibit B for hand delivering document



**AFFIDAVIT OF SERVICE - FILE NO. \_\_\_\_\_**

Document Served	Process
Application for Comprehensive Plan Amendment	IV

~~Carina M. Shively~~ Jason Jones being first duly sworn on oath deposes and says that I am 18 years of age or older. That I served the above-indicated document by mail or personal service upon the following-named persons who constitute all of the parties entitled to receive same and to participate in the land use proceeding identified in Kirkland Planning and Community Development Department File No. \_\_\_\_\_. A copy of the document is attached to this affidavit.

The persons who were served by mailing, postage prepaid, and the address to which mailed are set forth in Exhibit "A" to this affidavit and which by this reference is incorporated herein.

The persons who I served by personal service are listed on Exhibit "B" to this affidavit which exhibit is by this reference incorporated herein. For the purposes of this affidavit, "personal service" means hand-delivery of the document to the person being served, or in the alternative, hand-delivery to another adult who also makes his or her home at the residence of the person served.

DATED at Kirkland, Washington, this 30<sup>th</sup> day of November, 2012.



Carina M. Shively

Notary's Signature

Carina M. Shively

Print Notary's Name

Notary Public in and for the State of Washington

Residing at: Kirkland

My commission expires: 9/20/13



**EXHIBIT "B"**  
**AFFIDAVIT OF SERVICE - FILE NO. \_\_\_\_\_**

The following persons were served with copies of the indicated document by personal service. "Personal service" means hand delivery of the document to the person hereafter named, or in the alternative, hand delivery to another adult who also resides at the residence of the person named:

Party	Home Address	Person To Whom Delivered, if not Named Party	Date of Service
Bill Grady	PO Box 158, Mukilteo, WA	B	11/30/12

# CHAFFEY

---

## BUILDING GROUP

November 30, 2012

C/o Teresa Swan

In reference to property located at the approximate intersection of Simonds Rd & 95<sup>th</sup> Ave NE Kirkland WA 98033 (tax parcel no. 1926059070, approximate address 14467 Simonds Rd NE).

### III FOR ALL PROPOSALS:

#### A. *Description of Proposal:*

- i. To convert the existing zoning from RSA4 to match the existing neighbors, to the east and west of RSA12 and RSA8.

#### B. *Description of the Specific reasons for making the proposal:*

- i. Under prior jurisdiction of unincorporated King County the zoning was approved to be changed to 12 units per acre, we would like to implement the prior approved changes under the current jurisdiction (see Exhibit C and Exhibit D and Exhibit E).

#### C. *Description of how the proposed amendment relates to the following criteria:*

- a. *The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.*
  - i. The approval of the rezoning would parallel the Comprehensive Plan by creating affordable energy efficient housing and not affecting the neighboring Land Use; nor have any adverse Transportation effects on the existing road or the neighboring existing developments. Simonds road currently meets the needs and would have very little change, if any, needed to access the property. After meeting with Rob Jammerman and looking at the slopes and angles, we concluded that the street accommodates all line of sight distances and would not impact the

existing road. Secondly, due to the location of the existing property it naturally creates a buffer of established natural vegetation and will serve as a sound and view buffer. It creates a green belt border to the existing neighborhood to the south, allowing us to develop the existing property with no change to the existing neighbors to the south.

- b. *The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process.*
  - i. The expediting the proposal would increase current stagnant property values by providing energy efficient affordable housing in a safe neighborhood.
- c. *The proposal would correct any inconsistency within or make a clarification to a provision of the Comprehensive Plan.*
  - i. Currently neighboring plats, both to the east and to the west have been approved for a higher zoning, one as many as 12 units per acre. By updating the zoning of our parcel it would create continuity along Simonds road and would develop a consistent zoning flow concurrent of the goals of the Comprehensive Plan.

Jason Jones  
Project Manager  
Chaffey Building Group

Exhibit - C



King County

Home News Services Comments

Department of Development and Environmental Services

DDES Homepage

Online Permit Detail

Permit Information:

Project No: L99RZ001
Permit Type: REZONE
Sub-Type: REZONE
Title: SIMONDS ROAD
REZON/ORD.#13658

Status: GRANTED
Process Percent: 100%
Description: GRADY PROPERTY
-- R-4 TO R-12
A98M0389

Applied/Opened: 03/18/1999
Approval/Decision: 11/08/1999
Expiration Date: 11/08/2004
Completed Date: 11/08/1999

Contact Information:

Applicant:
Address:

Assigned Staff: JKEN

Site Information:

Location & KC
Juris.:
Community Plan: NORTSHORE
Comp Plan: URBAN RES 4-12AC

Owner: WM R & ROXANNE
M GRADY

Parcel No: 1926059070 (Link
to Parcel Viewer
Map)

Link to: Parcel Reports

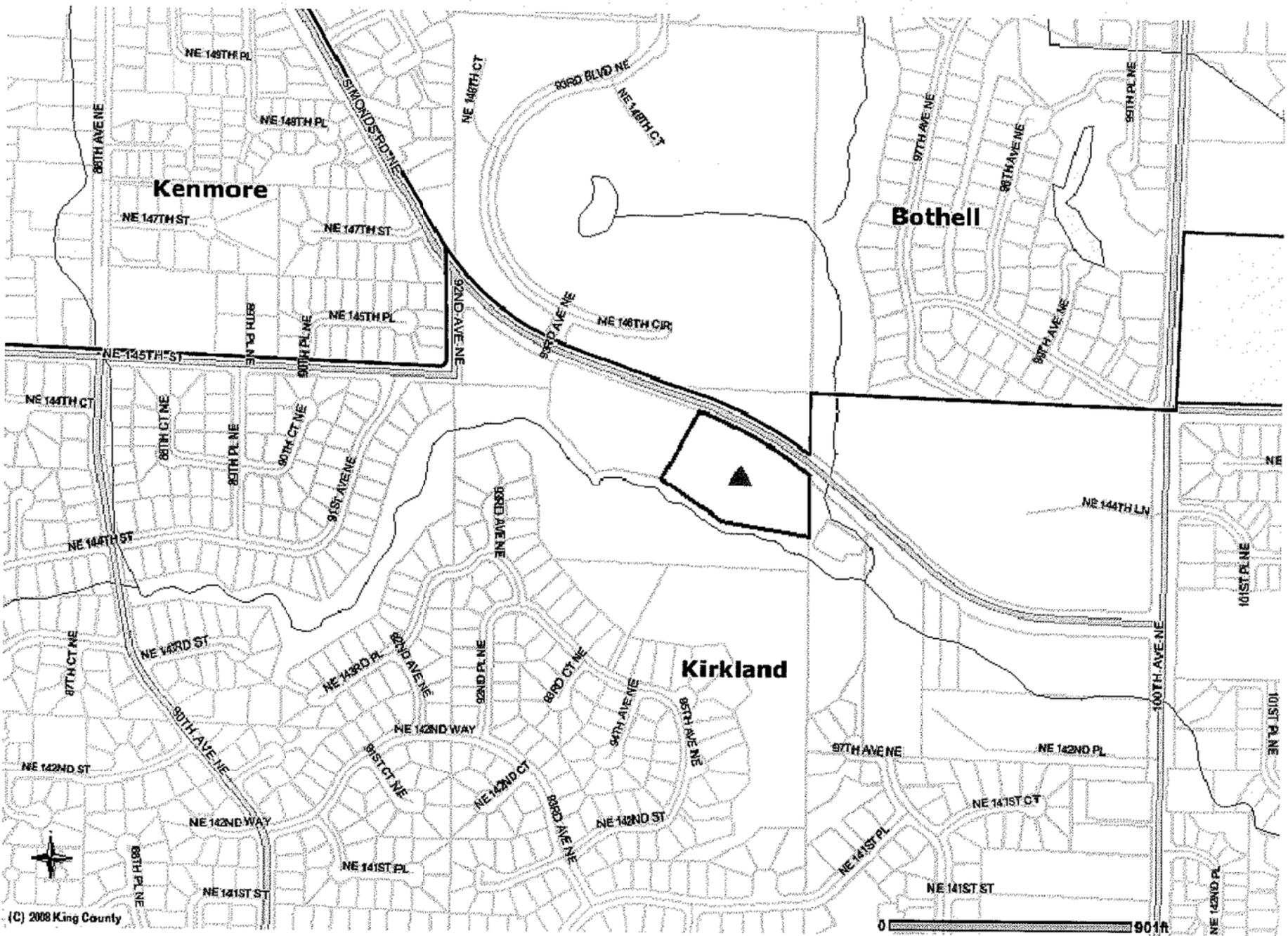
Related Parcel/Permit Activity:

List all activities attached to this project L99RZ001
Other Projects/Actions attached to this parcel

List Date: January 25, 2006

King County | Permit Applications Report Engine | News | Services | Comments | Search

Links to external sites do not constitute endorsements by King County.
By visiting this and other King County Web pages,
you expressly agree to be bound by terms and conditions of the site.
The details.



Attachment 3d 25



# iMAP - Property Information

**Tools**

Navigate

Zoom to places

Info

Property Search

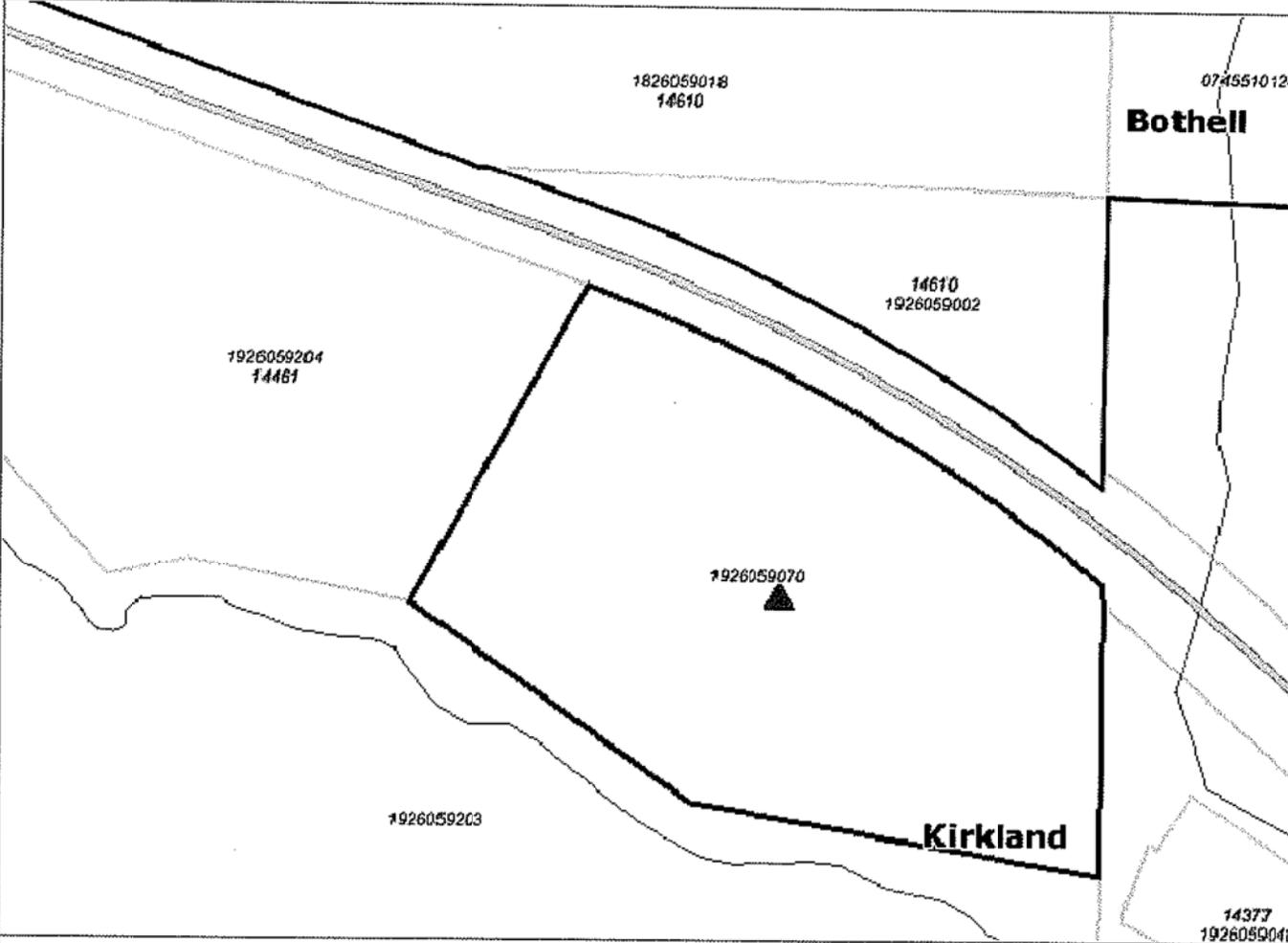
Location

Display

Output

Help

Reset



**Layers Legend**

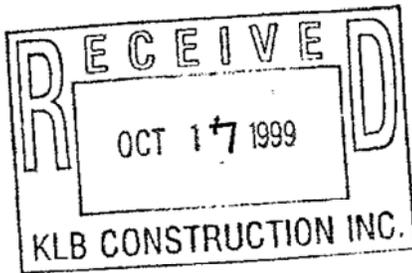
Draw

- Property Layers**
  - Parcels
  - Parcel number labels
  - Parcel address labels
  - Property sales in the last 3 years
  - King County Property Interests
  - Farmland preservation properties
  - Illegal Drug Lab Properties
  - Tribal Lands
- Planning Layers**
  - Urban Growth Area Line
  - Agricultural Production District Boundary
  - Forest Production District Boundary
  - Unincorporated KC Zoning
  - Zoning Labels
  - Countywide Growth Pattern
  - Comprehensive Plan Land Use
- Points of Interest**
- Reference Layers**
- Base Map Layers**
  - Streets
  - Zip codes
  - Incorporated Area
  - Incorporated Area labels
- Recreation Layers**
- Districts**
- Hydrography Layers**

Current tool: Pan

approx scale = 1: 1,745 [Go]

-- Select a different Map Set -- [?] Contact us



October 15, 1999

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.**

**SUBJECT:** Department of Development and Environmental Services File No. L99RZ001  
Proposed Ordinance No. 1999-0447

**JOHN MINDEN FOR JM ARCHITECTS, PLLC**  
(Representing William R. and Roxanne Grady)  
Rezone Application

**Location:** Southwest side of Simonds Road at approximately  
95<sup>th</sup> Avenue NE, if extended

**Owner:** William and Roxanne M. Grady  
P. O. Box 158  
Mukilteo, WA 98275

**Applicant:** John M. Minden, JM Architects  
12115 - 100<sup>th</sup> Avenue NE  
Kirkland, WA 98034

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve, subject to condition
Department's Final Recommendation:	Approve, subject to condition
Examiner's Decision:	Approve, subject to condition

**PRELIMINARY MATTERS:**

Application or petition submitted:	February 19, 1999
Complete application:	March 18, 1999

**EXAMINER PROCEEDINGS:**

Hearing Opened:	October 7, 1999
Hearing Closed:	October 7, 1999

L99RZ001-Minden/JM Architects PLLC

2

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**ISSUES/TOPICS ADDRESSED:**

- Rezone
- Trees

**SUMMARY:**

Reclassification granted from R4PSO to R8SO; P-suffix removed due to redundancy.

**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

**1. General Information.**

Owner/Developer:	William R. Grady and Roxanne M. Grady P.O. Box 158 Mukilteo, WA 98275-0158 Telephone: (425) 355-7335
Architect:	JM Architects, PLLS John Minden 12115 - 100 <sup>th</sup> Avenue NE Kirkland, WA 98034 (425) 820-3748
Location:	Located on the southwest side of Simonds Road at approximately 95 <sup>th</sup> Avenue NE, if extended (see attachment #1)
STR:	NW of the NE of Section 19, Township 26N, Range 05E (Parcel: 1926059070)
Current Zoning:	R4PSO
Requested Zoning:	R8
Sewage Disposal:	Northshore Utility District
Water Supply:	Northshore Utility District
Fire District:	Kirkland
School District:	Lake Washington

- 2. Request and Proposal.** The Applicant requests classification of the subject property as described above *from* R4PSO *to* R8. As filed, this is a three-fold request. First, it would re-classify the subject property from single-family density to multi-family density. Second, it would

eliminate a "special overlay" (SO) from the zoning classification, if approved. The special overlay in this case implements significant tree retention standards. Third, it would eliminate a "P-suffix" site plan approval requirement regarding grading and clearing.

The Applicant further proposes a 28 unit townhouse development on the subject property with a calculated density of 7.8 dwelling units per acre (acceptably within the 8 dwelling unit per acre maximum established by the R8 classification). That proposal is not formally before the examiner because it requires administrative approval (contingent on approval of the requested zone change).

3. **Department Recommendation.** The Department recommends granting approval to the requested reclassification, *except* with the respect to the tree retention overlay regulations (which the Department recommends be retained). The Department further recommends that, as a pre-effective condition, the Applicant be required to dedicate 20 feet of right-of-way along the north side of the subject property abutting Simonds Road Northeast, an arterial street. The Department observes further that the P-suffix site plan grading/clearing requirement is now incorporated in KCC 16.82. Thus, removing the P-suffix from the zone classification would remove a harmless redundancy but would have no substantive regulatory effect.
4. **Applicant.** The Applicant accepts the Department's recommendation as described in Finding No. 3, preceding. Thus, having considered the Department's review and recommendation, the Applicant withdraws its request for removal of clearing, grading and special district significant tree retention overlay regulations.
5. **State Environmental Policy Act.** On June 30, 1999 the Department issued a threshold determination of non-significance regarding the above-described request for the reclassification and development proposal. That is, the Department issued its determination that an environmental impact statement need not be required to complete this review. No person, agency, tribe or other entity appealed that determination. This review includes consideration of the Applicant's environmental checklist as well as other pertinent environmental documents contained in the hearing record.

The subject property is well separated by topography from neighboring single-family residential properties. Further, it is surrounded by other properties that are developed or classified as multi-family.

6. **Circumstances.** The Applicant argues that circumstances in the vicinity affecting the subject property have changed since adoption of the current applicable land use plans due to a rapidly increasing demand for housing which has raised housing costs. The 1988 and 1999 King County annual growth reports are cited as evidence (see attachments 3 and 4 of Exhibit No. 1). By recommending approval, the Department concurs with this argument. The Department further notes that most properties nearby are already zoned R8 or have already been developed. Therefore the subject property is the only property that could accommodate additional density and still be compatible with densities on nearby properties. Finally, the Department observes that allowing an increase in density on this site will satisfy a public interest in providing needed housing in the Northshore area of King County.

L99RZ001-Minden/JM Architects PLLC

4

7. **Department Report Adopted.** The Department's preliminary report to the Hearing Examiner dated October 7, 1999 (Exhibit No. 1) is accurate and is incorporated here by this reference. Copies of the Department's report will accompany those copies of this report which are provided to the King County Council.

**CONCLUSIONS:**

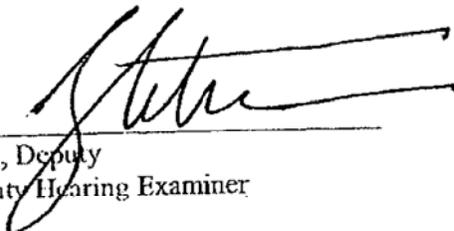
1. Considering the evidence of record, the requested reclassification is consistent with the public interest.
2. The impacts from the changed conditions effecting the Northshore area affects the subject property in a manner and to a degree different from the other properties in the vicinity such that the existing classification of the subject property is not appropriate. The increased housing demand and concurrent market price increases effects this property uniquely in the Northshore area because it is the only remaining property in the immediate adjacency that is *not* classified R-8 already. There is no evidence of record that the changes effecting this property were contemplated at the time of last zoning adoption.
3. Only the reclassification recommended below will result from this action. The actual 28 unit townhouse development will be subject to a separate DDES administrative review which incorporates the special district overlay protections, sensitive areas review and other land development and building codes as they apply.
4. The Department accurately observes that removal of any "P-suffix" regulation applying to this property would be inconsequential due to the fact that grading and clearing review is required by KCC 16.82.
5. Considering the findings and conclusions above, the requested reclassification will be consistent with KCC 20.24.190.D.
6. It would not have been a good idea to repeal the special district overlay. This same overlay, based upon sound environmental and planning rationale, applies to all surrounding properties. The hearing record contains no evidence or argument supporting exception of this individual property from the special district overlay requirement as it applies to the neighborhood terrain.

**RECOMMENDATION:**

ADOPT Proposed Ordinance No. 1999-0447 which will APPROVE reclassification of the subject property from R4PSO to R8SO subject to the following pre-effective condition:

The Applicant shall dedicate 20 feet of right-of-way along the north side of the subject property. Dedication shall be completed within 2 years following Council action. Failure to comply with this condition shall render this reclassification application null and void.

ORDERED this 15<sup>th</sup> day of October, 1999.

  
 R. S. Titus, Deputy  
 King County Hearing Examiner

L99RZ001-Minden/JM Architects PLLC

5

TRANSMITTED this 15<sup>th</sup> day of October, 1999, to the following parties and interested persons:

Bellevue Regional Library  
 Roger Dorstad  
 William and Roxanne Grady  
 John Minden  
 Eleanor Moon

Karen Scharer  
 Wally Swofford  
 Chad Tibbits  
 Linda Matlock  
 Greg Borba

Laura Casey  
 Michaelene Manion  
 Mark Mitchell  
 Jackie Reid

NOTICE OF RIGHT TO APPEAL REZONE RECOMMENDATION  
 AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before October 29, 1999*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before November 5, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless a proceeding for review pursuant to the Land Use Petition Act is commenced by filing a land use petition in the Superior Court for King County and serving all necessary parties within twenty-one (21) days of the date on which the Council passes an ordinance acting on this matter.

MINUTES OF THE OCTOBER 7, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L99RZ001 – GRADY PROPERTY:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Karen Scharer and Chad Tibbits. Participating in the hearing and representing the Applicant was John Minden

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services Staff Report dated October 7, 1999
- Exhibit No. 2 Determination of Non-Significance, dated June 30, 1999
- Exhibit No. 3 Notice of Re-Scheduled Hearing, dated August 31, 1999
- Exhibit No. 4 Affidavit of Publication – Seattle Times, dated August 24, 1999
- Exhibit No. 5 Affidavit of Publication – Northshore Citizen, dated August 24, 1999
- Exhibit No. 6 Assessor Map NE 19-26-05
- Exhibit No. 7 P-Suffix Query Results – NS-P2
- Exhibit No. 8 P-Suffix Query Results – SO-220
- Exhibit No. 9 P-Suffix Query Results – KCC 16.82.150D
- Exhibit No. 10 King County Zoning Map
- Exhibit No. 11 Conceptual drawing by Applicant, dated February 19, 1999
- Exhibit No. 12 Letter from Applicant to DDES staff, dated September

RST:sje/vam  
 Rezone/L99RZ001 RPT

EXHIBIT-E  
MSW



November 4, 1999  
L99RZ001 kcord daz

Introduced By: Louise Miller

Proposed No.: 1999-0447

ORDINANCE NO. **13658**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to a pre-effective condition, reclassification of certain property from urban residential-4 with special district overlay (R-4PSO) to urban residential-8 with special district overlay (R-8SO), and amending KCC Title 21A, as amended, by amending the zoning map thereof, at the requests of owner Bill Grady and agent John M. Minden of JM Associates, PLLC, and designated land use services file no. L99RZ001.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance adopts and incorporates the findings and conclusions of the October 15, 1999, report and recommendation of the hearing examiner, filed with the clerk of the council on November 4, 1999, on the application of owner Bill Grady and agent John M. Minden of JM Associates, PLLC, to reclassify certain property described in land use services file No. L99RZ001.

SECTION 2. The recommendation of the hearing examiner to reclassify the subject property from urban residential-4 with special district overlay (R-4PSO) to urban residential-8 with special district overlay (R-8SO) is hereby adopted, subject to a pre-effective condition which must be satisfied within two years from the date of council action on this matter or all authority granted

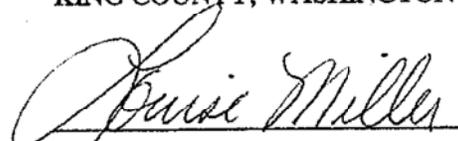
13658

1 by this ordinance shall expire and this ordinance shall be of no further force or effect. The council  
2 may extend this date by motion pursuant to KCC 20.24.230. Upon this ordinance becoming  
3 effective, the land use services division shall amend the official zoning maps of King County to  
4 reflect this action.

5 INTRODUCED AND READ for the first time this 16th day of August, 1999.

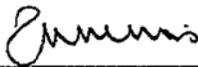
6 PASSED by a vote of 13-to 0 this 8<sup>th</sup> day of November, 1999.

7 KING COUNTY COUNCIL  
8 KING COUNTY, WASHINGTON

  
Chair

9  
10

11 ATTEST:

12   
13 \_\_\_\_\_  
14 Clerk of the Council

15 Attachments: None



February 26, 2013

City Council and Planning Commission  
 City of Kirkland  
 123 Fifth Avenue  
 Kirkland WA 98033-6189

**RE: Chaffey PAR (CAM 12-01477)**

Dear City Council and Planning Commission Members:

The Finn Hill Neighborhood Alliance hereby submits its comments on the Chaffey Private Amendment Request, referenced above, which is scheduled for a threshold review by the Planning Commission on March 14 and a threshold determination by the City Council on April 16.

Our position on this matter is very clear: it would be irresponsible for the City to take any substantive action on this PAR until a neighborhood plan for Finn Hill has been completed. Furthermore, it is our view that, under the terms of the City's zoning code, the City cannot legally direct the staff to assess the PAR until such a plan has been adopted.

FHNA has consistently urged the City to defer significant zoning changes in Finn Hill until the neighborhood has developed planning priorities for the community. Finn Hill has unique natural assets, and without an articulation of priorities appropriate for Finn Hill's distinctive characteristics, no thoughtful re-zoning decisions can be made in the context of what will advance or degrade the quality of life in our neighborhood. FHNA has offered to work with City staff closely to prepare a neighborhood plan on a streamlined basis so that the community's public interest goals can be identified, thereby giving guidance to property owners and developers. It is essential that this process be undertaken before zoning changes like the Chaffey PAR receive any consideration.

The application submitted by the property owner and the developer proposes to upzone the subject parcel on Simonds Road from RSA 4 (single family homes, up to 4 per acre) use to RMA 3.6 or RMA 5.0 (multifamily housing, with densities of 9 or 12 units per acre, depending on whether RMA 3.6 or RMA 5.0 zoning is applied). The application asserts that the zoning change is consistent with the Comprehensive Plan because it would allow the development of "affordable energy-efficient housing." It also notes the request is consistent with the zoning on adjacent properties and with a re-zone that the County granted on the property in 1999 (but which has since lapsed, apparently because the property owner failed to fulfill a zoning change condition imposed by the County in a timely fashion). Finally, the application asserts that a "natural buffer" exists between the subject parcel and neighbors to the south, so that development will not affect those homeowners.

The justifications set out in the application are insufficient to support action on the PAR at this time.

- First, no plan has been provided to demonstrate that the re-zone will result in housing that is both affordable and energy efficient.
- Second, the requested upzone seeks housing densities that are higher than those approved on the adjacent lots (for which the maximum density is 8 units per acre). More importantly, no neighborhood plan exists to suggest that the zoning on those lots – which appears to have been permitted by the County on a piecemeal basis – even makes sense in the context of the public interest goals of the community or the city at large. The zoning on the adjacent properties should not therefore be accepted as a rationale for upzoning the parcel in the Chaffey PAR.
- Third, the rezone granted by the County fourteen years ago appears to have lapsed due to the landowner’s failure to grant an easement to the County within the period allowed; also, the rezone did not waive County’s special district overlay conditions and tree retention requirements.
- Fourth, the natural buffer referenced by the applicant is a County and City owned easement that protects a stream – the same stream that runs through the Inglewood Highlands easement recently purchased by the City. The recreational potential of this significant open space easement would be irreparably compromised by the type of zoning change proposed in the PAR. It would be unconscionable to consider changing zoning without providing the community the opportunity to assess how the city’s housing goals can be balanced with its park and open space goals in this particular area.

In addition to compelling policy reasons for deferring any consideration of this PAR until a neighborhood plan is prepared, FHNA believes that the Kirkland Zoning Code requires that the application be deferred. Section 140.25 states, in pertinent part:

3. Criteria – The City shall use the following criteria in selecting proposals for further consideration. Proposals must meet subsection 3(a) of this section, and either subsection 3(b) or 3(c) of this section:
  - a. The City has the resources, including staff and budget, necessary to review the proposal; and
  - b. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan; or
  - c. All of the following:
    - 1) The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
    - 2) The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process; and
      - a) The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two (2) years); and
      - b) The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two (2) years).

The City has already noted that, as it launches its update of the Comprehensive Plan, staff resources are too strained to continue neighborhood plan updates. On what basis could the City justify committing staff resources to analyze the Chaffey PAR, which raises complex policy issues, when it is struggling to find the means to develop even a truncated neighborhood plan for Finn Hill -- the City’s largest single neighborhood and one that has never had the benefit of a neighborhood plan?

Furthermore, even if it could be argued that the City has staff and budget resources to consider this PAR now, Subsection 140.25 (3)(b) and (c) make clear that the PAR should not be addressed at this time. The PAR identifies no inconsistency in or need for clarification of the Comprehensive Plan. Thus it does not comply with the standard set forth in subsection (3)(b). It likewise fails under Subsection (3)(c) because, given the property owner's failure to exploit a previous zoning change conditionally granted by the County, there is no basis on which he and the developer can argue that the public interest would be served by action in the current year. Furthermore, the fact that Finn Hill has never had a neighborhood plan but is intent on working with the City to develop one over the next year is a compelling reason why the PAR should be set aside until a plan is adopted.

FHNA's position does not mean that it necessarily opposes any zoning change in the future for the parcel in question. It may very well be the case that some form of multifamily development on this lot is desirable, particularly if steps are taken to preserve or enhance the natural qualities of the adjacent stream easement. As noted above, however, this analysis should follow the creation of a neighborhood plan for Finn Hill. FHNA looks forward to the active participation of the Chaffey PAR applicants in that process.

FHNA hopes that the Planning Commission and the City Council already recognize the overwhelming policy and legal arguments against further consideration of the Chaffey PAR for the time being. We appreciate the opportunity to present our views on this very important matter and plan to present them orally at upcoming Commission and Council meetings.

Respectfully submitted,

FINN HILL ALLIANCE BOARD OF DIRECTORS



Scott Morris  
President

cc: Kurt Triplett  
Eric Shields  
Paul Stewart  
FHNA Board of Directors

**Carina M. Shively**  
**11822 103<sup>rd</sup> Avenue NE**  
**Kirkland, Washington 98034**

Date: March 1, 2013

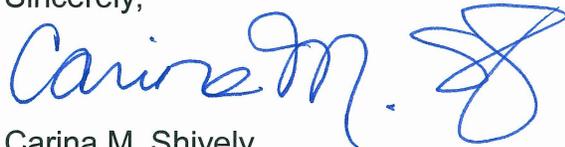
To: Joan Lieberman-Brill, AICP  
City of Kirkland

Re: Property at Simonds Road and 95<sup>th</sup> Avenue NE, Kirkland

I am writing in support of the Chaffey Building Group's efforts to rezone the property referenced above. I have been a resident of Kirkland since 1996 and feel it would be beneficial to Kirkland to have this property developed by such a quality company. Additionally, it would be good to have the zoning be consistent for these neighboring properties and allow for additional quality homes to be built.

Thank you for your time.

Sincerely,



Carina M. Shively

## Pamela Serdar

March 4, 2013

City of Kirkland

Attention: Joan Lieberman-Brill, AICP

I am writing in reference to the property located at 95<sup>th</sup> Ave NE and Simonds Kirkland WA.

It is my understanding that Chaffey Building Group is in the process of requesting a zoning change for this property along Simonds road. As a long time Kirkland resident I feel it would be great to see the current land be developed to match the existing zoning at either side of the vacant property. I know of a few projects that Chaffey Building Group has done, and I know they are a reputable builder who builds attractive and well-built projects and they would definitely improve this property to benefit our City.

In closing, it would be a positive move to allow the existing property to be improved and to match the zoning of the neighboring properties. Chaffey Building Group has a great reputation for quality and I would be excited to see the final product they produce.



Pamela Serdar  
Kirkland resident

