



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

**ADVISORY REPORT
 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Kirkland Hearing Examiner

From: Désirée Goble, AICP, Project Planner
 Eric R. Shields, AICP, Planning Director

Date: February 9, 2012

File: RESIDENCE XII WETLAND BUFFER MODIFICATION ZON10-00008

Hearing Date and Place: February 16, 2012
 City Hall Council Chamber
 123 Fifth Avenue, Kirkland

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
I. INTRODUCTION	2
A. APPLICATION	2
B. RECOMMENDATIONS	2
II. FINDINGS OF FACT AND CONCLUSIONS	3
A. SITE DESCRIPTION	3
B. HISTORY	4
C. PUBLIC COMMENT	5
D. STATE ENVIRONMENTAL POLICY ACT (SEPA)	5
E. APPROVAL CRITERIA	5
F. COMPREHENSIVE PLAN	10
G. DEVELOPMENT STANDARDS	10
III. SUBSEQUENT MODIFICATIONS	10
IV. APPEALS AND JUDICIAL REVIEW	10
A. APPEALS	10
B. JUDICIAL REVIEW	10
V. LAPSE OF APPROVAL	10
VI. APPENDICES	11
VII. PARTIES OF RECORD	11

I. INTRODUCTION

A. APPLICATION

1. Applicant: Jeff Graves, Short Grass Inc.
2. Site Location: 12029 113th Ave NE (see Attachment 1)
3. Request: Residence XII, a non-profit alcohol treatment, drug rehabilitation, chemical dependency treatment center for women, is requesting a reduction the required Type I wetland buffer from 100 feet to 67 feet in width. If approved, a new 18,108 square foot building to accommodate 25 beds, administrative offices, patient recreational space, and associated parking (see Attachment 2) will be built. This wetland buffer modification proposal is the first of four steps the applicant may propose to achieve their end goal.

Attachment 1 identifies the three tax parcels included in the wetland buffer modification proposal. Residence XII also owns the adjoining tax parcel to the north and the tax parcel on the southeast side of the project. Attachment 2 and Attachment 9a, Figure 3b show all of the parcels owned by Residence XII and shows what they hope to accomplish at the end of the fourth step outline here.

During the second step, a lot line alteration application may be submitted to modify the east and west property lines along the northern and southern edge of the property. This would be proposed in order to retain the existing house for residential purposes.

During the third step, a building permit and administrative design application will be submitted for the proposed building.

The applicant may apply for a second building permit to join the two structures. They will have to comply with all code requirements in place at that time. This would be the fourth and final step.

4. Review Process: Process IIA, Hearing Examiner conducts a public hearing and makes the final decision.
5. Summary of Key Issues and Conclusions: The key issue for this project is compliance with the Drainage Basin requirements found in Kirkland Zoning Code Chapter 90.

B. RECOMMENDATIONS

1. Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:
2. This application is subject to the applicable requirements contained in the

Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This Attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.

3. As part of the application for a Building Permit or Land Surface Modification the applicant shall submit a licensed geotechnical engineer's report evaluating storm water discharge outside of the wetland setback and/or buffer and its impact on slope stability (see Conclusion II.E.2.b).
4. A Prior to issuance of a land surface modification or building permit the applicant shall submit:
 - a. Install a six-foot high construction phase fence along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities (see Conclusion II.E.3.b)
 - b. Submit a financial security device to the Planning Department to cover the cost of completing the wetland buffer improvements. The security shall be consistent with the standards outlined in Zoning code Section 90.145 (see Conclusion II.E.4.b).
 - c. Dedicate a Natural Greenbelt Protection Easement encompassing the wetland and its buffer on the site (see Attachment 10). The boundaries of the Natural Greenbelt Protection Easement shall correspond with the modified wetland buffer and shall be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to known monuments (see Conclusion II.E.5.b).
 - d. A signed and notarized covenant (see Attachment 11) that holds the City harmless against any future claims that may arise as a result of the development of the property (see Conclusion II.E.6.b).
5. Prior to final inspection the applicant shall:
 - a. Install between the upland boundary of the wetland buffer and the development portion of the site either 1) A permanent three to four foot tall split rail fence, or 2) permanent planting of equal barrier value (see Conclusion II.E.4.b).
 - b. Submit a financial security device to cover all wetland monitoring and maintenance activities that will need to be done including consultant site visits, reports to the Planning Department, and vegetation costs. The security shall be consistent with the standards outlined in Zoning Code section 90.145 (see Conclusion II.E.5.b).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: 68,388 square feet (1.57 acres) according to King County Assessor's records
- (2) Land Use: A single-family residence is located on both of the tax parcels on the eastern portion of the site. There is a large field along the western portion of the site that is unimproved.
- (3) Zoning: The Totem Lake 10A zone (TL 10A) zone allows for a multitude of uses including convalescent centers (see Attachment 4).
- (4) Terrain: The area along the north property line has the most extreme overall topographic change; a 10 foot decrease over a distance of 300 linear feet or 3 percent.
- (5) Vegetation: There are no significant trees located within the area where the proposed wetland mitigation will occur. However, there are a number of significant trees located within the area where development will eventually occur. The area where the proposed enhancement of the wetland buffer mitigation will occur is a large mowed field.
- (6) Wetland: The wetland located on the property has been classified as a Type 1 wetland and is located within a primary basin. Type 1 wetlands within a primary basin have a required 100 foot buffer from the edge of the wetland and a 10 foot building setback from the edge of the wetland buffer. The applicant is proposing to modify the required buffer through buffer reduction and enhancement of the remaining buffer (see Section II.E).

1. Conclusions: Size, land use, zoning, terrain and vegetation are not constraining factors in the consideration of this application. The wetland is a constraining factor and is addressed in Section II.E of this report.

2. Neighboring Development and Zoning:

a. Facts:

- (1) Property on the west and south sides of the subject property are zoned Park/Public Use (P) and are currently unimproved with a Type I wetland surrounding the subject property (see Attachment 5).

- (2) The property to the east is zoned TL 10A and is developed with office buildings.
 - (3) The adjoining property to the north is zoned TL 10A and is developed with a convalescent center (alcohol and chemical dependency treatment center).
 - (4) The adjoining property located on the southeast corner is zoned TL 10A and is developed with a single family residence.
- b. Conclusion: These are not constraining factors in the consideration of this project.

B. HISTORY

1. Facts:

- a. The existing Residence XII building was approved by City Council on May 6, 1997. That proposal went through a Process IIB zoning permit amending the Kirkland 405 Corporate Center Master Plan to allow a women's short-stay residency alcohol and drug rehabilitation center to locate in PLA 10B. The project included a 3-story, 16,200 square foot building for 25 residents and day staff, 31 associated parking stalls, a wetland buffer reduction from 50 feet to 25 feet in width, and buffer enhancement.
- b. In 2006 adoption of [Ordinance 4037](#) changed the zoning the property owned by Residence XII from PLA10A to TL10A and review process from a Process IIB to a Design Review process. The design review process will occur when a complete application is submitted for construction of the new building.
- c. In 2001 adoption of [Ordinance 3658](#) changed the wetland buffer width on the subject property from 50 feet to 100 feet in width and decreased the maximum allow buffer reduction from 50 percent to one-third of the required buffer with. The current Residence XII building became an existing nonconforming structure when Ordinance 3795 was adopted.
- d. In 2008, [Interpretation No 08-4](#) (see Attachment 6) clarifies the applicable process when an existing sensitive area nonconformance would be impacted. In this particular case the existing Residence XII structure is completely located within an unmodified wetland buffer and the bulk of the existing building is located within 67 feet from the edge of the wetland.

2. Conclusion: The existing Residence XII building conformed to the wetland buffer reduction regulations in place at the time of construction. Adoption of the 2001 Sensitive Areas Regulations resulted in the existing structure becoming nonconforming to the new and current wetland buffer requirements. This proposal will be reviewed for compliance using current regulations.

C. PUBLIC COMMENT

The public comment period for this application started on September 12 and ended on September 30, 2011. The Planning Department has received no comments through the drafting of this report.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: A Determination of Nonsignificance (DNS) was issued on January 18, 2012. The Environmental Checklist and Determination are included as Attachment 7.
2. Conclusion: The applicant and the City have satisfied the requirements of SEPA.

E. APPROVAL CRITERIA

1. WETLAND BUFFER MODIFICATION FOR A TYPE 1 WETLAND

a. Facts:

- (1) The subject property is located within Juanita Creek Basin, a Primary Basin. The wetland is located on the south and west side of this property has been classified as a Type 1 Wetland with a required 100 foot buffer from the wetland edge.
- (2) Zoning Code (KZC) section [90.60](#) allows wetland buffers to be reduced through either buffer averaging or buffer reduction with enhancement of the remaining buffer. A combination of these two methods shall not be used. Buffers may not be reduced at any point by more than one-third of the required buffer and the reduced buffer must be enhanced to function at a higher level than the existing standard buffer.
- (3) The applicant is requesting approval of a buffer modification to reduce the required 100 foot buffer to 67 feet, the maximum one-third reduction allowed by code.
- (4) The applicant has submitted a Critical Area Report prepared by David Evans and Associates, Inc proposing a wetland buffer reduction and enhancing the remaining buffer (see Attachment 9a).
- (5) Zoning Code section 90.60.2.b establishes nine decisional criteria for reducing a wetland buffer. A wetland buffer modification may only be granted when the proposed development is consistent with all of the following criteria:
 - (a) It is consistent with *Kirkland's Streams, Wetlands and Wildlife Study* (The Watershed Company, 1998) and the *Kirkland Sensitive Areas Regulatory Recommendations*

Report (Adolfson Associates, Inc. 1998).

- (b) It will not adversely affect water quality.
 - (c) It will not adversely affect fish, wildlife, or their habitat.
 - (d) It will not have an adverse effect on drainage and/or storm water detention capabilities.
 - (e) It will not lead to unstable earth conditions or create erosion hazards.
 - (f) It will not be materially detrimental to any other property or to the City as a whole.
 - (g) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat.
 - (h) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate.
 - (i) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.
- (6) The City's Wetland Consultant, The Watershed Company (TWC), reviewed the applicant's final Critical Area Report prepared by David Evans and Associates, Inc (see Attachment 9a). The Watershed Company initial comments on the original wetland buffer modification can be found in Attachment 9b, this memo identified 17 items that needed to be addressed in order to comply with code requirements. During a meeting held on June 23, 2011, attended by representatives from Residence XII, TWC, and the City of Kirkland the applicant agreed to resubmit the Critical Area Report incorporating TWC's comments (see Attachment 9c) and the resubmitted bond worksheet (Attachment 9d).

- b. Conclusion: Pursuant to the Attachments included with this report, including: the applicant's proposed site plan (see Attachment 2), the final Critical Areas Report (see Attachment 9a), and The Watershed Company review letter (see Attachment 9b); the June 28, 2011 memo (see Attachment 9c) and the bond worksheet (see Attachment 9d) the proposed buffer modification is consistent with the above criteria.

2. STORM WATER OUTFALL AND MINOR IMPROVEMENT

a. Facts:

- (1) The applicant is requesting approval to allow storm water to be

dispersed into the wetland buffer and has submitted a memo addressing the approval criteria (see Attachment 9e).

- (2) Zoning Code section [90.45.3](#) requires surface discharge of storm water through wetland buffers and buffer setbacks. Storm water outfalls (piped systems) may be located within the 10 foot buffer setback and within the required buffers when the Public Works and Planning Officials both determine, *that surface discharge of storm water through the buffer would clearly pose a threat to slope stability, and if the storm water outfall will not:
 - (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.
- (3) TWC has determined that the applicant has submitted a proposal successfully addressing criteria a-e above.
- (4) Information indicating *that surface discharge of storm water through the buffer would pose a threat to slope stability was not addressed.

b. Conclusion:

- (1) Pursuant to the Attachments included with this report, including: the applicant's proposed wetland buffer modification (see Attachment 9a) and the storm water outfall memo (see Attachment 9e); the proposed storm water outfall is consistent with criteria a-e identified above.
- (2) Use of a dispersion trench releasing storm drainage into the wetland setback and or buffer should be evaluated by a licensed geotechnical engineer to assure that it is necessary because surface discharge outside of the wetland setback or buffer would result pose a threat to slope stability.

3. WETLAND BUFFER SETBACK

- a. Fact: Zoning Code Section 90.45.2 requires structures to be set back at least 10 feet from the designated or modified wetland buffer. The

Planning Official may allow minor improvements within this setback which would clearly have no adverse effect during their construction, installation, use, or maintenance, on fish, wildlife, or their habitat or any vegetation in the buffer or adjacent wetland.

- b. Conclusion: The application for a building permit should comply with the 10 foot building setback from the modified wetland buffer.

4. WETLAND BUFFER FENCE OR BARRIER

- a. Facts: Zoning Code Section 90.50 requires that prior to beginning development activities, the applicant shall install a six-foot-high construction-phase chain link fence or equivalent fence, as approved by the Planning Official along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard.

Upon project completion, the applicant shall install between the upland boundary of all wetland buffers and the developed portion of the site, either (1) a permanent 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. Installation of the permanent fence or planted barrier must be done by hand where necessary to prevent machinery from entering the wetland or its buffer

- b. Conclusion: Prior to development, the applicant should install a six-foot high construction phase fence along the upland boundary of the entire wetland buffer with silt screen fabric installed per City standard. The fence should remain upright in the approved location for the duration of development activities. Upon project completion the applicant should install between the upland boundary of the wetland buffer and the development portion of the site either 1) A permanent three to four foot tall split rail fence, or 2) permanent planting of equal barrier value.

5. BONDS AND SECURITIES

- a. Fact: Zoning Code Section 90.145 establishes the requirement for the applicant to submit a performance or maintenance bond to ensure compliance with any aspect of the Drainage Basin regulations contained in Chapter 90 of the Kirkland Zoning Code or any decision to determination made pursuant to the chapter.

- b. Conclusions:

(1) In order to ensure that the wetland buffer enhancement work is completed in compliance with the approved plans, prior to issuance of any permits for development activity on the site the applicant should submit a financial security device to the Planning Department to cover the cost of completing the improvements. The security shall be consistent with the standards outlined in Zoning code Section 90.145.

- (2) In order to ensure continued compliance with the wetland buffer enhancement plan, prior to final inspection of any permits, the applicant should submit to the Planning Department a financial security device to cover all monitoring and maintenance activities that will need to be done including consultant site visits, report to the Planning Department, and vegetation costs. The security shall be consistent with the standards out lined in Zoning Code section 90.145.

6. NATURAL GREENBELT PROTECTION EASEMENT

- a. Fact: Zoning Code Section 90.150 requires the applicant to grant a greenbelt protection easement to the City to protect sensitive areas and their buffers. Land survey information shall be provided by the applicant for this purpose.
- b. Conclusion: Prior to issuance of any permits, the applicant should dedicate a Natural Greenbelt Protection Easement encompassing the wetland and its buffer on the site (see Attachment 10). Boundaries of the Natural Greenbelt Protection Easement should correspond with the modified wetland buffer and should be established by survey. All surveys shall be located on KCAS or plat bearing system and tied to known monuments.

7. SAVE HARMLESS AGREEMENT

- a. Fact: Zoning Code Section 90.155 establishes that prior to issuance of a land surface modification permit or a building permit, whichever is issued first, the applicant shall enter into an agreement with the City that runs with the property, in a form acceptable to the City Attorney, indemnifying the City from any claims, actions, liability and damages to sensitive areas arising out of development activity on the subject property. This agreement shall be recorded with King County.
- b. Conclusion: Prior to issuance of a permit the applicant should sign and notarize a covenant (see Attachment 11) that holds the City harmless against any future claims that may arise as a result of the development of the property.

8. GENERAL ZONING CODE CRITERIA

- a. Fact: Zoning Code section 150.65.3 states that a Process IIA application may be approved if:
 - (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan;
 - (2) It is consistent with the public health, safety, and welfare.

- b. Conclusion: The proposal complies with the criteria in section 150.65.3. It is consistent with all applicable development regulations (see Sections II.A, II.E, and Attachment 3) and the Comprehensive Plan (see Section II.F). In addition, it is consistent with the public health, safety, and welfare because the proposal as conditioned is consistent with the Comprehensive Plan, will satisfy the regulations for a wetland buffer modification while enhancing and protecting a wetland buffer.

F. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Totem Lake neighborhood. Figure TL-3 on page XV.H-7 designates the subject property for Business Park (BP) (see Attachment 12).
2. Conclusion: The application conforms to the policies in the Comprehensive Plan. The site is significantly constrained by environmentally-sensitive areas.

G. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

IV. APPEALS AND JUDICIAL REVIEW

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

A. APPEALS

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed to the City Council by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, twenty-one (21) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

B. JUDICIAL REVIEW

Section 150.130 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for

review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 150.130, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 150 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 13 are attached.

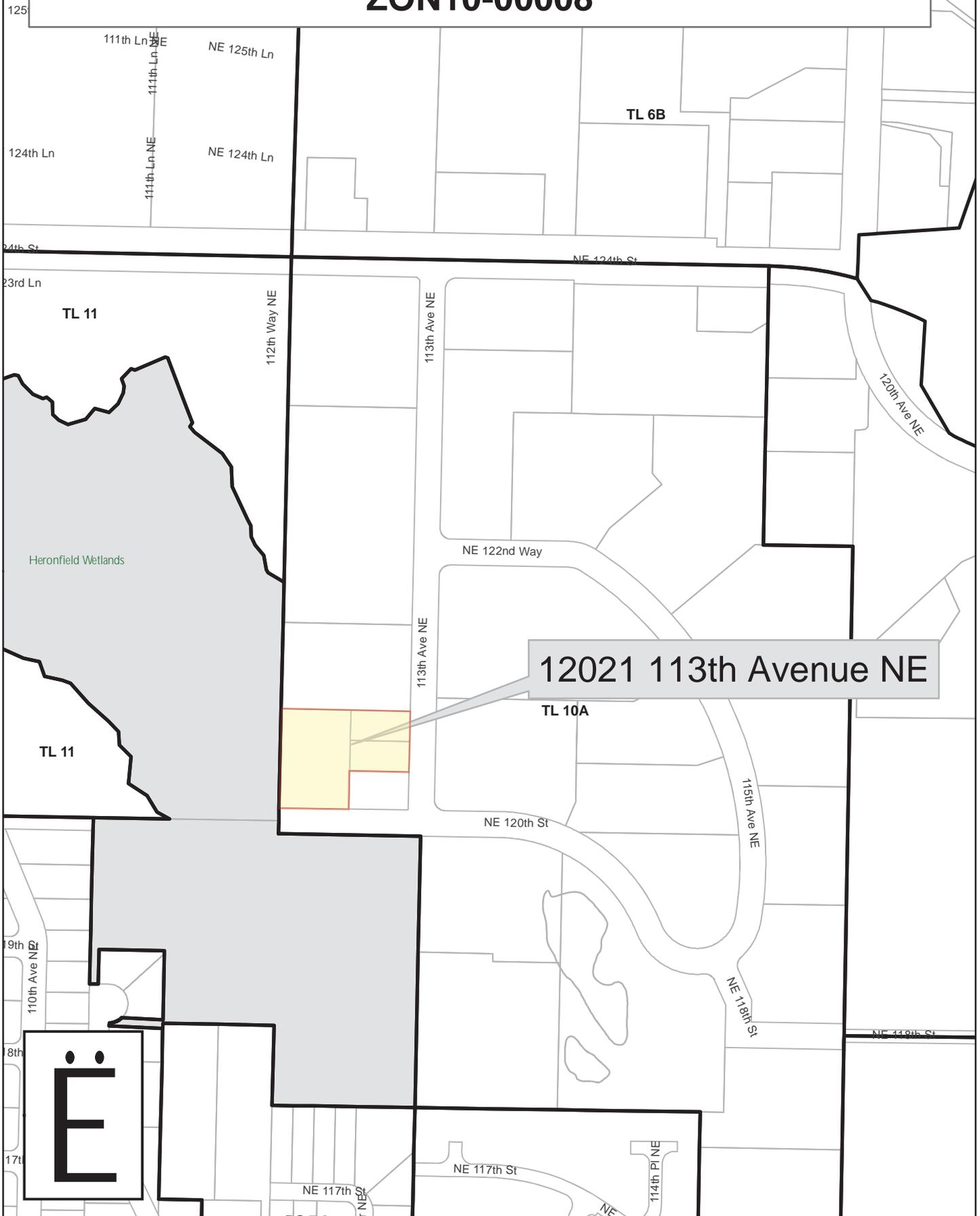
1. Vicinity Map
2. Site Plan
3. Development Standards
4. TL 10A - Use Zone Chart
5. Zoning Map
6. Interpretation No 08-4
7. Environmental Determination
8. Attachment Deleted
9. Wetland Buffer Reduction Material
 - a. Applicant's Revised Wetland Buffer Modification Proposal
 - b. The Watershed Company Review (TWC) letter dated January 12, 2011 memo
 - c. Meeting Summary Memo dated June 28, 2011
 - d. Wetland Bond Spread Sheet
 - e. Storm Water Dispersion Memo
10. NGPE
11. Wetland Save Harmless Agreement
12. Arborist Report
13. Totem Lake Neighborhood Land Use Map

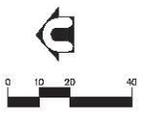
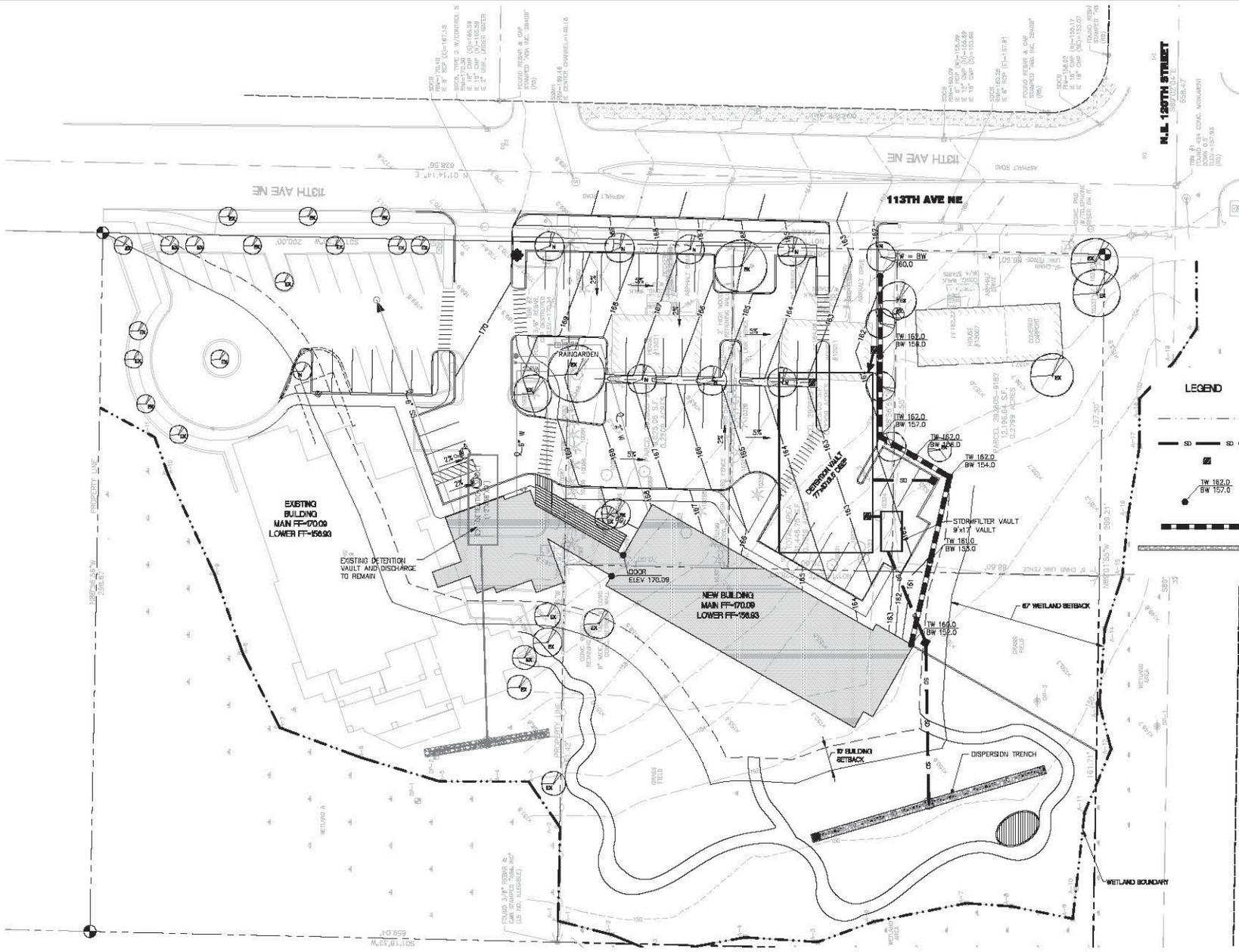
VII. PARTIES OF RECORD

Jeff Graves, Short Grass Inc., 16311 18th Ave SE, Mill Creek, WA 98012
Sharon Chambers, Executive Director, Residence XII, 12029 113th Ave NE, Kirkland WA 98034
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

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

RESIDENCE XII WETLAND BUFFER MODIFICATION ZON10-00008





LEGEND

- DITCH
- STORM DRAIN
- SD CATCH BASIN
- TOP OF WALL / BOTTOM OF WALL ELEVATIONS
- WALL
- DISPERSION TRENCH

PRELIMINARY GRADING AND DRAINAGE PLAN

RESIDENCE XII

BUFFALO WASH
SEATTLE, WA

**DAVID EVANS
AND ASSOCIATES INC.**
410 - 118th Avenue SE
Bellevue Washington 98005-8816
Phone: 425.970.2600



REVISIONS: APPD.

DATE: 3/01/2010
DESIGN: EDK
DRAWN: KMMK
CHECKED:
REVISION NUMBER:

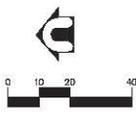
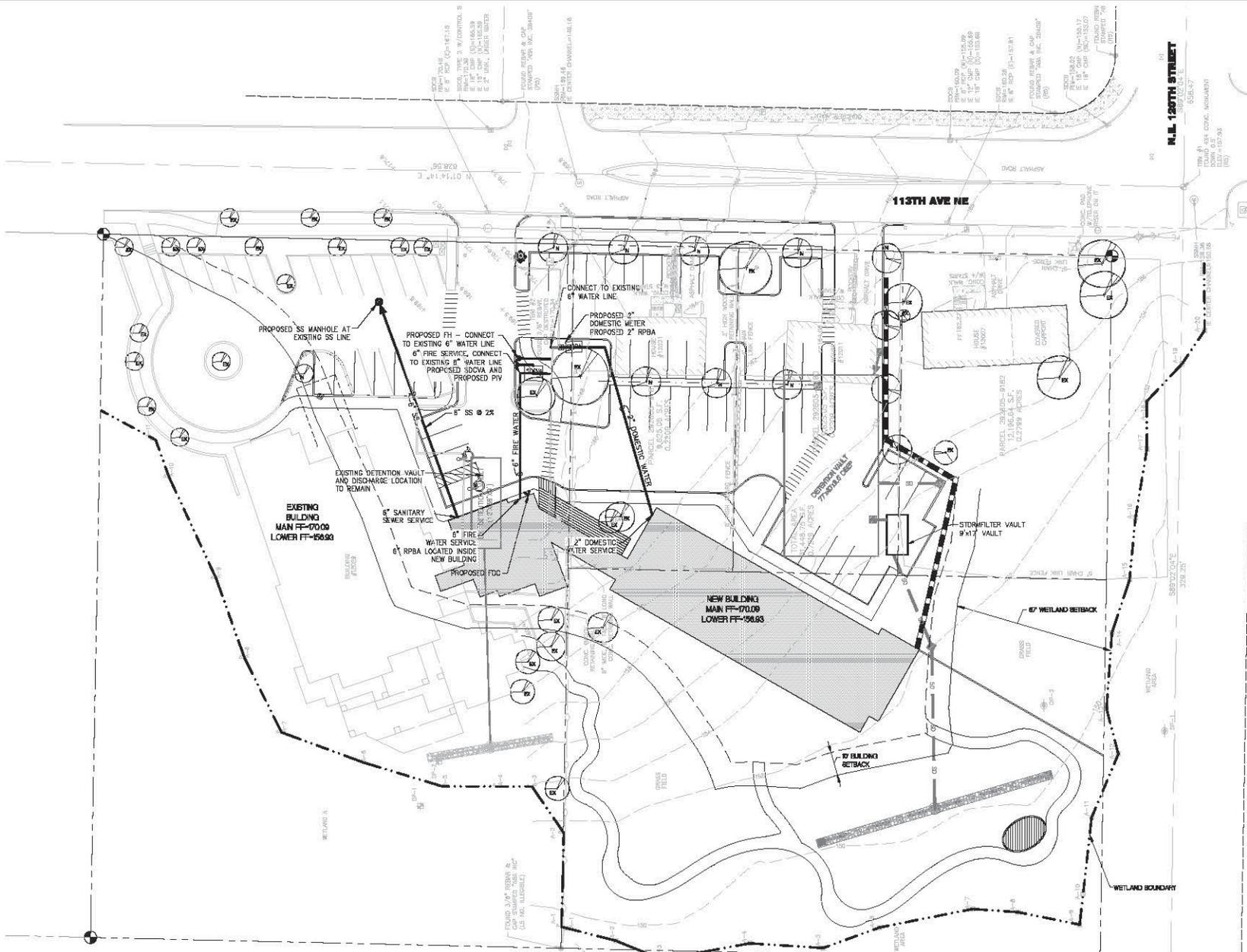
SCALE: AS SHOWN

PROJECT NUMBER:
RESX 0001

DRAWING FILE:
EDMG30/res-0001-grading.dwg

SHEET NO.

3
OF 4
Attachment 2
ZON 10-00008



PRELIMINARY UTILITY PLAN
RESIDENCE XII
 BUFFALO DESIGN
 SEATTLE, WA

DAVID EVANS
AND ASSOCIATES INC.
 410 - 118th Avenue SE
 Bellevue Washington 98005-8816
 Phone: 425.910.8800

REVISIONS: APPD.

DATE: 3/01/2010
 DESIGN: BDK
 DRAWN: KMWK
 CHECKED:
 REVISION NUMBER:

SCALE: AS SHOWN

PROJECT NUMBER:
RESX 0001

DRAWING FILE:
 E:\CMG40\res-0001-utilities.dwg

SHEET NO.

4
 OF 4
 ZON 10-00008
 Attachment 2



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

DEVELOPMENT STANDARDS LIST
File: RESIDENCE XII, ZON08-00010

PLANNING DEPARTMENT

ZONING CODE STANDARDS

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

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

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

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

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to issuance of a grading or building permit:

105.20 Minimum Number of Parking Spaces. Provide a parking study to the Public Works department showing that the on-site parking supply will meet demand.

95.30(4) Tree Retention Plan Components. No trees are to be removed as part of the wetland buffer modification request. The applicant has provided an Arborist Report prepared by a certified arborist (see Attachment 12). The City's Arborist has reviewed the arborist report and provided the following comments. The applicant needs to submit site plan(s) showing any proposed improvements resulting in site disturbance and potential impacts to significant trees. The site plan needs to include: 1) Proposed demolition, grading, and utility locations depicting tree protection measures per the

applicant's arborist for existing trees to be retained if their drip line is within the area of disturbance.
2) Landscape plans showing all retained trees. Retained trees in the required landscaping areas shall apply toward required landscaping requirements.

95.30(4) Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

FIRE DEPARTMENT CONDITIONS

1. *The fire sprinkler system and fire alarm system are required to be extended into the new area. Both modifications will require a separate permit from the fire department. The sprinkler system shall be designed and the plans stamped by a person holding a Washington State Certificate of Competency. The system shall be installed by a state licensed sprinkler contractor.
2. *Portable fire extinguishers are required so that there is an extinguisher within 75 feet travel distance of any portion of the building.

BUILDING DEPARTMENT CONDITIONS

1. Buildings must comply with current editions of the International Building, Residential, Mechanical and Fire Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Please note that the State of Washington will adoption and amended codes will apply to the construction of the proposed structure or structures, the 2009 versions will govern all submittals that are submitted with a complete application on July 1, 2010. If the design team has questions about the amendments that have been done by the State a copy can be reviewed or requested on the Washington State Building Code Council Website.
2. An intake completeness meeting must be scheduled. A minimum of two weeks is required to schedule the Plan Reviewers from each of the four Departments that will review and approve the plans.
3. Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure B.
4. The applicant is cautioned to investigate the implications of the Americans with Disabilities Act on the construction of this project. For more information the applicant may contact Mr. James Raggio, Office of the General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street, N.W., Suite 501, Washington, DC 20036, Ph# (202) 653-7834.
5. You can review your permit status and conditions at www.kirklandpermits.net

PUBLIC WORKS CONDITIONS

Permit #: ZON10-00008
Project Name: Residence XII - Addition
Project Address: 12029 113th Ave. NE
Date: April 22, 2010

Public Works Staff Contacts

Land Use and Pre-Submittal Process:
Rob Jammerman, Development Engineering Manager
Phone: 425-587-3845 Fax: 425-587-3807
E-mail: rjammer@ci.kirkland.wa.us

Building and Land Surface Modification (Grading) Permit Process:

Philip Vartanian, Development Engineer
Phone: 425-587-3853 Fax: 425-587-3807
E-mail: pvartanian@ci.kirkland.wa.us

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.ci.kirkland.wa.us
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.ci.kirkland.wa.us. The applicant should anticipate the following fees: o Right-of-way Fee o Review and Inspection Fee (for utilities and street improvements). o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.
3. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-587-3869 for more information.
4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).
5. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
6. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.
7. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

8. A completeness check meeting is required prior to submittal of any Building Permit applications.
9. Prior to issuance of any commercial or multifamily Building Permit, the applicant shall provide a plan for garbage storage and pickup. The plan shall be approved by Waste Management and the City.

Sanitary Sewer and Water Conditions:

1. Northshore Utility District approval required for water and sewer service. A letter of sewer and water availability is required; call N.U.D at 425-398-4400.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum. See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. Summarized below are the levels of drainage review based on site and project characteristics:
 - Full Drainage Review
 - A full drainage review is required for any proposed project, new or redevelopment, that will:
 - Add or replaces 5,000ft² or more of new impervious surface area,
 - Propose 7,000ft² or more of land disturbing activity, or,
 - Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft² or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.
2. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 for more information on this requirement.
3. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
4. Because this project site is one acre or greater, the following conditions apply:
 - Amended soil requirements (per Ecology BMP T5.13) must be used in all landscaped areas.
 - If the project meets minimum criteria for water quality treatment (5,000ft² pollution generating impervious surface area), the enhanced level of treatment is required if the project is multi-family residential, commercial, or industrial. Enhanced treatment targets the removal of metals such as copper and zinc.
 - The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. Among other requirements, this permit requires the applicant to prepare a Storm Water

Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.

- Turbidity monitoring by the developer/contractor is required if a project contains a lake, stream, or wetland.
 - A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the 2009 King County Surface Water Design Manual for plan preparation.
5. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.
 6. Storm water detention system is required and shall be designed to Level II standards. Historic (forested) conditions shall be used as the pre-developed modeling condition.
 7. This project is creating or replacing more than 5000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual. The enhanced treatment level is encouraged when feasible for multi-family residential, commercial, and industrial projects.
 8. Storm detention calculations for the entire site are required.
 9. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).
 10. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
 11. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 113th Ave. NE. This street is a Collector type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:
 - A. Replace any cracked curb and gutter.
 - B. Install a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk.
2. A 2-inch asphalt street overlay will be required where three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
3. Only one driveway will be allowed for the project (which the site plan depicts).
4. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.

5. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.
6. Underground all new and existing on-site utility lines and overhead transmission lines.
7. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 113th Ave. NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The LID No Protest Agreement shall be recorded against the lot prior to issuance of the Building Permit.
8. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

55.65 User Guide.

The charts in KZC [55.69](#) contain the basic zoning regulations that apply in the TL 10A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.67**Section 55.67 – GENERAL REGULATIONS**

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
 - b. The maximum horizontal facade shall not exceed 50 feet in width.
 See KZC [115.30](#), Distance Between Structures/Adjacency to Institutional Use, for further details.
3. Vehicular access to NE 124th Street should be limited and consolidated where possible. Properties with frontage on 113th Avenue NE must be accessed via 113th Avenue NE rather than NE 124th Street.
4. Development must retain and maintain the existing hill form and vegetation along the eastern boundary of the zone, north of 115th Avenue NE.
5. Any development activities requiring Design Review approval pursuant to KZC Section [142.15](#) shall be reviewed administratively (ADR), pursuant to KZC [142.25](#). Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
6. A 50-foot-wide sight-obscuring landscaped buffer must be provided adjacent to any residential zone, except the TL 11 zone to the west.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter [105](#) KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters [92](#) and [142](#) KZC for requirements.

[link to Section 55.69 table](#)

This page of the Kirkland Zoning Code is current through Ordinance 4320, passed September 6, 2011.
 Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/>
 City Telephone: (425) 587-3190
 Code Publishing Company

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.69	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)									
				Front	Side	Rear							
.010	Wholesale trade, Wholesale printing or publishing, Manufacturing of electrical equipment, Manufacturing of scientific or photographic equipment, Packaging of prepared materials, Manufacturing of textile or leather products from pre-prepared material, Manufacturing of paper products from pre-prepared material, manufacturing of plastic products from pre-prepared material	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	20'	5' but 2 side yards must equal at least 15'	10'	80%	See Spec. Reg. 3.	C	C	1 per each 1,000 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Outdoor storage is prohibited. The discharge of any substance that creates any impact detrimental to the environment or adjacent residents is not permitted. Maximum building height for this use is as follows: <ol style="list-style-type: none"> If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. Elsewhere in this zone, 52 feet above average building elevation. Ancillary warehouse space associated with a listed permitted use is allowed. 	

Section 55.69

Zone
TL 10A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.69	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)									
				Front	Side	Rear							
.020	Office Use High Technology	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	20'	5' but 2 side yards must equal at least 15'	10'	80%	See Spec. Reg. 2.	C See Spec. Reg. 3.	D	If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per each 300 sq. ft. of gross floor area. If a medical, dental, or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. Maximum building height for this use is as follows: <ol style="list-style-type: none"> If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. Elsewhere in this zone, 52 feet above average building elevation. Outdoor storage is prohibited. The following regulations apply only to veterinary offices: <ol style="list-style-type: none"> If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. Outdoor runs and other outdoor facilities for the animals must be set back at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 	
.030	Restaurant or Tavern See Spec. Reg. 1.			10'	0'	0'		35' above average building elevation.	B	E	1 per 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use is only allowed on parcels with frontage on NE 124th Street, unless the restaurant existed prior to December 31, 2005, as an accessory use to a permitted primary use. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 	

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.69	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Any Retail Establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services. See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use is only allowed on parcels with frontage on NE 124th Street. The following uses and activities are prohibited: <ol style="list-style-type: none"> The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers are not permitted; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Retail establishments providing storage services unless accessory to another permitted use. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. Outdoor storage of bulk commodities unless the square footage of the storage area is less than 10 percent of the retail structure. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are subordinate to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.050	Hotel or Motel							52' above average building elevation.			1 per each room. See also Spec. Reg. 3.	<ol style="list-style-type: none"> This use is only allowed on parcels with frontage on NE 124th Street. May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.060	Convalescent Center or Nursing Home			20'				See Spec. Reg. 2.		A	1 per bed.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. Maximum building height for this use is as follows: <ol style="list-style-type: none"> If adjoining a residential zone other than TL 11, then 25 feet above average building elevation. South of either NE 120th Street or NE 118th Street, 35 feet above average building elevation. Elsewhere in this zone, 52 feet above average building elevation.

(Revised 4/08)

Section 55.69

Zone
TL 10A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.69	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARD (See Ch. 115)									
				Front	Side	Rear							
.070	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC. See Gen. Reg. 5.	None	20'	0'	0'	80%	If adjoining a residential zone other than TL 11, then 25' above average building elevation. Otherwise, 35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Structured play areas must be set back from all property lines as follows: <ol style="list-style-type: none"> Twenty feet if this use can accommodate 50 or more students or children. Ten feet if this use can accommodate 13 to 49 students or children. Five feet for a Mini-School or Mini-Day-Care Center. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. May include accessory living facilities for staff persons. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 	
.080	Church			5' but 2 side yards must equal at least 15'	10'				C		1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	<ol style="list-style-type: none"> No parking is required for day-care or school ancillary to the use. 	
.090	Public Utility								A		See KZC 105.25.	<ol style="list-style-type: none"> Outdoor uses are not permitted. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 	
.100	Government Facility or Community Facility								C See Spec. Reg. 2.				
.110	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

This page left intentionally blank.

CITY OF KIRKLAND

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

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Interpretation No. 08-1
From: Eric R. Shields, AICP, Planning Director
Date: February 29, 2008
Subject: **KZC 115.20, Required Review Process for the Keeping of Two Horses in the Kirkland Hunt Club subdivision, an approved master plan in Planned Area 16 (PLA 16)**

ISSUE

Does the required Process I review process found in KZC 115.20 for the keeping of large domestic animals on lots of less than 35,000 square feet apply to the keeping of two horses in the Kirkland Hunt Club (KHC) subdivision? A majority of the lots within the KHC, an equestrian oriented subdivision approved through a Process IIA permit, are approximately 26,000 square feet.

INTERPRETATION

KZC 145.10 requires any application that involves both a Process I decision and a Process IIA decision be consolidated and decided using the Process IIA permit. KZC 115.20 requires a Process I permit for the keeping of horses on lots of less than 35,000 square feet. The Kirkland Hunt Club, a subdivision of lots less than 35,000 square feet, was approved through a Process IIA permit and included equestrian conditions for the keeping of up to two horses. The Process I permit is not required for the keeping of up to two horses on a lot in the Kirkland Hunt Club subdivision because the Process IIA permit approved the keeping of horses in the subdivision.

BACKGROUND

The following is the pertinent history of the equestrian regulations found in KZC 115.20, the PLA 16 use zone charts and the Kirkland Hunt Club master plan approval, applicable to the keeping of two horses on a residential lot:

1983: Regulations in KZC 115.20 pertaining to animals in residential zones were established as part of a newly adopted Zoning Code. At that time, the Zoning Code did not contain specific standards for the size of area needed for paddocks and barns, but did contain standards about setbacks for barns and pens from adjacent property lines and residential structures.

1986: In January the PLA 16 use zone charts were adopted in preparation of the annexation of PLA Area 16 in July. Amendments were also made to KCZ 115.20 in May. The equestrian regulations in Special Regulations 4, 6 and 7 of KZC 60.85.a for PLA 16 and in Special Regulation 5 of KCZ

115.20 for large domestic animals were created to address the Kirkland Hunt Club master plan and subdivision that was proposed as part of the annexation. The intent of these equestrian regulations was to permit the keeping up to two horses on lots in the Kirkland Hunt Club subdivision without a further review process.

1987: The equestrian oriented Kirkland Hunt Club master plan and subdivision were approved (File S-IIA-87-46). The master plan approval required that the location and size of the set aside paddock and barn area and potential vehicle access to the set aside area be reviewed and approved with the building permit for each lot.

At some point between adoption of the PLA 16 use zone charts and approval of the Kirkland Hunt Club subdivision, KZC 115.20 should have been amended to clarify that the keeping of up to two horses on lots in the Kirkland Hunt Club does not require a Process I permit.

INTERPRETATION CRITERIA

KZC 170.60(1) authorizes the Planning Director to issue interpretations of any of the provisions of the Zoning Code. This section requires the Planning Director to base a decision on three considerations, addressed below:

A. The defined or common meaning of the words of the provision.

The definition or common meaning of the words of KZC 115.20 pertaining to the review process for the keeping of large domestic animals is not at issue. The section reads clearly.

B. The general purpose of the provision as expressed in the provision.

The general purpose of the required Process I review process established in KZC 115.20 for large domestic animals proposed on lots less than 35,000 square feet is to ensure that there is sufficient land area both in dimension and usability for placement of a paddock or grazing area, barn, and manure storage area, and that the location of the paddock and barn area that will not impact adjacent residents. The review process provides for public input from affected residents to determine any necessary mitigation.

The general purpose of KZC 145.10 is to consolidate all reviews processes into one and that review shall be decided by the highest required review process.

C. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

Under the PLA 16 section in the Bridle Trails Neighborhood Chapter of the Comprehensive Plan, performance standards were established for the Kirkland Hunt Club “to encourage a more creative development and still be in character with the surrounding very-low density equestrian-oriented residential development.” Four of the standards address equestrian activity on the lots (page XV.C-5):

Each residential lot contains an area of sufficient size and location for a horse paddock area, exclusive of any residential and equestrian structures.

Each residential lot is designed to allow truck access for equestrian services, such as hay delivery and manure disposal.

A public equestrian access trail with appropriate identification signs is provided between NE 60th Street and the Bridle Trails State and King County Parks.

An equestrian facility, available to the public, is provided on the property.

CONCLUSION

Since the Process IIA zoning permit that approved the Kirkland Hunt Club Master Plan included conditions for the keeping of up to two horses on each lot within the development, the Process I review process in KZC 115.20 is not required.



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

DETERMINATION OF NONSIGNIFICANCE (DNS)

CASE #: SEP11-00001

DATE ISSUED: 1/18/2012

DESCRIPTION OF PROPOSAL -----

Process IIA Zoning Permit application to reduce the required Type I wetland buffer from 100 feet to 67 feet in width in order to construct a new 18,000 square foot building and associated parking.

PROPONENT: **JEFF GRAVES**

LOCATION OF PROPOSAL -----

LEAD AGENCY is The City of Kirkland

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

There is no comment period for this DNS.

Responsible official: _____

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

1/18/12

Date

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

You may appeal this determination to the Planning Department at Kirkland City Hall, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 p.m., Wednesday, February 01, 2012 by WRITTEN NOTICE OF APPEAL.

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

Please reference case # SEP11-00001.

cc: Case # ZON10-00008

Distributed By:

1/18/2012

Date:

CITY OF KIRKLAND ENVIRONMENTAL CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City identify impacts from your proposal, and to reduce or avoid impacts from the proposal, whenever possible.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City staff can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of Checklist for Non-project Proposals:

Complete this checklist for non-project proposals also, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (Part D).

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

A. BACKGROUND

1. Name of proposed project, if applicable: *Residence XII for Women - Renovation and Expansion*
2. Name of applicant: *Residence XII*
3. Tax parcel number: *The project is currently comprised of 5 lots that will be combined at a later date. Parcel numbers are 292605-9126, 9181, 9180, 9182 and 0124.*

4. Address and phone number of applicant and contact person: *Residence XII 12029 113th Ave. NE Kirkland, WA. 98034
Attention: Sharon Chambers, Executive Director, 425-823-8844*
5. Date checklist prepared: *3.5.10*
6. Agency requesting checklist: *City Of Kirkland Planning and Community Development Department*
7. Proposed timing or schedule (including phasing, if applicable): *Construction proposed to begin Spring of 2012 with completion planned for spring 2013.*
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal?
No.
9. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
Critical Areas Report for Wetland Buffer Reduction. Evaluation of Trees.
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
No other proposals.
11. List any government approvals or permits that will be needed for your proposal, if known.
Approval from the city of Kirkland, Washington for Wetland Buffer Reduction pursuant to Kirkland Zoning Code (KZC) 90.60.2a2 (buffer reduction with enhancement). Lot Line Alteration. City of Kirkland Zoning permit.
12. Give brief, complete description of your proposal, including the proposed uses, the size and scope of the project and site including dimensions and use of all proposed improvements. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.
Residence XII is a drug and alcohol rehabilitation center providing inpatient and outpatient care. The existing 18,065 square foot facility includes 25 beds and support facilities on 3 levels. The existing site is 1.37 acres. Residence XII has purchased four adjacent properties for the development of an 18,108, three story addition to accommodate an additional 25 beds as well as administrative offices and patient recreational space. Total area of the site is 2.94 acres and measures 298 ft. x 427 ft.
13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.
12029 113th Ave. NE, Kirkland, WA. Section 20, Township 26 north, Range 05 east, W.M. The site is located approximately one-half mile west of interstate 405 (I-405) and one quarter mile south of NE 124th St.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR
AGENCY USE ONLY
REVIEWED BY:

B. ENVIRONMENTAL ELEMENTS

1. EARTH

- a. General description of the site (circle one): Flat, rolling, hilly, steep, slopes, mountainous, other
Mostly flat with gentle slopes to the west and southwest.
- b. What is the steepest slope on the site (approximate percent slope)?
8%
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Kitsap Silt Loam (KPB), Seattle Muck (SK)
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
This project will require typical excavation (approx. 1500 C.Y.) and fill activities associated with construction, road and utility infrastructure. 6,000 C.Y. of fill will be required. The source will likely be local suppliers of crushed rock and select fill.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Yes, erosion could occur but control measures will be implemented and monitored during construction to ensure that no erosion occurs.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt, buildings)?
35%
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
Implementation of an erosion control plan which may include silt fencing, mulching and seeding or earth dikes.

_____ ✓

_____ ~ 22%

_____ ✓

_____ ✓

_____ ✓

_____ ~ 50%

_____ ✓

2. AIR

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities, if known.

✓

Dust and equipment emissions during construction

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

✓

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
Controlled use of construction equipment. Implement dust control plan,

✓

3. WATER

a. Surface

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

✓

Tributary 08-0235, located three-eighths of a mile north of the project site, flows into Juanita Creek (stream number 08-0230)

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

✓

No

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

✓

Minimal grading will be performed in the wetland buffer to install a walking trail. A dispersion trench for storm water will also likely be developed in the buffer. No grading will take place in the wetland.

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

✓

No

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

zone X panel 354

No

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

✓

No

b. Ground

- 1) Will ground water be withdrawn, or will water be discharged to ground water?

✓

- No*
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
- None*

✓

c. Water Runoff (including storm water):

- 1) Describe the source of runoff (include storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.
- Stormwater runoff will be collected in a detention vault and dispersed through the landscaped area of the site. Rain gardens will also be used.*
- 2) Could waste materials enter ground or surface waters? If so, generally describe.
- No*

✓

✓

Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
Rain gardens and other measures per the 2009 King County Stormwater Manual.

✓

4. PLANTS

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

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation:

✓

- b. What kind and amount of vegetation will be removed or altered?
- Approximately 32 trees will be removed to construct the building and parking area. The enhancement of 17,978 square feet of wetland buffer and 2,427 square feet of wetland within an existing pasture will include trees, bushes and native plants. See Arborist Report.*

✓

- c. List threatened or endangered species known to be on or near the site.
- None*

✓

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Landscaping consistent with city standards will be provided in the parking lot, along the street and immediately surrounding the building. Approximately 10 trees will be added in this area. Draught tolerant native species are proposed. 20,000 square feet of wetland buffer and wetland will be planted with native trees, shrubs and plants.

✓

5. ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other
mammals: deer, bear, elk, beaver, other
fish: bass, salmon, trout, herring, shellfish, other

✓

- b. List any threatened or endangered species known to be on or near the site.

None

✓

- c. Is the site part of a migration route? If so, explain.

No

Yes - Pacific Flyway

- d. Proposed measures to preserve or enhance wildlife, if any:

Installation of habitat features will include three snags with nest and bat boxes, three downed logs, two nurse logs, addition of numerous mast-producing (seed, nuts etc) shrubs and trees; and the addition of shrubs and trees suitable for nesting, foraging, roosting and escape cover will increase function for numerous species.

✓

6. ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Electric and natural gas will be used for heating and cooling.

✓

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

✓

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Daylighting, sensed lighting and shade systems, natural ventilation, water efficient landscaping, low flow plumbing fixtures and other potential strategies to reduce water use.

✓

7. ENVIRONMENTAL HEALTH

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

No.

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

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

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Minor traffic

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short term; construction noise during the hours of 7:00 am to 6:00 pm

3) Proposed measures to reduce or control noise impacts, if any:
No

8. LAND AND SHORELINE USE

a. What is the current use of the site and adjacent properties?

The existing Residence XII, 25 bed drug and alcohol treatment center is located on the north end of the site. Three single family residences are located on the east side of the site. Site is surrounded on the north and east by commercial (office and retail) development and by natural wetland on the west and south.

to the west is a multi family residential property

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

c. Describe any structures on the site.
18,000 sf Drug/alcohol treatment center and three single family residences.

d. Will any structures be demolished? If so, what?
Two single family residences. Minor portions of the existing treatment center will be demolished to allow for expansion.

- e. What is the current zoning classification of the site?
TL10A
- f. If applicable, what is the current shoreline master program designation of the site?
NA
- g. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
Type 1 Wetland
- h. Approximately how many people would reside or work in the completed project.
50 residents. 30 staff.
- i. Approximately how many people would the completed project displace?
Six people (From 2 single family rental properties. Number of occupants varies.)
- j. Proposed measures to avoid or reduce displacement impacts, if any:
None.
- k. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
Project complies with current zoning and Kirkland Comprehensive Plan.

Totem Lake IOA

n/a

located at the western & southern edge of the property

9. HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
None.
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
Two single family homes will be eliminated. Middle income rental housing.
- c. Proposed measures to reduce or control housing impacts, if any:
None.

10. AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
Maximum height on both the existing and proposed structure is 42'. The exterior

✓

✓

✓

✓

- material is primarily wood siding.*
- b. What views in the immediate vicinity would be altered or obstructed?
None

✓

- c. Proposed measures to reduce or control aesthetic impacts, if any:
NA

comply with Design Review requirements found in KZC Chapter 142

11. LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
Parking and site lighting. Light from interior of building between dusk and midnight.

✓

- b. Could light or glare from the finished project be a safety hazard or interfere with views?
No

✓

- c. What existing off-site sources of light or glare may affect your proposal?
None

✓

- d. Proposed measures to reduce or control light and glare impacts, if any:
Interior shading and lighting controls will be provided. Only light for safety and comfort will be provided. All exterior light fixtures will be shielded to eliminate glare and light trespass.

comply w/ KZC Chapter section 115.05

12. RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?
None.

✓

- b. Would the proposed project displace any existing recreational uses? If so, describe.
No

✓

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
NA

Applicant is proposing a pathway through the unbanked buffer for residence a staff of Residence XII

13. HISTORICAL AND CULTURAL PRESERVATION

- a. Are there any places or objects listed in, or proposed for, national, state, or local

✓

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
No

b. Proposed measures to reduce or control direct impacts on public services, if any.
NA

16. UTILITIES

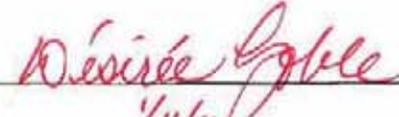
a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
All services currently exist on the site and will be extended to serve the expansion.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 
Date Submitted: March 11, 2010


4/11/11

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(Do not use this sheet for project actions)

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

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

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



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

MEMORANDUM

To: Eric R. Shields, AICP
Planning Director

From: Désirée Goble, AICP

Date: January 11, 2012

Subject: Environmental Determination – SEP11-00001
Case No. ZON10-00008

Residence XII has submitted an application to reduce the Type 1 wetland buffer located on the south and west side of the property from 100 feet in depth to 67 feet. The applicant is proposing to construct an 18,100 square foot building adding 25 beds to the in-patient drug and alcohol rehabilitation center. This proposal has passed concurrency and Thang Nguyen, Public Works Transportation Engineer determined that a traffic study wasn't required.

I have had an opportunity to visit the site and review the environmental checklist for the project referenced above. I have not identified any significant adverse environmental impacts. Therefore, I recommend that a Determination of Non-Significance be issued for this proposed action.

Should you have any questions, please contact me.

Review by Responsible Official:

I concur

I do not concur

Comments: _____

Eric R. Shields, AICP
Planning Director

1/12/12

Date

Attachment 8 was deleted

