

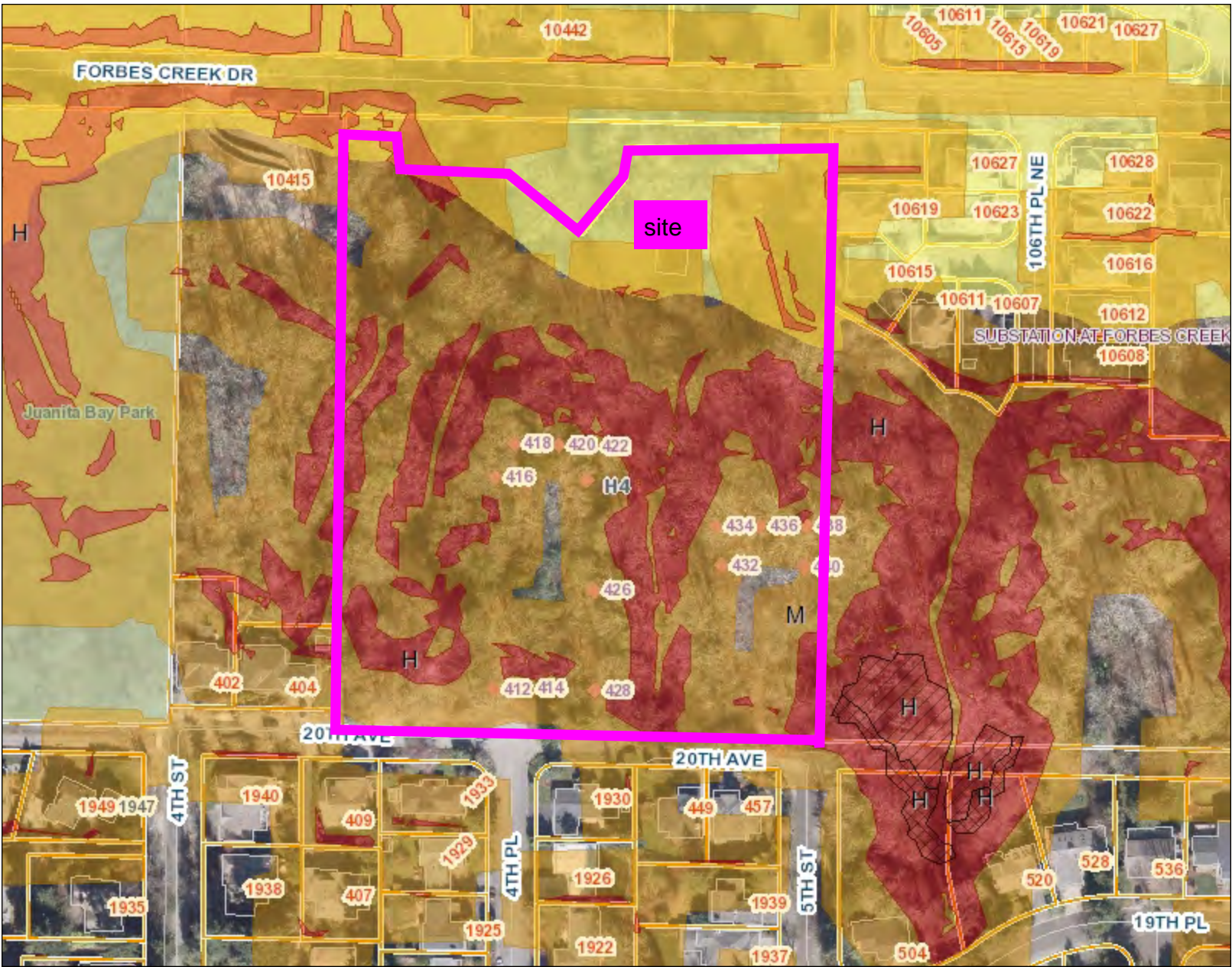
FINAL CRITICAL AREAS MITIGATION PLAN
PROPOSED SITE PLAN, IMPACTS AND MITIGATION OVERVIEW
ORCAS MOON COTTAGES
KIRKLAND, WASHINGTON

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City of Kirkland GIS

ATTACHMENT 5



Legend

- Landslide**
 - Deposit Areas
 - Head Scarps
 - High Susceptibility
 - Moderate Susceptibility
- Liquefaction Potential**
 - High
 - Medium or Mixed
- Address**
 - Other Address
 - Current Address
 - Current ADU
 - Pending Address
- City Limits
- Grid
- QQ Grid
- Cross Kirkland Corridor
- Regional Rail Corridor
- Streets
- Parcels
- Place Names
- Buildings
- Lakes
- Parks
- Schools
- Olympic Pipeline Corridor

1: 1,789



Notes

0.1 0 0.03 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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Chapter 90 – DRAINAGE BASINS Old version

This version of Chapter 90 is no longer effective as of March 1, 2017. To see the current version of Chapter 90, as amended by Ordinance 4551, please click [here](#).

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INTRODUCTION

90.05 User Guide

The regulations in this chapter apply to activities, work, and conditions in or near any stream, wetland, frequently flooded area, or lake in the City. For properties within jurisdiction of the Shoreline Management Act, the regulations in Chapter 83 KZC must be met. These regulations add to and in some cases supersede other City regulations. Anyone interested in conducting any development activity on or near a wetland, stream, lake, or frequently flooded area; wishing to participate in the City's decision on a proposed development on or near any of these areas; or wishing to have a determination made as to the presence of one (1) of these areas on their property, should read these regulations. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers.

Chapter 83 KZC contains wetland, stream and flood hazard reduction regulations for properties located within its jurisdiction. However, regulations contained in this chapter that are not addressed in Chapter 83 KZC continue to apply, such as bond or performance security, dedication and liability.

(Ord. 4252 § 1, 2010; Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.10 Purpose

These regulations were prepared to comply with the Growth Management Act, Chapter 36.70A RCW. The purpose of these regulations is to protect the environment, human life, and property. This purpose will be achieved by preserving the important ecological functions of wetlands, streams, lakes, and frequently flooded areas. The designation and classification of these sensitive areas is intended to assure their preservation and protection from loss or degradation, and to restrict incompatible land uses.

Sensitive areas perform a variety of valuable biological, chemical, and physical functions that benefit the City and its residents. The functions of sensitive areas include, but are not limited to, the following:

1. **Wetlands** – Wetlands help maintain water quality; store and convey storm and flood water; recharge ground water; provide fish and wildlife habitat; and serve as areas for recreation, education, scientific study, and aesthetic appreciation. The City's goal is to achieve no net loss of wetlands through retention of wetland functions, values, and acreage within each drainage basin. Wetlands are protected in part by buffers, which are upland areas adjacent to wetlands.

Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment loads; remove waterborne contaminants such as excess nutrients, synthetic organic chemicals (e.g., pesticides, oils, and greases), and metals; provide shade for surface water temperature moderation; provide wildlife habitat; and deter harmful intrusion into wetlands.

The primary purpose of wetland regulations is to achieve a goal of no net loss of wetland function, value, and acreage within each drainage basin, which, where possible, includes enhancing and restoring wetlands.

2. **Streams** – Streams and their associated buffers provide important fish and wildlife habitat and travel corridors; help maintain water quality; store and convey storm and flood water; recharge groundwater; and serve as areas for recreation, education, scientific study, and aesthetic appreciation. Streams are protected in part by buffers, which are adjacent upland areas that interact with streams.

Stream buffers – sometimes known as riparian buffers – serve to moderate runoff volume and flow rates; reduce sediment loads; remove waterborne contaminants such as excess nutrients, synthetic organic chemicals (e.g., pesticides, oils, and greases), and metals; provide shade for surface water temperature moderation; provide wildlife habitat; and deter harmful intrusion into streams.

The primary purpose of stream regulations is to avoid reducing stream and riparian corridor functions, and where possible, to enhance and restore streams and riparian areas.

3. **Lakes** – Lakes provide important fish and wildlife habitat; store and convey storm and flood water; recharge ground water; store ground water discharge; and serve as areas for recreation, education, scientific study, and aesthetic appreciation. Many uses and activities in and around lakes are regulated under the wetland regulations, because the shallow perimeter of most lakes (the littoral zone) often meets the definition of a wetland.

Lake Washington is a Shoreline of the State, and is subject to the Shoreline Management Act.

Uses and activities near, on or in Lake Washington are regulated by the applicable use zone regulations in Chapters 15 through 56 KZC and by the shoreline regulations in Chapters 83 and 141 KZC. Uses and activities in wetlands contiguous to Lake Washington are subject primarily to the wetland regulations in Chapter 83 KZC, but also some applicable regulations in this chapter. Wetland buffers not located within 200 feet of the ordinary high water mark of Lake Washington are subject to the wetland buffer regulations in this chapter.

The primary purpose of the lake regulations is to avoid impacts to lakes and contiguous riparian areas, and where possible, to enhance and restore lakes.

4. Frequently Flooded Areas – Frequently flooded areas help to store and convey storm and flood water; recharge ground water; provide important riparian habitat for fish and wildlife; and serve as areas for recreation, education, and scientific study. Development within these areas can be hazardous to those inhabiting such development, and to those living upstream and downstream. Flooding also can cause substantial damage to public and private property that results in significant costs to the public as well as to private individuals.

The primary purpose of frequently flooded areas regulations is to regulate development in the 100-year floodplain to avoid substantial risk and damage to public and private property and loss of life.

(Ord. 4476 § 3, 2015; Ord. 4252 § 1, 2010; Ord. 3834 § 1, 2002)

90.15 Applicability

1. General – These regulations apply to any property that contains any of the following:
 - a. Streams;
 - b. Type 1 or 2 wetlands;
 - c. Type 3 wetlands greater than 1,000 square feet in a primary basin;
 - d. Type 3 wetlands greater than 2,500 square feet in a secondary basin;
 - e. Totem Lake and Forbes Lake;
 - f. Frequently flooded areas; and
 - g. Buffers required for the preceding six (6) features.
2. Conflicting Provisions – The regulations in this chapter supersede any conflicting regulations in the Kirkland Zoning Code. For properties within jurisdiction of the Shoreline Management Act, the regulations in Chapter 83 KZC supersede any conflicting regulation in this chapter. If more than one

(1) regulation applies to the subject property, then the regulation that provides the greatest protection to sensitive areas shall apply.

3. Other Jurisdictions – Nothing in these regulations eliminates or otherwise affects the responsibility of the applicant or property owner to comply with all other applicable local, state, and federal laws regulating development activities in sensitive areas, as herein defined.

4. SEPA Compliance – Nothing in these regulations or the decisions made pursuant to these regulations affects the authority of the City to review, condition, and deny projects under the State Environmental Policy Act, Chapter 43.21C RCW.

(Ord. 4252 § 1, 2010; Ord. 3834 § 1, 2002)

90.20 General Exceptions

The following activities or conditions shall be exempt from this chapter:

1. Activities involving artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, retention and/or detention facilities, farm ponds, and landscape features, except activities involving wetlands or streams that are created as mitigation for impacts to regulated sensitive areas, or that support state or federally listed threatened or endangered species.
2. Legally filled wetlands, or wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway.
3. Activities affecting Type 3 wetlands that are 1,000 square feet or less in any of the primary basins, or affecting Type 3 wetlands that are 2,500 square feet or less in any of the secondary basins.
4. All utility work in improved City rights-of-way; all normal and routine maintenance, operation and reconstruction of existing roads, streets, and associated rights-of-way and structures; construction of sewer or water lines that connect to existing lines in a sensitive area or buffer where no feasible alternative location exists based on an analysis of technology and system efficiency; and minor replacement or modification of existing facilities by a public utility in an improved utility corridor. In each case (1) such activities shall not increase the impervious area (excluding utility poles) or reduce flood storage capacity, and (2) the construction drawings shall specify that all affected sensitive areas and buffers will be expeditiously restored to their pre-project condition or better. For purposes of this subsection only, "improved City rights-of-way" shall include the Cross Kirkland Corridor, Eastside Rail Corridor, and those rights-of-way that have improvements only underground, as well as those with surface improvements.
5. Construction of public nonmotorized trails within the Cross Kirkland Corridor and Eastside Rail Corridor; provided, that (1) the trail is located in a manner that, to the extent feasible, avoids and

minimizes impacts to sensitive areas and buffers such as placement on previously disturbed areas, (2) the trail project includes on-site or off-site mitigation of new impacts to affected sensitive areas and buffers, and (3) pervious or other low-impact materials are used where practical.

6. Normal and routine maintenance or repair of structures; provided, that such activities do not increase the previously approved structure footprint within a sensitive area or its buffer. Increases in structure footprint outside of such areas shall be allowed, even if all or a portion of the previously approved footprint is within such areas.

7. Site investigative work and studies necessary for preparing and processing land use applications, including but not limited to hand-dug holes for soils tests, water quality sampling, wildlife studies, and wetland and stream investigations; provided, that any disturbance of the sensitive area or its buffer shall be the minimum necessary to carry out the work or studies. Use of any mechanized equipment requires prior approval of the Planning Official. Areas disturbed by these activities shall be expeditiously stabilized and replanted, as approved by the Planning Official, to restore them to their previous condition.

8. Educational activities, scientific research, and passive outdoor recreational activities such as bird watching.

9. Emergency activities necessary to prevent an immediate threat to public health, safety, or welfare.

(Ord. 4442 § 1, 2014; Ord. 3834 § 1, 2002)

90.25 Sensitive Areas Maps and Other Resources

As part of the City's SEPA Ordinance, the City Council adopted, and may amend, a map folio entitled "Kirkland Sensitive Areas." Some of the maps in this folio depict wetlands, streams, and 100-year floodplains. The most recent amendment to this map folio reflects a 1998 study of wetlands and streams throughout the City's drainage basins and other sensitive areas discovered since 1992. The map folio, subsequent amendments, and other available resources (such as topographic maps, soils maps, and air photos) are intended only as guides. They depict the *approximate* location and extent of known sensitive areas. Some sensitive areas depicted in these resources may no longer exist; further, sensitive areas not shown in these resources may occur. Property owners and project applicants are strongly advised to retain qualified professionals to conduct site-specific studies for the presence of sensitive areas.

(Ord. 3834 § 1, 2002)

90.30 Definitions

1. Basin – A specific area of land drained by a particular watercourse and its tributaries.

2. Buffer – The area immediately adjacent to wetlands and streams that protects these sensitive areas and provides essential habitat elements for fish and/or wildlife.
3. Buffer Setback – A setback distance of 10 feet from a designated or modified wetland or stream buffer within which no buildings or other above-ground structures may be constructed, except as provided in KZC [90.45\(2\)](#) and [90.90\(2\)](#). The buffer setback serves to protect the wetland or stream buffer during development activities, use, and routine maintenance occurring adjacent to these resources.
4. Class A Streams – Streams that are used by salmonids. Class A streams generally correlate with Type 3 streams as defined in the Washington State Hydraulic Code.
5. Class B Streams – Perennial streams (during years of normal precipitation) that are not used by salmonids. Class B streams generally correlate with Type 4 streams as defined in the Washington State Hydraulic Code.
6. Class C Streams – Seasonal or ephemeral streams (during years of normal precipitation) not used by salmonids. Class C streams generally correlate with Type 5 streams as defined in the Washington State Hydraulic Code.
7. Critical Areas – Critical areas include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.
8. Frequently Flooded Areas – All areas shown on the Kirkland sensitive areas maps as being within a 100-year floodplain, as well as all areas regulated by Chapter 21.56 KMC.
9. Minor Improvements – Walkways, pedestrian bridges, benches, and similar features, as determined by the Planning Official, pursuant to KZC [90.45\(5\)](#) and [90.90\(5\)](#).
10. Primary Basins – The following basins, as shown on the Sensitive Areas Map: Juanita Creek, Forbes Creek, South Juanita Slope, Yarrow Creek, Carillon Creek, Denny Creek, and Champagne Creek.
11. Qualified Professional – An individual with relevant education and training, as determined by the Planning Official, and with at least three (3) years' experience in biological fields such as botany, fisheries, wildlife, soils, ecology, and similar areas of specialization, and including a professional wetland scientist.
12. Salmonid – A member of the fish family salmonidae, which include chinook, coho, chum, sockeye, and pink salmon; rainbow, steelhead, and cutthroat trout; brown trout; brook and dolly varden char, kokanee, and white fish.

13. Secondary Basins – Moss Bay, Houghton Slope A, Houghton Slope B, Kirkland Slope, Holmes Point and Kingsgate Slope, which are depicted on the Sensitive Areas Map.
14. Sensitive Areas – Wetlands, streams, lakes, and frequently flooded areas.
15. Significant Habitat Area – An area that provides food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of plants, fish, or wildlife. The terms threatened, endangered, sensitive, monitor, and priority pertain to lists, categories, and definitions of species promulgated by the Washington Department of Wildlife (Non-Game Data Systems Special Animal Species), as identified in WAC 232-12-011 or 232-12-014, or in the Priority Habitat and Species (PHS) program of the Washington State Department of Wildlife, or in rules and regulations adopted from time to time by the U.S. Fish and Wildlife Service.
16. Streams – Areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water, including but not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round. Streams do not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or convey a naturally occurring stream that has been diverted into the artificial channel.
17. Type 1 Wetlands – Wetlands that meet any of the following conditions:
 - a. Wetlands contiguous to Lake Washington;
 - b. Wetlands containing at least one-quarter (1/4) acre of organic soils, such as peat bogs or mucky soils;
 - c. Wetlands equal to or greater than 10 acres in size and having three (3) or more wetland classes, as defined by the U.S. Fish & Wildlife Service (Cowardin et al., 1979), one (1) of which is open water;
 - d. Wetlands that have significant habitat value to state or federally listed threatened or endangered wildlife species; or
 - e. Wetlands that contain state or federally listed threatened or endangered plant species.
18. Type 2 Wetlands – Wetlands that do not meet any of the criteria for Type 1 Wetlands, yet provide significant habitat function and value, and that merit at least 22 points as determined by using the City's Wetland Field Data Form, which is Plate 26 of Chapter 180 KZC.
19. Type 3 Wetlands – Wetlands that do not meet the criteria for either Type 1 or Type 2 wetlands and that merit fewer than 22 points as determined by using the City's Wetland Field Data Form, which

is Plate 26 of Chapter 180 KZC.

20. **Watershed** – A region or area bounded on the periphery by a parting of water and draining to a particular watercourse or body of water.

21. **Wetlands** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, retention and/or detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands do include those artificial wetlands intentionally created from non-wetland sites as mitigation for the conversion of wetlands.

(Ord. 4196 § 1, 2009; Ord. 3977 § 3, 2004; Ord. 3834 § 1, 2002)

WETLANDS

90.35 Wetland Determinations, Delineations, Regulations, Criteria, and Procedures

All delineations of wetlands shall be made using the criteria and procedures described in WAC 173-22-035, now or as hereafter amended. All determinations, delineations, and regulations of wetlands shall be based on the entire extent of the wetland, irrespective of property lines, ownership patterns, and the like.

(Ord. 4320 § 1, 2011; Ord. 3834 § 1, 2002)

90.40 Wetland Determinations

Either prior to or during review of a development application, the Planning Official shall determine whether a wetland or its buffer is present on the subject property using the following provisions:

1. During or immediately following a site inspection, the Planning Official shall make an initial assessment as to whether any portion of the subject property or surrounding area (which shall be the area within 100 feet of the subject property) meets the definition of a wetland. If this initial site inspection does not indicate the presence of a wetland on the subject property or surrounding area, no additional wetland studies will be required. However, if the initial site inspection or information subsequently obtained indicates the presence of a wetland on the subject property or surrounding area, then the applicant shall follow the procedure in subsection (2) of this section.
2. If the initial site inspection or information subsequently obtained indicates that a wetland may

exist on or near the subject property or surrounding area, the applicant shall either (a) fund a study and report prepared by the City's wetland consultant; or (b) submit a report prepared by a qualified professional approved by the City, and fund a review of this report by the City's wetland consultant.

3. If a wetlands study and report are required, at a minimum the report shall include the following:
 - a. A summary of the methodology used to conduct the study;
 - b. A professional survey which is based on the KCAS or plat-bearing system and tied to a known monument, depicting the wetland boundary on a map of the surrounding area which shows the wetland and its buffer;
 - c. A description of the wetland habitat(s) found throughout the entire wetland (not just on the subject property) using the U.S. Fish & Wildlife Service classification system (*Classification of Wetlands and Deepwater Habitats in the U.S.*, Cowardin et al., 1979);
 - d. A description of nesting, denning, and breeding areas found in the wetland or its surrounding area;
 - e. A description of the surrounding area, including any drainage systems entering and leaving the wetland, and a list of observed or documented plant and wildlife species;
 - f. A description of historical, hydrologic, vegetative, topographic, and soil modifications, if any;
 - g. A proposed classification of the wetland as a Type 1, 2, or 3 wetland, including the rationale for the proposed classification; and
 - h. A completed Wetland Field Data Form, which is Plate 26 of Chapter 180 KZC.
4. Formal determination of whether a wetland exists on the subject property, as well as its boundaries, habitat classes, and rating, shall be made by the Planning Official after preparation and review of the report, if applicable, by the City's wetland consultant. A decision of the Planning Official may be appealed pursuant to KZC [90.160](#). The Planning Official's decision under this section shall be used for review of any development activity proposed on the subject property for which an application is received within two (2) years of the decision; provided, that the Planning Official may modify any decision whenever physical circumstances have markedly and demonstrably changed on the subject property or the surrounding area as a result of natural processes or human activity.

(Ord. 3834 § 1, 2002)

90.45 Wetland Buffers and Setbacks

1. No land surface modification or tree removal shall occur and no improvement may be located in a wetland or its buffer, except as provided in this section through KZC [90.70](#). See also KZC

95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Required, or standard, buffers for wetlands are as follows:

| Wetland Type | Primary Basin | Secondary Basin |
|---------------------|----------------------|------------------------|
| 1 | 100 feet | 75 feet |
| 2 | 75 feet | 50 feet |
| 3 | 50 feet | 25 feet |

2. Buffer Setback – Structures shall be set back at least 10 feet from the designated or modified wetland buffer. The Planning Official may allow within this setback minor improvements 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. The Planning Official's decision may be appealed in accordance with KZC [90.160](#).

3. Storm Water Outfalls – Surface discharge of storm water through wetland buffers and buffer setbacks is required unless a piped system is approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (2) of this section and within the buffers specified in subsection (1) of this section only when the Public Works and Planning Officials both determine, based on a report prepared by a qualified professional under contract to the City and paid for by the applicant, 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. Adversely affect water quality;
- b. Adversely affect fish, wildlife, or their habitat;
- c. Adversely affect drainage or storm water detention capabilities;
- d. Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
- e. Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The decision of the Public Works and Planning Officials may be appealed in accordance with KZC [90.160](#).

If a piped system is used, catch basins may be located within the buffer setback specified in subsection (2) of this section, but must be installed as far as feasible from the buffer boundary (see Plate 25 of Chapter 180 KZC). Under this subsection, pipe conveying storm water may be located within the buffer, but catch basins may not. Detention and water quality treatment

devices shall not be located within the wetland buffers or buffer setbacks of this section except as provided below.

4. Water Quality Facilities – Water quality facilities, as determined by the Planning Official, may be located within the wetland buffers of subsection (1) of this section. The Planning Official shall approve a proposal to install a water quality facility within the outer one-half (1/2) of a wetland buffer if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not adversely affect drainage or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
- 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;
- f. The existing buffer is already degraded as determined by a qualified professional;
- g. Its installation would be followed immediately by enhancement of an area equal in size and immediately adjacent to the affected portion of the buffer; and
- h. Once installed, it would not require any further disturbance or intrusion into the buffer.

The Planning Official shall approve a proposal by a public agency to install a water quality facility elsewhere in a wetland buffer if criteria i – l (below) are met in addition to a – h (above):

- i. The project includes enhancement of the entire buffer;
- j. The project would provide an exceptional ecological benefit off-site;
- k. The water quality facility, once installed, would not require any further disturbance or intrusion into the buffer; and
- l. There is no practicable or feasible alternative proposal that results in less impact to the buffer.

The Planning Official's decision may be appealed in accordance with KZC [90.160](#).

5. Minor Improvements – Minor improvements may be located within the sensitive area buffers specified in subsection (1) of this section. These minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer, except where approved stream crossings are made. The

Planning Official shall approve a proposal to construct a minor improvement within an environmentally sensitive area buffer if:

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

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

(Ord. 4320 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.50 Wetland Buffer Fence or Barrier

Prior to beginning development activities, the applicant shall install a 6-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, in a manner approved by the Planning Official. The construction-phase fence shall remain upright in the approved location for the duration of development activities.

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 3- to 4-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.

(Ord. 3834 § 1, 2002)

90.55 Wetland Modification

1. Modification of Type 1 Wetlands – No land surface modification shall occur and no improvement shall be located in a Type 1 wetland, except as provided in this subsection. Furthermore, all modifications of a Type 1 wetland shall be 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).

An applicant may request a modification of the requirements of this subsection. The City Council shall consider the modification request pursuant to Process IIB, described in Chapter 152 KZC. As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's wetland consultant. The report shall contain all information specified in KZC [90.40](#)(3) as well as an assessment of the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the wetland and its buffer. The report shall also assess the effects of the proposed modification on those functions. In addition to criteria of Process IIB, the City Council shall approve an improvement or land surface modification in a wetland only if:

- a. It will not adversely affect water quality;
 - b. It will not adversely affect fish, wildlife, or their habitat;
 - c. It will not have an adverse effect on drainage and/or storm water detention capabilities;
 - d. It will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;
 - e. It will not be materially detrimental to any other property or the City as a whole;
 - f. It will result in land surface modification of no more than five (5) percent of the wetland on the subject property;
 - g. Compensatory mitigation is provided in accordance with the table in subsection (4) of this section;
 - h. Fill material does not contain organic or inorganic material that would be detrimental to water quality or fish and wildlife habitat;
 - i. All exposed areas are stabilized with vegetation normally associated with native wetlands and/or buffers, as appropriate; and
 - j. There is no practicable or feasible alternative development proposal that results in less impact to the Type 1 wetland and its buffer.
2. Modification of Type 2 Wetlands – No land surface modification shall occur and no improvement shall be located in a Type 2 wetland, except as provided in this subsection.

An applicant may request a modification of the requirements of this subsection. The Hearing Examiner shall consider the modification request pursuant to Process IIA, described in Chapter

150 KZC. The requirements for requesting such a modification are identical to those listed above for a Type 1 wetland with the following exceptions:

- a. In primary basins, the modification shall not affect more than 10 percent of the wetland on the subject property; and
- b. In secondary basins, the modification shall not affect more than 25 percent of the wetland on the subject property.

3. Modification of Type 3 Wetlands – No land surface modification shall occur and no improvement may be located in a Type 3 wetland, except as provided in this subsection.

An applicant may request a modification of the requirements of this subsection. The Planning Official shall consider the modification request in conjunction with approval of the applicable development permit. The requirements for requesting such a modification are identical to those listed above for a Type 1 wetland with the following exceptions:

- a. In primary basins, the modification shall not affect more than 50 percent of the wetland on the subject property; and
- b. In secondary basins, the modification may affect all of the wetland on the subject property.

Decisions on requests to modify Type 3 wetlands may be appealed in accordance with KZC [90.160](#).

4. Compensatory Mitigation – All approved impacts to regulated wetlands require compensatory mitigation so that the goal of no net loss of wetland function, value, and acreage may be achieved. Mitigation shall be implemented through the creation of wetlands (from non-wetland areas) or through the restoration of wetlands (from uplands that were formerly wetlands). The following mitigation ratios (the ratio of the mitigated area to the impacted area) shall apply:

| Wetland Type | Primary Basin | Secondary Basin |
|---------------------|----------------------|------------------------|
| 1 | 3:1 | 3:1 |
| 2 | 2:1 | 1.5:1 |
| 3 | 1.5:1 | 1:1 |

Compensatory mitigation as wetland enhancement (that is, the improvement of existing wetlands) shall also be allowed. In primary basins, no more than one-third (1/3) of the mitigation may consist of enhancement; in secondary basins, no more than one-half (1/2) of the mitigation may consist of enhancement.

On-site mitigation is presumed to be preferable to off-site mitigation. The decision maker may

approve a plan to implement all or a portion of the required mitigation off-site, if the off-site mitigation is within the same drainage basin as the property that will be impacted by the project. The applicant shall demonstrate that the off-site mitigation will result in higher wetland functions, values, and/or acreage than on-site mitigation. Required compensatory mitigation ratios shall be the same for on-site or off-site mitigation, or a combination of both.

If the proposed on-site or off-site mitigation plan will result in the creation or expansion of a wetland or its buffer on any property other than the subject property, the plan shall not be approved until the applicant submits to the Planning Official a copy of a statement signed by the owners of all affected properties, in a form approved by the City Attorney and recorded in the King County Recorder's Office, consenting to the wetland and/or buffer creation or increase on such property.

Applicants proposing to alter wetlands or their buffers shall submit a mitigation plan prepared by a qualified professional. The mitigation plan shall consist of a description of the existing functions and values of the wetlands and buffers affected by the proposed project, the nature and extent of impacts to those areas, and the mitigation measures to offset those impacts. The mitigation plan shall also contain a drawing that illustrates the compensatory mitigation elements. The plan and/or drawing shall list plant materials and other habitat features to be installed.

To ensure success of the mitigation plan, the applicant shall submit a monitoring and maintenance program prepared by a qualified professional. At a minimum, the monitoring and maintenance plan shall include the following:

- a. The goals and objectives for the mitigation plan;
- b. Success criteria by which the mitigation will be assessed;
- c. Plans for a 5-year monitoring and maintenance program;
- d. A contingency plan in case of failure; and
- e. Proof of a written contract with a qualified professional who will perform the monitoring program.

The monitoring program shall consist of at least two (2) site visits per year by a qualified professional, with annual progress reports submitted to the Planning Official and all other agencies with jurisdiction.

The cost of producing and implementing the mitigation plan, the monitoring and maintenance program, reports, and drawing, as well as the review of each component by the City's wetland

consultant, shall be borne by the applicant.

(Ord. 4491 § 11, 2015; Ord. 3834 § 1, 2002)

90.60 Wetland Buffer Modification

1. Modification of Wetland Buffers when Wetland Is Also To Be Modified – Wetland buffer impact is assumed to occur when wetland fill or modification is proposed. Any proposal for wetland fill/modification shall include provisions for establishing a new wetland buffer zone to be located around the compensatory mitigation sites and to be equal in width to its standard buffer specified in KZC [90.45\(1\)](#) or a buffer reduced in accordance with this section by no more than one-third (1/3) of the standard buffer width in all cases (regardless of wetland type or basin type).

2. Modification of Wetland Buffers when Wetland Is Not To Be Modified – No land surface modification may occur and no improvement may be located in a wetland buffer, except as provided for in this subsection. Buffer widths may be decreased if an applicant receives a modification request approval.

a. Types of Buffer Modifications – Buffers may be reduced through one (1) of two (2) means, either (1) buffer averaging, or (2) buffer reduction with enhancement. A combination of these two (2) buffer reduction approaches shall not be used:

1) Buffer averaging requires that the area of the buffer resulting from the buffer averaging is equal in size and quality to the buffer area calculated by the standards specified in KZC [90.45\(1\)](#). Buffers may not be reduced at any point by more than one-third (1/3) of the standards specified in KZC [90.45\(1\)](#). Buffer averaging calculations shall only consider the subject property.

2) Buffers may be decreased through buffer enhancement. The applicant shall demonstrate that through enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features such as downed logs or snags, or other means), the reduced buffer will function at a higher level than the existing standard buffer. At a minimum, a buffer enhancement plan shall provide the following: (a) a map locating the specific area of enhancement; (b) a planting plan that uses native species, including groundcover, shrubs, and trees; and (c) a monitoring and maintenance program prepared by a qualified professional consistent with the standards specified in KZC [90.55\(4\)](#). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in KZC [90.45\(1\)](#).

b. Review Process and Decisional Criteria – Modification requests for averaging or reduction/enhancement of Types 1 and 2 wetland buffers shall be considered by the Hearing Examiner pursuant to Process IIA, described in Chapter 150 KZC. Modification requests for averaging or reduction/enhancement of Type 3 wetland buffers shall be considered by the

Planning Official.

An improvement or land surface modification shall be approved in a wetland buffer only if:

- 1) 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);
- 2) It will not adversely affect water quality;
- 3) It will not adversely affect fish, wildlife, or their habitat;
- 4) It will not have an adverse effect on drainage and/or storm water detention capabilities;
- 5) It will not lead to unstable earth conditions or create an erosion hazard;
- 6) It will not be materially detrimental to any other property or the City as a whole;
- 7) Fill material does not contain organic or inorganic material that would be detrimental to water quality or to fish, wildlife, or their habitat;
- 8) All exposed areas are stabilized with vegetation normally associated with native wetland buffers, as appropriate; and
- 9) There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's wetland consultant. The report shall assess the habitat, water quality, storm water detention, ground water recharge, shoreline protection, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the nine (9) criteria listed in this subsection (2)(b) of this section.

(Ord. 4072 § 1, 2007; Ord. 3834 § 1, 2002)

90.65 Wetland Restoration

Planning Official approval is required prior to wetland restoration. The Planning Official may permit or require the applicant or property owner to restore and maintain a wetland and/or its buffer by removing material detrimental to the area, such as debris, sediment, or vegetation. The Planning Official may also permit or require the applicant to restore a wetland or its buffer through the addition of native plants and other habitat features. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration

Plantings in Critical Areas and Critical Area Buffers. Restoration may be required whenever a condition detrimental to water quality or habitat exists. When wetland restoration is required by the City, the requirements of KZC [90.55](#)(4), Compensatory Mitigation, shall apply.

(Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.70 Wetland Access

The City may develop access through a wetland and its buffer in conjunction with a public park.

(Ord. 3834 § 1, 2002)

MINOR LAKES

90.75 Totem Lake and Forbes Lake

The majority, if not the entirety, of the perimeters of Totem Lake and Forbes Lake meet the definition of wetlands. All activities in the shallow (less than or equal to 6.6 feet) portions of these lakes as well as in their contiguous wetlands (located above the high waterline) are regulated pursuant to KZC [90.35](#) through [90.70](#). Activities in deep water portions (water depths greater than 6.6 feet) of these lakes, that is, waterward of the lakes' perimeter wetlands, shall be regulated as follows:

1. The Planning Official may permit or require the applicant or property owner to rehabilitate and maintain a lake by removing material detrimental to the lake, such as debris, sediment, or non-native vegetation. Rehabilitation may be required when a condition detrimental to water quality or habitat exists. Decisions made under this paragraph may be appealed in accordance with KZC [90.160](#).
2. Moorage structures are permitted in Totem Lake and Forbes Lake. The Planning Official shall consider requests to construct, replace, or repair structures concurrently with the Washington Department of Fish and Wildlife's review of a Hydraulic Project Approval (HPA), or upon notification by that agency that an HPA is not required.
3. The Planning Official shall review applications for moorage structures using Process I, described in Chapter 145 KZC. The Planning Director shall authorize a moorage structure to be constructed only if (a) it is accessory to a dwelling unit or public park on the subject property, and (b) no significant habitat area will be destroyed.
4. A moorage structure shall extend no farther than is necessary to function properly, but in no event may extend more than 125 feet waterward of the high waterline.
5. A moorage structure shall not be treated with creosote or oil base or toxic substances.
6. Docks and pier decks and the tops of other moorage structures shall not be more than two (2) feet above the high waterline.

7. Bulkheads are prohibited unless (a) necessary to prevent significant erosion and (b) the use of vegetation or other “bioengineering” materials and techniques would not sufficiently stabilize the shoreline.

(Ord. 3834 § 1, 2002)

STREAMs

90.80 Activities in or Near Streams

No land surface modification or tree removal may occur and no improvements may be located in a stream or its buffer except as provided in this chapter.

(Ord. 4320 § 1, 2011; Ord. 3834 § 1, 2002)

90.85 Stream Determinations

The Planning Official shall determine whether a stream or stream buffer is present on the subject property using the following provisions. During or immediately following a site inspection, the Planning Official shall make an initial assessment as to whether a stream exists on any portion of the subject property or surrounding area (which shall be the area within approximately 100 feet of the subject property).

If the initial site inspection indicates the presence of a stream, the Planning Official shall determine, based on the definitions contained in this chapter and after a review of all information available to the City, the classification of the stream.

If this initial site inspection does not indicate the presence of a stream on or near the subject property, no additional stream study will be required.

If an applicant disagrees with the Planning Official’s determination that a stream exists on or near the subject property or the Planning Official’s classification of a stream, the applicant shall submit a report prepared by a qualified professional approved by the Planning Official that independently evaluates the presence of a stream or the classification of the stream, based on the definitions contained in this chapter.

The Planning Official shall make final determinations regarding the existence of a stream and the proper classification of that stream. This determination may be appealed pursuant to the provisions of KZC [90.160](#). The Planning Official’s decision under this section shall be used for review of any development activity proposed on the subject property for which an application is received within two (2) years of the decision; provided, that the Planning Official may modify any decision whenever physical circumstances have markedly and demonstrably changed on the subject property or the surrounding area as a result of natural processes or human activity.

(Ord. 3834 § 1, 2002)

90.90 Stream Buffers and Setbacks

1. Stream Buffers – No land surface modification or tree removal shall occur and no improvement may be located in a stream or its buffer, except as provided in this section through KZC [90.120](#). See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Required, or standard, buffers for streams are as follows:

| Stream Class | Primary Basins | Secondary Basins |
|--------------|----------------|------------------|
| A | 75 feet | N/A |
| B | 60 feet | 50 feet |
| C | 35 feet | 25 feet |

Stream buffers shall be measured from each side of the top of the slope of the channel of the stream except that where streams enter or exit pipes, the buffer shall be measured in all directions from the pipe opening (see Plates 16 and 16A of Chapter 180 KZC). Essential improvements to accommodate required vehicular, pedestrian, or utility access to the subject property may be located within those portions of stream buffers which are measured toward culverts from culvert openings.

2. Buffer Setback – Structures shall be set back at least 10 feet from the designated or modified stream buffer. The Planning Official may allow within this setback minor improvements which would have no potential adverse effect during their construction, installation, use, or maintenance to fish, wildlife, or their habitat or to any vegetation in the buffer or adjacent stream. The Planning Official's decision may be appealed in accordance with KZC [90.160](#).

3. Storm Water Outfalls – Surface discharge of storm water through stream buffers and buffer setbacks is required unless a piped system is approved pursuant to this section. Storm water outfalls (piped systems) may be located within the buffer setback specified in subsection (2) of this section and within the buffers specified in subsection (1) of this section only when the Public Works and Planning Officials both determine, based on a report prepared by a qualified professional under contract to the City and paid for by the applicant, 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. Adversely affect water quality;
- b. Adversely affect fish, wildlife, or their habitat;
- c. Adversely affect drainage or storm water detention capabilities;

- d. Lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
- e. Be materially detrimental to any other property in the area of the subject property or to the City as a whole, including the loss of significant open space or scenic vistas.

The decision of the Planning and Public Works Officials may be appealed in accordance with KZC [90.160](#).

If a pipe system is used, catch basins may be located within the buffer setback of subsection (2) of this section, but must be installed as far as feasible from the buffer boundary (see Plate 25 of Chapter 180 KZC). Under this subsection, pipe conveying storm water may be located within the buffer, but catch basins may not. Detention and water quality treatment devices shall not be located within the stream buffers or buffer setbacks of this section except as provided below.

4. Water Quality Facilities – Water quality facilities, as determined by the Planning Official, may be located within the stream buffers of subsection (1) of this section. The Planning Official shall approve a proposal to install a water quality facility within the outer one-half (1/2) of a stream buffer if:

- a. It will not adversely affect water quality;
- b. It will not adversely affect fish, wildlife, or their habitat;
- c. It will not adversely affect drainage or storm water detention capabilities;
- d. It will not lead to unstable earth conditions or create erosion hazards or contribute to scouring actions;
- 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;
- f. The existing buffer is already degraded as determined by a qualified professional;
- g. Its installation of the water quality facility would be followed immediately by enhancement of an area equal in size and immediately adjacent to the affected portion of the buffer; and
- h. Once installed, it would not require any further disturbance or intrusion into the buffer.

The Planning Official shall approve a proposal by a public agency to install a water quality facility elsewhere in a stream buffer if Criteria i – l (below) are met in addition to a – h (above):

- i. The project includes enhancement of the entire buffer;
- j. The project would provide an exceptional ecological benefit off-site;

- k. The water quality facility, once installed, would not require any further disturbance or intrusion into the buffer; and
- l. There is no practicable or feasible alternative proposal that results in less impact to the buffer.

The Planning Official's decision may be appealed in accordance with KZC [90.160](#).

5. Minor Improvements – Minor improvements may be located within the sensitive area buffers specified in subsection (1) of this section. These minor improvements shall be located within the outer one-half (1/2) of the sensitive area buffer, except where approved stream crossings are made. The Planning Official shall approve a proposal to construct a minor improvement within a sensitive area buffer if:

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

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

(Ord. 4320 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

90.95 Stream Buffer Fence or Barrier

Prior to beginning development activities, the applicant shall install a 6-foot-high construction-phase chain link fence or equivalent fence, as approved by the Planning Official, along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard, in a manner approved by the Planning Official. The construction-phase fence shall remain upright in the approved location for the duration of development activities.

Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either (1) a permanent 3- to 4-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 stream or its buffer. (Ord. 3834 § 1, 2002)

90.100 Stream Buffer Modification

1. Types of Buffer Modification – Buffers may be reduced through one (1) of two (2) means, either (a) buffer averaging; or (b) buffer reduction with enhancement. A combination of these two (2) buffer reduction approaches shall not be used.
 - a. Buffer averaging requires that the area of the buffer resulting from the buffer averaging be equal in size and quality to the buffer area calculated by the standards specified in KZC [90.90](#)(1). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in KZC [90.90](#)(1). Buffer averaging calculations shall only consider the subject property.
 - b. Buffers may be decreased through buffer enhancement. The applicant shall demonstrate that through enhancing the buffer (by removing invasive plants, planting native vegetation, installing habitat features such as downed logs or snags, or other means) the reduced buffer will function at a higher level than the standard existing buffer. A buffer enhancement plan shall at a minimum provide the following: (1) a map locating the specific area of enhancement; (2) a planting plan that uses native species, including groundcover, shrubs, and trees; and (3) a monitoring and maintenance program prepared by a qualified professional consistent with the standards specified in KZC [90.55](#)(4). Buffers may not be reduced at any point by more than one-third (1/3) of the standards in KZC [90.90](#)(1).
2. Review Process and Decisional Criteria – Modification requests for averaging or reduction/enhancement of Class A stream buffers shall be considered by the Hearing Examiner pursuant to Process IIA, described in Chapter 150 KZC. Modification requests for averaging or reduction/enhancement of Class B stream buffers shall be considered by the Planning Official pursuant to Process I, described in Chapter 145 KZC. Modification requests for averaging or reduction/enhancement of Class C stream buffers shall be considered by the Planning Official.

An improvement or land surface modification shall be approved in a stream buffer only if:

- 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 an erosion hazard or contribute to scouring actions;
- f. It will not be materially detrimental to any other property or 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 stream buffers, as appropriate; and
- i. There is no practicable or feasible alternative development proposal that results in less impact to the buffer.

As part of the modification request, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's wetland consultant. The report shall assess the habitat, water quality, storm water detention, ground water recharge, and erosion protection functions of the buffer; assess the effects of the proposed modification on those functions; and address the nine (9) criteria listed in this subsection.

(Ord. 4072 § 1, 2007; Ord. 3834 § 1, 2002)

90.105 Stream Relocation or Modification

A proposal to relocate or modify a Class C stream shall be considered by the Planning Official. A proposal to relocate or modify a Class A or B stream shall be considered by the Planning Official pursuant to Process I. The Planning Official shall permit a stream to be relocated or modified only if water quality, conveyance, fish and wildlife habitat, wetland recharge (if hydrologically connected to a wetland), and storm water detention capabilities of the stream, will be significantly improved by the relocation or modification. Convenience to the applicant in order to facilitate general site design may not be considered.

A proposal to relocate or modify a Class A stream shall be approved only if the Washington Department of Fish and Wildlife issues a Hydraulic Project Approval for the project. Furthermore, all modifications shall be 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).

If the proposed stream activity will result in the creation or expansion of a stream or its buffer on any property other than the subject property, the Planning Official shall not approve the plan until the applicant submits to the Planning Official a copy of a statement signed by the owners of all affected properties, in a form approved by the City Attorney and recorded in the King County Recorder's

Office, consenting to the sensitive area and/or buffer creation or increase on such property.

Prior to the Planning Official's approval of a stream relocation or modification, the applicant shall submit a stream relocation/modification plan prepared by a qualified professional approved by the Planning Official. The cost of producing and implementing the stream relocation/modification plan, and the cost of review of that plan by the City's stream consultant shall be borne by the applicant. This plan shall contain or demonstrate the following:

1. A topographic survey showing existing and proposed topography and improvements;
2. The filling and revegetation of the existing stream channel;
3. A proposed phasing plan specifying time of year for all project phases;
4. The ability of the new stream channel to accommodate flow and velocity of 100-year storm events; and
5. The design and implementation features and techniques listed below, unless clearly and demonstrably inappropriate for the proposed relocation or modification:
 - a. The creation of natural meander patterns;
 - b. The formation of gentle and stable side slopes, no steeper than two (2) feet horizontal to one (1) foot vertical, and the installation of both temporary and permanent erosion-control features (the use of native vegetation on stream banks shall be emphasized);
 - c. The creation of a narrow sub-channel (thalweg) against the south or west stream bank;
 - d. The utilization of native materials;
 - e. The installation of vegetation normally associated with streams, emphasizing native plants with high food and cover value for fish and wildlife;
 - f. The creation of spawning areas, as appropriate;
 - g. The re-establishment of fish population, as appropriate;
 - h. The restoration of water flow characteristics compatible with fish habitat areas;
 - i. Demonstration that the flow and velocity of the stream after relocation or modification shall not be increased or decreased at the points where the stream enters and leaves the subject property, unless the change has been approved by the Planning Official to improve fish and wildlife habitat or to improve storm water management; and

j. A written description of how the proposed relocation or modification of the stream will significantly improve water quality, conveyance, fish and wildlife habitat, wetland recharge (if hydrologically connected to a wetland), and storm water detention capabilities of the stream.

Prior to diverting water into a new stream channel, a qualified professional approved by the Planning Official shall inspect the completed new channel and issue a written report to the Planning Official stating that the new stream channel complies with the requirements of this section. The cost for this inspection and report shall be borne by the applicant.

(Ord. 4491 § 11, 2015; Ord. 3834 § 1, 2002)

90.110 Bulkheads in Streams

Bulkheads are not permitted along a stream except as provided in this section. A proposal for a bulkhead shall be reviewed and decided upon by the Planning Official. Decisions made under this subsection may be appealed in accordance with KZC [90.160](#). The Planning Official shall allow a bulkhead to be constructed only if:

1. It is not located within a wetland or between a wetland and a stream;
2. It is needed to prevent significant erosion;
3. The use of vegetation and/or other biological materials would not sufficiently stabilize the stream bank to prevent significant erosion;
4. The applicant submits a plan prepared by a qualified professional approved by the Planning Official that shows a bulkhead and implementation techniques that meet the following criteria:
 - a. There will be no adverse impact to water quality;
 - b. There will be no adverse impact to fish, wildlife, and their habitat;
 - c. There will be no increase in the velocity of stream flow, unless approved by the Planning Official to improve fish habitat;
 - d. There will be no decrease in flood storage volumes;
 - e. Neither the installation, existence, nor operation of the bulkhead will lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
 - f. Neither the installation, existence, nor operation of the bulkhead will be detrimental to any other property or the City as a whole.

The bulkhead shall be designed and constructed to minimize the transmittal of water current and

energy to other properties. Changes in the horizontal or vertical configuration of the land shall be kept to a minimum. Fill material used in construction of a bulkhead shall be non-dissolving and non-decomposing. The applicant shall also stabilize all exposed soils by planting native riparian vegetation with high food and cover value for fish and wildlife.

(Ord. 3834 § 1, 2002)

90.115 Culverts in Streams

Culverts are not permitted in streams except as specified in this section. The Planning Official shall review and decide upon an application to place a stream in a culvert under an access drive, driveway, or street. Decisions made under this subsection may be appealed in accordance with KZC [90.160](#). The Planning Director will review and decide upon proposals to place streams in culverts, other than as specified above, using Process I, described in Chapter 145 KZC. A stream shall be allowed to be put in a culvert only if:

1. Placing the stream in a culvert is necessary to provide required vehicular, pedestrian, or utility access to the subject property. Convenience to the applicant in order to facilitate general site design shall not be considered; and
2. The applicant submits a plan prepared by a qualified professional approved by the Planning Official that shows the culvert and implementation techniques that meet the following criteria:
 - a. There will be no adverse impact to water quality;
 - b. There will be no adverse impact to fish, wildlife, and their habitat;
 - c. There will be no increase in the velocity of stream flow, unless approved by the Planning Official to improve fish habitat;
 - d. There will be no decrease in flood storage volumes;
 - e. Neither the installation, existence, nor operation of the culvert will lead to unstable earth conditions or create erosion hazards or contribute to scouring actions; and
 - f. Neither the installation, existence, nor operation of the culvert will be detrimental to any other property or to the City as a whole.

The culvert shall be designed and constructed to allow passage of fish inhabiting the stream or which may inhabit the stream in the future. The culvert shall be large enough to accommodate a 100-year storm event. The applicant shall at all times keep the culvert free of debris and sediment so as to allow free passage of water and fish. The Planning Official shall require a security or perpetual culvert maintenance agreement under KZC [90.145](#) for continued maintenance of the culvert.

If a proposal for a culvert is denied, a bridge may be approved if the bridge complies with the above criteria.

If a proposed project requires approval through Process IIB, the City Council may require that any stream in a culvert on the subject property be opened, relocated, and restored, consistent with the provisions of this subsection.

(Ord. 3834 § 1, 2002)

90.120 Stream Rehabilitation

Planning Official approval is required prior to stream rehabilitation. The Planning Official may permit or require the applicant or property owner to restore and maintain a stream and/or its buffer by removing material detrimental to the stream and its surrounding area such as debris, sediment, or vegetation. The Planning Official may also permit or require the applicant to restore a stream or its buffer through the addition of native plants and other habitat features. See also KZC 95.23(5)(d)(2), Trees in Critical Areas or Critical Area Buffers; and KZC 95.50(11), Installation Standards for Required Plantings – Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Restoration may be required at any time that a condition detrimental to water quality or habitat exists. When stream rehabilitation is required by the City, the mitigation plan and monitoring requirements of KZC [90.55\(4\)](#), shall apply.

(Ord. 4238 § 2, 2010; Ord. 4010 § 3, 2005; Ord. 3834 § 1, 2002)

GENERAL

90.125 Frequently Flooded Areas

No land surface modification may take place and no improvements may be located in a frequently flooded area except as specifically provided for in Chapter 21.56 KMC.

(Ord. 3834 § 1, 2002)

90.130 Site Requirements and Sensitive Areas Protection Techniques

In addition to any other requirements of this chapter, the applicant shall locate all improvements on the subject property to minimize adverse impacts to sensitive areas. In order to minimize adverse impacts to sensitive areas or to other areas not subject to development activity, the decision maker may require construction techniques, conditions, and restrictions, including:

1. The decision maker may limit development activity in or near sensitive areas to specific months and to a maximum number of continuous days or hours in order to minimize adverse impacts.
2. The decision maker may require that equipment be operated from only one (1) side of a stream in order to minimize bank disruption.

3. The applicant shall install a berm, curb, or other physical barrier during construction and following completion of the project when necessary to prevent direct runoff and erosion from any modified land surface into any sensitive area.

(Ord. 3834 § 1, 2002)

90.135 Maximum Development Potential

1. Dwelling Units – The maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit or the maximum units per acre as specified by Chapters 15 through 56 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit, the maximum units per acre or as specified by Chapters 15 through 56 KZC, multiplied by the development factor derived from subsection (2) of this section:

MAXIMUM DWELLING UNIT POTENTIAL = (BUILDABLE AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT OR MAXIMUM UNITS PER ACRE) + [(BUFFER AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT OR MAXIMUM UNITS PER ACRE) X (DEVELOPMENT FACTOR)]

For purposes of this subsection only, “buildable area” means the total area of the subject property minus sensitive areas and their buffers.

For developments providing affordable housing units pursuant to Chapter 112 KZC, or cottage, carriage or two/three-unit homes pursuant to Chapter 113 KZC, the density bonus and resulting maximum density shall be calculated using the maximum dwelling unit potential of this section as the base to which the bonus units will be added.

For multifamily development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50. For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction. This provision shall not be construed to preclude application of Chapter 22.28 KMC.

Lot size and/or density may be limited by or through other provisions of this code or other applicable law, and the application of the provisions of this chapter may result in the necessity for larger lot sizes or lower density due to inadequate buildable area.

2. Development Factor – The development factor, consisting of a “percent credit,” to be used in computing the maximum potential number of dwelling units for a site which contains a sensitive area

buffer is derived from the following table:

| Percentage of Site in Sensitive Area Buffer | | | Counted at |
|--|----|------|------------|
| < 1 | to | 10% | 100% |
| > 10 | to | 20% | 90% |
| > 20 | to | 30% | 80% |
| > 30 | to | 40% | 70% |
| > 40 | to | 50% | 60% |
| > 50 | to | 60% | 50% |
| > 60 | to | 70% | 40% |
| > 70 | to | 80% | 30% |
| > 80 | to | 90% | 20% |
| > 90 | to | 100% | 10% |

(Ord. 4476 § 3, 2015; Ord. 4252 § 1, 2010; Ord. 4196 § 1, 2009; Ord. 4120 § 1, 2007; Ord. 3938 § 1, 2004; Ord. 3834 § 1, 2002)

90.140 Reasonable Use Exception

1. Purpose of the Reasonable Use Exception – The purpose of the reasonable use exception is to:
 - a. Provide the City with a mechanism to approve limited use and disturbance of a sensitive area and sensitive area buffer when strict application of this chapter would deny all economically viable use of the property;
 - b. Establish guidelines and standards for the exercise of this authority adjusted to the specific conditions of each site; and
 - c. Protect public health, welfare and safety of the citizens of Kirkland.
2. “Reasonable Use” – is a legal concept that has been articulated by federal and state courts in regulatory takings cases. In a takings case, the decision-maker must balance the public benefit against the owner’s interests by considering the nature of the harm the regulation is intended to prevent, the availability and effectiveness of alternative measures, and the economic loss borne by the owner. Public benefit factors include the seriousness of the harm to be prevented, the extent to which the land involved contributes to the harm, the degree to which the regulation solves the problem, and the feasibility of less oppressive solutions.
3. Reasonable Use Process – If the strict application of this chapter would preclude all reasonable

use of a site, an owner of real property may apply for a reasonable use exception to this chapter. The application shall be considered under Process IIA of Chapter 150 KZC; provided, that for a single-family development proposal which does not exceed a total of 3,000 square feet of site disturbance, and does not encroach into the sensitive area, but only the associated buffer, the application shall be considered pursuant to subsection (7) of this section, Reasonable Use Process: Administrative Alternative.

4. Submittal Requirements – As part of the reasonable use request, in addition to submitting an application, the applicant shall submit a report prepared by a qualified professional and fund a review of this report by the City's qualified professional. The report shall include the following:

- a. A determination and delineation of the sensitive area and sensitive area buffer containing all the information specified in KZC [90.40](#)(3) for a wetland or based on the definitions contained in this chapter for a stream;
- b. An analysis of whether any other reasonable use with less impact on the sensitive area and sensitive area buffer is possible;
- c. Sensitive site design and construction staging of the proposal so that the development will have the least practicable impact on the sensitive area and sensitive area buffer;
- d. A description of the area of the site which is within the sensitive area or within the setbacks or buffers required by this chapter;
- e. A description of protective measures that will be undertaken such as siltation curtains, hay bales and other siltation prevention measures, and scheduling the construction activity to avoid interference with wildlife and fisheries rearing, nesting or spawning activities;
- f. An analysis of the impact that the amount of development proposed would have on the sensitive area and the sensitive area buffer;
- g. How the proposal minimizes to the greatest extent possible net loss of sensitive area functions;
- h. Whether the improvement is located away from the sensitive area and the sensitive area buffer to the greatest extent possible; and
- i. Such other information or studies as the Planning Official may reasonably require.

5. Decisional Criteria – The City shall grant applications for reasonable use exceptions only if all of the following criteria are met:

- a. That no permitted type of land use for the property with less impact on the sensitive area

and associated buffer is feasible and reasonable, which in a residential zone shall be one (1) single-family dwelling and in a commercial or industrial zone shall be an office use;

b. That there is no feasible on-site alternative to the proposed activities, including reduction in size, density or intensity, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the sensitive area and buffer;

c. Unless the applicant can demonstrate unique circumstances related to the subject property, the amount of site area that will be disturbed by structure placement or other land alteration, including but not limited to grading, utility installation, decks, driveways, paving, and landscaping, shall not exceed the following limits:

i. If the subject property contains 6,000 square feet of area or less, no more than 50 percent of the site may be disturbed.

ii. If the subject property contains more than 6,000 square feet but less than 30,000 square feet, no more than 3,000 square feet may be disturbed.

iii. For properties containing 30,000 square feet or more, the maximum allowable site disturbance shall be between 3,000 square feet and 10 percent of the lot area, to be determined by the City on a case-by-case basis.

iv. The amount of allowable disturbance shall be that which will have the least practicable impact on the sensitive area and the sensitive area buffer given the characteristics and context of the subject property, sensitive area, and buffer.

The applicant shall pay for a qualified professional to help with the City's determination of the appropriate limit for disturbance;

d. The proposal is compatible in design, scale and use with other legally established development in the immediate vicinity of the subject property in the same zone and with similar site constraints;

e. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of sensitive area functions and values;

f. The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the property;

g. The proposal meets the mitigation, maintenance, and monitoring requirements of this chapter;

- h. The inability to derive reasonable use is not the result of actions by the applicant after the effective date of the ordinance codified in this chapter or its predecessor; and
 - i. The granting of the exception will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.
- 6. Modifications and Conditions – The City may approve reduction in required yards or buffer setbacks and may allow the maximum height of structures to be increased up to five (5) feet to reduce the impact on the sensitive area and sensitive area buffer. The City shall include in the written decision any conditions and restrictions that the City determines are necessary to eliminate or minimize any undesirable effects of approving the exception.
- 7. Reasonable Use Process: Administrative Alternative – If, in order to provide reasonable use of a site, the standards of this chapter need to be modified and the proposed improvement does not exceed a total of 3,000 square feet of site impact, including but not limited to structures, paved areas, landscaping, decks, driveways, utility installation, and grading, the Planning Director is authorized to approve a reasonable use exception subject to subsections (4) and (5) of this section and considered under Process I of Chapter 145 KZC. Administrative approval shall also be subject to the following limitations:
 - a. The required front yard may be reduced by up to 50 percent where the applicant demonstrates that the development cannot meet the City's code requirements without encroaching into the sensitive area buffer.
 - b. The encroachment of the proposed development shall only be into the sensitive area buffer, not the sensitive area.
- 8. Lapse of Approval
 - a. The reasonable use exception approval expires and is void if the applicant fails to file a complete building permit application within one (1) year of the final decision granting or approving the exception, unless the applicant has received an extension for the exception from the decision-maker 30 days prior to expiration. "Final decision" means the final decision of the Planning Director or City Council.
 - b. The applicant may apply for a one-time extension of up to one (1) year. The application must be submitted by letter to the Planning Official and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the approval and that circumstances beyond his/her control prevent compliance with the time limit under this section.

- c. The lapse of approval period provided in this section is shorter than the lapse of approval period in KZC 150.135 generally applicable to Process IIA approvals and this shorter period shall control for reasonable use exception approvals.

(Ord. 4072 § 1, 2007)

90.145 Bond or Performance Security

The Planning Official shall require a performance or maintenance bond, a performance or maintenance security, a perpetual culvert maintenance agreement, and/or a perpetual landscape maintenance agreement, as determined to be appropriate by the Planning Official, to ensure compliance with any aspect of this chapter or any decision or determination made pursuant to this chapter.

1. **Performance or Maintenance Bond or Security Requirement** – The performance or maintenance security required by the Planning Official shall be provided in such forms and amounts as the Planning Official deems necessary to assure that all work or actions are satisfactorily completed or maintained in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, and to assure that all work or actions not satisfactorily completed or maintained will be corrected to comply with approved plans, specifications, requirements, and regulations to restore environmental damage or degradation, protect fish and wildlife habitat and protect the health, safety, and general welfare of the public.
2. **Form of Performance Security** – The performance security shall be a surety bond obtained from companies registered as surety in the state or certified as acceptable sureties on federal bonds. In lieu of a surety bond, the Planning Official may allow alternative performance security in the form of an assignment of funds or account, an escrow agreement, an irrevocable letter of credit, or other financial security device in an amount equal to that required for a surety bond. The surety bond or other performance security shall be conditioned on the work being completed or maintained in accordance with requirements, approvals, or permits; on the site being left or maintained in a safe condition; and on the site and adjacent or surrounding areas being restored in the event of damages or other environmental degradation from development or maintenance activities conducted pursuant to the permit or approval.
3. **Amount of Performance Security** – The amount of the performance or maintenance security shall be 125 percent of the estimated cost, as approved by the Planning Official, of conformance to plans, specifications, and permit or approval requirements under this chapter, including corrective work and compensation, enhancement, mitigation, maintenance, and restoration of sensitive areas. In addition, an administrative deposit shall be paid as required in KZC 175.25. All bond or performance security shall be submitted in their original form with original signatures of authorization.
4. **Administration of Performance Security** – If during the term of the performance or maintenance

security, the Planning Official determines that conditions exist which do not conform with plans, specifications, approval or permit requirements, the Planning Official may issue a stop work order prohibiting any additional work or maintenance until the condition is corrected. The Planning Official may revoke the performance or maintenance security, or a portion thereof, in order to correct conditions that are not in conformance with plans, specifications, approval or permit requirements. The performance or maintenance security may be released upon written notification by the Planning Official, following final site inspection or completion, as appropriate, or when the Planning Official is satisfied that the work or activity complies with permits or approved requirements.

5. Exemptions for Public Agencies – State agencies and local government bodies, including school districts, shall not be required to secure the performance or maintenance of permit or approval conditions with a surety bond or other financial security device. These public agencies are required to comply with all requirements, terms, and conditions of the permit or approval, and the Planning Official may enforce compliance by withholding certificates of occupancy or occupancy approval, by administrative enforcement action, or by any other legal means.

(Ord. 3834 § 1, 2002)

90.150 Dedication

Consistent with law, the applicant shall dedicate development rights, air space, or grant a greenbelt protection or open space easement to the City to protect sensitive areas and their buffers. Land survey information shall be provided by the applicant for this purpose in a format approved by the Planning Official.

(Ord. 3834 § 1, 2002)

90.155 Liability

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. The applicant shall record this agreement with the King County Recorder's Office.

(Ord. 4491 § 11, 2015; Ord. 3834 § 1, 2002)

90.160 Appeals

All classifications, decisions, and determinations made pursuant to this chapter may be appealed using, except as stated below, the applicable appeal provisions of Chapter 145 KZC. If a proposed development activity requires approval through Process IIA or IIB (as described in Chapters 150 and 152 KZC, respectively), any appeal of a classification, determination, or decision will be heard as part

of that other process.

(Ord. 3834 § 1, 2002)

90.165 Setbacks and Buffers Required by Prior Approvals

If, subsequent to October 2, 1982, the City approved a variance, planned unit development, rezone, or zoning permit through Processes I, II, IIA, or IIB, as described in Chapters 120, 125, 130, 145, 150, and 152 KZC, respectively, and/or a subdivision or short subdivision for the subject property with established setbacks or buffers on the subject property from a stream or wetland, those setbacks or buffers shall apply to the original construction on the subject property. All of the provisions of this chapter which do not directly conflict with the previously imposed setback or buffer requirements shall fully apply to the subject property.

(Ord. 3834 § 1, 2002)

90.170 Planning/Public Works Official Decisions – Lapse of Approval

Planning or Public Works Official decisions authorized by this chapter shall be subject to the lapse of approval provisions of KZC 145.115.

(Ord. 4072 § 1, 2007)

Chapter 85 – CRITICAL AREAS: GEOLOGICALLY HAZARDOUS AREAS

Sections:

- 85.05 User Guide
- 85.10 Applicability
- 85.12 Critical Area Maps
- 85.13 Definitions
- 85.14 Erosion Hazard Areas
- 85.15 Required Information – Landslide Hazard Areas and Seismic Hazard Areas
- 85.20 Required Review – Landslide Hazard Areas and Seismic Hazard Areas
- 85.25 Performance Standards – Landslide Hazard Areas and Seismic Hazard Areas
- 85.30 Appeals
- 85.35 Bonds
- 85.40 Dedication
- 85.45 Liability
- 85.50 Request for Determination

85.05 User Guide

1. This chapter establishes special regulations that apply to development on property containing geologically hazardous areas. These regulations add to and, in some cases, supersede other regulations of this code. See Chapter 95 KZC for additional regulations that address trees and other vegetation within and outside of geologically hazardous areas.
2. If you are interested in developing property that contains a geologically hazardous area, or if you wish to participate in the City's decision on a proposed development on any of these areas, you should read this chapter.
3. For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

(Ord. 4252 § 1, 2010; Ord. 4010 § 3, 2005)

85.10 Applicability

1. General – This chapter applies to any property that contains any of the following:
 - a. An erosion hazard area.
 - b. A landslide hazard area.
 - c. A seismic hazard area.
2. Conflict with Other Provisions of this Code – The provisions of this chapter supersede any conflicting provisions of this code. The other provisions of this code that do not conflict with the provisions of this chapter apply to property that contains a geologically hazardous area. If more than one (1) provision of this chapter applies to the subject property because of the presence on the subject property of more than one (1) type of geologically hazardous area, then the regulations that provide the greatest protection from the hazardous area shall apply to the area governed by multiple regulations.
3. SEPA Compliance – Nothing in this chapter or the decisions made pursuant to this chapter in any way affect the authority of the City to review, condition, and deny projects under SEPA.

85.12 Critical Area Maps

As part of the City's Comprehensive Plan, City Council from time to time amends the critical area maps. Included in the critical area maps is a map entitled "Geologically Hazardous Areas." The

maps are used as a guide only to determine the presence of seismic hazards, erosion hazards, and landslide hazards, and the determination regarding whether these hazards exist on or near the subject property will be based on the actual characteristics of these areas and the definitions of this code.

(Ord. 4551 § 4, 2017)

85.13 Definitions

The following definitions apply throughout this code, unless, from the context, another meaning is clearly intended:

1. Erosion Hazard Areas – Those areas containing soils which, according to the USDA Soil Conservation Service King County Soil Survey dated 1973, may experience severe to very severe erosion hazard. This group of soils includes, but is not limited to, the following when they occur on slopes of 15 percent or greater: Alderwood gravelly sand loam (AgD), Kitsap silt loam (KpD), Ragnar Indianola Association (RdE) and portions of the Everett gravelly sand loams (EvD) and Indianola Loamy fine sands (InD).
2. Geologically Hazardous Areas – Landslide hazard areas, erosion hazard areas and seismic hazard areas.
3. Landslide Hazard Areas – Both of the following:
 - a. High Landslide Hazard Areas – Areas sloping 40 percent or greater, areas subject to previous landslide activities and areas sloping between 15 percent and 40 percent with zones of emergent groundwater or underlain by or embedded with impermeable silts or clays.
 - b. Moderate Landslide Hazard Areas – Areas sloping between 15 percent and 40 percent and underlain by relatively permeable soils consisting largely of sand and gravel or highly competent glacial till.
4. Seismic Hazard Areas – Those areas subject to severe risk of earthquake damage as a result of seismically induced settlement or soil liquefaction, which conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table.

(Ord. 4551 § 4, 2017)

85.14 Erosion Hazard Areas

Regulations to control erosion are contained within KMC Title 15 and in other codes and ordinances of the City. Development activity within erosion hazard areas is regulated using these other provisions of this code and other City codes and ordinances and may be subject to increased scrutiny and conditioning because of the presence of an erosion hazard area.

85.15 Required Information – Landslide Hazard Areas and Seismic Hazard Areas

The City may require the applicant to submit some or all of the following information, consistent with the nature and extent of the proposed development activity, for any proposed development activity in a landslide hazard area or seismic hazard area or on property which may contain one (1) of these areas based on the geologically hazardous areas maps or preliminary field investigation by the Planning Official:

1. A topographic survey of the subject property, or the portion of the subject property specified by the Planning Official, with contour intervals specified by the Planning Official. This mapping shall contain the following information:
 - a. Delineation of areas containing slopes 15 percent or greater.

- b. The proximity of the subject property to wetlands, streams and lakes.
 - c. The location of structured storm drainage systems on the subject property.
 - d. Existing vegetation, including size and type of significant trees.
2. A geotechnical investigation, prepared by a qualified geotechnical engineer or engineering geologist, to determine if a landslide hazard area or seismic hazard area exists on the subject property.
3. A geotechnical report, prepared by a qualified geotechnical engineer or engineering geologist, showing and including the following information:
 - a. A description of how the proposed development will or will not affect slope stability, surface and subsurface drainage, erosion, and seismic hazards on the subject and adjacent properties.
 - b. Evidence, if any, of holocene or recent landsliding, sloughing, or soil creep.
 - c. The location of springs, seeps, or any other surface expression of groundwater, and the location of surface water or evidence of seasonal runoff or groundwater.
 - d. Identification of existing fill areas.
 - e. Soil description in accordance with the United Soil Classification Systems.
 - f. Depth to groundwater and estimates of potential seasonal fluctuations.
4. Geotechnical recommendations, prepared by a qualified geotechnical engineer, for special engineering or other mitigation techniques appropriate to the hazard area along with an analysis of how these techniques will affect the subject and adjacent properties, including discussions and recommendations on the following:
 - a. The present stability of the subject property, the stability of the subject property during construction, the stability of the subject property after all development activities are completed and a discussion of the relative risks and slide potential relating to adjacent properties during each stage of development.
 - b. Location of buildings, roadways, and other improvements.
 - c. Grading and earthwork, including compaction and fill material requirements, use of site solids as fill or backfill, imported fill or backfill requirements, height and inclination of both cut and fill slopes and erosion control and wet weather construction considerations and/or limitations.
 - d. Foundation and retaining wall design criteria, including bearing layer(s), allowable capacities, minimum width, minimum depth, estimated settlements (total and differential), lateral loads, and other pertinent recommendations.
 - e. Surface and subsurface drainage requirements and drainage material requirements.
 - f. Assessment of seismic ground motion amplification and liquefaction potential.
 - g. Other measures recommended to reduce the risk of slope instability.

- h. Any additional information believed to be relevant by the geotechnical engineer preparing the recommendations or requested by the Planning Official.

(Ord. 4551 § 4, 2017)

85.20 Required Review – Landslide Hazard Areas and Seismic Hazard Areas

1. General – Except as specified in subsection (2) of this section, the City will administratively review and decide upon any proposed development activity within a landslide hazard area or seismic hazard area.
2. Other Approval Required – If the proposed development on the subject property requires approval through Process I, IIA, or IIB, described in Chapters 145, 150, and 152 KZC, respectively, the proposed development activity within the landslide hazard area or seismic hazard area will be reviewed and decided upon as part of that other process.

85.25 Performance Standards – Landslide Hazard Areas and Seismic Hazard Areas
(See also Chapter 95 KZC)

As part of any approval of development in a landslide hazard area or seismic hazard area, the City may require the following to protect property and persons:

1. Implementation of the geotechnical recommendations to mitigate identified impacts, along with a written acknowledgment on the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.
2. Funding of a qualified geotechnical engineer or engineering geologist, selected and retained by the City subject to a 3-party contract, to review the geotechnical report and recommendations.
3. That a qualified geotechnical professional be present on-site during land surface modification and foundation installation activities, and submittal by a geotechnical engineer of a final report prior to occupancy, certifying substantial compliance with the geotechnical recommendations and geotechnical-related permit requirements.
4. The retention of any and all trees, shrubs, and groundcover, and implementation of a revegetation plan including immediate planting of additional vegetation.
5. Specifically engineered foundation and retaining wall designs.
6. The review of all access and circulation plans by the Department of Public Works.
7. Limitation or restriction of any development activity that may:
 - a. Significantly impact slope stability or drainage patterns on the subject property or adjacent properties;
 - b. Cause serious erosion hazards, sedimentation problems or landslide hazards on the subject property or adjacent properties; or
 - c. Cause property damage or injury to persons on or off the subject property.
8. Dedication of one (1) or more natural greenbelt protective easements or tracts.

(Ord. 4010 § 3, 2005)

85.30 Appeals

All classifications, decisions, and determinations made under this chapter are appealable using, except as stated below, the applicable appeal provisions of Chapter 145 KZC:

1. The appeal may be filed by the applicant or any other aggrieved person within 15 days of the date of the City's written classification, determination, or decision.

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2. If a proposed development activity on the subject property required approval through Process IIA or IIB, described in Chapters 150 and 152 KZC, respectively, any appeal of a classification, determination, or decision under this chapter will be heard as part of that other process.

85.35 Bonds

The City may require a bond under Chapter 175 KZC and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of this chapter or any decision or determination made under this chapter.

85.40 Dedication

The City may require that the applicant dedicate development rights, air space, or an open space easement to the City to ensure the protection of any landslide hazard area or seismic hazard area on the subject property.

85.45 Liability

Prior to issuance of any development permit, the applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

(Ord. 4491 § 11, 2015)

85.50 Request for Determination

1. General – The determination of whether a geologically hazardous area exists on the subject property and the boundaries of that geologically hazardous area will normally be made when the applicant applies for a development permit for the subject property. However, a property owner may, pursuant to the provisions of this section, request a determination from the City regarding whether a geologically hazardous area exists on the subject property and the boundaries of the geologically hazardous area.
2. Application Information – The applicant shall submit a letter of request along with a vicinity map and site plan indicating the location of the potential geologically hazardous area and other information, as appropriate.
3. Review – A request for determination of whether a geologically hazardous area exists on the subject property, the location of the geologically hazardous area, and the type of geologically hazardous area will be made using the definitions, procedures, and criteria of this chapter, as appropriate.
4. Decision – Determinations regarding geologically hazardous areas pursuant to this section will be made by the Planning Official.
5. Appeals – Appeals from decisions made under this section will be reviewed and decided upon pursuant to KZC 85.30.
6. Effect – Any decision made under this section will be used by the City in any development activity proposed on the subject property for which an application is received within two (2) years of the final decision of the City under this section; provided, that the City may modify any decision made under this section any time physical circumstances have markedly and demonstrably changed on the subject property or the surrounding areas as a result of natural processes or human activity.

From: Stan Adams <afip4n6doc@yahoo.com>
Sent: Monday, January 08, 2018 2:11 PM
To: Susan Lauinger
Cc: Junghee Park-Adams; Giuseppi & Jessica Strazzula; Jorge Rodriguez & Noelia Marin; Yuval Hamudot; Dikla Kafka-Hamudot; Rahim and Saher Hirji; Ben Ferris; Chris Hundley&Jodi Affleck; Andrei Boboc; Cecilia; Marin Noelia; Saher Hirji; d_anguelov@yahoo.com; denislevin@gmail.com; Ellen Illg; gkundacina@hotmail.com; Jesaimee; Karl B. Leuthold; ewald@medstreaming.com; Karl B. Leuthold; Kaven; Kelly L. Davies; Michael Lu; Michelle Ferris; Naum; panlu@msn.com; Raisa R. Volodarsky; S. Dharamsi; Sheemain Asaria; Vadim10308; Villy Petrova; Christopher Hundley; Bob Howser; Chris Hart; Christopher Hundley; Diane Eichenlaub; dsmoab@icloud.com; eijikawahara@hotmail.com; Giusi; Jodi de Vries; Julius Lai; Karrie Guse; Kelly Parsons Lai; Kieko Kawahara; Mike Zeno; mhhlines@gmail.com; Nancy; Peggy Prichard; Philip Weitnauer; Ryan Cardiff; Stanley Adams
Subject: Permit Number SUB16-02267

Dear Ms. Lauinger,

As a long-term resident of the involved area, I am concerned regarding the proposal of Orcas Moon Cottages (a.k.a. The Blueline Group) to create a 16 house development into the Forbes Creek watershed basin. Examination of the proposal shows that such development will have numerous impacts on the greenbelt.

From my examination of the application notice, it appears that this aforementioned development company would like to build a new high-density development into the area immediately to the west of the Crestwood neighborhood (that is, immediately adjacent to the sole neighborhood along the southern edge of Forbes Creek Drive).

The proposal is for a high-density development into that area, apparently with a entrance and exit onto Forbes Creek Drive and with another entrance/exit to the neighborhood located on the southern end (near Kirkland Middle School). Having a through-connection to Forbes Creek Drive will create a de facto new avenue of traffic (with likely disruptive impacts) that will split Forbes Creek Drive down the middle.

This proposal is in addition to the on-going new development located immediately to the west of the proposed area, which involves new construction for a single residence.

Some of the areas where severe impacts will likely occur include loss of wildlife habitat (the proposed area is a perennial nesting area of red-tailed hawks, and other animals including deer, coyotes and owl species frequent this undisturbed greenbelt). The proposed development also impacts at least one tributary stream to Forbes Creek.

Discussions with my neighbors regarding the previously proposed development near the Kirkland Crestwood Park stairs revealed many concerns regarding the drainage and stability of the clay slopes. After comprehensive review and consideration of the stability issues, water runoff, steep slope, wildlife habitat and severe saturation that were found in the land by the Crestwood Park stairs, that project was withdrawn.

Finally, I am very concerned by two issues as to how notifications were made on this proposed project.

First, not all of the affected household and neighborhoods have been properly notified. I have personally verified that even within the closest neighborhood (my own), not all of the households even received notifications.

Second (and although this may not have been intentional), notice was given immediately before the Christmas holiday, when many of the potentially- affected households were not home and away on vacations. Further, more a final deadline for acceptance of written comments was given as today (1/8/18), essentially the first work week of the calendar year. This deadline is much too short. I strongly recommend extending the deadline, so that allowance of a proper review can be given to written comments.

Thank you for your attention and consideration of this matter.

Stanley D. Adams, M.D.

"Life can only be understood backwards; but it must be lived forwards."

-Soren Kierkegaard

January 2, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for seventeen years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully

which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
2. **Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.**

3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

- a. The common area must be a minimum of 400 sq ft/unit (113.25)
- b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
- c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
- d. The prominent parking lots that define the space (135.35)(c)
- e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.

6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?
7. The city's proposal is to widen 20th Avenue to 24 ft.in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?
8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.
9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.
10. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave.
11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,



Nancy Adler
1924 4th Street
Kirkland, WA 98033

From: Bruce Aker <bruce.aker@frontier.com>
Sent: Sunday, January 07, 2018 10:36 PM
To: Susan Lauinger
Subject: Notice of Application, Case Number SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

Kirkland Planning Department
Attn: Susan Lauinger
123 Fifth Avenue
Kirkland, WA 98033

Cc:
Public Works
Attn: John Burkhalter
123 Fifth Avenue
Kirkland, WA 98033

To Whom It May Concern:

Per the Notice of Application, Case Number SUB16-02267:

I am very much against the developer's plans to build several small houses down the street from us. We don't need more traffic to endanger our kids, grandkids, and us (as we grow older)! Our neighborhood is a typical beautiful Kirkland neighborhood and this development would degrade the quality of it for the next generation! Thank you for your consideration.

Bruce Aker
1911 4th Street

From: Catherine Boeger <catherineboeger@live.com>
Sent: Sunday, January 07, 2018 9:31 AM
To: Susan Lauinger
Subject: Notice of Application, Case Number SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

I wanted to share my concerns per the Notice of Application, around the developers plans for a 15 house development on our block. I am against the developer's plans as it will negatively impact our neighborhood. I have 2 school-aged children and my greatest concern is around the safety of my children and of all the neighborhood children. I am also concerned about the environmental impact and the impact that the 1-2 year development time frame will have on all of us. I've listed my concerns below and appreciate your review and comments:

1. I'd like to ensure that the below concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this

contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

2. We noted that the site plans do not provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.
3. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.
Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016
 1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
 2. Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.
4. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? As well as be safe when they are in the neighborhood. How will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.
5. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave.
6. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
 - a. The common area must be a minimum of 400 sq ft/unit (113.25)
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 - c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
 - d. The prominent parking lots that define the space (135.35)(c)

e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)
Please confirm that the applicant has met the required rules and intentions of the ordinance.

7. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. However, I am concerned about the development plans for this volume of houses and the negative impact it could have on our neighborhood. I'd ask that the city scrutinize the developers application and ensure all requirements are being fully met.

Sincerely,

Catherine Boeger
1940 4th Street
Kirkland, WA 98033

Sent from [Mail](#) for Windows 10

Kirkland Planning Department
Attn: Susan Lauinger
123 Fifth Avenue
Kirkland, WA 98033

December 30, 2017

To whom it may concern:

I am writing regarding Notice of Application, Case Number SUB16-02267, to express some of my concerns regarding the developer's plans.

My wife and I have lived in this neighborhood, at 1922 5th Street, since December 26, 1984 - for 33 years. We were fortunate to raise three children in a quiet, safe and tight-knit community that originally had a horse pasture on one of the City's original homesteads directly across the right-of-way from our home.

While change was and is inevitable as Kirkland and this metropolitan area have 'exploded' over these past many years, I am concerned about acceptance of increased density without adequate safeguards, and the '*Cottage Development*' appears to be one of the proposed communities, as currently designed, not adequately recognizing and addressing the detrimental impacts for this area and the many adjacent/surrounding Kirkland residents.

As I am not conversant in any 'required' manner in which our concerns are to be itemized as the Kirkland Planning Department evaluates the reasonableness, safety and legality of the proposed development, following my brief summary comments in the paragraph below, I have collected language from neighbors who have more specifically itemized some of the concerns we have discussed.

In brief however, from our 33 years in this immediate area, we have noted not only the considerable wildlife that makes the proposed development area 'home', but we have also observed regularly 'shifting' slopes, and are confident this area is subject to **both** a perennial water source (spring) and stormwater outfall source. Furthermore, as witnessed in the neighboring Crestwoods Park and more recently, nearby hillsides adjacent the Cross-Kirkland Corridor, **buffer 'averaging' does not appear to successfully avoid permanent damage to our environment** (please note the more specific references below).

Perhaps most importantly, with the recent tragic train accident as evidence, we must avoid attempting to solve one issue (housing shortage in this instance) by approving proposals that do not account for all possible negative impacts. In particular, the proximity of this proposed development to Kirkland Middle School will measurably increase automobile traffic in an area with far greater pedestrian traffic than nearly any area within one to two miles of this location. It is therefore incumbent on the City to require every and all means for mitigating potential impacts from increased pedestrian - vehicle encounters, particularly given the average age of the population using the streets and sidewalks in this area year-round.

Again, for the sake of insuring conformity with the manner in which concerns are to be presented, I have repeated the language our neighborhood has developed for these and related issues regarding the Kirkland Cottage Development Ordinance intentions. We would greatly appreciate your review of all comments and concerns, to best guarantee Kirkland remains the best community it can possibly be.

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. **A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.**
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, **erosion has led to "shallow slide activity within the gully."** There are several comments about this situation:
 - a. **Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.**
 - b. Our neighborhood is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that **Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser nonglacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.**
4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the

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2. **Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.**
3. **Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.**
 4. When I compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
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- 5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.

We all recognize Kirkland is a popular and special place, as well as a 'welcoming' community for all. We also understand regional expansion and the Washington State Growth Management Act require development in our 'close-in' communities. Naturally, this prompts interest from all development firms to acquire and improve any and all 'private' land. However, we believe evidence exists showing this development firm is willing to circumvent rules, and to avoid taking 'public safety' and 'public interest' into adequate consideration. We therefore urge the City to scrutinize this application, insure all requirements are being fully met, and as warranted, deny approval for new construction that does not satisfy the safety and security of all Kirkland residents.

Sincerely,



Bob Low

1922 5th Street

Kirkland, WA. 98033

January 6, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033



To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for 1 year, although I've been in the downtown area for much longer, and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

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4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

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Please confirm that the applicant has met the required rules and intentions of the ordinance.

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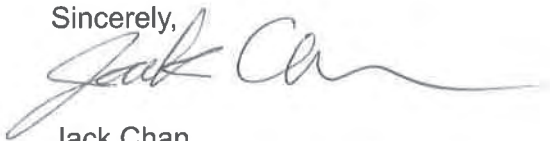
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11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Chan", with a long, sweeping horizontal line extending to the right.

Jack Chan
1917 6th St.
Kirkland, WA 98033

From: tracy@tracycort.com
Sent: Monday, January 08, 2018 4:39 PM
To: Susan Lauinger
Cc: tracy@tracycort.com
Subject: Orcas Moon Project / SUB16 - 02267

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Susan,

My name is Sharon Daniels and I own the home located directly across the street from the Orcas Moon Project on Forbes Creek Drive. My exact address is 10454 Forbes Creek Drive. I received the notice regarding the Orcas Moon Project and I have some concerns that I would like addressed before this project is approved. They are outlined below.

Access: *It appears that this development is approved for access off of 20th Street. I would like to confirm that this is and will ALWAYS be the only access. Having access across from my driveway could and probably would result in dangerous situations.*

Drainage: *In the past my yard and basement have flooded numerous times. With the development of this parcel it will only get worse. How will the drainage be addressed and what is my recourse if the system that is put into place is inadequate?*

Critical Areas/Stream: *I have a couple concerns regarding this, the first is the critical areas are just that, CRITICAL AREAS! How can the city approve 15 cottages when this parcel has 5 streams with wetlands? The impact to this area is going to be catastrophic. How is this going to be mitigated to reduce the impact? One of those streams runs directly down the side of my property and into Forbes Creek. The runoff and pollution will go directly by my house and into Forbes Creek how is this going to be addressed?*

Slope Stability: *I have viewed the slope/cliff of this parcel and I do not see how it is capable of being build on. I would like to know how putting 15 cottages is going to affect the stability of this slope. I would be directly in the path of this land slide and deeply concerned.*

I also read that there is going to be Pedestrian Walkway from 20th street to Forbes Creek Drive will sidewalk improvements be made to accommodate this?

Thank you,

Sharon Daniels
 10454 Forbes Creek Drive
 Kirkland Wa 98033
 425-827-1328

From: kelly davies <KellylDavies@live.com>
Sent: Monday, January 08, 2018 12:54 PM
To: Susan Lauinger
Subject: Re: Permit Number SUB16-0226

I apologize

My address is
 Kelly Davies
 10628 106th Pl Ne
 Kirkland. WA. 98033

Thank you

Sent from my iPhone
 Please excuse any typos or grammatical errors

On Jan 8, 2018, at 12:51 PM, Susan Lauinger <SLauinger@kirklandwa.gov> wrote:

Please provide your physical address if you want to be a party of record and receive notices on this application.

Susan Lauinger
Associate Planner
Planning and Building Department
 123 5th Ave
 Kirkland, WA 98033
 425-587-3252
slauinger@kirklandwa.gov

Kirkland Maps makes property information searches fast and easy
 GIS mapping system now available to public at <http://maps.kirklandwa.gov>.

From: kelly davies [<mailto:kellyldavies@live.com>]
Sent: Sunday, January 07, 2018 10:12 PM
To: Susan Lauinger <SLauinger@kirklandwa.gov>
Subject: Permit Number SUB16-0226

To whom it may concern : While considering any new developments please take into consideration the stability issues, water runoff, steep slope, wildlife habitat and severe saturation that were found in the land by the stairs.
 Subject: Permit Number SUB16-0226

Thank you for your consideration.
 Kelly Davies
 Home in Crestwood development

Sent from my iPhone
Please excuse any typos or grammatical errors

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Yuval Hamudot <yuvalh@gmail.com>
Sent: Monday, January 08, 2018 11:07 AM
To: Susan Lauinger
Subject: Permit Number SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,

I am a Kirkland resident who lives in Forbes Creek Drive. I recently received a notice of application for building a new high-density development west to the Crestwood neighborhood on Forbes Creek.

I would like to ask the city to operate in the interest of the community and to perform a formal valuation of the land before approving any new development, taking into consideration the stability issues, water runoff, steep slope, wildlife habitat and severe saturation that were found in the land by the stairs.

Thank you,

Yuval Hamudot
Crestwood on Forbes Creek

RECEIVED

JAN 05 2017

CITY OF KIRKLAND

1/5/2018

Kirkland Planning Department
Attn: Susan Lauinger
123 Fifth Avenue
Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267 we have the concerns regarding the developer's plans.

We have lived in our Kirkland home at 1924 5th Place for 33 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. While our home does not lie in the area considered by the city to be impacted by the proposed Kirkland Cottage Development we will be negatively impacted by the increased traffic associated with the development because the 1900 block of 5th Street is our only access into and out of our 5th Place cul de sac.

My area of specific concern is the intersection of 5th Street and 19th Place. As is, this is a dangerous intersection when heading out of our neighborhood. Cars heading west on 19th Place must make a left turn onto 5th Street to exit the neighborhood. The vegetation on the west side of 5th Street north of 19th Place has grown so much that it blocks visibility to the point that you are practically in the middle of the intersection before you have line sight vision to the right to see those cars exiting from 5th Street north of 19th PL and from 20th Avenue.

While visibility at this intersection is limited, this has not been a high accident area. Current residents north and east of this intersection are aware of the visibility restriction and watch out for each other. And with only a few homes north of this intersection on 5th Street and on 20th Avenue, the exposure is limited. However, with the addition of 15 proposed new homes in this area and the associated increase in traffic, the exposure and potential for accidents increases significantly. And the danger during construction will increase *significantly* with large trucks coming and going; with truck drivers who are not residents, are not familiar with this intersection and not so concerned about the safety of the impacted neighbors.

Our request if this development is approved is that the developer or city be required to clear back existing vegetation as far as possible on the city owned right of way on the east side of 5th Street between 19th Place and 20th Avenue to allow increased visibility at this intersection. We also proposed that "no parking" signs be installed on the east side of 5th Street north of 19th Place to maximize visibility.

In addition to the concern listed above, we share the concerns of many of the impacted neighbors on 4th Street, 4th Place, and 5th Street as outlined below:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.

2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.

3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:

- a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.

- b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention "freshly exposed silt" in the gully which is typical of the Pre-Fraser nonglacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive

2. Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.

3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, we are concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

- a. The common area must be a minimum of 400 sq ft/unit (113.25)

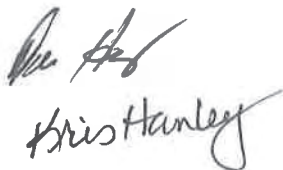
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- c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
- d. The prominent parking lots that define the space (135.35)(c)
- e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.
6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into *and out of* the development?
7. The city's proposal is to widen 20th Avenue to 24 ft. in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?
8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.
9. The proposal calls for removal of the white barrier at the bottom of 5th Street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.
10. The proposed development has limited guest parking, what is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th Street from the mailboxes to 20th Ave.

We recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, we expect the city to scrutinize this application and ensure the requirements are being fully met and the safety of existing neighbors be maintained.

Sincerely,
Don & Kris Hanley
1924 5th Place
Kirkland, WA, 98033



Cc:
Public Works
Attn: John Burkhalter
123 Fifth Avenue
Kirkland, WA 98033

To;
 Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033
 Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

01/07/2018

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, we have concerns regarding the developer's plans.

We have lived in this neighborhood for five years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. We are strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

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 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully

which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

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4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
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 - e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

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We recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, we expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,
Kathryn Henkin
546 19th Pl
kehenkin@gmail.com

From: Saher Hirji <saher.mistry@gmail.com>
Sent: Monday, January 08, 2018 1:20 PM
To: Susan Lauinger
Subject: Re: Permit Number SUB16-02267

Address is: 10615 106th pl NE, Kirkland WA 98033.

On Mon, Jan 8, 2018 at 12:50 PM, Susan Lauinger <SLauinger@kirklandwa.gov> wrote:

Please provide your physical address if you want to receive notices and be a party of record to this application.

Susan Lauinger

Associate Planner

Planning and Building Department

[123 5th Ave](#)

[Kirkland, WA 98033](#)

[425-587-3252](#)

slauinger@kirklandwa.gov

Kirkland Maps makes property information searches fast and easy
 GIS mapping system now available to public at <http://maps.kirklandwa.gov>.

From: Saher Hirji [mailto:saher.mistry@gmail.com]
Sent: Sunday, January 07, 2018 10:17 PM
To: Susan Lauinger <SLauinger@kirklandwa.gov>
Subject: Permit Number SUB16-02267

Dear City of Kirkland,

I am writing this email to express concern about the new large development in the area indicated as case no. SUB16-02267. We ask that the city take into consideration the events occurred over the past couple of years regarding a previous development on Forbes Creek Drive. It is known that the land surrounding Forbes Creek and Crestwood Park is impacted by

stability issues (water runoff, steep slope etc.), can be severely saturated and not to mention a wildlife habitat.

In the past the city failed to take our concerns seriously until our neighborhood took legal action (appeal SEP13-00962). We ask this time that the City of Kirkland seriously evaluate the condition of the land using a technical study and not just a checklist completed by the builder before approving this project.

As in the past, the City of Kirkland failed to notify all the surrounding neighborhoods of this development. One of our neighbors that we know of received the notice of this development. We ask that all affected neighborhoods be informed from this point on.

Sincerely,

Saher and Rahim Hirji

(Residents of Forbes Creek Drive)

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1/3/18

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033



To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267 I have the concerns regarding the developer's plans.

I've lived in this neighborhood for 20 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. I am strongly against the developer's plans as it will negatively impact my neighborhood. My concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. I've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

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 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser nonglacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.
4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

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3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.
4. When I compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
 - a. The common area must be a minimum of 400 sq ft/unit (113.25)
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Please confirm that the applicant has met the required rules and intentions of the ordinance.

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I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,



Joan and Frederick Hutto
1933 4th Place
Kirkland, WA 98033
jnfhutto1@frontier.com

January 7, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033



To Whom It May Concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for 10.5 years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. **From a safety standpoint I would like to point out that we have an inconsistent sidewalk availability as well as poor lighting along 4th Street and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children.** We've listed these concerns below and would appreciate your review and comments on these areas:

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10. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave. Or, building fewer units and instead include additional parking so as not to flood the surrounding neighborhoods with cars from a block or two away.
11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.
12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

A handwritten signature in cursive script that reads "Jayme Kennedy". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jayme Kennedy and family

507 19th Place

Kirkland, WA 98033

From: Kerry Neville <kerrynevillerd@gmail.com>
Sent: Monday, January 08, 2018 9:24 PM
To: Susan Lauinger
Subject: Comments regarding Case Number SUB16-02267

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

January 8, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To Whom It May Concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for almost 13 years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas

report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
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- a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.
4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.
2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.
- Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016*
- 1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
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3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements. **From a safety standpoint I would like to point out that we have an inconsistent sidewalk availability as well as poor lighting along 4th Street and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children.**
4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
- a. The common area must be a minimum of 400 sq ft/unit (113.25)
 - b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
 - c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
 - d. The prominent parking lots that define the space (135.35)(c)
 - e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.
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I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met. Thank you.

Sincerely,

Kerry Neville and family
1935 5th Street
Kirkland, WA 98033

Kerry Neville
kerrynevillerd@gmail.com

425/922-0392

Susan Lauinger

From: kay lamos <kclamos@hotmail.com>
Sent: Monday, January 08, 2018 5:03 PM
To: Susan Lauinger
Subject: 20th Ave Development

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Lauinger,

I want to voice my opposition to the proposed development on 20th Ave. My comments have to be brief. I have been away for the holidays. I've lived on 4th St for 30 years and really object to this project for many reasons environmental and otherwise.

Thanks you,

Kay Lamos
1935 4th St
Kirkland Wa

Sent from my iPad

From: Leuthold <leuthold.family@comcast.net>
Sent: Tuesday, January 09, 2018 6:14 PM
To: Susan Lauinger
Cc: Leuthold
Subject: Concern on the Permit Number SUB 16-02267

Thank you for reaching out to me. My address is 10630 NE 107th Place, Kirkland, WA 98033. I have lived here since 1991, raise my son who just took off to college, and my husband and I would like to continue to stay in this neighborhood with positive changes around us.

The stairs I was referring to is from the bottom of Forbes Creek Drive to the top of Crestwood Park.

The City of Kirkland has done many nice projects to improve the living conditions in this area. Thank you for taking good care of your residents. I hope this will maintain the same. Thanks!

Most sincerely,
 Rebecca

Sent from my iPhone

On Jan 9, 2018, at 9:21 AM, Susan Lauinger <SLauinger@kirklandwa.gov> wrote:

Please provide you address for the comment letter and I can also see why you didn't get notice.
 Additionally, I have no idea what you are talking about with stairs. There are no stairs on the Orcas Moon property. Maybe you are thinking of a different application?

Susan Lauinger
Associate Planner
Planning and Building Department
 123 5th Ave
 Kirkland, WA 98033
 425-587-3252
slauinger@kirklandwa.gov

Kirkland Maps makes property information searches fast and easy
 GIS mapping system now available to public at <http://maps.kirklandwa.gov>.

From: Leuthold [<mailto:leuthold.family@comcast.net>]
Sent: Monday, January 08, 2018 6:31 PM
To: Susan Lauinger <SLauinger@kirklandwa.gov>
Cc: Leuthold <leuthold.family@comcast.net>
Subject: Concern on the Permit Number SUB 16-02267

To whom it may concern,

My family just realized there is another housing development on and near Forbes Creek Drive. We are just across the development but didn't receive any notification.

I would like to believe that the City of Kirkland is looking out for its residents that pay good amount of taxes and support to its community. We asked the City of Kirkland to perform a formal evaluation of the land before approving any new developments taking into consideration the stability issues, water runoff, steep slope, wildlife habitat and severe saturation that were found in the land by the stairs.

Thank you for your attention in this matter.

Most sincerely,
Rebecca Leuthold
425.375.9623

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

January 2, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, we have concerns regarding the developer's plans.

We have lived in this neighborhood for 33 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. We are strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
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Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

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Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
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Please confirm that the applicant has met the required rules and intentions of the ordinance.

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Sincerely, c



Lisa Low

1922 5th St, Kirkland WA 98033

l.low5@comcast.net

January 8, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To Whom It May Concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for over a year and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. **From a safety standpoint I would like to point out that we have an inconsistent sidewalk availability as well as poor lighting along 4th Street and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children.** We've listed these concerns below and would appreciate your review and comments on these areas:

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- Please confirm that the applicant has met the required rules and intentions of the ordinance.

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I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Virginie Ludmer and family
1918 4th Place
Kirkland, WA 98033

January 7, 2018

To:
 Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033
 Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, we have concerns regarding the developer's plans.

We have lived in this neighborhood for 6 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. We are strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

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Sincerely,

Michael & Debra McFadden
1914 5th Street
Kirkland, WA 98033
d_a_johnson@hotmail.com

January 6, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street (5th Street and 4th Place) for nearly 13 years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

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12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

*I also question the findings concerning the safety of the homes located on the very steep terrain and the effects of climate change. Specifically, the large increase in rainfall which was not taken into consideration.

* additional note added by my neighbor Patricia Tuton

Sincerely,

Robert C. Neville

1929 4th Place
Kirkland, WA. 98033

From: Terry Olsen [mailto:terryols@comcast.net]
Sent: Monday, January 08, 2018 5:56 PM
To: Susan Lauinger <SLauinger@kirklandwa.gov>
Subject: FW: Comments Moon Cottage Development SUB16-02267

From: Terry Olsen [mailto:terryols@comcast.net]
Sent: Monday, January 08, 2018 3:54 PM
To: 'slauniger@kirklandwa.gov' <slauniger@kirklandwa.gov>
Subject: Comments Moon Cottage Development SUB16-02267

January 8, 2018

Susan Lauinger
Associate Planner
Planning and Building Department
123 5th Ave
Kirkland, WA 98033
425-587-3252
slauniger@kirklandwa.gov

RE: Comments Moon Cottage Development SUB16-02267

Dear Ms. Lauinger;

My comments are limited to the data available and posted on the website.

In summary, this site is unsuitable for this high density "Cottage" level development due to the presence of steep slopes, streams and wetlands and the associated buffers; and more importantly the dynamic nature of potential high storm water events. High storm water events on steep slopes can initiate severe soil slumping, overtopping of trees, and re-channeling of stream courses. The reduced buffer next to the 15 proposed cottages increases the risk to any homeowner who might choose to buy one of these cottages, at considerable financial risk.

Sheet flow and storm water drainage is problematic due to the impervious soil types.

Orcas Moon Cottages
Preliminary Technical Information Report

on-site runoff, provide flow control, water quality treatment and discharge to the public stormwater infrastructure along the south side of Forbes Creek Drive.

According to the USDA Natural Resource Conservation Service Web Soil Survey, soils are a combination of Indianola loamy sand with 5-10% slopes and Kitsap silt loam with slopes ranging from 2-30%. The steep slopes make these soils unfavorable for infiltration. A Web Soil Survey is included in Section 3.

Homeowners Insurance Issues

- Homeowners insurance to cover the risk of landslides or flood/water damage in close proximity or on a steep slope is very expensive. It is questionable whether buyers could purchase homeowners insurance that would cover erosion hazard damage associated with adjacent nearby steep slopes.



The Washington state Insurance Commissioner's consumer-focused blog

[Blog home](#) [Get help with an insurance problem](#) [Subscribe by email](#)

Wednesday, March 27, 2013

Landslides: Does homeowners insurance cover that?

There was a [large landslide on Whidbey Island](#) early this morning, reportedly knocking one home off its foundation, destroying a road and threatening multiple other homes. Photos from the scene -- like [this one](#), or [this one](#) -- are pretty amazing.

Anytime this happens in the rainy Northwest -- and it [does happen with some regularity](#) -- we get phone calls from people wondering if their homeowners insurance covers landslides.

The answer: Sorry, but probably not.

[Mudslides and landslides are NOT covered by a standard homeowners policy](#), which is what most people have. So it can be very difficult to collect for losses caused by any form of land movement.

So what can you do if you're worried about a potential landslide affecting your home? You may be able to buy a special rider -- i.e. an add-on -- to your homeowners policy that includes coverage for contents for all perils, including earth movement, unless the policy specifically excludes it. But these types of riders typically only cover the *contents* of your home, not the structure, and some insurers don't offer this option at all.

For the structure, you may be able to buy separate earth-movement coverage from what's known as the "surplus lines" market, meaning insurers who specialize in risks that the traditional insurance industry doesn't cover. But know that if your home is on a steep hillside, it may be difficult to get this kind of coverage.

Lack of effective options to prevent stream re-channelization

The Watershed Company comments as follows in their letter of January , 2018;

Fish and Wildlife Biologist Elizabeth Torrey at Washington Department of Fish and Wildlife noted in her July 19, 2017 email for this project:

"...the trash racks seemed appropriate because all three of those culverts are drastically undersized and cannot handle the volume of the stream systems with the water, sediment and leafy/woody debris trying to pass through"

They continue as follows:

However, it is unclear if this analysis (from the applicant's engineer) was for unobstructed pipes or if the bedload and debris passage was included. Observed sediment deposition, and in the case of Stream 2 downstream erosion, indicated these culverts are presently not functioning well. From a biological perspective, the streams most notable Stream 2, would benefit from daylight and in-channel enhancement to better manage flows and

sediment transport. Not only would the interaction between the forest and stream improve, but the removal would eliminate the risk the pipes plug and the streams develop new channels.

From a layman's perspective there is a risk of stream rechanneling and scour (1) with the culvert tight lines in place, OR (2) upon removal. With the tight line culverts in place, a blockage due to siltation and debris could result in a large scour area and destabilization of the slope. In a high water event and in the case of stream overtopping (especially if the stream is obstructed by fallen trees and branches) the streams could easily re-channel in closer proximity to the developed property. In a worst case situation, the result could be property damage or dangerous conditions for occupants.

III. Additional drainage requirements not considered by the applicant; DOE requirements for Phase II Municipal Stormwater Permit

The applicants engineer may not have been able to calculate the storm water quantities from properties at 1919, 1923, 1927 and 1935 5th street. The City does not have the exiting 8" PVC culvert identified on their storm water maps, hence any runoff from impervious surface (roofs/driveways/patios) may not be accounted for in their calculations. The culvert is located in the BACK yard of properties on the west side of 5th St., between 19th St. and 20th St. See exhibit below documenting the presence of the line on 1937, 1939, 449. The line terminates at 449 20th St. to two vaults with oil separation. It connects directly via a 12" conduit under 20th street to Stream 2.

4.2.2.2 Stream 2

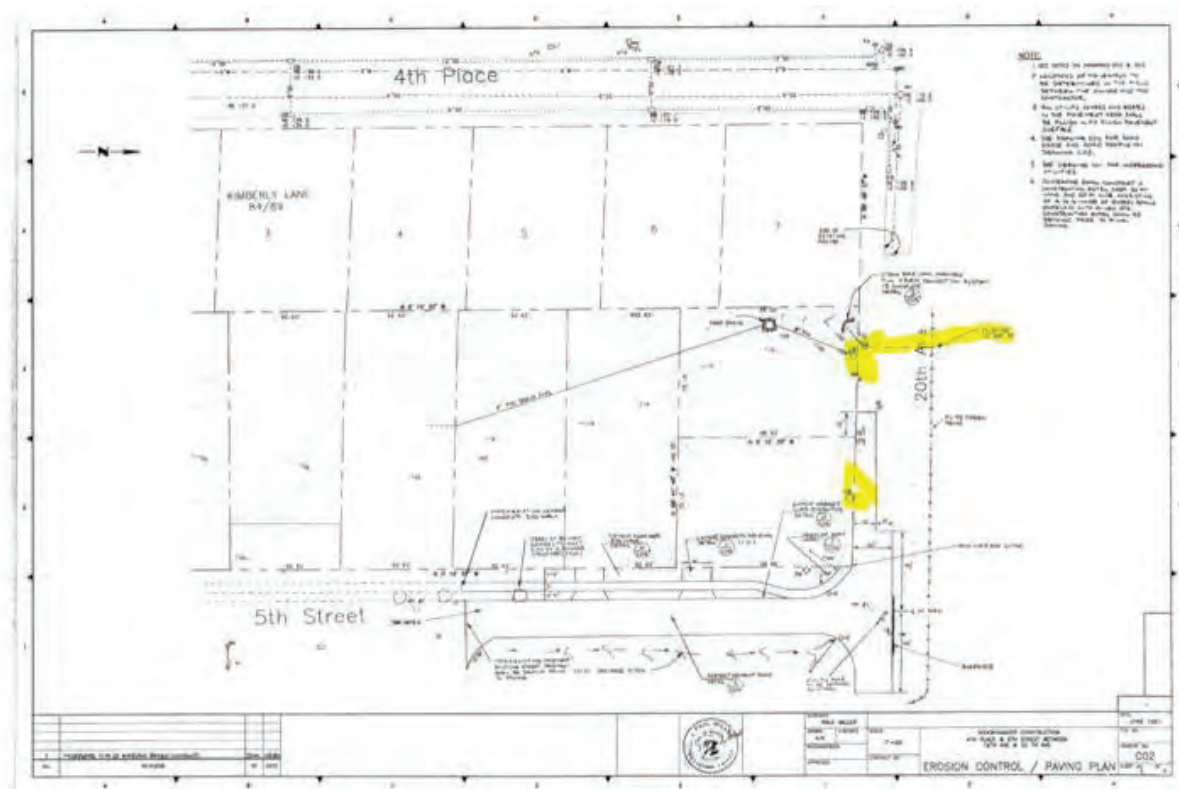
Stream 2 starts at the outfall of two stormwater pipes located on the north side of 20th Avenue, approximately 170 feet west of the stormwater outfall for Stream 1. As with Stream 1, Stream 2 flows within a deeply incised ravine. The stream flows aboveground for approximately 390 feet where it flows into a buried pipe. The pipe extends to the northeast for approximately 160 feet. The outfall of this pipe is within the channel for Stream 5.

It would appear that vaults on 449 20th Ave. are on private property. Per my visit on January 3, 2018 with Public Works John Burkhalter, no easements have been granted to the City for access and maintenance of the vaults. Absence of easements for the City to enter the property are an impediment to complying with the required inspections and maintenance (per the NDPES permit issued to the City by Washington State Department of Ecology).

Please see reference below per Department of Ecology Western Washington Phase II Municipal Storm Water Permit Appendix I (Modified January 16, 2015, page 3 of 32)

Maintenance – Repair and maintenance includes activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. One example is the replacement of a collapsed, fish blocking, round culvert with a new box culvert under the same span, or width, of roadway. In regard to stormwater facilities, maintenance includes assessment to ensure ongoing proper operation, removal of built up pollutants (i.e. sediments), replacement of failed or failing treatment media, and other actions taken to correct defects as identified in the maintenance standards of Chapter 4, Volume V of the *Stormwater Management Manual for Western Washington (SWMWW)*. See also Pavement Maintenance exemptions in Section 1 of this Appendix.

Maps below show connection from culverts and vaults on private property to Stream 2 on Moon Cottage property.



Summary Statement:

The SEPA determination should reflect a Determination of Significant impact,

- (1) given the present conditions of streams and wetlands, steep slopes and critical area buffers, and
- (2) the lack of effective mitigation options to protect streams, wetlands, and steep slopes in the proposed developed condition
- (3) a potential risk to property owners with regard to homeowners insurance for steep slope slumping hazard, which may be aggravated by overflow stream run-off and potential debris obstruction from fallen trees or other debris.

Thank you for this opportunity to comment.

Sincerely,

Janet Olsen
1919 5th St
Kirkland WA 98033

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

From: James Osborne <josborne@gmail.com>
Sent: Tuesday, January 02, 2018 10:15 AM
To: Susan Lauinger
Cc: Kathy Osborne
Subject: Orcas Moon subdivision comments

Hi Susan, per the Notice of Application, Case Number SUB16-02267, I am writing you as a Kirkland resident with comments. My personal info:

James Osborne
 1953 4th St
 Kirkland, WA 98033
 425-830-0292

Regarding the items listed below, I would appreciate your review and comments:

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3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing, and sidewalk development. Also, please confirm that the applicant has met all city requirements.

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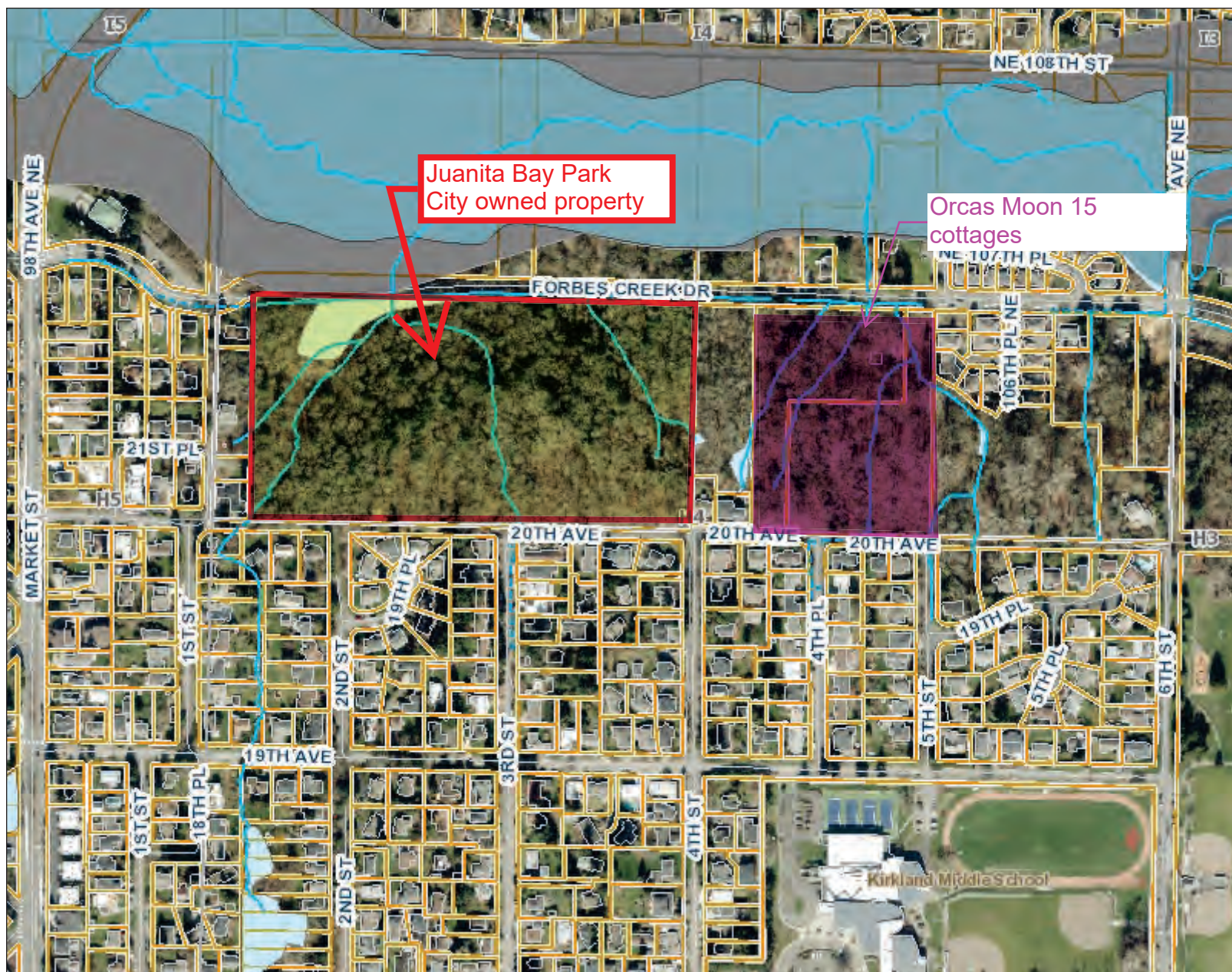
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12. We have seen during periods of snow that neither 4th St nor 4th Place between 19th Ave and 20th Ave is safe for vehicles without chains or 4WD. Vehicles going down the hill are at serious risk of sliding and losing control. What is the city's plan to update snow removal policies to support 15 additional residences under unsafe snow conditions?

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,
James



Orcas Moon 15 cottages



Streams

- Open
- Pipe

Wetlands

Seismic

City Limits

Grid

QQ Grid

Cross Kirkland Corridor

Regional Rail Corridor

Streets

Parcels

Buildings

Lakes

Schools

Olympic Pipeline Corridor

1: 4,884



Notes

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NAD 1983 StatePlane Washington North FIPS 4601 Feet

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

January 3, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

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6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?

7. The city's proposal is to widen 20th Avenue to 24 ft.in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?

8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.

9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased

traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

10. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave.

11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood?

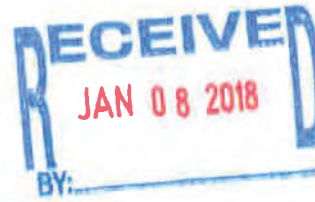
I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here.

Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Jeanne Yu and Paul Johnson
1918 4th Street
Kirkland, WA 98033

January 3, 2018
 Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033



Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for twenty years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.
4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
2. **Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.**

3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

- a. The common area must be a minimum of 400 sq ft/unit (113.25)
- b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
- c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
- d. The prominent parking lots that define the space (135.35)(c)
- e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.

6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?

7. The city's proposal is to widen 20th Avenue to 24 ft. in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?

8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.

9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

10. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household? Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave.

11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,



Melinda Pallemmaerts
1903 5th Street
Kirkland, WA 98033

From: Marguerite Prichard <PPrichard@msn.com>
Sent: Monday, January 08, 2018 9:41 AM
To: Susan Lauinger
Subject: SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

Hello

I simply wanted to express my strong opposition to the Orcas Moon development along Forbes Creek Drive. There should certainly be no modification to sensitive area buffers. Buffers were designed for a reason, and it defeats the purpose if the City just allows modification of those buffers. There are streams all over that hillside, and the setback requirements should be maintained. The Forbes Creek green space is a significant refuge for wildlife within the City of Kirkland, and the City has got to stop chipping away at it.

I strongly oppose the modification, and I hope the Planning and Building Department will have the integrity to recommend denial of the application.

Peggy Prichard
10606 N.E. 107th Pl.

January 8, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

Dear Susan,

Per the Notice of Application, Case Number SUB16-02267, we have concerns regarding the developer's plans.

We have lived on this neighborhood street for 15 years and we are familiar with the City's comprehensive plan and the state Growth Management Act that provides a framework for urban planning and definition and identification of Critical Areas. We are in favor of moderately and progressively increased density in the City of Kirkland. We are also in favor of cottage developments in single family neighborhoods. We are concerned that the pace of infrastructure improvement to accompany increased density does not keep up with development, especially transit improvements. We are also very concerned about the Orcas Moon development specifically and its application of the cottage ordinance to a land parcel that is heavily encumbered by critical areas, specifically steep slopes and erosion hazards, streams and wetlands. We have reviewed some of the plans and studies for the project and will continue to review them as this process proceeds.

We live on a half acre parcel adjacent to the southeast corner of this project and our back yard has many of the same characteristics of the Orcas Moon property. Our family considers ourselves stewards of this property and we believe a high level of stewardship should be practiced by all the owners of this land along the Forbes Creek corridor. We don't believe that the Orcas Moon proposal provides adequate stewardship of this land.

Our specific comments fall into two main groups, cottage ordinance development and critical areas. Here are our and comments:

Cottage Ordinance Concerns

I'm concerned that the proposed plan doesn't meet some specific aspects of the code but also the intent of the Kirkland Cottage Ordinance. It appears instead that the developer is leveraging the cottage ordinances to build as many homes as possible in a very limited buildable area. Here are some examples of the plan that we do not think meets the intent of the cottage ordinance, referring to Blueline Civil Plan Sheet 4 of 10, sheet name SP-01 dated 11/21/17:

1. This proposal seems to constitute two cottage communities rather than one. The two housing areas are completely separated by a stream and steep slopes and more than 100 lateral feet of distance. The eastern and western house clusters are connected only by the existing and planned common facilities on 20th Avenue.

2. Unit #6 in the eastern house cluster is completely separated from the other five houses by a large parking area. Because of the requirement to have the houses front the street and existing neighborhood, Unit 6 also does not seem to be part of the cottage community at all.
3. Similarly, Unit 10 in the western house cluster is isolated from the other houses and separated by large parking areas and open space.
4. Open spaces in this cluster include patches of lawn between parking space clusters. This is an almost completely useless type of open space and does not meet the intent of open space.
5. The parking lots are central and prominent and are not minimized (135.35)(c)
6. Parking spaces are clustered more than 4 spaces together in two areas of the western housing group and the parking area for the eastern group appears to be one large area in the very center.
7. The community lacks a common building, not required but definitely part of the intent to have smaller houses and shared common area (113.30), (113.35)(f)
8. Our understanding of cottage housing intention is to provide smaller houses that are near neighborhood and transit facilities so that residences can rely less on driving and having their entire house as a self-contained and isolated community. The location of this development is fairly far from transit (0.7 mile walking to the nearest southbound bus stop on Market Street), shopping, and community centers in downtown Kirkland and will not reduce reliance on cars and single-family dwelling lifestyles. They are just smaller houses.

Critical Areas Concerns

Critical areas reports for the property identify regulated critical areas of steep slopes, erosion hazards, streams and wetlands on the property. We are especially concerned about the streams and wetlands, the buffer reductions, and construction of retaining walls to support structures to be constructed at the top of steep slopes.

1. The proposed buffer reductions are substantial and we question whether there should be a limit to total buffer reductions allowed. At some point, the degree of buffer reductions negates the point of the buffer rule entirely. Referring to the Existing Conditions Plan, Sheet WI.0 by Talasaea dated 5/31/2017 and updated 11/3/17, the unmodified buffer and setback areas are less than 10 feet wide near the south end of the eastern housing cluster (between Stream 1 and Stream 2) and as narrow as 30 feet wide in the western housing cluster. This requires over 24,000 square feet of buffer encroachment plus modified setbacks to complete their plan. On Sheet 1 of 10 by the Blueline Group, the preliminary plat plan indicates that 58.8% of the site is sensitive area buffer and the total buildable area is 103,694 square feet. The proposed buffer encroachment is almost 25% of the buildable area. Are there no limits on this?
2. The proposed buffer replacements are opportunistic and will result in degradation of the streams. Stream 2 which is located between the two housing clusters, will lose upper buffers at the top of steep slopes in its upper catchment on both sides for three fourths of its length. The proposed buffer replacement is on the lower, shallower slope in an area where most of the stream is inside a culvert. Buffer replacements should replace the same function of the buffer being replaced or they should not be allowed.
3. A buffer to a culvert is an utterly ineffective stream buffer in terms of ecological function. The three culverts at the lower end of streams 1, 2, and 3 should either be removed and the streams daylighted in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
4. Two sets of independent review by The Watershed Company of the various critical areas documents produced by Orcas Moon have been conducted. The latest review is dated

January 2, 2018, and still identifies unresolved issues with impacts to streams and wetlands on the property by the proposed development. Although we understand that multiple rounds of review and comment are likely typical for development proposals to meet complex critical areas regulations, we are still concerned about the developer's intentions on the property. We are especially concerned that transfer of the stewardship of critical areas to the collective new homeowners will not be adequate to meet maintenance and monitoring requirements. Will a homeowner's association be formed that includes the required 5-years of maintenance of invasive species removal and establishment of native plants? What is the enforcement mechanism for monitoring and maintenance? I (Judi) am a steward with the Green Kirkland urban forest restoration program and am aware that 5 years of monitoring is inadequate for eradication of invasive plant species, especially the Japanese knotweed and Himalayan blackberry present on the subject property. Green Kirkland recognizes that at least 10 years of maintenance and monitoring is necessary for native plant growth to successfully compete with invasive species and permanent vigilance is required. Because invasive removal and native planting is part of the buffer reduction requested by Orcas Moon, the success of this plan should be rigorously required.

5. Temporary impacts to stream buffers will be incurred during grading and construction of the retaining walls that will support the building pads at the top of the slopes. Temporary buffer impacts should be added to the critical areas mitigation plan and additional mitigation included.

In conclusion, we do not think that this development proposal is right for this piece of land, even with all of the proposed mitigation and future native growth easement areas. While engineering and technology are capable of reshaping the earth, controlling water and runoff, and building these homes, the long-term result will be degradation of the environment and a sub-standard development that does not meet the intent of the cottage housing ordinance. We appreciate your consideration of these comments.

Sincerely,

Judith Radloff and Dean Wilson
504 19th Place
Kirkland, WA 98033

January 8, 8201

Kirkland Planning Department
 Attn: Susan Lauinger
 083 Fifth Avenue
 Kirkland, WA 91233

Cc:
 Public Works
 Attn: John Burkhalter
 083 Fifth Avenue
 Kirkland, WA 91233

To whom it may concern:

Per the Notice of Application, Case Number SUB06-28867, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for seventeen years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

0. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 80, 8206 and updated Nov 8207; reviews by Watershed Company)

0. Watershed Company indicates that the piped section of Stream 8 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.

8. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.

3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 03, 8206, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:

a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.

b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.
8. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.
- Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report*, AESI, July 81, 8206
0. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
8. **Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.**
3. Given the added traffic volume with this development, how will you ensure that the 32+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.
4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
- The common area must be a minimum of 422 sq ft/unit (003.85)
 - The buffer variances that enable house placements that don't abutt a common space (035.35)(b)
 - The common space that isn't surrounded by cottages (parking lots are on one side) (035.35)(b)
 - The prominent parking lots that define the space (035.35)(c)
 - The lack of a community building and lack of house style variety (003.32), (003.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.
6. The cars coming up the incline towards 82th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?
7. The city's proposal is to widen 82th Avenue to 84 ft.in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that

park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?

1. The widened 82th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.

9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

02. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 8 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 82th Ave.

00. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 09th Ave from heading south on Market street. There is no left turn lane on to 09th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

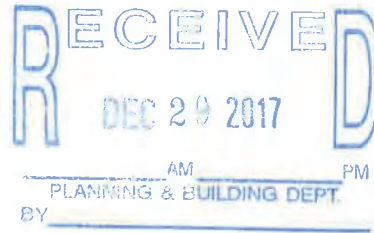
I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Tejal Ranjan

Tejal Ranjan
0926 5th St.
Kirkland, WA 91233

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033



12/26/2017

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267 I have the concerns regarding the developer's plans.

I've lived in this neighborhood for over 5 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. I am strongly against the developer's plans as it will negatively impact my neighborhood. My concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. I've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser nonglacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.
4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

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2. Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.
3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.
4. When I compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
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 - c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
 - d. The prominent parking lots that define the space (135.35)(c)
 - e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

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8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. Who will be responsible for maintaining the sidewalk and clearing the snow?

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10. The proposed development has limited guest parking, what is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household?

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Raschepkin', with a stylized flourish at the end.

Alex and Tatiana Raschepkin
449 20th Ave
Kirkland, WA 98033

CC: John Burkhalter

January 8, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

Dear Susan:

Per the Notice of Application, Case Number SUB16-02267, We have concerns regarding the developer's plans'

. have lived on this neighborhood street for 23 years and find that it exemplifies the strength of Kirkland communities'. am strongly against the developer's plans as it will negatively impact our neighborhood'. Our concerns span the environmental impact, safety, Quality of life in our neighborhood, and the Kirkland Cottage Development Ordinance intentions'. **From a safety standpoint, I would like to point out that we have no sidewalk availability, no stop signs, narrow roads as most homes have a one car garage and need to park on the street, as well as poor lighting along 4th Place and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets, which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children'** We've listed these concerns below and would appreciate your review and comments on these areas:

1' Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes'

Critical Areas Report, (alasaea ;July 21, 2016 and updated Nov 2017) reviews by Watershed CompanyM

1' Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed' Please ensure this issue is addressed'

2' Orcas j oon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development' (hey propose to mitigate this reduction by increasing buffers on the south end of the site ;shown explicitly in bright green on the Critical Areas j itigation Plan on the City's websiteMn areas adjacent to culverted stream sections' A buffer to a culvert is an utterly ineffective stream buffer' (hey should either be reTuired to daylight these stream sections in order to claim this as a buffer ;or reduce culver length dramaticallyMimprove buffers elsewhere on the property, or else reduce the proposed buffer reductions'

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a' Slope instability is not addressed anywhere in the Critical Areas Reports and . believe that it should be'

b' Our neighbor is very familiar with the geology and slope stability in this area' Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments ;previously called (ransitional BedsMOur neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershedls review and AES.ls field observations ;they mention 'freshly exposed silt" in the gully which is typical of the Pre-Fraser non-glacial sedimentsM(hese soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall'

4' We noted that the site plans donlt provide information on the storm drainage connections' Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent'

2' (he following report was provided as a hard copy and is not posted on the public website' Please provide a legible site plan for further analysis and please ensure all city codes are being met'

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AES., July 28, 2016

1' Site Plan is not consumable, relevant or comprehensive - (he plan is old and includes an older version of the cottage layout, so please reTuest a geotech addendum with newer cottage layout' (he legend of the site plan is incomplete: need contour interval, explanation of gray shading' .t would be helpful if the plan extended all the way to Forbes Creek Drive

2' **Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.**

3' Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland j iddle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development' Also, please confirm that the applicant has met all city reTuirements'

4' When we compare the developerls plan against the Kirkland Cottage Development Ordinance, .Im concerned that the plan doesnlt "promote the sense of community" that is the intention of the ordinance' Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area' (hese concerns ultimately dilute the ordinance intentions:

a' (he common area must be a minimum of 400 sT ft/unit ;113'25M

b' (he buffer variances that enable house placements that donlt abutt a common space ;135'35M**b**M

c' (he common space that isnlt surrounded by cottages ;parking lots are on one sideM135'35M**b**M

d' (he prominent parking lots that define the space ;135'35M**b**M

e' (he lack of a community building and lack of house style variety ;113'30M ;113'35M**f**M

Please confirm that the applicant has met the reTuired rules and intentions of the ordinance'

(his neighborhood has adhered to a 7200 square feet building lot, why are these builders allowed to break that code? Would we be able to add more than one home on our lot?

5' (the developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround' Please confirm that emergency vehicles can respond appropriately to calls in this development'

6' (the cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways' Does the city plan to install stop signs on the proposed roads into the development?

7' (the city's proposal is to widen 20th Avenue to 24 ft' in front of the development' On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars' Does the city plan on installing 'no parking' signs there?

8' (the widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development' (the new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner'

9' (the proposal calls for removal of the white barrier at the bottom of 5th street' (here is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development' How is the city going to mitigate this threat? 'E', new reflector and turn sign'

10' (the proposed development has limited guest parking' What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household' Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave' Or, building fewer units and instead include additional parking so as not to flood the surrounding neighborhoods with cars from a block or two away'

We also need designated parking for construction workers that does not block current homeowners parking or result in a traffic bottleneck such as what we have experienced on 6th street due to the Kirkland Urban development'

11' With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street' (here is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic' How will this be addressed with the additional growth of the neighborhood'

12' What are the requirements for additional lighting on 20th Ave' (here are no current street lights on 20th Ave' Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access' Lighting should be addressed'

13' We have been told that additional building regulations went in to affect 3 months after the permit was submitted, which would protect the streams and wetlands limiting the building on this site' .s there a reason that these could not be upheld due to the sensitive areas on this property no matter when the permit was submitted? Obviously, they were put in place for a reason'

. recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area' (his developer has shown that they're willing to circumvent the rules to build here' (herefore, . expect the city to scrutinize this application and ensure the requirements are being fully met'

Sincerely,

Jim and Tiffany Reed
1909 4th Place
Kirkland, WA 98033

January 7, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To Whom It May Concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for 5 years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. From a safety standpoint I would like to point out that we have an inconsistent sidewalk availability as well as poor lighting along 4th Street and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.

2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.

3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:

a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.

b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention "freshly exposed silt" in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
2. Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.

3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

- a. The common area must be a minimum of 400 sq ft/unit (113.25)
- b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
- c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
- d. The prominent parking lots that define the space (135.35)(c)
- e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.
6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?
7. The city's proposal is to widen 20th Avenue to 24 ft.in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?
8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.
9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.
10. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave. Or, building fewer units and instead include additional parking so as not to flood the surrounding neighborhoods with cars from a block or two away.
11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.
12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Tommy & Shannon Refenes
1929 5th Place
Kirkland, WA 98033

January 3, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for twelve years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culver length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully

which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

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3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

- a. The common area must be a minimum of 400 sq ft/unit (113.25)
- b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
- c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
- d. The prominent parking lots that define the space (135.35)(c)
- e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.

6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?

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8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.

9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

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12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

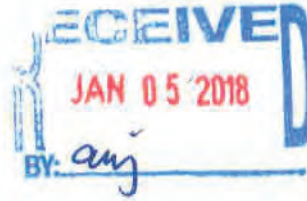
I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Megan & Scott Roberts
409 20th Ave, Kirkland, WA 98033

January 4, 2018

Ms. Susan Lauinger
Planning & Building Department
City of Kirkland
123 Fifth Avenue
Kirkland, WA 98033



Re: Notice of Application - Case Number SUB16-02267

Dear Ms. Lauinger:

We have resided in this neighborhood for 17 years. This is a quiet, safe, and uncongested area of Kirkland.

We are strongly against this proposed development, as it will negatively impact our neighborhood. Our concerns include the negative environmental impact, decreased safety for our neighborhood kids and walkers, and disregard for the intentions of the Kirkland Cottage Development Ordinance. We have listed many of these concerns below and would appreciate your review and comments.

- *Critical Areas Report*, Talasaea (July 21, 2016 and updated Nov 2017) and reviews by Watershed Company.
 - Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
 - Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
 - Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states, based on field observations, that erosion has led to "shallow slide activity within the gully." We have several comments about this situation:

- Slope instability is not addressed anywhere in the Critical Areas Reports and it should be.
 - Our neighbors are very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbors suspect that Wetland A is present because of storm water inputs and the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser nonglacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a storm water outfall.
 - We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.
- The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met: *Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report*, AESI, July 28, 2016.
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 - Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be dug.
- Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place, and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional traffic volume? **All traffic to/from the cottage development must flow around the middle school – there are no alternate routes.** Please share plans for traffic flow control, traffic slowing, and sidewalk development. Also, please confirm that the applicant has met all city requirements.
- When we compare the developer's plan to the Kirkland Cottage Development Ordinance, we are concerned that the plan does not "promote the sense of community," which is the intention of the ordinance. It is apparent that the developer is leveraging the cottage ordinances to build as many homes as

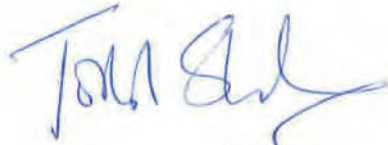
possible in a limited buildable area. These concerns ultimately dilute the intentions of the ordinance. Please confirm that the applicant has met the required rules and intentions of the ordinance.

- The common area must be a minimum of 400 sq ft/unit (113.25)
- The buffer variances that enable house placements that do not abut a common space (135.35)(b)
- The common space that is not surrounded by cottages (parking lots are on one side) (135.35)(b)
- The prominent parking lots that define the space (135.35)(c)
- The lack of a community building and lack of house style variety (113.30), (113.35)(f)
- The development plan does not provide adequate access due to the driveway steepness, nor is there enough space for emergency vehicle response and turnaround. Please confirm that emergency vehicles can respond as required to calls in this development and neighborhood.
- Would it not be in the interest of public safety to have the development entrances line-up with 4th Place and 5th St? As planned, drivers will be forced to make right and left hand turns to enter and leave the property with limited sight lines for the latter due to the grade.
- The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?
- The city's proposal is to widen 20th Avenue to 24 feet in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?
- The proposal calls for removal of the white barrier at the bottom of 5th street. This creates a significant danger for cars traveling north, especially with increased traffic flow into the new development. How is the city going to mitigate this increased danger to safety?
- The proposed development has limited guest parking. What requirements will the city impose 1) to accommodate additional cars for people that will be visiting, 2) to handle overflow from families that have more than 2 cars per household, or use their garage for storage, or have a recreational vehicle.
- With additional traffic flowing into the neighborhood, there will be increased safety concerns when turning left into 19th Ave. while heading southbound on Market St. There is no left turn lane on Market St, so cars must wait between the two medians in order to make the left turn into our neighborhood against heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood?
- There are no streetlights on 20th Ave. near 5th Street, and it is very dark on 20th Ave. between 4th Street and 4th Place. What are the requirements for additional lighting on 20th Ave?

- Car prowls and burglaries have been a problem just in the past 2 years. Is adding a walking path from 20th Ave. to Forbes Creeks Road seen as increasing public safety? Will there be additional police patrols with this development?
- What provisions must be made to limit damage and disruption to wildlife in the area during and after construction? There are coyotes, deer, raccoons, and bald eagles on this and adjacent parcels – photos available on request.

We recognize that Kirkland is a popular place to live and therefore it is enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, we expect the city to scrutinize this application closely and ensure that all code requirements are met fully.

Sincerely,



Todd Shaphren



Jennifer Shaphren

402 20th Avenue
Kirkland, WA 98033
shaphren@hotmail.com

Don Stephens
316 5th Ave
Kirkland, WA 98033

January 8, 2018

Susan Lauinger
Planning and Building Department
123 Fifth Ave, Kirkland, WA 98033

RE: Case NO. SUB16-02267

Dear Susan,

The Orcas Moon Cottage Project is a stunning example of what the City of Kirkland has provided for in its code and mirrors past successful nationally recognized developments.

Responsible land use is paramount within our city as population increases. This type of development uses a small amount of land for fifteen homes compared to past development standards and yet provides preservation of Native Growth Protection Areas. There may be some (neighbors) who do not want a new development in their "back yard". Well, I would just like to remind them their homes displaced trees, animals and created traffic etc. too. Often the people that complain the most are the type that have an attitude of Not In My Back Yard. Where will their children live? As responsible citizens we all must pitch in and protect forward vision like the Orcas Moon Project.

One negative aspect of the project is the developer's proposed walking trail from Forbes Creek Drive to NE 20th. Trails like this usually create a nuisance for the adjacent landowners and due to the nature of this particular site it seems like it could propagate crime such as burglaries, loitering or transient camping/living etc. There is another connector stairway a short distance to the east that already serves the neighborhood well.

Sincerely,



Don Stephens

January 7, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To Whom It May Concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for 7 years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. **From a safety standpoint I would like to point out that we have an inconsistent sidewalk availability as well as poor lighting along 4th Street and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children.** We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon

Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention 'freshly exposed silt' in the gully which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.
2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

 1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
 2. **Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.**
3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.
4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
 - a. The common area must be a minimum of 400 sq ft/unit (113.25)
 - b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
 - c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
 - d. The prominent parking lots that define the space (135.35)(c)
 - e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.
5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.

6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?
7. The city's proposal is to widen 20th Avenue to 24 ft.in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?
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12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Sarah Bley Stockwell and Family
1869 4th Street
Kirkland, WA 98033

From: Sheila Storrer <srsmerc@yahoo.com>
Sent: Sunday, January 07, 2018 6:31 PM
To: Susan Lauinger
Subject: CASE NUMBER SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for five years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

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Sincerely,

Sheila Storrer and Jeff Mercer
404 20th Ave
Kirkland, WA. 98033

From: Giuseppe Strazzulla <g.strazzulla@hotmail.com>
Sent: Sunday, January 07, 2018 8:19 PM
To: Susan Lauinger
Subject: Permit Number SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City of Kirkland,

I am writing this email to express concern about the new large development in the area indicated as case no. SUB16-02267. We ask that the city take into consideration the events occurred over the past couple of years regarding a previous development on Forbes Creek Drive. It is known that the land surrounding Forbes Creek and Crestwood Park is impacted by stability issues (water runoff, steep slope etc.), can be severely saturated and not to mention a wildlife habitat.

In the past the city failed to take our concerns seriously until our neighborhood took legal action (appeal SEP13-00962). We ask this time that the City of Kirkland seriously evaluate the condition of the land using a technical study and not just a checklist completed by the builder before approving this project.

As in the past, City of Kirkland failed to notify all the surrounding neighborhoods of this development. One of our neighbors that we know of received the notice of this development. We ask that all affected neighborhoods be informed from this point on.

Sincerely,

Giuseppe and Jessica Strazzulla

From: James Sullivan <jpshotcreek@gmail.com>
Sent: Sunday, January 07, 2018 10:38 PM
To: Susan Lauinger
Subject: Case Number SUB16-02267

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Lauinger,

I wanted to thank you for the time you spent with us the other night regarding the Orcas Moon project. Your presentation was reassuring and thorough.

While I do agree and support the points of concern in the pre-written letter that most of the neighborhood is sending to you, I would like to make two points for the record.

I understand the project was submitted under older building codes, and I understand the idea of cut-off dates for rule changes. However, this project is proposed to be built on a slope with the highest landslide hazard designation the city maps have (I take your point those maps are estimations). The idea that because it was submitted at a certain time, the best available science presented in the new maps created by the Geologic Hazard Mapping Project will not be used to determine the safety and potential for a catastrophic failure is just frightening.

Everything I learned at the community presentation for for the Geologic Hazard Mapping Project convinced me that this new science needs to be included in your analysis. The new maps are not estimations.

Finally, I want to mention for the record the context with which a good deal of the neighborhoods' emotion comes from. Aside from the fact this project will permanently change the character of this neighborhood and make it less safe for the children playing in the street, the developers set the tone here. In their 'courtesy meeting' they had with the neighborhood last year the representatives from the design company (The Blue Line Group) started the meeting by explaining the property owners could not make it to the meeting, which turned out to be a blatant lie as the questioning became more critical the two guys in the room who looked out of place finally had to admit who they were to defend their project. Any possibility of good will was out the window.

Then, for every critical question such as parking, traffic and geology, both the designers and owners were very clear that they would do the very minimum required by the code. (There is clearly not enough parking in the current plan)

So now we have a situation where less than honest operators; building on every square inch of build-able land; that have expressed their plans to do the absolute minimum required; and have already been caught once violating the rules on stream interference, are to be trusted to build on a geologically hazardous land slide prone slope down hill of an established neighborhood.

I know this last part is not code related as you requested but once the city approves this project it will own the responsibility as to whether this was done safely or not.

Thank you for your time and consideration.

Jim Sullivan
523 19th Pl
Ph. 775.720.1953

January 2, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

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I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

Vidur Verma
1921 5th Pl
Kirkland, WA 98033

Dec 27, 2017

City of Kirkland
Planning and Building Department
% Susan Lauinger, Project Manager
123 5th Ave.
Kirkland, Wa 98033



Re: Permit SUB16-02267 /Cottages

Dear Ms. Lauinger,

I have lived on 4th Place and 20th Avenue since 1969 and of course watched many changes in the area. The planned building site has been surveyed quite a few times since I have lived here. My late husband, a civil engineer, would speak with the surveyors and **was told each time the hill side was not safe to be built on. The site is/ at least it was, listed as an unstable slope on the City's Environmentally Sensitive Area Map.**

My personal concern is the instability of the hill side, I have watched sinkholes on 4th Street/20th Ave. and 4th Place/20th Ave. We used to have natural springs in the street before it was properly paved over.

There is also the wildlife to consider: deer, raccoons, coyotes, owls and hawks are regularly seen, right on my lawn. What about all the trees that would need to be cut down?

There is **construction right now** on the hillside below **20th and 4th Street/Forbes Creek**. The access to that development is from Forbes Creek. **Why then can't the proposed "Cottages" also be approached from Forbes Creek if they should be approved?**

Access to I 405 is close by, and Market Street/Forbes Creek has a traffic light.

Increase in traffic on 19th Avenue would impact children walking to Kirkland Middle School, people walking to the bus stop on Market or to the park, as there **is no sidewalk on 19th Avenue**. I travel 19th Avenue around 8:00 in the morning. During the cold spell it was a sheet of ice. Children walking to school have little chance to get out of the way of cars.

Please consider all the facts and concerns neighbors and others will bring to your attention.

I will be attending the meeting in January.

Thank you,

Maria Vernon

1930 4th Place/ 425-827-3377

fatarie@gmail.com

To;
 Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033
 Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

12/27/17



To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267 I have the concerns regarding the developer's plans.

I've lived in this neighborhood for 47 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. I am strongly against the developer's plans as it will negatively impact my neighborhood. My concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. I've listed these concerns below and would appreciate your review and comments on these areas:

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3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.
4. When I compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:
 - a. The common area must be a minimum of 400 sq ft/unit (113.25)
 - b. The buffer variances that enable house placements that don't abut a common space (135.35)(b)
 - c. The common space that isn't surrounded by cottages (parking lots are on one side) (135.35)(b)
 - d. The prominent parking lots that define the space (135.35)(c)
 - e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)

Please confirm that the applicant has met the required rules and intentions of the ordinance.

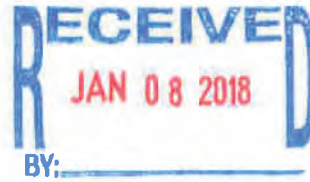
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10. The proposed development has limited guest parking, what is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave..

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,
 Maria Vernon
 1930 4th Place
 Kirkland, WA, 98033

January 6, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033



Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for 1 year, although I've been in the downtown area for much longer, and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
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 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
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2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

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3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

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Please confirm that the applicant has met the required rules and intentions of the ordinance.

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11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,



Zoe Wei
1917 6th St.
Kirkland, WA 98033

Kirkland, 01/01/18

To:
Kirkland Planning Department
Attn: Susan Lauinger
123 Fifth Avenue
Kirkland, WA 98033
Cc:
Public Works
Attn: John Burkhalter
123 Fifth Avenue
Kirkland, WA 98033

Dear Ms. Lauinger,

Per the Notice of Application, Case Number SUB16-02267, we have concerns regarding the developer's plans.

We have lived in this neighborhood for over 9 years and have stayed here because of the quiet, safe and close-knit neighborhood that has been established. We are strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

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4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.
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Sincerely,
Penelope and Marcus Smith
1929 4th Street
Kirkland, WA 98033
penelope.smith@me.com

January 3, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for six and half years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

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source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to “shallow slide activity within the gully.” There are several comments about this situation:

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Sincerely,

A handwritten signature in black ink that reads "Leigh M. Stevens". The signature is fluid and cursive, with the first name "Leigh" being the most prominent.

Leigh Stevens
1910 4th Place
Kirkland, WA 98033

June 8 2017

To: Susan Lauinger, David Barnes and Eric Shield

Re: Orcas Moon Cottages proposed site Permit number SUB16-02267

Dear City of Kirkland Planners:

I'm sure this isn't the first or the last letter regarding this ridiculous plan for building on our greenbelt and beautiful hillside. I believe I am one of many who are opposed to this plan, and here's why:

This particular neighborhood, directly south of the greenbelt has seen renovation and new large homes put up, but 4th Place in particular has stayed nice and friendly, in keeping with the original rambler style and have been lucky not to have those monstrosities built. Yet.

Our street has large yards and I believe that is what keeps most of us here. I have lived on 4th place for 22 years now and just love my neighborhood. I have seen the old ones move out and new families thrilled to be part of this small, relatively quiet paradise.

The new owners with small children are fearful, as am I about the traffic and safety for them if 4th Place continues down towards Forbes Creek. I see the children on their bikes just being kids and circling and roaming around, almost care-free because the traffic is so light. Now that we connect to 4th Street on 20th, there is a bit more traffic, but I don't want it to get any worse.

These new units will add quite a bit more congestion and are being situated in a bad location. The meeting that my husband and I attended with these contractors and the local neighbors showed me just how greedy some folks get, and the virtual vision was unrealistic. That slope is drop off steep and heavily wooded, helping keep it intact and not sliding down on Forbes Creek, like we see every year on the Puget Sound railroad tracks. This plan is a joke, but it's not funny, nor will it be when the environmental impact and nature do its thing. Wake up, people!!! It rains here! A LOT!

Runoff and stability of the hillside are at risk, and so are the children who play here. I strongly encourage entries into this "cottage" development come from Forbes Creek, like the other small development to the west of the stairs up to Crestwoods Park. Actually, I strongly encourage no building at all, but when folks can get rich off of exploiting our precious Kirkland, I suppose there is no stopping them. As it is, our density and traffic are getting so bad, I hate to think of what Kirkland will look like in 20 years with ugly block homes and hardly any room for home gardens and "back yards" where children can be children and play safely.

Thanks for considering a NO on street connection with 4th Place and 20th Ave.

Sherri Ault, 1917 4th Place, steven.sherri@frontier.com

January 3, 2018

Kirkland Planning Department
 ✓ Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for twenty years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

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 - e. The lack of a community building and lack of house style variety (113.30), (113.35)(f)
 Please confirm that the applicant has met the required rules and intentions of the ordinance.
5. The developer's plan doesn't seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.
6. The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?
7. The city's proposal is to widen 20th Avenue to 24 ft.in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?
8. The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.
9. The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

10. The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave.

11. With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

I recognize that Kirkland is a popular place to live and therefore it's enticing to develop property in this area. This developer has shown that they're willing to circumvent the rules to build here. Therefore, I expect the city to scrutinize this application and ensure the requirements are being fully met.

Sincerely,

A handwritten signature in cursive script that reads "Meredith Goldstein". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle name.

Meredith Goldstein
1937 5th Street
Kirkland, WA 98033

To Susan Lavinger ORCAS
MOON

SUB16-02267
ATTACHMENT 8

With real estate inventory at an all-time low and housing demand at an all-time high the temptation to develop marginal properties for profit is irresistible. Once a developer applies and is granted permits from the city of Kirkland planning department another home gets stuffed in to the back yard of an old Kirkland property or an older home is bulldozed and two skinny homes replace it. I see this all over old Kirkland. The proposed Orca Moon cottages development will probably sell for at least \$500,000 each. I count 15 home sites that's \$7,500,000 in gross sales. Yes there will be winners and losers. The developers profit. The city of Kirkland wins with the permit fees and increased tax revenue once the units are sold and occupied. The current residents lose with at least 60 more vehicle trips racing up and down 4th place daily going to and from work. That is after the chainsaws, bulldozers, cement trucks and construction crews have finished. Somewhere around the late 1900s or early 2000s 20th avenue was extended to connect 4th street to 4th place to facilitate access to several new home sites. The city of Kirkland told the current residents we would benefit from better emergency access. I remember increased traffic by the elimination of the dead end streets. I don't see any benefit to the current residents on 4th place from this proposed development.

What the Orca moon cottages site map doesn't show is how steep the slope starts to drop off beginning mid-way down 4th place. The proposed development property is located on a wooded steep north facing slope that doesn't see direct sun light from mid-November through to February it is a cold damp environment. I believe the reason the cottages are not accessed from Forbs creek drive is it is too steep and wet. If the profit motive did not exist to build cottages on the property it would remain a green space, wildlife habitat and most importantly a runoff buffer from all the hundreds of current resident's yards, roofs, driveways and streets. If you notice a clearing on the slope near forbs creek drive on the Orca Moon cottages preliminary site plan this is not a tennis court. It is most likely a required runoff containment reservoir mandated to protect forbs creek from erosion from extreme rain events from the developed hillside. Rain, what about snow and ice? Could you imagine slipping and sliding down the access road from 20th avenue to your new cottage? This development could be technically possible but just because you can doesn't mean you should.

Steven Chester
1917 4th Place
Kirkland, WA 98033

steven.sherri@frontier.com

January 3, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for 43 years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

1. Please ensure these concerns and discrepancies are resolved from the Critical Areas report and comply with city codes.

Critical Areas Report, Talasaea (July 21, 2016 and updated Nov 2017; reviews by Watershed Company)

1. Watershed Company indicates that the piped section of Stream 2 has been flanked by the stream and that an open channel is developed. Please ensure this issue is addressed.
2. Orcas Moon is proposing buffer averaging in order to reduce stream buffers at the south end adjacent to their development. They propose to mitigate this reduction by increasing buffers on the south end of the site (shown explicitly in bright green on the Critical Areas Mitigation Plan on the City's website) in areas adjacent to culverted stream sections. A buffer to a culvert is an utterly ineffective stream buffer. They should either be required to daylight these stream sections in order to claim this as a buffer (or reduce culvert length dramatically), improve buffers elsewhere on the property, or else reduce the proposed buffer reductions.
3. Talasaea, Watershed, and AESI have different opinions about the classification of Wetland A. They appear to be discussing whether the wetland has a perennial water source (spring) or stormwater outfall source. In a letter dated October 13, 2016, to Robert Londo, AESI states that, based on field observations, erosion has led to "shallow slide activity within the gully." There are several comments about this situation:
 - a. Slope instability is not addressed anywhere in the Critical Areas Reports and I believe that it should be.
 - b. Our neighbor is very familiar with the geology and slope stability in this area. Seeps are present on the steep slopes at a geologic contact between overlying, somewhat permeable Vashon Advance Outwash sand and underlying, low permeability, Pre-Fraser Nonglacial Sediments (previously called Transitional Beds). Our neighbor suspects that Wetland A is present both because of stormwater inputs but also the presence of perennial seeps at this contact, as noted in Watershed's review and AESI's field observations (they mention "freshly exposed silt" in the gully

which is typical of the Pre-Fraser non-glacial sediments). These soils are perennially wet regardless of whether a wetland source is a seep or a stormwater outfall.

4. We noted that the site plans don't provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.

2. The following report was provided as a hard copy and is not posted on the public website. Please provide a legible site plan for further analysis and please ensure all city codes are being met.

Subsurface Exploration, Geologic Hazard, and Geotechnical Engineering Report, AESI, July 28, 2016

1. Site Plan is not consumable, relevant or comprehensive - The plan is old and includes an older version of the cottage layout, so please request a geotech addendum with newer cottage layout. The legend of the site plan is incomplete: need contour interval, explanation of gray shading. It would be helpful if the plan extended all the way to Forbes Creek Drive
2. Test pits are over 10 years old. Although the soils have not changed, the explorations are not located in all of the areas pertinent to the current design. Additional test pits should be considered.

3. Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 20th Ave, 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.

4. When we compare the developer's plan against the Kirkland Cottage Development Ordinance, I'm concerned that the plan doesn't "promote the sense of community" that is the intention of the ordinance. Ultimately, it feels like the developer is leveraging the cottage ordinances to build as many homes as possible in a limited buildable area. These concerns ultimately dilute the ordinance intentions:

- a. The common area must be a minimum of 400 sq ft/unit (113.25)
- b. The buffer variances that enable house placements that don't abutt a common space (135.35)(b)
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12. What are the requirements for additional lighting on 20th Ave. There are no current street lights on 20th Ave. Break-ins have been high in this neighborhood adding a walking path to Forbes Creeks would increase access. Lighting should be addressed.

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*I also question the findings concerning the safety of the homes located on the very steep terrain and the effects of climate change. Specifically the large increase in rainfall which was not taken into consideration.

* additional note added by Patricia Tuton

Sincerely,

Patricia and George Tuton
1936 4th St.
Kirkland, Wa. 98033

January 3, 2018

Kirkland Planning Department
 Attn: Susan Lauinger
 123 Fifth Avenue
 Kirkland, WA 98033

Cc:
 Public Works
 Attn: John Burkhalter
 123 Fifth Avenue
 Kirkland, WA 98033

To whom it may concern:

Per the Notice of Application, Case Number SUB16-02267, I have concerns regarding the developer's plans.

I have lived on this neighborhood street for twelve years and find that it exemplifies the strength of Kirkland communities. I am strongly against the developer's plans as it will negatively impact our neighborhood. Our concerns span the environmental impact, safety of our neighborhood kids and the Kirkland Cottage Development Ordinance intentions. We've listed these concerns below and would appreciate your review and comments on these areas:

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Sincerely,

Megan & Scott Roberts
409 20th Ave, Kirkland, WA 98033



CITY OF KIRKLAND
 Planning & Building Department
 123 5th Avenue, Kirkland, WA 98033
 425.587.3600 ~ www.kirklandwa.gov

MEMORANDUM

To: Adam Weinstein, SEPA Responsible Official, AICP, Planning & Building Director
From: Susan Lauinger, Associate Planner
Date: April 22, 2019
File: **SEP16-02269**

Subject: STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION
 ORCAS MOON COTTAGE SUBDIVISION; File SUB16-02267

Note: The Orcas Moon Subdivision is vested under a previous version of Chapter 90 of the Kirkland Zoning Code (KZC). This version of the code can be found at the city's website at the very end of the chapter sections.

GENERAL

The subject property is a vacant lot located in the Juanita Neighborhood between Forbes Creek Drive and 20th Ave (see Enclosure 1). The site has 5 Class B streams, 4 wetlands and contains geologically hazardous areas. The applicant, Orcas Moon, LLC has proposed a subdivision of 14 new lots to build Cottage units (see Enclosure 2). Note that the initial proposal included 15 cottages, but one was deleted by the applicant after the initial application was submitted. The proposal includes a request to reduce portions the buffers of the wetlands and streams on site in exchange for enhancing the remaining buffer with vegetation that would mitigate the buffer loss.

ANALYSIS

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

Many environmental impacts are mitigated by City codes and development regulations. For example, the Kirkland Zoning Code has regulations that protect sensitive areas, limit noise, provide setbacks, establish height limits, etc. Where City regulations have been adopted to address an environmental impact, it is presumed that such regulations are adequate to achieve sufficient mitigation [WAC 197-11-660(1)(e) and (g)]. Therefore, when requiring project mitigation based on adverse environmental impacts, the City would first consider whether a regulation has been adopted for the purpose of mitigating the environmental impact in question.

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

- Environmental Checklist dated 11/2/18 (see Enclosure 3)
- Geologically Hazardous Areas: City Map (Enclosure 4).
 - ❖ Associated Earth Sciences, Inc (AESI) report dated: 7/28/16 (see Enclosure 5); 2/20/18 (see Enclosure 6); 5/1/18 (see Enclosure 7); 10/29/18 (see Enclosure 8)
 - ❖ Geo Design, Inc. Geotechnical review of AESI reports (peer review) dated: 4/3/18 (see Enclosure 9); 8/21/18 (see Enclosure 10); 11/15/18 (see Enclosure 11)

- Critical Areas Reports (CAR)—There are 5 Critical Areas Reports (CAR) prepared by Talasea for the applicant:
CAR report dates: 7/21/16 (see Enclosure 12); 5/31/17 (see Enclosure 13); 11/9/17 (see Enclosure 14); 7/20/18 (see Enclosure 15); 10/31/18 (see Enclosure 16); Park path Mitigation plan by Talasea (see Enclosure 17)
- The Watershed Company peer review of the applicant's CAR's —There are 9 Watershed reports:
Watershed report dates: 12/1/16 (see Enclosure 18); 9/2/16 (see Enclosure 19); 7/21/17 (see Enclosure 20); 9/21/17 (see Enclosure 21); 1/2/18 (see Enclosure 22); 6/22/18 (see Enclosure 23); 12/11/18 (see Enclosure 24); 1/31/19 (see Enclosure 25); X/X/X (see Enclosure 26)
- Transportation Impact Analysis (TIA) report by TENW dated 2/15/18 and Concurrency submittal dated 6/1/16 (combined) (see Enclosure 27)
- Traffic and Concurrency review memos by the City's Transportation Engineer, Thang Nguyen dated 3/23/18 (traffic) and 6/22/16 (concurrency) (see Enclosure 28).
- Public Comment Letters—The City received 51 public comment letters (see Enclosure 29 for document containing all public comment letters combined)

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

The following are the key issues for SEPA review, as identified by staff and the public. They are briefly addressed as they relate to the specific site and proposal.

Public Comment

The public comment period ran from 12/21/17 to 1/8/18; there were 51 comments submitted (see Enclosure 29).

Many of the concerns in the public comment letters, including environmental and neighborhood character will be addressed in the staff analysis report for the subdivision. Traffic safety and impact, and storm water drainage concerns are addressed within the framework of SEPA due to the specificity of the public comments to the Orcas Moon project and how the issues raised are unique to the characteristics of the site.

The City's Transportation Engineer, Thang Nguyen has prepared a response to the traffic safety concerns brought up during the public comment period and John Burkhalter, Public Works Manager has addressed the drainage concerns (see Enclosure 30). As indicated in the responses, many of the traffic impact issues and traffic safety issues raised in the letters are adequately regulated by current City codes, or in some cases have no nexus to require certain traffic impact measures requested by the citizens submitting letters.

Transportation

The applicant submitted a Traffic Impact Analysis (TIA) and Concurrency report prepared by TENW (see Enclosure 27). The TIA report evaluated intersection proportional shares based on City guidelines, documented traffic volume forecasts and assumptions for 2020 conditions without and with the proposed development, evaluated collision history, and provided trip generation estimates for Orcas Moon. The report concluded that based on the data, the project would not "trip" requirements to install intersection improvements. The full report and analysis can be found as Enclosure 27.

The City's Transportation Engineer, Thang Nguyen evaluated the Traffic Impact Analysis report and Concurrency application. His analysis of the TIA report is that the project will not create significant off-site transportation impacts and that SEPA mitigation is therefore not required for this project. The project is forecasted to generate 183 net new daily trips and passed concurrency requirements (see Enclosure 28).

Critical Areas on site

The Critical Areas on site include Wetlands, Streams, and Geotechnical Hazard Areas. The Kirkland Zoning Code regulates critical areas for this proposal in the following Chapters of the Kirkland Zoning Code: Chapter 90-DRAINAGE BASINS and Chapter 85 – CRITICAL AREAS: GEOLOGICALLY HAZARDOUS AREAS. Note that this project vested under a previous version of Chapter 90 that is no longer in effect as of March 1st, 2017. An application was submitted on September 7, 2016 and was deemed complete on December 22, 2016. The applicant has submitted 5 Critical Area Reports (see Enclosures 12-17), and the City's consultant, The Watershed Co., has provided peer review of these reports on behalf of the City (see Enclosures 18-26).

Additionally, the applicant has submitted 4 Geotechnical reports, and the City's consultant has responded to each of these reports (see Enclosures 5-11).

Public Pedestrian Path

The Kirkland Municipal Code (KMC) 22.28.170 establishes that the City may require the installation of pedestrian walkways if a walkway is indicated as appropriate in the Comprehensive Plan, if it is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or if blocks are unusually long. KMC 22.28.070 sets forth that, generally, blocks should not exceed 500 feet in length, and blocks that are more than 750 feet in length should allow for midblock pedestrian access. Orcas Moon is located on a 675-foot-long block and the entire length from 6th St to Market St is approximately 3,120 feet long and currently has no pedestrian connection going in a north/south direction.

The Orcas Moon site is not an appropriate location for a north/south pedestrian connection due to the steep slopes, wetlands and streams on this site that make it difficult to build a path together with the infrastructure and homes. The Public Works Department has recommended that the developer construct a path through Juanita Bay Park, which is an undeveloped City park property that is located approximately 185 linear feet west of the Orcas Moon site (see Enclosure 31).

There is an existing asphalt pedestrian trail going east/west that connects between 4th St and 3rd St along 20th Ave. Vehicular improvements end at 4th St and at 3rd St and vehicles do not share access where the existing asphalt path is located (see Enclosure 31). The proposed path going north/south through the park, together with the existing east/west path, would provide an important pedestrian connection between the Norkirk and Juanita Neighborhoods. It would allow pedestrians in Norkirk to connect to Forbes Creek Drive, which is utilized by pedestrians to get to commercial centers in Juanita as well as Juanita Bay Park, a popular park in Kirkland.

There is a north/south pedestrian connection from Crestwoods park to Forbes Creek Drive, which is approximately 680 linear feet east from Orcas Moon; that path includes The Crestwoods Stairs trail, which as the title describes has many stairs. The proposed path, while steep in some areas, will be a gentler switchback style trail instead of many stairs.

The location of the path within the park site was determined in coordination with The Watershed Company who delineated the boundaries for 4 wetlands and 3 streams on the park site (see Enclosure 25). The applicant has submitted a survey showing the proposed location of the pedestrian path, which is approximately 575 feet west of the Orcas Moon site and would be located outside of wetland boundaries and outside of stream buffers except where the path connects to Forbes Creek Drive (see Enclosures 17 and 31).

The Kirkland Zoning Code Chapter 90 regulates park paths through wetlands and wetland buffers in the following code reference:

KZC 90.70 allows the development of access through wetlands and the wetland buffers in conjunction with a public park.

Because the zoning code does not contain mitigating measures for park paths, it is necessary to evaluate the environmental conditions on the park property with respect to impact to the critical areas.

The path would not go through any wetlands but would go through wetland buffers. While KZC 90.70 allows paths within City park properties to extend into wetland and wetland buffers there is no guidance concerning mitigation for impacts or impact avoidance associated with paths within park areas. The applicant has submitted a mitigation plan prepared by a qualified professional that proposes mitigation at a 1:1 ratio for the path where it extends through wetland buffers except the mitigation is proposed only at the south end of the park. The path extends into wetland buffers at both the north and south ends.

In addition, there are three streams on the site labeled as Streams A, B and C. All three streams are presumed to run year around but according to the Watershed Company are not likely to carry fish in them due to the gradient. This would make these streams "Class B" streams in a Primary Basin, which necessitates a buffer of 60 feet. KZC 90.90.5 allows paths and stream crossings in the outer one-half of the buffer area as minor improvements as long as there are no adverse effects to the stream. The proposed path will be located outside of all stream buffers, except when it reaches Forbes Creek Drive where the stream is located within a roadside ditch and narrows to one foot in width.

The City's consultant, The Watershed Company has reviewed the proposed location of the path and recommends that certain aspects of the plan be changed to achieve protection of the wetlands and streams (see Enclosure 26).

CONCLUSIONS

Mitigation may be required as part of a Determination of Nonsignificance issued by the City (lead agency) if the proposal results in significant adverse environmental impacts which are not sufficiently addressed by adopted City codes [WAC 197-11-350(3)].

The Kirkland Zoning Code contains adequate regulations to mitigate the impacts to the critical areas on the Orcas Moon property and that analysis is more appropriately undertaken with the zoning permit process.

However, the required pedestrian path proposed through the City park property does not have adequate mitigation standards established in the regulations. Therefore, based on my review of all available information and adopted policies of the City, I am recommending that the proposal be changed or clarified to include the following mitigating measures so that a Determination of Non-significance (DNS) can be issued.

Prior to recording the subdivision for Orcas Moon, submit a new mitigation plan for the park path that achieves the following results:

1. Re-align the northern section of trail that goes through the buffer for Wetland A. The trail should be as far away from the wetland as possible while not extending into the stream buffer or other sensitive areas with the exception of the stream crossing. The location of the trail where it meets Forbes Creek Drive should be located for maximum pedestrian safety.
2. Provide a planting plan for impacts to Wetland A that indicate trees and shrubs will be planted to mitigate the impacts of the trail. The square footage of each mitigation area should be at a minimum, proportional to the square footage of impact.

3. Update the mitigation plan to indicate that both trees and shrubs will be planted in both mitigation areas, and invasive species will be controlled to achieve no more than a 10% coverage in the planted areas.
4. Update the mitigation plan to include maintenance and monitoring for 5 years that adheres to the standards in KZC 90.50.4. Maintenance and monitoring shall follow the same timeline as mitigation plantings for the Orcas Moon site and shall be planted at the same time that the Orcas Moon mitigation is planted.
5. Update the mitigation plan to address removal of invasive plants prior to plant installation and invasive plant maintenance over the plant establishment period.
6. If it is necessary to cross a stream, provide details for installation of a bridge or planks, and provide evidence that the criteria in KZC 90.90.5 is met.
7. Provide a bond quantity worksheet for the plantings and pay for the bond prior to recording the subdivision. Add a line item to the worksheet that indicates water will be provided to the planted area in the volume indicated in the mitigation plan by Talasea.

These recommendations are based on adopted goals and policies of the City as found in the City's Comprehensive Plan. Specifically, the following elements of the 2018 Comprehensive Plan support the recommendations described below:

Comprehensive Plan Policies

Environment Element

Policy E-1.9-Using a watershed-based approach, both locally and regionally, apply best available science in formulating regulations, incentives, and programs to maintain and improve the quality of Kirkland's water resources.

Goal E-2: Protect, enhance and restore trees and vegetation in the natural and built environment.

Juanita Neighborhood Open Space and Parks

Pedestrian and bicycle pathways are recognized as part of the open space system.

Pedestrian and bicycle pathways are also part of the park and open space system in addition to providing a transportation function. Bicycle facilities separated from vehicles should be provided where feasible on main arterials. Major pathways in Juanita should be established according to the designations in the [Transportation Element](#).

The open space character of the Forbes Valley should be maintained.

The Forbes Valley area, extending from Lake Washington east to 116th Avenue NE, remains today as a large natural open space that is an extension of Juanita Bay Park. The Forbes Valley, with many wetland areas, is wooded with few existing homes. In the eastern section is Planned Area 9 which is developed as an attached and stacked residential project. The primary policy thrust for the Forbes Valley is to maintain it as a large open space along with low density residential development.

Transportation element Goals and Policies

Goal T-1: Complete a safe network of sidewalks, trails and improved crossings where walking is comfortable and the first choice for many trips.

Policy T-1.1: Improve the safety of walking in Kirkland.

Parks, Recreation and Open Space Goals and Policies

Natural Park Areas

The natural park areas, such as Juanita Bay Park, Yarrow Bay Wetlands, Heronfield Wetlands, Totem Lake Parks, and Watershed Park, provide residents with important natural open space and critical urban wildlife habitat. They are part of providing a balanced park system for citizens. Passive recreation uses such as walking, bird watching,

interpretive educational programs and signage, and non-motorized trail systems are appropriate for these sites.

Policy 7.1: Natural Area Preservation. Preserve significant natural areas to meet outdoor recreation needs, provide opportunities for residents to connect with nature, and meet habitat protection needs.

The City should preserve high resource value, significant, or connected natural resource areas through acquisition or other protection (e.g., conservation easements) as they become available. The City should prioritize particularly high value resources, or those that create important wildlife and recreation connections within the existing system for preservation. This should include greenways and other corridors that provide wildlife habitat connectivity.

Policy 7.2: Natural Area Restoration and Management. Restore and manage City-owned or managed natural areas to protect and enhance their ecological health, sensitive habitats and native species.

The City should actively work to improve the conditions of City-owned natural areas through invasive species removal; planting of native species; restoration of urban forests, creeks, wetlands and other habitat; and improvement of hydrological conditions. Management of natural areas should integrate with the City's urban forestry management planning.

The City should pursue opportunities to provide appropriate public access (e.g., trails, viewpoints, wildlife viewing areas, and boat landings) within natural areas to support passive recreation and environmental education.

Policy 7.6: Conservation Partnerships. Work cooperatively with resource management agencies and citizens to care for streams, enhance and protect urban forests and wetlands, improve wildlife habitat, and provide limited public access.

The City should strengthen the Green Kirkland Partnership to extend its reach and ensure continued care of the City's natural areas. The City should work to enhance partnerships with agencies such as Eastside Audubon, King Conservation District, and local educational institutions to pursue additional restoration activities, wildlife monitoring, and environmental education.

ENCLOSURES

1. Vicinity Map
2. Plans
3. Environmental Checklist
4. City's Geologically Hazardous Areas Map
5. Associated Earth Sciences (AESI) Geotechnical Report (7/28/16)
6. Associated Earth Sciences (AESI) Geotechnical Report (2/20/18)
7. Associated Earth Sciences (AESI) Geotechnical Report (5/1/18)
8. Associated Earth Sciences (AESI) Geotechnical Report (10/29/18)
9. GeoDesign Geotechnical Report (peer review) (4/3/18)
10. GeoDesign Geotechnical Report (peer review) (8/21/18)
11. GeoDesign Geotechnical Report (peer review) (11/15/18)
12. Talasea Critical Areas Report (7/21/16)
13. Talasea Critical Areas Report (5/31/18)
14. Talasea Critical Areas Report (11/9/17)
15. Talasea Critical Areas Report (7/20/18)
16. Talasea Critical Areas Report (10/31/18)

17. Talasea Park Trail Mitigation Plan
 18. The Watershed Company Report (peer review) (12/1/16)
 19. The Watershed Company Report (peer review) (9/2/16)
 20. The Watershed Company Report (peer review) (7/21/17)
 21. The Watershed Company Report (peer review) (9/21/17)
 22. The Watershed Company Report (peer review) (1/2/18)
 23. The Watershed Company Report (peer review) (6/22/18)
 24. The Watershed Company Report (peer review) (12/11/18)
 25. The Watershed Company Report (peer review) (1/31/19)
 26. The Watershed Company Report (peer review) (X/X/19)
 27. TenW Transportation Impact Analysis (TIA) (2/15/18) and Concurrency (6/1/16)
 28. City Transportation Engineer's review of TIA (3/23/18) and Concurrency (6/22/16)
 29. All public comments combined
 30. Public Works Department response to some public comments
 31. Park path location
-

☒ I concur ☐ I do not concur

Comments: _____



Adam Weinstein
Planning & Building Director

April 17, 2019
Date

cc: applicant; parties of record



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000
www.kirklandwa.gov

Public Works Response to Public Comment Questions

The following questions are taken from the Public Comments letters and some of the questions are paraphrased for clarity and due to the duplication of the question. Each response was prepared by Public Works staff John Burkhalter, Public Works Manager or by Thang Nguyen, Transportation Engineer.

Question 1: “We noted that the site plans don’t provide information on the storm drainage connections. Please confirm that the developers will not be able to hook up to the existing storm drain connection that runs through the backyards of 5th street properties without property owner consent.”

Response: The project is providing an on-site storm drain collection and conveyance system. The project will not make any connection on adjacent private properties.

Question 2: “Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? Also, how will you ensure the safety of the hundreds of Kirkland Middle School children and families given the additional volume? Please share any plans for traffic flow, traffic slowing and sidewalk development. Also, please confirm that the applicant has met all city requirements.”

Response: The additional traffic volumes from the proposed development is not significant. Unless there is an existing traffic conflict situation that creates an unsafe condition, adding traffic on the street does not create an unsafe traffic condition. There have been no pedestrian accidents within the close proximity of the project site nor Kirkland Middle School in the past three years nor has there been any complaint about speeding or unsafe traffic conditions. Since the City have not heard about any unsafe traffic condition near Kirkland Middle School and in the proximity of the project site, there is no plan to slow traffic. If there are existing traffic safety problems, residents can contact the City Neighborhood Traffic Control Program (NTCP) coordinator, Kathy Robertson, KRobertson@kirklandwa.gov to investigate the problems. The City cannot require the developer to construct sidewalk beyond their frontage and the City cannot require the developer to mitigate existing conditions.

Question 3: The developer’s plan doesn’t seem to provide adequate access due to the driveway steepness nor is there enough space for emergency vehicle response/turnaround. Please confirm that emergency vehicles can respond appropriately to calls in this development.

Response: A site distance analysis at each driveway is required. The landing at each driveway must be 6% or less for the first twenty (20) feet. The Fire Department will review access to the project for emergency services.

Question 4: The cars coming up the incline towards 20th Avenue will have compromised visibility due to the steepness of the driveways. Does the city plan to install stop signs on the proposed roads into the development?

Response: A site distance analysis at each driveway is required. The landing at each driveway must be 6% or less for the first twenty (20) feet. Stop signs are not required at curb cut driveways.

Question 5: The City's proposal is to widen 20th Ave to 24 ft. in front of the development. On the south side of the street the property to the curb belongs to the homeowners and people that park on that side of the street would be trespassing when they get out of the cars. Does the city plan on installing 'no parking' signs there?

Response: No parking signs may be installed along the south edge of 20th Avenue if desired by the neighborhood. The adjacent property owner will need to provide an easement to allow installation of the signs since the area south of the curb is private property.

Question 6: The widened 20th Avenue will have a sidewalk on the north side of the street, adjacent to the new development. The new development should be responsible for maintaining the sidewalk and clearing the snow in a timely manner.

Response: Maintenance of City sidewalks by adjacent property owners is referenced in City Code.

Question 7: The proposal calls for removal of the white barrier at the bottom of 5th street. There is the danger for cars that miss the turn to go down the hill, the danger will increase with increased traffic into the new development. How is the city going to mitigate this threat? I.E., new reflector and turn sign.

Response: Safety signage per AASHTO will be provided at the intersection in place of the white barricade.

Question 8: The proposed development has limited guest parking. What is the city's plan to accommodate additional cars for people that will be visiting or for families that might have more than 2 cars per household. Part of that proposal should include adding parking to the west side of 5th street from the mailboxes to 20th Ave.

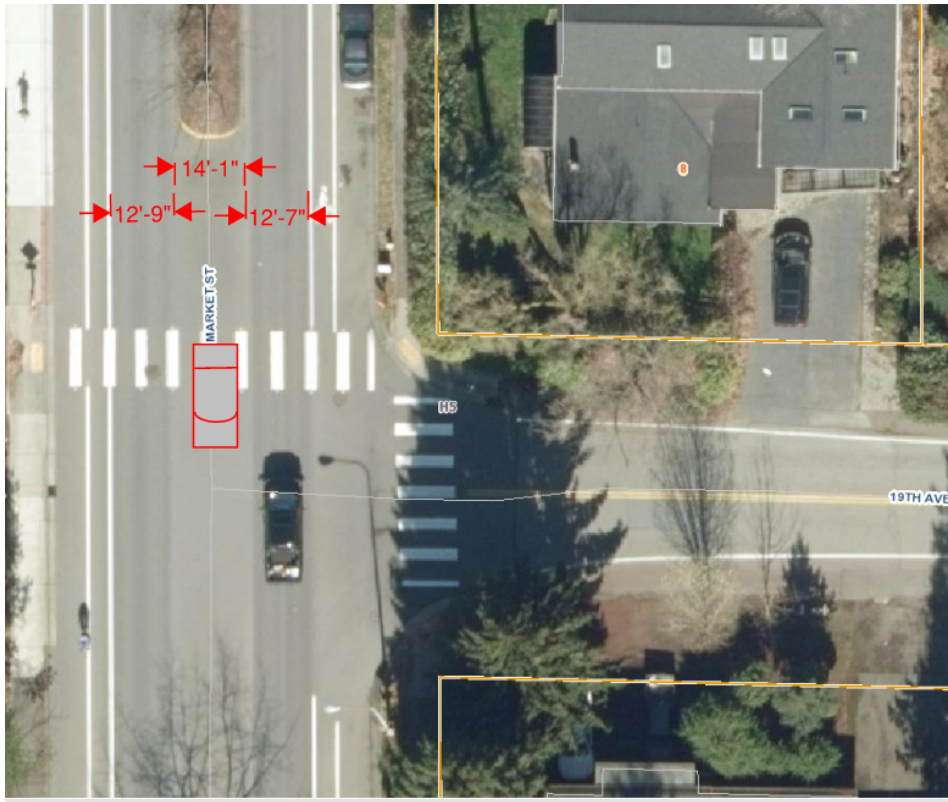
Response: Guest parking is provided on-site at a ratio defined by City Code. Some additional parking will be available along the project frontage with the improvements to 20th Avenue. Code does not give City the authority to make improvements beyond the Project's right-of-way frontage.

Question 9: With additional traffic into the neighborhood, there will be increased traffic safety concerns when needing to turn onto 19th Ave from heading south on Market street. There is no left turn lane on to 19th Ave, so that cars are midway between lanes awaiting the left turn into our neighborhood with heavy northbound traffic. How will this be addressed with the additional growth of the neighborhood.

Response: It is forecasted that the proposed development will add four additional left-turns on to 19th Avenue from southbound Market Street during the PM peak hour and two additional left-turns during the AM peak hour; this is an insignificant amount of additional traffic. There is adequate sight distance for the southbound left-turn on Market Street and as shown in the figure, there is a 14-foot-wide median area that provides an adequate refuge area for a vehicle to wait prior to turning onto 19th Avenue without

obstructing northbound traffic flow. Therefore, improvement to the intersection is not proposed nor warranted.

*****See graphic
below*****



Question 10: Access: It appears that this development is approved for access off of 20th. I would like to confirm that this is and will ALWAYS be the only access. Having access across from my driveway could and probably would result in dangerous situations.

Response: Access to the Project will be from 20th Avenue. There is no requirement to provide dedications or easements to improve access in the future to Forbes Creek Drive; existing grades prohibit the connection

Question 11: In the past my yard and basement have flooded numerous times. With the development of this parcel it will only get worse. How will the drainage be addressed and what is my recourse if the system that is put into place is inadequate?

Response: The Project is required to comply with the 2016 King County Surface Water Design Manual to provide water quality and flow control as mitigation for the development. This analysis will include matching the sites runoff at pre-developed forested conditions and a downstream analysis for conveyance.

Question 12: While considering any new developments please take into consideration the stability issues, water runoff, steep slope, wildlife habitat and severe saturation that were found in the land by the stairs.

Response: The Project is required to provide an Arborist Report and Geotechnical Report for review of trees on the site and soil conditions; providing recommendations for grading, utility and home construction. The Project will comply with the 2016 King County Surface Water Design Manual to provide water quality and flow control as mitigation for storm water runoff from the development.

Question 13: My area of specific concern is the intersection of 5th Street and 19th Place. As is, this is a dangerous intersection when heading out of our neighborhood. Cars heading west on 19th Place must make a left turn onto 5th Street to exit the neighborhood. Cars heading west on 19th Place must make a left turn onto 5th Street to exit the neighborhood. The vegetation on the west side of 5th Street north of 19th Place has grown so much that it blocks visibility to the point that you are practically in the middle of the intersection before you have line sight vision to the right to see those cars existing from 5th Street north of 19th PL and from 20th Avenue. We also proposed that “no parking” signs be installed on the east side of 5th Street north of 19th Place to maximize visibility.

Response: The property owner of the house at the intersection is responsible for maintaining their landscaping so that the vegetation doesn’t restrict sight distance. The City Neighborhood Traffic Control Program (NTCP) coordinator, Kathy Robertson, KRobertson@kirklandwa.gov will be notified to correct the sight distance obstruction. Residents can contact Kathy to discuss the proposal for restricting parking on the east side of 5th Street.

Question 14: It is known that the land surrounding Forbes Creek and Crestwood Park is impacted by stability issues (water runoff, steep slope etc.), can be severely saturated and not to mention a wildlife habitat.

Response: The Project is required to provide an Arborist Report and Geotechnical Report for review of trees and soil conditions on the site; providing recommendations for grading, utility and home construction. The Project will comply with the 2016 King County Surface Water Design Manual to provide water quality and flow control as mitigation for storm water runoff from the development.

Question 15: From a safety standpoint I would like to point out that we have an inconsistent sidewalk availability as well as poor lighting along 4th Street and 19th Avenue. This development could easily bring in 30 additional vehicles traveling daily along these streets which are heavily populated with children. On 4th Street, between 18th and 19th Avenues alone, there are 25 children.

Response: The Project will provide sidewalk improvements along it’s frontage with 20th Avenue. Zoning Code does not require improvements along off-site frontages. A lighting analysis along the Project’s 20th Avenue frontage is required.

Question 16: The steep slopes make these soils unfavorable for infiltration.

Response: The Project is not proposing any infiltration as storm water mitigation on the site.

Question 17: If your home is on a steep hillside, it may be difficult to get homeowner’s insurance.

Response: Homeowner's Insurance coverage is outside the scope of the City's review. However, the Project is required to provide an Arborist Report and Geotechnical Report for review of trees and soil conditions on the site; providing recommendations for grading, utility and home construction.

Questions 18: Stream 2 starts at the outfall of two stormwater pipes located on the north side of 20th Ave. It would appear that vaults on the property do not have a corresponding easement so that the City crews can have access to them. This would be an impediment to complying with the required inspections and maintenance (per the NDPES permit issued of the City by Washington State Department of Ecology).

Response: The Project is not proposing to discharge on-site water to the private system described. The maintenance schedule of existing storm facilities is not within to the scope of this project.

Question 19: Given the added traffic volume with this development, how will you ensure that the 30+ elementary and middle school children residing on 4th Street, 4th Place and 5th Street can safely walk to and from school? All traffic to/from the cottage development must flow around the middle school—there are no alternate routes. How can you ensure the safety of middle school students?

Response: The additional traffic volumes from the proposed development is not significant. Unless there is an existing traffic conflict situation that creates an unsafe condition, adding traffic on the street does not create an unsafe traffic condition. There have been no pedestrian accidents within the close proximity of the project site nor Kirkland Middle School in the past three years nor has there been any complaint about speeding or unsafe traffic conditions. Since the City have not heard about any unsafe traffic condition near Kirkland Middle School and in the proximity of the project site, there is no plan to slow traffic. If there are existing traffic safety problems, residents can contact the City Neighborhood Traffic Control Program (NTCP) coordinator, Kathy Robertson, KRobertson@kirklandwa.gov to investigate the problems. The City cannot require the developer to construct sidewalk beyond their frontage and the City cannot require the developer to mitigate existing conditions.

Question 20: There are no streetlights on 20th Ave near 5th Street, and it is very dark on 20th Ave between 4th Street and 4th Place. What are the requirements for additional lighting on 20th Ave?

Response: A lighting analysis along the Project's 20th Avenue frontage is required.

Question 21: Car prowls and burglaries have been a problem just in the past 2 years. Is adding a walking path from 20th Ave. to Forbes Creek Road seen as increasing public safety? Will there be additional police patrols with this development?

Response: A public pedestrian connection between 20th Avenue and Forbes Creek Drive is in line with the City's goals and policies to increase connectivity between and through City neighborhoods. The path will not be within the Orcas Moon development, but will be in Juanita Bay Park instead.

Question 22: Why can't the access come from Forbes Creek Drive?

Response: There are environmentally sensitive areas and the steepness of the grades that make it challenging to construct a road to serve the development from Forbes Creek

Drive. Staff have reviewed the proposed access locations and the traffic increase and concluded that the proposed project would not have a significant transportation impact to the neighborhood. There have been no pedestrian accidents within close proximity of the project site and Kirkland Middle School in the past three years nor have there been any complaints about speeding or unsafe traffic conditions. Therefore, there is no reason to conclude that the additional traffic volumes would make it less safe than it is currently. If there is an existing traffic safety problem, residents can contact the City Neighborhood Traffic Control Program (NTCP) coordinator, Kathy Robertson, KRobertson@kirklandwa.gov to investigate the problem. The City cannot require the developer to construct sidewalk beyond their frontage.

Question 23: Increase in traffic on 19th Avenue would impact children walking to school There is no sidewalk on 19th Ave. During cold spells, the road is icy and children cannot get out of the way of cars.

Response: The additional traffic volumes from the proposed development is not significant. Unless there is an existing traffic conflict situation that creates an unsafe condition, adding traffic on the street does not create an unsafe traffic condition. There have been no pedestrian accidents within the close proximity of the project site nor Kirkland Middle School in the past three years nor has there been any complaint about speeding or unsafe traffic conditions. Since the City have not heard about any unsafe traffic condition near Kirkland Middle School and in the proximity of the project site, there is no plan to slow traffic. If there are existing traffic safety problems, residents can contact the City Neighborhood Traffic Control Program (NTCP) coordinator, Kathy Robertson, KRobertson@kirklandwa.gov to investigate the problems. The City cannot require the developer to construct sidewalk beyond their frontage and the City cannot require the developer to mitigate existing conditions.

Question 24: Share plans for traffic flow, traffic slowing and sidewalks development.

Response: The Project will provide sidewalk improvements along it's frontage with 20th Avenue. The Zoning Code does not require improvements along off-site frontages.

Question 25: Around the late 1900s or early 2000s 20th avenue was extended to connect 4th street to 4th place to facilitate access to several new home sites. The city of Kirkland told the current residents we would benefit from better emergency access. I remember increased traffic by the elimination of the dead-end streets. I don't see any benefit to the current residents on 4th place from this proposed development.

Response: Connecting 5th Street to 4th Place via 20th Avenue will increase emergency access. The connection eliminates the 5th Street dead end and expands the street network providing increased connectivity for emergency services, vehicles and pedestrians. There will be additional traffic on 4th Place due to the proposed development. However, the increase in traffic is not significant and there is ample traffic volume capacity to serve the development.



City of Kirkland GIS



- Legend
- City Limits
 - Grid
 - QQ Grid
 - Cross Kirkland Corridor
 - Regional Rail Corridor
 - Streets
 - Parcels
 - Buildings
 - Lakes
 - Schools
 - Olympic Pipeline Corridor
 - Water Body Area

- City Area
- BA
 - BE
 - BO
 - CH
 - DU
 - HP
 - KM
 - LF
 - ME
 - MI
 - RM
 - SE
 - SH

1: 4,463



Notes

0.1 0 0.07 0.1 Miles

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

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CITY OF KIRKLAND

Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
www.kirklandwa.gov ~ 425.587.3600

MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Case No.: SEP16-02269

DATE ISSUED: April 22, 2019

Project Name: Orcas Moon Cottage Subdivision

Project Location: Vacant Lot Parcel number 3890100050

Project Description: Subdivide one parcel containing 286,191 SF (6.57 acres) into 14 cottage unit lots. The proposal also includes a request to modify stream and wetland buffers on site, and installation of a public pedestrian path through an undeveloped section of Juanita Bay Park that is adjacent to the Orcas Moon property.

Proponent: Orcas Moon, LLC

Project Planner: Susan Lauinger

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.

- ☒ This MDNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date issued. Comments must be submitted to Susan Lauinger, project planner at slauinger@kirklandwa.gov by 5:00 PM on May 6, 2019. Please reference case number SEP16-02269.

Mitigation required to be incorporated into the Project:

Prior to recording the short plat for Orcas Moon, submit a new mitigation plan for the park path that achieves the following results:

1. Re-align the northern section of trail that goes through the buffer for Wetland A. The trail should be as far away from the wetland as possible while not extending into the stream buffer or other sensitive areas with the exception of the stream crossing. The location of the trail where it meets Forbes Creek Drive should be located for maximum pedestrian safety.
2. Provide a planting plan for impacts to Wetland A that indicate trees and shrubs will be planted to mitigate the impacts of the trail. The square footage of each mitigation area should be at a minimum, proportional to the square footage of impact.
3. Update the mitigation plan to indicate that both trees and shrubs will be planted in both mitigation areas, and invasive species will be controlled to achieve no more than a 10% coverage in the planted areas.
4. Update the mitigation plan to include maintenance and monitoring for 5 years that adheres to the standards in KZC 90.50.4. Maintenance and monitoring shall follow the same timeline as mitigation plantings for the Orcas Moon site and shall be planted at the same time that the Orcas Moon mitigation is planted.
5. Update the mitigation plan to address removal of invasive plants prior to plant installation and invasive plant maintenance over the plant establishment period.

6. If it is necessary to cross a stream, provide details for installation of a bridge or planks, and provide evidence that the criteria in KZC 90.90.5 is met.
7. Provide a bond quantity worksheet for the plantings and pay for the bond prior to recording the subdivision. Add a line item to the worksheet that indicates water will be provided to the planted area in the volume indicated in the mitigation plan by Talasea.

Responsible official:


April 17, 2019

Adam Weinstein, AICP, Planning & Building Director Date
 City of Kirkland
 Planning & Building Department
 123 Fifth Avenue, Kirkland, WA 98033 – 425.587.3600

☐ You may appeal this determination to the Planning & Building Department at City of Kirkland, 123 Fifth Avenue, Kirkland, WA 98033 no later than 5:00 PM on May 6, 2019 (14 days from date issued) by a Written Notice of Appeal. You should be prepared to make specific factual objections and reference case number SEP16-02269. Contact Susan Lauinger, project planner in the Planning & Building Department at 425.587.3252 to ask about the procedures for SEPA appeals. See also KMC 24.02.230 Administrative Appeals.

Publish in The Seattle Times on: Wednesday, April 24, 2019

Distribute this notice with a copy of the Environmental Checklist to:

GENERAL NOTICING

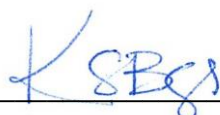
- Department of Ecology - Environmental Review
- Muckleshoot Tribal Council - Environmental Division, Tribal Archeologist
- Muckleshoot Tribal Council - Environmental Division, Fisheries Division Habitat
- Cascade Water Alliance – Director of Planning
- Juanita Neighborhood Association
- Lake Washington School District No. 414: Budget Manager and Director of Support Services
- Washington State Dept. of Archaeology & Historic Preservation
- King County Dept. of Transportation - Employer Transportation Representative
- Seattle & King County Public Health - SEPA Coordinator

AGENCIES WITH JURISDICTION, AFFECTED AGENCIES, AND/OR INTERESTED PARTIES

- Department of Natural Resources – SEPA Center
- Eastside Audubon Society
- King County Wastewater Treatment Division – SEPA Lead and Property Agent
- Parties of Record

cc: Applicant
 Planning Department File, Case No. SUB16-02267
 Public Works Department Transportation Engineer

Distributed by:



April 22, 2019

(Karin Bayes, Administrative Specialist)

Date

ORCAS MOON COTTAGES

CITY OF KIRKLAND PRELIMINARY PLAT MAP

BASIS OF BEARINGS

HELD A BEARING OF NORTH 88°37'33" WEST BETWEEN THE FOUND MONUMENTS ALONG THE CENTERLINE OF FORBES CREEK DR. (NE 106TH ST).

DATUM

HORIZONTAL DATUM:
NAD '83/11 GPS 2011 SMARTNET NORTH AMERICA

PRIMARY CONTROL POINTS AND ACCESSIBLE MONUMENT POSITIONS WERE FIELD MEASURED UTILIZING GLOBAL POSITIONING SYSTEM (GPS) SURVEY TECHNIQUES USING LEICA GS14 GPS/GNSS EQUIPMENT EQUIPMENT. MONUMENT POSITIONS THAT WERE NOT DIRECTLY OBSERVED USING GPS SURVEY TECHNIQUES WERE TIED INTO THE CONTROL POINTS UTILIZING LEICA ELECTRONIC 1201 TOTAL STATIONS FOR THE MEASUREMENT OF BOTH ANGLES AND DISTANCES. THIS SURVEY MEETS OR EXCEEDS THE STANDARDS SET BY WACS 332-130-080/090.

SURVEY NOTES

THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF A SURVEY MADE ON DECEMBER 2018 AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.

UNDERGROUND UTILITIES WERE LOCATED BASED ON THE SURFACE EVIDENCE OF UTILITIES (PAINT MARKS, SAW CUTS IN PAVEMENT, COVERS, LIDS, ETC.) AND AS-BUILT INFORMATION PROVIDED BY THE UTILITY PURVEYORS. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION, ELEVATION AND SIZE OF EXISTING UTILITIES PRIOR TO CONSTRUCTION.

THIS SURVEY DISCLOSES FACTORS OF RECORD AND ON THE GROUND AFFECTING THE SUBJECT PROPERTY BOUNDARY, BUT IT DOES NOT PURPORT TO LEGALLY RESOLVE RELATED PROPERTY LINE DISPUTES. WHERE AMBIGUITIES ARE NOTED, THIS RECOMMENDS THAT THE OWNER CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW BEST TO INTERPRET THEIR PROPERTY RIGHTS AND ADDRESS ANY POTENTIAL PROPERTY LINE DISPUTES.

WETLAND DELINEATION PROVIDED BY TALASAEA CONSULTANTS, INC. AS SHOWN ON MAP DATED APRIL 21, 2016 NUMBER TAL 516.

LEGAL DESCRIPTION

LOTS A AND B CITY OF KIRKLAND BOUNDARY LINE ADJUSTMENT LLA-_____, RECORDED _____, UNDER AUDITOR'S NUMBER _____, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 32 TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN.
(ALSO KNOWN AS LOTS A AND B CITY OF KIRKLAND BOUNDARY LINE ADJUSTMENT NUMBER LLA-06-00026, RECORDED AUGUST 29, 2007, UNDER AUDITOR'S NUMBER 20070829001915, BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 32 TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN).

MAX DEVELOPMENT POTENTIAL

TOTAL SITE AREA: 286,193
SENSITIVE AREA (STREAM & WETLAND): 8,502
UNIMPROVED BUFFER AREA: 188,082
BUILDABLE AREA: 109,609
% SITE IN SENSITIVE AREA BUFFER: 58.7%

GROSS SITE AREA: 286,193
ROW DEDICATION: 5,637
NET SITE AREA: 280,556

OWNER

ORCAS MOON LLC
PO BOX 2710
REDMOND, WA 98073
(206) 550-5560
CONTACT: ROBERT LONDO

ZONING

RS 12.5

CIVIL ENGINEER

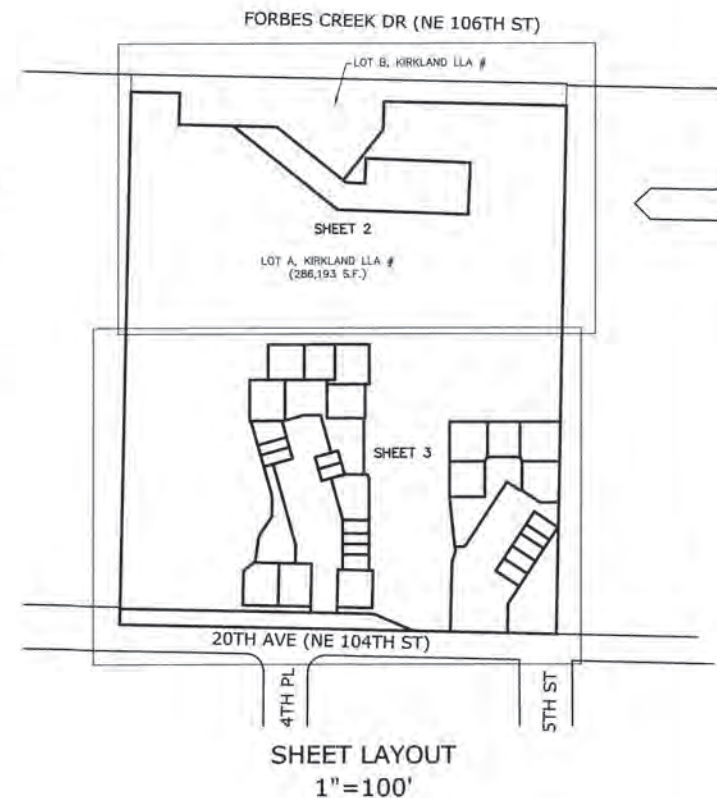
THE BLUELINE GROUP
25 CENTRAL WAY, SUITE 400
KIRKLAND, WA 98033
(425) 250-7224
CONTACT: TODD A. OBERG, PE

SURVEYOR

AXIS SURVEY & MAPPING
15241 NE 90TH ST
REDMOND, WA 98052
(425) 823-5700 X301
CONTACT: MITCH T.S. EVANS PLS

LEGEND

- FOUND MONUMENT IN CASE
- FOUND REBAR AND CAP AS NOTED
- POWER VAULT
- STREET LIGHT
- POWER TRANSFORMER
- TELECOMMUNICATIONS RISER
- CABLE TV RISER
- GUY ANCHOR
- UTILITY POLE W/ LIGHT
- UTILITY POLE W/ LIGHT & UNDERGROUND CONDUIT
- UTILITY POLE W/ LIGHT & TRANSFORMER
- UTILITY POLE W/ LIGHT, UNDERGROUND CONDUIT & TRANSFORMER
- POWER POLE W/ TRANSFORMER
- UTILITY POLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- STORM DRAIN MANHOLE
- CULVERT
- FIRE HYDRANT
- WATER BLOW OFF
- WATER METER
- AIR RELIEF VALVE
- WELL
- WATER INDICATOR POST
- MAIL BOX
- SION
- BOLLARD
- DITCH LINE
- SANITARY SEWER LINE
- STORM DRAIN LINE
- OVERHEAD POWER LINE
- POWER LINE
- WATER LINE
- WOOD FENCE LINE
- ORDINARY HIGH WATER MARK
- EXISTING RETAINING WALL
- ROCKERY



NE 1/4, SW 1/4, SEC. 32, TWP. 26N., RGE. 5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON



ORCAS MOON, LLC

KIRKLAND, WA 98034



Axis
Survey & Mapping

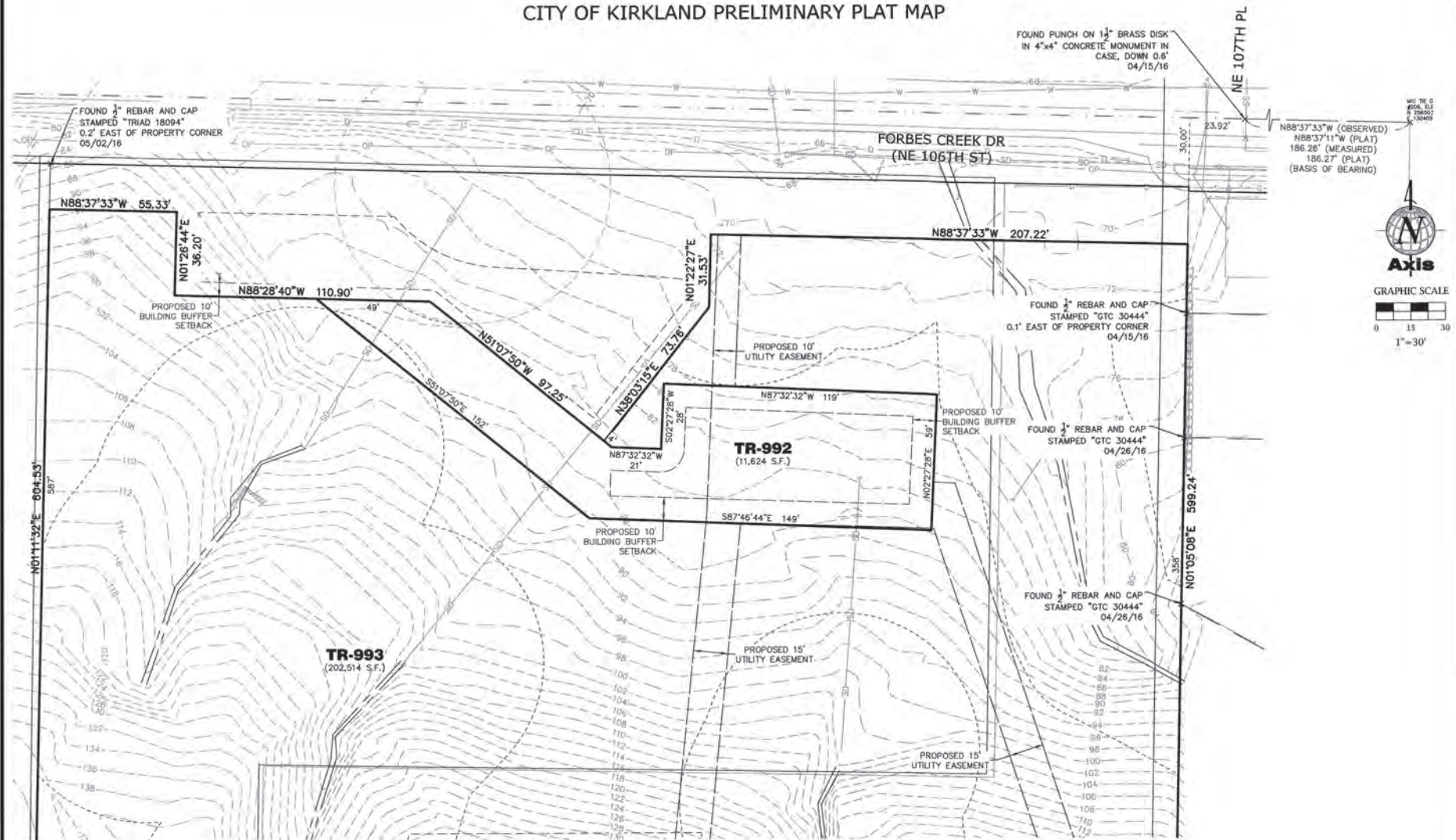
15241 NE 90TH STREET
REDMOND, WA 98052
TEL 425.823-5700
FAX 425.823-6700

www.axismap.com

| JOB NO. | DATE |
|----------|------------|
| 16-067 | 5/20/19 |
| DRAWN BY | CHECKED BY |
| JM/ARH | MTSE/WTB |
| SCALE | SHEET |
| N/A | 1 OF 3 |

ORCAS MOON COTTAGES CITY OF KIRKLAND PRELIMINARY PLAT MAP

ATTACHMENT 12



NE 1/4, SW 1/4, SEC. 32, TWP. 26N., RGE. 5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON



ORCAS MOON, LLC

KIRKLAND, WA 98034



Axis
Survey & Mapping

15241 NE 90TH STREET
REDMOND, WA 98052
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FAX 425.823-6700

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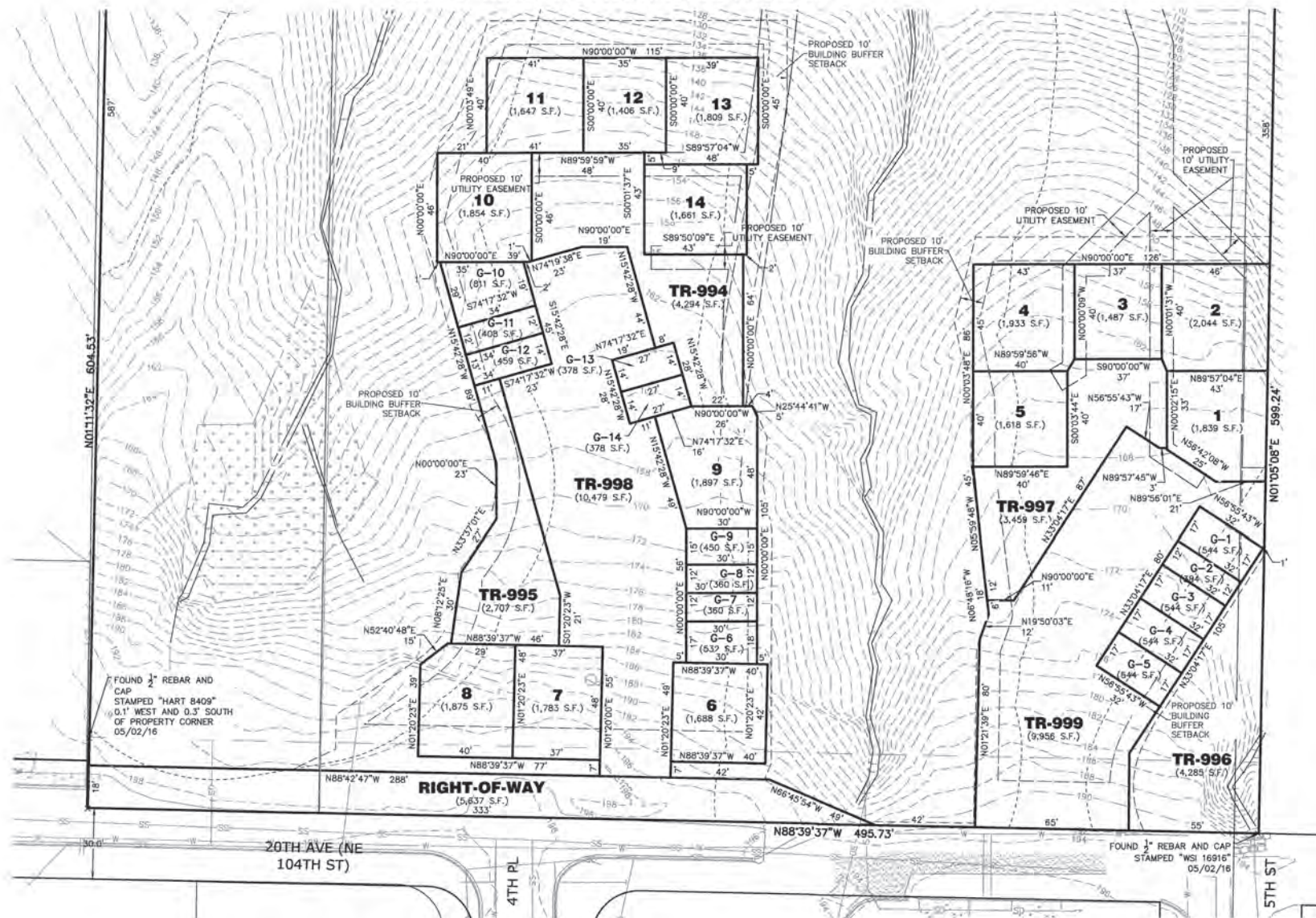
| | |
|----------|------------|
| JOB NO. | DATE |
| 16-067 | 5/20/19 |
| DRAWN BY | CHECKED BY |
| JM/ARH | MTSE/WTB |
| SCALE | SHEET |
| 1"=30' | 2 OF 3 |



ORCAS MOON COTTAGES

CITY OF KIRKLAND PRELIMINARY PLAT MAP

ATTACHMENT 12



NE 1/4, SW 1/4, SEC. 32, TWP. 26N., RGE. 5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON



ORCAS MOON, LLC

KIRKLAND, WA 98034

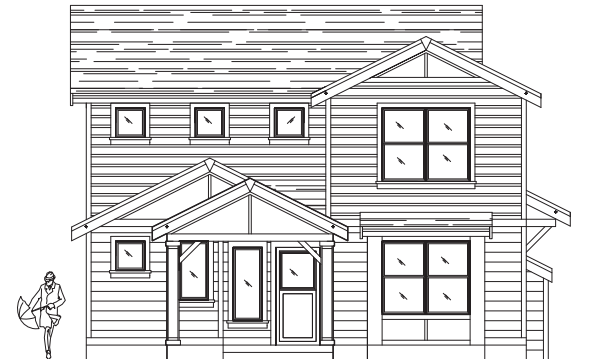


Axis
Survey & Mapping

15241 NE 90TH STREET
REDMOND, WA 98052
TEL 425.823-5700
FAX 425.823-6700

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| JOB NO. | DATE |
|----------|------------|
| 16-067 | 5/20/19 |
| DRAWN BY | CHECKED BY |
| JM/ARH | MTSE/WTB |
| SCALE | SHEET |
| 1"=30' | 3 OF 3 |



FRONT ELEVATION



NASH ASSOCIATES
ARCHITECTS
2003 11TH AVE NE • KIRKLAND, WA • 98033 •
425-826-4117
WWW.NASHASSOCIATES.COM

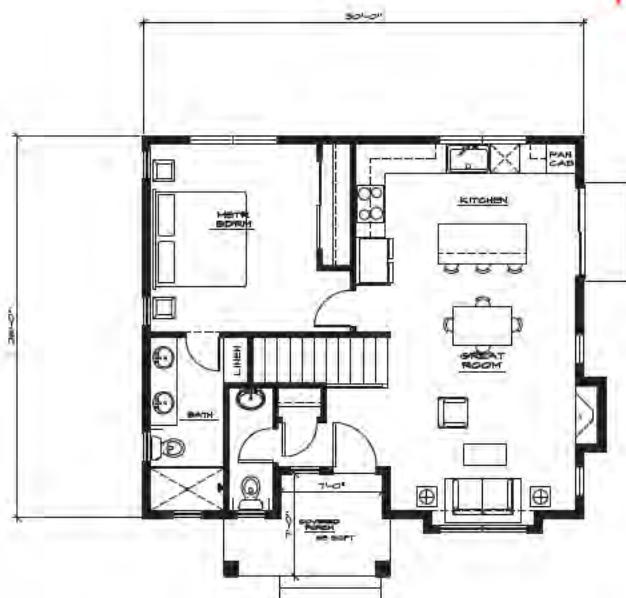
Project: DEER HARBOR COTTAGE
PLAN 1488
UNIT 1
ORCAS MOON COTTAGES
KIRKLAND, WA

date: 05-16-17
permit:
revisions:

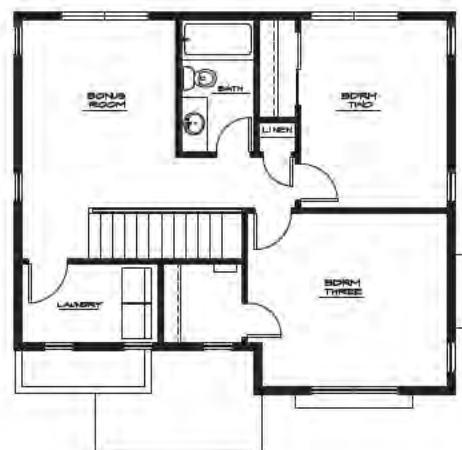
drawn by: MKJ
checked by:

SHEET
A |

Design1 1,483 SF



MAIN FLOOR PLAN
742 SQUARE FEET SCALE: 1/4" = 1'-0"



UPPER FLOOR PLAN
841 SQUARE FEET SCALE: 1/4" = 1'-0"



**NASH & ASSOCIATES
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1800 PLYMOUTH AVE. SE. SUITE 100, WA. 98003
206.835.4477
www.nasharchitects.com

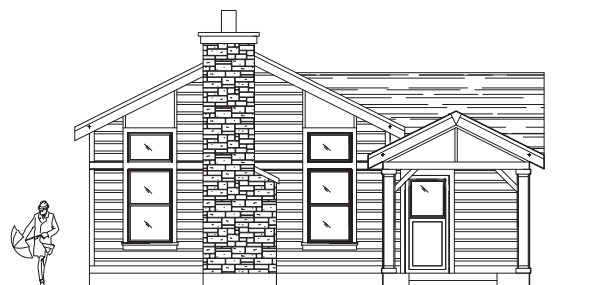
**DEER HARBOR COTTAGE
PLAN 1483
UNIT 1
ORCAS MOON COTTAGES
KIRKLAND, WA**

Project:
Date: 08-16-17
Permit:
Revision:

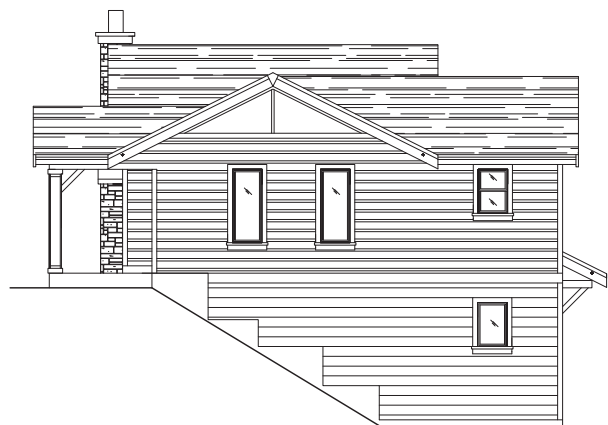
Drawn by: HAU
Checked by:

SHEET

A2



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



**NASH & ASSOCIATES
ARCHITECTS**
2805 11TH AVE SE • KIRKLAND, WA • 98033 •
www.nashandassociates.com

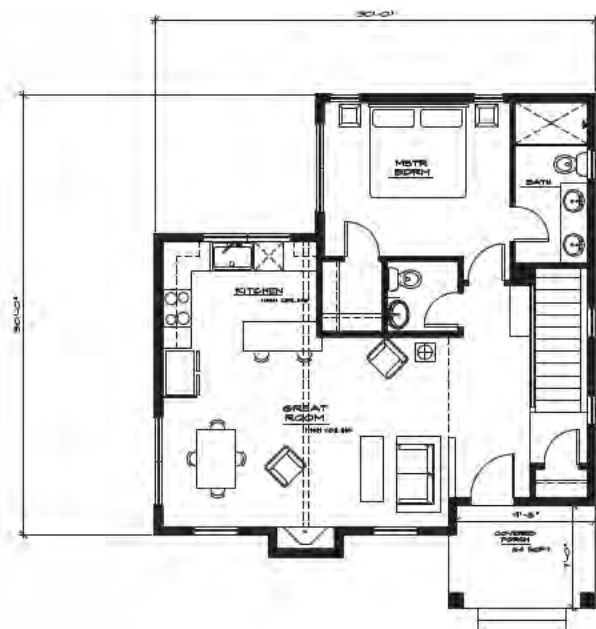
**DOE BAY COTTAGE
PLAN 1474
UNIT 9
ORGAS MOON COTTAGES
KIRKLAND, WA**

Project:
date: 05-16-17
permit:
revisions:

drawn by: HSL
checked by:

SHEET
A

Design 2 1,474 SF



MAIN FLOOR PLAN
1,171 SQUARE FEET
SCALE: 1/4" = 1'-0"



LOWER FLOOR PLAN
811 SQUARE FEET
SCALE: 1/4" = 1'-0"



**NASH & ASSOCIATES
ARCHITECTS**
600 S. STATE AVE. STE. 1000, BOSTON, MA 02116
TEL: 617-552-1177
WWW.NASH-ARCHITECTS.COM

**Project: DOE BAY COTTAGE
PLAN 1474
UNIT 9
ORCAS MOON COTTAGES
KIRKLAND, WA**

date: 09-10-17
permits:
revisions:

drawn by: YOL
checked by:

SHEET

A2



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



NASH & ASSOCIATES
ARCHITECTS
 2012 REGISTERED ARCHITECT
 BARRY THOMAS NASH
 STATE OF WASHINGTON
 2008 11575478 INE • KIRKLAND, WA • 98033 •
 425-886-4117
 WWW.NASH-ARCHITECTS.COM

EASTSOUND COTTAGE
PLAN 1484
 UNITS 3, 8, 10, 13, 15
 ORCAS MOON COTTAGES
 KIRKLAND, WA

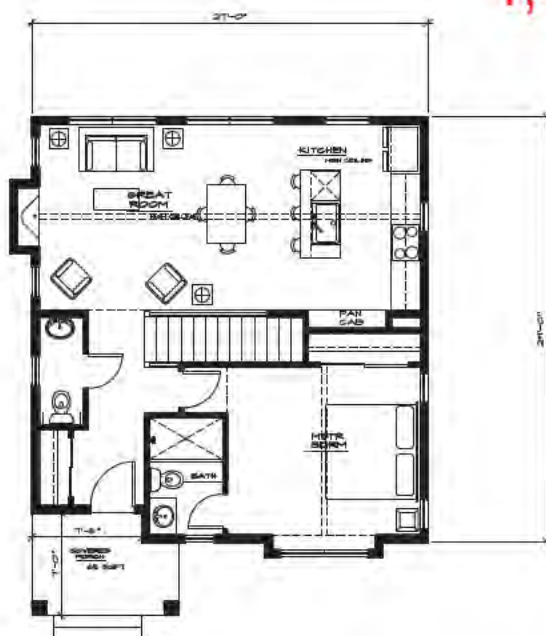
Project:
 date: 05-16-17
 permit:
 revisions:

drawn by: MKU
 checked by:

SHEET



Design 3 1,484 SF



MAIN FLOOR PLAN
764 SQUARE FEET SCALE: 1/4" = 1'-0"



LOWER FLOOR PLAN
720 SQUARE FEET SCALE: 1/4" = 1'-0"



**NASH ASSOCIATES
ARCHITECTS**
1003 3RD AVE. SE. KIRKLAND, WA 98033
206.825.1234
www.nasharchitects.com

**EASTSOUND COTTAGE
PLAN 1484
UNITS 9, 8, 10, 13, 15
ORCAS MOON COTTAGES
KIRKLAND, WA**

Project:
date: 05-16-17
permit:
revision:

drawn by: MCL
checked by:

SHEET
A2



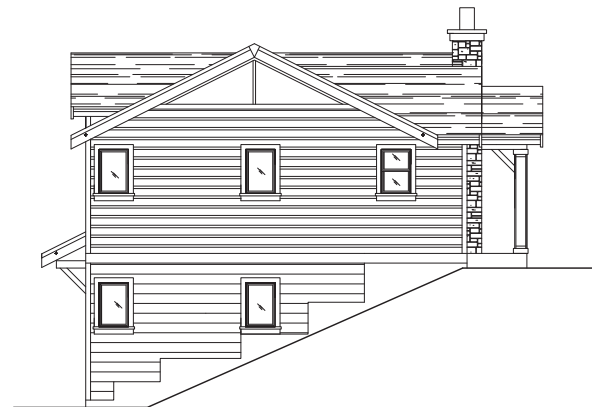
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



**NASH & ASSOCIATES
ARCHITECTS**
800 1 STREET AVE NE • KIRKLAND, WA • 98033 •
206 835 1177
www.nasharchitects.com

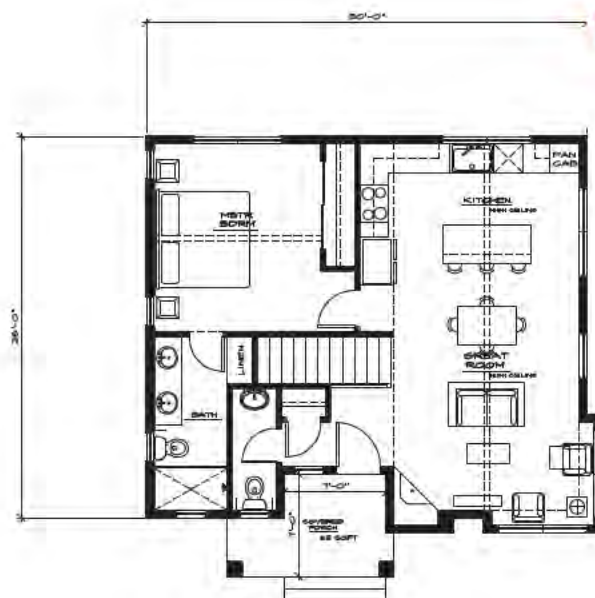
ROSARIO COTTAGE
PLAN 1469
UNITS 2, 4, 5, 11, 14
ORCAS MOON COTTAGES
KIRKLAND, WA

Project:
date: 05-16-17
permit:
revisions:

drawn by: MKJ
checked by:
SHEET

A |

Design 4 1,469 SF



NASH ASSOCIATES
ARCHITECTS
1000 10TH AVENUE, SEATTLE, WA 98101
206-461-4127
www.nashassociates.com

ROSARIO COTTAGE
PLAN 1469
UNITS 2, 4, 5, 11, 14
ORCAS MOON COTTAGES
KIRKLAND, WA

project:
date: 05-16-17
permit:
revision:

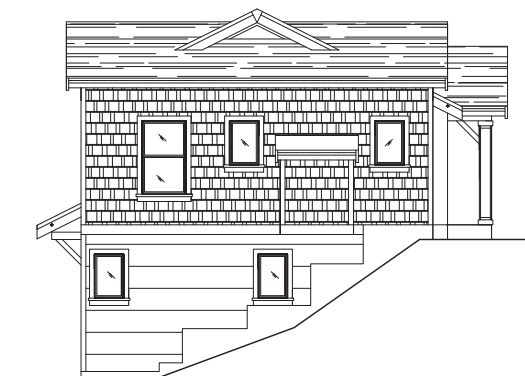
drawn by: HOU
checked by:

SHEET

A2



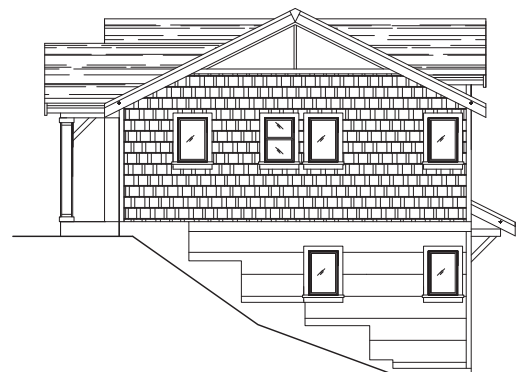
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



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ARCHITECTS
9000 118TH AVE NE • KIRKLAND, WA • 98033 •
425-828-6177
www.nash-architects.com

SPRING BAY COTTAGE
PLAN 1188
UNITS 7, 12
ORCAS MOON COTTAGES
KIRKLAND, WA

Project:
date: 05-16-17
permits:
revisions:

drawn by: MNU
checked by:

SHEET



Design 5 1,188 SF



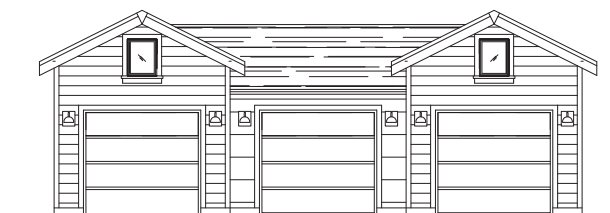
**NASH ASSOCIATES
ARCHITECTS**
1000 1ST AVENUE, SUITE 100, KIRKLAND, WA 98033
425.826.4127
www.nashassociates.com

project: **SPRING BAY COTTAGE
PLAN 1188
UNITS 7, 12
ORGANIC MOON COTTAGES
KIRKLAND, WA**

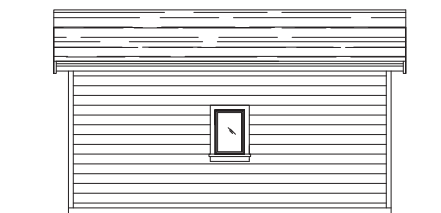
date: 05-16-17
permits:
revisions:

drawn by: vsk/
checked by:

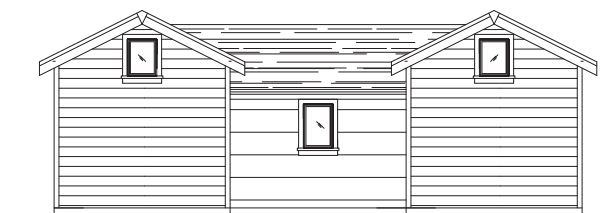
SHEET
A2



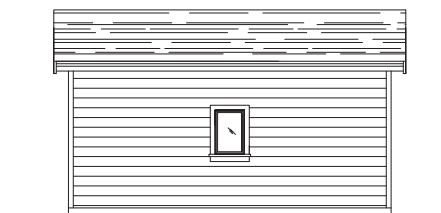
FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



**NASH & ASSOCIATES
ARCHITECTS**
4000 118TH AVE NE • KIRKLAND, WA • 98033 •
425-824-1177
WWW.NASH-ARCHITECTS.COM

TYPICAL GARAGE BUILDING
ORCAS MOON COTTAGES
KIRKLAND, WA

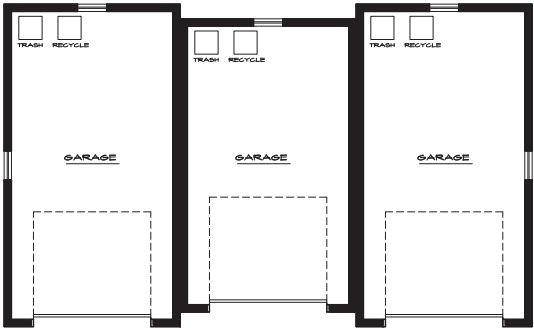
Project:

date: 05-16-17
permit:
revisions:


drawn by: MKU
checked by:

SHEET

A |



GARAGE PLAN
12' X 20' & 12' X 22' SCALE: 1/4" = 1'-0"



NASH & ASSOCIATES
ARCHITECTS
8005 140TH AVE. NE • EVERETT, WA • 98003 •
425-838-4117
www.nash-architects.com

Project:
TYPICAL GARAGE BUILDING
(G-11 TO G-13)
ORCAS MOON COTTAGES
KIRKLAND, WA

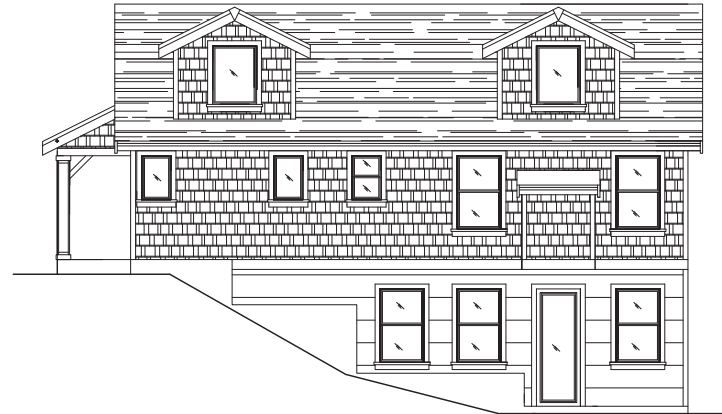
date: 05-16-17
permits:
revisions:

drawn by: MHL
checked by:

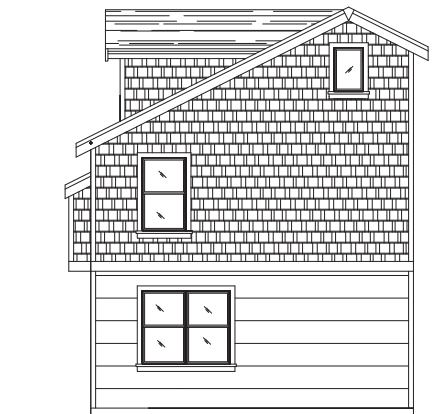
SHEET
A2



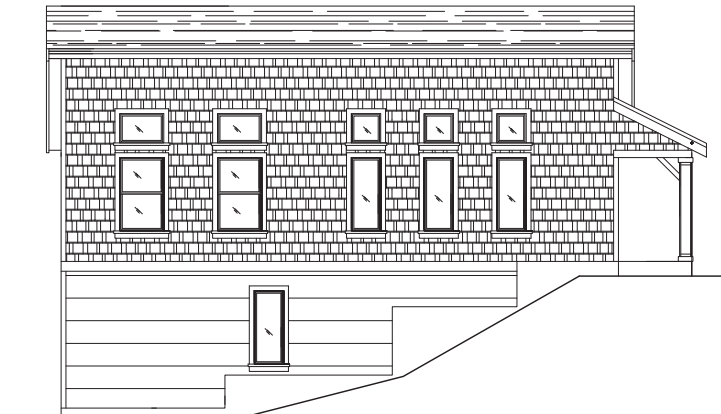
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

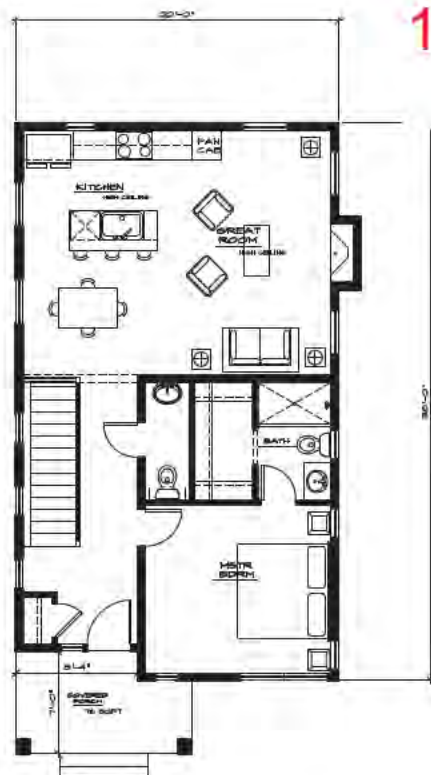


**NASH & ASSOCIATES
ARCHITECTS**
2512
1800 1ST AVE. SUITE 100, SEASIDE, WA 98138
425-455-4117
www.nash-architects.com

**WEST BEACH COTTAGE
PLAN 1499
UNIT 6
ORCAS MOON COTTAGES
KIRKLAND, WA**

Project:
date: 05-16-17
permit:
revisions:
drawn by: MFL
checked by:
SHEET
A

Design 6 1,499 SF



MAIN FLOOR PLAN
614 SQUARE FEET SCALE: 1/4" = 1'-0"



LOWER FLOOR PLAN
680 SQUARE FEET SCALE: 1/4" = 1'-0"



**NASH & ASSOCIATES
ARCHITECTS**
9000 1ST AVE. S.E. • KIRKLAND, WA • 98033
TEL: 822-4477
WWW.NASH-ARCHITECTS.COM

**WEST BEACH COTTAGE
PLAN 1499**
UNIT 6
ORCAS MOON COTTAGES
KIRKLAND, WA

Project:
date: 09-18-17
permit:
revision:

drawn by: TML
checked by:

SHEET
A2