

RESOLUTION NO. R-2280

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UUP-74-20(P), BY VICTOR WESTLUND FOR THE GRADING AND FILLING OF A PROPOSED APARTMENT SITE LOCATED AT APPROXIMATELY 5TH STREET SOUTH AND STATE STREET IN AN RM-1800 ZONE.

WHEREAS, the Department of Community Development has received an application for an Unclassified Use Permit filed by Victor Westlund, the owner of said property described in said application and located within an RM-1800 zone, and

WHEREAS, the application has been assigned for identification File No. UUP-74-20(P), and submitted to the Kirkland Planning Commission for their consideration and recommendation, and

WHEREAS, the Kirkland Planning Commission held public hearings thereon at their regular meetings of August 8, 1974, September 12, 1974, and November 14, 1974, and

WHEREAS, pursuant to Kirkland Resolution No. 2181 concerning environmental policy and the State Environmental Policy Act, an environmental worksheet has been submitted to the City, reviewed by the Responsible Official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental worksheet and declaration have been available and accompanied the application through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearings and consideration of the Recommendations of the Department of Community Development and having available to them the environmental worksheet and negative declaration, did adopt certain Findings, Conclusions and Recommendations, and did recommend approval of the Unclassified Use Permit subject to the specific conditions set forth in said Recommendations, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland, as follows:

Section 1: The Unclassified Use Permit is hereby given approval subject to the conditions set forth in Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairman thereof and filed in the Department of Community Development File No. CUP-74-26(P), which Findings, Conclusions and Recommendations are by this reference adopted by the Kirkland City Council as though fully set forth herein.

Section 2: A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Unclassified Use Permit's approval, or evidence thereof delivered to the permittee.


Section 3: Nothing in this Resolution shall be construed as excusing the applicant from compliance with any Federal, State, or local statutes, ordinances or regulations applicable to this project, other than expressly set forth herein.

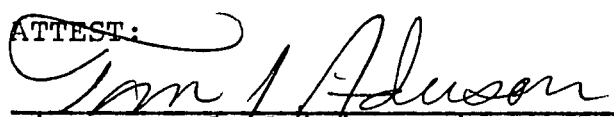
Section 4: The Unclassified Use Permit applied for by Victor Westlund shall issue, subject to the performance standards and conditions of approval set forth herein above and included by reference in the foregoing Findings. Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain strict compliance with said standards and conditions shall be grounds for revocation in accordance with Section 23.30.100 of Ordinance No. 2183.

Section 5: Certified or Conformed copies of this Resolution shall be delivered to the following:

- a. Applicant
- b. Department of Community Development of the City of Kirkland
- c. Building Department of the City of Kirkland
- d. Fire Department of the City of Kirkland
- e. Police Department of the City of Kirkland
- f. Public Service Department of the City of Kirkland
- g. Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 2nd day of December, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Findings, cont'd

5. At the present time the site vegetation includes shrubs, grass and blackberry ground cover along with deciduous trees in the future parking and building area. All the vegetation in that area where grading work is proposed will be destroyed.
6. At the present time slopes on the property vary from 6% in the open creek channel to 100% on the side of the swale. The soils types are Arents, Alderwood material. Present plans are to place the structure on the non-fill ground on the western portion of the property. Access is proposed from 10th Avenue South.
7. The underlying geologic conditions of the property is Vashon till and is considered stable.
8. The portion of the creek that is open and in its natural state is badly eroded with the actual creek bed recessed approximately 4' into the ground in some areas. The open creek bed represents a linear dimension of approximately 110'. In this creek bed area lies an accumulation of junk such as old tires, boards, mattress springs, etc.
9. The present direction of the City Council in terms of future policies is that "watercourses should remain in a natural state." (Land: Natural Elements - Summary of City Council comments, June, 1974).
10. The recently adopted City of Kirkland Shoreline Master Program contains two policies that affect this application. They are as follows:
  - a. "Excessive soil erosion and sedimentation and other polluting elements should be prevented from entering and adversely affecting the lake and its constituent watercourses."
  - b. "The destruction of watercourses feeding into Lake Washington should be discouraged."
11. The preliminary land modification ordinance has several policies included within it which would affect this application. They are as follows:
  - a. "Measures should be undertaken to minimize excessive soil erosion in the small drainage basins and to prevent the destruction of watercourses."
  - b. "Natural watercourses or drainageways should be encouraged over structural devices."
  - c. "The quantity, quality, and velocity of water leaving the site should not be substantially increased, either during construction phases or after project completion."

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Findings, cont'd

12. The applicant's engineer has submitted runoff calculations which showed an increase of runoff under existing conditions from 1.1 cubic feet per second to 1.23 cubic feet per second after grading has been accomplished and 1.34 cubic feet per second after the parking lot and apartment structure have been installed. This represents a net increase in .24 cubic feet per second of runoff beyond the existing conditions. The applicant has proposed a 1500 gallon underground retention basin designed to trap silt and oil from the parking areas and to discharge storm runoff at a rate not to exceed the present discharge from the site. Runoff computations using the 10 year storm interval were based on the size of the subject site of 1.03 acres plus an adjoining property to the south which is  $\frac{1}{4}$  acre in area and contributes additional runoff.
13. The applicant has indicated in his environmental assessment that erosion control methods to be employed prior to building on the site will include the construction of the storm system, paved parking area, and the reseeding of the building area as soon as the grading is completed.
14. The City administration has conferred with the Hydraulic Section of the Department of Game and has been informed that based upon the small size of this creek, approval would not be needed from them or Fisheries prior to any work being done.
15. The applicant has stated in his environmental assessment that he intends to enhance the open creek as a recreational area and control erosion at the same time. Section 23.10.110 of the Kirkland Zoning Ordinance requires that 200 square feet of open space per apartment unit be provided. This "is intended to provide for recreation areas for apartment dwellers, to separate such areas from automobile-oriented space, and to enhance the environmental quality of multi-family residential districts, thus promoting the public health, safety and welfare of the community through establishing such a requirement."
16. The applicant has indicated in his environmental assessment that the length of the activity will be 8 months.

CONCLUSIONS:

1. The proposed grading work under Section 23.30.030(6) of the Kirkland Zoning Ordinance does require the granting of an Unclassified Use permit application through a public hearing prior to the issuance of a grading permit. The applicant has properly submitted the necessary information required by the Kirkland Zoning Ordinance in order to be entitled to such a hearing.

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XX RECOMMENDED BY \_\_\_\_\_ DATE November 14, 1974  
ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

STAFF \_\_\_\_\_

BOARD OF ADJUSTMENT \_\_\_\_\_  
HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
XX PLANNING COMMISSION \_\_\_\_\_  
CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_  
RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER UUP-74-20(P)

APPLICANT Victor Westlund

PROPERTY LOCATION 10th and State St.

SUBJECT Application for Unclassified Use Permit for site grading prior to construction of an apartment complex.

HEARING/MEETING DATE December 2, 1974

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (1) Original proposed plan (2) Revised Plan  
(3) Environmental Information (4) Preliminary Minutes of 11/14/74

Planning Commission Meeting

UUP-74-20(P)  
Victor Westlund  
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FINDINGS:

1. This is an Unclassified Use Permit application by Victor Westlund for the scarifying and grading of a site at approximately 10th Street South and State Street.

2. Under Resolution 2249 adopted by the Council on May 20, 1974, the City Council acknowledged that the Comprehensive Plans for the City of Kirkland and the former town of Houghton no longer reflect currently held values of the community in the regard to planning and land use development and recognized the necessity of establishing a new land use policy plan or comprehensive plan, and declared a proposed Interim Policy. Under this policy, the Council put a freeze on certain actions that do not have adequate standards and criteria available for a proper decision making process to occur. The following may relate to this project:

- a. Those proposals where environmental effects are singularly insignificant, but many similar actions could have a sizable cumulative negative environmental effect.
- b. Proposals for grading, excavation, filling or development actions which are located in geographical areas that are identified as hazardous slope areas as provided in Resolution 2241.

3. The following standards are for the Planning Commission and the City Council to be guided by in the granting of Unclassified Use permit applications if the application is to be allowed and listed in Section 23.3.080(1)-(3), and read as follows:

- a. The use requested by the Unclassified Use permit shall be within the intents of this ordinance, the Comprehensive Plan, and the public interest.
  - b. The use requested by the Unclassified Use permit shall demonstrate that it is consistent with the performance standards of Section 23.36 of the Kirkland Zoning Ordinance.
  - c. The use requested by the Unclassified Use permit shall be made on the basis of the required site plans. If the improvements are to be made over a period greater than two years, the time of improvements shall be indicated.
4. The existing zoning of the property under this application is RM-1800. The area immediately surrounding the property has a variety of zoning including RS-8.5, RM-3600 and RM-1800.

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Conclusions, Cont'd

15. The required open space for apartments should be developed in such a way that it will be desirable for the use of those persons living in the apartment complex after it is completed. Also, it is desirable from an erosional standpoint that the creek area lying west of the 36" storm sewer culvert be rehabilitated. For this reason, the applicant should be required to retain a landscape architect to design and make recommendations for the rehabilitation of the stream and the proper planting and development for the area around the creek for a recreational area.
16. The 8-month length of time indicated necessary by the applicant seems excessive. The necessary work should be required to be accomplished within 30 days from the time that the actual grading work begins.
17. Those items on the grading plan created by Hart, Williams and Roth for Mr. Westlund and dated 5-24-74 which are not amended by this report should be included as conditions of approval of this Unclassified Use Permit application.

RECOMMENDATIONS:

Based upon the foregoing Findings and Conclusions, we hereby recommend the following:

1. Policy 3b of the Kirkland Shoreline Master Program, Page 10, states that "The destruction of watercourses feeding into Lake Washington should be discouraged." If the destruction of watercourses is interpreted to be placing natural water-courses into a culvert, then this application should only be approved on the basis of the entire creek area being left in a natural condition.

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RECOMMENDATIONS (cont'd)

2. All trees not affected by the proposed grading and filling shall be saved unless it interferes with the necessary site development of the property.
3. All the accumulated junk in the creek such as old tires, boards, mattress springs, etc., must be removed prior to the issuance of a grading permit.
4. The following actions will be required to be completed by the applicant within 30 days from the date of the issuance of the grading permit.
  - a. Installation of a storm sewer system including the 1500 gallon retention basin. The outflow of the retention basin is to be extended so that it will be located directly adjacent to the outflow of the 36" sewer culvert.
  - b. The proposed parking area shall be bermed around the perimeter, to retain on-site runoff, and that bails of hay be placed around any catch basins leading to the on-site retention basin.
  - c. All exposed slopes shall be rocked and landscaped to prevent erosion.
  - d. The area of the proposed building and parking area must be re-seeded and be 90% effective within 60 days thereafter.
5. Since the area around and adjacent to the creek will be the only area left on the property for open space for an apartment complex, the applicant will be required to submit landscape plan to design and make recommendations for rehabilitation of the stream and to provide the proper landscaping for the area around and adjacent to the creek in order to make it a desirable area for tenants. The recommendations of the landscape plan are to be implemented within 30 days from the date of the issuance of the grading permit. No grading permit shall be issued until the City Administration has received said plan.
6. Those items on the grading plan drawn by Hart, Williams and Roth, Inc., for Mr. Westlund and dated 5/24/74 which are not amended by this report, shall be included as conditions of approval of this Unclassified Use Permit application and are to be completed within 30 days of the issuance of the grading permit.
7. Prior to the issuance of a grading permit, a bond must be submitted to guarantee the completion of Items 1-5 above. The bond size is to be determined by the Kirkland Public Service Director.

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Conclusions, Cont'd

2. The proposed application does not come under the freeze as accepted by the Kirkland City Council in Resolution No. 2249 because of the following:
  - a. The applicant proposes to retain the creek and maintain the existing watercourse.
  - b. This area is not identified by Resolution No. 2241 as being within the hazardous slope area.
3. Regarding the standards of approval that the Planning Commission and City Council must consider in the granting of Unclassified Use Permit applications, conclusions are as follows:
  - a. The use requested by the Unclassified Use Permit is within the intent of this Ordinance. Since Resolution No. 2241 has voided the existing Comprehensive Plan for Kirkland, there is only new preliminary policy directions to look at. Present preliminary policy direction the City Council has identified is "Watercourses should remain in a natural state". (Land: Natural Elements - Summary of City Council comments, 19 June 1974).
  - b. By the proposed retention basin and erosion control methods, the applicant has demonstrated that the proposal is consistent with the performance standards of Section 23.36 of the Kirkland Zoning Ordinance.
  - c. The application has been requested on the basis of requiring the necessary site plans. No improvements are proposed over a period greater than two years which falls under the perusal authority of the Unclassified Use Permit process.
4. Fundamental land use decisions have been made committing this property to the RM-1800 use. The proposed grading on this property would not commit the property to a higher use nor would it be detrimental to the area due to the variety of zoning adjacent to the property.
5. Only that vegetation along the periphery of the property will be maintained. All tree cover in these areas should be maintained.
6. Since there are slopes within this property that will be modified with slopes in excess of 15%, it is defined by Section 23.50.020 as being in a hazardous slope area and therefore a Conditional Use Permit application is required. It is felt that this process can be handled adequately under this Unclassified Use Permit application and that the Conditional Use Permit application not be involved since it would involve a duplicative effort on the part of the City and the applicant.

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Conclusions, Cont'd

7. The soils and geologic conditions of the site indicate stable conditions and hazards due to slope, soils or geology would seem to be at a minimum.
8. The existing accumulation of junk in the creek bed should be required to be removed as a condition of approval of this application.
9. The City of Kirkland at this point needs to make some fundamental decisions regarding the preliminary policy directions taken by the City in the formulation of its new Comprehensive Policy Plan.
10. The applicant proposes to maintain the creek as is. The applicant is proposing measures which would minimize erosion and sedimentation as well as other polluting elements from entering and adversely affecting the lake and its constituent watercourses.
11. The preliminary Land Modification Ordinance states that natural watercourses or drainageways should be encouraged over structural devices. Fundamental decisions must be made by the City of Kirkland at this time to determine if proposed legislation should be used to guide development at this time.
12. Based upon the calculation of the applicant's engineer and the proposed 1500 gallon underground retention basin, the amount of storm water runoff during the 10 year storm interval would not exceed the rate of runoff under existing conditions. This is a standard that the City has used on a recent application and appears to be a strong policy direction for future applications as well.
13. The applicant should be required to take the following actions to control erosion within 30 days of the grading action being completed:
  - a. Installation of the storm sewer system including the retention basin. The outfall of the retention basin is to be located directly adjacent to the outfall of the 36" storm sewer culvert.
  - b. The proposed parking area should be reseeded.
  - c. All exposed slopes should be rocked and landscaped to prevent erosion.
  - d. The area of the proposed building should be reseeded.
14. Based upon the City Administration contact with the Hydraulic Section of the Department of Game, the applicant will not be required to get approval from the Department of Game prior to doing the work.

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7/31/74