

RESOLUTION NO. R-2402

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY PLAT OF TOTEM LAKE SOUTH AS APPLIED FOR BY TOTEM LAKE, INC., BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SUB-76-36(P) AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a preliminary plat, said application having been made by Totem Lake, Inc., and said property as legally described in the application is within a Light Industrial and Community Business zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meetings of September 9, 1976 and October 14, 1976, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2319 concerning environmental policy and the State Environmental Policy Act, an environmental assessment has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland and a negative declaration reached, and

WHEREAS, said environmental assessment and declaration have been available and accompanied the application throughout the entire review process, and

WHEREAS, the Kirkland Planning Commission, after public hearings and consideration of the recommendations of the Department of Community Development, did adopt certain Findings, Conclusions, and Recommendations and did recommend approval of the preliminary plat, subject to the specific conditions set forth in said recommendations,

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

Section 1. The Findings, Conclusions and Recommendations of the Kirkland Planning Commission as signed by the Chairperson thereof and filed in the Department of Community Development File No. SUB-76-36(P) are hereby adopted by the Kirkland City Council as though fully set forth herein, with the exception of Recommendation No. 8 and with the addition of Recommendations 11 and 12.

Section 2. The preliminary plat of Totem Lake South is hereby given approval, subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council, and further conditioned upon the following: Recommendation No. 8: "Tract A shall be retained as private open space and both Tracts A and B shall provide dedication of air space easements to the City of Kirkland as indicated in the following: "Tract A shall generally conform to the following dedication: 'DEDICATION. _____ being the owner of the real estate described below and made a part hereof, does hereby certify, establish and declare that the air space and view above Tract A of Totem Lake South plat to the City of Kirkland

are hereby dedicated to the City of Kirkland for the benefit of the public, subject to the rights of the owner, his heirs, successors or assigns, to plant or grow shrubs or trees, and subject to the right for the owner, his heirs, successors or assigns, to enter upon said premises to install utilities and appurtenances in said open space to maintain the same, to construct a dam or weir device, provide lake rehabilitation, bank stabilization, elevation control, or other similar structures normally used or associated with the use of open space land.

Nothing in this dedication shall preclude the owner, his heirs, successors or assigns from going on or utilizing said property as open space, or going upon said property for maintaining slopes, plantings, trees or shrubs, soil retention, bank stabilization, lake rehabilitation, or any other use normally associated with privately owned open space.

Said real property shall remain under private ownership and this dedication shall not surrender rights of trespass to the public.'

This restriction shall be noted on the face of the final subdivision, and so recorded with the King County Department of Records and Elections and so annotated on the official zoning map of the City of Kirkland. Proof of recording shall be filed with the City of Kirkland, Department of Community Development prior to any building permits being issued on the entire plat.

The entire slope area proposed to be left in open space (Tract B) shall be designed as permanent common open space for the community purposes and benefits associated with that area as related to the visual and aesthetic open space, slope and soils retention and stability, the maintenance of air quality in the general area, and the management of urban runoff. Except as hereafter stipulated, said area shall be defined and recorded as a privately owned open space as a requirement of the Final Subdivision and so recorded with the King County Department of Records and Elections, and so annotated on the official zoning map of the City of Kirkland. Proof of recording shall be filed with the City of Kirkland, Department of Community Development.

Tract B shall generally conform to the following dedication: 'DEDICATION. _____, being the owner of the real estate described below and made a part hereof, does hereby certify, establish, and declare that the air space and view above the privately owned open space are hereby dedicated to the City of Kirkland for the benefit of the public, subject to the rights of the owner, his heirs, successors or assigns, to plant or grow plants, shrubs or trees, and subject to the right of the owner, his heirs, successors or assigns, to enter upon said premises to install utilities and appurtenances in said open space, to maintain the same, to construct, improve, maintain pathways, benches, or other similar structures normally used or associated with the use of open space land.

Nothing in this dedication shall preclude the owner, his heirs, successors or assigns from going on or utilizing said property as privately owned open space, or going upon said property for maintaining slopes, plantings, trees or shrubs, soil retention and stability or any other use normally associated with private owned open space.

Said real property shall remain under private ownership and this dedication shall not surrender rights of trespass to the public.'

Recommendation No. 11: "A 15 foot easement shall be required along the southern property line of proposed Lot 1 and the following shall be placed on the face of the plat linen: 'A 15 foot storm drainage utility easement, for the maintenance, improvement, or emergency repairs to the storm water drainage system by the local governmental municipality with jurisdiction which is for the benefit of the public, but said real property shall remain under private ownership and this easement does not surrender the rights of trespass to the general public.'"

Recommendation No. 12: "The applicant shall, in accordance with revised plat plan, Exhibit "S", be required to place the highest lake elevation on the face of the plat linen together with the lowest elevation on the face of the plat linen together with the lowest elevation of the first floor levels above mean sea level for all lots, prior to review of the final plat by the Kirkland Planning Commission."

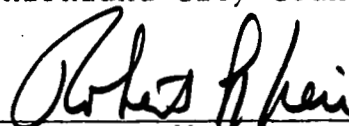
Section 3. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be attached to and become a part of the evidence of preliminary approval of said preliminary plat to be delivered to the applicant.

Section 4. Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this project, other than as expressly set forth herein.

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

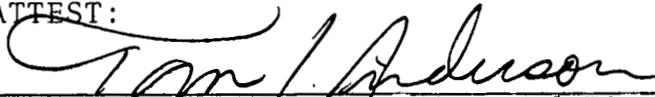
- (a) Applicant
- (b) Department of Community Development for the City of Kirkland
- (c) Building Department for the City of Kirkland
- (d) Fire Department for the City of Kirkland
- (e) Police Department for the City of Kirkland
- (f) Public Service Department for the City of Kirkland
- (g) Office of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

ADOPTED in regular meeting of the Kirkland City Council on the 6th day of December , 1976.



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Preliminary Plat of Totem Lake South, being generally located northeast of the intersection of Kingsgate Way N.E. and 120th Ave. N.E., and also bounded on the south and southeast by the Burlington Northern Railroad. (Refer to Exhibit "A" - Vicinity Map).
2. The applicant proposes to create two commercial and six light industrial zoned lots out of a total parcel containing 30.94 acres, along with two major tracts as referenced in Exhibit "A" - Preliminary Plat Plan.
3. The applicant has indicated the following regarding justification: "The development proposed for this site, located at the southeasterly boundary of Totem Lake Center, represents a phased expansion compatible with the overall development of the Center. The site is bounded by residential communities to the northeast, vacant land to the north, the Totem Lake Addition to the northwest, and strips of vacant land, railroad, and State Highway right-of-way to the east, south and southwest.

The specific purpose of this proposal is to develop eight commercial/business lots north and west on the periphery of Totem Lake itself. The extreme northeastern portion of the proposed plat, approximately two and a half acres, is too steep for satisfactory development.

Physical site conditions affecting this proposal are:

- a. The westerly portion of the development area overlies previously emplaced fill that in turn overlies a peat area.
- b. Totem Lake Basin. The site is partially occupied by a 4-acre lake and drainageway conducting runoff from existing commercial facilities to the northwest and an industrial area to the south, westward via tightline.
- c. A very steep hillside in the northeast covered with a number of specimen trees of high esthetic value. This hillside is too steep for satisfactory development, but at the same time it provides an effective visual backdrop and maintains open space.

Design criteria for the building sites, access, open space and a conceptual City Park have been developed for the benefit of the owner's property and a perceived need for additional public park space, especially one with a water body.

The design solution proposed has been further influenced by recommendations of the City of Kirkland Department of Community Developments and Park and Recreation Department. (See Exhibit "J" - Environmental Assessment).

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Findings, Cont'd

B. HISTORICAL BACKGROUND:

4. This portion of the project site is located within the larger Totem Lake Center Complex. On September 29, 1970, King County issued approval of Puget Sound Center Corrected Plat which identifies a portion of the property as being located in Lot "C". (Refer to Exhibit "I" - Plat of Puget Sound Center). Construction of the first phase of Totem Lake Center Complex began in the spring of 1972 and in April of 1974, the Totem Lake area was annexed to the City of Kirkland.
5. An application to re-subdivide Lot "G" of Puget Sound Center Plat has been accepted by the City of Kirkland and has been identified as Department of Community Development File No. CP-76-42(P). A portion of this prior lot is the northern portion of proposed Lot 8.

C. GOVERNMENTAL COORDINATION

6. Kirkland Fire Department. "Fire flows and hydrants to be installed per City ordinance. No parking on Totem Lake Way and signed accordingly." (Memorandum from Robert Ely, 8/10/76).
 7. Public Service Department. "Utilities in the above plat are provided by special districts. Both water mains and sanitary sewers are shown on the plans. Tract B is not being provided with sanitary sewers, perhaps this will remain as open space. Fire hydrants are not indicated on the drawings, the Fire Department would provide input there." (Memorandum from Art Knutson, 8/12/76).
 8. Kirkland Park Department. "Staff recommendation is to have Tract A be held in private ownership as open space for entire plat. Rationale: The City cannot afford the cost of maintenance, operation or liability of such an area." (Memorandum from Dave Brink, 8/20/76).
 9. Building Department. "No comment".
- D. EXISTING PHYSICAL CHARACTERISTICS:
10. Topography. The maximum elevation of the project is approximately 194 feet above sea level located in the northwest corner of the plat within Tract "B". The subject property slopes from the north to the lake which has an average sea level of approximately 119 feet. (Refer to Exhibit "D" - Topography Map). The average slope surrounding the lake within its unfilled associated wetlands or marsh should be somewhere between 0 and 2%. Whereas, those filled portions of the subject property, being located westerly and northerly of the lake, are somewhat above the elevation of the lake and have an average slope of approximately 0-5%. The steep sloping areas located in the northeast portion of the subject property contain slopes which average between 40-70% (100% is a 45° angle or a 1 to 1 slope). For a further description, refer to Exhibit "J".

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DEPARTMENT OF COMMUNITY DEVELOPMENT
ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

List of Exhibits (cont'd)

- "M" Letter from Sam Harman dated 9/16/76
- "N" Architectural and Landscaping Covenants
- "O" Theoretical Development Scheme
- "P" Memo from Public Service Department dated 9/27/76
- "Q" Totem Lake Vicinity/Open Space Map
- "R" Open Space and Pedestrian Easements

PREPARED BY _____ DATE _____
 RECOMMENDED BY XX DATE October 14, 1976
 ADOPTED BY _____ DATE _____

STAFF _____
 BOARD OF ADJUSTMENT _____
 HOUGHTON COMMUNITY COUNCIL _____
 PLANNING COMMISSION XX _____
 CITY COUNCIL AS INCORPORATED IN _____
 RESOLUTION _____ ORDINANCE _____
 NUMBER _____
 DATE _____

John Cushing
 John Cushing, Chairperson

FILE NUMBER SUB-76-36(P) Preliminary
 APPLICANT Totem Lake, Inc.
 PROPERTY LOCATION Kingsgate Way and 120th Ave. N.E.
 SUBJECT Subdivision of "TOTEH LAKE SOUTH"
 HEARING/MEETING DATE _____
 BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Preliminary Site Plan "C" Plat Map
 "D" Topography Map "E" Adjacent Topography Map "F" Geology "G" Geotechnical
 Exploration "H" Geologic Cross Section of North Hillside "I" Puget Sound
 Center Plat (1970) "J" E.A. & Declar. "K" Geotech. Report "L" Salish Vill.
 Open Space Agreement. (Cont'd on opposite side)

Findings, Cont'd

D. 11. Soils/Geology. A preliminary soils analysis has been done on both the steep sloping area in the northern portion of the property and those portions of the property surrounding Totem Lake proper. (Refer to Exhibit "K" - Geotechnical Report). In the Preliminary Soils Report done for Totem Lake, Inc., by Golder Associates, and dated January 28, 1976, the soils consultants found generally four different geologic units which are indicated on Exhibit "P" - Surface Features and Sub-Surface Geology. The only area of exposed peat on the subject property is located west of Totem Lake proper, whereas the marsh surrounding the lake is an accumulation of organic matter and alluviums.

Exhibit "H" - Geologic Section/Existing Cut/North hillside indicates the geologic conditions found in the northern portion of the subject property which indicates a sand and gravel outwash above. (glacial till unit, above a sand outwash, above a clay and silt outwash, with a sand and gravel outwash at the base of the cut slope). This "glacial till" and "outwash" occupies approximately 24% of the surface area of the project site and "manmade fill" which is located generally west and north of Totem Lake proper, totals 18%, whereas the "exposed peat" totals 6%. The remaining 52% of the subject property is identified within the "marsh" or alluvial deposits and also includes surface area of Totem Lake proper. (For a further description refer to Exhibits "J" and "K".

12. Hydrology/Water Quality. The tributary area of Totem Lake is approximately 642 acres. The principal tributary stream flows through a relatively flat valley which lies east of Totem Lake proper and is bounded by steep hillsides to the north and rolling upland to the south. Approximately 40 acres (approximately 66%) of the Totem Lake Center is located in the tributary area. Other well-developed areas include the industrial areas south of the BNR right-of-way. The remainder of the tributary area is second growth forest or single family residential.

13. The principal tributary stream flows from its origin approximately two-thirds of a mile to Totem Lake. The lake itself is less than 14 feet maximum depth and has several water quality problems. The problems of excessive organic debris, inadequate oxygen, and high concentrations of nutrients will cause future deterioration in water quality within Totem Lake. For a further description refer to Exhibit "J".

14. Vegetation. Three distinct plant communities appear on the subject property which are:

- a. Remnant second growth forest.
- b. Open disturbed area (filled areas),
- c. Marshland and lake foreshore.

The remnant second growth forest includes a large number of extremely old coniferous vegetation which is generally located in proposed Tract "B" and north of Totem Lake proper on the northern portion of the subject property. 10/14/76

Findings, Cont'd

D. 14. (Cont'd)

The open disturbed areas include those areas of fill, and the plant cover in these areas includes scotch broom, fireweed, red alder, douglas fir and cottonwood seedlings, grasses and herbaceous plants.

The marshland and lake foreshore environment which covers approximately 50% of the subject property is located within the general geologic area identified as "marsh", and in the depression formed by Totem Lake. Plant cover in this area includes willows, young red alders, young cottonwoods, cattails, reeds, spike reeds, and grasses. For a further description, refer to Exhibit "J".

15. Wildlife. A list of the common wildlife which might be expected to frequent the subject property is noted on Pages 23 and 24 of Exhibit "J" - Environmental Assessment. No rare or endangered species are known to inhabit the site or the environment.

Generally, the resident population of waterfowl for Totem Lake appears to be small which may be due to poor water quality, excessive summer algae bloom, and wide fluctuation in the lake level. For a further description, refer to Exhibit "J".

E. PUBLIC UTILITIES:

16. Streets. The subject property fronts on Kingsgate Way N.E. an: 120th Ave. N.E. A portion of Totem Lake Way has been developed to generally the eastern property line of Lot 3. The applicant proposes to widen and extend Totem Lake Way to create a one-way vertically separated street with a turn-around in the general area of Lots 5, 6 and 7. Totem Lake Way would be the serving right-of-way for Lots 3 through 8, whereas Lots 1 and 2 have access off of 120th Ave. N.E.

17. Pedestrian Ways. There are no existing sidewalks on Kingsgate Way N.E. or 120th Ave. N.E. Pedestrian pathway has been required under Unclassified Use Permit, the Plannor Corporation, Madison House Elderly Housing Project (UUP-76-34(P)), which is for a pedestrian easement from the cul-de-sac of 128th Ave. N.E. along the eastern property line of that subject property which terminates at the north-easterly corner of proposed lot 8. A possible trail system around the lake has been indicated by the applicant and is identified in Exhibit "C" - Plat Map.

18. Domestic Water. At the present time there is an existing water main off of 120th Ave. N.E. which could serve the subject property. (Refer to Finding No. 7).

19. Sanitary Sewer. There is an existing 10" sanitary sewer along 120th Ave. N.E. The preliminary plat map of lotem 10/14/76

Findings, Cont'd

- E. 19. (Cont'd)
Lake South indicates a proposed sewer line to serve Lots 3 through 8, whereas Lots 1 and 2 could have direct access to said line.
20. Storm Sewer. As proposed in the preliminary plat of Totem Lake South, storm sewer catch basins from the subject property and Totem Lake Way would be discharged into Tract A (Totem Lake proper and its associated wetlands).
- F. NEIGHBORHOOD CHARACTERISTICS:
21. Zoning. The subject property contains two zoning classifications. Community Business (BC) is located in the northern portion of Lots 3, 4, 5 and 8; whereas the rest of the remaining subject property is zoned Light Industrial (LI). However, only Lots 4 and 8 would contain over 50% BC zoned area, and are considered as BC zone for this classification. The remaining Lots 1, 2, 3, 5, 6 and 7 and Tracts A and B are zoned Light Industrial.
22. Land Use. The subject property is presently undeveloped excluding that portion of Totem Lake Way which has been previously constructed. The adjacent property surrounding the proposed plat is mixed and varied and includes Totem Lake upper mall, and a proposed elderly housing project of Madison House to the north with Evergreen General Hospital being located further to the north.
- To the northeast and east are two undeveloped tracts, and the subject property abuts against the southernmost extension of Salish Village Planned Unit Development proposal. The subject property is bounded by the Burlington Northern Railroad to the southeast, however across the railroad right-of-way is located light industrial uses. Directly to the south of Kingsgate Way N.E. is a new service station/car wash and a VIP's restaurant. To the west of the subject property is the original Totem Lake mall. (Refer to Exhibit "A" - Vicinity Map).

23. Public Recreation/Open Space. No public parks are located within the immediate vicinity of the proposed plat, however, Tract B of the proposed plat does abut against a dedicated and required open space of Salish Village Planned Unit Development. Further, steep slope portions of the property of Lot G of Puget Sound Center Plat have been required to remain in open space, which is generally located as the northern 40 to 60 feet (varies) of proposed Lot 8.

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Findings, Cont'd

- F. 24. The applicant has indicated that the extreme northeastern portion of the proposed plat, approximately 2 1/2 acres, is too steep for satisfactory development (Tract B); however, the disposition of Tracts A and B has not been fully outlined within this preliminary plat application.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
25. The applicant has submitted an environmental assessment which received a negative declaration from the responsible official on September 3, 1976.
26. The proposed subdivision shall be subject to the conditions of the Kirkland Subdivision Ordinance No. 2178. The following applicable sections are noted for the applicant's benefit:
- a. "The Planning Commission, and when appropriate, City Council, shall consider the physical characteristics of a proposed subdivision site, and may disapprove a proposed plat because of flood inundation or swamp conditions...." (Section 2.5.2).
- (1) Applicant's response: "Section 2.5.2 states that plats situated in a watercourse or flood control zone may not be processed without State approvals. No portion of the proposed land development is part of a watercourse or flood zone."
- b. Due regard shall be shown for preservation of outstanding natural or cultural features such as scenic spots, watercourses, and historic sites, etc. (Section 2.5.3).
- (1) Applicant's response: "Totem Lake is being retained in its "natural" state."
- c. In areas of slopes equal to or greater than 15%, a detailed engineering report will be required prior to the approval of any preliminary plat. Special consideration for grading, fills or excavations shall be made by the Planning Commission and shall be in accordance with Kirkland Ordinance No. 2128, the Uniform Building Code, 1970 Edition, Chapter 70, as adopted by the City of Kirkland. (Section 2.5.4).
- (1) Applicant's response: "Section 2.5.4 refers to "hazardous geologic conditions" defined as slopes equal to or greater than fifteen percent. A soils engineering report has been prepared in conjunction with this proposal. A single access road, an extension of the existing Totem Lake Way has been conceptually designed in "cuts" of native soil. Fills being proposed are modest, less than one percent of the plat area and site grading has been held minimal, by design."

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Findings, Cont'd

- G. 27. A1. (cont'd)
a geological and soils report of the site with recommendations for development.
- B. "2. Any development on geologic areas designated as peat through on-site investigation, should be reviewed with the State Department of Ecology for reasons of water quality and fishlife protection, as well as adhering to the above engineering criteria, prior to proposing plans to the City for building permits."
- B1. Applicants response: Not applicable.
- C. "POLICY I-F - While located in an area with geologic and soils limitations for industrial or commercial development, and while now committed to industrial or commercial uses through existing zoning, Totem Lake should be preserved as a visual focal point around which permitted development could occur, and further should be preserved for drainage and storm water storage purposes for which it is presently being used."
- C1. Applicants response: The proposed development conforms with this policy.
28. The following are relevant Natural Element Policies from the emerging Land Use Policies Plan.
- Policy 1. Manage development according to the severity of natural constraints in order to reduce risks and minimize damage to life and property.
- a. Severely limit development where resulting damage to life and property is highly probable, especially on unstable slopes, larger wetland areas, or other such areas.
- b. Regulate development on (1) potentially unstable slopes, (2) in areas where uneven settlement could occur under certain conditions, or (3) other natural constraint areas where resulting damage to life and property is possible.
- c. Regulate the location of structures near watercourses and smaller wetlands in order to reduce the impact of flooding and allow for natural drainage.
- Policy 3. Require special development procedures for developments in natural constraint areas.
- a. Require site-specific environmental information to identify possible problems and methods for mitigating undesirable side effects. An environmental assessment should be required and a detailed environmental impact statement may

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Findings, Cont'd:

- G. 28. Policy 3. a. (cont'd)
be required for all developments in natural constraint areas.
- c. Indemnify the City from damages due to alterations in physical conditions resulting from development in natural constraint areas.
- Policy 4. Maintain or improve the functional integrity of watercourses, wetlands, and small bodies of water by keeping them in a natural condition and by placing appropriate restrictions on dredging, filling, and other land surface modifications.
- Policy 5. Limit land surface modifications that would induce excessive erosion, undermine the support of nearby land, or unnecessarily scar the landscape.
- a. Limit land surface modifications in natural constraint areas to the smallest extent needed for development.
- b. Maintain existing vegetative cover to the greatest extent feasible. In cases where development necessitates removal of vegetation, a reasonable amount of landscaping should be required to replace trees, shrubs, and ground cover removed during construction.
- c. Insure that fundamental land use decisions are made prior to the initiation of land surface modifications. With few exceptions, a building permit should be required prior to the issuance to a grading permit.
29. The following is a relevant discussion of proposed Planned Area #13 from the emerging Land Use Policy Plan surrounding Totem Lake and including this subject property:
- Planned Area #13. Totem Lake:
- a. "Totem Lake and the surrounding wetlands have been identified as a natural constraint area. These lands have been noted as being subject to possible uneven settlement and have been designated by the Federal government as a flood hazard zone. Additionally, the lake and wetlands area are to be maintained as functioning elements of the natural drainage system. To protect the lake, to provide visual open space, because most of the land is in a single ownership and considering the natural constraints, the area has been designated a planned area. Possible uses would include limited commercial, and small office uses. All developments will be subject to the following conditions:
- (1) developments are to be part of a plan encompassing all of the planned area,

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Findings, Cont'd

G. 26. d. Landscaping, planting, and tree cutting plans shall be prepared by a landscape architect and submitted to the Department of Community Development prior to the approval of the final plat in all areas which have been identified by the Kirkland Planning Department as having potentially hazardous geologic conditions, soils limitations, or slopes equal to or greater than 15%. In addition, tree cutting plans for all developments shall be required indicating trees over 6" in caliper and indicating which will be cut and which will remain. (Section 2.5.5).

(1) Applicant's response: All trees over 5 inches are in the designated specimen tree area and are to be saved.

e. The use of water retention basins to minimize surface runoff or erosion damage potential may be required. (Section 2.5.6).

(1) Applicant's response: As this development proposes to leave Totem Lake in an undisturbed condition, "natural" detention is assured.

f. "All subdivisions shall reserve to be held in common ownership or shall dedicate to the City of Kirkland not less than 5% of the total land area for a neighborhood or community park, recreation areas, or open spaces, or in lieu of the dedication of such area to the City of Kirkland the plat may be required by the City to deposit in the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund ... not less than 10% of the assessed valuation of the entire subdivision or \$200 per dwelling unit, whichever is greater." (\$200 per dwelling unit figure would not be applicable in this condition due to commercial, industrial type of subdivision). (Section 2.5.9).

g. "Natural features, such as trees, ridgelines, hilltops and views shall be preserved and kept in natural state to the maximum possible extent." (Section 2.10.5).

h. "A drainage easement, parallel to, and measured in terms of the centerline of all minor and major watercourses shall be required. In the determination of the dimension of such easements and the classification of watercourses the Planning Commission and staff shall be guided by the recommendations contained in the report, Land: Natural Elements, Kirkland Planning Department, 1970, pp. 53-76. Any disturbance of the natural state or construction in the designated easement will not be allowed unless approval is received from the Planning Commission, current with the approval of the subdivision. In all cases, the bank of the watercourse shall be preserved in as natural a state as is practical. (NOTE: Watercourses are classified by the time flow period - see definitions: watercourses.)" (Section 2.10.6)

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Findings, Cont'd

G. 26. h. (cont'd)

"Watercourses: A waterflow which occurs throughout the year, during the rainy season or for short times after an intense storm. Major: A perennial water flow which occurs throughout the year (90 percent of the time or more) in a well defined channel. Minor: An intermittent water flow which will occur during the rainy season and may be evident 50 percent of the time or where an ephemeral flow will occur for a short period of time after an intense rain storm. (Section 1.2.26)

i. "Land filling or dumping of refuse or waste shall not be allowed within 100 feet of the centerline of any watercourse." (Section 2.10.7)

j. "All proposed streets within the subdivision must be constructed to City specifications." (Section 2.11.3)

k. "All roads and streets shall be improved in accordance with the requirements of Standard Plans and Specifications of the City of Kirkland. In certain cases modifications necessary for the preservation of trees, streams, marshes or other natural elements as well as historic, scenic or other significant man-made elements, may be considered in accordance with the variance provisions of Section 2.13 of this article." (Section 2.11.3(d))

l. "Sidewalks shall be provided on both sides of all arterials adjoining the subdivision." (Section 2.11.9(a))

m. "Where a subdivision abuts existing roads, sidewalks or walkways will be required to be installed in or adjacent to the abutting right-of-way." (Section 2.11.9(e))

n. "Easements may be required for pedestrian ways along watercourses or other suitable areas necessary for the implementation of major trail systems." (Section 2.11.9(f))

o. "All required utilities shall be undergrounded to current utility specifications." (Section 2.12.3)

27. The following are relevant policies for the subject property from the Totem Lake Land Use Plan:

A. "POLICY I-E - For those land areas designated as "potentially hazardous" due to geologic or soils conditions, private development could occur by adhering to the following criteria: 1. Any development in these areas, either public or private, should have the approval of an engineering geologist or equally qualified person as to the geologic stability and foundation design."

A1. Applicant's response: As the proposed site is located in a "potentially hazardous" area, the developer has retained a professional geotechnical consultant to provide

Conclusions, Cont'd:

- D. 5. (cont'd)
When King County approved Puget Sound Center Plat 1970, the following restriction was placed on Lot G:
- "Tract G shall remain as permanent open space. No building or structures shall be permitted on said tract."
- Exhibits "D" and "E" indicate the topography on the subject property and directly to the west of this area. The slopes within the northern portion of proposed Lot 7 appears to be consistent with the slopes within Tract B, and with northern portion of proposed Lot 8 which has an open space restriction as a former portion of Tract G. Therefore it would appear that the proposed property lines in this steeply sloping topographic area have been arbitrarily designated due to similar conditions on all three lots. A re-evaluation of the northerly property line of Lots 8 and 7 should be undertaken to assess these similar conditions. That portion of Lot 8 which is within the former portion of Tract G, shall be included and so designated as open space within this plat.
6. Soils/Geology. As indicated in the preliminary soils report, 24% of the proposed platted area was previously filled under a King County grading permit. Development of portions of proposed lots 3, 4, 5, 6, and Totem Lake Way would require some filling of the marsh or associated wetlands surrounding Totem Lake proper. (Refer to Exhibit "B" - Proposed Site Plan). The applicant indicates that this area would be less than 1% of the total subject property. This action would require large amounts of fill in the area of the cul-de-sac on Totem Lake Way and within proposed lots 5 and 6. Proposed lot 5 would need more than 50% of the surface area filled to create a buildable lot, whereas proposed lot 6 would require approximately 10% filled area. The southern boundary lines of lots 3 and 4 would require minor fill, and would be approximately less than 5% of the total areas for each lot.
7. Hydrology/Water Quality. Development in the steeply sloping areas of the subject property and/or fill of the associated wetlands of Totem Lake proper, would impact Totem Lake and its associated wetlands through the introduction of increased sediments which would further reduce the hydrologic capability of the lake and its associated wetlands and may reduce the water quality through suspended sediments. Development and site preparation around the Lake should be kept to a minimum to reduce the potential adverse impacts.
8. Vegetation. Development in the steep slope areas would require removal of vegetative cover, which would introduce additional erosion and potentially lower water quality as indicated above. Those portions of the property previously identified as the northern portions of lots 8 and 7 and Tract B should remain in an undeveloped nature to

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Conclusions, Cont'd:

- D. 8. (cont'd)
minimize impacts upon soil erosion, hydrology, and water quality, and slope stability.
9. Wildlife. Although no significant or endangered species of wildlife or waterfowl are reported to inhabit Totem Lake or its associated wetlands. The remaining unfilled areas are valuable potential habitats due to the fact that the development of I-405, Kingsgate Way, Burlington Northern Railroad, and both Totem Lake centers have significantly reduced the area of the wetland habitat to its present diminished size. This area could be made more attractive to wildlife and waterfowl if the water quality were improved and suitable vegetation was available. Any further fills within the lake or its associated wetlands would continue to reduce the potential wildlife habitat.
- E. PUBLIC UTILITIES:
10. Streets. The applicant should be required to improve Totem Lake Way to minimum City standards with particular attention to the slope and turning radii of the cul-de-sac.
11. Pedestrian Ways. Development of this plat should require the applicant to include sidewalks along both sides of Totem Lake Way, the east side of 120th Avenue N.E., and provide a 6 foot wide asphaltic walkway along Kingsgate Way in those localities where one does not presently exist. Rampdowns should be included with these sidewalk improvements.
12. A pedestrian easement should be located on the easterly 10 feet of proposed lot 8 to its northerly property line. This will continue the pedestrian easement which was conveyed by Danmor Corporation with the Madison House elderly housing project under Department of Community Development file no. UUP-76-34(P). A trail system around the lake has been mentioned by the applicant however, any development of this trail system would be done on private property due to the fact that the City of Kirkland does not wish to accept Tract A as public open space.
13. Domestic Water/Sanitary Sewer. These utilities will be provided by special district and a preliminary review of the existing utilities utilities appears to be adequate to serve the proposed plat. After preliminary plat approval the applicant should provide letters of approval from the special district indicating that existing conditions are adequate to develop the plat as proposed.
14. Storm Sewer. Subsequent to the approval of this Preliminary Plat, prior to construction of any improvements or development whatsoever within this proposed plat, the applicant will be required to submit and receive approval from the Department of Community Development and the Department of Public Service, on an engineering design and calculations

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Findings, Cont'd:

- G. 29. a. (2) the assured maintenance of the lake and wetlands as a natural water retention and cleansing system will be required,
- (3) the lake is to remain as a visual focal point for the area,
- (4) no construction over the lake will be permitted,
- (5) no fill for structures or parking will be permitted within a reasonable distance from the lake, and
- (6) the water surface area of the lake is not to be reduced."

30. Totem Lake has been designated as a flood hazard area by the Federal Insurance Administration (under HUD) and therefore is subject to the following sections of Resolution 2240.

"Section 4: The Building Official acting in cooperation with the Director of Public Services shall review subdivision proposals and other proposed new developments to assure that

- (i) All such proposals are consistent with the need to minimize flood damage;
 - (ii) All public utilities and facilities such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - (iii) Adequate drainage is provided so as to reduce exposure to flood hazards.
- Section 5: The Building Official acting in cooperation with the Director of Public Services shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding."

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. Although it has been indicated in the geologic/soils report and the environmental assessment, that the proposed plat may be feasible from an engineering standpoint, there are a number of policy considerations which will impact this proposal. Kingsgate Way, 120th Avenue N.E., Totem Lake Center, and the upper Totem Lake Mall were all developed in King County prior to or concurrent with the City of Kirkland annexation of this area. The filling of the associated wetlands to the west and north surrounding Totem Lake proper was permitted under King County grading permit. The City of Kirkland by recognizing existing zoning at the time of annexation has sanctioned the continued use of those commercial developments in the Totem Lake area. However, previous actions by another local jurisdiction should not be viewed as an unmovable precedent by the City of Kirkland to continue to permit similar type developments and construction techniques. Any proposals now before the City for review should be reviewed consistent with existing and proposed policies and regulations.

B. HISTORICAL BACKGROUND: (No relevant conclusions)

C. GOVERNMENTAL COORDINATION:

2. Public Service Department: The applicant should be required to meet with the Public Service Department to agree upon streets, water, sewer and storm drainage improvements for the proposed plat.
- Revised drawings within Totem Lake South should include a sidewalk along both sides of Totem Lake Way, along 120th Avenue N.E., and a 5-6 foot wide asphaltic pathway along Kingsgate Way in those locations where such a walkway does not presently exist.
3. Department of Fire Services. The applicant should be required to meet all recommended conditions of the Department of Fire Services regarding fire flows, hydrants, and the installation of "No Parking" signs on Totem Lake Way.
4. Park Department. Tract A should remain in private open space within the plat. Consideration should be given to an open space requirement somewhat similar to that of Tract G of Puget Sound Center Plat. (Refer to Conclusion 6)
- D. EXISTING PHYSICAL CHARACTERISTICS:
5. Topography. The applicant has indicated that the property within proposed Tract B is "too steep for satisfactory development." Topography in Tract B, lot 7 and 8 ranges from 40 to 70%. Any development within these steeply sloping areas would require major cuts and fills to create a satisfactory building area.

Conclusions, Cont'd:

- G. 17. f. (cont'd)
"Tract A shall remain an open space. No buildings or structures shall be permitted on said tract. The only exception shall be for lake rehabilitation, bank stabilization, or elevation control which could include the installation of a dam or weir device."
- Dedication of these open space areas would meet the requirements of the City of Kirkland regarding dedication of open space.
- g. (Section 2.10.5) The applicant has indicated a desire to maintain many of the natural features of the subject property, however additional consideration should be given to proposed rear boundary line location for proposed lots 3, 4, 5, 6, 7, and 8. Lots 3, 4, 5, and 6 would all require some fill to provide building area as large as the boundary lines indicate. Further, lots 7 and 8 contain extremely steep slopes, and some cuts and fills are proposed within these steep slope areas for development. Due to the fact that 24% of the subject property already contains existing fill, consideration should be given to restricting any further fill in the area of Totem Lake and associated wetlands and limiting cuts on lots 7 and 8 to those areas of less than 15% slope.
- h. (Section 2.10.6) Totem Lake is a part of an overall drainage area for Juanita Creek basin, and the provisions of the proposed open space requirement within Tract A should adequately suffice the provisions for drainage easement. Further, although the flows are low within Totem Lake and its inflowing channel, the lake itself is a portion of a major watercourse which is in a fairly well defined channel (lake boundaries) and is a portion of the Juanita Creek drainage basin.
- i. (Section 2.10.7) Portions of fill on proposed lots 3, 4, and 5 would be within 100 feet of the shoreline of Totem Lake proper.
- j. (Section 2.11.3) Streets within the proposed plat, including Totem Lake Way, will be required to be reviewed and approved by the City of Kirkland Public Service Department and constructed to meet minimum City specifications.
- k. (Section 2.11.3)(d) Refer to the above.
- l. (Section 2.11.9)(a) Provisions for sidewalks or pathways along Kingsgate Way and 120th Avenue N.E. should be required.
- m. (Section 2.11.9)(e) Refer to the above.

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Conclusions, Cont'd:

- G. 17. n. (Section 2.11.9(e&f)) Any pedestrian way located around Totem Lake other than that which is within the right-of-way of Kingsgate Way would be on private property and would be developed at the applicant's expense. No such pedestrian way is being recommended at this time for the implementation of a major trail system.
- o. (Section 2.12.3) All required utilities shall be undergrounded within this proposed plat.
18. The following conclusions are relevant to discussion of the Totem Lake Land Use Plan:
- a. Policy I-E - The applicant has provided a preliminary soils and geologic report to deal with recommendations for site development.
- b. Although there is peat within the subject property as identified on Exhibit "F", the applicant does not propose to develop within this area at the present time.
- c. Policy I-F - Generally the applicant's proposal has considered the geologic and soils constraints regarding the subject property, and has proposed a plat which would create a visual focal point around Totem Lake. Due to the fact that the applicant does not presently plan to develop Tract A, Totem Lake proper should remain in its present state and continue to serve as a storm water storage basin.
19. The following are relevant conclusions regarding natural elements policies from the emerging Land Use Policy Plan.
- Policy 1. This proposed subdivision provides some review of severity of the natural constraints of the subject property to reduce risk and minimize damage to life and property.
- a. The submitted geologic report indicates that this proposed plat is in engineering feasibility.
- b. The subject property contains both steep slopes, and areas of potential uneven settlement.
- c. Regulation of structures near watercourses and/or small lakes is not possible under the present platting procedure. However, minimum setback areas from Tract A may be proposed as a condition of plat approval.
- Policy 3. Special development procedures for development in natural constraint areas have not been fully outlined at this time in the Land Use Policy Plan.
- a. The applicant has submitted an environmental assessment regarding the proposed preliminary plat.

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Conclusions, Cont'd:

E. 14. (cont'd)
for storm water runoff. The system shall be designed for a 10 year storm and shall include methods for handling said storm water runoff during construction and after proposed development. Further, all storm water runoff discharged into Totem Lake or its associated wetlands should be passed through an oil-grit separator.

F. NEIGHBORHOOD CHARACTERISTICS:

15. Zoning. Proposed lots 4 and 8 would have a 20 foot setback from Totem Lake Way whereas all other properties would have a 50 foot setback from all abutting street right-of-ways. There are no setback requirements on either side or rear property lines in light industrial zones. This proposed plat is generally consistent with surrounding development and zoning.

16. Land Use. There is one large tract of undeveloped property directly to the east of this proposed plat which will be land locked from any adjacent right-of-way with this proposed street configuration of Totem Lake Way. This should be analyzed by the Public Service Department prior to final plat review. Development of these lots would be generally consistent with the development in the surrounding area. Consideration should be made for the recording of Tract B as private open space in the condition which was arranged for Salish Village Planned Unit Development and Totem Lake Apartments Planned Unit Development. (Refer to Exhibit "L"). Further, due to the fact that the City of Kirkland does not wish to accept Tract A, consideration for Tract A should be the same as existing lot G with an opportunity for lake rehabilitation, bank stabilization, and elevation control of the lake.

(continued on next page)

CONCLUSIONS:

G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

17. The following are relevant conclusions to the appropriate section in the Kirkland Subdivision Ordinance No. 2178.

- a. (Section 2.5.2) Although the subject property is not within a flood control zone under State Revised Code of Washington, the Kirkland Planning Commission or Kirkland City Council may consider the physical characteristics of the subdivision site with respect to its flooding characteristics or swamp conditions. Swamp conditions in this particular application would normally extend to the exposed peat and the marsh land or associated wetlands of Totem Lake proper.
- b. (Section 2.5.5) The applicant proposes to retain Totem Lake proper in its present state, however development would necessitate further fill on the associated wetlands by the lake. Totem Lake and Forbes Lake which is in King County, are the only small bodies of water in the Kirkland Planning Area, and therefore Totem Lake is a somewhat unique feature for the City of Kirkland.
- c. (Section 2.5.4) The applicant has submitted a soils report on the subject property which includes both the areas surrounding Totem Lake and its associated wetlands but also on the steep slopes within the northern portions of the subject property. (Refer to Conclusion No. 6 regarding development within steep slope areas). Final detailed engineering report should be developed and submitted along with applications for building permits on lots within the subject property.
- d. (Section 2.5.5) Land surface modifications should only be allowed within the proposed rights-of-way and utility easements as designated on the proposed plat (Exhibit "B") after preliminary approval. Prior to receiving a building permit on any of the aforementioned lots, the applicant should be required to submit a tree cutting plan for the subject property indicating those trees over 6 inches in caliper which will be cut and which will remain.
- e. (Section 2.5.6) The applicant will be required to provide a storm water retention system within the proposed plat, and to indicate how surface runoff and erosion damage will be minimized during construction and after development.
- f. (Section 2.5.9) The Department of Community Development would recommend that Tract B be dedicated as private open space and that all air rights to said tract be conveyed to the City of Kirkland as indicated in Exhibit "I". Further, Tract A should be identified as open space with the following condition:

Recommendations, Cont'd

3. The applicant shall work with the Kirkland Public Service Department and N.E. Lake Washington Sewer District so that the proposed utility improvements conform with Section 4 and 5 of Resolution No. R-7240 and so that these systems shall be designed to minimize any flood damage or infiltration of flood waters into the sanitary sewer system.
4. The applicant shall be required to meet with the Kirkland Department of Fire Services to agree upon the installation of regulated fire hydrants and "No Parking" signs along Totem Lake Way for the proposed plat.
5. Subsequent to the approval of this preliminary plat and prior to construction of any improvements or developments whatsoever within this proposed plat, the applicant will be required to submit and receive approval from the Department of Public Service and Department of Community Development on engineering design and calculations for storm water runoff. Said system shall be designed for a minimum of a 10 year storm, and shall include methods for handling storm water runoff during construction and after proposed development and shall include the use of "oil/grit" separators.
6. The applicant shall be required to install a 5 foot wide concrete sidewalk along the east side of 120th Ave. N.E. along Lots 1 and 2. Rampdowns shall be included at all crosswalks and intersections. Along Kingsgate Way the applicant shall install a 5-6 foot asphalt pathway in those locations where one does not presently exist.
7. Removal of vegetation and all surface modifications shall be limited to the approved rights-of-way and as provided in Ordinance No. 2293. A tree cutting plan for all lots shall be required indicating those trees over 6" in caliper, which will be cut and which will remain at the time of building permit application.
8. Revised Tracts "A" and "B" shall be dedicated as private open space. The following shall be placed on the plat linen for Tract "A":

Revised

"Tract "A" shall remain as open space. No buildings or structures shall be permitted. The only exceptions shall be for lake rehabilitation, bank stabilization, or elevation control which could include the installation of a dam or weir device."

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Recommendations, cont'd

8. (Cont'd)
The entire slope area proposed to be left in open space (Tract "B"), shall be designed as permanent common open space for the community purposes and benefits associated with that area as related to the visual and aesthetic open space, slope and soils retention and stability, the maintenance of air quality in the general area, and the management of urban runoff. Except as here after stipulated, said area shall be defined and recorded as a privately owned open space as a requirement of the Final Subdivision and so recorded with the King County Department of Records and Elections, and so annotated on the official zoning map of the City of Kirkland. Proof of recording shall be filed with the City of Kirkland, Department of Community Development.
9. Tract "B" shall generally conform to the following dedication:

DEDICATION

being the owner of the real estate described below and made a part hereof, does hereby certify, establish, and declare that the air space and view above the privately owned open space are hereby dedicated to the City of Kirkland for the benefit of the public, subject to the rights of the owner, his heirs, successors or assigns, to plant or grow plants, shrubs or trees, and subject to the right of the owner, his heirs, successors, or assigns, to enter upon said premises to install utilities and appurtenances in said open space, to maintain the same, to construct, improve, maintain pathways, benches, or other similar structures normally used or associated with the use of open space land.

Nothing in this dedication shall preclude the owner, his heirs, successors or assigns from going on or utilizing said property as privately owned open space, or going upon said property for maintaining slopes, plantings, trees or shrubs, soil retention and stability or any other use normally associated with private owned open space.

Said real property shall remain under private ownership and this dedication shall not surrender rights of trespass to the public.
10. All required utilities shall be undergrounded within this plat.
10. Along with final plat submitted the applicant shall submit a landscaping plan for the island within Totem Lake Way. Regarding this, the following shall be placed on the face of the plat linen.

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Conclusions, Cont'd:

G. 19. b. If possible, provisions should be made to indemnify the City from all damages due to the alterations of existing physical conditions resulting from development in this area.

30. Policy 4. The need to fill portions of proposed lots 3, 4, 5 and 6 could not improve the functional integrity of the watercourse, wetlands, and Totem Lake proper, and would reduce the wetland area to some extent. Land surface modifications within proposed lots of this preliminary plat should be limited to those areas with not more than 15% slope.

a. Further, land surface modification should be limited to the smallest extent possible for development of Totem Lake Way.

b. There are no existing zoning regulations or subdivision requirements which would require the developer to replace trees, shrubs, and ground cover removed during construction, however, some minimal landscaping is required when a light industrial zoned lot is developed. No land surface modifications would be permitted on the subject property except those consistent with Ordinance #2295.

21. Conclusions relevant to the discussion of Planned Area #13/ Totem Lake for the emerging Land Use Policy Plan.

a. If platted, the applicant could sell each individual lot which could be developed by the separate parties with very little internal consistency or continuity between uses and/or building design within this plat.

b. Under this application no maintenance of the lake or wetlands is being proposed.

c. It would appear that the general layout of this proposed plat would retain Totem Lake proper as a visual focal point for this plat.

d. No construction over Totem Lake proper is being proposed with this application.

e. There are a number of lots which would require some fill to use those portions of the subject property indicated within the proposed boundary lines as indicated in the preliminary plat.

f. The surface area of the lake is not being reduced in this proposal, however the area of the associated wetlands would be reduced to some extent.

22. The City of Kirkland Public Service Department should work with N.E. Lake Washington Sewer District in reviewing any public utilities and facilities within this plat so that these

Conclusions, Cont'd:

G. 22. (cont'd) utilities conform with Section 4 and 5 of Resolution #2240 further, all public systems should be designed to minimize any flood damage or infiltration of flood waters into the sanitary sewer system.

23. The applicant and the Department of Community Development have spent a considerable amount of time discussing the relevant issues of this application. A number of the very same issues identified within this advisory report were expressed to the applicant in a letter of May 28, 1976. Since that original letter the applicant and the staff have met and corresponded regarding a wide range of issues to which the applicant has responded with this submittal.

24. The Kirkland Planning Commission finds that many of these proposed lots have building constraints and will require sensitive treatment when property owners wish to apply for a building permit on each lot.

RECOMMENDATIONS:

Based upon the foregoing findings and Conclusions and as identified in Exhibits "A" through "R" we hereby recommend that this proposed plat of Totem Lake South be approved subject to the following:

1. Prior to review by the Kirkland Planning Commission for Final Plat approval, the applicant shall accomplish the following:

a. The proposed plat plan of Totem Lake South shall be dimensioned with a contour line of 120 feet noting that "No fill is permitted between contour elevation of 120 feet and the lowest corner of the lot, except inasmuch as applies to the Totem Lake Way turn-around."

b. Lots 7 and 8 shall be dimensioned by a contour line of 150 foot elevation (plus or minus 5 feet) or the southerly boundary line of lot G, whichever is most southerly, and shall carry the following notation on the face of the plat linen: "No excavation or land surface modification permitted from proposed elevation 150 feet mean sea level to the highest portion of the lot." Further, that portion of lot 7 which exhibits the same general physical characteristics of exceptionally steep slope (40% - 70%) as the northern portion of proposed lot 8 and Tract B shall contain the same open space restriction as the northern portion of lot 8 which is as follows: "Shall remain as open space. No buildings or structures shall be permitted in this area."

2. The applicant shall be required to meet with the Public Service Department to agree upon a street, cul-de-sac, sanitary sewer, and water improvements for the proposed plat. Further, at the time of Final Plat submittal, the applicant shall submit letters to the Public Service Department and the Department of Community Development that the proposed design of water and sewer improvements are approved by the special utility districts (Water District 79 and N.E. Lake Wa. Sewer District).

dedicated to the City of Kirkland for the benefit of the public, subject to the rights of the owner, his heirs, successors or assigns, to plant or grow plants, shrubs or trees, and subject to the right of the owner, his heirs, successors, or assigns, to enter upon said premises to install utilities and appurtenances in said open space, to maintain the same, to construct, improve, maintain pathways, benches, or other similar structures normally used or associated with the use of open space land.

Nothing in this dedication shall preclude the owner, his heirs, successors or assigns from going on or utilizing said property as privately owned open space, or going upon said property for maintaining slopes, plantings, trees or shrubs, soil retention and stability or any other use normally associated with private owned open space.

Said real property shall remain under private ownership and this dedication shall not surrender rights of trespass to the public."

The Department of Community Development has discussed with the applicant the provision of a 15 foot easement along the southern 15 feet of proposed lot 1 to be available for future storm water utility improvements, such as to remove the two 42" culverts, and install a weir device in this area which will control the elevation of the lake and enhance long-term water quality. Therefore, the Public Service Department and the Department of Community Development would recommend that the following notation be required on the face of the final plat linen and to be identified as Recommendation No. 11 in the Planning Commission Advisory Report dated October 14, 1976.

"A 15 foot easement shall be required along the southern property line of proposed lot 1 and the following shall be placed on the face of the plat linen:

A 15 foot storm drainage utility easement, for the maintenance, improvement, or emergency repairs to the storm water drainage system by the local governmental municipality with jurisdiction which is for the benefit of the public, but said real property shall remain under private ownership and this easement does not surrender the rights of trespass to the general public."

Finally, on amended plat drawing of Totem Lake South, the applicant has noted the highest projected lake elevation upon the best available information as 121 feet above mean sea level. Further, the applicant has noted that no first floor elevations on any building to be built in this plat would be permitted to be below 124 feet above mean sea level. These notations shall be required

to be placed on the face of the final plat linen, and therefore the Planning Commission recommendation should be amended to read as follows: (Recommendation No. 12)

"The applicant shall, in accordance with revised plat plan, Exhibit "S", be required to place the highest lake elevation on the face of the plat linen together with the lowest elevation of the first floor levels above mean sea level for all lots, prior to review of the final plat by the Kirkland Planning Commission."

Memo to Kirkland City Council
Re: Totem Lake South Prel. Plat
December 1, 1976 - Page 2

DEPARTMENT OF COMMUNITY DEVELOPMENT

M E M O R A N D U M

December 1, 1976

Duk

To: Kirkland City Council

From: Department of Community Development

Subject: Totem Lake South Preliminary Plat

On November 1, 1976, the Kirkland City Council reviewed the Preliminary Plat of Totem Lake South as applied for by Totem Lake, Inc. and recommended to the City staff that this application be referred back to the Kirkland Planning Commission for further consideration. The Department of Community Development has been working with the applicant and his consultant on this matter and feels that the considerations voiced by the Kirkland City Council could be mitigated without returning this application to the Kirkland Planning Commission. Therefore, pursuant to the November 29, 1976 City Council discussion meeting, these matters are being referred to the Kirkland City Council for your consideration.

Referring to the amended plat plan, identified as Exhibit "S", the applicant has shaded in those portions of the lots which are below 120 feet mean sea level elevation. In this area no filling would be permitted. Further, the applicant has shaded in those portions of Lots 7 and 8 which are above mean sea level elevation of 150 feet (+ 5 feet) indicating that no excavation or land surface modification shall be permitted in this area. These are to be placed on the face of the plat linen as indicated in Recommendations 1.a. and 1.b. of the Planning Commission Report dated October 14, 1976. Regarding the proposed wording of the open space restriction on Tract A, the Department of Community Development recommends that the applicant only be required to dedicate the air space to the City of Kirkland in lieu of making the entire tract a private open space. Therefore, the Department of Community Development recommends the following replace Recommendation No. 8 in the Planning Commission Advisory Report dated October 14, 1976.

"Tract A shall be retained as private open space and both Tracts A and B shall provide dedication of air space easements to the City of Kirkland as indicated in the following:

Tract A shall generally conform to the following dedication:
"DEDICATION.

described below and made a part hereof, does hereby certify, establish, and declare that the air space and view above Tract A of Totem Lake South plat to the City of Kirkland are hereby dedicated to the City of Kirkland

for the benefit of the public, subject to the rights of the owner, his heirs, successors or assigns, to plant or grow shrubs or trees, and subject to the right for the owner, his heirs, successors or assigns, to enter upon said premises to install utilities and appurtenances in said open space to maintain the same, to construct a dam or weir device, provide lake rehabilitation, bank stabilization, elevation control, or other similar structures normally used or associated with the use of open space land.

Nothing in this dedication shall preclude the owner, his heirs, successors or assigns from going on or utilizing said property as open space, or going upon said property for maintaining slopes, plantings, trees or shrubs, soil retention, bank stabilization, lake rehabilitation, or any other use normally associated with privately owned open space.

Said real property shall remain under private ownership and this dedication shall not surrender rights of trespass to the public."

This restriction shall be noted on the face of the final subdivision, and so recorded with the King County Department of Records and Elections and so annotated on the official zoning map of the City of Kirkland. Proof of recording shall be filed with the City of Kirkland, Department of Community Development prior to any building permits being issued on the entire plat.

The entire slope area proposed to be left in open space (Tract B), shall be designed as permanent common open space for the community purposes and benefits associated with that area as related to the visual and aesthetic open space, slope and soils retention and stability, the maintenance of air quality in the general area, and the management of urban runoff. Except as here after stipulated, said area shall be defined and recorded as a privately owned open space as a requirement of the Final Subdivision and so recorded with the King County Department of Records and Elections, and so annotated on the official zoning map of the City of Kirkland. Proof of recording shall be filed with the City of Kirkland, Department of Community Development.

Tract B shall generally conform to the following dedication:
"DEDICATION.

described below and made a part hereof, does hereby certify, establish, and declare that the air space and view above the privately owned open space are hereby