

RESOLUTION NO. R- 2452

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-77-46(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 PLA 8 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 11, 1977, and

WHEREAS, pursuant to City of Kirkland Ord. No. 0-2319, 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 recommendation,

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 Chairman thereof and filed in the Department of Community Development File No. SUB-77-46(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

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.

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.

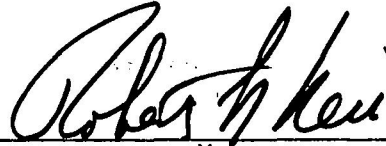
Section 4. Nothing in this Resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this project, other than as expressly set forth herein.

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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 3rd day of October, 1977.



Mayor

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

___ PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE August 11, 1977

___ ADOPTED BY _____ DATE _____

___ STAFF _____

___ BOARD OF ADJUSTMENT _____

___ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

___ CITY COUNCIL AS INCORPORATED IN _____

___ RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER SUB-77-46(P)

APPLICANT G&B ESTATES, INC.

PROPERTY LOCATION 120th Ave. N.E., north of Kingsgate Way

SUBJECT Application for Subdivision of property into 5 parcels and two tracts

HEARING/MEETING DATE _____

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Preliminary Plat Map "C" Environmental Declaration "D" Environmental Assessment with Soils Report "E" Plat of Puget Sound Center "F" Original Prel. Plat of Totem Lake South (8 Lots) "G" Short Plat of Totem Lake South "H" Soils Report.

FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Preliminary Plat of Totem Lake South, being generally located in the northeast intersection of Kingsgate Way and 120th Avenue NE and which is also bounded on the south and southeast by the Burlington Northern right of way. (Refer to Exhibit "A" - Vicinity Map)
2. The applicant proposes to create five developable lots and two tracts out of the total parcel containing approximately 27.6 acres as indicated in Exhibit "B" - Preliminary Plat. All proposed lots are approximately one acre in size, whereas there are two open space tracts which are substantially larger. Tract "A" which is 18 acres includes the four acre Totem Lake, and Tract "B" is located on the steep slope of the subject property which is 2.7 acres in size.
3. The subject property is located in an Environmentally Sensitive area and, therefore, approval of this application will constitute a "Major Action" under the provisions of RCW 43.21C and WAC 197-10. The applicant submitted an environmental assessment with his application and after reviewing the environmental assessment the Director of the Department of Community Development made a threshold determination that approval of this application will not have a significant adverse impact upon the quality and the environment. Further, it was determined that an Environmental Impact Statement was not required on June 27, 1977. After the elapse of 15 days following the threshold determination, and after reviewing comments submitted by interested parties, the Director of the Department of Community Development did on July 12, 1977, adopt the proposed declaration as the final declaration of non-significance (refer to Exhibit "C" - Declarations and Exhibit "D" - Environmental Assessment).

B. HISTORICAL BACKGROUND:

4. This portion of the project is located within the larger Totem Lake Center complex. On September 29, 1970, King County did approve the Totem Lake Center corrected plat which identifies portion of the property within this subdivision application as being located within lot "C". (Refer to Exhibit "E" - Plat of Puget Sound Center). On December 6, 1976, the Kirkland City Council did approve Resolution No. 2402 which approved the preliminary plat of Totem Lake South. This was an eight lot subdivision the same two tracts as proposed in this application. (Refer to Exhibit "F"). In the first preliminary plat of Totem Lake South the applicant proposed identical conditions to those that are being proposed in this application. The applicant never did apply for a final subdivision on this preliminary plat but instead went through and short platted this property. In essence the applicant platted lots 1, 2, and 3 of the first preliminary plat and hence created lots A, B and C with the

Findings, Continued

4. remainder of the property being lot "D". (Refer to Exhibit "G" - Short Plat of Totem Lake South.) The Kirkland Planning Commission approved the short plat on April 14, 1977, and thereby terminated any development rights granted under the original preliminary plat approved under R-2402.

When both the original preliminary plat of Totem Lake South and the short plat of Totem Lake South were approved by the Kirkland Planning Commission and City Council, both applications were subject to specific recommendations found in Resolution No. 2402 and which are included here for reference:

- "(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 insomuch 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).

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Findings, Continued

- (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-2240 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 required 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":

"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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Findings, Continued

(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.

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.

- (9. All required utilities shall be undergrounded within this plat.
- 10. Along with final plat submittal 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.

Findings, Continued

B. 4. (10. (cont'd)

"The maintenance of the landscaped island within Totem Lake Way shall be the responsibility of the abutting property owner of lots 4, 5, 6, 7, and 8."

The only modifications which were made to this original preliminary plat when the informal subdivision was approved was a provision to provide the extension of utilities into tract "D" (the undeveloped remainder of property) if any development was to occur within that tract. Basically, such improvements were to include access to the lake and trail system shall be considered along with all utilities, roads, and any future development. Finally, in the informal subdivision, the applicant was required to sign a no protest agreement for sidewalks or a trail system along Kingsgate Way.

C. GOVERNMENTAL COORDINATION:

NOTE: The following Departments have been contacted regarding their comments on this new preliminary plat of Totem Lake South and their comments have remained essentially unchanged.

5. 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).
6. 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 provide input there." (Memorandum from Art Knutson, 8/12/76).
7. 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).
8. Building Department. "No comment".
9. Police Department. "There needs to be enough right of way turning area to provide for emergency vehicles if cars are parked illegally on Totem Lake Way." (From Larry Jensen, 6/13/77)

Findings, Continued

D. EXISTING PHYSICAL CHARACTERISTICS:

10. Topography. Refer to pages 7 and 21 in Exhibit "D" - Environmental Assessment.
11. Soils/Geology. Refer to pages 17 to 21 in Exhibit "D" - Environmental Assessment, and all of Exhibit "H".
12. Hydrology/Water Quality. Refer to pages 26 to 28 in Exhibit "D" - Environmental Assessment.
13. Vegetation. Refer to pages 21 to 23 in Exhibit "D" - Environmental Assessment.
14. Wildlife. Refer to pages 23 to 25 in Exhibit "D" - Environmental Assessment.

E. PUBLIC UTILITIES:

15. Streets. The subject property fronts on Kingsgate Way NE and proposed right of way of Totem Lake Way. A portion of Totem Lake Way has been developed generally in the area of the previously approved short subdivision and the intent is to extend this street and create a one-way vertically separated street with a turnaround in the general areas of lots 2, 3, and 4.
16. Pedestrian Ways. There are no existing sidewalks on Kingsgate Way NE or 120th Avenue NE. The applicant has proposed a five foot sidewalk for all properties that were in the informal subdivision which would front on Totem Lake Way, 120th Avenue NE, and with the approval of the Totem Lake short plat, the applicant was required to install a six foot asphaltic pathway along Kingsgate Way where no improvement exists and to agree to sign a "no protest agreement" sidewalks or trail system along Kingsgate Way.
17. Domestic Water. At the present time there is an existing water main in 120th Avenue NE which could serve the subject property.
18. Sanitary Sewer. There is an existing ten inch sanitary sewer line along 120th Avenue NE which could serve the subject property.
19. Storm Sewer. As proposed in the preliminary plat, storm sewer catch basins from the subject property and Totem Lake Way would be discharged into tract "A" (Totem Lake proper and associated wetlands).

F. NEIGHBORHOOD CHARACTERISTICS:

20. Zoning. The subject property is zoned Planned Area 8. A full description of appropriate uses in this area are identified in Exhibit "D" - Environmental Assessment on page 33.

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Findings, Continued

- F. 21. Land Use. The subject property is presently undeveloped excluding that portion of Totem Lake Way which was previously constructed. The adjacent property surrounding the proposed plat is mixed and varied and includes Totem Lake Upper Mall, an elderly housing project to the north, with Evergreen Hospital being located further to the north. To the northeast are two undeveloped tracts, and the subject property abuts against the southernmost extension of the Salish Village open space area. The subject property is bounded by 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 NE is a new service station/car wash and two new restaurants. To the west of the subject property is a gas station and the original Totem Lake Mall. (Refer to Exhibit "A" - Vicinity Map).
22. 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 dedicated and required open space of Salish Village. (Refer to page 4 in Exhibit "D" - Environmental Assessment.) Further the applicant has indicated that the extreme northeast portion of the proposed plat, approximately 2½ acres, is too steep for satisfactory development (tract "B"). However, the disposition of tract "A" being Totem Lake and tract "B" have been to suggest these open space tracts should remain in private ownership for the time being.

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

- 23 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).

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Findings, Continued

23. b. (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."

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.

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Findings, Continued

- G. 23. 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 recommendation 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, concurrent 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)
- "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)

Findings, Continued

23. 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)
24. Please refer to pages 10-14 of Exhibit "D" - Environmental Assessment for relevant discussion of the adopted Land Use Policies Plan Neighborhood Discussion for Totem Lake Area which includes the subject property and identifies it as Planned Area 8.
25. The applicant will be required to meet the provisions of the adopted Land Use Policies Plan as identified in the following policies:

Natural Elements

Policy 1b
Policy 3a
Policy 5b

Public Services/Facilities: Drainage

Policy 1
Policy 2
Policy 2b
Policy 2c.

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Findings, Continued

- G. 26. 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. This application for a Preliminary Subdivision is generally consistent with the appropriate provisions of the Kirkland Zoning Ordinance and Kirkland Subdivision Ordinance.

B. HISTORICAL BACKGROUND:

2. If this application is approved, its conditions of approval should generally be consistent with those which were approved by the Kirkland City Council in December 6, 1976, under Resolution No. 2402 and which were slightly modified for the Totem Lake South short plat which is approved by the Kirkland Planning Commission on April 14, 1977. Due to the similarities in the previous applications it is logical to make the same conditions apply to this subdivision application as which applied to previous applications. However, since the preliminary plat and the informal subdivision were approved, the City Council did adopt a Land Use Policies Plan for the City of Kirkland so the applicant will be required to meet all appropriate provisions of the Land Use Policies Plan.

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Conclusions, Continued

GOVERNMENTAL COORDINATION:

3. 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 of Totem Lake South should include sidewalks on Totem Lake South which are consistent with those which were approved in the original subdivision application.

4. Department of Fire Services. The applicant should be required to meet all recommended conditions of the Department of Fire Services regarding fire flows, fire hydrants and the installation of "No Parking" signs on Totem Lake Way and all other appropriate signage.
5. Park Department. Tract "A" should remain in private open space within the plat.
6. Police Department. The applicant shall work with the Police Department and the Department of Fire Services regarding the turnaround size and width to insure that there will be adequate space for all emergency vehicles.

D. EXISTING PHYSICAL CHARACTERISTICS:

7. Topography/Soils/Geology/Hydrology/Water Quality/Vegetation/Wildlife. Refer to Conclusion 2 of the above, due to the fact that no substantial changes have been made to this particular application with regard to these factors.

E. PUBLIC UTILITIES:

8. Streets/Pedestrian Ways/Domestic Water/Sanitary Sewer/Storm Sewer. Please refer to Conclusion 2 above as there are no substantial changes in this application from that application which was originally submitted and approved under R-2402. It should be noted for clarification that each property and Totem Lake South will require individual storm drainage systems which will each be able to handle the retention for a ten year storm so that all runoff water discharged into Totem Lake is managed prior to being past into that drainage way.

F. NEIGHBORHOOD CHARACTERISTICS:

9. Zoning/Land Use/Parks and Open Space. No relevant conclusions.

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Conclusions, Continued

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

10. Those provisions identified in Finding No. 25 along with modifications made herein for this particular application are consistent with those provisions found in the Kirkland Zoning Ordinance, Kirkland Subdivision Ordinance, and Land Use Policies Plan for Planned Area 8. Further, due to the fact that there has been no substantial change since the City Council approved Resolution No. 2402 (original preliminary plat of Totem Lake South) that these same requirements should be placed on this application.

The applicant and the City are still seeking ways by which the lake can be rehabilitated and/or cleaned up. To this extent, METRO has provided some technical assistance but no substantial conclusions or recommendations have been made.

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RECOMMENDATIONS:

Subject to the foregoing Findings and Conclusions and Exhibits "A" through "H", we hereby recommend 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.
 - 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).
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-2240 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 required fire hydrants and "No Parking" signs along Totem Lake Way for the proposed plat.

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Recommendations, Continued

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":

"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."

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.

Recommendations, Continued

8. (Cont.)

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.

9. All required utilities shall be undergrounded within this plat.
10. Along with final plat submittal 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.

"The maintenance of the landscaped island within Totem Lake Way shall be the responsibility of the abutting property owner of lots 4, 5, 6, 7, and 8."

11. None of the requirements shall void those conditions placed on the Totem Lake Short Plat, Kroll 424W(P) approved on April 14, 1977.

8/11/77

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