

RESOLUTION NO.R-2529

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE FINAL PLAT OF TOTEM LAKE SOUTH, BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. SUB-78-27(P) AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a Preliminary Plat of Totem Lake South was approved by Resolution No. R-2452, and

WHEREAS, the Department of Community Development has received an application for a Final Plat, said application having been made by Pat Carroll for Totem Lake, Inc., and said property as legally described in the application is within a PLA-8 (Planned Area 8) zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of May 11, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy and the State Environmental Policy Act, an environmental checklist 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 checklist 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 Chairperson thereof and filed in the Department of Community Development File No. SUB-78-27(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the Final Plat of Totem Lake South is subject to the applicant's compliance with the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council and further conditioned upon the following:

A. A plat bond in an amount determined by the Director of Public Service in accordance with the requirements thereof in Ordinance No. 0-2178 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all public improvements within one year from the date of passage of this Resolution. No City official, including the Mayor, shall affix his signature to the Final Plat drawing until such time as the plat bond herein required has been deposited with the City and approved by the Director of Public Service as to amount and form.

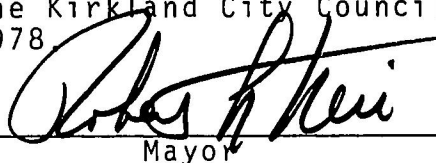
Section 3. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be delivered to the applicant.

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. Parks 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)
- H. Police Department for the City of Kirkland

ADOPTED in regular meeting of the Kirkland City Council on the
5th day of June, 1978



Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE May 11, 1978

ADOPTED BY _____ DATE _____

STAFF _____

BOARD OF ADJUSTMENT _____

HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

David Russell
David Russell, Chairperson

CITY COUNCIL AS INCORPORATED IN _____

RESOLUTION _____ ORDINANCE _____

NUMBER _____

DATE _____

FILE NUMBER F-SUB-78-27(P)

APPLICANT Pat Carroll for Totem Lake, Inc. (G&B Estates)

PROPERTY LOCATION Kingsgate Way & 120th Ave. N.E.

SUBJECT FINAL SUBDIVISION OF TOTEM LAKE SOUTH into 5 lots & 2 tracts

HEARING/MEETING DATE June 5, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Vicinity Map "B" Plat Map - Totem Lake South "C" Dedications "D" Legal Description "E" Letter from R. Kearton 4/27/78, "F" Plat of Puget

Sound Center "G" Orig. Prel. Plat of Totem Lake South (8 lot) "H" Short Plat of Totem

Lake South .



FINDINGS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This is an application for a Final Plat of Totem Lake South, being generally located in the northeast intersection of Kingsgate Way and 120th Ave. N.E. 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, one developable tract and one open space tract, out of the total parcel containing approximately 27.6 acres as indicated in Exhibit "B" - Final Plat. The proposed lots are approximately one acre in size, whereas Tract B (located on the steep slope of the subject property) is 2.7 acres in size. Tract A is 18 acres and includes the four acre Totem Lake.
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 preliminary plat 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 of 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.

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 the portion of the property within this subdivision application as being located within lot C. (Refer to Exhibit "F" - 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 with the same two tracts as proposed in this application. (Refer to Exhibit "G"). In the first preliminary plat of Totem Lake South, the applicant proposed identical conditions to those that were proposed in this current application. The applicant never did apply for a final subdivision on the previous 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 remainder of the property being lot D. (Refer to Exhibit "H" - 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.

Findings, Cont'd

B. 4. (Cont'd)

The most current preliminary subdivision of Totem Lake South was approved by City Council Resolution No. 2452 on October 3, 1977. (File SUB-77-46(P)).

C. GOVERNMENTAL COORDINATION:

5. Kirkland Fire Department. "Fire flows and hydrants to be installed per City ordinance. No parking on Totem Lake Way and signed accordingly."
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 would provide input there."
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."
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."

D. EXISTING PHYSICAL CHARACTERISTICS:

10. Topography. Applicants have requested to remove the 150 foot contour restriction and open space designation for Tract B from the plat. (See Exhibit "E").
11. Soils/Geology/Hydrology/Water Quality/Vegetation/Wildlife. These issues were addressed in the environmental assessment and the review of the preliminary subdivision.

E. PUBLIC UTILITIES:

12. Streets. The subject property fronts on Kingsgate Way N.E. 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 turn-around in the general areas of Lots 2, 3, and 4.

Applicants have indicated that although they will create additional right-of-way for Totem Lake South with this final plat that they intend to make application for a street vacation of same in order to proceed with their project plan under a Conditional Use Permit. Accordingly they have not revised the "bulb" on the cul-de-sac to lie outside the 120 foot elevation. (See Exhibit "E" - Letter from R. Kearton).

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Findings, Cont'd

- E. 13. Pedestrian Ways. There are no existing sidewalks on Kingsgate Way N.E. or 120th Ave. N.E.. 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 Ave. N.E., 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 for sidewalks or trail system along Kingsgate Way.
14. Domestic Water. At the present time there is an existing water main in 120th Ave. N.E. which could serve the subject property.
15. Sanitary Sewer. There is an existing 10" sanitary sewer line along 120th Avenue N.E. which could serve the subject property.
16. Storm Sewer. 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:
17. Zoning. The subject property is zoned Planned Area 8. Permitted uses include limited commercial and professional office.
18. 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 (Madison House), 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 N.E. 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).
19. 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. The applicants have discussed conveying the tract around the lake (Tract A) to the City as well as the use of fee-in-lieu monies to apply for matching state or federal funds for rehabilitation of the lake. No dedication of the property in fee simple is proposed with the subdivision at this time. The matter of ownership of the lake and the use of fee-in-lieu monies will be dealt with at the time of application for Conditional Use Permit.

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Findings, Cont'd

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

20. 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).

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).

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).

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).

Findings, Cont'd

6. 20. d. (Cont'd)

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).

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

- f. 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).
- g. 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).

- h. 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).
- i. All proposed streets within the subdivision must be constructed to City specifications. (Section 2.11.3).
- j. 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 manmade elements, may be considered in accordance with the variance provisions of Section 2.13 of this article." (Section 2.11.3(d)) .

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Findings, Cont'd

- G. 20. k. Sidewalks shall be provided on both sides of all arterials adjoining the subdivision. (Section 2.11.9(a)).
- l. 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)).
- m. Easements may be required for pedestrian ways along water-courses or other suitable areas necessary for the implementation of major trail systems. (Section 2.11.9(f)).
- n. All required utilities shall be undergrounded to current utility specifications.

CONCLUSIONS:

A. SUMMARY OF THE PROPOSED ACTION:

1. This application for a Final 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 condition of approval should generally be consistent with those which were approved by the Kirkland City Council on December 6, 1976, under Resolution No. R-2402 and which were slightly modified for the Totem Lake South short plat which was 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 applied to previous applications. However, since the preliminary plat and the informal subdivision were approved, the City Council did adopt the 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.

C. 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.
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. Dedication of air rights over Tract A would be appropriate.

Conclusions, Cont'd

- C. 6. Police Department. The applicant should work with the Police Department and the Department of Fire Services regarding the turn-around size and width to insure that there will be adequate space for all emergency vehicles.
- D. EXISTING PHYSICAL CHARACTERISTICS:
7. Topography. Applicant's request to remove the 150' contour restriction and open space designation from Tract B appears to be reasonable. The Planned Area zoning and required Conditional Use Permit procedure will allow retention of public review and control concerning plot layout, cut, fill, and other land surface modifications while allowing for a superior solution to the topography as a constraint. At the time of Conditional Use Permit application, detailed cross sections may be required to illustrate the relationship of structures and other improvements to the pre-existing and post development grades.
8. Soils/Geology/Hydrology/Water Quality/Vegetation/Wildlife. No major relevant conclusions.
- E. PUBLIC UTILITIES:
9. Streets/Pedestrian Ways/Domestic Water/Sanitary Sewer/Storm Sewer. No relevant conclusions.
- F. NEIGHBORHOOD CHARACTERISTICS:
10. Zoning/Land Use. No relevant conclusions.
- G. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:
11. This application for final subdivision appears to be generally consistent with the zoning and Land Use Policies Plans designation for this area.
12. Parks/Open Space. The dedication of air rights over Tract A would be appropriate. The lake should remain as private open space. If and when some residential use is proposed on the subject property under a Conditional Use Permit the City will have the option to consider either funds or the dedication of land under the "fee-in-lieu" section of the Zoning Ordinance (23.10.110(5)).

RECOMMENDATIONS:

Subject to the foregoing Findings, Conclusions and Exhibits "A" through "H", we hereby recommend this final plat of Totem Lake South be approved subject to the following:

1. Prior to recording the Final Plat, the applicant shall post a bond to cover the engineering and design costs for the street, cul de sac, water, sanitary sewer, traffic signing, and hydrant improvements built to City standards. The value of this bond shall be determined by the Public Services Department and on deposit with the City prior to release of the recording documents.

Recommendations, Continued

2. Storm water runoff management shall be reviewed and approved by the Planning Commission with any subsequent Development Permit action on the subject property or by the Development Review Committee for subsequent building permit applications. Said management system shall be supported by engineering calculations and plans so designed that the water leaving the site from a storm having an intensity equal to or less than a 10-year storm will not have a lesser quality or greater quantity than that which currently leaves the site under identical storm conditions. Said system shall include an oil and sediment separator.
3. 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.
4. None of the requirements of approval herein stated shall void those conditions placed on the Totem Lake short plat, KROLL 424W(P), approved on April 14, 1977, except as noted below.
5. The 150 foot elevation constraint identified in the preliminary plat as well as the requirement for no development on Tract B are specifically removed as conditions.
6. Dedication of air space and view to the public (Exhibit "C") for Tract A shall be recorded as a part of the plat with the King County Department of Records and Elections.

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