

RESOLUTION NO. R-2555

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY PLAT OF "SUNNY HILLS" AS APPLIED FOR BY MAC LAND INC. BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. P-SUB-78-44(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 Mac Land, Inc. and said property as legally described in the application is within an RS 8.5 zone, and

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meetings of September 21, 1978, and October 26, 1978, respectively, 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, Kirkland Planning Commission, after public hearing 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. P-SUB-78-44(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The preliminary plat of Sunny Hills 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.

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) Fire and Building Department for the City of Kirkland
- (d) Parks 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 November, 1978.

SIGNED IN AUTHENTICATION thereof on the 6th day of
November, 1978.



Mayor *Bob Hurst*

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)



DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____
XX RECOMMENDED BY _____ DATE October 26, 1978
____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER P-SUB-78-44(P)

APPLICANT Mac Land, Inc.

PROPERTY LOCATION W. of 108th Ave. NE between NE 108th & NE 110th Sts.

SUBJECT PRELIMINARY SUBDIVISION OF "SUNNY HILLS"

HEARING/MEETING DATE November 6, 1978

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Site/Vicinity Map "C" Soils Report

"D" Environmental Information "E" Slope Map - Land Use Policies Plan

"F" Revised Site Plan

STATEMENTS OF FACT:

A. SUMMARY OF PROPOSED ACTION:

1. This application, submitted by Mac Land, Inc., is a proposal for Preliminary Subdivision of 4.48 acres into 17 lots. One lot already supports a single family dwelling; the remaining 16 will be new building lots. (See Exhibit "B" - Site Plan/Vicinity Map)
2. The subject property lies to the west of 108th Avenue N.E. between the undeveloped right-of-ways NE 108th Street and NE 110th Street. The property owned by Mr. C.W. Christison is not included in this subdivision.
3. The proposed access comes off of 108th Avenue NE in the form of two cul-de-sacs.

B. EXISTING PHYSICAL CHARACTERISTICS:

4. Topography. This property lies between the Juanita Heights area and Juanita Slough. From the northwest corner of the property line, the topography drops some 90 feet in elevation, as shown on the Preliminary Plat. Most of the elevation change occurs on the northern portion of the property. The slope tapers off on the southern half of the site as it approaches the Forbes Creek wetland area lying to the south of the subject property.
5. Vegetation. The northern slope is heavily wooded with native shrubbery and evergreens. The southern portion of the site is covered primarily with shrubbery including blackberries and scotch broom.

The Environmental Checklist submitted with the application states that "Restrictions will be placed on clearing of the firs, cedars, and maples." (See Exhibit "D" - Environmental Checklist, Page 4).

6. Soils. Land: Natural Elements indicates that the soil on the north slope is Alderwood gravelly sandy loam. This soil type is moderately well drained on the surface layer and subsoil, but very slow on the dense substratum. The southern portion of the property is shown as Indianola loamy fine sand formed by glacial outwash materials. This soil type has rapid permeability and few construction difficulties.

The applicant submitted a soils report which covered the conditions on areas with a slope in excess of 15%. (See Exhibit "C"). The report concluded that the slope was suited for residential development and included design considerations for such construction.

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STATEMENTS OF FACT, CONTINUED

C. PUBLIC UTILITIES:

7. Roads. 108th Avenue NE is improved with asphalt paving to a width of about 20 feet.

108th Avenue is designated as a collector arterial (Land Use Policies Plan, p.138) south of NE 108th Street; the collector system then runs east on NE 108th Street. To the north of NE 108th Street, 108th Avenue NE becomes quite steep and is used as local access only, terminating in a cul-de-sac off of the City right-of-way.

NE 110th Street is not open along the northern edge of the property. A pedestrian trail runs through the wooded sixty foot right-of-way.

NE 110th Street is a thirty foot right-of-way which forms the southern boundary of the subject property. The right-of-way lacks standard roadway improvements and is not presently of sufficient width to meet City standards for a Neighborhood Street. The entire 30 feet lies to the north side of the line demarcating quadrants, and should the property to the south of that line develop, those property owners would be required to donate the northern thirty feet of their property to provide additional width.

8. Water. Domestic water is available to the plat.
9. Sewer. Sewer hookup could occur at NE 108th Street and 104th Avenue.

D. GOVERNMENTAL COORDINATION:

10. Police Department:

The subdividing of this property has no public safety concerns at this time.

11. Fire Department.

The proposed access as shown on print is adequate.

Fire Hydrants: A fire hydrant will be required.

Adequacy of Fire Flow: Water mains and hydrants shall be capable of providing 1000 gallons per minute.

12. Parks Department.

Pedestrian Improvements: Curb, gutter and sidewalk all the way around the exterior.

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STATEMENTS OF FACT, CONTINUED

D. 13. Building Department.

The future buildings will be located in Fire Zone 3. 108th Place NE should be 107th Place NE.

14. Department of Public Service:

Sewer: Available at NE 108th Street and 104th Avenue.

Water: Available subject to payment of appropriate fees.

Storm Water: Will be required. Special attention must be given to water quality during construction. A construction drainage plan must be submitted before any approval will be given for grading or soil displacement.

Roadway Improvements: Half street improvement on the entire length of 108th Avenue including curb, gutter, sidewalk and asphalt paving. NE 108th Street must be improved with half street improvements within the existing thirty feet of right-of-way. Eighteen feet of asphalt paving, open ditch drainage and a 5 foot concrete sidewalk separated from the paving would be minimum improvements. Thirty feet of right of way is sufficient to serve this plat, and additional right-of-way from this property is unnecessary since right-of-way dedication would be required of properties to the south if those properties should develop.

Other: Post a stop sign at the intersection of 108th Avenue NE and NE 108th Street. Street signs must also be posted.

E. ZONING AND/OR LAND USE POLICIES AND PLANS:

15. The following items are excerpts from the Subdivision Ordinance particularly relevant to this action and included here for the benefit of the applicant:

2.5.5 Tree Cutting Plan: Landscaping, planting and tree cutting plans shall be prepared by a landscape architect and submitted to the Planning Department prior to the approval of the final plat on all areas which have been identified by the Kirkland Planning Department as having potentially hazardous geological conditions, soils limitations, or slopes equal to or greater than 15 per cent. In addition, tree cutting plans for all developments shall be required indicating trees over 6 inches in caliper and indicating which will be cut and which will remain.

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STATEMENTS OF FACT, CONTINUED

E. 15. (Cont'd)

2.5.9 Parks, recreation sites and open spaces:

(a) All subdivisions shall reserve to be held in common ownership or shall dedicate to the City of Kirkland not less than 5 percent of of the total land area for neighborhood or community parks, recreation sites or open spaces, serving the area of the proposed subdivision subject to such conditions as the Planning Commission may establish concerning access, and use and maintenance of such land as may be necessary to assure the preservation of such land for its intended use. Such conditions shall be shown on the plat prior to final approval and recording.

(b) In lieu of the dedication of such area to the City of Kirkland the platator may be required by the City to deposit in the "in lieu open space account" of the Park and Municipal

Facilities Cumulative Reserve Fund an amount of money to be used solely for the purposes for which said fund was created by Chapter 5.72, Kirkland Municipal Code (Ordinance No. 1115). The amount to be so deposited shall be not less than 10% of the assessed valuation of the entire subdivision, or \$200 per new dwelling unit, whichever is greater. For the purposes of this subsection, "Assessed Valuation" shall mean the greater of (i) the assessed value as determined by the King County Assessor for general tax purposes for the year during which the subdivision plat is recorded, or (ii) the most recent taxable sale price of the property being subdivided according to the 1% real estate excise tax records for King County." Provided, however, that the valuation (Land and Improvement) for any lot improved with an existing residence included within the proposed subdivision shall be excluded from the calculation of "Assessed Valuation".

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

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STATEMENTS OF FACT, CONTINUED

E. 15. (Cont'd)

2.10.3 Where the comprehensive plan, including the circulation element thereof, and/or the six-year arterial street improvement program indicates the necessity of new or additional right-of-way, either in regard to right-of-way width or length, whether such need of additional right-of-way appears within a new subdivision or replat, or along the boundaries of a new subdivision or replat, such required right-of-way or portion thereof belonging to the developer or subdivider shall be dedicated to the City of Kirkland by the filing of such plat or replat.

2.11.3 Rights-of-Way of public highways, roads, streets, and alleys:

	MINIMUM	DESIREABLE
Minor Streets (neighborhoods, etc.)	50 ft	50ft

16. The Land Use Policies Plan speaks specifically to this area as follows:

Development in the Juanita Heights area may be constrained by certain natural features of the land (see Figure 40 and 41). A system of potentially unstable slopes borders the area on the west as well as in the northeast corner. These slopes are expected to remain stable if left in a natural condition. However, construction on or adjacent to these slopes may cause or be subject to landslides, excessive erosion, drainage or other problems associated with development on a slope. Therefore, a slope stability analysis is required prior to development on these potentially unstable slopes (see Natural Elements Policy 3.a.). Development is to be regulated on these slopes to minimize damage to life and property (see Natural Elements Policy 1.b.).

STATEMENTS OF FACT, CONTINUED

E. 16. (cont'd)

In all slope areas, existing vegetation should be preserved to the greatest extent feasible in order to help stabilize the slopes as well as maintain natural drainage patterns (see Natural Elements Policy 5.b. and Public Services/Facilities: Drainage Policy 2.b.). It should be noted that in slope areas, limitations on development are not due entirely to the existence of natural constraints. There may be additional reasons for limiting the type or density of development in slope areas (for example: access, utility service, adjacent uses and others).

(pages 360-361. See also Exhibit "E" - Slopes Map)

CONCLUSIONS:

A. SUMMARY OF PROPOSED ACTION:

1. This application is generally consistent with the Kirkland Subdivision Ordinance, Zoning Ordinance, and the Land Use Policies Plan.

B. EXISTING PHYSICAL CHARACTERISTICS:

2. Topography. Due to the slope of the subject property, special care must be exercised in the development of the site. Tree removal and soil displacement may have an effect on erosion, slope stability, or drainage if improperly handled. To this effect, the City will require a construction drainage plan to be approved by the Department of Public Service prior to any earth removal, displacement, or grading.
3. Vegetation. A tree cutting/tree retention plan must be submitted to the Department of Community Development before approval of any Building Permits for these lots. The Department of Community Development may require reconfiguration of the house on the lot or alteration of the site plan to preserve significant vegetation on sloped areas.

C. PUBLIC UTILITIES:

4. Roads. NE 110th Street, now used as a pedestrian trail, will need no additional improvements despite the fact that it forms the northern boundary of the subject property. There are no plans for NE 110th Street to ever be improved beyond its present status.

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CONCLUSIONS, CONTINUED

C. 4. (Cont'd)

108th Avenue must be improved with curb, gutter, sidewalk and asphaltting along the entire area from NE 108th Street to Ne 110th Street, including the frontage of the Christison lot. These would be half street improvements made to the west of the street centerline.

Thirty feet of right-of-way north of the quadrant line comprise NE 108th Street. In order to comply with Section 2.11.3 of the Subdivision Ordinance, the applicant has proposed dedicating 20 additional feet of right-of-way width. However, the Department of Public Service has indicated that this dedication is not necessary in this case, because the existent thirty feet is sufficient for required improvements, and if the neighboring property to the south should develop right-of-way dedication would occur in the proper location south of the quadrant line. Only those improvements requested by the Department of Public Services will be required.

D. GOVERNMENTAL COORDINATION:

5. The applicant will be required to comply with the regulations of the various City departments as found in the Statements of Fact section of this report.

E. ZONING AND/OR LAND USE POLICIES AND PLANS:

6. The applicant will be required to all pertinent sections of the Zoning Ordinance and Subdivision Ordinance. If the City finds that NE 108th Street should be planned as a standard right-of-way with 30 feet on either side of the quadrant line, rather than widened through dedication to a width of 50 feet at this time, a variation must be approved with the final approval of this subdivision.
7. As referenced in the Land Use Policies Plan, special care must be given to the slope areas through utilizing proper construction methods and minimizing vegetation removal.

RECOMMENDATIONS:

Subject to the foregoing Statements of Fact, Conclusions, and Exhibits "A" through "E", we hereby recommend approval of this application for Preliminary Subdivision with the following conditions:

1. The applicant will be required to install a fire hydrant with specifications and location to be approved by the Kirkland Fire Department.
2. 108th Place NE should be renamed 107th Place NE.
3. The plans for water and sewer connection must be approved by

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RECOMMENDATIONS, CONTINUED

3. (Cont'd)
the Department of Public Service and will be subject to the payment of appropriate fees.
4. A construction drainage plan must be submitted and approved by the Department of Public Service prior to any earth displacement or grading.
5. Half street improvements will be required for the entire west half of 108th Avenue NE between NE 108th Street and NE 110th Street. The improvements include curb, gutter, sidewalk, and asphalt paving.
6. NE 108th Street will need to be paved on the southern eighteen feet of the existing right-of-way. An open drainage ditch and 5 foot concrete sidewalk will also be required within the existing right-of-way.
7. The applicant must submit a letter to the Department of Community Development no later than two weeks prior to Planning Commission review of the Final Plat requesting a Variation from Section 2.11.3 of the Subdivision Ordinance which designates standards for road widths.
8. The plat will need to be redrawn so that the proposed 20 feet of dedicated right-of-way is included in the adjoining lots.
9. All utilities must be installed underground.
10. The applicant will be required to pay into the "Fee in Lieu" account in the manner specified by Section 2.5.9 of the Subdivision Ordinance.
11. Prior to City Council approval of the Final Plat, the applicant must submit a bond for incomplete site improvements according to Section 2.12.1 of the Subdivision Ordinance in the amount to be determined by the City Engineer.
12. A tree retention plan must be received for any Building Permit application for lots created by this Subdivision. The Department of Community Development shall have the authority to modify the building plans in order to retain significant vegetation on sloped areas.
13. In order to preserve existing vegetation and minimize cuts into the steepest slopes, the northwest corner of the property shall be reserved in perpetuity as open space. This open space tract shall be configured as in Exhibit "F", with wording approved by the City Attorney appearing in a readily visible location on the face of the plat.

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