

RESOLUTION NO. R-2561

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN INTENT TO REZONE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. R-78-51(P) BY RON STEWART, REPRESENTING PARAGON DEVELOPMENT CO., INC. (PACESETTER CONSTRUCTION), TO REZONE 2.15 ACRES OF LAND LOCATED IN THE NORTHEAST CORNER OF THE INTERSECTION OF N.E. 104TH STREET AND 111TH AVENUE N.E. (A PORTION OF THE PLAT OF JUANITA VIEW), FROM RS 35,000 to RS 8500, AND SETTING FORTH CONDITIONS TO WHICH SUCH INTENT TO REZONE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Intent to Rezone Permit filed by Ron Stewart, representing the owner of said property described in said application, and located within an RS 35,000 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meeting of October 26, 1978, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2319 concerning environmental policy of 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 through the entire review process, and

WHEREAS, the Kirkland Planning Commission after their public hearing and consideration of the recommendations of the Department of Community Development and having available to them the environmental checklist and negative declaration did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Intent to Rezone Permit 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. R-78-51(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Intent to Rezone permit shall be issued to the applicant subject to the conditions set forth in the Findings, Conclusions and Recommendations hereinabove adopted by the City Council. The City Council approves in principal the request for reclassification from RS 35,000 to RS 8500 and pursuant to Chapter 23.62 of Ordinance 2183; the Council shall by ordinance, effect such reclassification upon being advised that all of the conditions, stipulations, limitations and requirements contained in this Resolution, including those adopted by reference, have been met within six months of the date of enactment of this Resolution.

Section 3. A certified copy of this Resolution, together with the Findings, Conclusions and Recommendations therein adopted shall be attached to and become a part of the Intent to Rezone permit or evidence thereof delivered to the permittee.

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


Section 5. Failure on the part of the holder of the Intent to Rezone permit to initially meet or maintain strict compliance with the standards and conditions to which the Intent to Rezone permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

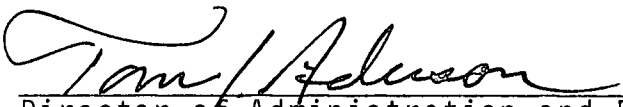
- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Building and Fire Departments of the City of Kirkland
- (d) Parks Department of the City of Kirkland
- (e) Police Department of the City of Kirkland
- (f) Public Service Department of the City of Kirkland
- (g) The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

ADOPTED in regular meeting of the City Council on the 20th day of November, 1978.

SIGNED IN AUTHENTICATION THEREOF on the 20th day of November 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 October 26, 1978  
\_\_\_\_ ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_ STAFF \_\_\_\_\_  
\_\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_  
\_\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_  
XX PLANNING COMMISSION Howard Peterson for  
\_\_\_\_ CITY COUNCIL AS INCORPORATED IN David Russell, Chairperson  
\_\_\_\_ RESOLUTION \_\_\_\_\_ ORDINANCE \_\_\_\_\_  
NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_

FILE NUMBER R-78-51(P)  
APPLICANT Ron Stewart  
PROPERTY LOCATION North of N.E. 104th St. & east of 111th Ave. N.E.  
SUBJECT APPLICATION FOR REZONE FOR "JUANITA VIEW"  
HEARING/MEETING DATE November 6, 1978  
BEFORE KIRKLAND CITY COUNCIL  
EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

1. This is an application to rezone 2.15 acres of land located in the northeast corner of the intersection of N.E. 104th Street and 111th Ave. N.E. (See Exhibits "A" - Application, and "B" - Vicinity Map) from RS 35000 to RS 8500.
2. The property is a portion of the plat of Juanita View. [DCD File F-SUB-78-51(P)]. Said plat was recommended for approval by the Planning Commission and is scheduled for City Council review in November of 1978.
3. Said plat indicates six (6) building sites and one (1) tract. This would equal a residential density of 2.8 dwelling units per acre.

B. RECOMMENDATIONS:

Subject to the Findings of Fact, Conclusions, and Exhibits "A" through "C", we hereby recommend approval of the application for "Intent to Rezone" with the following conditions:

1. Tree retention shall be reviewed at the time of Building Permit, using the map of existing vegetation provided by Subdivision Management.
2. The conditions of the approved subdivision of Juanita View will be met.
3. The discussion on the following pages makes reference to the application for subdivision of Juanita View. The Intent to Rezone should only be approved concurrently with that final subdivision.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. The Planning Commission reviewed and approved the Final Plat of Juanita View on October 12, 1978.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact:

- a. Kirkland Police Department. "Access to these properties is adequate."
- b. Parks Department. "Sidewalk should be required on 104th Street and on one side of each cul-de-sac, and on 111th. Street trees should be planted 30 feet on center on all streets."

- II. B. 1. c. Building Department. "No relevant building code requirements for this project. The grading permit is still in effect."
- d. Fire Department. "Adequacy of Emergency Access: Until more detailed site plan drawings are provided, we are unable to determine if the "as shown" emergency access is adequate for emergency vehicles. Fire Hydrants: Fire hydrants will be required. Specific location of the required hydrants can be provided when more detailed comprehensive drawings of the subject site are submitted to the Fire Department. Adequacy of Fire Flow: A water system shall be provided that will flow at any of the required fire hydrants a minimum fire flow of 1,000 gallons per minute. The water system and fire hydrants shall be installed and fully operational before the framing stage of construction.
- e. Public Service Department. "All Public Service Department requirements not completed at time of final review of this plat will be bonded in full at a dollar amount set by the Public Service Department to be received prior to date of hearing."

2. Conclusions..

- a. Sidewalks, fire hydrants, and any Public Service Department requirements will be included in a bond to be received prior to the date of hearing for final plat review and shall be of a dollar amount set by the Department of Public Service.

C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The northern section of the proposed plat is characterized by much steeper slopes. There is a slope of approximately 50% on the northern portion of proposed Lot 22, and between Lots 21 and 22. Proposed Lots 17 and 18 contain slopes of up to 45%.

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- II. C. 2. b. Soils/Geology. The applicant submitted a soils report with the Preliminary Plat application from Cascade Testing Laboratories, Inc., dated August 4, 1977. The subject property appears to be within an Indianola Loamy Fine Sand (InC) and Ragnar Fine Sandy Loam (RdE) soils classification. Local geologic mapping indicate the subject property to be within a Vashon Till (Qt) unit.
- c. Vegetation. General vegetation on the subject property includes a wide variety of evergreen and deciduous materials, along with the normally associated ground-cover.

2. Conclusions.

- a. Topography. The soils report submitted with the Preliminary Plat application indicated that minor surficial soil movement had occurred on some portions of the subject property. However, the report concluded that if the development recommendations included in the soils report were followed, adequate development on this plat would be achieved. In development of this plat, the builder should be required to follow all recommendations included in the soils report submitted with the preliminary application.
- b. Soils/Geology. Should the recommendations included in the soils report dated August 4, 1977, be followed with development of this plat, there would appear to be no major soil or geologic constraints with such development.
- c. Vegetation. A map locating major vegetation on the site has been submitted by Subdivision Management. Maximum vegetation should be retained on this site, and such determination will be made when applications for Building Permits are received by the Department of Community Development.

D. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Streets. The approved Preliminary Plat stated that the final slope of N.E. 104th St. would range from 8 to 19 percent. The portion of N.E. 104th St. serving 112th Pl. NE would not exceed 16 percent slope. All interior streets for the plat would be private roadways not exceeding a slope of 15 percent.
- b. All private roads, easements, and other developed right-of-ways would be required to be upgraded to minimum City specifications.

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- II. D. 1. b. Pedestrian ways. Sidewalks were required along both sides of N.E. 104th St., where the plat abuts said street. Sidewalks were also required along one side of 112th Pl. N.E. and 112th Ave. N.E. Sidewalks should be concrete and 5 feet in width.
- c. Sewers. Both sanitary and storm sewers are required by the Preliminary Plat.

2. Conclusions.

- a. Streets. Rough grading on the streets has been completed. Remaining improvements to roadways in the area will be included in the bond required by the Public Service Department.
- b. Pedestrian Ways. Funds for construction of sidewalk will be included in the bond required by the Public Service Department.
- c. Sewers. The sewer has been installed at this time but has not been inspected by the Department of Public Service. Until the sewers have been inspected, the bond value set by the Public Service Department must include the cost of installing these sewers.

E. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The portion of the subject property which lies north of N.E. 104th St. is presently zoned Residential Single Family 35,000 square feet. The portion of the subject property lying south of N.E. 104th Street is zoned Residential Single Family 8500 square feet. A Rezone application from RS 35000 to RS 8500 has been filed.
- b. Land Use. The subject property is currently undeveloped, except for improvements made as per the Preliminary Plat. To the south of the proposed plat is the partially developed plat of Dogwood View. To the east and south-east of the subject property is a combination of properties which are presently undeveloped and properties which are presently under development. The property to the west and north of the subject property is almost totally undeveloped.

2. Conclusions.

- a. The Comprehensive Plan designates this general area for a maximum of five dwelling units per acre. However, due to the topography and the slope characteristics of the area, the Land Use Policies Plan sets out special conditions for allowing a density beyond three dwelling units per acre.

II. F. LOCAL ZONING AND/OR LAND USE POLICIES AND PLANS:

1. Statements of Fact.

- a. The Kirkland Land Use Policies Plan speaks to this area as follows:

"The functional integrity of watercourses is to be maintained or improved.

Portions of three small streams exist in the Highlands area as indicated in Figure 34. These streams are to be maintained in a natural condition and should allow for natural drainage (see Natural Elements Policies l.c., 3 and 4).

If landslide or drainage problems are likely to occur as a result of the proposed development (on or near the slope), then the type, design and/or density of land use should be restricted as necessary to avoid the problems (see Natural Elements Policy l.b.). Existing vegetation in these areas should be preserved to the greatest extent feasible in order to help stabilize the slope and maintain drainage patterns (see Natural Elements Policy 5.b.).

Residential development will be severely limited on the unstable slope area. Base density of 1 to 3 dwelling units per acre permitted according to standards.

There is a substantial area of identified unstable slope, as shown in Figure 33. Due to the increased risk to life and property through the cumulative effects of high density development, the base density for residential development on the unstable slope is 1 to 3 dwelling units per acre subject to the following standards:

- (1) Soils analysis is required.
- (2) Clustering of structures is encouraged.
- (3) The maintenance of maximum vegetative cover is required.
- (4) Watercourses are to be retained in a natural state.



II. F. 1. a. (Cont'd)

- (5) Surface runoff is to be controlled at predevelopment levels.
- (6) Points of access are to be minimized.
- (7) There is to be a special review of all development plans.

b. The proposed development as approved in the Preliminary Plat is generally consistent with the Kirkland Subdivision Ordinance No. 2178.

2. Conclusions.

- a. The developer has sufficiently met the criteria spelled out in the Land Use Policies Plan to allow for the six units proposed to the north of N.E. 104th Street.

III. APPENDICES:

Exhibits "A" through "C" are attached.