

RESOLUTION NO. R-2650

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT OF NORKIRK LANE AS APPLIED FOR BY ROY HUMPHREY, INC., BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. P-SUB-79-51(P) AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received application for a subdivision and preliminary plat of property within a Single Family Residential 7,200 zone and said application having been made by Roy Humphrey, Inc., the owner of the real property described in said application; and

WHEREAS, said application has been assigned Department of Community Development File No. P-SUB-79-51(P); and

WHEREAS, pursuant to City of Kirkland Ordinance No. 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 proposal for subdivision and preliminary plat has been submitted to the Kirkland Planning Commission who held public hearing thereon at their regular meeting of August 16, 1979.

WHEREAS, the 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 subdivision and the preliminary plat subject to the specific conditions set forth in said recommendation.

WHEREAS, the application was presented to the Kirkland City Council on September 4, 1979, and was remanded to the Kirkland Planning Commission for reconsideration, and

WHEREAS, the Kirkland Planning Commission held a public hearing at their regular meeting of October 18, 1979, and forwarded the reconsidered recommendation to Kirkland City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council 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 Department of Community Development File No. P-SUB-79-51(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The subdivision and preliminary plat of "Norkirk Lane" is hereby given approval subject to the conditions set forth in the 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 the preliminary approval of said subdivision and 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 subdivision 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 and Fire Department for the City of Kirkland.
- (d) Department of Project and Construction Management for the City of Kirkland
- (e) Public Service Department for the City of Kirkland.
- (f) Office of the Director of Administration and Finance (ex officio City Clerk) for the City of Kirkland.


PASSED by the Kirkland City Council in regular meeting on the 5th day of November, 1979.

SIGNED IN AUTHENTICATION thereof on the 5th day of November, 1979.

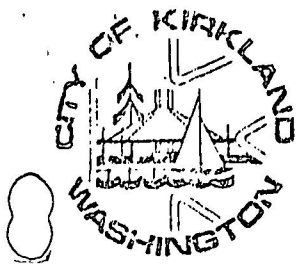


Mayor

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 18, 1979
ADOPTED BY _____ DATE _____

STAFF _____
BOARD OF ADJUSTMENT _____
HOUGHTON COMMUNITY COUNCIL _____
XX PLANNING COMMISSION Kay Haenggi
CITY COUNCIL AS INCORPORATED IN Kay Haenggi, Chairwoman

RESOLUTION _____ ORDINANCE _____
NUMBER _____
DATE _____

FILE NUMBER P-SUB-79-51(P)
APPLICANT ROY HUMPHREY
PROPERTY LOCATION N. of 15th Ave., E. of 6th St.
SUBJECT PRELIMINARY SUBDIVISION OF "NORKIRK LANE"
HEARING/MEETING DATE November 5, 1979
BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (Refer to list of Exhibits on reverse)

EXHIBIT

TITLE

"A"	APPLICATION
"B"	VICINITY MAP
"C"	REVISED SITE PLAN
"D"	LUPP WALKWAY PLAN
"E"	CITY IMPROVEMENTS
"F"	SOILS REPORT
"G"	ENVIRONMENTAL CHECKLIST
"H"	ATTORNEY'S LETTERS
"I"	ALTERNATE SITE
"J"	PETITION
"K"	PROPOSED ACCESS ROAD

I. SUMMARY

A. DESCRIPTION OF THE PROPOSAL:

This is an application for a Preliminary Subdivision to divide a 2.53 acre parcel (110,206 square feet) into nine single family residential lots. The proposed lots would access from a new street to be built in the 15th Avenue right-of-way, turning north into the proposed plat, and ending in a cul-de-sac encompassing part of the 16th Avenue right-of-way. The property slopes fairly sharply from the north and west sides of the proposed plat. Lots 3 through 9 have existing slopes ranging from 12½% to nearly 23% in some spots. The subject property is located northeast of the intersection of 6th Street and 15th Avenue, north of the Peter Kirk School.

B. RECOMMENDATIONS:

Based on the Statements of Fact, Conclusions and Exhibits "A" through "I" we hereby recommend approval of this application, subject to the following conditions:

1. The street running north-south from 15th Avenue into the proposed plat shall be named 7th Street.
2. The recommendations in the soils report (Exhibit "F") shall be followed.
3. Right-of-way improvements shall be coordinated with the City improvement project on 6th Street and 15th Avenue.
4. With the application for Final Subdivision, the applicant shall:
 - a. Re-design the plat to show cross easements and/or shared driveways to serve Lots 3, 4, and 5, with a driving surface of no less than 12 feet in width, as shown on Exhibit "K". A more innovative easement design may be submitted by the applicant at Final Subdivision application, if desired.
 - b. Submit detailed engineering plans for a storm water retention system, construction drainage plans, utility plans, and right-of-way improvements, to the Department of Public Service for review and approval.
5. Prior to Final Subd ivision approval by the City Council, the applicant shall submit funds to the fee-in-lieu of open space account either \$200 per newly created lot or 10% of the assessed valuation of the entire property, whichever is greater. A statement of assessed valuation from the King County Comptroller's Office shall be submitted with payment of the fee-in-lieu funds.
6. Prior to the City's release of the approved plat linen, the applicant shall provide the following improvements in the 15th Avenue and new 7th Street rights-of-way:
 - a. 32 feet of asphalt, curb-to-curb (as shown on submitted site plan);

- I. B. 6. b. A five foot wide concrete sidewalk along the west and north sides of the rights-of-way, to be coordinated with the City project at 6th St. and 15th Avenue;
- c. Curb and gutter along both sides of the street improvement on 15th Avenue and the new 7th Street, with the exception of the eastern end of the 15th Avenue right-of-way.
7. No walkway improvements shall be required by the applicant in the 6th Street right-of-way. The applicant shall record a "No-Protest" agreement for future walkway improvements in the 6th St. right-of-way.
8. Prior to the City release of the approved plat lines, the applicant shall install underground utilities to meet the standards and specifications of the serving utility.
9. With the application for Building Permit, the Building Permit applicant shall submit a tree retention plan indicating all trees of 6" in caliper or greater which will be removed and which will be retained, for review and approval by the Department of Community Development.
10. Prior to City Council review of the Final Subdivision, the applicant shall apply for a street and alley vacation for the existing public right-of-ways within the plat. This application shall be reviewed in conjunction with the Final Subdivision.
11. If grading is to occur prior to Final Subdivision hearings, the applicant shall submit the items in Recommendation 4.b. prior to issuance of a Grading Permit. Only grading necessary to construct the right-of-way shall be allowed prior to final subdivision approval. Construction limits shall be staked and approved by the Department of Community Development prior to issuance of a grading permit.

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II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

a. Public Service Department.

Sanitary Sewer and Domestic Water: These services should be extended at the developer's expense.

Storm Water: Construction drainage plans and storm water retention plans must be provided.

Right-of-way Improvements: Curb and gutter should be installed adjacent to all new streets required to serve the proposed subdivision. A 5 foot wide concrete sidewalk should be installed along one side of the cul-de-sac to be extendable along 15th Avenue and 16th Avenue. The City is planning to use federal funds to improve roadway and walkway system along 6th Street and 15th Avenue to the west of the proposed plat (see Exhibit "E"). These improvements include construction of rockeries, sidewalks, and underground utilities. Coordination of walkway installation improvements for the proposed plat and improvements for the City project shall be required. In addition, the developer should grade a walkway in the 30 foot wide City right-of-way to the west of the subject property (an extension of the 6th Street right-of-way) to provide access to Peter Kirk Elementary School and Kirkland Junior High School to the north. The end of this walkway at 15th Avenue should also be coordinated with the federally funded improvement program.

b. Fire Department.

Emergency access as shown is adequate. One fire hydrant will be required. The location of the required hydrant as shown on Exhibit "C" may be altered at the request of the Fire Department. A minimum fire flow of 1000 gpm shall be available at the required hydrant.

c. Building Department.

The proposed subdivision is located in Fire Zone III. The street inside the plat, running north-south should be named 7th Street. If 16th Avenue is improved, lot 2 would need two 20 foot setbacks, along 16th Avenue and 7th Street.

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II. A. 1. (Cont'd)

d. Park Department.

A 5' wide sidewalk should be installed on the west side of the north-south street to connect with 6th Street and 15th Avenue. This should be interfaced with the City project. A 5' wide asphalt path should be installed on the 30' wide City right-of-way west of lots 4 - 9. In addition, stairs should be built connecting this pathway to 15th Avenue at the southern end of the 3' wide right-of-way. The stairs could be railroad ties and packed earth. This area is a vital link in the City trail system that connects schools and parks. In addition to connecting Peter Kirk School and Kirkland Jr. High, this trail will also provide access to Crestwoods Park north of the subject property at 18th Avenue. A fence should be provided on the west side of lots 4 - 9 which abut the trail in 6th Street right-of-way. We recommend a mix of fir and cedar (minimum 5-6 feet high). This will preclude the trail from becoming a dump, garden, or storage area for abutting residences.

e. Police Department.

No comment on this project at this time.

f. SEPA.

The Final Declaration of Non-Significance was signed by the Responsible Official on May 21, 1979. In arriving at this declaration, the Department of Community Development's staff reviewed the proposed access to the Subdivision in terms of potential problems the proposed access could cause in the surrounding area. An addendum to the Environmental Checklist is attached to the Checklist submitted by the applicant. (see Exhibit "G"). This addendum concludes that the configuration and access for the proposed subdivision does not foreclose public access on City rights-of-way for future developments in the area.

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II. A. 2. Conclusions

- a. Sanitary sewer and domestic water service should be extended at the developer's expense. These utility plans should be submitted to the Department of Public Service for review and approval with Final Subdivision application.
- b. With application for Final Subdivision, the applicant should submit construction drainage plans to the Department of Public Service for review and approval.
- c. With application for Final Subdivision, the applicant shall submit engineering drawings for a storm water retention system and required right-of-way improvements. These plans should be submitted to the Department of Public Service.
- d. The following improvements should be required in the 15th Avenue and new 7th Street rights-of-way:
 - (1) 32' of asphalt, curb to curb (as shown on the submitted site plans).
 - (2) 5' wide concrete sidewalk along the west and north sides of the rights-of-way, to be coordinated with the City project at 6th St. and 15th Avenue.
 - (3) Curb and gutter along both sides of the street improvement on 15th Avenue and the new 7th Street. However, at the eastern end of the 15th Avenue right-of-way improvement, curb and gutter should not be placed at this point, at this time. The unimproved right-of-way to the east of this point is used as access to an existing house to the east. Curb and gutter at this point would preclude access to the existing house. Curb and gutter should be placed around the entire cul-de-sac, to provide the full improvement within the proposed plat, in the event that 16th Avenue never is improved. If and when 16th Avenue is improved, curb and gutter blocking the extension of the cul-de-sac could be removed at that time.
- e. The street running north-south from 15th Avenue into the proposed plat should be named 7th Street.
- f. No improvement in the 6th St. right-of-way should be required of the applicant, due to substantial citizen input against further improvement of the walkway (see Section II.F. of this report). The intent of the Land Use Policies Plan for a pedestrian walkway on 6th Street, north to 18th Avenue, is achieved by further improving in the future, the sidewalk system on 5th Place between 15th and 18th Avenues (directly west of the proposed subdivision).

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- g. This proposal has been determined to not have a significant adverse impact upon the environment. The configuration of the proposed access to the proposed plat will allow future extensions to both 15th Avenue and 16th Avenue to serve properties north and east of the subdivision.
- h. An asphalt walkway in the 6th Street right-of-way west of the proposed subdivision should not be constructed at this time due to many safety and privacy concerns relating to residences abutting the right-of-way, and police access to the walkway.

B. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The subject property slopes down steeply from the north and west. Existing slopes on lots 3 - 9 range from 12.4% to 22.7%. The upper portion of lot 4 is only a small slope approximately 6.4% however, the bottom portion, is about 29%. Lots 6 - 9 are proposed to be graded. Lots 8 & 9 will have a slightly steeper slope following grading, in the eastern portions of the lots than currently exists.
- b. Soils. The soils report submitted with this application (see Exhibit "F") concludes that the existing terrain is stable. Suitable bearing soil can be found across the entire site at relatively shallow depths. Soft, unsuitable bearing soils associated with poor surface drainage extends to a maximum depth of 3-4' in the low area across lots 1 & 2. It is the soil engineer's opinion that the wet shallow conditions are the result of poor surface drainage and perched ground water within the soil. He believes that the situation could be improved to a satisfactory level by installing either open ditches or subsurface drains. Recommendations

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II. B. 1. b. (Cont'd)

at the end of the report address placement of foundations, fills, steepness of cut slopes and use of dry wells.

- c. Vegetation. The subject property contains a thick growth of native vegetation, such as blackberries. Steeper large coniferous and deciduous trees are growing in the northern and northwestern portions of the site.

2. Conclusions.

- a. The steeper grades resulting from grading on Lots 8 and 9 are necessary to provide a slope, rather than a straight drop off to the newly constructed road, following grading of the road. If the slope was not allowed, additional retaining walls on the east side of Lots 8 and 9 would be needed to hold back a cut slope.
- b. The recommendations in the soils report (See Exhibit "F") should be followed. Existing trees over 6" in caliper should be retained to the maximum extent possible.
- c. Due to the severe slope and substantial vegetation in the north and northwestern portions of the site, the area designated currently as Lots 3, 4, 5, and 6 may not be buildable in the configuration and number of building sites proposed. Therefore, the applicant should re-design the access arrangement to Lot 4 considering shared driveways or cross-easements to permit the driveway grades to Lots 3, 4, and 5 to be kept within the 15 percent maximum slope policy. Exhibit "C" should be re-drawn to show the shared driveways or cross-easements shown on Exhibit "K", or, any more innovative design, prior to application for a final subdivision. The width of the driving surface for such access should be 12 feet wide.

C. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Streets. The proposed subdivision would be served by an extension of 15th Avenue heading eastward from 6th Street. The right-of-way at this point is 60 feet wide. A new street would be created heading northward from 15th Avenue within a 50 foot wide right-of-way. The applicant is proposing 32 feet of asphalt along 15th Avenue and the new north-south street. The new street would end in a cul-de-sac encompassing part of the 16th Avenue right-of-way. Future connections to these two new streets are shown in Exhibit "G" - Environmental Checklist Addendum. Two City rights-of-way are currently platted within the proposed subdivision: 16th Avenue and an alley between 15th and 16th (see Exhibit "B").
- b. Water. An eight inch line is available in 15th Avenue.
- c. Sanitary Sewer. An eight inch line is available in 6th Street and 15th Avenue to the west.
- d. Pedestrian Improvements. The City is embarking upon a program to provide sidewalk along the eastern and northern edges of the 6th Street and 15th Avenue roadways. A thin dirt footpath currently exists in the 30 foot wide 6th Street right-of-way west of Lots 4-9. This stretch of walkway connects Peter Kirk

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II. C. 1. d. (Cont'd)

School area with Kirkland Junior High School and Crestwood Park. A sidewalk exists along 5th Place, to the west.

2. Conclusions.

- a. Water and sewer service is available for extension to this development. Complete utility plans should be reviewed and approved by the Public Service Department. with application for Final Subdivision.
- b. The proposed street improvement is adequate and should be augmented with curb, gutter, and sidewalk (see Conclusions under Governmental Coordination).
- c. Sidewalk improvements along 7th Street and 15th Avenue should be highly coordinated with the City project further to the west.
- d. Prior to City Council review of the Final Subdivision, the applicant should apply for a street and alley vacation for the existing public right-of-ways within the plat. This application shall be reviewed in conjunction with the Final Subdivision.

D. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property as well as all surrounding properties are currently zoned for RS 7200 (single family residences).
- b. Land Use. Most of the land to the west of the proposed subdivision is currently occupied by single family homes. A few vacant parcels remain. To the south of the subject property lies a few single family homes and Peter Kirk Elementary School. To the north and to the east, are large areas of vacant land. The area bounded by 6th Street right-of-way on the west, 18th Avenue on the north, Burlington Northern railroad tracks on the east, and 15th Avenue on the south, is entirely vacant with the exception of an existing house on the subject property which will be torn down, and a single family home east of the subject property.

2. Conclusions.

The proposed subdivision is generally consistent with the surrounding zoning and land use. Construction of this subdivision could open up the entire undeveloped area described above to single family development. The configuration of the proposed streets within the plat still leave many options available to future developers in this area for potential access to their developments.

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

1. Statements of Fact.

a. Land Use Policies Plan.

Figure 35 on page 311 designates the 30' wide 6th Street right-of-way to the west of lots 4 - 9 as a pedestrian/bicycle way. (Exhibit "D")

Norkirk Area - Living environment. The majority of the Norkirk area is to remain committed for low density residential use. Housing rehabilitation and new single family construction are encouraged in the Norkirk area to prolong the stability of this low density residential area.

Norkirk Area - Open Space/Parks: Major pathways in the Norkirk area should be established according to the designations in figure 35.

b. Kirkland Subdivision Ordinance.

Section 2.5.5. Tree cutting plans for all developments shall be required indicating trees over 6" in caliper indicating which will be cut and which will remain.

Section 2.5.9(b). In lieu of the dedication of open space area to the City of Kirkland, the platter 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 not less than 10% of the assessed valuation of the entire subdivision, or \$200 per new dwelling unit, whichever is greater.

Section 2.10.5. Natural features such as trees, ridge lands, hill tops and views shall be preserved and kept in a natural state to the maximum extent possible.

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

Section 2.12.3. All subdivisions shall be provided with underground utility lines at the expense of the subdivider or developer in accordance with the serving utility's current standards and specifications.

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II. E. (Cont'd)

1.

c. Kirkland Zoning Ordinance.

Section 23,08.060. The minimum lot frontage on a cul-de-sac shall be 30'. On a private easement or road, this minimum lot frontage shall also be 30'....

2. Conclusions.

- a. The proposed subdivision is consistent with Land Use Policies Plan policy of maintaining the single family character of the Norkirk area.
- b. The walkway in the 6th Street right-of-way west of the proposed subdivision as shown in Land Use Policies Plan should not be constructed at this time. Safety concerns (see Citizen Input below) and the existence of a sidewalk in 5th Place, to the west, dictate that the improvement is not needed nor desired at the present time. The existing sidewalk along 5th Place will serve the same purpose as any proposed improvement to 6th Street right-of-way. Based on substantial citizen input, railroad tie and packed earth stairs, as well as any further improvement to the 6th St. right-of-way should not be required. In the event future walkway improvements are made in the 6th St. right-of-way, the applicant should sign and record a "No Protest" Agreement.
- c. With the application for a Building Permit, the Building Permit applicant should submit a tree retention plan indicating all trees of 6" in caliper or greater which will be removed and which will be retained, for review and approval by the Department of Community Development.
- d. Prior to approval of final subdivision, the applicant should submit funds to the Fee-in-lieu of Open Space account either \$200 per newly created lot or 10% of the assessed valuation of the entire property, whichever is greater. A statement of assessed valuation from the King County Comptroller's office should be submitted with payment of the Fee-in-lieu funds.
- e. Existing trees should be preserved and kept in a natural state to the maximum extent possible. All utilities should be undergrounded at the developers expense to meet the standards and specifications of the serving utility.
- f. The proposed plat (as revised in Exhibit "C") conforms with Section 23.08.060 of the Zoning Ordinance requiring a 30 foot minimum lot frontage on a cul-de-sac.

II. F. CITIZEN INPUT

1. Statements of Fact.

John L. Hendrickson, attorney for the applicant, presented a letter to the Planning Commission (Exhibit "H"), expressing concerns with the walkway/bikeway improvements on the 6th Street right-of-way, the timing of grading, and submission of a tree location plan.

Scott Bigbie of Triad Associates, engineers for the applicant requested that the applicant be allowed to grade in any area needed to construct the necessary rights-of-way rather than solely the right-of-way as proposed by staff. He also had concerns regarding the tree cutting plan, and felt that it was not necessary. He also showed an alternate site plan drawn with 30' minimum frontages on the cul-de-sac (Exhibit "I").

Dick Charles, of 1526 5th Place (also representing Ed Banker, a neighboring resident) was concerned about the safety if the asphalt walkway in the 6th Street right-of-way was constructed. He felt that the right-of-way should be blocked off completely and left to retain its natural state.

Jim Pederson of 1516 5th Place and Manny Mankowski of 1510 5th Place have the same concerns as Mr. Charles.

Earl Tidball of 1530 -5th Place was also concerned about safety and proposed walkway and pointed out that there has been no maintenance by the City on the existing pathway.

A petition signed by 13 residents residing on or near 5th Place opposes any improvements to the existing trail along the 6th Street right-of-way, including installation of railroad tie and packed earth stairs at the southern end of the trail near 15th Avenue (see Exhibit "J" - Citizen Input). Mr. Tidball felt that no walkway improvements in the 6th St. right-of-way was a good solution.

2. Conclusions

- a. Due to the safety concerns expressed by neighboring residents, no improvements in the 6th St. right-of-way should be required of the applicant.
- b. Recommendation No. 11 has been restated to allow grading where necessary to construct the right-of-way, provided that the construction limits are staked by the applicant and approved by the Department of Community Development prior to issuance of a grading permit. This will allow the applicant to more easily construct the improvements required in the right-of-way, while still prohibiting the grading of building sites.

III. APPENDICES:

Exhibits "A" through "K" are attached.

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