

RESOLUTION NO. R- 2652

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A FINAL PLANNED UNIT DEVELOPMENT PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. F-PUD-79-72 (H), BY FORBES DEVELOPMENT CORPORATION TO DEVELOP 52 TOWNHOUSE UNITS "WATERSHED PARK" ON A 12-ACRE SITE, BEING WITHIN A RESIDENTIAL SINGLE FAMILY 12,500 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH FINAL PLANNED UNIT DEVELOPMENT PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Final Planned Unit Development Permit filed by Forbes Development Corporation, the owner of said property described in said application and located within a Residential Single Family 12,500 zone, and

WHEREAS, the application has been submitted to the Houghton Community Council and Kirkland Planning Commission who held public hearings thereon at their regular meetings of July 24, 1979 and August 16, 1979, respectively, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 2473 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 positive declaration reached, and

WHEREAS, thereafter a Final Environmental Impact Statement was prepared, published and made available and accompanied the application through the entire review process.

WHEREAS, the Kirkland Planning Commission and Houghton Community Council after their public hearings and consideration of the recommendations of the Department of Community Development and having available to them the Environmental Impact Statement, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the Final Planned Unit Development of Watershed Park 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 Chairwoman thereof and filed in the Department of Community Development File No. F-PUD-79-72(H) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Final Planned Unit Development Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council, and further subject to the following condition: The authority for accepting or rejecting some monetary security or "no protest" agreement in lieu of the required improvements to 108th Ave. N.E. shall rest with the Director of the Public Service Department.

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 Final Planned Unit Development Permit or evidence thereof delivered to the permittee.

Section 4. Nothing in this resolution 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 as expressly set forth herein.

Section 5. Failure on the part of the holder of the Final Planned Unit Development Permit to initially meet or maintain strict compliance with the standards and conditions to which the Final Planned Unit Development Permit is subject shall be grounds for revocation in accordance with Section 23.28 of the Kirkland Zoning Ordinance No. 2183.

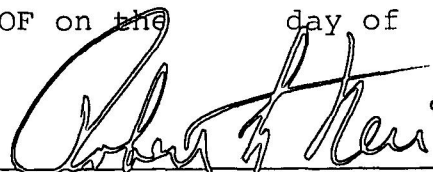
Section 6. Notwithstanding, the recommendations heretofore given by the Houghton Community Council, the subject matter of this Resolution and the Final Planned Unit Development Permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council, and therefore this Resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Resolution within 60 days of the date of the passage of this Resolution.

Section 7. 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) Fire and Building Department 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)
- (h) Department of Project and Construction Management for the City of Kirkland

ADOPTED in regular meeting of the City Council on the 4th day of September , 1979.

SIGNED IN AUTHENTICATION THEREOF on the \_\_\_\_\_ day of 1979.

  
\_\_\_\_\_  
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 August 16, 1979

\_\_\_\_ ADOPTED BY \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_ STAFF \_\_\_\_\_

\_\_\_\_ BOARD OF ADJUSTMENT \_\_\_\_\_

\_\_\_\_ HOUGHTON COMMUNITY COUNCIL \_\_\_\_\_

xx PLANNING COMMISSION Kay Waenggi  
Kay Waenggi Chairwoman

\_\_\_\_ CITY COUNCIL AS INCORPORATED IN \_\_\_\_\_

\_\_\_\_ RESOLUTION \_\_\_\_\_ ORDINANCE

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER F-PUD-79-72(H)

APPLICANT FORBES DEVELOPMENT CORPORATION  
E. of 108th Ave. NE, south of Kirkland Watershed Park,

PROPERTY LOCATION adjacent the south boundary line of City limits

SUBJECT FINAL PLANNED UNIT DEVELOPMENT OF "WATERSHED PARK"

HEARING/MEETING DATE September 4, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED (See list on reverse side)

EXHIBITS - WATERSHED PARK - F-PUD-79-72 (H)

- "A" - Application
- "B" - Final Environmental Impact Statement
- "C" - Site and Landscaping Plans
- "D" - Proposed Walkway Location
- "E" - Hydrant Locations
- "F" - Topography & Existing Trees
- "G" - Water Supply
- "H" - Sanitary Sewer
- "I" - Storm Sewer
- "J" - Grading Plan
- "K" - Safety Study
- "L" - Rockery Section - Unit 14
- "M" - Preliminary PUD Notice of Approval
- "N" - Letter from City Attorney
- "O" - Guard Rail Design and Location
- "P" - Explanatory Text and Soils Report
- "Q" - Hold Harmless Agreement
- "R" - Elevations
- "S" - Artist's Rendering

I. SUMMARY:

A. DESCRIPTION OF PROPOSED ACTION:

This is an application for a Final Planned Unit Development of 52 townhouse units on a 12 acre site. This twelve acres includes .67 acre of contiguous undeveloped City park land which the applicant proposes to trade for 2.25 acres of land on the west side of 108th Avenue N.E. 3.65 of the twelve acres is proposed to remain as open space. The 52 units are proposed to be located on the eastern two-thirds of the subject property. These units would be served by a 22-28 foot wide access road which would meander up the west slope from 108th Ave. N.E. The applicant proposes two story units having a maximum height of less than 30 feet above grade. The applicants propose a total of 204 parking spaces, of which approximately 189 meet City parking standards. Of these 189, 104 are located in garages. The ratio of total parking stalls meeting code, and number of units is 3.63 stalls per unit. The subject property is located immediately east of 108th Ave. N.E. south of the Kirkland Watershed Park immediately adjacent to the south boundary line of the City limits of Kirkland.

B. Based on Statements of Fact, Conclusions and Exhibits "A" through "S" contained herein, we hereby recommend approval of this application for a Final Planned Unit Development subject to the following conditions:

1. The number of units allowed shall be 52.
2. Low level lighting shall be provided as required along the pathway leading down to 108th N.E. from the interior access road, and along other pedestrian pathways not located along the interior access road. This lighting shall be non-glare, low wattage H.I.D. (high intensity discharge) light sources, mounted no higher than 10 feet above grade and in conjunction with street lighting will provide security and sight lighting subject to Department of Community Development approval.
3. The soils engineer's recommendations shall be followed.
4. If grading or construction are proposed during the period October through May, the applicant shall submit to the Department of Public Service details of the construction and details of measures to mitigate the greater impact prior to issuance of a grading permit.
5. To partially mitigate the large amount of clearing proposed on the subject property, the cleared areas shall be replanted as quickly and completely as possible.
6. All utilities shall be undergrounded.

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- I. B. 7. Prior to City Council decision on this application, the applicant shall coordinate with the City of Bellevue and City of Kirkland Public Service Department regarding sewer line design and sewer charges.
8. Prior to issuance of Grading Permits on the subject property:
- a. The applicant shall install a physical limit of construction barrier along the north slope consisting of a low cyclone fence or similar device to be approved by the Building Department.
  - b. The Public Service Department shall approve the submitted detailed erosion control plans.
  - c. The Public Service Department shall approve the submitted permanent storm drainage plans and calculations.
  - d. The applicant shall contact the Department of Fisheries to obtain their comments on the timing of construction so that spawning and rearing periods are avoided. The Department of Fisheries comments shall be supplied to the Department of Community Development.
  - e. The applicant shall submit detailed design plans for 108th N.E. improvements for review and approval of the Kirkland Public Service Department and the City of Bellevue.
  - f. The applicant shall construct a 4 foot high temporary visual and physical fencing at the drip line around any tree to be retained, where the drip line of the tree is within 10 feet of any grading, clearing or construction. This fencing shall be approved and inspected by the Department of Community Development and Parks Department prior to Grading Permit issuance.
9. Prior to issuance of Building Permits the applicant shall:
- a. Record a document with the King County Department of Records and Elections reserving all common open space on the subject property permanently for use of the residents within the development. Proof of this recording shall be given to the Department of Community Development by the applicant.
  - b. Deposit funds into the "Fee-in-Lieu of Open Space" account in an amount equal to 2% of the assessed valuation of the subject property prior to the land swap, or, \$200 per new dwelling unit, whichever is greater. A statement of assessed valuation from the King County Comptroller's Office shall be submitted.
  - c. Submit a more detailed landscaping plan to the Department of Community Development for review and approval.

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- I. B. 10. Prior to issuance of Certificates of Occupancy on any structures on the subject property:
- a. Interior walkways shall be provided, as shown in Exhibit "D". The walkways shall be 5' wide and gravelled, with screeds to control erosion. Railings shall be provided as shown on Sheet 1 of Exhibit "D" along that portion of the walkway detailed on Sheet 1 of Exhibit "D".
  - b. Install the following improvements within the project, along the internal access road:
    - (1) 22 feet of asphalt on the straight portions, 28 feet on the curves.
    - (2) Minimum inside radius on the curves shall be 30 feet.
    - (3) Maximum 15% grade.
    - (4) The improvements listed on page 76 of the Final E.I.S. shall be provided.
    - (5) A guard rail along the outer edge of the curve as shown in Exhibit "O". Design shall conform to that shown in Exhibit "O".
    - (6) Crosswalk striping across the interior road where pedestrian pathways cross the road (see Exhibit "D").
  - c. Install the following improvements along 108th Ave. N.E.
    - (1) 36 feet of asphalt, curb to curb, with a lane configuration matching the revised Bellevue improvements to the south, to be approved by the Public Service Department.
    - (2) A 5 foot wide concrete sidewalk along the east side of the right-of-way.
    - (3) Curb and gutter on the east and west sides of the right-of-way.
    - (4) If any of the above improvements required along 108th Avenue N.E. are deferred, the applicant shall sign a "No Protest" Agreement for a future L.I.D. to install the deferred improvements.
11. Prior to issuance of Certificates of Occupancy on Buildings 14 through 17, a 6 foot high fence shall be placed along the eastern property line. This fence shall be maintained by the Homeowners Association.
12. The water line leading from N.E. 45th Street and 112th Ave. N.E. shall be extended through the watershed, along the existing footpath. Prior to any clearing and issuance of a Grading Permit through the park, the proposed water line location shall be staked and inspected by the Departments of Public Service, Community Development and Parks. If vegetation is removed for placement of the water line in the park, replanting (to be approved by the Parks Department) with native species such as salal, Oregon grape, sword fern, vine maple and western dogwood will be required. Replanting shall occur in spring or fall. A monetary security in a type, format and amount acceptable to the Parks Department and the City Attorney shall be posted to insure the reasonable maintenance of new vegetation.

- I. B. 13. The proposed land swap with the City and the applicant shall be approved by the City Council. This will be done immediately following the final Houghton Community Council approval of the Final Planned Unit Development of Watershed Park.
14. Prior to commencement of physical construction, the applicant shall install the required fire hydrants and provide adequate fire flow.
15. Storage of large recreational vehicles and boats will be prohibited.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:

A. HISTORICAL BACKGROUND:

1. Statements of Fact.

The Preliminary P.U.D. (DCD File No. P-PUD-78-7(H)) was approved by the City Council on November 6, 1978. A six-month extension on the Preliminary approval was granted by the City Council on April 2, 1979 and expires November 4, 1979. The Preliminary PUD Notice of Approval is included as Exhibit "M". Issues left to be discussed at Final PUD stage are:

- a. Improvements along 108th N.E.
- b. Road width and radius of the internal access road
- c. Number of parking stalls
- d. Height of structures
- e. Erosion control measures
- f. Storm drainage plans and calculations
- g. Landscaping plan
- h. Location of water and sewer lines
- i. Sewer line agreement with City of Bellevue
- j. Hold harmless agreement
- k. Design of stairway to 108th N.E.
- l. Number of units and parking access/interior road configuration
- m. Timing of land swap with City

2. Conclusions

The applicant has complied with the appropriate Preliminary PUD conditions of approval for Final PUD application.

On opinion from the City Attorney (Exhibit "N"), only issues left undecided may be discussed during Final PUD review. These issues are listed above. No other issues or concerns should be re-opened, reconsidered, or used for grounds for denial of Final approval.

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I. A. 2. (Cont'd)

The major issues left open for discussion at the Final P.U.D. stage were the number of units to be allowed and the timing of the land swap with the applicant and the City. As shown in Exhibit "K" the safety study performed by the Transpo Group using Section 23.40.030 of the Kirkland Zoning Ordinance as a guide shows that the proposed road and parking configuration for 52 units is adequate and safe. The applicant was asked by staff to submit additional information showing the projected site distance from the driveway of Unit 14, in the southeastern portion of the subject property. It was felt by staff that a car backing out of the driveway of Unit 14 would not have adequate site distance to view a vehicle proceeding uphill. However, Exhibit "L" shows the projected site distance from the driveway of Building 14, as being safe and adequate. We feel that the applicant has adequately illustrated the relative safety and reasonableness of the parking access/interior road configuration, for all 52 units. Therefore, the applicant should be allowed to construct 52 units, as proposed, on the subject property.

Another issue is the timing of the proposed land swap. This land swap will be consummated through an ordinance passed by the City Council. This ordinance completing the land swap should be passed by the City Council subject to final Houghton Community Council approval of the Final Planned Unit Development.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Police Department. The access roads should be of sufficient width to adequately and safely move all types and sizes of vehicles. Adequate sight distance at the entrance on 108th Ave. N.E. should be provided. Due to limited accessibility we would recommend some fencing of the upper areas adjacent to the Watershed Park. Low level lighting should be provided every 10-12 feet along the stairway/ramp pathway leading down to 108th Ave. N.E. A right-turn deceleration lane should not be required if this lane would reduce adequate sight distance for vehicles exiting the development. A safe

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

exit from the PUD onto 108th N.E. is a higher priority and more critical than provisions for right-turning vehicles off 108th.

Where pedestrian walkways cross the internal road, crosswalk striping should be provided.

Guardrails should be provided along the interior access road where it runs along the north slope (see Exhibit "O"), conforming to A.P.W.A. Standards.

- b. Building Department. The project will be located in Fire Zone II. I am concerned about the general slope stability and feel that all possible measures should be taken to eliminate slides and erosion problems both during and after construction. The soils engineer's recommendations should be followed. A physical limit of construction barrier should be erected along the north slope, consisting of a low cyclone fence or similar device, to be approved by the Building Department prior to issuance of a Grading Permit. A Grading Permit will be required.
- c. Fire Department. Sufficient water supply as well as all hydrants must be installed before the start of building construction. Hydrants shown on Exhibit "F" are adequate. The one road in and out will create a slight handicap. Even though they propose to keep the maximum grade at 15% or less there will still be a problem during snow conditions. Turning radii will have to be maintained with a restriction on parking. The line-of-sight at 108th Avenue N.E. could also be a problem. Traffic circulation during and after construction could handicap us unless sufficient parking, turn-arounds, etc., are provided.
- Fire flow and fire extinguisher requirements will be determined when more detailed building plans are submitted.
- d. Parks Department. A 6 foot high fence should be placed along the eastern property line to prohibit use of contiguous park land for dumping, RV storage, etc. This fence should be maintained by the Homeowners Association. Pedestrian walkways should be provided as shown on Exhibit "D".
- e. Public Service Department. Water. A water main properly sized, at least 8" in diameter may be extended from the existing 12" main located on 112th N.E. via N.E. 45th Street to 108th Ave. N.E., or through the watershed. Additional research is needed to determine the most feasible route for the water line. This determination

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

should be made prior to City Council approval of the Final PUD.

Sanitary Sewer. From an engineering standpoint the most appropriate sewer connection would be within the plat to the south of the subject property within the City limits of Bellevue. The crossing of jurisdictional boundaries, however, may cause some difficulty. We would suggest that this problem be resolved prior to Final PUD approval.

Storm Water Runoff. Given the steep slopes in the watershed, caution is necessary in the design of the storm water drainline. This drainline should probably be routed down the access road and then parallel to 108th Ave. N.E. to discharge into the stream. Construction drainage plans have been submitted.

Streets. 108th Ave. N.E. should be improved with 36 feet of asphalt curb-to-curb, curb and gutter on both sides of the street, and a 5 foot wide concrete sidewalk along the eastern edge of the right-of-way. These improvements should be coordinated with the City of Bellevue improvements to the south. Final design plans of these improvements should be submitted to the Public Service Department prior to issuance of a Grading Permit. It is further recommended that a right turn deceleration lane not be required for the following reasons:

- (1) Right turn deceleration lanes are normally used only on high speed, high volume roadways;
- (2) The desirable stopping sight distance for the entrance to this project is less than 450 feet. There is currently 500 feet of stopping sight distance available. These figures are based on a design speed of 40 mph. The actual design speed of 108th N.E. 500 feet south of the project entrance is 34.7 mph (90% of the vehicles are travelling 34.7 mph or less). Vehicles travelling up to 48.18 mph could stop within the 500 feet of stopping sight distance available, on a wet road.

Pedestrian Access. The stairway/ramp design, as shown in Figure "K" is not adequate for handicapped access. A 4 foot wide concrete sidewalk should be provided along the same side of the interior access road as the proposed stairway/ramp, to the upper end of the proposed stairway/ramp.

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II. B. 1. f. SEPA. A Final Environmental Impact Statement on the Preliminary PUD was issued on August 31, 1978.

g. Metro Transit. A bus turn-out along the eastern side of 108th N.E. is desired by Metro to remove buses from the traffic flow.

2. Conclusions.

a. Low level lighting should be provided as required along the pathway leading down to 108th N.E., and along pedestrian pathways not located along the interior access road. This lighting should be non-glare, low wattage h.i.d. (high intensity discharge) light sources, mounted no higher than 10 feet above grade.

b. The soils engineer's recommendations should be followed.

c. Interior walkways should be provided, as shown in Exhibit "D". These walkways should be 5 foot wide gravel, with screeds to control erosion. Railings as shown on Sheet 1 of Exhibit "D" should be provided on both sides of the walkway shown on Sheet 1 of Exhibit "D".

d. Prior to City Council decision on this application, the applicant should:

Coordinate with the City of Bellevue and City of Kirkland Public Service Department, sewer line design and sewer charges.

e. Prior to commencement of physical construction the applicant should install the required fire hydrants and provide adequate fire flow.

f. Prior to issuance of a grading permit, the applicant should install a physical limit of construction barrier along the north slope consisting of a low cyclone fence or similar device to be approved by the Building Department.

g. Prior to issuance of Certificates of Occupancy on Buildings 14 through 17, a 6 foot high fence should be placed along the eastern property line. This fence should be maintained by the Homeowners' Assn.

h. The following standards and improvements should required within the project, along the internal access road:

(1) 22' of asphalt on the straight portions, 28' on the curves.

(2) minimum inside radius on curves should be 30'.

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- II. B. 2. h. (3) Maximum 15% grade.
- (4) The improvements listed on page 76 of the Final E.I.S. will be provided.
- (5) A guard rail along the outer edge of the curve as shown in Exhibit "O". Design should conform to Exhibit "O".
- (6) Crosswalk striping across the interior road where pedestrian pathways cross the road. (See Exhibit "D").
- i. The following improvements should be required along 108th Ave. N.E. Design plans should be submitted to the Public Service Department prior to issuance of a Grading Permit.
- (1) 36 feet of asphalt, curb-to-curb, with a lane configuration matching the revised Bellevue improvements to the south, to be approved by the Public Service Department.
- (2) A 5 foot wide concrete sidewalk along the east side of the right-of-way.
- (3) Curb and gutter on the east and west sides of the right-of-way.

The above improvements should be installed prior to issuance of Certificates of Occupancy for any structure.

- j. Due to the concern of the Police and Public Service Departments, a right-turn deceleration lane should not be required.
- k. The proposed stair/ramp walkway leading to 108th N.E. will not be able to accommodate handicapped people. However, due to the steep grade along the entire west slope, it is doubtful that handicapped persons would be able to negotiate any walkway down or up the west slope. A walkway along the access road would necessitate additional cuts into the steep slope. Therefore, the proposed stair/ramp walkway along the southern portion of the west slope will be adequate for normal pedestrian usage. A walkway through the interior of the project from the top of the project to 108th Ave. N.E. would be most useful to future residents on the subject property if the walkway was more or less a direct route from top to bottom. This obviously will involve the use of stairs. The combination of stairs and ramp areas as shown in Exhibit "D" serves the purpose of having a walkway through the project quite well. A configuration winding back and forth across the subject property with no stairs, would probably not be used by residents needing the walkway most.

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II. C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The subject property has steep slopes in the northern and western portions of the site. The north slope averages approximately 67% (34 degrees) with small slope areas ranging up to 93% (43 degrees). The western slope averages approximately 44% (24 degrees). The majority of the remainder of the site is a moderately sloping stable land with an average grade of approximately 12%. The entire site drains to the west and north.
- b. Soils. A description of the existing soils conditions on the subject property can be found in Exhibit "P".
- c. Hydrology. A small perennial stream flows in a south-western direction at the base of the north slope of the subject property. (For further information on this drainage course see pages 47-52 of the Final Environmental Impact Statement.)
- d. Vegetation. A second-growth forest of douglas fir, big leaf maple, and red alder covers the subject property. Interspersed with these primary trees are some western red cedar, western hemlock, and madrona. These trees range in size up to 30 and more inches in diameter. (See Exhibit "F"). The vegetation on the 3.5 acre northslope is proposed to remain in its natural condition. Approximately two-thirds of the remainder of the vegetation on the subject property would be removed.
- e. Fauna. The small stream at the base of the north slope of the subject property is probably used for Coho Salmon spawning.

2. Conclusions.

- a. Topography/Soils. The primary impact on the soils and topography of this proposal involves the access road proposed on the west slope. This access road will necessitate substantial cuts and fills and retaining structures. (See Exhibit "P"). Also, the large area to be cleared on the west slope and upper plateau will result in a significant erosion potential. (For further information in the expected impacts from this proposal on the soils and topography of the subject property see Exhibits "B" and "P").

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II. C. 2. a. (Cont'd)

Given the above the following should be required of the applicant:

- (1) Grading should be accomplished during the summer season. If construction is proposed during the period October through May the applicant should submit to the Dept. of Public Service details of the construction and details of measures to mitigate the greater impact. In any case the detailed recommendation of the Soils Report contained in Exhibit "P" should be adhered to.
- (2) To minimize erosion, surface runoff could be intercepted in settling basins and/or siltation removal devices (e.g. straw bales) could be used. Also cleared slopes should be replanted as quickly as possible.

The applicant has submitted detailed erosion control plans, to be approved by the Public Service Dept. prior to issuance of a Grading Permit.

- b. Hydrology. For erosion control and maintenance of water quality during construction see above. To handle post-construction storm water runoff the normally required storm water drainage system should be provided. The storm drainage facilities should control the rate of runoff to approximate the pre-development condition for a 10-year storm. Complete storm drainage plans and calculations have been submitted for Public Service Department approval, prior to issuance of a Grading Permit.
- c. Vegetation/Fauna. To partially mitigate the large amount of clearing proposed on the subject property, the cleared areas should be replanted as quickly and completely as possible. The applicant, along with the submittal of an application for a Final PUD, has provided a complete landscaping plan of the subject property. (See Exhibit "C"). This plan should be resubmitted, in greater detail, for review and approval by the Department of Community Development prior to issuance of Building Permits. Prior to any construction, the applicant should contact the Department of Fisheries to obtain their comments on the timing of construction so that spawning and rearing periods are avoided. The Department of Fisheries' comments should be supplied to the Department of Community Development prior to the issuance of grading permits.

To protect trees to be retained, the applicant should construct a 4 foot high temporary physical and visual fencing at the drip line around any tree to be retained, where the drip line of the tree is within 10 feet of any grading, clearing or construction. This fencing should be approved and inspected by the Department of Community Development and Parks Department prior to issuance of a Grading Permit.

D. PUBLIC UTILITIES:

1. Statements of Fact.

- a. Streets. The subject property is served from 108th Ave. N.E. 108th Ave. N.E. is currently a two-lane road without curb, gutter, or sidewalk. 108th South of the subject property, within the City limits of

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## II. D. 1. a. (Cont'd)

Bellevue, has been improved in conjunction with the development south of the subject property and an LID. Depending upon the exact location of the 108th Ave. N.E. improvements in relation to the centerline, the improvements on the Bellevue side of the right-of-way may be altered to match the Kirkland improvements.

- b. Sewer. An 8" sewer line has been constructed within the Yarrow Bay Village PUD adjacent to the subject property on the south. There is no existing sewer line within the right-of-way of 108th Ave. N.E. where that right-of-way abuts the subject property.
- c. Water. The nearest existing adequate water main is located at the intersection of NE 45th St. and 112th Ave. N.E. on the north side of the Kirkland Watershed Park. An inadequate low pressure main presently terminates at the intersection of 108th Ave. N.E. and N.E. 45th St. An adequate water line connection may be possible from existing mains at N.E. 47th - 108th Ave. N.E., N.E. 48th-108th Ave. N.E., or 110th Ave. N.E.
- d. Storm Drainage. This proposal would result in a significant increase in the impervious surface on the subject property.
- e. Pedestrian Access. Within the City of Kirkland the nearest sidewalks to the subject property are at the junction of 108th Ave. N.E. and the north edge of the Watershed Park. A sidewalk is located within the City of Bellevue, immediately south of the subject property along the east side of 108th Ave. N.E.
- f. For further information on public utilities see pages 72-98 of the Final Environmental Impact Statement (Exhibit "B").

## 2. Conclusions.

- a. Streets. The applicants should provide full improvements on 108th Ave. N.E. where that right-of-way abuts the subject property (see Public Service Department comments under Section II.B. of this report). These improvements should provide a continuous 36 foot wide curb-to-curb improvement from the north end of the subject property into the City of Bellevue. Specific plans should be approved by the Kirkland Public Service Department and the City of Bellevue prior to issuance of Grading Permits.
- b. Sewer. The 8" sewer line within the Yarrow Bay Village PUD in the City of Bellevue to the south would be adequate to serve this development.
- c. Water. Alternative methods of supplying water to the subject property have been examined by the City and it has been determined that a route through Watershed Park along the existing footpath is the most feasible. A

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II. D. 2. c. (Cont'd)

- route down 108th Avenue N.E. is not technically feasible at this time and could increase the cost of future improvements to the water system in this area by the City. 108th Ave. N.E. route is also extremely costly for the developer. The Watershed Park route provides the most direct route to the subject property. Since a 5 to 10 foot path would need to be cut through the park for installation of the water line, a route following the existing footpath would remove the least amount of vegetation and have the least impact on the park. If vegetation is removed within the Watershed Park for placement of the water line, replanting with native species such as salal, Oregon grape, sword fern, vine maple, and western dogwood, should be required. Replanting should be scheduled for spring or fall so that the plants would have a good chance of being sustained by normal precipitation. The location of the water line should be staked prior to any clearing and issuance of a grading permit on the park land. This staking should be inspected by the Public Service, Park, and Community Development Departments of the City prior to any clearing and issuance of a Grading Permit. Replanting should be approved by the Parks Department. A monetary security in a type, format and amount acceptable to the Parks Department and the City Attorney should be posted to insure the reasonable maintenance of new vegetation.
- d. Storm Water. A subsurface storm water collection system meeting the standards of the Public Service Department should be provided on the subject property. The rate of discharge from the site should be controlled by the storm water collection system to approximate pre-development conditions for a ten-year storm. Plans for this system have been submitted to the Public Service Department for review and approval.
- e. All utilities should be undergrounded.

E. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property is zoned Residential Single Family 12,500 square feet minimum lot size (slope). This slope designation indicates that the base density for the subject property is three dwelling units per acre with the possibility of higher densities based on certain standards (see below).

The area north of the Watershed is zoned Residential Single Family 8,500 square feet minimum lot size, a density of 5 units per acre. To the northwest is another RS 12,500(s) zone (3 units/acre minimum) and to the southwest, a Professional Office Zone which allows 10-14 units per acre.

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- II. E. 1. b. Land Use. The subject property is currently vacant. To the north and east of the subject property is the undeveloped Kirkland Watershed Park. To the south of the subject property, within the City limits of Bellevue, is a large parcel of land developed with detached and attached single family dwellings. Immediately to the west lies an area of detached single family dwellings, while further to the west is the Yarrow Hill P.U.D.

2. Conclusions.

This proposal, with a density of 4.4 dwelling units per acre is consistent with surrounding land uses and density and conforms to the Kirkland Zoning Ordinance.

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

1. Statements of Fact.

- a. The following standards and extract from pages 191 and 192 of the Land Use Policies Plan apply to this proposal:

"Residential densities on the unstable slope may be increased by an extra one to two dwelling units per acre (up to five dwelling units per acre) depending upon the degree to which the development proposal conforms to the following standards:

- (1) Soils and geologic analysis are required. The City will select an appropriate Consultant and establish reasonable study perimeters. Analysis would cover the area of the site to be developed as well as adjacent sites.
- (2) The developer will indemnify and hold harmless the City.
- (3) The clustering of structures is required.
- (4) The vegetative cover is maintained to the maximum extent possible.
- (5) Watercourses are to be retained in a natural state.
- (6) Surface runoff is to be controlled at pre-development levels.
- (7) Points of access to arterials are to be minimized.
- (8) The City has the present ability to provide the necessary emergency services.
- (9) A minimum level of aggregation of land may be desirable in order to minimize adverse impacts.

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II. F. 1. a. (10) There will be public review of the development proposal.

b. Kirkland Zoning Ordinance.

23.28.130

Common Open Space:

- (1) In residential PUD's there shall be a minimum of ten percent of the total area of the PUD dedicated or reserved as usable "common open space" land.
- (2) Adequate guarantee must be provided to insure permanent retention of "common open space" land area resulting from the application of these regulations, either by private reservation for the use of residents within the development or by dedication to the public or a combination thereof. Such provision for "common open space" shall, at the expense of the developer, be recorded with the King County Department of Records and Elections. Proof of recording shall be given to the City.

23.28.131

Additional Provision for Parks/Open Space:

In addition to the provisions of Section 23.28.130 herein, all Planned Unit Developments which propose residential uses shall be subject to the provisions of Section 23.10.110(5) of this Ordinance if the residential density is greater than one (1) dwelling unit per 7,200 square feet of land area subject to residential use. If the residential density is equal to or less than one (1) dwelling unit per 7,200 square feet of land area subject to residential use, then the Planned Unit Development shall be subject to the provisions of Section 23.08.130 of this Ordinance.

23.08.130

Provisions for parks and open space: In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population, all single family home developments shall be required by the City of Kirkland 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 account was created by Chapter 5.72 Kirkland Municipal Code (Ordinance 1115) and Section 2.5.9(c) of Ordinance No. 2178 as follows:

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II. F. 1. b. Kirkland Zoning Ordinance, Cont'd

23.08.130 (Cont'd)

(i) The amount to be so deposited shall be not less than 2% of the assessed valuation of the total land area required or allocated by the owner for the intended use, 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 building permit is issued, or (ii) the most recent taxable sales price of the property for which the permit is issued according to the 1% real estate excise tax records for King County.

(2) A single family development will be exempt from the fee requirement, provided that the lot being developed was subject to the dedication or fee in lieu requirements of Section 2.5.9 or 3.5.11 of the Subdivision Ordinance No. 2178 as amended.

2. Conclusions.

The applicant's proposal with the recommended changes is consistent with the ten standards given above. Specifically:

- a. A soils and geologic analysis has been performed on the subject property and is included in the Final Environmental Impact Statement (Exhibit "B" and as Exhibit "P") of this report.
- b. The developer has signed a hold harmless agreement in a form approved by the City Attorney (see Exhibit "Q").
- c. The proposed structures are clustered.
- d. Vegetation cover is maintained to the maximum extent possible. Given the existence of the Watershed Park on the north and east of the subject property and a developing parcel of land on the south the only reasonable access to the subject property is from 108th Ave. N.E. Given this and the City standards for access roads (15% maximum grade, adequate turning radii, etc.) any development on the subject property would result in the nearly total removal of vegetation on the west slope. Replanting of vegetation should to some extent mitigate the impact of the removal of existing vegetation.
- e. The one water course on the subject property, at the base of the north slope, will be retained in a natural state.

II. F. 2. (Cont'd)

- f. With a storm water collection system designed to the standards of the Public Service Department, surface runoff will be controlled at pre-development levels.
- g. There will be one point of access to an arterial.
- h. The design of the interior access road will give the City adequate ability to provide the necessary emergency services.
- i. The 12 acres aggregated within this proposal is above the minimum level of aggregation of land that is desired.
- j. Under the PUD procedure there will be adequate public review of the development proposal.

Prior to issuance of Building Permits, the applicant should reserve all common open space on the subject property permanently for use of the residents within the development. This reservation should be recorded with the King County Department of Records and Elections. Proof of this recording should be given to the City prior to issuance of Building Permits.

The actual density within the development is approximately 10,052 square feet per unit. Therefore, fee-in-lieu of open space is calculated using Section 23.08.130 of the Zoning Ordinance. The applicant should deposit an amount equal to 2% of the assessed valuation of the subject property prior to the land swap or, \$200 per new dwelling unit, whichever is greater. These funds and a statement of assessed valuation from the King County Comptroller's Office should be submitted prior to issuance of Building Permits.

G. CITIZEN INPUT:

1. Statements of Fact.

Norm Kriloff of 4545 112th N.E., Kirkland spoke on many issues. His main concern was the impact of the water line in the watershed. His concerns addressed grading, fire hazard, new clearing attracting motorcycles, effect on existing wildlife and whether the replanted vegetation would survive. Additional concerns were adequacy of guest parking in the development and whether the property is being developed prematurely due to the lack of adequate water service in the area.

Kevin Scott, Technical Director for Forbes Development Corporation (the applicant), requested that the improvements required by the City on 108th Ave. N.E., along the east side of the right-of-way, north of the entrance to the subject property, be deferred until the time that 108th Ave. N.E. is improved through the watershed, north of the subject property's northern property line. He also stated that Forbes Development Corporation would be willing to sign a "No Protest" Agreement for a future L.I.D. which would be binding on future residents of the condominium project. Mr. Scott also presented testimony that not improving 108th Ave. N.E. on the east side, north of the property entrance would not hurt the City's chances for future federal or state funding to improve the remainder of the roadway north of the subject property.

2. Conclusions.

Many of Mr. Kriloff's concerns are addressed in other sections of this Advisory Report and in the Final E.I.S. Adequate parking (minimum of 3.63 stalls per unit) has been provided. The preliminary PUD required 2.2 stalls/unit and the Zoning Code requires 2.0 stalls/unit. The monetary security to maintain new replanted vegetation in the watershed will help assure the adequate growth and maintenance of the vegetation.

It is felt that the watershed is the best alternative for water line location, based on other conclusions elsewhere in this report.

Deferring some improvements on 108th Ave. N.E. until the time when 108th is improved across the watershed and further to the north, along with a signed "No Protest" Agreement to a future L.I.D. to install the deferred improvements, may be appropriate in this case.

III. APPENDICES: Exhibits "A" through "S" are attached.

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