

RESOLUTION NO. R- 2658

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF AN UNCLASSIFIED USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. UUP-79-68(P), BY TIM SMITH TO FILL A VACANT LOT WITH APPROXIMATELY 2300 CUBIC YARDS OF EARTH, BEING WITHIN A RESIDENTIAL SINGLE FAMILY 35,000 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH UNCLASSIFIED USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for an Unclassified Use Permit filed by Tim Smith, the owner of said property described in said application and located within a Residential Single Family 35,000 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held public hearings thereon at their regular meeting of September 6, 1979, 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 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 Unclassified Use 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. UUP-79-68(P) are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Unclassified Use Permit shall be issued to the applicant subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

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 Unclassified Use 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.

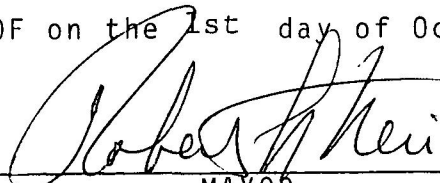
Section 5. Failure on the part of the holder of the Unclassified Use Permit to initially meet or maintain strict compliance with the standards and conditions to which the Unclassified Use Permit is subject shall be grounds for revocation in accordance with Section 23.30.100 of Ordinance No. 2183, the 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) 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) for the City of Kirkland.


ADOPTED in regular meeting of the City Council on the 1st day of October, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 1st day of October, 1979.



MAYOR

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)



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DEPARTMENT OF COMMUNITY DEVELOPMENT

ADVISORY REPORT
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

____ PREPARED BY _____ DATE _____

XX RECOMMENDED BY _____ DATE September 6, 1979

____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____ *Kay Haenggi*

Kay Haenggi, Chairwoman

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER UUP-79-68.(P)

APPLICANT Tim Smith

PROPERTY LOCATION 8727 120th Ave. N.E.

SUBJECT UNCLASSIFIED USE PERMIT TO FILL A VACANT LOT

HEARING/MEETING DATE October 1, 1979

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application "B" Vicinity Map "C" Site Plan

"D" Land Surface Modification Permit "E" Environmental Information

I. SUMMARY**A. DESCRIPTION OF THE PROPOSED ACTION:**

This is an application for an Unclassified Use Permit submitted by Tim Smith to fill a vacant lot with approximately 2300 cubic yards of earth. The fill would be no deeper than 3 feet. The property is located at 8727 120th Ave. N.E.

B. RECOMMENDATIONS:

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

1. A drainage plan shall be submitted for interim and permanent storm drainage. These plans shall be approved by the Department of Public Service prior to the issuance of a Grading Permit.
2. Any fill previously deposited on the site without a permit shall have any debris removed so that the existing fill meets the standards of Chapter 70 of the Uniform Building Code. The site shall be inspected by the Building Inspector prior to issuance of a Grading Permit.
3. The new fill shall meet the standards of Chapter 70 of the Uniform Building Code. A building official from the City of Kirkland shall be present at the time of filling to inspect the quality of the fill material.
4. Prior to the issuance of the Grading Permit, a letter from a licensed soil engineer shall be submitted to the Building Inspector indicating that the fill as proposed, will result in a lot suitable for future building and that the fill will not adversely affect flood hazard, soil compressibility, shear strength, or seasonal high water table.

II. MAJOR STATEMENTS OF FACT AND CONCLUSIONS:**A. HISTORICAL BACKGROUND:****1. Statements of Fact.**

The site appears to have been filled at some time in the past. It is not known whether the applicant or some other persons were responsible for the fill on the site. One of

II. A. 1. Cont'd

the reasons the applicant has listed for applying for an Unclassified Use Permit is so that people will not dump debris on the site.

2. Conclusions.

A vacant site such as the subject property is an attractive site for others to dump undesirable materials. Processing of this Unclassified Use Permit, and surveillance by the Building Official will result in safe useable fill, and reduce the desirability of this site for illegal filling by others.

B. GOVERNMENTAL COORDINATION:

1. Statements of Fact.

- a. Police Department. No public safety concerns with this landfill.
- b. Parks Department. Quality of fill is an issue. This should be looked at in regard to the existing soils condition. Also concerned with displaced water.
- c. Fire Department. No relevant fire safety concerns with this landfill.
- d. Building Department. A Land Surface Modification Permit will be required. Proper interim and permanent drainage must be provided. The quality of fill must meet Chapter 70 of the Uniform Building Code, and any fill now existing must be removed or brought to Building Code standards. An inspector should be present at the time of filling to inspect quality of fill, and a letter from a soils engineer should be submitted prior to the time of filling to insure a buildable site.
- e. Public Service Department. Interim and storm drainage will be required.

2. Conclusions.

- a. A drainage plan for both interim and permanent storm drainage must be submitted and approved by the Department of Public Service prior to the issuance of a Grading Permit.

- II. B. 2. b. Any fill previously deposited on the site must be brought to the standards of Chapter 70 of the Uniform Building Code or removed from the site. The site should be inspected before the issuance of a Grading Permit, and a building official should be present at the time of fill to insure the quality of the new fill. The building official must be satisfied that the fill will be suitable for a building site, and a letter from a soils engineer should speak to the type of fill and its relationship to the existing soils and future buildability.

C. EXISTING PHYSICAL CHARACTERISTICS:

1. Statements of Fact.

- a. Topography. The site is now quite level, but the terrain is rather unuseable because of the quality and inconsistency of the filled material already existing.
- b. Vegetation. Very little substantial vegetation stands on the site. An older apple tree stands in the northwest corner.
- c. Soils. The soils map in Land: Natural Elements shows this area as Snohomish Silt Loam. Underneath the surface layers of Snohomish Silt Loam lies a Black Muck or Mucky Peat that extends to a depth of 10 inches to several feet thick. It may be underlain with layers of Loamy Fine Sand or silty materials. This soil type was formed in sediments of organic and mineral material in the nearly level stream valleys. Runoff is slow, and erosion hazard is slight. However, flood hazard is moderate to severe, and the highly compressible nature of the organic layers and the seasonal high water table can pose constraints in regard to soils compressibility and shear strength. The soil is poorly drained, with moderate permeability of the surface layer and moderately rapid permeability of the underlying layers. Seasonal high water table tends to be at or near the surface several months each year unless artificially drained.
- d. Hydrology. As noted in Soils, above, the area tends to be somewhat wet. There is a drainage channel along N.E. 87th St.

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II. C. 2. Conclusions.

The applicant has not proposed any type of building for this lot, otherwise the grading would be processed as a part of the Building Permit. However, any site work and fill should result in a lot suitable for construction at some time in the future. Furthermore, any site work should not create a poorer drainage situation than now exists. The existing soils, the quality of the existing fill, the quality of the new fill, and the proposed drainage plan should all be considered in judging the impact of the proposed land fill, and should be reviewed and approved by a licensed soils engineer. The approval by a technical expert and inspection by the Building Inspector should result in an improvement over the existing situation.

D. NEIGHBORHOOD CHARACTERISTICS:

1. Statements of Fact.

- a. Zoning. The subject property and properties directly to the north, south and east are presently zoned for single family use with a 35,000 square foot lot minimum (RS 35,000). To the west, the land is zoned for Professional Office or Multi-Family Residential use, and to the southeast, along 85th Street, the land is zoned for Community Business use. A small piece of RS 5,000 zoning also lies to the southwest.
- b. Comprehensive Plan Designation. The land between the freeway and 120th Ave. N.E. between N.E. 85th and N.E. 90th is designated for commercial use. The land between 120th Ave. N.E. and 122nd Ave. N.E. between N.E. 87th and N.E. 90th is indicated for nine dwelling units per acre; south of that area between 87th St. and N.E. 85th Street the land is designated for commercial use.
- c. Existing Land Use. The subject site is now vacant. The surrounding property is mostly vacant, but several older structures exist in the vicinity. Along 85th the land has been developed with commercial uses. The Lake Washington School District maintenance yard is on the corner of 122nd Ave. N.E. and N.E. 90th Street.

II. D. 2. Conclusions.

The applicant is not proposing to build any structures that would not comply with the Zoning Code. Therefore, this application appears to conform to the existing proposed land use for the area.

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

1. Statements of Fact.

a. Land Use Policies Plan. The Land Use Policies Plan speaks to this area as follows: "The land in the northeast quadrant of the Interchange is bound on the east by 120th Ave. N.E., on the north by N.E. 90th St., and on the south by N.E. 85th Street. Most of the land not fronting directly onto N.E. 85th Street is presently undeveloped. The area is impacted by traffic along Interstate 405 and a nearby on-ramp to the freeway. The existence of a cloverleaf interchange coupled with visibility from the freeway makes this quadrant attractive for commercial development. However, access to the interior of this area is awkward and requires travel through residential areas. Soil and hydrological conditions also impose constraints on development in this area." (Page 297)

b. Uniform Building Code. Section 7010 - Fills.
(c) Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, top soil and other unsuitable materials as determined by the soils engineer, and where the slopes are five to one or steeper, by benching into sound bedrock or other competent material. (d) Fill Material. Earth materials which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than 8" shall be used. (e) Compaction. All fill shall be compacted to a minimum of 90% of maximum density as determined by UBC Standard No. 70-1. Field density shall be determined in accordance with UBC Standard No. 70-2 or equivalent as approved by the Building Official.

Section 7014. Grading Inspection. (c) The Building Official shall inspect the project at various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

II. E. 2. Conclusions.

The Land Use Policies Plan designates this area as suitable for commercial business. The fill located on the site should be able to support such development in the future. The Uniform Building Code spells out requirements for fill. All fill and filling activities must be in compliance with this portion of the Code and inspected prior to and during construction activity,

III. APPENDICES:

Exhibits "A" through "E" are attached,