

RESOLUTION NO. R-2720

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF SUNNY HILLS, BEING DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. F-SUB-79-123(P) AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Sunny Hills was approved by Resolution No. R-2555; and

WHEREAS, thereafter the Department of Community Development received an application for approval of subdivision and final plat, said application having been made by Mac Land, Inc., the owner of the real property described in said application, which property is within a Residential Single Family 8,500 zone; 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 made available and accompanied the application throughout the entire review process; and

WHEREAS, the Kirkland Planning Commission, after public hearing and consideration of the recommendation of the Department of Community Development, did adopt certain Findings, Conclusions, and Recommendations and did recommend approval of the subdivision and the final plat, subject to specific conditions set forth in said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Planning Commission as signed by the Chairwoman thereof, and filed in Department of Community Development File No. F-SUB-79-123(P) are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of Sunny Hills is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

- (a) A Plat Bond or other approved security performance undertaking in an amount determined by the Director of Public Services in accordance with the requirements therefor in Ordinance No. 2178 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all conditions of approval, including public improvements,

within one year from the date of passage of this Resolution. No City official, including the Director of the Department of Community Development, the Mayor, or the City Engineer, shall affix his signature to the final plat drawing until such time as the plat bond or other approved performance security undertaking herein required has been deposited with the City and approved by the Director of Public Service as to amount and form.

Section 3. A certified copy of this Resolution, along with the Findings, Conclusions, and Recommendations hereinabove adopted shall 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) Fire and Building Department for the City of Kirkland
- (d) Public Service Department for the City of Kirkland
- (e) Department of Project and Construction Management for the City of Kirkland
- (f) Office of the Director of Administration and Finance (ex officio City Clerk) of the City of Kirkland.

PASSED in regular meeting of the Kirkland City Council on the 21st day of April, 1980.

SIGNED IN AUTHENTICATION thereof on the 21st day of April, 1980.

  
\_\_\_\_\_  
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 January 31, 1980  
ADOPTED BY \_\_\_\_\_ DATE 1

STAFF \_\_\_\_\_

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

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

XX PLANNING COMMISSION \_\_\_\_\_  
*Carol B. Goddard*  
Carol Goddard, Vice Chairperson

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

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

NUMBER \_\_\_\_\_

DATE \_\_\_\_\_

FILE NUMBER F-SUB-79-123(P)

APPLICANT Mac Land, Inc.

PROPERTY LOCATION NE 108th St., & 108th Ave. NE (Juanita Heights area)

SUBJECT FINAL SUBDIVISION OF "SUNNY HILLS"

HEARING/MEETING DATE April 21, 1980

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" Application & Plat Certificate "B" Drainage Easement  
"C" Vicinity Map "D" Plat "E" Tree Location Map "F" Modification Request "G" Letter from  
Triad "H" Prel. Subdiv. Notice of Approval "I" Jensen Memo "J" Standard Street Section  
"K" Road & Storm Drainage Plan dated 3/20/79 (One large plan only to be shown  
at hearing)

I. SUMMARY

A. DESCRIPTION OF THE PROPOSED ACTION:

This is an application for Final Subdivision of "Sunny Hills", a 16-lot subdivision located at NE 108th St. and 108th N.E. in the Juanita Heights area. Also requested is a modification of Section 2.11.3 of the Kirkland Subdivision Ordinance requiring a 50 foot wide right-of-way for a minor street, to 30 feet to allow use of the existing 30 foot right-of-way of NE 108th Street.

The major issues are: compliance with the Preliminary Subdivision Notice of Approval and the request for modification; and, installation of improvements.

B. RECOMMENDATIONS:

Based on Statements of Fact, Conclusions and Exhibits "A" through "K" contained herein, we recommend approval of this application for Final Subdivision and the requested modification of the right-of-way width for N.E. 108th St. from 50 feet to 30 feet; subject to the following conditions:

1. Prior to City Council review of this application, the applicant shall submit a security device in an amount and form acceptable to the Public Service Department to insure installation of incomplete required public improvements.
2. Prior to release of final plat linens:
  - a. The applicant shall deposit into the fee-in-lieu of open space account in the manner specified by Section 2.5.9 of the Kirkland Subdivision Ordinance.
  - b. The applicant shall install, to Public Service Department approval, all public improvements required within the N.E. 108th Street right-of-way.
3. No physical site work or land surface modification shall be commenced until a Grading and/or Building Permit has been issued.

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4. Prior to issuance of a Grading and/or Building Permit for site work on individual lots, a tree retention plan shall be submitted and approved by the Department of Community Development. The Department of Community Development shall have the authority to modify the building plans in order to retain significant vegetation on sloped areas.
5. Half street improvements will be required for the entire west half of 108th Ave. N.E. between NE 108th St. and NE 110th St. The improvements shall include curb, gutter, sidewalk and asphalt paving.
6. NE 108th St. shall be improved as shown on Exhibit "J", within the existing 30 foot right-of-way, with exact location of improvements to be determined by the Public Service Department.
7. All utilities must be installed underground.

## II. MAJOR ISSUES, FACTS AND CONCLUSIONS

### A. COMPLIANCE WITH PRELIMINARY SUBDIVISION NOTICE OF APPROVAL:

#### 1. Statements of Fact.

The applicant has complied with conditions of approval 2 (renaming a proposed street); 3 (approval of water and sewer plans); 4 (approval of a construction drainage plan); 7 (request for modification); and 8 (redesign of plat), and 13 (greenbelt easement).

The applicant has not complied with conditions of approval 1 (installation of a fire hydrant), 5 (improvements along the 108th N.E. right-of-way), 6 (N.E. 108th St. improvements), 9 (installation of underground utilities), 10 (fee in lieu of open space), 11 (submittal of bond to cover incomplete public improvements prior to final plat approval), and 12 (tree retention plans with Building Permits).

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2. Conclusions.

Conditions of Approval 5, 9, 10, 11 and 12 should be made Final Subdivision Conditions of Approval. These involve actions that were not required to take place prior to Final Subdivision application.

Condition of Approval 1 is a development standard covered by Fire Department Operating Policy 6 (see Section on Development Standards) and need not be a subdivision condition.

Condition of Approval 6 is addressed in the following section on the modification request.

B. MODIFICATION REQUEST:

1. Statements of Fact.

- a. Based on a recommendation by the Public Service Department during Preliminary Plat stage, the applicant was encouraged to seek a modification from Section 2.11.3 of the Subdivision Ordinance to allow a 30 foot wide right-of-way for a minor street in lieu of the required 50 foot width (see Exhibit "F").

The City rationale was that the NE 108th St. right-of-way would be enlarged as the property to the south of the existing 30 foot right-of-way developed, through a program of right-of-way dedication.

- b. Assuming that only the existing 30 foot right-of-way would be developed, the City Council required (as part of the Preliminary Plat) that NE 108th St. "be paved on the southern eighteen feet of the existing right-of-way. An open drainage ditch and 5 foot concrete sidewalk will also be required within the existing right-of-way." (Preliminary Subdivision Condition of Approval 6). Plans based on the above have been approved by the Public Service Department on November 6, 1979, however, construction has not yet begun.

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- c. A fire engine is 12 feet wide, including side mirrors. The Uniform Fire Code (Section 13.208) requires a minimum of 20 feet of unobstructed width. The Fire Department has stated, "If this reduction in right-of-way is permitted, then 'NO PARKING - FIRE LANE' signs must be provided. It is recommended that the reduction in width not be permitted because of the difficulty in enforcing the no parking requirement."

If the previously approved 18 foot wide driving surface is allowed, the Fire Department will be unable to reach any burning home west of a parked car. A parked car requires an 8 foot lane. A car parked on an 18 foot road allows only 10 feet of roadway for traffic. Response time is critical in an emergency, and waiting for a parked car to be moved would affect public safety.

- d. A memo from Lt. Larry Jensen of the Police Department to Scott Greenberg of the Department of Community Development (Exhibit "I") expresses concern over the adequacy of the proposed 30 foot right-of-way with 18 feet of asphalt, for emergency access. Lt. Jensen states, in part: "With any vehicle parked on this roadway, the width is decreased to 10 feet. This width is unsatisfactory to us from a safety standpoint." Lt. Jensen is also against restrictive parking signs in residential areas. If a car is parked illegally and emergency access is needed, "we are hard pressed to get parked vehicles moved in time to allow the emergency vehicles to get in and handle the incident. As you well know, time is of the essence in emergency situations."

Inadequate street widths along with the Police Department's inability (due to lack of staff) to enforce 'NO PARKING' signs on residential streets, is an emerging problem due to many previous subdivisions and PUD's using 'NO PARKING' signs in lieu of wider driving lanes.

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- f. A total of 11-12 single family lots (in Sunny Hills and the Walenta Subdivision to the west) gain their sole access to 108th Ave. N.E., a collector arterial, from NE 108th St. either directly or indirectly (from cul-de-sacs off NE 108th St.). NE 108th is a dedicated public right-of-way, which is planned to be a through street between 108th NE and 100th NE. As a through street, there is a potential for additional homes to access either directly from NE 108th, or, from a side street connecting to NE 108th. A car parked on an 18 foot wide asphalt improvement (as approved at the preliminary plat) would impair timely emergency response for fire engines and aid cars heading westbound on NE 108th St. from 108th Ave. NE.
- g. The purpose of the Subdivision Ordinance (No. 2178) is to "regulate the subdivision of land and to promote the public health, safety and welfare" in accordance with State law, and standards established by the City "to lessen congestion in the streets and highways" and "to provide for proper ingress and egress".

Subdivision Ordinance Section 2.5:

2.5 Matters to be Considered at Hearing.

2.5.1 Public Use and Interest: The Planning Commission and, where appropriate, the City Council, shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine if appropriate provisions are made in the subdivision for, but not limited to, drainage ways, streets, alleys, water supplies, sanitary wastes, bicycle trails, pedestrian ways, parks, open space, playgrounds, sites for school and school grounds, and shall consider all other relevant facts to determine whether the public interest will be served by the subdivision and dedication. If it finds that the plat makes appropriate provisions

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for the public health, safety, and general welfare, and for drainageways, streets, alleys, water supply, sanitary wastes, bicycle paths, pedestrian ways, parks, school grounds, and that the public use and interest will be served by the platting of such subdivision, then it shall be approved. Dedication of land to any public property shall be clearly shown on the final plat.

Section 2.11.3(d) of the Subdivision Ordinance states: "All roads and streets shall be improved in accordance with the requirements of Standard Plans and Specifications of the City of Kirkland." Exhibit "J" shows the standard specifications for improvement of a 1/2 street 30 foot wide right-of-way.

h. Land Use Policies Plan

Living Environment Policy 5e:

"Require the provision of access for emergency vehicles".

(Policy Discussion: "Neighborhood safety involves crime prevention, fire protection and emergency health service. To carry out these functions, appropriate consideration should be given to vehicular access when reviewing plats and development plans.")

Public Services/Facilities Transportation Policy 2A: "Minimize the extent of paved roadways for vehicles (but not rights-of-way) to the smallest dimensions necessary to accommodate normal traffic flow and emergency services for the desired land use types and patterns."

Public Services/Facilities Fire Protection Goal 1: "To protect life and property from the hazards of fire."

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2. Conclusions.

In order to provide for adequate emergency vehicle access along N.E. 108th St., the applicant should improve the existing NE 108th St. right-of-way as shown in Exhibit "J". This arrangement will enable emergency access by a fire engine or aid car, even if a car is parked on one side of the asphalt.

It is important that an adequate width is provided at the entrance to a dedicated through street that is proposed to serve a minimum of 11-12 single family lots (in Sunny Hills and the Walenta Subdivision to the west), in addition to the Metro pump station on the south. With the 18 foot wide improvement approved as part of the Preliminary Subdivision, a single parked car would impair timely fire engine and aid car response to properties fronting directly onto NE 108th St., or fronting on a side street accessing onto NE 108th.

Construction of the improvement shown as Exhibit "J" will uphold Living Environment Policy 5e, to "require the provision of access for emergency vehicles". Although the amount of asphalt would be increased from 18 feet to 20 feet, this is the width necessary to "accommodate normal traffic flow and emergency services (Transportation Policy 2A)." The edge of the sidewalk should be placed as close to the northern edge of the existing right-of-way as possible. The remainder of the right-of-way, south of the 20 foot wide asphalt improvement should be a gravel shoulder to allow emergency vehicles to pass a parked car, if necessary. The exact location of these improvements within the right-of-way should be approved by the Public Service Department.

C. INSTALLATION OF IMPROVEMENTS:

1. Statements of Fact.

- a. None of the improvements required as part of the Preliminary Subdivision have been installed.

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- b. Section 2.12.1 of the Subdivision Ordinance allows the City to accept a security device to guarantee that all improvements are installed within one year of Final Plat approval. However, it is the responsibility of the developer to install the required improvements.
- c. The Public Service Department has approved plans for improvements required as part of the Preliminary Subdivision on July 30, 1979 (water and sanitary) and November 6, 1979 (road and storm). Preliminary Subdivision approval was granted on November 6, 1978 with an expiration date of November 5, 1979, unless Final Subdivision application had been accepted by that date. The DCD accepted the Final Subdivision application November 1, 1979. Reasons for improvements not being installed are given in a letter from Triad Associates (Exhibit "G").
- d. The applicant has submitted cost estimates to the Public Service Department for setting of a bond amount.
- e. The road and sewer improvements along NE 108th St. will be serving other properties outside of Sunny Hills. These improvements are necessary for the development of a Preliminary Plat directly to the west of Sunny Hills.
- f. Living Environment Policy 5 in the Land Use Policies Plan states:

"Coordinate residential development with provision of adequate public services and facilities to meet desired land use patterns."

2. Conclusions.

The timely installation of the NE 108th improvements are in the public interest, due to the following factors:

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- a. N.E. 108th is a street that will be serving other properties, including another subdivision that has been given preliminary approval, and is dependent upon installation of NE 108th improvements to provide access and sewer. Preliminary approval was granted based on the fact that these improvements would be available.
- b. The new sanitary sewer line in NE 108th St. will be available to serve a portion of the City presently not served by sewer.
- c. Timely installation of adequate public improvements will allow the coordination of residential development along NE 108th St.. Without these improvements, the subdivision to the west could not develop.

Therefore, prior to the City's release of the final plat linens, the applicant should install, at the minimum, all improvements within the NE 108th St. right-of-way. In addition, prior to City Council review of this application, the applicant should submit a security device in an amount and form acceptable to the Public Service Department to insure completion of all incomplete plat improvements, as required by Section 2.12.1 of the Subdivision Ordinance.

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### III. DEVELOPMENT STANDARDS

#### A. KIRKLAND SUBDIVISION ORDINANCE (No. 2178)

Section 1.3: "Every subdivision shall comply with the provisions of Articles 1 and 2 of this Ordinance."

Section 2.6.4: "When the City Council of Kirkland finds that the public use and interest will be served by the proposed subdivision, and that said subdivision meets the requirements of this ordinance and all other appropriate ordinances adopted pursuant to the authority granted to the City by virtue of RCW Chapter 58.17, the Mayor shall suitably inscribe and execute the written approval of the City Council on the face of the plat."

Section 2.113.(d): "All roads and streets shall be improved in accordance with the requirements of Standard Plans and Specifications of the City of Kirkland. In certain cases modifications necessary for the preservation of trees, streams, marshes or other natural elements as well as historic, scenic, or other significant man-made elements, may be considered in accordance with the variance provisions of Section 2.13 of this article."

#### B. BUILDING DEPARTMENT STANDARDS:

Pursuant to Ordinance 2408 and Chapter 70 of the Uniform Building Code (as amended), no physical site work or land surface modification shall be commenced until a Grading and/or Building Permit has been issued.

#### C. FIRE DEPARTMENT STANDARDS:

Uniform Fire Code Section 13.208 requires a minimum of 20 feet of unobstructed width.

Operating Policy 6: "When buildings are located so that a portion of any building is more than 330 feet from an existing fire hydrant, as measured by vehicular travel, then a fire hydrant, the location of which shall be approved by the Department of Public Service and the Department of Fire Services shall be installed. Such fire hydrant shall be installed in accordance with City of Kirkland standards."

### IV. APPENDICES

Exhibits "A" through "J" are attached. Exhibit "K" to be shown at hearing.

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