

RESOLUTION NO. R-2844

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT AS APPLIED FOR IN DEPARTMENT OF COMMUNITY DEVELOPMENT FILE NO. CZ-81-69, BY BEEKEN HOMES TO CONSTRUCT TWO SINGLE-FAMILY DETACHED HOMES ON TWO LOTS ON A DESIGNATED UNSTABLE SLOPE BEING WITHIN A RESIDENTIAL SINGLE FAMILY 7200 ZONE, AND SETTING FORTH CONDITIONS TO WHICH SUCH CONDITIONAL USE PERMIT SHALL BE SUBJECT.

WHEREAS, the Department of Community Development has received an application for a Conditional Use Permit filed by Beeken Homes, representing Olga Clausen, the owner of said property described in said application and located within a Residential Single Family 7,200 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of June 18, 1981, and

WHEREAS, pursuant to City of Kirkland Ordinance No. 0-2473 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 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 Conditional Use Permit subject to the specific conditions set forth in said recommendations, and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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. CZ-81-69 are adopted by the Kirkland City Council as though fully set forth herein except for Condition I, B-2, which is not adopted.

Section 2. The Kirkland Planning Commission 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 Conditional 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 expressly set forth herein.

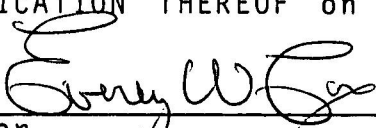
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

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

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


Passed by majority vote of the Kirkland City Council on the 6th day of July, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 6th day of July, 1981.



Mayor pro tem

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 June 18, 1981
____ ADOPTED BY _____ DATE _____

____ STAFF _____

____ BOARD OF ADJUSTMENT _____

____ HOUGHTON COMMUNITY COUNCIL _____

XX PLANNING COMMISSION _____

Carol Goddard
Carol Goddard, Chairperson

____ CITY COUNCIL AS INCORPORATED IN _____

____ RESOLUTION _____ ORDINANCE

NUMBER _____

DATE _____

FILE NUMBER CZ-81-69

APPLICANT Beeken Homes

PROPERTY LOCATION E. side of 4th St., between 13th and 15th Avenues

SUBJECT CONDITIONAL USE PERMIT for two single family homes

HEARING/MEETING DATE July 6, 1981

BEFORE KIRKLAND CITY COUNCIL

EXHIBITS ATTACHED "A" through "P" listed on reverse.

BEEKEN C2-81-69
LIST OF EXHIBITS

- A - Application
- B - Vicinity Map
- C - Topography Map
- D - Site Plan Lot C
- E - Site Plan Lot D
- F - Elevation Lot C
- G - Elevation Lot D
- H - Soils Report and Sections
- I - Hold Harmless Agreement
- J - Public Improvement Requirements
- K - Public Improvement Alternatives
- L - L.U.P.P. Figure 33
- M - Env. Information
- N - Citizen Input
- O - Topography Map
- P - Additional Soils Report

I. SUMMARY

A. DESCRIPTION

Beeken Homes has applied for a Conditional Use Permit to construct two single-family detached homes on two lots on a designated unstable slope. The site is on the east side of 4th Street and is zoned RS-7200. The property is Lots C and D of the Clausen Short Plat, approved in 1976, prior to adoption of Ordinance 2319, which designated the property unstable slope. Section 23.50.040 requires a Conditional Use Permit for residential uses on unstable slopes if lot area is less than 12,500 square feet (also see 23.50.030). Lot C is only 9,425 square feet and Lot D is only 11,200 square feet.

Major issues are: Compliance with Conditional Use Permit Criteria and public improvements.

B. RECOMMENDATIONS

Based on the Statements of Fact, Conclusions and attached exhibits, we recommend approval of this application subject to the following conditions:

1. Recommendations in the soils report (Exhibit H) shall be followed.
2. The two homes shall be setback five feet from the common property line of Lots C and D.
3. Prior to issuance of Building Permits on Lots C or D, the applicant and/or owner shall:
 - a. Sign the hold harmless agreement (Exhibit I) and record the document with King County.
 - b. Stake and rope (with four foot high stakes and several strands of brightly colored surveyors tape) a construction area at a distance 12 feet from the walls of the proposed homes. No clearing is permitted outside of this boundary, except for driveway or easement construction. Staking and roping shall be inspected and approved by Department of Community Development.

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- c. Plans to control post-development surface runoff at predevelopment levels; and construction erosion control plans shall be submitted and approved by the Public Service Department.
 - d. Record a 20 foot wide access easement to serve Lots C and D, and record an access restriction prohibiting direct access to 4th Street from Lots C and D (except the easement) with King County.
 - e. Submit construction plans for the access easement to the Public Service Department for review and approval. This shall show 12 foot wide asphalt paving, curbs and underground drainage, and comply with fire department standards.
 - f. A Performance Bond (or similar security) shall be submitted in an amount approved by the Building Department to guarantee completion of required erosion control safeguards.
4. Prior to final inspection on each home, the applicant shall:
- a. Install a 12 foot asphalt drive with curbs and underground drainage within the 20 foot wide easement.
 - b. Hydroseed or sod any bared soil.
 - c. Install the public improvements required by Ordinance 2576 for a "neighborhood access" street along the frontages of Lots C and D except:
 - i. A modification to allow the five foot wide concrete sidewalk against the curb, rather than separated by a landscape strip;
 - ii. A waiver for street trees.

II. MAJOR ISSUES, STATEMENTS OF FACT AND CONCLUSIONS

A. COMPLIANCE WITH CONDITIONAL USE PERMIT CRITERIA

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1. Statements of Fact

- a. Section 23.08.030 (14) addresses standards for Conditional Use Permits for construction on unstable slopes (this section is referenced by Chapter 23.50 - Slopes):
 - i. An Engineering Geologist or Soils Engineering report shall be required (Exhibit H).
 - ii. The developer shall indemnify and hold harmless the city by a covenant running with the land in a form approved by the city attorney (Exhibit I).
 - iii. The clustering of or attached structures are required.
 - iv. Vegetative cover shall be maintained to the maximum extent possible.
 - v. Watercourses shall be retained in a natural state.
 - vi. Surface runoff is to be controlled at predevelopment levels.
 - vii. Points of access to arterials are to be minimized.
 - viii. The city must find that adequate emergency services can be provided to the site.
 - ix. A minimum level of aggregation of land is desirable in order to minimize adverse impacts but is not required.
- b. Section 23.50.050 requires consultation with the city engineer to determine if development of the site will be a hazard to public health, safety, and welfare.

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- c. The use or modification requested by the C.U.P. shall be within the intent of this ordinance and in the public interest (Section 23.56.080 (1)).
- d. Section 23.56.080 (4) requires compliance with the uses and standards as defined in the Land Use Policies Plan:

- i. NORKIRK AREA - NATURAL ELEMENTS

One small section of the Norkirk area contains a steep slope which has been identified as unstable (Exhibit L). For developments proposed in this unstable slope area, a slope stability analysis is required prior to development in order to identify the magnitude of the hazard and possible mitigating measures. These measures may include severe restrictions on the type, design and/or density of development on or near unstable slopes. Existing vegetation is to remain to the greatest extent possible to help stabilize the slope and maintain drainage patterns.

- ii. NATURAL ELEMENTS POLICY 5

Limit land surface modifications that would induce excessive erosion, undermine the support of nearby land or unnecessarily scar the landscape.

- iii. NATURAL ELEMENTS POLICY 5A

Limit land surface modifications in natural constraint areas to the smallest extent needed for development.

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iv. NATURAL ELEMENTS POLICY 5b

Maintain existing vegetative cover to the greatest extent feasible. In cases where development necessitates removal of vegetation, a reasonable amount of landscaping should be required to replace trees, shrubs, and ground cover removed during construction.

2. Conclusions

- a. Recommendations of the soils report (Exhibit H) should be followed.
- b. The hold harmless agreement (Exhibit I) should be signed and recorded with King County prior to issuance of Building Permits.
- c. The two homes are proposed with 10 foot setbacks from their common lot line. Zoning regulations would permit five foot setbacks from this lot line. To cluster the structures together, 5 foot setbacks from the common property line between Lots C and D should be required.
- d. To maintain vegetative cover and to discourage unnecessary clearing, prior to issuance of Building Permits, construction area should be staked and roped off at a distance 12 feet from the walls of the homes. No clearing is allowed beyond this point except for driveway or easement construction. Staking should consist of four foot high stakes connected by several strands of brightly colored surveyor's tape and should be inspected and approved by the Department of Community Development prior to issuance of Building Permits.
- e. There are no watercourses across the site.

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- f. Surface runoff should be controlled to predevelopment levels. Plans for post-development control and construction erosion control should be submitted and approved by the Public Service Department prior to issuance of Building Permits.
- g. To reduce clearing area and minimize access points onto 4th Street, a 20 foot side access easement improved with 12 feet of asphalt, curbs, and underground drainage should be recorded with King County to serve Lots C and D. Furthermore, direct access to 4th Street from Lots C and D should be prohibited (except for the easement) with this restriction also recorded with King County. The easement and access restriction should be recorded prior to issuance of Building Permits; the easement constructed prior to final inspection on the homes; and construction plans for the easement complying with fire department standards submitted and approved prior to issuance of Building Permits.
- h. Access to the sites permits the city to adequately provide emergency services according to the fire department.
- i. As preexisting lots, the "minimum aggregation of land" (usually 1-3 acres) recommended by the zoning ordinance cannot be achieved.
- j. The city engineer has determined that development of the site will not be a hazard to public health, safety, and welfare.
- k. The use requested by this application is within the intent of the zoning ordinance and in the public interest if safeguards are taken to prevent hazards associated with steep slope development (i.e., erosion and slope failure).

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1. To minimize erosion hazards, bared soil should be hydroseeded or sodded prior to final inspection on the homes.

B. PUBLIC IMPROVEMENTS

1. Statements of fact

- a. This application was submitted after passage of Ordinance 2576. Therefore, this application is subject to Ordinance 2576 which designates 4th Street as a neighborhood access street. The neighborhood access requirements are attached as Exhibit J. Modifications, deferments, and waivers from this ordinance must meet the criteria in Exhibit K.

2. Conclusions

Most of the land on the east side of 4th Street between 13th and 15th Avenues is presently vacant or underdeveloped. Therefore, there is potential for this side of the street to be fully improved in the future. Due to the location of the slope up from the street, separating the curb from the sidewalk with a landscaped strip would require cutting into the slope. Therefore, a modification to allow the sidewalk next to the curb should be allowed. Due to heavy existing vegetation and slope problems, street trees could not be placed successfully east of the sidewalk. Therefore a waiver for street trees should be granted.

III. BACKGROUND

B. HISTORY

In 1975, the city adopted Res. R-2249 which restricted certain classes of development on hazardous/unstable slopes while the present Land Use Policies Plan was being drafted.

On February 17, 1976, Mrs. Clausen received a four-lot short plat approval on the site. This application covers Lots C and D. "Unstable slopes" were defined by Ordinance 2319 on July 6, 1976; however, development standards were not approved at that time. On May 16, 1977, the city approved Ordinances 2346 and 2347 (the Land Use Policies Plan and concurrent zoning amendments) which introduced standards for developing on unstable slopes.

IV. ALTERNATIVES

Alternative site designs, building types, and public improvements are options.

V. DEVELOPMENT STANDARDS

A. KIRKLAND ZONING ORDINANCE

1. RS-7200 ZONE

	<u>Required</u>	<u>Proposed</u>
Lot Area:	7200 sq. ft. minimum	9,425 S.F. (Lot C) 11,200 S.F. (Lot D)
Front Setback:	20' minimum	45' (Lot C) 57' (Lot D)
Rear Setback:	Rear setback is not required, by definition, on Lot C. 10' minimum	
Side Setback:	5' minimum each side; 15' total setback	36' (Lot D) 10' minimum each lot 32' total each lot
Height	25' maximum above average building elev.	19' (Lot C) 24 1/2' (Lot D)
Lot Coverage:	35% maximum	11% (Lot C) 9.3% (Lot D)
Fee-in-lieu of open space	\$350 per lot	- To be submitted with Bldg. Permit

2. Unstable slope areas (Chapter 23.50)

Section 23.50.080:

The Planning Commission shall require that any developer in a hazardous slope area post a performance bond to guarantee completion of required safeguards as a prerequisite for issuing a development permit.

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B. FIRE DEPARTMENT STANDARDS

The applicant is advised to check with the fire department regarding development standards relating to: five hydrant installation and access easements.

VI. APPENDICES

Exhibits A through P are attached.

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