

RESOLUTION NO. 2848

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-81-70, BY CASCADE PACIFIC TO CONSTRUCT 4 SINGLE-FAMILY RESIDENCES BEING WITHIN A RS 8500 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 Cascade Pacific, the owner of said property described in said application and located within a Residential Single Family 8,500 zone.

WHEREAS, the application has been submitted to the Kirkland Planning Commission who held hearing thereon at their regular meeting of July 9, 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-81-70 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The Conditional 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 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.

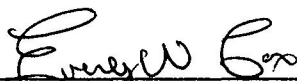
Section 5. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the Conditional Use Permit is subject shall be grounds for revocation in accordance with Ordinance No. 2183, the Kirkland Zoning Ordinance.

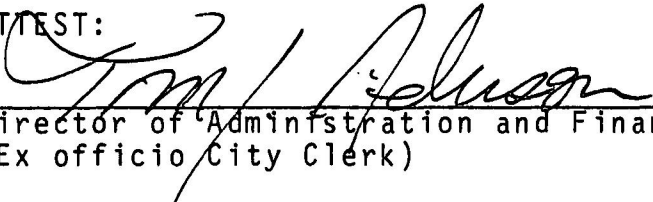
Section 6. Certified or conformed copies of this Resolution shall be delivered to the following:

- (a) Applicant
- (b) Department of Community Development of the City of Kirkland
- (c) Fire and Building Departments of the City of Kirkland
- (d) Public Service Department of the City of Kirkland
- (e) Project and Construction Management Department of the City of Kirkland
- (f) 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 20th day of July, 1981.

SIGNED IN AUTHENTICATION THEREOF on the 20th day of July, 1981.

  
\_\_\_\_\_  
Mayor Pro Tem

ATTEST:  
  
\_\_\_\_\_  
Director of Administration and Finance  
(Ex officio City Clerk)

6145A



DEPARTMENT OF COMMUNITY DEVELOPMENT

**ADVISORY REPORT**  
FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

\_\_\_\_ PREPARED BY \_\_\_\_\_ DATE \_\_\_\_\_  
XXXX \_\_\_\_ RECOMMENDED BY \_\_\_\_\_ DATE July 9, 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-81-70  
APPLICANT Cascade Pacific  
PROPERTY LOCATION 111th Ave. and N.E. 104th St. in Juanita View Plat

SUBJECT Conditional Use Permit for four single family residences

HEARING/MEETING DATE July 20, 1981  
BEFORE Kirkland City Council

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

LIST OF EXHIBITS - CASCADE PACIFIC - FILE CZ-81-70

- "A" - Application
- "B" - Vicinity Map
- "C" - Site Plan Lot 1
- "D" - Site Plan Lot 2
- "E" - Site Plan Lot 17
- "F" - Site Plan Lot 21
- "G1" - Elevations Lot 1
- "G2" - Elevations Lot 1
- "H1" - Elevations Lot 2
- "H2" - Elevations Lot 2
- "I1" - Elevations Lot 17
- "I2" - Elevations Lot 17
- "J1" - Elevations Lot 21
- "J2" - Elevations Lot 21
- "K" - Soils Reports
- "L" - Environmental Information
- "M" - Hold Harmless Agreement
- "N" - LUPP Figure 33
- "O" - Public Improvement Alternatives
- "P" - Addendum

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I. SUMMARY

A. DESCRIPTION

Cascade Pacific Development Corporation has applied for a Conditional Use Permit to construct four single-family detached homes on four lots on a designated unstable slope. The lots are a part of the Juanita View plat, located at 111th Ave. and N.E. 104th Street, and is zoned RS-8500. The property is Lots 1, 2, 17, and 21 of Juanita View, approved in 1978. 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 1 is 9,840 sq. ft., Lot 2 is 9,898 square feet, Lot 17 is 9,800 sq. ft. and Lot 21 is 11,471 square feet.

Major issues are: Compliance with Conditional Use Permit Criteria; public improvements; and compliance with the State Environmental Policy Act.

B. RECOMMENDATIONS

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

1. This application is subject to the various requirements contained in the Kirkland Municipal Code and Kirkland Zoning Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Section V, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations.
2. Recommendations in the soils reports (Exhibit K) shall be followed. The Building Department reserves the right to ask for a foundation redesign should unforeseen soils problems become evident once excavation occurs for foundations.

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3. Homes on Lots 17 and 21 shall be setback a maximum of 25 feet from the front property line.
4. Prior to issuance of Building Permits on Lots 1, 2, 17 or 21 the applicant shall:
  - a. Sign the hold harmless agreement (Exhibit M) 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 construction, utilities and landscaping. No trees over 6" in caliper shall be removed outside this area. Staking and roping shall be inspected and approved by Department of Community Development.
  - c. Submit plans to control post-development surface runoff at predevelopment levels; and construction erosion control plans to the Public Services Department for review and approval.
  - d. 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.
5. Prior to final inspection on each home, the applicant shall hydroseed, sod or other approved means of permanent erosion control, any bared soil.

## II. MAJOR ISSUES, STATEMENTS OF FACT AND CONCLUSIONS

### A. COMPLIANCE WITH CONDITIONAL USE PERMIT CRITERIA

#### 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 K).
  - 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 M).
  - 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.
  - 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. HIGHLANDS AREA - NATURAL ELEMENTS

Page 340-341 of the Land Use Policies Plan repeats the Conditional Use Permit standards above as unstable slope development standards.

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.

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 K) should be followed. The Building Department has requested the right to ask for a foundation redesign should unforeseen soils problems become evident once excavation for foundations occurs.
- b. The hold harmless agreement (Exhibit M) should be signed and recorded with King County prior to issuance of Building Permits on Lots 1, 2, 17 and 21.



- c. In this case, clustering (as required by the LUPP) would not appreciably add to the objectives of LUPP of reducing erosion or modifying soils conditions. Clustering would produce adverse views (obstruct views).
- 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 construction, utilities and landscaping. No trees over 6" in caliper should be removed outside this area. 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.
- 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 N.E. 104th Street, a 20 foot wide access easement improved with 12 feet of asphalt, curbs, and underground drainage could be provided as a common driveway to Lots 1 and 2.

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However, considering the turnaround which would need to be installed at the easement end, total clearing area could be greater than the two proposed drive-ways.

- 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. However, the original plat contained over 3 acres and was approved in 1978.
- 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).
- l. 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 N.E. 104th Street as a neighborhood collector street. N.E. 104th Way is a private road, not subject to Ordinance 2576. Modifications, deferments, and waivers from this ordinance must meet the criteria in Exhibit "O".

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- b. N.E. 104th Street was improved as part of the Juanita View Subdivision, in 1979-80. N.E. 104th Street contains 34 feet of asphalt (36 feet is required); 5 foot concrete sidewalks on both sides (as required); no street trees (required); and no landscaping strip between the curb and sidewalk (required).
- c. Lots east of 1 and 2, on the south side of N.E. 104th St., are also within Juanita View, with similar improvements along the south side of the street.

2. Conclusions

Due to additional Juanita View lots to the east of Lots 1 and 2 and the recent construction of N.E. 104th St., the current level and extent of right-of-way improvements adjacent to Lots 1 and 2 will not be changed in the future. Therefore, a waiver for additional right-of-way improvements should be granted.

C. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

1. Statements of Fact

The Environmental Checklist and Declaration of Non-Significance are attached as Exhibit "L".

2. Conclusions

The applicant and City have complied with the requirements of the State Environmental Policy Act.

III. BACKGROUND

A. NEIGHBORHOOD AND ZONING

A single family home lies to the south of Lots 1 and 2. Homes are under construction on Lots 3, 4, 8, 9, 10, 11, 12, 15 and 16, to the east of Lots 1 and 2; Building Permit applications have been submitted for Lots 18, 19 and 20, east and north of Lots 17 and 21. This plat and land to the south is zoned RS 8500. Land to the north and west is zoned RS 35,000.

B. HISTORY

The plat of Juanita View was approved on November 20, 1978. Earlier this year, the applicant was granted a plat amendment for an easement to serve Lots 18 and 19.

IV. ALTERNATIVES

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

V. DEVELOPMENT STANDARDS

- A. This application is subject to the various requirements contained in the Kirkland Municipal Code and Kirkland Zoning Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Section V, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations.

B. KIRKLAND ZONING ORDINANCE

1. RS-8500 ZONE

|                           | <u>Required</u>                             | <u>Proposed</u>  |
|---------------------------|---|--|
|                           |   | 9,840 s.f. (Lot 1)<br>9,898 s.f. (Lot 2)   |
| Lot Area:                 | 8500 sq. ft. minimum                        | 9,800 s.f. (Lot 17)<br>11,471 s.f. (Lot 21)  |
| Front Setback:            | 20' minimum                                 | 20' (Lot 1)<br>20' (Lot 2)<br>13' (Lot 17)<br>20' (Lot 21)   |
| Rear Setback:             | 10' minimum                                 | Not Req'd by definition (Lot 1)<br>41" (Lot 2)<br>62' (Lot 17)<br>20' (Lot 21)   |
| Side Setback:             | 5' minimum each side;<br>15' total setback  | 10' minimum; 54' Total (Lot 1)<br>20' minimum; 45' Total (Lot 2)<br>10' minimum; 55' Total (Lot 17)<br>19' minimum; 82' Total (Lot 21) |
| Height                    | 25' maximum above<br>Average building elev. | Height will not exceed 25'   |
| Lot Coverage:             | 35% maximum                                 | 11.8% (Lot 1)<br>10.9% (Lot 2)<br>11.0% (Lot 17)<br>9.4% (Lot 21)  |
| Fee-in-lieu of open space | Previously Paid                             |  |

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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.

VI. APPENDICES

Exhibits A through P are attached.