CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3225 - www.kirklandwa.gov

CITY OF KIRKLAND
NOTICE OF DECISION

MARCH 16, 2015

Permit application:	Apopei Short Plat, SUB14-01698
Location:	5555 116th Avenue NE
Applicant:	Aurelian and Floarea Apopei
Project description:	Proposal to subdivide a 26,033 square foot parcel into two lots in the RS 12.5 Zone. The applicant is proposing to retain the house on Lot 1.
Decisions Included:	Short Plat (Process I)
Project Planner:	David Barnes
SEPA Determination:	Exempt
Department Decision:	**Approval with Conditions**

Eric Shields, Director
Department of Planning and Community Development

Decision Date:	March 12, 2015
Appeal Deadline:	March 30, 2015

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision.* A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., March 30, 2015. For information about how to appeal, contact the Planning Department at (425)587-3225. An appeal of this project decision would be heard by the Hearing Examiner.

Comment to City Council: If you do not file an appeal, but would like to express concerns about policies or regulations used in making this decision or about the decision making process, you may submit comments to citycouncil@kirklandwa.gov. Expressing your concerns in this way will not affect the decision on this application, but will enable the City Council to consider changes to policies, regulations or procedures that could affect future applications.

I. CONDITIONS OF APPROVAL

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.

2. Prior to recording the short plat, the applicant shall:

    a. Submit a signed concomitant agreement for deferment of frontage improvements (See Conclusion V.1.b).

    b. Submit a demolition permit and demolish the existing shop building on proposed Lot 2.

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RS 12.5
Comprehensive Plan Designation	Low Density Residential, 1–3 dwelling units per acre.
Property Size	26,033 square feet
Current Land Use	Single- Family Residence and detached garage on Lot 1. Applicant proposes to remove a detached workshop on the west side of Lot 2.
Proposed Lot Sizes *for zones with*	Lot 1: 13,529 square feet Lot 2: 12,504 square feet
Lot Size Compliance	All lots meet the minimum lots size for the zone. See Section V.A for compliance analysis.
Terrain	The property elevation is approximately 424' feet at northeast corner of the property and remains flat throughout the site except for a slight slope to 422' at the northwest corner of the property.
Trees	There are 7 significant trees on the site that may be affected by the proposed development. Attachment 4 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. The applicant is proposing phased review of the short plat pursuant to KZC 95.30.6.a. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Access	Lot 1 has proposed a proposed 25' X 30' access easement across it to serve Lot 2. Lot 2 also has direct access to the 116th Avenue NE right-of-way.
Neighboring Zoning and Development	
• North	Single Family Residences in RS 12.5 Use Zone
• South	Single Family Residences in RS 12.5 Use Zone
• East	Bridle Trails State Park
• West	Interstate 405

III. PUBLIC NOTICE AND COMMENT

A. The public comment period for this application ran from November 6th 2014 to November 24th 2015. One public comment was received from Felix Palisoc at the Washington State Department of Transportation.

1. Comment: Mr. Palisoc is concerned with discharge of stormwater runoff from the subject property onto the Interstate 405 right-of-way.

   Staff Response: This project is utilizing full on-site dispersion and does not impact Interstate 405. A full drainage report was submitted with the application.

IV. CRITERIA FOR SHORT PLAT APPROVAL

A. Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning Director may approve a short subdivision only if:

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
4. It is consistent with the public health, safety, and welfare.

B. Conclusions: The proposal complies with Municipal Code section 22.20.140 and Zoning Code section 145.45. It is consistent with the Comprehensive Plan. With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Not Applicable	Complies as proposed	Complies as conditioned	Code Section
			KMC 22.28.050 – Lots - Dimensions
☐	☐	☒	Lots are shaped for reasonable use and development
☐	☐	☒	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

1. Right-of-Way Improvement Modification/Deferment/Waiver

   a. Facts: Access - Right-of-Way: Municipal Code section 22.28.090 requires the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of adjacent right-of-way.

      (1) Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property. The subject property abuts 116th Avenue NE which is shown on the City Rights-of-Way Designation Map as a minor arterial.

      (2) Section 110.70.4 establishes the authority of the City to require or grant a deferment of normal right-of-way requirements if the frontage is part of a larger project (see Attachment 3).

      (3) If deferment is approved, a 15 year concomitant agreement is required to ensure sufficient time for the City to design and construct the street improvements along 116th Avenue NE adjacent to the subject property....

      (4) The City has plans to improve 116th Avenue NE with pedestrian improvements and bike lanes pursuant to the currently unfunded Capital Improvement Program Project # NM001000, 116th Avenue NE (South Section) Non-Motorized Facilities –Phase II .

      (5) The City Public Works Department is requesting approval of a deferment to Section 110.10 and 110.25 for the frontage improvements in the 116th Avenue NE right-of-way bordering the subject property (see Attachment 3).

   b. Conclusions: The improvements to 116th Ave NE should be deferred and the applicant should submit a signed and notarized concomitant agreement, as set forth in Attachment 6 to install the half-street improvements in the 116th Avenue right-of-way bordering the subject property, to be approved by the Department of Planning and Community Development and recorded with the King County Records and Elections Division.

VI. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370)

VII. The short plat must be recorded with King County within seven (5) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

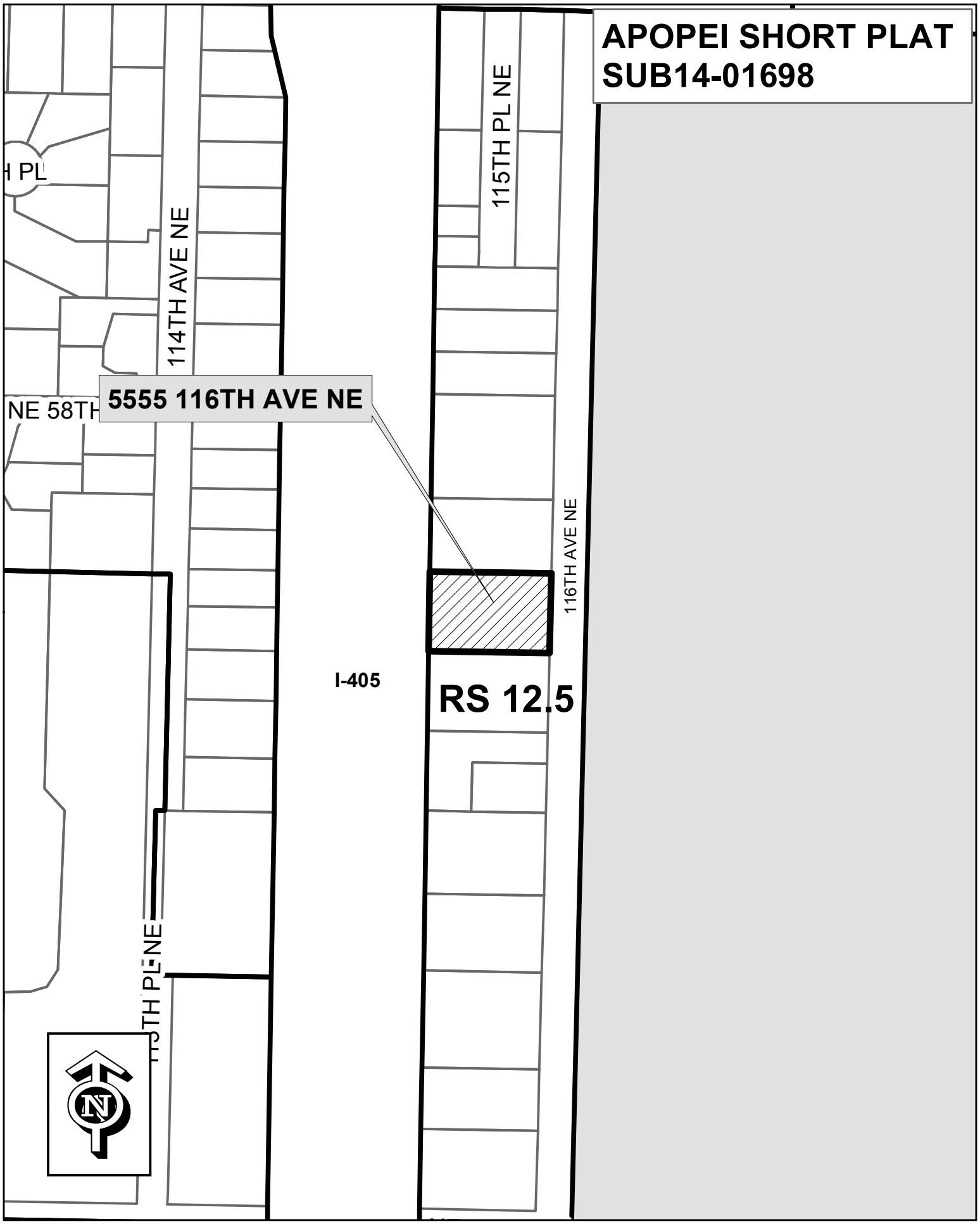
VIII. APPENDICES

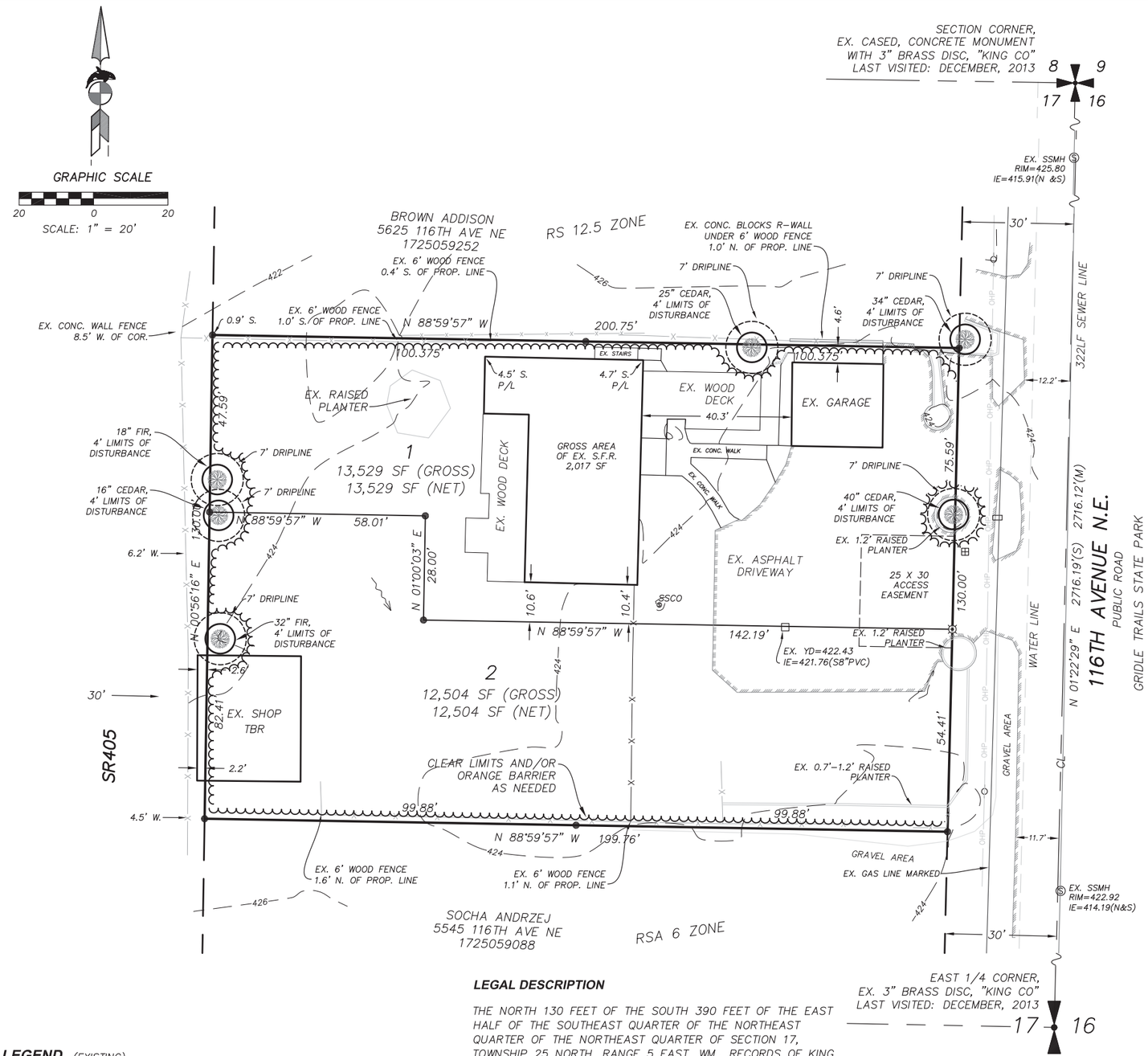
Attachments 1 through 6 are attached.

1. Vicinity Map
2. Short Plat Development Plans
3 Development Standards
4. Arborist Report
5. Public Comment
6. Concomitant Agreement for Deferment of Frontage Improvements

IX. PARTIES OF RECORD

Applicant: Aurelinan and Floarea Apopei
Parties of Record
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services


APOPEI SHORT PLAT
SUB14-01698
115TH PL NE
114TH AVE NE
5555 116TH AVE NE
NE 58TH
116TH AVE NE
I-405
RS 12.5
N



PLANNER/PROJECT CONTACT:
LAND RESOLUTIONS
3605 COLBY AVENUE
EVERETT, WASHINGTON 98201
(425) 258-4438
FAX (425) 258-1616
CONTACT: RY MCDUFFY

APPLICANT/OWNER
AURELIAN APOPEI & FLOAREA APOPEI
5555 – 116TH AVENUE N.E.
KIRKLAND, WASHINGTON 98033

SURVEYOR
ORCA LAND SURVEYING
3605 COLBY AVENUE
EVERETT, WASHINGTON 98201
(425) 259-3400
FAX (425) 258-1616
CONTACT: RICHARD HEALEY

ENGINEER
DECCIO ENGINEERING, INC.
17217 – 7TH AVENUE WEST
BOTHELL, WA 98012
(206) 390-8374
CONTACT: RICHARD DECCIO, PE

EQUIPMENT & PROCEDURES

INSTRUMENTATION: LEICA TCRM1205 TOTAL STATION

METHOD OF SURVEY: FIELD TRAVERSE OF EXISTING MONUMENTATION

PRECISION: MEETS OR EXCEEDS W.A.C. 332-130-090 REQUIREMENTS

BASIS OF BEARING: THE MONUMENTED EAST LINE OF THE N.E. CORNER OF SECTION 17, KNOWN AS 116TH AVENUE N.E. AS THE BEARING OF N 01°22'29" E, AS PER WA. STATE DEPT. OF TRANSPORTATION SURVEY, RECORDED UNDER RECORDING NUMBER 20030902900007, RECORDS OF KING COUNTY, WASHINGTON.

HORIZONTAL DATUM: NAD 83/91

BENCHMARK: KING CO. DEPARTMENT OF P.W. PNT. NO. ID: 13, S.E. 1/4 COR. ELEV= 431.311'.

TBM: TOP W. RIM OF SEWER MANHOLE, LOCATED S.E. OF PROJECT SITE IN 116TH.
ELEV= 422.92'

VERTICAL DATUM: NAVD 88

PROJECT INFORMATION

SITE ADDRESS:	5555 116TH AVE. N.E. KIRKLAND, WA 98034
TAX NUMBER:	172505-9090-09
EXISTING ZONING:	RS 12.5
PROPOSED ZONING:	RS 12.5
PROPOSED LAND USE	SINGLE FAMILY RESIDENTIAL
MAX LOT COVERAGE	50%
MAX BUILDING HEIGHT	25 FEET
SEWAGE DISPOSAL	CITY OF KIRKLAND
WATER SUPPLY	CITY OF KIRKLAND
SCHOOL DISTRICT	LAKE WASHINGTON #414
FIRE DISTRICT	CITY OF KIRKLAND

TOTAL SITE AREA	26,033	SF	0.60	ACRES
TOTAL PROPOSED LOTS	2			
GROSS DENSITY (2\0.60)	0.3 D.U. PER ACRE			
LOT SIZE AVERAGING	13,016.5	SF	OR 0.30	ACRES
AVERAGE LOT SIZE	13,016	SF	0.30	ACRES
SMALLEST LOT SIZE	12,504	SF	0.29	ACRES
TOTAL ROAD DEDICATION	0	SF	0.00	ACRES

PROJECT NOTES:
1) NEAREST FIRE HYDRANT IS LOCATED ON THE SOUTH SIDE OF N.E. 135TH COURT & 50' S.E. OF THE S.E. PROPERTY CORNER ON N.E. 135TH STREET.
2) BUILDING SETBACKS 20' FROM R.O.W., MIN 5' TOTAL OF 15 SIDE, 20' REAR YARDS,
3) 10' UTILITIES EASEMENT ABUTTING ROAD FRONTAGE ON ALL LOTS AT TIME OF RECORDING.
4) LIMITS OF GRADING SHALL BE SITE BOUNDARY AND TRACT X OF K.C.S.P. L98S0072, R.N. 20010124900002.
5) ENTIRE SITE LIES OUTSIDE OF ANY LANDSIDE OR SEISMIC HAZARD AREA.

LEGAL DESCRIPTION

THE NORTH 130 FEET OF THE SOUTH 390 FEET OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 25 NORTH, RANGE 5 EAST, WM., RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THE EAST 30 FEET THEREOF FOR ROAD;

AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR SECONDARY STATE HIGHWAY NO. 2A BY DEE BEARING RECORDING NO. 4403913

LEGEND (EXISTING)

- CASED K.C. CONC. MON.
- EX. REBAR W/CAP "28409"
- TBM TEMPORARY BENCH MARK
- UTILITY POLE
- SIGN
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- IRRIGATION VALVE
- P PHONE PEDESTAL
- E POWER METER
- G GAS METER
- GAS VALVE
- STORM CATCHBASIN
- SANITARY SEWER MANHOLE
- BUILDING
- DRAINAGE ARROWS
- T.B.R. TO BE REMOVED
- BSBL BUILDING SETBACK LINE

ORCA Land Surveying
3605 COLBY AVENUE, EVERETT, WA 98201
425-259-3400 FAX: 425-258-1616

RICHARD A. HEALEY
STATE OF WASHINGTON
20719
REGISTERED PROFESSIONAL LAND SURVEYOR
Richard Healey
9/3/14

LAND RESOLUTIONS
LAND USE CONSULTANTS
Design • Planning • Management
3605 Colby Avenue - Everett, WA 98201
tele (425) 258-4438 - fax (425) 258-1616
landuse@nwlink.com

PRELIMINARY SHORT SUBDIVISION AND TREE RETENTION PLAN
FOR
AURELIAM APOPEI

IN THE SE 1/4 OF THE NE 1/4, SECTION 17, T.25N., R.5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

SHEET 1 OF 1

PROJECT: 2013-119 | DWG BY: RLM | DATE: 9/3/14 | REV: –

DEVELOPMENT STANDARDS
SUB14-01698

PLANNING DEPARTMENT

SHORT PLAT DEVELOPMENT STANDARDS LIST
File: SUB14-01698
This application must comply with all applicable standards. The listing below outlines those standards in a typical development sequence.
KMC refers to Kirkland Municipal Code, KZC refers to Kirkland Zoning Code

TREE PLAN SUMMARY

KMC 22.28.210 & KZC 95.30 Significant Trees.
A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. There are 7 significant trees on the site, of which 7 are viable. These trees have been assessed by staff and the City's Arborist. They are identified by number in the following chart.

Significant Trees:
High Retention Value Moderate Retention Value Low Retention Value
(V) – viable
(NV) – not viable
1 X (V)
250 X (V)
251 X (V)
252 X (V)
254 X (V)
255 X (V)
256 X (V)
No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Pla the applicant shall retain and protect all viable trees throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associat site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

PRIOR TO RECORDING
KMC 22.20.362 Short Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing an easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.
KMC 22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.
KMC 22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.
KMC 22.28.110-130 Vehicular Access Easements. Municipal Code sections 22.28.110 and 22.28.130 establish that if

vehicular access within the plat is provided by means other than rights of way, the plat must establish easements or tracts compliant with Zoning Code Section 105.10, which will provide the legal right of access to each of the lots served.
KZC 95.50.3 Maintenance of Preserved Grove. The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.
KMC 22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.
KMC 22.32.020 Water System. The applicant shall install a system to provide potable water, adequate fire flow and all required fire-fighting infrastructure and appurtenances to each lot created.
KMC 22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.
KMC 22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.
KMC 22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.
KMC 22.32.080 Performance Bonds. In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond, or submit evidence that an adequate security device has been submitted and accepted by the service provider (City of Kirkland and/or Northshore Utility District), for a period of one yea to ensure completion of these requirements within one year of plat/short plat approval.
KZC 118 Hazardous Liquid Pipelines:
If the subject property is within 150 feet of the Olympic Pipeline, include the following statement on the face of the plat "All development activity, landfilling, excavation and construction is subject to the setback requirements of KZC 118, Hazardous Liquid Pipelines"

LAND SURFACE MOFICIATION AND/OR BUILDING PERMIT REQUIREMENTS
KZC 85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.
KZC 85.45 Liability. The applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property (see Attachment ___).
KZC 95.35.2.b.(3)(b)i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.
KZC 95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to b retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retaine (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barri unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.
KZC 95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.
KZC 110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.
KZC 95.50.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplementa trees required to be planted.
KZC 95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.
KZC 105.10 Vehicular Access Easements or Tracts. A shared access easement or tract is proposed be 30 feet wide anc contain a paved surface 30 feet in width.
105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from

Screening standards are outlined in this section.
KZC 105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.
KZC 105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.
KZC 115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to compl with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning Official.
KZC 115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.
KZC 115.42 Floor Area Ratio (F.A.R.) Limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.
KZC 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served b an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.
KZC 115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must no contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.
KZC 115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface o the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.
KZC 115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in th use of property is a violation of this Code.
KZC 115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.
KZC 115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.
KZC 115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.
KZC 115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.
KZC 115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage she approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this sectio All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

KZC 115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.
KZC 115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.
KZC 145.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

PRIOR TO OCCUPANCY
KZC 95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter.
KZC 110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.
KZC 110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

FIRE DEPARTMENT

Contact: Grace Steuart at 425-587-3660; or gsteuart@kirklandwa.gov

The hydrant in front of 5521 - 116th Ave NE shall be equipped with a 5" Storz fitting.

PUBLIC WORKS DEPARTMENT

Permit #: SUB14-01698
Project Name: Apopei Short Plat
Project Address: 5555 116th Ave. NE
Date: October 4, 2014

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.kirklandwa.gov.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.kirklandwa.gov The applicant should anticipate the following fees:
o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
o Septic Tank Abandonment Inspection Fee
o Water Meter Fee (paid with the issuance of a Building Permit)
o Right-of-way Fee
o Review and Inspection Fee (for utilities and street improvements).
o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the projec The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit.

4. Submittal of Building Permits within a subdivision prior to recording:
• Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be

submitted prior to recording of the subdivision for each existing parcel number in the subject property, however in order fo to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with the Building Permit application. If the utility and street improvements are to be reviewed and constructed through a Land Surface Modification permit process, then Building Permit cannot be applied for because it will be deemed incomplete unt the Land Surface Modification Permit is applied for.

- Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process the Building Permits for the new homes can only be applied for after the Land Surface Modification Permit has been submitted, reviewed, and approved.

- Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been applied for.

- Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can on be review on an expedited or green building fast track if the associated Land Surface Modification Permit has been reviewed and approved by the Public Works Department.

5. Subdivision Performance and Maintenance Securities:
- The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet. Contact the Development Engineer assigned to this project to assist with this process.
- If the Developer will be installing the improvements prior to recording of the subdivision, there is a standard right of wa restoration security ranging from $10,000.00 to 30,000.00 (value determined based on amount of right-of-way disruption). This security will be held until the project has been completed.
- Once the subdivision has been completed there will be a condition of the permit to establish a two year Maintenance security.

6. This project is exempt from concurrency review.

7. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

8. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

9. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are base on the King County datum only (NAVD 88).

10. A completeness check meeting is required prior to submittal of any Building Permit applications.

11. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

12. All subdivision recording mylar's shall include the following note:

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer or storm water stub from the point of use on their own property to the point of connection in the City sanitary sewer main or storm water main. Any portion of a sanitary sewer or surface water stub, which jointly serves more than one property, shall be jointly maintained and repaired by the property owners sharing such stub. The joint use and maintenance shall "run with the lanc and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Public Right-of-way Sidewalk and Vegetation Maintenance: Each property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter free. The property owner shall also be responsible for the

maintenance of the vegetation within the abutting landscape strip. The maintenance shall “run with the land” and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

If the lots have on-site private storm water facilities, include this language on the subdivision recording document:

o Maintenance of On-site Private Stormwater Facilities: Each Lot within the Subdivision has a stormwater facility (infiltration trench, dry wells, dispersion systems, rain garden, and permeable pavement) which is designed to aid storm water flow control for the development. The stormwater facility within the property shall be owned, operated and maintain by the Owner. The City of Kirkland shall have the right to ingress and egress the Property for inspection of and to reasonable monitoring of the performance, operational flows, or defects of the stormwater/flow control facility.
If the City of Kirkland determines related maintenance or repair work of the stormwater facility is required, the City of Kirkland shall give notice to the Owner of the specific maintenance and/or repair work required. If the above required maintenance or repair is not completed within the time set by the City of Kirkland, the City of Kirkland may perform the required maintenance or repair, or contract with a private company capable of performing the stormwater facility maintenance or repair and the Owner will be required to reimburse the City for any such work performed.
The Owner is required to obtain written approval from the City of Kirkland prior to replacing, altering, modifying or maintaining the storm water facility.

If the project contains LID storm improvements that will be installed as a condition of the new home Building Permit, then include this condition on the Short Plat recording documents:

Installation of Low Impact Development (LID) storm drainage improvements with Building Permits: All LID storm drainage features depicted on Sheet ____ of ____ of issued permit LSM1X-0XXXX shall be installed in conjunction with the construction of each new home on lots X to X. The LID improvements include, but are not limited to the rain gardens and the pervious driveways. The Building Permit for the new signal family home on lots X to X will not receive a final inspectic until said LID improvements are installed. The pervious access road/Tract serving lots X and X shall be constructed or secured by a performance bond prior to recording of the short plat

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way along the front of the property is adequate to serve all the lots within the proposed project.

2. Provide a 6-inch minimum side sewer stub to each lot.

3. All side sewer stubs serving the property shall be PVC type pipe per Public Works Pre-approved Plans Sanitary Sewe Design Criteria. Any side sewer not meeting this standard shall be removed and replaced.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.

2. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set th water meter.

3. The existing water service may be used provided that it is in the right location, is not galvanized or blue poly, and is sized adequately to serve the building (per the Plumbing Code).

4. Provide fire hydrants per the Fire Departments requirements. The available fire flow at this project location is approximately 2807 gpm.
Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and t Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review

information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. Summarized below are the levels of drainage review based on site and project characteristics:

- Small Project Drainage Review (Types I & II)

Small project drainage reviews are divided into two types, Type I and Type II, primarily based on the amount of impervious surface area. Typical Type I projects create between 500 and 1,999ft2 impervious surface area. Type II projects involve between 2,000 and 9,999ft2 impervious surface areas, with a total of no more than 5,000ft2 of new impervious area and r more than a total of 9,999ft2 impervious surface area added since 01/08/01.

2. For the submittal of the grading permit for the subject project, revise the TIR to use Basic Dispersion instead of Full Dispersion since the proposed impervious area exceeds 15% of the native growth protection area for the flow path as required by KCSWDM C.2.1.1.1. Additionally, please address the drainage from the existing home onsite.

3. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) more information on this requirement.

4. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.

5. Provide a level one off-site analysis (based on the King County Surface Water Design Manual, core requirement #2).

6. If any work within an existing ditch is required, the developer has been given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.
Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch http://www.nws.usace.army.mil/PublicMenu/Menu.cfm?sitename=REG&pagename=mainpage_NWPs

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

7. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan sh be in accordance with the 2009 King County Surface Water Design Manual.

8. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. Durinc the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on sit and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 116th Ave. NE. This street is a Minor Arterial type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. At the time of this subdivision and in this case, per section 110.70.4.a (1) and (2), the Public Works Department recommends that the street improvements be deferred by signing a 15 year Concomitant Agreement. By deferring the improvements, there will be sufficient time for the City to design and construct the street improvements along this section of 116th Ave. NE. At such time that the improvements are installed, the Concomitant Agreement will be called and the property owner will be required to pay their proportionate share for the improvements.

2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced.

- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay.

Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.

3. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.). The new driveway for lot 2 shall have an on-site turn-around so vehicles do not back onto 116th Ave. NE.

4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

5. Underground all new and existing on-site utility lines and overhead transmission lines.

6. Underground any new off-site transmission lines.

7. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding b signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on 116th Ave. NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhe utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on 116th Ave NE. Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

8. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

ORIGIN
DESIGN GROUP

Kayla Lowber
425-210-0846

5555 116th Ave NE
Kirkland, WA
Tree Assessment

For:
Ry McDuffy
Land Resolutions

By:

Kayla Lowber

Landscape Architect #1344

ISA Certified Arborist #PN-7458A

On:

September 27, 2014

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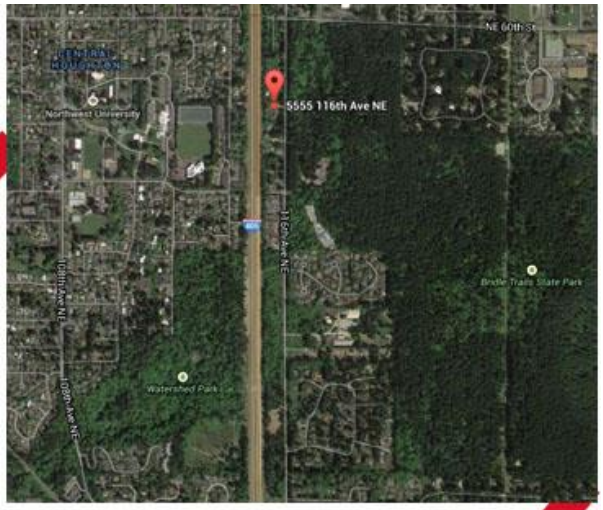
ASSIGNMENT

I was contacted by Land Resolutions to review the existing trees on a property located in Kirkland Washington at 5555 116th Ave NE in the SE ¼ of the NE ¼ Section 17 T 25N, R 5E .W.M. and assess the trees of their current condition and give my professional opinion on limits of disturbance for any possible future development activity.



INTRODUCTION

Tree assessments and the identification of the risks associated with trees is subjective. It is important to note that there is no guarantee a tree identified as a hazard will fail in the near future or that a tree deemed as safe will not fail. All trees will die and fail at some point and with careful assessments and experience we as arborists do our best to prevent harm or damage by identifying hazardous indicators. It is also important to provide suggestions and methods available to protect and prevent damage or possible failure of trees on properties where future development may occur.

METHOD USED

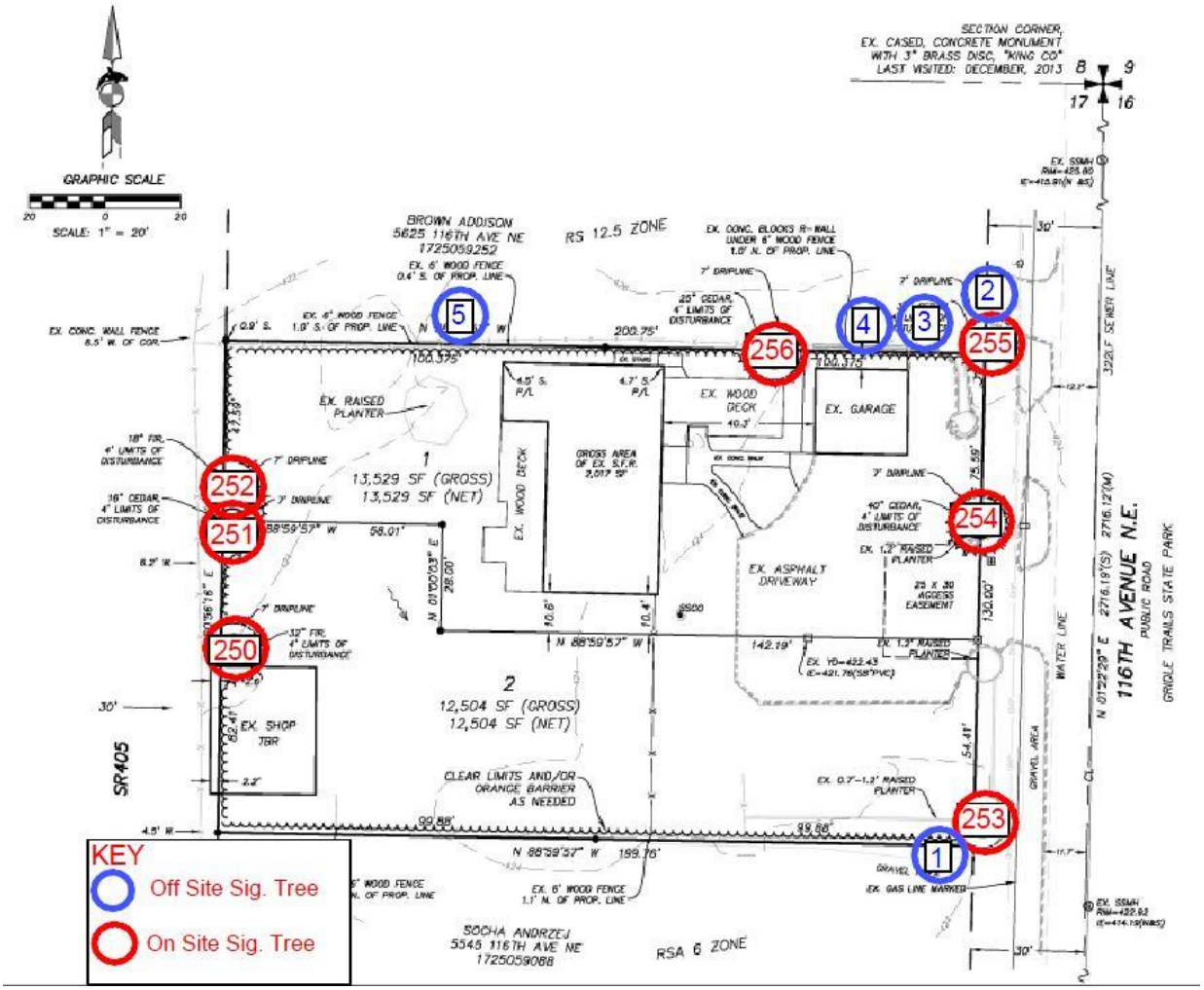
When approaching the Kirkland property, I toured the property to identify the significant trees on site. Once the trees were identified they were visually assessed, following the protocol of the ISA, which includes looking at the overall health of the tree as well as the site conditions. The identified trees were tagged with numbered aluminum tags and the tree species, trunk diameter, location, and height using a Clinometer was documented. Additionally, the trees were assessed on their current health condition. These items were documented in my tree inventory. This is based on the methods described in "A Photographic Evaluation of Hazard Tree's in Urban Areas, 2nd Edition (Matheny and Clark, 1994).

Tree #	Species	D.B.H.	Inspector /Date of Inspection	Condition	Defects
250	Douglas fir	32"	KL 9/19/14	Good	
251	Western red cedar	17"	KL 9/19/14	Fair	Wound at Trunk
252	Douglas fir	21"	KL 9/19/14	Good	
253	Big leaf maple	29.5"	KL 9/19/14	Fair	Decay in trunk
254	Western red cedar	40"	KL 9/19/14	Good	Decay in trunk
255	Western red cedar	34"	KL 9/19/14	Fair	Foliage drop/ Discoloration
256	Western red cedar	25"	KL 9/19/14	Good	

On Site Significant Tree Inventory Table

Tree #	Species	D.B.H.	Inspector /Date of Inspection	Condition	Defects
1	Western Red Cedar	33”	KL 9/27/14	Good	
2	Western Red Cedar	37.5”	KL 9/27/14	Fair-Good	Decay at root collar
3	Western Red Cedar	21”	KL 9/27/14	Good	
4	Douglas Fir	29.5”	KL 9/27/14	Good	
5	Western red cedar	30”	KL 9/27/14	Good	Co-dominant leaders

Off Site Significant Tree Inventory Table



Significant Tree Site Map

OBSERVATIONS

The Kirkland property is a rectangular parcel with one house located centrally on the property, a garage on the NE corner of the property and a small shed on the SE portion. The parcel is bordered on the West by Interstate 405 and on the East by 116th Ave NE. It also is important to note that approximately 1/3 of the property is currently paved with a large asphalt driveway and parking area on the East portion of the parcel. I identified (7) significant trees on the property. These have all been tagged as #250-256. There were also (5) significant trees on bordering properties which have drip lines that extend onto the subject parcel, which were not tagged. See the table above for the significant tree inventory and site map. A more detailed description of each tree as well as photo documentation of the trees on site follows.

Tree #250- 32" D.B.H. Douglas Fir tree, *Pseudotsuga menziesii* is in good condition. It is approximately 100' tall with an average 10' physical drip line radius. There is minor dieback and sap on the lower trunk, but no visible wounds or defects are present. There is very little root flare and the tree is approximately 2.5' away from a small shed to the South of the tree. Additionally, directly to the West of the tree is a large concrete sound barrier wall approximately 5' from the tree. Although it is very likely the root zone of the tree has been compromised due to the concrete wall and shed, the tree appears to be in good health. It is my recommendation to prevent future damage to the tree that an L.O.D. (Limit of Disturbance) is set to a minimum of 10' from the center of the tree. The small shed to the South of the tree is proposed to be removed, if this is approved a layer of mulch should be applied to the root zone and tree protection fencing should be installed to prevent further compaction and possible damage to the tree. In addition, I recommend removing excess soil and material around the trunk of the tree to prevent possible root rot and failure.

Tree #250 proximity to shed and wall

Tree #250 Foliage

Tree #251- 17" D.B.H. Western Red Cedar *Thuja plicata* is in fair to good condition. It is approximately 85' tall with an average 10' physical drip line radius. There is very little root flare visible, which is possibly due to the large amount of mulch/compost mounded near the trunk to the West of the tree. In addition the root zone has likely been compromised due its proximity to the concrete wall mentioned in the description of Tree #250. The tree has a good live crown ratio and the only physical defect visible is the presence of a wound on the lower portion of the trunk. Additionally chicken wire has been installed around the trunk possibly to protect it from dogs. It does not appear to be affecting the health of the tree; however the wire is beginning to embed itself into the bark and should be removed before it damages the tree. The tree has been recently limbed up, but the cuts appear to be well executed. It is my recommendation to prevent damage to the tree from future development or construction that a L.O.D. is set to a minimum of 10' from the center of the tree. Additionally as with Tree #250, I recommend removing the excess material around the base of the tree so there is no more than a 4-6" layer of mulch covering the critical root zone.

Tree #251 Wound, excess material at base of tree

Tree #251 Foliage

Tree #252- 21" D.B.H. Douglas Fir tree, *Pseudotsuga menziesii* is in good condition. It is approximately 100' tall with an average 10' physical drip line radius. As with Trees #250 and #251 it is in close proximity to the concrete sound barrier and has an excess of material mounded over the critical root zone. It also has been wrapped in chicken wire, which should be removed in the near future. It appears to be healthy and has no visible signs of decay or defects. It has a good live crown ratio with healthy foliage. I also recommend a L.O.D. is set to a minimum 10' from the center of the tree and to remove excess material from the critical root zone to prevent damage to the tree.

Tree #252 Base of tree showing no visible root flare

Tree #252 Foliage

Tree #253 Big Leaf Maple *Acer macrophyllum* 29.5" D.B.H. Tree #253 is in fair condition and is located on the far SE corner of the property. It is approximately 90' tall with a 25' average physical dripline radius. The tree is codominant with two leaders. There is included bark present where the two leaders are fused and also apears to twist and grow around each other. There are signs of decay in the trunk as shown in the pictures below and evidence of cavities in the tree. The critical root zone also is of great concern due to the amount of compaction evident. 116th Ave NE runs directly to the East of the tree. Additionally it appears that some of the large anchor roots of the tree may have been cut during the construction of the block planter confining the tree. Due to the presence of the decay, the probability of the compromised root structure, and the tree's close proximity to a busy arterial, it is recommended that this tree is monitored annually for further decline. In addition, it is my reccommendation that a L.O.D. is a minimum of 15' from the center of the tree to prevent further compaction and damage to the critical root zone.

Tree #253 Raised block planter

Tree # 253 Codominant leaders with included bark

Tree #253 Cavity in tree

Tree # 253 Decay in trunk

Tree #254- 40" D.B.H. Western Red Cedar *Thuja plicata* is in good condition. It is approximately 100' tall with an average 10' physical drip line radius. The tree appears to be healthy despite the fact that approximately 75% of the critical root zone is paved. There are no visible wounds or defects and the tree has a good live crown ratio. The base of the tree is confined by a block wall planter circling the entire tree. It is unclear where the root flare of the tree is. The planter was either built up around the base of the tree, or excavation of the site required the creation of the planter to preserve the tree. In either case, the root zone is exposed to compaction and the water available to the roots is extremely limited due to the paving around the base of the tree. This is of great concern due to cedar trees predominantly shallow root system, which requires more water. The amount of oxygen to the roots is also limited and this tree is very susceptible to root rot, if not already present. This tree should be monitored for decline and a L.O.D. should be set at minimum of 10' from the center of the tree.

Tree# 254 Asphalt paving

Tree# 254 Foliage

Tree #255- 34" D.B.H. Western Red Cedar *Thuja plicata* is in fair condition. It is approximately 100' tall with an average 10' physical drip line radius. It is living in the same confined conditions as previously described of Tree# 254. This tree appears to be more stressed than Tree 254 and is showing some signs of decline. There is a large amount of yellowing foliage and foliage drop. This could be an indication of root decay, or a sign of heat stress, which is amplified by the large amount of asphalt surrounding the tree. This tree should be monitored very closely for further decline and may need to be removed in the future if the tree continues to decline. As with Tree #254, a L.O.D. should be set at minimum of 10' from the center of the tree.

Tree #255 Confined root zone

Tree# 255 Discolored Foliage

Tree #256- 25” D.B.H. Western Red Cedar *Thuja plicata* is in good condition. It is approximately 65’ tall with an average 10’ physical drip line radius. It is located on far North side of the property. There are no major signs of defect however, there is evidence the roots have been cut in the construction of the perimeter fence directly above the root flare of the tree. The area does not appear to be used frequently so compaction may be limited, but there are stepping stones directly to the south of the trunk. I recommend a L.O.D. should be set at minimum of 10’ from the center of the tree, it is important to prevent any further damage to the root system and the decline of the tree.

Tree # 256 Fence on root flare

Tree# 256 Stepping stones near trunk

In addition to the significant trees on site, there are (5) significant trees offsite which have drip lines that extend onto the subject parcel.

Tree # 1-33" D.B.H. 33" Western Red Cedar *Thuja plicata* is in good condition. It is approximately 100' tall with an average 10' physical drip line radius. It is located on the South bordering property. The tree has a high live crow ratio and no visible defects. There is a chain link fence that borders the tree, which will be concerning in the near future because it is beginning to embed itself into the tree which could pose an issue in the future. It would be beneficial to the future health of the tree to remove/move the fence. I recommend a minimum L.O.D. of 10' from the center of the tree.

Tree #1 Chain link fence around trunk

Tree # 2- 37.5" D.B.H. Western Red Cedar *Thuja plicata* is in seemingly good condition. It is approximately 100' tall with an average 10' physical drip line radius. It is located on the far NE corner of the site. The tree appears to be healthy with very little dieback and a high live crown ratio. I did observe some decay at the root collar. It is unclear as to if the decay was from a previous failure or if the tree was a stump sprout. In either case, this tree is very susceptible to root rot and should be monitored. It also appears some of the anchor roots were cut when constructing the retaining wall that is beneath the tree, and the tree is growing in a confined space. Despite the decay and location of the tree it appears to be doing well, but as previously mentioned should be monitored for further decay. To prevent harm to this tree, I recommend a minimum L.O.D. of 10' from the center of the tree.

Tree # 2 Photo of decay at root collar

Tree # 2 Tree location and retaining wall

Tree # 3- 21" D.B.H. Western Red Cedar *Thuja plicata* is in good condition. It is approximately 80' tall with an average 10' physical drip line radius. There are no visible defects to the tree and it appears to be healthy. I noticed some yellowing foliage, but it was very minimal. The majority of the tree had good color with a high live crown ratio. My only concern for this tree is its close proximity to Tree #4. It is very close to a large Douglas Fir, which could stress the tree in the future competing for light and water. To prevent any further stress to this tree I recommend a minimum L.O.D. of 10' from the center of the tree.

Tree # 3 Yellow Foliage

Tree # 4- 29.5” D.B.H. Douglas Fir Tree *Pseudotsuga menziesii* is in good condition. It is approximately 100’ tall with an average 10’ physical drip line radius. There are no visible defects and the tree appears to be very healthy. It has good form with a high live crown ratio and little to no dieback. To enable this tree to continue to thrive, I recommend a minimum L.O.D. of 10’ from the center of the tree.

Tree #4 Douglas Fir behind Western Red Cedar

Tree # 5- 30” D.B.H. Western Red Cedar *Thuja plicata* is in good condition. It is approximately 100’ tall with an average 10’ physical drip line radius. It appears to be healthy with no visible defects except for co-dominate leaders, which could pose a hazard in the future. The tree is in a good location with room to grow. It is approximately 4 feet away from a fence to the South of the tree but the roots have ample room for growth to the north with nothing confining them. To maintain the good health of the tree I recommend a minimum L.O.D. of 10’ from the center of the tree.

Tree #5 Root collar

Tree #5 Co-dominant leaders

CONCLUSIONS

As previously mentioned and described above, there are (7) significant trees on site. The trees are currently growing in less than ideal conditions and are exposed to a great deal of compaction to the root zone. It is critical that any future development adheres to the minimum L.O.D. to prevent further damage to the root zone and potential failure of the significant trees on site. It is also my recommendation that actions should be taken now to improve the current growing conditions to aid in the health and longevity of the significant trees on and off site.

Terms and Abbreviations used in the inventory:

1 Cavity- An open wound, characterized by the presence of decay and resulting and resulting in a hollow.

2 Co-dominant -Branches or stems arising from a common junction, having nearly the same size diameter.

3 Compaction-Breaking down soil particles by mechanical means, resulting in loss of macropores.

4 Crown-Upper part of a tree, measured from the lowest branch, including the branches and foliage.

5 DBH - Diameter at Breast Height, Considered to be 4.5´ from ground level.

6 Decay-Process of degradation of woody tissues by fungi and bacteria through decomposition of cellulose and lignin.

7 Decline- Progressive decrease in health of organs or the entire plant; usually caused by a series of interacting factors.

8 Dieback- Progressive death of twigs and small branches, generally from tip to base.

9 Dripline- The width of the crown, as measured by the lateral extent of foliage.

10 Included bark- Pattern of development at branch junctions where bark is turned inward rather than pushed out; contrast with branch bark ridge.

11 Live Crown Ration-The size of the canopy of coniferous trees relative to their overall height.

12 Root flare/crown/collar- Area at the base of the tree where the roots and the stem merge.

Assumptions and Limiting Conditions:

1) Information in this report includes only the items that were examined and reflects the condition of the items at the time of the inspection.

2) The inspection that generated this report was limited to a Visual Examination of the Trees; Root Crown, Trunk, Scaffolds and Branches, from the ground, without coring, laboratory testing, excavation or probing. The assessment provided represents the consultants personal opinion of the trees current health and in no way guarantees future safety or predicts future events.

3) Diagrams, Photographs and Plan views that are included in this report, are intended as visual aids, and are not necessarily to scale.

4) It is the responsibility of the Property Owners/Managers to schedule additional site assessments by qualified professionals to update the findings of this report and additional changes to trees on site. Inspections should take place at 3-5 year intervals and additionally after adverse weather conditions. As conditions change over time and in response to other influences such as adverse weather, construction exc., it is important to identify new hazards and update the condition of trees that are being monitored.

5) It is the responsibility of the Property Owner / Manager to obtain required permits, for any work being done on site.

6) It is the responsibility of the Property Owner / Manager to follow all applicable laws, permit conditions, and if there is a home owners association the Property Owner / Manager must follow all relevant CC & R's that are associated with tree pruning and removal.

7) The consultant shall not be required to give testimony or attend court concerning items contained within this report.

8) The consultant shall be held harmless for any injuries or damages incurred from tree failure of the trees covered in this report, or other onsite trees not covered in this report.

9) No part of this report shall be distributed to the public through advertising, public relations, sales or other media, without the prior written or verbal consent of the consultant.

From: Palisoc, Felixberto [mailto:PalisoF@wsdot.wa.gov]
Sent: Tuesday, November 18, 2014 1:53 PM
To: Angela Martin
Subject: RE: Notice of Application - Apopei Short plat SUB14-01698

Ms. Martin,

Can you please send us, if available, the drainage plan or report for this project? The only concern we have for this short plat is drainage conveyance. We want to make sure that there is no explicit discharge from the site onto our ROW, or that runoff is properly treated if the natural drainage pattern goes onto our ROW.

Felix Palisoc
Local Agency and Development Services Engineer
206-440-4713
WSDOT – NWR
15700 Dayton Ave N
PO Box 330310
Seattle, WA 98133-9710

CONCOMITANT AGREEMENT RELATING TO CONSTRUCTION OR INSTALLATION OF PUBLIC IMPROVEMENTS

Parcel Data File: _____

THE UNDERSIGNED acknowledge that application has been made to the City of Kirkland for:

Subdivision Approval File No.:
Substantial Development Permit File No.:
Building Permit No.:
Zoning Permit File No.:
Parcel No.:
Project Name:
Project Address:

for proposed development of the hereinafter described real property, which development, alone or in conjunction with existing and/or future developments, makes necessary certain public improvements and that such additional public improvements will benefit said real property.

THE UNDERSIGNED warrant to the City of Kirkland that they are all the owners of the real property hereinafter described with full power to enter into agreements and/or covenants which will run with the land.

In lieu of actual construction of required public improvements at this time, and also to provide for mitigation of the impacts of the proposed development, THE UNDERSIGNED agree to immediately install or pay for, as instructed by the City of Kirkland in written notice given within fifteen (15) years from the date of this Agreement, **(_____ percent of the cost of signal(ization) (modification), channelization, and other necessary improvements to the intersection of _____, the proportionate share of the cost, which shall be limited to City sources of funding, of undergrounding overhead utility lines adjacent to the property frontage within the _____ right-of-way, and the following described half-street right-of-way improvements adjacent to the property frontage within the _____ right-of-way, including, but not limited to, the following:**

1. **Vertical curbs, gutters, and underground storm drainage, street widening**
2. **Sidewalk**
3. **Landscape strip and street trees**
4. **Project administrative and engineering costs**
5. **Other: _____**

Any money paid by THE UNDERSIGNED to be used by the City toward the cost of a public improvement shall be subject to the repayment provisions of RCW 82.02.020 unless the basis for requiring the payment is the mitigation of an adverse environmental impact required by RCW 43.21C or Chapter 24.02 Kirkland Municipal Code, in which case RCW 82.02.020 shall not apply.

THE UNDERSIGNED agree to be responsible for the full performance of this agreement until the City actually accepts the improvement and hereby secure this performance as binding upon all of the owners of the real property hereinafter described and their heirs, successors and assigns and agrees that this agreement shall run with the land described as follows:

SEE EXHIBIT A

The provisions of this agreement may be enforced by civil action commenced by either party for specific performance, civil damages, equitable relief, or declaratory judgment. Provided, however, that in any action commenced to enforce this agreement, the validity or appropriateness of the payment for or installation of the specified public improvements by THE UNDERSIGNED shall not be raised as an issue, since opportunity to raise such issue has been available. The prevailing party in any enforcement action upon this Agreement shall be entitled to reasonable attorneys' fees.

DATED at Kirkland, this _____ day of _____, _____.

(Sign in blue ink)

(*Individuals Only*)

OWNER(S) OF REAL PROPERTY (INCLUDING SPOUSE)

_____

_____

_____

(*Individuals Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me known to be the individual(s) described herein and who executed the Concomitant Agreement Relating to Construction or Installation of Public Improvements and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____
Notary's Signature

_____
Print Notary's Name
Notary Public in and for the State of Washington, Residing at: _____
My commission expires: _____

(*Partnerships Only*)

OWNER(S) OF REAL PROPERTY

_____

(Name of Partnership or Joint Venture)

_____

By General Partner

_____

By General Partner

_____

By General Partner

(*Partnerships Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me, known to be general partners of _____, the partnership that executed the Concomitant Agreement Relating to Construction or Installation of Public Improvements and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____

Notary's Signature

_____

Print Notary's Name

Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____

(Corporations Only)

OWNER(S) OF REAL PROPERTY

_____

(Name of Corporation)

_____

By President

_____

By Secretary

(*Corporations Only*)

STATE OF WASHINGTON)
) SS.
County of King)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____, to me, known to be the President and Secretary, respectively, of _____, the corporation that executed the Concomitant Agreement Relating to Construction or Installation of Public Improvements and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

_____

Notary's Signature

_____

Print Notary's Name

Notary Public in and for the State of Washington, Residing at: _____

My commission expires: _____