



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033
425.587-3225 - www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, AICP, Planning Director *Eric Shields*
Tony Leavitt, Project Planner

Date: April 17, 2014

Subject: Willows Bluff Final Subdivision, File No. SUB12-00382

RECOMMENDATION

City Council approves with conditions the Final Subdivision application for the Willows Bluff Plat. The City Council may do so by adopting the enclosed resolution.

BACKGROUND DISCUSSION

The Willows Bluff Preliminary Subdivision (previously known as the Momco Subdivision) was heard by the City's Hearing Examiner on October 4, 2012. The Hearing Examiner approved the project with conditions on October 10, 2012.

The proposal includes the following elements:

- Subdivision of a parcel comprising 4.69 acres, into 26 lots for single-family residences within a RSA 6 zone;
- Access is to be provided via a new public access road (NE 129th Place). All lots will take access from this new road;
- A SEPA Determination of Non-Significance was issued on August 29, 2012.

The proposal complies with the Final Subdivision Approval Criteria as stated in Attachment 1.

The main conditions include tree retention plan phasing requirements and that as part of the land surface modification, the applicant shall install a public pedestrian walkway from NE 128th Street to the proposed access road, and from the access road, between Lots 7 and 8, to the north property line of the subject property to allow a pedestrian connection with any future development to the north. The recorded mylar of the final plat shall include a public pedestrian easement that encompasses the walkway.

ENCLOSURES

1. Planning Director Recommendation with Enclosures



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**MEMORANDUM ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

To: Eric R. Shields, AICP, Planning Director
From: Tony Leavitt, Associate Planner
Date: March 17, 2014
File: WILLOWS BLUFF FINAL SUBDIVISION, FILE NO. SUB12-00382

I. RECOMMENDATION

Approve the Final Subdivision application for the Willows Bluff Plat.

II. BACKGROUND

- A. The applicant is Toll WA LP
- B. The site is located at 12820 136th Avenue NE (See Attachment 1)
- C. This is a final subdivision application to approve a 26-lot subdivision on a 4.69-acre site in a RSA 6 zone (see Attachment 2). Lots range in size from 5,106 to 7,326 square feet.

III. HISTORY

- A. The Preliminary Subdivision (then known as the Momco Subdivision) was heard by the City's Hearing Examiner on October 4, 2012. The Hearing Examiner approved the project with conditions on October 10, 2012 (see Attachment 3).
- B. A traffic concurrency test was passed on May 11, 2012 and a SEPA Determination of Non-Significance was issued for the proposal on August 29, 2012.

IV. ANALYSIS

- A. Approval Criteria
 - 1. Facts: Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
 - a. Consistency with the preliminary plat, except for minor modifications; and

b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application by the City's Hearing Examiner. The applicant has submitted a security with the City to cover all remaining public improvements and utilities as required by the preliminary subdivision approval.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 1 through 3 are attached.

- 1. Vicinity Map
- 2. Final Plat
- 3. Hearing Examiner Decision

Review by Planning Director:

I concur I do not concur



March 17, 2014

Eric R. Shields, AICP

Date

**WILLOWS BLUFF
FINAL SUBDIVISION
SUB12-00382**

MA 2.4

135TH AVE NE

NE 133RD ST

RSA 6

134TH AVE NE

RSA 8

NE 129TH PL

NE 129TH ST

136TH AVE NE

EASTSIDE RAIL CORRIDOR

139TH AVE NE

141ST AVE NE

NE 128TH ST

12207 86th Avenue NE

NE 126TH PL

TL 7



WILLOWS RD

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND DECISION**

APPLICANT: Paul Lymberis of Toll WA LP, for Momco Investments LP, Owner

FILE NO: SUB12-00382

APPLICATION:

1. Site Location: 12820 136th Avenue NE
2. Request: To subdivide a 204,356 square foot parcel into 26 lots with access provided via a new access road from 136th Avenue NE.
3. Review Process: Process IIA, the Hearing Examiner conducts a public hearing and makes a final decision on the preliminary subdivision.
4. Key Issues: Compliance with applicable subdivision criteria and development regulations.

RECOMMENDATION:

Department of Planning and Development

Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the preliminary subdivision application on October 4, 2012, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development. The Examiner visited the site following the hearing.

TESTIMONY AND PUBLIC COMMENT:

Tony Leavitt, Project Planner, testified on behalf of the Department of Planning and Community Development, Paul Lymberis testified on behalf of the applicant, Momco Investments LP, and Lon Delma testified on behalf of his father, E.W. Moore, who owns the abutting property to the north of the subject property.

EXHIBITS:

The following exhibits were entered into the record:

Exhibit A	Department's Advisory Report with Attachments 1 through 6
Exhibit B	Revised Development Standards List (replaces Attachment 3 to Exhibit A)
Exhibit C	Plan revisions that show the north portion and labeling for the easement between Lots 7 and 8
Exhibit D	Letter dated October 3, 2012 from Lon Delma to Hearing Examiner
Exhibit E	Sewer service availability letter dated May 10, 2011 from Woodinville Water District
Exhibit F	Kirkland Utility Availability Form dated May 18, 2012 completed by Northshore Utility District

FINDINGS AND CONCLUSIONS:

Having considered the evidence in the record and inspected the site, the Hearing Examiner enters the following:

Findings of Fact:

Site and Vicinity

1. The site is located in the Kingsgate neighborhood and is addressed as 12820 136th Avenue NE. It is 204,356 square feet (4.69 acres) in area and is developed with a single-family residence and several accessory structures.
2. The site is zoned RSA 6, a single-family residential zone with a maximum density of 6 units per acre and a minimum lot size of 5,100 square feet.
3. The site slopes up steeply from 136th Avenue NE to the east property line and the southeast corner of the site. It includes 98 significant trees (6 inches or more diameter at breast height).
4. To the north and east is RSA 6 zoning and single-family development; to the west is RSA 8 zoning and single-family development; and to the south is TL 7 zoning that is developed with an industrial park.

Proposal

5. The applicant proposes to remove the existing single-family residence and accessory buildings and divide the existing parcel into 26 single-family lots, ranging in size from 5,100 to 8,854 square feet in size, with access provided from 136th Avenue NE.
6. The applicant is proposing phased review of tree retention on the property and submitted an arborist report and tree inventory, which were reviewed and confirmed by the City Arborist. There are 73 viable trees on the site. Ten are of High Retention Value, and 63 are of Moderate Retention Value.

7. The Public Works Department has determined that a midblock pedestrian access is necessary from 128th Street because there is no north/south right-of-way east of 136th Avenue NE.

8. The proposed plans, Attachment 2 to Exhibit A, show a pedestrian access easement extending from the cul-de-sac of the proposed access road, across Tract B, to NE 128th Street. Design requirements for the easement are included in Exhibit B.

9. The Public Works Department recommends that the applicant provide a pedestrian connection to the planned subdivision to the north of the subject property by constructing a 10-foot-wide pedestrian easement with an 8-foot-wide walkway between lots 7 and 8. The pedestrian easement would be constructed over a 15-foot-wide storm drainage easement for a 12-inch storm line that would be extended to the north property line, terminating in a catch basin for future extension. *See* Exhibit B, page 9 of 12, and Exhibit C.

10. The applicant has received a letter of water availability from the Woodinville Water District, and a Utility Availability Form completed by the Northshore Utility District concerning the availability of sewer service following an interlocal agreement with the Woodinville Water District. Exhibits E and F.

Comprehensive Plan

11. The Comprehensive Plan Land Use Map designates the subject property for low density residential use, with a density of six dwelling units per acre.

Public Comment

12. The Department received no comments on the proposal during the initial public comment period for the application, which ran from June 29, to July 26, 2012, or prior to the hearing.

13. A written comment from Lon Delma was provided at the hearing. The comment supports approval of the Momco application but seeks assurance that storm and sewer lines will be extended to the north boundary line of the subject property for later use when the adjacent property to the north is developed. Exhibit D.

14. At hearing, the applicant indicated a willingness to work with the adjoining property owner on the matter of extending the sewer line, but Mr. Delma's testimony included an acknowledgement that the Examiner lacks jurisdiction to require the requested extension,

State Environmental Policy Act

15. Pursuant to the State Environmental Policy Act (SEPA), the Department issued a Determination of Nonsignificance for the proposal on August 29, 2012, which was not appealed. *See* Exhibit A, Attachment 4.

Traffic Impacts

16. The application passed Traffic Concurrency on May 21, 2012. The traffic impact analysis for the proposal is included in Attachment 5 to Exhibit A. The Public Works Department concluded that the proposal would not create significant traffic impacts that would require off-site traffic mitigation, but recommended conditions that address road impact fees and the alignment of the intersection of NE 128th Street and NE 126th Place.

Applicable Law

17. KZC 95.30.6.a allows for phased review of tree retention as part of the subdivision process. In phased review, the applicant submits a tree retention plan that addresses only trees affected by known improvements at the time of application, and tree removal is limited to those affected areas. A new tree retention plan is required for each subsequent phase of the project. KMC 95.30.6 also includes tree retention plan modification requirements.

18. Exhibit B includes tree retention and other development standards and requirements for the project.

19. The “Design Requirements” chapter of the Subdivision Code, KMC 22.28, includes a provision on walkways. KMC 22.28.170 provides that if a pedestrian walkway is indicated as appropriate in the Comprehensive Plan or is reasonably necessary to provide efficient pedestrian access to a designated activity center, or if blocks are unusually long, the City may require construction of pedestrian walkways via dedicated rights-of-way, tracts or easements.

20. KZC 105.19.1 states that an applicant for new development may be required to install

pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

- a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or

- b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or to transit; or
- c. A through-block pedestrian pathway where specifically required in Design Districts; or
- d. A through-block pedestrian pathway if blocks are unusually long; or
- e. Pedestrian access is necessary to connect between existing or planned dead-end streets, through streets, or other pedestrian access.

21. KZC 150.65.3 provides that the Hearing Examiner may approve a Process IIA application only if it is "consistent with all applicable development regulations, and to the extent there is no applicable development regulation, the Comprehensive Plan," and is "consistent with the public health, safety and welfare."

22. KMC 22.12.230 provides that the Hearing Examiner may approve a proposed 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 Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

23. In a Process IIA, the applicant bears the burden of convincing the Hearing Examiner that the applicant is entitled to the requested decision. KZC 150.50.

Conclusions:

- 1. Parcel size, zoning and development, neighboring zoning and development, and terrain are not constraining factors in the review of this subdivision application.
- 2. The proposed subdivision is consistent with the site's zoning, which is consistent with the Comprehensive Plan's designation for the site.
- 3. SEPA and Traffic Concurrency requirements have been satisfied.
- 4. Since the block to the east of 136th Avenue NE is unusually long, a midblock pedestrian access should be constructed pursuant to KMC 22.28.170 and KZC 105.19.1.d, as recommended by the Public Works Department. As part of the land surface modification, the applicant should install a public pedestrian walkway from NE

128th Street to the proposed access road, and from the access road, between Lots 7 and 8, to the north property line of the subject property. The recorded mylar of the final plat should include a public pedestrian easement that encompasses the walkway.

5. The proposed subdivision will create infill residential development and is consistent with Comprehensive Plan goals for area in which the subdivision is located.

6. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. As conditioned, it is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

DECISION:

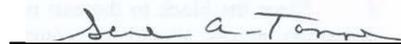
Based on the foregoing findings and conclusions, the application for a preliminary subdivision is approved, subject to the following conditions:

1. The subdivision is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions in these Codes. Exhibit B, "Development Standards List," is provided by the Planning and Community Development Department to familiarize the applicant with some of the development regulations that supplement these conditions of approval. Exhibit B does not include all of the additional regulations. The applicant shall comply with all requirements and recommendations included in Exhibit B and with all other applicable regulations. When a condition of approval conflicts with a development regulation included in Exhibit B, the condition of approval shall be followed.

2. The applicant shall comply with the applicable tree retention requirements of Chapter 95 KZC. The applicant shall follow the tree retention conditions outlined in Exhibit B.

3. As part of the land surface modification, the applicant shall install a public pedestrian walkway from NE 128th Street to the proposed access road, and from the access road, between Lots 7 and 8, to the north property line of the subject property. The recorded mylar of the final plat shall include a public pedestrian easement that encompasses the walkway.

Entered this 10th day of October, 2012, pursuant to authority granted by KZC 150.65 and KMC 22.12.230.


Sue A. Tanner, Hearing Examiner

PARTIES OF RECORD:

Paul Lymberis for Momco Investments LP, Applicant
Lon Delma for E.W. Moore
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

APPEAL TO THE CITY COUNCIL

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, fourteen (14) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

JUDICIAL REVIEW

Section 150.130 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

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.

LAPSE OF APPROVAL

Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within four years following the date the preliminary plat was approved or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

WILLOWS BLUFF

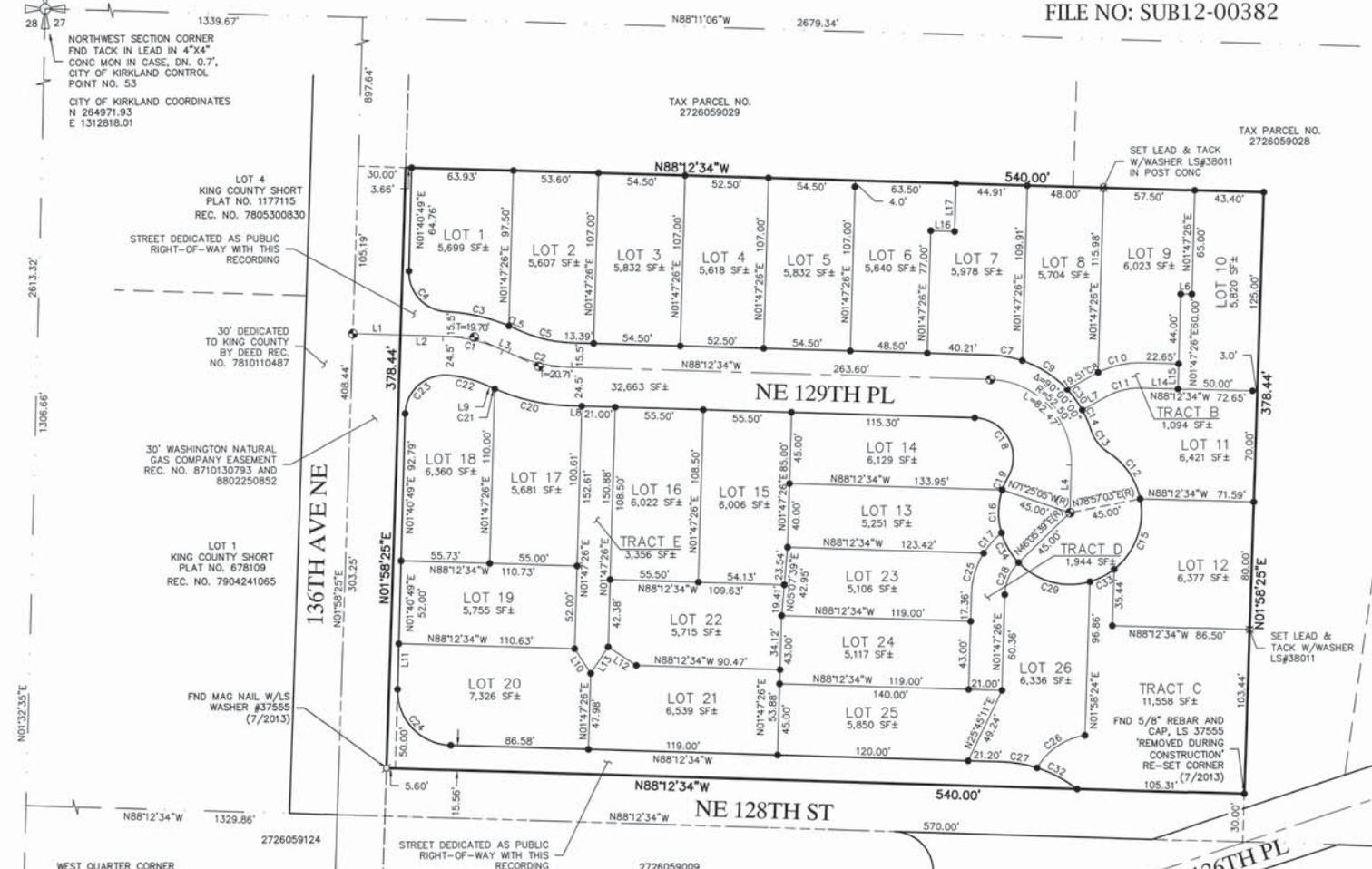
A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER
SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO: SUB12-00382



NORTHWEST SECTION CORNER
FND TACK IN LEAD IN 4"x4"
CONC MON IN CASE, DN. 0.7,
CITY OF KIRKLAND CONTROL
POINT NO. 53
CITY OF KIRKLAND COORDINATES
N 264971.93
E 1312818.01



NORTH QUARTER CORNER
FND "X" ON 3" BRASS
CAP IN CONC STAMPED
"RESET 91" FLUSH W/GND



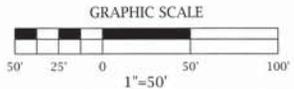
CURVE TABLE			
CURVE	DELTA ANGLE	RADIUS	LENGTH
C1	Δ = 22°50'59"	97.50'	38.88'
C2	Δ = 22°50'59"	102.50'	40.88'
C3	Δ = 20°23'55"	113.00'	40.23'
C4	Δ = 88°15'44"	75.00'	38.77'
C5	Δ = 22°50'59"	87.00'	34.70'
C6	Δ = 125°35'	113.00'	2.81'
C7	Δ = 16°49'59"	68.00'	19.88'
C8	Δ = 2°42'03"	59.00'	2.78'
C9	Δ = 28°41'43"	68.00'	34.06'
C10	Δ = 28°09'42"	59.00'	29.00'
C11	Δ = 30°51'45"	43.00'	23.16'
C12	Δ = 48°17'16"	45.00'	36.75'
C13	Δ = 40°33'09"	25.00'	17.69'
C14	Δ = 11°47'15"	68.00'	13.99'
C15	Δ = 6°30'02"	45.00'	49.48'
C16	Δ = 34°58'41"	45.00'	27.47'
C17	Δ = 19°16'25"	50.50'	16.99'
C18	Δ = 118°07'37"	25.00'	51.54'
C19	Δ = 11°20'08"	45.00'	8.90'
C20	Δ = 22°03'30"	127.00'	49.15'
C21	Δ = 0°40'29"	127.00'	1.50'
C22	Δ = 19°41'43"	73.00'	25.09'
C23	Δ = 9°31'53"	25.00'	40.69'
C24	Δ = 89°53'23"	34.50'	54.13'
C25	Δ = 30°20'51"	50.50'	26.75'
C26	Δ = 51°21'11"	42.00'	37.64'
C27	Δ = 15°52'57"	81.50'	22.59'
C28	Δ = 43°30'40"	29.50'	22.40'
C29	Δ = 62°02'38"	45.00'	48.82'
C30	Δ = 1°33'33"	68.00'	16.15'
C32	Δ = 2°00'49"	81.50'	28.61'
C33	Δ = 21°58'37"	45.00'	17.26'
C34	Δ = 27°30'35"	45.00'	21.61'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S88°12'34"E	30.00'
L2	S88°12'34"E	26.66'
L3	S65°21'35"E	4.15'
L4	S01°47'26"W	30.00'
L5	N65°21'35"W	4.15'
L6	S88°12'34"E	7.00'
L7	S68°55'41"W	17.60'
L8	S88°12'34"E	7.07'
L9	S65°21'35"E	4.15'
L10	S32°41'06"E	18.55'
L11	N01°40'49"E	28.84'
L12	N56°32'28"W	21.19'
L13	N33°27'32"E	20.00'
L14	N88°12'34"W	22.65'
L15	N01°47'26"E	16.00'
L16	N87°58'48"W	15.00'
L17	S01°47'26"W	30.06'

- LEGEND**
- FOUND MAG NAIL (AS NOTED)
 - FOUND REBAR AND CAP (AS NOTED)
 - SET 1/2" REBAR AND CAP LS#38011
 - ⊗ SET LEAD AND TACK W/WASHER LS#38011

SEE SHEET 4 OF 4 FOR PUBLIC AND PRIVATE EASEMENT DEPICTIONS

WEST QUARTER CORNER
FND PUNCH MARK ON 3"
BRASS DISK IN CASE, DN. 0.7,
CITY OF KIRKLAND CONTROL
POINT NO. 47
N88°14'04"W
CITY OF KIRKLAND COORDINATES
N 262359.65
E 1312747.64



CamWest -
A Toll
Brothers
Company
9720 NE 120th Pl, Suite 100
KIRKLAND, WA
98034

Axis
Survey & Mapping
13005 NE 126th PL
KIRKLAND, WA 98034
TEL 425.823-5700
FAX 425.823-6700

www.axismap.com	
JOB NO.	DATE
13-113	3/7/14
DRAWN BY	CHECKED BY
TJO	MTSE
SCALE	SHEET
1"= 50'	2 OF 4

PLAT NOTES

- ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.
- UTILITY MAINTENANCE: EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER LINE 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 STORM WATER LINE, WHICH JOINTLY SERVES MORE THAN ONE PROPERTY, SHALL BE JOINTLY MAINTAINED AND REPAIRED BY THE PROPERTY OWNERS SHARING SUCH LINE EXCEPT THAT OWNER OF ANY LOWER LOT SHALL NOT BE RESPONSIBLE FOR THE PORTION ABOVE THEIR CONNECTION. THE JOINT USE AND MAINTENANCE SHALL "RUN WITH THE LAND" 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 ADJUTING 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.
- PER KIRKLAND MUNICIPAL CODE 27.04.060, A CREDIT FOR TRANSPORTATION IMPACT FEES HAS BEEN GRANTED TO THIS SUBDIVISION FOR THE RE-CONSTRUCTION OF NE 128TH AND NE 126TH PL. THIS FEE WILL BE CREDITED AGAINST EACH LOT IN THE SUBDIVISION AT THE TIME OF BUILDING PERMIT REVIEW.
- UPON THE RECORDING OF THIS PLAT, TRACT B, A UTILITY AND PRIVATE ACCESS TRACT, IS CONVEYED TO THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION (HOA) AND ITS SUCCESSORS IN INTEREST. THE MAINTENANCE OF THE PRIVATE ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOA AND THE COSTS THEREOF SHALL BE BORNE EQUALLY BY THE OWNERS OF LOTS 9 AND 10. SEE EASEMENT NOTE 14.
- UPON THE RECORDING OF THIS PLAT, TRACT C, AN OPEN SPACE AND PUBLIC STORM DRAINAGE TRACT, IS CONVEYED TO THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION AND ITS SUCCESSORS IN INTEREST. THE MAINTENANCE OF THE OPEN SPACE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOA. SEE EASEMENT NOTE 8 FOR PUBLIC TRAIL EASEMENT LOCATED IN TRACT C AND ASSOCIATED MAINTENANCE RESPONSIBILITIES. SEE EASEMENT NOTE 15 FOR PUBLIC STORMWATER EASEMENT AND VEHICULAR ACCESS EASEMENT LOCATED IN TRACT C AND ASSOCIATED MAINTENANCE RESPONSIBILITIES.
- UPON THE RECORDING OF THIS PLAT, TRACT D, A UTILITY AND PRIVATE ACCESS TRACT, IS CONVEYED TO THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION (HOA) AND ITS SUCCESSORS IN INTEREST. THE MAINTENANCE OF THE PRIVATE ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOA AND THE COSTS THEREOF SHALL BE BORNE EQUALLY BY THE OWNERS OF LOTS 23-26. SEE EASEMENT NOTE 16.
- UPON THE RECORDING OF THIS PLAT, TRACT E, A UTILITY AND PRIVATE ACCESS TRACT, IS CONVEYED TO THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION (HOA) AND ITS SUCCESSORS IN INTEREST. THE MAINTENANCE OF THE PRIVATE ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOA AND THE COSTS THEREOF SHALL BE BORNE EQUALLY BY THE OWNERS OF LOTS 19-22. SEE EASEMENT NOTE 17.
- ALL ROCK AND MASONRY BRICK WALLS CONSTRUCTED WITHIN THIS SUBDIVISION, SPECIFICALLY ADJACENT TO OR ON LOTS 1, 2, 10, 11, AND 12 SHALL BE OWNED AND MAINTAINED BY SAID LOT OWNERS.
- ALL ROCK AND MASONRY BRICK WALLS CONSTRUCTED WITHIN THIS SUBDIVISION, SPECIFICALLY ADJACENT TO OR ON LOTS 21, 25, 26 AND TRACT C SHALL BE OWNED AND MAINTAINED BY THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION.

EASEMENT NOTES (SEE SHEET 4 OF 4 FOR GRAPHICALLY DEPICTED EASEMENTS)

- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE NORTHSORE UTILITY DISTRICT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 6, 7, 8, 11, 17, 19, 20, 25, 26, AND TRACT B, D AND E GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING A PUBLIC SEWER LINE, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES AS RECORDED UNDER A SEPARATE RECORDED EASEMENT, RECORDING NUMBER _____.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE OWNER(S) OF LOT 9 OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOT 8 GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING PRIVATE SANITARY SEWER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THE MAINTENANCE OF THE PRIVATE SEWER FACILITIES AND THE COSTS THEREOF SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF LOT 9.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE OWNER(S) OF LOTS 8, 9, 10, 11, 12, AND TRACT B OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 9, 10, 11, 12 AND TRACT B GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING PRIVATE DRAINAGE FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THE MAINTENANCE AND THE COSTS THEREOF SHALL BE BORNE IN EQUAL SHARES BY THE OWNERS OF THOSE LOTS BENEFITING THEREFROM, EXCEPT THE OWNER OF ANY LOWER LOT SHALL NOT BE RESPONSIBLE FOR THAT PORTION ABOVE THEIR CONNECTION.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE OWNER(S) OF LOTS 13, 14, 15, 16, 23, 24, 25, 26 AND TRACT D OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 13, 15, 23, 25, 26 AND TRACT D GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING PRIVATE DRAINAGE FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THE MAINTENANCE AND THE COSTS THEREOF SHALL BE BORNE IN EQUAL SHARES BY THE OWNERS OF THOSE LOTS BENEFITING THEREFROM, EXCEPT THE OWNER OF ANY LOWER LOT SHALL NOT BE RESPONSIBLE FOR THAT PORTION ABOVE THEIR CONNECTION.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE OWNER(S) OF LOTS 17, 18, 19 AND 22, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 17, 20, 21 AND TRACT E GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING PRIVATE DRAINAGE FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THE MAINTENANCE AND THE COSTS THEREOF SHALL BE BORNE IN EQUAL SHARES BY THE OWNERS OF THOSE LOTS BENEFITING THEREFROM, EXCEPT THE OWNER OF ANY LOWER LOT SHALL NOT BE RESPONSIBLE FOR THAT PORTION ABOVE THEIR CONNECTION.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 6, 7, 12, 13, 23, 24, 25, AND 26 GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING PUBLIC DRAINAGE FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO WOODVILLE WATER DISTRICT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 6 AND 7 GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING A PUBLIC WATER LINE AND APPURTENANCES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES AS RECORDED UNDER A SEPARATE RECORDED EASEMENT, RECORDING NUMBER _____.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 6, 7, AND TRACT C GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF A PUBLIC PEDESTRIAN WALKWAY, MAINTENANCE, REPAIRS, AND RECONSTRUCTION OF THE WALKWAY AND STAIRS WITHIN THE EASEMENT SHALL BE THE RESPONSIBILITY OF THE CITY OF KIRKLAND.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOT 20 GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING A CLEAR ZONE SIGHT DISTANCE AREA, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE OWNER(S) OF LOT 13 OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOT 23 GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING PRIVATE SANITARY SEWER FACILITIES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH PURPOSES. THE MAINTENANCE OF THE PRIVATE SEWER FACILITIES AND THE COSTS THEREOF SHALL BE THE RESPONSIBILITY OF THE OWNER(S) OF LOT 13.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 13, 14, 26, AND TRACTS C AND D GRAPHICALLY DEPICTED HEREON FOR THE PURPOSE OF A PUBLIC SIDEWALK. SEE PLAT NOTE 3 REGARDING THE MAINTENANCE OF THE SIDEWALK.
- A PUBLIC EASEMENT IS HEREBY GRANTED TO THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION ON LOTS 1 AND 18 AS SHOWN HEREON FOR THE LOCATION OF AN ENTRY MONUMENT AND ASSOCIATED LANDSCAPING, MAINTENANCE AND REPAIR RESPONSIBILITY SHALL BE THE OBLIGATION OF THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION.
- A PUBLIC EASEMENT IS HEREBY GRANTED TO THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION ON LOTS 1, 18, 19 AND 20 AS SHOWN HEREON FOR LANDSCAPING, MAINTENANCE AND REPAIR RESPONSIBILITY SHALL BE THE OBLIGATION OF THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION.
- UPON RECORDING OF THIS PLAT A PRIVATE ACCESS EASEMENT OVER TRACT B IS GRANTED AND CONVEYED TO THE OWNERS OF LOTS 9 AND 10 FOR THE PURPOSES OF INGRESS AND EGRESS. THE MAINTENANCE OF THE PRIVATE ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION AND THE COST THEREOF SHALL BE BORNE EQUALLY BY THE OWNERS OF LOTS 9 AND 10.
- UPON RECORDING OF THIS PLAT A PUBLIC STORMWATER EASEMENT OVER THE ENTIRE TRACT C IS GRANTED AND CONVEYED TO THE CITY OF KIRKLAND FOR LOCATION AND MAINTENANCE OF A STORMWATER VAULT AND ASSOCIATED PUBLIC STORM DRAINAGE FACILITIES AND A VEHICULAR ACCESS EASEMENT OVER A PORTION OF TRACT C AS GRAPHICALLY DEPICTED HEREON IS GRANTED AND CONVEYED TO THE CITY OF KIRKLAND FOR INGRESS AND EGRESS FOR PURPOSES OF MAINTENANCE AND INSPECTION OF SAID STORMWATER VAULT AND ASSOCIATED STORMWATER FACILITIES. THE MAINTENANCE OF THE VEHICULAR ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION.
- UPON RECORDING OF THIS PLAT A PRIVATE ACCESS EASEMENT OVER TRACT D IS GRANTED AND CONVEYED TO THE OWNERS OF LOTS 23-26 FOR THE PURPOSES OF INGRESS AND EGRESS. THE MAINTENANCE OF THE PRIVATE ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION AND THE COST THEREOF SHALL BE BORNE EQUALLY BY THE OWNERS OF LOTS 23-26.
- UPON RECORDING OF THIS PLAT A PRIVATE ACCESS EASEMENT OVER TRACT E IS GRANTED AND CONVEYED TO THE OWNERS OF LOTS 19-22 FOR THE PURPOSES OF INGRESS AND EGRESS. THE MAINTENANCE OF THE PRIVATE ACCESS DRIVE SHALL BE THE RESPONSIBILITY OF THE WILLOWS BLUFF HOMEOWNER'S ASSOCIATION AND THE COST THEREOF SHALL BE BORNE EQUALLY BY THE OWNERS OF LOTS 19-22.
- UPON RECORDING OF THIS PLAT A PRIVATE ACCESS EASEMENT OVER TRACT E IS HEREBY GRANTED TO LOTS 16 AND 17 FOR THE PURPOSES OF YARD AND HOME MAINTENANCE.

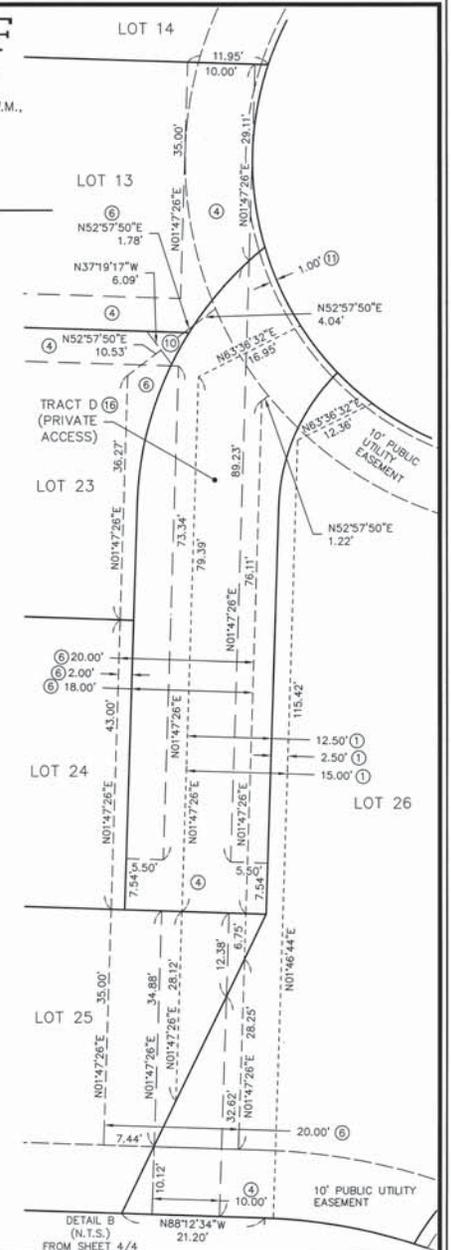
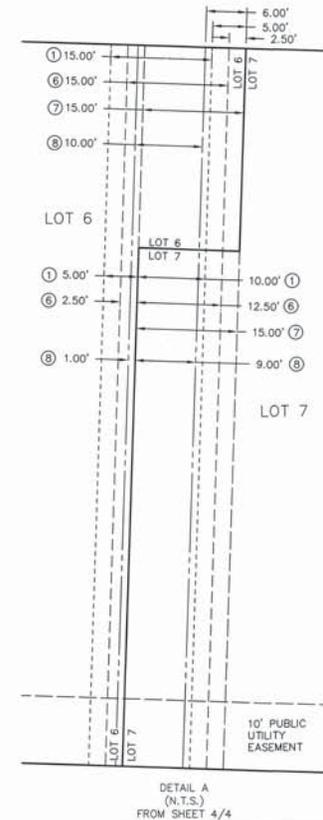
WILLOWS BLUFF

A PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO: SUB12-00382

EASEMENT DETAIL LEGEND

(SEE EASEMENT PROVISIONS MADE REFERENCE HEREON)

- ① PUBLIC SEWER
- ④ PRIVATE STORM DRAINAGE
- ⑥ PUBLIC STORM DRAINAGE
- ⑦ PUBLIC WATER
- ⑧ PUBLIC PEDESTRIAN WALKWAY
- ⑩ PRIVATE SEWER
- ⑪ PUBLIC SIDEWALK
- ⑬ PRIVATE ACCESS



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Axis
Survey & Mapping

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FAX 425.823-6700

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SCALE	SHEET
N/A	3 OF 4

EASEMENT LEGEND

(SEE SHEET 3 FOR EASEMENT PROVISIONS MADE REFERENCE HEREON)

- ① PUBLIC SEWER
- ② PRIVATE SEWER
- ③ PRIVATE STORM DRAINAGE
- ④ PRIVATE STORM DRAINAGE
- ⑤ PRIVATE STORM DRAINAGE
- ⑥ PUBLIC STORM DRAINAGE
- ⑦ PUBLIC WATER
- ⑧ PUBLIC PEDESTRIAN WALKWAY
- ⑨ CLEAR ZONE
- ⑩ PRIVATE SEWER
- ⑪ PUBLIC SIDEWALK
- ⑫ MONUMENT/LANDSCAPE
- ⑬ LANDSCAPE
- ⑭ PRIVATE ACCESS
- ⑮ PRIVATE VEHICULAR ACCESS
- ⑯ PRIVATE ACCESS
- ⑰ PRIVATE ACCESS
- ⑱ PRIVATE ACCESS

WILLOWS BLUFF

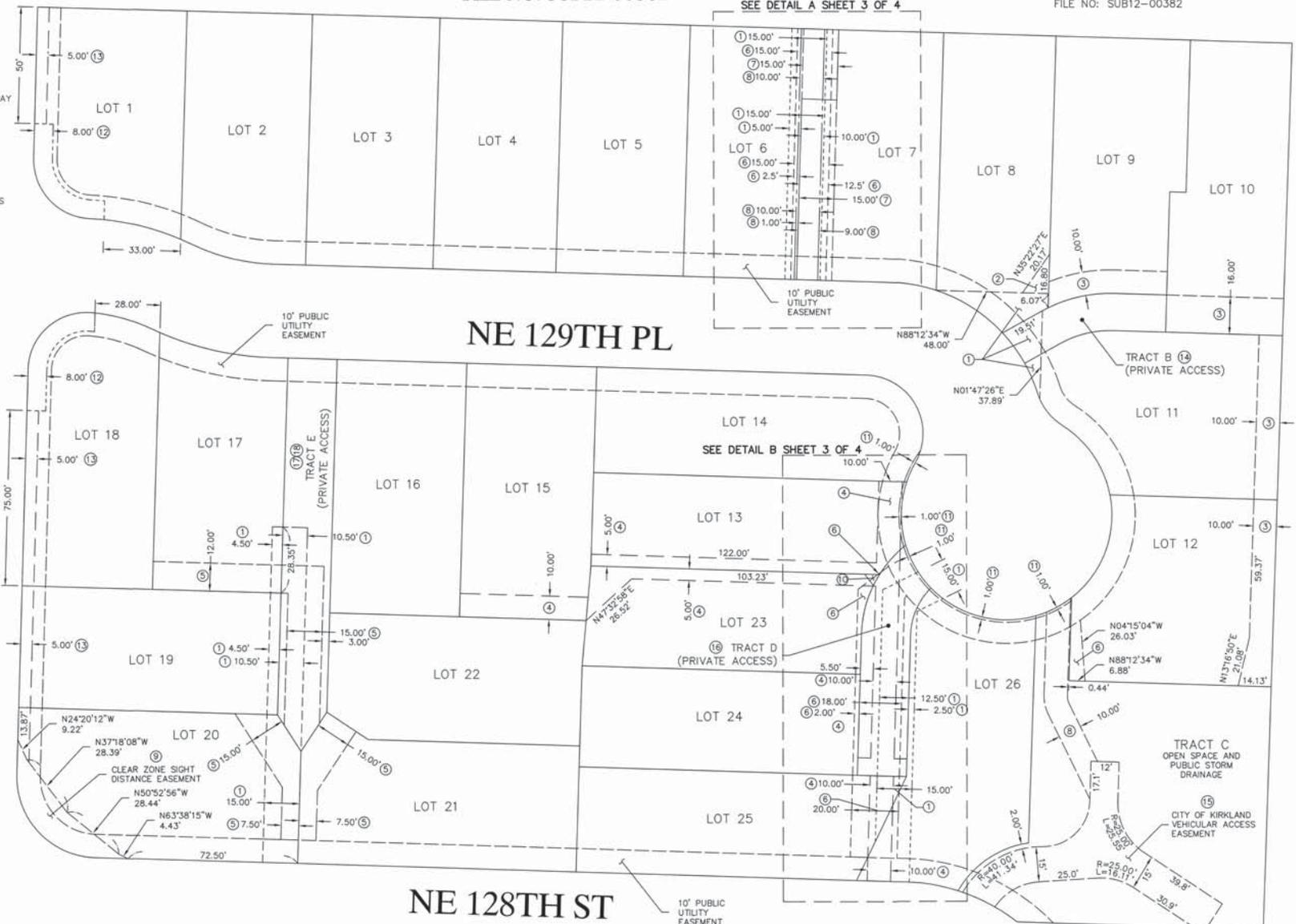
FILE NO: SUB12-00382

A PORTION OF THE NORTHEAST QUARTER OF THE
NORTHWEST QUARTER
SECTION 27, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO: SUB12-00382

136TH AVE NE

NE 129TH PL

NE 128TH ST



GRAPHIC SCALE



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1"= 30'	4 OF 4

RESOLUTION R-5049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF WILLOWS BLUFF AND SETTING FORTH CONDITIONS TO WHICH THE SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT. (DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SUB12-00382).

WHEREAS, a subdivision and preliminary plat was approved by the Hearing Examiner on October 10, 2012; and

WHEREAS, the Department of Planning and Community Development subsequently received an application from Toll WA LP, the owner of the real property located within a Residential Single Family RSA 6 zone and described in the application, for approval of the subdivision and final plat; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application was submitted to the City of Kirkland, reviewed by the Public Works official, the concurrency test passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement SEPA, an environmental checklist was submitted to the City of Kirkland, reviewed by the Kirkland responsible official, and a determination of nonsignificance was issued; and

WHEREAS, the environmental checklist and determination of nonsignificance have been made available and accompanied the application throughout the entire review process; and

WHEREAS, the Director of the Department of Planning and Community Development made Findings, Conclusions and Recommendations and recommended approval of the subdivision and the final plat, subject to specific conditions set forth in the recommendation; and

WHEREAS, the City Council considered the environmental documents received from the responsible official, together with the recommendation of the Director of the Department of Planning and Community Development in open meeting, and

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 Director of the Department of Planning and Community

Development, filed in Department of Planning and Community Development File No. SUB12-00382, are adopted by the Kirkland City Council as though fully set forth.

Section 2. Approval of the subdivision and the final plat of Willows Bluff is subject to the applicant's compliance with the conditions set forth in the Findings, Conclusions and Recommendations adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this subdivision, other than as expressly set forth.

Section 4. A copy of this resolution, including the Findings, Conclusions and Recommendations adopted by reference, shall be delivered to the applicant.

Section 5. A copy of this resolution, including the Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Passed iby majority vote of the Kirkland City Council in open meeting this ___ day of ____, 2014.

Signed in authentication thereof this ___ day of ____, 2014.

MAYOR

Attest:

City Clerk