



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

MEMORANDUM

To: Kurt Triplett, City Manager **QUASI-JUDICIAL**

From: Tony Leavitt, Associate Planner
Eric Shields, AICP, Planning Director

Date: July 20, 2015

Subject: Artoush Short Plat Appeal Hearing, SUB14-00283

RECOMMENDATION

Staff recommends that the City Council consider the Appeal of the Planning Director's Approval filed by Bruce White and Teresa Chilleli-White and direct staff to return to September 1st Council meeting with a resolution to either:

Affirm the decision of the Planning Director;
Reverse the decision of the Planning Director; or
Modify the decision of the Planning Director.

The City Council may, by a vote of at least five members, suspend the Council rule that requires a vote on the matter at the next meeting and vote on the application at this meeting. A resolution reflecting the decision of the Director is enclosed.

BACKGROUND DISCUSSION

City Council Rules of Procedure

Under the Council Rules of Procedure, Section 25, the City Council shall consider a Process I appeal at one meeting and vote on the application at the next or a subsequent meeting. The City Council may, by a vote of at least five members, suspend the rule to vote on the matter at the next meeting and vote on the application at this meeting. The Council vote shall occur within 90 calendar days of the date on which the letter of appeal was filed. In this case, the appeal was filed on April 27th and 90 calendar days is July 25th. The appellant has agreed to an extension.

City Council Consideration

Pursuant to Chapter 145 of the Zoning Code, the City Council must consider the appeal in an open record appeal hearing. The scope of the appeal is limited to the specific elements of the Planning Director's decision disputed in the letter of appeal, and the City Council may only consider comments, testimony and arguments on these specific elements.

The appellant, applicant, and parties of record are the only people allowed to participate in the appeal hearing; and the applicant may submit a written response to an appeal filed by an appellant. However, the City Council, in its discretion, may ask questions of the appellant, applicant, parties of record or staff regarding facts in the record, and may request oral argument on legal issues. The City Council shall allow each side (proponents and opponents) to speak for a maximum of ten minutes each.

After considering all arguments within the scope of the appeal submitted by persons entitled to participate in the appeal, the City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

- If City Council determines that the disputed findings of fact and conclusions of the Planning Director are the correct findings of fact and conclusions, the Council shall affirm the Planning Director's decision.
- If City Council determines that the disputed findings of fact and conclusions of the Planning Director are not correct and that correct findings of fact and conclusions do not support the decision of the Planning Director, the Council shall modify or reverse the decision.

Project Proposal

Proposal to subdivide a 1 acre parcel into 5 lots in a RSA 6 Zone (see Enclosure 1). Access to the lots will be provided from a dedicated extension of the 80th Avenue NE right-of-way and a vehicular access tract.

Planning Director Decision

On April 16th, the Planning Director approved the application subject to the conditions outlined in the report (see Enclosure 2).

Appeal of Planning Director's Decision

On April 27th, Bruce White and Teresa Chilleli-White (parties of record) filed a timely appeal of the Planning Director Approval Decision (see Enclosure 3). The appellants contest the installation of public improvements (both vehicular and pedestrian) within their access easements on the subject property. In addition to the appeal letter, the appellants have submitted written testimony as allowed by KZC section 145.70 (see Enclosure 4).

Kirkland Municipal Code section 22.20.245 states that the Council will decide on an appeal of the Planning Director's decision on a short plat when the short plat would result in the dedication of a new through public right-of-way, including a right-of-way designed for future connection. In this case, the new public road is part of a future connection to the NE 117th Place right-of-way to the east of the appellants' property.

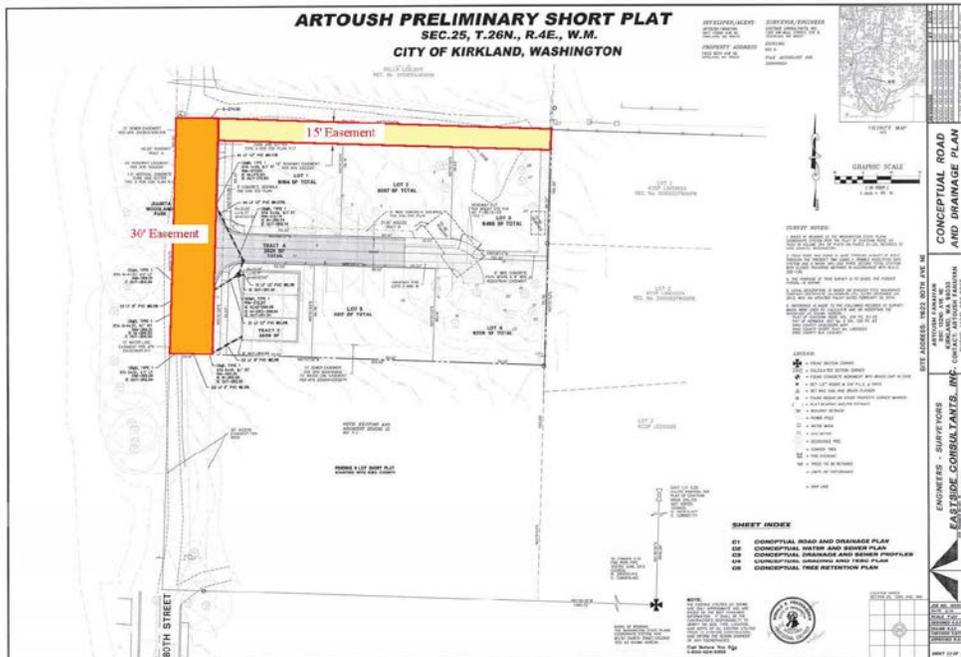
Staff Analysis of Appeal

KZC Section 145.80 requires that staff prepare an analysis of the specific factual findings and conclusions disputed in the letter of appeal.

Vehicular Public Improvements

The appellants contend that proposed road dedication and installation of the certain right-of-way improvements within the 30 foot wide roadway easement on the west edge of the subject property is illegal. The appellants state that they do not object to the paving of the roadway, but object to the installation of a sidewalk that will block access to the north portion of their easement.

Staff response: The subject property has a 30 foot wide roadway easement that runs along the western edge of the subject property and a 15 foot wide roadway easement that runs along the northern property line (see Enclosure 5 and the exhibit below).



The City Attorney's Office has reviewed the easement document and concluded that the easement is a nonexclusive easement and as long as the appellants continue to have access to their property, the easement terms are not being violated. On June 2nd, Public Works Staff sent an email to appellants stating that the request to install a driveway cut can be accommodated and we will revise the short plat street improvements conditions to reflect this requirement. The condition will read as follows: At the north end of Tract B, the developer shall install a 15 ft. wide driveway apron for access to the existing 15 ft. wide access easement that parallels the north property line of the subject property.

Public Pedestrian Pathway

The appellants contend that the proposed public pedestrian pathway, which runs along Tract A and the eastern property line of Lot 3, does not conform to Kirkland Municipal Code section 22.28.170 and should not be required as part of the short plat.

Staff Response: Kirkland Municipal Code Section 22.28.170 states that the city may require the applicant to install pedestrian walkways in any of the following circumstances:

- (1) If a walkway is indicated as appropriate in the comprehensive plan;*
- (2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;*
- (3) Midblock pedestrian access may be required if blocks are unusually long.*

Public Works Staff has determined that the blocks around the subject property are unusually large and a midblock pedestrian connection is needed. The City is requiring this pathway to provide for a future pedestrian connection from the upper part of Finn Hill to the lower part of Finn Hill. The City has received many requests from the neighborhood to establish this pedestrian connection. Additionally the subdivision to the northeast of the subject property (Chatham Ridge) has a public pedestrian easement that the proposed pathway could eventually connect to. The City will need to pursue additional easement to make this connection complete.

Requested Conditions

As part of the appellants' written testimony, the appellants outline 9 conditions that they would like the Council to make conditions of the approval. Below are the requested conditions followed by a staff response.

- 1. Install, and when complete remove, construction fencing on the west and north property lines to ensure that construction does not go beyond these points.*

Staff Response: As part of the land surface modification, the applicant will be required to install construction fencing along the limits of disturbance. This requirement is noted in the Staff Report.

- 2. Install native growth protection signs and fencing on the west property line to protect the Juanita Woodlands and discourage negative use of this area.*

Staff Response: As noted in the Staff Report, the City does not have the authority to require fencing along the western edge of Tract B. Staff has requested that the applicant look at installing the fencing as part of the grading work.

- 3. Revise the improvements for 80th Ave NE so they do not extend past the North edge of Tract B. There is currently no need to make improvements beyond this point. Doing so will only encourage trespassing.*

Staff Response: City codes require that the applicant install complete right-of-way improvements as part of the subdivision process. Complete public improvements to the north of Tract A are needed to comply with this requirement. The improvements are needed for a future connection to the NE 117TH Place right-of-way to the east of the appellants' property.

- 4. The dedication of a public pathway at the east end of Lot 3 should no longer be required as there is no reason for it.*

Staff Response: This is addressed in the preceding paragraph regarding the Public Pedestrian Pathway.

- 5. Require that the new grade of the East/West portion of our easement stay close to the current grade so that we will still be able to access our property from this portion of the Easement.*

Staff Response: No improvements are being proposed in this area at this time, but the City will ensure that access to the easement from the appellants' property is maintained.

- 6. Grade and install Gravel on East/West portion of our easement for a roadway so future owners will know they have an access easement in their back yard.*

Staff Response: The City does not have the authority to require the requested improvements. The easement will be reflected on plat documents to ensure that future property owners know about the easement.

7. *Any fences constructed on the North property line should be constructed on the south edge of the Easement and should not interfere with any portion of our easement.*

Staff Response: The easement is a nonexclusive easement, so the subject property also has rights to use it so long as the appellant's allowed use of the easement area is not impeded. Requiring the installation of the requested fence would interfere with the rights of the subject property's owners, which we do not have the authority to do. Further, as noted above, the easement will be a matter of record and any interference with the appellants' use of it could be contested by the appellants on that basis.

8. *Require protection for Trees A & B by not allowing disturbance up to the property line.*

Staff Response: The City will require that appellant's trees be protected during construction and that any required work within the driplines of these trees comply with code requirements.

9. *Ensure that the drainage requirements will not harm any downstream properties, including the Juanita Woodlands.*

Staff Response: Storm drainage is being routed to the existing storm system in the 80th Avenue NE right-of-way and not to the Juanita Woodlands Park.

ENCLOSURES

1. Site Plan
2. Planning Director Decision and Attachments
3. Appeal Letter filed by Bruce White and Teresa Chilelli-White
4. Written Testimony submitted by Bruce White and Teresa Chilelli-White
5. Roadway Easement and Exhibit



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**

April 16, 2015

Permit application: Artoush Short Plat, [SUB14-00283](#)

Location: [11622 80th Avenue NE](#)

Applicant: Artoush Fanaiyan

Project description: Proposal to subdivide a 1 acre parcel into 5 lots in a RSA 6 Zone. Access to the lots will be provided from a dedicated extension of the 80th Avenue NE right-of-way and a vehicular access tract.

Decisions Included: Short Plat (Process I)

Project Planner: Tony Leavitt, Associate Planner

SEPA Determination: Exempt

Department Decision: **Approval with Conditions**

Eric Shields, Director
Department of Planning and Community Development

Decision Date:	April 15, 2015
Appeal Deadline:	April 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., 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 City's 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 of the short plat, the applicant shall demolish the existing residence and any accessory structures on the subject property.
3. As part of the short plat recording, the applicant shall:
 - a. Dedicate Tract B as a public right-of-way (see Conclusion V.B.2).
 - b. Dedicate a pedestrian access easement as outlined in Attachment 3 (see Conclusion V.C.2).

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RSA 6
Shoreline Designation	NA
Comprehensive Plan Designation	LDR 6- Low Density Residential at 6 dwelling units per acres
Property Size	43,560 square feet
Current Land Use	Single family residential
Proposed Lot Sizes	Lot 1: 6,164 square feet Lot 2: 6,087 square feet Lot 3: 6,499 square feet Lot 4: 6,208 square feet Lot 5: 5,711 square feet
Density and Lot Size Compliance for RSA Zones	The maximum number of units on the subject property is 6, the proposal for 5 units complies with the limitation. All lots meet the minimum lot size of 5,100 square feet.
Terrain	The property slopes downward from the northeast corner to the southwest corner. The total slope is around 10%.

Trees	There are 29 significant trees on the site. Attachment 4 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Access	Access to the lots will be provided from a dedicated extension of the 80th Avenue NE right-of-way and a vehicular access tract.
Neighboring Zoning and Development	
• North	RSA 6, Single family residential
• South	RSA 6, Single family residential
• East	RSA 6, Single family residential
• West	P (Park/Public Use), Juanita Woodlands Park

III. PUBLIC NOTICE AND COMMENT

The public comment period for this application ran from March 26, 2014 to May 8, 2014. Staff received a total of 3 letters (see Attachment 5). Below is a summary of public comments followed by a staff response.

1. Comment: The neighbors to the north of the subject property opposed the location of the public pedestrian pathway along the north edge of the property due to proximity to their property line and the potential impacts to a roadway easement that they have over the northern 15 feet of the subject property. Additionally they are opposed to the pathway due to lack of connectivity to an existing pedestrian easement.

Staff Response: Staff worked with the applicant to relocate the proposed pathway to its present location along Tract A and the east edge of the property. As noted in Section V.C, the Public Works Department will be working with neighboring property owners to connect the existing easements.
2. Comment: The neighbors also requested that the City require the applicant to install a fence along the existing northern roadway easement.

Staff Response: The City does not have the authority to require fencing along an unimproved private roadway easement.
3. Comment: One letter from the Finn Hill Neighborhood Alliance requested that the City require that the applicant to install construction fencing along the west property line adjacent to the Juanita Woodlands Park during construction of the project. They requested that once the work is completed, a permanent split rail fence signage be installed.

Staff Response: The City does have the authority to require fencing during construction to ensure that construction equipment does not encroach into the park property during grading work. This will be required as part of the land surface modification permit. The City does not have the authority to require

permanent fencing, but has requested that the applicant look at installing this once the grading work is completed.

IV. CRITERIA FOR SHORT PLAT APPROVAL

A. Facts:

1. Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:
 - a. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 - b. 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.
2. Zoning Code section 145.45 states that the Planning Director may approve a short subdivision only if:
 - a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - b. 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

A. 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
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

B. Provisions for Public Land

1. Facts:
 - a. Zoning Code section 110.60 states that the Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

- b. The Public Works Department is requiring that proposed Tract A along 79th Avenue NE be dedicated as public right-of-way to accommodate required public improvements.
2. Conclusion: Pursuant to KZC Section 110.60, the applicant should dedicate Tract B as a public right-of-way as part of the short plat recording.

C. Pedestrian Access Easement

1. Facts:
 - a. Municipal Code section 22.28.170 establishes that the City may require the installation of pedestrian walkways by means of dedicated rights-of-ways, tracts, or easements if a walkway is indicated as appropriate in the comprehensive plan, if it is reasonable necessary provide efficient pedestrian access to a designated activity center of the City, or if blocks are unusually long.
 - b. The Public Works Department has determined that a pedestrian access easement is needed from the 80th Avenue NE right-of-way to the northeast corner of the subject property. The pathway is for future extension to the east. The City will need to negotiate the future connection of the path to the pedestrian easement on the Chatham Ridge Plat to the east.
 - c. Based on KZC 105.19, the Public Works Department is requesting that the pedestrian access easement be 5 feet wide with a 5 foot wide sidewalk along the north edge of Tract A. From the eastern edge of Tract A, the easement should be 10 feet wide with an 8 foot wide sidewalk. The exact requirements are outlined in Attachment 3.
2. Conclusion: As part of the short plat recording, the applicant should dedicate a pedestrian access easement as outlined in Attachment 3.

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.

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

The short plat must be recorded with King County within five (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 five (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

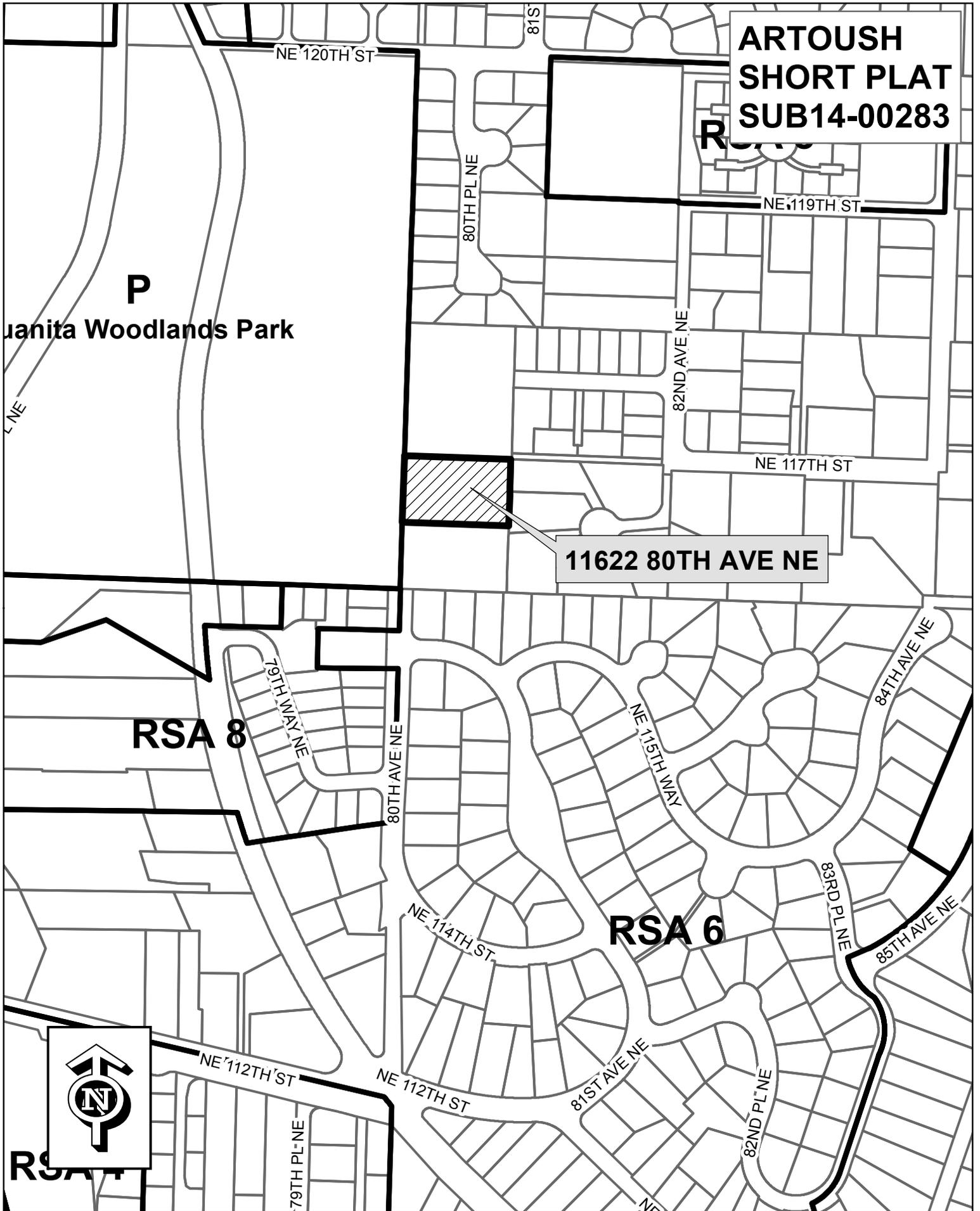
Attachments 1 through 5 are attached.

1. Vicinity Map
2. Short Plat Plans
3. Development Standards
4. Arborist Report
5. Comment Letters

IX. PARTIES OF RECORD

Applicant
Parties of Record
Department of Planning and Community Development
Department of Public Works, Department of Building and Fire Services

**ARTOUSH
SHORT PLAT
SUB14-00283**



P
Juanita Woodlands Park

11622 80TH AVE NE

RSA 8

RSA 6

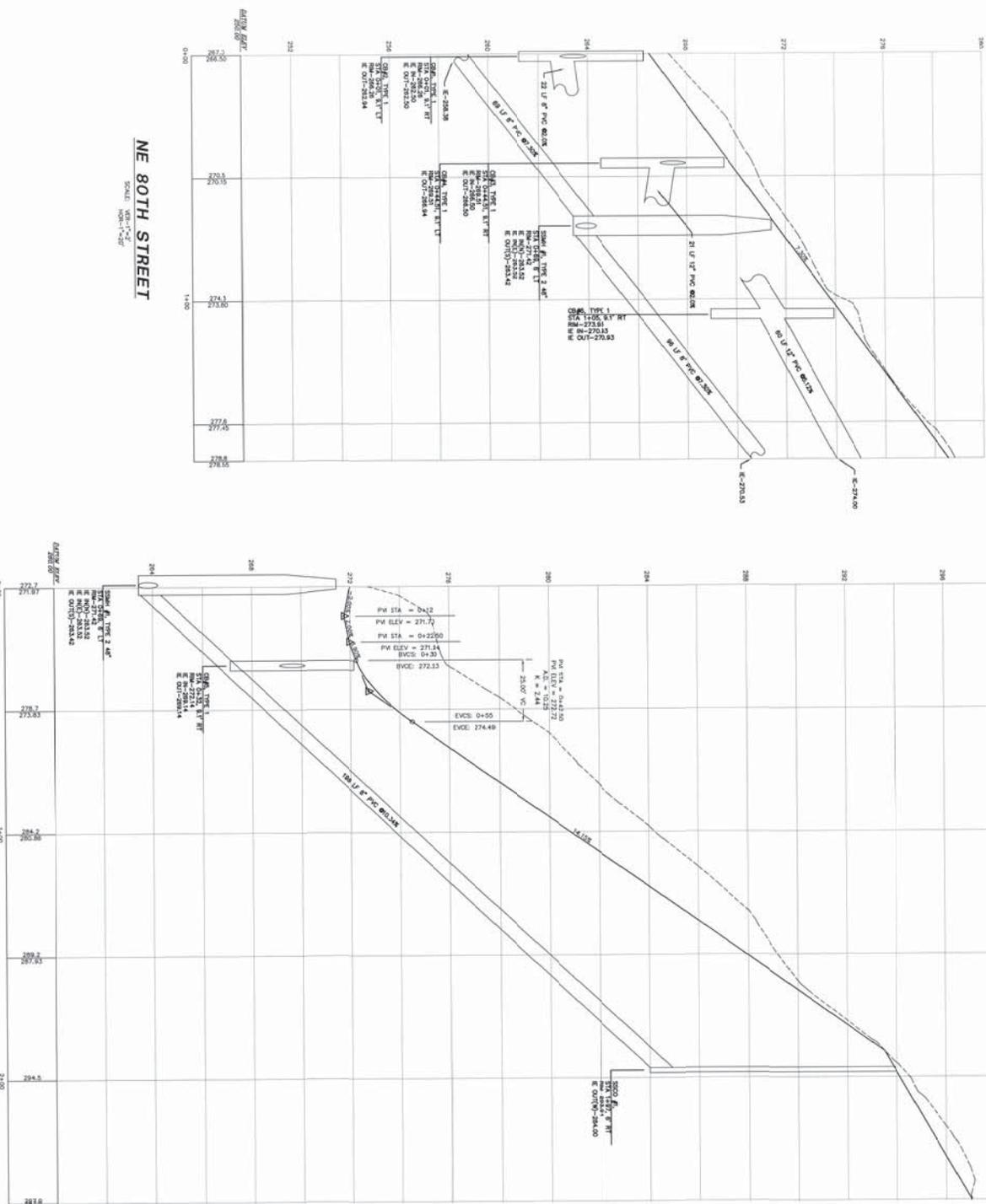


RSA 7

ARTOUSH PRELIMINARY SHORT PLAT

SEC.25, T.26N, R.4E, W.M.

CITY OF KIRKLAND, WASHINGTON



SITE ADDRESS: 11622 80TH AVE NE

JOB NO. 10000	DATE 2/14	DESIGNED R.S.F.	DRAWN R.S.F.	CHECKED R.S.F.	APPROVED R.S.F.
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ENGINEERS - SURVEYORS
EASTSIDE CONSULTANTS, INC.
 418 PARKER BLVD. N
 ISSAQUAH, WASHINGTON 98027
 PH: (425) 992-5300 FAX: (425) 992-4076

ARTOUSH FANAIIAN
 9517 132ND AVE NE
 KIRKLAND, WA 98033
 CONTACT: ARTOUSH FANAIIAN
 PHONE: (425) 890-9995

**CONCEPTUAL STORM
 AND SEWER PROFILE**

REVISIONS	BY	DATE
REVISED PER P.D. PATH REVISION	ESP	5/28/14
REVISED PER P.D. PATH REVISION	ESP	8/20/14
REVISED PER P.D. PATH REVISION	ESP	12/24/14
REVISED PER P.D. PATH REVISION	ESP	2/27/15

THE PLANS SET FORTH ON THIS SHEET ARE AND SHALL REMAIN THE PROPERTY OF EASTSIDE CONSULTANTS, INC.

ARTOUSH PRELIMINARY SHORT PLAT

SEC.25, T.26N, R.4E., W.M.

CITY OF KIRKLAND, WASHINGTON

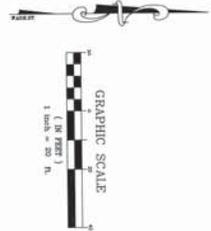
KCCL# 1431.0911
REC. No. 20080514000008



PIPING & LOT SHORT PLAT
STARTED WITH KING COUNTY

NOTE: EXISTING AND
PROPOSED UTILITY LINES
AS SHOWN

80TH STREET



- LEGEND:**
- ✱ - FINISH SETBACK CORNER
 - - FINISHED SECTION CORNER
 - ⊕ - FINISH CONCRETE INTERLOCK WITH MARKED CURB IN CASE
 - ⊙ - SET 1/2" REBAR & CURB P.L.S. & IRIS
 - ⊙ - CURB WALL AND BASS FLASHER
 - ⊙ - FINISH REBAR OR OTHER PROPERTY CORNER MARKER
 - () - PLAT (EASER) AND/OR DRAINAGE
 - ⊙ - BOUNDARY SETBACK
 - ⊙ - POWER POLE
 - ⊙ - WATER MAIN
 - ⊙ - GAS MAIN
 - ⊙ - COMMUNICATION
 - ⊙ - OTHER TIE
 - ⊙ - THE PROPOSED
 - ⊙ - TIES TO BE STAKED
 - ⊙ - LIMIT OF DISTURBANCE
 - ⊙ - OPEN DITCH

NOTE:
PROPOSED UTILITY LINES AS SHOWN
ARE ONLY APPROXIMATE AND ARE
NOT TO BE CONSIDERED AS A
WARRANTY OF ANY KIND. THE
PLAT REVISIONS WILL BE MADE
AS NECESSARY TO CORRECT
MISTAKES AND TO COMPLY WITH
THE REQUIREMENTS OF THE
WASHINGTON STATE PLAT
ACT AND THE CITY OF KIRKLAND
PLAT ACT. THE CITY OF KIRKLAND
PLAT ACT DOES NOT REQUIRE
THE PLAT TO BE RECORDED
IF IT IS NOT REQUIRED BY THE
CITY OF KIRKLAND.
CALL BEFORE YOU DIG
1-800-424-5589



LOCATION INDEX:

SECTION 26	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 25	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 24	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 23	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 22	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 21	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 20	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 19	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 18	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 17	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 16	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 15	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 14	TOWNSHIP 26N	RANGE 4E	W.M.
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SECTION 5	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 4	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 3	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 2	TOWNSHIP 26N	RANGE 4E	W.M.
SECTION 1	TOWNSHIP 26N	RANGE 4E	W.M.

SITE ADDRESS: 11622 80TH AVE NE

<p>ENGINEERS - SURVEYORS EASTSIDE CONSULTANTS, INC. 415 BAUMER BLVD. SE ISSAQUAH, WASHINGTON 98027 PH:425392-5281 FAX:362-4876</p>	<p>ARTOUSH FANIYAN 9517 132ND AVE NE KIRKLAND, WA 98033 CONTACT: ARTOUSH FANIYAN PHONE: (425) 890-9995</p>	<p>CONCEPTUAL GRADING AND TESC PLAN</p>															
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CITY OF KIRKLAND
Planning and Community Development Department
 123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
 www.kirklandwa.gov

DEVELOPMENT STANDARDS LIST
FILE: SUB14-00283
ARTOUSH SHORT PLAT

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 29 significant trees on the site, of which 27 are viable. These trees have been assessed by staff and the City’s Arborist. They are identified by number in the following chart.

Viable Significant Trees	High Retention Value	Moderate Retention Value	Low Retention Value
1		✓	
2		✓	
3		✓	
4		✓	
5			✓
6			✓
7			✓
8			✓
9			✓
10			✓
11			✓
12			
13	✓		
14	✓		
16	✓		
17		✓	
19		✓	
20		✓	
21		✓	
22		✓	
23		✓	

Viable Significant Trees	High Retention Value	Moderate Retention Value	Low Retention Value
25		✓	
26	✓		
27	✓		
28	✓		
29			✓

Trees should be tagged with the associated tree number per arborist report prior to LSM submittal for the benefit of the future grading and excavation contractors.

No trees are to be removed with an approved short plat or subdivision permit. Based on the approved Tree Retention Plan, 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 associated 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.

SUBDIVISION STANDARDS

22.28.030 Lot Size. Unless otherwise approved in the preliminary subdivision or short subdivision approval, all lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland zoning code or other land use regulatory document.

22.28.130 Vehicular Access Easements. The applicant shall comply with the requirements found in the Zoning Code for vehicular access easements or tracts.

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.

22.32.030 Stormwater Control System. The applicant shall comply with the construction phase and permanent stormwater control requirements of the Municipal Code.

22.32.050 Transmission Line Undergrounding. The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code.

22.32.060 Utility Easements. Except in unusual circumstances, easements for utilities should be at least ten feet in width.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to Recording:

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 any 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.

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.

22.20.390 Short Plat - Improvements. The owner shall complete or bond all required right-of-way, easement, utility and other similar improvements.

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.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

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 year to ensure completion of these requirements within one year of plat/short plat approval.

Prior to occupancy:

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.

22.32.040 Sanitary Sewer System. The developer shall install a sanitary sewer system to serve each lot created.

22.32.090 Maintenance Bonds. A two-year maintenance bond may be required for any of the improvements or landscaping installed or maintained under this title.

ZONING CODE STANDARDS

90.80 Streams. No land surface modification may take place and no improvements may be located in a stream except as specifically provided in this Section.

90.90 Stream Buffers. No land surface modification may take place and no improvement may be located within the environmentally sensitive buffer for a stream, except as provided in this Section.

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

95.50 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.

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

105.20 Required Parking. 2 parking spaces are required for this use.

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.

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.

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 comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

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.

A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by 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.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not 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.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on 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.

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 the use of property is a violation of this Code.

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.

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.

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.

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.

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 shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. 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.

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.

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.

Prior to recording:

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way (see Attachment). It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

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.

Prior to issuance of a grading or building permit:

90.95 Stream Buffer Fence. Prior to development, the applicant shall install a six-foot high construction phase fence along the upland boundary of the entire stream buffer with silt screen fabric installed per City standard. The fence shall remain upright in the approved location for the duration of development activities. Upon project completion, the applicant shall install between the upland boundary of all stream buffers and the developed portion of the site, either 1) a permanent 3 to 4 foot tall split rail fence, or 2) permanent planting of equal barrier value.

90.150 Natural Greenbelt Protective Easement. The applicant shall submit for recording a natural greenbelt protective easement, in a form acceptable to the City Attorney, for recording with King County.

90.155 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 stream, minor lake, or wetland.

95.30(4) 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.

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 be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 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 barriers

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.

27.06.030 Park Impact Fees. New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

Prior to occupancy:

90.145 Bonds. The City may require a bond and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of the Drainage Basins chapter or any decision or determination made under this chapter.

95.51.2.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 supplemental trees required to be planted.

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.

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.

DEVELOPMENT STANDARDS

SUB14-00283



BUILDING DEPARTMENT

BUILDING General Conditions

Contact: Tom Jensen tjensen@kirklandwa.gov

1. Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
2. A Demolition permit is required for removal of existing structures prior to recording the short plat.
3. Plumbing meter and service line shall be sized in accordance with the current UPC. We are currently using the 2012 edition.
4. Any vault or retaining wall will require a separate permit.
5. Building permits must comply with the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Kirkland currently has adopted the 2012 editions.
6. Structures must comply with International Energy Conservation Code as adopted and amended by the State of Washington. We are currently using the 2012 edition.
7. Kirkland reviews, issues and inspects all electrical permits in the city. Kirkland currently uses the 2009 Washington Cities Electrical Code chapters 1 and 3 as published by WABO.
8. Structures must be designed for seismic design category D, wind speed of 85 miles per hour and exposure B.

FIRE DEPARTMENT

FIRE DEPARTMENT COMMENTS

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

HYDRANTS and FIRE FLOW

One new hydrant is required to be installed in front of the property, as shown on the plans submitted. It shall be equipped with a 5" Storz fitting.

Fire flow requirement for this project is 1,000 gpm. The project is in Northshore Utility District. A certificate of water availability shall be provided from NUD.

PUBLIC WORKS DEPARTMENT

Permit #: SUB14-00283

Project Name: Artoush 5 lot Short Plat

Project Address: 11622 80th Ave. NE

Date: March 12, 2015

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 Surface Water Connection Fees (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 project. 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 for it 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 until 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 only 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. 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. Contact the Development Engineer assigned to this project to assist with this process.

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 based 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, storm water stub,

rain garden, permeable pavement, or any infiltration facilities (known as Low Impact Development) 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, surface water stub, rain garden, permeable pavement, or any infiltration facilities, 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 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 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.

Sanitary Sewer and Water Conditions:

1. Northshore Utility District approval required for water and sewer service. A letter of sewer/water availability is required; call N.U.D at 425-398-4400.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the 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.

- Full Drainage Review

A full drainage review is required for any proposed project, new or redevelopment, that will:

- Adds 5,000ft² or more of new impervious surface area or 10,000ft² or more of new plus replaced impervious surface area,
- Propose 7,000ft² or more of land disturbing activity, or,
- Be a redevelopment project on a single or multiple parcel site in which the total of new plus replaced impervious surface area is 5,000ft² or more and whose valuation of proposed improvements (including interior improvements but excluding required mitigation and frontage improvements) exceeds 50% of the assessed value of the existing site improvements.

2. A preliminary drainage report (Technical Information Report) has been submitted with the subdivision application.

3. The project has been submitted with the assumption that an approved subdivision directly to the south will be constructed prior to this project being started. If the other subdivision does not move forward and this subdivision is approved and the developer decides to proceed with construction, this project will be responsible to extending the drainage south to the public storm system in 80th Ave. NE. Any off-site drainage improvements shall include collection, conveyance, detention, and water quality treatment per the 2009 King County Surface Water Design Manual.

4. 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) for more information on this requirement.

5. Because this project site is one acre or greater, the following conditions apply:

- Amended soil requirements (per Ecology BMP T5.13) must be used in all landscaped areas.
- If the project meets minimum criteria for water quality treatment (5,000ft² pollution generating impervious surface area), the enhanced level of treatment is required if the project is multi-family residential, commercial, or industrial. Enhanced treatment targets the removal of metals such as copper and zinc.
- The applicant is responsible to apply for a Construction Stormwater General Permit from Washington State Department of Ecology. Provide the City with a copy of the Notice of Intent for the permit. Permit Information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>

- o Among other requirements, this permit requires the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP) and identify a Certified Erosion and Sediment Control Lead (CESCL) prior to the start of construction. The CESCL shall attend the City of Kirkland PW Dept. pre-construction meeting with a completed SWPPP.
- Turbidity monitoring by the developer/contractor is required if a project contains a lake, stream, or wetland.
- A Stormwater Pollution Prevention and Spill (SWPPS) Plan must be kept on site during all phases of construction and shall address construction-related pollution generating activities. Follow the guidelines in the 2009 King County Surface Water Design Manual for plan preparation.

6. This project is creating or replacing more than 5000 square feet of new impervious area that will be used by vehicles (PGIS - pollution generating impervious surface). Provide storm water quality treatment per the 2009 King County Surface Water Design Manual. The enhanced treatment level is encouraged when feasible for multi-family residential, commercial, and industrial projects less than 1 acre in size.

7. It doesn't appear that any work within an existing ditch will be required, however 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

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

9. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During 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 site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

10. Provide a separate storm drainage connection for each lot. All roof and driveway drainage must be tight-lined to the storm drainage system or utilize low impact development techniques. The tight line connections shall be installed with the individual new houses.

11. Extend a 12" storm line to the north end of the new 80th Ave. NE extension and terminate the extension with a catch basin.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts a new access street that is an extension of 80th Avenue NE. This street is a Neighborhood Access 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. Section 110.30-110.50 establishes that this street must be improved with the following:

- A. Dedicate 40 ft. of right-of-way along the west property line.
- B. Install 28 ft. of asphalt, storm drainage, and vertical curb and gutter on both sides of the new asphalt.
- C. Install a 4.5 ft. wide planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk to the east of the new curb (back of new sidewalk should be along east edge of right-of-way dedication).
- D. The project has been submitted with the assumption that an approved subdivision directly to the south will be

constructed prior to this project being started. If the other subdivision does not move forward and this subdivision is approved and the developer decides to proceed with construction, this project will be responsible to extending a paved road to the project. The paved road shall be at least 20 ft. wide (constructed to public street standards) and shall include the drainage collection and conveyance (see above conditions regarding drainage).

E. At the north end of the street improvements, relocate the power pole if it is within in the 28 ft. of paved street and safety accommodations cannot be made to allow the pole to temporarily remain in place.

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. Design and construct the private access easement road to serve as a temporary Fire Department turn-around tee. At least 25 ft. of the access easement will serve as a temporary emergency fire truck turn around and shall be recorded as such.

4. 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.)

5. 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.

6. Underground all new and existing on-site utility lines and overhead transmission lines (including those along the new public street)

7. New street lights will 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.

8. Public Pedestrian Pathway:

A) Grant a 5 ft. wide public pedestrian easement and install a 5 ft. wide concrete sidewalk along the north edge of the access easement serving lots 1, 2, and 3.

B) At the east end of the said sidewalk, grant a 10 ft. wide public pedestrian easement between lots 3 and 4 and along the east property line of lot 4. Within the said easement install an 8 ft. wide paved pedestrian pathway.

C) Fences installed by this short plant along any portion of the pedestrian easement are limited to 42" in height.

D) The pathway is for future extension to the east. They City will need to negotiate the connection of the path to the easement on the Chatham Ridge Plat to the east.

9. 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 by 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 80th 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 overhead 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 80th Ave. NE. Therefore, in consideration of deferring the

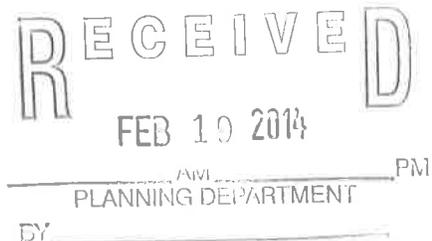
requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners



TO: Artoush Fanaiyan, Artoush Construction
JOB SITE: 11622 80th Ave NE. Kirkland, WA 98033
SUBJECT: Tree Inventory & Assessment
DATE: January 29, 2014
PREPARED BY: Sean Dugan,
Registered Consulting Arborist #457
ISA Certified Board Certified Master Arborist PN-5459B
ISA Qualified Tree Risk Assessor

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- Attachments:*
 - Table of Trees*
 - Marked Up Site Plan*



Summary

I have identified twenty-nine (29) trees of significant size that stand on site. For this 43,560 sq. ft. property the city of Kirkland Zoning Code (95.33) requires a minimum tree density of 30 tree credits. The site currently has enough viable trees for potentially having 81.5 tree credits that can be retained and exceed the City requirements. However, it appears that only 30.5 tree credits will be retained due to proposed site design.

Trees 6, 7, 13, 14, and 18 might be considered High retention value trees that need to be retained. Tree 6 appears to be the only tree where this might be feasible, depending on how access is developed throughout the site. Tree 18 is a poor candidate for retention due to health and structural issues.

Two (2) trees on the adjacent property to the north have canopies that overhang the job site. These trees are unlikely to be negatively impacted due to the distance from the property line. The limits of disturbance for this tree should be at the property line.

Assignment & Scope of Report

This report outlines the site inspection by Sean Dugan, of Tree Solutions Inc., on January 17, 2013. I was asked to conduct a site visit to inventory all significant trees with descriptions of species, diameter size, health and structural condition, limits of disturbance, drip line radius, proposed action, and notes for each tree. I was asked to develop a formal arborist report addressing city of Kirkland requirements for tree preservation.

Included in the report are observations from the site located at 11622 80th Ave. NE., discussion, and recommendations. Artoush Fanaiyan, of Artoush Construction, requested these services to acquire information for project planning in accordance with requirements set by the city of Kirkland.

Limits of Assignment

Unless stated otherwise: 1) information contained in this report covers only those trees that were examined and reflects the condition of those trees at the time of inspection; and 2) the inspection is limited to visual examination of the subject trees without dissection, excavation, probing, climbing, or coring unless explicitly specified. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the subject trees may not arise in the future.

I was provided a survey of the site with limited information regarding future development plans. Additional Assumptions and Limiting Conditions can be found in [Appendix A](#).

Methods

I measured the diameter of each tree at standard height (DSH). I calculated the equivalent single-stem diameter for multi-stemmed trees using the Guide to Trunk Area outlined in the Guide for Plant Appraisal (9th Edition). Tree species, size, health and structural condition, limit of disturbance, drip line radius, proposed action, tree credit value, and notes for each tree can be found in the attached [Table of Trees](#). Numbers in the series 1 thru 29 on the Table correspond with the numbers on the attached [Marked-up Site Plan](#). Two trees on adjacent site to the north with overhanging canopy are labeled using letters A and B.

I evaluated tree health and structure utilizing visual tree assessment (VTA) methods. The basis behind VTA is the identification of symptoms, which the tree produces in reaction to a weak spot or area of mechanical stress. A tree reacts to mechanical and physiological stresses by growing more vigorously to re-enforce weak areas, while depriving less stressed parts. (Mattheck & Breloer 1994) An understanding of the uniform stress allows me to make informed judgments about the condition of a tree.

Observations

The Site

The 43,560 square foot lot is located in a residential neighborhood in the city of Kirkland. The site is currently developed with a single family structure. The site abuts developed residential properties on the north, east, and south border. To the west of the site is 80th Ave NE. Beyond this area to the west appears to be open space.

The topography of the site is gradually sloped with mostly a southwest aspect. There are no environmental critical areas listed for the property.

The site is proposed for subdivision into five lots with an open space tract and a 21 foot wide access easement. The existing structures will be removed and the site will be extensively graded.

The Trees

Twenty-nine significant size trees exist on the site. Tree species include Douglas-fir (*Psuedotsuga menziesii*), Ponderosa pine (*Pinus ponderosa*), English holly (*Ilex aquifolium*), Norway maple (*Acer platanoides*), Western Red cedar (*Thuja plicata*), Willow species (*Salix sp.*), Big leaf maple (*Acer macrophyllum*), and Bitter cherry (*Prunus emarginata*) trees. Information specific to each tree can be found in the attached Table of Trees.

Nineteen trees are in good health condition, nine are in fair condition and one is in poor condition. The tree in poor health condition has a poor structural condition as well. All of the trees present a low risk rating to the surrounding targets except for tree 18, which presents a moderate risk rating.

The trees on the adjacent site with the overhanging canopy are a Pacific madrone (*Arbutus menziesii*), and a Douglas-fir tree. Both of the trees are in good condition.

Discussion

Trees 2, 5, 8, 15, 18, 22, 23, should be removed due to issues relating to health and structure. Trees 8, 9, 10, and 35 appear to be in the access easement and will need to be removed for entry into the site and right-of-way improvements. Tree 3 should be removed due to being an invasive species.

Trees 4, 6, 7, 13, 14, and 18 might be considered as high Retention value by the City as they are located in the required property setbacks. Based on our discussion it appears that it may only be feasible to retain tree 6. This tree should be tested for decay at the base if retained. The City desires to retain these trees to the maximum extent possible and may require design changes to achieve this goal.

There appears to be three tree groves present on the site. Groves contain trees (7 - 9), (19-25), and (26-28). Based on our discussion none of these groves can be retained. The City considered groves to be of high retention value.

Prior to site development, tree protection measures, as outlined in the Kirkland Zoning Code Section 95.34 Tree Protection during Development Activity, will need to be implemented around trees to be preserved. These measures can be found in Appendix B of this report.

Tree Density Credits

The Kirkland Zoning Code (95.33) requires tree density to satisfy 30 tree credits per acre. The property is 43,560 sq. ft., or 1 acre. Therefore, a tree density worth 30 tree credits ($1.0 \times 30 = 30$) is required in order to meet the minimum requirement. The property currently has 187 tree credits, 81.5 credits are from viable trees. As proposed, 30.5 tree credits will remain.

With additional testing it might be feasible to retain tree 1. If tree 1 is retained an additional 11.5 tree credits can be added to the site for a total of 42 tree credits.

Adjacent Site Trees

Trees A and B on the north property border are unlikely to be negatively impacted by the proposed development due to the distance away from the job site. The limits of the disturbance can be to the property's edge.

Recommendations

- Determine which trees can be preserved based on the location of proposed structures and infrastructure to be installed.
- Meet with City Planners to determine if the proposed site plans are acceptable or if they will require adjustments.
- Obtain all necessary permits and approval from the City prior to commencement of site work.
- Provide basic tree protection measures around trees to be preserved.

Glossary

DBH or DSH: diameter at breast or standard height; the diameter of the trunk measured 54 inches (4.5 feet) above grade (Matheny *et al.* 1998)

Grove: A group of three (3) or more significant trees with overlapping or touching crowns. **ISA:** International Society of Arboriculture (KZC)

Limit of Disturbance: The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk (KZC)

Retention Value: The Planning Official's designation of a tree based on information provided by a qualified professional that is one (1) of the following:

- a. High, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32:
 - 1) Specimen trees;
 - 2) Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC 95.51(3);
 - 3) Trees on slopes of at least 10 percent; or
 - 4) Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize; (KZC)

References

- ANSI A300 (Part 1) – 2008 American National Standards Institute. American National Standard for Tree Care Operations: Tree, Shrub, and Other Woody Plant Maintenance: Standard Practices (Pruning). New York: Tree Care Industry Association, 2008.
- Kirkland Zoning Code. Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING. <http://www.codepublishing.com/wa/kirkland/> (accessed January 28, 2014)
- Lilly, Sharon. Arborists' Certification Study Guide. Champaign, IL: The International Society of Arboriculture, 2001.
- Matheny, Nelda and James R. Clark. Trees and Development: A Technical Guide to Preservation of Trees During Land Development. Champaign, IL: International Society of Arboriculture, 1998.
- Mattheck, Claus and Helge Breloer, The Body Language of Trees.: A Handbook for Failure Analysis. London: HMSO, 199

Appendix A – Assumptions & Limiting Conditions

1. Consultant assumes that any legal description provided to Consultant is correct and that title to property is good and marketable. Consultant assumes no responsibility for legal matters. Consultant assumes all property appraised or evaluated is free and clear, and is under responsible ownership and competent management.
2. Consultant assumes that the property and its use do not violate applicable codes, ordinances, statutes or regulations.
3. Although Consultant has taken care to obtain all information from reliable sources and to verify the data insofar as possible, Consultant does not guarantee and is not responsible for the accuracy of information provided by others.
4. Client may not require Consultant to testify or attend court by reason of any report unless mutually satisfactory contractual arrangements are made, including payment of an additional fee for such Services as described in the Consulting Arborist Agreement.
5. Unless otherwise required by law, possession of this report does not imply right of publication or use for any purpose by any person other than the person to whom it is addressed, without the prior express written consent of the Consultant.
6. Unless otherwise required by law, no part of this report shall be conveyed by any person, including the Client, the public through advertising, public relations, news, sales or other media without the Consultant's prior express written consent.
7. This report and any values expressed herein represent the opinion of the Consultant, and the Consultant's fee is in no way contingent upon the reporting of a specific value, a stipulated result, the occurrence of a subsequent event or upon any finding to be reported.
8. Sketches, drawings and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys. The reproduction of any information generated by architects, engineers or other consultants and any sketches, drawings or photographs is for the express purpose of coordination and ease of reference only. Inclusion of such information on any drawings or other documents does not constitute a representation by Consultant as to the sufficiency or accuracy of the information.
9. Unless otherwise agreed, (1) information contained in this report covers only the items examined and reflects the condition of the those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, climbing, or coring. Consultant makes no warranty or guarantee, express or implied, that the problems or deficiencies of the plans or property in question may not arise in the future.
10. Loss or alteration of any part of this Agreement invalidates the entire report.

Appendix B - Kirkland Tree Protection Specifications – as stated in Chapter 95.34 of KZC

6. Tree Protection during Development Activity. 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 pursuant to the following standards:

a. **Placing Materials near Trees.** No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.

b. **Protective Barrier.** Before development, land clearing, filling or any land alteration, the applicant shall:

1) Erect and maintain a readily visible temporary protective tree fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees. Fences shall be constructed of chain link and be at least four feet high, unless other type of fencing is authorized by the Planning Official.

2) Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.

3) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.

4) Maintain the protective barriers in place until the Planning Official authorizes their removal.

5) Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

6) In addition to the above, the Planning Official may require the following:

a) If equipment is authorized to operate within the critical root zone, cover the areas adjoining the critical root zone of a tree with mulch to a depth of at least six inches or with plywood or similar material in order to protect roots from damage caused by heavy equipment.

b) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.

c) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

d) Maintenance of trees throughout construction period by watering and fertilizing.

c. Grade.

- 1) The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
- 2) If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.
- 3) The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
- 4) To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.
- 5) Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

d. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

e. Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

Attachments:

Table of Trees
Marked-up Site Plan



Artoush Construction - Table of Trees
11622 80th Ave. NE, Kirkland

Date of Inventory: January 17, 2014
 Table Prepared: January 24, 2014

Tree #	Common/Scientific Name	DSH (inches)	Health Condition	Structural Condition	Limits of Disturbance	Drip Line Radius (ft)	Viability	Risk Rating	Proposed Action	Credits	Notes
1	Douglas-fir/ <i>Psuedotsuga menziesii</i>	31.2	Good	Good	Trunk	20	*Possible	Low	Remove/ Grading	0	Tip dieback in low canopy, <i>Phaeolus schweinitzii</i> fruiting body at base; *Advanced test for decay if proposed for retention
2	Ponderosa pine/ <i>Pinus ponderosa</i>	36.3	Fair	Fair	Trunk	15	NO	Low	Remove/ Health	0	Tree appears to be in decline; Two trunks with the smaller being girdled by a wire that will likely lead to death; sparse canopy due to foliar disease; 31+19 DSH trunks
3	English holly/ <i>Ilex aquifolium</i>	10.9	Good	Fair	Trunk	7	NO	Low	Remove/ Species	0	Invasive species; 4+5+5+7.3 DSH trunks
4	Norway maple/ <i>Acer platanoides</i>	8.2	Fair	Fair	Trunk	10	Yes	Low	Remove/ Grading	0	canker at base may be early symptom of <i>Verticillium</i> wilt, monitor foliage in spring
5	Douglas-fir/ <i>Psuedotsuga menziesii</i>	24.5	Good	Fair	Trunk	18	NO	Low	Remove/ Structure	0	Trunk leans to the north and has corrected, failed at roots in the past and has been leaning on tree 6, can only be retained if 6 is retained
6	Douglas-fir/ <i>Psuedotsuga menziesii</i>	20.5	Good	Good	Drip line	18	Yes*	Low	Retain	5	tip dieback on some branches, root wads of trees that previously failed near the base of this tree; *suggest advanced decay testing if tree is retained to determine if there are any internal issues at the base of the tree.
7	Douglas-fir/ <i>Psuedotsuga menziesii</i>	26.5	Good	Good	Trunk	15	NO	Low	Remove/ Access	0	Becoming suppressed by trees 7 and 9, large fruiting body from <i>Phaeolus schweinitzii</i> at the base, will be compromised by access road; poor candidate for retention
8	Douglas-fir/ <i>Psuedotsuga menziesii</i>	17.5	Fair	Fair	Trunk	12	NO	Low	Remove/ Access	0	<i>Phaeolus schweinitzii</i> at base
9	Douglas-fir/ <i>Psuedotsuga menziesii</i>	39.0	Fair	Good	Trunk	22	Yes	Low	Remove/ Access	0	
10	Douglas-fir/ <i>Psuedotsuga menziesii</i>	25.0	Good	Good	Trunk	16	Yes	Low	Remove/ Access	0	
11	Douglas-fir/ <i>Psuedotsuga menziesii</i>	26.0	Good	Good	Drip line east, 24 ft in other directions	12	Yes	Low	Retain	9	
12	Douglas-fir/ <i>Psuedotsuga menziesii</i>	33.0	Good	Good	Drip line	20	Yes	Low	Retain	12.5	
13	Western Red cedar/ <i>Thuja plicata</i>	26.0	Fair	Good	Trunk	20	Yes	Low	Remove/ Grading	0	Canopy sparse and off color; tree roots will be compromised by access to site
14	Western Red cedar/ <i>Thuja plicata</i>	29.0	Fair	Good	Trunk	20	Yes	Low	Remove/ Grading	0	Canopy sparse and off color; tree roots will be compromised by access to site
15	Willow species/ <i>Salix sp.</i>	11.0	Poor	Poor	Trunk	6	NO	Low	Remove/ Health	0	Split at base with extensive decay, multiple part failure; trunks measured 4+5+9 DSH
16	Big leaf maple/ <i>Acer macrophyllum</i>	31.0	Good	Good	Trunk	25	Yes	Low	Remove/ Grading	0	Large surface roots, low density moderate size dead wood, crown clean if retained
17	Big leaf maple/ <i>Acer macrophyllum</i>	14.9	Fair	Fair	Trunk	18	Yes	Low	Remove/ Grading	0	slow growth rate, smaller lead previously failed, disturbance in the root zone; trunks measured 10+11 DSH



Artoush Construction - Table of Trees
11622 80th Ave. NE, Kirkland

Date of Inventory: January 17, 2014
 Table Prepared: January 24, 2014

18	Big leaf maple/ <i>Acer macrophyllum</i>	29.0	Fair	Poor	Trunk	23	NO	Moderate	Remove/ Structure	0	Large tearout in lower trunk with cavity and decay, wounds on multiple sides of the tree, verticillium wilt, moderate density of moderate size dead wood
19	Douglas-fir/ <i>Psuedotsuga menziesii</i>	32.0	Good	Good	Trunk	21	Yes	Low	Remove/ Grading	0	
20	Big leaf maple/ <i>Acer macrophyllum</i>	6.0	Good	Good	Trunk	12	Yes	Low	Remove/ Grading	0	Intermediate canopy
21	Western Red cedar/ <i>Thuja plicata</i>	16.0	Good	Fair	12 feet from trunk	8	Yes	Low	Retain	4	Forks at five feet above grade, narrow angle of attachment with included bark
22	Big leaf maple/ <i>Acer macrophyllum</i>	6.5	Good	Fair	Trunk	8	NO	Low	Remove/ Structure	0	
23	Big leaf maple/ <i>Acer macrophyllum</i>	7.6	Good	Fair	Trunk	8	NO	Low	Remove/ Structure	0	Trunks measured 3+7 DSH
24	Douglas-fir/ <i>Psuedotsuga menziesii</i>	26.0	Good	Good	Trunk	22	Yes	Low	Remove/ Grading	0	
25	Bitter cherry/ <i>Prunus emarginata</i>	9.7	Fair	Fair	Trunk	12	Yes	Low	Remove/ Grading	0	Tall trunks with narrow taper, trunks measure 2+3.5+6+6.5 DSH
26	Western Red cedar/ <i>Thuja plicata</i>	~48	Good	Good	Trunk	25	Yes	Low	Remove/ Grading	0	debris around the base limited access to trunk
27	Western Red cedar/ <i>Thuja plicata</i>	28.0	Good	Good	Trunk	18	Yes	Low	Remove/ Grading	0	debris around the base limited access to trunk
28	Western Red cedar/ <i>Thuja plicata</i>	28.0	Good	Good	Trunk	18	Yes	Low	Remove/ Grading	0	debris around the base limited access to trunk
29	Douglas-fir/ <i>Psuedotsuga menziesii</i>	27.0	Good	Good	Trunk	18	Yes	Low	Remove/ Access	0	Power line below canopy, difficult access due to black berry
Total Tree Credits 30.5											
Adjacent Site											
A	Pacific madrone/ <i>Arbutus menziesii</i>	~15	Good	Good	Drip line	23	Yes	Low	Retain	0	tree trunk is approximately 20 feet from the property line
B	Douglas-fir/ <i>Psuedotsuga menziesii</i>	~20	Good	Good	Drip line	18	Yes	Low	Retain	0	Tree trunk is approximately 15 feet from the property line

DEVELOPER/AGENT:

ARTOUSH FANAIIAN
9517 132ND AYW NE
KIRKLAND, WA 98033

PROPERTY ADDRESS

11622 80TH AVE NE
KIRKLAND, WA 98033

SURVEYOR/ENGINEER

EASTSIDE CONSULTANTS, INC.
1320 NW MALL STREET, STE B
ISSAQUAH, WA 98027

ZONING

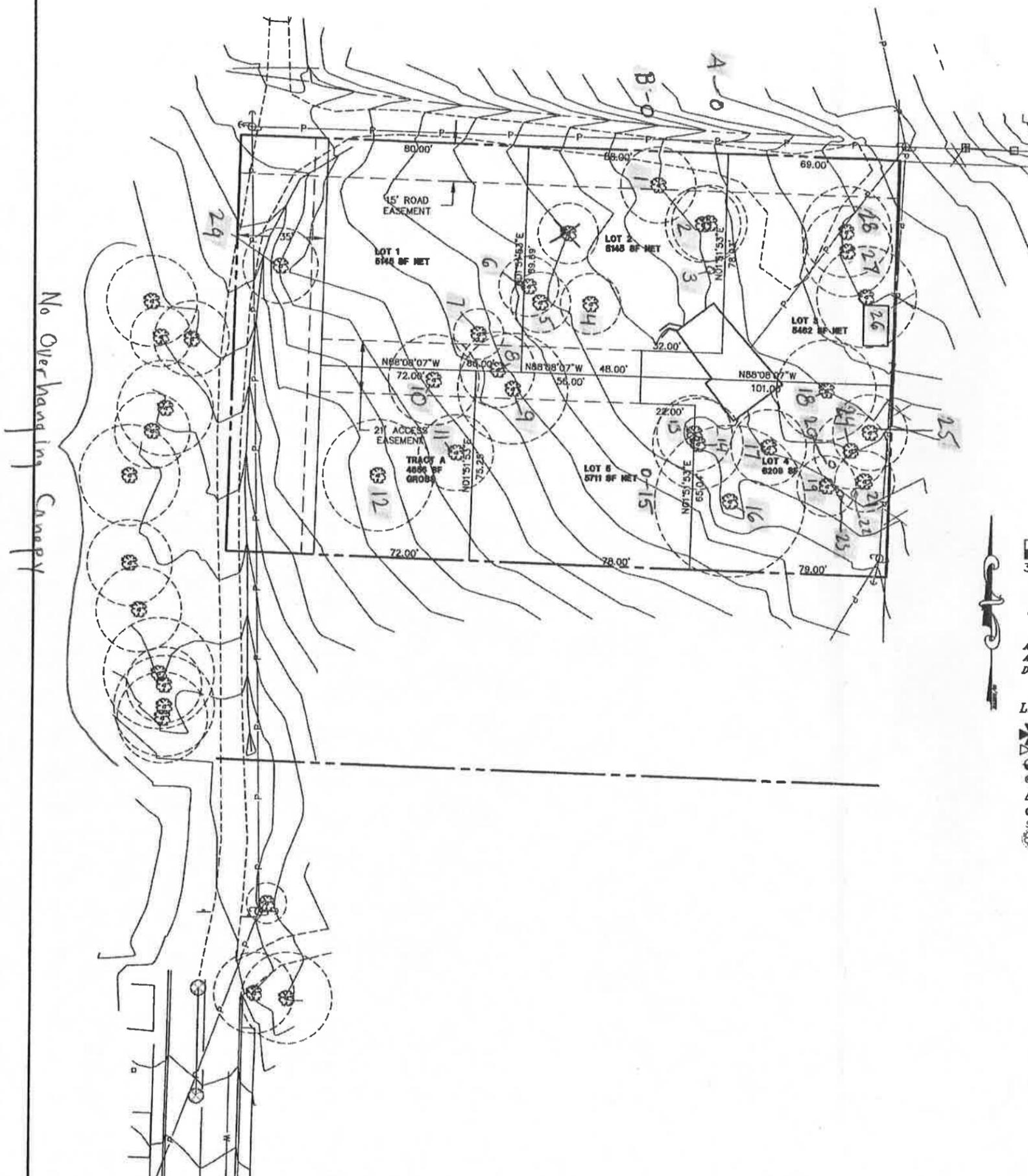
RSA 6

TAX ACCOUNT NO.

2526049024



VICINITY MAP
NTS



SCALE: 1"=30'



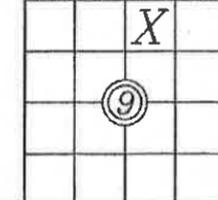
MERIDIAN: LAMBERT GRID NORTH
WASHINGTON STATE COORDINATE SYSTEM
OF NAD 83/81 - NORTH ZONE

AVERAGE COMBINED FACTOR = 0.9999589
ALL DISTANCES SHOWN HEREON ARE GRID
DISTANCE UNLESS OTHERWISE NOTED.

LEGEND:

- ✠ - FOUND SECTION CORNER
- ⊕ - CALCULATED SECTION CORNER
- ⊗ - FOUND CONCRETE MONUMENT WITH BRASS CAP IN CASE
- ⊙ - SET 1/2" REBAR & CAP P.L.S. # 16915
- △ - SET MAG NAIL AND BRASS FLASHER
- - FOUND REBAR OR OTHER PROPERTY CORNER MARKER
- SB - BUILDING SETBACK
- ⊗ - TREE TYPE/DIA./DRIP LINE DIA.

LOCATION INDEX:
SECTION 9 T25N R5E. W.M.



EASTSIDE CONSULTANTS, INC.
ENGINEERS-SURVEYORS 1320 N.W. MALL ST., SUITE B
ISSAQUAH, WASHINGTON 98027
PHONE: (425)392-6351
FAX: (425)392-4676

CITY OF KIRKLAND
SHORT PLAT No.
PORTION NW1/4, NE1/4 SEC. 9, T25N R5E.

DWN BY	DATE	JOB NO.
S.KITZ	6/13	13050
CHKD BY	SCALE	SHEET

Tony Leavitt

From: TChilelli@aol.com
Sent: Friday, May 02, 2014 2:55 PM
To: Tony Leavitt
Subject: Artoush Short Plat SUB14-00283

Tony Leavitt
Project Planner
City of Kirkland
123 5th Ave
Kirkland, WA 98033

Dear Mr. Leavitt:

We are the property owners of 11724 80th Ave NE; Kirkland, WA 98034. We have met with your self and Rob Jammerman concerning the proposed short plat.

As discussed the easement # 3322220 is our private road access easement. The Artoush Short Plat currently shows a pedestrian access way on our easement. This is unacceptable for three reasons.

1. This easement is our access easement. We are opposed to it becoming a pedestrian pathway. In the future, we may decide to utilize it to access the south portion of our property. We cannot do this if it becomes a pathway.
2. The pathway leads to no-where. The property to the east has already been developed with a single family home. The pathway currently leads to their back yard. To the North it leads to our private property. There is no way to access public property from the suggested pathway.
3. Should it become a pathway, it will be a 15 x 300 foot tunnel with 6 foot high fences on both sides of it. This is not desirable for either ourselves or the new homeowners. It will collect trash and be a place for teenagers to hang out unseen. We currently have a trash problem on our private driveway and foresee it getting worse if this pathway should go in.

In the meeting with Mr. Jammerman, we discussed alternate routes that would make more sense for a pedestrian pathway. Please note that we will not allow a pedestrian pathway on our access easement. The King County Council was ruling from precedent when Chatam Ridge attempted to do the same thing. It was ruled that Chatam Ridge could not use our access easement for a public pedestrian pathway to our private property. (The official documents can be made available to the City if requested in writing.) What is being proposed is essentially the same thing. The proposed pathway only connects to two separate private properties with no possible way to access public property without an easement from private property owners.

Once the plat is constructed, the new road will end at our driveway. Even though we currently have road signs installed people deface the signs and use our driveway and property as if it were public. Added population will only encourage this. We are requesting that road signs be installed clearly stating that the road ends and that private property begins. No trespassing or turn around allowed.

We also have people trespass upon our undeveloped acre that is adjacent to the north of the plat. In order to discourage this, we ask that construction fencing be installed prior to ground breaking, so that all involved will know what the boundaries are for construction. We also request that a permanent 6 foot fence be installed along the North boundary line of the Plat. This would be along the south and east line of our access easement. (the proposed pathway). This will delineate our property and easement from the proposed plat.

Drainage is also a concern. We wish to ensure that any drainage from the plat will be directed away from our property. When Chatam Ridge was installed, I had an engineer assess their plan and found it to be lacking in protection. The County did have them install extra protections, but it was not enough. Since Chatam Ridge was installed, we now have more water on our property. We will have to install french drains where they were not previously needed before Chatam Ridge was complete.

Please install a stop sign at the intersection of 80th Ave NE and NE 115th st. There will be more traffic traveling straight through on 80th through this intersection. Currently there is no stop sign. Traffic turning onto 80th from 115th rarely stops or even looks to see if someone

is going straight on 80th. At this time there is very little straight traffic, but this will increase with the new development.

As a member of the Finn Hill Neighborhood Alliance and the Juanita Woodland Rangers, we also request that the City grant the request by FHNA to install construction, and then later, permanent fencing and signs to inform the public and protect the woodlands.

We thank you for your consideration of our requests and the protection of our property. We ask that we become a party of record.

Sincerely,
Teresa Chilelli-White
Bruce White
11724 80th Ave NE
Kirkland, WA 98034
425-501-4693
Tchilelli@aol.com

Tony Leavitt

From: Amy Drackert <offwandering@gmail.com>
Sent: Monday, April 21, 2014 12:09 PM
To: Tony Leavitt
Subject: SUB14-00283 Artoush Short Plat

Greetings Tony --

I am a resident of Hermosa Vista, and I am writing with some input on the proposed Short Plat of the Artoush property.

It would be fabulous if there could be a public easement made for a footpath from the end of NE 80th St to connect with NE 117th St. I don't even know if that is possible per the zoning code, but I know it would be welcomed by many of the residents of Hermosa Vista.

Most of the young kids in the neighborhood go to Sandburg/DCS or Finn Hill, and yet cannot walk to school safely because there is no walkway along Juanita Drive. They cannot walk or bike to the school on the weekends to meet their friends. It IS possible to walk along the existing private drive and along the side of the Artoush property, but the property owners posted the drive as "Private Property--No Trespassing" a couple years ago and have been very unwelcoming to any walkers.

Since there will need to be vehicle access to the property via easement at the end of 80th, I hope that somehow pedestrian access to 117th can be included!

Thank you--
Amy Drackert
11546 84th Ave NE
Kirkland WA 98034
425-829-9579
offwandering@gmail.com



May 6, 2014

Tony Leavitt
Associate Planner
Planning and Community Development
City of Kirkland
123 Fifth Avenue
Kirkland WA 98033

Re: Artoush Short Plat – Case No. SUB14-00283

Dear Mr. Leavitt:

I am writing on behalf of the Finn Hill Neighborhood Alliance (FHNA) to request that the proposed development of the Artoush short plat, referenced above, be conditioned upon compliance with a few requirements that will help to preserve the conditions of the adjacent Juanita Woodlands Park.

FHNA's predecessor, the Denny Creek Neighborhood Alliance, worked with the County and Finn Hill residents to preserve what is now known as the Juanita Woodlands from development. Volunteers raised \$500,000 to help fund the acquisition of the park and have spent countless hours formulating a plan to preserve an urban forest. This plan has gone into effect and, to date, 4200 trees have been planted to enhance the health and variety of the woodlands. We are currently discussing a proposal with the County to create a deer glade on the east portion of the Woodlands, not far from the proposed Artoush development.

Increased population and traffic in this area add to the environmental pressures that already threaten the Juanita Woodlands. Accordingly, we are hoping that the City of Kirkland will require that construction fencing be installed prior to the any ground breaking on the Artoush short plat to ensure that construction activities do not spill over into the woodlands. In order to ensure that residents of the new neighborhood respect the natural condition of the park, we also request that the developers of the Artoush parcel install fencing and sign posts to alert the neighborhood to our protection efforts. We recommend that sign posts be installed every 50 feet. We are willing to supply and install the signs.

We have consulted with the King County Parks Department about these recommendations. The Department fully supports them and suggests that the permanent fencing take the form of a post and peeler fence as it lasts longer than a split rail fence.

If it is not too late we are also requesting the same construction and permanent fencing for the ASHK, LLC Development short plat, King County File # L11S0004.

We hope our new Finn Hill neighbors in these subdivisions will join FHNA's efforts to protect and enhance the Juanita Woodlands as well as other invaluable parks and woodlands on Finn Hill.

Thank you for your consideration in this matter. Please make the Finn Hill Neighborhood Alliance a party of record in this file. If you have questions, please contact Teresa White, the FHNA member who leads our efforts to restore the Juanita Woodlands. Teresa's email is tchilelli@aol.com. I am also happy to answer any questions you may have. You can contact me at scott@finnhillalliance.org or on my cell phone, 206-972-9493.

Sincerely,

FINN HILL NEIGHBORHOOD ALLIANCE



Scott Morris, President

cc: Rod Jammerman
Pam Bissonnette
Kari Page
Teresa White
FHNA Board of Directors
Grover Cleveland, King County Parks

City of Kirkland
Planning Department
123 5th Avenue
Kirkland, WA 98033

April 27, 2015

RE: Appeal of Artoush Preliminary Short Plat Approval SUB14-00283

To Whom it May concern:

We wish to appeal the Preliminary Short Plat Approval for the Artoush Short Plat Application, specifically the installation of improvements to our access easement #33222220. .

The City has been made well aware of the “L” shaped easement # 33222220 that runs along the west and north property line of the proposed plat. The portion that runs along the west property line is 30 feet wide. The Artoush proposal is for this portion to be dedicated to the City. Once the dedication is complete the City will become the servient property owner to our access easement. The portion of the “L” – shaped easement that runs along the north property line is 15 feet wide. The Artoush proposal shows a 10 foot x 15 foot portion of the northeast corner of the easement to also be dedicated.

As part of the dedication the City is requiring the Artoush Short plat to illegally construct improvements upon our access easement. While we do not object to the paving of the 30 foot portion of Tract B, we do object to sidewalks on Tract B that will block our access to the use of those portions of our easement that border the Artoush north property line. A driveway cut should be installed instead of a sidewalk with extruded curbing. We, however, prefer nothing be constructed on our easement.

We further object to any structures at all on the 10 foot X 15 foot dedication that is slated for a pedestrian pathway. We will not allow any trespass onto our access easement as it connects to nothing but private property.

We are curious as to why this easement is required as it does not conform to Kirkland Code:
22.28.170 Access—Walkways.

(a) The city may require the applicant to install pedestrian walkways in any of the following circumstances:

(1) If a walkway is indicated as appropriate in the comprehensive plan;

There is currently no new comprehensive plan for our newly annexed area. King County code did not allow for a public pedestrian pathway on an easement as outlined in KC Ordinance No. 15716. That the Chatam Ridge pathway they are referring to, connects to nothing and therefore is not a pathway, but rather an easement to my property for a single family driveway.

This easement is exclusive to our property so no pedestrian pathway can be implemented until we relinquish our easement rights.

(2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;

There is no designated activity center anywhere near here.

(3) Midblock pedestrian access may be required if blocks are unusually long.

Nowhere does it state that the blocks are unusually long here. They seem to be normal distance.

(b) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city's option. (Ord. 3705 § 2 (part), 1999)

The City would be building a pathway to nowhere but our property. It is curious as to what the reasoning is for the "City's" option?

Any improvements constructed on any of our easements will be removed in accordance with Washington State law as outlined case law 58 Wn. App. 375, BOB D. BEEBE, as Trustee, ET AL, Respondents, V. JOHN SWERDA, ET AL, Appellants.

At this time, we are requesting that the plat be revised to reflect that no improvements would be built on our access easement # 3322220. As requested in our comment letter to the City, we are asking that signage clearly delineating private from public property be installed.

It is currently impossible to fully review this project as it is predicated on the plat to the south being built prior to this one, therefore we cannot comment on the storm drainage report or other aspects until the plat from the south has been approved, but reserve the right to do so at the hearing

We are also noting that if the builder does not build fencing on the south boundary of access easement # 3322220, we will be installing fencing to ensure that the new property owners know they have an easement running through their back yard.

Respectfully submitted by the property owners to the north, and party of record,

Bruce White,

Teresa Chilelli-White

11724 80th Ave NE

Kirkland, WA 98034

Bruce White
Teresa Chilelli-White
11724 80th Ave NE
Kirkland, WA 98034
425-501-4693

**APPEAL OF PLANNING DIRECTOR'S DECISION
KIRKLAND, WA**

SUBJECT: Kirkland Planning Directors Planning and Community Development Department
Case No. **SUB-00283**

ARTOUSH SHORT PLAT
Process I Short Plat Decision

16022 80th Ave NE
Kirkland, WA 98034

July 20th, 2015

Bruce White
Teresa Chilelli-White
11724 80th Ave NE
Kirkland, WA 98034
425-501-4693

**APPEAL OF PLANNING DIRECTOR'S DECISION
KIRKLAND, WA**

SUBJECT: Kirkland Planning Directors Planning and Community Development Department
Case No. **SUB-00283**

ARTOUSH SHORT PLAT
Process I Short Plat Decision

16022 80th Ave NE
Kirkland, WA 98034

A. BASIS OF APPEAL

1. The Planning and Community Development Staff and Director erred in requiring the dedication of a public right-of-way and a pedestrian access easement over Private Access Easement #3322220 without any conditions to accommodate and protect our easement rights. *See* Notice of Decision (“Decision”) at 2, ¶ 1.3.
2. There is a discrepancy between the location of the pedestrian access easement on the site map (Decision, Attachment. 2) and what is described in the Development Standards (Decision, Attachment 3 at 5, ¶ 8).
3. There is no need for a “Public Pedestrian Pathway” that connects to nothing but our private property, does not meet the criteria in KMC **22.28.170 Access—Walkways**, and will never be extended to the east.
4. The Tree Retention plan shows no provisions to protect trees on our property.
5. There are no Conditions requiring the Artoush Short plat to leave access to our home open during construction.
6. Storm Drainage Concerns.

B. A BRIEF HISTORY OF OUR PROPERTY

We purchased the property at 11724 80th Ave NE, Kirkland, WA 98034 in 1998. The only access to our property is through easement #- 3322220 from 80th Ave NE. *See* "Exhibit A page 1 and 2" (the Easement"). Historically, the road on the Easement provided access to our home and then turned east to the house on the Artoush property. This road then turned north, leaving the easement to provide access Uhlig's horse barn, (where the Chatham Ridge development is now located.) The road was used only by us, the Uhligs', and the renters of the Artoush property. Other than the property owners and renters, directly benefiting from the road, no pedestrians used the Easement because it ended at the east boundary of our property and the Artoush property. The east property lines were impassable due to the heavy brush.

Around 2005, the Northshore Utility District looped the sewer from 82nd Ave NE to 80th Ave NE. Doing this cleared a path from 80th to 82nd, which resulted in a slight amount of pedestrian use. After placing several signs to let people know that it was private property, the path quickly became overgrown again, and was no longer used.

Around 2007, when the Uhlig property was cleared to develop Chatham Ridge, the problems began. People began to think of our driveway and our yard as a public place. We tried to stop this by putting up a fence and posting signs, but they were torn down as fast as we could put them up, or painted over if they could not be torn down. *See* (Exhibit B) People began to abuse our property in the following ways:

- Dumping their garbage in our driveway - old tires, broken bikes, old park benches, car parts, etc. - that we would have to pick up and haul away.
- Kids using the path to get to the Woodlands for parties leaving broken bottles of beer and cans in our driveway and the Woodlands.
- Walking their dogs to defecate on our lawn, and when we call them out on it, their response was, "Someone told us this was a park."
- Coming home from work early, just after school let out, we would find teenagers sitting in our yard smoking cigarettes and "hanging out."
- Riding their bikes on our driveway and not moving over to let us out to the public street.
- Parking in our driveway, and then yelling at us for honking and asking them to move.
- When asking people not to use our private drive, we were sworn at and called names.
- Lifting their bikes over the fence we built to keep them going through, damaging the fence.
- Building paths into the vacant acre we own to the south of us and then calling animal control on our pets, even though the pets were on our property.
- Even the Kirkland City Staff had little regard for our property rights and took several Kirkland employees up our driveway to discuss turning it into a public pathway without even so much as a phone call.

We have since put up signs that cannot come down and fences that have kept the public from coming through. Mr. Artoush has also helped by blocking the through

access. As a result, we no longer have the problems listed above. We are concerned that a public pathway leading to our private property would result in the renewal of the abuses listed above.

C. ARGUMENT IN SUPPORT OF APPEAL

1. The Planning and Community Development Staff and Director erred in requiring the dedication of a public right-of-way and pedestrian access tract over private access easement #3322220 without any conditions to accommodate and protect our easement rights.

One of the conditions of approval states: “As part of the short plat recording, the applicant shall:

- a. Dedicate Tract B as a public right-of-way (see conclusion V.B.2)
- b. Dedicate a pedestrian access easement as outlined in Attachment 3 (see Conclusion V.C.2.),

Decision at 2, ¶I.3.

Washington law requires the City, and The Artoush Short Plat to accommodate and protect our easement, which seems to have been ignored in the planning of this development. We have raised this issue with City Staff on several occasions, not only in the Letter to the City dated May 2, 2014 (Letter is part of the Decision Public Record), but also in several phone calls and meetings with the City Staff.

Our Easement must be accommodated and protected for the following reasons:

- The Easement cannot be extinguished.
- The improvements must not impair the use for which the Easement was intended.
- The required improvements on the Easement would violate RCW 58.17-110.

a. The Easement cannot be extinguished.

The Easement benefitting our property is “L” shaped and runs north along the westerly 30 feet of the Artoush property, then turns east along the northerly 15 feet of the Artoush property. *See* Exhibit C. Rather than giving any indication that we have relinquished our easement rights, we have spent numerous hours and thousands of dollars defending our easement.

Clippinger v. Birge, 14 Wn. App. 976, 547 P.2d 871 (1976), (“easements follow possession of the dominant estate through successive transfers” and “[a]lthough it is possible to extinguish said easement rights, such must be the clear purpose of the dominant estate.”). When Mr. Artoush bought his property, we informed him via US mail of the Easement. The proposed dedication cannot and does not extinguish the Easement.

Gibson v. Paramount Homes, LLC, 253 p.3d 903 (mont. 2011) (holding that a road dedication does not extinguish a private easement- “private and public easement rights in the same road can coexist andalteration of the public right does not affect the private easement.”).

b. _____ The improvements must not impair the use for which the Easement was intended.

Because the Easement cannot be extinguished, the servient estate must accommodate it. The Artoush Short Plat requires Tract B (Exhibit D) to be dedicated as a public Right- of-Way. This does not appear to interfere with our easement until it reaches the 15-foot-wide portion that turns to run east. The plans clearly show a curb, gutter and sidewalk on both -the east and west ends of the Easement, which would restrict our use of the Easement for its current and intended use. Even though the west end improvements are for road purposes, the installation of curb, gutter, and sidewalk would block our use of the Easement. The east end improvements are for a public pedestrian pathway to nowhere and would also restrict our use of the Easement and it encourages the public to abuse our property.

c. _____ Requiring improvements on the Easement would violate RCW 58.17-110

Under RCW 58.17.110 –, “a dedication cannot result in an unconstitutional taking of private property.”

We have a private property right in the Easement. Curbs and sidewalks within the area covered by the Easement would infringe on our ability to use the Easement for road purposes. The two requirements in the Artoush Short Plat for such improvements infringe on our easement rights and constitute the “taking of private property.”

In fact there is no need to extend 80th Ave NE, any further than the north edge of Tract B, especially a sidewalk that leads to nowhere but our property. Requiring improvements beyond that point would only encourage the negative issues we have been dealing with since the development of Chatham Ridge.

2. There is a discrepancy between the location of the pedestrian access on the site map (Decision, Attachment 2) and what is described in the Development Standards, (Decision Attachment 3 at 5, ¶8.B).

The pedestrian access easement on the map is shown to go east/west between lots 3 and 4, and then turns north along the eastern edge of lot 3. The Staff report describes the pathway as turning south along the edge of lot 4: “At the east end of said sidewalk, grant a 10 foot wide public pedestrian pathway between lots 3 and 4 and along the east property line of lot 4. Within said easement install an 8 foot wide paved pedestrian pathway.” Decision, Attachment 3 at 5 ¶ 8.B. *See* Exhibit D.

If what is described, as opposed to what is drawn, is the correct location of the pedestrian pathway, this would not interfere with the Easement, and we would have no longer object to the pathway.

3. There is no need for a “Public Pedestrian Pathway” that connects to nothing but our private property, does not meet the criteria as outlined in **22.28.170 Access—Walkways**, and will never be extended to the east.

a. The City is requiring a dead-end public pathway that leads only to our private property. Many negative issues have already arisen with the public using the existing easement to our private property and a new “pathway to nowhere” would only encourage more negative issues.

b. The pathway does not meet criteria in KMC 22.28.170.

KMC 22.28.170 Access—Walkways.

(a) The city may require the applicant to install pedestrian walkways in any of the following circumstances:

- (1) If a walkway is indicated as appropriate in the comprehensive plan;
- (2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;
- (3)** Midblock pedestrian access may be required if blocks are unusually long.

(b) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city’s option. (Ord. 3705 § 2 (part), 1999)

There is currently no new comprehensive plan for our newly annexed area. King County code did not allow for a public pedestrian pathway, - in fact the King County Council rejected the Idea of a Public pathway to private property, as outlined in KC Ordinance No. 15716. See Exhibit E Page 8 8. e. The “Chatam Ridge pathway” referred to in the Conditions of Approval is not currently a public pathway, nor is it an easement for a public pathway.

There is no designated activity center anywhere near the Artoush property.

There is no indication in the documents submitted or in the Conditions of approval that the blocks are unusually long in this area.

c. The Decision implies that the walkway will connect to another walkway to the east.

“The pathway is for future extension to the east. The city will need to negotiate the connection of the path to the easement on the Chatham Ridge Plat to the east”.
Decision, Attachment 2 at 5, ¶ 8.D.

There is no possible way the Artoush Short Plat pathway can connect to anything going east without the use of our private property. Exhibit C shows the path the referred to in the Conditions of Approval, according to King County Ordinance #15716, however, Tract B cannot become public until a path connects to the “west end of Chatham Ridge Tract B”

The west end of the Chatham Ridge Tract B is our private property. We have no intention of granting an easement to the public over our property. If we ever do sell or develop our property, 80th Ave NE would need to be extended and would most likely connect to the Chatham Ridge plat and NE 117th Place. Exhibit F shows several possible layouts which would connect a new public road and sidewalk for pedestrian use none of which are anywhere near the proposed Artoush Short Plat pathway. A new road with connecting public sidewalks would serve the same purpose as the proposed Artoush Short Plat pathway, rendering the proposed pathway unnecessary. There is no rational reason for requiring this “option” as a condition for the Short Plat at this time.

4. The Tree Retention plan shows no provisions to protect trees on our property.

The Decision allows for disturbance up to the property line, with no protective measures for the trees on our property. Decision attachment 4 at 4. Our experience with the Chatham Ridge development has shown this practice to be detrimental to adjacent trees.

Any disturbance of trees under the drip line will cause damage to the tree. When the Chatham Ridge plat was developed, we raised this issue and were told that the disturbance would not harm the trees. Within the following seven years, three trees on our property have died. Please note Exhibit G which is a picture of a healthy Big Leaf Maple at the time Chatham Ridge was built. This tree is now dead and has become a hazard to the Chatham Ridge Playground. We informed the County of this problem at the time, but nothing was done about it. Further, the Artoush property has many significant trees on it, as outlined in the tree report which are all slated to be removed. Removing the trees shall expose all trees to the east and north to more direct wind force as the prevailing winds come from the southwest. Not protecting trees A and B (as described in the tree report) may likely cause them to fall during a storm. By raising this issue on appeal, we are providing notice that should property damage result, will hold the City and the Artoush Short plat directly responsible due to neglecting the protection of these trees.

5. There are no Conditions requiring the Artoush short plat to leave access open to our home during construction.

Nowhere in the conditions of approval does it require the Artoush Short Plat to leave our access open. We have no other access to our home and it should be left open at all times during construction.

6. It is currently impossible to assess the drainage report since it is preliminary and the Property to the south of the Artoush Short Plat has not yet been developed.

The Development of Chatham Ridge has taught us to wary of preliminary Drainage reports. Since the construction of Chatham Ridge our property has not been the same. We pleaded with King County for stricter requirements, and even hired an engineer to suggest ways to help the drainage form Chatham Ridge. The Vault currently has cracks and is leaking. We have notified the City of their responsibility to maintain the drainage system, but to date, we have seen no one from the City out there fixing any of these issues. *See Exhibit H.*

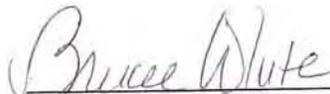
We were not included in the Drainage Complaint map even though we have written to the City with our drainage concerns as well as be included in Mr. Lou Berner's drainage report to the City from the Finn Hill Neighborhood Alliance. The water from Chatham Ridge has created a new wetland in the Juanita Woodlands and has the potential to damage many trees along the new route.

D. CONCLUSION

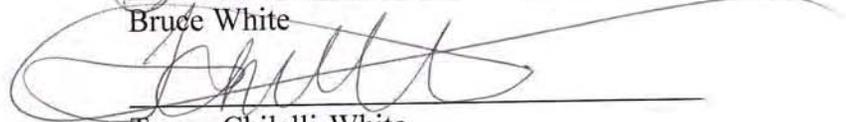
Our Access Easement # 3322220 must be accommodated and not restricted by the current required improvement and dedication. We currently ask the City Council to add the following conditions:

- Install, and when complete remove, construction fencing on the west and north property lines to ensure that construction does not go beyond these points.
- Install native growth protection signs and fencing on the west property line to protect the Juanita Woodlands and discourage negative use of this area.
- Revise the improvements for 80th Ave NE so they do not extend past the North edge of tract B. There is currently no need to make improvements beyond this point. Doing so will only encourage trespassing.
- The dedication of a public pathway at the East end of Lot 3 should no longer be required as there is no reason for it.
- Require that the new grade of the East/West portion of our easement stay close to the current grade so that we will still be able to access our property from this portion of the Easement.
- Grade and install Gravel on East/West portion of our easement for a roadway so future owners will know they have an access easement in their back yard.
- Any fences constructed on the North property line should be constructed on the south edge of the Easement and should not interfere with any portion of our easement.
- Require protection for Trees A & B by not allowing disturbance up to the property line.
- Ensure that the drainage requirements will not harm any downstream properties, including the Juanita Woodlands.

Respectfully submitted this _20th day of July 2015.



Bruce White



Teresa Chilelli-White

20030514 900016

20030514 900016
KING COUNTY, WASHINGTON
BOUNDARY LINE ADJUSTMENT
NO. 103160011



LEGEND

- SET 5/8" X 24" IRON NAIL OR GALV. STAMPED "PT 10316"
- ✕ SET 1/2" DIA. W/FLASHER STAMPED "PT 10316"
- ⊙ FOUND MONUMENT/CASE AS NOTED
- ⊙ CALCULATED SECTION CORNER PER VOL. 194, P. 93
- FOUND REBAR/CPJ AS NOTED
- WOOD FENCE
- PROPERTY LINE
- FENCE LINE
- ONE POST
- (P) PER PLAT OF ASTOR GARDENS (BOOK 1)

NOTES:

- 1) THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY OTHERS UNLESS OTHERWISE EXPRESSLY INDICATED BY THE LAND SURVEYOR.
- 2) BOUNDARY LINES SHOWN AND CORNERS SET REPRESENT BEST LOCATIONS UNLESS OTHERWISE NOTED. NO GUARANTEE OF BOUNDARIES IS EXPRESSED OR IMPLIED.
- 3) SEE ASTOR GARDENS (BOOK 1, RECORDED IN VOLUME 194, PAGES 91-97) OF PUBLIC RANGE COUNTY, WASHINGTON FOR SECTION BREAKDOWN AND DETAILED CORNERS USED FOR THIS SURVEY.
- 4) DRAWN/FILED LOCATIONS PROVIDED BY OTHERS.

EQUIPMENT AND PROCEDURE

METHOD OF SURVEY
SURVEY PERFORMED BY FIELD TRAVERSE

INSTRUMENTATION
LEICA 1050-1105 ELECTRONIC TOTAL STATION

PRECISION
MEETS OR EXCEEDS STATE STANDARDS IBC 322-130-080

BASIS OF BEARING
THE UNADJUSTED CENTERLINE OF 824th AVE. N.E. AS THE BEARING OF N 01°40'00" W

ADDITIONAL NOTES
GARDENS ENDS AT WAIVER 194 OF PLATS ON PAGES 91-97.

BOUNDARY LINE ADJUSTMENT FOR:

BRUCE WHITE & TERESA CHIRELLI-WHITE
IN SE 1/4, SE 1/4, SEC. 25, T.26N., R.1E., W3M.
KING COUNTY, WASHINGTON

PREPARED BY: DATE: BY: DATE: PROJECT: DRAWN BY: DATE: CHECKED BY: DATE: SCALE: SHEET NO. OF 2

WESTERN ENGINEERS, INC.
LAND USE CONSULTANTS
CIVIL ENGINEERS & LAND SURVEYORS
356-2700
15000 HWY 99 SOUTH • EVERETT, WA 98204



4-18-03

This deed is statutory form for use in State of Washington only

WARRANTY DEED

The Grantor ANNA JERDEE ODELL, a widow now and at the time of acquiring title

of Valleyford, County of Spokane, State of Washington

for and in consideration of Four Hundred and no/100 (\$400.00) Dollars

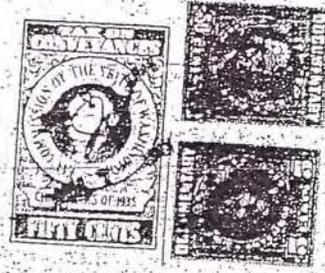
in hand paid, conveys and warrants to

THOMAS B. RAINE and ANNE M. RAINE, HUSBAND AND WIFE,

the following described real estate, situated in the County of King, State of Washington:

South Half (S 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-five (25), Township Twenty-six (26) North, Range Four (4), E.W.M., reserving and excepting from said property an easement for roadway purposes fifteen (15) feet wide on the North of said tract and thirty (30) feet wide on the West of said tract, including the right to build, grade, repair and maintain said roadway.

Subject to no encumbrances.



Dated this 22nd day of June, 1943

Anna Jerdee Odell (Seal)

STATE OF WASHINGTON } ss. County of Spokane

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 22nd day of June, 1943 personally appeared before me

ANNA JERDEE ODELL, a widow now and at the time of acquiring title.

to me known to be the individual named herein who executed the foregoing instrument, and acknowledged that she signed and sealed the same as her free and voluntary act and deed for the uses and purposes herein mentioned.

Given under my hand and official seal of the State of Washington at the place and date first above written.



EXHIBIT B- PAINTED OVER SIGN

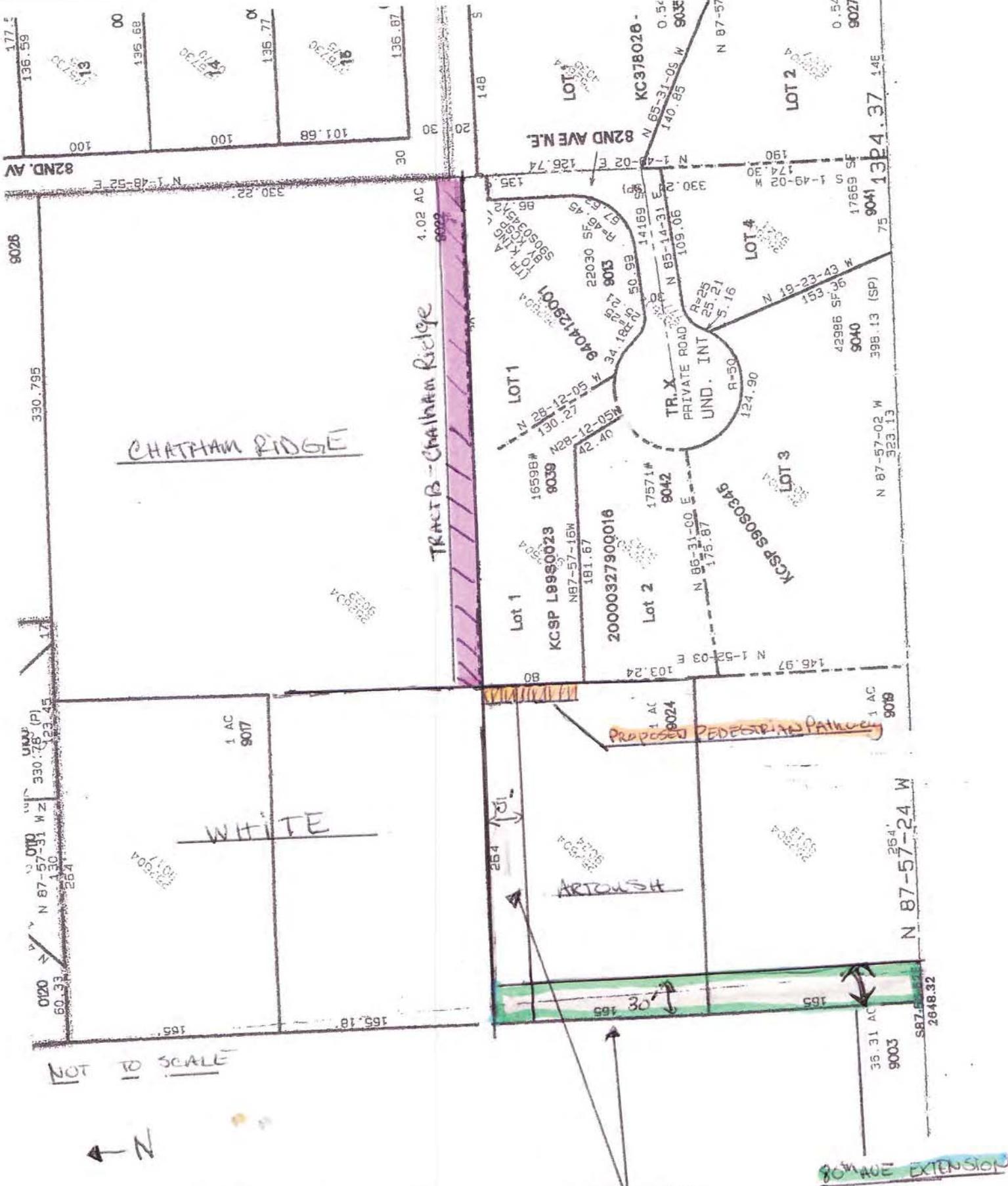
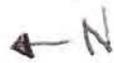


EXHIBIT C



NOT TO SCALE

THE EASEMENT
332220

80' AVE EXTENSION



Exhibit E
KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 12, 2007

Ordinance 15716

Proposed No. 2006-0456.3

Sponsors Phillips, Gossett and Hague

1 AN ORDINANCE granting, in part, and denying, in part,
2 the appeal of Bruce White and Teresa Chilelli-White, and
3 concurring with the revised recommendation of the hearing
4 examiner, dated April 9, 2007, to approve, subject to
5 conditions, the preliminary plat of Uhlig Subdivision,
6 department of development and environmental services file
7 no. L05P0016.

8

9

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. This ordinance does hereby adopt and incorporate herein as its
12 findings and conclusions the findings and conclusions contained in the revised report and
13 recommendation of the hearing examiner dated April 9, 2007, to approve, subject to
14 conditions, the preliminary plat of Uhlig Subdivision, department of development and

Ordinance 15716

15 environmental services file no L05P0016, and the council does hereby adopt as its
16 decision the recommendation contained in said report.

17

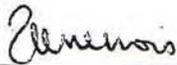
Ordinance 15716 was introduced on 1/16/2007 and passed as amended by the
Metropolitan King County Council on 4/9/2007, by the following vote:

Yes: 8 - Mr. Gossett, Ms. Patterson, Ms. Lambert, Mr. von Reichbauer, Mr.
Ferguson, Mr. Phillips, Ms. Hague and Mr. Constantine
No: 0
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Hearing Examiner Report dated April 9, 2007

Ordinance 15716
April 9, 2007

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404
Seattle, Washington 98104
Telephone (206) 296-4660
Facsimile (206) 296-1654
Email: hearex@metrokc.gov

REPORT AND RECOMMENDATION

SUBJECT: Department of Development and Environmental Services File No. **L05P0016**
Proposed Ordinance No. **2006-0456**

UHLIG SUBDIVISION
Preliminary Plat Application

Location: 11735 – 82nd Avenue Northeast, Kirkland

Applicant: Burnstead Construction
Attn: Tiffany Brown
11980 Northeast 24th Street
Bellevue, Washington 98005

King County: Department of Development and Environmental Services (DDES)
represented by Fereshteh Dehkordi
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7173
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)
Examiner's Revised Recommendation:	Approve, subject to conditions (modified)

EXAMINER PROCEEDINGS:

Hearing Opened:

December 7, 2006

Hearing continued for administrative purposes: The record of the public hearing was held open for submission of a survey of the adjacent (Chilelli-White) property to the west, to be entered as exhibit no.

22. The survey was received by the King County Hearing Examiner's Office on December 14, 2006, and the hearing was thereupon closed.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES AND TOPICS ADDRESSED:

- Surface water drainage
- Recreation area
- Road alignment
- Utility easement
- Geotechnical recommendations

SUMMARY:

The proposed subdivision of 15 lots in the urban area is approved subject to conditions.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information:**

Owner/Developer:	Burnstead Construction Attn: Tiffany Brown 11980 NE 24 th Street Bellevue, WA 98005 (425) 454-1900
Engineer:	The Blue Line Group Attn: Geoff Tamble 25 Central Way, Suite 400 Kirkland, WA 98033
STR:	25-26-04
Location:	11735 82 nd Avenue NE, Kirkland
Zoning:	R-6
Acreage:	3.1 acres
Number of Lots:	15
Proposed Density:	5 du/acre
Lot Size:	5,000 to 7,955 square feet
Proposed Use:	Residential Single family
Sewage Disposal:	Northshore Utility District
Water Supply:	Northshore Utility District
Fire District:	Fire District 41
School District:	Lake Washington School District
Complete Application Date:	August 29, 2005

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the December 7, 2006, public hearing are found to be correct and are incorporated herein by this reference. The said report is exhibit no. 2 in the hearing record.
3. Surface water from the proposed development will be detained in an underground vault, within a tract that will also be utilized for recreation area. The surface water drainage plan will require water detention sufficient to meet the conservation flow control standard. Discharge will be into an existing drainage course at the southwest corner of the property. The existing ditch on the south boundary will be tightlined, and a French drain will be placed underneath the tightline. Sheetflow that currently moves from the subject property to the property to the west will be diminished by drainage improvements proposed to be installed as part of this development. There is no demonstration of need for an interceptor drain at the west property line, although this determination will not be finally made until engineering plans are submitted and reviewed by King County.
4. The recreation area proposed in a joint surface water detention and recreation tract meets the requirements for recreation area contained in KCC 21A.14.180. Alternatively, the developer could utilize the pedestrian easement required along the south boundary as recreation area, in which event trail improvements would be required.
5. The current plat design, as recommended for approval by DDES, will dedicate a public subcollector road within a 42 foot wide right-of-way, approximately 178 feet north of the south property line. This new east-west road, from 82nd Avenue Northeast to the west property line, will terminate in a temporary cul-de-sac with an unimproved right-of-way stub for potential future extension of the road to the west.

The property owner to the west would prefer that the new east-west road be located further to the south, and has proposed an alternative alignment that would require utilization of a substantial portion of the applicant's property along the applicant's west property line. Another alternative considered, relocation of the plat access road to align with Northeast 117th Street, is not feasible due to topographic and right-of-way constraints.

The road presently proposed to the west property line is capable of being extended to provide possible future public access to the adjacent property to the west, if and when that property is developed. The adjacent property owner's concern with proximity of the existing structures on their property cannot be alleviated should the road be extended. Structures will need to be demolished should the road be extended, but the Uhlig Subdivision itself does not have an adverse impact on the adjacent property
6. A utility easement for the benefit of the adjacent property to the west extends across the subject property. This easement is currently utilized to provide water service to the adjacent property to the west. It is the responsibility of the Applicant to assure continued water service to the adjacent property owner, without cost to the adjacent property owner for relocation or reconnection of the water meter and pipe.
7. A geotechnical report concerning the proposed development of the subject property was provided

by Cornerstone Geotechnical, Inc. The purpose of the report was to evaluate subsurface conditions and provide recommendations for site development. The geotechnical evaluation determined that the site is suitable for the planned development, provided that several recommendations for the development are followed.

CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, subdivision and zoning codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare, and for open spaces, drainage ways, streets, other public ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and school grounds and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable and proportionate requirements necessary to mitigate the impacts of the development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required for final plat approval or as shown on the proposed preliminary plat submitted by the Applicant on August 17, 2006, are reasonable and necessary as a direct result of the development of this proposed plat, and are proportionate to the impacts of the development.
5. The pedestrian trail along the south boundary of the subject property could be used, at the applicant's option, to meet requirements of KCC 21A.14.180-200 for recreation space, subject to approval by the DDES director.
6. The location of proposed Road A provides a safe and reasonable access to the lots within the proposed subdivision, and provides improved access to the adjacent property to the west. The development of the subject property has no adverse impact upon access to the property to the west. The Applicant has no legal obligation pursuant to King County code or state law to adjust the road alignment to optimize access to the neighboring property. The relocation of Road A requested by the adjacent property owner may reduce the area of developable property within the Uhlig subdivision.
7. The development of the Uhlig subdivision must accommodate existing easements on the subject property in a manner that is consistent with the rights granted by those easements. All existing easements are required to be shown on the final plat.
8. Development of the property should be undertaken in accordance with the recommendations of the geotechnical report issued by Cornerstone Geotechnical, Inc., on December 23, 2005, and received by King County on February 10, 2006.

RECOMMENDATION:

The proposed subdivision of Uhlig Subdivision as revised and received August 17, 2006, is recommended to be granted preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The King County Fire Protection approval has been granted with the following conditions. A final Fire Engineer approval will be required prior to the final engineering approval:
 - a. All future residences constructed on lots 1 through 6 and 11 through 15 are required to be sprinklered NFPA 13D unless the requirement is removed by the King County Fire Marshal or his/her designee. The Fire Code requires all portions of the exterior walls of structures to be within 150 feet (as a person would walk via an approved route around the building) from a minimum 20-foot wide, unobstructed driving surface. To qualify for removal of the sprinkler requirement driving surfaces between curbs must be a minimum of 28 feet in width when parking is allowed on one side of the roadway, and at least 36 feet in width when parking is permitted on both sides. The preliminary drawings reviewed for this subdivision indicate that the driving surface of Road A will be 28 feet between curbs. To get the sprinkler requirement removed it will be necessary to restrict parking from the cul-de-sac and one side of Road A, and from both sides of Tract A. Tract A and road A (if it is a private road) will have to be marked/signed as fire lanes as outlined in Title 17 of the King County Code.
 - b. A separate permit is required for the installation of water mains and/or fire hydrants. Please submit three (3) copies of drawings and specifications to DDES Building Services Division Permit Service Center for a permit application. Review and approval by Fire Engineering Section is required prior to installation. Plans shall include, but are not limited to; pipe sizes, pipe type, valves/fittings, thrust blocks and/or rodding and material listings. Fire hydrants shall be installed per K.C.C. Title 17 Water mains shall be installed and tested per AWWA standards and/or NFPA#24 (STANDARDS FOR PRIVATE FIRE HYDRANTS AND WATERMANS); as applicable. Ref. 1001.4 UFC

NOTE: UNLESS SPECIFICALLY NOTED, ANY WATERMAIN OR FIRE HYDRANT DETAILS ON BUILDING PLANS/DRAWINGS HAVE NOT BEEN REVIEWED OR APPROVED.

- c. Final plat approval requires an inspection and approval of the fire hydrant and water main installation by a King County Fire Inspector, prior to recording. **Call [888]546-7728 to schedule an inspection; after a permit to install has been obtained from DDES; Fire Protection Engineering.**
6. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code. Requirements shall apply to all plats.
- a. Drainage plans and analysis shall comply with the 2005 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.

The facility design and provisions for overflow requirements listed in the 2005 KCSWDM shall be met and the concerns of the appellant shall be addressed during the engineering plan review. The KCSWDM manual offers a variety of options for this, which will be considered during the detailed Engineering Review phase. For this DDES has no objection's to the applicant's offer to include the appellants in discussion of design options at the final engineering review phase. We recommend that this coordination be made between the appellant and the applicant. Specifically, the Applicant shall meet the requirements in Section 1.2.3 Core Requirement #3: Flow Control.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - d. The engineering plans shall include significant trees and comply with KCC 16.82.156 for clearing of the site.
 - e. Applicant shall install construction fencing.

7. The following conditions specifically address drainage issues for this particular plat:
- a. The drainage detention facility shall be designed to meet at a minimum the Conservation Flow Control and Basic Water Quality menu in the 2005 King County Surface Water Design Manual (KCSWDM).
 - b. A ground water interceptor drain shall be installed along the south property line in general conformance with the Preliminary Utility Plan received Aug. 17, 2006; unless otherwise approved by DDES. The design shall include the recommendations in the Geotechnical report by Cornerstone Geotechnical, Inc dated 12/23/2005.
 - c. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Chapter 5 of the 2005 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes and other details to implement the required BMPs for site development.
 - d. The applicant shall comply with the requirements of KCC 16.82.156 regarding the significant trees on the site. A significant tree inventory and retention/replacement plan shall be prepared and submitted with the engineering plans. The significant tree retention/replacement plan shall be approved by DDES prior to any clearing and grading activities on the site.
8. The following road improvements are required for this subdivision, and are to be constructed according to the 1993 King County Road Standards.
- a. Road A, the internal access road shall be improved at a minimum to the urban subcollector street standard with a temporary cul-de sac at the west end. In the event of the road extension to the west for the future subdivisions, the temporary cul-de-sac shall be removed and the area restored by the developer extending the road. A note to this effect shall be recorded on the site plan.
 - b. FRONTAGE: The frontage of the site along 82nd Ave NE shall be improved at a minimum to the urban subcollector street standard.(west side) The design shall require compliance with Section 4.01(f) of the KCRS; asphalt overlay when widening. This improvement shall be designed in general conformance with the Preliminary Utility Plan received Aug 17, 2006; unless otherwise approved by DDES.
 - c. OFFSITE: 82nd Avenue NE shall be improved on the east side from the north site boundary to NE 119th Street; at a minimum to the urban 1/2 – street standard with a 2% cross-fall from the future centerline (proposed west edge of pavement) to the flowline of the gutter on the east side of the roadway. This improvement will require compliance with Section 4.01(f) of the KCRS, or reconstruction of the existing road to meet the 1/2-street standard. This improvement shall be designed in general conformance with the Preliminary Utility Plan received Aug 17, 2006; unless otherwise approved by DDES.

- d. The private access tract shall be improved per Section 2.09 of the KCRS. This tract shall be owned and maintained by the lot owners served. Notes to this effect shall be shown on the engineering plans and on the final plat map.
 - e. Tract B shall be designated as a separate tract for utilities, for driveway access to one single family residence on the adjacent property to the west (appellants' property), and for public pedestrian use at such time as a public pedestrian easement or public right of way connects with the west end of Tract B. No improvements to Tract B are required for final plat approval.
 - f. 24 feet of additional right-of-way for 82nd Avenue NE shall be dedicated along the east property line.
 - g. A Road Variance, KC File L06V0014, was approved for this development. All conditions of approval for this variance shall be met prior to engineering plan approval.
 - h. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
 - i. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
9. The Applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. A combined detention/ recreation space tract (Tract A) is proposed. The recreation portion of the tract shall be consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.). The Applicant, shall have the option, if it chooses, to utilize the pedestrian easement along the south property line as recreation space, in lieu of or in addition to the recreational use of proposed Tract A.
- a. A detailed recreation space plan (i.e., landscape specs per KCC 21A.16, equipment

specs, finished grade, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents. The recreation plan shall be consistent with the approved engineering plans.

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation tract.
 13. Street trees shall be provided as follows:
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all streets. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
 - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
 - d. The trees shall be owned and maintained by the abutting lot owners or the homeowners association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.
 - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
 - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
 - g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
 14. The Applicant shall comply with the requirements of KCC of KC 16.82.156 regarding the

significant trees on the site. A significant tree inventory and retention/replacement plan shall be prepared and submitted with the engineering plans. The significant tree retention/replacement plan shall be approved by DDES prior to any clearing and grading activities on the site.

15. The recommendations of the geotechnical engineering report issued by Cornerstone Geotechnical, Inc., on December 23, 2005, received by King County on February 10, 2006, shall be addressed in the engineering plans and may require notes on the final plat.

RECOMMENDED this 9th day of April, 2007.

James N. O'Connor
King County Hearing Examiner *pro tem*

BOTH PL NE

B2ND AVE NE

PARCEL #2526049017

UHLIG PROPERTY

PROP. ESD 420'

EX. ESD 175'

EX. SSD 352'

CONCEPTUAL ROADWAY

PROPOSED ROADWAY

PROPOSED ROW

PTUAL LOT LAYOUT

WHITE

DETENTION WATER QUALITY RECREATION TRACT A

EX. SSD 186'

EX. ESD 190'

PROP. ESD 194'

TRACT B CHATHAM RIDGE

PROPOSED LOT LAYOUT

CONCEPTUAL ROW

ACROSSIT

PARCEL #2526049024

PARCEL #2526049019

CONCEPTUAL ROADWAY

BOTH AVE NE

FRM BIT F PG 2

NE 7

Possible Road connections
with Sidewalks

EX. ESD 175'
EX. SSD 352'
EX. SSD 186'
EX. ESD 190'
PROP. ESD 194'

82ND NE

ADJUSTED LOT LAYOUT

CHATHAM RIDGE

WHLIG PROPERTY

PROPOSED ROADWAY

RETENTION/
WATER QUALITY
RECREATION
TRACT A

PARCEL #2526049024

PARCEL #2526049019

WHITE

EXISTING BASEMENT
332-2270

ARIZONA

Tax Parcel

2526049019

L #2526049017

EXHIBIT F P 33

NE
ENCL 8

EXHIBIT 4

The Chatham Ridge Homeowners Association
C/O Darlyn Hayes, Secretary
8165 NE 117th Place
Kirkland, WA 98034

July 30, 2014

To Whom It May Concern:

We are in receipt of your letter dated June 26, 2014. We understand your concern about falling trees as we had one fall on our home in the big storm of 12-15-2014.

In reviewing your concerns and looking at the tree that had the major branch fall on your park, we noted that the bulk of this tree lies on your property. This tree was heavily damaged during the construction of the Chatham Ridge development. In September of 2008 we alerted King County to this tree and several others that may have had root damage during construction. King County then turned it over to Burnstead Construction. We have enclosed a survey from the construction plans showing the bulk of the tree on your property, as well as correspondence showing we alerted the County to this problem. As, such, the particular tree in question is not our responsibility.

Along with the tree in question, there is a smaller alder that has died because of construction damage. There may be other conifer trees that were damaged during construction, but the damage may not be apparent for a few more years. We are not responsible for these trees as we alerted both Brunstead Construction and the County of this issue during construction of Chatham Ridge.

With regard to your claim "that many other trees on your property near the property lines of the Chatham Ridge Park and the property line of the home located at 8132 NE 117th Place, Kirkland, WA are old, damaged or diseased" is vague and unsupported. Please send a copy of your arborist's report delineating specific trees, so that we may review it.

It may also be of interest to know that we also have a letter on file with King County and the City of Kirkland, stating the current drainage vault and drainage system have the potential to seriously damage our property. This past winter, the run-off had shown up in new places. During the recent inspection of the tree in question, we noticed standing water along the west side of the drainage vault and several areas where the concrete is failing. You may want to alert the proper jurisdiction so that they may perform maintenance prior to the drainage vault failing.

Sincerely,

Bruce White
Teresa Chilelli-White
11724 80th Ave NE
Kirkland, WA 98034
Tchilelli@aol.com

CC: City of Kirkland, Department of Planning and Community Development

Mr. Bruce D. White and Mrs. Teresa Chilelli White
11724 80th Ave. NE 98034
Kirkland, WA 98034

June 26, 2014

Dear Mr. and Mrs. White,

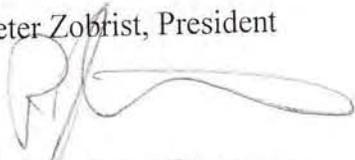
I am writing on behalf of the Chatham Ridge Home Owner's Association. On January 13, 2014 a tree on your property fell onto and smashed a portion of the fencing around the Chatham Ridge Park requiring extensive repairs. The Chatham Ridge Homeowner's Association has documented the damage and has made the necessary repairs to the fence totaling \$1040.25. We believe that you as the property owner in the state of Washington are legally responsible for any kind of property damage or personal injury costs which are caused by an old or weakened tree on your property.

However, although we are not currently seeking reimbursement from you for these repairs, we reserve our right to file a claim for the above amount (within the statute of limitations for such claim) if there is any additional damage to our property in the future caused by your trees.

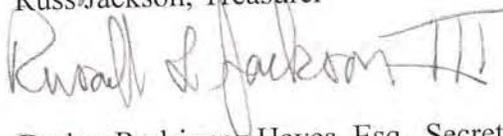
Please note that now that summer has arrived, it is apparent that many other trees on your property near the property lines of the Chatham Ridge Park and the property line of the home located at 8132 NE 117th Place, Kirkland, WA are old, damaged or diseased. Therefore, we are hereby providing you with notice that you need to ensure the well-being or removal of those diseased, weak or old trees so that they do not cause injury or damage to others or to our adjacent property.

Sincerely,
The Chatham Ridge Homeowners Association
hoa@chathamridge.org

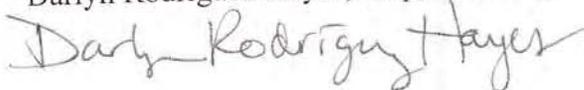
Peter Zobrist, President



Russ Jackson, Treasurer



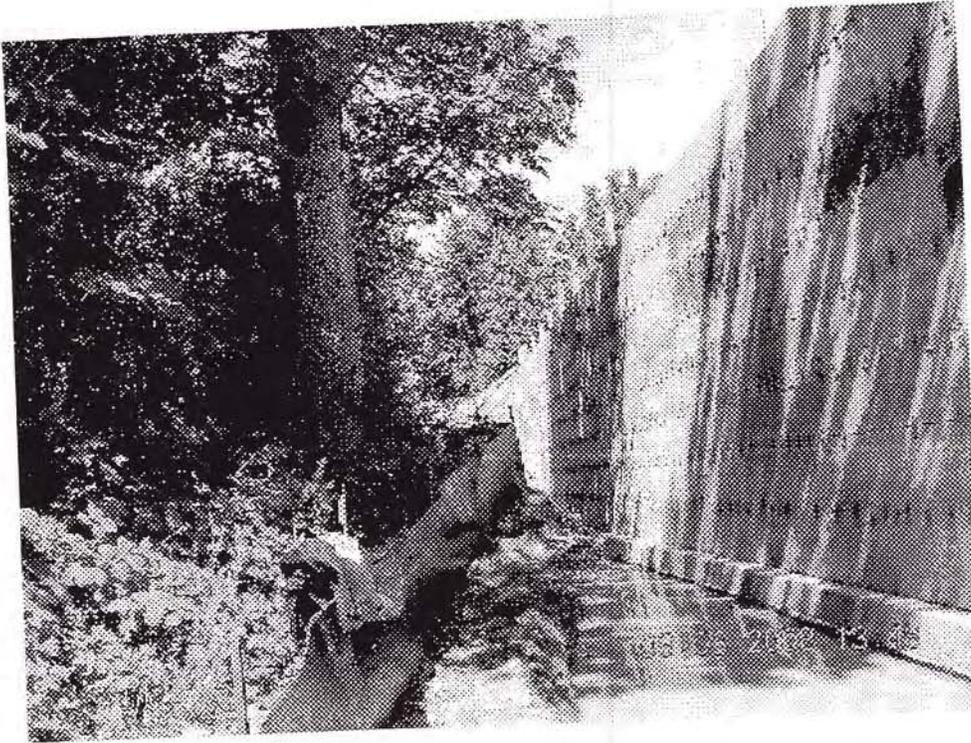
Darlyn Rodriguez Hayes, Esq., Secretary



Subj: Re: Chatam ridge 11727 82nd Ave NE, Kirkland
Date: 9/3/2008 3:11:03 P.M. Pacific Daylight Time
From: TChilelli
To: Tenzing.Thinlev@kingcounty.gov

Thank you for meeting with me today and taking a look at the trees that have had their roots disturbed. I just want to make sure that it was brought to the county's attention since it will be their responsibility to maintain the drainage tract and if the trees fall it will fall on that property. I have inserted and attached pictures of the trees in question. Please email me a copy of your correspondance with the developer for my records, should anything happen in the future, we shall not and cannot be responsible for trees that were damaged during construction.
Thank you,

Teresa Chilelli-White
11724 80th Avce NE
Kirkland, WA 98034
425-743-0868
425-501-4693
Tchilelli@aol.com



In a message dated 9/2/2008 10:57:10 A.M. Pacific Daylight Time, Tenzing.Thinley@kingcounty.gov writes:

Theresa:

Thanks for your message. I can meet you tomorrow afternoon around 1:30PM at the road intersection just south of the project. Let me know if that's OK.

Tenzing Thinley, PE
Engineer II-DDES/LUIS
Phone: 206-296-7038
Fax: 206-296-7174

From: TChilelli@aol.com [mailto:TChilelli@aol.com]
Sent: Tuesday, September 02, 2008 10:16 AM
To: Thinley, Tenzing
Subject: Chatam ridge 11727 82nd Ave NE, Kirkland

Mr. Thinley:

I live just south of the Chatam ridge project. I would like to inform you that they have violated work hour rules yesterday and on weekends. Also, There are a couple of trees on the property line where the roots have been disturbed. We would like you to look at these trees to determine whether they will be a future hazard during a storm. These trees would be no problem had their roots not been disturbed. Please contact me if you wish for me to meet you and show you which ones. It will be difficult tell once they fill which have been disturbed.

We had a tree fall on our home in the 06 storm and we wish to prevent that from happening to us or anyone else.

I look forward to your prompt response.

Thank you,

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).

EXHIBIT H



July 21, 2009

Bruce White and Teresa Chilelli-White
11724 – 80th Avenue NE
Kirkland, WA 98034

Re: Response to your Letter dated May 7, 2009

Dear Mr. White and Ms. Chilelli-White:

Thank you for your letter dated May 7, 2009 in which you express concern over a storm drainage system approved by King County for a development (known as Chatham Ridge) that is adjacent to your home.

As you know, your home is located within Kirkland's Potential Annexation Area (PAA). The City Council has initiated the process of placing an annexation measure before the voters of the PAA, but it is still early in the process. Residents of the PAA may have the opportunity to vote on annexation on November 3, 2009. If annexation is approved, it is anticipated that the effective date will be some time in 2011. At that point, the City will assume maintenance responsibility for storm drainage systems previously maintained by King County in the PAA. Until that time, King County will continue to have responsibility for maintaining the system as well as responding to your concerns about the adequacy of the system.

Your correspondence (including attachments) was forwarded to Jenny Gaus, Kirkland's Surface Water Engineering Supervisor in the City's Public Works Department for future reference should the annexation proceed. If you would like to speak with Ms. Gaus, she can be reached at (425) 587-3850 or jgaus@ci.kirkland.wa.us. Thank you again for bringing your concerns to the City's attention.

Sincerely,
Kirkland City Council

A handwritten signature in black ink, appearing to read "James L. Lauinger".

By: James L. Lauinger, Mayor

Cc: Marie Stake, Communications Program Manager
Jenny Gaus, Surface Water Engineering Supervisor
Oskar Rey, Assistant City Attorney

Mayor & City Council
City of Kirkland
123 5th Ave
Kirkland, WA 98033

May 7, 2009

RE: Annexation of the Finn Hill Juanita Area

Dear Mayor and Council Members:

We reside in the future annexation area at the address listed below. Currently there is a development in the final plat process just East of us know as Chatam ridge. The storm drainage system for Chatam ridge will become a public system maintained by King County Public Works Department.

We are uncertain, but believe that should our area be annexed to the City of Kirkland, this storm system shall become the responsibility of the City of Kirkland Public Works Department. If this is the case, we feel it only fair that you should be aware of the potential danger should this system fail, even though the likelihood of failure is minimal.

Currently the system has two overflow protections, however, should these both fail and/or the system or the catch basins not be properly maintained, the storm water shall head directly west to our property and our home. This is in violation of core requirement #1 of the King County drainage code requiring the water to flow in the direction prior to the development which was southwest. King County has never explained how allowing this system does not violate core requirement #1.

We have attached the last letter sent to King County and their response. Consider this letter notice that, upon annexation and if the City of Kirkland assumes the Chatam ridge storm system, the City of Kirkland shall also assume any responsibility for damages caused by system or maintenance failure.

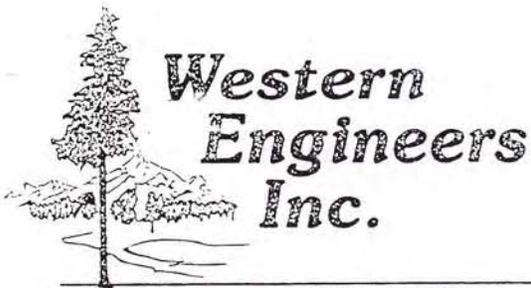
Sincerely,

Bruce White
Teresa Chilelli-White
11724 80th Ave NE
Kirkland, WA 98034
425-501-4693
Tchilelli@aol.com

cc. City Manager and Annexation team

Attachments: 3/4/09 Letter to King county Council with attachments
3/30/09 response from King County

*See
Attachment
R. R.
5/7/09*



SURVEYORS • PLANNERS • ENGINEERS

13000 Highway 99 South • Everett, Washington 98204
(425) 356-2700 FAX (425) 356-2708

May 8, 2008

Mrs. Teresa Chilelli-White
C/O A.C Builders
17819 - 44th Avenue West
Lynnwood, WA 98037

Subject: Chatham Ridge Development Drainage

Dear Teresa:

As requested, Western Engineers, Inc. has reviewed the drainage plans you provided us concerning the Chatham Ridge development located adjacent to your residence in Kirkland, WA. Mr. Peter Dye, representing King County, has requested through Mrs. Chilelli, that Western Engineers review the revised drawings.

After reviewing the revised site development drawings and drainage report from BlueLine Land Development Consulting we have concerns relating to the primary and secondary overflow mechanisms in the detention vault. To review, the site historical drainage flowpath is from the northeast to the southwest. The proposed detention vault is located at the southwest corner of the site and all drainage flows to that point. We concur that this is the best and most logical location for the detention area.

Some design revisions have been included in the most recent plan set (signed and dated 3/31/2008). These include a second overflow riser inside the vault itself. The primary control riser also has an overflow orifice in the riser and both overflows are the same (319.16-feet). No other apparent changes have been made to the vault system or externally to the site itself. The drainage report, on page 4-10, mentions the secondary overflow as a catch basin rim (elevation 321.01-feet) that will "sheet flow to the west into the neighboring private property"...the key point here is the 'private' part of the neighboring property.

In the case of a total failure of the primary control structure risers release mechanisms, the secondary overflow is on a path from catch basins number 12 and 13, directly towards the neighboring property, and the Chilelli's family home. The actual vault rim elevations (321.70-feet) are higher than the catch basins rim elevations; therefore, storm water will not hydraulically be able to release from the vault rims.

The Chilelli's have recently had major problems with storm water entering their new home...in the form of a tree falling on it last year and the resulting destruction of a portion of the home. The family has been displaced for some time while the house has

E: / 2005 / 05611A / Drainage Overflow 5-8-2008.doc

been re-built. They recently moved back into their home and they are decidedly nervous and frightened of any future storm water runoff issues as a result of the adjacent developments design. They do not want any accidental runoff from entering their recently restored home from a malfunctioning and overflowing vault.

It appears that the Blueline Land Development Consulting have little regard for the neighbor's issues. They have not provided any offsite protection even after we have requested some design revisions in a previous comment letter to the County (dated 6-15-2007).

One possible solution to the overflow issue is an area directly to the west of the vault, a 15-foot building setback area. This area could possibly be used as a shallow ditch line to direct any overflows from the catch basins, at the end of the roadway, and channel any flows away from the adjacent property. A simple rock berm to the west of CB No. 12 & 13 would direct overflows into this ditch line. Point of fact, with the steep road slope proposed of 12 percent in the cul-de-sac area, storm water runoff may in-fact bypass the catch basins and flow directly offsite to the west. This berm would help direct road runoff back into the catch basins.

If additional width is required by the vault, then the vault could be re-located 5 to 10-feet to the east, and on Lot numbers 14 and 15 the boundary lines can be adjusted. Move Lot 15's western boundary to the east 10-feet and Lot 14's western boundary line to the west 10-feet. The boundary line between the lots should then be adjusted to correct the areas to the required square footage. This is all speculation as to allow additional room to the west of the vault for an emergency flowpath.

Ultimately, many more solutions can be imagined and designed. As an engineer I have to make revisions based on new conditions and have to be flexible in dealing with jurisdictions and clients. Please consider our suggestions to this design. Contact Western Engineer if you have any questions regarding this letter or it's analysis of the Blueline Land Development Consulting construction plans or report.

Sincerely,
Western Engineers, Inc.



Barry R. Constant, P.E.
Project Manager

3322220

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This deed is statutory form for use in State of Washington only.

WARRANTY DEED

The Grantor ANNA JERDEE ODELL, a widow now and at the time of acquiring title
of Valleyford, County of Spokane, State of Washington
for and in consideration of Four Hundred and no/100 (\$400.00) Dollars
in hand paid, conveys and warrants to
THOMAS B. RAINE and ANNE M. RAINE, HUSBAND AND WIFE,
the following described real estate, situated in the County of King, State of Washington:

South Half ($\frac{S1}{2}$) of the Southwest Quarter ($\frac{SW1}{4}$) of
the Southeast Quarter ($\frac{SE1}{4}$) of the Southeast Quarter
($\frac{SE1}{4}$) of Section Twenty-five (25), Township Twenty-
six (26) North, Range Four (4), E.W.M., reserving and
excepting from said property an easement for roadway
purposes fifteen (15) feet wide on the North of said
tract and thirty (30) feet wide on the West of said
tract, including the right to build, grade, repair and
maintain said roadway.

Subject to no encumbrances.



Dated this 22nd day of June, 1943

Anna Jerdee Odell (Seal)
(Seal)
(Seal)
(Seal)

STATE OF WASHINGTON, }
County of Spokane } ss.

I, the undersigned, a Notary Public in and for the above named County and State, do hereby
certify that on this 22nd day of June, 1943 personally appeared before me

ANNA JERDEE ODELL, a widow now and at the time of acquiring title,

to me known to be the individual described in and who executed the within instrument, and
acknowledged that she signed and sealed the same as her free and voluntary act and deed,
for the uses and purposes herein mentioned.

Given under my hand and official seal this 24th day of June last above written.



Thomas B. Raine
Notary Public for State of Washington
Residing at Spokane

Witness my hand and seal this 24th day of June, 1943
at Spokane, Spokane County, Washington

RESOLUTION R-5141

1 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND
2 AFFIRMING THE PLANNING DIRECTOR DECISION APPROVING THE
3 ARTOUSH SHORT PLAT IN DEPARTMENT OF PLANNING AND
4 COMMUNITY DEVELOPMENT FILE NO. SUB14-00283.

5
6 WHEREAS, Artoush Fanaiyan filed an application with the
7 Department of Planning and Community Development for approval,
8 through Process I review, of a short subdivision located within a Single-
9 Family (RSA) 6 zone; and

10
11 WHEREAS, the Director of the Department of Planning and
12 Community Development issued his Findings, Conclusion, and
13 Recommendation on the on April 15, 2015; and

14
15 WHEREAS, Bruce White and Teresa Chilelli-White filed a timely
16 appeal of the Director's decision to approve the application for the
17 preliminary subdivision on April 27, 2015; and

18
19 WHEREAS, the City Council, in an appeal hearing held during the
20 August 3, 2015 meeting, having carefully considered the appeal, the
21 staff report on the appeal, and the oral and written arguments of the
22 persons entitled to participate in the appeal hearing.

23
24 NOW, THEREFORE, be it resolved by the City Council of the City
25 of Kirkland as follows:

26
27 Section 1. The Director's decision approving the Artoush Short
28 Plat is affirmed and the Findings, Conclusions, and Decision of the
29 Director entered April 15, 2015, and filed in the Department of Planning
30 and Community Development File No. SUB14-00283 are adopted by the
31 City Council.

32
33 Passed by majority vote of the Kirkland City Council in open
34 meeting this ____ day of _____, 2015.

35
36 Signed in authentication thereof this ____ day of _____,
37 2015.

MAYOR

Attest:

City Clerk