



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

MEMORANDUM

To: Kurt Triplett, City Manager **Quasi-Judicial**
From: Eric Shields, AICP, Planning Director
Sean LeRoy, Project Planner
Date: November 22, 2011
Subject: Totem Green Final Subdivision, File No. KC L11FR007

RECOMMENDATION

Approve with conditions the Final Subdivision for the Totem Green Plat. The City Council may do so by adopting the enclosed resolution.

BACKGROUND DISCUSSION

The Preliminary Subdivision was heard by the Office of the King County Hearing Examiner on March 6, 2007. The Hearing Examiner approved the project with conditions on March 15, 2007.

The proposal includes the following elements:

- Subdivision of a 104,108 square foot parcel, 2.4 acres, into 23 lots for single-family residences within an R-8 zone (now RSA 8 City of Kirkland).
- Access is to be provided by a 24' wide, dedicated public right of way called 122nd Place NE.
- A SEPA determination of Non-Significance was issued on February 9, 2011
- A Significant Tree Retention Plan was approved by King County Department of Development and Environmental Services (DDES) on June 17, 2009.
- An Open Space Plan was approved July 16, 2009.

King County DDES and the City of Kirkland Planning Director recommend approval of the final subdivision with the appropriate conditions.

ATTACHMENTS

1. Planning Director Recommendation with Enclosures
2. City Council Resolution



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

MEMORANDUM
ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director
From: Sean LeRoy, Project Planner
Date: December 5, 2011
File: TOTEM GREEN FINAL SUBDIVISION, FILE KC L11FR007

I. RECOMMENDATION

Pursuant to the interlocal agreement between King County and the City of Kirkland, approve the Final Subdivision for the Totem Green Plat, subject to the following condition:

- A. Prior to recording of the final plat mylar the applicant shall:
1. Install or bond for the completion of required right-of-way improvements. A plat bond or other approved security performance undertaken in an amount determined by the director of Public Works in accordance with the requirements therefore in the Kirkland Subdivision Ordinance shall be deposited with the City of Kirkland and be conditioned on the completion and acceptance by the City of all conditions of approval including public improvements.

II. BACKGROUND

- A. The applicant is Denny Balascio of Yelm Property Development.
- B. This is a Final Subdivision application to approve a 23-lot subdivision on a 2.4-acre site (see Enclosure 1 for the Vicinity Map and Enclosure 4 for Final Plat Plans).
- C. The subdivision application was approved by the King County Hearing Examiner on March 15, 2007.
- D. The site is located at approximately 12206 NE 144th Street, Kirkland, WA.

III. HISTORY

The Preliminary Subdivision was heard by the Hearing Examiner on March 2, 2007. The Hearing Examiner approved the project with conditions on March 15, 2007. A concurrency test was passed for traffic on November 14, 2005 and a Determination of Non-Significance was issued for the proposal on February 9, 2007. The proposal included the following general elements:

1. Subdivide a 2.4 acre parcel into 23 lots for single family residences within the RSA 8 zone. Lot sizes will range from 2,536 square feet to 2,952 square feet in size, approximately 9.58 units per acre.
2. Access to the subdivision will be provided off of NE 144th Street, and create a new 24' wide public right of way called 122nd Place NE.
3. On July 16, 2009, King County Department of Development and Environmental Services approved a landscape and recreation space plan for the Totem Green subdivision (see Enclosure 4, Final Plat Plans).

IV. ANALYSIS

Section 22.16.080 of the Kirkland Municipal Code also discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:

1. Consistency with the preliminary plat, except for minor modifications; and
2. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. KC L11FR007) by the Hearing Examiner, except for those that must be accomplished prior to recording as listed in I.A above.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Subdivision Ordinance allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code requires that the final plat be submitted to the City for recording with King County within four (4) years of the date of approval of the preliminary plat, unless specifically extended in the decision on the plat, or the decision becomes void: provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. ATTACHMENTS

1. Vicinity Map
2. King County Recommendation
3. King County Hearing Examiner Decision
4. Final Plat

Review by Planning Director:

I concur _____X_____

I do not concur _____

Comments: _____



11/22/11

Eric R. Shields, AICP

Date

cc: Applicant
File

**Totem Green Final Plat
KC L11FR007**

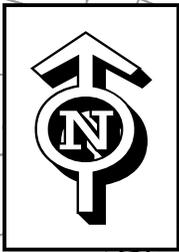
P
**South Norway
Hill Park**

RMA 3.6

RSA 8

12206 NE 144TH STREET

RMA 1.8



120TH C

CT NE

122ND

NE 145TH ST

120TH PL NE

121ST PL NE

121ST AVE NE

NE 143RD PL

121ST AVE

ND AVE NE

NE 143RD ST

NE



King County

King County
Department of Development
and Environmental Services
900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

November 15, 2011

Rob Jammerman, Development and Environmental Engineering Manager
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Dear Mr. Jammerman:

The Land Use Services Division has completed the review of the final map page and supporting documents for recording for the Totem Green plat (King County File L05P0022). This review has determined that this plat has met all applicable regulations and conditions of approval. This agency's review was performed pursuant to the interlocal agreement between the City of Kirkland and King County.

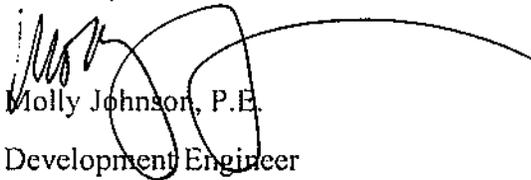
We understand that Yelm Development is completing its financial guarantees with the City.

Based on this review, the county accepting construction improvement and the posting of the financial guarantees, the County recommends the final map page mylars be approved and signed by the City, then forwarded to the Records and Elections Office to be recorded. Please deliver the plat mylars together with one copy to the King County Assessors Office for processing. For information call Nimpa Guecco at 206 205-5735.

If you have any questions on this letter, please contact Pat Simmons at 206-296-6636.

At the time of recording please send a copy of the recorded short plat to Joanne Carlson in care of King County at the address above.

Sincerely,


Molly Johnson, P.E.
Development Engineer

cc: Yelm Development

March 15, 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 DECISION

SUBJECT: Department of Development and Environmental Services File No. **L05P0022**
Proposed Ordinance No. **2007-0109**

TOTEM GREEN

Preliminary Plat Application and Transfer of Density Credits

Location: 12206 Northeast 144th Street, Kirkland

Applicant: Yelm Property Development, LLC
represented by Tom Touma
Touma Engineers
6632 S. 191st Place, #E-102
Kent, Washington 98032
Telephone: (425) 251-0665
Facsimile: (425) 251-0625

King County: Department of Development and Environmental Services (DDES)
represented by Chad Tibbits
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 296-7194
Facsimile: (206) 296-7051

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:
Department's Final Recommendation:
Examiner's Decision:

Approve, subject to conditions
Approve, subject to conditions
Approve, subject to conditions

EXAMINER PROCEEDINGS:

MAIN FILE COPY

Hearing Opened:
Hearing Closed:

March 6, 2007
March 6, 2007

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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:

- Fire and emergency vehicle access
- Erosion
- Surface water drainage

SUMMARY:

The proposed subdivision of 23 lots in the urban area, utilizing the transfer of up to 3 density credits, 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: Yelm Property Development
Attn. Dennis Balascio
P.O. Box 2950
Yelm, WA 98597
360-458-0544

Engineer: Touma Engineers
6632 S. 191st Place, Ste. E102
Kent, WA 98032
425-251-0665

STR: 21-26-05
Location: The site is located at 12206 NE 144th Street, Kirkland, WA.
Zoning: R-8
Acreage: 2.4 acres
Number of Lots: 23
Density: Approximately 9.58 units per acre
Lot Size: Approximately 2,536 to 2,952 square feet in size
Proposed Use: Single-family detached dwellings
Sewage Disposal: Northshore Utility District
Water Supply: Northshore Utility District
Fire District: Kirkland Fire District
School District: Lake Washington School District No. 414

Complete Application Date: February 24, 2006

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 March 6, 2007, public hearing are found to be correct and are incorporated herein by this reference. The LUSD staff recommends approval of the application, subject to conditions.
3. Existing site drainage flows from the south to the north, leaving the site along the north property line, where it enters a swale on the adjoining King County Parks Department property. The down stream flow continues north through the undeveloped park property, to the drainage system along Northeast 148th Street; it then turns west and continues as described in paragraph H of exhibit no. 2. The proposed development will continue to discharge storm water at the north property line.

Roof drains will be connected to the storm water drainage system in the new 122nd Place Northeast. That system will flow to the water quality and detention facilities at the north end of the property prior to discharge. There will be no additional flow of surface water from the developed property over the west or east property lines.

4. Erosion controls will be installed prior to site clearing and development. The specific requirements for erosion control will be developed in a temporary erosion and sedimentation control plan that is reviewed and approved with the engineering plans prior to site development. DDES is responsible for inspection of the site during development, to assure that the installed erosion controls operate effectively. There should be no erosion of soils onto the adjacent properties to the west and east during the site development and home construction activities.
5. Section 503 of the International Fire Code, adopted by King County, requires a 20 foot wide unobstructed driving surface for fire and emergency service vehicles. This unobstructed street width is necessary to enable vehicles to deploy rapidly to a fire or emergency scene. Parked vehicles that restrict available driving surface to less than 20 feet create a hazard for the public health and safety. Consequently, the King County Fire Protection engineer requires that parking be restricted on streets with a paved driving surface of 36 feet or less in width. For streets that have a 28 foot to a 36 foot wide driving surface, parking is restricted to one side of the street only. For streets that have a paved driving surface of less than 28 feet, no parking is permitted on either side of the street. These restrictions, if enforced, reasonably assure the maintenance of a 20 foot wide unobstructed driving surface.

If the proposed plat of Totem Green is developed with a 24 foot wide driving surface on 122nd Place Northeast, the fire protection engineer will require that a sprinkler system be provided for all homes served from that street, unless an enforceable parking restriction is established that prohibits parking on both sides of 122nd Place Northeast. The revised fire engineering conditions, dated 1/26/07, are attached to exhibit no. 2 and included in exhibit no. 1 of the hearing record.

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 May 26, 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.

DECISION:

The proposed subdivision of Totem Green, as revised and received on May 26, 2006, is granted preliminary approval, together with the transfer of up to 3 density credits, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19A 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 that 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-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, 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 Environment Services.

A Certificate of Transfer of Development Rights shall be required prior to Engineering Plan Review and Final Plat Approval, or the plat shall be redesigned to meet the base density of the R-8 zone.

Any plat boundary discrepancies shall be resolved to the satisfaction of DDES prior to the submittal of the final plat documents. As used in this condition, a "discrepancy" is a boundary hiatus, an overlapping boundary or a physical appurtenance which indicates an encroachment, lines of possession or a conflict of title.

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 applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.

All future residences constructed within this subdivision are required to have sprinklers installed per NFPA 13D unless this requirement is removed or modified 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, a minimum of 36 feet in width when parking is allowed on both sides, or parking may be prohibited on both sides of the street if the street is 20 to 28 feet in width.

6. Final plat approval shall require full compliance with the 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. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - 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.
 - 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 of 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. To implement the required Best Management Practices (BMP's) 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 BMP's for site development.

- e. The stormwater facilities for this site shall be designed to meet at a minimum the Conservation Flow Control and Basic Water Quality requirements in the 2005 King County Surface Water Design Manual (KCSWDM).

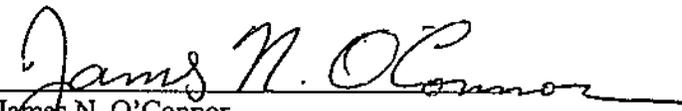
The proposed stormwater vault shall meet the requirements of Section 6.4.2 Wetvaults in the KCSWDM. Note that internal walls to lengthen the flow path are not permitted without an adjustment. The length to width ratio of the water quality portion shall be 3:1, unless an adjustment is obtained.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
 - a. 122nd PI NE shall be improved at a minimum to the urban subaccess street standard, with a cul-de-sac at the north end.
 - b. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.08 of the KCRS.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
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 the 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 the 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. There shall be no direct vehicular access to or from NE 144th Street from those lots which abut it. A note to this effect shall appear on the engineering plans and the final plat.
12. Suitable recreation space shall be provided 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.).
 - a. A detailed recreation space plan (i.e., location, area calculations, dimensions, landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of engineering plans.

- b. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
13. 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, open space and/or sensitive area tract(s).
 14. Street trees shall be provided as follows (per KCRS 5.03 and K.C.C. 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. 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. Ownership and maintenance 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 applicant shall contact Metro Service Planning at (206) 684-1622 to determine if NE 144th Street is on a bus route. If NE 144th Street is a bus route, the street tree plan shall also be reviewed by Metro.
 - h. 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.
 - i. 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.

15. To implement KCC 16.82 which applies to the site, a detailed tree retention plan shall be submitted with the engineering plans for the subject plat. The tree retention plan (and engineering plans) shall be consistent with the requirements of KCC 16.82, as well as the conceptual tree retention plan dated May 26, 2006. No clearing of the subject property is permitted until the final tree retention plan is approved by LUSD. Flagging and temporary fencing of trees to be retained shall be provided, consistent with K.C.C. 21A.38.230.B.4. The placement of impervious surfaces, fill material, excavation work, or the storage of construction materials is prohibited within the fenced areas around preserved trees, except for grading work permitted pursuant to K.C.C. 21A.38.230.B.4.d.(2).

A note shall be placed on the final plat indicating that the trees shown to be retained on the tree retention plan shall be maintained by the future owners of the proposed lots, consistent with KCC 16.82. (Note that the tree retention plan shall be included as part of the final engineering plans for the subject plat.)

ORDERED this 15th day of March, 2007.


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

TRANSMITTED this 15th day of March, 2007, to the parties and interested persons of record:

Otto Brask
 12110 NE 144th St.
 Kirkland WA 98034

Cynthia Cantwell
 12216 NE 143rd Pl.
 Kirkland WA 98034

Elliott Drucker
 12124 NE 144th St.
 Kirkland WA 98034-4516

Art Greenmayer
 12104 NE 143rd Pl.
 Kirkland WA 98034

Jason Hernandez
 14256 - 120th Pl. NE
 Kirkland WA 98034

Gary & Sarah St. John
 14454 - 121st Pl. NE
 Kirkland WA 98034

Tom Touma
 Touma Engineers
 6632 S 191st Pl, #E-102
 Kent A 98032

James & Linda Trelstad
 4441 - 124th Ave. NE, #1
 Kirkland WA 98034

Wendy VanKooten
 16227 SE 137th Pl.
 Renton WA 98059

Ernest Weatherill
 12206 NE 144th St.
 Kirkland WA 98034

Marvin Weiss
 14279 - 122nd Ave. NE
 Kirkland WA 98034-1420

Yelm Property Dev., LLC
 Attn: Dennis Balascio
 P.O. Box 2950
 Yelm WA 98597

Kim Claussen
 DDES/LUSD
 MS OAK-DE-0100

Lisa Dinsmore
 DDES/LUSD
 MS OAK-DE-0100

Nick Gillen
 DDES/LUSD
 MS OAK-DE-0100

Shirley Goll
DDES/LUSD
MS OAK-DE-0100

Kristen Langley
DDES/LUSD
MS OAK-DE-0100

Chad Tibbits
DDES - LUSD
MS OAK-DE-0100

Larry West
DDES/LUSD
MS OAK-DE-0100

Bruce Whittaker
DDES/LUSD
MS OAK-DE-0100

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before March 29, 2007*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before April 5, 2007*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3rd Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE MARCH 6, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L05P0022.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing were Chad Tibbits, Bruce Whittaker, Kristen Langley and Bill Mudd, representing the Department; Tom Touma, representing the Applicant, and Elliott Drucker.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services file no. L05P0022
- Exhibit No. 2 Department of Development and Environmental Services Preliminary Report, dated March 6, 2007
- Exhibit No. 3 Application for Land Use Permits received December 2, 2005
- Exhibit No. 4 SEPA checklist received November 16, 2005
- Exhibit No. 5 SEPA Determination of Non-Significance issued February 9, 2007

- Exhibit No. 6 Affidavit of Posting indicating a posting date of March 2, 2006; received by DDES on March 8, 2006
- Exhibit No. 7 Preliminary plat map received May 26, 2006 (Revised)
- Exhibit No. 8 Assessors maps: SW 16-26-05, NW 21-26-05
- Exhibit No. 9 Revised Level 1 Downstream Analysis prepared by Touma Engineers, received by DDES on October 23, 2006
- Exhibit No. 10 Sight distance layout prepared by Touma Engineers, received by DDES May 26, 2006
- Exhibit No. 11 Tree retention plan prepared by Touma Engineers, received by DDES May 26, 2006

JNOC:gao
L05P0022 RPT

TOTEM GREEN

PORTION OF NE 1/4 OF THE NW 1/4 OF SECTION 21,
TOWNSHIP 26 N., RANGE 5 E., W.M.,
CITY OF KIRKLAND, WASHINGTON

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY CITY OF KIRKLAND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS:

YELM PROPERTY DEVELOPMENT, LLC, A LIMITED LIABILITY COMPANY

TIMBERLAND BANK

ACKNOWLEDGMENTS

STATE OF WASHINGTON }
COUNTY OF KING }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____
SIGNED THIS INSTRUMENT, ON OATH STATED
THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE
OF _____
TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED
IN THE INSTRUMENT.

DATED _____
SIGNATURE OF _____
NOTARY PUBLIC _____
PRINTED NAME _____
RESIDING AT _____
MY APPOINTMENT EXPIRES _____

STATE OF WASHINGTON }
COUNTY OF KING }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____
SIGNED THIS INSTRUMENT, ON OATH STATED
THAT HE/SHE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE
OF _____
TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED
IN THE INSTRUMENT.

DATED _____
SIGNATURE OF _____
NOTARY PUBLIC _____
PRINTED NAME _____
RESIDING AT _____
MY APPOINTMENT EXPIRES _____

LEGAL DESCRIPTION

THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON.

EXCEPT THE SOUTH 30 FEET THEREOF CONVEYED TO KING COUNTY, FOR ROAD PURPOSES, BY DEED RECORDED UNDER RECORDING NUMBER 7206010425;

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON

APPROVALS

APPROVED BY THE KIRKLAND CITY COUNCIL THIS _____ DAY OF _____ 20 ____

ATTEST _____

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20 ____

CITY ENGINEER (DIRECTOR)

CITY TREASURER CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT LOCAL IMPROVEMENT ASSESSMENTS AND THAT ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS OR FOR OTHER PUBLIC USE ARE PAID IN FULL THIS _____ DAY OF _____, 20 ____

TREASURER, CITY OF KIRKLAND

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

EXAMINED, REVIEWED AND APPROVED BY THE CITY OF KIRKLAND PURSUANT TO THE SUBDIVISION PROVISIONS OF TITLE 22 (LAND SUBDIVISION) KIRKLAND MUNICIPAL CODE THIS _____ DAY OF _____ 20 ____

DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

KING COUNTY DEPARTMENT OF DEVELOPMENT & ENVIRONMENTAL SERVICES (DDES)

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20 ____

KING COUNTY DEVELOPMENT ENGINEER

KING COUNTY FINANCE DIRECTOR CERTIFICATE

I HEREBY CERTIFY THAT ALL THE PROPERTY TAXES AREA PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THIS PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.

DIRECTOR

DEPUTY

DEPARTMENT OF ASSESSMENT

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20 ____

KING COUNTY ASSESSOR

DEPUTY ASSESSOR

ACCOUNT NUMBER 2126059103

RECORDING CERTIFICATE

RECORDING NO. _____

FILED FOR RECORD AT THE REQUEST OF THE KING COUNTY COUNCIL THIS _____ DAY OF _____ A.D. 2011, AT _____ MINUTES PAST _____ M, AND RECORDED IN VOLUME _____ OF PLATS, PAGES _____ THROUGH _____ RECORDS OF KING COUNTY, WASHINGTON.

DIVISION OF RECORDS AND ELECTIONS

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF TOTEM GREEN, IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATTING REGULATIONS.



MOUNIR H. TOUMA PLS.
CERTIFICATE NO 9470
TOUMA ENGINEERS & LAND SURVEYOR'S
6832 S. 191ST PL. SUITE E-102
KENT, WASHINGTON 98032
PHONE: 425-251-0665

SHEET 1 OF 3

TOUMA ENGINEERS AND LAND SURVEYORS, PLLC
6832 SOUTH 191ST PLACE, SUITE E-102 • KENT, WA 98032
PHONE (425) 251-0665 • FAX (425) 251-0625

TOTEM GREEN

PORTION OF NE 1/4 OF THE NW 1/4 OF SECTION 21,
TOWNSHIP 26 N., RANGE 5 E., W.M.,
CITY OF KIRKLAND, WASHINGTON

EASEMENT PROVISIONS:

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, QWEST TELEPHONE COMPANY, CABLE TELEVISION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS ABUTTING 122ND PLACE NE AND NE 144TH STREET IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, MAINS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING. SAID EASEMENTS MAY CONTAIN PRIVATE STORM DRAINAGE SYSTEMS AS SHOWN ON THE PLANS. THE MAINTENANCE OF THOSE PRIVATE STORM DRAINAGE SYSTEMS SHALL BE THE RESPONSIBILITY OF THOSE LOTS OWNERS BENEFITING FROM SAID SYSTEMS.

PLAT NOTES (CONT)

COVENANT FOR DRAINAGE IN A RECREATION TRACT

A DRAINAGE EASEMENT AND COVENANT OVER TRACT A, IS HEREBY GRANTED AND CONVEYED TO CITY OF KIRKLAND, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, FOR THE PURPOSE OF CONVEYING, STORING, MANAGING AND FACILITATING STORM AND SURFACE WATER PER THE ENGINEERING PLANS APPROVED FOR THIS PLAT BY THE CITY OF KIRKLAND, TOGETHER WITH THE RIGHT FOR CITY OF KIRKLAND OR ASSIGNS TO ENTER SAID DRAINAGE EASEMENT FOR THE PURPOSE OF INSPECTING, OPERATING, MAINTAINING, REPAIRING AND IMPROVING AND DRAINAGE FACILITIES CONTAINED THEREIN. ONLY THE FLOW CONTROL AND WATER QUALITY FACILITIES CONTAINED WITHIN THE TRACT WILL BE CONSIDERED FOR FORMAL ACCEPTANCE AND MAINTENANCE BY THE CITY OF KIRKLAND. MAINTENANCE OF ALL OTHER IMPROVEMENTS ON THIS PROPERTY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

THE OWNERS OF SAID PRIVATE PROPERTY ARE REQUIRED TO OBTAIN ANY REQUIRED PERMITS SUCH AS CLEARING AND GRADING FROM THE CITY OF KIRKLAND, OR THEIR SUCCESSOR AGENCIES, PRIOR TO FILLING, PIPING, CUTTING OR REMOVING VEGETATION (EXCEPT FOR ROUTINE LANDSCAPE MAINTENANCE SUCH AS LAWN MOWING) IN OPEN VEGETATED DRAINAGE FACILITIES (SUCH AS SWALES, CHANNELS, DITCHES, PONDS, ETC.), OR PERFORMING ANY ALTERATIONS OR MODIFICATIONS TO THE DRAINAGE FACILITIES, CONTAINED WITHIN SAID DRAINAGE EASEMENT. THE PROPERTY OWNER WILL BE RESPONSIBLE FOR THE COST FOR THE RESTORATION OF ANY NON-DRAINAGE IMPROVEMENTS REMOVED OR ALTERED AS THE RESULT OF THE MAINTENANCE, REPAIR AND RECONSTRUCTION OF THE DRAINAGE IMPROVEMENTS.

THIS EASEMENT AND COVENANT IS INTENDED TO FACILITATE REASONABLE ACCESS FOR THE OPERATION, MAINTENANCE, REPAIR AND RECONSTRUCTION OF THE DRAINAGE FACILITIES. THE EASEMENT AND COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

PRIVATE DRAINAGE EASEMENT AND COVENANT

THE OWNERS OF PRIVATE PROPERTY WITHIN THIS PLAT ENCUMBERED WITH DRAINAGE EASEMENTS SHOWN AS "PRIVATE", HEREBY GRANT AND CONVEY TO CITY OF KIRKLAND, A POLITICAL SUBDIVISION OF THE STATE OF WASHINGTON, THE RIGHT, BUT NOT THE OBLIGATION TO CONVEY OR STORE STORM AND SURFACE WATER PER THE ENGINEERING PLANS APPROVED FOR THIS PLAT BY CITY OF KIRKLAND, TOGETHER WITH THE RIGHT OF REASONABLE ACCESS INGRESS AND EGRESS), TO ENTER SAID DRAINAGE EASEMENT FOR THE PURPOSE OF OBSERVING THAT THE OWNERS ARE PROPERLY OPERATING AND MAINTAINING THE DRAINAGE FACILITIES CONTAINED THEREIN.

THE OWNERS OF SAID PRIVATE PROPERTY ARE RESPONSIBLE FOR OPERATING, MAINTAINING AND REPAIRING THE DRAINAGE FACILITIES CONTAINED WITHIN SAID DRAINAGE EASEMENT, AND ARE HEREBY REQUIRED TO OBTAIN ANY REQUIRED PERMITS, FROM THE CITY OF KIRKLAND, PRIOR TO FILLING, PIPING, CUTTING OR REMOVING VEGETATION (EXCEPT FOR ROUTINE LANDSCAPE MAINTENANCE SUCH AS LAWN MOWING) IN OPEN VEGETATED DRAINAGE FACILITIES (SUCH AS SWALES, CHANNELS, DITCHES, PONDS, ETC.), OR PERFORMING ANY ALTERATIONS OR MODIFICATIONS TO THE DRAINAGE FACILITIES, CONTAINED WITHIN SAID DRAINAGE EASEMENT.

THIS COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF SAID PRIVATE PROPERTY, THEIR HEIRS, SUCCESSORS AND ASSIGNS

SPECIAL NOTES

1. THE PROPERTY IS SUBJECT TO NOTICE OF TAP OR CONNECTION CHARGES WHICH HAVE BEEN OR WILL BE DUE IN CONNECTION WITH DEVELOPMENT OR REDEVELOPMENT OF THE LAND DISCLOSED BY RECORDED INSTRUMENT RECORDED UNDER KING COUNTY RECORDING NO. 9207300895
2. PROPERTY IS SUBJECT TO RIGHT TO ENTER THE LAND TO MAKE REPAIRS AND CUT BRUSHES AND TREES WHICH THREATEN OR ENDANGER THE ELECTRIC TRANSMISSION LINE ADJOINING THE LAND, AS GRANTED IN INSTRUMENT RECORDED UNDER RECORDING NO. 4284389.
3. THE PROPERTY IS SUBJECT TO COVENANTS IMPOSED BY INSTRUMENT RECORDED UNDER KING COUNTY RECORDING NO. 5281577.
4. SUBJECT TO THE MATTERS RELATING TO THE QUESTIONS OF SURVEY, RIGHTS OF PARTIES IN POSSESSION, AND UNRECORDED LIEN RIGHTS FOR LABOR AND MATERIAL, IF ANY, THE DISPOSITION OF WHICH WILL BE FURNISHED BY SUPPLEMENTAL REPORT

NORTHSHORE UTILITY DISTRICT EASEMENT NOTE

AN EASEMENT IS HEREBY IRREVOCABLY RESERVED FOR AND GRANTED TO NORTHSHORE UTILITY DISTRICT FOR SO LONG AS IT SHALL OWN AND MAINTAIN THE UTILITIES REFERENCED HEREIN UPON THE AREA SHOWN OF THE PLAT AND DESCRIBED HEREIN AS "WATER EASEMENT" AND "SEWER EASEMENT" TO INSTALL, MAINTAIN, REPLACE, REPAIR AND OPERATE WATER AND SEWER MAINS APPURTENANCES FOR THIS SUBDIVISION AND OTHER PROPERTY TOGETHER WITH RIGHT TO ENTER UPON SAID EASEMENT AT ALL TIMES FOR THE PURPOSE STATED. NO BUILDING WALL, ROCKERY, FENCE, TREES OR STRUCTURES OF ANY KIND SHALL BE ERRECTED OR PLANTED, NOR SHALL BE MADE WITHIN THREE FEET OF SAID WATER AND SEWER SERVICE FACILITIES AND THE SURFACE LEVEL OF THE GROUND WITHIN THE EASEMENT AREA SHALL BE MAINTAINED AT THE ELEVATION AS CURRENTLY EXISTING. GRANTOR ADDITIONAL GRANTS TO THE GRANTEE, THE USE OF SUCH ADDITIONAL AREA IMMEDIATELY ADJACENT TO SAID EASEMENT AS SHALL BE REQUIRED FOR THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND OPERATION OF SAID WATER AND SEWER FACILITIES. THE USE OF SUCH ADDITIONAL AREA SHALL BE HELD TO A REASONABLE MINIMUM AND BE RETURNED TO THE CONDITION EXISTING IMMEDIATELY BEFORE THE PROPERTY WAS ENTERED UPON BY GRANTEE OR ITS AGENTS. IN ADDITION TO THE OTHER RESTRICTION HEREIN GRANTOR SHALL NOT CONVEY TO A THIRD PARTY ANY EASEMENT OR OTHER RIGHT OF USAGE IN THE PROPERTY WHICH WOULD IMPAIR OR LIMIT THE GRANTEE'S USE OF THE EASEMENT AREA. THIS EASEMENT/RESTRICTION DOES NOT APPLY TO THE PUBLIC ROADWAYS OR TO THE DRAINAGE EASEMENTS.

HOMEOWNERS ASSOCIATION COVENANTS:

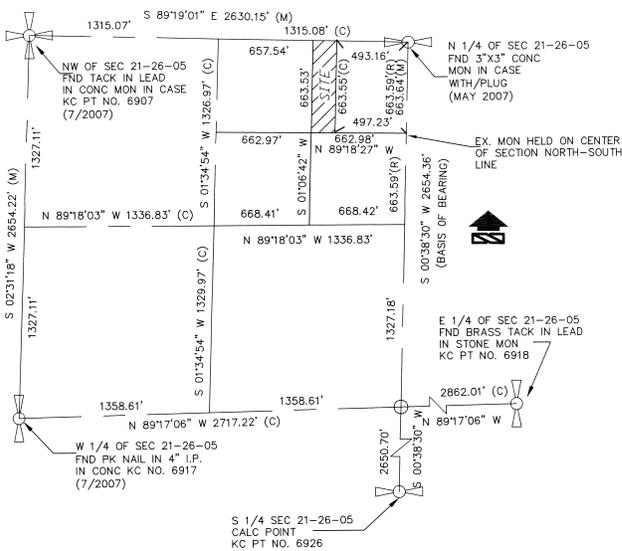
THE OWNERS OF LOTS 1 THROUGH 24 INCLUSIVE ARE RESPONSIBLE FOR PROVIDING THAT THE TOTEM GREEN HOMEOWNERS ASSOCIATION CONTINUES TO BE A VIABLE AND FUNCTIONING LEGAL ENTITY. SAID HOMEOWNERS ASSOCIATION SHALL OWN AND MAINTAIN THE TRACTS AND EASEMENTS AS INDICATED AND COVENANTED HEREIN, UNLESS OTHERWISE APPROVED BY KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES OR ITS SUCCESSOR AGENCY. THIS COVENANT SHALL RUN WITH THE LAND AND IS BINDING UPON THE OWNERS OF ALL LOTS 1 THROUGH 24 INCLUSIVE, THEIR HEIRS, SUCCESSORS AND ASSIGNS.

PLAT NOTES

1. ALL BUILDING DOWN SPOUTS, 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 P-4317 ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (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 SAID PLANS. ALL INDIVIDUAL STUBS-OUTS AND INFILTRATION SYSTEMS SHALL BE PRIVATELY OWNED AND MAINTAINED BY THE LOT OWNER.

D.D.E.S. FILE NO. L05P0022

2. ALL FEES REQUIRED BY THE CITY OF KIRKLAND, MITIGATION PAYMENT SYSTEM (MPS), SHALL BE THE AMOUNT IN EFFECT AS OF THE DATE OF BUILDING PERMIT APPLICATION.
3. ALL SCHOOL IMPACT FEES SHALL BE PAID TO THE CITY OF KIRKLAND.
4. TRACT A IS RECREATION AND PUBLIC STORM DRAINAGE TRACT FOR THE BENEFIT OF ALL THE LOT OWNERS IN THIS PLAT, EACH OWNERSHIP OF A LOT IN THIS PLAT (LOT 1 THROUGH 23 INCLUSIVE) INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP IN TRACT "A" THE TOTEM GREEN HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF RECREATION FACILITIES IN SAID TRACT "A". HOWEVER, SHOULD THE HOMEOWNERS ASSOCIATION FAIL TO PROPERLY MAINTAIN TRACT "A", THEN THE LOT OWNER OF ALL THE LOTS 1 THROUGH 23 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT.
5. THE ROAD AND STORM DRAINAGE SYSTEMS SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED PLAN AND PROFILE, PLAN NO. P-4317 ON FILE WITH KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (D.D.E.S.). ANY DEVIATION FROM THE APPROVED PLANS WILL REQUIRE WRITTEN APPROVAL FROM THE PROPER AGENCY, CURRENTLY D.D.E.S.
6. STRUCTURES, FILL OR OBSTRUCTIONS (INCLUDING BUT NOT LIMITED TO DECKS, PATIOS, OUTBUILDINGS OR OVERHANGS) SHALL NOT BE PERMITTED BEYOND THE BUILDING SETBACK LINE OF THE PUBLIC DRAINAGE EASEMENTS. ADDITIONALLY, GRADING AND CONSTRUCTION OF FENCING SHALL NOT BE ALLOWED WITHIN THE PUBLIC DRAINAGE EASEMENTS SHOWN ON THIS PLAT MAP UNLESS OTHERWISE APPROVED BY KING COUNTY D.D.E.S. OR ITS SUCCESSOR AGENCY.
7. THE HOUSE ADDRESS SYSTEM FOR THIS PLAT SHALL BE AS FOLLOWS: ADDRESSES SHALL BE ASSIGNED FOR THE NORTH-SOUTH ROADS WITHIN THE RANGE OF 14000 TO 14550. INDIVIDUAL ADDRESSES WILL BE ASSIGNED TO THE PRINCIPAL ENTRANCE OF EACH RESIDENCE OR BUILDING IN ACCORDANCE WITH THE CITY OF KIRKLAND.
8. ANY FUTURE RESIDENCE TO BE CONSTRUCTED ON THIS PLAT SHALL BE REQUIRED TO BE CONSTRUCTED WITH A (N.F.P.A.) NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS 130 SPRINKLER SYSTEM UNLESS OTHERWISE APPROVED BY THE CITY OF KIRKLAND FIRE MARSHALL OR ITS SUCCESSOR AGENCY.
9. THE STREET TREES REQUIRED PER KCC 21A.18.050 SHALL BE OWNED AND MAINTAINED BY THE TOTEM GREEN HOMEOWNERS ASSOCIATION UNLESS AND UNTIL A THE CITY OF KIRKLAND HAS ADOPTED MAINTENANCE PROGRAM.
10. SINGLE FAMILY RESIDENCE AND OTHER IMPROVEMENTS CONSTRUCTED ON THE LOTS CREATED BY THIS SUBDIVISION MUST IMPLEMENT THE FLOW CONTROL BEST MANAGEMENT PRACTICES STIPULATED IN THE DRAINAGE PLAN DECLARATION OF COVENANTS AND GRANT OF EASEMENT RECORDED FOR EACH LOT. COMPLIANCE WITH THIS STIPULATION MUST BE ADDRESSED IN THE SMALL PROJECT DRAINAGE PLAN SUBMITTED FOR DRAINAGE REVIEW WHEN APPLICATION IS MADE FOR A SINGLE FAMILY RESIDENTIAL BUILDING PERMIT FOR THE LOT.
11. ALL LOTS SHALL CONTAIN LESS THAN 2104 SQUARE FEET OF NEW IMPERVIOUS SURFACE AND SHALL USE POROUS PAVEMENT DRIVEWAY OF AT LEAST 300 SQUARE FEET. A POROUS PAVEMENT BMP COVENANT AND GRANT OF EASEMENT SHALL BE RECORDED WITH DRAINAGE REVIEW WHEN THE APPLICATION IS MADE FOR A SINGLE FAMILY RESIDENTIAL BUILDING PERMIT FOR THE LOT. FUTURE ADJUSTMENTS TO THE IMPERVIOUS LIMITS ARE ALLOWED BETWEEN LOTS WITH THE PROVISION THAT BUILDING PERMITS ARE APPLIED FOR SIMULTANEOUSLY OR THAT A CREDIT IS AVAILABLE FROM AN APPROVED BUILDING PERMIT. THE APPLICANT SHALL DEMONSTRATE THAT THE CREDIT IS AVAILABLE.
12. PURSUANT TO KCC 16.82.156 AN APPROVED TREE RETENTION PLAN IS ON FILE WITH THE KING COUNTY DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES (DDES), RECORDS CENTER UNDER ACTIVITY NO. L07S044. LOTS 1,2,3,6,7,8,15,17,18,19, AND 23 WITHIN THIS PLAT EITHER CONTAIN TREES THAT MUST BE RETAINED OR MUST BE PLANTED/REPLACED PER SAID APPROVED TREE RETENTION PLAN. ANY PROPOSED CLEARING, GRADING OR CONSTRUCTION ACTIVITIES THAT WILL OR MAY IMPACT A SIGNIFICANT TREE WITHIN SAID LOTS MUST BE REVIEWED AND APPROVED BY KING COUNTY LAND USE SERVICES DIVISION, OR ITS SUCCESSOR AGENCY, FOR COMPLIANCE WITH SAID TREE RETENTION.



NW 1/4 OF SEC 21-26-05



SHEET 3 OF 3

TOUMA ENGINEERS AND LAND SURVEYORS, PLLC
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94/100

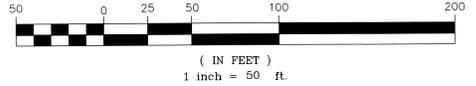
VOL/PG

LEGEND

- ⊕ SET MON IN CASE
- ⊙ FND MON IN CASE
- SET LOT CORNER 1/2" REBAR AND CAP LS #9470
- ⊕ SECTION CORNER
- ⊕ 1/4 CORNER
- (C) CALCULATED
- (M) MEASURED
- (P) PLAT OF "TOTEM GREEN"
- (R) RECORDED
- (EX) EXISTING
- (NUD) - NORTHSHORE UTILITY DISTRICT

TOTEM GREEN

PORTION OF NE 1/4 OF THE NW 1/4 OF SECTION 21,
TOWNSHIP 26 N., RANGE 5 E., W.M.,
CITY OF KIRKLAND, WASHINGTON



SURVEY NOTES:

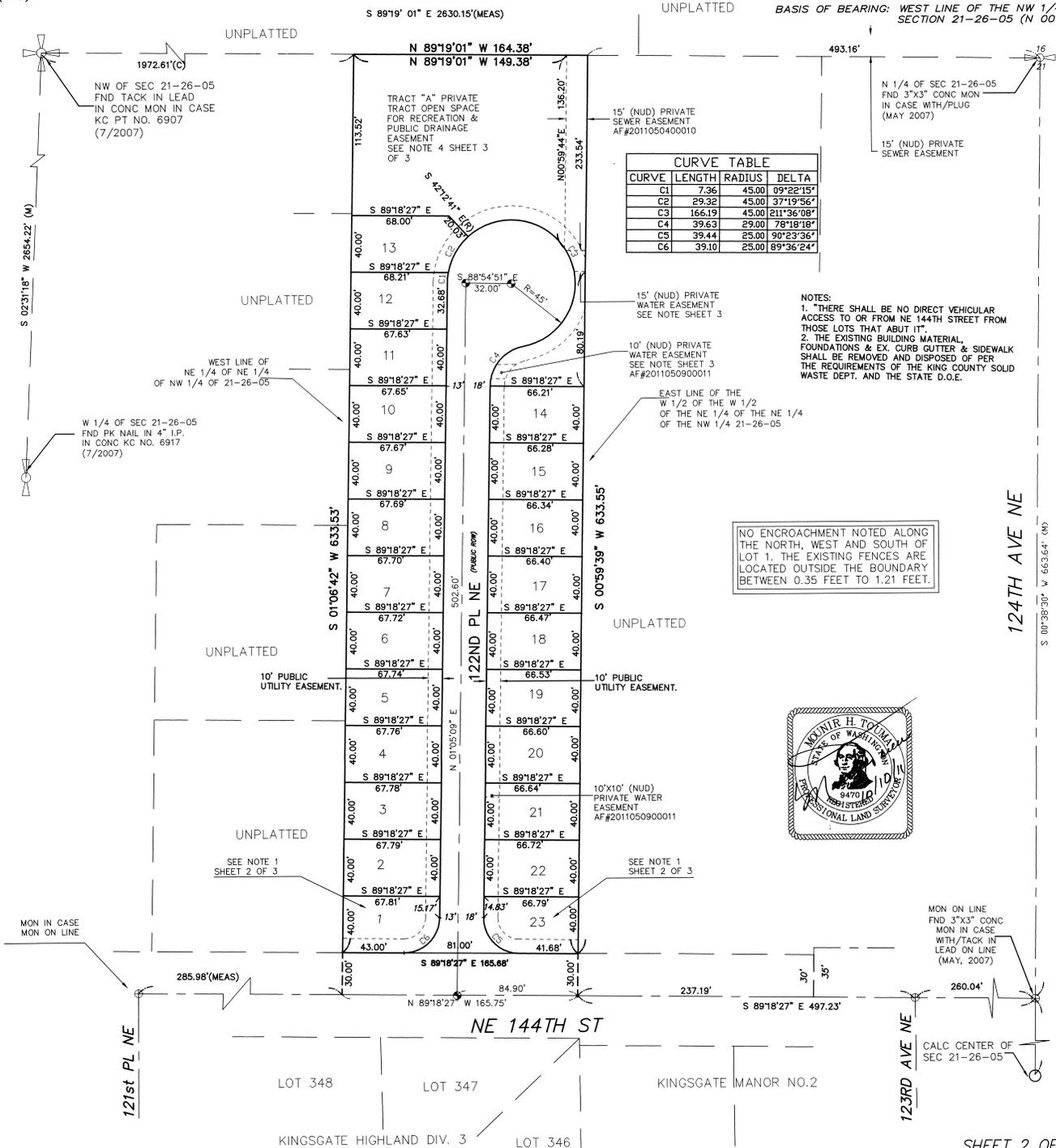
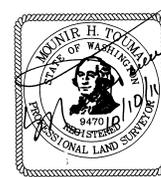
INSTRUMENT: NIKON TOTAL STATION DTM-A10LG
(S SECOND INSTRUMENT).
DATE OF SURVEY: JULY, 2007
METHOD USED: FIELD TRAVERSE WITH ACTUAL
FIELD MEASUREMENTS AND ANGLES EXCEEDING
THE REQUIREMENTS OF WAC 332-130-090
AREA NOTE: ALL AREAS ARE ±
BASIS OF BEARING: WEST LINE OF THE NW 1/4
SECTION 21-26-05 (N 00°38'30" E)

CURVE	LENGTH	RADIUS	DELTA
C1	7.36	45.00	09°22'15"
C2	29.32	45.00	37°19'56"
C3	166.19	45.00	211°36'08"
C4	39.63	29.00	78°18'18"
C5	39.44	25.00	90°23'36"
C6	39.10	25.00	89°36'24"

NOTES:

1. THERE SHALL BE NO DIRECT VEHICULAR ACCESS TO OR FROM NE 144TH STREET FROM THOSE LOTS THAT ABUT IT.
2. THE EXISTING BUILDING MATERIAL, FOUNDATIONS, & EX. CURB GUTTER & SIDEWALK SHALL BE REMOVED AND DISPOSED OF PER THE REQUIREMENTS OF THE KING COUNTY SOLID WASTE DEPT. AND THE STATE D.O.E.

NO ENCROACHMENT NOTED ALONG THE NORTH, WEST AND SOUTH OF LOT 1. THE EXISTING FENCES ARE LOCATED OUTSIDE THE BOUNDARY BETWEEN 0.35 FEET TO 1.21 FEET.



SHEET 2 OF 3

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PHONE (425) 251-0865 • FAX (425) 251-0825

RESOLUTION R-4903

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF TOTEM GREEN BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. KC L11FR007 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Totem Green was approved by the Hearing Examiner on March 15, 2007; and

WHEREAS, thereafter the Department of Planning and Community Development received an application for approval of subdivision and final plat, said application having been made by Yelm Property Development, the owner of the real property described in said application, which property is within a Residential Single Family R-8 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

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

WHEREAS, the Director of the Department of Planning and Community Development did make certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the final plat, subject to specific conditions set forth in said recommendation; and

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

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Findings, Conclusions and Recommendations of the Director of the Department of Planning and Community Development, filed in Department of Planning and Community Development File No. KC L11FROO7, are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of Totem Green is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

- (a) A Plat Bond or other approved security performance undertaking in an amount determined by the Director of Public Works in accordance with the requirements therefor in Ordinance No. 2178 shall be deposited with the City of Kirkland and be conditioned upon the completion and acceptance by the City of all conditions of approval, including public improvements, within one year from the date of passage of this Resolution. No City official, including the Chairperson of the Planning Commission, the Mayor, or the City Engineer, shall affix his signature to the final plat drawing until such time as the plat bond or other approved performance security undertaking herein required has been deposited with the City and approved by the Director of Public Works as to amount and form.

Section 3. Notwithstanding any recommendations heretofore given by the Houghton Community Council, the subject matter of this resolution and the permit herein granted are, pursuant to Ordinance 2001, subject to the disapproval jurisdiction of the Houghton Community Council and, therefore, this resolution shall become effective only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this resolution within 60 days of the date of the passage of this resolution.

Section 4. Nothing in this resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this subdivision, other than as expressly set forth herein.

Section 5. A copy of this resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be delivered to the applicant.

Section 6. A completed copy of this resolution, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

Signed in authentication thereof this ____ day of _____, 2011.

MAYOR

Attest:

City Clerk