



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

MEMORANDUM

To: David Ramsay, City Manager

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

Date: June 21, 2006

Subject: Highlands 25 Final Subdivision, File No. FSB06-00001

QUASI-JUDICIAL

RECOMMENDATION

Approve with conditions the Final Subdivision for the Highlands 25 Plat. The City Council may do so by adopting the enclosed Resolution.

BACKGROUND DISCUSSION

The Preliminary Subdivision was heard by the Hearing Examiner on June 2, 2005. The Hearing Examiner approved the project with conditions on June 10, 2005. A concurrency test was passed for traffic on February 11, 2005 and for water and sewer on November 9, 2004. A Determination of Non-significance was issued for the proposal on May 12th, 2005. The proposal included the following general elements:

- Subdivide 8 existing lots, 6.68 total acres, into 25 lots for single-family residences within a RS 8.5 zone with a minimum lot size of 8,500 square feet. The proposed lots will range in size from 8,467 square feet to 11,427 square feet, with an average lot size of 8,697 square feet. Since fourteen of the lots were less than the minimum lot size requirement of 8,500 square feet, the subdivision was reviewed and approved through the lot averaging provisions of Kirkland Subdivision Code Section 22.28.040.
- Primary access to the subdivision would be from NE 95th Street. Two new public right-of-ways would be dedicated within the subdivision for access to the new lots.
- The applicant, with the encouragement of the Public Works Department, incorporated Low Impact Development (LID) elements into the project design as part of the land surface modification application.

The applicant is not proposing any modifications to the size, configuration, or location of any of the lots, access easements, or the open space tract approved with the preliminary subdivision.

Memo to City Council
June 21, 2006
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The Planning Director recommends approval of the final subdivision with the conditions outlined in the staff advisory report dated June 20, 2006 (See Enclosure 1).

ENCLOSURES

1. Staff Advisory Report dated June 20, 2006

cc: File FSB06-00001



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.828.1257
www.ci.kirkland.wa.us

MEMORANDUM ADVISORY REPORT FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director
From: Tony Leavitt, Planner *TL*
Date: June 20, 2006
File: HIGHLANDS 25 FINAL SUBDIVISION, FILE FSB06-00001

I. RECOMMENDATION

Recommend approval of the Final Subdivision application for the Highlands 25 Plat subject to the following conditions:

- A. The application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code, and Subdivision Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 1, Preliminary Subdivision Notice of Approval, is provided in this memo to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
- B. Prior to recording the final plat mylar with King County the applicant shall:
 1. Submit a title report no more than 30 days old from the date the final plat mylar was signed by the owners. The title report shall reflect that all taxes and assessments for the subject property have been paid.
 2. Have a registered land surveyor set the exterior plat boundary and all interior lot corners.

II. BACKGROUND

- A. The applicant is Craig Sears of Highlands 24, LLC
- B. This is a Final Subdivision application to approve a 25-lot subdivision on a 6.68-acre site (see Attachment 2).
- C. The Preliminary Subdivision (File No. PSB04-00001) was approved by the Hearing Examiner on June 17, 2004. See Attachment 3 and discussion under the History section below.
- D. The site is located at 8024 and 8034 124th Avenue NE (See Attachment 2).

ENCLOSURE 1

FSB06-00001 CC MEMO

III. HISTORY

The Preliminary Subdivision was heard by the Hearing Examiner on June 2, 2005. The Hearing Examiner approved the project with conditions on June 10, 2005. A concurrency test was passed for traffic on February 11, 2005 and for water and sewer on November 9, 2004. A Determination of Non-significance was issued for the proposal on May 12th, 2005. The proposal included the following general elements:

1. Subdivide 8 existing lots, 6.68 total acres, into 25 lots for single-family residences within a RS 8.5 zone with a minimum lot size of 8,500 square feet. The proposed lots will range in size from 8,467 square feet to 11,427 square feet, with an average lot size of 8,697 square feet. Since fourteen of the lots were less than the minimum lot size requirement of 8,500 square feet, the subdivision was reviewed and approved through the lot averaging provisions of Kirkland Subdivision Code Section 22.28.040.
2. Primary access to the subdivision would be from NE 95th Street. Two new public right-of-ways would be dedicated within the subdivision for access to the new lots.
3. The applicant, with the encouragement of the Public Works Department, incorporated Low Impact Development (LID) elements into the project design as part of the land surface modification application.

IV. ANALYSIS

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

1. Consistency with the preliminary plat, except for minor modifications allowed under Kirkland Municipal Code Section 22.16.080; and
2. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

The applicant has not proposed any modifications to the size, configuration or location of any of the lots, access easements, or the open space tract approved with the preliminary subdivision.

The applicant has complied with all of the conditions that were placed on the preliminary subdivision application approved by the Hearing Examiner, except for those conditions that must be accomplished prior to Final Plat recording. The applicant has submitted a bond to ensure future completion of the remaining public improvements required as part of the preliminary subdivision.

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. APPENDICES

Attachments 1 through 3 are attached.

1. Preliminary Subdivision Notice of Approval, including Development Standards
2. Final Plat
3. Approved Preliminary Plat

Review by Planning Director:

I concur ✓ I do not concur _____

Comments: _____



Eric R. Shields, AICP

6/20/06
Date



CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.ci.kirkland.wa.us

PRELIMINARY SUBDIVISION

NOTICE OF APPROVAL

FILE NO: PSB04-00001

PROJECT NAME: The Highlands Preliminary Plat

PROJECT ADDRESS: 16XX NE 95th Street

APPLICANT OR AGENT: Craig Sears

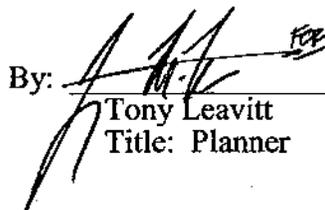
CITY OF KIRKLAND APPROVAL DATE: June 10, 2005 Hearing Examiner Decision
June 14, 2005 Decision Release Date

LAPSE OF APPROVAL DATE(S): Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter (June 10, 2009), or the decision becomes void.

This NOTICE OF APPROVAL is granted subject to the attached conditions and development standards. Failure to meet or maintain strict compliance shall be grounds for revocation in accordance with the Kirkland Zoning Ordinance No. 3719 as amended.

The applicant must also comply with any federal, state or local statutes, ordinances or regulations applicable to this project. This Notice of Approval does not authorize grading or building without issuance of the necessary permits from the Kirkland Building Department.

CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT

By: 
Tony Leavitt
Title: Planner

Attachments:

Conditions of Approval
Development Standards

CONDITIONS OF APPROVAL

PROJECT: The Highlands Preliminary Plat

File No: PSB04-00001

Date Complete CONDITIONS

Based on Statements of Fact and Conclusions (Section III), and Attachments in this report, we recommend approval of the application subject to the following conditions:

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

Comments: _____

3. Prior to the issuance of a land surface modification permit, the tree preservation and removal plan (Attachment 4) shall be revised to retain all significance trees on the site, except any trees located within the proposed public right-of-ways, easement roads or location of utilities

- a. With the Land Surface Modification permit for the plat infrastructure improvements, the applicant shall submit a copy to the Planning Department of the approved tree preservation and removal plan approved for the plat with the required changes as conditioned above. Only those significant trees required to be removed for installation of plat improvements may be removed in conjunction with the Land Surface Modification permit. Any proposed changes to the approved plan must be approved by the Planning Department. If site disturbance is proposed within the drip lines of any trees required to be saved, an arborist report amendment may be required by the Planning Department to address specific grading impacts to the trees and recommended mitigating measures.

- b. With the submittal of the building permit on each new lot created with the short plat, the applicant shall submit a copy of the tree preservation and removal plan approved with the Land Surface Modification permit. Any proposed changes to the approved tree preservation and retention plan must be approved by the Planning Department in conjunction with the building permits.
- c. As part of the building permit approval, the City may require minor alterations to the arrangements of structures on each lot and elements in the proposed development in order to achieve the maximum retention of these significant trees (see Conclusion II.F.4).

Comments: _____

-
- 4. As part of the land surface modification permit application, the applicant shall submit plans for the installation of the required improvements as described in Attachment 3 including a 5-foot wide paved walkway within a 10-foot wide pedestrian walkway easement (see Conclusion II.F.2).

Comments: _____

-
- 5. Prior to approval of the final subdivision, the applicant shall work with the Planning Department to determine the extent of the Natural Greenbelt Protective Easement for the protection of the row of fir trees on proposed lots 14, 15, & 16 (see Conclusion II.F.4).

Comments: _____



CITY OF KIRKLAND

Planning and Community Development Department

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www.ci.kirkland.wa.us

DEVELOPMENT STANDARDS LIST

File: PSB04-00001, The Highlands Preliminary Plat

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.

22.28.050 Lot Dimensions. For lots smaller than 5,000 square feet, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot.

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

22.28.210 Significant Trees. The applicant shall retain at least twenty-five percent of the healthy significant trees, together with any associated groundcover or understory vegetation necessary to assure long-term health and prevent erosion. The tree retention plan is shown on Attachment 4. All trees designated to be saved under the tree retention plan must be retained, unless a modification to the tree retention plan is approved by the Department of Planning and Community Development.

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. The impact fee for new single-family dwelling units is \$612. The impact fee for new multifamily dwelling units is \$430. 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 in the amount of \$612 for a single family unit and \$430 for a multi-family unit.

Prior to Recording:

22.16.030 Final Plat - Lot Corners. The exterior plat boundary, and all interior lot corners shall be set by a registered land surveyor.

22.16.040 Final 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 subdivision 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.

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

22.28.050 Lot Dimensions. The owner of the property shall sign a covenant to ensure that the garage will be located at the rear of any lot which is smaller than 5,000 square feet, has a lot width at the back of the required front yard less than 50 feet, and is not a flag lot.

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

95.35 Plant Replacement. The applicant shall replace any plants required by this Code that are unhealthy or dead for a period of two years after initial planting.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

110.60.2 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way.

110.60.8 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.

115.42 Floor Area Ratio (F.A.R.) limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones. The garage must be set back five feet from the remaining portion of the front façade of a dwelling unit if: the garage door is located on the front façade of the dwelling unit; and the lot is at least 50 feet wide at the front setback line; and the garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

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 including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid pavers; outdoor swimming pools; and pedestrian walkways. 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.

115.115.3.g Rockerries 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 low density residential zones, covered entry porches on detached 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.

115.115.5.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 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.

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to issuance of a grading or building permit:

95.15.4 Tree Protection Techniques. In order to provide the best possible conditions for the retention of significant trees, the applicant shall construct a temporary but immovable 4 foot high chain-link fence generally corresponding to the drip line of each tree or group of trees shown on the tree retention plan to be retained (see Attachment 4). Additional tree protection measures may be required of the applicant. The protective fencing must remain in place throughout the demolition, clearing, grading, excavation, and construction processes, including the construction of homes. No grading, operation of heavy equipment, stockpiling, or excavation may occur inside the protective fences.

27.06.030 Park Impact Fees. 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 in the amount of \$612 for a single family unit and \$430 for a multi-family unit.

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 3/31/2005

DEVELOPMENT STANDARDS

CASE NO.: PSB04-00001
PCD FILE NO.: PSB04-00001

FIRE DEPARTMENT CONDITIONS

3 new fire hydrants are required as shown. Subject hydrants shall be installed and fully operational prior to any combustible construction. All new hydrants as well as the existing hydrant in front of 11644 shall be equipped with 5" Stortz fittings.

"NO PARKING - FIRE LANE" signs, curb stenciling, and painting required for the private access roads serving lots 9, 13, 21 and 22.

Due to inadequate fire flow in the area, all new homes shall be provided with fire sprinkler systems (13D type).

BUILDING DEPARTMENT COMMENTS

Building permits submitted on July 1, 2004 or after must comply with the 2003 International Building, Residential and Mechanical Codes and the 2003 Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code; and the Washington State Ventilation and Indoor Air Quality Code.

Plumbing meter and service line shall be sized in accordance with the UPC

Due to size of project (multiple building lots), geotechnical report required to address development activity. Report must be prepared by a Washington State licensed Professional Engineer. Recommendations contained within the report shall be incorporated into the design of the Short Plat and subsequent structures.

PUBLIC WORKS CONDITIONS

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.ci.kirkland.wa.us.
2. This project will be subject to Public Works Permit and Connection Fees. At the pre-application stage, the fees can only be estimated. 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 reviewed the City of Kirkland web site at www.ci.kirkland.wa.us. The applicant should anticipate the following fees:
 - o Water and Sewer connection Fees (paid with the issuance of a Building Permit)

- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Septic Tank Abandonment Inspection Fee
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.

3. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-576-2901 for more information. A separate Concurrency Permit will be created.

4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).

5. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the subdivision (and subsequent Building Permits if multiple houses are demolished). The credit amount for each demolished single family home will be equal to the most currently adopted Traffic Impact Fee schedule.

6. 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.

7. 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.

8. 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).

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

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

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

1. The existing sanitary sewer main within the NE 95th St right-of-way and along the east side of lots 22-25, is adequate to serve all the lots within the proposed project.

2. Extend 8-inch sewer mains along the new public roads to provide sewer to all of the lots. The sewer main extensions depicted on sheet 3 of the submittal are adequate. Provide a plan and profile design for the sewer line extensions.

3. All new and existing sewer manholes must be accessible for maintenance purposes. The following access conditions will apply:

" A 12 ft. wide paved access shall be extended to the new manhole at the northeast corner of lot 25.

" A note shall be included on the Subdivision recording mylar stating that if a fence is constructed along the north property line of lot 25, a 3 ft. wide gate shall be provided at the northeast property corner for sewer manhole maintenance access.

" The existing manhole at the southeast corner of lot 22 shall have a 12 ft. wide paved access from the end of the existing paved access, provided for the existing detention pond, to the south of lot 21. Prior to adding the new paving, additional structural fill will need to be added to the east end of the detention pond berm so the paving can be extended to within approximately 10 ft of the existing sewer manhole.

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

Water System Conditions:

1. The applicant shall extend the existing public water system to provide water service for each lot. The subdivision shall install the following water system improvements:

A. Loop an 8-inch water main from NE 95th St. south along Road B, south within a 15 ft. wide utility easement between lots 20- 21 & , 22-23 (under the pedestrian path), and connect to the existing 8-inch water main on the south side of lot 21.

B. Extend an 8-inch water main from NE 95th Street along Road A and terminate the extension with a blow-off or hydrant (Fire Dept. will determine where the hydrants should be located).

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

3. The existing water services may be used provided that they are in the right location, are not galvanized, and are sized adequately to serve the building (per the Uniform Plumbing Code).

4. The existing water flows are inadequate for minimum fire flow for this project; see the Fire Department Conditions for the fire sprinkler requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. The conceptual storm water detention system, as depicted on sheet 3, is approved by the Public Works Department.

2. The developer and the Public Works Department have discussed and agreed that some recreational play equipment and/or a sport court over the top of the detention system should be installed as an amenity for the proposed development. The Homeowners Association (HOA) will be responsible for maintenance of the landscaping and recreational equipment while the City will be responsible for maintenance of the detention system. Since the recreational area is within public right-of-way, it may be used by the public; it is anticipated that residents within this development as well as the surrounding neighborhood may use the area. Language shall be included on the Subdivision Recording Mylar stating the use and maintenance of the recreational area. In addition, the developer shall sign and record a Maintenance Agreement in conjunction with the establishment of the HOA.

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

4. Any off-site storm water must by-pass the on-site storm water detention system or accounted for in the design of the detention system.

5. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.

6. The National Pollutant Discharge Elimination System (NPDES) Phase II Final Rule requires operators of small construction sites (disturbing between 1 and 5 acres of land) to obtain a Construction Storm water General Permit through the Washington State Department of Ecology. Information about the permit can be obtained at:

Washington State Department of Ecology <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
U.S. EPA Office of Wastewater Management <http://cfpub.epa.gov/npdes/stormwater/const.cfm>

Specific question can be directed to:

Jeff Killelea

PO Box 47600

Olympia, WA 98504-7600

(360) 407-6127

jkil461@ecy.wa.gov

7. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.

8. Provide a separate storm drainage connection for each lot. The drainage system on each lot shall contain a 10 ft. minimum length drywell as part of the conveyance system to the storm system in the street. These drywells will be installed with each new single-family home.

9. Provide a plan and profile design for the storm sewer system.

10. A 10' minimum paved maintenance access shall be provided to the detention facility. The Public Works Surface Water Maintenance Division shall review and approve the final design of the detention facility.

Street Improvement Conditions:

1. The subject property abuts NE 95th Street and the two new access streets (roads A & B). These streets are Neighborhood Access type streets. 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 these streets must be improved with the following:

NE 95th Street

A. Widen the street to 12 ft. from centerline to face of curb.

B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk. The sidewalk and planter strip shall be installed along both property frontages; the sidewalk along the south side can terminate at the driveway apron for tract B.

C. Underground all existing overhead utility lines along the property frontage on NE 95th St.

Road A

A. Dedicate 45 ft in width of public right-of-way for the east/west leg and 40 ft. in width of public right-of-way for the north/south leg. (dedication for the cul-de-sac discussed below).

B. Improve the street with 24 ft of paving (face of curb to face of curb), vertical curb and gutter, a 4.5 ft wide landscape strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk. A sidewalk is not required along the I-405 sound wall or around the perimeter of the cul-de-sac (it is required along the frontage of lots 13, 14, and 15).

C. The cul-de-sac shall be encompassed in an 80 ft. diameter right-of-way with vertical curb and gutter set at 70 ft. in diameter, and 4.5 ft. wide landscape strip behind the curb with street trees 30 ft. on-center.

Road B

A. Dedicate 35 ft in width of public right-of-way (30 ft in width around the turn-around).

B. Improve the street with 20 ft of paving (face of curb to face of curb), vertical curb and gutter, a 4.5 ft wide landscape strip with street trees 30 ft. on-center, and, along one side of the street, a 5 ft. wide sidewalk.

C. The turn-around shall be improved with paving and vertical curb and gutter per Public Works Standard R.16. Street trees shall be planted around the perimeter at 30 ft. on-center where feasible.

D. Install an 8 ft. wide asphalt path within a 10 ft. wide pedestrian easement from the south end of Road B to the south property lines of lots 21 and 22 and along the south property line of lot 21 to the existing path at the southwest corner of lot 21.

Note: The City is encouraging the use of Low Impact Design methods to lessen the impacts of surface water run-off. One of option that is being encouraged by the City is the use of Street Edge Alternative (SEA) design concepts being used in the City of Seattle. As the engineering design plans are developed for this project, the developer may proposed to use some or all of the SEA street design standards. If these standards are accepted by the Public Works Department, some slight modifications to the road standards, such as the type of curb and the design of the landscape strips, will be necessary. However, no elements such as street trees, sidewalks, or the width of the street, will be eliminated or modified.

2. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

3. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)

4. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.

5. Install "NO PARKING ANYTIME" signs along one side of Road A and B

6. Install new monuments at the intersection of NE 95th St. with Road A and Road B, at the terminus of Road A and Road B, and at the centerline radius points of tangency along Road A and B.

7. 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.

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

9. New street lights are required per Puget Power design and Public Works approval. Design must be submitted prior to issuance of a grading or building permit.

HIGHLANDS 25

VOL/PAGE

A PORTION OF NW 1/4, SECTION 4, TOWNSHIP 25 N., RANGE 5 E., W.M.
KING COUNTY, 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 ALLEYS 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 LAY ALL NECESSARY SIDWALKS, CURBS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND ALLEYS 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 SPACES, 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 THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF RIVERS AND/OR DRAINAGE SYSTEMS WITHIN THE SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR INDEMNITIES, THEIR HEIRS AND ASSIGNS TO HOLD THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE, CLAIMED BY PERSONS WHOSE OR WHOSE THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUBSURFACE WATER FLOWS WITHIN THE SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THE SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELINQUISHING THE 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 THE 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 DECISIONS OF SAID OWNERS.

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

HIGHLANDS 25, LLC
BY: _____
ITS: _____

ACKNOWLEDGMENT

STATE OF WASHINGTON
COUNTY OF KING

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

DATE: _____
SIGNATURE OF NOTARY PUBLIC: _____
PRINTED NAME: _____
TITLE: _____
RESIDES AT: _____
BY APPOINTMENT EXPIRES: _____

COVENANTS

ALL LOTS AND TRACTS WITHIN THIS PLAT ARE SUBJECT TO THE COVENANTS RECORDED THIS DAY OF _____, 20____, LINDER RECORDING NO. _____, RECORDS OF KING COUNTY, WASHINGTON.

APPROVALS

KIRKLAND CITY COUNCIL

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

ATTEST:

DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED THIS ____ DAY OF _____, 20____.

CITY ENGINEER (DIRECTOR)

CITY OF KIRKLAND

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

CITY TREASURER CERTIFICATE

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

TREASURER, CITY OF KIRKLAND

FINANCE DIRECTOR CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE 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 THE PROPERTY HEREIN CONTAINED DESIGNATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL THIS ____ DAY OF _____, 20____.

MANAGER, FINANCE DIVISION DEPUTY

KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS ____ DAY OF _____, 20____.

KING COUNTY ASSESSOR DEPUTY KING COUNTY ASSESSOR

ACCOUNT NUMBER

COUNTY RECORDING OFFICIAL'S INFORMATION BLOCK (WAC 332-130-050)

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF HIGHLANDS 25 IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 25, TOWNSHIP 23 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.



DAVID B. MATTHEWS, P.L.S.
CERTIFICATE NO. 36304
CONCEPT ENGINEERING, INC.
455 RAINIER BLVD. N.
ISSAQUAH, WA 98027
PHONE: (425) 392-8055

RECORDING CERTIFICATE RECORDING NO.

FILED FOR RECORD AT THE REQUEST OF THE KIRKLAND CITY COUNCIL THIS ____ DAY OF _____, 20____, AT _____ MINUTES PAST _____ M. AND RECORDED IN VOLUME _____ OF PLATS, PAGE(S) _____ RECORDS OF KING COUNTY, WASHINGTON.

DIVISION OF RECORDS AND ELECTIONS

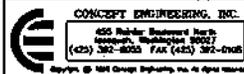
MANAGER SUPERINTENDENT OF RECORDS

A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, KING COUNTY, WASHINGTON.

JOB NO 25344

SHEET 1 OF 6

CITY OF KIRKLAND FILE NO. PSB04-00001



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ATTACHMENT 2

FSB06-00001 Memo

HIGHLANDS 25

A PORTION OF NW 1/4, SECTION 4, TOWNSHIP 25 N., RANGE 5 E., W.M.
KING COUNTY, WASHINGTON

VOL/PG

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF LOTS 4 AND 5, BLOCK 47, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE SOUTHERLY LINE OF SAID LOT 3 WITH A LINE DRAWN PARALLEL WITH AND 125 FEET WESTERLY OF (MEASURED AT RIGHT ANGLES TO) THE CENTERLINE SURVEY OF SECONDARY STATE HIGHWAY NUMBER 2-A, KIRKLAND ADDITION;

THENCE NORTHERLY ALONG SAID PARALLEL LINE TO THE NORTH LINE OF SAID LOTS 4 AND 5;

THENCE WESTERLY ALONG SAID NORTHERLY LINES TO THE MOST NORTHERLY CORNER OF SAID LOT 4;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4 A DISTANCE OF 125 FEET;

THENCE EASTERLY PARALLEL WITH THE NORTHERLY LINES OF SAID LOTS 4 AND 5 TO A LINE 145 FEET WESTERLY OF (MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE CENTERLINE SURVEY OF SECONDARY STATE HIGHWAY 2-A;

THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE OF SAID LOTS 4 AND 5;

THENCE EASTERLY ALONG SAID SOUTHERLY LINES TO THE POINT OF BEGINNING.

PARCEL B

THE SOUTHERLY 102 FEET IN WIDTH OF LOT 3, BLOCK 47, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON.

PARCEL C
LOT 2, BLOCK 47, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON.

PARCEL D
TRACT "A", EDWARD PLACE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 122 OF PLATS, PAGES 26 THROUGH 28, IN KING COUNTY, WASHINGTON.

PARCEL E

LOT 3, BLOCK 47, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON;
EXCEPT THE SOUTHERLY 102 FEET IN WIDTH OF SAID LOT 3.

PARCEL F

THAT PORTION OF LOTS 4 AND 5, BLOCK 47, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 4;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4 A DISTANCE OF 125 FEET TO THE TRUE POINT OF BEGINNING;

THENCE EASTERLY, PARALLEL WITH THE NORTHERLY LINES OF SAID LOTS 4 AND 5 TO A LINE PARALLEL WITH AND 145 FEET WESTERLY OF THE CENTERLINE SURVEY OF SECONDARY STATE HIGHWAY NO. 2-A;

THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINES OF SAID LOTS 4 AND 5;

THENCE WESTERLY ALONG SAID SOUTHERLY LINES TO THE SOUTHWEST CORNER OF SAID LOT 4;

THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 4 TO THE TRUE POINT OF BEGINNING.

PARCEL G

LOTS 13 AND 14, BLOCK 48, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON;
EXCEPT THOSE PORTIONS THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSES BY DEEDS RECORDED UNDER RECORDING NUMBERS 4302327 AND 6008938.

PARCEL H

LOTS 10, 11, AND 12, BLOCK 48, BURKE & FARRAR'S KIRKLAND ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 14, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 20 OF PLATS, PAGE 14, IN KING COUNTY, WASHINGTON;
EXCEPT THOSE PORTIONS THEREOF LYING SOUTHEASTERLY OF THE NORTHWESTERLY MARGIN OF THE STATE HIGHWAY AS CONVEYED TO THE STATE OF WASHINGTON BY DEEDS RECORDED UNDER RECORDING NUMBERS 4302328, 4304407, AND 6008938.

MERIDIAN

WASHINGTON STATE PLANE COORDINATE SYSTEM (NAD 83/W) NORTH ZONE.

BASIS OF BEARINGS

N292°10'E BETWEEN FOUND MONUMENTS ON CENTERLINE OF 117TH PLACE NE.

REFERENCES

PLAT OF BURKE & FARRAR'S KIRKLAND ADDITION, DIVISION NO. 14, VOL. 20, PG. 14.

PLAT OF EDWARD PLACE, VOL. 122, PGS. 26-28.

PLAT OF TWO KINGS, VOL. 151, PGS. 50-52.

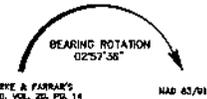
TITLE REPORT FROM CHICAGO TITLE CO., ORDER NO. 1175465 PROVIDED BY CLIENT.

KIRKLAND SHORT PLAT NO. 55-1-86-43, VOL. 52, PG. 163.

KIRKLAND B.L.A. NO. 11-01-21, VOL. 150, PGS. 73-73A.

RECORD OF SURVEY, VOL. 182, PG. 187.

W.S.D.O.T. RIGHT-OF-WAY MAP FOR SR 406, NORTHUP INTERCHANGE TO NE 140TH ST.



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JOB NO 25344
SHEET 2 OF 6



VOL/PG

HIGHLANDS 25

A PORTION OF NW 1/4, SECTION 4, TOWNSHIP 26 N., RANGE 5 E., W.M.
KING COUNTY, WASHINGTON

VOL/PC

GENERAL NOTES

1. PARKING IS NOT PERMITTED ON TRACT "A" AND TRACT "B".
2. DATED
3. WATER AND SEWER CONNECTION FEES (PAID WITH THE ISSUANCE OF A BUILDING PERMIT)
4. THERE IS AN EXISTING UNDERGROUND DETENTION FACILITY IN THE NE 1/4TH STREET NORTH OF WAY NEAR THE BOUNDARY WITH 1-100. THE DEVELOPER AND THE CITY OF KIRKLAND HAVE AGREED THAT THE DEVELOPER WILL INSTALL SOME RECREATIONAL PLAY EQUIPMENT AND LANDSCAPING OVER THE TOP OF THE DETENTION SYSTEM IN THE NE 1/4TH STREET NORTH OF WAY AS AN AMENITY FOR THE PROPOSED DEVELOPMENT. THE HIGHLANDS 25 HOMEOWNERS ASSOCIATION (HOA) SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPING AND RECREATIONAL EQUIPMENT WHILE THE CITY SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE UNDERGROUND DETENTION SYSTEM. SINCE THE RECREATIONAL AREA IS WITHIN PUBLIC RIGHT OF WAY, IT MAY BE USED BY THE PUBLIC. IT IS ANTICIPATED THAT RESIDENTS WITHIN THIS DEVELOPMENT AS WELL AS THE SURROUNDING NEIGHBORHOOD WILL USE THE AREA. THE PLAY AND RECREATION AREA IS TO BE MAINTAINED BY THE HOA. SHOULD THE HOA BE DISSOLVED, MAINTENANCE OF THE PARK AND RECREATION AREA SHALL BE AN EQUAL AND UNDIVIDED RESPONSIBILITY OF THE INDIVIDUAL LOT OWNERS WITHIN THIS PLAT.
5. THE DRIVEWAY FOR EACH LOT SHALL BE LOW ENOUGH SO THAT PARKED CARS DO NOT EXTEND INTO THE ACCESS EASEMENT OR RIGHT-OF-WAY (20 FT. MIN).
6. UTILITY MAINTENANCE. EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM STUB FROM THE POINT OF USE ON THEIR PROPERTY TO THE POINT OF CONNECTION IN THE CITY SANITARY SEWER MAIN OR STORM WATER MAIN. ANY PORTION OF A SANITARY SEWER OR SURFACE WATER STUB, WHICH SHOWNLY 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.
7. PUBLIC RIGHT-OF-WAY DESIGN AND VEGETATION MAINTENANCE. EACH OWNER SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ADJACENT TO THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ADJUTING LANDSCAPE STRIP. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.
8. ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 8001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.
9. TRACT "A" IS A PRIVATE ACCESS TRACT FOR INGRESS, EGRESS AND UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOT 12 AND LOT 13. DIMENSIONS OF LOT 12 AND LOT 13 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT "A" AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT.
10. TRACT "B" IS A PRIVATE ACCESS TRACT FOR INGRESS, EGRESS AND UTILITIES FOR THE BENEFIT OF THE OWNERS OF LOTS 20 THROUGH 23. DIMENSIONS OF LOTS 20 THROUGH 23 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT "B" AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT.
11. TRACT "C", A PUBLIC UTILITY TRACT, IS HEREBY CONVEYED TO THE CITY OF KIRKLAND.
12. INSTRUMENTATION FOR THIS SURVEY WAS A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVELER, MEETING OR EXCEEDING STANDARDS SET BY NAD 83 (1983-1990).
13. NEIGHBORHOOD TREE 4-FOOT TALL AND HIGHER WILL BE MAINTAINED BY THE HIGHLANDS 25 HOMEOWNERS ASSOCIATION. RIGHT OF ENTRY FOR MAINTENANCE AND REPAIR SHALL BE PERMITTED BY THE OWNERS OF LOTS WITH NEIGHBORHOOD TREE 4-FOOT TALL AND HIGHER.
14. DATED
15. THE 20'-FOOT PUBLIC WATER EASEMENT WITHIN LOT 21 AND TRACT B IS HEREBY DEDICATED TO THE PUBLIC FOR WATER UTILITY PURPOSES.
16. THE 10'-FOOT PUBLIC SIDEWALK EASEMENT WITHIN LOT 21 AND TRACT B IS HEREBY DEDICATED TO THE PUBLIC FOR SIDEWALK PURPOSES AND SHALL BE MAINTAINED BY THE HIGHLANDS 25 HOMEOWNERS ASSOCIATION.
17. THE 10'-FOOT TREE PRIVATE DRAINAGE EASEMENT WITHIN LOT 5 AND LOT 6 IS FOR THE BENEFIT OF LOT 8 AND LOT 7. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES THEY HAVE BENEFIT OF USE AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES LIVED IN COMMON.
18. THE 10'-FOOT TREE PRIVATE SANITARY SEWER EASEMENT WITHIN LOT 7 IS FOR THE BENEFIT OF LOT 8. THE OWNERS OF SAID LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE SANITARY SEWER FACILITIES THEY HAVE BENEFIT OF USE AND SHALL EQUALLY SHARE IN THE MAINTENANCE OF THAT PORTION OF THE DRAINAGE FACILITIES LIVED IN COMMON.
19. THE SAME TREE REMOVAL ESTABLISHES ON ALL PRESENT AND FUTURE OWNERS AND USERS OF THE LAND AN OBLIGATION TO LEAVE NEARBY TREES. REMOVAL OF TREES REQUIRES AUTHORIZATION BY THE CITY OF KIRKLAND.
20. DRAINAGE SYSTEM MAINTENANCE - THE HIGHLANDS 25 HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE DAY TO DAY MAINTENANCE OF THE DRAINAGE SYSTEMS IN THE RIGHT-OF-WAY OR IN EASEMENTS CONSTRUCTED WITH THIS DEVELOPMENT INCLUDING THE LOTS INCLUDED IN THE HIGHLANDS 25 HOMEOWNERS ASSOCIATION. DAY TO DAY MAINTENANCE SHALL INCLUDE MONITORING, RECORDS AND REPLACING ANY PLANT MATERIAL AND KEEPING THE SHOULDS CLEAR OF STUMPS WHICH COULD IMPROVE DRAINAGE. THE CITY WILL MAINTAIN ALL PAVED AND STRUCTURED CONNECTING RIGHT-OF-WAY WATER.

RESTRICTIONS

- SUBJECT TO
1. PUGET SOUND POWER & LIGHT COMPANY EASEMENT FOR ELECTRIC DISTRIBUTION LINE, RECORDING NO. 342321 (SHOWN HEREON).
 2. PUGET SOUND POWER & LIGHT COMPANY EASEMENT FOR ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE, RECORDING NO. 821701 (SUPERSEDED WITH LTVG OVER THE POWER FACILITIES AS CONSTRUCTED WITHIN UNDER WAY PARCEL 03).
 3. CITY OF KIRKLAND EASEMENT FOR SEWER AND/OR WATER LINE, RECORDING NO. 8202200410 (SHOWN HEREON).
 4. EASEMENTS AND RESERVATIONS CONTAINED IN DEED, RECORDING NO. 7723247.
 5. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF BETWEEN DONALD G. SMITH AND THE CITY OF KIRKLAND, RECORDING NO. 82422816.
 6. REINFORCEMENT OF ACCESS TO STATE HIGHWAY NUMBER 2-4 AND OF LOT 10, NEW AND AIR BY DEED TO THE STATE OF WASHINGTON, RECORDING NOS. 4302324, 4302327, 4308401, 4302755 & 8206038.
 7. TERMS AND CONDITIONS OF NOTICE OF CHANGES BY WATER, SEWER, AND/OR STORM AND SURFACE WATER UTILITIES, RECORDING NO. 820600004.

EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, THE CITY OF KIRKLAND (AS TO STORM DRAINAGE AND WATER), VERIDON COMMUNICATIONS, INC., COMCAST CABLE TELEVISION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON 1) THE EXTERIOR 10 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 1 THROUGH 10, THE SOUTH LINE OF LOT 11, LOTS 17 THROUGH 23, THE WEST LINE OF LOT 24, TRACT "B" AND TRACT "C" AND 2) THE EXTERIOR 15 FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 11 AND 12, LOTS 14 THROUGH 15, THE WEST LINE OF LOT 18, LOT 20, THE WEST LINE OF LOT 23 AND TRACT "A" IN WHICH TO INSTALL, LAY, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UNDERGROUND EGRESS, 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 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.

NATURAL GREENBELT PROTECTIVE EASEMENT

THE AREA DESIGNATED HEREON AS "N.G.P.E." IS HEREBY DEDICATED TO THE CITY OF KIRKLAND AS A NATURAL GREENBELT PROTECTIVE EASEMENT. NO TREE TRIMMING, TREE TOPPING, TREE CUTTING, OR TREE REMOVAL, NOR STUMP OR BRUSH-CUTTING OR REMOVAL, (UNLESS APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS) NOR CONSTRUCTION, CLEARING, OR ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF KIRKLAND. APPLICATION FOR SUCH WRITTEN APPROVAL TO BE MADE TO THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES, ANY FURTHER CONSTRUCTION OR ALTERATION SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH OR THE TERMS OF ANY WRITTEN APPROVAL, ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 17C, ORDINANCE 3719, THE KIRKLAND ZONING CODE, IN SUCH EVENT, THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MAY ALSO REQUIRE, WITHIN THE IMMEDIATE VICINITY OF ANY DAMAGED OR FALLEN VEGETATION, RESTORATION OF THE AFFECTED AREA BY PLANTING SHOULDS OF COMPARABLE SIZE AND FOR TREES OF THREE INCHES OR MORE IN DIAMETER MEASURED ONE FOOT ABOVE GRADE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGED OR FALLEN VEGETATION BE REMOVED.

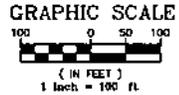
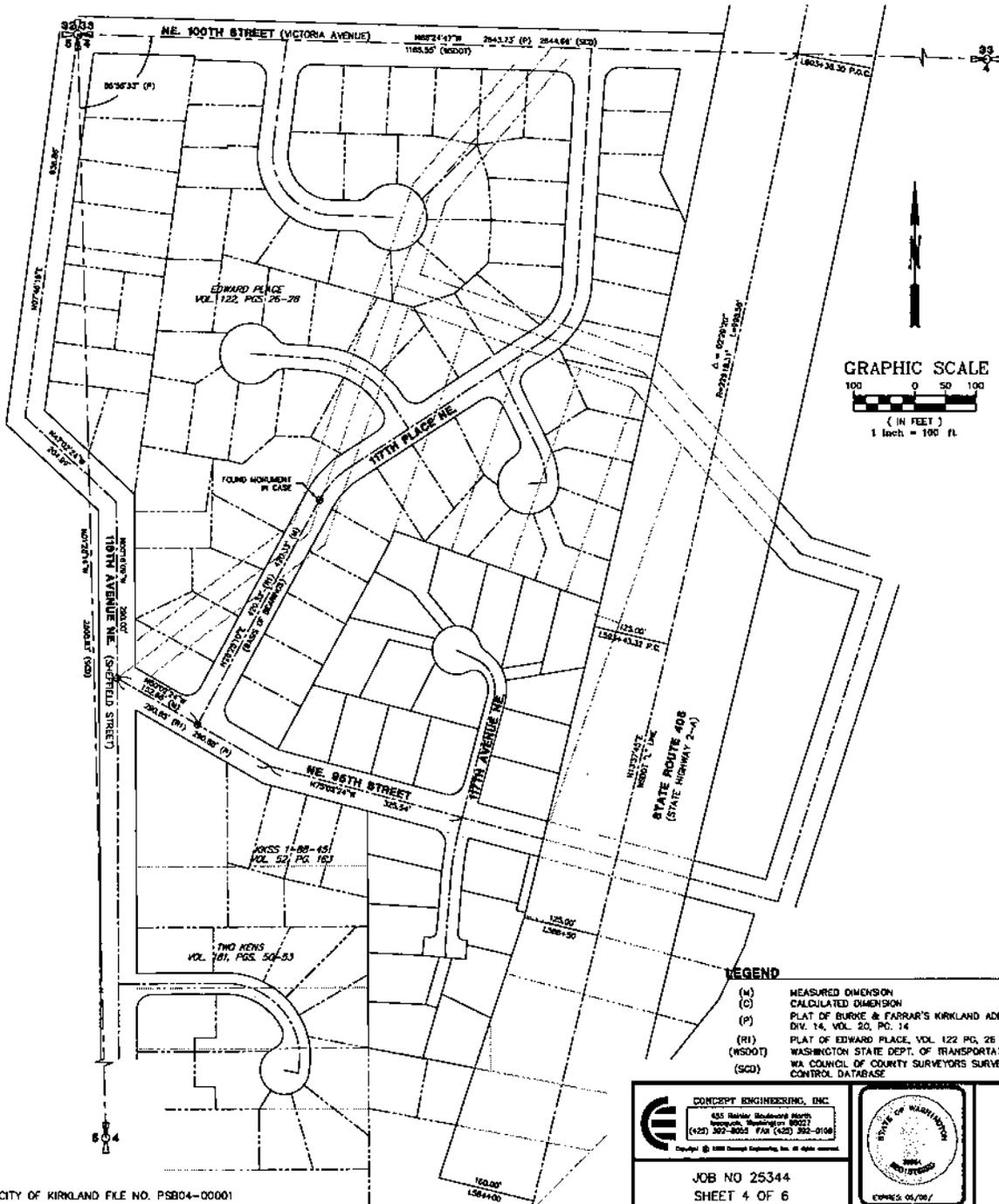
THE OWNERS OF LOTS 14 THROUGH 16 AGREE TO DEFEND, PAY, AND HAVE HARMLESS THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS OF EVERY NATURE (WHATEVER, REAL OR PERSONAL) WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS, OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID NATURAL GREENBELT PROTECTIVE EASEMENT OVER SAID OWNERS PROPERTY OR THE ACTIONS OF THE UNDERGROUND OWNERS IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT, INCLUDING ALL COSTS AND EXPENSES, AND RECOVER ATTORNEY'S FEES AS MAY BE INCURRED BY THE CITY OF KIRKLAND IN DEFENSE THEREOF. EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.

	<p>CONCEPT ENGINEERING, INC. 455 River Boulevard North Issaquah, Washington 98022 (425) 382-0050 FAX (425) 382-0708</p> <p>Copyright © 1988 Concept Engineering, Inc. All Rights Reserved</p>		VOL/PC
JOB NO 25344		SHEET 3 OF 6	
		EXP. 06/09/7	

HIGHLANDS 25

A PORTION OF NW 1/4, SECTION 4, TOWNSHIP 25 N., RANGE 5 E., W.M.
KING COUNTY, WASHINGTON

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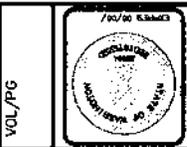
- LEGEND**
- (M) MEASURED DIMENSION
 - (C) CALCULATED DIMENSION
 - (P) PLAT OF BURKE & FARRAR'S KIRKLAND ADD. DIV. 14, VOL. 20, PG. 14
 - (RI) PLAT OF EDWARD PLACE, VOL. 122 PG. 26
 - (WSDOT) WASHINGTON STATE DEPT. OF TRANSPORTATION
 - (SCD) WA COUNCIL OF COUNTY SURVEYORS SURVEY CONTROL DATABASE

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JOB NO 25344
SHEET 4 OF 6

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 1234 Main Street, Suite 500
 Seattle, WA 98101
 (206) 555-1234

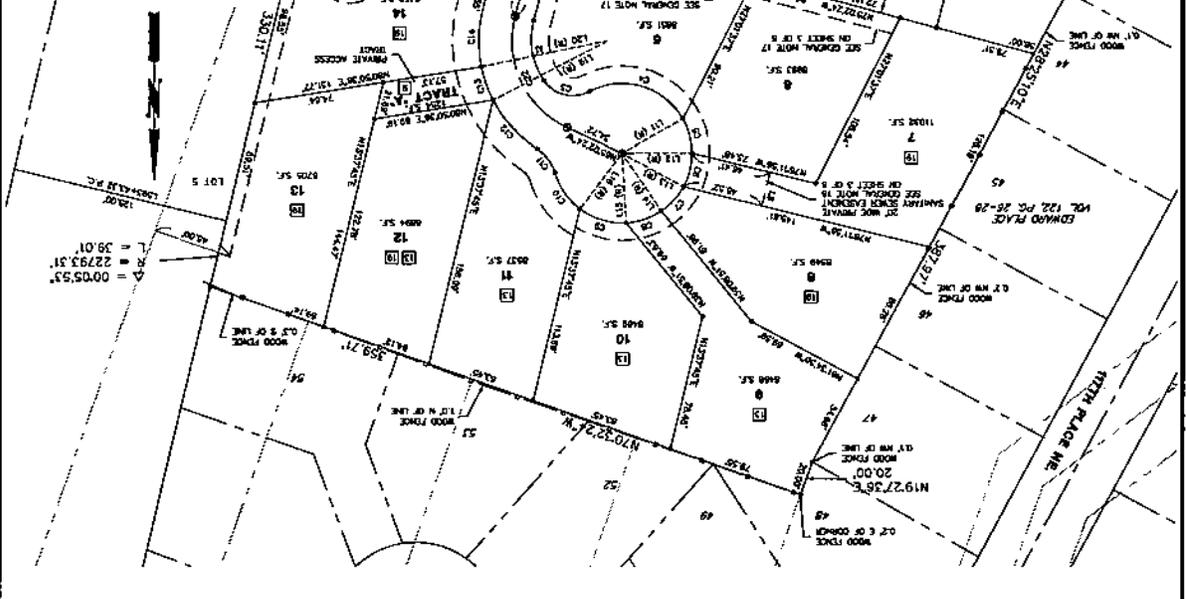
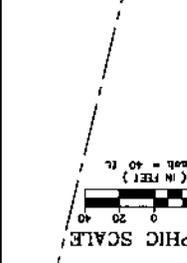
JOB NO 25344
 SHEET 5 OF 6
 N.O.P.E. NATURAL GREENBELT PROTECTIVE EASMENT
 MONUMENT IN CASE #2810
 SET REBAR & CAP, CEI #2810
 SEE GENERAL NOTE # ON SHEET 3 OF 6

CITY OF KING COUNTY FILE NO. PS804-00001

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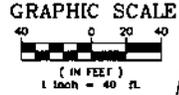
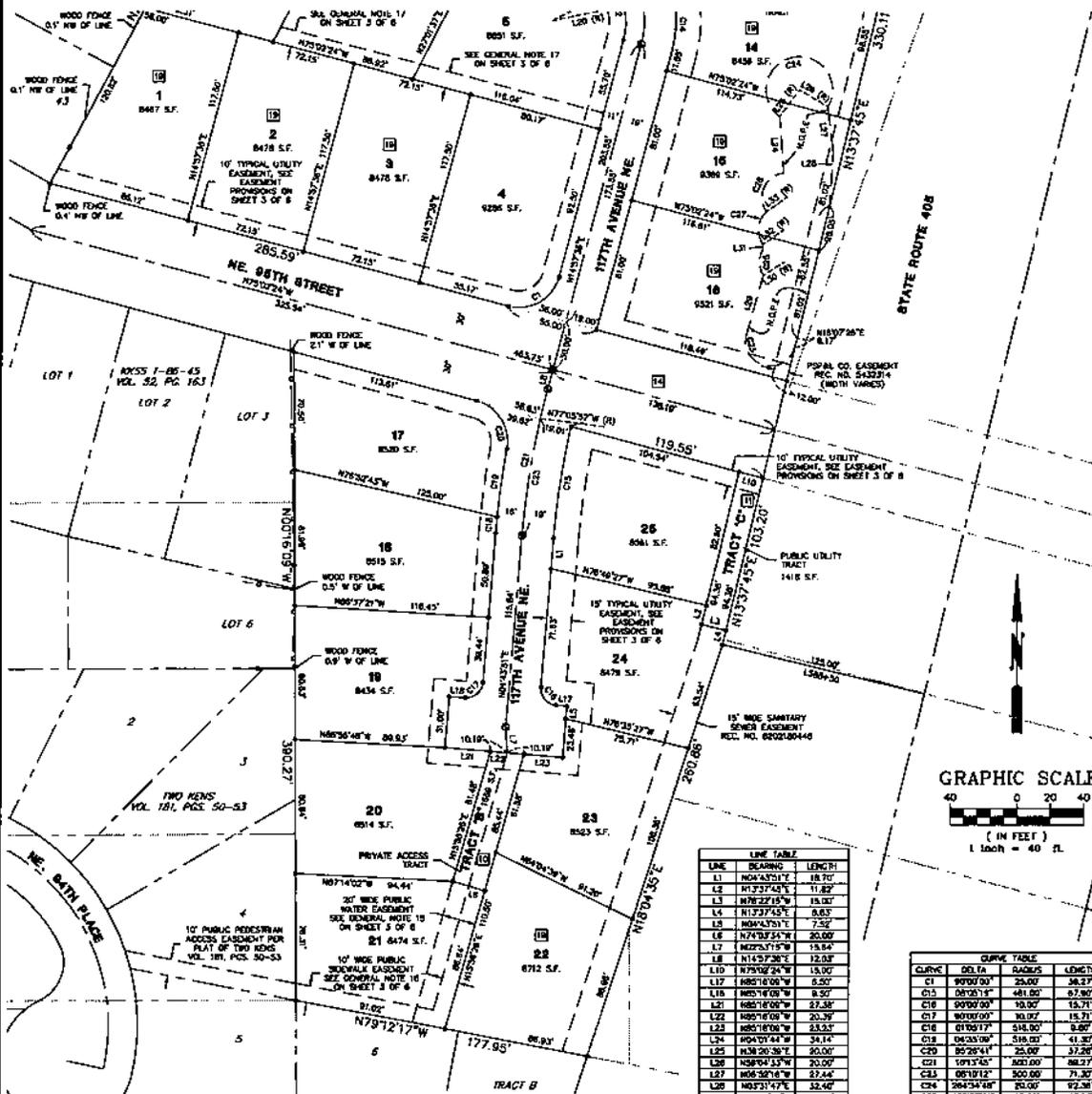
A PORTION OF NW 1/4, SECTION 4, TOWNSHIP 25 N., RANGE 8 E., W.M.
HIGHLANDS 25
 KING COUNTY, WASHINGTON

VOL/PG

HIGHLANDS 25

A PORTION OF NW 1/4, SECTION 4, TOWNSHIP 26 N., RANGE 5 E., W.M.
KING COUNTY, WASHINGTON

VOL/PG



LINE	BEARING	LENGTH
L1	N84°45'00"E	18.00'
L2	N73°27'45"W	11.82'
L3	N78°22'18"W	18.00'
L4	N73°27'45"W	8.63'
L5	N84°45'00"E	7.50'
L6	N74°02'54"W	20.00'
L7	N82°51'15"W	18.84'
L8	N14°57'30"E	12.00'
L9	N78°02'00"W	18.00'
L10	N82°16'00"W	8.50'
L11	N82°16'00"W	8.50'
L12	N82°16'00"W	8.50'
L13	N82°16'00"W	8.50'
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L33	N82°16'00"W	8.50'

CURVE	DELTA	CHORDS	LENGTH
C1	90°00'00"	25.00'	38.27'
C2	90°00'00"	10.00'	15.71'
C3	90°00'00"	10.00'	15.71'
C4	90°00'00"	10.00'	15.71'
C5	90°00'00"	10.00'	15.71'
C6	90°00'00"	10.00'	15.71'
C7	90°00'00"	10.00'	15.71'
C8	90°00'00"	10.00'	15.71'
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C16	90°00'00"	10.00'	15.71'
C17	90°00'00"	10.00'	15.71'
C18	90°00'00"	10.00'	15.71'
C19	90°00'00"	10.00'	15.71'
C20	90°00'00"	10.00'	15.71'

LEGEND
 ○ MONUMENT IN CASE
 • SET REBAR & CAP, CEI #28101
 □ SEE GENERAL NOTE # ON SHEET 3 OF 6
 M.G.P.E. NATURAL GREENBELT PROTECTIVE EASEMENT

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JOB NO 25344
 SHEET 6 OF 6

CITY OF KIRKLAND FILE NO. PSB04-00001

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

APPLICANT: Craig Sears of Highlands 24, LLC

FILE NO. PSB04-00001

APPLICATION:

1. **Site Location:** At the 116th block of NW 95th Street (Exhibit A, Attachment 1)
2. **Request:** To allow the subdivision of eight existing lots totaling 6.68 acres into 25 single family lots in an RS 8.5 zoning district.
3. **Review Process:** Hearing Examiner conducts a public hearing and makes the final decision.
4. **Major Issues:** Compliance with the following:
 1. KMC 22.12.230, plat approval criteria
 2. KMC 22.28.040, lot averaging
 3. KMC 22.28.170, pedestrian walkways
 4. KMC 22.28.210, significant tree retention

SUMMARY OF RECOMMENDATION AND DECISION:

Department of Planning and Community Development: Approve with conditions

Hearing Examiner Decision: Approve with conditions

PUBLIC HEARING:

After reviewing the official file, which included the Department of Planning and Community Development Advisory Report and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Highlands application was opened at 7:03 p.m., June 2, 2005, in the Council Chamber, City Hall, 123 Fifth Avenue, Kirkland, Washington, and was closed at 8:10 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Department of Planning and Community Development.

ATTACHMENT 3

PSB04-00001 Memo

Hearing Testimony

The following persons testified at the public hearing:

From the City:

Tony Leavitt, Project Planner: Described the history and details of the application, the major issues and review criteria, concerns raised by the public and staff responses, and staff's review and recommendation (see Exhibit A). Mr. Leavitt entered Exhibit B into the record.

Thang Nguyen, Traffic Engineer: Responded to several questions from the public and the Hearing Examiner, clarifying statements made in the traffic review, describing the basis of the traffic analysis and the procedures used, and summarizing the pending improvements along 116th Avenue NE (see also Exhibit A, Attachment 5, Enclosures 4 & 5). Rob Jammerman of Public Works entered Exhibit E into the record, consisting of an excerpt from the City's current Capital Improvement Program (CIP).

From the Applicant:

Applicant representatives were not in attendance.

From the Community:

Karen Story, Highlands Neighborhood Assoc. (see also Exhibit C)

Steve Hager, Highlands Neighborhood Assoc. (see also Exhibit D)

Zita Gustin, Highlands Neighborhood Assoc.

Gail Baerny, neighbor

Sue Keller, I-5 Expansion Neighborhood Group

The above individuals, while not opposed to the project, all raised similar concerns over traffic and pedestrian safety. Exhibits B, C and D are representative of these issues. In large part the concerns revolved around providing pedestrian improvements off-site on nearby roads, in particular 116th Avenue and roadway improvements around 85th and 114th. In addition, they noted improvements to the shoulder at the corner of NE 95th and 116th Avenue were needed including widening, a safe walking surface, removal of vegetation for improved sight distance and elimination of some mail boxes in the right-of-way (note that Ms. Story showed photos of the current condition of the intersection).

FINDINGS AND CONCLUSIONS:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

1. The Facts and Conclusions regarding the Site Description on pages 3 and 4 in Exhibit A, Planning Division Advisory Report, May 26, 2005, accurately reflects the site circumstances, zoning requirements and land use, and are hereby adopted by reference.

2. The description of Public Comments and associated staff responses on pages 4 through 6 in Exhibit A, Planning Division Advisory Report, May 26, 2005 are accurate and supported by hearing testimony and hereby adopted by reference. Additionally:

- a. Public testimony questioned the accuracy of the required traffic analysis since it in part relied on traffic counts that may not have reflected the actual amount of local traffic, citing that an on-site kennel was not at full operation at the time of these counts. As noted by Mr. Nguyen at the hearing and in Exhibit A, Attachment 5, Enclosure 4, the traffic analysis is adjusted to show a *net* difference between the existing site-generated traffic and an estimate of traffic from the proposed project; in this case approximately 108 new trips. In other words, existing traffic *from the site* is not added to the estimated traffic since those existing trips are being eliminated by the project. If the site-generated count had been higher, then the net number of *new* trips would be lower.

FINDING: The traffic analysis has been performed correctly and in a manner consistent with existing City procedures.

- b. Several requests were made by those in attendance that project approval be conditioned on providing several off-site pedestrian and roadway improvements, particularly noting the need for sidewalks both north and south of NE 95th along 116th Avenue. Relative to 116th Avenue, pedestrian and roadway improvements are already a funded part of the City's CIP, scheduled to commence in 2006 (see Exhibit E). Additionally, as explained by Mr. Nguyen, site-generated traffic must reach an established threshold before off-site mitigation can be required of a project. This project does not meet that threshold. City staff has also indicated that they are aware of the need for improvements at the corner of NE 95th Street and 116th Avenue NE and it is their intent to make the improvements, though no specific timing was offered.

FINDING: It appears that off-site pedestrian and roadway upgrades requested by the public will be provided as part of the City's CIP process.

3. The Fact and Conclusion regarding compliance with KMC 22.28.040, lot averaging, on pages 7 and 8 in Exhibit A, Planning Division Advisory Report, May 26, 2005, are accurate and are hereby adopted by reference.
4. The Facts and Conclusions regarding compliance with KMC 22.28.170, pedestrian walkways, on pages 8 through 9 in Exhibit A, Planning Division Advisory Report, May 26, 2005, are accurate and are hereby adopted by reference.
5. The Facts and Conclusions regarding compliance with KMC 22.28.210, significant tree retention, on pages 9 through 11 in Exhibit A, Planning Division Advisory Report, May 26, 2005, are accurate and are hereby adopted by reference.
6. The Fact and Conclusion regarding compliance with the Comprehensive Plan on page 11 in Exhibit A, Planning Division Advisory Report, May 26, 2005, are accurate and are hereby adopted by reference.

DECISION:

Based upon the foregoing findings of fact and conclusions, this application is APPROVED subject to the recommended conditions #2 through #5 found on pages 2 and 3 of Exhibit A.

Entered this 10th day of June, 2005 per authority granted by Section 150.65, Ordinance 2740, Zoning Code. This decision constitutes the final decision of the City of Kirkland unless an appeal is filed as specified below.


Donald B. Largen
Hearing Examiner Pro Tem

EXHIBITS:

The following exhibit was offered and entered into the record:

- A. Department of Planning and Community Development Staff Advisory Report dated May 26, 2005
- B. Packet of 6 e-mails received from the following individuals:
 - Caprice Leinonen
 - Paul Hahn
 - Connie Ballou
 - Debi Black
 - Neil Levinson
 - Nat Ballou
- C. Statement notes submitted by Karen Story
- D. Statement notes submitted by Steve Hager
- E. 6-year City Capital Improvement Program excerpt submitted by Rod Jammerman

PARTIES OF RECORD:

Karen Story, 9017 Slater Ave NE, Kirkland, WA 98033
Steve Hager, 9723 11th Ave NE, Kirkland, WA 98033
Zita Gustin, 9452 114th Ave NE, Kirkland, WA 98033
Gail Baerny, 9440 114th Ave NE, Kirkland, WA 98033
Sue Keller, 11337 NE 104th St., Kirkland, WA 98033
Caprice Leinonen, 9018 116th Ave NE, Kirkland, WA 98033

Paul Hahn, 11607 NE 102nd PL, Kirkland, WA 98033
Connie & Nat Ballou, 11126 NE 104th Way, Kirkland, WA 98033
Debi Black, sweetdbs@hotmail.com
Neil Levinson, 11631 NE 95th St., Kirkland, WA 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

APPEALS AND JUDICIAL REVIEW

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

A. APPEALS

Appeal to City Council: Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., June 28, 2005 fourteen (14) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

B. JUDICIAL REVIEW

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

LAPSE OF APPROVAL

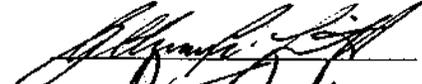
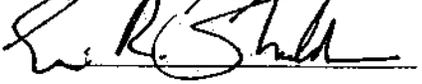
Under Section 150.135 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 150, within four (4) years after the final approval on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 150.130, 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 required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete construction approved under Chapter 150 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

**ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

To: Kirkland Hearing Examiner
From:  Tony Leavitt, Project Planner
 Eric R. Shields, AICP, Planning Director

Date: May 26, 2005

File: THE HIGHLANDS PRELIMINARY SUBDIVISION, PSB04-00001

Hearing Date and Place: June 2, 2005, 7:00 pm
City Hall Council Chamber
123 Fifth Avenue, Kirkland

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EXHIBIT A
HE Dec. PSB04-00001

I. INTRODUCTION

A. APPLICATION

1. Applicant: Craig Sears of Highlands 24, LLC
2. Site Location: 116XX NE 95th Street (see Attachment 1)
3. Request: A request to subdivide 8 existing lots, 6.68 total acres, into 25 lots for single-family residences within a RS 8.5 zone with a minimum lot size of 8,500 square feet (see Attachment 2). The proposed lots will range in size from 8,467 square feet to 11,427 square feet, with an average lot size of 8,697 square feet. Primary access to the subdivision would be from NE 95th Street. Two new public right-of-ways would be dedicated within the subdivision for access to the new lots. All existing structures on the subject properties have been demolished.
4. Review Process: Preliminary subdivision. Hearing Examiner conducts public hearing and makes final decision.
5. Summary of Key Issues and Conclusions:
 - Compliance with the Lot Size Averaging Provisions of KMC section 22.28.040 (see Section II.F.1)
 - Pedestrian Easement Requirements (see Section II.F.2)
 - Significant Tree Retention (see Section II.F.4)

B. RECOMMENDATIONS

1. Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, we recommend approval of this application subject to the following conditions:
2. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.
3. Prior to the issuance of a land surface modification permit, the tree preservation and removal plan (Attachment 4) shall be revised to retain all significance trees on the site, except any trees located within the proposed public right-of-ways, easement roads or location of utilities.
 - a. With the Land Surface Modification permit for the plat infrastructure improvements, the applicant shall submit a copy to the Planning Department of the approved tree preservation and removal plan approved for the plat with the required changes as conditioned above. Only those significant trees required to be removed for installation of plat improvements may be removed in conjunction with the Land Surface Modification permit. Any proposed changes to the approved plan must be approved by the Planning Department. If site disturbance

is proposed within the drip lines of any trees required to be saved, an arborist report amendment may be required by the Planning Department to address specific grading impacts to the trees and recommended mitigating measures.

- b. With the submittal of the building permit on each new lot created with the short plat, the applicant shall submit a copy of the tree preservation and removal plan approved with the Land Surface Modification permit. Any proposed changes to the approved tree preservation and retention plan must be approved by the Planning Department in conjunction with the building permits.
 - c. As part of the building permit approval, the City may require minor alterations to the arrangements of structures on each lot and elements in the proposed development in order to achieve the maximum retention of these significant trees (see Conclusions II.F.4).
4. As part of the land surface modification permit application, the applicant shall submit plans for the installation of the required improvements as described in Attachment 3 including a 5-foot wide paved walkway within a 10-foot wide pedestrian walkway easement (see Conclusion II.F.2).
 5. Prior to approval of the final subdivision, the applicant shall work with the Planning Department to determine the extent of the Natural Greenbelt Protective Easement for the protection of the row of fir trees on proposed lots 14, 15, & 16 (see Conclusion II.F.4).

II. **FINDINGS OF FACT AND CONCLUSIONS**

A. **SITE DESCRIPTION**

1. Site Development and Zoning:
 - a. Facts:
 - (1) Size: 290,984 square feet (6.68 acres)
 - (2) Land Use: The site contained 5 residences and numerous detached structures prior to their demolition earlier this year.
 - (3) Zoning: RS 8.5, Residential Single-family with a minimum lot size of 8,500 square feet.
 - (4) Terrain: The subject property has a gradual rolling to flat type terrain. The steepest slope of the property is approximately 15 percent, with the highest slope near the north edge of the subject property.
 - (5) Vegetation: The subject property contains a total of 104 significant trees. The applicant is proposing to retain 51 significant trees or 49 percent of the significant trees (see Attachment 4). Tree Retention is further discussed in Section II.F.4.
 - b. Conclusions: The size, land use, zoning, terrain, and vegetation of the subject property are not constraining factors in the review of this applicant.

2. Neighboring Development and Zoning:
 - a. Facts: The subject property is surrounded by single-family residences to the south, north and west and all surrounding properties are zoned the same as the subject property. Interstate 405 is to the east of the subject property.
 - b. Conclusion: The neighboring development and zoning are not constraining factors in the review of this application.

B. PUBLIC COMMENT

The initial public comment period ran from February 24th until March 18, 2005. The Planning Department received 8 comment emails during this time frame (see Attachment 5, Enclosures 7-14). Below is a summary of the comments that were received along with staff response:

- Traffic

Neighbors raise concerns about the impacts of additional traffic on existing streets (including NE 95th Street), cut-through traffic on 117th Place NE, existing traffic on 116th Avenue NE, and site distance at the 116th Avenue and 95th Street intersection.

Staff Response: The City's Transportation Engineer, Thang Nguyen, addresses these concerns in an attached memo (see Attachment 5, Enclosure 15). He concludes the following:

- *The existing street pavement is able to support the additional trips generated by the proposed development.*
- *The proposed project will generate less net traffic on NE 95th Street than the existing traffic from 117th Place NE.*
- *Staff does not believe that the proposed project will create cut-through traffic on 117th Place NE. 117th Place NE does not provide a convenient connection to any traffic generators such as shopping centers, employment centers that would encourage cut through traffic from the proposed development.*
- *Staff is aware of the speeding situation on 116th Avenue NE. Noel Schoneman, the Neighborhood Traffic Control Coordinator, is working with residents to install two new speed cushions; one north of NE 94th Street, the second south of NE 91st Street. The speed hump just south of NE 95th Street will be replaced by a speed cushion. These traffic calming devices should reduce speed.*
- *The City will check the sight distance at the intersection of NE 95th Street/116th Avenue NE and take appropriate measures.*

- Significant Tree Retention

Some neighbors raise concerns that the removal of trees near Interstate 405 will result in the loss of a natural noise barrier.

Staff Response: The applicant is proposing to retain a significant amount of these existing trees on proposed lots 15 and 16. The protection of these trees is addressed in section II.F.4 of this report.

- Parking

Neighbors raise concerns about potential parking impacts including inadequate on-street parking.

Staff Response: The City of Kirkland Zoning Code only requires that the applicant provide 2 onsite parking stalls per new residence. The proposed development will be required to comply with this code requirement as part of each building permit application. Most single family residences have at least four onsite parking stalls (2 in the garage and 2 in the driveway in front of the garage). Additionally on street parking will be allowed on both sides of NE 95th Street and on one side of each of the new right-of-ways.

- Intersection Improvements

Neighbors express concerns about traffic related impacts to the NE 95th Street, 116th Avenue NE, and 117th Avenue NE right-of-ways and intersections.

Staff Response: The City's Transportation Engineer addresses these concerns by stating the following in his memo:

- *The proposed project generates insignificant amount of traffic (6 AM peak hour trips and 15 PM peak hour trips) and would not warrant a traffic signal or 4-way Stop control at 116th Ave NE/NE 95th Street intersection or widening of 116th Avenue NE.*
- *The future traffic volume at the intersection of 117th Place NE/NE 95th Street does not warrant a STOP sign.*
- *There is a plan to improve the intersection of NE 85th Street/114th Avenue NE to help ease congestion that backs up onto 116th Avenue NE during the morning peak hour.*

- Public Improvements

In the comments to staff, the neighbors suggest that the City look at requiring the applicant to install crosswalks across 117th Place NE and 116th Avenue NE and install sidewalks along NE 116th Avenue NE

Staff Response: As part of the development, the applicant will be required to install sidewalks along the portion of NE 95th Street abutting the subject property and sidewalks along the two new public right-of-ways (see Attachment 3).

Staff concludes the following regarding these requests:

- *The Kirkland Zoning Code limits the requirement to install public improvements to only the right-of-ways abutting the subject property.*
- *In general, crosswalks are installed to connect with pedestrian facilities such as school walk route, sidewalks and trail to provide safe connectivity when there is high usage and high traffic volume. The low volume on 117th Place NE does not warrant a crosswalk.*

- *As indicated in the City's Comprehensive Plan, there are plans to install curb, gutter, sidewalk, and street trees along the east side of 116th Avenue NE from the existing sidewalk north of NE 100th Street to NE 94th Street. This project is scheduled to be completed in 2009. Once sidewalks are installed along 116th Avenue NE, Public Works will evaluate the need for a crosswalk across 116th Avenue NE at NE 95th Street*

- Impacts on Existing Utilities

Neighbors raise concerns about the impacts on existing utility services that the development will have.

Staff Response The proposed development passed a concurrency test for water and sewer (Section II.D). Additionally, the Public Works Department is requiring, as a condition of the preliminary subdivision, that the applicant comply with sanitary sewer, water system, and surface water requirements. The applicant will be required to underground all offsite utilities in the portion of NE 95th Street fronting the property and all onsite utilities.

The Public Works Department is also encouraging the use of Low Impact Design methods to lessen the impacts of surface water run-off. One option that is being encouraged by the City is the use of Street Edge Alternative (SEA) design concepts being used in the City of Seattle. As the engineering design plans are developed for this project, the developer may propose to use some or all of the SEA street design standards. If these standards are accepted by the Public Works Department, some slight modifications to the road standards, such as the type of curb and the design of the landscape strips, will be necessary. However, no elements such as street trees, sidewalks, or the width of the street will be eliminated or modified.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

A Determination of Nonsignificance (DNS) was issued on May 12th, 2005. The Environmental Checklist, Determination, and additional environmental information are included as Attachment 5.

D. CONCURRENCY

The Public Works Department has reviewed the application for concurrency. A concurrency test was passed for traffic on February 11, 2005 (see Attachment 5, Enclosure 5). A concurrency test for water and sewer was passed on November 9, 2004 (see Attachment 3).

E. APPROVAL CRITERIA

1. PRELIMINARY PLATS

- a. Facts: Municipal Code section 22.12.230 states that the Hearing Examiner may approve a proposed plat only if:
 - (1) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
 - (2) It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Hearing Examiner shall be guided by

the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 150.65 states that the Hearing Examiner may approve a proposed plat only if:

- (3) It is consistent with the all applicable development regulations, including but not limited to the Zoning Code and Subdivision Code, and to the extent there is no applicable development regulation, the Comprehensive Plan.
- b. Conclusion: The proposal complies with Municipal Code section 22.12.230 and Zoning Code section 150.65. It is consistent with the Comprehensive Plan (see Section II G). With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations (see Sections II.F and II.H) 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 proposal will create infill residential development while meeting the goals of the Comprehensive Plan for the Highlands neighborhood.

F. DEVELOPMENT REGULATIONS

1. General Lot Layout and Site Development Standards

a. Facts:

- (1) Municipal Code section 22.28.030 requires all lots to meet the minimum size requirements established for the property in the Kirkland Zoning Code or other regulatory documents. Lots not meeting the minimum size requirements may be allowed pursuant to Municipal Code Section 22.28.040.
- (2) Municipal Code section 22.28.040 states that the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area required of the zoning district in which the property is located. Lots that contain less area than required for the zoning district shall be located so as to have the least impact on surrounding properties and public rights-of-way.
- (3) Under this provision 75% of the number of lots in a subdivision may contain an area less than the required minimum for the zoning district if the proposed lots are no more than 5% smaller than the minimum lot size required for the zoning district.
- (4) The minimum lot size for the RS 8.5 zoning district is 8,500 square feet.
- (5) The average lot area for the 25 proposed lots is 8,697 square feet.
- (6) Fourteen (14) of the proposed lots, or 56% of the number of the lots in the subdivision, contain an area less than the required minimum for the RS 8.5 zoning district.

- (7) The fourteen lots that are less than the prescribed minimum lots size are:
- Lots 1, 11, & 24: 8,467 square feet (0.39% short)
 - Lot 9: 8,468 square feet (0.38% short)
 - Lot 10: 8,469 square feet (0.36% short)
 - Lots 14 & 18: 8,470 square feet (0.35% short)
 - Lot 15: 8,472 square feet (0.33% short)
 - Lot 17: 8,473 square feet (0.32% short)
 - Lots 2 & 3: 8,478 square feet (0.26% short)
 - Lots 19 & 25: 8,479 square feet (0.25% short)
 - Lot 23: 8,488 square feet (0.14% short)

b. Conclusion: The proposed subdivision meets the provisions of Kirkland Municipal Code section 22.28.040 for lot averaging. The average lot area is not less than the minimum lot area required in the RS 8.5 zone. Less than seventy-five percent of the number of lots in the short plat contain an area less than the prescribed minimum for this zoning district and none of the lots being created contain an area more than five percent less than prescribed. These smaller lots, due to their small lot area shortages, will not have an impact on surrounding properties and public rights-of-way.

2. Access – Walkways

a. Facts:

- (1) 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 reasonably necessary to provide efficient pedestrian access to a designated activity center of the city, or if blocks are unusually long.
- (2) The Highlands Neighborhood Comprehensive Plan states that sidewalks or other small scale improvements are encouraged to facilitate pedestrian and bicycle travel in the neighborhood.
- (3) Zoning Code section 110.60 states that the Public Works Director may require the applicant to install public pedestrian walkways when the walkway is reasonably necessary as a result of the development activity. Pedestrian access may be required to connect existing or planned dead end streets, through streets, or other pedestrian access.
- (4) The Public Works Department is recommending that the applicant dedicate a 10 foot wide pedestrian easement from the south end of the new southern access road (Road B) to the southwest corner of Lot 21 (see Attachment 3 for requirement and Attachment 2 for location). The

sidewalk is required to be 5 feet wide within the easement and connect to the existing sidewalk and pedestrian easement that already exists within the subdivision to the west.

- b. Conclusion: Pursuant to Municipal Code section 22.28.170 and Zoning Code section 110.60, as part of the land surface modification permit application the applicant should submit plans to dedicate a pedestrian easement and install the associated improvements as required by the Public Works Department.

3. Bonds and Securities

a. Facts:

- (1) Municipal Code section 22.32.080 states that in lieu of installing all required improvements and components as part of a plat, the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat.
- (2) Zoning Code section 175.10.2 establishes the circumstances under which the City may consider the use of a performance security in lieu of completion of certain site work prior to occupancy. The City may consider a performance security only if: the inability to complete work is due to unavoidable circumstances beyond the control of the applicant; there is certainty that the work can be completed in a reasonable period of time; and occupancy prior to completion will not be materially detrimental to the City or properties adjacent to the subject site.

b. Conclusions:

- (1) Site and right-of-way improvements required as a result of the plat should be completed prior to recording, unless a security device to cover the cost of installing the improvements and guaranteeing installation within one year of the date of final plat approval is submitted.
- (2) In order to ensure timely completion of all required site and right-of-way improvements, such improvements should be completed prior to occupancy, unless the applicant can demonstrate compliance with the criteria in Zoning Code section 175.10.2.

4. Natural Features - Significant Vegetation

a. Facts:

- (1) Kirkland Municipal Code Section 22.28.210 and Ordinance No. 3865 require that at least 25% of all significant trees on the site and all significant trees located within 10 feet of existing and proposed property lines be retained, provided that areas where structures will be located, areas required for access and areas to be cleared for required roads, utilities, sidewalks, trails or storm drainage improvements are exempt from this requirement. In addition, Zoning Code Section 95.15 the City may require minor alterations in the arrangement of buildings and other

elements of the proposed development in order to achieve maximum retention of significant trees.

- (2) The subject site contains a total of 196 trees according to the arborist report submitted by the applicant (see Attachment 5, Enclosure 6). 92 of the trees were found to be non-significant due to their small size, poor health, poor structure, or a combination of these factors. As a result, there are a total of 104 significant trees on the site. The significant tree preservation and removal plan submitted with the plat application provides for retention of 51 trees or 49 % of the trees on the site (see Attachment 4).
- (3) Kirkland Zoning Code section 95.45 states that the City may require the applicant to dedicate development rights, air space, or an open space easement to the City to ensure compliance with any of the requirements of this chapter.
- (4) Kirkland Municipal Code section 22.28.220 (Preservation of natural features—Easements) states that the city shall require open space or drainage easements or other similar mechanisms to ensure compliance with the preservation of natural vegetation.
- (5) The Kirkland Natural Resource Management Plan states that some effective tools for preservation of healthy, mature wooded stands of trees include the use of NGPE's.
- (6) Comprehensive Plan Policy NE-3.2 looks to preserve healthy mature native vegetation whenever feasible (see Attachment 7). This policy also states that of special importance is the retention of significant stands of native evergreen trees. Needless removal or destruction of such vegetation should not be allowed.
- (7) There are approximately 32 existing significant fir trees on proposed lots 14, 15, and 16.
- (8) The existing significant fir trees on proposed Lots 14, 15, and 16 are significant grove of trees that provide a natural barrier between Interstate 405 and the properties surrounding the subject property.

b. Conclusions:

- (1) The applicant should retain all of the significant trees on the site at the plat approval stage, except for any tree that are required to be removed for installation of the right-of-ways, easement road, and/or utilities.

- (2) A copy of the approved tree preservation and removal plan, with any required changes outlined in the conditions of approval, is required to be submitted with the Land Surface Modification permit. Only those significant trees that need to be removed for installation of the plat improvements can be removed in conjunction with the Land Surface Modification permit. An arborist report amendment may be required to address hazardous trees that need to be removed or grading impacts to trees proposed for retention.
- (3) A copy of the tree preservation and removal plan approved with the Land Surface Modification permit is required to be submitted with the building permit on each lot. Any proposed changes to the plan should be approved by the Planning Department.
- (4) As part of the building permit approval, the City may require minor alterations to the arrangements of structures on each lot and elements in the proposed development in order to achieve the maximum retention of these significant trees.
- (5) The existing significant fir trees on lots 14, 15, and 16 are a significant grove of trees that benefit the subject property and surrounding properties. While some of the trees may need to be removed to accommodate public improvements and/or structures, the remaining trees should be protected by a Natural Greenbelt Protective Easement (see Attachment 8). Prior to approval of the final subdivision, the applicant should work with the Planning Department to determine the extent of the Natural Greenbelt Protective Easement for the protection of the row of fir trees on proposed lots 14, 15, & 16.

G. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Highlands neighborhood. The Highlands Neighborhood Land Use Map designates the subject property for low density residential use with a density of five units per acre (see Attachment 6). Comprehensive Plan Policy NE-3.2 looks to preserve healthy mature native vegetation whenever feasible (see Attachment 7). This policy also states that of special importance is the retention of significant stands of native evergreen trees. Needless removal or destruction of such vegetation should not be allowed.
2. Conclusion: The proposal is consistent with the Comprehensive Plan for the Highlands Neighborhood. In order to ensure compliance with Comprehensive Plan Policy NE-3.2, the applicant should comply with Conclusion II.F.4.

H. DEVELOPMENT REVIEW COMMITTEE

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards Sheet, Attachment 3.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 3.

III. MINOR MODIFICATIONS

The Department of Planning and Community Development shall be administratively authorized to approve modifications to the approved site plan, unless:

- A. There is a change in use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use; or
- B. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

IV. APPEALS AND JUDICIAL REVIEW

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

A. APPEALS

Appeal to City Council:

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

B. JUDICIAL REVIEW

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

V. LAPSE OF APPROVAL

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

VI. APPENDICES

Attachments 1 through 8 are attached.

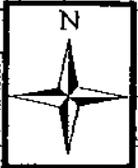
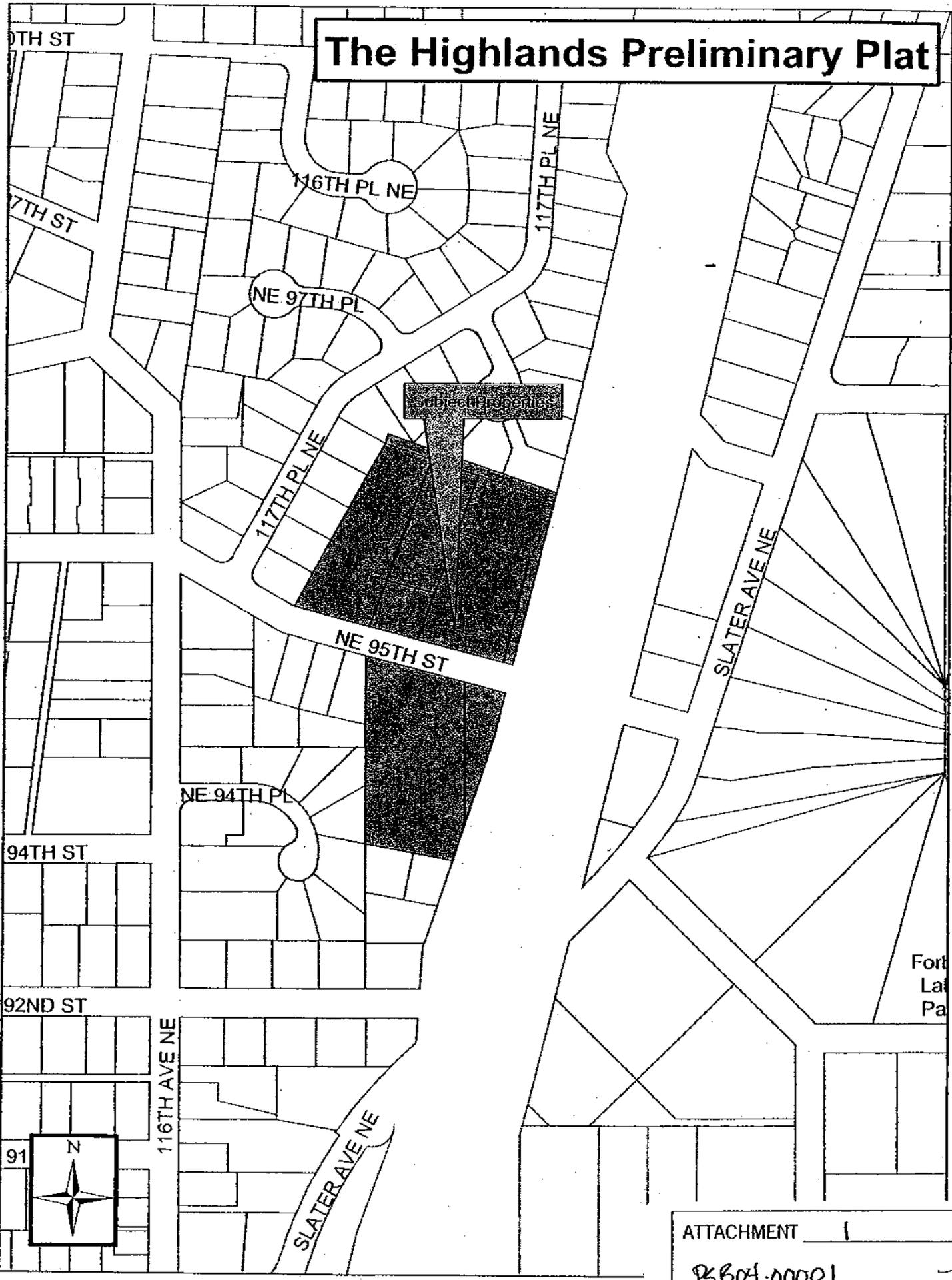
1. Vicinity Map
2. Development Plans
3. Development Standards
4. Tree Retention Plan
5. SEPA Determination
6. Highlands Neighborhood Land Use Map
7. Comprehensive Plan Policy NE-3.2
8. Natural Greenbelt Protective Easement

VII. PARTIES OF RECORD

Applicant: Craig Sears, Highlands 24 LLC, 7947 159th Place NE, Suite 102; Redmond, WA 98052
Party of Record: Cynthia Johnson, 11617 NE 95th Street, Kirkland, WA 98033
Party of Record: Andrea Gerth, 9707 117th Place NE, Kirkland, WA 98033
Party of Record: Mark and Kris Jacobs, 9610 117th Place NE, Kirkland, WA 98033
Party of Record: Stacy Kovats, 9495 116th Avenue NE, Kirkland, WA 98033
Party of Record: Highlands Neighborhood Association, c/o Karen Story, 9017 Slater Avenue NE, Kirkland, WA 98033
Party of Record: Zita Gustin, 9452 116th Avenue NE, Kirkland, WA 98033
Party of Record: Gail Baerney, 9440 114th Avenue NE, Kirkland, WA 98033
Party of Record: Gary and Vicki Ebat-Selke, 9513 117th Place NE, Kirkland, WA 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

A written decision will be issued by the Hearing Examiner within eight calendar days of the date of the open record hearing.

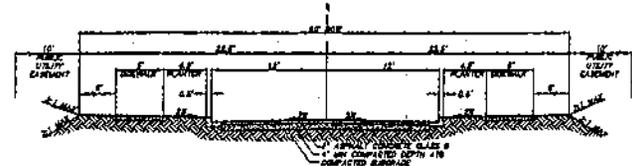
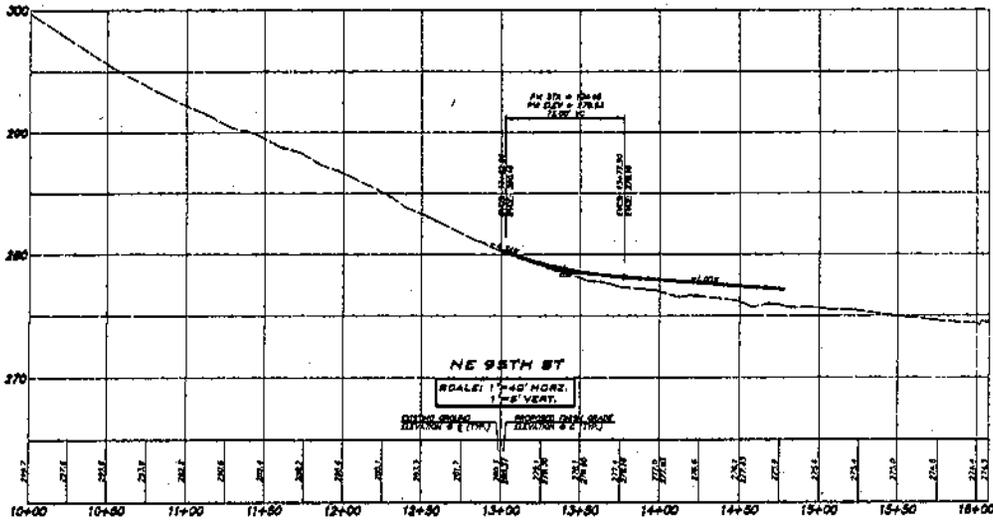
The Highlands Preliminary Plat



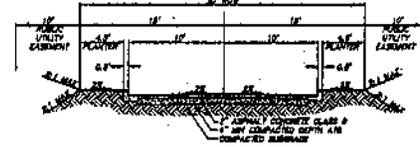
ATTACHMENT 1
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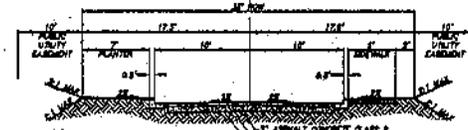
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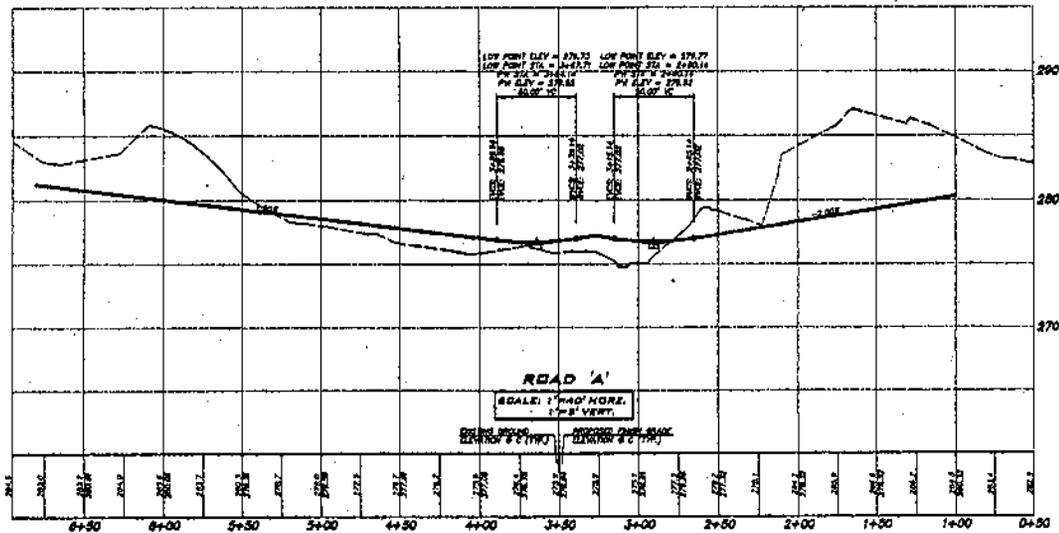
NE 95TH ST
(NOT TO SCALE)



ROAD A SECTION
(STAT. 3+82.14 - 6+48.87)
(NOT TO SCALE)



ROAD A SECTION
(STAT. 1+00.50 - 2+50.88)
(NOT TO SCALE)



ROAD PROFILE AND SECTIONS
HIGHLANDS 24
11644 NE 95TH ST

SCALE: HORIZ. 1"=40' VERT. 1"=2'
PREP. & CHECKED BY: [Name]
PROJECT MANAGER: [Name]
DESIGNED BY: [Name]
DRAWN BY: [Name]

REVISIONS	
DATE	
BY	
CHKD	



04-034
SHEET 4 OF 4



DEVELOPMENT STANDARDS LIST

File: PSB04-00001, The Highlands Preliminary Plat

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.

22.28.050 Lot Dimensions. For lots smaller than 5,000 square feet, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot.

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

22.28.210 Significant Trees. The applicant shall retain at least twenty-five percent of the healthy significant trees, together with any associated groundcover or understory vegetation necessary to assure long-term health and prevent erosion. The tree retention plan is shown on Attachment 4. All trees designated to be saved under the tree retention plan must be retained, unless a modification to the tree retention plan is approved by the Department of Planning and Community Development.

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. The impact fee for new single-family dwelling units is \$612. The impact fee for new multifamily dwelling units is \$430. 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 in the amount of \$612 for a single family unit and \$430 for a multi-family unit.

Prior to Recording:

22.16.030 Final Plat - Lot Corners. The exterior plat boundary, and all interior lot corners shall be set by a registered land surveyor.

22.16.040 Final 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

ATTACHMENT 3

PSB04-00001

the property owner(s) (as indicated in the report) sign(s) the subdivision 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.

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

22.28.050 Lot Dimensions. The owner of the property shall sign a covenant to ensure that the garage will be located at the rear of any lot which is smaller than 5,000 square feet, has a lot width at the back of the required front yard less than 50 feet, and is not a flag lot.

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

95.35 Plant Replacement. The applicant shall replace any plants required by this Code that are unhealthy or dead for a period of two years after initial planting.

105.10.2 Pavement Setbacks. The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from it. Screening standards are outlined in this section.

110.60.2 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way.

110.60.8 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.

115.42 Floor Area Ratio (F.A.R.) limits. Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones. The garage must be set back five feet from the remaining portion of the front façade of a dwelling unit if: the garage door is located on the front façade of the dwelling unit; and the lot is at least 50 feet wide at the front setback line; and the garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

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 including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid pavers; outdoor swimming pools; and pedestrian walkways. 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.

115.115.3.g Rockerries and Retaining Walls. Rockerries 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 low density residential zones, covered entry porches on detached 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.

115.115.5.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 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.

150.22.2 Public Notice Signs. Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

Prior to issuance of a grading or building permit:

95.15.4 Tree Protection Techniques. In order to provide the best possible conditions for the retention of significant trees, the applicant shall construct a temporary but immovable 4 foot high chain-link fence generally corresponding to the drip line of each tree or group of trees shown on the tree retention plan to be retained (see Attachment 4). Additional tree protection measures may be required of the applicant. The protective fencing must remain in place throughout the demolition, clearing, grading, excavation, and construction processes, including the construction of homes. No grading, operation of heavy equipment, stockpiling, or excavation may occur inside the protective fences.

27.06.030 Park Impact Fees. 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 in the amount of \$612 for a single family unit and \$430 for a multi-family unit.

CITY OF KIRKLAND
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

Date: 5/23/2005

DEVELOPMENT STANDARDS

CASE NO.: PSB04-00001

PCD FILE NO.: PSB04-00001

FIRE DEPARTMENT CONDITIONS

3 new fire hydrants are required as shown. Subject hydrants shall be installed and fully operational prior to any combustible construction. All new hydrants as well as the existing hydrant in front of 11644 shall be equipped with 5" Stortz fittings.

"NO PARKING - FIRE LANE" signs, curb stenciling, and painting required for the private access roads serving lots 9, 13, 21 and 22.

Due to inadequate fire flow in the area, all new homes shall be provided with fire sprinkler systems (13D type).

BUILDING DEPARTMENT COMMENTS

Building permits submitted on July 1, 2004 or after must comply with the 2003 International Building, Residential and Mechanical Codes and the 2003 Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland.

Structure must comply with Washington State Energy Code; and the Washington State Ventilation and Indoor Air Quality Code.

Plumbing meter and service line shall be sized in accordance with the UPC

Due to size of project (multiple building lots), geotechnical report required to address development activity. Report must be prepared by a Washington State licensed Professional Engineer. Recommendations contained within the report shall be incorporated into the design of the Short Plat and subsequent structures.

PUBLIC WORKS CONDITIONS

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.ci.kirkland.wa.us.
2. This project will be subject to Public Works Permit and Connection Fees. At the pre-application stage, the fees can only be estimated. 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.ci.kirkland.wa.us. The applicant should anticipate the following fees:
 - o Water and Sewer connection Fees (paid with the issuance of a Building Permit)

- o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- o Septic Tank Abandonment Inspection Fee
- o Water Meter Fee (paid with the issuance of a Building Permit)
- o Right-of-way Fee
- o Review and Inspection Fee (for utilities and street improvements).
- o Traffic Impact Fee (paid with the issuance of Building Permit). For additional information, see notes below.

3. Prior to submittal of a Building or Zoning Permit, the applicant must apply for a Concurrency Test Notice. Contact Thang Nguyen, Transportation Engineer, at 425-576-2901 for more information. A separate Concurrency Permit will be created.

4. Building Permits associated with this proposed project will be subject to the traffic impact fees per Chapter 27.04 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s).

5. Any existing single family homes within this project which are demolished will receive a Traffic Impact Fee credit. This credit will be applied to the first Building Permit that is applied for within the subdivision (and subsequent Building Permits if multiple houses are demolished). The credit amount for each demolished single family home will be equal to the most currently adopted Traffic Impact Fee schedule.

6. 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.

7. 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.

8. 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).

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

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

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

1. The existing sanitary sewer main within the NE 95th St right-of-way and along the east side of lots 22-25, is adequate to serve all the lots within the proposed project.

2. Extend 8-inch sewer mains along the new public roads to provide sewer to all of the lots. The sewer main extensions depicted on sheet 3 of the submittal are adequate. Provide a plan and profile design for the sewer line extensions.

3. All new and existing sewer manholes must be accessible for maintenance purposes. The following access conditions will apply:

" A 12 ft. wide paved access shall be extended to the new manhole at the northeast corner of lot 25.

" A note shall be included on the Subdivision recording mylar stating that if a fence is constructed along the north property line of lot 25, a 3 ft. wide gate shall be provided at the northeast property corner for sewer manhole maintenance access.

" The existing manhole at the southeast corner of lot 22 shall have a 12 ft. wide paved access from the end of the existing paved access, provided for the existing detention pond, to the south of lot 21. Prior to adding the new paving, additional structural fill will need to be added to the east end of the detention pond berm so the paving can be extended to within approximately 10 ft of the existing sewer manhole.

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

Water System Conditions:

1. The applicant shall extend the existing public water system to provide water service for each lot. The subdivision shall install the following water system improvements:

A. Loop an 8-inch water main from NE 95th St. south along Road B, south within a 15 ft. wide utility easement between lots 20- 21 & , 22-23 (under the pedestrian path), and connect to the existing 8-inch water main on the south side of lot 21.

B. Extend an 8-inch water main from NE 95th Street along Road A and terminate the extension with a blow-off or hydrant (Fire Dept. will determine where the hydrants should be located).

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

3. The existing water services may be used provided that they are in the right location, are not galvanized, and are sized adequately to serve the building (per the Uniform Plumbing Code).

4. The existing water flows are inadequate for minimum fire flow for this project; see the Fire Department Conditions for the fire sprinkler requirements.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 1998 King County Surface Water Design Manual. The conceptual storm water detention system, as depicted on sheet 3, is approved by the Public Works Department.

2. The developer and the Public Works Department have discussed and agreed that some recreational play equipment and/or a sport court over the top of the detention system should be installed as an amenity for the proposed development. The Homeowners Association (HOA) will be responsible for maintenance of the landscaping and recreational equipment while the City will be responsible for maintenance of the detention system. Since the recreational area is within public right-of-way, it may be used by the public; it is anticipated that residents within this development as well as the surrounding neighborhood may use the area. Language shall be included on the Subdivision Recording Mylar stating the use and maintenance of the recreational area. In addition, the developer shall sign and record a Maintenance Agreement in conjunction with the establishment of the HOA.

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

4. Any off-site storm water must by-pass the on-site storm water detention system or accounted for in the design of the detention system.

5. Provide an erosion control plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 1998 King County Surface Water Design Manual.
6. The National Pollutant Discharge Elimination System (NPDES) Phase II Final Rule requires operators of small construction sites (disturbing between 1 and 5 acres of land) to obtain a Construction Storm water General Permit through the Washington State Department of Ecology. Information about the permit can be obtained at:
Washington State Department of Ecology <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
U.S. EPA Office of Wastewater Management <http://cfpub.epa.gov/npdes/stormwater/const.cfm>
Specific question can be directed to:
Jeff Killelea
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6127
jkil461@ecy.wa.gov
7. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from April 1 to October 31, all denuded soils must be covered within 15 days; between November 1 and March 31, all denuded soils must be covered within 12 hours. If an erosion problem already exists on the site, other cover protection and erosion control will be required.
8. Provide a separate storm drainage connection for each lot. The drainage system on each lot shall contain a 10 ft. minimum length drywell as part of the conveyance system to the storm system in the street. These drywells will be installed with each new single-family home.
9. Provide a plan and profile design for the storm sewer system.
10. A 10' minimum paved maintenance access shall be provided to the detention facility. The Public Works Surface Water Maintenance Division shall review and approve the final design of the detention facility.

Street Improvement Conditions:

1. The subject property abuts NE 95th Street and the two new access streets (roads A & B). These streets are Neighborhood Access type streets. 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 these streets must be improved with the following:

NE 95th Street

- A. Widen the street to 12 ft. from centerline to face of curb.
- B. Install storm drainage, curb and gutter, a 4.5 ft. planter strip with street trees 30 ft. on-center, and a 5 ft. wide sidewalk. The sidewalk and planter strip shall be installed along both property frontages; the sidewalk along the south side can terminate at the driveway apron for tract B.
- C. Underground all existing overhead utility lines along the property frontage on NE 95th St.

Road A

- A. Dedicate 30 ft in width of public right-of-way. (dedication for the cul-de-sac discussed below).
- B. Improve the street with 20 ft of paving (face of curb to face of curb), vertical curb and gutter, and a 4.5 ft wide landscape strip with street trees 30 ft. on-center.
- C. The cul-de-sac shall be encompassed in an 80 ft. diameter right-of-way with vertical curb and gutter set at 70 ft. in diameter, and 4.5 ft. wide landscape strip behind the curb with street trees 30 ft. on-center.

Road B

- A. Dedicate 35 ft in width of public right-of-way (30 ft in width around the turn-around).
- B. Improve the street with 20 ft of paving (face of curb to face of curb), vertical curb and gutter, a 4.5 ft wide landscape strip with street trees 30 ft. on-center, and a 5-ft wide sidewalk along one side of the street.

- C. The turn-around shall be improved with paving and vertical curb and gutter per Public Works Standard R.16. Street trees shall be planted around the perimeter at 30 ft. on-center where feasible.
- D. The 20 ft. wide access easement shall be improved with a 10 ft wide asphalt driveway, a 2 ft wide rolled curb and a 4 ft wide (6-inch thick) concrete sidewalk; the overall width of the improvements from the east (back) of the sidewalk to the west edge of the asphalt shall be 16 ft in width and will count as providing the 16 ft. of access width required for the Fire Department access.
- E. From the south end of the access road to the southwest property corner of lot 21, grant a 10 ft. wide pedestrian easement and install a 5 ft. wide concrete sidewalk; the sidewalk shall connect to the existing sidewalk in the subdivision to the west.

Note: The City is encouraging the use of Low Impact Design methods to lesson the impacts of surface water run-off. One of option that is being encouraged by the City is the use of Street Edge Alternative (SEA) design concepts being used in the City of Seattle. As the engineering design plans are developed for this project, the developer may proposed to use some or all of the SEA street design standards. If these standards are accepted by the Public Works Department, some slight modifications to the road standards, such as the type of curb and the design of the landscape strips, will be necessary. However, no elements such as street trees, sidewalks, or the width of the street, will be eliminated or modified.

- 2. A 2-inch asphalt street overlay will be required where more than three utility trench crossings occur with 150 lineal ft. of street length or where utility trenches parallel the street centerline. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
- 3. The driveway for each lot shall be long enough so that parked cars do not extend into the access easement or right-of-way (20 ft. min.)
- 4. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.
- 5. Install "NO PARKING ANYTIME" signs along one side of Road A and B
- 6. Install new monuments at the intersection of NE 95th St. with Road A and Road B, at the terminus of Road A and Road B, and at the centerline radius points of tangency along Road A and B.
- 7. 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.
- 8. Underground all new and existing on-site utility lines and overhead transmission lines.
- 9. New street lights are required per Puget Power design and Public Works approval. Design must be submitted prior to issuance of a grading or building permit.



CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587-3225

www.ci.kirkland.wa.us

MEMORANDUM

To: Eric R. Shields, AICP, Planning Director

From: Tony Leavitt, Planner *TL*

Date: May 9, 2005

Subject: ENVIRONMENTAL DETERMINATION FOR THE HIGHLANDS PRELIMINARY PLAT, PSB04-00001 (SEP05-00015)

The proposal, submitted by Craig Sears of Highlands 24 LLC, is to subdivide 8 existing lots (6.68 total acres) into 25 lots for single-family residences within a RS 8500 zone (see Enclosure 1). The proposed lots will range in size from 8,467 square feet to 11,427 square feet, with an average lot size of 8,697 square feet (see Enclosure 2). Primary access to the subdivision would be from NE 95th Street. Two new public right-of-ways would be dedicated within the subdivision for access to the new lots. The existing structures that were on the subject properties were demolished earlier this year. The project will also involve a large amount of grading for public improvement installation.

I have had an opportunity to visit the site and review the following documents:

1. Environmental Checklist (Enclosure 3)
2. Traffic Impact Analysis (Enclosure 4)
3. Public Works Memo from Thang Nguyen dated February 11, 2005 (Enclosure 5)
4. Tree Evaluation prepared by Gilles Consulting revised April 13, 2005 (Enclosure 6)

Based on a review by staff, the key environmental issues associated with this project are potential traffic impacts and significant tree retention. Additionally during the initial public comment period for the zoning permit application, the City received a total of 8 emails (see Enclosures 7 thru 14). These communications raised concerns about additional potential environmental impacts of the proposed project. These concerns include parking, neighborhood traffic impacts, roadway intersection impacts, pedestrian impacts, and frontage improvements. An analysis of each of these key environmental issues follows. Thang Nguyen, City of Kirkland Transportation Engineer, has addressed some these concerns in his memo dated April 28, 2005 (Enclosure 15). The applicant's Transportation Engineer also submitted a letter addressing some of these concerns (Enclosure 16).

Traffic Impacts

Neighbors raise concerns about the impacts of additional traffic on existing streets (including NE 95th Street), cut-through traffic on 117th Place NE, existing traffic on 116th Avenue NE, and site distance at the 116th Avenue and 95th Street intersection. The City's Transportation Engineer, Thang Nguyen, addresses these concerns his memo. He concludes the following:

ATTACHMENT 5

Rev. 1.0001

- The existing street pavement is able to support the additional trips generated by the proposed development.
- The proposed project will generate less net traffic on NE 95th Street than the existing traffic from 117th Place NE.
- Staff does not believe that the proposed project will create cut-through traffic on 117th Place NE. 117th Place NE does not provide a convenient connection to any traffic generators such as shopping centers, employment centers that would encourage cut through traffic from the proposed development.
- Staff is aware of the speeding situation on 116th Avenue NE. Noel Schoneman, the Neighborhood Traffic Control Coordinator, is working with residence to install two new speed cushions; one north of NE 94th Street, the second south of NE 91st Street. The speed hump just south of NE 95th Street will be replaced by a speed cushion. These traffic calming devices should reduce speed.
- The City will check the sight distance at the intersection of NE 95th Street/116th Avenue NE and take appropriate measures.

Staff also concludes that based on the City traffic mitigation guidelines, the proposed development traffic impacts do not warrant off-site mitigation.

Significant Tree Retention

The subject property contains a total 104 trees that are defined as significant trees (see Enclosure 6). The applicant is proposing to retain a total of 51 significant trees at this time. Neighbors raise concerns that the removal of trees near Interstate 405 will result in the loss of a natural noise barrier. The applicant is proposing to retain a significant amount of these existing trees on proposed lots 15 and 16. The City will evaluate as part of the subdivision review the final tree retention plan and if it's appropriate to require that these trees be protected by a Natural Greenbelt Protective Easement (NGPE).

Parking

Neighbors raise concerns about potential parking impacts including inadequate on-street parking. The City of Kirkland Zoning Code only requires that the applicant provide 2 onsite parking stalls per new residence. The proposed development will be required to comply with this code requirement as part of each building permit application.

Intersection Impacts

Neighbors express concerns about traffic related impacts to the NE 95th Street, 116th Avenue NE, and 117th Avenue NE right-of-ways and intersections. Thang addresses these concerns by stating the following in his memo:

- The proposed project generates insignificant amount of traffic (6 AM peak hour trips and 15 PM peak hour trips) and would not warrant a traffic signal or 4-way Stop control at 116th Ave NE/NE 95th Street intersection or widening of 116th Avenue NE.
- The future traffic volume at the intersection of 117th Place NE/NE 95th Street does not warrant a STOP sign.
- There is a plan to improve the intersection of NE 85th Street/114th Avenue NE to help ease congestion that backs up onto 116th Avenue NE during the morning peak hour.

Pedestrian Impacts

As part of the development, the applicant will be required to install sidewalks along the portion of NE 95th Street abutting the subject property and sidewalks along the two new public right-of-ways. In their comments to staff, the neighbors suggest that the City look at requiring the applicant to install crosswalks across 117th Place NE and 116th Avenue NE and install sidewalks along NE 116th Avenue NE. Staff concludes the following regarding these requests:

- The Kirkland Zoning Code limits the requirement to install public improvements to only the right-of-ways abutting the subject property.
- In general, crosswalks are installed to connect with pedestrian facilities such as school walk route, sidewalks and trail to provide safe connectivity when there is high usage and high traffic volume. The low volume on 117th Place NE does not warrant a crosswalk.
- As indicated in the City's Comprehensive Plan, there are plans to install curb, gutter, sidewalk, and street trees along the east side of 116th Avenue NE from the existing sidewalk north of NE 100th Street to NE 94th Street. This project is scheduled to be completed in 2009. Once sidewalks are installed along 116th Avenue NE, Public Works will evaluate the need for a crosswalk across 116th Avenue NE at NE 95th Street

Utility Impacts

Neighbors raise concerns about the impacts on existing utility services that the development will have. The City will require as a condition of the plat that the applicant comply with sanitary sewer, water system, and surface water requirements. Additionally the applicant will be required to underground all offsite utilities in the portion of NE 95th Street fronting the property and all onsite utilities. The Public Works Department is also encouraging the use of Low Impact Design methods to lesson the impacts of surface water run-off. One option that is being encouraged by the City is the use of Street Edge Alternative (SEA) design concepts being used in the City of Seattle. As the engineering design plans are developed for this project, the developer may propose to use some or all of the SEA street design standards. If these standards are accepted by the Public Works Department, some slight modifications to the road standards, such as the type of curb and the design of the landscape strips, will be necessary. However, no elements such as street trees, sidewalks, or the width of the street, will be eliminated or modified.

Summary

It will be necessary to further analyze certain aspects of the applicant's proposal to determine if the project complies with all the applicable City codes and policies. That analysis is most appropriately addressed within the staff advisory report, which will be presented at the public hearing. In contrast, State law specifies that this environmental review under the State Environmental Policy Act (SEPA) is to focus only on potential significant impacts to the environment that could not be adequately mitigated through the Kirkland regulations and Comprehensive Plan.1

Based on my review of all available information and adopted policies of the City, I have not identified any significant adverse environmental impacts that cannot be addressed through City codes. Therefore, I recommend that a Determination of Non-Significance be issued for this proposed action.

SEPA ENCLOSURES

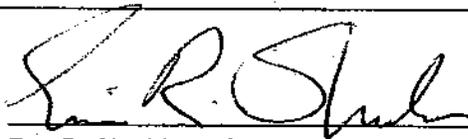
1. Vicinity Map
2. Development Plans
3. Environmental Checklist
4. Traffic Impact Analysis
5. Concurrency Memo from Thang Nguyen dated February 11, 2005
6. Tree Evaluation prepared by Gilles Consulting revised April 13, 2005
7. Email from Cyndi Johnson
8. Email from Andrea Gerth
9. Email from Mark and Kris Jacobs
10. Email from Stacy Kovats
11. Email from Highlands Neighborhood Association
12. Email from Zita Gustin
13. Email from Gail Baerny
14. Email from Gary and Vicki Ebat-Selke
15. Public Comments Memo from Thang Nguyen dated April 28, 2005
16. Public Comments Memo from Applicant's Engineer

Review by Responsible Official:

I concur

I do not concur

Comments:



Eric R. Shields, AICP
Planning Director

5/10/05

Date

Please note that, in order to reduce the size of this packet, the following Hearing Examiner Decision Exhibits have not been included with this packet:

- Exhibit A, Attachment 5, Enclosures 1 thru 16 (SEPA Enclosures)
- Exhibit A, Attachment 6
- Exhibit A, Attachment 7
- Exhibit B
- Exhibit C
- Exhibit D
- Exhibit E

These items can be obtained by contacting Tony Leavitt in the Planning Department at 425.587.3253 or tleavitt@ci.kirkland.wa.us.

RESOLUTION R-4583

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF HIGHLANDS 25 BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB06-00001 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Highlands 25 was approved by the Hearing Examiner on June 10, 2005; 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 Craig Sears of Highlands 24 LLC, the owner of the real property described in said application, which property is within a Residential Single Family RS 8.5 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; 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.

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, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Director of the Department of Planning and Community Development, filed in Department of Planning and Community Development File No. FSB06-00001, 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 Highlands 25 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. 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 4. A copy of this resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be delivered to the applicant.

Section 5. 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 _____, 2006..

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2006.

Mayor

Attest:

City Clerk