



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

QUASI-JUDICIAL

From: Eric Shields, AICP, Planning Director
Susan Greene, Project Planner

Date: September 23, 2008

Subject: Garden Gate Final Subdivision, File No. FSB08-00002

RECOMMENDATION

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

BACKGROUND DISCUSSION

The Preliminary Subdivision was heard by the Hearing Examiner on December 10th, 2007. The Hearing Examiner approved the project with conditions on December 17th, 2007. A concurrency test was passed for traffic on June 4th, 2007. A Determination of Non-significance was issued for the proposal on October 12th, 2007.

The proposal includes the following general elements:

- Subdivide 2 existing lots, 4.58 total acres, into 24 lots for single-family residences within an RSX 7.2 zone with a minimum lot size of 7,200 square feet.
- The subdivision was approved using the lot averaging provisions of the Kirkland Municipal Code. The proposed lots will range in size from 6,570 square feet to 8,848 square feet, with an average lot size of 7,200 square feet. Four lots will be under the minimum lot size, but will not exceed a ten percent reduction in size as required by the Kirkland Municipal Code.
- Primary access to the subdivision will be from a dedicated public right of way called 112th Ave NE, which is accessed off of NE 132nd Street. Two easements within the plat will provide access to two lots: numbers 11 and 14.
- 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 Planning Director recommends approval of the final subdivision with the conditions outlined in the staff advisory report dated September 23, 2008 (see Enclosure 1).

ATTACHMENTS:

1. Staff Advisory Report dated September 23rd, 2008



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MEMORANDUM ADVISORY REPORT FINDINGS, CONCLUSION, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director
From: Susan Greene, Planner
Date: September 23, 2008
File: GARDEN GATE (FORMERLY CEDAR PARK) FINAL SUBDIVISION, FILE FSB08-00002

I. RECOMMENDATION

Recommend approval of the Final Subdivision application for Garden Gate 24 Lot 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 Phoenix Development of Sundquist Homes.
- B. This is a Final Subdivision application to approve a 24-lot subdivision on a 3.99-acre site (see Enclosure 1 for the Vicinity Map, Enclosure 2 for the Preliminary Plat approval, and Enclosure 3 for the final plat plans).
- C. The Preliminary Subdivision (File No. PSB07-00001) was approved by the Hearing Examiner on December 17, 2007.

D. The site is located at 11211 and 11219 NE 132nd Street.

III. HISTORY

The Preliminary Subdivision was heard by the Hearing Examiner on December 10th, 2007. The Hearing Examiner approved the project with conditions on December 17th, 2007. A concurrency test was passed for traffic on June 4th, 2007. A Determination of Non-significance was issued for the proposal on October 12th, 2007. The proposal included the following general elements:

1. Subdivide 2 existing lots, 4.58 total acres, into 24 lots for single-family residences within an RSX 7.2 zone with a minimum lot size of 7,200 square feet. The proposed lots will range in size from 6,570 square feet to 8,848 square feet, with an average lot size of 7,200 square feet. Since four of the lots were less than the minimum lot size requirement of 7,200 square feet, the subdivision was reviewed and approved through the lot averaging provisions of Kirkland Subdivision Code Section 22.28.040. This provision allows up to 20% of the lots to be up to 10% short of the minimum lot size. This proposal meets that requirement because four of the twenty four lots are less than 7,200 square feet and the lot with the least square footage is still above the 10% shortage allowed.
2. Primary access to the subdivision will be from a dedicated public right of way called 112th Ave NE, which is accessed off of NE 132nd Street. This dedication along with required dedication along NE 132nd Street changed the total square footage of the plat from 4.58 acres to 3.99 acres which still meets the square footage requirements for 24 lots. Two easements within the plat will provide access to two lots: numbers 11 and 14.
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 proposed very minor changes to some of the lot sizes but has kept the averaged lots to only four. The basic configuration of the lots is the same as the preliminary plat. The dedication square footage has changed from the preliminary plat due to improvements planned along NE 132nd Street.

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

Enclosures 1-3 are attached.

1. Vicinity Map
2. Preliminary Subdivision Notice of Approval
3. Final Plat map


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CEDAR PARK PRELIMINARY SUBDIVISION
FILE PSB07-00001
NOTICE OF APPROVAL

 PERMIT NO. PSB07-00001

PROJECT NAME: CEDAR PARK PRELIMINARY SUBDIVISION

 PROJECT ADDRESS: 11211 AND 11219 NE 132nd Street

APPLICANT OR AGENT: Geoffrey Thomas, Phoenix Development Inc.

CITY OF KIRKLAND APPROVAL DATE: December 17, 2007

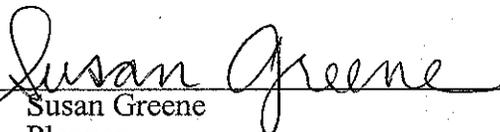
LAPSE OF APPROVAL DATE(S) Under Section 22.16.130 of the Subdivision Ordinance, the owner must submit a final plat application to the Planning Department, meeting the requirements of the Subdivision Ordinance and the preliminary plat approval, and submit the final plat for recording, within four years following the date the preliminary plat was approved (by December 17, 2011) 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. **However, the applicant must submit a complete application for final plat by April 17, 2011) (8 months prior to lapse of approval and plat survey mylars for recording by August 17, 2011 (4 months prior to lapse of approval).**

LAPSE OF APPROVAL DATE APPLIES UNLESS JUDICIAL REVIEW PROCEEDINGS ARE INITIATED WITHIN 21 CALENDAR DAYS OF ISSUANCE OF THE FINAL LAND USE DECISION BY THE CITY.

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. 2740 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: 
 Susan Greene
 Planner

Attachments:

 Conditions of Approval
 Development Standards

CONDITIONS OF APPROVAL

CEDAR PARK PRELIMINARY SUBDIVISION FILE NO. PSB07-00001

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:

1. 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 (see Conclusion II.H.2).
2. Trees shall not be removed or altered following short plat approval except as approved by the Planning Department. Attachment 3, Development Standards, and Attachment 5, the Urban Forester recommendations, contains specific information concerning tree retention requirements. Additionally, the applicant shall implement the following recommendations of the City's Urban Forester (Arborist) (see Conclusion II.F.4.b of this report for the following recommendations of approval below (a-c)):
 - a. In consideration of the fir trees lined on proposed lots 10, 11 & 12 numbered 562-572 (see Attachment 5a), retention of these trees will need to be evaluated by an arborist at the time that improvements are located on site. If any of these trees will be retained, protective fencing would need to remain in place at 20 feet from the base of each trunk for the entire time of construction, and they must be evaluated periodically for as long as they are retained.
 - b. The grove of trees in the southwest corner of the site numbered 583-586 and along the west property line (tree numbers 589-599; 600 & 631-635) shall be retained as two separate groves of trees and thereby shall be considered when considering placement of the homes or utilities on any lot that would affect these two groves. Prior to approval of the final subdivision, the applicant shall work with the Planning Department to determine the extent of the protection for these two groves of trees by submitting an easement agreement acceptable to the City Attorney that will preserve these trees in perpetuity.

- c. Tree numbers 606-620, 623 and 624-630 while not significant as defined by Chapter 95 shall be retained and protected during construction.
3. 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 easement which will extend to the City's open space to the south (see Conclusion II.F.2).

**CITY OF KIRKLAND**

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DEVELOPMENT STANDARDS LIST**File:** PSB07-00001 Cedar Park Subdivision**SUBDIVISION STANDARDS**

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

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

22.28.210 Significant Trees. The applicant shall design the plat so as to comply with the tree management requirements set forth in Chapter 95 of the Kirkland Zoning Code. The Planning Official is authorized to require site plan alterations to retain Type 1 trees. The applicant shall retain all viable trees at the short plat approval stage and all viable trees with the required Land Surface Modification Permit, except for those trees needed to be removed for installation of the plat infrastructure improvements. The applicant shall also retain all viable trees during the development of each single family lot except for those trees required to be removed for the construction of the house and other associated site improvements. A Tree Plan III was submitted with the short plat which can be found as attachment ? in this report. The City arborist recommendations can be found as attachment ? and makes specific recommendations concerning retention of both significant and non-significant trees on site. A minimum of 137 tree credits are required for the subject site. If at any stage of development, tree retention on the site falls below the minimum required tree density, replanting shall be required per KZC Section 95.35.

22.32.010 Utility System Improvements. All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

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

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

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

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

Prior to Recording:

22.16.030 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.

22.32.020 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

85.25.1 Geotechnical Report Recommendations. The geotechnical recommendations contained in the report by Earth Consulting Inc. dated June 20th, 2007 shall be implemented.

85.25.3 Geotechnical Professional On-Site. A qualified geotechnical professional shall be present on site during land surface modification and foundation installation activities.

95.45 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

95.50.3 Maintenance of Preserved Grove. The applicant shall provide a legal instrument acceptable to the City ensuring the preservation in perpetuity of approved groves of trees to be retained.

100.25 Sign Permits. Separate sign permit(s) are required.

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.

105.19 Public Pedestrian Walkways. The height of solid (blocking visibility) fences along pedestrian pathways that are not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors. All new building structures shall be setback a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way. If in a design district, see section and Plate 34 for through block pathways standards.

105.20 Required Parking. Two parking spaces per single family unit are required for this use.

105.47 Required Parking Pad. Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

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 See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

115.115.3.g Rockeries and Retaining Walls. Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

115.115.3.n Covered Entry Porches. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

115.115.3.o Garage Setbacks. In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

115.115.3.p HVAC Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

115.135 Sight Distance at Intersection. Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

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 recording:

110.60.5 Landscape Maintenance Agreement. The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way (see Attachment 3). It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

Prior to issuance of a grading or building permit:

85.25.1 Geotechnical Report Recommendations. A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

95.35.2.b.(3)(b)i Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.35.6 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 4 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

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

Prior to occupancy:

95.40 Bonds. The City may require a maintenance agreement or bond to ensure compliance with any aspect of the Landscaping chapter.

95.50.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

110.60.6 Mailboxes. Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

110.75 Bonds. The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.



You can review your permit status and conditions at www.ci.kirkland.wa.us

PUBLIC WORKS CONDITIONS

Permit Information

Permit #: PSB07-00001
Project Name: Cedar Park 24-lot Plat
Project Address: 11215 & 11219 NE 132nd Ave. NE
Date: November 20, 2007

Public Works Staff Contacts

Land Use and Pre-Submittal Process:
Rob Jammerman, Development Engineering Manager
Phone: 425-587-3845 Fax: 425-587-3807
E-mail: rjammer@ci.kirkland.wa.us

Building and Land Surface Modification (Grading) Permit Process:

John Burkhalter, Senior Development Engineer
Phone: 425-587-3846 Fax: 425-587-3807
E-mail: jburkhal@ci.kirkland.wa.us

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 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. **Note: Traffic and Park Impact Fees increase on February 1, 2008.**
3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification Permit.
4. The subdivision can be recorded in advance of installing all the required street and utility improvements by posting a performance security equal to 130% of the value of work. Contact the Development Engineer assigned to this project to assist with this process.
5. This project has passed concurrency and received a Traffic Concurrency Test Notice on June 4, 2007.
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 except for those areas otherwise designated. The maintenance shall "run with the land" and will be binding on all property owners within this subdivision, including their heirs, successors and assigns.

Sanitary Sewer and Water Conditions:

1. Northshore Utility District (NUD) approval required for water and sewer service. A letter of sewer and water availability is required from NUD prior to recording the plat of issuance of any Building or Land Surface Modification Permits.

Surface Water Conditions:

1. Provide temporary and permanent storm water control and water quality treatment per the 1998-King County Surface Water Design Manual. Contact City of Kirkland Surface Water Staff at (425) 587-3800 for help in determining drainage review requirements.
2. If a detention system is proposed, it shall be designed to Level II standards.
3. The project is voluntarily proposing to use a combination of Low Impact Development (LID) drainage techniques including porous concrete, rain gardens, individual lot infiltration, and a street drainage infiltration system. By using LID techniques, the post-development surface water will more closely mimic the pre-developed conditions. The Public Work Department has reviewed the preliminary drainage report and recommends that the proposed LID techniques be approved with the following conditions:
 - **Porous Concrete:** The public sidewalk along the west side of the new street will be porous concrete. To ensure that the porous concrete sidewalk does not get damaged or plugged with silt during construction of the new homes, all porous sidewalk will be poured after the homes are constructed. The installation of the sidewalk will be a Building Permit condition with each new home and the Public Work Department will coordinate the installation of the sidewalk with the developer as the new homes are being finished. Because the sidewalk installation will be a Building Permit condition, the developer

of the plat will not be required to install the sidewalk nor post a performance bond for the installation of the sidewalk. In addition, if the sidewalk is installed as each home is completed and the sidewalk is protected to insure that it is not driven on by construction equipment, a 2-year maintenance bond for the sidewalk will not be required. The sidewalk will be subject to a 90-day inspection to insure that the product was installed correctly and there are no signs of failures due to poor workmanship. After installation, long term structural maintenance of the sidewalk will be borne by the City (as is the case with other public sidewalks); general cleaning maintenance of the sidewalk is borne by the adjacent property owner.

- **Rain Gardens:** 10 separate rain gardens are proposed along new street. These rain gardens will provide infiltration for the majority of the street surface water run-off. Any rain garden that is not in the street right-of-way shall be encompassed in a public drainage easement. The City will be responsible for the repair and maintenance of any drainage structures in the rain gardens in addition to all other drainage structures in the street right-of-way. The plat recording mylar shall include language stating that the homeowners association shall be responsible for maintaining the landscaping in the rain gardens.
 - **Infiltration Chamber:** A long infiltration chamber is proposed under the north side of the new street along the front of lots 19-24. This infiltration chamber will function as part of the public drainage system for the plat and will be owned and maintained by the City. Special care must be taken to ensure that this infiltration chamber is not compromised or disrupted when various utility crossings are installed.
 - **Individual lot infiltration:** Many of the individual lots will have on-site infiltration systems for the drainage from the roofs and/or driveways. The individual lot infiltration systems will be installed as the homes are constructed and not as a plat improvement. Each of these infiltration systems will be maintained by the property owner and a note shall be added to the plat recording mylar depicting which lots have infiltration and will be responsible for perpetual maintenance of the infiltration system.
 - **Plan Review:** The City encourages and supports the use of LID Drainage Techniques. As a pilot program, the Public Works Department is offering to provide expedited engineering plan review of the Land Surface Modification (LSM) Permit. First review comments of a complete LSM Permit application will be provided in 3-4 weeks after submittal.
4. This project disturbs greater than one acre, the applicant is responsible to apply for a *Construction Stormwater General Permit* from Washington State Dept. of Ecology. Specific permit information can be found at the following website: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> Among other requirements, this permit requires the applicant to prepare a *Storm Water Pollution Prevention Plan (SWPPP)* and identify a *Certified Erosion and Sediment Control Lead (CESCL)* prior to the start of construction. The CESCL shall attend the City of Kirkland Public Works Department pre-construction meeting with a completed SWPPP.
 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. 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.



7. Any house that is tight-lined to the public storm system (i.e., the lot does not have a planned on-site infiltration system) shall contain a 10 ft. long (min.) infiltration trench with an overflow to the public storm drain system. These infiltration trenches shall be installed with the individual new houses.
8. All roof and driveway drainage must be tight-lined to an approved storm drainage system. Each lot will be served by a rain garden, on-site infiltration system, or public storm system in the new street.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts NE 132nd Street (an arterial type street) and proposed a new cul-de-sac to serve the project. Zoning Code sections 110.10 and 110.25 require the applicant to make street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

NE 132nd St.

- A. Dedicate 3,155 sq. ft. of property along 132nd Ave. NE to allow future widening of the street by WSDOT (the plans reflect this required dedication); in general, the dedication is 17 ft wide on the east and tapers to 5 ft wide on the west. Because this dedication is for future street widening in conjunction with a planned capacity project and this capacity project serves the goals and objectives of the capital facilities plan, the project will receive a Traffic Impact Fee credit as defined in Kirkland Municipal Code 27.04.060 and no traffic impact fees will be due for any Building Permits issued in conjunction with this subdivision, i.e., the new homes on each new lot
- B. Remove and replace any cracked curb, and gutter or sidewalk.
- C. Plant street trees 30 ft on-center in the existing landscape strip.

New cul-de-sac (112th Ave. NE)

- A. Dedicate 40 ft of public right-of-way for the new road and 80 ft of right-of-way for the cul-de-sac.
- B. Provide 20 ft of paving with a 70 ft of paving in the cul-de-sac (includes 6-inch gutter).
- C. Provide curb and gutter along both sides of the street and around the cul-de-sac.
- D. Provide six ft wide parking bump-outs on the east side the street between the driveways for lots 18 and 19, 20 and 21, and 22 and 23.
- E. Provide a pervious concrete 5 ft wide sidewalk along the entire west side of the street and around the cul-de-sac to the property line between lots 10 and 12. The sidewalk shall then continue in a 5 wide pedestrian easement along side the access easement serving lot 11 and within a 10 ft wide pedestrian easement along the east property line of lot 11. This sidewalk will link to the unimproved park property to the south of lot 11 and 12.
- F. Provide a 4.5 ft minimum landscape strip along both sides of the street and around the cul-de-sac with street trees 30 ft on-center or as directed by the Public Works Department. The street trees will be behind the sidewalk in a landscape easement along the frontage of lot 9 and 10.
- G. Public Works recommends that the sidewalk be meandered to the west into a 5 ft wide minimum pedestrian easement along the fronts of lots 1-9 so that the landscape strip area can be widened to and 5 separate rain gardens can be installed (see site plan)



- H. This length of street would typically required sidewalks on both sides of the street, but the developer has proposed to install sidewalk on the west side only and participate in the sidewalk construction-in-lieu program instead of installing sidewalk on the east side of the new street. Per Chapter 110.70 of the Kirkland Zoning Code, the dollar value of the construction-in-lieu sidewalk is 75% of the value of the sidewalk not installed in the plat, and the land area not dedicated for the sidewalk. The construction-in-lieu is calculated as follows:

	Sq. Ft or Length	Cost/Unit	Total Value
Value of Sidewalk	280 ft.	\$18/ft	\$5,040
Value of Right-of-way	1,300 Sq. Ft.	\$40/Sq. Ft*.	\$52,000
		Total	\$57,040
		75% of value	\$42,780

*\$40/Sq. Ft. is used based on a recent City-approved appraisal of similar residential land in the Juanita Neighborhood.

In this case, the City has determined that the construction-in-lieu value is \$42,780 and the developer has asked if they can help pay for on-going or future City-installed or City-funded pedestrian improvements in the neighborhood. Public Works is in favor of this and will be seeking a set-aside for future pedestrian improvements in the unimproved park property to the south of the subject property, or a contribution toward the City-funded portion of the pedestrian improvements being installed along the east side of 116th Ave. NE in conjunction with the NE 128th St Sound Transit Project. In either case, the developer will sign an agreement acknowledging that they are voluntarily requesting to contribute to City-funded pedestrian improvement instead of installing off-site improvements. The City Attorney will prepare this agreement and it shall be signed prior to recording the plat.

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. The developer and builder are encouraged to consider the use of pervious concrete or brick pavers for the individual driveways.
5. All street and driveway intersections shall not have any visual obstructions within the sight distance triangle. See Public Works Pre-approved Policy R.13 for the sight distance criteria and specifications.
6. Prior to the final of the building or grading permit, pay for the installation of stop and street signs at the new intersections.
7. Install "NO PARKING ANYTIME" around the perimeter of the cul-de-sac.
8. Install new monuments at the new intersection and the cul-de-sac.
9. 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.



10. Underground all new and existing on-site utility lines and overhead transmission lines.
11. Zoning Code Section 110.60.9 establishes the requirement that existing utility and transmission (power, telephone, etc.) lines on-site and in rights-of-way adjacent to the site must be underground. The Public Works Director may determine if undergrounding transmission lines in the adjacent right-of-way is not feasible and defer the undergrounding by signing an agreement to participate in an undergrounding project, if one is ever proposed. In this case, the Public Works Director has determined that undergrounding of existing overhead utility on NE 132nd St is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include a condition requiring all associated lots to sign a LID No Protest Agreement prior to the issuance of a building permit for said lot. In addition, if a house is to be saved on one of the lots within the subdivision, a LID No Protest Agreement shall be recorded against this lot at the time of subdivision recording.
12. 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
123 FIFTH AVENUE, KIRKLAND, WASHINGTON 98033-6189 (425) 587-3225

DEVELOPMENT STANDARDS
CASE NO.: PSB07-00001
PCD FILE NO.: PSB07-00001

Date:
11/26/2007

FIRE DEPARTMENT CONDITIONS

Access to lots 14 & 11 is less than 16 feet paved to within 150 feet of the furthest setback corner. Fire sprinklers are required for these 2 lots.

One new fire hydrant is required on-site as indicated on the plans. This new hydrant as well as the one across the street from the project shall be equipped with 5 inch Storz adapter couplings. The new hydrant & Storz fittings shall be installed prior to any combustible construction.

BUILDING DEPARTMENT COMMENTS

If submitted prior to July 1, 2004, Buildings must comply with 1997 editions of the Uniform Building & Mechanical Codes and 2000 edition of the Plumbing Code. 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 UPC 1009 (h) and Table 10-2.

Demolition of existing structures is required prior to recording of the subdivision. Demolition permit(s) required for removal of existing structures.

Due to number of lots, a geotechnical report is 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.

Prior to issuance of Building, Demolition or Landsurface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040

GARDEN GATE

CITY OF KIRKLAND FILE NO. PSB07-00001

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

DEDICATION

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

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 ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

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

IN WITNESS WHEREOF WE SET OUR HANDS AND SEALS.

SUNDQUIST HOMES, LLC
A WASHINGTON LIMITED LIABILITY COMPANY

BY: _____ ITS: _____

WASHINGTON FIRST INTERNATIONAL BANK

BY: _____ ITS: _____

ACKNOWLEDGMENTS

STATE OF WASHINGTON)
) SS
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE/THEY) SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE/THEY) WAS/WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF SUNDQUIST HOMES, LLC, A WASHINGTON LIMITED LIABILITY COMPANY TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED THIS _____ DAY OF _____, 20____

SIGNED: _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

(NOTARY NAME TO BE PRINTED)
RESIDING AT _____
MY APPOINTMENT EXPIRES _____

STATE OF _____)
) SS
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT (HE/SHE/THEY) SIGNED THIS INSTRUMENT, ON OATH STATED THAT (HE/SHE/THEY) WAS/WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF WASHINGTON FIRST INTERNATIONAL BANK TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED THIS _____ DAY OF _____, 20____

SIGNED: _____
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

(NOTARY NAME TO BE PRINTED)
RESIDING AT _____
MY APPOINTMENT EXPIRES _____

NOTES AND RESTRICTIONS

- THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE GARDEN GATE HOMEOWNERS ASSOCIATION.
- ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, "ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE".
- UTILITY MAINTENANCE:**
EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER 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, PUBLIC PEDESTRIAN EASEMENT AND VEGETATION MAINTENANCE:**
EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK AND PUBLIC PEDESTRIAN EASEMENT 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 EXCEPT FOR THOSE AREAS OTHERWISE DESIGNATED. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.
- THE GARDEN GATE HOMEOWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINING THE LANDSCAPING IN THE RAIN GARDENS.
- INDIVIDUAL LOT INFILTRATION SYSTEMS, WILL BE INSTALLED ON LOTS 1 THROUGH 8 AND LOTS 17 THROUGH 24. THE OWNERS OF THESE LOTS SHALL BE RESPONSIBLE FOR PERPETUAL MAINTENANCE OF THE INFILTRATION SYSTEM INSTALLED ON THEIR PROPERTY.
- FIRE SPRINKLERS ARE REQUIRED FOR LOTS 11 AND 14.
- AN EXISTING SLOPE EASEMENT (PER RECORDING NO. 7501270085), WHICH IS ADJOINING THE STREET FRONTAGE OF THIS PLAT, (ALONG NE 132ND STREET) LIES WITHIN THAT PORTION SHOWN ON THE FACE OF THIS PLAT, AS BEING DEDICATED TO THE PUBLIC FOR ADDITIONAL ROAD RIGHT-OF-WAY. THEREFORE UPON THE RECORDING OF THIS PLAT, THIS EASEMENT WILL LIE WITHIN THE PUBLIC ROAD RIGHT-OF-WAY AND NOT WITHIN ANY PORTION OF THIS PLAT.
- THIS PLAT IS SUBJECT TO SANITARY SEWER EASEMENTS PER RECORDING NUMBERS 20080429001780, 20080429001781 AND 20080429001814, AND ARE AS SHOWN ON THIS PLAT.
- THIS PLAT IS SUBJECT TO A WATER LINE EASEMENT PER RECORDING NO. 20080429001815, AND IS AS SHOWN ON THIS PLAT.
- THIS PLAT IS SUBJECT TO AN AGREEMENT OF REQUIRED LANDSCAPE BUFFER PER RECORDING NO. 20050112000205.
- THIS PLAT IS SUBJECT A MITIGATION AND SETTLEMENT AGREEMENT PER RECORDING NO. 20071107001639.

APPROVALS

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

ATTEST: _____

EXAMINED AND APPROVED THIS _____ DAY OF _____, 20____.
DEPARTMENT OF PUBLIC WORKS

CITY ENGINEER (DIRECTOR)

CITY TREASURER CERTIFICATE

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

TREASURER, CITY OF KIRKLAND

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

KING COUNTY 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, DEDICATED AS STREETS, OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL. THIS _____ DAY OF _____, 20____.

DEPARTMENT OF FINANCE

DIRECTOR _____ DEPUTY _____

DEPARTMENT OF ASSESSMENT

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

KING COUNTY ASSESSOR _____ DEPUTY ASSESSOR _____

RECORDER'S CERTIFICATE

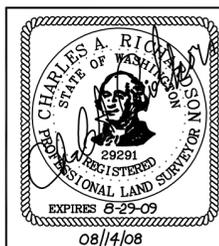
RECORDING NO. _____

FILED FOR RECORD AT THE REQUEST OF THE CITY OF KIRKLAND 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 NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF GARDEN GATE IS BASED ON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., AS REQUIRED BY STATE STATUTES; THAT DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

Charles A. Richardson

CHARLES A. RICHARDSON, CERTIFICATION NO. 29291
REGISTERED PROFESSIONAL LAND SURVEYOR

08/14/08
DATE



DRAWN BY: CR	DATE: MAY, 2008	JOB NO. 07109
CHECKED BY: CR/JT	SCALE: N/A	SHEET: 1 OF 3

GARDEN GATE

CITY OF KIRKLAND FILE NO. PSB07-00001

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., CITY OF KIRKLAND, KING COUNTY, WASHINGTON

LEGAL DESCRIPTION

PARCEL A:

THE SOUTH 70 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON; EXCEPT THE EAST 132 FEET THEREOF;

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE WEST 20 FEET OF THE EAST 152 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 29; EXCEPT THAT PORTION OF SAID EASEMENT LYING WITHIN THE MAIN TRACT.

PARCEL B:

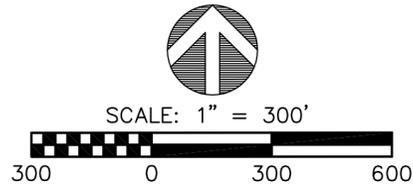
THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE SOUTH 70 FEET LYING WEST OF THE EAST 132 FEET;

EXCEPT THE EAST 12 FEET THEREOF AND EXCEPT THE NORTH 30 FEET CONVEYED TO KING COUNTY FOR ROAD UNDER RECORDING NUMBER 2043385.

N 1/4 COR. SEC. 29-26-5
FOUND PUNCHMARK ON
3" BRASS DISK IN
CONCRETE MON. IN CASE
(VISITED: 03/07)

NE COR. SEC. 29-26-5
FOUND PUNCHMARK ON
3" BRASS DISK SURFACE MON.
STAMPED "LS 16903"
(VISITED: 03/07)



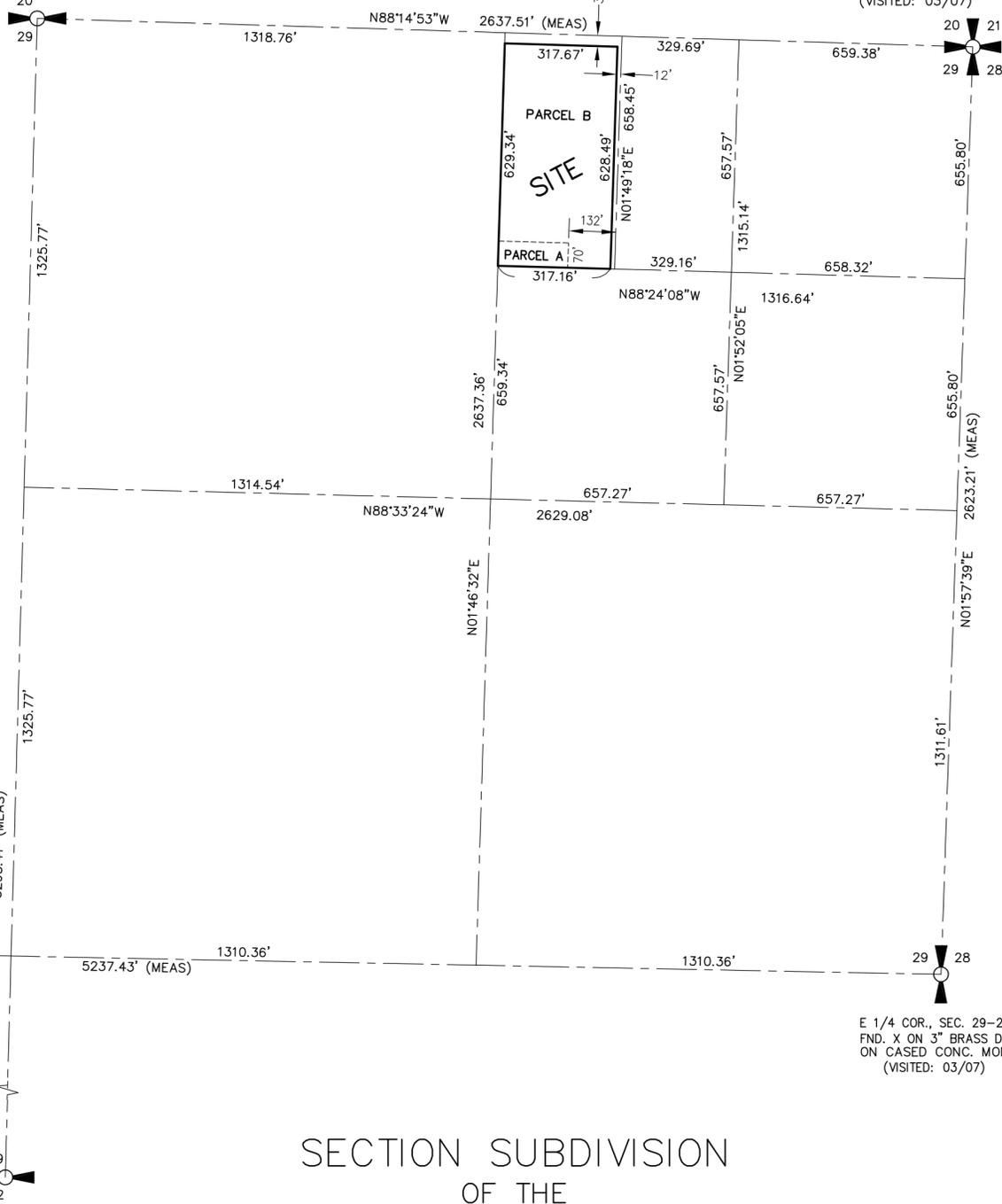
BASIS OF BEARING

HELD BEARING OF N 88°14'53"W BETWEEN MONUMENTS FOUND AT THE NORTH 1/4 CORNER AND THE NE SECTION CORNER OF SECTION 29 PER THE PLAT OF HAMILTON SQUARE, RECORDING NO. 198209270586 RECORDS OF KING COUNTY, WA.

EQUIPMENT USED:
5-SECOND THEODOLITE W/ELECTRONIC DISTANCE METER

METHOD: FIELD TRAVERSE

ACCURACY:
MEETS OR EXCEEDS STANDARDS SET BY
W.A.C. 332-130-090



30
29
N88°52'03"W
W 1/4 COR., SEC. 29-26-5
FND. BRASS PIN SET IN LEAD
IN CASED CONC. MON.
(VISITED: 03/07)

29
28
E 1/4 COR., SEC. 29-26-5
FND. X ON 3" BRASS DISK
ON CASED CONC. MON.
(VISITED: 03/07)

29
32
S 1/4 COR. SEC. 29-26-5
FOUND PUNCHMARK ON 3/8"
BRASS DISK ON CONC. MON.
IN CASE (VISITED: 03/07)

SECTION SUBDIVISION OF THE N.E. 1/4 OF SECTION 29, T. 26 N., R. 5 E., W.M.

EASEMENT PROVISIONS

A PRIVATE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY COMPANY, QWEST, COMCAST, (OTHER PRIVATE UTILITIES), AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS UNDER AND UPON ALL PRIVATE STREETS, ALLEYS AND PRIVATE DRIVES AND, THE EXTERIOR 10 FEET (OR AS SHOWN) PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACTS AND 5.00 FEET PARALLEL WITH AND ADJOINING ALLEYS AND PRIVATE DRIVES. FURTHER EASEMENTS ARE RESERVED OVER PRIVATE LANDS FOR VAULTS, PEDESTALS AND RELATED FACILITIES ("VAULT EASEMENTS") ADJACENT TO THE 5-FOOT WIDE UTILITY EASEMENT RESERVED IN THE PRECEDING SENTENCE AS FOLLOWS: THE VAULT EASEMENT MAY OCCUPY UP TO AN ADDITIONAL 5-FEET IN WIDTH (FOR A TOTAL WIDTH OF 10 FEET) WITH THE LENGTH OF EACH VAULT EASEMENT EXTENDING 5 FEET FROM EACH END OF THE AS-BUILT VAULT(S). THE NUMBER AND LOCATION OF VAULT EASEMENTS WILL BE "AS INSTALLED" DURING THE UTILITY'S INITIAL INSTALLATION OF FACILITIES. THE EASEMENTS ARE RESERVED AND GRANTED IN ORDER TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPE, CONDUIT, CABLES, WIRES, VAULTS AND PEDESTALS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELECOMMUNICATIONS, DATA TRANSMISSION, STREET LIGHTS AND UTILITY SERVICE TOGETHER WITH THE RIGHT TO ENTER UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION. NO LINES OR WIRES FOR TRANSMISSION USES SHALL BE PLACED OR PERMITTED TO BE PLACED WITHIN THIS EASEMENT UNLESS THE SAME SHALL BE UNDERGROUND. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN THE EASEMENTS WITHOUT PERMISSION FROM EASEMENT OWNERS.

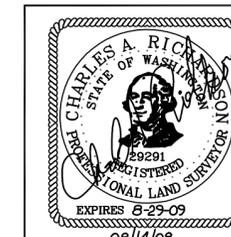
PRIVATE ACCESS, UTILITY & DRAINAGE EASEMENTS

1. THE 15-FOOT WIDE ACCESS & UTILITY EASEMENT SHOWN OVER LOT 10 IS HEREBY GRANTED AND CONVEYED TO, AND IS FOR THE BENEFIT OF LOTS 10 AND 11 FOR THE PURPOSE OF UTILITIES AND A JOINT-USE DRIVEWAY. THE OWNERS OF LOTS 10 AND 11 SHALL BE EQUALLY AND JOINTLY RESPONSIBLE FOR THE MAINTENANCE OF THE FACILITIES WITHIN SAID EASEMENT, WHICH THEY HAVE BENEFIT OF USE.
2. THE 15-FOOT WIDE ACCESS & UTILITY EASEMENT SHOWN OVER LOT 15 IS HEREBY GRANTED AND CONVEYED TO, AND IS FOR THE BENEFIT OF LOTS 14 AND 15 FOR THE PURPOSE OF UTILITIES AND A JOINT-USE DRIVEWAY. THE OWNERS OF LOTS 14 AND 15 SHALL BE EQUALLY AND JOINTLY RESPONSIBLE FOR THE MAINTENANCE OF THE FACILITIES WITHIN SAID EASEMENT, WHICH THEY HAVE BENEFIT OF USE.
3. THE 5-FOOT WIDE PRIVATE DRAINAGE EASEMENT OVER LOT 12 IS HEREBY GRANTED AND CONVEYED TO, AND IS FOR THE BENEFIT OF LOT 11. THE OWNERS OF LOT 11 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE FACILITIES WITHIN SAID EASEMENT.

ENTRY MONUMENT EASEMENTS

THE ENTRY MONUMENT EASEMENTS SHOWN ON LOTS 1 AND 24 ARE HEREBY GRANTED AND CONVEYED TO, AND SHALL BE MAINTAINED BY, THE GARDEN GATE HOMEOWNERS ASSOCIATION.

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., CITY OF KIRKLAND, KING COUNTY, WASHINGTON



SUMMIT SURVEYING

12606-82ND AVE. N.E., KIRKLAND, WA 98034
(425) 814-8487

DRAWN BY: CR	DATE: MAY, 2008	JOB NO. 07109
CHECKED BY: CR/JT	SCALE: 1" = 300'	SHEET: 2 OF 3

GARDEN GATE

CITY OF KIRKLAND FILE NO. PSB07-00001
OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.,
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

THIS PORTION HEREBY DEDICATED TO THE CITY OF KIRKLAND FOR ADDITIONAL ROAD RIGHT-OF-WAY

THIS PORTION HEREBY DEDICATED TO THE CITY OF KIRKLAND FOR ADDITIONAL ROAD RIGHT-OF-WAY



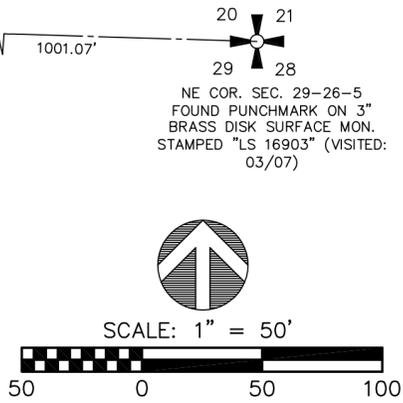
LEGEND

- ⊙ CONCRETE MONUMENT WITH PUNCHMARK IN BRASS DISK IN CASE, STAMPED "29291" (TO BE SET AS CONSTRUCTION IS COMPLETED).
- SET 1/2" X 24" REBAR & PLASTIC CAP "SSI LS 29291", AT CORNERS AND ANGLE POINTS, AS SHOWN (TO BE SET AS CONSTRUCTION IS COMPLETED).
- FOUND PROPERTY CORNER AS NOTED (VISITED: MARCH, 2007)
- (R) RADIAL BEARING
- (A) EXISTING 15' WIDE SANITARY SEWER EASEMENT PER RECORDING NO. 20080429001814
- (B) EXISTING 15' WIDE WATER LINE EASEMENT PER RECORDING NO. 20080429001815
- (C) 15' WIDE ACCESS & UTILITY EASEMENT AS GRANTED BY THIS PLAT & EXISTING 15' WIDE SANITARY SEWER EASEMENT PER RECORDING NO. 20080429001780
- (D) 15' WIDE ACCESS & UTILITY EASEMENT AS GRANTED BY THIS PLAT & EXISTING 15' WIDE SANITARY SEWER EASEMENT PER RECORDING NO. 20080429001781
- (E) 10' WIDE UTILITY & PUBLIC STORM DRAINAGE EASEMENT PARALLEL WITH AND ADJOINING THE STREET FRONTAGE ALONG THE NORTH PORTION OF LOT 1 AND PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF THE EASTERLY PORTION OF LOTS 9 AND 10, AS SHOWN, AND PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 12 THROUGH 17 AND LOT 24, AS SHOWN.
- (F) 13' WIDE UTILITY, PUBLIC STORM DRAINAGE & PUBLIC SIDEWALK/PEDESTRIAN EASEMENT, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE ALONG THE EAST PORTION OF LOT 1 AND PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 2 THROUGH 7, AS SHOWN.
- (G) 20' WIDE UTILITY & PUBLIC STORM DRAINAGE EASEMENT, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 18 THROUGH 23, AS SHOWN.
- (H) 16' WIDE UTILITY, PUBLIC STORM DRAINAGE & PUBLIC SIDEWALK/PEDESTRIAN EASEMENT, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOT 8, OR AS SHOWN, AND THE NORTHEAST PORTION OF LOT 9, AS SHOWN.
- (J) 10' WIDE PUBLIC SIDEWALK/PEDESTRIAN EASEMENT
- (K) 5' WIDE PRIVATE STORM DRAINAGE EASEMENT
- (L) 5' WIDE PUBLIC SIDEWALK/PEDESTRIAN EASEMENT
- (M) 5' WIDE PUBLIC SIDEWALK/PEDESTRIAN EASEMENT, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 9 AND 10, AS SHOWN.
- (N) 10' WIDE PUGET SOUND ENERGY EASEMENT, PER RECORDING NO. 20080807000600, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE ALONG THE NORTH PORTION OF LOT 1 AND PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 16 THROUGH 24, AS SHOWN.
- (P) 25' WIDE PUGET SOUND ENERGY EASEMENT, PER RECORDING NO. 20080807000600, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE ALONG THE EAST PORTION OF LOT 1, AS SHOWN, AND PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 2 THROUGH 15, AS SHOWN.

S.S.E. SANITARY SEWER EASEMENT
W.E. WATER LINE EASEMENT

NOTE: SEE EASEMENT PROVISIONS ON SHEET 2.

CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	86°12'33"	37.62'	25.00'
C2	22°20'23"	9.75'	25.00'
C3	23°50'50"	10.41'	25.00'
C4	76°21'30"	53.31'	40.00'
C5	28°38'52"	20.00'	40.00'
C6	31°32'20"	22.02'	40.00'
C7	33°19'29"	23.27'	40.00'
C8	28°38'53"	20.00'	40.00'
C9	73°51'22"	51.56'	40.00'
C10	17°32'37"	7.65'	25.00'
C11	28°38'36"	12.50'	25.00'
C12	93°47'27"	40.92'	25.00'
C13	05°08'27"	2.24'	25.00'
C14	10°07'47"	4.42'	25.00'

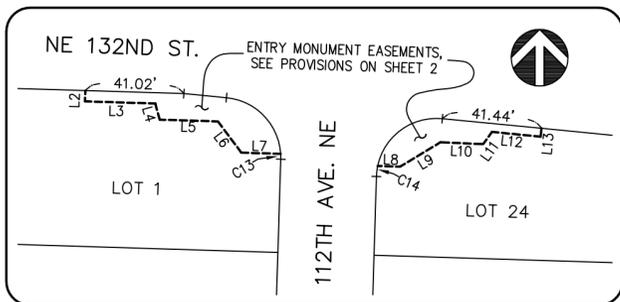


BASIS OF BEARING
HELD BEARING OF N88°14'53"W BETWEEN MONUMENTS FOUND AT THE NORTH 1/4 CORNER AND THE NE SECTION CORNER OF SECTION 29 PER THE PLAT OF HAMILTON SQUARE, REC. NO. 198209270586 RECORDS OF KING COUNTY, WA.

EQUIPMENT USED:
5-SECOND THEODOLITE W/ELECTRONIC DISTANCE METER

METHOD: FIELD TRAVERSE

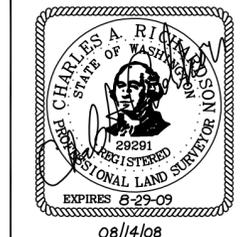
ACCURACY:
MEETS OR EXCEEDS STANDARDS SET BY W.A.C. 332-130-090



ENTRY MONUMENT EASEMENT DETAIL
1" = 50'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N84°26'01"W	17.78'
L2	N01°45'07"E	4.50'
L3	N88°14'53"W	29.22'
L4	N15°16'22"W	6.98'
L5	N88°14'53"W	24.27'
L6	N36°38'38"W	16.23'
L7	N88°14'53"W	16.39'
L8	N88°14'53"W	9.30'
L9	N58°47'20"E	19.63'
L10	N87°30'07"W	17.82'
L11	N35°24'42"E	6.24'
L12	N84°26'01"W	20.38'
L13	N05°33'59"E	3.50'

A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., CITY OF KIRKLAND, KING COUNTY, WASHINGTON



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DRAWN BY: CR	DATE: MAY, 2008	JOB NO. 07109
CHECKED BY: CR/JT	SCALE: 1" = 50'	SHEET: 3 OF 3

08/14/08

RESOLUTION R-4726

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE PRELIMINARY SUBDIVISION AND PRELIMINARY PLAT OF GARDEN GATE AS APPLIED FOR BY PHOENIX DEVELOPMENT OF SUNDQUIST HOMES BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB08-00002 AND SETTING FORTH CONDITIONS TO WHICH SUCH PRELIMINARY PLAT SHALL BE SUBJECT.

WHEREAS, the Department of Planning and Community Development has received application for a subdivision and preliminary plat of property within a RSX 7.2 zone and said application having been made by PHOENIX HOMES the owner of the real property described in said application; and

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

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

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

WHEREAS, the proposal for subdivision and preliminary plat has been submitted to the Kirkland Hearing Examiner, who held public hearing thereon at his regular meeting of December 10, 2007; and

WHEREAS, the Kirkland Hearing Examiner, after public hearing and consideration of the recommendations of the Department of Planning and Community Development, did adopt certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the preliminary plat subject to the specific conditions set forth in said recommendation; and

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Hearing Examiner, (together with a timely filed challenge of said recommendation).

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 Kirkland Hearing Examiner as signed by him and filed in Department of Planning

and Community Development File No. FSB08-00002 are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The subdivision and preliminary plat of _____ is hereby given approval subject to the conditions set forth in the recommendations hereinabove adopted by the City Council.

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

Section 4. A complete 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.

Section 5. A copy of this resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted, shall be attached to and become a part of the evidence of the preliminary approval of said subdivision and preliminary plat to be delivered to the applicant.

PASSED by majority vote of the Kirkland City Council in open meeting on the _____ day of _____, 20____.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk