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

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Kirkland Hearing Examiner

From: Susan Lauinger, Project Planner

Date: **April 29th, 2015**

Subject: APPEALS OF AVALON EAST AND AVALON WEST SHORT PLATS; 10633 128th Ave NE
FILE #'s: SUB14-01032 & SUB14-01033

Hearing Date and Place: **Thursday May 7th, 9:00 a.m.**
City Hall Council Chambers
123 Fifth Avenue, Kirkland

I. INTRODUCTION

A. Appellant: Sam Elder and Lauren Elder residing at 12716 NE 106th Ln, Kirkland WA.

B. Actions Being Appealed: The Planning Director decision to approve with conditions two short plat applications where the properties are side by side, known as Avalon East (SUB14-01032) and Avalon West (SUB14-01033) (See Exhibits A and B for both staff reports/notice of decision).

C. Issues Raised in Appeal letter (summarized): The appellant, Sam Elder, disputes several aspects of the short plat approval in his appeal letter (Exhibit C), which he says "should be denied". The key issues raised are paraphrased from his letter and bullet pointed below:

- Appeal Fees: The City inappropriately required two appeal fees for two short plats that the City has consolidated into one appeal hearing.
- Tree Retention: Several aspects of tree retention are appealed such as: protection of a grove adjacent to the appellant's home, retention of trees along the access easement, tree density in relation to short plat approval, failure by the City to tie the short plat approval to a code violation on the subject properties, allowing the applicant to use phased tree review, inadequate tree planting standards, and an inaccurate arborist report submittal for the short plats.
- Code Violations: The applicant is not the legal owner of the property and illegally cut trees; The City should not approve the short plats until the applicant's code violation on the subject property and other possible code violations within the City are remedied.
- Public Notice: The applicant provided inaccurate postings on the public notice signs, an amended notice of approval was inadequate, and email is insufficient notice "under applicable law"
- Longer list of items: The short plat "contains inadequate provisions" for the following: parking and parking pads, water and sanitation, fences, street trees, protection of neighbors in terms of work hours, "setbacks and set back yards, which should have been coordinated with tree retention".

II. RULES FOR THE APPEAL HEARING AND DECISION

Conduct the appeal hearing on May 7th 2015. Take oral comments from parties entitled to participate in the appeal as defined in Kirkland Zoning Code (KZC) Section 145.70. Based on the findings and conclusions of the Hearing Examiner, the Hearing Examiner shall either:

A. Affirm the decision being appealed;
B. Reverse the decision being appealed; or
C. Modify the decision being appealed.

The decision by the Hearing Examiner is the final decision of the City.

III. HEARING SCOPE AND CONSIDERATIONS

The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the Planning Director's decision disputed in the letter of appeal, and the Hearing Examiner may only consider comments, testimony and arguments on these specific elements. (See Prehearing Conference, section IV below for scope limitations based on the Examiner's ruling on the City's pre-hearing motions).

1. Per KZC 145.95, the person filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Director made an incorrect decision.
2. The Hearing Examiner has agreed to allow the City to consolidate the appeal staff analysis into one report as long as "important distinguishing characteristics of each short subdivision are called out in the report". For clarity, the City offers Exhibit C, which is an overhead view of the two parcels and shows each short plat's access and lot layout together instead of separately.

IV. PRE-HEARING CONFERENCE

A pre-hearing conference was held by the Hearing Examiner on March 20th 2015 to discuss the appellant's discovery requests, dispositive motions and a case schedule. The Hearing Examiner set forth deadlines for dispositive motions and responses to them which were met by the City and the Appellant.

A. The City filed a motion to dismiss several aspects of the appeal on April 3rd, 2015
B. The Appellant filed a response to the motion to dismiss on April 17th, 2015
C. The City declined to file a reply.
D. The Examiner issued a final decision for dispositive motions on April 24th allowing the motion to dismiss the following items in the appeal letter: 2, 3, 5 through 9, 13, 14 (partially dismissed) & 22 through 24, leaving the following appeal issues for hearing: 1, 4, 10-12, the first phrase in 14 & 15-21 (see Exhibit D).
E. On April 30th the parties are required to submit their final witness and exhibit list.

V. BACKGROUND & SITE DESCRIPTION

A. Site Location: 10633 128th Ave NE (File No. SUB14-01032) and the adjacent vacant parcel to the direct west (SUB14-01033).

1. The applicant submitted two separate short plat applications called Avalon East (SUB14-01032) and Avalon West (SUB14-01033). It was the applicant's choice to submit two short plat applications.
2. Prior to the decisions for these short plats, a lot line alteration was completed to

adjust the lines between the east and west parcels in a manner that would create the required lot sizes.

B. Planning Director Decision: The Planning Director issued his decision on January 15th 2015 as "Approval with Conditions" for both short plats. Subsequently, staff discovered directional (east/west) errors in the Director's decision. The errors, which did not change the decision, were corrected and the notice was re-issued on January 22nd 2015 within the appeal period as is allowed per KZC 145.45.6. (See Exhibits A and B, first two pages of each).

C. Zoning and Land Use: The subject properties are zoned RSX 7.2, a low density residential zoning designation. The Avalon East parcel is 12,345 square feet and Avalon West parcel is 14,956 square feet.

D. Proposal: Each parcel is proposed to be subdivided into two lots, one meeting minimum lot size and the other utilizing the small lot provisions of the Kirkland Municipal Code (KMC) section 22.28.042. The lot sizes proposed are as follows:

Avalon East:	Lot 1: 7,200	Avalon West:	Lot 3: 5,015
	Lot 2: 5,145		Lot 4: 7,204

E. Code Enforcement Case:
1. Sam Elder filed a complaint against Merit Homes on November 17, 2014 alleging that Merit Homes removed trees from the property in violation of City codes. The City opened an enforcement case against Merit Homes and that enforcement matter is currently pending. The Hearing Examiner ruled the appeal issues raised by the Elders that relate to the tree removal enforcement matter are not within the scope of this appeal. The City will therefore not further address the code enforcement action against Merit Homes in this appeal.

VI. STAFF ANALYSIS OF ISSUES RAISED IN THE APPEAL

A. Sam and Lauren Elder's appeal letter can be found as Exhibit E, which lists 24 separate appeal issues.

B. Several issues were dismissed by the Hearing Examiner per the motion submitted by Assistant City Attorney, Oskar Rey in his motion to dismiss submitted on April 3rd, 2015.
1. The Hearing Examiner dismissed the following items (by number in the appeal letter): 2, 3, 5 through 9, 13, 14 (partially dismissed) & 22 through 24.
2. The remaining appeal items will be addressed below by the staff analysis as per Hearing Examiner order: 1, 4, 10 through 12, and 15 through 21. The Examiner has limited item 14 in the appeal letter to only the first phrase, which states: "The City provided inadequate tree retention standards and tree planting standards," and the rest of the sentence is stricken.

C. Standard of Review for Short Plats in the City of Kirkland:

1. The City's short plat criteria for approval are set forth in Kirkland Municipal Code (KMC) section 22.20.140:

22.20.140 Planning director's decision—Criteria

In addition to the decisional criteria identified in KZC 145.45(2), the planning director may approve the short subdivision only if:

(a) There are adequate provisions for open spaces, drainageways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds and schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW.

2. The KMC section above references decisional criteria that must be met for short plats in the Kirkland Zoning Code (KZC), Chapter 145.45 (2):

145.45 Planning Director's Decision

2. Decisional Criteria – The Planning Director shall use the criteria listed in the provision of this code describing the requested decision in deciding upon the application. In addition, the Planning Director may approve the application only if:

a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

b. It is consistent with the public health, safety and welfare.

D. The following is a staff analysis of the Zoning Code and Municipal Code requirements related to the issues raised in the appeal. Staff analysis of the appeal issues are based on the decisional criteria as listed in the KMC and KZC as shown above in items C 1 and 2. The appeal issues are listed in numerical order as they appear in the letter by Sam Elder received January 29th, 2015 except for the items dismissed by the Examiner. Note: the appellant's contentions are sometimes paraphrased from his letter.

E. Specifics of the appeal as allowed by the Examiner by item number in the appeal letter:

1. Grove Easement—Sam Elder contends that tree numbers 10-13 comprise a grove and should be retained as part of the short plat (See Exhibit F). Note that the grove is contained only on Avalon East Short Plat and will be addressed in that manner.

Staff Response:

a. Kirkland Zoning Code (KZC) Chapter 95, establishes the development regulations for retention of trees in a short plat proposal. Trees 10-13 are

a grove by code definition of any three significant trees with touching crowns.

b. The applicant is allowed to choose between an integrated tree plan, which decides tree retention at the short plat approval stage, or a phased review (see KZC 95.30.6). Phased review tree retention is decided at the permit stage, first with the grading permit, and last with the building permits for each lot.

c. The short plat application requires that each tree be shown as to location, health and significance but does not require that grove retention be decided at this stage (see chart in Chapter 95.30.5).

d. The applicant chose to undertake a phased review. With phased review, final location of utilities and house footprints are not known. Therefore, it is difficult at the short plat stage to determine if the impacts to trees will allow retention of a grove.

e. The City's arborist has evaluated all trees and has "typed" the trees for their retention value (see Exhibit A, Attachment 3 pages 1 through 4). See KZC 95.10.13 for retention value standards. Note that the Planning Official determines the final retention value of trees based on "information provided by a qualified professional." The planner uses the information from the City's arborist and the applicant's arborist in this determination.

f. The City's arborist, Tom Early, has typed tree numbers 11 & 13 as high retention value, and tree numbers 10 & 12 as moderate retention value. However, per 95.10.13, the retention value of trees can change based on the impacts to trees, which are not known at this time due to the phased tree review approach. An example of how tree retention value can change: 95.13.a says that tree retention "shall be directed" to "tree groves", but also states "provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32."

g. Section 95.32 of KZC allows modification of some development standards such as parking areas or setback yards in order to retain trees.

h. In this case, the grove was not selected for grove retention at the time of short plat decision because without knowledge of the house footprints and utility locations, it is not possible to know the impacts to those trees (see Exhibit G). Under a phased review approach, it is prudent to make this decision when all impacts to trees are known. The trees in question are on Lot 2, which is a small lot (5,145 SF), and it is likely that a house and a grove designation will not both fit safely.

i. The grove will be further evaluated at the time of grading and utility placement and then again at the building permit review for this lot. The Planning Official reviewing those permits will use the short plat as the starting point for this decision, also taking into account the building footprint and utilities so as not to create a situation where trees become hazards in the future due to development impacts. Too, the Elder's home and neighboring homes could be possible targets for any one of these trees should any fail. This is a risk that the City cannot approve as it is not conducive to public safety.

j. Staff concludes that a grove requirement at this stage of development could not meet the criteria for short plat approval in KMC 22.40.140.b and 145.45.2 due to the possibility that these trees would become hazard

trees, which would not be conducive to the public health and safety criteria for short plat approvals.

2. Item 2 was dismissed by the Hearing Examiner.

3. Item 3 was dismissed by the Hearing Examiner.

4. Arborist Report: Item 4 in the appeal letter concerns the initial arborist report submitted with the application and Mr. Elder contends that the arborist report submitted with the application was "prepared improperly" and that the "subplat [sic] should be denied because a subplat [sic] requires accurate arborist reports". Additionally, Mr. Elder alleges that Merit Homes instructed their arborist (Tree Solutions) to "ignore and not include in its report numerous, healthy, viable trees that were standing on March 3, 2014" and that "numerous healthy trees" were removed from "these two lots".

   The Hearing Examiner's decision to deny the City's motion to dismiss this appeal item states the following reason for denial: "The electronic copies of the Department's two short subdivisions that the Examiner reviewed included only the arborist report dated March 3, 2014. Therefore, the motion to dismiss appeal item 4 is DENIED."

   Staff Response:

   a. Merit Homes initially submitted an arborist report that was inaccurate as to tree species on the site at the time of application, which is provided here for reference in Exhibit H. The date shown on this originally submitted arborist report is "March 3, 2014; Revised May 27, 2014". It is unclear why the arborist report lists these dates in this manner, or why the report was revised on May 27th. The submission of the short plat application, including the arborist report in Exhibit H is June 6th, 2014.
   b. Staff requested a new arborist report after making a site visit to the Avalon sites. At that time, trees were already cut and some already removed. It was also discovered that the arborist report was inaccurate as to species of tree listed and an accurate arborist report was requested and provided (see Exhibit I). Note that the new arborist report is dated by the arborist as "March 3rd, 2014; Revised October 22nd 2014". Trees that were cut inappropriately were already referred to code enforcement at this point, and were being handled appropriately per KMC 1.12. Staff requested a new arborist report because the trees in the tree table were misidentified, which can be seen by comparing the two tree tables in Exhibits H and J, tree numbers 13 through 18. The arborist report shown as revised October 22nd and included in the staff report is the accurate report.
   c. There are no provisions in KMC 22 for denial of an application based on inaccurate information. The remedy for inaccurate information is to provide accurate information, which Merit Homes provided prior to the short plat decisions. Trees removed during development activity were referred and handled appropriately through the City's code enforcement procedures.

d. Staff concludes that the Planning Director's decisions for both short plats were based on an accurate arborist report, and the short plat decision should be upheld.

5. Items 5 through 9 are dismissed by the Hearing Examiner.

10. Ownership of the property: Mr. Elder's contention is that Merit Homes was not legal owner of the property at the time of the short plat application and that the short plat should be denied because of this.

Staff Response:

a. KZC 145.15.1 sets forth the following requirement in regards to ownership where application of a Process I permit is concerned:
"Who May Apply – Any person may, personally or through an agent, apply for a decision regarding property he/she owns."

The title reports submitted with the applications indicate ownership by Marilynn Hall (see Exhibit J). The applicant was questioned concerning the title report and ownership and claimed that they were operating under a real estate contract. Staff accepted this explanation for two reasons:
1) The considerable experience of Merit Homes as a frequent short plat applicant in Kirkland, and
2) If ownership were in question at the time of recording, the owners as indicated on title report must sign under notary the short plat recording documents (see below).

b. KMC 22.20.360 Short plat documents—Signing:
"Following approval of a short plat and after the applicant has made any changes to the short plat documents as a result of any conditions, restrictions or modifications in the decision, and either installed or otherwise guaranteed the installation of required improvements, the planning director shall sign the short plat documents; provided, however, the planning director shall not sign the short plat documents until said documents have been signed and acknowledged by all persons and on behalf of all entities holding an ownership interest in the land subdivided, and the applicant has completed all requirements of this section through Section 22.20.370." (Underlined emphasis added)

c. Kirkland's short plat criteria in the KMC requires that "The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW." (note: RCW stands for Revised Code of Washington)
(1) RCW 58.17.205 states the following: "If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no

disbursement to sellers shall be permitted until the final plat is recorded."

d. Conclusion: Staff concludes that if ownership was in question at the time of recording, the short plat documents would need to be signed by all owners of the property and further, approval of the short plat is not possible until that requirement is finalized per RCW's and the KMC. Short Plats are not signed or recorded until all applicable conditions of approval are met.

11. Access in relation to tree retention: Mr. Elder contends that "moving the road access to the north is an improvement over what was proposed" but also contends that the "City should have required that trees with high and moderate retention value be preserved as part of the approval". He further implies that the road should be moved in order to retain more trees.

Staff Response:

a. KZC chapter 95.10.13 sets forth the retention value of trees. These values are based on the setback yards and, per these definitions, there are no setback yards within an access easement. Further, per these definitions, trees are "low retention value trees" if they are "in an area where removal is unavoidable due to the anticipated development activity".
b. The City's arborist has typed the trees within the access easement (tree numbers 15, 16, and 18) as moderate and low retention value. Moderate retention value trees are to be retained "if feasible".
c. In some cases, the applicant can pursue variations to the development standards in order to retain trees (see KZC 95.32). 95.32.5 states: "... the Planning Official is authorized to require site plan alterations to retain trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions."
d. "Reasonable solutions" were not found in this case because the road would need to be moved to the middle of proposed lot 1 in order to accommodate the tree's "limits of disturbance" (see Exhibit K). Further, none of the trees in the easement are typed as "high retention value".
e. In conclusion, tree retention with respect to vehicular access is appropriate and should be affirmed.

12. Tree Retention and Tree Density: This item concerns the tree retention plan in relation to the required tree density. Mr. Elder contends that the trees that were removed as part of the violation should be counted when deciding tree density and, because they were not, the short plat should be denied.

Staff Response:

a. KZC 95.33 regulates tree density, requires that short plats maintain a minimum of 30 tree credits per acre, and further requires that this

density be maintained on each proposed lot. This density can be met using a combination of existing and supplemental trees to be planted.

b. This code section does not require that the density be met only with existing trees but states "For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density."

c. Staff concludes that the site can meet tree density requirements by planting supplemental trees to satisfy this requirement. If any site falls below the required density, it must meet the density by planting supplemental trees. This is spelled out in Attachment 3 of each staff report. It is a "condition of approval" of the short plat and thus this requirement is met for both short plats.

13. This item was dismissed by the Examiner.

14. This item was partially dismissed by the Examiner. The phrase that is allowed to move forward in appeal is the following: "The City provided inadequate tree retention standards and tree planting standards,"

<u>Staff Response:</u>

Tree planting and retention standards are set forth in Chapter 95 and are required to be followed for any development activity. Further, on sites without development activity, there are standards to follow as well. Given the length of this chapter and the non-specific nature of the appeal in naming these standards as "inadequate", staff offers the following:

a. The goal of chapter 95 is found in the purpose and intent section of Chapter 95.05 and seeks to maintain and enhance the environment and community through the retention of trees and specifically seeks a city-wide tree canopy coverage of 40%. This purpose and intent is regulated throughout the chapter with specific regulations that must be followed by all citizens and applicants for development. Maintaining existing canopy is generally sought first, but if not possible, the tree density requirements of 30 tree credits per acre is required with any lot that will be developed in order to meet the 40% canopy goal.

b. The tree retention standards in Chapter 95 follows the same general rules of retention in two circumstances: <u>With</u> and <u>without</u> development activity. Each carries the intent to retain as many healthy, viable, significant trees as possible while still allowing reasonable development to occur.

c. Property owners with developed property are allowed to remove 2 trees every 12 months should they choose, healthy or not, but they may not remove the last 2 trees without first replanting.

d. With development activity, as is the case with the Avalon Short Plats, staff sometimes need to make decisions based on many different scenarios that would affect tree retention including but not limited to: house placement, driveway placement, neighboring trees, utility placement and common landscaping activities, balancing this against

the health and significance of the trees being affected by development activities. Safety of the residents is of paramount importance due to the damage trees can cause when they fall in urban areas. This is balanced against the intent of retaining healthy trees, which is sometimes not safe to do in urban areas, and especially so with small lots. If it is safe, and the tree is a high or moderate retention value tree, retention is sought by the Planning Official. Calling this process "inadequate" without providing any examples of how it is so, makes this appeal issue difficult to answer.

e. Planting standards are found in 95.50 and is extensive in its requirements including how to install trees, giving them enough room to reach their full potential, keeping them healthy as they grow by required irrigation and fertilization standards, and timing of installation to ensure that they do survive to healthy adulthood and much more. In addition, the City requires that invasive plants affecting trees are removed. Calling these standards "inadequate", again without providing examples of how they are inadequate is in itself an inadequate appeal issue.

f. Staff concludes that the City's tree retention and planting standards are adequate to meet the goals of this ordinance, which seeks to maintain a 40% tree canopy while allowing reasonable development activity. If the appellant's goals are separate from the City's in maintaining only those trees affecting his property that is an entirely separate issue the City is not addressing in this appeal.

15. through 20.<u>Various "provisions" for "subplat" [sic] approval are "inadequate:</u>

The appeal letter lists several items as "inadequate" but does not state why these items are inadequate or what the remedy should be for the inadequacy. Based on the rest of the appeal, staff speculates that Mr. Elder is requesting that the short plat be denied because the items in this list are not met.

a. The list of items that are "inadequate" according to Mr. Elder are the following:
    - Parking and parking pads
    - Water and sanitation
    - Fences
    - Work hours
    - Setbacks and setback yards

b. The staff reports for Avalon East and West have "conditions of approval", which means that the short plat cannot be approved unless these conditions are met. The conditions are indicated in Attachment 3 called "Development Standards" of each staff report and this condition of approval reads:

> "This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of these development regulations. This attachment references current regulations and does not include all of the additional regulations. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these

ordinances. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed"

c. Each of the items listed in 15-20 are required to be met by the KMC either prior to recording or prior to occupancy or as part of the Zoning Code Standards.
d. The approval criteria in KZC 145.45 states the planning director can approve a short plat "only if..."It is consistent with all applicable development regulations".
e. Each of the items listed as "inadequate" by Mr. Elder are required by the conditions of approval of the short plat (see page 2 of each staff report) and therefore are adequate because the short plat may not be developed until these conditions are met.

21. Mr. Elder contends that the "subplat [sic] contains inadequate tree protection measures and techniques" and further contends that the grove and other trees "should have been retained and adequate provisions for maintenance to ensure survival should have been included in the subplat [sic] conditions".

a. The answer to this question is directly above in item b (appeal issues 15-20). Not every condition of approval is listed in the staff report and decision, but this clearly does not absolve the developer of regulations required by the City.
b. Both tree protection measures, and maintenance of trees is required, but these requirements come at the time they are appropriate in the development activity. Exhibit L graphically shows the tree protection measures and techniques that must be taken at each development phase. This graphic is required to be placed on all development plans such as grading permits and building permits. Planners inspect each tree fence before a permit is issued for a single family permit and Public Works inspectors inspect this tree fencing prior to grading activities commencing.
c. A tree maintenance agreement is required to be submitted and signed and recorded with King County prior to issuance, or occupancy of a single family building permit. An example of this document can be found as Exhibit M.
d. Staff concludes that tree protection and maintenance are adequately provided for in Kirkland Development Standards.

22. through 24. Dismissed by the Hearing Examiner.

VII. RECOMMENDATION

Staff recommends that the Hearing Examiner uphold the Planning Director's decisions for approval with conditions for both short plats.

VIII. ATTACHMENTS

Exhibit A	Avalon East Staff Report with attachments and corrected decision SUB14-01032
Exhibit B	Avalon West Staff Report with attachments and corrected decision SUB14-01033
Exhibit C	Overhead view of the two short plats—effect of Planning Director Decision
Exhibit D	Examiner's final decision on dispositive motions
Exhibit E	Letter of appeal by Sam Elder and Lauren Elder
Exhibit F	Grove (trees 13-13) from Tree Retention Plan
Exhibit G	Tree numbers 10-13 in comparison to buildable area
Exhibit H	Applicant's arborist report, initial submission (Tree Solutions); for both Avalon East and West
Exhibit I	Applicant's arborist report, final submission (Tree Solutions); for both Avalon East and West
Exhibit J	Title reports for both Avalon East and West
Exhibit K	Trees in relation to access
Exhibit L	Tree protection requirements
Exhibit M	Tree maintenance agreement

Exhibit A--Staff report with corrected decision for Avalon East
Appeal of two short plats:
Avalon East : SUB14-01032
Avalon West: SUB14-01033

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225
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CITY OF KIRKLAND
CORRECTED NOTICE OF DECISION

Date corrected notice sent:
January 22, 2015

Permit application:	Avalon East SUB14-01032
Location:	10633 128th Ave NE
Applicant:	Merit Homes
Project description:	Subdivide one parcel in to two single family lots
Decisions Included:	Short Plat (Process I)
Project Planner:	Susan Lauinger
Department Decision:	**Approval with Conditions**

NOTE: The notice of decision sent on January 15th, 2015 contains directional errors pertaining to the east and west short plats. Pursuant to Kirkland Zoning Code section 145.45.6, this notice corrects those errors but does not change the conditions of approval, decision date, or appeal deadline.

Since review of this proposed subdivision is occurring simultaneously with the Avalon West short plat located immediately to the west, there is an opportunity to coordinate the access to the two developments. Specifically, there is no apparent reason why the two developments could not easily share the same access driveway/access easement. This would have the benefit of reducing the extent of roadway pavement and the attendant vegetation removal. The driveway/easement on the Avalon West site is the logical location to serve both developments.

Therefore, prior to recording this short plat, the applicant shall revise the short plat to eliminate the proposed access easement on the south side of the property and relocate access to/from the easement to the north of the property.

Eric Shields, Director
Department of Planning and Community Development

Decision Date:	January 9, 2015
Appeal Deadline:	January 29, 2015

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision.* A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., January 29, 2015. For information about how to appeal, contact the Planning Department at (425)587-3225. An appeal of this project decision would be heard by the City's Hearing Examiner.

CITY OF KIRKLAND
Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 - (425) 587-3225
www.kirklandwa.gov

CITY OF KIRKLAND
NOTICE OF DECISION

JANUARY 15, 2015

Permit application:	Avalon East SUB14-01032
Location:	10633 128th Ave NE
Applicant:	Merit Homes
Project description:	Subdivide one parcel in to two single family lots
Decisions Included:	Short Plat (Process I)
Project Planner:	Susan Lauinger
Department Decision:	**Approval with Conditions**

Since review of this proposed subdivision is occurring simultaneously with the Avalon West short plat located immediately to the west, there is an opportunity to coordinate the access to the two developments. Specifically, there is no apparent reason why the two developments could not easily share the same access driveway/access easement. This would have the benefit of reducing the extent of roadway pavement and the attendant vegetation removal. The driveway/easement on the Avalon East site is the logical location to serve both developments.

Therefore, prior to recoding this short plat, the applicant shall include in the recording the necessary easement to accommodate the Avalon West access.

Eric Shields, Director
Department of Planning and Community Development

Decision Date:	January 9, 2015
Appeal Deadline:	January 29, 2015

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

How to Appeal: *Only the applicant or those persons who previously submitted written comments or information to the Planning Director are entitled to appeal this decision.* A party who signed a petition may not appeal unless such a party also submitted independent written comments or information. An appeal must be in writing and delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., January 29, 2015. For information about how to appeal, contact the Planning Department at (425)587-3225. An appeal of this project decision would be heard by the City's Hearing Examiner.

CONDITIONS OF APPROVAL

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

2. Prior to recording the short plat, the applicant shall:

   a. Record on the face of the plat, a floor area ratio restriction and accessory dwelling unit restriction for Lot 2 pursuant to Kirkland Municipal Code (KMC) section 22.28.042(d) and KMC 22.28.042 (f) (see Section V).

   b. Demolish all existing structures.

II. SITE AND NEIGHBORHOOD CONTEXT

Zoning District	RSX 7.2
Property Size	Attachment 2 shows the lot size is 12,345 SF
Comprehensive Plan	(LDR 6) Low Density Residential, 6 dwelling units per acre
Current Land Use	Single family home and accessory structures
Proposed Lot Sizes	Lot 1: 7,200 SF Lot 2: 5,145 SF
Lot Size Compliance	Both lots meet the minimum lot size for the zone after applying the small lot size provisions of Kirkland Subdivision Code Section 22.28.042. See Section V below for a compliance analysis.
Terrain	The site is generally flat and landscaped with trees and vegetation typical of a single family home. There are no slopes.
Trees	There are 15 significant trees on the site. The survey indicates that there were 2 additional trees on this site, which were removed by the applicant after submitting the short plat application, which does not comply with Chapter 95 of the Kirkland Zoning Code. This matter was referred to code enforcement (case COM14-00460). Attachment 4 shows the location, tree number, and general health of the remaining existing trees, as assessed by the applicant's arborist. The applicant is proposing phased review of the short plat pursuant to KZC 95.30.6.a. See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements.
Access	Access to Lot 1 is proposed from 128th Ave NE. Access to lot 2 is from an access easement extending from 128th Ave NE, along the south property line of the site and terminating at the east property line of Lot 2.
Neighboring Zoning and Development: North, South, East and West	Single Family Homes in the RSX 7.2 Zoning Designation surround the property on all sides

III. PUBLIC NOTICE AND COMMENT

A. The public comment period for this application ran from July 24th 2014 to August 11th, 2014. The City received three public comments from the Elder Family: Sandi, Sam, and Lauren whose home borders the site (See Attachment 5). The concerns expressed in the attached letters are paraphrased below and staff responses are found in italics.

1. Merit Homes, the applicant, has already cut trees on this lot and the adjacent lot, which was arranged with the prior owners and is illegal because they didn't follow tree regulations and laws concerning ownership of property in this State.

Staff Response: The tree cutting that occurred has been referred to code enforcement and will be resolved through the code enforcement process (File COM14-00460). The City allows applicants to act on behalf of the owners of property within the City.

2. The Elders are strongly opposed to any additional tree cutting.

   Staff Response: Chapter 95 of the Kirkland Zoning Code (KZC) regulates trees within the City. The applicants are proposing a "phased tree review", which means that tree retention will be decided in "phases" starting with utility and infrastructure placement for a land surface modification permit then with each successive single family building permit. Decisions on the retention of trees is decided with the individual permits based on the placement of the utilities and the homes and the retention value of each tree. Trees are not allowed to be removed at the short plat stage. KZC Section 95.35.5 states: "the Planning Official is authorized to require site plan alterations to retain trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions". (see also Attachment 3 for the City's review of trees within this short plat).

3. Merit Homes should be required to plan their building in a way that will mitigate the damage to their neighbor's [trees] and to the city.

   KZC Chapter 95 requires that applicants identify trees on adjoining property and install tree protection measures prior to development activity. See Attachment 3 for tree retention requirements on the subject property.

4. The number of significant trees that will be removed as part of the short plat application violates various sections of KZC Chapter 95, including 95.05, purpose and intent.

   Staff Response: The purpose and intent section of Chapter 95 contains general information about the intent of the regulations within Chapter 95. However, the intent section does not contain any specific requirements for development or for retention of trees within Kirkland. The purpose and intent section is intended to help citizens and developers understand why the City requires tree retention. It does not contain guidance for when trees can and cannot be removed and thus is not an appropriate code section to regulate tree retention. As previously noted, tree retention will be reviewed in a phased manner for consistency with the specific regulations of Chapter 95.

5. The access road should be located to the north to avoid removal of the trees within that proposed easement.

   Staff Response: The neighboring short plat application, Avalon West SUB14-01033, which is a 2 lot short plat proposal by the same applicant and contains a vacant property sharing the west property line of Avalon East, shows a proposed access road along the north property line. The Avalon East proposal includes an access easement along the south property line (see Attachment 6). The applicant is proposing two separate access roads because KMC 22.28.080.b(1) does not allow an applicant to count the area within the flag lot portion as part of the lot area unless that easement serves only one lot. If the applicant were to propose one 4-lot short plat, there would not be enough lot area under this scenario for 4 lots.

6. The tree preservation plan as shown would cause the lots to fall below the required tree density.

   Staff Response: KZC Chapter 95 requires that the tree density be met both with a short plat and with each individual lot. As stated earlier, tree retention in this case will be decided in phases starting with utilities and access placement and then with each building permit. The overall short plat tree density required for Avalon East is 9 tree

credits. The density per lot is as follows: 7,200 SF lot requires 5 tree credits and 5,145 SF lot requires 4 tree credits. The density requirements are fulfilled at the time of tree retention final decision, usually with the building permit. KZC 95.33 states that the tree density may consist of existing trees pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees.

7. Failure to comply with all of the tree retention plan requirements justifies denial of the short plat permit.

   Staff Response: The KMC requires that short plats adhere to the tree retention requirements of KZC Chapter 95. KZC Chapter 95 requires that the applicant hire a certified arborist to create a report for the short plat application where all significant trees on site are tagged, and evaluated for health. The City's arborist takes that information and "types" the trees on site with a high, moderate or low retention value based on health and placement of the tree. In a phased review such as this application, that "tree typing" is carried over to subsequent permits where the decision is made to retain or remove each tree. See Attachment 3, Development Standards, for the City's typing of each tree. The applicants have complied with the short plat application requirements. Cutting trees after commencing development activity, as stated earlier, has been referred appropriately to code enforcement and will be settled using KMC Chapter 1.12.

8. Sam Elder submitted another comment email on Thursday November 13th (see Attachment 7) concerning the code enforcement penalties and required tree restoration plan. He contends that the short plat process should be halted and the project re-noticed to the public because the tree plans that were initially submitted were incorrect. He further contends that the code enforcement case must be resolved prior to the short plat application moving forward.

   Staff response: The project will not be re-noticed. The tree plan was corrected before a decision was made and the correction of that tree plan has no bearing on actual tree retention at this stage of development. Short plats allow new lot lines to be drawn. Tree retention is not decided at this phase unless an integrated development plan (IDP) is applied for, which is not the case for this application. Although a new lot line configuration was also submitted, it has no bearing on the tree retention plan previously submitted on 6/7/14.

   Code enforcement cases are resolved per chapter 1.12 of the KMC and that is the appropriate process based on requirements of KZC Chapter 95.55. KMC Chapter 1.12 does not require that penalties or restoration be resloved prior to submitting development action for the same property. Therefore, the City does not have authority to deny the application or require the applicant to submit a new application.

IV. CRITERIA FOR SHORT PLAT APPROVAL

A. Facts: Municipal Code section 22.20.140 states that the Planning Director may approve a short subdivision only if:

1. There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools; and
2. It will serve the public use and interest and is consistent with the public health, safety, and welfare. The Planning Director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

Zoning Code section 145.45 states that the Planning Director may approve a short subdivision only if:

3. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

4. It is consistent with the public health, safety, and welfare.

B. Conclusions: The proposal complies with the applicable development regulations of Municipal Code section 22.20.140 and Zoning Code section 145.45. With the recommended conditions of approval, it is consistent with the Zoning Code and Subdivision regulations and there are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. It will serve the public use and interest and is consistent with the public health, safety, and welfare because it will add housing stock to the City of Kirkland in a manner that is consistent with applicable development regulations.

V. DEVELOPMENT REGULATIONS

A. The following is a review, in a checklist format, of compliance with the design requirements for subdivisions found in KMC 22.28. All lots comply with the minimum lots sizes for this zone.

Complies as proposed	Complies as conditioned	Code Section
		KMC 22.28.042: Lots – Small Lot Single Family *For subdivisions not subject to KMC 22.28.30 or .040 or .048, minimum lot size is met if at least 50% of the lots meet the minimum lot size and the remaining lots meet the following requirements.*
☒	☐	In RS 6.3 and RS 7.2 zones, substandard lots are at least 5,000 square feet
☐	☒	FAR is restricted on face of plat to: ☒ Maximum of 30% of lot size; OR ☒ Maximum of 35% of lot size with the following restrictions: • Primary roof form of all structures peaked with minimum pitch of 4:12; and • All structures set back at least 7.5′ from side property lines
☐	☒	An ADU prohibition is recorded on the face of the short plat

Complies as proposed	Complies as conditioned	Code Section
		KMC 22.28.050 – Lots - Dimensions
☒	☐	Lots are shaped for reasonable use and development
☒	☐	Minimum lot width is 15′ where abutting right-of-way, access easement, or tract

VI. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

SHORT PLAT DOCUMENTS – RECORDATION – TIME LIMIT (KMC 22.20.370 The short plat must be recorded with King County within seven (7) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VII. APPENDICES

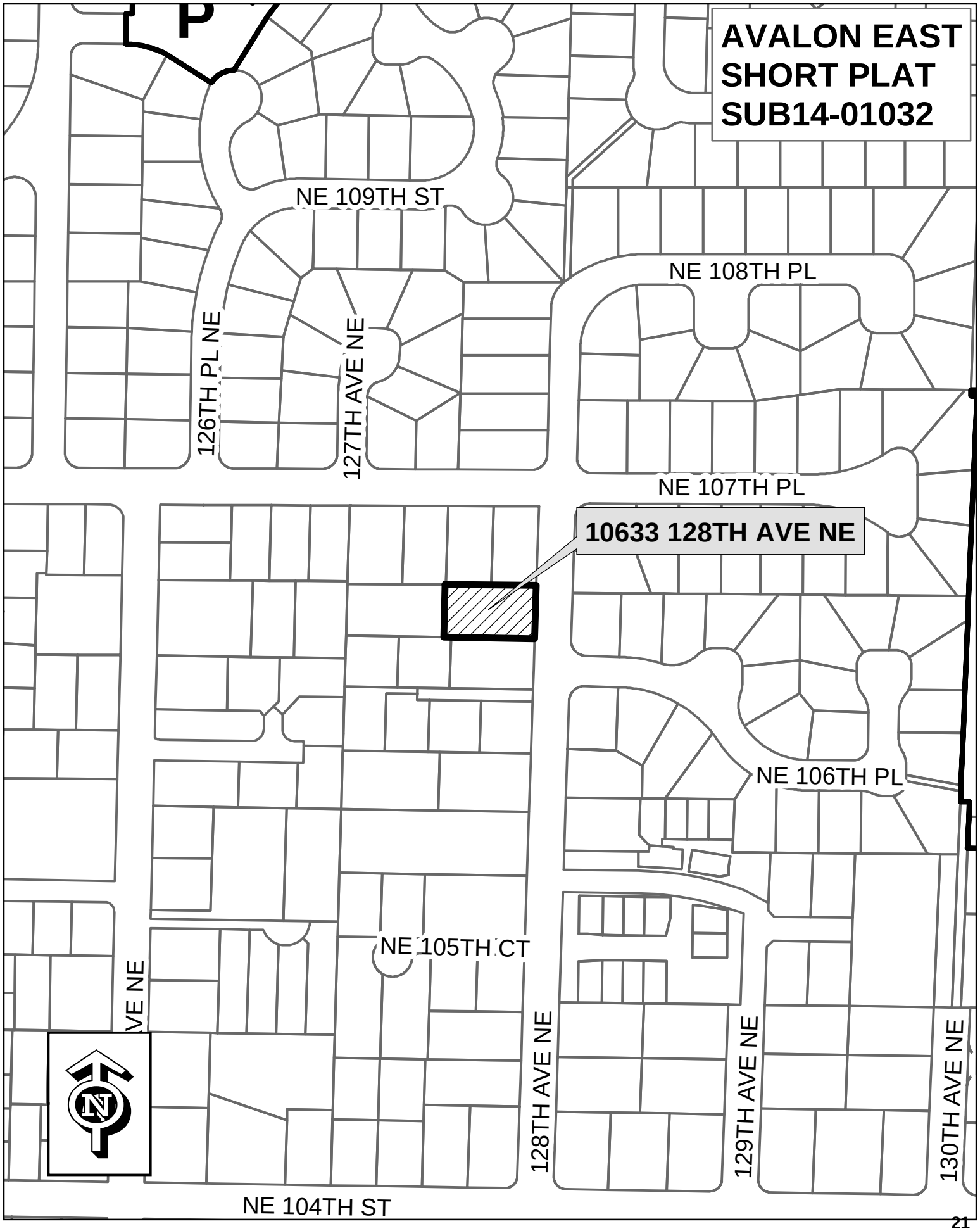
Attachments 1 through 7 are attached.

1. Vicinity Map
2. Short Plat Design
3. Development Standards
4. Tree Retention Plan and Arborist Report
5. Public Comment letters
6. Overhead view showing access
7. Elder second comment letter 11/13/14

VIII. PARTIES OF RECORD

Applicant: Merit Homes
Parties of Record
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services

Exhibit A


AVALON EAST
SHORT PLAT
SUB14-01032
NE 109TH ST
NE 108TH PL
126TH PL NE
127TH AVE NE
NE 107TH PL
10633 128TH AVE NE
NE 106TH PL
NE 105TH CT
128TH AVE NE
129TH AVE NE
130TH AVE NE
NE 104TH ST
N

AVALON EAST - EAST

PORTION OF SE 1/4 OF SEC 33, TWP 26N, RGE 5E, WM

Subdivision
City of Kirkland

FILE NO:

LEGEND

- FOUND CONCRETE MONUMENT
- SET 1/2" REBAR/CAP #40524
- FOUND 1/2" REBAR/CAP AS NOTED
- SET AS NOTED
- UTILITY POLE
- UTILITY POLE WITH LUMINARE
- POWER METER
- GUY ANCHOR
- WATER METER
- HYDRANT
- WATER VALVE
- CATCH BASIN
- SANITARY SEWER MANHOLE
- GAS VALVE
- GAS METER
- W - APPROX. WATER LINE LOCATION
- S - APPROX. SANITARY SEWER LINE LOCATION
- OH - APPROX. OVERHEAD UTILITY LINE LOCATION
- (M) MEASURED DIMENSION
- (C) CALCULATED DIMENSION
- DECIDUOUS TREE
- CONIFEROUS TREE

CONTROL LEGEND

Ⓐ FOUND 4" x 4" CONCRETE MONUMENT WITH TACK IN LEAD IN CASE DOWN 0.60'

Ⓑ FOUND CONCRETE MONUMENT WITH TACK IN LEAD IN CASE DOWN 0.40'

Ⓒ FOUND CONCRETE MONUMENT WITH TACK IN LEAD IN CASE DOWN 0.40'

Ⓓ FOUND CONCRETE MONUMENT WITH BRASS TACK IN LEAD IN CASE DOWN 0.40'

Ⓔ FOUND 4" x 4" CONCRETE MONUMENT WITH 3" BRASS DISK WITH PUNCH IN CASE DOWN 0.60'

Ⓕ FOUND 4" x 4" CONCRETE MONUMENT WITH 2" BRASS DISK WITH PUNCH IN CASE DOWN 0.40'

Ⓖ SET 1/2" REBAR/CAP #40524 AT 0.30' OFFSET TO THE EAST. PROPERTY CORNER IS THE FENCE POST

Ⓗ FOUND 1/2" REBAR/CAP #14490 WITH TACK AT CALCULATED POSITION

Ⓘ FOUND 1/2" REBAR/CAP #40524 AT CALCULATED POSITION

ZONING
RSX 7.2

BASIS OF BEARINGS
NORTH ALONG THE MONUMENTED CENTER LINE OF 128TH AVENUE NORTHEAST.

DATUM
NAVD88
DESIGNATION: RED48
DB ID: 43315
DESCRIPTION: BRASS DISK IN CONCRETE STAMPED "CITY OF REDMOND BM 48 C.O.R."
LOCATION: IN THE SOUTHEAST ANGLE OF THE INTERSECTION OF NORTHEAST 104TH STREET AND 132ND AVENUE NORTHEAST.
ELEVATION: 334.247

REFERENCES
- LEE STREET SHORT PLAT RECORDED IN VOLUME 209, PAGE 47.
- PLAT OF H.C. PETTIT'S ALDER GROVE RECORDED IN VOLUME 21, PAGE 83.

NOTES
INSTRUMENTATION FOR THIS SURVEY WAS A SOKKIA 530R TOTAL STATION.

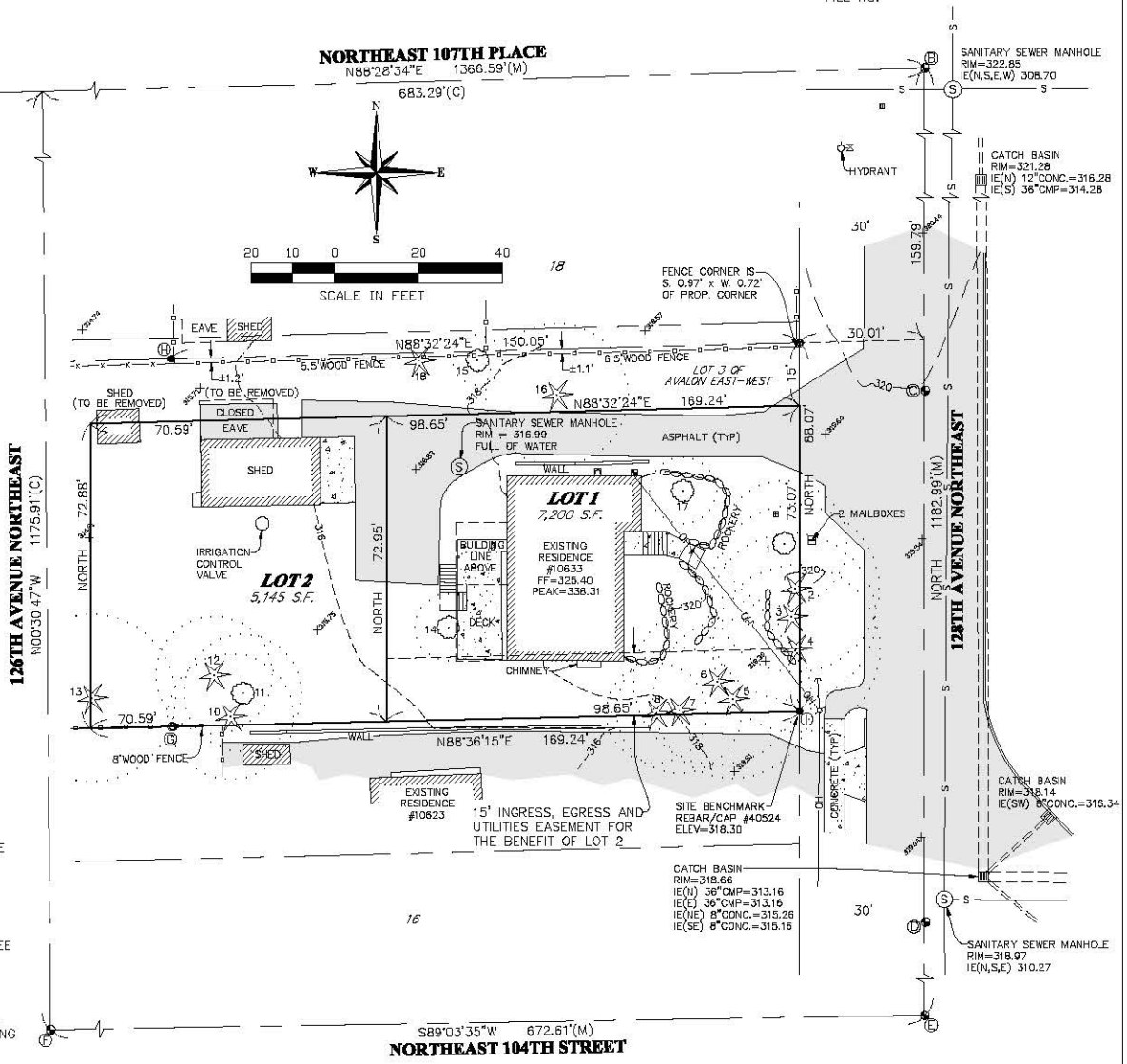
PROCEDURES USED WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-090.

ALL UTILITIES SHOWN WERE DERIVED FROM PHYSICAL LOCATIONS ON THE GROUND SURFACE AT TIME OF SURVEY. CONTRACTOR TO VERIFY PRIOR TO ANY EXCAVATION.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF PARTIES WHOSE NAMES APPEAR HEREON ONLY, AND DOES NOT EXTEND TO ANY UNNAMED THIRD PARTIES WITHOUT EXPRESS RECERTIFICATION BY THE LAND SURVEYOR.

BOUNDARY LINES SHOWN REPRESENT DEED LOCATIONS. OWNERSHIP LINES MAY VARY. NO GUARANTEE OF OWNERSHIP IS EXPRESSED OR IMPLIED.

LEGAL DESCRIPTION
THE EAST 150 FEET OF LOT 17, BLOCK 4, H.C. PETTIT'S ALDER GROVE, AN ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 21 OF PLATS, PAGE 83, RECORDS OF KING COUNTY, WASHINGTON.
EXCEPT THE NORTH 5 FEET;
AND EXCEPT THE SOUTH 31.66 FEET THEREOF.



SURVEYOR'S CERTIFICATE

This map correctly represents a survey, made by me or under my direction, in conformance with the requirements of the Survey Recording Act at the request of Merit Homes, Inc. In February, 2014.

Surveyor: Jim R. Watkins

Certificate No. 40524

JAMES R. WATKINS — STATE OF WASHINGTON — 40524 — REGISTERED PROFESSIONAL LAND SURVEYOR — EXPIRES: 1/4/15 — 10/23/2014

CITY OF KIRKLAND WASHINGTON

PRELIMINARY SUBDIVISION FOR

MERIT HOMES, INC.

SCALE: 1" = 20'

DATE: 10/23/2014

JOB NO.: 14007

Allied Land Surveying, Inc.
2312 168th Street Southeast
Bothell, Washington 98012
(P) 425-482-0223 (F) 425-482-0224

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

DEVELOPMENT STANDARDS LIST

File: SUB14-01032

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 in low density zones, 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

A Tree Retention Plan was submitted with the short plat. During the review of the short plat, all proposed improvements were unknown. Therefore KZC Section 95.30 (6)(a) – Phased Review applies in regards to tree retention. There are 14 significant trees on the site, of which 8 are viable. These trees have been assessed by the City's Urban Forester. They are identified by number in the following chart.

Significant Trees:	**High Retention Value**	**Moderate Retention Value**	**Low Retention Value** **(V)** – viable **(NV)** – not viable
1	**X**		
2			Not viable
3	**X**		
4			Not viable
5			Not viable
6			Not viable
7			Not Viable
8			Not Viable
9*			Removed*
10		**X**	
11	**X**		
12		**X**	
13	**X**		
14		**X**	

17		**X**	

**Note: 2 additional significant trees were removed from this site (a Western Red Cedar and a Hemlock), that have no tree numbers because they were not included in the original arborist report; the applicant had planned to cut them prior to submitting a development action and so did not include them in the arborist report that was submitted with the short plat application. This matter has been referred to code enforcement---see case #COM14-00460. There are pictures of the stumps included below. It is unclear why the Cherry Tree is included in the report, while the Hemlock and Cedar were not.*

<u>Urban Forester comments on tree health:</u>
Tree #1 is viable, healthy and in the required yard, it should remain and be protected. Tree #2 has been topped and has two new leaders; the dominant leader is combined with a branch attachment and both angle toward the existing and future house. The larger this leader grows the more weight will be on this point of attachment, which is likely to contain some decay. Tree #3 has been topped yet the new lead angles away from the house and its attachment is stronger that tree #2. Trees #4 through 9 and tree #12 are accurately reported by the arborist report as non-viable trees due to multiple defects. Tree #10 does have multiple tops with narrow angles of attachment but the angles are unlikely to enhance risk for another 10 years or more, at which time the tree will require major pruning or removal. Tree #11 is suppressed and is suffering from anthracnose but is still a viable tree for the short to moderate terms (1-10 years). Tree #12 has a large pocket beginning 10-feet above grade and extending down and up but the tree is also exhibiting strong wound wood growth. There are no stress cracks observed in relation to the pocket. Tree #13 should remain and be protected.

ROW trees: no concerns at this time
Neighbor's trees: no concerns at this time

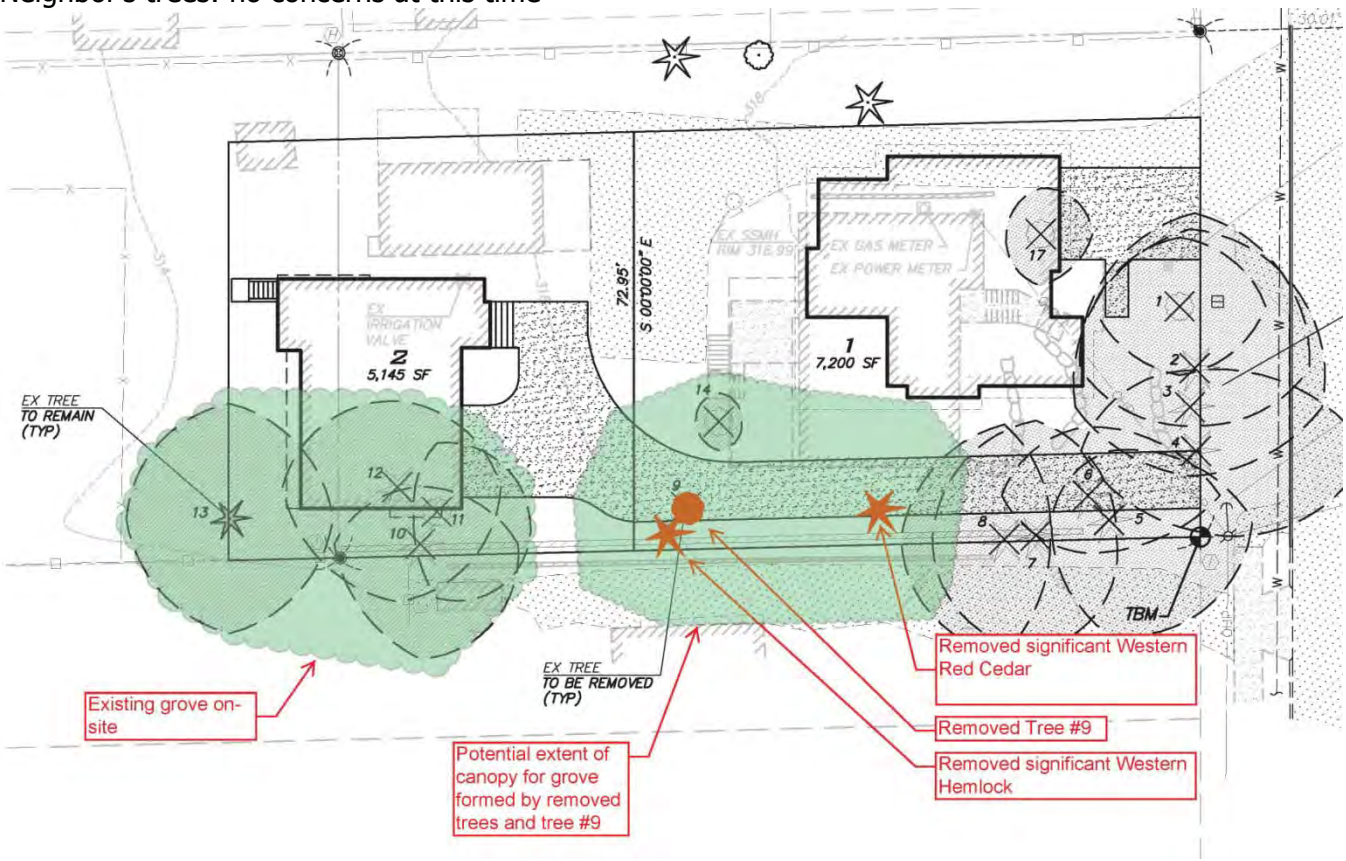


Exhibit A

Tree #1, 2, 3, 4

Tree number 12 ex with pocket beginning 10-feet above grade and extending down and up but with strong wound wood growth

Stump of significant western red cedar removed from site, one of three trees removed from site

Stump of significant hemlock on right and nearby tree #9, a cherry tree, on left; the second and third trees removed from the site

No trees are to be removed with an approved short plat or subdivision permit. In phased review as the applicant has chosen, all viable trees shall be protected throughout the development of each single family lot except for those trees allowed to be removed for the installation of the plat infrastructure improvements with an approved Land Surface Modification permit. Subsequent approval for tree removal is granted for the construction of the house and other associated site improvements with a required Building Permit. The Planning Official is authorized to require site plan alterations to retain High Retention value trees at each stage of the project. In addition to retaining viable trees, new trees may be required to meet the minimum tree density per KZC Section 95.33.

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

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

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

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

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

Prior to Recording:

22.20.362 Short Plat - Title Report. The applicant shall submit a title company certification which is not more than 30 calendar days old verifying ownership of the subject property on the date that the property owner(s) (as indicated in the report) sign(s) the short plat documents; containing a legal description of the entire parcel to be subdivided; describing any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; any encumbrances on the property; and any delinquent taxes or assessments on the property.

22.20.366 Short Plat - Lot Corners. The exterior short plat boundary and all interior lot corners shall be set by a registered land surveyor. If the applicant submits a bond for construction of short plat improvements and installation of permanent interior lot corners, the City may allow installation of temporary interior lot corners until the short plat improvements are completed.

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

22.28.042 Lots – Small Lot Single Family. The applicant shall record on the face of the plat the following restriction language for the undersized lot(s): "Accessory Dwelling Units are prohibited and the floor area ratio for lot 2 is restricted pursuant to KMC 22.28.042 relating to small lot single family lots.

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 in a low density zone, 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

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

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

105.10.2 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.

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

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

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

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

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

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

115.42 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 Requirements for Detached Dwelling Units in Low Density Zones. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists other exceptions to these requirements.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.85 Rose Hill Business District Lighting Standards: See this section for specific

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

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

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

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

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

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

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

115.115.5.a Driveway Width and Setbacks. For a detached dwelling unit, a driveway

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

145.22.2 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:

110.60.6 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:

95.30(4) Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number; (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

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

Prior to occupancy:

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

95.51.3 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.

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. 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.

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

DEVELOPMENT STANDARDS

SUB14-01032

FIRE DEPARTMENT

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

As noted on the plans submitted:

ACCESS
The houses on Lots 3 and 4 require sprinklers due to reduced access width. (Lot 2 is close enough to the ROW that sprinklers are not required.)

HYDRANTS AND FIRE FLOW ARE ADEQUATE
Existing hydrants in the area are adequate to provide coverage. The hydrant on the corner of 128th Ave NE and NE 107th Place shall be equipped with a 5" Storz.

Fire flow in the area is approximately 1700 gpm which is adequate for the proposed project.

SPRINKLER THRESHOLD
Per Kirkland Municipal Code, all new buildings which are 5,000 gross square feet or larger require fire sprinklers. Included are single family homes, duplexes, and zero lot line townhouses where the aggregate area of all connected townhouses is greater than 5,000 square feet.; garages, porches, covered decks, etc, are included in the gross square footage. (This comment is included in the short plat conditions for informational purposes only.)

PUBLIC WORKS DEPARTMENT

PUBLIC WORKS CONDITIONS

Public Works Staff Contacts
Land Use and Pre-Submittal Process:
John Burkhalter, Development Engineer Supervisor
Phone: 425-587-3846 Fax: 425-587-3807
E-mail: jburkhalter@kirklandwa.gov

Building and Land Surface Modification (Grading) Permit Process:
Philip Vartanian, Development Engineer
Phone: 425-587-3856 Fax: 425-587-3807
E-mail: pvartanian@kirklandwa.gov

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site at www.kirklandwa.gov.

2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The fees can also be review the City of Kirkland web site at www.kirklandwa.gov The applicant should anticipate the following fees:
- Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
- Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
- Septic Tank Abandonment Inspection Fee
- 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 Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.

3. All street and utility improvements shall be permitted by obtaining a Land Surface Modification (LSM) Permit.

4. Submittal of Building Permits within a subdivision prior to recording:
• Submittal of a Building Permit with an existing parcel number prior to subdivision recording: A Building Permit can be submitted prior to recording of the subdivision for each existing parcel number in the subject property, however in order for it to be deemed a complete application, all of the utility and street improvements for the new home must be submitted with the Building Permit application. If the utility and street improvements are to be reviewed and constructed through a Land Surface Modification permit process, then Building Permit cannot be applied for because it will be deemed incomplete until the Land Surface Modification Permit is APPROVED.

• Submittal of Building Permits within an Integrated Development Plan (IDP): If this subdivision is using the IDP process, the Building Permits for the new homes can only be applied for after the Land Surface Modification Permit has been submitted, reviewed, and approved.

• Submittal of a Building Permit within a standard subdivision (non IDP): If this subdivision is not using the IDP process, the Building Permits for the new houses can be applied for after the subdivision is recorded and the Land Surface Modification permit has been APPROVED.

• Review of Expedited or Green Building Permits: A new single family home Building Permit within a subdivision can only be review on an expedited or green building fast track if the associated Land Surface Modification Permit has been reviewed and approved by the Public Works Department.

5. Subdivision Performance and Maintenance Securities:
• 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. This security amount will be determined by using the City of Kirkland's Improvement Evaluation Packet. Contact the Development Engineer assigned to this project to assist with this process.
• If the Developer will be installing the improvements prior to recording of the subdivision, there is a standard right of way restoration security ranging from $10,000.00 to 30,000.00 (value determined based on amount of right-of-way disruption). This security will be held until the project has been completed.
• Once the subdivision has been completed there will be a condition of the permit to establish a two year Maintenance security.

6. This project is exempt from concurrency review.

7. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy titled ENGINEERING PLAN REQUIREMENTS. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.

8. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

9. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

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

11. The required tree plan shall include any significant tree in the public right-of-way along the property frontage.

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

Utility Maintenance: Each property owner shall be responsible for maintenance of the sanitary sewer 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. Existing public sewer system in the area is adequate to provide sanitary sewer service for each lot within the proposed project.

2. The existing septic system shall be abandoned per City standards.

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

4. All side sewer stubs serving the property shall be PVC type pipe per Public Works Pre-approved Plans Sanitary Sewer Design Criteria. Any side sewer not meeting this standard shall be removed and replaced.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.

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. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home.

3. The existing water service shall be abandoned unless otherwise approved by the Development Engineer or Construction Inspector.

4. Provide a utility easement (both water and sewer) to serve parcel # 6743700371 if the LLA is not recorded as proposed.

Surface Water Conditions:

1. Provide temporary and permanent storm water control per the 2009 King County Surface Water Design Manual and the Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. Summarized below are the levels of drainage review based on site and project characteristics:

- Small Project Drainage Review (Types I & II)

Small project drainage reviews are divided into two types, Type I and Type II, primarily based on the amount of impervious surface area. Typical Type I projects create between 500 and 1,999ft2 impervious surface area. Type II projects involve between 2,000 and 9,999ft2 impervious surface areas, with a total of no more than 5,000ft2 of new impervious area and not more than a total of 9,999ft2 impervious surface area added since 01/08/01.

- Targeted Drainage Review

A targeted project drainage review is required for projects that meet the new impervious area criteria for small projects, but also have additional characteristics that require a more in-depth level of review, such as sensitive drainage areas or the construction/modification of a 12" pipe or ditch.

2. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development

facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement.

3. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.

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

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

6. It doesn't appear that any work within an existing ditch will be required, however the developer has been given notice that the Army Corps of Engineers (COE) has asserted jurisdiction over upland ditches draining to streams. Either an existing Nationwide COE permit or an Individual COE permit may be necessary for work within ditches, depending on the project activities.
Applicants should obtain the applicable COE permit; information about COE permits can be found at: U.S. Army Corps of Engineers, Seattle District Regulatory Branch
http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx

Specific questions can be directed to: Seattle District, Corps of Engineers, Regulatory Branch, CENWS-OD-RG, Post Office Box 3755, Seattle, WA 98124-3755, Phone: (206) 764-3495

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

8. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.

9. Provide collection and conveyance of right-of-way storm drainage

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

11. The storm sewer must be extended to serve all the lots. Storm water design will need to show 100% infiltration or get an easement from parcel #6743700371 in order to discharge storm water from the site due to topography. Pumping not allowed.

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

Street and Pedestrian Improvement Conditions:

1. The subject property abuts 128th Avenue NE. This street is a Neighborhood Access type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:

A. Widen the street to 14 ft. from centerline to face of curb, match Stella Grove SP to the south.
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.

2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced.
- Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay.

Grinding of the existing asphalt to blend in the overlay will be required along all match lines.

- Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2 -inches thick and the subgrade shall be compacted to 95% density.

3. Public Works Driveway Policy shall be met.

4. Provide a 15 foot wide access easement (minimum width if separate for access easement for this plat) for parcel #6743700371 to the west if the LLA is not recorded as proposed.

5. 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.)

6. 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.

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. Underground any new off-site transmission lines.

10. 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 128th Avenue NE is not feasible at this time and the undergrounding of off-site/frontage transmission lines should be deferred with a Local Improvement District (LID) No Protest Agreement. The final recorded subdivision mylar shall include the following note:

Local Improvement District (LID) Waiver Agreement. Chapter 110.60.7.b of the Kirkland Zoning Code requires all overhead utility lines along the frontage of the subject property to be converted to underground unless the Public Works Director determines that it is infeasible to do so at the time of the subdivision recording. If it is determined to be infeasible, then the property owner shall consent to the formation of a Local Improvement District, hereafter formed by the City or other property owners. During review of this subdivision it was determined that it was infeasible to convert the overhead utility lines to underground along the frontage of this subdivision on 128th Avenue NE Therefore, in consideration of deferring the requirement to underground the overhead utility lines at the time of the subdivision recording, the property owner and all future property owners of lots within this subdivision hereby consent to the formation of a Local Improvement District hereafter formed by the City or other property owners

11. New street lights may be required per Puget Power design and Public Works approval. Contact the INTO Light Division at PSE for a lighting analysis. If lighting is necessary, design must be submitted prior to issuance of a grading or building permit.

Attachment 4 Tree Retention Plan and Arborist Report
SUB14-01032

SW 1/4, SEC 17, TWP 25N, RGE 5E, W.M.

LEGEND

PROPOSED FEATURES

- BOUNDARY
- RIGHT-OF-WAY
- LOT LINE
- FLOW ⊕ GUIDE
- SEWER LINE
- SHRUBS
- EASEMENT
- BUILDING SETBACK (BSBL)
- 100 PROPOSED CONTOURS
- 102 PROPOSED CONTOURS
- STORM DRAIN PIPE
- ROOF & FOUNDATION DRAIN
- SEWER SERVICE
- GRAVEL
- ASPHALT PAVEMENT
- SIDEWALK
- CATCH BASIN, TYPE I
- YARD DRAIN
- STORM CLEANOUT
- FIRE FLOW
- SEWER CLEANOUT
- WATER METER

EXISTING FEATURES

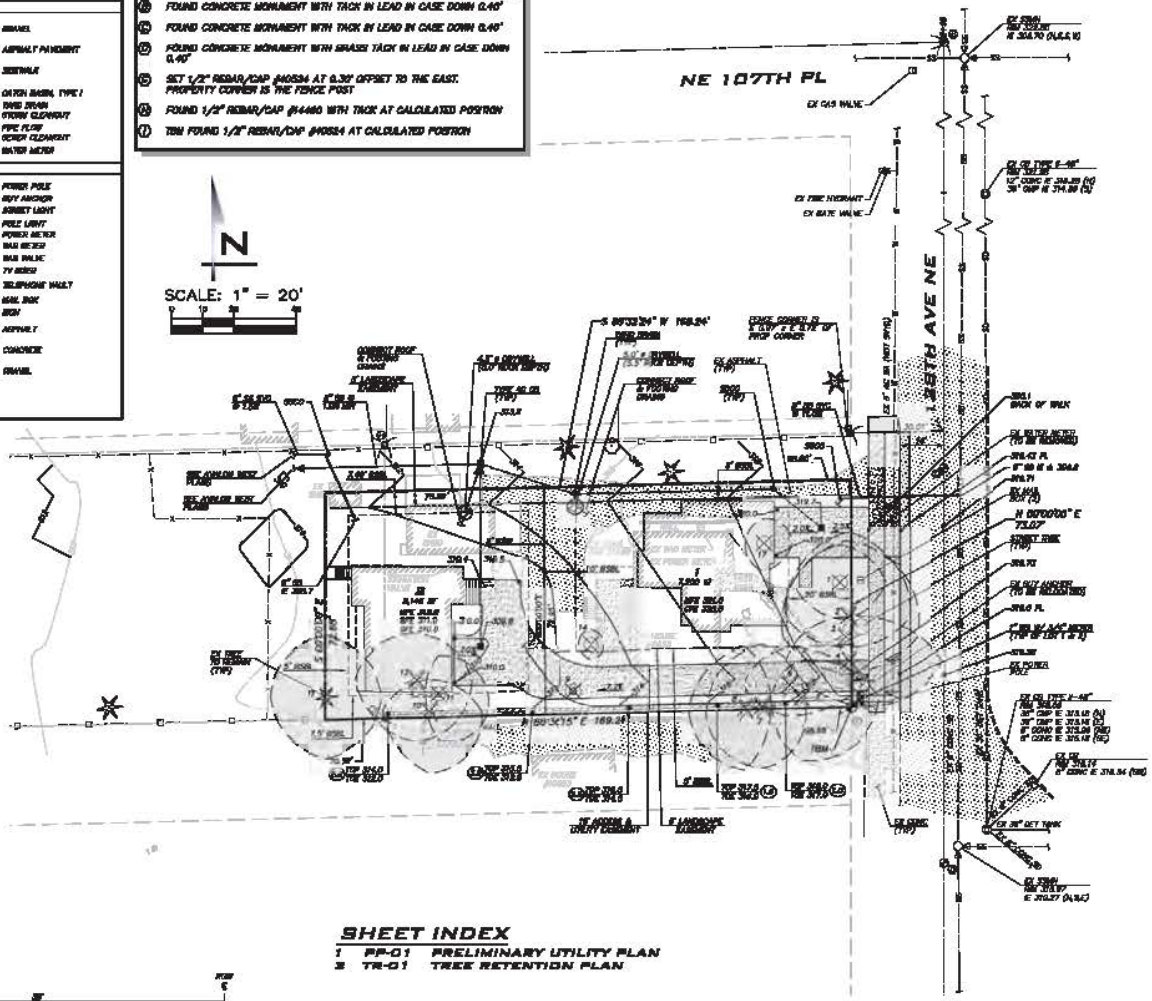
- ADJACENT PLAT/PARCEL LINE
- ADJACENT RIGHT-OF-WAY/EASE
- SURFACE FEATURES
- CONTOURS
- 100' CONTOURS
- 10' CONTOURS
- STORM DRAIN PIPE
- SEWER MAIN
- WATER MAIN
- GAS MAIN
- BARBED FENCE
- DITCH OR SWALE
- CATCH BASIN, TYPE I
- CATCH BASIN, TYPE II
- SD PIPE FLOW
- SEWER MANHOLE
- SS PIPE FLOW
- FIRE HYDRANT
- WATER METER
- GATE VALVE
- POWER POLE
- GUY ANCHOR
- STREET LIGHT
- POLE LIGHT
- POWER METER
- GAS METER
- GAS VALVE
- TV BOX
- TELEPHONE VAULT
- MAIL BOX
- SIGN
- ASPHALT
- CONCRETE
- GRAVEL

CONTROL LEGEND

- (8) FOUND CONCRETE MONUMENT WITH TACK IN LEAD IN CASE DOWN 0.40'
- (12) FOUND CONCRETE MONUMENT WITH TACK IN LEAD IN CASE DOWN 0.40'
- (13) FOUND CONCRETE MONUMENT WITH BRASS TACK IN LEAD IN CASE DOWN 0.40'
- (15) SET 1/2" REBAR/CAP #40534 AT 0.30' OFFSET TO THE EAST. PROPERTY CORNER IS THE FENCE POST
- (16) FOUND 1/2" REBAR/CAP #14460 WITH TACK AT CALCULATED POSITION
- (17) TBM FOUND 1/2" REBAR/CAP #40534 AT CALCULATED POSITION

N

SCALE: 1" = 20'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