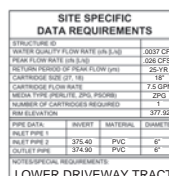
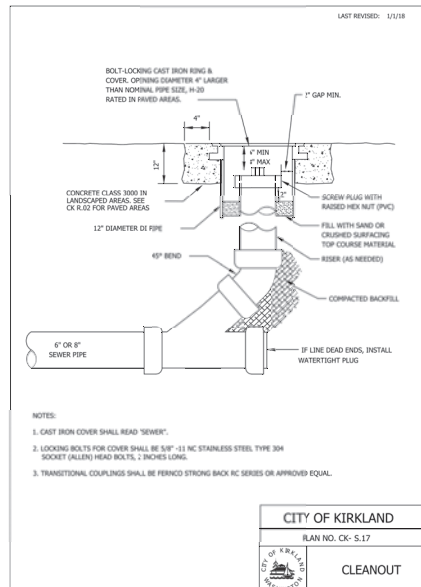


SIDEWALK SECTION
COK PLAN NO. CK - R.23
NTS



SEWER CLEANOUT
COK PLAN NO. CK-S.17



SEWER CLEANOUT
COK PLAN NO. CK-S.17



Date: July 20th, 2022

To: Thomas Mauriss
Legacy Group Capital
400 112th Ave NE Ste 400
Bellevue Wa 98004

We have reviewed the plans sent to us regarding garbage and recycle service for:

“New Homes” located at 8230 NE 117th St in Kirkland, Wa

We find these plans to be acceptable for service by Waste Management, North Sound Division equipment and hereby approve them with the following exceptions:

Waste Management can service toters from a collection area curbside on NE 117th St. The service area must be kept clear and accessible.

Thank you,

Waste Management North Sound

**Tim Miller
Route Manager – North Sound WM**



March 14 2023

VIA HAND DELIVERY

Kirkland Planning and Building Department
Kirkland City Hall
123 5th Avenue
Kirkland, WA 98033

RECEIVED
MAR 13 2023

and to Kirkland Hearing Examiner
c/o Kirkland Planning and Building Department
123 5th Avenue
Kirkland, WA 98033

City of Kirkland
Planning & Building Dept.

**Re: Finn Hill 8 Short Plat Decision, Case No. SUB22-00036:
Letter of Appeal Pursuant to KZC 145.60 on behalf of Overlook at Finn Hill
Homeowners Association and Irene Giustina**

Dear Kirkland Planning and Building Department:

I represent the Overlook at Finn Hill Homeowners Association and Irene Giustina, who hereby appeal the March 1, 2023 decision by Mr. Adam Weinstein, Director of the Kirkland Planning and Building Department, approving the Finn Hill 8 Short Plat at 8230 NE 117th Street in Kirkland, Washington (Case No. SUB22-00036). A copy of the challenged short plat decision is attached hereto as Exhibit A. A check in the amount of \$601.00 is included herewith for the appeal fee.

A. Appellants' Interest in this Appeal

Appellant Overlook at Finn Hill Homeowners Association is a four-home HOA consisting of homes at 8210, 8216, 8220, and 8226 NE 117th Street in Kirkland Washington. These homes are located to the immediate west of the Finn Hill 8 project site, across a small private road owned by the HOA. The Overlook at Finn Hill Homeowners Association and its members will be harmed by the proposed Finn Hill 8 short plat through increased noise and traffic, both during construction of the proposed residential units and for the life of the project. As well, the private road owned by the HOA is likely to be damaged and mis-used by the permit applicant during construction and for utility installation. The HOA's private road is also likely to be trespassed upon by future residents of the Finn Hill 8 Short Plat, delivery services, and other visitors due to inadequate access and parking on the project site itself. The Overlook at Finn Hill Homeowners Association submitted comments on the proposed Finn Hill 8 Short Plat on April 29 and May 2, 2022. Individual members of the HOA also submitted comments on May 1 and May 2, 2022.

Appellant Irene Giustina resides in her home at 8300 NE 117th Street in Kirkland Washington, to the immediate south of the Finn Hill 8 project site, and immediately east of the "dog leg" that

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 & Kirkland Hearing Examiner
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 March 14, 2023
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connects the project site to NE 117th Street. Ms. Giustina purchased her property at that location in 1989, and completed building her home there in 1993. She submitted written comments on the proposed Finn Hill 8 Short Plat on April 29 and May 2, 2022.

The project plans for the Finn Hill 8 Short Plat indicate that the applicant intends to use an alleged easement across Ms. Giustina's land in order to meet the Vehicular Access Easement or Tract Standards at KZC 105.10. In doing so, the plans show that the applicant intends to destroy mature vegetation and other improvements on Ms. Giustina's land, and to pave over a portion of her land with concrete. However, the applicant has no right to use Ms. Giustina's land for these purposes or to destroy her property.

B. Contested Elements of Decision

KZC 145.60.2 requires every appeal of a Process-I decision, such as the challenged Finn Hill 8 Short Plat decision, (a) to be in the form of a "letter of appeal"; (b) to contain a "clear reference to the matter being appealed"; and (c) to contain "a statement of the specific elements of the Planning and Building Director's decision disputed by the person filing the appeal." This letter of appeal identifies the challenged decision above. Below, we provide the requisite statement of the specific elements of the decision challenged in this appeal, denoted by specific sections of the challenged decision. Although not required by the code, we also provide a brief statement for each challenged element of the decision describing the bases for our challenge, though we reserve the right to raise additional bases of objection at the hearing in this matter.

(1) Appellants challenge Section II, page 3 of the decision (table cells titled "Density Compliance for RSA Zones"), and Section III.D (titled "Density"). In these sections of the decision, Mr. Weinstein concludes that the applicant is entitled to construct up to eight detached dwelling units within the Finn Hill 8 Short Plat (one single family residence and one detached ADU on each of the four new lots). This violates the plain language of the Kirkland Zoning Code, which exempts ADUs from the "one unit per lot" rule at KZC 15.20, Special Regulation PU-8; but the code does not exempt ADUs from the six-unit-per-acre rule at KZC 15.30, Special Regulation DD-17.c. Applying the six-unit-per-acre rule at DD-17.c, only four detached dwelling units are allowed on the project site, inclusive of ADUs.

(2) Appellants challenge Section II, page 4 of the decision, table cells titled "Access." In this section of the decision, Mr. Weinstein writes: "A combined 30-foot-wide access easement is proposed off NE 117th Street using a new 15-foot-wide access easement over the panhandle of Lot 1, *along with an existing 15-foot-wide access and utility easement on the property directly to the east of the subject property's panhandle*" (emphasis added). In this quotation, the phrase "property directly to the east of the subject property's panhandle" refers to Ms. Giustina's property.

However, there is no "existing 15-foot-wide access and utility easement" on Ms. Giustina's property. Although there was, at one time, an attempt to create such an easement by the former owners of the project site, that easement was never valid, because it (a) did not meet the requirements of RCW 64.04.010, and (b) did not involve separate tracts of land, but merely

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 & Kirkland Hearing Examiner
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purported to create easement rights between two parts of the same tract. Moreover, even if there was a valid easement in the past, that easement has since terminated due to abandonment by the former owner of the project site; adverse possession by Ms. Giustina; relinquishment; and/or part performance or equitable estoppel based on a contract between Ms. Giustina and the former owner of the project site to relinquish the easement in exchange for a new access point to be conveyed by Ms. Giustina—consideration which Ms. Giustina then conveyed to the former owner, and thereafter made valuable improvements to her land in reliance on the former owner's relinquishment.

(3) Appellants challenge Section III.F of the decision, titled “Road Conditions.” In this section, the decision rebuffs neighborhood concerns relating to the narrowness of surrounding streets, sharp turns, blind spots, vehicle capacity, and lack of sidewalks. However, local road and traffic conditions bear directly on the short plat approval criteria at KMC 22.20.140. The proposed short plat is likely to exacerbate many adverse road and traffic conditions and endanger pedestrians. The short plat should be denied or further conditioned to mitigate these impacts.

(4) Appellants challenge Section III.G of the decision, titled “Street Parking.” In this section, the decision rebuffs concerns about lack of street parking. However, the availability of adequate street parking bears directly on the short plat approval criteria at KMC 22.20.140. Due to the lack of street parking and inadequate onsite parking for eight proposed units, visitors to the short plat are likely to trespass on the HOA's private road and/or park illegally on NE 117th Street, and also to trespass on Ms. Giustina's property. The short plat should be conditioned or denied to eliminate these impacts.

(5) Appellants challenge Section III.H of the decision, titled “Access width.” In this section, the decision finds that the access driveway to the proposed Finn Hill 8 Short Plat will meet the access requirements at KZC 105.10, which require, *inter alia*, “16 feet of unobstructed pavement in a 21-foot-wide easement or tract.” Without the alleged easement referenced above across Ms. Giustina's land, the Finn Hill 8 Short Plat does not satisfy these requirements. Because that easement does not exist, the short plat should be denied.

(6) Appellants challenge Section III.I of the decision, titled “Construction Impact.” In this section, the decision rebuffs concerns about construction-related impacts raised by the HOA in its comment letters of April 29 and May 2, 2022, relating to damage to the HOA's private property during the construction process. The decision ignores these and other construction-related concerns on the basis that construction-related impacts will be dealt with at the construction permit phase. However, construction-related impacts bear directly on the short plat approval criteria at KMC 22.20.140. The short plat should be conditioned or denied to eliminate construction-related impacts on surrounding properties.

(7) Appellants challenge Section III.M of the decision, titled “Open space and parks.” This section of the decision begins by making a true statement with which Appellants agree: “The neighborhood and surrounding area does not have enough parks and open space for this type of

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 & Kirkland Hearing Examiner
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development and population increase. One suggestion is for space to be provided within the subject property for the future residents to be able to recreate.” However, the decision then contradicts this statement (and does not require any on-site recreation space) on the alleged bases that (a) the applicant will be required to pay a park impact fee; (b) the city does not have specific requirements for open space; and (c) the neighborhood already has other off-site recreation areas. Despite these rationales: (a) the decision contains no analysis of how a park impact fee will off-set neighborhood impacts or provide sufficient open space for this proposal; (b) the short plat approval criteria at KMC 22.20.140 specifically address the need for adequate open space; and (c) the decision contains no analysis of how other off-site recreations will suffice for this project. The short plat should be denied or mitigated to require sufficient on-site open space.

(8) Appellants challenge Section IV.B of the decision, titled “Criteria for Short Plat Approval.” In this section, the decision finds that the proposal complies with the short plat approval criteria at KMC 22.20.140. For the reasons above, this is false. The short plat does not satisfy the access standards at KZC 105.10, and therefore cannot make adequate provision for rights-of-way and easements. Because the project plans are premised on the destruction of Ms. Giustina’s personal property and improvements, it is not in the public interest. Further, because the short plat contains insufficient conditions to fully mitigate impacts related to traffic and transportation safety, street parking, construction impacts, and open space and parks, the short plat should be denied.

(9) Appellants challenge Section V.B of the decision, titled “Development Regulations.” In this section, the decision finds that the short plat will meet the road-improvement requirements of KZC Chapter 110, in part based on the applicant’s dedication and construction of a sidewalk and other improvements on Ms. Giustina’s land. Because the applicant has no right to dedicate or improve land owned by Ms. Giustina, this conclusion is false and the short plat should be denied.

(10) Finally, although the following items are not addressed in the challenged decision, the short plat should be denied because (a) the applicant violated KZC 145.15 by applying for a Process-I decision affecting land that the applicant does not own; (b) the short plat application is defective because it was not signed or authorized by all affected property owners; and (c) the short plat plans submitted by the applicant indicate that the applicant intends to dig up portions of the private roadway owned by the Overlook at Finn Hill Homeowners Association. Yet, the applicant has no authority to damage property owned by the HOA, or to dig up, modify, or otherwise physically alter any part of the HOA’s private access road. The short plat should be denied or conditioned to deny any such work.

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Kirkland Planning and Building Department
& Kirkland Hearing Examiner
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March 14, 2023
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C. Conclusion and Request for Relief

For the reasons above, the Examiner should reverse the Finn Hill 8 Short Plat decision and deny the application.

For future service of process, notices, pleadings, orders, and/or other communications relating to this appeal, please address them to me at:

TELEGIN LAW PLLC
175 Parfitt Way SW, Suite N270
Bainbridge Island, WA 98110
bryan@teleginlaw.com
(425) 453-2884

I consent to electronic service in this matter, and ask that all parties copy my office manager on all pleadings, orders, or other service of process at jamie@teleginlaw.com.

Very truly yours,

TELEGIN LAW PLLC



Bryan Telegin, WSBA No. 46686
Counsel for Appellants Overlook at Finn Hill
Homeowners Association and Irene Giustina

cc:

Clients:

Overlook at Finn Hill HOA
c/o Mike Hurley
8226 NE 117th Street
Kirkland WA, 98034

Irene Giustina
8300 NE 117th Street
Kirkland, WA 98034

Exhibit A

Finn Hill 8 Short Plat Decision
Case No. SUB22-00036



City of Kirkland
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425-587-3600

City of Kirkland
Notice of Decision

March 1, 2023

Project Name: Finn Hill 8 Short Plat
File No.: SUB22-00036
Location: 8230 NE 117th St (see Attachment 1)
Applicant: Moira Haughian with Legacy Group Capital
Project Description: Subdivide a 30,591 square foot parcel into four single-family lots in the RSA 6 zone (see Attachment 2).
Decisions Included: Short Plat (Process I)
Project Planner: Martha Rubardt, Planner
SEPA Determination: Exempt from State Environmental Policy Act (SEPA) pursuant to Washington Administrative Code (WAC) 197-11-800(6)(d)
Department Decision: **Approval with Conditions**

Adam Weinstein, Director
 Planning and Building Department

Decision Date:	February 23, 2023
Appeal Deadline:	March 15, 2023

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 & Building 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 & Building Department by 5:00 p.m., March 15, 2023. For information about how to appeal, contact the Planning & Building Department at (425) 587-3600. An appeal of this project decision would be heard by the Hearing Examiner.

Comment to City Council: If you do not file an appeal, but would like to express concerns about policies or regulations used in making this decision or about the decision making process,

you may submit comments to citycouncil@kirklandwa.gov. Expressing your concerns in this way will not affect the decision on this application, but will enable the City Council to consider changes to policies, regulations or procedures that could affect future applications.

I. Conditions of Approval

- A. 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.
- B. Prior to recording the short plat, the applicant shall:
 - 1) Obtain a demolition permit and remove the existing house and associated improvements on Lots 1, 2, and 3 (see Section II – Current Land Use) and
 - 2) Dedicate an area of land along the frontage of the subject property to sufficiently encompass the right-of-way improvements (see Conclusion V.B.2.c))
- C. As part of the applications for a Land Surface Modification (LSM) Permit and Building Permits, the applicant shall:
 - 1) Install a new Type A curb and gutter (see Conclusion V.B.2.a),
 - 2) Install a 5-foot-wide sidewalk at the back of curb (see Conclusion V.B.2.b),
 - 3) Submit a Tree Retention Plan consistent with the Arborist Report in Attachment 7 and the Integrated Development Plans (IDP) in Attachment 8 and implement the recommendations of the City's Development Review Arborist found in Section V.D.1.d.iv (see Conclusion V.D.2).
- D. Prior to issuance of a Building Permit on Lot 2, the applicant shall (see Section II – Current Land Use):
 - 1) Abandon the drain field and eliminate the associated easement (King County recording #9309240776) located on Lot 2, as shown in Attachment 2; or
 - 2) Redesign the building footprint and plans for Lot 2 so they do not conflict with the existing drain field easement (recording #9309240776).

II. Site and Neighborhood Context

Zoning District	RSA 6
Comprehensive Plan Designation	Low Density Residential (LDR)
Property Size	30,591 square feet
Current Land Use	Currently, a single-family residence and an accessory structure exist on the subject property (see Attachment 2). The applicant has proposed to remove all existing

	<p>structures. There is an existing drain field easement (King County recording #9309240776) on Lot 2 that conflicts with the building footprint shown in the Integrated Development Plans in Attachment 8. The applicant has come to an agreement with the beneficiary of the easement to have it eliminated after parcel #3767300045 is connected to the sewer main and the drain field is abandoned. See keynote 11 on Sheet C05 in Attachment 8.</p> <p><u>Staff Analysis:</u> Retention of the existing residence and accessory structure would not fully comply with the required setback yards relative to the proposed short plat lot line configuration. Therefore, the applicant should demolish the existing structures prior to recording the short plat.</p> <p>The location of the drain field easement on proposed Lot 2 conflicts with the proposed single-family structure footprint as shown on the Integrated Development Plan in Attachment 8. The drain field should be abandoned, and the easement eliminated prior to issuance of a building permit on Lot 2. Alternatively, the applicant may redesign the building on Lot 2 to avoid conflict with the drain field easement.</p>
Proposed Lot Sizes (net)	<p>Lot 1: 5,619 square feet Lot 2: 6,370 square feet Lot 3: 6,599 square feet Lot 4: 6,970 square feet</p>
Lot Size Compliance	<p>The RSA 6 zone requires a minimum lot size of 5,100 sq. ft. All lots meet the minimum lot size requirements for the zone. See Section V.A. below for a compliance analysis.</p>
Density Compliance for RSA Zones	<p>The RSA 6 zone allows six units per acre (not including Accessory Dwelling Units [ADUs] pursuant to KZC 115.07). Where the density calculation results in a fraction of 0.50 or greater, the result shall be rounded up to the next whole number. Road dedication and vehicular access easements or tracts may be included in the density calculation. The subject property contains 0.70 acre; therefore, a maximum of four units are allowed.</p> <p>The applicant is proposing four lots which complies with the density limitation. Under current Zoning Code provisions (KZC Chapter 15 and Chapter 115), each lot may contain one principal detached dwelling unit and</p>

	up to two ADUs (and any detached ADUs may be independently owned or rented).
Terrain	The property slopes down from north to south at a slope of approximately 10 percent (see Attachment 2).
Geologically Hazardous Areas	<p>The City of Kirkland Sensitive Areas Map identifies a moderate landslide hazard area on the northern portion of the subject property (see Attachment 5).</p> <p>See Section V.C. for further analysis.</p>
Trees	<p>There are 32 significant trees on the site and 1 significant tree located off site that may be affected by the proposed development. Attachment 7 shows the location, tree number, and general health of the trees, as assessed by the applicant's arborist.</p> <p>The applicant is proposing an Integrated Development Plan (IDP) pursuant to KZC Sections 95.30.4 & 95.30.5 of the City's former tree code, which was in effect at the time a complete application was submitted (i.e., prior to adoption of Ordinance 4786).</p> <p>See Attachment 8 for the IDP plans that show the locations of the building footprints, utility lines, and site improvements. See Section V.D. for an analysis of tree retention and protection measures to be implemented with the development.</p> <p>See Attachment 3, Development Standards, for information on the City's review of the arborist report as well as tree preservation requirements. See Section V.D. for an analysis of the IDP on the subject property.</p>
Access	<p>The subject property currently takes access from NE 117th Street via a driveway within the panhandle portion of the property. The applicant proposes access to all lots from the NE 117th Street right-of-way. A combined 30-foot-wide access easement is proposed off of NE 117th Street using a new 15-foot-wide access easement over the panhandle of Lot 1, along with an existing 15-foot-wide access and utility easement on the property directly to the east of the subject property's panhandle. The applicant proposes a 15-foot-wide access easement across the western portion of Lots 1 and 3 to access Lot 4 and a 15-foot-wide access easement across the southern portion of Lot 1 to access Lot 2 (see Attachment 2).</p>

Neighboring Zoning and Development	
North	RSA 6, single-family residence
South	RSA 6, single-family residence
East	RSA 6, single-family residence
West	RSA 6, single-family residence

III. Public Notice and Comment

The public comment period for this application ran from April 14th, 2022, to May 2nd, 2022. Attachment 4 contains all of the public comment received during the public comment period. Below is a summary of public comments followed by a brief staff response.

- A. Public Notice Signs: Commenters suggested that the noticing process was deceiving and lacked transparency. They also alleged that the proposal changed during the comment period as evidenced by a new sign being erected by the developer.

Staff Response: The City followed all noticing requirements established in KZC 145.22. The public notice sign included a site plan accurately showing the proposed subdivision of the property into four (4) lots. The additional sign that was installed was not a City public notice sign. It was a marketing sign installed by the applicant and was not intended, nor required, to convey the proposal submitted to the City. Staff would also note that the marketing sign depicts development that could conceptually be developed on this property based on the currently proposed short plat. The Zoning Code allows each lot to be developed with a principal single-family dwelling and up to two ADUs.

- B. Public Hearing: Commenters expressed concerns about the City's review process and requested that a public hearing be held on the project proposal.

Staff Response: Short plat developments are required to go through the Process I approval which includes public noticing and a public comment period. In the event of an appeal of the decision, a public hearing would be held pursuant to KZC 145.85.

- C. Application Materials: One commenter alleged that no discussion of surface water management or Kirkland's new tree code was submitted with the application.

Staff Response: All of the required reports and analysis (including those necessary to determine compliance with City codes and regulations) were submitted to the City. The applicant provided a Technical Information Report prepared by Davido Consulting Group, Inc. dated March 2022 that includes an analysis of surface water management for the proposed development of the site. An arborist report was also submitted, which was prepared by Layton Tree Consulting, LLC dated October 4, 2021 (see Attachment 7). These reports have been available to the public online at MyBuildingPermit.com since the Notice of Application was published on April 14, 2022. These reports have been reviewed by staff and analysis has been provided within this staff report. Additional review of these matters will occur with the subsequent LSM and Building Permits.

Note that the City's updated tree code (Ordinance 4786) went into effect on May 13, 2022. This application was deemed complete, pursuant to KZC 145.17, on April 5, 2022, prior to adoption of Ordinance 4786. Therefore, this short plat application is subject to the City's former tree code and has been reviewed under those regulations. See Section V.D. below.

- D. Density: Several commenters expressed concern about the proposed density of the project and that the applicant is violating the density limitations of the RSA 6 zoning. Commenters suggested, specifically, that ADUs should be subject to the maximum density and minimum lot size per dwelling unit regulations for this zone.

Staff Response: The proposal is a 4-lot short plat with each lot allowed a detached dwelling unit (i.e., single-family dwelling) as a permitted use under KZC 15.20.060. Furthermore, pursuant to KZC 115.07, up to two ADUs, including either one attached ADU and one detached ADU, or two of either type, are permitted per single-family dwelling. KZC 115.07 also notes that ADUs shall not be considered "dwelling units" in the context of the Special Regulations in KZC Chapter 15 that limit the number of detached dwelling units on each lot to one (1). In particular, KZC 15.30 Special Regulation DD-17, which establishes the density for the RSA zones, limits the number of dwelling units on each lot to one:

KZC 15.30 (DD-17):

Maximum units per acre is as follows:

- a. In RSA 1 zones, the maximum units per acre is one dwelling unit.*
- b. In RSA 4 zones, the maximum units per acre is four dwelling units.*
- c. In RSA 6 zones, the maximum units per acre is six dwelling units.*
- d. In RSA 8 zones, the maximum units per acre is eight dwelling units.*

Where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is 0.50 or greater. In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.

Therefore, based on the language in KZC 115.07 noted above, ADUs are not "dwelling units" and are not considered in the density analysis of KZC 15.30 (DD-17) for this proposal. The proposed 4-lot short plat complies with the density limitations of the RSA 6 zone.

Additionally, the purpose of the application is to analyze the proposed short plat (i.e., subdivision of the subject property). While the applicant's intention to build a single-family dwelling and a detached ADU on each lot is known, the application and decision herein are solely for the purpose of subdividing the lot and does not include authorization to construct any improvements. Formal application for building permits is required subsequent to this short plat application. At that time, the single-family dwellings and ADUs will be reviewed for compliance with the applicable codes.

- E. Affordability: Commenters expressed concern that ADUs can be sold separately from the primary residence and should be intended as mother-in-law and/or guest houses. Frustration was also expressed about the ADUs being unaffordable.

Staff Response: Recent code amendments (Ordinance 4715), which went through a full public process with Planning Commission input and City Council decision, allow detached ADUs to be owned separately but not subdivided from the principal dwelling unit. The price point of ADUs, whether rented or for-sale, is not regulated (although for-sale ADUs tend to be less expensive than newly built, conventional stand-alone housing units). The City's affordable housing regulations in KZC Chapter 112 are not applicable to low density zones.

- F. Road Conditions: Several neighbors expressed concern about the road conditions in the vicinity, including narrow streets, sharp turns, blind spots, vehicle capacity, and lack of sidewalks.

Staff Response: The rights-of-way in the immediate vicinity of the subject property are neighborhood access type streets. The existing paved widths are at least 20 feet, which meets the minimum requirement pursuant to the R-20 designation in KZC 110.30. The development will be required to install sidewalks along the project frontage (see Section V.B. for analysis). The hedge to the east of the project driveway must comply with site distance standards established in Public Works Pre-Approved Plans Policy R-4 and R-13 (see Attachment 3). Other neighborhood-wide pedestrian and bicycle safety concerns are best addressed through the City's Neighborhood Safety Program. For more information, contact the city neighborhood traffic control coordinator (Victoria Kovacs vkovacs@kirklandwa.gov). Lastly, speeding and other driver behavior concerns are not a factor in the analysis of the short plat proposal. These concerns should be submitted through the *Our Kirkland portal* on the City's website for the Police and Public Works Transportation Departments to review. The incremental impact of the project on the road conditions noted above would not be considered significant in that the additional vehicle trips and pedestrians generated by the project would not substantially exacerbate existing hazards.

- G. Street parking: Several comments stated that there is no available street parking in the vicinity of the subject property and that the additional units in the neighborhood will exacerbate the issue of people parking illegally on NE 117th St.

Staff Response: The development must comply with the parking requirements in KZC 15.40.060 for the detached dwelling units and KZC 115.07(6), which calls for two on-site parking spaces on each lot based on the single-family dwellings and ADUs shown on the plans in Attachment 8. The driveway configurations shown in the plans will provide more on-site (i.e., off-street) parking than required by code. Also, NE 117th Street currently has no parking signs posted on one side (northern) of the roadway, which is consistent with the R-20 neighborhood access street type designation. These signs will remain in place. Violations of these parking signs are not a factor in the analysis of the proposal as parking laws within City of Kirkland rights-of-way are enforced by the Kirkland Police Department.

- H. Access width: Commenters suggested that the driveway for this subject lot is not sufficient to provide safe ingress and egress to the proposed development for the future residents, visitors, and emergency vehicles given its narrow width and the large hedge directly to the east. Commenters also requested that turnaround areas be provided on-site.

Staff Response: The paved access serving the four lots will be 16 feet wide, which meets the access requirements in KZC 105.10. See Section II – Access above for analysis. Furthermore, the entrance at the right-of-way must meet

sight distance requirements established in Public Works Pre-Approved Plans Policy R-4 and R-13 (see Attachment 3). Site circulation has also been reviewed and deemed sufficient given the width of the paved access and availability of private driveways for turnaround space. All buildings in the subject development will be required to be sprinklered due to inadequate fire access. See the Fire and Building Department Development Standards in Attachment 3.

- I. Construction Impact: The neighbors to the west of the subject property expressed concern that their private access road would be used and damaged during construction.

Staff Response: Construction activity will be reviewed with the subsequent building permits. The applicant must work within their private property unless they have the right, through easements, to work on other private property. Certain components of construction will occur and/or be staged within the right-of-way as authorized by the City. Note that the IDP plans in Attachment 8 show utility connections to the water and sanitary sewer main located on private property to the west. These utility mains are located in existing easements granted to Northshore Utility District (recording #20070713000754 and #20070713000755). The property owners affected by these easements can contact Northshore Utility District. It is the applicant's responsibility to respect private property lines and abide by terms and conditions of any easements being used during construction.

- J. Waste Receptacles: Commenters stated that the frontage of the subject property isn't wide enough to accommodate the number of waste receptacles that will be produced by this project.

Staff Response: The subject property may use the public right-of-way for placement of their waste receptacles. Pursuant to Title 16 of the Kirkland Municipal Code, garbage receptacles for single-family residences shall be placed in a convenient, accessible location that does not block vehicular or bicycle use or use of the sidewalk. The indicated location of the garbage receptacles shown in the plans in Attachment 8 meets the placement requirements in KMC 16.08.070 and has been approved by Waste Management (see Attachment 9).

- K. Neighborhood Disruption: Neighbors expressed concern that the construction activity will cause disruption in the neighborhood, including noise disturbance.

Staff Response: The applicant will be required to follow the noise and work hours regulations in KZC 115.24, which limit construction activity to 7:00 a.m.-8:00 p.m. Monday-Friday, 9:00 a.m.-6:00 p.m. on Saturday, and no construction on Sundays. These limitations are applicable to all development activity Citywide.

Additionally, pursuant to KZC 115.95, the City has adopted the maximum environmental noise levels established by the State of Washington in the Noise Control Act of 1974, Chapter 70.107 RCW. These state regulations exempt temporary construction sites from the noise limitations between the hours of 7:00 am and 10:00 pm (see WAC 173-60-050).

After development activity is complete, the City's public nuisance noise regulations apply, which ensures neighbors of the subject property can safely enjoy their own properties and vice versa.

- L. Air Quality: One neighbor expressed concern about the impact on air quality from additional cars.

Staff Response: Pursuant to KZC 115.15, air quality is regulated by the Washington Clean Air Act, Chapter 70.94 RCW, which includes vehicle emissions. The City's subdivision code and applicable development standards do not regulate vehicle emissions, and it therefore is not a factor in the review of the proposed short plat. It should also be noted that the relatively small number of vehicle trips generated by the project would not substantially increase long-term ambient air pollution in the area compared to existing conditions.

- M. Open space and parks: The neighborhood and surrounding area does not have enough parks and open space for this type of development and population increase. One suggestion is for space to be provided within the subject property for the future residents to be able to recreate.

Staff Response: The development will be required to pay parks impact fees to contribute to the cost of needed new parks and public spaces. The impact fees are a proportionate share of the cost of parks needed with the residential growth. Title 27 in the Kirkland Municipal Code includes further information about how the park impact fees are calculated and used. The City does not have requirements for open space to be provided onsite for this type of development. It should also be noted that the Finn Hill neighborhood has significant open space resources that could be used by residents of the proposed project, including Juanita Heights Park, Juanita Woodlands Park, Big Finn Hill Park, and O.O. Denny Park.

- N. Drain field easement: The owner of the property directly to the east of the subject property commented that they have a drain field easement on the subject property. The footprint of a structure is proposed to extend into the easement.

Staff Response: According to the applicant, an agreement has been reached to connect parcel #3767300045 to the sewer main in 84th Avenue NE and abandon the drain field, at which point the easement will be eliminated. The applicant will be required to either eliminate this easement or redesign the building footprint on Lot 2 prior to the issuance of a building permit. See Section II – Current Land Use for analysis.

- O. Views: One neighbor expressed concern that their view of Lake Washington will be blocked by the proposed development.

Staff Response: The Kirkland Zoning Code does not protect views in the RSA zone. Building height is limited by KZC 15.30.060, which establishes a maximum building height of 30 feet, which is measured from the average building elevation as described in KZC 115.59.

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, transit stops, water supplies, sanitary waste, power service, parks, playgrounds, and schools, including sidewalks and other planning features that assure safe walking routes to and from 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:

- 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- 2) It is consistent with the public health, safety, and welfare.

- B. Conclusions: The proposal complies with Municipal Code Section 22.20.140 and Zoning Code Section 145.45. 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, transit stops, water supplies, sanitary waste, power service, parks, playgrounds, and schools, including sidewalks and other planning features that assure safe walking routes to and from schools. The conditions of approval are intended to mitigate the incremental impacts of the project on the aforementioned City utilities and services that are not otherwise addressed by City codes and regulations. 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. Lot Size and Dimension Compliance

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 lot size requirements for the zone as proposed or conditioned below.

Complies as proposed	Complies as conditioned	Code Section
KMC 22.28.050 – Lots - Dimensions		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lots are shaped for reasonable use and development
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Minimum lot width is 15' where abutting right-of-way, access easement, or tract

B. Right-of-Way Improvements and Dedication

- 1) Facts:
 - a. Municipal Code Sections 22.28.090 require the applicant to comply with the requirements of Chapter 110 of the Zoning Code with respect to dedication and improvement of rights-of-way.
 - b. KZC Sections 110.10 and 110.25 require the applicant to make half street improvements in rights-of-way abutting the subject property.

- c. The subject property abuts NE 117th Street which is shown on the City Rights-of-Way Designation Map as a neighborhood access street and is developed with an existing street width of approximately 21-22 feet.
 - d. KZC Section 110.30 establishes that a neighborhood access street must be improved with:
 - i. A Type-A concrete curb and gutter,
 - ii. A 4.5-foot-wide landscape strip behind the curb, with street trees 30-feet on-center, and
 - iii. A 5-foot-wide concrete sidewalk behind the landscape strip.

KZC Section 110.30(f)(2) allows the landscape strip to be omitted if the frontage of the subject property is too short to provide a useful landscape strip.
 - e. NE 117th Street is currently partially improved (limited to approximately 155 lineal feet directly west of the subject property) with:
 - i. A curb and gutter, and
 - ii. A 5-foot-wide sidewalk directly behind the curb.
 - f. The applicant has proposed the following on NE 117th Street along the frontage of the proposed development (see Attachment 8):
 - i. New Type A concrete curb and gutter, and
 - ii. 5-foot-wide sidewalk.

The proposed improvements will match the existing conditions to the west of the subject property and omits the landscape strip, pursuant to KZC Section 110.30(f)(2).
 - g. Zoning Code Section 110.60 states that if a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required half-street improvements.
 - h. Matching the proposed sidewalk with the existing sidewalk to the west would locate the new sidewalk partially on the subject property. Therefore, a right-of-way dedication is needed to sufficiently encompass the required sidewalk.
 - i. The Public Works Department is recommending that the applicant dedicate the necessary area so that the sidewalk is located in the right-of-way. (see Attachment 3)
- 2) Conclusions: The application meets the requirements of KZC Chapter 110, provided that the applicant:
- a. Installs a new Type A curb and gutter to match alignment to the west,
 - b. Installs a new 5-foot-wide sidewalk to match alignment to the west, and

- c. Dedicates a strip of land adjacent to the right-of-way that is wide enough to encompass the required improvements.

C. Geologically Hazardous Areas

1) Facts:

- a. Municipal Code Section 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands, habitat, geologic features, and vegetation, of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible.
- b. Zoning Code regulations regarding geologically hazardous areas address slope stability, run-off, structural concerns, and liability issues. The Planning & Building Department evaluates proposals located on hazardous slopes based on the criteria in KZC Chapter 85. The evaluation is based on a geotechnical report prepared by a qualified geotechnical engineer.
- c. The City of Kirkland Geologically Hazardous Areas Map identifies a moderate landslide hazard area on the subject property (see Attachment 5).
- d. The applicant has submitted a geotechnical report prepared by PanGeo Incorporated dated December 27, 2021 (see Attachment 6), which includes recommendations on the design and construction of the future homes.
- e. Zoning Code 85.25(2) states that the City may require written acknowledgement from the geotechnical engineer who prepared the geotechnical report that they have reviewed the final development plans and that the plans conform to their recommendations.
- f. Attachment 3 contains the standards that are applicable to geologically hazardous areas.

2) Conclusions: The proposal complies with the City's geologically hazardous areas regulations, provided the applicant:

- a. Incorporates the recommendations of the geotechnical report prepared by PanGeo Incorporated dated December 27, 2021 (see Attachment 6) into the LSM and Building Permits.
- b. Provides written acknowledgment from PanGeo Incorporated that they have reviewed the final design for the LSM and Building Permits and that they conform with their recommendations prior to issuance of the LSM and Building Permits.
- c. Follows the standard conditions regarding geologically hazardous areas as described in Attachment 3.

D. Tree Retention

1) Facts:

- a. Municipal Code Section 22.28.180 states that the applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features, including topography, streams, lakes, wetlands,

habitat, geologic features, and vegetation, of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible.

- b. KMC 22.28.210 states that the applicant shall design the plat so as to comply with the tree management requirements set forth in KZC Chapters 90 and 95 to maximize the chances of survival of trees and associated vegetation designated for retention and minimize potential hazards to life or property.
- c. KZC 95.30.5 requires that with a short plat application, high retention value trees (includes groves) should be retained and protected to the maximum extent possible. Moderate retention value trees should be retained and protected if feasible.
- d. Integrated Development Plan
 - i. An Integrated Development Plan (IDP) allows the City to consider all tree retention and removals at the time of plat approval, rather than at the subsequent grading and building permit stages.
 - ii. The applicant has submitted an arborist report prepared by Layton Tree Consulting, LLC, dated October 4, 2021 and an updated memo from Layton Tree Consulting, LLC dated October 21, 2022 with tree protection recommendations (see Attachment 7). The project arborist's tree protection recommendations include:
 - (a) Project arborist should be on site during excavation within the limits of disturbance to document and mitigate root impacts to trees #2, #3, #13, and offsite tree #101.
 - (b) Excavation limits should be laid out in paint on the ground to avoid over-excavation.
 - (c) Tree protective fencing shall be erected prior to moving any heavy equipment on site. Heavy equipment should be kept outside of the fenced areas.
 - (d) When establishing sub grade near the trees, the soil should be removed parallel to the roots. Any damaged roots should be exposed to sound tissue and cut cleanly with a sterilized saw by the project arborist.
 - (e) To protect trees #2 and #3, a root barrier should be installed along the edge of the proposed driveway directly to the north of those trees. The roots should be severed and pruned cleanly by the project arborist prior to placing the root barrier.
 - (f) To protect tree #13, the applicant should incorporate the following:
 - 1. A six-inch layer of coarse woodchip mulch or hog fuel should be installed to cover the area

within 14 feet of the trunk, but not up against the trunk.

2. The top sod layer is all that should be removed to prepare a subbase for the paved areas.
3. The driveways and walkways within the limits of disturbance of the tree should be constructed of pavers.
4. Utility trenches should be air-excavated or hand dug to preserve surface roots greater than 2 inches in diameter.
5. A phased tree protection fencing plan should be followed and the fencing should only be reduced when the work is ready to start, and the project arborist is onsite.

- (g) To protect tree #32, the existing grade must be maintained within at least 6 feet from the trunk face. The water and storm drain lines in that area should be shifted further south to provide enough space for that tree.

iii. KZC 95.34(5) allows the City to require additional tree protection measures that are consistent with accepted urban forestry practices.

iv. The City's Development Review Arborist has reviewed the applicant's arborist report and IDP plans and recommends additional tree protection measures and plan requirements as follows:

- (a) To protect tree #13:

1. Excavation for the proposed utility lines within the tree protection area shall be performed with air excavation. This includes the utilities running along the west side of Lot 1 and Lot 3, as well as utilities proposed under the walkways.
2. Excavation under the roots shall be filled as soon as possible to avoid them drying out. If roots must remain exposed, they shall be wetted regularly and covered in burlap or jute to prevent desiccation.

- (b) To protect tree #32 the proposed retaining wall and water line within proximity of that tree should be removed, relocated, or shifted further south to accommodate the 6 feet of space recommended by the project arborist in Attachment 7.

- 2) Conclusion: The proposed Tree Retention Plan complies with the applicable City tree retention requirements. As part of the LSM and building permit applications, the applicant should submit a Tree Retention Plan consistent with the IDP plans in Attachment 8 and which incorporates the

recommendations in the arborist report (Attachment 7), except as conditioned by the Development Review Arborist as follows:

- a. Excavation for the proposed utility lines within the tree protection area of tree #13 shall be performed with air excavation. This includes the utilities running along the west side of Lot 1 and Lot 3, as well as utilities proposed under the walkways.
- b. Excavation under the roots of tree #13 shall be filled as soon as possible to avoid them drying out. If roots must remain exposed, they shall be wetted regularly and covered in burlap or jute to prevent desiccation.
- c. To protect tree #32 the proposed retaining wall and water line within proximity of that tree should be removed, relocated, or shifted further south to accommodate the 6 feet of space recommended by the project arborist in Attachment 7.

VI. Subsequent Modifications

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

VII. Short Plat Documents – Recordation – Time Limit (KMC 22.20.370)

The short plat must be recorded with King County within five (5) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

VIII. Appendices

Attachments 1 through 9 are attached.

1. Vicinity Map
2. Short Plat Map
3. Development Standards
4. Public Comments
5. City Landslide Hazard Area Map
6. PanGeo Incorporated Geotechnical Report dated December 27th, 2021
7. Layton Tree Consulting Arborist Report dated October 4th, 2021 and Tree Protection Memo dated October 21st, 2022
8. Integrated Development Plan
9. Waste Management Approval dated July 20th, 2022

IX. Parties of Record

Applicant: Moira Haughian, Legacy Group Capital
400 112th Ave NE, Suite 300
Bellevue, WA 98004

Parties of Record
Planning and Building Department
Department of Public Works
Fire Department

LEGAL DESCRIPTION

LOT X OF BOUNDARY LINE ADJUSTMENT NO. L05L0057, RECORDED OCTOBER 11, 2005, UNDER RECORDING NUMBER 20051011900023, IN THE OFFICIAL RECORDS OF KING COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

BASIS OF BEARINGS

N 46°58'26" E BETWEEN THE SOUTH QUARTER CORNER AND THE EAST QUARTER CORNER OF SEC. 25, TWP. 26 N., RNG. 4 E., W.M., PER GPS OBSERVATIONS, WASHINGTON STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

REFERENCES

R1 B.L.A. L05L0057, IN BK. 194 OF SURVEYS, PG. 3-4.
R2 R.O.S. IN BK. 247 OF SURVEYS, PG. 31.
ALL IN RECORD OF KING COUNTY, WASHINGTON.

VERTICAL DATUM

NAVD(88) PER GPS OBSERVATIONS.
SITE BENCHMARK
NAIL & SHINER, IN SIDEWALK WESTERLY OF ACCESS ROAD FOR #8210 NE 117TH ST., AS SHOWN HEREON
ELEV=377.61'

SURVEYOR'S NOTES

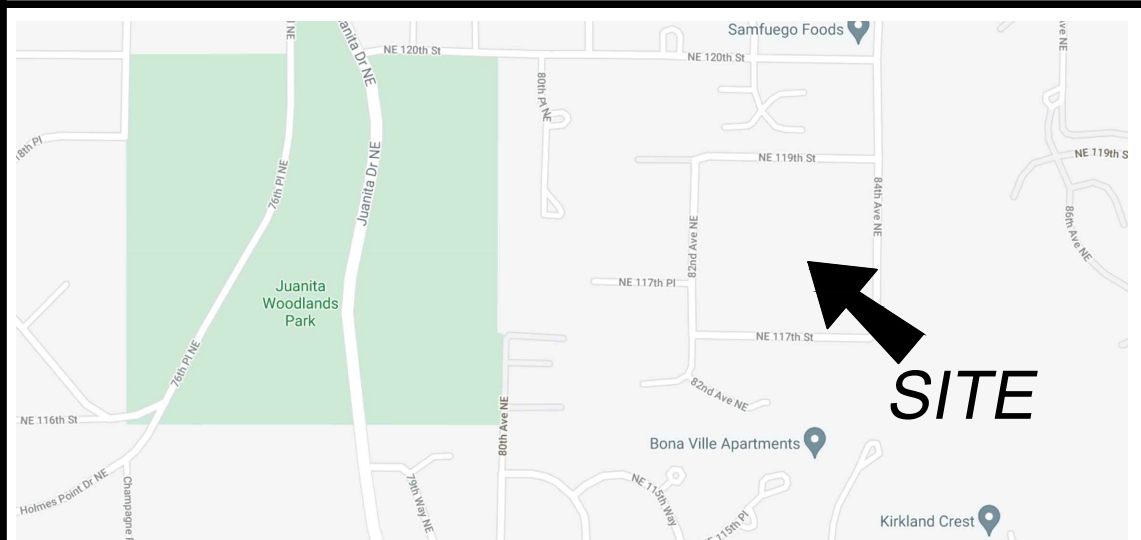
1. THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PERFORMED IN JULY OF 2021. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRONIC THEODOLITE. THE DATA FILE IS ARCHIVED ON DISC OR CD. WRITTEN FIELD NOTES MAY NOT EXIST. CONTOURS ARE SHOWN FOR CONVENIENCE ONLY. DESIGN SHOULD RELY ON SPOT ELEVATIONS.
2. ALL MONUMENTS SHOWN HEREON WERE LOCATED DURING THE COURSE OF THIS SURVEY UNLESS OTHERWISE NOTED.
3. THE TYPES AND LOCATIONS OF ANY UTILITIES SHOWN ON THIS DRAWING ARE BASED ON INFORMATION PROVIDED TO US, BY OTHERS OR GENERAL INFORMATION READILY AVAILABLE IN THE PUBLIC DOMAIN INCLUDING, AS APPLICABLE, IDENTIFYING MARKINGS PLACED BY UTILITY LOCATE SERVICES AND OBSERVED BY TERRANE IN THE FIELD. AS SUCH, THE UTILITY INFORMATION SHOWN ON THESE DRAWINGS ARE FOR INFORMATIONAL PURPOSES ONLY AND SHOULD NOT BE RELIED ON FOR DESIGN OR CONSTRUCTION PURPOSES; TERRANE IS NOT RESPONSIBLE OR LIABLE FOR THE ACCURACY OR COMPLETENESS OF THIS UTILITY INFORMATION. FOR THE ACCURATE LOCATION AND TYPE OF UTILITIES NECESSARY FOR DESIGN AND CONSTRUCTION, PLEASE CONTACT THE SITE OWNER AND THE LOCAL UTILITY LOCATE SERVICE (800-424-5555).
4. SUBJECT PROPERTY TAX PARCEL NO. 3767300055
5. SUBJECT PROPERTY AREA PER THIS SURVEY IS 30,591 S.F. (0.70 ACRES)
6. ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM CHICAGO TITLE COMPANY OF WASHINGTON "ALTA COMMITMENT", ORDER NO. 0215013-TK, DATED JUNE 23, 2021. IN PREPARING THIS MAP, TERRANE, INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH NOR IS TERRANE, INC. AWARE OF ANY TITLE ISSUES AFFECTING THE SURVEYED PROPERTY OTHER THAN THOSE SHOWN ON THE MAP AND DISCLOSED BY THE REFERENCED "ALTA COMMITMENT". TERRANE, INC. HAS RELIED WHOLLY ON CHICAGO TITLE COMPANY OF WASHINGTON REPRESENTATIONS OF THE TITLE'S CONDITION TO PREPARE THIS SURVEY AND TERRANE, INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
7. EXISTING STRUCTURE(S) LOCATION AND DIMENSIONS ARE MEASURED FROM THE FACE OF THE SIDING UNLESS OTHERWISE NOTED.
8. FIELD DATA FOR THIS SURVEY WAS OBTAINED BY DIRECT FIELD MEASUREMENTS WITH A CALIBRATED ELECTRONIC 5-SECOND TOTAL STATION AND/OR SURVEY GRADE GPS OBSERVATIONS. ALL ANGULAR AND LINEAR RELATIONSHIPS ARE ACCURATE AND MEET THE STANDARDS SET BY WAC 332-130-090.

LEGEND

	BRASS DISC (FOUND)		STORM DRAIN LINE
	BENCHMARK		TREE (AS NOTED)
	ASPHALT SURFACE		WATER METER
	BUILDING		CENTER CHANNEL
	CENTERLINE ROW		CATCH BASIN
	CLEANOUT		CITY OF KIRKLAND
	CONCRETE SURFACE		CONCRETE
	RETAINING WALL		CORNER
	DECK		DECIDUOUS
	FENCE LINE (WOOD)		ELEVATION
	FIRE HYDRANT		EVERGREEN
	GAS LINE		FINISH FLOOR
	GAS METER		GAS
	GAS VALVE		LAND SURVEYOR NUMBER
	GRAVEL SURFACE		MEASURED
	HEDGE FOLIAGE LINE		MONUMENT
	INLET (TYPE 1)		PROPERTY
	NAIL AS NOTED		RECORD DATA
	MONUMENT IN CASE (FOUND)		RECORD OF SURVEY
	POWER METER		R.O.S.
	POWER POLE		REBAR AS NOTED (FOUND)
	REBAR & CAP (SET)		REBAR & CAP (SET)
	SEWER LINE		SANITARY SEWER MANHOLE
			SANITARY SIDE SEWER
			SQUARE FEET

VICINITY MAP

N.T.S.



TOPOGRAPHIC & BOUNDARY SURVEY

SCHEDULE B ITEMS

1. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON THE PLAT OF LAMBERT & CARR'S JUANITACREST, AN ADDITION TO KING COUNTY, WASHINGTON: RECORDING NO.: 3689502
CURRENT CONDITIONS SHOWN
2. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT
RECORDING DATE: DECEMBER 18, 1984
RECORDING NO.: 8412180671
PLOTTED
3. REIMBURSEMENT AGREEMENT FOR WATER FACILITIES AND THE TERMS AND CONDITIONS THEREOF:
RECORDING DATE: MARCH 22, 1988
RECORDING NO.: 8803220285
NOT SURVEY RELATED
4. NOTICE OF ADOPTION OF SEWER AND WATER FACILITIES CHARGES AND THE TERMS AND CONDITIONS THEREOF:
RECORDING DATE: JULY 30, 1992
RECORDING NO.: 9207300895
NOT SURVEY RELATED
5. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON BOUNDARY LINE ADJUSTMENT:
RECORDING NO.: 9307190818
CURRENT CONDITIONS SHOWN
6. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
PURPOSE: SEWAGE DRAIN FIELD EASEMENT
RECORDING DATE: SEPTEMBER 24, 1993
RECORDING NO.: 9309240776
AFFECTS: INCLUDES OTHER PROPERTY
PLOTTED PER R1
7. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: PUGET SOUND POWER & LIGHT COMPANY
PURPOSE: UNDERGROUND ELECTRIC SYSTEM
RECORDING DATE: DECEMBER 14, 1993
RECORDING NO.: 9312142193
AFFECTS: PORTION OF SAID PREMISES
PLOTTED
8. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON SURVEY:
RECORDING NO.: 9708189008
CURRENT CONDITIONS SHOWN
9. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON SURVEY:
RECORDING NO.: 9709029006
CURRENT CONDITIONS SHOWN
10. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON SURVEY:
RECORDING NO.: 20040426900019
SURVEY OF PARCELS +/- 5 MILES NORTH OF SUBJECT PARCEL
11. COVENANTS, CONDITIONS, RESTRICTIONS, RECITALS, RESERVATIONS, EASEMENTS, EASEMENT PROVISIONS, DEDICATIONS, BUILDING SETBACK LINES, NOTES, STATEMENTS, AND OTHER MATTERS, IF ANY, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH ON BOUNDARY LINE ADJUSTMENT NO. L05L0057
RECORDING NO.: 20051011900023
CURRENT CONDITIONS SHOWN

SCHEDULE B LEGEND

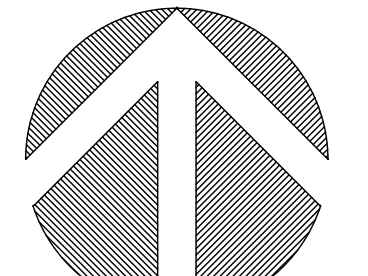
	INGRESS, EGRESS & UTILITY EASEMENT PER REC. NO. 84121806701.
	ELECTRICAL EASEMENT PER REC. NO. 9312142193.
	DRAINFIELD EASEMENT, REC. NO. 9309240776.

CONTROL MAP

N.T.S.



INDEXING INFORMATION	
	SECTION: 25
	TOWNSHIP: 26N
	RANGE: 04E, W.M.
	COUNTY: KING



(IN FEET)
1 INCH = 20 FT.

TOPOGRAPHIC & BOUNDARY SURVEY

PARCEL NO. 3767300055

Legacy - NE 117th St

8230 NE 117th St
KIRKLAND, WA 98034



Terrane
10801 Main Street, Suite 102, Bellevue, WA 98004
phone 425.458.4488 support@terrane.net
www.terrane.net

JOB NUMBER:	211496
DATE:	07/29/21
DRAFTED BY:	JJK
CHECKED BY:	EJG/TMM/RLS
SCALE:	1" = 20'
REVISION HISTORY	
08/09/21	TITLE & UTILITIES
08/25/21	L.S. COMMENTS
09/16/21	TREE UPDATE
09/27/21	FRONTAGE UTILITIES
11/24/21	FRONTAGE TOPO
SHEET NUMBER	
1 OF 2	

STEEP SLOPE/BUFFER DISCLAIMER:

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