

RESOLUTION R-5226

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF KIRKLAND WOODS BEING PLANNING AND BUILDING DEPARTMENT FILE NO. SUB15-00615 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

1 WHEREAS, a subdivision and preliminary plat previously called
2 Radke (20 lots) was approved by the Hearing Examiner on November
3 9th, 2015; and
4

5 WHEREAS, thereafter the Planning and Building Department
6 received an application for approval of subdivision and final plat, said
7 application having been made by Toll WA LLC, the owner of the real
8 property described in said application, which property is within a
9 Residential Single Family RSA 8 zone; and
10

11 WHEREAS, pursuant to the City of Kirkland's Concurrency
12 Management System, KMC Title 25, a concurrency application has been
13 submitted to the City of Kirkland, reviewed by the responsible Public
14 Works official, the concurrency test has been passed, and a concurrency
15 test notice issued this action is exempt from the concurrency
16 management process; and
17

18 WHEREAS, pursuant to the State Environmental Policy Act, RCW
19 43.21C and the Administrative Guideline and local ordinance adopted to
20 implement it, an environmental checklist has been submitted to the City
21 of Kirkland, reviewed by the responsible official of the City of Kirkland,
22 and a negative determination reached; and
23

24 WHEREAS, said environmental checklist and determination have
25 been made available and accompanied the application throughout the
26 entire review process; and
27

28 WHEREAS, the Director of the Planning and Building Department
29 did make certain Findings, Conclusions and Recommendations and did
30 recommend approval of the subdivision and the final plat, subject to
31 specific conditions set forth in said recommendation.
32

33 WHEREAS, the City Council, in regular meeting, did consider the
34 environmental documents received from the responsible official,
35 together with the recommendation of the Planning Commission.
36

37 NOW, THEREFORE, be it resolved by the City Council of the City
38 of Kirkland as follows:
39

40 Section 1. The Findings, Conclusions and Recommendations of
41 the Director of the Planning and Building Department, filed in Planning
42 and Building Department File No. SUB15-00615, are hereby adopted by
43 the Kirkland City Council as though fully set forth herein.

44 Section 2. Approval of the subdivision and the final plat of
45 Kirkland Woods is subject to the applicant's compliance with the

46 conditions set forth in the recommendations hereinabove adopted by
47 the City Council and further conditioned upon the following:
48

49 (a) A Plat Bond or other approved security performance
50 undertaking in an amount determined by the Director of
51 Public Works in accordance with the requirements therefor
52 in Ordinance No. 2178 shall be deposited with the City of
53 Kirkland and be conditioned upon the completion and
54 acceptance by the City of all conditions of approval,
55 including public improvements, within one year from the
56 date of passage of this Resolution. No City official,
57 including the Chairperson of the Planning Commission, the
58 Mayor, or the City Engineer, shall affix his signature to the
59 final plat drawing until such time as the plat bond or other
60 approved performance security undertaking herein
61 required has been deposited with the City and approved
62 by the Director of Public Works as to amount and form.
63

64 Section 3. Notwithstanding any recommendations heretofore
65 given by the Houghton Community Council, the subject matter of this
66 resolution and the permit herein granted are, pursuant to Ordinance
67 2001, subject to the disapproval jurisdiction of the Houghton
68 Community Council and, therefore, this resolution shall become effective
69 only upon approval of the Houghton Community Council or the failure
70 of said Community Council to disapprove this resolution within 60 days
71 of the date of the passage of this resolution.
72

73 Section 4. Nothing in this resolution shall be construed as
74 excusing the applicant from compliance with all federal, state or local
75 statutes, ordinances or regulations applicable to this subdivision, other
76 than as expressly set forth herein.
77


78 Section 5. A copy of this resolution, along with the Findings,
79 Conclusions and Recommendations hereinabove adopted shall be
80 delivered to the applicant.
81

82 Section 6. A completed copy of this resolution, including Findings,
83 Conclusions and Recommendations adopted by reference, shall be
84 certified by the City Clerk who shall then forward the certified copy to
85 the King County Department of Assessments.
86

87 Passed by majority vote of the Kirkland City Council in open
88 meeting this 13th day of December, 2016.
89

90 Signed in authentication thereof this 13th day of December, 2016.


MAYOR

Attest:

City Clerk



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

**MEMORANDUM
ADVISORY REPORT
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

To: Eric R. Shields, AICP, Planning Director
From: Susan Lauinger, Associate Planner
Date: December 2, 2016
File: Kirkland Woods Subdivision (Formerly Radke), File No. SUB15-00615

I. RECOMMENDATION

Approve the Final Subdivision application for the Kirkland Woods Plat.

II. BACKGROUND

- A. The applicant is Toll, WA LLC
- B. This is a final subdivision application to approve a 20-lot subdivision on a 3.36-acre site (see Attachment 1).
- C. The site is located at 12432 Juanita Dr. NE (see Attachment 2).

III. HISTORY

On November 9th, 2015, the Kirkland Hearing Examiner approved the Preliminary Plat (as Radke Preliminary Plat (see Attachment 3). A Determination of non-significance was issued on August 20th 2015

IV. ANALYSIS

A. Approval Criteria

1. Facts: Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
 - a. Consistency with the preliminary plat, except for minor modifications; and
 - b. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.
2. Conclusion: The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. SUB15-00615) by the Hearing Examiner. Prior to recording of the plat, the applicant will submit a security with the City to cover all remaining public improvements and utilities as required by the preliminary subdivision approval.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk not later than the close of business of the evening the City Council first considers the final plat.
- B. Section 22.16.110 of the Kirkland Municipal Code allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.
- C. Section 22.16.130 of the Kirkland Municipal Code states that unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

VI. APPENDICES

Attachments 1 through 3 are attached.

- 1. Final Plat
- 2. Vicinity Map
- 3. Hearing Examiner Decision

Review by Planning Director:

I concur I do not concur

Comments: _____

 December 2, 2016
Eric R. Shields, AICP Date

cc: Applicant
File: SUB15-00615

KIRKLAND WOODS

A PORTION OF THE SW 1/4, OF THE NE 1/4,
SECTION 25, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
FILE NO. SUB15-00615

VOL/PG

EASEMENT PROVISIONS (EASEMENTS GRAPHICALLY DEPICTED ON SHEET 3)

- AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND, AND ALL UTILITIES SERVING SAID PROPERTY, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THE EXTERIOR 10 FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS AND TRACT B, AND 5 FEET PARALLEL WITH AND ADJOINING TRACT A AS WELL AS THE EXTERITY OF TRACT A, IN WHICH TO LAY, INSTALL, CONSTRUCT, REPAIR, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, MAINS, CABLES, PIPES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, TV, GAS, WATER AND SEWER SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THESE EASEMENTS EXTEND UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY, NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR PERMITTED TO BE PLACED UPON ANY LOT UNLESS THAT SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.
- A PUBLIC STORM DRAINAGE EASEMENT OVER THE EXTERITY OF TRACT B IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KIRKLAND FOR LOCATION AND MAINTENANCE OF A STORMWATER DETENTION VAULT AND ASSOCIATED PUBLIC STORM DRAINAGE FACILITIES LOCATED WITHIN SAID TRACT, TOGETHER WITH THE RIGHT TO INGRESS AND EGRESS FOR PURPOSES OF MAINTENANCE AND INSPECTION OF SAID STORMWATER VAULT AND ASSOCIATED STORM DRAINAGE FACILITIES.
- A 10 FOOT PRIVATE DRAINAGE EASEMENT SHOWN ON LOTS 1 THROUGH 2 IS FOR THE BENEFIT OF LOTS 2 THROUGH 3. THE OWNERS OF LOTS 1 THROUGH 3 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A 10 FOOT PRIVATE DRAINAGE EASEMENT SHOWN AT THE REAR OF LOTS 7 THROUGH 8 IS FOR THE BENEFIT OF LOTS 8 THROUGH 10. THE OWNERS OF LOTS 7 THROUGH 10 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A 12 FOOT PRIVATE DRAINAGE EASEMENT SHOWN AT THE FRONT OF LOTS 7 THROUGH 9 IS FOR THE BENEFIT OF LOTS 8 THROUGH 10. THE OWNERS OF LOTS 7 THROUGH 10 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A 12 FOOT PRIVATE DRAINAGE EASEMENT SHOWN ON LOTS 5 THROUGH 7 IS FOR THE BENEFIT OF LOTS 4 THROUGH 6. THE OWNERS OF LOTS 4 THROUGH 7 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A 12 FOOT PRIVATE DRAINAGE EASEMENT SHOWN ON LOTS 12 AND 13 IS FOR THE BENEFIT OF LOTS 11, 13 AND 14. THE OWNERS OF LOTS 11 THROUGH 14 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A 12 FOOT PRIVATE DRAINAGE EASEMENT SHOWN ON LOTS 16 AND 17 IS FOR THE BENEFIT OF LOTS 17 AND 18. THE OWNERS OF LOTS 16 THROUGH 18 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A 10 FOOT PRIVATE DRAINAGE EASEMENT SHOWN ON LOT 20 IS FOR THE BENEFIT OF LOT 19. THE OWNERS OF LOTS 19 AND 20 ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THEIR RESPECTIVE DRAINAGE FACILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE NORTHSIDE UTILITY DISTRICT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 11, 13, 14, AND TRACT A, FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING A PUBLIC SEWER LINE, TOGETHER WITH THE RIGHT TO INGRESS AND EGRESS FOR SUCH PURPOSES AS RECORDED UNDER RECORDING NUMBER 2016024000495.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE NORTHSIDE UTILITY DISTRICT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 3, 4, AND TRACT A, FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING A PUBLIC WATER LINE, TOGETHER WITH THE RIGHT TO INGRESS AND EGRESS FOR SUCH PURPOSES AS RECORDED UNDER RECORDING NUMBER 2016024000495.
- A PUBLIC EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER, UNDER, ACROSS AND UPON THAT PORTION OF LOTS 15 AND 16, FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING AND MAINTAINING A PUBLIC STORM DRAINAGE LINE, TOGETHER WITH THE RIGHT TO INGRESS AND EGRESS FOR SUCH PURPOSES.
- THE TEMPORARY VEHICULAR TURNAROUND EASEMENT SHOWN ON LOTS 15 AND 16 WILL BE ABANDONED IF AND WHEN ROAD A IS EXTENDED THROUGH THE PROPERTY ADJOINING TO THE NORTH OR WHEN A CAL-DE-SAC IS BUILT.
- ON-SITE WALL MAINTENANCE: THE KIRKLAND WOODS HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE WALLS ON LOTS 4 THROUGH 6, LOT 14, AND LOTS 15 THROUGH 18 AS WELL AS THE DRAINAGE FACILITIES CONTAINED WITHIN, WITH THE COSTS THEREOF ASSESSED TO THE BENEFITED LOTS.

PLAT NOTES

- TRACT A, A PRIVATE ACCESS AND UTILITY TRACT, IS HEREBY GRANTED AND CONVEYED TO THE KIRKLAND WOODS HOMEOWNERS ASSOCIATION FOR THE BENEFIT OF LOTS 1 THROUGH 6 UPON THE RECORDING OF THIS PLAT. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT AND THE PRIVATE UTILITIES CONTAINED THEREIN WITH THE COSTS THEREOF ASSESSED TO THE BENEFITED LOTS. THE EXTERITY OF SAID TRACT IS SUBJECT TO A PUBLIC UTILITY EASEMENT (SEE EASEMENT PROVISION 1).
- TRACT B, A STORM WATER DETENTION VAULT AND RECREATION TRACT, IS HEREBY GRANTED AND CONVEYED TO THE KIRKLAND WOODS HOMEOWNERS ASSOCIATION FOR THE BENEFIT OF LOTS 7 THROUGH 10. THE HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT EXCEPT FOR THE DRAINAGE FACILITIES WITHIN WHICH ARE OWNED BY THE CITY OF KIRKLAND. THE DRAINAGE FACILITIES WITHIN SAID TRACT SHALL BE THE RESPONSIBILITY OF THE CITY OF KIRKLAND. A PUBLIC DRAINAGE EASEMENT IS HEREBY GRANTED OVER THE EXTERITY OF TRACT B FOR ACCESS AND MAINTENANCE OF THE DRAINAGE FACILITIES WITHIN SAID TRACT (SEE EASEMENT PROVISION 2).
- ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING POLICY MANUAL NUMBER 8.007, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.
- UTILITY MAINTENANCE: EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER STUB FROM THE POINT OF USE ON THEIR OWN PROPERTY TO THE POINT OF CONNECTION TO 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 EACH 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 ADJACENT TO THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ADJUTING LANDSCAPE STRIP, EXCLUDING THE STREET TREES WHICH SHALL BE MAINTAINED BY THE KIRKLAND WOODS HOMEOWNERS ASSOCIATION. THE MAINTENANCE OBLIGATION SHALL RUN WITH THE LAND AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.
- MAINTENANCE OF ON-SITE PRIVATE STORMWATER FACILITIES: EACH LOT WITHIN THE SUBDIVISION HAS A STORMWATER FACILITY (INFILTRATION TRENCH, DRY WELLS, DEPOSITION SYSTEMS, BAIN GARDEN, AND PERMEABLE PAVEMENT) WHICH IS DESIGNED TO AID STORM WATER FLOW CONTROL. FOR THE DEVELOPMENT, THE STORMWATER FACILITY WITHIN THE PROPERTY SHALL BE OWNED, OPERATED AND MAINTAINED BY THE OWNER. THE CITY OF KIRKLAND SHALL HAVE THE RIGHT TO INGRESS AND EGRESS THE PROPERTY FOR INSPECTION OF AND TO REASONABLE MONITORING OF THE PERFORMANCE, OPERATIONAL FLOWS, OR DEFECTS OF THE STORMWATER/FLOW CONTROL FACILITY. IF THE CITY OF KIRKLAND DETERMINES RELATED MAINTENANCE OR REPAIR WORK OF THE STORMWATER FACILITY IS REQUIRED, THE CITY OF KIRKLAND SHALL GIVE NOTICE TO THE OWNER OF THE SPECIFIC MAINTENANCE AND/OR REPAIR WORK REQUIRED. IF THE ABOVE REQUIRED MAINTENANCE OR REPAIR IS NOT COMPLETED WITHIN THE TIME SET BY THE CITY OF KIRKLAND, THE CITY OF KIRKLAND MAY PERFORM THE REQUIRED MAINTENANCE OR REPAIR, OR CONTRACT WITH A PRIVATE COMPANY CAPABLE OF PERFORMING THE STORMWATER FACILITY MAINTENANCE OR REPAIR AND THE OWNER WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY SUCH WORK PERFORMED. THE OWNER IS REQUIRED TO OBTAIN WRITTEN APPROVAL FROM THE CITY OF KIRKLAND PRIOR TO REPLACING, ALTERING, MODIFYING OR MAINTAINING THE STORM WATER FACILITY.
- INSTALLATION OF LOW IMPACT DEVELOPMENT (LID) STORM DRAINAGE IMPROVEMENTS WITH BUILDING PERMITS: ALL LID STORM DRAINAGE FEATURES DEPICTED ON SHEET 11 OF 21 OF THIS PLAT SHALL BE INSTALLED IN CONJUNCTION WITH THE CONSTRUCTION OF EACH NEW HOME ON LOTS 6, 8 AND 12. THE LID IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO THE RAIN GARDENS AND THE PERVIOUS DRIVEWAYS. THE BUILDING PERMIT FOR THE NEW SINGLE FAMILY HOME ON LOTS 6 AND 8 TO 12 WILL NOT RECEIVE A FINAL INSPECTION UNTIL SAID LID IMPROVEMENTS ARE INSTALLED.
- THE KIRKLAND WOODS HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE RIGHT-OF-WAY ALONG JUANITA DRIVE.
- PER KIRKLAND MUNICIPAL CODE THE PUBLIC WORKS DIRECTOR HAS DETERMINED THAT THE STREET IMPROVEMENTS AND RIGHT-OF-WAY IMPROVEMENTS WILL QUALIFY AS A TRAFFIC IMPACT FEE CREDIT.
- TRAFFIC, PARK, AND SCHOOL IMPACT FEES SHALL BE PAID BEFORE THE ISSUANCE OF BUILDING PERMITS PER KIRKLAND MUNICIPAL CODE CHAPTER 27 WITH A CREDIT GIVEN TO THE FIRST BUILDING PERMIT DUE TO A PREVIOUSLY EXISTING UNIT BEING REMOVED.
- LOCAL IMPROVEMENT DISTRICT (LID) WAIVER AGREEMENT, CHAPTER 110.60.7.8 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 UNDERGROUND ALONG THE FRONTAGE OF THIS SUBDIVISION ON JUANITA DRIVE. 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.

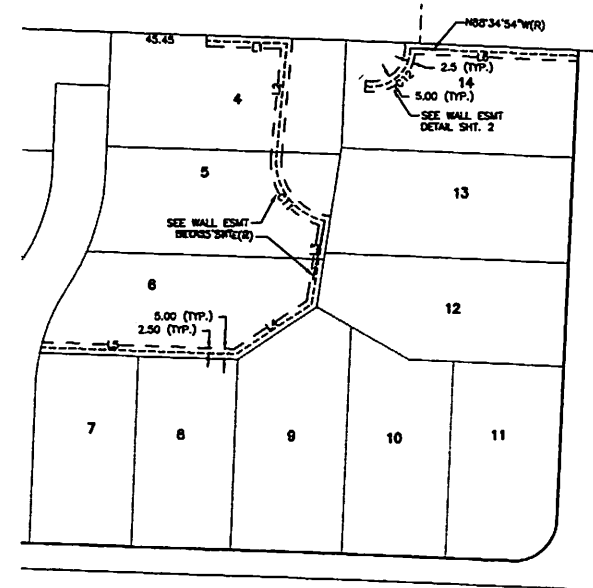
COVENANTS, CONDITIONS, AND RESTRICTIONS

- THE GARAGE WILL BE LOCATED AT THE REAR OF ANY LOT WHICH IS SMALLER THAN 5,000 SQUARE FEET, HAS A LOT WIDTH AT THE BACK OF THE REQUIRED FRONT YARD LESS THAN 50 FEET, AND IS NOT A FLAG LOT.
- 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.

EQUIPMENT AND PROCEDURES

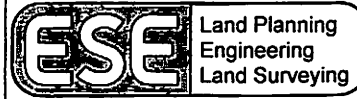
A LEICA 5 SECOND TOTAL STATION WAS USED FOR THIS SURVEY. PROCEDURES USED IN THIS SURVEY WERE FIELD TRAVERSE, MEETING OR EXCEEDING STANDARDS SET BY WAC 332-130-070.

WALL EASEMENT DETAIL
SCALE 1:40



| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N87°56'56\"/> | |

| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE |
|-------|------------|--------|--------------|
| C11 | 41.01 | 28.37 | 82°49'30\"/> |



ESE Consultants, Inc.
9720 NE 120th Place
Suite 100
Kirkland, WA 98034
TEL: 425-825-5367

| | |
|------------------|-----------------|
| DATE: | SCALE: |
| DESIGN: J.CAYTON | DRAWN: J.CAYTON |
| JOB NO: 3829 | FILE NAME: |
| REV. NO.: | |
| SHEET NO.: | 2 of 3 |

Kirkland Woods SUBDIVISION SUB15-00615

RSA 6

NE 128TH ST

NE 126TH PL

NE 126TH ST

RSA 8

NE 125TH ST

NE 124TH ST

RSA 4

NE 125TH ST

NE 124TH ST

123RD PL

NE 123RD ST

RMA 5.0

RMA 5.0

RMA 2.4

BNA

RMA 2.4

RSA 8

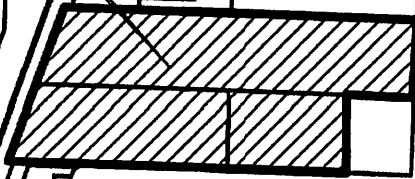
P

NE 122

NE 121ST ST

PRA 2.4

SUBJECT PROPERTY



76TH A

79TH CT NE

80TH AVENUE NE

82ND AVENUE NE

E NE

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

APPLICANT: Hans Christiansen on behalf of Toll WA LP

FILE NO: SUB15-00615

APPLICATION:

1. **Site Location:** 7922 NE 125th Street, 12432 Juanita Drive NE, and a vacant parcel, number 3840700758
2. **Request:** To subdivide 3 parcels, totaling 3.36 acres in size, into 20 single-family lots. The applicant also requested approval of an Integrated Development Plan to address tree retention on the site.
3. **Review Process:** Process IIA, the Hearing Examiner conducts a public hearing and makes a final decision on the Integrated Development Plan and preliminary subdivision.
4. **Key Issues:** Tree retention as part of the Integrated Development Plan, right-of-way improvements, and compliance with applicable subdivision criteria and development regulations.

RECOMMENDATION:

Department of Planning and Development

Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the preliminary subdivision application on November 5, 2015, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing and the exhibits are available for public inspection in the Planning and Building Department. The Examiner reviewed the site in advance of the hearing.

TESTIMONY AND PUBLIC COMMENT:

No public comments or comment letters were offered at the hearing. Susan Lauinger, Associate Planner, testified on behalf of the Planning and Building Department. Hans Christiansen testified on behalf of the Applicant.

FINDINGS AND CONCLUSIONS:

Having considered the evidence in the record and reviewed the site, the Hearing Examiner enters the following:

Findings of Fact:

Site and Vicinity

1. The site consists of three parcels located in the Finn Hill neighborhood. They total 3.36 acres in area and are addressed as 7922 NE 125th Street, 12432 Juanita Drive NE, and parcel number 3840700758. The addressed parcels are each developed with one single-family residence.
2. The site is zoned RSA 8, a single-family residential zone that allows 8 dwelling units per acre and a minimum lot size of 3,800 square feet.
3. The site slopes gently down from east to west. The City's sensitive area maps do not show that it includes unstable slopes, and no environmentally sensitive areas were found on the property. The property is heavily treed with the exception of the areas immediately surrounding the single-family homes and a wide driveway in the middle of the property.
4. The surrounding areas to the north, south and east are also zoned RSA 8. Properties to the south and east are developed with single family homes. The property to the north includes one single family home and could be further subdivided. To the west is Juanita Drive, property zoned RSA 4 and developed with single family homes, and Big Finn Hill Park.

Proposal

5. The applicant proposes to subdivide the three parcels into 20 single-family lots, varying in size between 4,421 and 7,950 square feet, with an average lot size of approximately 5,000 square feet. The staff report includes an analysis of lot layout and site development standards at 11-12, which is adopted by reference.
6. The existing residence at 12432 Juanita Drive will be demolished. Access to the subdivision will be provided from NE 125th Street and 80th Avenue NE, and two internal access roads will be constructed. Both will dead-end near the north property line. The road through the western part of the subdivision will be located within a private access tract; the one through the eastern part will be constructed as dedicated right-of-way.
7. The applicant has submitted an application for a lot line adjustment that will separate the residence at 7922 NE 125th Street from the proposed subdivision. Although the square footage of the residence lot has not been included in the total area for the

subdivision, the lot line alteration will not be recorded until after the preliminary plat has been approved. Consequently the residence lot remains part of the preliminary plat under the Code's definitions.

8. The applicant is requesting approval of an Integrated Development Plan rather than phased review as part of the application, and has submitted preliminary engineering plans for the project, an integrated tree plan and associated report prepared by a certified arborist, and a geotechnical report. See Exhibit A, the Department's Advisory Report ("staff report"), Attachments 2, 4 and 5.

9. The staff report includes a detailed analysis of the subdivision's compliance with development regulations related to provision for public and semi-public land, right-of-way improvements, and vehicular access easements/tracts at 8-11, and it is adopted by reference.

10. The staff report includes a detailed analysis of the subdivision's compliance with development regulations related to significant vegetation/tree management at 12-14, and it is adopted by reference. The City's Urban Forester has assessed the trees on the site, and the City Arborist has reviewed the applicant's arborist report and included recommendations within the Development Standards List, Attachment 3 to the staff report.

Comprehensive Plan

11. The Comprehensive Plan designates the subject property for low density residential use, with a density of eight to nine dwelling units per acre.

State Environmental Policy Act

12. Pursuant to the State Environmental Policy Act (SEPA), the Department issued a Determination of Nonsignificance for the proposal on August 20, 2015, which was not appealed.

13. The supporting documentation for the DNS is included in Attachment 7 to the staff report and includes: the DNS and supporting analysis, the Environmental Checklist; the geotechnical report and log results; the sensitive areas report; an addendum to a Phase I environmental assessment of the site; the traffic impact analysis ("TIA"); the Public Works Department's response to public comments on construction traffic access, street width, and issues related to the underground stormwater vault; the City transportation engineer's comments on the TIA and response to public comments on traffic and transportation; and a response from the school district indicating that it expects the subdivision to generate approximately one to two new students for every 10 residences constructed.

Concurrency

14. The Public Works Department reviewed the application for concurrency. It passed a concurrency test for water, sewer and traffic on January 15, 2015.

Public Comment

15. The Department received eight written public comments on the proposal, which are included as Attachment 6 to the staff report. The comments raised concerns about the subdivision's density, traffic and transportation issues, screening for the stormwater detention vault, tree retention, and the potential impact on schools. The issues of traffic and transportation impacts, stormwater impacts, and school impacts were addressed during the SEPA process. The staff report fully responds to the comments concerning density and tree retention.

Applicable Law

16. KZC 150.65.3 provides that the Hearing Examiner may approve a Process IIA application only if it is "consistent with all applicable development regulations, and to the extent there is no applicable development regulation, the Comprehensive Plan," and is "consistent with the public health, safety and welfare."

17. KMC 22.12.230 provides that the Hearing Examiner may approve a proposed 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 Hearing Examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW 58.17.

18. In a Process IIA, the applicant bears the burden of convincing the Hearing Examiner that the applicant is entitled to the requested decision. KZC 150.50.

Conclusions:

1. The proposed subdivision is consistent with the site's zoning, which is consistent with the Comprehensive Plan's designation for the site.

2. SEPA and Traffic Concurrency requirements have been satisfied.

3. Trees are an important factor in this application, and tree retention and replacement have been fully addressed. The proposed Integrated Development Plan should be approved subject to the additional conditions noted in the staff report.

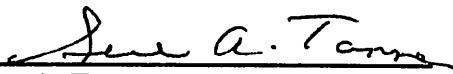
4. The proposed subdivision will create infill residential development within the City.

5. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. As conditioned, it is consistent with zoning and subdivision regulations and makes adequate provision for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds, and schools. The proposed subdivision will serve the public use and interest and is consistent with the public health, safety and welfare.

DECISION:

Based on the foregoing findings and conclusions, the application for a preliminary subdivision is approved, subject to the recommended conditions included in the staff report at 1-4.

Entered this 9th day of November, 2015, pursuant to authority granted by KZC 150.65 and KMC 22.12.230.


Sue A. Tanner
Hearing Examiner

EXHIBITS:

The following exhibits were entered into the record:

- Exhibit A Department's Advisory Report, with Attachments 1 through 8
- Exhibit B Corrected Determination of Nonsignificance
- Exhibit C Applicant's PowerPoint presentation
- Exhibit D Resumes for Maher A. Joudi, Mike Swenson, Brian K. Gilles, and Kurt D. Merriman
- Exhibit E Department's PowerPoint presentation

PARTIES OF RECORD:

Hans Christiansen, Toll WA LP
Public Comment authors
Planning and Building Department
Department of Public Works

APPEALS AND JUDICIAL REVIEW

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

APPEALS

Appeal to City Council:

Section 150.80 of the Zoning Code allows the Hearing Examiner's decision to be appealed by the applicant and any person who submitted written or oral testimony or comments to the Hearing Examiner. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., November 30, 2015 fourteen (14) calendar days following the postmarked date of distribution of the Hearing Examiner's decision on the application.

JUDICIAL REVIEW

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

LAPSE OF APPROVAL

Under KZC 150.135:

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, 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 required development activity, use of land, or other actions.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void.

Under KMC 22.16.010 Final Plat – Submittal – Time limits:

If the Final Plat is not submitted to the City Council within the time limits set forth in RCW 58.17.140 it shall be void.

Link to Exhibit A:

[http://www.kirklandwa.gov/depart/planning/Boards and Commissions/Hearing Examiner Meeting Information.htm](http://www.kirklandwa.gov/depart/planning/Boards_and_Commissions/Hearing_Examiner_Meeting_Information.htm)

Department's Advisory Report, with Attachments 1 through 8.

November 5, 2015 Meeting Packet

Radke Subdivision, File No. SUB15-00615:

- Part 1
- Part 2
- Part 3
- Part 4