

RESOLUTION R-5230

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF CLEAR CREEK BEING PLANNING AND BUILDING DEPARTMENT FILE NO. SUB15-01332 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

1 WHEREAS, a subdivision and preliminary plat previously called
2 Firwood Land (19 lots) was approved by the Hearing Examiner on
3 January 11, 2016; 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 Moira Haughian of The Blueline Group
8 representing Firwood Land LP, the owner of the real property described
9 in said application, which property is within Residential Single Family
10 RSX 7.2 and RSX 8.5 zones; and
11

12 WHEREAS, pursuant to the City of Kirkland's Concurrency
13 Management System, KMC Title 25, a concurrency application has been
14 submitted to the City of Kirkland, reviewed by the responsible Public
15 Works official, the concurrency test has been passed, and a concurrency
16 test notice issued; 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 Director, and
36

37 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
38 Kirkland as follows:
39

40 Section 1. The Findings, Conclusions and Recommendations of
41 the Director of the Planning and Building Department of Planning, filed
42 in Planning and Building Department File No. SUB15-01332, are hereby
43 adopted by the Kirkland City Council as though fully set forth herein.
44

45 Section 2. Approval of the subdivision and the final plat of Clear
46 Creek is subject to the applicant's compliance with the conditions set

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

49
50 (a) A Plat Bond or other approved security performance 50
51 undertaking in an amount determined by the Director of
52 Public Works in accordance with the requirements
53 therefor in Ordinance No. 2178 shall be deposited with
54 the City of Kirkland and be conditioned upon the
55 completion and acceptance by the City of all conditions of
56 approval, including public improvements, within one year
57 from the date of passage of this Resolution. No City
58 official, including the City Engineer, shall affix his
59 signature to the final plat drawing until such time as the
60 plat bond or other approved performance security
61 undertaking herein required has been deposited with the
62 City and approved by the Director of Public Works as to
63 amount and form.
64


65 Section 3. Nothing in this resolution shall be construed as
66 excusing the applicant from compliance with all federal, state or local
67 statutes, ordinances or regulations applicable to this subdivision, other
68 than as expressly set forth herein.
69

70 Section 4. A copy of this resolution, along with the Findings,
71 Conclusions and Recommendations hereinabove adopted shall be
72 delivered to the applicant.
73

74 Section 5. A completed copy of this resolution, including Findings,
75 Conclusions and Recommendations adopted by reference, shall be
76 certified by the City Clerk who shall then forward the certified copy to
77 the King County Department of Assessments.
78

79 Passed by majority vote of the Kirkland City Council in open
80 meeting this 3rd day of January, 2017.

Signed in authentication thereof this 3rd day of January, 2017.


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: Tony Leavitt, Senior Planner
Date: December 19, 2016
File: Clear Creek Final Subdivision, File No. SUB15-01332

I. RECOMMENDATION

Approve the Final Subdivision application for the Clear Creek Plat (formerly known as Firwood Lane).

II. BACKGROUND

- A. The applicant is Moira Haughian of The Blue line Group representing the property owner, Firwood Land LP.
- B. This is a final subdivision application to approve a 19-lot subdivision on a 3.49-acre site (see Attachment 1). Access to the lots is provided via a new public access road off of NE 124th Street. The subdivision application included utilization of the Low Impact Development Zoning Code provisions to reduce the minimum lot size and increase the allowed density by 1 lot in exchange for increased open space on the site.
- C. The site is located at 12342 93RD Lane NE (see Attachment 2).

III. HISTORY

On January 11, 2016; the Kirkland Hearing Examiner approved the Firwood Lane Preliminary Subdivision along with the Low Impact Development and Stream Buffer Modification applications (see Attachment 3). A SEPA Determination of Non-significance was issued on December 3, 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. SUB15-01332) 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 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 Map
- 2. Vicinity Map
- 3. City Council Decision

Review by Planning Director:

I concur I do not concur

Comments: _____



December 19, 2017

Eric R. Shields, AICP

Date

cc: Applicant
File: SUB15-01332

CLEAR CREEK

NW 1/4, SE 1/4, SEC. 30, TWP. 26N., RGE. 5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
CITY OF KIRKLAND FILE NO. SUB15-01332

DEDICATION

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

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

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

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS:

FIRWOOD LAND, LP, A WASHINGTON LIMITED PARTNERSHIP

BY: PSW SEATTLE, LLC
ITS: GENERAL PARTNER

BY: BEN RUTKOWSKI
ITS: MANAGER

FIRWOOD LANE MHP, LLC, A WASHINGTON LIMITED LIABILITY COMPANY

BY:
ITS:

ACKNOWLEDGEMENTS

STATE OF WASHINGTON)
)SS
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT BEN RUTKOWSKI IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE MANAGER OF PSW SEATTLE, LLC A GENERAL PARTNER OF FIRWOOD LAND, LP TO BE THE FREE AND VOLUNTARY ACT SUCH PARTY FOR THE USES AND THE PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____

SIGNATURE OF
NOTARY PUBLIC _____

MY APPOINTMENT EXPIRES _____

ACKNOWLEDGEMENTS

STATE OF WASHINGTON)
)SS
COUNTY OF _____)

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT SHE SIGNED THIS INSTRUMENT, ON OATH STATED THAT SHE IS AUTHORIZED TO EXECUTE THIS INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF FIRWOOD LANE MHP, LLC TO BE THE FREE AND VOLUNTARY ACT SUCH PARTY FOR THE USES AND THE PURPOSES MENTIONED IN THE INSTRUMENT.

DATED _____

SIGNATURE OF
NOTARY PUBLIC _____

MY APPOINTMENT EXPIRES _____

LEGAL DESCRIPTION

LOTS 1 THROUGH 26, INCLUSIVE, BLOCK 3, ALSO LOTS 1 AND 2 AND THE NORTH 7.5 FEET OF LOT 3, AND THE NORTH 20 FEET OF LOT 21 AND ALL OF LOTS 22, 23 AND 24, BLOCK 18, WATER FRONT ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGES 92 THROUGH 94, INCLUSIVE, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THOSE PORTIONS OF STREETS AND ALLEYS VACATED BY ORDER ENTERED OCTOBER 3, 1987, UNDER KING COUNTY SUPERIOR COURT CAUSE NO. 87-2-11593-3, DESCRIBED AS FOLLOWS:

ALL OF NORTHEAST 122ND STREET (4TH STREET) LYING EAST OF THE PLAT OF CREEKSIDE, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 130 OF PLATS, PAGES 43 THROUGH 45, INCLUSIVE, IN KING COUNTY, WASHINGTON; AND LYING WEST OF LOTS 24 AND 25, BLOCK 1, JUANITA PARKWAY DIVISION NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 67 OF PLATS, PAGES 56 THROUGH 58, INCLUSIVE, IN KING COUNTY, WASHINGTON;

ALSO THE EAST HALF OF 93RD PLACE NORTHEAST (KIRKLAND AVENUE), AND THE WEST HALF OF 94TH AVENUE NORTHEAST (MANCHESTER STREET), AND ALL ALLEYS WITHIN BLOCKS 3 AND 18, WATER FRONT ADDITION TO KIRKLAND, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGES 92 THROUGH 94, INCLUSIVE, IN KING COUNTY, WASHINGTON, LYING NORTH OF LOTS 20 AND 21, BLOCK 1, JUANITA PARKWAY DIVISION NO. 2, AND SOUTH OF A LINE LOCATED 30 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF NORTHEAST 124TH STREET.

EXCEPTING THEREFROM ANY MANUFACTURED OR MOBILE HOMES LYING THEREON.

CITY OF KIRKLAND APPROVALS

DEPARTMENT OF PUBLIC WORKS

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

CITY ENGINEER (DIRECTOR) _____

CITY TREASURER CERTIFICATE

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

TREASURER, CITY OF KIRKLAND _____

CITY OF KIRKLAND DEPARTMENT OF PLANNING AND BUILDING

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

DIRECTOR, DEPARTMENT OF PLANNING AND BUILDING _____

KING COUNTY FINANCE DIRECTOR CERTIFICATE

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

MANAGER, FINANCE DIVISION _____

KING COUNTY DEPARTMENT OF ASSESSMENTS

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

KING COUNTY ASSESSOR _____ DEPUTY KING COUNTY ASSESSOR _____

ACCOUNT NUMBER: 9194100015

RECORDING CERTIFICATE

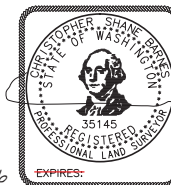
RECORDING NO. _____

FILED FOR RECORD AT THE REQUEST OF THE KING COUNTY COUNCIL THIS _____ DAY OF _____, 20____, AT _____ MINUTES PAST _____ M. AND RECORDED IN VOLUME _____ OF PLATS, PAGES _____ THROUGH _____, RECORDS OF KING COUNTY, WASHINGTON.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF CLEAR CREEK IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 30 TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., THAT THE COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND.

CHRISTOPHER SHANE BARNES
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 35145



RESTRICTIONS OF RECORD

- SUBJECT TO AN EASEMENT TO PUGET SOUND POWER AND LIGHT COMPANY FOR ELECTRIC TRANSMISSION, RECORDING UNDER RECORDING NO. 7610210557.
- SUBJECT TO AN EASEMENT TO GENERAL TELEPHONE COMPANY OF THE NORTHWEST FOR COMMUNICATION SERVICES, RECORDING UNDER RECORDING NO. 8004280546.
- SUBJECT TO AN EASEMENT TO NORTHEAST LAKE WASHINGTON SEWER AND WATER DISTRICT FOR SANITARY SEWER, RECORDING UNDER RECORDING NO. 8510110720.
- SUBJECT TO PRIVATE EASEMENTS IF ANY LYING WITHIN VACATED STREETS AND ALLEYS AS PROVIDED FOR IN SUPERIOR COURT CAUSE NO. 87-2-11593-3, RECORDING UNDER RECORDING NO. 8710300617.
- SUBJECT TO A COVENANT TO BEAR PART OR ALL OF THE COST FOR A WALL AND FENCE WITHIN AN EASEMENT, RECORDING UNDER RECORDING NO. 9304211187.
- SUBJECT TO A NATURAL GREENBELT EASEMENT TO THE CITY OF KIRKLAND, RECORDING UNDER RECORDING NO. 20030321000386.
- SUBJECT TO AN AGREEMENT FOR ENTRY TO THE CITY OF KIRKLAND, RECORDING UNDER RECORDING NO. 20030321000387.
- SUBJECT TO AN AGREEMENT WITH NORTHEAST LAKE WASHINGTON SEWER DISTRICT FOR SEWER SERVICE, RECORDING UNDER RECORDING NO. 7702040490.
- SUBJECT TO A RELEASE OF DAMAGES AGREEMENT WITH THE CITY OF KIRKLAND, RECORDING UNDER RECORDING NO. 20020815000304.
- SUBJECT TO AN EASEMENT AGREEMENT WITH COMCAST FOR BROADBAND COMMUNICATION SYSTEM, RECORDING UNDER RECORDING NO. 20070405000742.
- SUBJECT TO NOTICE OF CHARGES BY WATER, SEWER, AND/OR STORM AND SURFACE WATER UTILITIES, RECORDING UNDER RECORDING NO. 9207300895.



CLEAR CREEK

NW 1/4, SE 1/4, SEC. 30, TWP. 26N., RGE. 5E., W.M.
CITY OF KIRKLAND, KING COUNTY, WASHINGTON
CITY OF KIRKLAND FILE NO. SUB15-01332

NOTES:

- UTILITY MAINTENANCE:** EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER, STORM WATER STUB, RAIN GARDEN, PERMEABLE PAVEMENT, OR ANY INFILTRATION FACILITIES (KNOWN AS LOW IMPACT DEVELOPMENT) FROM THE POINT OF USE ON THEIR OWN PROPERTY TO THE POINT OF CONNECTION IN THE CITY SANITARY SEWER MAIN OR STORM WATER MAIN. ANY PORTION OF A SANITARY SEWER, SURFACE WATER STUB, RAIN GARDEN, PERMEABLE PAVEMENT, OR ANY INFILTRATION FACILITIES, WHICH JOINTLY SERVES MORE THAN ONE PROPERTY, SHALL BE JOINTLY MAINTAINED AND REPAIRED BY THE PROPERTY OWNERS SHARING SUCH STUB. THE JOINT USE AND MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.
- PUBLIC RIGHT-OF-WAY SIDEWALK AND VEGETATION MAINTENANCE:** EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ABUTTING THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF VEGETATION WITHIN THE ABUTTING LANDSCAPE STRIP. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.
- PARK IMPACT FEES:** NEW RESIDENTIAL UNITS ARE REQUIRED TO PAY PARK IMPACT FEES PRIOR TO ISSUANCE OF A BUILDING PERMIT. PLEASE SEE KMC 27.06 FOR THE CURRENT RATE. EXCEPTIONS AND/OR CREDITS MAY APPLY PURSUANT TO KMC 27.06.060. IF A PROPERTY CONTAINS AN EXISTING UNIT/UNITS TO BE REMOVED, A "CREDIT" FOR THAT UNIT/UNITS SHALL APPLY TO THE BUILDING PERMIT(S) OF THE SUBDIVISION. THERE WERE 31 EXISTING UNITS ON THIS PROPERTY.
- BUILDING PERMITS ASSOCIATED WITH THIS PROPOSED PROJECT WILL BE SUBJECT TO THE TRAFFIC IMPACT FEES PER CHAPTER 27 OF THE KIRKLAND MUNICIPAL CODE. THE IMPACT FEES SHALL BE PAID PRIOR ISSUANCE OF THE BUILDING PERMIT(S). ANY EXISTING SINGLE FAMILY HOMES WITHIN THIS PROJECT WHICH ARE DEMOLISHED WILL RECEIVE A TRAFFIC IMPACT FEE CREDIT. THIS CREDIT WILL BE APPLIED TO THE FIRST BUILDING PERMIT THAT IS APPLIED FOR WITHIN THE SUBDIVISION (AND SUBSEQUENT BUILDING PERMITS IF MULTIPLE HOUSES ARE DEMOLISHED). THE CREDIT AMOUNT FOR EACH DEMOLISHED SINGLE FAMILY HOME WILL BE EQUAL TO THE MOST CURRENTLY ADOPTED FEE SCHEDULE. THERE WERE 31 EXISTING UNITS ON THIS PROPERTY.**
- BUILDING PERMITS ASSOCIATED WITH THIS PROPOSED PROJECT WILL BE SUBJECT TO THE SCHOOL IMPACT FEES PER CHAPTER 27 OF THE KIRKLAND MUNICIPAL CODE. THE IMPACT FEES SHALL BE PAID PRIOR ISSUANCE OF THE BUILDING PERMIT(S). ANY EXISTING SINGLE FAMILY HOMES WITHIN THIS PROJECT WHICH ARE DEMOLISHED WILL RECEIVE A SCHOOL IMPACT FEE CREDIT. THIS CREDIT WILL BE APPLIED TO THE FIRST BUILDING PERMIT THAT IS APPLIED FOR WITHIN THE SUBDIVISION (AND SUBSEQUENT BUILDING PERMITS IF MULTIPLE HOUSES ARE DEMOLISHED). THE CREDIT AMOUNT FOR EACH DEMOLISHED SINGLE FAMILY HOME WILL BE EQUAL TO THE MOST CURRENTLY ADOPTED FEE SCHEDULE. THERE WERE 31 EXISTING UNITS ON THIS PROPERTY.**
- ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.**
- ALL BUILDING DOWNSPOUTS, FOOTING DRAINS, AND DRAINS FROM ALL IMPERVIOUS SURFACES SUCH AS PATIOS AND DRIVEWAYS SHALL BE CONNECTED TO THE PERMANENT STORM DRAIN OUTLET AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS # LSMXX-16-01866 ON FILE WITH THE CITY OF KIRKLAND. ALL CONNECTIONS OF THE DRAINS MUST BE CONSTRUCTED AND APPROVED PRIOR TO THE FINAL BUILDING INSPECTION APPROVAL. FOR THOSE LOTS THAT ARE DESIGNATED FOR INDIVIDUAL LOT INFILTRATION SYSTEMS, THE SYSTEMS SHALL BE CONSTRUCTED AT THE TIME OF THE BUILDING PERMIT AND SHALL COMPLY WITH PLANS ON FILE.**
- AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND, NORTHSHORE UTILITY DISTRICT, THE OWNERS OF THE LOTS WITHIN THIS PLAT AND ALL UTILITIES SERVING SAID PROPERTY, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR TO FEET, PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF LOTS 1-7, 12-19, AND TRACTS A AND B, AND THE EXTERIOR 10 FEET OF LOTS 8-11 AND TRACT C PARALLEL WITH AND ADJOINING TRACT A, IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, MAINS, CABLES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH DRAINAGE, PUBLIC UTILITY, PEDESTRIAN IMPROVEMENTS, ELECTRIC, TELEPHONE, TV, AND GAS SERVICE, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AT ALL TIMES FOR THE PURPOSE HEREIN STATED. THESE EASEMENTS ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO THEIR ORIGINAL CONDITION BY THE UTILITY. NO LINES OR WIRES FOR THE TRANSMISSION OF ELECTRIC CURRENT, TELEPHONE OR CABLE TV SHALL BE PLACED OR BE PERMITTED TO BE PLACED UPON ANY LOT UNLESS THE SAME SHALL BE UNDERGROUND OR IN CONDUIT ATTACHED TO A BUILDING.**
- A PUBLIC WATER EASEMENT IS HEREBY GRANTED AND CONVEYED TO NORTHSHORE UTILITY DISTRICT, ITS SUCCESSORS AND ASSIGNS, OVER, UNDER AND ACROSS TRACT A. NORTHSHORE UTILITY DISTRICT, ITS SUCCESSORS AND ASSIGNS, SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE WATER MAINS AND APPURTENANCES LYING WITHIN SAID EASEMENT WITH THE EXCEPTION THAT THE LOT OWNERS SHALL BE RESPONSIBLE FOR MAINTAINING THE WATER SERVICE LINES PAST THE WATER METER.**
- A PUBLIC SEWER EASEMENT IS HEREBY GRANTED AND CONVEYED TO NORTHSHORE UTILITY DISTRICT, ITS SUCCESSORS AND ASSIGNS, OVER, UNDER AND ACROSS TRACT A. NORTHSHORE UTILITY DISTRICT, ITS SUCCESSORS AND ASSIGNS, SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE SEWER MAINS AND APPURTENANCES LYING WITHIN SAID EASEMENT.**
- A PUBLIC DRAINAGE EASEMENT OVER, UNDER AND ACROSS TRACT A AS SHOWN HEREON, IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KIRKLAND ALONG WITH MAINTENANCE RESPONSIBILITY OF ALL PUBLIC DRAINAGE FACILITIES WITHIN SAID EASEMENT.**
- STREET LIGHTING SHALL BE OWNED AND MAINTAINED BY THE CLEAR CREEK HOMEOWNERS ASSOCIATION UNTIL SUCH TIME AS THE CITY OF KIRKLAND TAKES OVER OWNERSHIP OF SAID LIGHTING.**
- A PERMANENT OPEN SPACE EASEMENT IS HEREBY GRANTED AND CONVEYED TO THE CLEAR CREEK HOMEOWNERS ASSOCIATION OVER THOSE PORTIONS OF LOTS 1-12, AND 19 AS SHOWN HEREON.**
- A NATURAL GROWTH PROTECTIVE EASEMENT (NGPE) IS HEREBY GRANTED AND CONVEYED TO THE CLEAR CREEK HOMEOWNERS ASSOCIATION OVER THOSE PORTIONS OF LOTS 1-8 AND TRACTS B AND C. SAID EASEMENT IS SUBJECT TO THE NGPE PROVISIONS CONTAINED HEREIN.**
- THE GROSS FLOOR AREA FOR EACH LOT SHALL NOT EXCEED 50% OF THE MINIMUM LOT SIZE FOR EACH ZONE.**
- AN EASEMENT FOR BACKING AND ACCESS IS HEREBY GRANTED AND CONVEYED TO THE OWNERS OF LOTS 2 AND 3, 4 AND 5, 10 AND 11, 18 AND 19, OVER AND ACROSS THE SHARED DRIVEWAYS AS CONSTRUCTED ON SAID LOTS. THE OWNERS OF THE LOT PAIRS THAT SHARE DRIVEWAYS SHALL BE RESPONSIBLE IN A EQUAL PART FOR THE MAINTENANCE AND THE COSTS THEREOF FOR THE SAID SHARED DRIVEWAYS.**
- MAINTENANCE OF ON-SITE PRIVATE STORMWATER FACILITIES: EACH LOT WITHIN THE SUBDIVISION HAS A STORMWATER FACILITY (INFILTRATION TRENCH, DRY WELLS, DISPERSION SYSTEMS, RAIN GARDEN, AND PERMEABLE PAVEMENT) WHICH IS DESIGNED TO ADJ 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 8 OF 15 OF ISSUED PERMIT LSM16-01868 SHALL BE INSTALLED IN CONJUNCTION WITH THE CONSTRUCTION OF EACH NEW HOME ON LOTS 1 THROUGH 6. THE LID IMPROVEMENTS INCLUDE, BUT ARE NOT LIMITED TO THE RAIN GARDENS AND THE PERVIOUS DRIVEWAYS. THE BUILDING PERMIT FOR THE NEW SIGNAL FAMILY HOME ON LOTS 1 THROUGH 6 WILL NOT RECEIVE A FINAL INSPECTION UNTIL SAID LID IMPROVEMENTS ARE INSTALLED.**
- THOSE PORTIONS OF LOTS 1-12, AND LOT 19, DESIGNATED AS OPEN SPACE EASEMENTS HEREON, SHALL REMAIN VEGETATED AND PERVIOUS LAND NOT COVERED BY BUILDINGS, ROADWAYS, SIDEWALKS, DRIVEWAYS, PARKING AREAS, PLAZAS, TERRACES, SWIMMING POOLS, PATIOS, DECKS, OR OTHER SIMILAR IMPERVIOUS OR SEMI-IMPERVIOUS SURFACES. NO TREE TRIMMING, TREE TOPPING, TREE CUTTING, TREE REMOVAL, SHRUB OR BRUSH-CUTTING OR REMOVAL OF NATIVE VEGETATION; CONSTRUCTION; CLEARING; OR ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE EASEMENT AREAS WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF KIRKLAND. APPLICATION FOR SUCH WRITTEN APPROVAL TO BE MADE TO THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES. ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 1.21, KIRKLAND MUNICIPAL CODE. IN SUCH EVENT, THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MAY ALSO REQUIRE WITHIN THE IMMEDIATE VICINITY OF ANY DAMAGE OR FALLEN VEGETATION RESTORATION OF THE AFFECTED AREA BY PLANTING REPLACEMENT TREES AND OTHER VEGETATION AS REQUIRED IN APPLICABLE SECTIONS OF THE KIRKLAND ZONING CODE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGE OR FALLEN VEGETATION BE REMOVED. THE CITY SHALL HAVE LICENSE TO ENTER THE EASEMENT AREA (AND THE PROPERTY IF NECESSARY FOR ACCESS TO THE EASEMENT AREA) FOR THE PURPOSE OF MONITORING COMPLIANCE WITH THE TERMS OF THIS EASEMENT.**

NGPE PROVISIONS

NO TREE TRIMMING, TREE TOPPING, TREE CUTTING, TREE REMOVAL, SHRUB OR BRUSH CUTTING OR REMOVAL OF NATIVE VEGETATION, APPLICATION OF PESTICIDES, HERBICIDES, OR FERTILIZERS; CONSTRUCTION; CLEARING; OR ALTERATION ACTIVITIES SHALL OCCUR WITHIN THE EASEMENT AREA WITHOUT PRIOR WRITTEN APPROVAL FROM THE CITY OF KIRKLAND. APPLICATION FOR SUCH WRITTEN APPROVAL TO BE MADE TO THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT WHO MAY REQUIRE INSPECTION OF THE PREMISES BEFORE ISSUANCE OF THE WRITTEN APPROVAL AND FOLLOWING COMPLETION OF THE ACTIVITIES, ANY PERSON CONDUCTING OR AUTHORIZING SUCH ACTIVITY IN VIOLATION OF THIS PARAGRAPH OR THE TERMS OF ANY WRITTEN APPROVAL ISSUED PURSUANT HERETO, SHALL BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CHAPTER 170, ORDINANCE 3719, THE KIRKLAND ZONING CODE, IN SUCH EVENT, THE KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT MAY ALSO REQUIRE WITHIN THE IMMEDIATE VICINITY OF ANY DAMAGE OR FALLEN VEGETATION RESTORATION OF THE AFFECTED AREA BY PLANTING REPLACEMENT TREES AND OTHER VEGETATION AS REQUIRED IN APPLICABLE SECTIONS OF THE KIRKLAND ZONING CODE. THE DEPARTMENT ALSO MAY REQUIRE THAT THE DAMAGE OR FALLEN VEGETATION BE REMOVED. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN CRITICAL AREAS AND THEIR BUFFERS BY REMOVING NON-NATIVE, INVASIVE, AND NOXIOUS PLANTS IN A MANNER THAT WILL NOT HARM CRITICAL AREAS OR THEIR BUFFERS AND IN ACCORDANCE WITH KIRKLAND ZONING CODE REQUIREMENTS FOR TREES AND OTHER VEGETATION WITHIN CRITICAL AREAS AND CRITICAL AREA BUFFERS.

THE CITY SHALL HAVE A LICENSE TO ENTER THE EASEMENT AREA (AND THE PROPERTY IF NECESSARY FOR ACCESS TO THE EASEMENT AREA) FOR THE PURPOSE OF MONITORING COMPLIANCE WITH THE TERMS OF THIS EASEMENT.

DEVELOPMENT OUTSIDE OF THIS NATURAL GREENBELT PROTECTIVE EASEMENT MAY BE LIMITED BY CODIFIED STANDARDS, PERMIT CONDITIONS, OR MOVEMENT OF THE CRITICAL AREA.

THE UNDERSIGNED OWNER AGREES TO DEFEND, PAY AND SAVE HARMLESS THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, AND EMPLOYEES FROM ANY AND ALL CLAIMS OF EVERY NATURE WHATSOEVER, REAL OR IMAGINARY, WHICH MAY BE MADE AGAINST THE CITY, ITS OFFICERS, AGENTS, OR EMPLOYEES FOR ANY DAMAGE TO PROPERTY OR INJURY TO ANY PERSON ARISING OUT OF THE EXISTENCE OF SAID NATURAL GREENBELT PROTECTIVE EASEMENT OVER SAID OWNER'S PROPERTY OR THE ACTIONS OF THE UNDERSIGNED OWNER IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS AGREEMENT, INCLUDING ALL COSTS AND EXPENSES AND RECOVER ATTORNEY'S FEES AS MAY BE INCURRED BY THE CITY OF KIRKLAND IN DEFENSE THEREOF, EXCEPTING THEREFROM ONLY SUCH CLAIMS AS MAY ARISE SOLELY OUT OF THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS OFFICERS, AGENTS, OR EMPLOYEES.

FIRWOOD LAND LP HEREBY RESERVES A LICENSE AND RIGHT OF ENTRY INTO AND UPON THE NGPE AND REASONABLE ACCESS TO THE NGPE OVER ADJOINING LAND FOR ITSELF AND ITS MANAGERS, EMPLOYEES, CONSULTANTS, AGENTS, CONTRACTORS AND ASSIGNS FOR THE PURPOSES OF MONITORING AND MAINTAINING THE CREEK AND CREEK BUFFER AREAS WITHIN THE NGPE IN ORDER TO SATISFY THE CONDITIONS IMPOSED BY THE CITY OF KIRKLAND FOR THE APPROVAL OF THIS PLAT, INCLUDING BUT NOT LIMITED TO PLACEMENT AND MONITORING OF WELLS, PERIODIC APPLICATION OF HERBICIDES TO AND REMOVAL OF INVASIVE PLANTS, AND THE PLANTING OF REPLACEMENT AND ADDITIONAL PLANTS AS DIRECTED BY ITS WETLAND BIOLOGIST. THE LICENSE AND RIGHT OF ENTRY SO RESERVED SHALL INCLUDE THE RIGHT TO INSTALL AND OPERATE A TEMPORARY IRRIGATION SYSTEM TO HYDRATE PLANTINGS WITHIN THE NGPE FOR SUCH TIME AS ITS CONSULTANTS RECOMMEND TEMPORARY IRRIGATION TO ESTABLISH NEW PLANTS INSTALLED FOR CREEK AND BUFFER ENHANCEMENT.

THE OWNERS OF LOTS 2-5, AND 8 SHALL BE RESPONSIBLE FOR MAINTAINING IN GOOD OPERATION CONDITION THE SPREADERS AND DISPERSAL TRENCHES ON THEIR RESPECTIVE LOTS TO EVENLY DISPERSE STORM WATER FROM THEIR ROOF AND FOUNDATION DRAINS. AFTER THE MONITORING PERIOD, THE CLEAR CREEK HOMEOWNERS ASSOCIATION (HOA) SHALL BE RESPONSIBLE FOR MAINTAINING THE CREEK AND CREEK BUFFER WITHIN THE NGPE BY REMOVING NON-NATIVE, INVASIVE AND NOXIOUS PLANTS. THE HOA SHALL HAVE AUTHORITY TO CONDUCT MAINTENANCE WORK WITHIN THE NGPE, INCLUDING A RIGHT OF ENTRY ON BEHALF OF ITSELF AND ITS CONTRACTORS AND AGENTS FOR THE PURPOSE OF INSPECTING AND MAINTAINING THE NGPE AND SHALL HAVE THE RIGHT TO ASSESS AND COLLECT AGAINST THE OWNERS OF EACH LOT 1/19TH OF THE COSTS IT HAS INCURRED IN CARRYING OUT THE MONITORING AND MAINTENANCE OF THE CREEK AND CREEK BUFFER REQUIRED HEREIN

THE EASEMENT SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS AND SHALL RUN WITH THE LAND.

TRACT NOTES

- TRACT A IS HEREBY CONVEYED TO THE OWNERS OF LOTS 8 THROUGH 11 AS A PRIVATE ACCESS TRACT FOR INGRESS, EGRESS, PUBLIC WATER, PUBLIC SEWER, PUBLIC DRAINAGE, AND UTILITIES. OWNERSHIP OF LOTS 8 THROUGH 11 WITHIN THIS PLAT INCLUDES AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT A, AND AN EQUAL AND UNDIVIDED RESPONSIBILITY FOR THE MAINTENANCE OF SAID TRACT, EXCEPT FOR THE PUBLIC WATER, AND SEWER FACILITIES SHALL BE OWNED AND MAINTAINED BY NORTHSHORE WATER AND SEWER DISTRICT, AND THE PUBLIC DRAINAGE FACILITIES SHALL BE OWNED AND MAINTAINED BY THE CITY OF KIRKLAND. ALL DEED TRANSFERS OF LOTS 8 THROUGH 11 MUST INCLUDE THEIR FRACTIONAL INTEREST IN TRACT A. AN EASEMENT IS HEREBY GRANTED AND CONVEYED TO THE OWNERS OF LOTS 1-7, AND 13-19 OF THIS PLAT FOR PEDESTRIAN ACCESS OVER TRACT A.
- TRACT B IS FOR OPEN SPACE AND NATIVE GROWTH PROTECTION AND IS HEREBY CONVEYED TO THE CLEAR CREEK HOMEOWNERS ASSOCIATION ALONG WITH ALL MAINTENANCE OBLIGATIONS. SHOULD THE HOA FAIL TO PROPERLY MAINTAIN TRACT B, THEN THE LOT OWNERS OF ALL LOTS 1 THROUGH 19 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT B.
- TRACT C IS FOR OPEN SPACE AND STORM WATER TREATMENT AND IS HEREBY CONVEYED TO THE CLEAR CREEK HOMEOWNERS ASSOCIATION TOGETHER WITH ALL SURFACE MAINTENANCE OBLIGATIONS. AN EASEMENT OVER TRACT C IS HEREBY GRANTED AND CONVEYED TO THE CITY OF KIRKLAND FOR ACCESS TO AND MAINTENANCE OF THE STORM DRAINAGE FACILITIES CONTAINED THEREIN. THE RESPONSIBILITY FOR THE MAINTENANCE OF THE TRACT, EXCEPT THE STORM DRAINAGE FACILITIES, SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION AND SHALL RUN WITH THE LAND. SHOULD THE HOA FAIL TO PROPERLY MAINTAIN TRACT C, THEN THE LOT OWNERS OF ALL LOTS 1 THROUGH 19 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT C.
- TRACT D IS FOR OPEN SPACE AND IS HEREBY CONVEYED TO THE CLEAR CREEK HOMEOWNERS ASSOCIATION ALONG WITH ALL MAINTENANCE OBLIGATIONS. SHOULD THE HOA FAIL TO PROPERLY MAINTAIN TRACT D, THEN THE LOT OWNERS OF ALL LOTS 1 THROUGH 19 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT D.

12/5/16



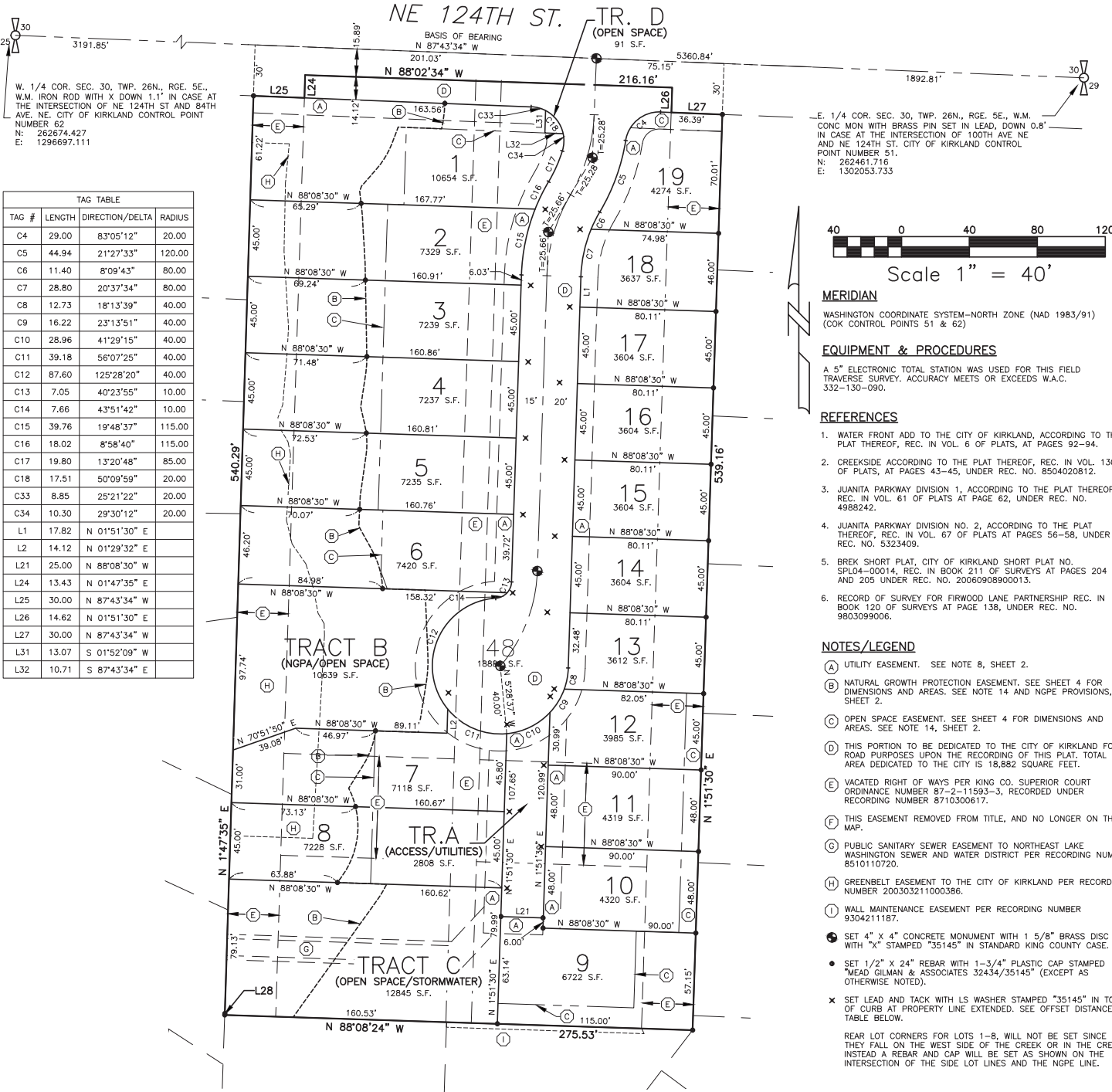
Mead Gilman & Assoc.
Professional Land Surveyors

P.O. BOX 289, WOODINVILLE, WA 98072
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JOB NO. 15078
SHEET 2 OF 4

CLEAR CREEK

NW 1/4, SE 1/4, SEC. 30, TWP. 26N., RGE. 5E., W.M.
 CITY OF KIRKLAND, KING COUNTY, WASHINGTON
 CITY OF KIRKLAND FILE NO. SUB15-01332



TAG #	LENGTH	DIRECTION/DELTA	RADIUS
C4	29.00	83°05'12"	20.00
C5	44.94	21°27'33"	120.00
C6	11.40	8°09'43"	80.00
C7	28.80	20°37'34"	80.00
C8	12.73	18°13'39"	40.00
C9	16.22	23°13'51"	40.00
C10	28.96	41°29'15"	40.00
C11	39.18	56°07'25"	40.00
C12	87.60	125°28'20"	40.00
C13	7.05	40°23'55"	10.00
C14	7.66	43°51'42"	10.00
C15	39.76	19°48'37"	115.00
C16	18.02	8°58'40"	115.00
C17	19.80	13°20'48"	85.00
C18	17.51	50°09'59"	20.00
C33	8.85	25°21'22"	20.00
C34	10.30	29°30'12"	20.00
L1	17.82	N 01°51'30" E	
L2	14.12	N 01°29'32" E	
L21	25.00	N 88°08'30" W	
L24	13.43	N 01°47'35" E	
L25	30.00	N 87°43'34" W	
L26	14.62	N 01°51'30" E	
L27	30.00	N 87°43'34" W	
L31	13.07	S 01°52'09" W	
L32	10.71	S 87°43'34" E	

LOT LINE	OFFSET	LOT LINE	OFFSET
1/2	TBD	10/11	TBD
2/3	TBD	11/12	TBD
3/4	TBD	TR.A/12	TBD
4/5	TBD	12/13	TBD
5/6	TBD	13/14	TBD
6/TR.B	TBD	14/15	TBD
TR.B/7	TBD	15/16	TBD
7/TR.A	TBD	16/17	TBD
7/8	TBD	17/18	TBD
8/TR.C	TBD	18/19	TBD

12/5/16

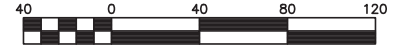


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CLEAR CREEK

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 CITY OF KIRKLAND, KING COUNTY, WASHINGTON
 CITY OF KIRKLAND FILE NO. SUB15-01332



Scale 1" = 40'

MERIDIAN

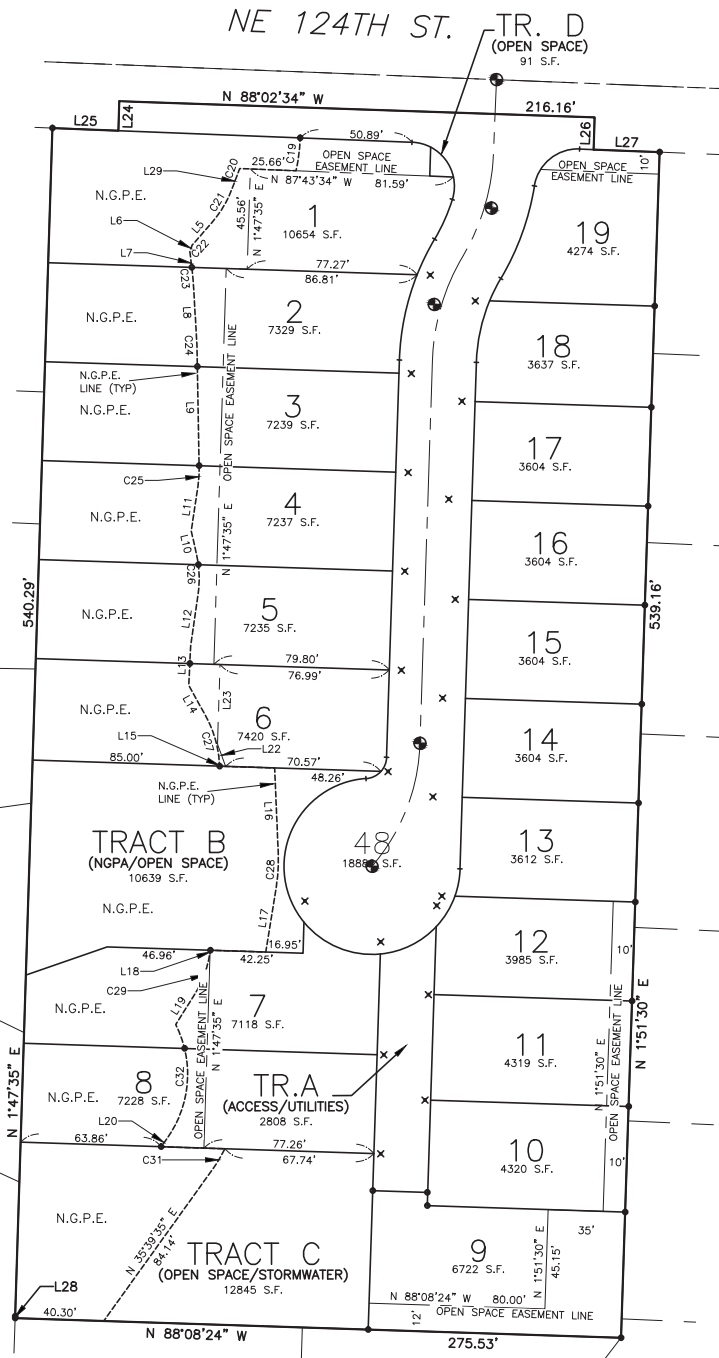
WASHINGTON COORDINATE SYSTEM-NORTH ZONE (NAD 1983/91)
 (COK CONTROL POINTS 51 & 62)

EQUIPMENT & PROCEDURES

A 5" ELECTRONIC TOTAL STATION WAS USED FOR THIS FIELD TRAVERSE SURVEY. ACCURACY MEETS OR EXCEEDS W.A.C. 332-130-090.

NOTES/LEGEND

- SET 4" X 4" CONCRETE MONUMENT WITH 1 5/8" BRASS DISC WITH "X" STAMPED "35145" IN STANDARD KING COUNTY CASE.
 - SET 1/2" X 24" REBAR WITH 1-3/4" PLASTIC CAP STAMPED "MEAD GILMAN & ASSOCIATES 32434/35145" (EXCEPT AS OTHERWISE NOTED).
 - X SET LEAD AND TACK WITH LS WASHER STAMPED "35145" IN TOP OF CURB AT PROPERTY LINE EXTENDED. SEE OFFSET DISTANCES IN TABLE BELOW.
- REAR LOT CORNERS FOR LOTS 1-8, WILL NOT BE SET SINCE THEY FALL ON THE WEST SIDE OF THE CREEK OR IN THE CREEK. INSTEAD A REBAR AND CAP WILL BE SET AS SHOWN ON THE INTERSECTION OF THE SIDE LOT LINES AND THE NGPE LINE.



TAG TABLE			
TAG #	LENGTH	DIRECTION/DELTA	RADIUS
C19	15.08	11°31'07"	75.00
C20	2.23	2°33'12"	50.00
C21	17.72	20°18'18"	50.00
C22	2.30	2°38'17"	50.00
C23	3.05	3°29'25"	50.00
C24	2.02	2°18'33"	50.00
C25	8.31	9°31'17"	50.00
C26	18.43	21°07'09"	50.00
C27	23.16	26°32'30"	50.00
C28	15.06	11°30'28"	75.00
C29	20.16	23°06'03"	50.00
C31	11.58	8°50'40"	75.00
C32	54.64	62°37'03"	50.00
L5	11.29	N 41°04'54" E	
L6	3.22	N 19°21'25" E	
L7	10.52	N 06°49'56" W	
L8	28.12	N 03°20'32" W	
L9	54.62	N 01°01'59" W	
L10	10.63	N 12°53'59" W	
L11	20.75	N 08°29'18" E	

TAG TABLE			
TAG #	LENGTH	DIRECTION/DELTA	RADIUS
L12	23.60	N 08°13'10" E	
L13	18.17	N 02°42'35" E	
L14	16.01	N 28°56'14" W	
L15	0.60	N 02°23'44" W	
L16	38.91	N 02°23'44" W	
L17	30.14	N 09°06'43" E	
L18	1.65	N 09°06'43" E	
L19	15.84	N 32°12'46" E	
L20	4.61	N 35°39'35" E	
L24	13.43	N 01°47'35" E	
L25	30.00	N 87°43'34" W	
L26	14.62	N 01°51'30" E	
L27	30.00	N 87°43'34" W	
L28	0.86	N 01°54'55" E	
L29	7.80	N 20°46'36" E	



12/5/16



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CLEAR CREEK FINAL SUBDIVISION SUB15-01332



SUBJECT PROPERTY

RSX 35

NE 124th St

NE 123rd St

12.5

RSX 35

93rd Ave NE

RSX 8.5

94th PI NE

95th PI NE

96th PI NE

97th PI NE

NE 121st PI

**PUD
Maple Ridge**

**RM 3.6
PUD
Maple Ridge**

96th Ave NE

**RM 3.6 (2)
RM 2.4**

RM 2.4

JBD 6

NE 120th St

NE 120th P.

NE 119th W

NE 118th Ln





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

APPLICANT: Moira Haughian on behalf of Firwood Land LP

FILE NO: SUB15-01332 and SAR15-01336

APPLICATION:

1. Site Location: 12342 93rd Lane NE
2. Request: To subdivide a 3.49-acre parcel into 19 single-family lots. The applicant also requested approval of a stream buffer modification through enhancement of the buffer, and utilization of Low Impact Development provisions to reduce minimum lot size and increase allowable density in exchange for increased open space on the site.
3. Review Process: Process IIA, the Hearing Examiner conducts a public hearing and makes a final decision on the preliminary subdivision, stream buffer modification, and low impact development applications.
4. Key Issues: Compliance with subdivision criteria, stream buffer modification criteria, and Low Impact Development regulations.

RECOMMENDATION:

Planning and Building Department Approve with conditions

PUBLIC HEARING:

The Hearing Examiner held a public hearing on the preliminary subdivision application on January 6, 2016, 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 on January 9, 2016.

TESTIMONY AND PUBLIC COMMENT:

No public comments or comment letters were offered at the hearing. Tony Leavitt, Project Planner, testified on behalf of the Planning and Building Department. Ben Rutkowski 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 3.49 acres located in the South Juanita neighborhood. It is developed with 31 manufactured homes and associated accessory structures. All structures would be removed.
2. The site is zoned for single family residential use: RSX 7.2, with a minimum lot size of 7,200 square feet; and RSX 8.5, with a minimum lot size of 8,500 square feet.
3. There is a Class A stream on the western portion of the property, which is part of the Juanita Creek Basin. Under the Code, it requires a 75-foot buffer and a 10-foot buffer setback.
4. The site slopes down slightly from north to south, with a more significant slope on the west side due to the stream channel. The center of the site is paved for access, with a paved parking area on both sides, and includes little vegetation. The east and west sides of the site, along the property lines, are vegetated with shrubs and trees, including 74 significant trees.
5. The surrounding areas to the north and west are zoned RSX 7.2, and areas to the south and east are zoned RSX 8.5. Surrounding development is single-family residential.

Proposal

6. The applicant proposes to subdivide the parcel into 19 single-family lots using Low Impact Development. The lots vary in size from 3,600 to 10,742 square feet. Forty percent of the site will remain in open space.
7. The applicant seeks to reduce the stream buffer at some points and to enhance the buffer through removal of invasive species and installation of native plants. The buffer will be reduced to 50 feet at some of the building sites on the property. *See Exhibit A, the Department's Advisory Report ("Staff Report") (Attachment 8) at 109-113.*
8. The applicant is using an Integrated Development Plan rather than phased review as part of the application, and has submitted preliminary engineering plans for the project, and a tree retention plan and associated report prepared by a certified arborist. *See Staff Report, Attachments 2 and 9.*

9. In accordance with Code requirements, the proposal would include full half-street frontage improvements along NE 124th Street and an associated dedication, and dedication and construction of a new access street. *See* Staff Report (Attachment 3) at 33-34. In addition, 4 lots would be served by an access tract, Tract D. *See* Staff Report (Attachment 2) at 17.

10. The Staff Report includes a detailed analysis of the proposed subdivision's compliance with buffer modification requirements at 6-7, and it is adopted by reference.

11. The Staff Report includes a detailed analysis of the proposed subdivision's compliance with development regulations related to low impact development facilities to manage stormwater, maximum development potential, and general lot layout and site development standards at 8-10, and it is adopted by reference.

12. The Staff Report includes a detailed analysis of the proposed subdivision's compliance with development regulations related to vehicle access easements and bonds and securities at 10-11, and it is adopted by reference.

13. The Staff Report includes a detailed analysis of the proposed subdivision's compliance with development regulations related to the required sensitive area covenant, natural greenbelt protection easement, and stream buffer fence or barrier at 11-12, and it is adopted by reference.

14. The Staff Report includes a detailed analysis of the proposed subdivision's compliance with development regulations related to significant vegetation at 12-13, and it is adopted by reference.

Comprehensive Plan

15. The Comprehensive Plan designates the subject property for low density residential use, with a density of six and five dwelling units per acre.

State Environmental Policy Act and Concurrency

16. Pursuant to the State Environmental Policy Act (SEPA), the Department issued a Determination of Nonsignificance for the proposal on December 3, 2015, and the proposal passed traffic concurrency on May 19, 2015. Neither was appealed. The DNS and supporting documentation are included in Attachment 5 to the Staff Report.

Public Comment

17. The Department received two written public comments on the proposal during the initial comment period, which ran from August 12, to September 11, 2015. The comments are included as Attachment 4 to the Staff Report. One comment raised issues related to the proposal's impacts on affordable housing. Staff Report (Attachment 5) at 37-44. These issues were fully addressed during the SEPA process. *See* Staff Report

(Attachment 5) at 50-51 and Exhibit B. The second comment was a letter from the Muckleshoot Tribe seeking additional information on several aspects of the proposal. Staff Report (Attachment 5) at 45. The Department provided the additional information via several e-mail exchanges with the Tribe.

Applicable Law

18. 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."

19. 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.

20. 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. As represented in the attachments to the Staff Report, and with the conditions recommended in the Staff Report, the proposal is consistent with the Code requirements for a stream buffer modification.
4. The proposed lots meet minimum lot size requirements, and lots within the low impact development meet the design standards and guidelines and the approval criteria set forth in Chapter 114 of the Zoning Code.
5. As conditioned, the proposed vehicular access, Tract D, complies with the dimensional standards for such tracts found in KZC 105.110.
6. The proposed tree retention plan has been reviewed by the City's Arborist and complies with Code requirements. The proposed Integrated Development Plan should be approved subject to the additional conditions set forth in the Staff Report.

7. The proposed subdivision complies with KMC 22.12.230 and KZC 150.65. With the conditions recommended in the Staff Report, it would be 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 preliminary subdivision, stream buffer modification, and low impact development applications are approved, subject to the recommended conditions included in the Staff Report, at 2-4.

Entered this 11th day of January, 2016, 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 10
Exhibit B Letter to Department from Vicki E. Orrico, attorney-at-law re letter from Northwest Justice Project

PARTIES OF RECORD:

Applicant
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., 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

Final Plat

Under Section 22.20.370 of the Subdivision Ordinance, the final plat must be recorded with King County within five (5) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the five years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the final plat.

Buffer Modification

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.

Link to Hearing Examiner Exhibits A (Department's Advisory Report, with Attachments 1 through 10) and Exhibit B

[http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/Firwood+Lane+LID+Subdivision\\$!2c+File+No.+SUB15-01332+\\$!26+SAR15-01336.pdf](http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Hearing+Examiner/Firwood+Lane+LID+Subdivision$!2c+File+No.+SUB15-01332+$!26+SAR15-01336.pdf)