

ORDINANCE NO. 3214

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE, APPROVAL OF A FINAL PUD AS APPLIED FOR BY THE GREACEN CONSTRUCTION COMPANY IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SF-90-16, AND SETTING FORTH CONDITIONS OF SAID APPROVAL.

WHEREAS, the Department of Planning and Community Development has received an application for a Planned Unit Development (PUD) filed by the Greacen Construction Company as Department of Planning and Community Development File No. SF-90-16 to construct 30 clustered single-family homes within a RS 8.5 zone; and

WHEREAS, the application was submitted to the Kirkland Hearing Examiner who held hearing thereon at his regular meeting of July 24, 1986, and therefore the City Council adopted Ordinance 2969, granting preliminary PUD approval; and

WHEREAS, the Greacen Construction Company has submitted an application for approval of the final PUD of Juanita View North which has been reviewed by the Planning Director and found to be consistent with the conditions of approval for the preliminary PUD of Juanita View North; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C, and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist was submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a Determination of Non-Significance with conditions issued; and

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

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Director; and

WHEREAS, the Kirkland Zoning Ordinance requires approval of this application for a final PUD to be made by ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Planning Director and filed in the Department of Planning and Community Development File No. SF-90-16 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. After completion of final review of the PUD, as established in Sections 125.50 through 125.75 (inclusive) of the Kirkland Zoning Code, Ordinance 2740, as amended, the final PUD shall be approved subject to the conditions set forth in the Recommendations hereinabove adopted by the City Council.

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

Section 4. Failure on the part of the holder of the permit to initially meet or maintain strict compliance with the standards and conditions to which the final PUD is subject shall be grounds for revocation in accordance with Ordinance No. 2740, as amended, the Kirkland Zoning Ordinance.

Section 5. This ordinance shall be in full force and effect five (5) days from and after its passage by the Kirkland City Council and publication, as required by law.

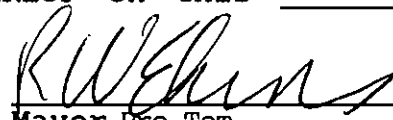
Section 6. A certified copy of this ordinance, together with the Findings, Conclusions, and Recommendations herein adopted shall be attached to and become a part of the Process IIB Permit or evidence thereof delivered to the permittee.

Section 7. Certified or conformed copies of this ordinance shall be delivered to the following:

- (a) Department of Planning and Community Development of the City of Kirkland
- (b) Fire and Building Departments of the City of Kirkland
- (c) Public Works Department of the City of Kirkland
- (d) The City Clerk for the City of Kirkland.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 15th day of May, 1990.

SIGNED IN AUTHENTICATION THEREOF on this 15th day of May, 1990.

  
\_\_\_\_\_  
Mayor Pro Tem

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Acting City Attorney

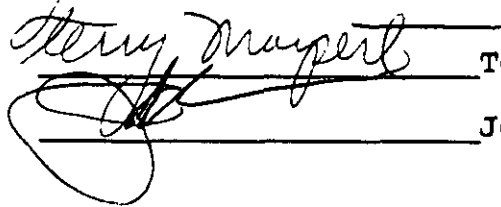
**CITY OF KIRKLAND**

123 FIFTH AVENUE KIRKLAND, WASHINGTON 98033-6189 (206) 828-1257

**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
ADVISORY REPORT  
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

To: Terrence L. Ellis

From:



Terry Marpert, Project Planner

Joseph W. Tovar, Planning Director

Date: May 8, 1990

File: FINAL PLAT AND PLANNED UNIT DEVELOPMENT OF JUANITA VIEW  
NORTH, FILE SF-90-16

**I. RECOMMENDATION**

We recommend approval of the application subject to the following conditions:

- A. The application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code, and Subdivision Ordinance. It is the responsibility of the applicant to insure compliance with the various provisions contained in these ordinances. Attachment 1, Development Standards, is provided in this memo to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations.
- B. Prior to recording of the final plat mylar, the applicant shall:
  - 1. Submit a title report no more than 30 days old from the date the final plat mylar was signed by the owners.
  - 2. Provide the seal of the registered land surveyor responsible for preparation of the plan on the final plat mylar.
  - 3. Sign and submit to the Department of Planning and Community Development an agreement to continually maintain the landscaping within the right-of-way.

4. The exterior plat boundary and all interior lot corners shall be set on the property by the registered land surveyor, using appropriate permanent materials, all street centerline monuments (intersection, points of curb, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the City.
5. The mylar must show the exact location, width, and name of all right-of-ways and easements within and adjoining the plat and shall make a clear statement as to whether each is to be dedicated to the City of Kirkland or held in private ownership.
6. The building setbacks shall be the same as those depicted in Attachment 2. The front yard setbacks for corner Lots 1, 23, and 26 shall be modified to be 20 feet on one side and 15 feet on the other, as shown in Attachment 2 (see IV.C and D).
7. Submit the necessary performance and maintenance securities, pursuant to Zoning Code Chapter 175, for required public and private improvements.

## II. BACKGROUND

- A. The applicant is Greacen Construction, Inc.
- B. This is a final subdivision and planned unit development application to approve a 30-lot attached unit single-family subdivision on a 7.6-acre site (see Attachment 2).
- C. The site is located at approximately 300 feet north of NE 104th Street, east of 112th Avenue NE, and west of 114th Place NE, south of the Burlington Northern Railroad right-of-way (see Attachment 3).

## III. HISTORY

On July 24, 1986, the Kirkland Hearing Examiner recommended approval of this preliminary plat and planned unit development. On August 18, 1986, the City Council adopted a resolution and an ordinance approving the preliminary plat and PUD (R-3308 and O-2969).

## IV. ANALYSIS

- A. Section 3.175 of the Subdivision Ordinance also discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:

1. Consistency with the preliminary plat, except for minor modifications; and
2. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No. S-IIB-86-43) by the Hearing Examiner and City Council, except for those that must be accomplished prior to recording as listed in I.B. above.

- B. Zoning Code Section 125.55 states that the City shall use the final site plan review process for the following two purposes:

1. To check the final site plan submitted under Section 50 of this Chapter to ensure that the PUD conforms in all respects to that which was approved by City Council.
2. To make any decisions or determinations that the City Council, by ordinance approving the PUD indicated are to be made during the final site plan review. Any decisions or determinations made during this process become part of the approved PUD.

- C. Zoning Code Section 125.60 states that the City may require or approve a minor modification to the site plan of the PUD as approved by City Council if:

1. The change will not have the effect of reducing landscaped area, buffering areas, or the amount of open space in the PUD; and
2. The change will not have the effect of increasing the residential density of the PUD; and
3. The change will not have the effect of increasing the area devoted to non-residential uses in the PUD; and
4. The change will not result in any increase in the height of any structure; and
5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

- D. The applicant has complied with all of the conditions that were placed on the preliminary subdivision and PUD application (File No. IIB-86-43). A modification, to allow one of the two front yards on three of the corner

Memorandum to Terrence L. Ellis  
May 8, 1990  
Page 4

lots to be reduced from 20 to 15 feet, has been requested by the applicant. The reason for the request is to allow greater flexibility in the placement of a dwelling on a corner lot which has a narrower building envelope. This change should be approved as a minor modification, because it meets the criteria previously listed and will affect only ten percent of the total lots.

V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL

- A. Section 3.175 of the Subdivision Ordinance 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. Subdivision Ordinance Section 3.175 and Zoning Code Section 125.67 and 145.110 further state that the action of the City in granting or denying a final plat and Planned Unit Development may be reviewed for unlawful arbitrary, capricious, or corrupt action in King County Superior Court. The petition must be filed within thirty (30) calendar days of the final decision of the City on the final plat.
- C. Section 3.190 of the Subdivision Ordinance requires that the final plat be recorded with King County within one-hundred-twenty (120) calendar days following the date of approval, unless specifically extended in the decision on the plat, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 4 are attached.

- 1. Development Standards
- 2. Building Envelopes
- 3. Final Plat
- 4. Vicinity Map

cc: Applicant  
File SF-90-16  
Notebook

**DEVELOPMENT STANDARDS****Juanita View North Final Plat & PUD, File No. SF-90-16****A. Department of Planning and Community Development**

1. Zoning Code:
  - a) Chapter 107; Storm Water Control
  - b) Chapter 110; Required Public Improvements
2. Subdivision Ordinance:
  - a) Section 3.150; Effect of Preliminary Plat Approval
  - b) Section 3.155; Time Limits to File Final Plat
  - c) Section 3.160; Contents of Final Plat
  - d) Section 3.165; Information to Accompany Final Plat
  - e) Section 3.175; City Council Action
  - f) Section 3.190; Filing of Plat Documents

**B. Department of Public Works**

1. a) Sanitary Sewer: Extend sanitary sewer main to serve property (sewer is installed, accepted, and signed off).
  - b) Authority: K.M.C. Title 15
2. a) Domestic Water: Extend main to serve property (water installed and accepted).
  - b) Authority: K.M.C. Title 15
3. a) Storm Water: Provide detention per City of Kirkland standards; provide storm drainage connection for each lot; storm detention calculations required (storm is installed and accepted).
  - b) Authority: Zoning Code Chapter 107
4. a) Right-of-Way Improvements: Existing installed improvements adequate.
  - b) Authority: Zoning Code Chapter 110
5. a) Transmission Lines: Defer with concomitant agreement for off-site; underground all on-site utility lines.
  - b) Authority: Zoning Code Chapter 110
6. a) Other: Performance security required for pavement; cash contribution for new roadway required.

b) Authority: Subdivision Ordinance

C. Building Department

1. Relevant Building Code Requirements: Land Surface Modification permit required. Inspections will be conducted by the Department of Public Works.
2. Other: Follow the recommendations of the Soils Report.

D. Fire Department

F.D. Ref. #A3-1

1. Emergency Access:
  - a) Fire Lanes (UFC 10.207): Required--Tract "B" as shown. Must be completed and approved prior to any combustible construction (Op. Pol. 6/Op. Pol. 4).
  - b) Turn-around (UFC 10.207): Required--must meet Fire Department requirements on Tract "B" as noted on plans. Must be completed and approved prior to any combustible construction (Op. Pol. 6).
  - c) Grade: Not to exceed 15 percent. Must be completed and approved prior to any combustible construction
2. Fire Hydrants (UFC 10.301): Required as shown. Must be completed and approved prior to any combustible construction (Op. Pol. 4).
3. Fire Flow Information (UFC 10.301): 750 gpm required (min.). Must be completed and approved prior to any combustible construction.

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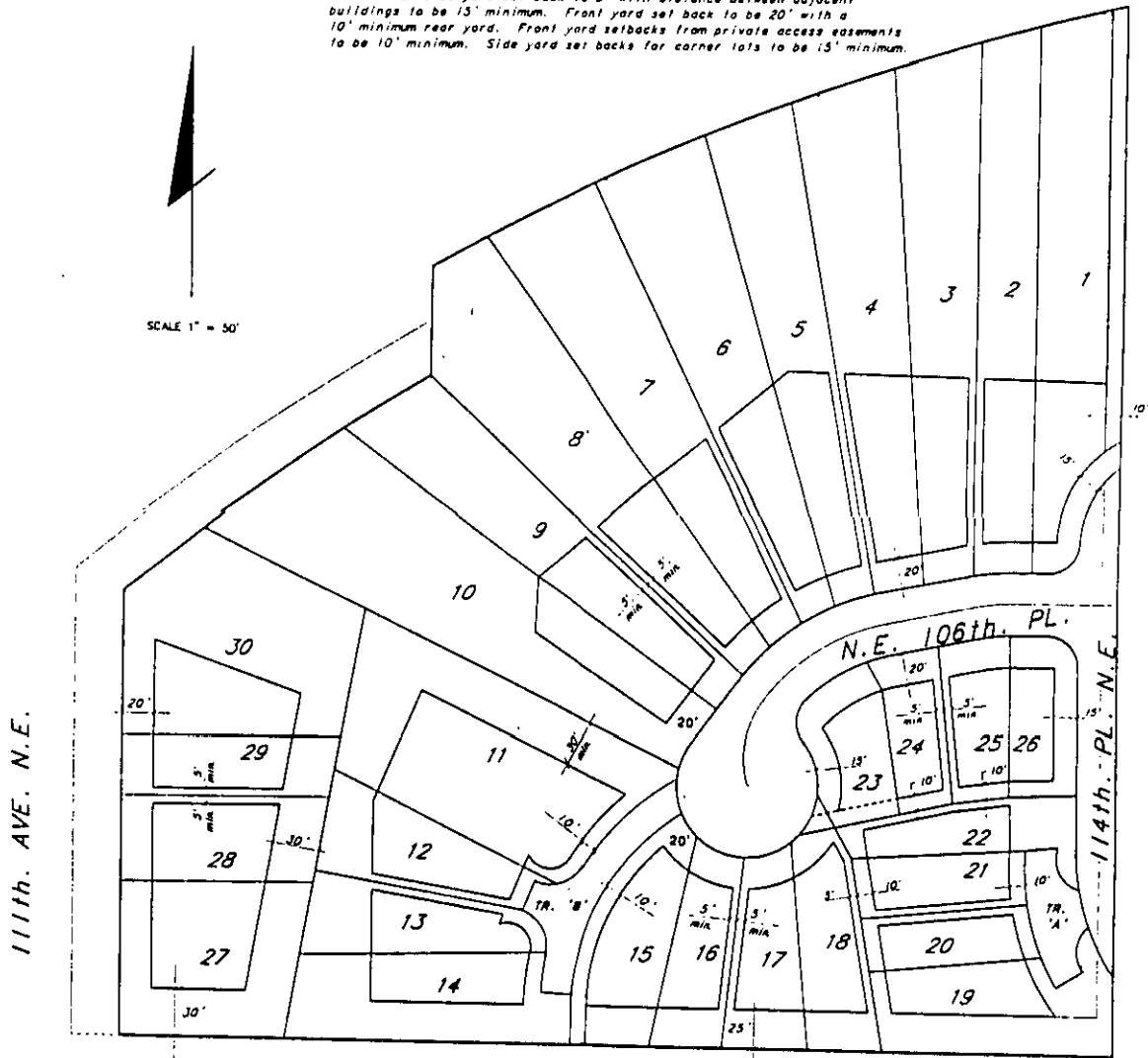


# LAKESONG

(AKA JUANITA VIEW NORTH)

## BUILDING ENVELOPES

NOTE: The minimum side yard set back is 5' with distance between adjacent buildings to be 15' minimum. Front yard set back to be 20' with a 10' minimum rear yard. Front yard setbacks from private access easements to be 10' minimum. Side yard set backs for corner lots to be 15' minimum.



By	Designed By	Approved By
	Drawn By	Date
	Checked By	Scale: Horiz Vert

**John R. Newell Inc. P.S.**  
231 Williams Avenue South, Reston, Washington 98055 Phone 285-2180

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**JUANITA VIEW NORTH**  
A PORTION OF THE S.E. 1/4, SECTION 32, TOWNSHIP 26 N., RANGE 5 E., W.M.  
CITY OF KIRKLAND  
KING COUNTY, WASHINGTON

**APPROVALS**

Approved by the Kirkland City Council this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Attest: \_\_\_\_\_

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
DEPARTMENT OF PUBLIC WORKS

\_\_\_\_\_  
City Engineer (Director)

**CITY TREASURER CERTIFICATE**

I hereby certify that there are no delinquent Local Improvement Assessments and that all special assessments on any of the property herein contained, dedicated as streets or for other public use are paid in full this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
DEPARTMENT OF ADMINISTRATION AND FINANCE

\_\_\_\_\_  
Treasurer, City of Kirkland

**FINANCE DIRECTOR CERTIFICATE**

I hereby certify that all property taxes are paid, that there are no delinquent Special Assessments certified to this office for collection and that all special assessments certified to this office for collection on any of the property herein contained, dedicated as streets or for other public use are paid in full this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
OFFICE OF FINANCE

\_\_\_\_\_  
Director

\_\_\_\_\_  
Deputy

**CITY OF KIRKLAND DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

Examined, reviewed and approved by the City of Kirkland pursuant to the \_\_\_\_\_ Subdivision Provisions of Title 22 (Land Subdivision) Kirkland Municipal Code this \_\_\_\_\_ Day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Director, Department of Planning and Community Development

**DEPARTMENT OF ASSESSMENT**

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
King County Assessor

**RECORDER'S CERTIFICATE**

Filed for record at the request of the City of Kirkland this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ and recorded in Volume \_\_\_\_\_ of plats, pages \_\_\_\_\_, records of King County, Washington.

DIVISION OF RECORDS AND ELECTIONS

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Supt. of Records

**ACKNOWLEDGEMENTS, DECLARATION, DEDICATION AND RESTRICTIONS**  
(R.C.W.) 56.17.185

**SUBDIVISION DEDICATION**

KNOW ALL PEOPLE BY THESE PRESENTS that we, the undersigned being all of the owners of the land hereby subdivided, hereby declare this plat to be the graphic representation of the subdivision made hereby, and do hereby dedicate to the use of the public forever all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown hereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all the easements and tracts shown on this plat for all public purposes as indicated hereon, including but not limited to parks, open space, utilities and drainage unless such easements or tracts are specifically identified on this plat as being dedicated or conveyed to a person or entity other than the public. Furthermore, the owners of the land hereby subdivided agree to defend, pay and save harmless, any governmental authority, including the City of Kirkland, in respect of all claims for damages against any governmental authority, including the City of Kirkland, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated.

IN WITNESS WHEREOF we set our hands and seals.

_____ Name	_____ Name
_____ Name	_____ Name
_____ Name	_____ Name

**STATE OF WASHINGTON**

County of \_\_\_\_\_

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that he/she/they (was/were) authorized to execute the instrument and acknowledge it as the \_\_\_\_\_ to be the free and voluntary act of such party/parties for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Title: \_\_\_\_\_

My appointment expires: \_\_\_\_\_

**STATE OF WASHINGTON**

County of \_\_\_\_\_

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Dated: \_\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Title: \_\_\_\_\_

My appointment expires: \_\_\_\_\_

**SURVEYOR CERTIFICATE**

I hereby certify that this plat of JUANITA VIEW NORTH is based on an actual survey and subdivision of Section 32, Township 26 N., Range 5 E., W.M.; that the courses and distances are shown correctly hereon; that the monuments, lot and block corners as shown will be (have been) staked correctly on the ground as construction is completed; and that I have fully complied with the provisions of all platting and subdivision regulations.

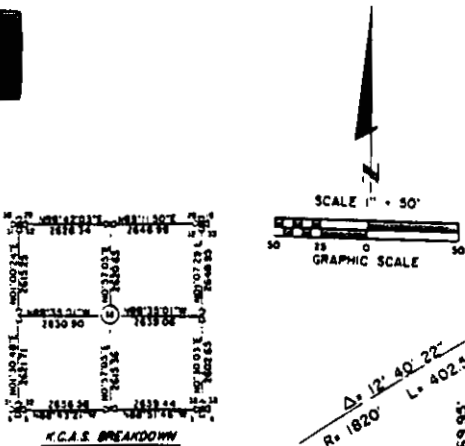
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Name P.L.S.  
Certificate No. 14490



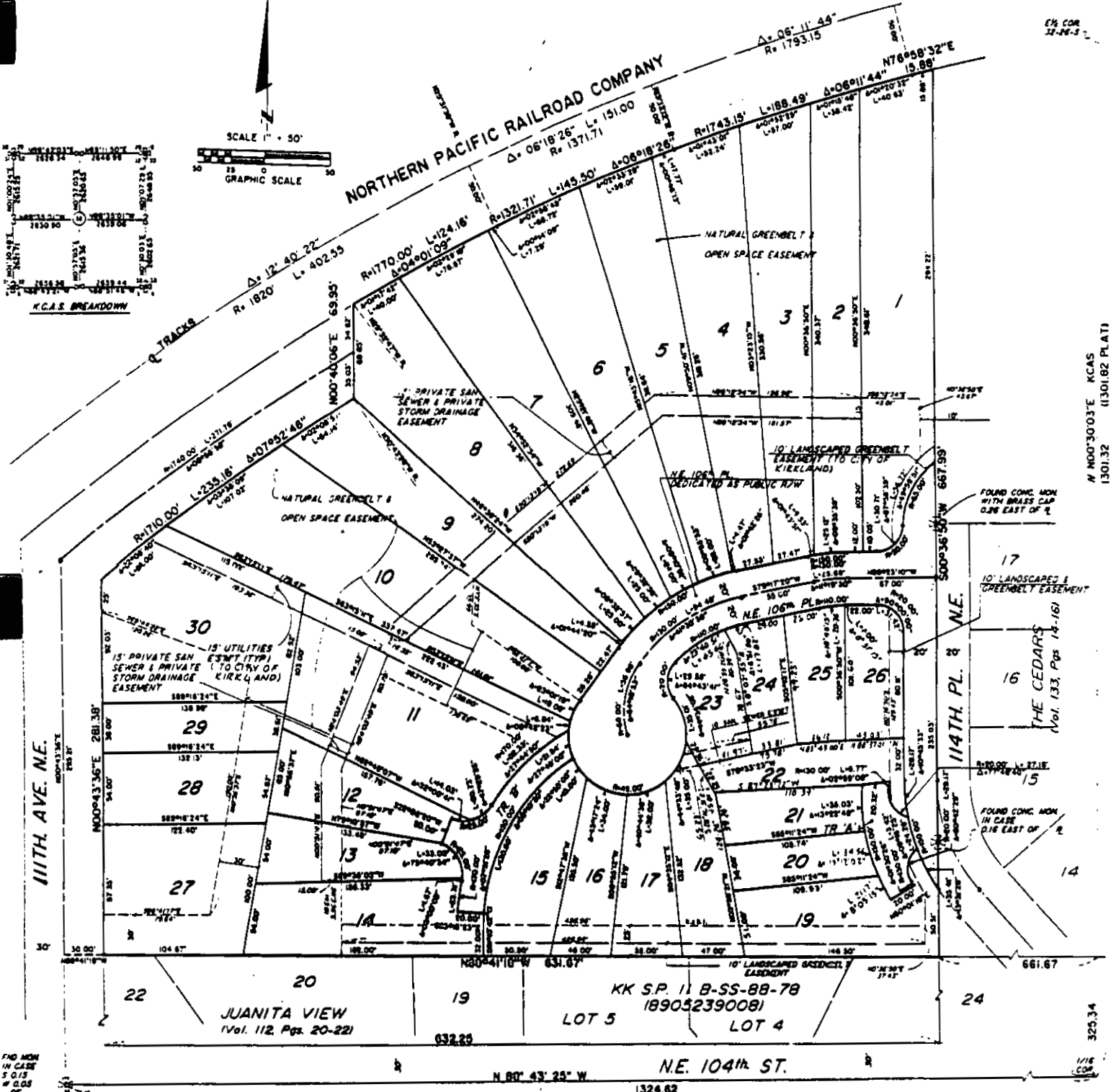
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**JUANITA VIEW NORTH**  
 A PORTION OF THE S.E. 1/4, SECTION 32, TOWNSHIP 26 N., RANGE 5 E., W.M.  
 CITY OF KIRKLAND  
 KING COUNTY, WASHINGTON

Ordinance No. 3214  
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**NORTHERN PACIFIC RAILROAD COMPANY**



**RECEIVED**  
 APR 12 1990  
 PLANNING DEPARTMENT

**LEGEND**

- EXISTING CONC. MON & CASE
- SET NEW CONC. MON & CASE
- BUILDING SET BACK LINE
- NATURAL GREENBELT & OPEN SPACE EASEMENT

**NOTE:** TRACT 'A' SHALL BE FOR INGRESS AND EGRESS ONLY TO LOTS 19-22 AND SHALL BE OWNED IN UNDIVIDED INTEREST AND MAINTAINED BY OWNERS OF SAID LOTS 19-22

TRACT 'B' SHALL BE FOR INGRESS AND EGRESS ONLY TO LOTS 11-14 AND SHALL BE OWNED IN UNDIVIDED INTEREST AND MAINTAINED BY OWNERS OF SAID LOTS 11-14

**JUANITA VIEW NORTH**  
 A PORTION OF THE S.E. 1/4, SECTION 32, TOWNSHIP 26 N., RANGE 5 E., W.M.  
 CITY OF KIRKLAND  
 KING COUNTY, WASHINGTON

Ordinance No. 3214  
 Page 12

**APPROVALS**

Approved by the Kirkland City Council this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Attest: \_\_\_\_\_

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
 DEPARTMENT OF PUBLIC WORKS

\_\_\_\_\_  
 City Engineer (Director)

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 DEPARTMENT OF ADMINISTRATION AND FINANCE

\_\_\_\_\_  
 Treasurer, City of Kirkland

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 OFFICE OF FINANCE

\_\_\_\_\_  
 Director Deputy

**CITY OF KIRKLAND DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

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\_\_\_\_\_  
 Director, Department of Planning and Community Development

**DEPARTMENT OF ASSESSMENT**

Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
 King County Assessor

**RECORDER'S CERTIFICATE**

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DIVISION OF RECORDS AND ELECTIONS

\_\_\_\_\_  
 Manager Subst. of Records

**ACKNOWLEDGEMENTS, DECLARATION, DEDICATION AND RESTRICTIONS**  
 (R.C.W.) 58.17.165)

**SUBDIVISION DEDICATION**

KNOW ALL PEOPLE BY THESE PRESENTS that we, the undersigned being all of the owners of the land hereby subdivided, hereby declare this plat to be the graphic representation of the subdivision made hereby, and do hereby dedicate to the use of the public forever all streets and avenues not shown as private hereon and dedicate the use thereof for all public purposes not inconsistent with the use thereof for public highway purposes, and also the right to make all necessary slopes for cuts and fills upon the lots shown hereon in the original reasonable grading of said streets and avenues, and further dedicate to the use of the public all the easements and tracts shown on this plat for all public purposes as indicated hereon, including but not limited to parks, open space, utilities and drainage unless such easements or tracts are specifically identified on this plat as being dedicated or conveyed to a person or entity other than the public. Furthermore, the owners of the land hereby subdivided agree to defend, pay and save harmless, any governmental authority, including the City of Kirkland, in respect of all claims for damages against any governmental authority, including the City of Kirkland, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated.

IN WITNESS WHEREOF we set our hands and seals.

_____ Name	_____ Name
_____ Name	_____ Name
_____ Name	_____ Name

**STATE OF WASHINGTON**  
 County of \_\_\_\_\_

I certify that I know or have satisfactory evidence that \_\_\_\_\_ signed this instrument, on oath stated that he/she/they (was/were) authorized to execute the instrument and acknowledge it as the \_\_\_\_\_ to be the free and voluntary act of such party/parties for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_  
 Signature of Notary Public: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 My appointment expires: \_\_\_\_\_

**STATE OF WASHINGTON**  
 County of \_\_\_\_\_

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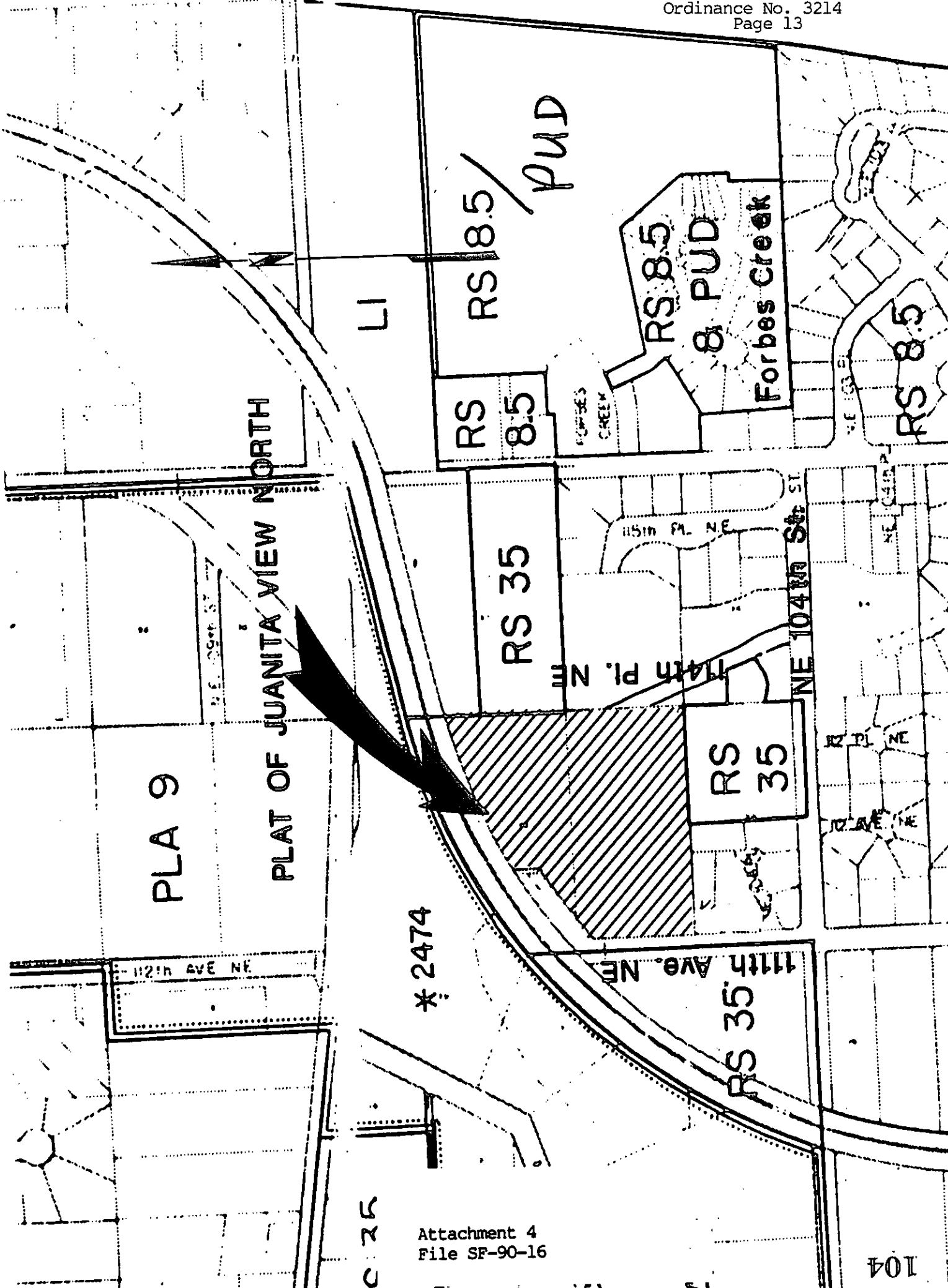
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\_\_\_\_\_  
 Name Certificate No. 14490 P.L.S.





Attachment 4  
File SF-90-16