

RESOLUTION NO. R- 3602

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF JUANITA VIEW NORTH, BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SF-90-16. AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Juanita View North was approved by the City Council on October 4, 1988; and

WHEREAS, thereafter the Department of Planning and Community Development received an application for approval of subdivision and final plat, said application having been made by the Greacen Construction Company, the owner of the real property described in said application, which property is within a Residential Single Family 8.5 zone; 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 has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

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

WHEREAS, the Director of the Department of Planning and Community Development did make certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the final plat, subject to specific conditions set forth in said recommendation.

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

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

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

Section 2. Approval of the subdivision and the final plat of Juanita View North is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council and further conditioned upon the following:

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

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

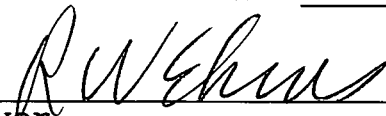
Section 4. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be delivered to the applicant.

Section 5. Certified or conformed copies of this Resolution shall be delivered to the following

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

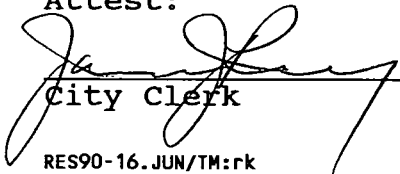
PASSED in regular meeting of the Kirkland City Council on the 15th day of May, 1990.

SIGNED IN AUTHENTICATION thereof on the 15th day of May, 1990.



Mayor

Attest:



City Clerk



RES90-16.JUN/TM:rk

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:

Memorandum to Terrence L. Ellis
May 8, 1990
Page 3

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

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:

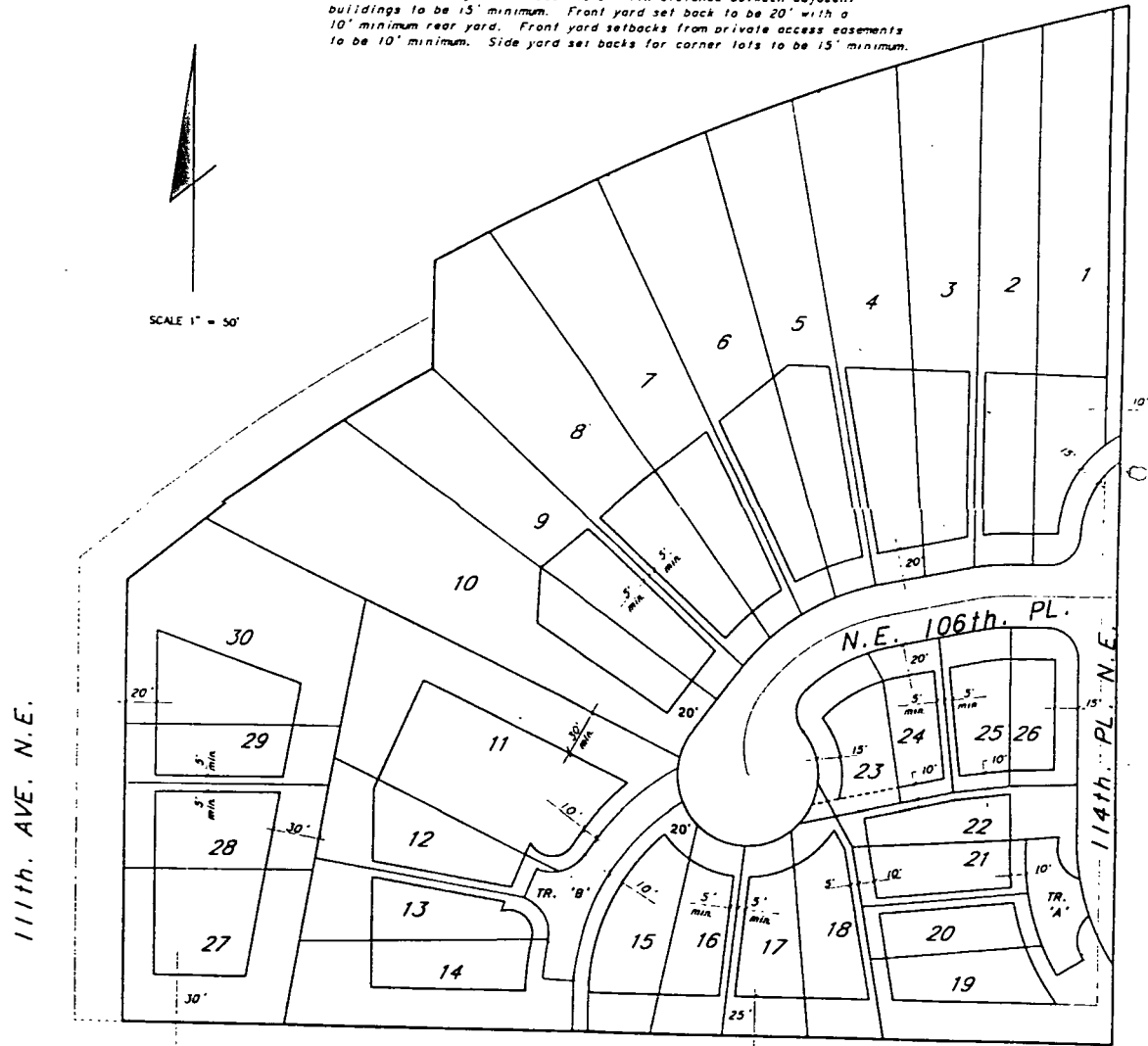
- a) Fire Lanes (UFC 10.207): Required--Tract "B" as shown. Must be completed and approved prior to any combustible construction (Op. Pol. 6/Op. Pol. 4).
 - b) Turn-around (UFC 10.207): Required--must meet Fire Department requirements on Tract "B" as noted on plans. Must be completed and approved prior 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.

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, Renton, Washington 98055 Phone 255-2100

Resolution R-3602
Page 10

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 Provisions of Title 22 (Land Subdivision) Kirkland Municipal Code this _____ Subdivision
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.) 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 _____

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: _____

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.

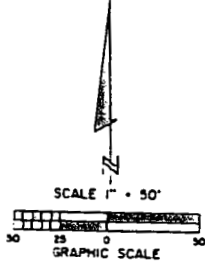
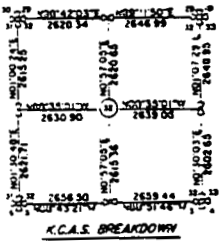
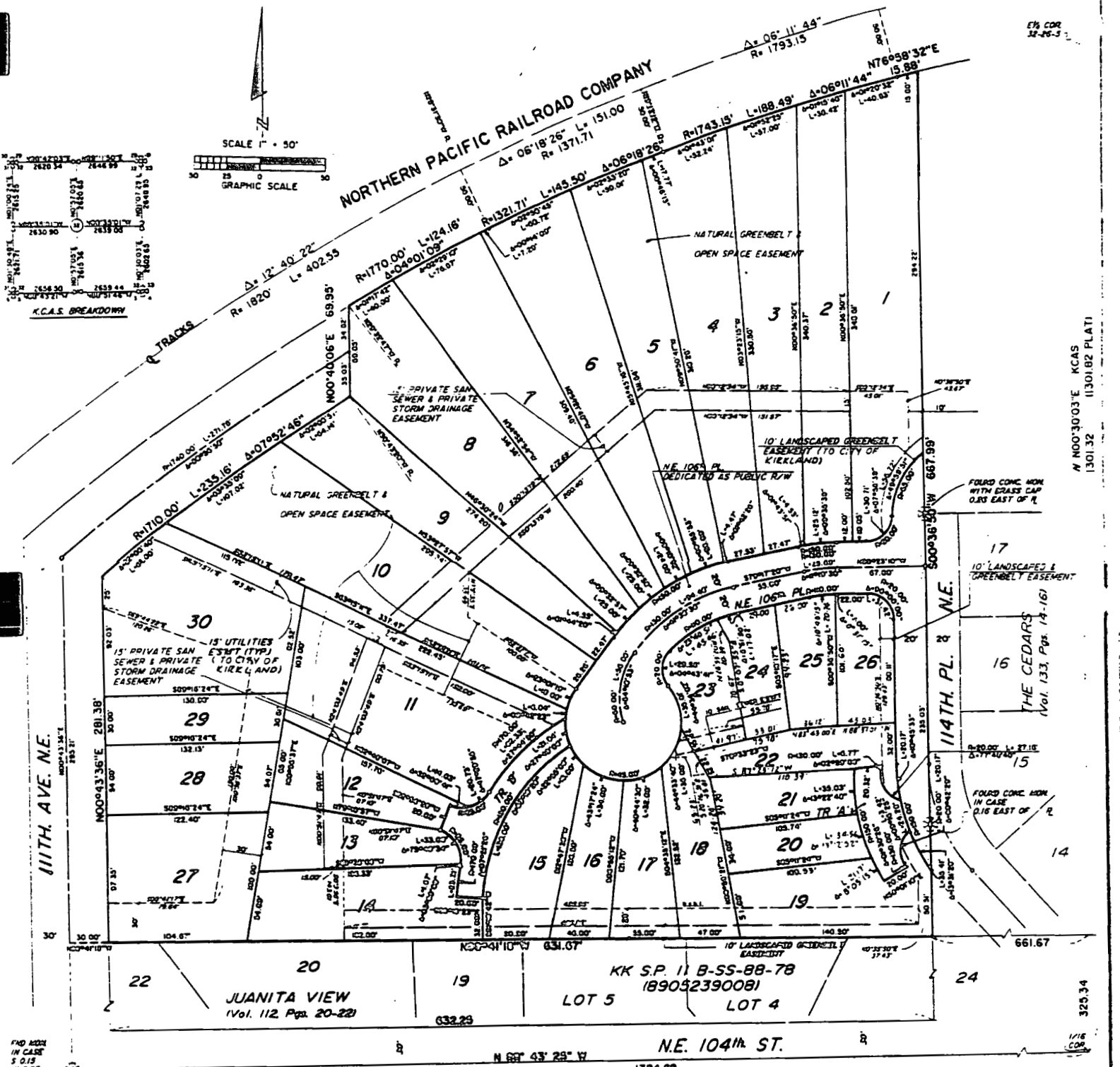
Name PLS
Certificate No. 14490



VOL. PG.

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

Resolution R-3602
 Page 11



- 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

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 PLANNING DEPARTMENT



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VOL. 11

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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

Resolution R-3602
 Page 12

APPROVALS

Approved by the Kirkland City Council this _____ day of _____, 19____

Attest _____

Examined and approved this _____ day of _____ 19____
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 City Engineer (Director)

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 Treasurer, City of Kirkland

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 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

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DIVISION OF RECORDS AND ELECTIONS

 Manager

 Supt. of Records

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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.

Date: _____
 Signature of _____
 Notary Public: _____
 Title: _____
 My appointment expires: _____

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.

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 Name _____ P.L.S.
 Certificate No. 14490



