

RESOLUTION NO. R- 3617

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF JUANITA VALLEY BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. SF-90-32 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of Juanita Valley was approved by the King County Council on June 12, 1987 by Ordinance 8104; 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 Dally Homes, the owner of the real property described in said application, which property is within a Residential Single Family RSX 7.2 zone; 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.

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-90-32, 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 Valley is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council:

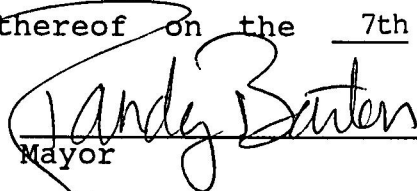
Section 4. A certified copy of this Resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be delivered to the applicant.

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

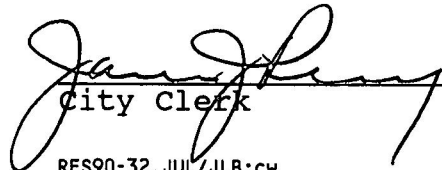
- (a) Department of Planning and Community Development for the City of Kirkland
- (b) Fire and Building Department of the City of Kirkland
- (c) Public Works Department for the City of Kirkland
- (d) City Clerk of the City of Kirkland

PASSED in regular meeting of the Kirkland City Council on  
the 7th day of August, 1990.

SIGNED IN AUTHENTICATION thereof on the 7th day of  
August, 1990.

  
\_\_\_\_\_  
Mayor

Attest:

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

RES90-32.JUL/JLB:cw

those that must be accomplished as listed in Section I.B of this report.

### III. LAPSE OF APPROVAL

The applicant must submit to the City a complete building permit application approved under Chapters 125, within one year after the final decision on the Final PUD, or the decision becomes void. Furthermore, the applicant must substantially complete construction approved under Chapter 125 and complete the applicable conditions listed on the Notice of Approval within five (5) years after the final decision on the PUD, or the decision becomes void.

"Final Decision" means the final decision of the City of Kirkland, or the termination of judicial review proceedings if such proceedings were initiated pursuant to Section 145.110.

### IV. APPENDICES

Attachments 1 through 13 are attached.

1. Vicinity and Zoning Map
2. PUD site plan, building plans, and landscape plans submitted by the applicant.
3. Ordinances 8103 and 8104 approving the Preliminary PUD and Subdivision
4. Development Standards
5. Plan Showing Natural Greenbelt Protection Easements and Location of Construction Fences
6. Hold Harmless Hope Covenant
7. Hold Harmless Stream Covenant
8. Letter from Applicant Summarizing Changes between the Preliminary and Final PUD.
9. Minor Modification Memo (Setbacks along the north and east perimeter property lines)
10. Minor Modification Memo (Number of Parking Spaces)
11. Minor Modification (substituting existing vegetation for landscape materials along south and west perimeter property lines)
12. Letter from Applicant Addressing Conditions of Approval of Preliminary PUD
13. Letter from Department of Fisheries Requiring Stream Bank Restoration
14. Landscape Plan Showing Trees Designated for Retention, Permanent View Obscuring Fence or Barrier, and Location of Additional Landscaping Required

pursuant to Chapter 175 for the stream bank revegetation shall be submitted.

4. Prior to occupancy, install all required landscaping and complete all improvements shown on the PUD plans and submit the necessary maintenance securities pursuant to Chapter 175 for required public and private improvements (landscaping).
5. The following conditions of Ordinance 8103 (see Attachment 3) shall be followed during building construction: A.6, 7, 8, 10, 11, 12, 13, 14, 15, and B.4, 13, and 21.

## II. FINDINGS OF FACT AND CONCLUSION:

### A. Facts:

1. Section 125.55 of the Kirkland Zoning Code states that the final site plan review of the PUD is for the following two purposes:
  - a. To check the final site plan to ensure that the PUD conforms in all respects to that which was approved by City (County) Council; and
  - b. To make any decisions or determinations that the City (County) Council by ordinance approving the PUD indicated are to be made during the final site plan review.
2. Section 125.60 of the Code sets forth what constitutes minor modification of the site plan approved by the City (County) Council. Changes to the preliminary PUD can be considered minor if:
  - a. The change will not have the effect of reducing landscaped area, buffering areas, or the amount of open space in the PUD; and
  - b. The change will not have the effect of increasing the residential density of the PUD; and
  - c. The change will not have the effect of increasing the area devoted to nonresidential uses in the PUD; and
  - d. The change will not result in any increase in the height of any structure; and
  - e. The City determines that the change will not increase any adverse impacts or undesirable



The City uses its procedures to process this application, while relying on the development standards of King County and substantive conditions of approval on the preliminary PUD and subdivision for guidance on the final PUD and subdivision. Attachment 3 is Ordinances 8103 and 8104 approving the Preliminary PUD and Plat of Juanita Valley.

4. Review Process: Planning Director decision
5. Major Issues: Compliance with Preliminary PUD Approval (Ordinance 8103).

**B. RECOMMENDATIONS**

Approval of this final PUD subject to the following conditions is recommended:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed.
2. Prior to issuance of building permits:
  - a. Submit a revised landscape plan to be approved by the Department of Planning and Community Development which includes a 6-foot-high view-obscuring fence or barrier along the south perimeter boundary line of Lots 21 and 22, the eastern perimeter property line from Lot 21 to the sanitary sewer easement, the east perimeter boundary line of Lot 1, and the north perimeter boundary line adjoining Lots 1-4. In addition, the landscape plan should include additional landscaping along the buffer adjoining Lots 1-4 on their north and east sides (see Attachment 14).
  - b. Revise the easement language on the face of the PUD for all areas with 40 percent and greater slopes and within the 20-foot setback area as measured from the top of the banks of the stream to state, "Natural Greenbelt Protection Easements" rather than "Native Growth

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

STATE OF WASHINGTON }  
County of King } SS.

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_, and \_\_\_\_\_ to me, known to be general partners of

\_\_\_\_\_, the partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

STATE OF WASHINGTON }  
County of King } SS.

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me, known to be the President and Secretary, respectively, of \_\_\_\_\_,

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

(Individuals Only)

OWNER(S) OF REAL PROPERTY  
(INCLUDING SPOUSE)

STATE OF WASHINGTON }  
County of King } SS.

On this day personally appeared before me \_\_\_\_\_ and \_\_\_\_\_ to me known to be the individual(s) described herein and who executed the within and foregoing instrument, and acknowledged that \_\_\_\_\_ signed the same as \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

The foregoing Agreement is accepted by the City of Kirkland this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

CITY OF KIRKLAND

BY: \_\_\_\_\_

S 32°50'02" E for 41.23 feet to the beginning of a 33.00 foot radius curve to the left;  
Thence along said curve for 47.23 feet while consuming a central angle of 82°00'00" to a point of reverse curvature;  
Thence along a 25.00 foot radius curve to the right for 20.29 feet while consuming a central angle of 46°30'00";  
Thence S 68°20'02" E for 78.55 feet;  
Thence S 50°31'39" E for 117.00 feet;  
Thence N 2°45'21" E for 142.06 feet to the northeast corner of said Tract A;  
Thence S 88°16'35" E, along the south line of said northwest 1/4, for 150.13 feet to a point lying 20.00 feet west of the east line of the west 1/2 of the northwest 1/4 of the northeast 1/4 of said Section 30; said point being on the west right-of-way of a county road conveyed by deed recorded under Auditor's File Number 2967621;  
Thence N 2°45'21" E, along said west right-of-way, for 325.32 feet to the southeast corner of that tract of land conveyed by deed recorded under Auditor's File Number 8408020306;  
Thence N 88°16'35" W for 326.60 feet;  
Thence N 1°43'25" E for 133.74 feet to the original centerline of vacated M. Paananen County Road;  
Thence S 53°13'04" W, along said centerline, for 11.16 feet to the beginning of a curve to the right having a radius of 110.18 feet;  
Thence along said curve, still on the vacated centerline, for 84.71 feet while consuming a central angle of 44°02'59";  
Thence S 7°16'03" W, radially, for 30.00 feet to the southeast corner of a tract conveyed to King County by deed recorded under Auditor's File Number 2929284;  
Thence N 88°33'23" W, along the south line of said tract, for 211.52 feet to the east line of that tract conveyed by deed recorded under Auditor's File Number 8107280790;  
Thence S 0°11'53" E, along said east line, for 397.95 feet to the point of beginning;  
Together with a temporary turnaround easement as recorded under Auditor's File Number 8706090558.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

# MAINTENANCE AGREEMENT - ON-SITE LANDSCAPING

Parcel Data File: 12823 94th Avenue NE (Juanita Valley Plat)

Project Planner: Joan Lieberman-Brill

This agreement is entered into between each of the undersigned owners of real property and the City of Kirkland in consideration of approval by the City of a permit under City of Kirkland File No. SF-90-32 for the hereinafter described real property in Kirkland, King County, Washington.

Each undersigned owner hereby agrees to plant the required landscaping on the real property described below, owned by such owner, when required by the City with vegetation approved by the City pursuant to Ordinance 2740. Each undersigned owner(s) further agrees to maintain such vegetation.

Each of the undersigned owners agree 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 maintenance of said landscaping on said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the gross negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors and assigns of each of the undersigned owners and shall run with the land. This Agreement shall, at the expense of the undersigned owners, be recorded by the City of Kirkland with the King County Department of Elections and Records.

The real property owned by the undersigned and the subject property of this Agreement is situated in Kirkland, King County, Washington and described as follows:

That portion of the northwest 1/4 of the southwest 1/4 of the northeast 1/4 of Section 30, Township 26 North, Range 5 East, W.M. in King County, Washington containing those lands described in that statutory warranty deed recorded under Auditor's File Number 8602281217, said lands being more particularly described as follows:

Commencing at the southwest corner of the northwest 1/4 of the northeast 1/4 of said Section 30;  
Thence S 88°16'35" E, along the south line of said northwest 1/4, for 31.04 feet to the point of beginning;  
Thence continue S 88°16'35" E for 205.72 feet to the northwest corner of Tract A, Hazel Lane, according to the plat thereof recorded in Volume 124 of Plats, Pages 51 and 52, Records of King County, Washington;  
Thence along the south and east boundary of said Tract A on the following six courses:

Thence continue S 88°16'35" E for 205.72 feet to the northwest corner of Tract A, Hazel Lane, according to the plat thereof recorded in Volume 124 of Plats, Pages 51 and 52, Records of King County, Washington;

Thence along the south and east boundary of said Tract A on the following six courses:

S 32°50'02" E for 41.23 feet to the beginning of a 33.00 foot radius curve to the left;

Thence along said curve for 47.23 feet while consuming a central angle of 82°00'00" to a point of reverse curvature;

Thence along a 25.00 foot radius curve to the right for 20.29 feet while consuming a central angle of 46°30'00";

Thence S 68°20'02" E for 78.55 feet;

Thence S 50°31'39" E for 117.00 feet;

Thence N 2°45'21" E for 142.06 feet to the northeast corner of said Tract A;

Thence S 88°16'35" E, along the south line of said northwest 1/4, for 150.13 feet to a point lying 20.00 feet west of the east line of the west 1/2 of the northwest 1/4 of the northeast 1/4 of said Section 30; said point being on the west right-of-way of a county road conveyed by deed recorded under Auditor's File Number 2967621;

Thence N 2°45'21" E, along said west right-of-way, for 325.32 feet to the southeast corner of that tract of land conveyed by deed recorded under Auditor's File Number 8408020306;

Thence N 88°16'35" W for 326.60 feet;

Thence N 1°43'25" E for 133.74 feet to the original centerline of vacated M. Paananen County Road;

Thence S 53°13'04" W, along said centerline, for 11.16 feet to the beginning of a curve to the right having a radius of 110.18 feet;

Thence along said curve, still on the vacated centerline, for 84.71 feet while consuming a central angle of 44°02'59";

Thence S 7°16'03" W, radially, for 30.00 feet to the southeast corner of a tract conveyed to King County by deed recorded under Auditor's File Number 2929284;

Thence N 88°33'23" W, along the south line of said tract, for 211.52 feet to the east line of that tract conveyed by deed recorded under Auditor's File Number 8107280790;

Thence S 0°11'53" E, along said east line, for 397.95 feet to the point of beginning;

Together with a temporary turnaround easement as recorded under Auditor's File Number 8706090558.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

The prevailing party in any enforcement action upon this Agreement shall be entitled to reasonable attorneys' fees.

That portion of the northwest 1/4 of the southwest 1/4 of the northeast 1/4 of Section 30, Township 26 North, Range 5 East, W.M. in King County, Washington containing those lands described in that statutory warranty deed recorded under Auditor's File Number 8602281217, said lands being more particularly described as follows:

Commencing at the southwest corner of the northwest 1/4 of the northeast 1/4 of said Section 30;

Thence S 88°16'35" E, along the south line of said northwest 1/4, for 31.04 feet to the point of beginning;

Thence continue S 88°16'35" E for 205.72 feet to the northwest corner of Tract A, Hazel Lane, according to the plat thereof recorded in Volume 124 of Plats, Pages 51 and 52, Records of King County, Washington;

Thence along the south and east boundary of said Tract A on the following six courses:

S 32°50'02" E for 41.23 feet to the beginning of a 33.00 foot radius curve to the left;

Thence along said curve for 47.23 feet while consuming a central angle of 82°00'00" to a point of reverse curvature;

Thence along a 25.00 foot radius curve to the right for 20.29 feet while consuming a central angle of 46°30'00";

Thence S 68°20'02" E for 78.55 feet;

Thence S 50°31'39" E for 117.00 feet;

Thence N 2°45'21" E for 142.06 feet to the northeast corner of said Tract A;

Thence S 88°16'35" E, along the south line of said northwest 1/4, for 150.13 feet to a point lying 20.00 feet west of the east line of the west 1/2 of the northwest 1/4 of the northeast 1/4 of said Section 30; said point being on the west right-of-way of a county road conveyed by deed recorded under Auditor's File Number 2967621;

Thence N 2°45'21" E, along said west right-of-way, for 325.32 feet to the southeast corner of that tract of land conveyed by deed recorded under Auditor's File Number 8408020306;

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Thence along said curve, still on the vacated centerline, for 84.71 feet while consuming a central angle of 44°02'59";

Thence S 7°16'03" W, radially, for 30.00 feet to the southeast corner of a tract conveyed to King County by deed recorded under Auditor's File Number 2929284;

Thence N 88°33'23" W, along the south line of said tract, for 211.52 feet to the east line of that tract conveyed by deed recorded under Auditor's File Number 8107280790;

Thence S 0°11'53" E, along said east line, for 397.95 feet to the point of beginning;

Together with a temporary turnaround easement as recorded under Auditor's File Number 8706090558.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.



# CONCOMITANT AGREEMENT RELATING TO CONSTRUCTION OR INSTALLATION OF PUBLIC IMPROVEMENTS

Parcel Data File: 12823 94th Avenue NE (Juanita Valley)

THE UNDERSIGNED acknowledge that application has been made to the City of Kirkland for:

Subdivision Approval File No.: SF-90-32

Project Name: Juanita Valley Subdivision

Project Address: 12823 94th Avenue NE

for proposed development of the hereinafter described real property, which development, alone or in conjunction with existing and/or future developments, makes necessary certain public improvements and that such additional public improvements will benefit said real property.

THE UNDERSIGNED warrant to the City of Kirkland that they are all the owners of the real property hereinafter described with full power to enter into agreements and/or covenants which will run with the land.

In lieu of actual construction of required public improvements at this time, and to also provide for mitigation of the impacts of the proposed development, THE UNDERSIGNED agree to immediately install or pay for, as instructed by the City of Kirkland in written notice given within fifteen (15) years from the date of this Agreement, the proportionate share of the cost of undergrounding overhead utility lines adjacent to the property frontage within the 94th Avenue NE right-of-way

Any money paid by THE UNDERSIGNED to be used by the City toward the cost of a public improvement shall be subject to the repayment provisions of RCW 82.02.020 unless the basis for requiring the payment is the mitigation of an adverse environmental impact required by RCW 43.21C or Chapter 24.02 Kirkland Municipal Code, in which case RCW 82.02.020 shall not apply.

THE UNDERSIGNED agree to be responsible for the full performance of this agreement until the City actually accepts the improvement and hereby secure this performance as binding upon all of the owners of the real property hereinafter described and their heirs, successors and assigns and agrees that this agreement shall run with the land described as follows:

The provisions of this agreement may be enforced by civil action commenced by either party for specific performance, civil damages, equitable relief, or declaratory judgment. Provided, however, that in any action commenced to enforce this agreement, the validity or appropriateness of the payment for or installation of the specified public improvements by THE UNDERSIGNED shall not be raised as an issue, since opportunity to raise such issue **ATTACHMENT** available. 5

## DEVELOPMENT STANDARDS

### Juanita Valley Final PUD and Subdivision, File No. SF-90-32

#### A. Department of Planning and Community Development

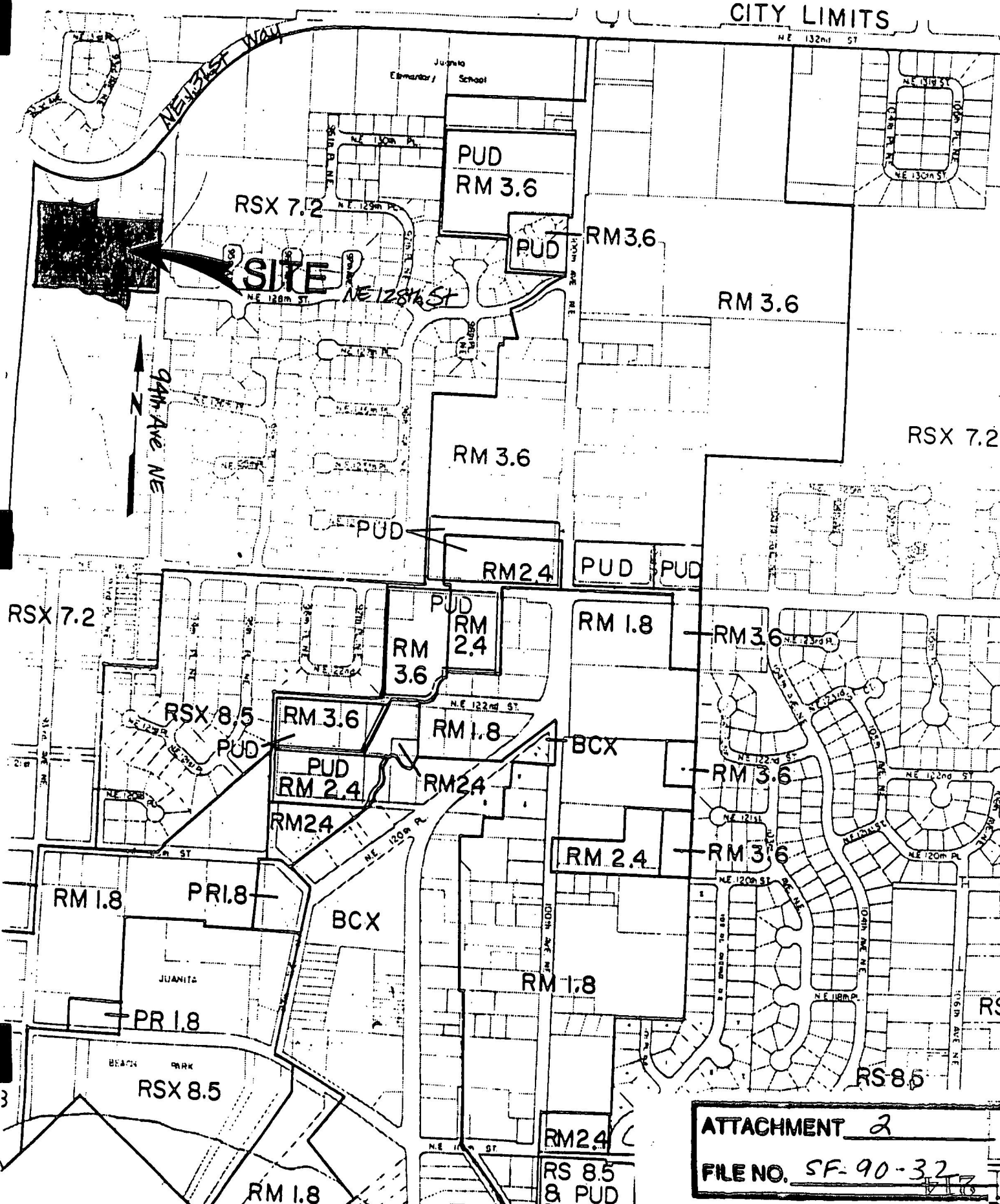
1. Zoning Code:
  - a) Chapter 107; Storm Water Control
  - b) Chapter 110; Required Public Improvements
2. Subdivision Ordinance:
  - a) Section 3.150; Effect of Preliminary Plat Approval
  - b) Section 3.155; Time Limits to File Final Plat
  - c) Section 3.160; Contents of Final Plat
  - d) Section 3.165; Information to Accompany Final Plat
  - e) Section 3.175; City Council Action
  - f) Section 3.190; Filing of Plat Documents
  - g) Section 4.45; Utilities and Related Requirements - General
  - h) Section 4.70; Utilities and Related Improvements - Easements
  - i) Section 4.100; Natural Features - Easements

#### B. Department of Public Works

1. a) Sanitary Sewer: NE Lake Washington Water and Sewer District approval required.
  - b) Authority: K.M.C. Title 15
2. a) Domestic Water: NE Lake Washington Water and Sewer District approval required.
  - b) Authority: K.M.C. Title 15
3. a) Storm Water: Provide storm drainage connection for each lot. Storm detention calculations required. Provide for right-of-way storm drainage. All roof drainage must be tight lines to storm system. Downstream analysis required. Storm basin analysis required.
  - b) Authority: Zoning Code Chapter 107



CITY LIMITS



ATTACHMENT 2  
 FILE NO. SF-90-32

**JUANITA VALLEY**  
 A PLANNED RESIDENTIAL DEVELOPMENT  
 NW 1/4 AND SW 1/4, NE 1/4 SEC. 30, T28N, R2E, 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 plate, 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 horizon 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.

<u>Thomas C. Hull</u> Name THOMAS C. HULL	<u>Barbara C. Hull</u> Name BARBARA C. HULL
_____ Name	_____ Name
_____ Name	_____ Name

**ACKNOWLEDGEMENTS**

STATE OF WASHINGTON  
 COUNTY of Inchewaith

ON THIS 19th DAY OF November 1992, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED THOMAS C. HULL AND BARBARA C. HULL, HUSBAND AND WIFE, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

Quynh Le Thi Nguyen  
 NOTARY PUBLIC IN AND FOR THE STATE  
 OF WASHINGTON, RESIDING AT Millageville  
Tuesday 10-1-93

**SURVEYOR CERTIFICATE**

I hereby certify that this plat of JUANITA VALLEY P23 is based on an actual survey and subdivision of Section 30, Township 28N, Range 5E, 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.

Kent L. Robinson 11/12/92  
 Name KENT L. ROBINSON P.L.S.  
 Certificate No. 10243

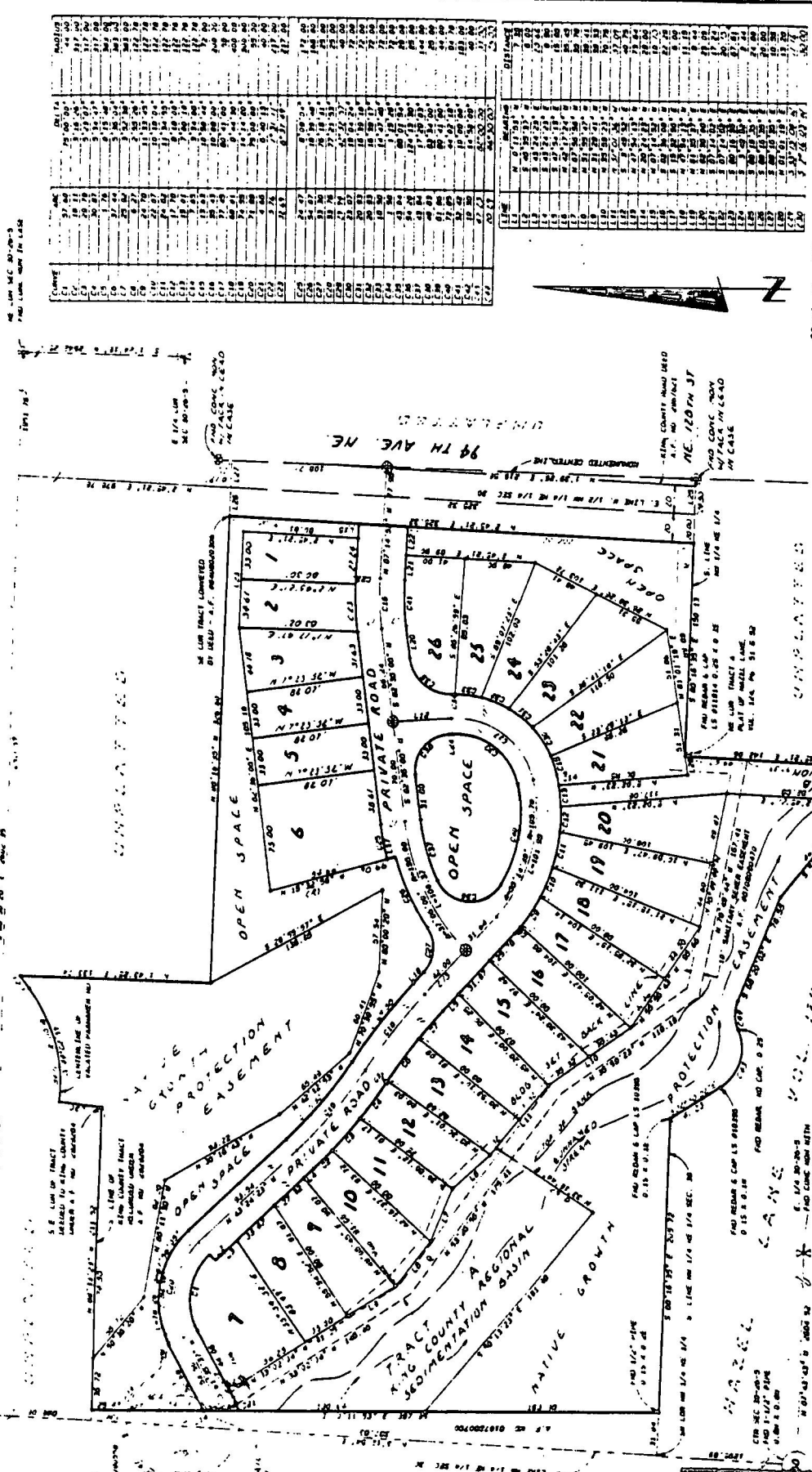


**ATTACHMENT** 1, P. 3  
 KENT L. ROBINSON & ASSOCIATE  
 FILE NO. SF-90-32



# JUANITA VALLEY

A PLANNED RESIDENTIAL DEVELOPMENT  
 NN 1/4 AND SW 1/4, NE 1/4 SEC. 30, T26N, R 5E, N.M.  
 CITY OF KIRKLAND, KING COUNTY, WASHINGTON



Lot	Area	Notes
1	13,000	
2	10,000	
3	10,000	
4	10,000	
5	10,000	
6	10,000	
7	10,000	
8	10,000	
9	10,000	
10	10,000	
11	10,000	
12	10,000	
13	10,000	
14	10,000	
15	10,000	
16	10,000	
17	10,000	
18	10,000	
19	10,000	
20	10,000	
21	10,000	
22	10,000	
23	10,000	
24	10,000	
25	10,000	
26	10,000	



OSTERGAARD-ROBINSON & ASSOCIATES  
 89-194J

ATTACHMENT 1, 2, 3  
 FILE NO. SF-90-32



Although a condition required a Class III bike trail along 94th Avenue NE, the applicant has not provided one, and the City of Kirkland does not identify this road segment as a bicycle trail route in its Parks, Recreation, and Open Space Plan nor in its Land Use Policies Plan. Therefore, this condition should not be enforced and should be construed as a minor modification. In addition, although the applicant has dedicated, as required, Tract A for a regional stormwater surface sedimentation pond, the City of Kirkland has no immediate plans for implementation. King County identified the development of this facility to be necessary to reduce downstream sedimentation coming from all upland development. Because it is now within the City's jurisdiction, it may not be built until such time as the City implements a stormwater utility.

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. Section 3.175 further states that the action of the City in granting or denying a final plat 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 9 are attached.

- 1. Final Plat
- 2. Vicinity Map
- 3. Development Standards
- 4. Final PUD
- 5. Concomitant Agreement undergrounding overhead utility lines
- 6. Maintenance Agreement - ROW Landscaping
- 7. Maintenance Agreement - On-Site Landscaping
- 8. Final PUD - Director Decision and Report
- 9. Letter from NE Lake Washington Sewer and Water District



12. A Homeowner's association shall be formed in a form acceptable to the Kirkland City Attorney to guarantee the integrity and maintenance of the common land, private roads, and other common improvements.
13. Revise the easement provision that allows for construction and maintenance of the regional sedimentation basin to give easement rights to Kirkland rather than King County.

## II. BACKGROUND

- A. The applicant is Dally Homes.
- B. This is a final subdivision application to approve a 26-lot attached-unit single-family subdivision on a 5.62-acre site (see Attachment 1).
- C. The site is located at approximately 12823 94th Avenue NE at the northwest corner of Kirkland (see Attachment 2).

## III. HISTORY

- A. On June 12, 1987, the King County Council approved the preliminary plat and PUD of Juanita Valley and adopted Ordinances 8103 and 8104. A Determination of Nonsignificance was issued on August 20, 1985.
- B. On July 3, 1990, the Kirkland Planning Director administratively approved the final PUD of Juanita Valley (see Attachment 8).

## IV. ANALYSIS

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. SF-90-32) by the King County Council, except for those that must be accomplished prior to recording as listed in I.B. above. Included as Attachment 9 is a letter from NE Lake Washington Sewer and Water District accepting and approving the sanitary sewer and water system on the subject property.

2. Submit a title report no more than 30 days old from the date the final plat mylar was signed by the owners.
3. Provide the correct dedication language on the final plat mylar.
4. Provide the seal of the registered land surveyor responsible for preparation of the plan on the final plat mylar.
5. Sign and submit to the Department of Planning and Community Development a concomitant agreement to underground all existing overhead utility lines bordering the subdivision (see Attachment 5).
6. Sign and submit to the Department of Planning and Community Development an agreement to continually maintain the landscaping within the right-of-way (see Attachment 6).
7. Sign and submit to the Department of Planning and Community Development an agreement to continually maintain the landscaping within the site (see Attachment 7).
8. 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 curve, 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.
9. The building setbacks shall be the same as those depicted in Attachment 4.
10. Restriction #4 on the proposed final plat shall be revised to substitute the words "Natural Greenbelt Protection Easement" for "Native Growth Protection Easement."
11. Tract A on the face of the proposed plat mylar shall be revised to state, "public regional sedimentation basin" rather than "King County regional sedimentation basin."



## CITY OF KIRKLAND

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

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**DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT  
ADVISORY REPORT  
FINDINGS, CONCLUSION, AND RECOMMENDATIONS****To:** Terrence L. Ellis**From:** *Joan Lieberman Brill* Joan Lieberman Brill, Project Planner  
*For* Joseph W. Tovar, Planning Director**Date:** July 30, 1990**File:** FINAL PLAT OF JUANITA VALLEY, FILE NO. SF-90-32**I. RECOMMENDATION**

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 3, 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. Install or bond for the completion of required landscape improvements. A plat bond or other approved security performance undertaking in an amount determined by the director of Department of Planning and Community Development in accordance with the requirements therefor in the Kirkland Subdivision Ordinance shall be deposited with the City of Kirkland and be conditioned on the completion and acceptance by the City of all conditions of approval including landscape improvements within one year from the date of plat approval.



Dally Homes  
File No. SF-90-32  
Page 5

effects of the project, or that the change in no way significantly alters the project.

3. The project differs from the approved Preliminary PUD in the following ways (see Attachment 8):
  - a. Twenty-foot-wide Type II landscape buffer has been reduced along the north and east property lines to allow deck and building encroachment.
  - b. Number of parking stalls has been reduced to reflect the deletion of two dwelling units.
  - c. Twenty-foot-wide Type II landscape buffer along south and west property lines substitutes existing native vegetation for landscape vegetation.
  - d. Two units have been deleted from the proposal.
  - e. Unit size has been increased.
  - f. Twenty-foot-wide Type II landscape buffer has been reduced along the south property line of Lot 21 to allow building encroachment.
  - g. The landscape plan has been revised; it has deleted 140 linear feet of view-obscuring fence along the southeastern perimeter property lines adjoining Lots 21 and 22, and 220 linear feet of view-obscuring fence adjoining Lots 1-4 along the north and west perimeter property lines. In addition, landscape materials have been changed.

B. Conclusions:

1. Changes a., b., and c. have been reviewed administratively and acknowledged as minor modifications to the preliminary PUD (see Attachments 9, 10 and 11).
2. Changes d. and e. should be considered minor modifications to the preliminary PUD since they meet the conditions previously listed.
3. Changes f. and g. can be considered minor only if a view-obscuring fence or barrier is added along the perimeter property line to reduce impacts to the adjoining single-family residence to the south.
4. The applicant has complied with all of the conditions that were placed on the Preliminary PUD by the County Council (see Attachment 12) except for

Dally Homes  
File No. SF-90-32  
Page 3

Protection Easements." Add the following sentence: Permission must be granted in writing by the City of Kirkland to prune, trim, or remove dangerous or diseased trees or other vegetation (see Attachment 5).

- c. Sign and submit a notarized covenant as set forth in Attachment 6 indemnifying the City from any loss, including claims made therefore resulting from soils disturbance on any slope, 15 percent or greater.
  - d. Sign and submit a notarized covenant as set forth in Attachment 7 indemnifying the City from any loss including claims made therefore resulting from stream disturbance.
  - e. Erect a 6-foot-tall chain-link fence and erosion-control siltation fence along the building setback line adjoining the north side of the stream (30 feet from the top of the bank) to be inspected by the Department of Planning and Community Development. This fence shall stay in place until all construction and landscaping is completed (see Attachment 5).
  - f. Prominently mark and install tree-protection fences around the dripline of all trees designated to be retained within the common open space of the PUD, to be inspected by the Department of Planning and Community Development (see Attachment 14).
  - g. Submit a revised site plan with an elevation datum point shown such as a monument which can be used to calculate average building elevation during building permit review.
  - h. Erect a limit-of-grading fence along the northern natural greenbelt protection easement (native growth protection easement), except along its northern boundary, to be inspected by the Department of Planning and Community Development unless the applicant can demonstrate that no grading will occur in the vicinity of the greenbelt (see Attachment 5).
3. Prior to occupancy of any unit, stream bank revegetation shall be completed (see Attachment 13) subject to approval by the Department of Fisheries (DOF). A letter signed by the DOF shall be submitted stating that proper revegetation has occurred. In addition, a maintenance security

## 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: Joseph W. Tovar

From: Joan Lieberman-Brill Joan Lieberman-Brill, Project Planner

Date: June 29, 1990

File: SF-90-32, Final Site Plan Review, Juanita Valley PUD

I. INTRODUCTIONA. APPLICATION

1. Applicant: Dally Homes
2. Site Location: 12833 94th Avenue NE (see Attachment 1)
3. Request: To receive final approval for a 26-unit residential Planned Unit Development (PUD) on a 5.62-acre site (see Attachment 2).

This project received preliminary PUD and subdivision approval from King County Council in 1987 (Ordinance 8103 and 8104) while still within the jurisdiction of unincorporated King County. Subsequently, South Juanita was annexed to the City of Kirkland in January 1988. An agreement between King County and Kirkland (Ordinance 3074) set forth the procedure for an orderly annexation and set forth which jurisdiction would be delegated the responsibility for the processing of development permits. Those actions which were not filed before December 31, 1987, were required to be submitted to the City of Kirkland. In this case, the applicant submitted for final subdivision and PUD approval after December 31, 1987.

ATTACHMENT 8  
 FILE NO. SF-90-32

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

STATE OF WASHINGTON } SS.  
County of King

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_, and \_\_\_\_\_ to me, known to be general partners of

\_\_\_\_\_, the partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

STATE OF WASHINGTON } SS.  
County of King

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me, known to be the President and Secretary, respectively, of \_\_\_\_\_,

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

(Individuals Only)

OWNER(S) OF REAL PROPERTY  
(INCLUDING SPOUSE)

STATE OF WASHINGTON } SS.  
County of King

On this day personally appeared before me \_\_\_\_\_ and \_\_\_\_\_ to me known to be the individual(s) described herein and who executed the within and foregoing instrument, and acknowledged that \_\_\_\_\_ signed the same as \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

The foregoing Agreement is accepted by the City of Kirkland this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

CITY OF KIRKLAND

BY: \_\_\_\_\_

## MAINTENANCE AGREEMENT - ON-SITE LANDSCAPING

Parcel Data File: 12823 94th Avenue NE (Juanita Valley Plat)

Project Planner: Joan Lieberman-Brill

This agreement is entered into between each of the undersigned owners of real property and the City of Kirkland in consideration of approval by the City of a permit under City of Kirkland File No. SF-90-32 for the hereinafter described real property in Kirkland, King County, Washington.

Each undersigned owner hereby agrees to plant the required landscaping on the real property described below, owned by such owner, when required by the City with vegetation approved by the City pursuant to Ordinance 2740. Each undersigned owner(s) further agrees to maintain such vegetation.

Each of the undersigned owners agree 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 maintenance of said landscaping on said owner's property or the actions of the undersigned owners in carrying out the responsibilities under this agreement, excepting therefrom only such claims as may arise solely out of the gross negligence of the City of Kirkland, its officers, agents, or employees.

This Agreement shall be binding upon the heirs, successors and assigns of each of the undersigned owners and shall run with the land. This Agreement shall, at the expense of the undersigned owners, be recorded by the City of Kirkland with the King County Department of Elections and Records.

The real property owned by the undersigned and the subject property of this Agreement is situated in Kirkland, King County, Washington and described as follows:

That portion of the northwest 1/4 of the southwest 1/4 of the northeast 1/4 of Section 30, Township 26 North, Range 5 East, W.M. in King County, Washington containing those lands described in that statutory warranty deed recorded under Auditor's File Number 8602281217, said lands being more particularly described as follows:

Commencing at the southwest corner of the northwest 1/4 of the northeast 1/4 of said Section 30;  
 Thence S 88°16'35" E, along the south line of said northwest 1/4, for 31.04 feet to the point of beginning;  
 Thence continue S 88°16'35" E for 205.72 feet to the northwest corner of Tract A, Hazel Lane, according to the plat thereof recorded in Volume 124 of Plats, Pages 51 and 52, Records of King County, Washington;  
 Thence along the south and east boundary of said Tract A on the following six courses:

(Partnerships Only)

OWNER(S) OF REAL PROPERTY

(Name of Partnership or Joint Venture)

By General Partner

By General Partner

By General Partner

STATE OF WASHINGTON } SS.  
County of King

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_, and \_\_\_\_\_ to me, known to be general partners of

\_\_\_\_\_, the partnership that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of each personally and of said partnership, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.

(Corporations Only)

OWNER(S) OF REAL PROPERTY

(Name of Corporation)

By President

By Secretary

STATE OF WASHINGTON } SS.  
County of King

On this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me, known to be the President and Secretary, respectively, of \_\_\_\_\_,

the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth, and on oath stated that they were authorized to sign said instrument and that the seal affixed is the corporate seal of said corporation.

(Individuals Only)

OWNER(S) OF REAL PROPERTY  
(INCLUDING SPOUSE)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF WASHINGTON } SS.  
County of King

On this day personally appeared before me \_\_\_\_\_ and \_\_\_\_\_ to me known to be the individual(s) described herein and who executed the within and foregoing instrument, and acknowledged that \_\_\_\_\_ signed the same as \_\_\_\_\_ free and voluntary act and deed, for the uses and purposes therein mentioned.

Notary Public in and for the State of Washington  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

The foregoing Agreement is accepted by the City of Kirkland this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

CITY OF KIRKLAND

BY: \_\_\_\_\_



