

DECLARATION OF SUBDIVISION AND OF COVENANTS

KNOW ALL MEN (PERSONS) BY THESE PRESENTS THAT, **KAUTZ ROUTE LLC, A WASHINGTON LIMITED LIABILITY COMPANY**, THE UNDERSIGNED OWNERS, IN FEE SIMPLE OF THE LAND HEREBY PLATTED, AND **SABAL CAPITAL II, LLC**, THE MORTGAGEE THEREOF, HEREBY DECLARE THIS PLAT AND CONVEY TO THE LOTS A PERPETUAL EASEMENT FOR INGRESS AND EGRESS, AND UTILITIES OVER, UNDER AND ON ALL PRIVATE STREETS, AVENUES, AND PLACES AS SHOWN ON THE PLAT; AND HEREBY DECLARE AND GRANT EASEMENTS TO ANY WATER, SEWER, ELECTRIC, TELEPHONE, TELEVISION CABLE, GAS OR OTHER UTILITIES AS SHOWN ON THE PLAT PROVIDING SERVICE TO THIS SUBDIVISION OR OTHER PROPERTY. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC. SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE PRIVATE STREETS, AVENUES, PLACES, ETC. SHOWN HEREON. ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PRIVATE ROAD RIGHTS--OF--WAY TO HAMPER PROPER ROAD DRAINAGE. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER AND SHALL BE DONE IN ACCORDANCE WITH THE REGULATING GOVERNMENT AGENCY(S).

TRACT 999 IS HEREBY GRANTED AND CONVEYED TO THE **BRACKETT COURT** HOMEOWNERS ASSOCIATION (HOA) UPON RECORDING OF THIS PLAT SUBJECT TO AN EMERGENCY MAINTENANCE EASEMENT GRANTED AND CONVEYED TO SNOHOMISH COUNTY. OWNERSHIP AND MAINTENANCE OF SAID TRACTS CONSISTENT WITH COUNTY CODE SHALL BE THE RESPONSIBILITY OF THE HOA UNLESS AND UNTIL TRACT OWNERSHIP BY ALL LOTS WITHIN THIS SUBDIVISION IS AUTHORIZED PURSUANT TO A FINAL PLAT ALTERATION. USE OF SAID TRACTS IS RESTRICTED TO THAT SPECIFIED IN THE APPROVED FINAL PLAT. THE HOA AND THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION SHALL COMPLY WITH THOSE COUNTY REGULATIONS AND CONDITIONS OF FINAL SUBDIVISION APPROVAL SPECIFIED ON THE PLAT. THE HOA SHALL REMAIN IN EXISTENCE UNLESS AND UNTIL ALL LOTS WITHIN THIS SUBDIVISION HAVE ASSUMED COMMON OWNERSHIP OF SAID TRACTS. IN THE EVENT THAT THE HOA SHOULD BE DISSOLVED, THEN EACH LOT SHALL HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN THE TRACTS PREVIOUSLY OWNED BY THE HOA AS WELL AS RESPONSIBILITY FOR MAINTAINING THE TRACTS. MEMBERSHIP IN THE HOA AND PAYMENT OF DUES OR OTHER ASSESSMENTS FOR MAINTENANCE PURPOSES SHALL BE A REQUIREMENT OF LOT OWNERSHIP, AND SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT. THIS COVENANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HOA, THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION AND ALL OTHERS HAVING ANY INTEREST IN THE TRACTS OR LOTS.

ONLY THOSE DECLARATIONS, COVENANTS AND RESTRICTIONS REQUIRED BY LAW, OR APPLICABLE COUNTY CODE, ARE DEEMED TO BE CONDITIONS OF APPROVAL OF THE PLAT FOR PURPOSES OF RCW 58.17.100 AND MAY ONLY BE AMENDED OR MODIFIED AS PROVIDED THEREIN. ALL OTHER TERMS OR CONDITIONS WHICH MAY BE INCORPORATED WITHIN ANY SUCH DECLARATION OR OTHER COVENANTS, CONDITIONS OR RESTRICTIONS PERTAINING TO THE PLAT NOT REQUIRED AS SET FORTH ABOVE SHALL BE DEEMED PRIVATE CONTRACTUAL AGREEMENTS BETWEEN THE PARTIES TO SAID DECLARATION OR COVENANT AND SUBJECT TO ENFORCEMENT OR AMENDMENT BETWEEN THE PARTIES AS MAY BE PROVIDED THEREIN.

THE UNDERSIGNED OWNER OF THE INTEREST IN THE REAL ESTATE DESCRIBED HEREIN HEREBY DECLARE THIS MAP AND DEDICATE THE SAME FOR A COMMON INTEREST COMMUNITY NAMED **BRACKETT COURT**, A PLAT COMMUNITY, AS THAT TERM IS DEFINED IN THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT, RCW CH. 64.90, SOLELY TO MEET THE REQUIREMENTS OF THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT AND NOT FOR ANY PUBLIC PURPOSE. THIS MAP AND ANY PORTION THEREOF IS RESTRICTED BY LAW AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR **BRACKETT COURT**, RECORDED UNDER SNOHOMISH COUNTY RECORDING NO. _____

WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 20____.

KAUTZ ROUTE LLC, A WASHINGTON LIMITED LIABILITY COMPANY

_____, ITS: _____

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT **HE/SHE/THEY** SIGNED THIS INSTRUMENT, ON OATH STATED THAT **HE/SHE/THEY** WAS/WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF **KAUTZ ROUTE LLC**, TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED: _____

SIGNATURE: _____

(PRINT NAME) _____

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES: _____

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT _____ IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT **HE/SHE/THEY** SIGNED THIS INSTRUMENT, ON OATH STATED THAT **HE/SHE/THEY** WAS/WERE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE _____ OF **SABAL CAPITAL II, LLC**, TO BE THE FREE AND VOLUNTARY ACT AND DEED OF SUCH PARTY FOR THE USE AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED: _____

SIGNATURE: _____

(PRINT NAME) _____

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES: _____

LEGAL DESCRIPTION

LOT 9, BLOCK 1, RIDGE ACRES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 97, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

EXCEPT THE WEST 177 FEET THEREOF;

AND EXCEPT THAT PORTION IF ANY, IN STATE HIGHWAY 1--W;

AND ALSO EXCEPT THAT PORTION DEEDED TO STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 2193205.

TITLE MATTERS

PER FIRST AMERICAN TITLE INSURANCE COMPANY, GUARANTEE NO. 5003353--4044911, DATED JUNE 28, 2023.

1. SUBJECT TO A DEED OF TRUST AND THE TERMS AND CONDITIONS THEREOF, AS RECORDED UNDER RECORDING NUMBER 201710130535 (BENEFICIARY IS SABAL CAPITAL II, LLC)

2. SUBJECT TO ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, BOUNDARY DISCREPANCIES OR ENCROACHMENTS, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY SHORT PLAT OR PLAT OF RIDGE ACRES RECORDED IN VOLUME 9 OF PLATS, PAGE(S) 97.

3. SUBJECT TO CONDITIONS, NOTES, EASEMENTS, PROVISIONS AND/OR ENCROACHMENTS CONTAINED OR DELINEATED ON THE FACE OF THE SURVEY RECORDED UNDER RECORDING NO. 201301315002 (NO PLOTTABLE ENCUMBRANCES)

4. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE PUBLIC SIDEWALK ACCESS EASEMENT RECORDED UNDER RECORDING NUMBER 201411200174 (AS SHOWN)

5. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE STORM WATER ACCESS EASEMENT RECORDED UNDER RECORDING NUMBER 201411200175 (AS SHOWN)

6. SUBJECT TO A DISTRIBUTION EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN IN FAVOR OF PUBLIC UTILITY DISTRICT 1 OF SNOHOMISH COUNTY RECORDED UNDER RECORDING NUMBER 201507290623 (AS SHOWN)

7. SUBJECT TO AN EASEMENT FOR ELECTRIC TRANSMISSION AND/OR DISTRIBUTION SYSTEM, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN RECORDED UNDER RECORDING INUMBER 201512230283 (AS SHOWN)

8. SUBJECT TO AN EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN IN FAVOR OF COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC TO CONSTRUCT, USE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, RECONSTRUCT, INSPECT AND REMOVE AT ANY TIME AND FROM TIME TO TIME A BROADBAND COMMUNICATIONS SYSTEM CONSISTING OF WIRES, UNDERGROUND CONDUITS, CABLES, PEDESTALS, VAULTS, AND INCLUDING BUT NOT LIMITED TO ABOVE GROUND ENCLOSURES, MARKERS AND CONCRETE PADS OR OTHER APPURTENANT FIXTURES AND EQUIPMENT NECESSARY OR USEFUL FOR DISTRIBUTING BROADBAND SERVICES AND OTHER LIKE COMMUNICATIONS AS RECORDED UNDER RECORDING NUMBER 201609070529 (BLANKET IN NATURE, NO PLOTTABLE ENCUMBRANCES)

9. SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE STORM WATER ACCESS EASEMENT RECORDED UNDER RECORDING NUMBER 201612220171 (AS SHOWN)

10. SUBJECT TO AN AGREEMENT AND SEWER EASEMENT FOR COMMON LINE SEWER OWNERSAND THE TERMS AND CONDITIONS THEREOF IN FAVOR OF OLYMPIC VIEW WATER AND SEWER DISTRICT, A MUNICIPAL CORPORATION RECORDED UNDER RECORDING NUMBER 201703090481, 201703090482, 201703090483 AND 201703090484 (BLANKET IN NATURE, NO PLOTTABLE ENCUMBRANCES)

COVENANTS AND RESTRICTIONS

1. NO FURTHER DIVISION OF ANY LOT IS ALLOWED WITHOUT SUBMITTING FOR A NEW SUBDIVISION OR SHORT SUBDIVISION.

2. THE SALE OR LEASE OF LESS THAN A WHOLE LOT IN ANY SUBDIVISION PLATTED AND FILED UNDER CHAPTER 30.41A.SCC IS EXPRESSLY PROHIBITED IN COMPLIANCE WITH CHAPTER 30.41A SCC.

3. THE COST OF CONSTRUCTION AND MAINTAINING ALL ROADS NOT HEREIN DEDICATED AS PUBLIC ROADS SHALL BE THE OBLIGATION OF THE ASH WAY TOWNHOMES HOMEOWNERS ASSOCIATION AND THE OBLIGATION TO MAINTAIN SHALL BE CONCURRENTLY THE OBLIGATION OF ANY CORPORATION IN WHICH TITLE OF THE ROADS AND STREETS MAY BE HELD. IN THE EVENT THAT THE OWNERS OF ANY LOTS SERVED BY THE ROADS OR STREETS OF THIS PLAT SHALL PETITION THE COUNCIL TO INCLUDE THESE ROADS OR STREETS IN THE PUBLIC ROAD SYSTEM, THE PETITIONERS SHALL BE OBLIGATED TO BRING THE SAME TO COUNTY ROAD STANDARDS APPLICABLE AT THE TIME OF PETITION IN ALL RESPECTS, INCLUDING DEDICATION OF RIGHTS--OF--WAY, PRIOR TO ACCEPTANCE BY THE COUNTY.

HOLD HARMLESS AGREEMENT

OWNERS, AND ALL PERSONS HAVING ANY PRESENT OR SUBSEQUENT OWNERSHIP INTEREST IN THESE LANDS, AND THEIR SUCCESSORS AND ASSIGNS OF OWNERS OR OTHER PARTIES HAVING ANY SAID INTEREST, HEREBY AGREE THAT THE CITY OF EDMONDS SHALL BE HELD HARMLESS IN ALL RESPECTS FROM ANY AND ALL CLAIMS FOR DAMAGES FOR INJUNCTIVE RELIEF WHICH MAY BE OCCASIONED NOW OR IN THE FUTURE TO ADJACENT LAND OR IMPROVEMENTS BY REASON OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE DRAINAGE SYSTEM, AND HEREBY WAIVE AND RELEASE THE CITY OF EDMONDS FROM ANY AND ALL CLAIMS FOR DAMAGES, EXCLUDING DAMAGE CAUSED SOLELY BY AN ACT OF OMISSION OF SAID CITY, AND INJUNCTIVE RELIEF, WHICH THE OWNERS, OR THEIR SUCCESSORS OR ASSIGNS, MAY THEMSELVES HAVE NOW OR IN THE FUTURE BY REASON OF CONSTRUCTION, MAINTENANCE AND OPERATION OF SAID DRAINAGE SYSTEM.

STORMWATER ACCESS EASEMENT

A PERMANENT ACCESS EASEMENT IS HEREBY GRANTED TO THE CITY OF EDMONDS FOR ACCESS AND INSPECTION OF ANY AND ALL AREAS WITHIN LOTS 2, 3, 5 THROUGH 8 AND TRACT 999 OF THIS SHORT PLAT THAT MAY NOW, OR IN THE FUTURE, CONTAIN ANY STORMWATER MANAGEMENT FACILITIES AND/OR SYSTEM(S), INCLUDING ALL APPURTENANCES THEREOF AND THERETO. SAID ACCESS EASEMENT SHALL BE FOR INSPECTION PURPOSES TO ENSURE THAT THE STORMWATER FACILITIES AND/OR SYSTEM(S) ARE PROPERLY OPERATED AND MAINTAINED IN ACCORDANCE WITH CITY OF EDMONDS CODE.

DIRECTOR OF PUBLIC WORKS

THE SURVEY DATE, LAYOUT OF STREETS, ALLEYS AND OTHER RIGHTS OF WAY, DESIGN OF BRIDGES, SEWAGE AND WATER SYSTEM AND OTHER STRUCTURES ARE APPROVED AND THE SUBJECT FINAL PLAT IS AUTHORIZED FOR RECORDING BY THE CITY OF EDMONDS PUBLIC WORKS DIRECTOR BY:

THIS _____ DAY OF _____, 20____

DEVELOPMENT SERVICES DIRECTOR

THE SUBJECT FINAL PLAT CONFORMS TO THE APPROVED PRELIMINARY PLAT AND ALL CONDITIONS OF THE PRELIMINARY APPROVAL AND IS APPROVED AND AUTHORIZED FOR RECORDING BY THE CITY OF EDMONDS DEVELOPMENT SERVICES DIRECTOR BY:

THIS _____ DAY OF _____, 20____

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING _____ TAXES.
TAX ID(S) OF EXISTING PARCELS BEING HEREIN SUBDIVIDED: 00555300100902 _____

TREASURER, SNOHOMISH COUNTY

BY: _____
DEPUTY COUNTY TREASURER

AUDITOR'S CERTIFICATE

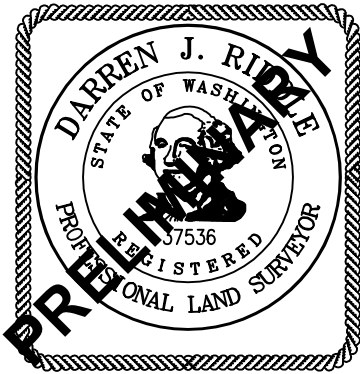
FILED FOR RECORD AT THE REQUEST OF DARREN J. RIDDLE, THIS _____ DAY OF _____, 20____
AT _____ MINUTES PAST _____ M, AND RECORDED IN VOL. _____ OF PLATS,
PAGE _____; AFN _____ RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

AUDITOR, SNOHOMISH COUNTY

BY: _____
DEPUTY COUNTY AUDITOR

LAND SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF **KAUTZ ROUTE LLC**. IN APRIL, 2023, I HEREBY CERTIFY THAT THIS MAP FOR **BRACKETT COURT** IS BASED UPON AN ACTUAL SURVEY OF THE PROPERTY HEREIN DESCRIBED; THAT THE BEARINGS AND DISTANCES ARE CORRECTLY SHOWN; THAT ALL INFORMATION REQUIRED BY THE WASHINGTON UNIFORM COMMON INTEREST OWNERSHIP ACT IS SUPPLIED HEREIN; AND THAT ALL HORIZONTAL AND VERTICAL BOUNDARIES OF THE UNITS, (1) TO THE EXTENT DETERMINED BY THE WALLS, FLOORS, OR CEILINGS THEREOF, OR OTHER PHYSICAL MONUMENTS, ARE SUBSTANTIALLY COMPLETED IN ACCORDANCE WITH SAID MAP, OR (2) TO THE EXTENT SUCH BOUNDARIES ARE NOT DEFINED BY PHYSICAL MONUMENTS, SUCH BOUNDARIES ARE SHOWN ON THE MAP.



DARREN J. RIDDLE
PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 37536

STATE OF WASHINGTON }
COUNTY OF SNOHOMISH } ss

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT **DARREN J. RIDDLE** IS/ARE THE PERSON(S) WHO APPEARED BEFORE ME, AND SAID PERSON(S) ACKNOWLEDGED THAT **[HE/SHE/THEY]** SIGNED THIS INSTRUMENT AND ACKNOWLEDGED IT TO BE **[HIS/HER/THEIR]** FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

NOTARY SIGNATURE

_____, DATED: _____

(PRINT NAME)

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT _____
MY APPOINTMENT EXPIRES: _____

A.F. NO. _____

SHEET
1 of 2

Pacific Coast Surveys, Inc.	LAND SURVEYING & MAPPING		PLAT OF BRACKETT COURT	
	P.O. BOX 13619 MILL CREEK, WA 98082		A UNIT LOT SUBDIVISION KAUTZ ROUTE, LLC	
	PH. 425.508.4951 FAX 425.357.3577 www.PCSurveys.net		PROJECT NO: _____ SW 1/4, NW 1/4, SEC.31, T.27N., R.4E., W.M.	
DRAWN BY	DATE	DRAWING FILE NAME	SCALE	JOB NO.
JRM	7.13.23	232998uls.dwg	NONE	23-2998

LATTA ENGINEERING, PLLC

Consulting Civil Engineers

July 6, 2023

City of Edmonds – Planning Division
121 5th Avenue N
Edmonds, WA 98020

**Re: Proposed Unit Lot Subdivision Preliminary Plat Application
Plat of Brackett Court, 23220 Edmonds Way, Edmonds, WA**

To Planning Division Staff:

Latta Engineering, PLLC has prepared this cover letter pertaining to the referenced project to briefly summarize how the proposed preliminary plat application herein complies with the Unit Lot Subdivision requirements and standards in accordance with ECDC 20.75.045.

Project Overview Summary

The 0.46 acre subject property (parent lot) is located at 23222-23230 Edmonds Way, Edmonds WA (Tax Parcel No. 005553-001-009-02). The applicant is proposing to subdivide the existing 10 unit multifamily townhouse project that was previous permitted and developed in 2013 to 2017. The existing dwelling units consist of 5 duplex buildings with access to Edmonds Way via a central shared driveway.

The existing buildings and improvements on site were formerly permitted and developed in accordance with the parent subject property zoning (RM 1.5 Residential Multiple) generally as follows:

- Architectural Design Review and SEPA (PLN20130066) – Edmonds Way Duplex Apartments
- Approved Design Review (PLN2015-0030) - Edmonds Way Duplex Apartments
- Site Demolition Permit (BLD2014-1113)
- Site Grading & Utility Improvements Permit (BLD2014-0299)
- Duplex Building Permit (BLD2014-0240) – 23230 Edmonds Way
- Duplex Building Permit (BLD2014-0241) – 23228 Edmonds Way
- Duplex Building Permit (BLD2014-0242) – 23226 Edmonds Way
- Duplex Building Permit (BLD2014-0243) – 23224 Edmonds Way
- Duplex Building Permit (BLD2014-0244) – 23222 Edmonds Way
- Retaining Wall Building Permit (BLD2016-1028) – 23230 Edmonds Way

The referenced unit lot subdivision application does not propose any physical improvements to the existing site condition. The unit lot subdivision merely proposes platting the site to create parcels lines around the 10 existing dwelling units (i.e. subdividing the land to fee simple ownership) in accordance with ECDC 20.75.045. Since the 5 duplex buildings have already been constructed, the proposed property lines will be located in the center of the existing party walls between dwelling units, and verified by recorded survey. A common area tract (Tract 999), maintenance agreements and easements are proposed for the jointly owned improvements. A homeowners association is also proposed to manage common use areas and facilities within the unit lot subdivision. Moreover, common use areas shall be owned and maintained by

the proposed homeowners' association with the right to assess the individual unit lot owners as necessary to properly maintain and repair such areas.

It is important to note that the existing buildings and on-site improvements were developed as described above under a site plan approval in accordance with the RM-1.5 Residential Multiple zoning subject to ECDC Chapter 16.30. The existing development, as shown on the proposed unit lot subdivision preliminary plat map, does not fully conform to the RM-1.5 Residential Multiple zoning site development standards (i.e. minimum lot size for example) and is therefore considered non-conforming. A subdivision modification request per ECDC 20.75.075 is not required for this project due to the fact that the proposed unit lot subdivision will not worsen any of the nonconforming aspects of the development. Unit lot subdivisions determine compliance with the relevant dimensional standards of ECDC Title 16 by analyzing whether the parent lot complies, but does not require each newly created lot within the unit lot subdivision to comply with those dimensional standards.

Project Application Summary

Owner & Applicant: Kautz Route LLC (Attn: Mr Steve Price)

Site Location: 23222 – 23230 Edmonds Way (TPN 005553-001-009-02)

Proposal: To subdivide 0.46 acre subject property (parent lot) into 10 unit lots plus a jointly-owned access and utility tract within the RM 1.5 Residential Multiple zone.

Attachments:

-  1a. Land Use Permit Application (Brackett Court Unit Lot Subdivision)
-  1b. Land Use Permit Application with Signatures (Brackett Court Unit Lot Subdivision)
-  2. Criteria Compliance Cover Letter (Brackett Court Unit Lot Subdiv)
-  3. Pre App Meeting - Kautz Route Unit Lot Subdivision (Jan 27, 2023)
-  4. Building Application #1260598 - Kautz Route Unit Lot Subdivision (Jan 27, 2023)
-  5a. Prelim Plat (Brackett Court Unit Lot Subdiv)
-  5b. Prelim Plat Lot Checks (Brackett Court Unit Lot Subdiv)
-  6. Civil Asbuilt Plans (Brackett Court 2016)
-  7. Arch Building Plans (Brackett Court 2014)
-  8. Title Report (Brackett Court Unit Lot Subdivision)
-  9. Draft HOA CCRs - (Brackett Court (Unit Lot Subdivision)
-  10a. Surrounding Property Owners Labels (Brackett Court Unit Lot Subdivision)
-  10b. Site Overview Map - Surrounding Property Owners Labels (Brackett Court Unit Lot Subdivision)
-  10b. Site Overview Map - Surrounding Property Owners Labels (Brackett Court Unit Lot Subdivision)
-  10c. Mail Merged Addresses xls (Brackett Court Unit Lot Subdivision)
-  10d. Mail Merged Addresses doc (Brackett Court Unit Lot Subdivision)
-  11a. Planning Division Report (PLN2013-0066)
-  11b. Design Review Approval and SEPA Determination (PLN2013-0066)
-  11c. Site Work Utility Permit Inspections Forms (Brackett Court 2014-2017)
-  11d. Building Permit Inspections Site forms (Brackett Court 2014-2017)

Environmental Summary

<u>Critical Areas:</u>	A critical area determination for the subject property was previously completed under CRA2013-0017. It was determined that there were no critical areas on the site.
<u>Shoreline:</u>	The subject property is not located within shoreline jurisdiction.
<u>SEPA:</u>	A SEPA determination of non-significance was issued for the project on Jan 21, 2014 (see attached).

Unit Lot Subdivision Summary (per ECDC 20.75.045)

- A. Purpose: The unit lot subdivision process provides opportunities for dividing fee simple ownership of land to create townhouses, row houses and similar fee-owned dwelling units as an alternative to both condominium ownership and traditional single-family detached subdivision. Unit lot subdivisions determine compliance with the relevant dimensional standards of ECDC Title 16 by analyzing whether the parent lot complies, but not requiring that each newly created lot within the unit lot subdivision (the unit lot) complies, with those dimensional standards. A unit lot subdivision does not permit uses or densities that are not otherwise allowed in the zoning district in which the unit lot subdivision is proposed.
- The subject property (parent lot) was permitted and developed in 2013 to 2017, therefore the proposed subdivision will not negatively impact public health, safety or general welfare, will not negatively impact congestion on streets and highways, has adequate access to water, utilities, sewerage, storm drainage and provides proper ingress and egress to Edmonds Way.
 - The proposed preliminary plat meets the purposes of the unit lot standards. Multiple dwellings are a permitted primary use and the overall project density conforms to the zoning.
 - The proposed preliminary plat is consistent with the provisions of the Edmonds Comprehensive Plan, or other adopted city policy, and is in the public interest.
- B. Applicability: The provisions of this section apply exclusively to the subdivision of land for single-family dwelling units, townhouses, and row houses and may be applied only in the following zones: multiple residential, general commercial, and Westgate mixed-use. A single lot within a unit lot subdivision may contain multiple dwelling units when the unit lot contains all such dwelling units within one building. Flats are permitted as an element of a unit lot subdivision only when a single lot within a unit lot subdivision contains the entire building in which flats are located.
- As noted, the site is zoned RM-1.5 and consists of five 2-unit duplex buildings around a central shared access driveway.
 - The proposed lot lines will fall on common walls within the buildings as required and also provide for small areas of privately owned open space.
 - Each of the dwelling units are aligned with two levels of living space over a garage. No flats are proposed.

- C. Association with Site Development – Application Timing: In the case of a vacant lot or a redevelopment site, a preliminary unit lot subdivision can only be submitted in conjunction with or preceding a development site plan as required by Chapter 20.10, 20.11, or 20.12 ECDC, or in the case described in ECDC 20.10.020(B)(3) submitted in conjunction with or preceding a building permit. For existing developed sites, a preliminary unit lot subdivision application may be submitted at any time. If the subdivision involves creating unit lot lines within common walls, a building permit application is required in order to verify that the walls meet the separation requirements in effect at the time of the subdivision application.
- Duplex building plans were previously approved and permitted by the City in 2014 (BLD2014-0240, -0241, -0242, -0243 and -0244) and all 5 buildings were granted formal certificates of occupancy.
 - The referenced unit lot subdivision preliminary plat application is being submitted in July 2023.
- D. Conformance with Standards of the Parent Lot: The parent lot must comply with and is vested to the applicable development standards (ECDC 20.75.030(E)) in effect at the time a complete application for preliminary unit lot subdivision is submitted. As a result of the unit lot subdivision, the individual unit lots within the subdivision may be nonconforming with respect to the bulk and dimensional standards required by ECDC Title 16. As with dimensional standards, compliance with access standards, including but not limited to fire lanes, drive aisles, turnarounds, and access of/to the parent lot from/to the street will be evaluated based on the parent lot's compliance with such requirements, and not based on whether individual unit lots meet such standards
- Multiple Residential is a primary permitted use in the RM-1.5 zone.
 - ECDC 16.30.030 outlines the site development standards applicable to the subdivision. The proposed plat is considered to be nonconforming with respect to some of these elements site development standards (i.e. minimum lot area per dwelling unit, minimum side yard and rear yard setbacks, and maximum lot coverage).
 - A modification request per ECDC 20.75.075 is not required for this preliminary plat because the proposed unit lot subdivision will not create nor worsen any of the nonconforming aspects of the development.
 - The proposed plat will not change the existing nonconforming setbacks as it relates to the boundaries of the parent parcel.
- E. Future Additions and Modifications: Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parcel lot. Changes requiring permitting that affect only the interior of building units will be evaluated for compliance with the requirements only for that unit. Any exterior changes will be evaluated for compliance by considering whether the parent lot would still comply with applicable development standards. Any application for such external changes will require authorization of all owners of affected unit lots or approval of the HOA where changes to commonly owned tracts are proposed.
- Documentation describing how additions and modifications are managed by the Home Owners Association created for this project is required with the submittal of the final plat.

- F. Homeowners' Association Ownership of Common Areas: Any commonly used areas or facilities within a unit lot subdivision, including but not limited to common access, garage or parking areas, common open space or recreation space, common courtyards, commonly used stormwater facilities or side sewers and other similar features, must be owned and maintained by a homeowners' association with the right to assess the individual unit lot owners as necessary to properly maintain and repair such areas. Appropriate documentation regarding the rights of the homeowners' association must be submitted for recording with the final plat.
- A draft Home Owners Association (HOA) document describing the HOA is provided with this preliminary plat application.
 - A final HOA document will be provided with the submittal of the final plat for the project.
- G. Maintenance Agreements for Building Exteriors: Maintenance agreements must be executed and recorded as an element of the final unit subdivision plat or short plat for maintenance of all building exteriors except in cases where all dwelling units are detached. The maintenance agreement must require equal participation by all owners within any one building and must be recorded on the final unit lot plat. The requirement does not apply to detached single-family dwelling units. Common wall construction must meet currently adopted building codes.
- All existing dwelling units are attached (duplex buildings), therefore maintenance agreements for building exteriors will be required with the submittal of the final plat for the project.
- H. Parking on Different Unit Lots Allowed: Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit as long as the right to use that parking is formalized by an easement on the final plat.
- The 2014 project was approved with each dwelling unit having two the required number of enclosed stalls (19 total).
 - All required parking spaces are contained within the individual dwelling units. No parking easements are necessary.
- I. Notice of Unit Lot on the Final Plat: The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot must be noted on the final plat.
- A note describing this issue shall be added to the face of the final plat for the project as required.
- J. An application for final unit lot plat will not be accepted until all foundations, including common wall foundations, are installed and located on the face of the final plat by the land surveyor of record.
- The buildings were completed and granted certificates of occupancy in 2017.
 - Common wall foundations shall be located and shown on the face of the final plat by the land surveyor of record as required.

July 6, 2023

Unit Lot Subdivision Preliminary Plat Application – Plat of Brackett Court

- K. Review: Unit lot subdivisions of four or fewer lots are processed and reviewed as short subdivisions while five or more lots are formal subdivisions pursuant to Chapter 20.01 ECDC and the requirements of this chapter. [Ord. 4173 § 1 (Att. A), 2020; Ord. 4154 § 4 (Att. C), 2019; Ord. 4070 § 1 (Exh. 1), 2017].
- We understand that since this is a proposed 10 lot plat with a shared access and utility tract (Tract 999), review shall be under a formal unit lot subdivision process where the Hearing Examiner will issue a Type III-B decision on the proposed preliminary plat.
-

If you have any questions or comments regarding this letter, please contact the undersigned at (360) 671-7002.

Sincerely,

Latta Engineering, PLLC



Neil Latta, PE
Principal Engineer

Attachments

LATTA ENGINEERING, PLLC

Consulting Civil Engineers

July 6, 2023

City of Edmonds – Planning Division
121 5th Avenue N
Edmonds, WA 98020

Re: Proposed Unit Lot Subdivision Preliminary Plat Application – PRELIMINARY CIVIL PLANS
Plat of Brackett Court, 23220 Edmonds Way, Edmonds, WA

To Planning Division Staff:

Latta Engineering, PLLC has prepared this brief narrative letter to advise that **PRELIMINARY CIVIL PLANS** are not applicable or required for the proposed Unit Lot Subdivision application. The site is already fully developed (see attached civil as-built record drawings).

If you have any questions or comments regarding this letter, please contact the undersigned at (360) 671-7002.

Sincerely,

Latta Engineering, PLLC



Neil Latta, PE
Principal Engineer

LATTA ENGINEERING, PLLC

Consulting Civil Engineers

July 6, 2023

City of Edmonds – Planning Division
121 5th Avenue N
Edmonds, WA 98020

**Re: Proposed Unit Lot Subdivision Preliminary Plat Application – PRELIMINARY STORM DRAINAGE
REPORT
Plat of Brackett Court, 23220 Edmonds Way, Edmonds, WA**

To Planning Division Staff:

Latta Engineering, PLLC has prepared this brief narrative letter to advise that a **PRELIMINARY STORM DRAINAGE REPORT** is not applicable or required for the proposed Unit Lot Subdivision application. A full storm drainage report was previously prepared for the developed site.

If you have any questions or comments regarding this letter, please contact the undersigned at (360) 671-7002.

Sincerely,

Latta Engineering, PLLC



Neil Latta, PE
Principal Engineer