

ORDINANCE O-4351

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SUBDIVISION OF LAND AND ADOPTING "GREEN CODE" PROVISIONS. (FILE NO. ZON10-00031).

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of Kirkland Municipal Code, as set forth in that certain staff report approved by the Planning Commission and the Houghton Community Council dated March 1, 2012, and bearing Kirkland Department of Planning and community Development File No.ZON10-00031; and

WHEREAS, prior to making said recommendation, the Planning Commission, on January 12, 2012, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, on January 12, 2012, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendations of the Planning Commission and the Houghton Community Council.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 15.52.060 is hereby amended to read as follows:

15.52.060 Design and construction standards and requirements.

(a) The standard plans as defined in Section 15.04.340 shall include requirements for temporary erosion control measures, storm water detention, water quality treatment and storm water conveyance facilities that must be provided by all new development and redevelopment projects. These standards shall meet or exceed the thresholds, definitions, minimum requirements, and exceptions/variances criteria found in

Appendix I of the Western Washington Phase II Municipal Stormwater Permit, the 2009 King County Surface Water Design Manual, and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual as presently written or hereafter amended.

(b) Unless otherwise provided, it shall be the developer's and property owner's responsibility to design, construct, and maintain a system which complies with the standards and minimum requirements as set forth in the standard plans.

(c) In addition to providing storm water quality treatment facilities as required in this section and as outlined in the standard plans, the developer and/or property owner shall provide source control BMPs best management practices as described in Volume IV of the 2005 Stormwater Management Manual for Western Washington, such as structures and/or a manual of practices designed to treat or prevent storm water pollution arising from specific activities expected to occur on the site. Examples of such specific activities include, but are not limited to, carwashing at multifamily residential sites and oil storage at auto repair businesses.

(d) Privately maintained stormwater structures are not allowed within the public right-of-way, except on a case by case basis with approval from the Public Works Director.

~~(d)~~(e) The city will inspect all permanent storm water facilities prior to final approval of the relevant permit. All facilities must be clean and fully operational before the city will grant final approval of the permit. A performance bond may not be used to obtain final approval of the permit prior to completing the storm water facilities required under this chapter.

~~(e)~~(f) Adjustment Process. Any developer proposing to adjust the requirements for, or alter design of, a system required as set forth in the standard plans must follow the adjustment process as set forth in the standard plans.

~~(f)~~(g) Other Permits and Requirements. It is recognized that other city, county, state, and federal permits may be required for the proposed action. Further, compliance with the provisions of this chapter when developing and/or improving land may not constitute compliance with these other jurisdictions' requirements. To the extent required by law, these other requirements must be met.

Section 2. A new Section 22.28.041 of the KMC is hereby adopted to read as follows:

22.28.041 Lots - Low Impact Development

(a) In multiple lot Low Impact Development subdivisions (4 lots or more) not located in an RSA 1 zone or in the Holmes Point Overlay and not subject to Sections 22.28.030 and 22.28.040, the minimum lot area shall be deemed to have been met if the minimum lot area is not less than 50% of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided that all lots meet the following standards:

(1) Within the RSA 6 zone, the lots shall be at least 2,550 square feet.

(2) Within the RSA 4 zone, the lots shall be at least 3,800 square feet.

(b) The lots within the Low Impact Development meet the design standards and guidelines and approval criteria as defined in Chapter 114 of the Kirkland Zoning Code.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.


Section 4. The subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective within the Houghton Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 5. Except as provided in Section 4, this ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Section 6. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of April, 2012.


Signed in authentication thereof this 3rd day of April, 2012.


MAYOR

ATTEST:


City Clerk

Approved as to Form:


City Attorney