

Repealed By 0-2766 on Date: 10/63/83ORDINANCE NO. 2277

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE REGULATION OF SUBDIVISIONS AND THE PLATTING OF LAND AND AMENDING ORDINANCE NO. 2178 THE SUBDIVISION ORDINANCE FOR THE CITY OF KIRKLAND.

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

Section 1. The following sections and subsections of the regulations and standards relating to land subdivision and platting, adopted by the City of Kirkland as Ordinance No. 2178 and said Ordinance are hereby amended to read as follows:

Section 1.7 Public Hearings - Notice Procedure: Notice of public hearings required by this Ordinance shall be given by:

- (a) Publication at least once, not less than 7 days prior to the hearing, in the official newspaper designated by the City of Kirkland for the publication of official city notices.
- (b) Notice shall be given to those public bodies when entitled to receive such notice as set forth in Section 2.2.2 of this Ordinance.
- (c) A notice of hearing shall be mailed to each person owning and/or residing on property situated within ~~[400]~~ 300 feet of the exterior boundaries of the property proposed to be subdivided.
- (d) Notice of public hearing before the City Council or Planning Commission, shall be posted on or near the property in no less than 3 conspicuous places, at least 7 days in advance of the public hearing.

Section 2.1 Subdivision Adjacent to City: It is the desire of the City of Kirkland that notice as to any property proposed to be subdivided or dedicated which is situated ~~[adjacent to or within one mile of the Kirkland city limits as they exist at the time of filing of such preliminary plat]~~ in the Kirkland Planning Area, including time and place of hearing and description of the property to be subdivided, be given to the City of Kirkland ~~[Planning Department]~~ Department of Community Development. It is further desired that subdivisions contemplated to use City of Kirkland utilities also ~~[conform to the same]~~ comply with this request.

Section 2.3 Notice of Hearing: Upon receipt of any application for preliminary ~~[plat approval, the Planning Department]~~ subdivision application, the Department of Community Development shall set a date for public hearing~~[. Notice of such hearing shall be given in accordance with Article I]~~ in compliance with Article I, Section 1.7 of this Ordinance, as amended.

Section 2.4.4 Duties of the Council: Upon receipt of the report and recommendation of the Planning Commission as to any preliminary plat, the City Council shall set the date for a public meeting where it may adopt or reject the recommendations of the Planning Commission. If after considering the matter at a public meeting the Council deems a substantial change in the Planning Commission's recommendation, approving or disapproving any preliminary recommendation shall not be made until the City Council ~~[shall conduct]~~ has conducted a public hearing and thereupon adopt its own recommendation and approve or disapprove the preliminary plat. Such public hearing may be held before a committee constituting a majority of the Council or before the entire Council. If the hearing is before a committee, the committee shall report its recommendations on the matters to the Council for final action.

Section 2.5.7 Land Adjacent Public Waters: ~~[The Planning Commission shall require all subdivisions bordering publicly owned or controlled bodies of water to maintain a minimum of 15 feet or 15 percent of the total average dry land lot depth, whichever is greater, of open area between any structure and the line of ordinary high water of all such water bodies.]~~

When subdivisions are proposed in a shoreline area, except for short plats for single family dwelling units, open space shall be provided to and along the water's edge with provisions for access from a public right-of-way or other adjoining public land, except where access to or along the water's edge is demonstrably not required. The open space shall be recorded and maintained as such in perpetuity.

The open space along the water's edge shall be:

- (a) 15% of the average parcel depth (before subdivision occurs) or 15 feet, whichever is greater, in order to offer the best means of providing open space for the occupants of structures as part of the subdivision and in the public interest.

- (b) In conservancy or unique and fragile areas, the open space area along the shoreline and associated wetlands shall be consistent with the Shoreline Master Program and other applicable standards adopted pursuant to the Shoreline Master Program. The open space area shall be, at least, that necessary to protect the existing natural characteristics of the shoreline and associated wetlands. The open space shall remain essentially free of man-made elements.

Section 2.6.1 Submission to City Council: ~~[Whenever any approved preliminary plat is submitted to the City Council for final approval, it shall be accompanied by the written recommendations for approval or disapproval from the following:~~

~~(a) -- Department of Public Services and/or the King County Health District as to the adequacy of the proposed means of sewage disposal and water supply.~~

~~(b) -- The Planning Commission and/or the Planning Department as to compliance with all terms of the preliminary approval of the proposed plat subdivision or dedication.~~

~~(c) -- The City Engineer.]~~

If the Planning Commission recommends disapproval of the Preliminary or Final Subdivision Application, that decision shall be final unless the owner files Notice of Appeal to the City Council with the City Clerk within 30 days of the Commission's action. Upon receiving Notice of Appeal, the Council may follow the recommendation of the Commission or remand to the Commission for their reconsideration and a subsequent report to the Council, upon receipt of which the Council shall take final action within 30 days.

Whenever a preliminary or final subdivision application receives favorable approval from the Kirkland Planning Commission, said recommendation shall be accompanied by a written advisory report encompassing the Findings, Conclusions and Recommendations of the Planning Commission. Said advisory report shall be based upon a consolidated administrative report prepared by the Department of Community Development which shall encompass the recommendations and requirements of all other City of Kirkland departments.

Section 2.7.1 [Checking-Fee] Application Fees: The application fees shall be as follows: [~~All costs of checking shall be borne by the subdivider or developer. -- Minimum checking fees will be based upon the following:~~

~~Each lot or enclosure ----- 10.00  
Total minimum amount ----- 100.00]~~

- (a) Preliminary Subdivision - \$10.00 each lot or enclosure, total minimum amount - \$100.00.
- (b) Final subdivision - \$10.00 each lot or enclosure, total minimum amount - \$100.00.

The above fees shall be paid at the time of filing the preliminary or final subdivision application, as appropriate, and are not refundable.

Section 2.7.3 [Presentation-fee+] Checking Fee: [~~A presentation in the amount of \$100.00 shall be paid to the City of Kirkland at the time the preliminary plat and application for preliminary approval are submitted. -- The presentation fee shall be non-returnable, but shall be used as a credit against the checking fees required in Section 2.7.1.~~] All costs of checking shall be borne by the applicant.

(new)

Section 2.8.5 Requirements for Environmental Information: Environmental information shall be submitted in accordance with the State Environmental Policy Act of 1971, as amended and City of Kirkland Resolution No. 2181 on Environmental Policy. Information shall be submitted in a form approved by the Director of Community Development. The evaluation and declaration of environmental significance shall be in accordance with Resolution No. 2181.

Section 2.11.3(a) Designation of minimum and desirable widths for rights-of-way:

<u>[a] Right-of-way</u>	<u>Minimum</u>	<u>Desirable</u>
Major Arterial	84	100
Secondary Arterial	72	90
Collector Arterial	60	66
Minor Streets (neighborhood, etc.)	50	50
Alleys	16	16
[ <del>Crosswalk-ways or pedestrian-ways</del> ]	[ <del>10</del> ]	[ <del>10</del> ]
<u>Bicycle Paths (with down ramps)</u>	<u>6</u>	<u>8</u>

<u>Right-of-way</u>	<u>Minimum</u>	<u>Desirable</u>
<u>Pedestrian Walkways:</u>		
<u>Neighborhood Street</u>	<u>5</u>	
<u>Collector Arterial</u>	<u>5</u>	
<u>Secondary Arterial</u>	<u>6</u>	
<u>Major Arterial</u>	<u>6</u>	
<u>Adjacent designated trails (be to be reviewed and recommendation given by Park Board.)</u>	<u>6</u>	<u>8</u>
<u>Utility easements - 5 feet each side of property line or easement centerline.</u>	<u>10</u>	<u>10</u>

[\*Except] In cases where the approved street or highway section of the Comprehensive Plan specifies a greater or lesser width as the minimum, such specified minimum shall be the required minimum. (For definition and classification of arterials, refer to the City of Kirkland Arterial Circulation Plan.)

Subsection 2.11.8(h) Minimum Lot area in Subdivisions: In multiple lot subdivisions the minimum lot area shall be deemed to have been met if [~~either-(A)-the-average-lot area, or-(B)-the-area-in-lots-plus-the-area-dedicated for-usable-permanent-open-space-or-recreational-uses divided-by-the-total-recreational-uses-divided-by-the total-number-of-lots~~] the average lot area is not less than the minimum lot area [requirement-of-the-area] required of the zone district in which the property is located as identified on the zoning map [provided that-at-least-seventy-five-percent-(75%)-of-the-reduction in-lot-area-shall-be-dedicated-open-space]. In computing the average lot area [~~under-(A)-above, not more than twenty-five-percent-(25%)~~] not more than ten percent (10%) of the number of lots may contain an area less than the prescribed minimum for [the-area] this zoning district. In no case [~~under-(A)-or-(B)~~] shall [a] any lot contain less area than as set forth in the following:

- |     |                                      |                                   |
|-----|--------------------------------------|-----------------------------------|
| (1) | In RS 35,000 - [ <del>30,000</del> ] | <u>31,500</u> sq. ft. of lot area |
| (2) | In RS 12,500 - [ <del>10,000</del> ] | <u>11,250</u> sq. ft. of lot area |
| (3) | In RS 8,500 - [ <del>6,800</del> ]   | <u>7,650</u> sq. ft. of lot area  |
| (4) | In RS 7,200 - [ <del>6,400</del> ]   | <u>6,480</u> sq. ft. of lot area  |

Lots smaller than the underlying zoning must be dispersed as evenly as possible throughout the plat to avoid a concentration of substandard-sized lots in any one area of the subdivision.

[and-provided-further-that-in-calculating-averages above-for-lots-containing-more-than-the-minimum-lot area-required-for-the-area-district-in-which-the property-is-located,-not-more-than-the-following areas-of-such-lots-may-be-credited-in-determining the-average-lot-area+]

In addition to the above, in calculating the total average lot size for the subdivision, the following is the maximum amount of square feet in a lot in a particular zoning classification that may be used in determining the average lot area:

- (1) In RS 35,000 - 38,500 sq. ft. of lot area
- (2) In RS 12,500 - 13,750 sq. ft. of lot area
- (3) In RS 8,500 - 9,350 sq. ft. of lot area
- (4) In RS 7,200 - 7,920 sq. ft. of lot area

Section 2.12.4 Where lots are proposed to be created in conformance with the [terms] requirements of this ordinance and the zoning ordinance and a municipal or district sewerage collection system does not exist, consideration for approval of the subdivision with septic tank systems shall [be] only be made when each lot contains more than 35,000 square feet in area and then only based on an analysis of the following:

- a. Land: Natural Elements, Kirkland [Planning-Department] Department of Community Development, 1970, pp. 42-44 (Appendix B).
- b. Uniform Building Code (most current edition as adopted by the City).
- c. King County Department of Public Health standards.

Section 3.2. Application Procedures: is hereby amended to read as follows:

Section 3.2 Application Procedures:

Section 3.2.1 An application form for a short subdivision shall be completed by the applicant and submitted to the City of Kirkland Department of Community Development along with all other required submittals and attachments prior to it being accepted for filing.

Section 3.2.2 All short subdivision applications be surveyed and monuments placed on the perimeter of the property prior to it being scheduled before the Planning Commission for their consideration. Drawings of the subdivision shall be drawn to an engineering scale between 1" = 20' and 1" = 50'. This plan must be stamped by an

engineer or land surveyor licensed in the State of Washington and verifying the accuracy of the drawing and legal description. A vicinity sketch at a scale of not more than 400 feet to the inch shall accompany the application to show all adjacent subdivisions and streets to clearly locate the proposed short subdivision. An 8 1/2" x 11" reduction and transparency of all exhibits shall be submitted to the Department of Community Development. Said application and drawings shall contain the following:

- (a) Name and address of the owner
- (b) Owner's telephone number
- (c) Location by section-township-range, together with the exact legal description of the parcel to be subdivided.
- (d) Acreage or square footage of area to be subdivided.
- (e) Accurate indication on plat plan of total property owned by the applicant which is contiguous to the parcel being subdivided.
- (f) Number of new lots.
- (g) The existing land use (zoning) classification.
- (h) Proposed method of sewage disposal.
- (i) Proposed source of water supply.
- (j) Boundary lines of tracts of both subdivided and unsubdivided land adjacent applicant's total ownership shall be shown together with property ownerships obtained from the records of the King County Treasurer's Office.
- (k) All existing structures in their appropriate location, within the proposed short subdivision. The use of each existing structure within the proposed short subdivision shall be shown on the plan.
- (l) Names of all streets adjacent to the proposed short subdivision.
- (m) In the case of a subdivision of platted property, lots, blocks, alleys, easements of the original plat shall be shown by dotted lines in their proper position in relation to the new arrangement of the proposed short subdivision. The new subdivision shall be shown clearly in solid lines so as to avoid confusion.
- (n) Lots subdivided under this ordinance shall be designated alphabetically from A to total number of lots in the proposed short subdivision.
- (o) Boundary of the proposed subdivision to be indicated by a heavy line.
- (p) Vicinity map of one-half mile radius.

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(new)

Section 3.2.3 Requirements for Environmental Information: Environmental information shall be submitted in accordance with the Environmental Policy Act of 1971, as amended, and City of Kirkland Resolution No. 2181 on environmental policy. Information shall be submitted on a form approved by the Director of Community Development. The evaluation and declaration of environmental significance shall be in accordance with Resolution No. 2181.

(new)

Section 3.2.4 A short subdivision plan with the stamp of a land surveyor or engineer licensed in the State of Washington shall be submitted on 8 1/2" x 11" paper stock. More than one sheet may be used and the following information must be included:

- (a) Legal description of the property.
- (b) The survey of the proposed subdivision with the stamp of a registered land surveyor or licensed engineer certifying on the plat plan that it is a true and correct representation of the lands actually surveyed. The name and seal of the registered land surveyor or engineer shall appear on the plat.
- (c) Location, width and names of all streets within and adjoining the short subdivision, including alleyways, sidewalks, crosswalks, etc.
- (d) All easements shall be described.
- (e) All proposed lots shall be designated alphabetically from A to the total number of lots proposed in the short subdivision application.
- (f) All dedications, if any, shall be included. This shall be handled in accordance with Section 2.6.2(e) of this Ordinance.
- (g) Contain the appropriate signatures and notarizations with the exception of the signature block under Kirkland City Council and County Treasurers Certificate.

(new)

Section 3.2.5 All short subdivision approved by the City of Kirkland must be filed with the King County Department of Records and Elections by the applicant for record as a deed. The applicant is to submit for recording two copies of each document. One document will be retained by the County and the other must be returned to the City of Kirkland prior to the issuance of any building permits.

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Section 3.3 Filing Fee: [An application for short subdivision of land shall be accompanied by a filing fee of \$25.00 payable to the City of Kirkland.] The fee for a short subdivision application shall be \$25.00 for each lot or enclosure or \$50.00, whichever is greater. This fee must be submitted in conjunction with the short subdivision application and is not refundable.

Subsection 3.5(h) Where lots are proposed to be created in conformance with the [terms] requirements of this Ordinance and the Zoning Ordinance and a municipal or district sewerage collection system does not exist, consideration for approval of the subdivision with septic tank systems shall only be made when each lot contains more than 35,000 square feet in the area and then only [be] based on the analysis of the following:

- a. Land: Natural Elements, Kirkland [Planning Department] Department of Community Development, 1970 pp. 42-44 (Appendix B).
- b. Uniform Building Code (most current edition as adopted by the City).
- c. King County Department of Public Health Standards.

Section 3.5.10 is hereby amended to read as follows:

Section 3.5.10 In short subdivisions, all lots must meet the minimum size and width requirements of the underlying zone.

Subsection 3.7.1(1) [A description of newly recorded easements along with the King County Auditor's File number shall be submitted to the Planning Department as proof of the easement's existence. Turn-arounds shall be described and recorded with the easements.] All documents recorded with the King County Department of Records and Elections, as required by this Ordinance, must be returned to the Kirkland Department of Community Development as proof of conformance. This is to include all deeds of right-of-way, all easements, and the necessary signatures as required by this Ordinance.

(2) Demonstrated conformance on building permit applications of any additional setback requirements, height requirements, etc., as placed by the Planning Commission,

(3) Required work on City right-of-ways and easements must be completed to minimum City standards and all public improvements installed, including all utilities and lighting and approved by the City engineer before any permits

shall issue. All conditions of approval of the Planning Commission must be met. In lieu of the above, a performance bond may be submitted.

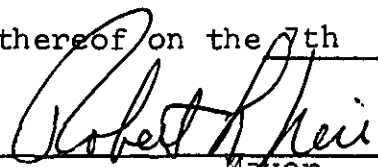
Section 2. Pursuant to City of Kirkland Resolution No. 2181, dealing with environmental policy and the State Environmental Policy Act an environmental assessment has been submitted, reviewed by the responsible official of the City of Kirkland and a negative declaration reached. Said assessment and negative declaration have been available and have accompanied the proposed amendments, herein adopted, through their consideration by the Houghton Community Council, the Kirkland Planning Commission and the Kirkland City Council.

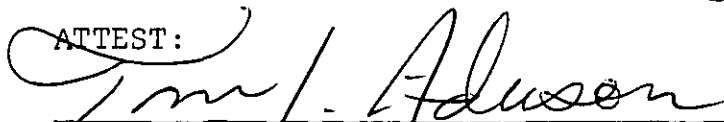
Section 3. To the extent that the subject matter of this Ordinance are subject to the jurisdiction of the Houghton Community Council as created by Ordinance No. 2001, this Ordinance shall become effective either upon approval of the Houghton Community Council or upon failure of said Houghton Community Council to disapprove within 60 days after the date of passage of this Ordinance.

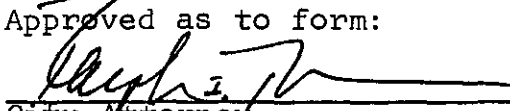
Section 4. Except as provided in Section 3, this Ordinance shall be in full force and effect five days from and after its passage by the Council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 7th day of October, 1974.

SIGNED in authentication thereof on the 7th day of October, 1974.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:  
  
\_\_\_\_\_  
City Attorney