

ORDINANCE NO. 2542

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO FEES IN LIEU OF OPEN SPACE, AUTHORIZING THE CREATION OF A FUND TO REPLACE THE EXISTING IN LIEU OPEN SPACE ACCOUNT OF THE PARK AND MUNICIPAL FACILITIES CUMULATIVE RESERVE FUND, DIRECTING THE TRANSFER OF THE FUNDS IN SAID ACCOUNT INTO THE NEWLY CREATED FUND, ADJUSTING THE AMOUNT OF THE FEES TO BE PAID AND AMENDING SECTIONS 2.5.9 AND 3.5.11 OF ORDINANCE 2178, TOGETHER WITH SECTIONS 23.08.130(1) AND 23.10.110(5) OF ORDINANCE 2183.

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

Section 1. The Director of Administration & Finance, as treasurer for the City of Kirkland, is hereby directed to establish a fund to be known as the "In Lieu of Park and Open Space Fund". All monies received by the City of Kirkland pursuant to Sections 2.5.9 and 3.5.11 of Ordinance 21.78 (the subdivision ordinance), and pursuant to Sections 23.08.130(1) and 23.10.110(5) of Ordinance 2183 (the zoning code), shall be deposited in the fund created by this ordinance. The Director of Administration & Finance is further directed to transfer into said fund all monies presently held in the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund.

Section 2. The monies in the In Lieu Park and Open Space Fund, created by this ordinance, shall be used solely for the acquisition, construction, improvement, maintenance, and repair of parks, open space, and recreational facilities and shall further be so used only within the respective neighborhoods as designated by Figure 3, Page 8, of the Land Use Policies Plan (Ordinance No. 2346), from which the funds were derived.

Section 3. The City Council may direct the transfer to or deposit in said fund such additional grants, gifts, monies, or general City revenues as it may authorize by ordinance, resolution, or motion duly passed. Authorization to expend monies from said fund shall be subject to approval by the City Council. Such approval may be expressed by the inclusion of an item therefor in the annual budget or such other appropriate action by the City Council as may be permitted by law. Such authorization shall not lapse at the end of the budgetary year, but may be carried forward provided that such carried forward appropriation should be included and so identified in the budget for succeeding years.

Section 4. Section 2.5.9 of Ordinance 2178, the subdivision ordinance, is hereby amended to read as follows:

"2.5.9 Parks, Recreation Sites and Open Spaces:

(a) All subdivisions shall reserve to be held in common ownership or shall dedicate to the City of Kirkland not less than 5 percent of the total land area for neighborhood or community parks, recreation sites or open spaces, serving the area of the proposed subdivision subject to such conditions as the Planning Commission may establish concerning access, and use and maintenance of such land as may be necessary to assure the preservation of such land for its intended use. Such conditions shall be shown on the plat prior to final approval and recording.

(b) In lieu of the dedication of such area to the City of Kirkland, the plattor may be required by the City to deposit in the "In Lieu Park and Open Space Fund" ~~/Account of the Park and Municipal Facilities Cumulative Reserve Fund/~~ an amount of money to be used solely for the purpose for which said fund was created ~~/by Chapter 5.72 Kirkland Municipal Code (Ordinance No. 1115)/~~. The amount to be so deposited shall be ~~/not less than 10% of the assessed valuation of the entire subdivision, or \$200/ \$350.00 per new dwelling unit/ lot created/ whichever is greater. -- For the purposes of this subsection, "Assessed Valuation" shall mean the greater of (i) the assessed value as determined by the King County Assessor for general tax purposes for the year during which the subdivision plat is recorded, or (ii) the most recent taxable sale price of the property being subdivided according to the 1% real estate excise tax records for King County. -- Provided, however, that the valuation (Land and Improvement) for any lot improved with an existing residence included within the proposed subdivision shall be excluded from the calculation of "Assessed Valuation/~~.

~~/(c) -- There is hereby created in the Park and Municipal Facilities Cumulative Reserve Fund created by Chapter 5.72, Kirkland Municipal Code (Ordinance No. 1115), an account to be known as the "In Lieu Open Space Account", and all monies to be received by the City of Kirkland pursuant to the provisions of Section 2.5.9 of Ordinance 2178 as herein amended, ----- shall be deposited into said account. -- The funds in said account shall be used solely for the purposes for which said~~

~~cumulative-reserve-fund-was-created,-and-shall-further-be-used only-within-the-community-as-designed-in-the-Park-and-Open-Space Plan-Element-of-the-Comprehensive-Plan-(Ordinance-No.-2346, Figure-9)-in-which-the-subdivision-is-located./~~

Section 5. Section 3.5.11 of Ordinance 2178, the Subdivision Ordinance, is hereby amended to read as follows:

"3.5.11 Parks, Recreation Sites and Open Spaces:

(a) All informal subdivisions shall reserve, to be held in common ownership, or shall dedicate to the City of Kirkland, not less than 5% of the total land area for neighborhood or community parks, recreation sites, or open spaces serving the area of the proposed subdivision, subject to such conditions as the Planning Commission may establish concerning access and use and maintenance of such land as may be necessary to assure the preservation of such land for its intended use. Such conditions shall be shown on the formal subdivision plat prior to final approving and recording.

(b) In lieu of the dedication of such area to the City of Kirkland, the platlor may be required by the City to deposit in the "In Lieu Park and Open Space Fund" /Account-of-the-Park and-Municipal-Facilities-Cumulative-Reserve-Fund/ an amount of money to be used solely for the purposes for which said fund account was created /by-Chapter-5-72,-Kirkland-Municipal-Code-(Ordinance No.-1115)-and-Section-2-5-9(c)-of-this-Ordinance/.

The amount to be so deposited shall be /not-less-than:-(i)-2% of-the-assessed-valuation-of-the-entire-subdivision-when-located-in-an-RS-Zone-or-(ii)-10%-of-the-assessed-valuation-of-the-entire-subdivision-when-located-in-any-other-zone-or-(iii) \$200.00/ \$350.00 per new /dwelling-unit/ lot created,/ which-ever-is-greater/.--/For-the-purposes-of-this-subsection, assessed-valuation-shall-mean-the-greater-of:-(i)-the-assessed value-as-determined-by-the-King-county-Assessor-for-general-tax purposes-for-the-year-during-which-the-subdivision-plat-is recorded-or-(ii)-the-most-recent-taxable-sale-price-of-the property-being-subdivided-according-to-the-1%-real-estate-exercise tax-records-for-King-County,-Provided,-however,-that-the-valuation (Land and Improvement) for any lot improved with an existing-residence-included-within-the-proposed-subdivision-shall-be excluded-from-the-calculation-of-"Assessed-Valuation"./

Section 6. Section 23.08.130 of Ordinance 2183 is hereby amended to read as follows:

"Section 23.08.130 Provisions for Parks and Open Space. In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population, all single family home developments shall be required by the City of Kirkland to deposit in the "In Lieu Park and Open Space /Account" of the Park and Municipal Facilities Cumulative Reserve Fund" an amount of money to be used solely for the purposes for which said fund /account was created /by Chapter 5.72 Kirkland Municipal Code (Ordinance 1115) and Section 2.5.9(e) of Ordinance No. 2178 as follows:

(1) The amount to be so deposited shall be \$350.00 /not less than 2% of the assessed valuation of the total land area required or allocated by the owner for the intended use; of \$200/ per new dwelling unit /; whichever is greater. For the purposes of this subsection, "Assessed Valuation" shall mean the greater of: (i) the assessed value as determined by the King County Assessor for general tax purposes for the year during which the building permit is issued; or (ii) the most recent taxable sales price of the property for which the permit is issued according to the 1% real estate excise tax records for King County/.

(2) A single family development will be exempt from the fee requirement, provided that the lot being developed was subject to the deduction or fee in lieu requirements of Section 2.5.9 or 3.5.11 or the Subdivision Ordinance No. 2178 as amended.

Section 7. Section 23.10.110(5) of Ordinance 2183 is hereby amended to read as follows:

"23.10.110(5) Recreation Space

(5) In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population and in addition to the on-site recreation spaces required by this Section, all residential development proposed in any RM Zone classification shall be required by the City of Kirkland to deposit in the "In Lieu Park and Open Space /Account" of the Park and Municipal Facilities Cumulative Reserve Fund" an amount of money to be used solely for the purposes for which said fund /account was created /by Chapter 5.72 Kirkland Municipal Code (Ordinance No. 1115) and Section 2.5.9(e) of Ordinance 2178.

The amount to be so deposited shall be 1/6% of the assessed valuation of the total land area required or allocated by the owner for the intended use or \$200/ \$350.00 per new dwelling unit ; whichever is greater; -- For the purposes of this Section, "Assessed Valuation" shall mean the greater of (i) the assessed value determined by the King County Assessor for general tax purposes for the year during which the building permit is issued or (ii) the most recent taxable sales price of the parcel according to the 1% real estate excise tax records for King County ; provided however, that any property which was subject to the deduction or fee-in-lieu requirements of Section 2.5.9 or 3.5.11 of the Subdivision Ordinance No. 2178 as amended shall be credited the amount previously deposited.

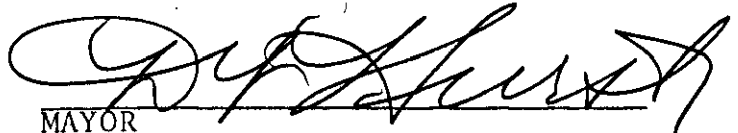
Section 8. If any section, subsection, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 9. To the extent that any of the provisions of this ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council, as created by Ordinance No. 2001, those provisions of this ordinance shall become effective within the Houghton Community either on approval of the Houghton Community Council or upon failure of said community council to disapprove this ordinance within 60 days of the date of passage hereof.


Section 10. Except as herein provided, this ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 18th day of August, 1980.

SIGNED IN AUTHENTICATION THEREOF on the 18th day of August, 1980.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

Ord. 2542