

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISION OF LAND AND AMENDING ORDINANCE NO. 2766 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE (FILE NO. IV-87-16).

Whereas, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Subdivision Ordinance, Ordinance 2766 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated May 21, 1987 and bearing Kirkland Department of Planning and Community Development File No. IV-87-16; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on April 2, 1987 and May 21, 1987, held public hearings on the amendment proposals and considered the comments received at said hearings; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of non-significance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

Whereas, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

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

Section 1. Subdivision Ordinance text amended: The following specified sections of the text of Ordinance 2766 as amended, the Kirkland Subdivision Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein:

Section 2. 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 3. 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 Community 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 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 Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 3rd of August, 1987.

Signed in authentication thereof this 3rd day of August 1987.

Doris Cooper
MAYOR

ATTEST:

Jessie Perry
City Clerk

APPROVED AS TO FORM:

Raybert
City Attorney

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- a. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land.
 - b. A division of land into lots or parcels located within industrial, commercial or office zones as defined in the Zoning Code.
 - c. A division which is made by subjecting a portion of a parcel or tract of land to RCW 64.32.
3. Criteria - A division of land is a binding site plan under this Section if it meets all of the following criteria:
- a. The City Council approves a site plan as part of a discretionary zoning or other similar land use permit that involved a Public Hearing before either the Planning Commission or Hearing Examiner.
 - b. The site plan is shown to a scale of one inch equals 20 feet.
 - c. The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces.
 - d. The site plan contains inscriptions or attachments setting forth all limitations and conditions for the use of land as established by City Council.
 - e. The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan.
 - f. The site plan is recorded in the King County Department of Elections and Records to run with the subject property.

1.20 Definitions

The following definitions apply throughout this Ordinance unless, from the context, another meaning is clearly intended.

- 05. Applicant - A person who applies for any approval under this Ordinance and who is an owner of the subject property; the authorized agent of the owner.
- 10. Binding Site Plan - A drawing to the scale of 1" = 20' which a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this ordinance; b) contains inscriptions or

attachments setting forth such appropriate limitations and conditions for the use of the land as established through a discretionary review process and approved by City council; and c) contains provisions making any development be in conformity with the site plan.

15. Block - A group of lots, tracts, or parcels within defined and fixed boundaries.
20. Bond - A written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the City has recourse to an identified fund from which to secure performance of specified work.
25. Comprehensive Plan - The Land Use Policies Plan as adopted in Ordinance 2346 as amended or if repealed its successor document; the Shoreline Master Program as adopted by the City of Kirkland pursuant to RCW 90.58; and any other documents adopted under the authority of RCW 35A.63.061 and 35A.63.062.
30. County Auditor - As defined in Chapter 36.22 RCW or the office or person assigned such duties under a county charter.
35. County Treasurer - As defined in Chapter 36.29 RCW or the office or person assigned such duties under a county charter.
40. Dedication - The deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. Dedication shall be evidenced by the filing or recording with the King County Auditor, of a document of conveyance or a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the written approval of such plat or conveyance for filing by the appropriate governmental unit.
45. Easement - Land which has specific air, surface, or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.
50. Final Plat - The final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in RCW 58.17 and in this Ordinance.
55. Lot - A fractional part of subdivided lands having fixed boundaries, and having being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

60. Major Streams - All of the following: Forbes Creek, Juanita Creek, Cooran Creek, Everest Creek and Yarrow Creek.
65. Minor Streams - Either a water course shown on the Environmentally Sensitive Areas Map as adopted by the City Council and on file with the Department of Planning and Community Development, which is not defined as a major stream or any stream flowing within natural, reconstructed, rehabilitated or re-located banks during at least 6 months of a year of normal precipitation.
70. Owner - All persons, partnerships, corporations, and other entities that have an ownership interest (including purchasers and sellers under a real estate contract) in the subject property.
75. Planning Official - The Director of the Department of Planning and Community Development or his/her designee.
80. Plat - A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.
85. Preliminary Plat - A drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the subdivision and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
90. Private-Roadway --- A privately-owned-driving-surface-serving-two-or-more-lots-or-parcels.
95. Right-of-Way - Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and similar components.
100. Short Subdivision - The division of land into nine or less lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease and shall include all short subdivisions of land.
105. Short Plat - The map or representation of a short subdivision.
110. Standard Record of Survey - A record of survey form approved and provided by the City of Kirkland.
115. Street - A public right-of-way - or-a-private-access-roadway

120. Subdivision - The division of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all resubdivision of land.

123. Vehicular Access Easement or Tract - A privately owned right-of-way.

125. Year-around Driving Surface - A minimum of 2 inches of asphalt concrete pavement atop a properly prepared base and sub-base. If a study of the driving surface usage dictates, the Department of Public Works may require this standard to be increased.

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3.25 Official File

1. Contents - The Planning Official shall compile an official file on the application containing the following:
 - a. The application materials submitted by the applicant.
 - b. The staff report.
 - c. All written comments received on the matter.
 - d. The electronic recording and minutes of the public hearing on the matter.
 - e. The recommendation of the Planning Commission.
 - f. The electronic sound recording and minutes of City Council proceedings on the matter.
 - g. The report of the Planning Commission
 - h. The decision of City Council.
 - i. If the matter is within the disapproval jurisdiction of the Houghton Community Council, the electronic sound recording and minutes of its proceedings on the matter, along with the recommendations of that Council.
 - j. Any other information relevant to the matter.
2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

3.30 Notice

1. Contents - The Planning Official shall prepare a notice of each application containing the following information.
 - a. The name of the applicant and the proposed plat.
 - b. The street address of the property, or if this is not available, a locational description in non-legal language.
 - c. A statement of what has been applied for, including the number of lots proposed and any proposed modifications under Section 5.05 of this Ordinance.
 - d. The time and place of the public hearing.

- e. A statement of the availability of the official file.
- f. A statement of the right of any person to submit written comments to the Planning Commission and to appear at the public hearing of the Planning Commission to give comments orally.
- g. A statement that only persons who submit written or oral comments to the Planning Commission may challenge the recommendation of the Planning Commission.

2. Distribution -

- a. No less than fourteen (14) calendar days prior to the public hearing, the Planning Official shall distribute or cause to be published this notice as follows:
 - a-(1) A copy will be sent to the persons described in Section 3.10.2 and 3 of this Ordinance.
 - b- ~~At least 3 copies will be conspicuously posted on or near the subject property. Of these, at least one will be posted on each right-of-way providing primary vehicular access to any property that abuts the subject property.~~
 - e-(2) A copy will be posted on each of the official notification boards of the City.
 - d-(3) A copy will be sent to appropriate city or county officials if the proposed subdivision adjoins the boundaries of the City.
 - e-(4) A copy will be sent to the State Department of Transportation if the proposed subdivision is adjacent to the right-of-way of a state highway.
 - f-(5) A copy will be published in a newspaper of general circulation in the county and a newspaper of general circulation in the area where the real property which is proposed to be subdivided is located.
- b. Public Notice Sign - The applicant shall provide for and erect public notice signs at least fourteen (14) calendar days before the public hearing as follows:

- 1) The signs shall be designed and constructed to City standards. A copy of the notice described in paragraph 2 of this Section and a vicinity map shall be attached to each sign.
- 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this Section.
- 3) One (1) sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.
- 4) The applicant shall post a bond pursuant to Chapter 175 of the Zoning Code to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.
- 5) The signs shall be removed within seven (7) calendar days after the final public hearing.

3.35 Staff Report

1. Contents - The Planning Official shall prepare a staff report containing the following information:
 - a. All pertinent application materials.

CHAPTER 4 - LAYOUT AND DESIGN OF PLATS AND SHORT PLATS AND SIMILAR REQUIREMENTS

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4.05 Applicability

The provisions of this Chapter apply to each plat and short plat within the City. For the purposes of this Chapter, the terms "subdivision" and "plat" also mean "short subdivision" and "short plat."

4.10 Provision for Public and Semi-Public Lands

The City may require the applicant to make land available, by dedication, for school sites, parks and open space, rights-of-way, utilities infrastructure, or other similar public or semi-public uses of land if this is reasonably necessary as a result of the subdivision. See also 4.75.

4.15 General Layout - Lots

1. General - All lots within a subdivision must meet the minimum size and dimension requirements established for the property in the Kirkland Zoning Code or other land use regulatory document.

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In multiple lot subdivisions the minimum lot area shall be deemed to have been met if the average lot area is not less than the minimum lot area required of the zone district in which the property is located as identified on the zoning map. In computing the average lot area, not more than ten percent (10%) of the number of lots may contain an area less than the prescribed minimum for this zoning district. In no case shall any lots be created which contain an area more than ten percent (10%) less than prescribed minimum for this zoning district.

- 2. Dimensions - Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot.

4.20 General Layout - Blocks

- 1. General - The plat must be designed to allow for reasonable subdivision and use of adjoining properties. While the plat should generally conform to the grid pattern, innovative layouts will be considered based on the general requirements of this Chapter.
- 2. Maximum Length - Generally, blocks should not exceed 500 feet in length. Blocks that are more than 750 feet in length should allow for midblock pedestrian access pursuant to Section 4.40 of this Chapter.

4.25 Access

- 1. All lots must have direct legal access to either a right-of-way or a private-access-~~roadway~~-vehicular access easement or tract meeting the requirements of this Chapter. The City will determine whether access will be by right-of-way or private access-~~roadway~~-vehicular access easement or tract on a case-by-case basis.
- 2. An owned vehicular access of 15' minimum width may serve one lot only. The area of the vehicular access strip shall be included in the computation of the lot area, but may be used for dimensional requirement for lot width at the building line.
- 3. The area of an vehicular access easement or tract shall not be included in the computation of the lot area for the serviant lot if the easement or tract serves more than one lot which does not abut a right-of-way.

4.30

Access - Right of-Way

1. Adjacent to Plat - The applicant shall comply with the requirements of the Zoning Code with respect to dedication and improvements of rights-of-way adjacent to the plat.
2. Within Plats - If a right-of-way is proposed within a plat, the Public Works Director shall designate the right-of-way based on the projections for that right-of-way using the criteria established in the Zoning Code. The applicant shall dedicate and improve the right-of-way consistent with the provisions of the Zoning Code.

4.35

Access---Private-Access-Roadway - Vehicular Access Easement or Tract

1. General - If vehicular access within the plat will be provided by means other than rights-of-way, the plat must establish easements or tracts which will provide the legal right of access to each of the lots served. The City may require that the legal right of access be granted to other adjoining properties in order to provide a safe and efficient circulation system within the City.
2. Categorization---Paragraph 3 of this Section establishes different requirements for improving private access roads depending on the number of lots to be served and the uses that will be located on those lots.---In determining which standards will apply,--the City will look at the full potential use of the private access roadways considering potential development on nearby property which could use the private access roadway.---The City may require that the legal right of access may be granted to other property in order to provide a safe and efficient circulation system within the City.
- 3.2. Standards - The applicant shall comply with the following standards for all private access roadways the requirements found in the Zoning Code, Section 105.10 for vehicular access easements or tracts:
 - a. The Public Works Director is directed to develop dimensional and similar standards for private access roadways.
 - b. Standards to be Enforced as Part of This Ordinance---The City shall enforce the standards adopted under paragraph a of this section as if they were part of this Ordinance.
- 4.3. Other Improvements - The City may require additional or other requirements for private access roadways vehicular access easements or tracts based on unusual circumstances.

5.4: Engineering Standards - The Public Works Director is directed to develop and keep current full engineering standards and specifications for improvements to private-access-roadways vehicular access easements or tracts. The applicant shall comply with these standards and specifications. These standards and specifications are available for public inspection and copying in the Public Works Department during regular business hours.

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~~6.5. Modifications, Deferments, and Waivers~~ - The provisions in the Zoning Code, Chapter 105, pertaining to modifications to the required, deferments, and waivers of required right-of-way improvements, may be used by the applicant or the City to modify, defer, or waive the private access roadway the vehicular access easement or tract provisions of this Section.

4.40 Access - Walkways

The City may require the applicant to install pedestrian walkways in any of the following circumstances:

1. If a walkway is indicated as appropriate in the Comprehensive Plan.
2. If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City.
3. Mid-block pedestrian access may be required if blocks are unusually long.

Pedestrian access shall be provided by means of dedicated right-of-way, tracts or easements at the City's option.

4.45 Utilities and Related Requirements - General

All utility system improvements must be designed and installed in accordance with all standards of the applicable serving utility.

4.50 Utilities and Related Improvements - Water System

The applicant shall install a system to provide potable water service to each lot created. The applicant shall install a system that will provide adequate fire flow and all fire fighting infrastructure and appurtenances required by the serving fire district.

4.55 Utilities and Related Improvements - Storm Sewer

The applicant shall comply with the construction phase and permanent storm water control requirements of the Zoning Code. Generally, permanent storm water control system must be designed to accommodate all land within the subdivision. Based on unusual circumstances, the City can require or approve storm water control systems designed and installed for individual lots or groups of lots within the proposed plat.

4.60 Utilities and Related Improvements - Sanitary Sewer

The developer shall install a sanitary sewer system to serve each lot. In lieu of installing a sanitary sewer system, the applicant may propose the use of septic tanks, which may be approved by the City if consistent with the applicable provisions of the Zoning Code and the applicable regulations of the Seattle-King County Health Department.

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4.65 Utilities and Related Improvements - Undergrounding

~~To the extent permitted by the serving utility, electrical, telecommunication, and similar transmission lines bordering or within a plat must be placed underground. Service lines to individual building sites within the plat shall also be placed underground.~~ The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code, Section 110.60:9.

4.70 Utilities and Related Improvements - Easements

Utility lines other than in rights-of-way and private-access roads vehicular access easements or tracts should be within easements centered on property lines wherever possible. Except in unusual circumstances, easements for utilities should be at least 10 feet in width.

4.75 Utilities and Related Improvements - Parks and Open Space

1. General Obligation - Each plat intended for residential use within the City has the obligation to partially provide for the recreational and open space needs of the eventual residents. The developer shall elect to meet this obligation by dedicating at least 5% of the usable land within or outside the plat to the City for park purposes or by depositing \$350 per new lot created into the "In Lieu Park Open Space Fund" to be used for acquisition and development of park land within the area of the plat.
2. Decision by the City - If the applicant proposes to meet the obligation of this Section by dedicating land to the City, the City will evaluate the proposed land to determine its feasibility for park purposes. The City will evaluate the access to the site, size, topography, location, and shape of the proposed park site. The City will not approve a plat that meets the obligation of this section by dedication unless the park land to be dedicated will reasonably meet the basic parks and open space needs of the eventual residents of the plat.

4.80 Natural Features - General

The applicant has the responsibility in proposing a plat to be sensitive with respect to the natural features - including topography, streams, lakes, wetlands, habitat, geologic features, and vegetation - of the property. The plat must be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this Chapter, the applicant shall comply with all applicable provisions of the Zoning Code regarding property containing or adjacent to major streams, minor streams, Lake Washington, minor lakes, major wetland, unstable slopes, potentially unstable slopes, areas of differential settlement, and other specific requirements regarding site development restrictions due to natural features.

SUMMARY OF ORDINANCE No. 3030

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISION OF LAND AND AMENDING ORDINANCE 2766 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE (FILE NO. IV-87-16).

Section 1 makes certain changes to provisions of the Kirkland Subdivision Ordinance, Ordinance 2766 as amended, including:

A. Replaces the term "private access roadway" with "vehicular access easement or tract" throughout the Subdivision Ordinance;

B. Requires applicant to provide public notice signs regarding subdivision applications.

Section 2 provides for the validity of other provisions of the ordinance should any one part be invalid.

Section 3 provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

Section 4 authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17 Kirkland Municipal Code and establishes the effective date as five days after publication of summary, except as provided in Section 3.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 3rd day of August 1987.

I certify that the foregoing is a summary of Ordinance 3030 approved by the Kirkland City Council for summary publication.


City Clerk