

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISION OF LAND AND REPEALING ORDINANCE NO. 3421\* AND AMENDING CHAPTERS 22.04, 22.16, AND 22.20 OF THE KIRKLAND MUNICIPAL CODE, ORDINANCE NO. 2766, AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE (FILE NO. IV-92-100).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the Kirkland Municipal Code, including Chapters 22.04, 22.16, and 22.20, as set forth in that certain report and recommendation of the Planning Commission dated May 18, 1994, and bearing Kirkland Department of Planning and Community Development File No. IV-92-100; 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 nonsignificance, 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. Ordinance No. 3421\* is hereby repealed.

Section 2. Section 22.04.050 of the Kirkland Municipal Code is hereby amended to read as follows:

**22.04.050 Notice of proposed amendment or repeal of title.**

~~Notice of any proposal to either amend or repeal any provision of this title shall, pursuant to RCW 58.17.275, be given to all persons or organizations which may have filed with the department of planning and community development a request for notice. Such notice shall be given thirty days prior to the date set for the first public hearing before the planning commission on such amendment or repeal.~~

Except as hereinafter provided, proposals to amend or repeal provisions of this title will be set for public hearing before the Planning Commission. Notice of these hearing will be available 14 days prior to the Planning Commission hearing date. Individuals or organizations which so request will be provided notice of the Planning Commission hearing.

~~Section 3.~~ Sections 22.16.010, 22.16.020, 22.16.090 and 22.16.130 of the Kirkland Municipal Code are hereby amended to read as follows:

~~22.16.010 Time limit to the final plat.~~

~~The owner must submit to the planning department, meeting the requirements of this title and the preliminary plat approval within three years of the date the preliminary plat was approved or the preliminary plat approval becomes void.~~

~~22.16.020 Extension of preliminary plat approval.~~

~~The owner may file a request to extend the preliminary plat approval for up to one year. The request must be delivered in writing to the planning department at least thirty calendar days prior to expiration of the three year period. The planning director will grant approval of the extension if it is shown that the applicant has attempted in good faith to submit the final plat within the three year period. If the final plat has not been submitted to the planning department within any extended period it becomes void.~~

**22.16.090 Minor deviations from preliminary plat.**

(a) The city council may approve a final plat that is different from the preliminary plat if the change:

~~(1) Is necessary because of information provided in the survey prepared for the final plat that was not available, and reasonably could not have been provided during consideration of the preliminary subdivision; and~~

~~(2) Does not increase the number of lots; and~~

~~(3) Does not decrease any lot size by more than ten percent; and~~

~~(4) Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and~~

~~(5) Does not in any way significantly alter the subdivision.~~

(b) Final plats with changes that do not meet the criteria for minor deviations must be processed as new preliminary plats.

**22.16.130 Plat documents - Recordation with county - When.**

After the plat documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in King County. Unless specifically extended in the decision on the plat, the plat must be submitted to the City for recording with King County within one hundred twenty calendar days ~~four~~ years of the date of approval of the preliminary plat or the decision becomes void; provided, however, that, in the event

judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat; and, provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by this ordinance, shall only become void if it would still do so under all amendments made by Ordinance 3421.

Section 4. Sections 22.20.025 and 22.20.370 of the Kirkland Municipal Code are hereby amended to read as follows:

**22.20.025 Alteratons and vacations.**

Alterations and vacations of short subdivisions shall follow the procedural requirements outlined in Chapter 22.26 of this title- except as follows:

1. The modification does not involve the alteration or vacation of City easements, roads, or City owned lands; and
2. The Planning Director determines that there will not be substantial changes in the impacts on the neighborhood or the city as a result of the change; and
3. The modification will not increases the number of lots; and
4. The modification will not significantly alter any condition of approval.

The consideration of the minor modification shall be made upon written request to the Planning Department. The Planning Director's decision will be the final decision of the City.

**22.20.370 Short plat document - Recordation - Time limit.**

After the short plat documents are signed, they will be transmitted to the city clerk's office for recording with the applicable office in King County. The short plat must be recorded with King County within ~~twelve months~~ four years of the date of approval or the decision becomes void; provided, however, that, in the event judicial review is initiated, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat; and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by this ordinance, shall only become void if it would still do so under all amendments made by Ordinance 3421.

Section 5. 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

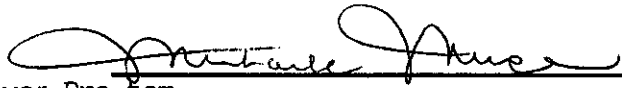
decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. 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 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.

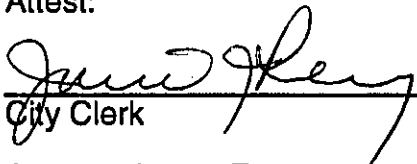
Section 7. Except as provided in Section 6, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 18th day of October, 1994.


SIGNED IN AUTHENTICATION thereof this 18th day of October, 1994.

  
\_\_\_\_\_  
Mayor Pro Tem

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

ORD-KMC3.OCT/ES:rk

PUBLICATION SUMMARY  
OF ORDINANCE NO. 3433\*

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISION OF LAND AND REPEALING ORDINANCE NO. 3421\* AND AMENDING CHAPTERS 22.04, 22.16, AND 22.20 OF THE KIRKLAND MUNICIPAL CODE, ORDINANCE NO. 2766, AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE.

Section 1. Repeals Ordinance No. 3421\*.

Section 2. Amends KMC 22.04.050.

Section 3. Amends KMC 22.16.010, 22.16.020, 22.16.090, and 22.16.130.

Section 4. Amends KMC 22.20.025 and 22.20.370.

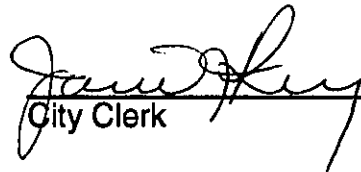
Section 5. A savings clause providing that if any portion or part of the Ordinance is held to be invalid or unconstitutional, such decisions shall not affect the validity of the remainder of the Ordinance.

Section 6. Provides that the Ordinance shall not be effective within the Houghton Community Municipal Corporation if disapproved by the Houghton Community Council within sixty days of the date of adoption of this Ordinance.

Section 7. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary, except as provided in Section 6.

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 18th day of October, 1994.

I certify that the foregoing is a summary of Ordinance No. 3433 approved by the Kirkland City Council for summary publication.

  
City Clerk