

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
DEVELOPMENT PROJECTS

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. There is hereby created a new Title 20 of the Kirkland Municipal Code entitled "Development Projects" and to read as follows:

TITLE 20
DEVELOPMENT PROJECTS

CHAPTER 20.04
GENERAL PROVISIONS

20.04.100 Scope.

Through this Chapter and other ordinances of the City, the City has established an integrated and consolidated project permit process. This Title is to identify the City's system of coordinated development regulations, such as the zoning code, subdivision ordinance, Kirkland Building Code, and environmental procedures. This system of review is also the project permit process which is required by RCW 36.70B.060.

20.04.110 Conflicts.

To the extent this Title may directly conflict with other ordinances of the City which were in effect prior to January 1, 1996, the provisions of this Title shall prevail.

20.04.120 Consistency.

The foundation for project review shall be the City's Comprehensive Plan and development regulations. The City's review of a project permit application will include determination as to whether the proposed project is consistent with applicable regulations or Comprehensive Plan. The determination of consistency shall be based on review of the applicable development regulations, or in the absence of a relevant development regulation, upon the Comprehensive Plan. The City's review will emphasize existing requirements and adopted standards, with the use of supplemental authority as specified by Chapter 43.21C RCW to the extent that existing requirements do not adequately address a project's specific probable adverse environmental impacts.

Chapter 20.08 DEFINITIONS

20.08.010 Generally.

The definitions contained in this Chapter apply throughout this Title, unless, from the context, another meaning is clearly intended.

20.08.020 Project permit.

"Project permit" or "project permit application" mean any land use or environmental permit or license required from the City for a project action, including but not limited to, building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

Chapter 20.12 DEVELOPMENT REVIEW

20.12.010 Exclusions.

(1) by adopting this Section, the City is making the following exclusions as provided in RCW 36.70B.140.

(2) The following project permits are excluded from the provisions of RCW 36.70B.060 through 36.70B.090 and RCW 36.70B.110 through 36.70B.130, and from the provisions of Sections 20.04.100, 20.04.110, 20.04.120, and 20.12.300: street vacations or other approvals relating to the use of public areas or facilities; designation as historic overlay zone; or master plans.

(3) The following project permits are excluded from the provisions of 36.70B.060 and RCW 36.70B.110 through 36.70B.130, and from Sections 20.04.100, 20.04.110, and 20.04.120: lot line adjustments; building and other construction permits; or similar administrative approvals which are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

20.12.100 Notices.

The applicant for a project permit shall designate a single person or entity to receive determinations and notices provided under this Title.

20.12.200 Complete Application.

A project permit application is complete for purposes of this Title when it meets the submission requirements contained in this Section. Applications for project permits shall be submitted upon forms provided by the City. A complete application shall include the following:

- (1) A completed project permit application form.
- (2) A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property.
- (3) A property and/or legal description of the site, as required by the applicable development regulations.
- (4) The applicable fee.
- (5) Submission of items required by applicable development regulations and of all required supplemental materials.
- (6) Evidence of adequate water supply as required by RCW 19.27.097.
- (7) Evidence of sewer availability.
- (8) Applications under Title 22, Subdivisions, shall also meet the requirements of Section 20.12.210.

20.12.210 Complete application for subdivision.

In addition to the requirements for a complete application set forth in Section 20.12.200, an application under Title 22, Subdivisions, shall include the following:

- (1) Pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the State and engaged in land surveying.
- (2) A sketch or map meeting the requirements of the applicable subdivision regulations.
- (3) Certificate giving full and complete description of the lands which are the subject of the application, including a statement that the application has been made with free consent in accordance with the desires of the owners. The certificate shall be signed and acknowledged before a Notary Public by all parties having any interest in the lands which are the subject of the application.
- (4) A title report confirming that the title of the lands as described on the application is in the name of the persons signing the certificate.
- (5) Roads not dedicated to the public must be clearly marked as such on the map; otherwise, roads within the boundaries of the subject property shall be considered to have

been dedicated to the public. Any dedication, donation, or grant as shown on the maps, sketches, or face of plat shall be considered for all intents and purposes as a quit claim deed to the donee(s) and grantee(s) for his, her or their use for the intended purpose.

20.12.220 Substantial revision.

This section applies in the event that an applicant submits a substantially revised project permit application. As of the date of submittal of such revised application, the applicant will be considered to have both withdrawn the original project permit application (whether it was a complete application or not) and to have submitted a new application for review pursuant to this Title. The applicability of this section is not affected by whether or not an additional application fee is required due to the substantial revision.

20.12.300 Time frame for approval.

The City shall issue its notice of final decision on a project permit application within 120 days after the City notifies the applicant that the application is complete; provided that the City shall instead issue its notice of final decision in a time frame similar to that achieved by the City between 1993 and 1995 if, as of the date the application is filed, State law does not require a shorter time limit. In addition, the 120 day time limit is subject to exclusions or extensions provided in this Title or by State law, especially by RCW 36.70B.090.

20.12.310 Time frame for subdivisions.

(1) This Section is to provide for compliance with State law regarding City processing of subdivision applications. Due to multiple amendments of State law during 1995, State law may contain conflicting requirements. Therefore, when this Section conflicts with Section 20.12.300, the provisions of this Section shall prevail, but only to the extent necessary to bring City of Kirkland procedures into compliance with State law.

(2) The City shall determine the date from which to measure time lines for approval of subdivisions, to be known as the "CAD". The CAD shall be the date upon which the application was complete, adjusted for any time which is tolled or not counted due to State law, especially RCW 58.17.140. The City shall notify the applicant of the CAD, and may send notice of a revised CAD if the date is caused to be adjusted.

(a) If the application is for a preliminary plat, the notification shall include the following statement:

Processing of your preliminary plat application began as of _____. This date will be called your "CAD".

Your application will be processed as quickly as possible. For the first ninety days after your CAD, your application will be called a new application. After ninety days, the time frame for approval will be subject to extensions in twenty-one day increments. You may notify the City that you do not agree to an extension of time for the processing of this application. If the City receives such a notice from you during the first seventy days after your CAD, then your preliminary plat application will be approved, disapproved or returned to you within ninety days after your CAD. Thereafter, if the City receives notice that you do not agree to an extension, your preliminary plat application will be approved, disapproved or returned to you at the end of the current twenty-one day extension period. If the City receives no notice from you concerning time extensions, processing of your application will continue until finished.

(b) If the application is for a short plat or final plat, the notification shall include the following statement:

Processing of your short plat or final plat application began as of _____. This date will be called your "CAD". Your application will be processed as quickly as possible. For the first thirty days after your CAD, your application will be called a new application. After thirty days, the time frame for approval will be subject to extensions in twenty-one day increments. You may notify the City that you do not agree to an extension of time for the processing of this short plat or final plat application. If the City receives such a notice from you during the first twenty days after your CAD, then your application will be approved, disapproved or returned to you within thirty days after your CAD. Thereafter, if the City receives notice that you do not agree to an extension, your short plat or final plat application will be approved, disapproved or returned to you at the end of the current twenty-one day extension period. If the City receives no notice from you concerning time extensions, processing of your application will continue until finished.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 3. This Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.107, 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 2nd day of April, 1996.

Signed in authentication thereof this 2nd day of
April, 1996.



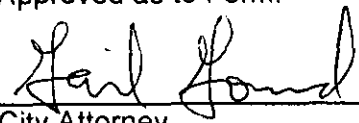
MAYOR

Attest:



City Clerk

Approved as to Form:



City Attorney

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PUBLICATION SUMMARY
OF ORDINANCE NO. 3529

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
DEVELOPMENT PROJECTS.

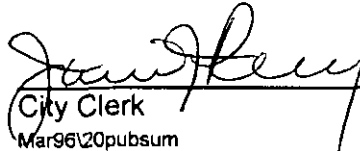
SECTION 1. Adds new Kirkland Municipal Code Title 20, "Development Projects", to identify the City's system of coordinated project permit processing.

SECTION 2. Contains a savings clause.

SECTION 3. 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.

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 2nd day of April, 1996.

I certify that the foregoing is a summary of Ordinance 3529 approved by the Kirkland City Council for summary publication.



City Clerk
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