

ORDINANCE NO.3705

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, RELATING TO SUBDIVISIONS; REPEALING TITLE 22 AND ADDING A NEW TITLE 22 TO THE KIRKLAND MUNICIPAL CODE; AND REPEALING ORDINANCE NO. 3700.

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, Title 22 of the Kirkland Municipal Code, all as set forth in that certain report and recommendation of the Planning Commission dated April 29, 1999 and bearing Kirkland Department of Planning and Community Development File No. IV-99-2; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof on March 18 and 25, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation, 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 and the Houghton Community Council; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON do ordain as follows:

Section 1. Title 22 and Ordinance No. 3700 of the Kirkland Municipal Code are repealed.

Section 2. A new Title 22 is added to the Kirkland Municipal Code as follows:

**Title 22  
SUBDIVISIONS**

**Chapter 22.04  
GENERAL PROVISIONS**

**22.04.010 Applicability - exemptions.**

The provisions of this title apply to each division, subdivision or short subdivision of land applied for after the effective date of the ordinance codified in this title, except as listed below:

(a) This title does not apply to cemeteries and other burial plots while used for that purpose.

(b) This title does not apply to divisions of lands into lots or tracts, each of which is one one-hundred-twenty-eighths of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this paragraph which borders on a street or road, the lot size shall be expanded to include that area

which would be bordered by the centerline of a road or street and the side lot lines of the lot running perpendicular to such centerline.

(c) This title does not apply to divisions made by testamentary disposition or by the laws of descent.

(d) This title does not apply to: (1) a transfer of land to the city of Kirkland; or (2) a transfer of land to any public agency for open space, park, public vehicular access, public pedestrian access, utility, or right-of-way purposes; or (3) any conveyance of land for use solely for utility facilities. Exemptions provided by this subsection do not allow the new lot or tract to be later used or conveyed again as an unrestricted legal building site, such as for a commercial or residential building. This exemption does not exempt the remaining lot from other city ordinances, such as nonconformance provisions.

#### **22.04.020 Lot line alterations exempt.**

(a) A division made for the purpose of alteration by adjusting boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division is exempt from the provisions of this title unless the planning director certifies in writing that the division will create a lot, tract, parcel, site or division which contains insufficient area or dimension to meet minimum requirements for width and area for a building site as established by the Zoning Code.

(b) Any person proposing to make a lot line alteration for the purpose of adjusting boundary lines between platted or unplatted lots, or both, shall file with the Planning Director, on a form provided by the City, information concerning such proposal sufficient to show that the proposed alteration is exempt under subsection (a) of this section from the provisions of Title 22 of the Kirkland Municipal Code and RCW 58.17 (regulation of subdivision of land).

(c) The proposed lot line alteration shall meet the criteria referenced in subsection (a) above and the following requirements:

(1) All requirements of the Zoning Code, such as lot size and required yards, shall be complied with.

(2) The applicant shall provide a current title report identifying all persons and entities having any interest in the real property which is the subject of the proposed lot line alteration. The approval of the proposed lot line alteration by signature of the persons or entities having an interest in the real property shall be provided as required by the Planning Director.

(d) Lot line alterations shall not be considered where the proposed boundary line adjustment would cause a major change in the nature of the real property, including change of access, substantial change in the degree of lot line orientation, changes inconsistent with the platting pattern, and where a structure straddles an existing boundary line and the proposed lot line alteration would move the boundary line and create a separate building site.

**22.04.030 Binding site plan approval - Eligible developments.**

(a) General. The divisions of land described in subsection (b) of this section are exempt from compliance with this title except as specified in Section 22.04.045 if they meet the requirements of Section 22.04.040.

(b) Eligible Developments. The following types of development are subject to the provisions of this section:

(1) A division for the purpose of lease when nonresidential structure other than mobile homes or travel trailers are permitted to be placed upon the land;

(2) A division of land into lots or parcels located within industrial, commercial or office zones as defined in the Zoning Code;

(3) A division which is made by subjecting a portion of a parcel or tract of land to RCW Chapter 64.32.

**22.04.040 Binding site plan approval - 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 twenty 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 the 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.

**22.04.045 Binding site plan approval - Alterations and vacations.**

Alterations and vacations of binding site plan shall follow the procedural requirements outlined in Chapter 22.26 of this code.

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

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 hearings will be available fourteen days prior to the planning commission hearing date. Individuals or organizations which so request will be provided notice of the planning commission hearing.

## **Chapter 22.08 DEFINITIONS**

### **22.08.010 Generally.**

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

### **22.08.020 Applicant.**

"Applicant" means a person who applies for any approval under this title and who is an owner of the subject property or the authorized agent of the owner.

### **22.08.030 Binding site plan.**

"Binding site plan" means a drawing to the scale of one inch equals twenty feet which:

- (a) Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces and any other matters specified by this title;
- (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.

### **22.08.040 Block.**

"Block" means a group of lots, tracts or parcels within defined and fixed boundaries.

### **22.08.050 Bond.**

"Bond" means 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.

### **22.08.054 Class A Streams.**

Streams that are used by salmonids. Class A streams generally correlate with Type 3 streams as defined in the Washington State Hydraulic Code.

### **22.08.055 Class B Streams.**

Perennial streams (during years of normal precipitation) that are not used by salmonids. Class B streams generally correlate with Type 4 streams as defined in the Washington State Hydraulic Code.

**22.08.056 Class C Streams.**

Intermittent or ephemeral streams (during years of normal precipitation) not used by salmonids. Class C streams generally correlate with Type 5 streams as defined in the Washington State Hydraulic Code.

**22.08.060 Comprehensive plan.**

"Comprehensive plan" means the City of Kirkland Comprehensive Plan, as amended, or if repealed, its successor document; the Shoreline Master Program as adopted by the city pursuant to Chapter 90.58 RCW; and any other documents adopted under the authority of Chapter 35A.63 and Chapter 36.70A RCW.

**22.08.070 County auditor.**

"County auditor" means as defined in RCW Chapter 36.22, or the office or person assigned such duties under a county charter.

**22.08.080 County treasurer.**

"County treasurer" means as defined in RCW Chapter 36.29, or the office or person assigned such duties under a county charter.

**22.08.090 Dedication.**

"Dedication" means 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.

**22.08.100 Easement.**

"Easement" means 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.

**22.08.110 Final plat.**

"Final plat" means 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 Chapter 58.17 and in this title.

**22.08.115 Flag lot.**

"Flag lot" means a lot which has a very narrow frontage along the right-of-way in order to accommodate the driveway which accesses the wider, buildable portion of the lot.

**22.08.120 Lot.**

"Lot" means a fractional part of subdivided lands having fixed boundaries and having sufficient area and dimension to meet minimum requirements for width and area. The term shall include tracts or parcels.

**22.08.150 Owner.**

"Owner" means 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.

**22.08.160 Planning official.**

"Planning official" means the director of the department of planning and community development or his/her designee.

**22.08.170 Plat.**

"Plat" means 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.

**22.08.180 Preliminary plat.**

"Preliminary plat" means 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.

**22.08.190 Primary basins.**

The watersheds associated with the following five creeks: (1) Juanita Creek, (2) Forbes Creek, (3) Cochran Springs Creek, (4) Yarrow Creek, and (5) Carillon Creek, as shown in the Kirkland Sensitive Areas maps.

**22.08.200 Right-of-way.**

"Right-of-way" means land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondly, the land provides space for utility lines and appurtenances and similar components.

**22.08.203 Secondary Basins.**

The Moss Bay Basin, Houghton Basin, and Kirkland Slope Basin, which are also depicted as the Urban Drainage Basins on the Kirkland Sensitive Areas maps.

**22.08.205 Servient lot.**

"Servient lot" means any lot which has the burden of providing an access easement for use by other lots.

**22.08.210 Short plat.**

"Short plat" means the map or representation of a short subdivision.

**22.08.220 Short subdivision.**

"Short subdivision" means the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership; provided, however, unbuildable areas outside of such lots, tracts, parcels, sites or divisions for other purposes, such as access, drainage, and the protection of environmentally sensitive areas, shall not be considered a lot, tract, parcel, site or division.

**22.08.225 Site.**

"Site" means a lot or combination of lots improved with a single residence, structure, or similar use.

**22.08.230 Standard record of survey.**

"Standard record of survey" means a record of survey form approved and provided by the city.

**22.08.240 Street.**

"Street" means a public right-of-way.

**22.08.250 Subdivision.**

"Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership; provided, however, unbuildable areas outside of such lots, tracts, parcels, sites or divisions for other purposes, such as access, drainage, and the protection of environmentally sensitive areas, shall not be considered a lot, tract, parcel, site or division.

**22.08.255 Vehicular-access easement or tract.**

"Vehicular-access easement or tract" means a privately owned right-of-way.

**22.08.260 Year-around driving surface.**

"Year-around driving surface" means a minimum of two 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.

**Chapter 22.12  
PRELIMINARY PLAT PROCEDURE**

**22.12.005 Injunctive action to restrain subdivision, sale, transfer of land where final plat not filed - Violations - Penalties.**

(a) Whenever any parcel of land is divided into ten or more lots, tracts, or parcels of land and any person, firm or corporation, or any agent of any of them sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat of such subdivision filed for record, in addition to the authority of the County Prosecuting Attorney set forth in RCW 58.17.200, the

City Attorney shall have concurrent authority to commence an action to restrain and enjoin further subdivisions or sales, or transfers, or offers of sale or transfer and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling or transferring the property.

(b) Any person, firm, corporation or association or any agent of any person, firm, corporation or association who violates any provision of this chapter relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter shall be deemed a separate and distinct offense.

**22.12.010 Purpose.**

(a) The provisions of this chapter describe the procedure that the city will use to review and decide upon proposed subdivisions. Please refer to Chapters 22.28 and 22.32 for the substantive requirements that apply to subdivisions.

(b) Alterations and vacations of subdivisions shall follow the procedural requirements outlined in Chapter 22.26 of this code.

**22.12.015 Applicable process.**

Except as otherwise provided in this Chapter, the City will use Process IIA described in Chapter 150 of Title 23 of this Code to review and decide upon proposed subdivisions.

**22.12.020 Application - Contents.**

The applicant may apply for a subdivision by submitting the following information to the planning department on the forms provided by that department:

(a) A boundary survey of the proposed plat certified by a registered land surveyor together with five prints of the proposed preliminary plat drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals, containing the following information:

- (1) Proposed name of the plat;
- (2) Location by section, township, range, and/or by other legal description;
- (3) Name, address and phone number of the applicant and agent, if any;
- (4) Name, address and phone number of the registered land surveyor preparing the plat;
- (5) Scale of plat, date and north arrow;
- (6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent;



(7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the Zoning Code, and water bodies on and immediately adjacent to the property. A report from a certified arborist may be required as part of the application to certify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the City may require such a report later in the processing of the application;

(8) Zoning classification of the property and adjoining properties;

(9) The lot lines of adjoining properties for a distance of at least fifty feet;

(10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed plat;

(11) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;

(12) Layout of proposed rights-of-way and easements;

(13) Layout, number and dimensions of proposed lots;

(14) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision;

(15) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines;

(b) Exterior boundary corners shall be indicated on the ground; staking of proposed interior lot corners may also be required;

(c) Address labels obtained from King County containing the names and addresses of the owners of all property, including the subject property, and all other property within three hundred feet of any boundary of the proposed subdivision and any adjoining property owned by the owner of the land proposed to be subdivided. These labels shall be no more than six months old;

(d) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed subdivision. These labels may be prepared by the subdivision applicant;

(e) A copy of the King County assessor's map identifying the properties specified in subsections (b) and (c) of this section;

(f) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name of all persons and entities holding any ownership interest in the property;

(g) The written certification of availability from the agency other than the City furnishing or reviewing sewage disposal and water supply;

(h) Any additional information required by the planning official;

- (i) The filing fee as established by ordinance;
- (j) All information required under the State Environmental Policies Act RCW Chapter 43.21C and the administrative guidelines and local ordinance adopted to implement it.

**22.12.040 Application - Distribution.**

Upon receipt of a preliminary subdivision application, the planning official shall, in addition to all interested city departments, send a copy of the application to the authorities and agencies reviewing or furnishing water service and sanitary sewer service to the proposed subdivision.

**22.12.070 Notice of application - Distribution.**

In addition to those parties identified in Section 150.30(2) of the Zoning Code, notice of preliminary plat application shall be provided to the following:

- (a) A copy will be sent to appropriate city or county officials if the proposed subdivision adjoins the boundaries of the city.
- (b) 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.

**22.12.100 Staff report - Distribution to Houghton Community Council.**

If the Houghton community council holds a hearing on the matter, the planning official shall, prior to the community council hearing, distribute the staff report as follows:

- (a) A copy will be sent to each member of the community council.
- (b) A copy will be sent to the applicant.

**22.12.110 Houghton community council hearing - When.**

If the application is within the jurisdiction of the Houghton community council, that community council may hold a public hearing prior to the hearing examiner hearing on the matter.

**22.12.120 Houghton community council hearing - Notice.**

The planning official shall give public notice of the hearing as set forth in Sections 22.12.060 and 22.12.070.

**22.12.130 Houghton community council hearing - Recommendation.**

Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the hearing examiner before the hearing examiner makes his/her recommendation to the city council.

**22.12.140 Houghton community council hearing - Electronic sound recording.**

The community council shall make a complete electronic sound recording of each public hearing.

**22.12.230 Hearing examiner's decision - Decisional criteria.**

In addition to the decisional criteria identified in Section 150.65(3) of the Zoning Code, the hearing examiner may approve the proposed plat only if he/she finds that:

(a) There is adequate provision for open spaces, drainage ways, rights-of-way, easements, water supply, sanitary waste, power service, parks, playgrounds and schools; and

(b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The hearing examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW Chapter 58.17.

**22.12.370 Preliminary plat approval within Houghton community council jurisdiction.**

If the city council approves a preliminary plat within the disapproval jurisdiction of the Houghton community council, that approval is not effective until:

(a) A majority of the entire membership of the Houghton community council vote by resolution to approve it; or

(b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution approving the preliminary plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council.

**22.12.390 Time limits for preliminary plat.**

Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety calendar days following the date of filing of a complete application thereof as defined in Titles 20, 22 and Chapter 150 of Title 23 of this Code unless the applicant consents to an extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety-day period shall not include the time spent preparing and circulating the environmental impact statement by the local government agency.

**22.12.410 Effect of preliminary plat approval—Generally.**

The approval of a preliminary plat by the hearing examiner or by the City Council on appeal constitutes approval of the general concept and layout of the plat as approved. Preliminary plat approval does not constitute acceptance of all engineering details of the plat. These engineering details remain subject to approval by the public works department.

**22.12.420 Effect of preliminary plat approval - Construction of certain improvements.**

Once engineering details and specific designs have been approved by the public works department, the owner may obtain necessary permits and construct right-of-way, easement and utility improvements approved in the preliminary plat.

**Chapter 22.16  
FINAL PLAT PROCEDURE****22.16.030 Final plat - Contents.**

The applicant shall submit a final plat containing the following information:

- (a) Proposed name of the plat;
- (b) Location by section, township, range and/or by other legal description;
- (c) A boundary survey prepared by a registered land surveyor, licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners.
- (d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary, and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;
- (e) The drawing shall be of legible scale, and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;
- (f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;
- (g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;
- (h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;
- (i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;
- (j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070.

- (k) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where  $n$  = number of sides and/or curves of a lot.
- (l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;
- (m) Accurate locations of all monuments at such locations as required by the public works department;
- (n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;
- (o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication; and/or any area to be reserved by deed covenant for common uses of all property owners;
- (p) A full and correct legal description of the property;
- (q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the hearing examiner and the city council;
- (r) The signatures on the final plat document of all persons and entities having an ownership interest in the property which shall be in reproducible black ink;
- (s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;
- (t) Any additional pertinent information required at the discretion of the public works or planning directors.

**22.16.040 Final plat - Additional information.**

- (a) The applicant must submit the following information with the final plat:
  - (1) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;
  - (2) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;
  - (3) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection (5) have been paid, satisfied or discharged;

(4) A certificate stating that the subdivision has been made with the free consent, and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of said right-of-way or other areas so dedicated. Such certificate and separate dedication instrument, if applicable, shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided.

(5) A title company certification which is not more than thirty calendar days old containing:

(A) A legal description of the total parcel sought to be subdivided; and

(B) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and

(C) Any easements or restrictions affecting the property with a description, purpose and reference by auditor's file number and/or recording number; and

(D) Any encumbrances on the property; and

(E) Any delinquent taxes or assessments on the property.

(6) Certification by the city department, or other agency with jurisdiction that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Section 22.32.080.

(b) If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required.

#### **22.16.050 Administrative review of final plats.**

Upon receipt of a final plat and all required information, it shall be reviewed by the planning director. The planning director shall prepare a report, including an appropriate recommendation and resolution to the city council. This report and the final plat shall be transmitted to the city council.

#### **22.16.060 City council action.**

The city council shall consider the final plat at one or more public meetings.

**22.16.070 City council action - Challenges.**

Any person who disagrees with the report of the planning director may file a written challenge to the city council by delivering it to the city clerk not later than the close of business of the evening the city council first considers the final plat.

**22.16.080 City council action - Criteria.**

The city council shall consider the final plat, the planning director's report and any challenges received. The city council shall, by majority vote of the entire membership, pass a resolution approving the final plat if the final plat:

- (a) Except for minor modifications under Section 22.16.090, is consistent with the approved preliminary plat; and
- (b) Is consistent with the provisions of this title and RCW Chapter 58.17.

**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) Does not increase the number of lots; and
- (2) Does not decrease any lot size by more than ten percent; and
- (3) Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and
- (4) Does not 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.

**22.16.100 Final plat approval within Houghton community council jurisdiction.**

If the city council approves a final plat within the jurisdiction of the Houghton community council, that approval is not effective until:

- (a) A majority of the entire membership of the Houghton community council vote by resolution to approve it; or
- (b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution granting the plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council.

**22.16.110 Judicial review of city council action.**

The action of the city in granting or denying a final plat may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in King County Superior Court. The land use petition must be filed within twenty-one calendar days of the issuance of the final land use decision by the city on the final plat. The date of the final decision of the city is the date of passage of the city council ordinance or

resolution constituting the city's final decision unless such city council decision is subject to the disapproval jurisdiction of the Houghton community council in which case the petition for judicial review must be filed within twenty-one calendar days of the date of approval or disapproval action of the Houghton community council.

**22.16.120 Plat documents - Signed by city clerk.**

Following approval of a final plat by the city council and subject to Section 22.16.100, the city clerk shall sign the plat signifying approval by the city.

**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 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 the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421.

**22.16.140 Plat documents - Dedication.**

The city's written approval on the plat documents constitutes acceptance of all dedications shown on the plat.

**22.16.150 Plat documents - Completion of improvements required before signing.**

The owner shall complete, or bond under Sections 22.32.080 and 22.32.090 all required right-of-way, easement, utility and other similar improvements before the city will sign the plat documents.

**Chapter 22.20  
SHORT SUBDIVISIONS**

**22.20.010 Purpose.**

The provisions of this chapter describe the procedure that the city will use to review and decide upon a proposed short subdivision. Please refer to Chapters 22.28 and 22.32 for the substantive requirements that apply to short subdivisions.

**2.20.015 Applicable process.**

Except as otherwise provided in the Chapter, the City will use Process I described in Chapter 145 of Title 23 of this Code to review and decide upon a proposed short subdivision.



**22.20.020 Further division.**

A lot that is created by a short subdivision shall not be further divided by short subdivision for a period of five years. Except that when the short plat contains fewer than nine lots, nothing in this section shall prevent the owner, who filed the short plat, from filing an alteration within the five-year period to create up to a total of nine lots, within the original short plat boundaries. Any further divisions within said five-year period must be processed under the provisions of Chapters 22.12 and 22.16.

**22.20.025 Minor modifications.**

Modifications to short subdivisions after approval and prior to recording shall require a new short subdivision application pursuant to this Chapter unless such modifications constitute minor modifications under the following criteria:

- (a) The modification does not involve the alteration or vacation of city easements, roads, or city owned lands; and
- (b) 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
- (c) The modification will not increase the number of lots; and
- (d) 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.

**22.20.030 Proposal requiring approval through process IIA, IIB or III.**

If a proposed short subdivision is part of a proposal or development that also requires approval through Chapters 150, 152 or 155 of title 23 of this code, the entire proposal will be decided upon using that other process.

**22.20.035 Injunctive action to restrain subdivision, sale, transfer of land where short plat not filed - Violations - Penalties**

- (a) Whenever any parcel of land is divided into nine or fewer lots, tracts, or parcels of land and any person, firm or corporation, or any agent of any of them sells or transfers any such lot, tract, or parcel without having a short plat of such subdivision filed for record, the City Attorney shall commence an action to restrain and enjoin further subdivisions, sales or transfers and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation, or agent selling or transferring the property.
- (b) Any person, firm, corporation, or association, or any agent of any person, firm, corporation, or association who violates any provision of this chapter relating to the sale or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and each sale or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter shall be deemed a separate and distinct offense.

**22.20.040 Application - Time limit.**

Short plats shall be approved, disapproved or returned to the owner within thirty calendar days from the date of filing of a complete application as defined in Titles 20, 22 and Chapter 145 of Title 23 of this Code unless the owner consents in writing to an extension of such time period.

**22.20.050 Application - Contents.**

The applicant may apply for a short subdivision by submitting the following information to the planning department on the forms provided by that department:

(a) A certified boundary survey of the proposed plat, including five prints of the proposed plat drawn on a standard eighteen inch by twenty-four inch mylar at a scale between one inch equals twenty feet and one inch equals fifty feet in ten foot intervals, containing the following information:

- (1) Proposed name of the short plat;
- (2) Location by section, township, range, and/or other legal description;
- (3) A boundary survey prepared by a registered land surveyor, licensed in the state of Washington shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;
- (4) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;
- (5) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where  $n$  = number of sides and/or curves of a lot;
- (6) Name, address and phone number of the applicant and agent, if any;
- (7) Name, address and phone number of registered land surveyor preparing the short plat;
- (8) Scale of short plat, date and north arrow;
- (9) Existing topography of the property indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed short plat exceeds fifteen percent;
- (10) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the Zoning Code, and water bodies on and immediately adjacent to the property. A report from a certified arborist may be required as part of the application to verify that the significant trees are healthy; provided, however, if the report is not required as

part of the application, the City may require such report later in the processing of the application;

- (11) Zoning classification of the property and adjoining properties;
  - (12) The lot lines of adjoining properties for a distance of at least fifty feet;
  - (13) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the proposed short plat;
  - (14) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;
  - (15) Layout, name and dimensions of proposed rights-of-way and easements;
  - (16) Layout, number, dimensions and square footage (excluding access easements) of proposed lots;
  - (17) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision, including the dimension and square footage of said parcels;
  - (18) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines, if they are within twenty feet of existing or proposed lot line;
- (b) A vicinity map at a scale of one inch equals four hundred feet or larger showing the proposed short subdivision's relation to the area for a distance of at least three hundred feet on which the subject property is outlined with a bold or colored line;
  - (c) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the short plat application. The certificate must include the name of all persons and entities holding any ownership interest in the property;
  - (d) Any additional information required by the planning official;
  - (e) The filing fee as established by ordinance;
  - (f) All information required under the State Environmental Policy Act RCW Chapter 43.21C and the administrative guidelines and local ordinance adopted to implement it.

**22.20.070 Application—Distribution - Water and sewer service.**

Upon receipt of a short plat application, the planning official shall, in addition to all interested city departments, send a copy of the application to the authorities and agencies reviewing or furnishing water service and sanitary sewer service to the proposed short plat.

**22.20.140 Planning director's decision— Criteria.**

In addition to the decisional criteria identified in Section 145.45(2) of the Zoning Code, the planning director may approve the short subdivision only if:

- (a) There are adequate provisions for open spaces, drainage ways, rights-of-way, easements, water supplies, sanitary waste, power service, parks, playgrounds and schools; and
- (b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in RCW Chapter 58.17.

**22.20.170 Planning director's decision - Dedication of land or easements.**

The planning director may require dedication of land or easements for right-of-way, utility or other public purposes.

**22.20.245 Appeal to city council - When.**

(a) The city council will decide an appeal of the planning director's decision on a short subdivision under the following circumstances:

(1) As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including right-of-way designed for future connection); or

(2) The proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats".

(b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in Sections 145.60 through 145.110 of Title 23 of this code will still apply to the appeal, except that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted.

**22.20.270 Staff report on appeal - Distribution.**

In the event of an appeal to the city council as provided for in Section 22.20.245, the planning official shall distribute copies of the staff report as follows: to the city council prior to the hearing.

**22.20.340 Public hearing—Decision—Final.**

The decision by the hearing examiner is the final decision of the city. If the hearing examiner affirms the approval of the proposed short plat, the hearing examiner shall sign the short plat documents on behalf of the city.

**22.20.355 Short plat approval.**

Short plats shall be approved, disapproved or returned to the owner within thirty calendar days following the date of filing of a complete application unless the time frame for processing the short plat is extended pursuant to Chapter 20.12.

**22.20.360 Short plat documents - Signing.**

Following approval of a short plat and after the applicant has made any changes to the short plat documents as a result of any conditions, restrictions or modifications in the decision, and either installed or otherwise guaranteed the installation of required improvements, the planning director shall sign the short plat documents; provided, however, the planning director shall not sign the short plat documents until said documents have been signed and acknowledged by all persons and on behalf of all entities holding an ownership interest in the land subdivided, and the applicant has completed all requirements of Sections 22.20.360 through 22.20.370.

**22.20.362 Short plat documents - Certification.**

Along with the short plat documents submitted for filing, the applicant shall submit:

(a) A title company certification which is not more than thirty calendar days old containing:

- (1) A legal description of the total parcel sought to be subdivided; and
- (2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel; and
- (3) Any easements or restrictions affecting the property with a description, purpose, and reference by auditor's file number and/or recording number; and
- (4) Any encumbrances on the property; and
- (5) Any delinquent taxes or assessments on the property.

If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required.

(b) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected, and accepted by such department or agency, or in the alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.080 and 22.32.090.

**22.20.364 Short plat documents - Filing materials.**

The short plat shall be filed on a standard record of survey document as provided by the city. The document shall show appropriate signatures, restrictions, easements, and dedications.

**22.20.366 Short plat documents - Monumentation.**

(a) The exterior boundary of the short plat shall be set by a registered land surveyor on the applicant's property, before the planning director signs the short plat document.

(b) All interior lot corners of the short plat shall be set by a registered land surveyor on the applicant's property before the planning director signs the short plat document if all required short subdivision improvements have been installed and completed at the time the short plat document is submitted to the planning director for signature.

(c) If the applicant provides the city a bond providing for and securing the actual construction and installation of the short subdivision improvements as provided in this Chapter prior to the signing of the short plat document by the planning director, all interior lot corners of the short plat shall be set by a registered land surveyor on the applicant's property on a temporary basis prior to the planning director signing the short plat document; the setting of interior lot corners by a registered land surveyor on a permanent basis shall be included in the bond and shall be performed during the construction and installation of the short subdivision improvements.

**22.20.370 Short plat documents - 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 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 the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421.

**22.20.380 Short plat documents - Recordation - Dedications and restrictions.**

All dedications and restrictions required or approved by the decision shall be clearly shown and described on the short plat documents recorded under this section. The planning director's signature on the recorded short plat documents constitutes acceptance by the city of all dedications shown on the short plat.

**22.20.390 Short plat documents - Recordation - Improvements.**

(a) Prior to submitting short plat documents for approval, all corners must be set in the ground pursuant to the requirements of Section 22.20.366, "Short plat documents—Monumentation".

(b) The owner must complete or bond under Sections 22.32.070 and 22.32.080 all required right-of-way private roadway easement, utility and other similar improvements before the planning director will sign the short plat documents.

**22.20.400 Approval not in effect until appeal time has expired.**

The planning director will not sign the short plat documents and the applicant may not engage in any activity based on the decision approving the short plat until the time to appeal has expired. If the decision is appealed, the planning director will not sign the short plat documents and the applicant may not engage in any activity based on the decision until the city issues a final decision on the matter. The date of the final decision of the city on the appeal shall be considered the "date of approval" pursuant to Section 22.20.360.

**Chapter 22.24  
INNOVATIVE OR UNUSUAL PLATS**

**22.24.010 Purpose.**

The provisions of this chapter establish a mechanism whereby an applicant may propose and the city may consider and approve an innovative or unusual plat or short plat that does not conform to the specific provisions of Chapters 22.28 and 22.32 of this title, except that modifications to the provisions of Sections 22.28.030 and 22.28.040 cannot be made under this Chapter.

**22.24.020 Procedure.**

Request for modifications under this chapter will be processed and decided upon as part of normal plat or short plat approval process. The notice of the proposed plat or short plat must include specific references to the provisions that the applicant proposes to modify.

**22.24.030 Approval of modifications - Circumstances.**

The city may approve a proposed modification for a plat or short plat under this chapter in any of the following circumstances:

- (a) If the land in the proposed plat or short plat is the subject property of a development that has been approved by city council under a Zoning Code permit;
- (b) If the size, shape, topography or surroundings of the property are unique;
- (c) If the applicant is proposing an innovative development proposal.

**22.24.040 Approval of modifications - Specific criteria.**

The city may approve a proposed modification under this chapter only if it finds that all of the following criteria are met:

- (a) The requirements of Sections 22.12.230 or 22.20.140 of this title are met;
- (b) The proposed modification will result in a plat or short plat that is at least as beneficial to the community as would be a plat or short plat which complies with all of the requirements of Chapters 22.28 and 22.32 of this title.
- (c) Any undesirable effects of the plat or short plat with the proposed modification are clearly outweighed by benefits to the public of the proposed modification.

**22.24.050 Modification reflected on plat or short plat.**

If a modification is granted under this chapter, the recorded plat or short plat must clearly reflect that each lot in the plat or short plat must be used, developed or maintained consistent with the entire approved plat. Any proposed change to the use, development or existence of any of the lots or tracts in the plat or short plat will not be approved unless the entire plat or short plat is subject to city review and modification.

**Chapter 22.26  
ALTERATION AND VACATION OF PLATS****22.26.010 Applicability.**

The provisions of this chapter describe the procedure that the city will use to review and decide upon a proposed alteration or vacation of a plat.

**22.26.020 Alteration - Procedures.**

When any person is interested in the alteration of any plat or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the planning department. The application for the alteration shall be reviewed using Sections 22.26.040 through 22.26.480 of this chapter and Process IIA described in Chapter 150 of Title 23 of this Code, except as otherwise provided in this Chapter.

**22.26.030 Vacation - Procedures.**

(a) Whenever any person is interested in the vacation of any plat or portion thereof, or any area designated or dedicated for public use, that person shall file an application for vacation with the planning department. The application for the vacation shall be reviewed using Sections 22.26.040 and 22.26.050 and 22.26.500 through 22.26.700 of this chapter, and Process IIB described in Chapter 152 of Title 23 of this Code, except as otherwise provided in this Chapter.

(b) When the vacation application is specifically for a city street, the procedures for road vacation or street vacation found in RCW Chapter 36.87 or 35.79 shall be utilized for the road or street vacation. When the application is for the vacation of the plat, together with the roads and/or streets, the procedure for vacation described in this chapter shall be used, but vacations of streets may not be made that are prohibited under RCW 35.79.030, and vacations of roads may not be made that are prohibited under RCW 36.87.130.

**22.26.040 Scope.**

The planning official may limit the scope or portion of the plat for which a new plat alteration or vacation document is required to be recorded. This may be limited to that portion that is to be altered or vacated and any related matters.



**22.26.050 Application - Contents.**

The applicant may apply for an alteration or vacation of a plat by submitting the following information to the planning department on the forms provided by that department:

(a) A boundary survey of the proposed alteration or vacation certified by a licensed land surveyor together with five prints of the proposed plat alteration or vacation drawn to a scale between one inch equals twenty feet and one inch equals fifty feet in ten-foot intervals containing the following information:

- (1) Name of the plat,
- (2) Location by section, township, range, and/or by other legal description,
- (3) Name, address and phone number of the applicant and agent, if any,
- (4) Name, address and phone number of registered land surveyor preparing the plat,
- (5) Scale of plat, date and north arrow,
- (6) Existing topography of the land indicated by contours at five-foot intervals. This may be waived by the planning director if no portion of the proposed plat exceeds fifteen percent,
- (7) Location and extent of significant natural features such as streams, wetlands, significant trees as defined in Section 5.10.860 of the Zoning Code, and water bodies on and immediately adjacent to the property; a report from a certified arborist may be required as part of the application to verify that the significant trees are healthy; provided, however, if the report is not required as part of the application, the City may require such a report later in the processing of the application,
- (8) Zoning classification of the property and adjoining properties,
- (9) The lot lines of adjoining properties for a distance of at least fifty feet,
- (10) Location, dimension, and names of existing rights-of-way and easements, parks or other public spaces, structures, lots, blocks, etc., shall be shown in dotted lines in scale with the plat alteration or vacation map,
- (11) Existing and proposed water, sewer, power, and drainage systems on, under, or over the property, showing size, grades, and location,
- (12) The area to be altered or vacated, using words and illustrations which are depicted on the plat mylar,
- (13) Layout of proposed rights-of-way and easements,
- (14) Layout, number and dimensions of proposed lots,

(15) Parcels of land intended to be dedicated for public use, or reserved for use of owners of the property in the subdivision,

(16) A notation which shows the dimensioned setback of all existing structures relative to existing property lines and to proposed lot lines,

(17) Exterior boundary corners shall be indicated on the ground;

(b) Address labels obtained from the county containing the names and addresses of the owners of all property within three hundred feet of any boundary of the proposed plat alteration or vacation and any adjoining property owned by the owner of the land proposed to be altered or vacated;

(c) Address labels marked "resident" or "tenant" for all property adjacent to and across the street from the property within the proposed plat alteration or vacation. These labels may be prepared by the applicant;

(d) A copy of the county assessor's map identifying the properties specified in subsections (2) and (3) of this section;

(e) If an application is for a plat alteration, the applicant shall submit the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;

(f) If an application is for a plat vacation, the applicant shall submit the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion of the subdivision subject to vacation. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants, providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

(g) A current title company certificate for the property that has been issued no more than thirty calendar days prior to the initial filing of the plat application. The certificate must include the name(s) of all persons and entities holding any ownership interest in the property;

(h) Any additional information required by the planning official;

(i) The filing fee as established by ordinance;

(j) All information required under the State Environmental Policies Act, RCW Chapter 43.21C, and the administrative guidelines and local ordinance adopted to implement it.

**22.26.190 Hearing examiner's decision - Conditions and restrictions.**

(a) If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels or tracts, or be levied on the lots resulting from the alteration.

(b) If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

**22.26.450 Time limitations - Extensions.**

(a) General. The owner must submit the approved plat alteration to the planning department, meeting the requirements of this chapter and the plat alteration approval within one year following the date the plat alteration was approved or the plat alteration approval becomes void.

(b) Extension. The owner may file a request to extend the plat alteration approval for up to one year. The request must be delivered in writing to the planning department at least thirty calendar days prior to the expiration of the one-year period. The planning official will grant the extension upon a showing that the applicant has attempted in good faith to submit the plat alteration within the one-year period. If the plat alteration has not been submitted to the planning department within any extended period, it becomes void.

**22.26.460 Documents - Contents.**

The applicant shall submit a plat alteration document containing the following information:

(a) Name of the plat alteration;

(b) Location by section, township, range and/or by other legal description;

(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;

(d) The name and seal of the registered land surveyor responsible for preparation of the plat, and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary and all interior lot corners shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat alteration mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;

(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet

unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;

(f) The boundary lines of the plat, based on an accurate traverse, with angular and linear dimensions;

(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;

(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;

(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;

(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;

(k) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where  $n$  equals the number of sides and/or curves of a lot;

(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;

(m) Accurate locations of all monuments at such locations as required by the public works department;

(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure replacement;

(o) Accurate outlines and dimensions of any area to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication and/or any area to be reserved by the deed covenant for common uses of all property owners;

(p) A full and correct legal description of the property;

(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the city council;

(r) The signatures on the final plat mylar of all persons having an ownership interest in the property which shall be in reproducible black ink;

(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;

(t) Any additional pertinent information required at the discretion of the public works or planning directors.

**22.26.470 Documents - Accompanying information.**

The applicant must submit the following information with the plat alteration:

(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;

(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;

(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under Section 22.26.460(5) have been paid, satisfied or discharged;

(d) A certificate stating that the plat alteration has been made with the free consent, and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless, any governmental authority, including the city, in respect of all claims for damages against any governmental authority including the city which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the right-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a Notary Public by all parties having any ownership interest in the dedicated lands;

(e) A title company certification which is not more than thirty calendar days old containing:

- (1) A legal description of the total parcel sought to be subdivided, and
- (2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel, and
- (3) Any easements or restrictions affecting the property with a description, purpose and reference by auditors file number and/or recording number, and
- (4) Any encumbrances on the property, and
- (5) Any delinquent taxes or assessments on the property.

If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;

(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the

alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.090 through 22.32.100.

**22.26.480 Documents - Filing.**

(a) General. Following approval of a plat alteration by the hearing examiner, the hearing examiner shall sign the plat alteration document signifying approval by the city; provided if the plat alteration is approved by the city council on appeal, the city clerk shall sign the plat alteration document signifying approval by the city.

(b) Recording —Time Limits. After the plat alteration documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in the county. Unless specifically extended in the decision on the plat, the plat alteration must be recorded with the county within one hundred twenty calendar days following the date of approval or the decision becomes void.

(c) Dedication. The signature of the city clerk on the plat alteration documents constitutes acceptances of all dedications shown on the plat (see Section 22.16.030 for the requirements as to property owner signatures on dedications).

(d) Improvements. The owner shall complete, or bond under Sections 22.32.090 through 22.32.100 of this title all required right-of-way, easement, utility and other similar improvements before the mayor will sign the plat alteration documents.

**22.26.500 Houghton community council hearing.**

(a) General. If the plat vacation application is within the jurisdiction of the Houghton community council, that community council may hold a public meeting prior to, or a hearing concurrently with, the hearing by the hearing examiner on the matter.

(b) Distribution to Houghton Community Council. If the Houghton community council holds a joint hearing on the matter, the planning official shall, prior to the hearing, distribute a copy of the staff report to each member of the community council.

(c) Recommendation. Upon consideration of the information presented, the Houghton community council may, by a majority vote of the entire membership of the community council, make a recommendation on the matter. The planning official shall present the community council's recommendation to the city council.

**22.26.530 Hearing examiner's recommendation - Conditions and restrictions.**

The hearing examiner shall include in the written recommendation any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application for a vacation of all or a portion of a plat.

If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city, shall be deeded to the city unless the hearing examiner and city council set forth findings that the public use would not be served in retaining the title to those lands.

Title to the vacated property shall vest with the rightful owner as shown in the county records. If the vacated land is land that was dedicated to the public, for public use other than a road or street, and the hearing examiner and city council have found that retaining title to the land is not in the public interest, title thereto shall vest with the person or persons owning the property on each side thereof, as determined by the city. When the road or street that is to be vacated was contained wholly within the subdivision and is part of the boundary of the subdivision, title to the vacated road or street shall vest with the owner or owners of property contained within the vacated subdivision.

**22.26.670 Vacations - Time limits.**

(a) General. The owner must submit a plat vacation document to the planning department, meeting the requirements of this chapter and the conditions of approval within one year following the date the plat vacation was approved or the plat vacation approval becomes void.

(b) Extension. The owner may file a request to extend the plat vacation 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 one-year period. The planning director will grant it upon a showing that the applicant has attempted in good faith to submit the plat vacation mylar within the one-year period. If the plat vacation has not been submitted to the planning department within any extended period, it becomes void.

**22.26.680 Vacation documents - Contents.**

The applicant shall submit a plat vacation document containing the following information:

(a) Proposed name of the plat;

(b) Location by section, township, range and/or by other legal description;

(c) A boundary survey prepared by a registered land surveyor, licensed in the state, shall be shown on the proposed plat and shall reference the plat to either the Washington Coordinate System, North Zone, or the King County Coordinate System or properly determined subdivision corner referenced to either of the above with a physical description of such corners;

(d) The name and seal of the registered land surveyor responsible for preparation of the plat and a certification on the plat by the surveyor to the effect that it is a true and correct representation of the land actually surveyed by him/her. The exterior plat boundary, and all interior lot corners, shall be set on the applicant's property by the registered land surveyor, using appropriate permanent materials, before the city signs the plat vacation mylar. All street centerline monuments (points of intersection, points of curve, points of tangency, etc.) within the plat and all intersections with existing street centerlines shall be monumented with concrete monuments in case, or other permanent material approved by the city;

(e) The drawing shall be of legible scale and shall include the north arrow and basis of bearings. The scale of the final plat will be at one inch equals fifty feet

unless otherwise approved by the planning director in order that all distances, bearings and other data can be clearly shown;

(f) The boundary lines of the plat, based on accurate traverse, with angular and linear dimensions;

(g) Exact location, width, number or name of all rights-of-way and easements within and adjoining the plat and a clear statement as to whether each is to be dedicated or held in private ownership;

(h) True courses and distances to the nearest established right-of-way lines or official monuments which will accurately locate the plat;

(i) Radii, internal angles, points of curvature, tangent bearings and lengths of all arcs;

(j) The plat will be described and corners set with a field traverse with a linear closure of one to ten thousand and corresponding angular closure as specified in WAC 332-130-070;

(k) Mathematical lot closures shall be submitted showing error of closures not to exceed  $0.005/n$ , where  $n$  equals the number of sides and/or curves of a lot;

(l) All lot and block numbers and lines, with accurate dimensions in feet and hundredths of feet. Blocks in numbered additions to subdivisions bearing the same name must be numbered or lettered consecutively through the several additions;

(m) Accurate locations of all monuments at such locations as required by the public works department;

(n) All plat meander lines or reference lines along bodies of water which shall be established above, but not farther than twenty feet from the high waterline of the water or within a reasonable distance, to insure reestablishment;

(o) Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with purposes indicated thereon and in the dedication, and/or any area to be reserved by deed covenant for common uses of all property owners;

(p) A full and correct legal description of the property;

(q) All restrictions and conditions on the lots or tracts or other areas in the plat required by the city council;

(r) The signatures on the final plat mylar of all persons having an ownership interest in the property which shall be in reproducible black ink;

(s) Appropriate signature blocks for the officials whose signatures are required for approval or acceptance of the plat, including any dedications;

(t) Any additional pertinent information required at the discretion of the public works or planning directors.



**22.26.690 Vacation documents - Accompanying information.**

The applicant must submit the following information with the plat vacation prior to recording:

(a) A certification from a licensed land surveyor as to the survey data, layout of streets, alleys and other rights-of-way. Bridges, sewage, water systems and other structures together with the information provided by the land surveyor shall be approved by a licensed engineer acting on behalf of the city;

(b) A complete survey of the section or sections in which the plat is located, or as much thereof as may be necessary to properly orient the plat within the section or sections. A computer printout to show closures of boundary, road centerlines, lots and tracts. The maximum allowable error of closure is one foot in fifteen thousand feet;

(c) A certification from the proper officer in charge of tax collections that all taxes and delinquent assessments as shown on the certification under subsection 5 of this section have been paid, satisfied or discharged;

(d) A certificate stating that the plat vacation has been made with the free consent and in accordance with the desires of the owner or owners. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all rights-of-way and other areas to the public, any individual or individuals, religious society or societies, or to any corporation, public or private, as shown on the plat, and an undertaking to defend, pay and save harmless any governmental authority, including the city, in respect of all claims for damages against any governmental authority, including the city, which may be occasioned to the adjacent land by the established construction, drainage or maintenance of the right-of-way or other areas so dedicated. Such certificate and separate dedication instrument if applicable shall be signed and acknowledged before a Notary Public by all parties having any ownership interest in the lands subdivided;

(e) A title company certification which is not more than thirty calendar days old containing:

- (1) A legal description of the total parcel sought to be subdivided, and
- (2) A list of those individuals, corporations, or other entities holding an ownership interest in the parcel, and
- (3) Any easements or restrictions affecting the property with a description, purpose and reference by auditors file number and/or recording number, and
- (4) Any encumbrances on the property, and
- (5) Any delinquent taxes or assessments on the property.

If lands are to be dedicated or conveyed to the city as part of the subdivision, an American Land Title Association title policy may be required;

(f) Certification by the city department, or other agency with jurisdiction, that all of the required public improvements subject to its jurisdiction have been installed, inspected and accepted by such department or agency, or in the

alternative, surety bond or other performance guaranty has been deposited with the city in accordance with Sections 22.32.090 and 22.32.100.

**22.26.700 Vacation documents - Filing.**

(a) General. Following approval of a plat vacation by city council, the city clerk shall sign the plat vacation document by signifying approval by the city.

(b) Recording—Time Limits. After the plat vacation documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in the county. Unless specifically extended in the decision on the plat, the plat vacation must be recorded with the county within one hundred twenty calendar days following the date of approval or the decision becomes void.

(c) Dedication. The signature of the city clerk on the plat vacation documents constitutes acceptance of all dedications shown on the plat (see Section 22.26.050(6) for the requirements as to property owner signatures on dedication).

(d) Improvements. The owner shall complete or bond, under Section 22.32.070 through 22.32.080 of this title, all required right-of-way, easement, utility, and other similar improvements before the city clerk will sign the plat vacation documents.

**Chapter 22.28  
DESIGN REQUIREMENTS**

**22.28.010 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" also means "short subdivision" and the term "plat" also means "short plat."

**22.28.020 Provision for public and semipublic 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 public or semipublic uses of land if this is reasonably necessary as a result of the subdivision.

**22.28.030 Lots - Size.**

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than 10% and less than or equal to 15% of the minimum lot size for the zoning district as shown on the Kirkland zoning map, subdivision may also proceed, as long as:

(a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult), and

(b) All lots have a minimum lot width at the back of the required front yard of no less than 50' (unless the garage is located at the rear of the lot or the lot is a flag lot), and

(c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map.

(d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than 5% of the minimum lot size, the subdivision shall be reviewed and decided using Process IIB described in Chapter 152 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152 of Title 23 of this Code, approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection b) above.

#### **22.28.040 Lots - Lot Averaging.**

In multiple lot subdivisions not subject to Section 22.28.030, 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 zoning district in which the property is located as identified on the zoning map. Under this provision, either:

(a) Not more than twenty percent of the number of lots in a subdivision and one of the lots in a short plat 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 less than the prescribed minimum for this zoning district; or

(b) Up to seventy-five percent of the number of lots in a subdivision or short plat may contain an area less than the prescribed minimum for this zoning district if the lots which would be created contain an area no more than five percent less than prescribed.

These smaller lots shall be located so as to have the least impact on surrounding properties and public rights-of-way.

Using Process IIA, Chapter 150, of Title 23 of this code, and the applicable sections of Chapter 22.12 or 22.20 of this title, additional lot averaging may be achieved. Through Process IIA, not more than thirty percent of the number of lots in a subdivision, and two of the lots in a short plat, may contain an area less than the prescribed minimum for this zoning district as long as the average lot area is not less than the minimum lot area required for the zoning district in which the property is located as identified on the zoning map. In no case shall any lots be

created through this process which contain an area more than fifteen percent less than the prescribed minimum for this zoning district. The smaller lots shall be located so as to have the least impact on surrounding properties and public rights-of-way. In addition, the plat or short plat must meet the following criteria:

(1) The averaging is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on that subject property; and

(2) The averaging will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole.

Additional lot averaging may only be addressed and obtained through the provisions of Chapter 125, Planned Unit Development, of Title 23 of this code and the applicable sections of Chapters 22.12 or 22.20 of this title.

#### **22.28.050 Lots - 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. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular access easement or tract providing vehicular access to subject lot. For lots smaller than 5,000 square feet in size, the lot width at the back of the required front yard shall not be less than 50 feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen.

#### **22.28.060 General layout.**

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.

#### **22.28.070 Blocks - Maximum length.**

Generally, blocks should not exceed five hundred feet in length. Blocks that are more than seven hundred fifty feet in length should allow for midblock pedestrian access pursuant to Section 22.28.170 of this chapter.

#### **22.28.080 Access - Required.**

(a) All lots must have direct legal access as required by the Zoning code, including Chapter 115.80, "Legal Building Site" and Chapter 115.10, "Vehicular Access Easement or Tract Standards". The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However, if the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot, provided that the servient lot abuts a public right-of-way.

**22.28.090 Access - Right-of-way - 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.

**22.28.100 Access—Right-of-way—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.

**22.28.110 Access - Vehicular-access easement or tract.**

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.

**22.28.130 Vehicular-access easement or tract - Standards.**

The applicant shall comply with the requirements found in the Zoning Code, Section 105.10, for vehicular-access easements or tracts.

**22.28.140 Vehicular-access easement or tract - Additional requirements.**

The city may require additional or other requirements for vehicular-access easements or tracts based on unusual circumstances.

**22.28.150 Vehicular-access easement or tract - Engineering standards for vehicular access.**

The public works director is directed to develop and keep current full engineering standards and specifications for improvements to 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.

**22.28.160 Vehicular-access easement or tract - Modifications.**

The provisions in the Zoning Code, Chapter 105, pertaining to modifications to the required improvements, may be used by the applicant or the city to modify the vehicular-access easement or tract provisions of this chapter.

**22.28.170 Access - Walkways.**

(a) 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) Midblock pedestrian access may be required if blocks are unusually long.

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

**22.28.180 Preservation of natural features - Compliance with Zoning Code.**

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 Class A, B and C Streams, Lake Washington, Totem Lake, Forbes Lake, sensitive areas, wetlands, geologically hazardous areas, and other specific requirements regarding site development restrictions due to natural features.

**22.28.190 Preservation of natural features - Land adjacent to Lake Washington.**

Subdivisions adjacent to Lake Washington must comply with the provisions of Kirkland's Shoreline Master Program regarding open space and public access along the waterfront.

**22.28.200 Preservation of natural features - Land adjacent to streams, lakes or wetlands.**

The city may require that any area adjacent to a Class A, B and C stream, a lake, or a wetland be kept in its natural or preexisting state if this is reasonably necessary to prevent hazards to persons or property. In addition, the City may also require that areas around Class A, B and C streams, lakes or wetlands be kept in their natural or preexisting state if this is reasonably necessary to protect unique and valuable environments.

**22.28.210 Preservation of natural features - Significant vegetation.**

The applicant shall identify by species on a dimensioned plot plan all significant trees as defined in Section 5.10.860 of the Zoning Code. Of the significant trees so identified, the applicant shall retain at least twenty-five percent of the healthy ones, together with any associated groundcover or understory vegetation necessary to assure long-term health and prevent erosion. The city may approve the retention of a group of smaller trees as a substitute for one or more significant trees or require the applicant to replace the existing understory vegetation with more appropriate vegetation and replace any trees proposed for retention if they are determined to be unhealthy. The applicant shall indicate which trees he chooses to retain to satisfy this requirement and shall design the plat so as to maximize the chances of survival of said trees and minimize potential hazards to life or property.

**22.28.220 Preservation of natural features - Easements.**

The city shall require open space or drainage easements or other similar mechanisms to ensure compliance with Sections 22.28.130 through 22.28.210 of this chapter.

**Chapter 22.32  
IMPROVEMENTS**

**22.32.010 Compliance with utility system improvements required.**

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

**22.32.020 Water system - Fire district requirements.**

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.

**22.32.030 Storm water control system - Requirements.**

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

**22.32.040 Sanitary sewer system - Approval of septic tanks when.**

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 this code and Zoning Code and the applicable regulations of the Seattle-King County health department.

**22.32.050 Undergrounding of transmission lines - Required.**

The applicant shall comply with the utility lines and appurtenances requirements of the Zoning Code, Section 110.60.9.

**22.32.060 Easements for utilities.**

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

**22.32.070 Maintenance bonds.**

The city may require a maintenance bond regarding any of the improvements or landscaping installed or maintained under this title. The city will use the provisions in the Zoning Code regarding maintenance bonds with respect to the acceptance,

amount, administration, utilization and all other components of these maintenance bonds. A two-year maintenance bond shall be provided at the time of the recording of the plat or short plat or installation and completion of all of the required plat or short plat improvements, whichever event occurs later.

### **22.32.080 Performance bonds.**

In lieu of installing all required improvements and components as part of a plat or short plat, the applicant may propose to post a bond for a period of one year to ensure completion of these requirements within one year of the decision approving the plat or short plat. The city will use the provisions regarding performance bonds of the Zoning Code with respect to the acceptance, amount, administration, utilization and all other aspects of this bond. An extension of the one-year period may be approved by the public works director. If an extension is granted, it shall be for a period not to exceed twelve months and a new security must be submitted.

## **Chapter 22.36 ENFORCEMENT**

### **22.36.010 Permit issuance prohibited for illegally subdivided land - Exceptions.**

(a) The city shall not issue any permit for construction on, modification to, or use of any property divided or segregated in violation of this chapter or state law unless the city specifically approves a permit, using the provisions of Chapter 150 of the Zoning Code, based on the following criteria:

(1) That the applicant purchase the property as an innocent purchaser for value without actual notice that the property was divided or segregated in violation of law;

(2) That the public interests will not be adversely affected by approving the permit. In determining the public interest, the city shall use substantially the same criteria as would be used by the city in reviewing a preliminary or short plat application under this title.

(b) Nothing in this section in any way limits the rights granted by RCW

### **22.36.020 Violations - Generally.**

(a) It is a violation of this title for any person, corporation, organization, or other entity to divide, segregate, sell or transfer; or offer to sell or transfer in violation of this title. It is a violation of this title to do any other thing with respect to any lot, tract, parcel or property in the city that violates the provisions of this title, or violates a plat or short plat restriction imposed by the city.

(b) The city shall use the applicable provisions of the Zoning Code in the investigation, enforcement and prosecution of the violations of this title.

### **22.36.030 Violations - Penalty.**

Upon conviction of a violation of this title, the guilty party may be punished by a fine of not more than five hundred dollars or imprisonment for not more than



ninety calendar days or both for each violation of this title. The guilty party may also be ordered to discontinue or correct any violation of this title.

**22.36.040 Violation - Other lawful remedies.**

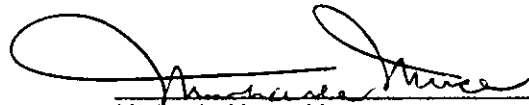
Nothing in this code limits the right of the city to pursue other lawful criminal, civil or equitable remedies to abate, discontinue or correct violations of this title.

Section 3: To the extent that all or portions of the subject matter of this ordinance, pursuant to Ordinance 2001, are subject to the disapproval jurisdiction of the Houghton Community Council, 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.

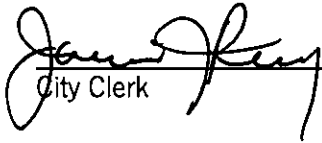
Section 4. This ordinance shall be in effect five days from and after its passage by the City Council and publication, pursuant to KMC 1.08.017, in the summary form attached to the original of this ordinance, and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 21st day of September, 1999.

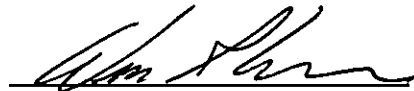
SIGNED IN AUTHENTICATION thereof this 21st day of September, 1999.

  
\_\_\_\_\_  
Michaela Muse, Mayor

ATTEST/AUTHENTICATE:

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

APPROVED AS TO FORM:

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

**PUBLICATION SUMMARY  
OF ORDINANCE NO. 3705**

AN ORDINANCE of the City of Kirkland, Washington, relating to subdivisions; repealing Title 22 and adding a new Title 22 to the Kirkland Municipal Code; and repealing Ordinance No. 3700.

Section 1. Repeals Title 22 of the Kirkland Municipal Code and Ordinance No. 3700.

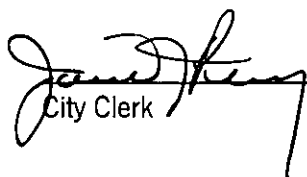
Section 2. Adds a new Title 22 to the Kirkland Municipal Code, regulating the subdivision and short subdivision application, consideration and appeal processes, regulating the alteration and vacation of plats, and establishing design requirements.

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 KMC 1.08.017 and establishes the effective date as five days after publication of summary.

The full text of Ordinance No. 3705 will be mailed without charge to any person upon request made to the city clerk. The ordinance was passed by the Kirkland City Council at its regular meeting on the 21st day of September, 1999.

I certify that the foregoing is a summary of Ordinance No. 3705 approved by the Kirkland City Council for summary publication.

  
City Clerk