

ORDINANCE 4011

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE CITY'S SUBDIVISION REGULATIONS WITH RESPECT TO TREES AND LANDSCAPING

The City Council of the City of Kirkland do ordain as follows:

Section 1. Section 22.20.050 of the Kirkland Municipal Code ("KMC") is hereby amended to read as follows:

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 equals 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) The required information as set forth Chapter 95, Tree Management and Required Landscaping of the zoning code.
- ~~(12)~~ Zoning classification of the property and adjoining properties;
- ~~(13)~~ The lot lines of adjoining properties for a distance of at least fifty feet;
- ~~(14)~~ 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;

- (154) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;
- (165) Layout, name and dimensions of proposed rights-of-way and easements;
- (176) Layout, number, dimensions and square footage (excluding access easements) of proposed lots;
- (187) 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;
- (198) 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 lines;
- (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 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, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it.

Section 2. Section 22.28.040 of the KMC is hereby amended to read as follows:

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 Chapters 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; and
- (3) Existing significant trees and vegetation will be preserved where feasible to buffer the adjacent properties from the smaller lots in the subject subdivision.

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.

Section 3. Section 22.28.180 of the KMC is hereby amended to read as follows:

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, trees and other specific requirements regarding site development restrictions due to natural features.

Section 4. Section 22.28.210 of the KMC is hereby amended to read as follows:

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~~ comply with the tree management requirements set forth in Chapter 95 of the zoning code, maximize the chances of survival of

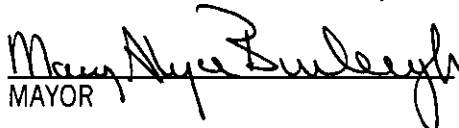
said trees and associated vegetation designated for retention, and minimize potential hazards to life or property.

Section 5. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

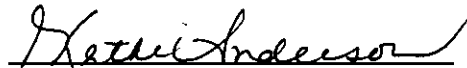
Section 6. This ordinance shall be in full force and effect on January 1, 2006. Publication of this ordinance shall be made, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 1st day of November, 2005.

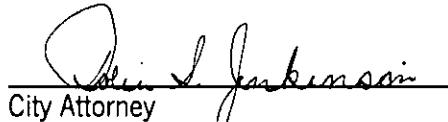
Signed in authentication thereof this 1st day of November, 2005.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

CORRECTED PUBLICATION SUMMARY
OF ORDINANCE NO. 4011

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SUBDIVISION REGULATIONS WITH RESPECT TO TREES AND
LANDSCAPING

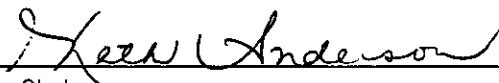
SECTIONS 1-4. Amend Sections 22.20.050, 22.28.040, 22.28.180
and 22.28.210 of the Kirkland Municipal Code.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. Authorizes publication of the ordinance by summary,
which summary is approved by the City Council pursuant to Section 1.08.017
Kirkland Municipal Code and establishes the effective date as January 1, 2006.

The full text of this Ordinance will be mailed without charge to any
person upon request made to the City Clerk for the City of Kirkland. The
Ordinance was passed by the Kirkland City Council at its meeting on the 1st day
of November, 2005.

I certify that the foregoing is a summary of Ordinance No. 4011
approved by the Kirkland City Council for summary publication.



City Clerk