

ORDINANCE O-4907

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISIONS TITLE 22 OF THE KIRKLAND MUNICIPAL CODE (KMC), AMENDING CHAPTERS 22.08, 22.12, 22.16, 22.20, 22.28, AND NEW CHAPTER 22.22 SPECIFICALLY TO ENABLE UNIT LOT SUBDIVISIONS, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION FILE NO. CAM25-00299.

1 WHEREAS, RCW 58.17.060(3) requires that all cities shall provide short plat  
2 regulations procedures for unit lot subdivisions, allowing division of a parent lot into separately  
3 owned unit lots; and  
4

5 WHEREAS, RCW 58.17.060(3) provides that portions of the parent lot not subdivided  
6 for individual unit lots shall be owned in common by the owners of the individual unit lots or by  
7 a homeowner's association comprising the owners of the individual unit lots; and  
8

9 WHEREAS, the City Council has received a recommendation from the Kirkland  
10 Planning Commission to amend Title 22 (Subdivisions) of the Kirkland Municipal Code (KMC),  
11 as set forth in the staff report dated June 2, 2025, bearing Kirkland Planning and Building  
12 Department File No. CAM25-00299; and  
13

14 WHEREAS, prior to making the recommendation to amend Title 22 KMC and following  
15 the noticing requirements of KMC 22.04.050, the Kirkland Planning Commission held a public  
16 hearing on May 22, 2025, on the amendment proposals and considered the comments  
17 received at the public hearing; and  
18

19 WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has  
20 accompanied the legislative proposal and recommendation, through the entire consideration  
21 process, a SEPA Addendum to the 2015 Comprehensive Plan Update and Totem Lake  
22 Planned Action Ordinance and Final Environmental Impact Statement (EIS), the NE 85th  
23 Street Station Area Planned Action Final Supplemental EIS, and the 2044 Comprehensive  
24 Plan Update Final Supplemental EIS (Previous Environmental Review Documents), including  
25 supporting environmental documents, that was issued by the responsible official pursuant to  
26 WAC 197-11-625 on May 12, 2025; and  
27

28 WHEREAS, in regular public meeting on June 17, 2025, the City Council considered  
29 the SEPA determination made by the City's SEPA Responsible Official, together with the report  
30 and recommendation of the Planning Commission, and  
31

32 WHEREAS, the City Council recognizes that these code changes are consistent with  
33 the Comprehensive Plan land use policies and are adopted in order to comply with RCW  
34 58.17.060.  
35

36 NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Section 22.08.120 of the Kirkland Municipal Code (KMC), and the corresponding portions of Ordinance No.3705 § 2 (1999), is amended as follows with, the new text shown in underline, deleted text shown in ~~strikethrough~~:

**22.08.120 Lot.**

"Lot" means a fractional part of subdivided lands having fixed boundaries and having sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. "Lot" does not include a unit lot as defined in KMC Title 22, subdivisions.

Section 2. A new definition of "Parent Lot" in chapter 22.08 KMC is hereby adopted, to be codified as section KMC 22.08.125 and to read as follows:

**22.08.125 Lot, Parent.**

"Parent Lot" means an initial residential lot that is subdivided into unit lots through the unit lot subdivision process of KMC Title 22, subdivisions.

Section 3. A new definition of "Unit Lot" in chapter 22.08 KMC is hereby adopted, to be codified as section KMC 22.08.130 and to read as follows:

**22.08.130 Lot, Unit.**

"Unit lot" means a fractional part of subdivided lands having fixed boundaries that is created through the unit lot subdivision of a parent lot pursuant to the unit lot subdivision process in the KMC Title 22, Subdivisions.

Section 4. A new definition of "Unit Lot Subdivision" in chapter 22.08 KMC is hereby adopted, to be codified as section KMC 22.08.252 and to read as follows:

**22.08.252 Unit Lot Subdivision.**

"Unit lot subdivision" means a subdivision or short subdivision proposed as part of a residential development project that meets the development standards applicable to the parent lot at the time the application is vested.

Section 5. KMC 22.12.230, and the corresponding portions of Ordinance No. 4750 § 5 (2021), is amended as follows:

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

In addition to the decisional criteria identified in KZC 150.65(3), the hearing examiner may approve the proposed plat or unit lot subdivision only if ~~he/she finds~~ they find that:

(a) There is adequate provision for open spaces, drainageways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from 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 Chapter 58.17 RCW; and

(c) If proposing a unit lot subdivision, it must also meet the General Requirements of section 13 of this ordinance (KMC 22.22.020).

88        Section 6. KMC 22.16.090, and the corresponding portions of Ordinance No. 4750  
89    § 11 (2021), is amended as follows:

90  
91    **22.16.090    Minor deviations from preliminary plat or unit lot subdivision.**

92    (a) The planning and building director may approve a final plat or unit lot subdivision that is  
93    different from the preliminary plat or unit lot subdivision if the change:

94  
95        (1) Does not increase the number of lots or unit lots; and

96  
97        (2) Does not decrease any lot size by more than ten percent. This is not applicable  
98        to unit lots; and

99  
100        (3) Does not substantially alter the location or nature of any improvements or any  
101        other element of the subdivision; and

102  
103        (4) Does not significantly alter the subdivision or unit lot subdivision.

104  
105    (b) Final plats with changes that do not meet the criteria for minor deviations must be  
106    processed as new preliminary plats or unit lot subdivisions.

107  
108        Section 7. Chapter 22.20 KMC, currently entitled "Short Subdivisions" is hereby  
109    amended to be entitled as "Short Subdivisions and Unit Lot Subdivisions."

110  
111        Section 8. KMC 22.20.025, and the corresponding portions of Ordinance No. 4491 § 3  
112    (2015), is amended as follows:

113  
114    **22.20.025 Minor modifications.**

115  
116    (a) Modifications to short subdivisions or unit lot subdivisions of nine lots or fewer lots after  
117    approval shall require a new short subdivision or unit lot subdivision application pursuant to  
118    this chapter unless such modifications constitute minor modifications under the following  
119    criteria:

120  
121        (1) The modification complies with all of the requirements of this chapter; and

122  
123        (2) The modification does not involve the alteration or vacation of city easements,  
124        roads, or city-owned lands; and

125  
126        (3) The planning director determines that there will not be substantial changes in the  
127        impacts on the neighborhood or the city as a result of the change; and

128  
129        (4) The modification will not increase the number of lots or unit lots; and

130  
131        (5) The modification will not significantly alter any condition of approval.

132    The consideration of the minor modification shall be made upon written request to the  
133    planning and building department. The planning and building director's decision will be  
134    the final decision of the city.

135  
136    (b) If a minor modification is approved after recording, the revised mylar shall meet the  
137    standards specified in WAC 332-130-050 regarding survey maps.

Section 9. KMC 22.20.140, and the corresponding portions of Ordinance No. 4750 § 14 (2021), is amended as follows:

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

In addition to the decisional criteria identified in KZC 145.45(2), the planning and building director may approve the short subdivision or a unit lot subdivision only if:

(a) There are adequate provisions for open spaces, drainageways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from 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 Chapter 58.17 RCW; and

(c) If proposing a unit lot subdivision, it must also meet the General Requirements of section 13 of this ordinance (KMC 22.22.020).

Section 10. A new chapter entitled "Unit Lot Subdivisions," to be codified as chapter 22.22 KMC, is hereby created.

Section 11. A new section entitled "Purpose," to be codified as KMC 22.22.010, is hereby created and shall read as follows:

**22.22.010 Purpose.**

A unit lot subdivision allows a division of land related to a specific residential development proposal on a parent lot into separately owned unit lots pursuant to RCW 58.17.060(3), and as an alternative to condominium ownership permitted pursuant to chapter 64.90 RCW.

Unit lot subdivisions allow for more flexible creation of lots of varying sizes and mixtures of housing types, including but not limited to attached and detached units, and accessory dwelling units, provided that no dwelling units are stacked on another dwelling unit or another use. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards.

Section 12. A new section entitled "Applicable Process," to be codified as KMC 22.22.015, is hereby created and shall read as follows:

**22.22.015 Applicable Process.**

Unit lot subdivisions shall follow the application, review, and approval process as a short subdivision if resulting in nine or fewer lots pursuant to KMC 22.20.140, or as subdivisions pursuant to KMC 22.12.230 if resulting in ten or more lots.

Section 13. A new section entitled "Unit Lot Subdivision General Requirements," to be codified as KMC 22.22.020, is hereby created and shall read as follows:

**22.22.020 Unit Lot Subdivision General Requirements.**

For requirements that apply to unit lot subdivisions, refer to KMC 22.28.080 through 22.28.220 and chapter 22.32 KMC, except as otherwise modified by this section.

- 189 (a) The development as a whole shall be consistent with all development standards in the  
190 Zoning Code for the proposed use in the zoning district in which the subject property is  
191 located on the Zoning Map at the time of a complete vested building permit application for  
192 the parent lot.  
193
- 194 (b) Development on individual unit lots within the unit lot subdivision need not conform to the  
195 minimum lot area, building setbacks, minimum density, or dimensional requirements;  
196 provided, that any structure located upon a unit lot shall comply with the maximum building  
197 height requirements. There shall be no zoning code required setback from individual unit  
198 lot lines which are interior to the perimeter of the parent lot. The overall development of the  
199 parent lot shall meet the development and design standards of the underlying zoning  
200 district.  
201
- 202 (c) Subsequent platting actions, additions, or modifications to structure(s) may not create or  
203 increase any nonconformity of the parent lot.  
204
- 205 (d) Portions of the parent lot not subdivided for individual unit lots shall be owned in common  
206 by the owners of the individual unit lots, or by a homeowners' association comprising the  
207 owners of the individual unit lots.  
208
- 209 (e) Within the parent lot, the required parking for a dwelling unit may be provided on a different  
210 unit lot than the unit lot with the dwelling unit, as long as the right to use that parking is  
211 formalized by an easement on the unit lot subdivision plat, as recorded with the King  
212 County Recorder's Office.  
213
- 214 (f) Notes shall be placed on the face of the unit lot subdivision plat as recorded with the King  
215 County Recorder's Office acknowledging the following:  
216
- 217 1) The title of the plat shall include the phrase "Unit Lot Subdivision" and the legal  
218 description of each parent and unit lot shall identify it as part of a unit lot subdivision;  
219
  - 220 2) Approval of the design and layout of the unit lot's subdivision was granted based  
221 on the review of the specific development project as a whole, on the parent lot,  
222 including specific reference to the applicable development permit and/or land  
223 surface modification permit approval number;  
224
  - 225 3) Additional development or redevelopment of the individual unit lots may be limited  
226 as a result of the application of development standards to the parent lot, including  
227 the maximum allowed lot coverage and floor area ratio for the parent lot and each  
228 unit lots;  
229
  - 230 4) Subsequent subdivision actions, additions or modifications to the unit lot housing  
231 development project's structures may not create and/or increase any nonconformity  
232 of the parent lot as a whole and shall conform to the approved unit lot housing  
233 development project and/or to the land use and development standards in effect at  
234 the time of the proposed actions, additions, or modifications;  
235
  - 236 5) If a structure or portion of a structure within the unit lot housing development project  
237 has been damaged or destroyed, any repair, reconstruction or replacement of any  
238 structure shall conform to the approved unit lot housing development project and/or

to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested; and

- 6) Access easements, joint use, and maintenance agreements shall be executed for use and maintenance of common garage or parking areas; vehicle access areas; bicycle parking; solid waste collection areas; underground utilities; common open space; shared interior walls; exterior building facades and roofs; any portions of the parent lot not subdivided for individual unit lots, and other similar features and shall be recorded with the King County Recorder's Office.

- (g) Permit review sequencing- An application for a land surface modification permit must be submitted concurrently, or prior to, with a unit lot subdivision application. The proposed parent and unit lots must be consistent with the approved land surface modification and/or development permit application. Before a unit lot subdivision can be recorded for the new unit lots, the dwelling units must exist on the parent lot, or the permit application for the new structure(s) must be approved and ready to be issued. The unit lot short plat or unit lot subdivision approval for new unit lots must be issued before you can request a final occupancy inspection of the structures on any of the new lots. No unit lot may be sold, transferred, occupied or conveyed prior to unit lot subdivision approval and recording with King County Recorder's Office.

- (h) Revision and Expiration- Unit lot subdivisions follow the revision and expiration procedures established in chapter 22 KMC.

Section 14. KMC 22.28.050, and the corresponding portions of Ordinance No. 4750 § 17 (2021), is amended as follows:

**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 the subject lot. With the exception of unit lot subdivisions, fFor lots smaller than five thousand square feet in size located in "low density zones" as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than fifty 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 the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. ~~This lot width requirement shall not apply to lots developed pursuant to the Cottage, Carriage, or Two/Three Unit Homes Regulations in Chapter 113 KZC.~~

Section 15. KMC 22.28.080, and the corresponding portions of Ordinance No. 4196 § 2 Exh. B (2010), is amended as follows:

**22.28.080 Access—Required.**

- (a) All lots must have direct legal access as required by the Zoning Code, including KZC 115.80, Legal Building Site, and KZC 105.10, Vehicular Access Easement or Tract Standards. For unit lot subdivisions, vehicular access must comply with the regulations and/or Public Works standards and policies associated with the development project type. 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) Unless otherwise provided in the Kirkland Zoning Code, 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:

(1) 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 and is not a flag lot; and

(2) The area of a vehicular-access easement shall be included in the lot area for cottage housing development approved pursuant to Chapter 113 KZC; and/or

(3) The area of a vehicular-access easement shall be included in the lot area of the parent lot for short subdivisions or subdivisions utilizing unit lot subdivision provisions of Sections 22.22.

Section 16. 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 17. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of June, 2025.

Signed in authentication thereof this 17th day of June, 2025.

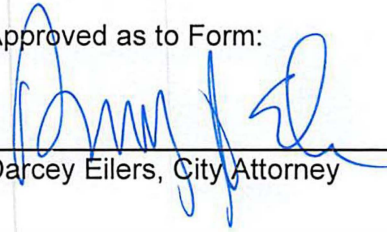
  
Kelli Curtis, Mayor

Attest:

  
Emilee Ferguson, Acting City Clerk

Publication Date: June 27, 2025

Approved as to Form:

  
Darcey Eilers, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4907

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO  
SUBDIVISIONS TITLE 22 OF THE KIRKLAND MUNICIPAL CODE (KMC),  
AMENDING CHAPTERS 22.08, 22.12, 22.16, 22.20, 22.28, AND NEW  
CHAPTER 22.22 SPECIFICALLY TO ENABLE UNIT LOT SUBDIVISIONS,  
AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION FILE NO.  
CAM25-00299.

1     SECTIONS 1-4.     Amend chapter 22.08 KMC related to definitions that apply  
2 throughout Title 22.

3  
4     SECTION 5.     Amends KMC 22.12.230 related to the decisional criteria of the Hearing  
5 Examiner.

6  
7     SECTION 6.     Amends KMC 22.16.090 related to minor deviations from a preliminary  
8 plat or unit lot subdivision.

9  
10    SECTION 7.     Amends chapter 22.20 KMC to be entitled as "Short Subdivisions and  
11 Unit Lot Subdivisions."

12  
13    SECTION 8.     Amends KMC 22.20.025 related to minor modifications to short  
14 subdivisions or unit lot short subdivisions.

15  
16    SECTION 9.     Amends KMC 22.20.140 related to the Planning Director's decision  
17 criteria related to short subdivisions or unit lot subdivisions.

18  
19    SECTIONS 10 - 13.   Add a new chapter 22.22 KMC entitled "Unit Lot Subdivisions"  
20 and established regulations related to unit lot subdivisions.

21  
22    SECTION 14.    Amends KMC 22.28.050 related to lot dimensions.

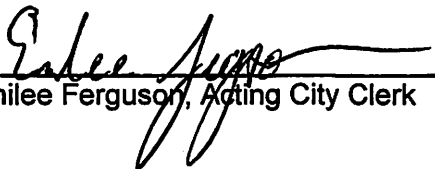
23  
24    SECTION 15.    Amends KMC 22.28.080 related to required lot access.

25  
26    SECTION 16.    Provides a severability clause for the ordinance.

27  
28    SECTION 17.    Authorizes publication of the ordinance by summary and establishes the  
29 effective date as five days after publication of summary.

30  
31    The full text of this Ordinance will be mailed without charge to any person upon request  
32 made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City  
33 Council at its meeting on the 17th day of June, 2025.

34  
35    I certify that the foregoing is a summary of Ordinance O-4907 approved by the Kirkland  
36 City Council for summary publication.

  
Emilee Ferguson, Acting City Clerk