ORDINANCE NO. 4122

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19--STREETS AND SIDEWALKS AND TITLE 22--SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Municipal Code, all as set forth in that certain report and recommendation of the Planning Commission and the Houghton Community Council dated November 28, 2007 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00033; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 25, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations of the Planning Commission and Houghton Community Council; and.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Municipal Code text amended: The following specified sections of the text of the Municipal Code be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is 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. Except as provided in Section 3, this ordinance shall be in full force and effect thirty (30) days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 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.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this 15th day of January, 2008

SIGNED IN AUTHENTICATION thereof this 15th day of January, 2008

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

**ATTACHMENT A**

# MUNICIPAL CODE AMENDMENTS

**File No. ZON06-00033**

---

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Municipal Code that is to be deleted.
- Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.

---

## TITLE 19 – STREETS AND SIDEWALKS

### 19.16.070 Vacations of Streets and Access Easements, Public Notification of Hearing

(1) Content. The director of the planning department shall prepare a public notice containing the following information:
  (a) A statement that a request to vacate the subject property will be considered by the city council;
  (b) A statement of the time and place of the public hearing before the city council;
  (c) A location description in non-legal language along with a vicinity map that identifies the subject property proposed to be vacated;
  (d) A statement that the vacation file is available for viewing at Kirkland City Hall; and
  (e) A statement of the right of any person to submit written comments to the city council prior to or at the public hearing and to appear before the city council at the hearing to give comments orally.

(2) Distribution of Notice of Hearing. At least twenty calendar days before the public hearing, the director of the planning department shall distribute the public notice as follows:
  (a) A copy will be sent, by mail, to the owner of each piece of property within three hundred feet of any boundary of the subject property;
  (b) A copy will be sent, by mail, to each resident living immediately adjacent to or on the subject property;
  (c) A copy will be published in the official newspaper of the city, except no vicinity map shall be required;
  (d) At least two copies will be posted in conspicuous public places in the city;
  (e) A copy will be posted on the subject property in the manner set out in subsection (3) of this section.

(3) *No change.*

## TITLE 22 – SUBDIVISIONS

### 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 district in which the property is located as identified on the zoning map ~~of 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 Chapter 58.17 RCW (regulation of subdivision of land).

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

(1) All requirements of the zoning code for the zoning district in which the property is located as identified on the zoning map, such as lot size and required yards, shall be complied with.

(2) All lots shall be adjacent to, or have a legally created means of access compliant with Chapter 105 of the Zoning Code to, a street providing access to the lot or parcel.

~~(2)~~ (3) 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. (Ord. 3705 § 2 (part), 1999).~~

**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 division is for the purposes outlined in RCW 58.17.035;

~~(a)~~(b) The city ~~council~~ approves the a site plan as part of a ~~discretionary~~ zoning or ~~other similar~~ building ~~land use~~ permit ~~that involves a public hearing before either the planning commission or hearing examiner~~;

~~(b)~~(c) The site plan is shown to a scale of one inch equals twenty feet;

~~(c)~~(d) The site plan identifies and shows the areas and locations of all streets, roads, improvements, utilities and open spaces;

~~(d)~~(e) 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)~~(f) The site plan contains a provision requiring that any development of the subject property be in conformance with the binding site plan;

(g) The Planning Director verifies that the site plan conforms to the requirements of this section; and

~~(f)~~(h) 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.**

Proposals for ~~A~~alterations and vacations of binding site plans shall be reviewed by the Planning Director using the criteria in Section 22.04.040 ~~follow the procedural requirements outlined in Chapter 22.26 of this code~~.

**22.08.030 Binding site plan.**

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

(a) Is for the purposes outlined in RCW 58.17.035;

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

~~(b)~~(c) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established through a ~~discretionary~~ zoning or building permit approval ~~review~~ process ~~and approved by city council~~; and

~~(c)~~(d) Contains provisions making any development be in conformity with the site plan. (Ord. 3705 § 2 (part), 1999)

**22.12 Preliminary Plat Procedure**

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. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding subdivisions ~~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)~~ (b) The filing fee as established by ordinance;

~~(j)~~ (c) All information required under the State Environmental Policiesy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)

(d) Any additional pertinent information necessary for adequate review of the application.

~~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. (Ord. 3705 § 2 (part), 1999)~~

~~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. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.120 Houghton community council hearing—Notice.~~

~~The planning official shall give public notice of the hearing as set forth in Section 22.12.070. (Ord. 3705 § 2 (part), 1999)~~

~~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. (Ord. 3705 § 2 (part), 1999)~~

~~22.12.140 Houghton community council hearing—Electronic sound recording.~~

~~The community council shall make a complete electronic sound recording of each public hearing. (Ord. 3705 § 2 (part), 1999)~~

~~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. (Ord. 3705 § 2 (part), 1999)~~

## 22.16 Final Plat

22.16.030 Final plat—Contents.

The applicant shall submit a final plat containing the ~~following~~ information specified by the Planning Department. The Planning Department is hereby authorized to maintain a list of the content requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding subdivisions ~~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 equals 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)~~ (b) The filing fee as established by ordinance;

(c) ~~Any additional pertinent information required at the discretion of the public works or planning directors. (Ord. 3705 § 2 (part), 1999)~~Any additional pertinent information necessary for adequate review of the application.

~~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. (Ord. 3705 § 2 (part), 1999)~~

## 22.20 Short Plat Procedure

22.20.025 Minor modifications.

(1) 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 complies with all of the requirements of this Chapter; and

~~(a)~~ (b) The modification does not involve the alteration or vacation of city easements, roads, or city-owned lands; and

~~(b)~~ (c) 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)~~ (d) The modification will not increase the number of lots; and

~~(d)~~ (e) 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. (Ord. 3705 § 2 (part), 1999)

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

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. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding short plats;

~~(b) A boundary survey of (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 the 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 the 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, and water bodies on and immediately adjacent to the property;~~

~~(11) The required information as set forth in Chapter 95 of the zoning code, Tree Management and Required Landscaping;~~

~~(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;~~

~~(15) Existing and proposed water, sewer, power and drainage systems on, under or over the property showing size, grades and location;~~

~~(16) Layout, name and dimensions of proposed rights-of-way and easements;~~

~~(17) Layout, number, dimensions and square footage (excluding access easements) of proposed lots;~~

~~(18) 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;~~

~~(19) 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)~~ (b) The filing fee as established by ordinance;

~~(f)~~ (c) All information required under the State Environmental Policy Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 4011 § 1, 2005: Ord. 3705 § 2 (part), 1999)

(d) Any additional pertinent information necessary for adequate review of the application.

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 a right-of-way designed for future connection) or the opening of an existing but previously unopened right-of-way; 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. (Ord. 3705 § 2 (part), 1999)

## 22.26 Alteration and Vacation of Plats

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. The Planning Department is hereby authorized to maintain a list of the application requirements. The list shall incorporate, at a minimum:

(a) the requirements of state law regarding plat alterations and vacations; ~~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 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 (b) and (c) of this section;~~

~~(e)~~ (b) 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)~~ (c) 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 holding any ownership interest in the property;~~

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

~~(i)~~ (d) The filing fee as established by ordinance;

~~(j)~~ (e) All information required under the State Environmental Policies Act, Chapter 43.21C RCW, and the administrative guidelines and local ordinance adopted to implement it. (Ord. 3705 § 2 (part), 1999)

(f) Any additional pertinent information necessary for adequate review of the application.

~~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;~~

~~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 subsection (e) of this section 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 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;~~

~~(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 22.32.070 through 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

~~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. (Ord. 3705 § 2 (part), 1999)~~

~~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 (e) 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 rights-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 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;~~

~~(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 22.32.070 and 22.32.080. (Ord. 3705 § 2 (part), 1999)~~

**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 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 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 the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. (Ord. 3705 § 2 (part), 1999)

**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~~ 105.10, Vehicular Access Easement ~~of~~ 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 and is not a flag lot. (Ord. 3705 § 2 (part), 1999)

**22.32.030 Stormwater control system—Requirements.**

The applicant shall comply with the construction phase and permanent stormwater control requirements of the ~~zoning code~~ Municipal 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. (Ord. 3705 § 2 (part), 1999)

ORDINANCE NO. 4122
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND LAND USE AND AMENDING PORTIONS OF THE FOLLOWING TITLES OF THE KIRKLAND MUNICIPAL CODE: TITLE 19–STREETS AND SIDEWALKS AND TITLE 22–SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON06-00033.

Section 1. Identifies the specific amendments to the Kirkland Municipal Code.

Section 2. Addresses severability.

Section 3. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by 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. 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 thirty days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 15th day of January, 2007~~8~~.

I certify that the foregoing is a summary of Ordinance 4122 approved by the Kirkland City Council for summary publication.

Attest:

City Clerk