

ORDINANCE No. 4750

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISIONS AND AMENDING TITLE 22 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM20-00616.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission and the Houghton Community
3 Council to amend Kirkland Municipal Code (KMC), Title 22, Subdivisions,
4 as set forth in the report dated January 7, 2021 and bearing Kirkland
5 Planning and Building Department File No. CAM20-00616; and
6

7 WHEREAS, prior to making the recommendation to amend Title
8 22, Subdivisions, the Kirkland Planning Commission, following notice as
9 required by KMC 22.04.050, held a public hearing on December 10,
10 2020, on the amendment proposals and considered the comments
11 received at the hearing; and
12

13 WHEREAS, prior to making the recommendation to amend Title
14 22, Subdivisions, the Houghton Community Council, following notice,
15 held a courtesy hearing on December 10, 2020, on the amendment
16 proposals and considered the comments received at the hearing; and
17

18 WHEREAS, pursuant to the State Environmental Policy Act
19 (SEPA), there has accompanied the legislative proposal and
20 recommendation through the entire consideration process, a SEPA
21 Addendum to Existing Environmental Documents issued by the
22 responsible official pursuant to WAC 197-11-625; and
23

24 WHEREAS, in a public meeting the City Council considered
25 the environmental documents received from the responsible
26 official.
27

28 NOW, THEREFORE, the City Council of the City of Kirkland
29 do ordain as follows:
30

31 Section 1. Kirkland Municipal Code Section 22.08.054 is
32 hereby repealed.
33

34 Section 2. Kirkland Municipal Code Section 22.08.055 is
35 hereby repealed.
36

37 Section 3. Kirkland Municipal Code Section 22.08.056 is
38 hereby repealed.
39

40 Section 4. Kirkland Municipal Code Section 22.08.190 is
41 hereby repealed.
42

43 Section 5. Kirkland Municipal Code Section 22.12.230 is
44 amended to read as follows:

45 **22.12.230 Hearing examiner’s decision—Decisional**
46 **criteria.**

47 In addition to the decisional criteria identified in KZC 150.65(3),
48 the hearing examiner may approve the proposed plat only if
49 he/she finds that:

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

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

59
60 Section 6. Kirkland Municipal Code Section 22.16.010 is
61 amended to read as follows:
62

63 **22.16.010 Final plat—Submittal—Time limits.**

64 A final plat shall be submitted to the ~~city council~~ planning and
65 building director within seven years of the date of preliminary plat
66 approval if the date of preliminary plat approval is on or before
67 December 31, 2014, and within five years of the date of
68 preliminary plat approval if the date of preliminary plat approval
69 is on or after January 1, 2015. Any final plat not submitted within
70 the time limits set forth in RCW 58.17.140 shall be void.

71
72 Section 7. Kirkland Municipal Code Section 22.16.050 is
73 amended to read as follows:
74

75 **22.16.050 Administrative review and approval of final**
76 **plats.**

77 (a) Upon receipt of a final plat and all required information, it
78 shall be reviewed by the planning and building director. ~~The~~
79 ~~planning director shall prepare a report, including an appropriate~~
80 ~~recommendation and resolution to the city council. This report and~~
81 ~~the final plat shall be transmitted to the city council. The planning~~
82 ~~and building director shall approve the final plat if the final plat:~~

83 (1) Except for minor modifications under Section 22.16.090, is
84 consistent with the approved preliminary plat; and

85 (2) Is consistent with the provisions of this title and Chapter
86 58.17 RCW.

87 (b) The planning and building director shall sign the plat
88 signifying approval by the city.

89 Section 8. Kirkland Municipal Code Section 22.16.060 is
90 hereby repealed.

91 Section 9. Kirkland Municipal Code Section 22.16.070 is
92 hereby repealed.

93 Section 10. Kirkland Municipal Code Section 22.16.080 is
94 hereby repealed.

95 Section 11. Kirkland Municipal Code Section 22.16.090 is
96 amended to read as follows:
97

98 **22.16.090 Minor deviations from preliminary plat.**

99 (a) The ~~city council~~ planning and building director may
100 approve a final plat that is different from the preliminary plat if
101 the change:
102

- 103 (1) Does not increase the number of lots; and
- 104 (2) Does not decrease any lot size by more than ten percent;
105 and
- 106 (3) Does not substantially alter the location or nature of any
107 improvements or any other element of the subdivision; and
- 108 (4) Does not significantly alter the subdivision.
109

110 (b) Final plats with changes that do not meet the criteria for
111 minor deviations must be processed as new preliminary plats.
112

113 Section 12. Kirkland Municipal Code Section 22.16.110 is
114 amended to read as follows:
115

116 **22.16.110 Judicial review of ~~city council action~~ final**
117 **decision.**

118 The action of the city in granting or denying a final plat may be
119 reviewed pursuant to the standards set forth in RCW 36.70C.130
120 in King County Superior Court. The land use petition must be filed
121 within twenty-one calendar days of the issuance of the final land
122 use decision by the city on the final plat. The date of the final
123 decision of the city is the date of ~~passage of the city council~~
124 ~~ordinance or resolution~~ approval by the planning and building
125 director, constituting the city's final decision.
126

127 Section 13. Kirkland Municipal Code Section 22.16.120 is
128 hereby repealed.
129

130 Section 14. Kirkland Municipal Code Section 22.20.140 is
131 amended to read as follows:

132

133 **22.20.140 Planning director’s decision—Criteria.**

134 In addition to the decisional criteria identified in KZC 145.45(2),
135 the planning director may approve the short subdivision only if:

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

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

145

146 Section 15. Kirkland Municipal Code Section 22.20.245 is
147 amended to read as follows:

148

149 **22.20.245 Appeal to city council—When.**

150 (a) The city council will decide an appeal of the planning
151 director’s decision on a short subdivision ~~when under the following~~
152 ~~circumstances:~~

153 ~~(1) As approved by the planning director, the short plat would~~
154 ~~result in the dedication of a new through public right of way~~
155 ~~(including a right of way designed for future connection) or the~~
156 ~~opening of an existing but previously unopened right of way; or~~

157 ~~(2) The proposed short plat included a request for modification~~
158 ~~using the provisions of Chapter 22.24 for “innovative or unusual~~
159 ~~plats.”~~

160 (b) In the above circumstances, this section will govern the
161 procedure for decision on appeal of the planning director’s
162 decision on a short subdivision. Such appeals will be heard and
163 decided by the city council rather than by the hearing examiner.
164 The procedures set forth in KZC 145.60 through 145.110 will still
165 apply to the appeal; except, that whenever the term “hearing
166 examiner” appears in those sections, the term “city council” will
167 be substituted.

168 Section 16. Kirkland Municipal Code Section 22.20.340 is
169 amended to read as follows:

170

171 **22.20.340 Public hearing—Decision—Final.**

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

176
 177 Section 17. Kirkland Municipal Code Section 22.28.050 is
 178 amended to read as follows:

179
 180 **22.28.050 Lots—Dimensions.**

181 Lots must be of a shape so that reasonable use and development
 182 may be made of the lot. Generally, the depth of the lot should not
 183 be more than twice the width of the lot. In no case shall a lot be
 184 less than fifteen feet in width where it abuts the right-of-way,
 185 vehicular-access easement or tract providing vehicular access to
 186 the subject lot. For lots smaller than five thousand square feet in
 187 size located in "low density zones" as defined in the Zoning Code,
 188 the lot width at the back of the required front yard shall not be
 189 less than fifty feet unless the garage is located at the rear of the
 190 lot or the lot is a flag lot. A covenant shall be signed prior to the
 191 recording of the plat to ensure that the garage will be located at
 192 the rear of the lot if this option is chosen. This lot width
 193 requirement shall not apply to lots developed pursuant to the
 194 Cottage, Carriage, or Two/Three-Unit Homes Regulations in KZC
 195 113.

196
 197 Section 18. Kirkland Municipal Code Section 22.28.170 is
 198 amended to read as follows:

199
 200 **22.28.170 Access—Walkways.**

201 (a) The city may require the applicant to install pedestrian
 202 walkways in those instances identified in KZC 105.19 ~~any of the~~
 203 ~~following circumstances:~~

204 ~~(1) If a walkway is indicated as appropriate in the~~
 205 ~~comprehensive plan;~~

206 ~~(2) If the walkway is reasonably necessary to provide efficient~~
 207 ~~pedestrian access to a designated activity center of the city;~~

208 ~~(3) Midblock pedestrian access may be required if blocks are~~
 209 ~~unusually long.~~

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

212

213 Section 19. Kirkland Municipal Code Section 22.28.200 is
214 amended to read as follows:

215
216 **22.28.200 Preservation of natural features—Land**
217 **adjacent to streams, lakes or wetlands.**

218 The city may require that any area adjacent to a Type F, NP or Ns
219 stream under Chapter 90 KZC ~~or Class A, B and C stream for~~
220 ~~properties within a jurisdiction of the Shoreline Management Act~~
221 ~~under Chapter 83 KZC~~, a lake, or a wetland be kept in its natural
222 or preexisting state if this is reasonably necessary to prevent
223 hazards to persons or property. In addition, the city may also
224 require that areas around Type F, NP and Ns streams under
225 Chapter 90 KZC ~~or Class A, B, and C streams for properties within~~
226 ~~jurisdiction of the Shoreline Management Act under Chapter 83~~
227 ~~KZC~~, lakes, wetlands, frequently flooded areas or fish and wildlife
228 habitat conservation areas be kept in their natural or preexisting
229 state if this is reasonably necessary to protect unique and valuable
230 environments.

231
232 Section 20. If any provision of this ordinance or its
233 application to any person or circumstance is held invalid, the
234 remainder of the ordinance or the application of the provision to
235 other persons or circumstances is not affected.

236
237 Section 21. This ordinance shall be in force and effect five
238 days from and after its passage by the Kirkland City Council and
239 publication, as required by law.

240
241 Passed by majority vote of the Kirkland City Council in open
242 meeting this _____ day of _____, 2021.

243
244 Signed in authentication thereof this _____ day of
245 _____, 2021.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4750

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISIONS AND AMENDING TITLE 22 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM20-00616.

SECTIONS 1 - 4. Repeals Sections 22.08.054, 22.08.055, 22.08.056, and 22.08.190 of the Kirkland Municipal Code ("KMC").

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

SECTION 6. Amends KMC Section 22.16.010 related to final plat submittal time limits.

SECTION 7. Amends KMC Section 22.16.050 related to administrative review and approval of final plats.

SECTIONS 8-10. Repeals Sections 22.16.060, 22.16.070 and 22.16.080 of the KMC.

SECTION 11. Amends KMC Section 22.16.090 related to minor deviations from a preliminary plat.

SECTION 12. Amends KMC Section 22.16.110 related to judicial review of final decision.

SECTION 13. Repeals Section 22.16.120 of the KMC.

SECTION 14. Amends KMC Section 22.20.140 related to criteria of the planning director's decision.

SECTION 15. Amends KMC Section 22.20.245 related to when the council will decide and appeal.

SECTION 16. Amends KMC Section 22.20.340 making the hearing examiner's decision the final decision of the city.

SECTION 17. Amends KMC Section 22.28.050 related to lot dimensions.

SECTION 18. Amends KMC Section 22.28.170 related to walkway access.

SECTION 19. Amends KMC Section 22.28.200 related to preservation of natural features on land adjacent to streams, lakes or wetland.

SECTION 20. Provides a severability clause for the ordinance.

SECTION 21. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2021.

I certify that the foregoing is a summary of Ordinance 4750 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk