

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SUBDIVISION OF LAND AND AMENDING SECTIONS 2.4.3 and 2.6.1 OF ORDINANCE NO. 2178 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE.

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

Section 1. Section 2.4.3 of Ordinance 2178 as amended (the Kirkland Subdivision Ordinance), is hereby amended to read as follows:

2.4.3 Report to Council. Following such hearing, the ~~[report and recommendations]~~ Planning Department shall prepare a report containing the findings, conclusions and recommendations of the Planning Commission, ~~[which shall include]~~ and copies of the consolidated report and recommendation of the Planning Department and agencies [as] enumerated in Section 2.2.2. This material shall be submitted to the City Council not less than 14 days following the action taken by the Planning Commission upon such hearing. If the Planning Commission recommends approval of a Preliminary Plat subject to conditions, the report to City Council shall also list each condition in specific detail and shall include findings and conclusions that support each condition.

If the Planning Commission recommends disapproval of the preliminary subdivision, that decision shall be final unless the owner files notice of appeal to the City Council with the City Clerk within 30 days of the Commission's action. Upon receiving notice of appeal, the Council may follow the recommendation of the Commission or remand to the Commission for their reconsideration and a subsequent report to the Council; upon receipt of which the Council shall take final action within 30 days.

Section 2. Section 2.6.1 of Ordinance No. 2178 as amended (The Kirkland Subdivision Ordinance) is hereby amended to read as follows:

"2.6.1 Submission to City Council: [If the Planning Commission recommends disapproval of the Preliminary or Final Subdivision Application, that decision shall be final unless the owner files Notice of Appeal to the City Council with the City Clerk within 30 days of the Commission's action. -- Upon receiving Notice of Appeal, the Council may follow the recommendation of the Commission or remand to the Commission for their reconsideration and a subsequent report to the Council; upon receipt of which the Council shall take final action within 30 days.

Whenever a preliminary or final subdivision application receives favorable approval from the Kirkland Planning Commission, said recommendation shall be accompanied by a written advisory report encompassing the Findings, Conclusions, and Recommendations of the Planning Commission. Said advisory report shall be based upon a consolidated administrative report prepared by the Department of Community Development which shall encompass the recommendations and requirements of all other City of Kirkland departments.]

(1) Review by the Director of the Department of Community Development.

The final plat of a proposed subdivision, having received preliminary approval, shall be submitted to the City Council for final approval at such time as the Director of the Department of Community Development can certify to the City Council that:

(a) Except for minor adjustments permitted by paragraph (2) of this Section, the final plat conforms to the preliminary plat, including all conditions, as established by the City Council resolution granting preliminary approval to the proposed subdivision; and

(b) All additional requirements set forth in Section 2.6.2 have been met; and

(c) The final plat linen meets the requirements therefore as set forth in Section 2.9.1; and

(d) All public improvements have been installed and accepted by the City, or in the alternative, a performance bond or security undertaking as permitted by Section 2.12.1 has been filed with the City; and

(e) The subdivision, as established by the final plat, will be in conformance to all applicable regulations and ordinance of the City of Kirkland and state law.

(2) Action by City Council.

The City Council shall, in public meeting, review the final plat, together with the certification from the Director of the Department of Community Development and, if upon such review, the City Council is satisfied that all of the requirements as set forth herein have been met, then the City Council shall approve the final plat.

The Director of the Department of Community Development may recommend, and the City Council, in considering a final plat, may approve minor adjustments from the preliminary plat. If any changes are proposed other than minor modifications, the proposal will be processed as a new preliminary plat following the procedures specified in Section 2.4 of this Ordinance.

For the purposes of this Section, a minor adjustment is any change proposed in a final subdivision that --

(a) Is necessary because of information provided in the survey prepared for the final subdivision that was not available, and reasonably could not have been provided, during consideration of the preliminary subdivision;

(b) Does not increase the number of lots;

(c) Does not decrease any lot size by more than 10%;

(d) Does not substantially alter the location or nature of any improvements or any other element of the subdivision; and

(e) In no way significantly alters the subdivision.

(3) Report to Planning Commission.

Quarterly the Director of the Department of Community Development shall report to the Planning Commission on the final plats that are approved by City Council.

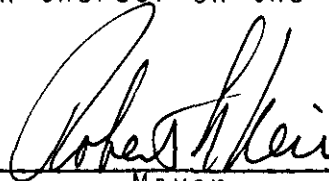
Section 3. The change in procedure for approval of final subdivisions provided for by this amendatory ordinance, shall become effective as of January 1, 1980, provided that nothing in this amendatory ordinance shall be deemed to affect any procedural or substantive rights as to any subdivision application filed with the City prior to said effective date. However, all such applications shall be subject to review and recommendation, consistent with the provisions of this ordinance.

Section 4. To the extent that the provisions of this ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council, as created by Ordinance No. 2001, this ordinance shall become effective within Houghton Community either upon approval of the Houghton Community Council or upon the failure of said Community Council to disapprove this ordinance within 60 days of the date of passage hereof.

Section 5. Except as hereinabove provided, this ordinance shall be in full force and effect five (5) days from and after its passage by the City Council and publication as required by law.

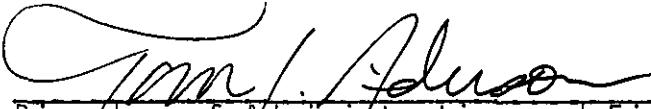
PASSED by the Kirkland City Council in regular meeting on
the 3rd day of December, 1979.

SIGNED IN AUTHENTICATION thereof on the 3rd day
of December, 1979.




Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney