

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISIONS, DIRECTING THE CITY TO FOLLOW THE PROVISIONS OF ORDINANCE 2576 WITH RESPECT TO RIGHT-OF-WAY IMPROVEMENTS REQUIRED AS PART OF SUBDIVISIONS AND SHORT (INFORMAL) SUBDIVISIONS, DIRECTING THAT SHORT (INFORMAL) SUBDIVISIONS SHALL BE REVIEWED AND DECIDED UPON BY A HEARING EXAMINER IF AND WHEN THE CITY OBTAINS THE SERVICES OF A HEARING EXAMINER, AND AMENDING ORDINANCE 2178 AS AMENDED.

WHEREAS, the City has recently adopted a comprehensive ordinance (Ordinance No. 2576) requiring that proposed developments install specified improvements in the right-of-way adjacent to the proposed development; and

WHEREAS, some of the required improvements in that Ordinance are not consistent with those specified in Ordinance 2178 as amended; and

WHEREAS, it is in the best interest of the City to establish a uniform set of right-of-way improvement standards to be followed by all proposed developments; and

WHEREAS, the City is contemplating obtaining the services of a Hearing Examiner to hold certain hearings and make certain decisions under a proposed Zoning Code; and

WHEREAS, to simplify the City's decision making processes it is appropriate to give the Hearing Examiner decision making authority over Short (Informal) Subdivisions; and

WHEREAS, part of this Ordinance is exempt from the State Environmental Policies Act under WAC 197-10-170(11). Compliance under the State Environmental Policies Act for the remainder of this Ordinance was completed as part of the State Environmental Policies Act compliance preparatory to adopting Ordinance 2576; and

WHEREAS, the Planning Commission held a Public Hearing on this proposed Ordinance on February 18, 1982, and has recommended it to City Council for approval; and

WHEREAS, the Houghton Community Council held a public hearing on this proposed Ordinance on March 30, 1982, and has recommended it to the City Council for approval;

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

Section 1. Section 1.7 of Ordinance 2178, as amended, is amended to read as follows:

1.7 Public Hearings - Notice Procedure: Notice of public hearings required by this ordinance shall be given by:

- (a) Publication at least once, not less than 7 days prior to the hearing, in the official newspaper designated by the City of Kirkland for the publication of official City notices.
- (b) Notice shall be given to those public bodies when entitled to receive such notice as set forth in Section 2.2.2 of this ordinance.
- (c) A notice of hearing shall be mailed to each person owning and/or residing on property situated within 300 feet of the exterior boundaries of the property proposed to be subdivided.
- (d) Notice of public hearing before the City Council or Planning Commission, shall be posted on or near the property in no less than 3 conspicuous places, at least 7 days in advance of the public hearing.
- (e) Notice of public hearings on proposed short (informal) subdivisions within the Houghton Municipal Corporation will be sent at least 7 days in advance of the public hearing to each member of the Houghton Community Council if the decision on the proposed short subdivision (informal subdivision) will be made by an entity other than the Houghton Community Council.

1

Section 2. Section 1.8 of Ordinance 2178, as amended, is amended to read as follows:

1.8 Approval of Short Subdivisions within the Houghton Community to-be-by-the-Houghton-Community-Council;

- (a) Except as specified in paragraph (b) of this section, {H}hereafter all authority designated in Article 3 to be delegated to the Planning Commission with respect to the review and approval of short subdivisions as to lands lying within the former City of Houghton shall be exercised by the Houghton Community Council as established by Ordinance No. 2001. The decision of the Houghton Community Council with respect to such short subdivisions shall be final. Application for approval of all short subdivisions shall be submitted pursuant to the provisions of Article 3 to the Planning Commission.
- (b) At such time as the City obtains the services of a Hearing Examiner, that Hearing Examiner shall hold public hearings and make decisions on short subdivisions as established in Section 3.7.2 of this Ordinance.

Section 3. Ordinance 2178, as amended, is amended by adding a new section 1.9 to read as follows:

1.9 - All Subdivisions and Short Subdivisions to Comply With Ordinance 2576:

Notwithstanding any other provision of this Ordinance including Articles 1, 2 and 3 hereof, the provisions of Ordinance 2576 must be complied with in lieu of complying with any conflicting provision of this ordinance. If Ordinance 2576 is repealed or superseded by another ordinance, or part of an ordinance, that successor ordinance, or part thereof, shall be followed in lieu of any conflicting provisions within this ordinance. Provisions of this ordinance which do not conflict with the provisions of Ordinance 2576, or its successor ordinance, remain in full force and effect.

Section 4: Section 3.7.2 of Ordinance 2178, as amended, is amended to read as follows:

3.7.2 Hearing Procedures: Hearings and notice thereof as to proposed short subdivisions shall be held in accordance with the notice and hearing procedures set forth in Article 1, Section 1.7 and Article 2, Section 2.4 of this Ordinance. ~~Provided, however, that --~~

- (a) Except as specified in paragraph (b) of this section, such hearing shall be held by either the Development Review Committee, Planning Commission or Houghton Community Council as is designated pursuant to the provisions of Ordinance No. 2386 to review, approve or disapprove such short subdivision.
- (b) If the City obtains the services of a Hearing Examiner, that Hearing Examiner shall conduct public hearings, review, and approve or disapprove all short subdivisions. Appeals from decisions of the Hearing Examiner shall be to City Council. In reviewing, holding hearings, and deciding upon short subdivisions, the Hearing Examiner shall follow the applicable procedures of this Ordinance and decision making procedures established by City Council that are consistent with the provisions of this Ordinance.

Section 5. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance 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 6. To the extent that the subject matter and provisions of this Ordinance are within the disapproval jurisdiction of the Houghton Community Council, as created by Ordinance No. 2001, this Ordinance shall become effective within the Houghton Community either upon approval of the Houghton

Community Council or failure of said Community Council to disapprove within sixty (60) days from the date of passage of this Ordinance.

Section 7. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

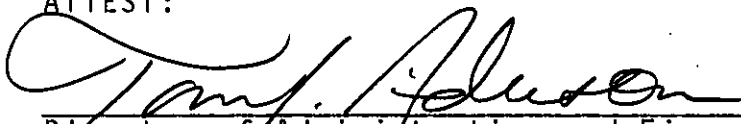
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 19th day of April, 1982.

SIGNED in authentication thereof this 19th day of April, 1982.



Mayor pro tem

ATTEST:



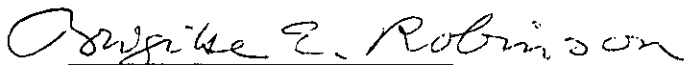
Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 21st day of April, 1982 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.



Clerk

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