Ordinance No. 3136

(Amending or Repealing Ordinances)

CFN=458 – Subdivision Codes
Passed 10/5/1993
Amending Sec. 12.04.170 and adding new Sec. 12.04.235

Amended by Ord. 3511
Amended by Ord. 3906 (Ch. 12.04)
ORDINANCE NO. 3136

AN ORDINANCE, of the City of Kent, Washington, amending 12.04.170 of the Kent City Code to provide public notice of a proposed short subdivision to adjacent property owners, and adding a new subsection 12.04.170(F), describing the manner in which notice shall be given, and adding a new section, 12.04.235, allowing for written public response to the proposed short subdivision.

WHEREAS, the Kent City Code currently permits the short subdivision of up to nine lots; and

WHEREAS, the Short Subdivision Committee can currently consider a short subdivision proposal without public notice to adjacent property owners; and

WHEREAS, the public interest would be additionally served if the public were allowed to offer a written response prior to the Short Subdivision Committee taking action on a short subdivision application; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Kent City Code (KCC) subsection 12.04.170 is hereby amended as follows:
Sec. 12.04.170. Short Subdivision Committee.

A. The short subdivision committee shall consist of one (1) planning commissioner; the director of parks and recreation; the planning director, who shall be chairman; the director of public works, who may designate the city engineer to attend in his absence with full voting power; and the fire chief, who may designate the chief of the fire prevention bureau to sit in his absence with full voting power.

B. Three (3) of the five (5) members of the short subdivision committee must be present in order for the committee to take any action.

C. A meeting attended by the applicant or representative and the short subdivision committee members shall be held within thirty—(30) forty (40) days of the receipt of the application. The meeting shall be open to the public.

D. The short subdivision committee may approve, approve with modifications and conditions, or deny the application for a short subdivision. Any short subdivision which is in excess of four (4) lots shall be subject to full subdivision standards and shall comply with the following sections of this Code: section 12.04.410 D., installation of improvements or bonding in lieu of improvements; section 12.04.420 B., final plat requirements; section 12.04.430, general requirements and minimum standards of residential design; and section 12.04.500, general requirements and minimum standards of industrial and commercial design.

E. The decision of the short subdivision committee shall be made at the short subdivision committee meeting. An
additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be no later than seven (7) days after the first meeting. An applicant may request that an application, on which the short subdivision committee has taken affirmative action, be reopened by the committee if it is found by the planning director and the applicant that new information has come to light that might affect the action taken by the short subdivision committee. In case of a denial by the short subdivision committee, any appeal shall be made to the city council as per section 12.04.250. New information may be presented during city council consideration of the appeal.

F. Notice of the short subdivision committee meeting shall be given in the following manner.

1. Notice shall be given, in writing, to all property owners within a radius of two hundred (200) feet of the exterior boundaries of the property which is the subject of the application for a short subdivision; in addition, where the property to be short subdivided abuts parcels greater than two (2) acres which have other properties abutting them, these additional properties shall be so notified, in writing, of the application.

2. One (1) notice of the short subdivision application shall be posted on or adjacent to the land requested to be short subdivided, in a conspicuous place at least fourteen (14) days after receipt of the application.

Section 2. There is hereby added to Chapter 12.04 of the Kent City code, a new section, 12.04.235, to be read as follows:

The public may make written response to the proposed short subdivision application within fifteen (15) days from the date of and posting. The Short Subdivision Committee shall not take action on a short subdivision application until after the fifteen (15) day application period has passed.

Section 3. Severability. If any one or more of these section, subsections, or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter and the same shall remain in full force and effect.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY
PASSED the ___5___ day of ___October___, 1993.
APPROVED the ___6___ day of ___October___, 1993.
PUBLISHED the ___8___ day of ___October___, 1993.

I hereby certify that this is a true copy of Ordinance No. ___3136___, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Brenda Jacober] (SEAL)
BRENDÁ JACOBÉR, CITY CLERK