

Repealed by O-2679 on 9/20/82

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND DEVELOPMENT, REVIEW AND APPROVAL OF SHORT PLAT APPLICATIONS AND OTHER DEVELOPMENT OR USE PERMITS, ESTABLISHING MODIFIED PROCEDURES AND STANDARDS FOR REVIEW AND APPROVAL THEREOF, AND SUPPLEMENTING AND MODIFYING EXISTING LAND USE DEVELOPMENT PERMIT PROCEDURES FOR PROCESSING APPLICATIONS BY THE CITY OF KIRKLAND.

WHEREAS, short plat applications and certain other development or use permit applications presently are required to be submitted for review by the Kirkland Planning Commission or the Kirkland Board of Adjustment and/or the Houghton Community Council for approval or recommendation to the Kirkland City Council, and

WHEREAS, the City Council desires to and finds it in the best public interest to provide for a simplified review process which will nevertheless preserve the right or opportunity for public comment and input, and provide for proper review as to established standards and regulations with regard to land use development and environmental policy, now, therefore,

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

Section 1. Notwithstanding the review and processing provisions, contained in the Subdivision Ordinance No. 2178, and the Zoning Code 2183, as amended by 2347, any application submitted for review and approval for the following land use actions or permits shall be processed and reviewed by the City of Kirkland in accordance with the provisions of this Ordinance:

- a) Short subdivisions, but only when a variance as provided for by section 3.10 of Ordinance No. 2178 (Subdivision Ordinance) is neither requested nor required;
- b) Conditional Use Permits (CUP) as to:
 - 1) Home Occupation (in lieu of Conditional Use Permit process);
- c) Certain permitted planned area uses within planned areas.

Section 2. There is hereby created a Development Review Committee to be composed of the following City of Kirkland administrative officials:

- a) Director, Department of Community Development, who shall act as the committee chairman.
- b) Director, Department of Public Services
- c) Director, Department of Fire Services
- d) The Chief of Police for the City of Kirkland
- e) The Director of the Department of Parks and Recreation.

Each of the above designated City officials may designate, in writing, an official or employee of their respective department to act as their delegate or alternate to serve on the committee. The committee shall prescribe, in writing, rules and procedures as may be required for the committee to carry out its duties. Copies of all such rules and procedures, when adopted, including the establishment of regular meeting dates, shall be filed in the office of the Director of Administration and Finance for the City of Kirkland, and in the records of the Department of Community Development. Except as to those portions of the Development Review Committee meetings which may be exempted therefrom under the State Open Meeting Act, all meetings of the committee shall be open to the public. Minutes of all meetings of the committee, together with the record of all actions taken by the committee, shall be filed in the permanent files of the City maintained by the Department of Community Development.

The Development Review Committee shall exercise all of the powers, duties and authority of the Kirkland Planning Commission with regard to review, approval or disapproval of the development permit actions or permits, including short plats, set forth in Section 1 of this Ordinance, except as to such actions for property within the former City of Houghton which, by the provisions of Section 3 of this Ordinance, shall be submitted to the Houghton Community Council for review, approval or disapproval in lieu of submission to the Development Review Committee.

Section 3. Short Subdivisions.

All applications for short subdivision of land lying within the former City of Houghton shall, upon their acceptance, be referred to the Houghton Community Council.

for review and recommendation in accordance with the provisions of the Subdivision Ordinance. Provided, however, that the Houghton Community Council may refer applications for short subdivisions of land within the former City of Houghton to the Development Review Committee, in which case such referred applications shall be processed in accordance with the provisions of this Ordinance.

The committee shall review and consider all short subdivision applications coming before it, provided, however, that all applications requiring or requesting a variance in accordance with Section 3.10 of Ordinance No. 2178 (the Subdivision Ordinance), shall upon their acceptance be first referred to the Planning Commission for review and recommendation in accordance with the provisions of the Subdivision Ordinance, or to the Houghton Community Council for those short subdivisions of land within the former City of Houghton.

The review and consideration shall include review of the application with regard to the requirements of Article 3 of the Subdivision Ordinance, relating to short subdivisions in the presence of adverse impacts affecting the quality of the environment. The committee shall impose conditions of any short subdivision in order to eliminate or eradicate possible adverse impact resulting from any increase in surface water or storm drainage runoff, access to an from the proposed subdivisions, other impact relating to the topographical conditions and location of the proposed subdivision with respect to public facilities. The committee may impose conditions on said application with respect to mitigating adverse impact affecting specific existing neighborhood conditions.

Section 4. Home occupations - administrative review and approval. A home occupation permit may be issued by the Director of the Department of Community Development based upon review and approval by the Development Review Committee. The committee shall approve a home occupation application when, based upon its review and consideration, it finds the home occupation:

- a) Will be carried on exclusively by a member or members of the family residing in the dwelling unit.
- b) Is clearly incidental and secondary to the use of the property for dwelling purposes and does not exceed more than 10% of the living area of the dwelling unit.

- c) Has or requires no outside storage nor exterior indication of the home occupation.
- d) Does not require the installation of heavy equipment, power tools, or power sources not common to a residential dwelling.
- e) Does not require truck pick up or delivery.
- f) Does not create noise, dust, glare, vibration, odors, smoke or other adverse impact to the residential area.
- g) Does not create a level of parking demand beyond that which is normal to a residential area.
- h) Does not include retail sales as a primary activity.

The committee may impose conditions on the home occupation permit to assure that the above provisions are met and adhered to during the continuance of the permit activity. A home occupation permit shall terminate forthwith when the holder thereof moves from the residence in which the home occupation is located and for which the permit was granted.

Section 5. The Development Review Committee, in lieu of the Planning Commission, may review and consider certain uses within the planned areas, provided that the proposed use:

- a) is a permitted planned area use with the specific planned area; and
- b) is to be located entirely within an existing structure and only minor changes proposed to the existing structure and to the site; and
- c) can meet the applicable zoning requirements and planned area standards for the planned area within which it is located.

For purposes of this Section, minor change to the existing structure is defined as normal repair and maintenance, interior remodelling, and addition of generally ten (10%) percent of the existing floor area but not more than 1,000 square feet on a one-time basis. An increase in the existing height of the structure is not a minor change.

For the purposes of this Section, minor change to the site is defined to include normal landscaping and the addition

of five (5) or fewer parking spaces on the site. Minor change shall not include removal or addition of earth materials to or from the site other than that required in normal landscaping, nor shall it include modification of onsite water courses or wetlands, or the addition of more than five (5) parking spaces.

The Development Review Committee shall require that all planned areas specific development requirements and special conditions are met. The committee may require:

- a) Additional landscaping be added to ensure that parking areas are screened from the street or adjacent properties; and
- b) Signing be limited to minimum dimensions; and
- c) Limiting site modifications, such as, excavation or filling, the removal of trees, or change to other unique site characteristics.

Section 6. Procedure for review and approval by the Development Review Committee. Application for all short subdivisions and other land use development actions or permits over which the committee has review and approval or disapproval jurisdiction shall first be submitted to the Department of Community Development to determine that the application is proper in form including all required support documents. Only after the Department of Community Development has determined that the application is proper as to form, shall it accept the application for filing. Filed applications shall then be scheduled for review by the committee within forth-five (45) days following acceptance of the application.

The Department shall prepare a report summarizing the facts and factors involved. Said report shall include review and comment received from other City of Kirkland departments and other governmental agencies having an interest in the subject application. The report shall also include a statement of facts and may include conclusions and a recommended action.

The department report shall not less than ten (10) days before the date of the scheduled meeting cause the report to be distributed to the applicant and to each member of the committee, and it shall be available for inspection by any interested party.

Notice of the committee meeting shall be given in the same manner as is required for notice of hearing before the Planning Commission, in either the Subdivision Ordinance, as to all applications for short subdivisions, in the Zoning Ordinance as to all other applications.

At said meeting, the committee shall consider the application, the report and recommendation of the department, including the other departmental reports, and such other comment or public input as has been received prior to said meeting or presented at said meeting. A verbatim record of the meeting shall be made by tape recording.

The committee shall render its decision with respect to the subject application within seven (7) days of the meeting at which the application is considered.

The decision of the committee shall be in writing, and shall, on the basis of the material and evidence submitted to it, include a statement of facts found by the committee, the conclusions of the committee with respect to the facts found, and the application of the applicable ordinances, laws and regulations. The decision of the committee shall be supported by said findings and conclusions, and shall be final unless written appeal is made by the applicant or other interested party who appeared, either by submittal of written comment or personal appearance at said meeting. Such written appeal must be filed with the Department of Community Development within fourteen (14) days of the date of filing the decision of the committee.

In the event a written appeal is made, such appeal shall be to the City Council who shall consider the appeal in a manner consistent with the provisions of Section 2.4.4 of Ordinance No. 2178.

The decision of the Development Review Committee (or the City Council following an appeal) to the extent that it may be within the disapproval jurisdiction of the Houghton Community Council as created by Ordinance No. 2001 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 the decision.

Section 7. This ordinance shall remain in force until one year from the effective date unless extended by the City Council after considering recommendations of the Planning Commission and Houghton Community Council.

Section 8. 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.

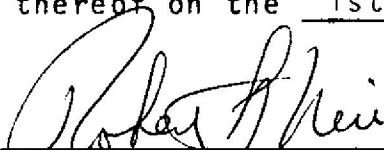
Section 9. To the extent that the subject matter and provisions of this Ordinance are within the disapproval jurisdiction of the Houghton Community Council, as created by Ordinance No. 2001, this Ordinance shall become effective

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.

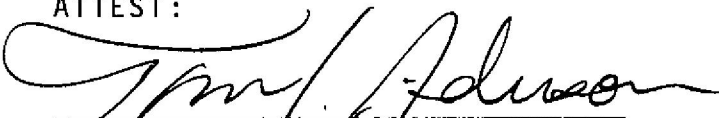
Section 10. Except as provided in Section 9, this Ordinance shall be in full force and effect five (5) days from and after its passage and publication as required by law.

PASSED BY MAJORITY VOTE of the Kirkland City Council in regular meeting held on the 1st day of May, 1978.

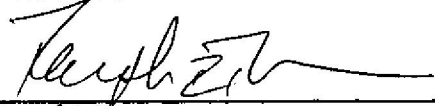
SIGNED IN AUTHENTICATION thereof on the 1st day of May, 1978.


MAYOR

ATTEST:


Director of Administration &
Finance
(ex officio City Clerk)

APPROVED:


City Attorney