

*Repealed by 3752*

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE DEVELOPMENT, SUBDIVISION OF LAND, THE "ADDITIONAL AUTHORITY" IN THE HEARING EXAMINER TO HEAR AND DECIDE CERTAIN LAND USE AND SUBDIVISION APPLICATIONS AND AMENDING SECTION 3.34.060 OF THE KIRKLAND MUNICIPAL CODE.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 3.34.060 of the Kirkland Municipal Code relating to the establishment of a hearing examiner system, is hereby amended to read as follows:

Section 3.34.060 Expansion of hearing examiner's authority. Notwithstanding anything to the contrary in Title 22 - Subdivisions (Ordinance 2766 subdivision of land) and Title 23 - Zoning (Ordinance 2740, the Kirkland zoning ordinance) the hearing examiner, immediately upon the effective date of this ordinance, shall be vested with the power to hear and decide upon all quasi-judicial rezone applications pursuant to Section 130.30, et seq., of the zoning ordinance together with all development permit and preliminary subdivision applications except for those listed below:

a) Applications for Preliminary Planned Unit Developments which propose any of the following:

1. More than forty-nine residential dwelling units;

2. Commercial structures with gross floor area over 40,000 square feet or over 35 feet of height above average building elevation;

3. Any type of special needs housing: pursuant to Section 125.30 of the Kirkland zoning code.

b) Applications for Process III Master Plan permit in the following zones: Planned Areas 1, 10B, 12, 15A, 15B and 16.

c) Applications for Process III development permits in the following zones: FC II, Planned Areas 2, [3] and 9.

d) Applications for non-project quasi-judicial rezones to establish the following overlay zones: adult entertainment, historic landmark and equestrian.

e) Applications for any non-project quasi-judicial rezone which accompanies a Process IV permit (Comprehensive Plan or Zoning Text Amendment).

f) Any application for quasi-judicial rezone or other development permit within the CBD zone shall be heard by the planning commission if the application proposes any structure which exceeds 35 feet above average building elevation.

g) Any application for quasi-judicial rezone or other development permit within the P or CBD zones shall be heard by the planning commission if the application proposes any moorage facility.

Applications for quasi-judicial ~~[project]~~ rezones (Sec. 13055 et seq., Ordinance 2740) and preliminary planned unit development applications shall, in coming before the hearing examiner, be processed in accordance with Process II-B as established in Chapter 152 of the zoning ordinance. Said Process II-B provides that the decision of the hearing examiner shall be a recommendation of the hearing examiner to the City Council.

All other development permit applications together with preliminary approval of subdivisions shall be processed in accordance with Process II-A, as established in Chapter 150 of the zoning ordinance. Said process provides that the decision of the hearing examiner shall be final subject only to appeal to the City Council within the time therein prescribed.

The additional authority and jurisdiction herein granted to the hearing examiner shall not include any jurisdiction or authority to consider, recommend or approve an application or petition to amend the Land Use Policies Plan (Comprehensive Plan), or the text including development standards and regulations of the zoning code or subdivision ordinance. Any application which is coupled with or involves a pending application or petition for such legislative change, or amendment, to the comprehensive plan, zoning code or subdivision ordinance,

shall not be heard by the hearing examiner, but shall be processed and decided upon by the planning commission and the City Council, using the procedures established therefor in the zoning ordinance and subdivision ordinance as appropriate. The additional authority and jurisdiction herein granted to the hearing examiner shall expire December 31, 1986, provided that the hearing examiner shall retain jurisdiction to hear and decide all applications then pending before the hearing examiner on which the hearing examiner has commenced or held the required hearing prior to December 31, 1986.

Section 2. Nothing in this ordinance shall be deemed to affect or limit the disapproval jurisdiction of the Houghton Community Council, and such jurisdiction shall continue pursuant to the Ordinance 2001 as to any application heard and decided by the hearing examiner pursuant to this ordinance, to the same extent as such disapproval jurisdiction would apply, had the application been processed before the planning commission and the City Council.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 20th day of January, 1986.

Signed in authentication thereof this 20th day of January, 1986.

*Doris Cooper*  
MAYOR

ATTEST:

*T. J. Adams*  
Director of Administration & Finance  
(ex officio City Clerk)

APPROVED AS TO FORM:

*Gail Bond*  
Acting City Attorney