

ORDINANCE NO. 3420

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SEPA PROCEDURES AND POLICIES AND AMENDING CHAPTER 24.02 OF THE KIRKLAND MUNICIPAL CODE, ORDINANCE NO. 2830, AS AMENDED, THE KIRKLAND SEPA PROCEDURES AND POLICIES ORDINANCE (FILE NO. IV-92-100).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the Kirkland Municipal Code, including Chapter 24.02, as set forth in that certain report and recommendation of the Planning Commission dated May 18, 1994, and bearing Kirkland Department of Planning and Community Development File No. IV-92-100; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

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

Section 1. Section 24.02.085 and Subsection (e) of section 24.02.105 of the Kirkland Municipal Code is hereby amended to read as follows:

24.02.085 Public notice.

(a) Whenever the city issues a DNS under WAC 197-11-340(2), or DS under WAC 197-11-360(3), the city shall give public notice by publishing notice in a newspaper of general circulation in the city where the proposal is located.

(b) Whenever the city issues a mitigated DNS for Process IIA, IIB, and III zoning and subdivision applications, the city shall give public notice by publishing notice in a newspaper of general circulation in the city where the proposal is located, by providing that the applicant erect public notice signs on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject

property, and by mailing notice to owners of all property within 300 feet and all residents adjacent to or directly across the street from the subject property.

(-bc) The responsible official may require notice by alternative methods, as specified in WAC 197-11-510, if deemed necessary to provide public notice of impending action.

(ed) Whenever the city issues a draft EIS or SEIS under WAC 197-11-455(5) or WAC 197-11-620, notice of availability of those documents shall be given by:

- (1) Posting the property for site-specific proposals, pursuant to the guidelines in (b) above; and
- (2) Publishing notice in a newspaper of general circulation in the city; and
- (3) Mailing notice for site specific proposals, pursuant to the guidelines in (b) above.

24.02.105 Administrative appeals

(e) Who Will Hear and Decide Upon the Appeal.

(1) Threshold Determinations: Appeals of threshold determinations will be heard and decided upon by the hearing examiner using the appeal provisions, as applicable, or process I of the Kirkland Zoning Code, Ordinance 2740, as amended, Sections 145.5560 - 145.400105, except that:


- (A) The matters to be considered and decided upon in the appeal are limited to the matters raised in the notice of appeal; and
- (B) The decision of the responsible official shall be accorded substantial weight; and
- (C) All testimony will be taken under oath.
- (D) The decision of the hearing examiner shall be the final decision on any appeal of a threshold determination including a mitigated determination of nonsignificance.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, 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 3. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 19th day of July, 1994.

SIGNED IN AUTHENTICATION thereof this 19th day of July, 1994.



Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

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