

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SPECIAL PROCEDURES FOR SEPA APPEALS ON SPECIFIED PROJECTS.

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

Section 1. There is hereby created a new section in KMC Chapter 24.02 to read as follows:

24.02.106 Special Procedures for SEPA Appeals on Specified Projects.

(a) This section contains special provisions for administrative appeals applicable to certain proposed actions. The affected proposed actions are those which meet all of the following:

(1) re-submittal for the same project which was previously the subject of a City of Kirkland approval; and

(2) the complete application for the re-submission is filed with the City prior to June 30, 1995; and

(3) the prior approval lapsed or became void pursuant to Kirkland zoning code or subdivision regulations between January 1, 1993 and July 6, 1994.

(b) When this section is applicable, it will apply to administrative appeals of the following decisions of the City:

(1) The issuance of a declaration of non-significance, including mitigation measures and conditions that are required as part of that declaration of significance; or

(2) The issuance of a declaration of significance.

(c) When this section is applicable, its provisions will prevail over any conflicting provisions of KMC Chapter 24.02.

(d) Administrative appeals coming under this section shall be decided by the same person, official, or body which is making the decision on the proposed action. The decision on the SEPA appeal will be made at the same time as the decision on the proposed action. Except as provided in subparagraph (e), the hearing on the SEPA appeal will be conducted at the same time as any hearing on the proposed action. Nothing about this section will alter the provisions of section 24.02.105(c) relating to time to appeal. The decision on the SEPA appeal provided for

by this subparagraph will be the final decision of the City on the SEPA appeal, even if an appeal is allowed as to the decision on the proposed action.

(e) Unless to do so would delay the decision on the proposed action, the hearing on the SEPA appeal may be conducted by the hearing examiner in advance of the date for consideration of the decision on the proposed action to begin. If the hearing examiner is not the decision maker on the proposed action, then the hearing examiner will forward to such decision maker a recommendation on the SEPA appeal.

(f) This section shall be automatically repealed on December 31, 1996.

Section 2. 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 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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