

ORDINANCE NO. 3500

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IV-95-56).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated October 30, 1995, and bearing Kirkland Department of Planning and Community Development File No. IV-95-56; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 12, 1995, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a 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. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

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. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the

disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

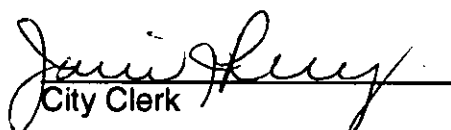
Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 7th day of November, 1995.

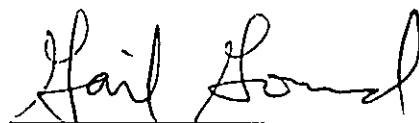
SIGNED IN AUTHENTICATION thereof this 7th day of November, 1995.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

OR95-56.OCT/NC:rk

## ATTACHMENT A

CHAPTER 140 - AMENDMENTS TO THE ~~LAND USE POLICIES~~ COMPREHENSIVE PLAN

- 140.05 User Guide  
 140.10 Applicable Process  
 140.15 Factors for Consideration in an Amendment to the ~~LUPP~~ Comprehensive Plan  
 140.20 Criteria for Amending the ~~LUPP~~ Comprehensive Plan  
 140.25 Responsibility to Review

140.05 User Guide

This Chapter establishes a mechanism for the City to amend the ~~Land Use Policies~~ Comprehensive Plan, Title 17 of the Kirkland Municipal Code. If you are interested in proposing an amendment to the ~~Land Use Policies~~ Comprehensive Plan, or if you want to participate in the decision on a proposed amendment, you should read this Chapter.

140.10 Applicable Process

The City will use Process IV described in Chapter 160 of this Code to review and decide upon a proposal to amend the ~~Land Use Policies~~ Comprehensive Plan.

140.15 Factors for Consideration in an Amendment to the ~~LUPP~~ Comprehensive Plan

The City shall take into consideration, but is not limited to, the following factors when considering a proposed amendment to the ~~Land Use Policies~~ Comprehensive Plan.

1. The effect upon the physical environment.
2. The effect upon the economic environment.
3. The effect upon the social environment.
4. The effect on open space, streams, and lakes.
5. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
6. The adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation, and schools.
- ~~7. The benefit to the neighborhood, city and region.~~
- ~~7.~~ ~~8.~~ The quantity and location of land planned for the proposed land use type and density.
- ~~8.~~ ~~9.~~ The current and projected population density in the area.
- ~~9.~~ ~~10.~~ The effect upon other aspects of the ~~Land Use Policies~~ Comprehensive Plan.

140.20

Criteria for Amending the LUPP Comprehensive Plan

The City may amend the ~~Land Use Policies~~ Comprehensive Plan only if it finds that--

1. The proposed amendment bears a substantial relation to public health, safety, and welfare.
2. The proposed amendment is consistent with the Growth Management Act;
3. ~~The proposed amendment is consistent with the Countywide Planning Policies; in the best interest of the residents of Kirkland.~~
4. The Comprehensive Plan will be internally consistent; and
5. The proposed amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

140.25

Responsibility to Review

~~According to State law, the~~ The City shall review the ~~Land Use Policies~~ Comprehensive Plan regularly to determine if any changes are desirable, ~~at 3-year intervals, beginning in 1982. The City may also review or amend the Land Use Policies Comprehensive Plan at any other time.~~

## CHAPTER 160 - PROCESS IV

160.05	User Guide
160.15	Initiation of Proposals
160.20	Compliance with SEPA
160.25	City Council Review
160.35	Official File
160.40	Notice
160.45	Staff Report
160.50	Community Council Proceeding
160.55	Public Hearing
160.60	Material to be Considered
160.65	Electronic Sound Recordings
160.70	Public Comments and Participation at the Hearing
160.75	Continuation of the Hearing
160.80	Planning Commission Action
160.85	Planning Commission Report to City Council
160.90	Publication and Effect
160.95	Jurisdiction of the Houghton Community Council

160.05 User Guide

Various places in this Code indicate that certain proposals to amend the Zoning Map, this Code, and the ~~LUPP~~ Comprehensive Plan must be reviewed and decided upon using Process IV. This Chapter describes how Process IV works.

If you wish to participate in a decision that will be made using this Process, you should read this Chapter. However, this Chapter applies only if another provision of this Code specifically states that a decision on a proposed amendment will be made using Process IV.

160.15 Initiation of Proposals

A proposal that will be reviewed using this Chapter may be initiated by the City Council or Planning Commission.

160.20 Compliance with SEPA

The State Environmental Policies Act (RCW 43.21C) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with State Regulations and City Ordinances issued under authority of SEPA.

160.25 City Council Review

1. General - The City Council shall make a threshold review of each proposal to amend the ~~Land Use Policies~~ Comprehensive Plan and each legislative rezone proposal initiated by the Planning Commission. The City Council may request the Planning Department or any other department of the City, to provide any information or material on the proposal consistent with Section 60 of this Chapter.

2. Decision - Following its review, the City Council may decide that:
  - a. The proposal does not have merit and shall not be given further consideration; or
  - b. The proposal has merit and shall be considered by the Planning Commission at a public hearing.
  - c. The proposal shall be tabled.

160.35 Official File

1. Contents - The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City's consideration of the proposal.
2. Availability - The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

160.40 Notice

1. Contents - The Planning Official shall prepare a notice of hearing for each proposal for which a public hearing will be held. This notice shall contain the following information:
  - a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.
  - b. A statement of how the proposal would change the affected provision.
  - c. A statement of what areas, zones or locations will be directly affected or changed by the proposal.
  - d. The time and place of the public hearing.
  - e. A statement of the availability of the official file.
  - f. A statement of the right of any person to submit written comments to the Planning Commission and to appear at the public hearing before the Planning Commission to give comments orally.
2. Distribution -
  - a. The Planning Official shall distribute this notice at least 14 days before the public hearing as follows.
    - 1) A copy of the notice will be published in the official newspaper of the City.
    - 2) A copy of the notice will be posted on each of the official notification boards of the City.

b. Public Notice Signs - If the proposal is to reclassify land on the zoning map, the applicant shall provide for and erect public notice signs at least fourteen (14) calendar days before the public hearing as follows:

- 1) The signs shall be designed and constructed to City standards. A copy of the notice described in paragraph 2 of this Section and a vicinity map shall be attached to each sign.
- 2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this Section.
- 3) One (1) sign shall be erected 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. The Department of Planning and Community Development shall approve the location of each sign.
- ~~4) The applicant shall post a bond pursuant to Chapter 175 of this Code to ensure proper maintenance and removal of the signs. The bond shall be posted prior to creation of the sign.~~
- 6) 4) The signs shall be removed within seven (7) calendar days after the final public hearing.

160.45

Staff Report

1. General - The Planning Official shall prepare a staff report containing--
  - a. An analysis of the proposal and a recommendation on the proposal; and
  - b. Any other information the Official determines is necessary for consideration of the proposal.
2. Distribution - The Planning Official shall distribute the staff report as follows:
  - a. A copy will be sent to each member of the Planning Commission prior to the hearing.
  - b. A copy will be sent promptly to any person requesting it.
  - c. If applicable, a copy will be sent to each member of the Houghton Community Council prior to their proceedings on the proposal.

160.50

Community Council Proceeding

1. General - If the proposal is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may consider the proposal at a meeting or hold a public hearing on it. The Houghton Community Council and the Planning Commission may hold joint meetings or public hearings on the proposal.
2. Notice - If the Houghton Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in Section 40 of this Chapter.

3. Recommendation - The Houghton Community Council, by resolution approved by a majority vote of its entire membership, may make a recommendation on the proposal. The Planning Official shall present any recommendation of the Houghton Community Council to the Planning Commission before the Planning Commission takes a final vote on the proposal.

160.55 Public Hearing

1. General - The Planning Commission shall hold one or more public hearings on a proposal if:
  - a. It is initiated by the City Council; or
  - b. It is a proposal to amend the ~~Land Use Policies~~ Comprehensive Plan or a legislative rezone proposal which is initiated by the Planning Commission and which the City Council has reviewed and decided shall be considered at a public hearing; or
  - c. It is any other proposal initiated by the Planning Commission.
2. Hearing Declared Open - The hearings of the Planning Commission and the Houghton Community Council are open to the public.
3. Effect - The hearing of the Planning Commission is the hearing for City Council. City Council need not hold another hearing on the proposal.

160.60 Material to be Considered

1. General - The City Council, Planning Commission and Houghton Community Council shall use the decisional criteria established in the various provisions of this Code that describe the decisions that will be made using this Process.
2. Exclusion
  - a. General - The City may not consider a specific proposal site plan or project in deciding whether or not a proposal should be approved through this process.
  - b. Exception for Environment Information - If a proposal that will be decided upon using this process is part of a specific development plan, the City may consider all information submitted under Section 15 of this Chapter in deciding upon that proposal.

160.65 Electronic Sound Recordings

The Planning Commission and, if applicable, the Houghton Community Council, shall make a complete electronic sound recording of each hearing on a proposal.

160.70 Public Comments and Participation at the Hearing

Any interested person may participate in the public hearing in either or both of the following ways:



1. By submitting written comments to the Planning Commission and if applicable, the Houghton Community Council, either by delivering these comments to the Planning Department prior to the hearing or by giving them directly to the Planning Commission or Community Council at the hearing.
2. By appearing in person, or through a representative, at the hearing and making oral comments. The Planning Commission and the Houghton Community Council may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

160.75 Continuation of the Hearing

The Planning Commission and Houghton Community Council may for any reason continue the hearing on the proposal. If, during the hearing, the Commission or Community Council announces the time and place of the next public hearing on the proposal, no further notice of that hearing need be given.

160.80 Planning Commission Action

1. General - Following the public hearing, the Planning Commission shall consider the proposal in light of all of the information submitted to it including the recommendation, if any, of the Houghton Community Council. The Planning Commission may modify the proposal in any way.
2. Modifications Requiring a Re-hearing - If, following the public hearing, the Planning Commission fundamentally modifies the proposal, the Planning Commission shall hold a public hearing on the proposal as modified under the provisions of this Chapter.
3. Recommendation - If the Planning Commission determines that the proposal meets the applicable decisional criteria established in Section 60 of this Chapter, it may, by majority vote of the entire membership, recommend that City Council give effect to the proposal by amending the appropriate text or Zoning Map. If the Planning Commission determines that the proposal does not meet the applicable criteria, it may, by a majority vote of the members present, recommend that City Council take no action. If the Planning Commission cannot take either of the actions described in this Section, this fact will be included in the report to City Council under Section 85 of this Chapter.

160.85 Planning Commission Report to City Council

1. General - The Planning Official shall prepare a Planning Commission report on the proposal containing a copy of the proposal, along with any explanatory information, and the Planning Commission recommendation, if any, on the proposal.
2. Transmittal to City Council - The Planning Official shall transmit the Planning Commission report to the City Manager for consideration by City Council. The City Manager shall acknowledge receipt of the report and shall direct the clerk to certify on the report, the date of receipt.
3. Distribution - The Planning Official shall promptly send a copy of the Planning Commission report to any person requesting it.
4. City Council Consideration - Within 60 days of receipt of the Planning Commission report by the City Manager, the City Council shall consider the proposal.

*Revised 4/84*

5. City Council Action - After consideration of the Planning Commission report, the City Council shall by majority vote of its total membership--
- a. Approve the proposal by adopting an appropriate resolution or ordinance; or
  - b. Modify and approve the proposal by adopting an appropriate resolution or ordinance; or
  - c. Disapprove the proposal; or
  - d. Refer the proposal back to the Planning Commission for further proceedings. If this occurs, the City Council shall specify the time within which the Planning Commission shall report back to the City Council on the proposal.

160.90 Publication and Effect

1. Publication - If City Council adopts an ordinance, the City Clerk shall post or publish the ordinance as required by law.
2. Effect - Except as stated in Section 95 of this Chapter, the ordinance will be in effect from and after five (5) days after it is posted or published as required by law.

160.95 Jurisdiction of the Houghton Community Council

1. General - If the City Council approves a resolution or ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance is not effective within the Houghton Community until--
  - a. A majority of the entire membership of the Houghton Community Council vote to approve it; or
  - b. The Houghton Community Council fails to disapprove it, by majority vote of the entire membership, within 60 days after City Council approves the resolution or ordinance.



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PUBLICATION SUMMARY OF ORDINANCE NO. 3500

AN ORDINANCE OF THE CITY COUNCIL OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE.

Section 1: Amends text of Zoning Ordinance Chapters 140 and 160 relating to amendments to the comprehensive plan and Process IV.

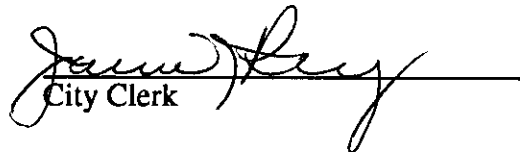
Section 2: If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3: Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

Section 4: Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary, except as provided in Section 3.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland,. The ordinance was passed on the 7th day of November, 1995.

I certify that the foregoing is a summary of Ordinance 3500 approved by the Kirkland City Council for summary publication.

  
City Clerk