

ORDINANCE 3604

AN ORDINANCE OF THE CITY OF KIRKLAND CREATING AN ABBREVIATED PROCESS FOR MINOR ZONING CODE AMENDMENTS, TO BE KNOWN AS PROCESS IVA, BY AMENDING THE ZONING CODE.

WHEREAS, the City Council has a goal of developing a fast track process to make minor zoning code amendments. The Council wants to provide a more efficient means to amend the zoning code when only technical or other uncontroversial revisions are needed; and

WHEREAS, the City Council has received input from the Kirkland Planning Commission as to proposed text for amendments creating an abbreviated process for minor zoning code amendments; and

WHEREAS, in regular public meeting the City Council considered the report of the Planning Commission.

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

Section 1. Zoning code amended: Ordinance 2740 as amended, the Kirkland Zoning Code, is hereby amended by adding the following language to the Zoning Code Table of Contents:

Chapter 161 - Process IVA.

Section 2. Zoning Code Section 135.10 is hereby amended as follows:

135.10 Applicable Process

The City generally will use Process IV described in Chapter 160 of this Code to review and decide upon a proposal to amend the text of this Code. However, some minor zoning code amendments will be reviewed under an abbreviated process. The abbreviated Process IVA is described in Chapter 161 of this Code. Process IVA is used for proposals which are not controversial and do not need extensive policy study.

Section 3. The Zoning Code is hereby amended by the addition of a new chapter, to be known as "Chapter 161 - Process IVA", and to read as follows:

## CHAPTER 161 - PROCESS IVA

161.05	User Guide
161.15	Initiation of Proposals
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161.05 User Guide

Certain proposals to amend this Code will be reviewed and decided upon using Process IVA. This is an abbreviated process which will only be used if the proposal is suitable for Process IVA as specified in this Chapter. If you wish to participate in a decision that will be made using this Process, you should read this Chapter.

161.15 Initiation of Proposals

Process IVA is used to review and decide upon proposed minor zoning code amendments. It is an abbreviated process used for proposals which are not controversial and do not need extensive policy study. The Planning Director prepares a roster of amendments proposed for review under Process IVA.

161.20 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.

161.25 Suitability for Process IVA

1. General - Process IVA is for minor zoning code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies.

The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

2. Distribution - Thirty days prior to City Council consideration of the roster of proposed amendments, the Planning Director shall distribute a copy of it to the City Council, the Planning Commission, the Houghton Community Council, neighborhood associations and the Chamber of Commerce.

#### 161.35 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.

#### 161.40 Notice

1. Contents - The Planning Official shall prepare a notice of hearing for proposed amendments. 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 Director and to appear at the public hearing before the Planning Director to give comments orally.

2. Distribution - The Planning Official shall have this notice published once in the official newspaper of the City at least 14 days before the

public hearing. Continued hearings may be held at the discretion of the Planning Director but no additional notices need be published.

#### 161.45 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 given to the Planning Director 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.

#### 161.55 Public Hearing

1. General - the Planning Director shall hold one or more public hearings on a proposal.
2. Effect - the hearing of the Planning Director is the hearing for City Council. City Council need not hold another hearing on the proposal.

#### 161.60 Material to be Considered

Review under Process IVA shall use the decisional criteria established in applicable provisions of this Code. The City may not consider a specific proposed site plan or project in deciding whether or not an amendment should be approved through this process.

#### 161.65 Electronic Sound Recording

The Planning Director shall make a complete electronic sound recording of each public hearing.

#### 161.70 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 Director either by delivering these comments to the Planning Department prior to the hearing or by giving them directly to the Planning Director at the hearing.
2. By appearing in person, or through a representative, at the hearing and making oral comments. The Planning Director may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

#### 161.75 Continuation of the Hearing

The Planning Director may for any reason continue the hearing on the proposal.

#### 161.80 Planning Director Action

1. General - Following the public hearing, the Planning Director shall consider the proposal in light of all of the information submitted to him/her. The Planning Director may modify the proposal in any way.
2. Modifications Requiring a Re-hearing - If, following the public hearing, the Planning Director materially modifies the proposal, the Planning Director shall give notice of a new public hearing on the proposal as modified.
3. Recommendation - If the Planning Director determines that the proposal meets the applicable decisional criteria established in Section 60 of this Chapter, he/she may recommend that City Council give effect to the proposal by amending the appropriate text.

#### 161.85 Planning Director Recommendation to City Council

1. General - The Planning Director may forward a proposed ordinance to Council which, if passed, would make the recommended amendment to this Code. The proposed ordinance may be placed on the City Council consent calendar. The Planning Official shall prepare a Planning Director report on the proposal, containing a copy of the proposal, along with any explanatory information, and the Planning Director recommendation on the proposal.
2. City Council Action - The City Council may pass the proposed ordinance and amend the zoning code by passage of the consent calendar. Alternatively, the City Council could carry the topic over as unfinished business or may instead decide to hold a new public hearing on the proposed zoning code amendment. The City Council may adopt the proposed ordinance at any time subsequent to its receipt of the Planning Director report on the proposed amendment. If the City Council wants to consider adoption of a materially modified

ordinance, then the City Council shall first hold a public hearing on the proposal as modified, after notice as provided in this Chapter.

161.90 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 on the date specified in the ordinance.

161.95 Jurisdiction of the Houghton Community Council

1. If applicable, all staff reports or Planning Director reports about the proposed amendments will also be distributed to the Houghton Community Council. The Houghton Community Council may decide to take these reports for their information or for their review.
2. Process IVA includes only minor zoning code amendments which are not quasi-judicial. In turn, the Houghton Community Council may limit its review of the proposals. Alternatively, a majority of the members of the Houghton Community Council may choose to hold a public hearing at any time on one or more of the Process IVA subjects. Such a public hearing would use the procedures set forth in this Chapter.
3. General - If the City Council approves an 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 votes 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.

Section 4. After the City Council has passed amendments which were reviewed under Process IVA, the Planning Director shall prepare a report for the City Council and the Planning Commission. This report will address whether Process IVA was efficient and suitable for the subjects involved.

Section 5. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 6. 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 7. 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 2nd day of December, 1997.


Signed in authentication thereof this 2nd day of December, 1997.

  
MAYOR

Attest:

  
Deputy City Clerk

Approved as to Form:

  
City Attorney

Ord\Chpt161B