Citizen Amendment Request

Planning Department

Complete this form to submit at City Hall.

MEMORANDUM

TO: Interested Parties

DATE: November 2019

FROM: Planning and Building Department

SUBJECT: **CITIZEN AMENDMENT REQUESTS TO THE COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP**

In General, the City considers citizen amendment proposals once every other year during odd years (2017, 2019, 2021, etc.) as part of the City's Annual review of the Comprehensive Plan. All citizen initiated amendment requests must be submitted by December 1, prior to the year of their consideration. The schedule is noted below.

The purpose of this memo is to describe the process to be used for citizen amendment requests.

I. WHO MAY PROPOSE AN AMENDMENT?

Any individual, property owner, neighborhood organization or other group may propose to amend the Comprehensive Plan, The Zoning Code or the Zoning Map. For site specific requests, if the property owner is not making the request, then the property owner must be notified of the amendment (see attached Affidavit of Service). Before applying, we recommend that you contact the Planning Department to get a better understanding of the process and obtain any background information that might be relevant to the request. **Please contact Jeremy McMahan at (425)587-3229 in the Planning and Building Department for more information.**

II. WHAT IS AN APPROPRIATE PROPOSAL?

The Comprehensive Plan is a document describing the long-range plan for the City. It consists of a land use map, and general elements such as Land Use, Housing, Transportation and Capital Facilities. It also includes 14 neighborhood plans. Requests may be submitted to amend any aspect of the Plan -- the land use map, the general elements or a neighborhood plan.

A citizen amendment proposal may also amend the Zoning Map or the Zoning Code, if necessary to implement the Comprehensive Plan Change. If a rezone is requested, on order to qualify as a CAR the proposed residential density must be outside the density range shown on the applicable neighborhood plan land use map.

Citizen amendment requests that involve a significant change in use or in density for a specific property or a major policy change in a neighborhood may be deferred to the applicable neighborhood plan.

III. HOW TO APPLY AND WHAT IS THE DEADLINE FOR SUBMITTING A REQUEST?

Complete the attached application and submit to the Planning and Building Department at Kirkland City Hall, 123 5th Avenue, Kirkland, WA 98033 along with the required review fee for Phase 1. If you have any questions on completing the application, Deputy Director Jeremy McMahan in the Planning & Building Department at 425-587-3229 or jmcmahan@kirklandwa.gov.

Applications must be submitted no later than December 1st of each year (December 1, 2018, 2020, etc.) for consideration of the request in odd years (2019, 2021, etc.). If that deadline is missed, then an interested party would need to wait and apply no later than December 1st of the next year.

IV. WHAT IS THE REVIEW PROCESS FOR AMENDMENT REQUESTS?

Phase 1 or 2	Review Process	Timeline
1	Cut-off date for applications for citizen amendment requests to be received by the city.	December 2, 2020
1	Houghton Community Council holds a study session to review the requests within their jurisdiction and prepares a threshold recommendation to the Planning Commission	February - March 2021
1	Planning Commission holds a study session and makes a threshold recommendation to the City Council.	February - April 2021
1	City Council reviews the recommendation at a public meeting and makes a threshold decision to determine which amendment requests should be further reviewed by the City. Also determined is which requests will go to Phase 2 in the current year of review or a subsequent year, depending on the number of requests, available resources and the Planning and Building Department's work program.	April - May 2021
2	Houghton Community Council (if applicable) and Planning Commission study the selected requests, For site specific proposals, the study area may be expanded to include other adjacent properties, if appropriate.	June - July - August 2021 or 2022
2	Houghton Community Council (if applicable) and Planning Commission hold public hearings and formulate recommendations whether or not the Plan Zoning Code and/or Zoning Map should be amended.	July and October 2021 or 2022
2	City Council reviews amendment requests along with the recommendations from the Planning Commission and Houghton Community Council (if applicable) and then approves, denies or modifies the request. City Council may hold a study session on the request before final action is taken.	December 2021 or 2022
2	Houghton Community Council, if request within their Jurisdiction, approves or disapproves the ordinance adopted by the City Council	December or January 2021 or 2022
2	Requests that involve the Shoreline Area Chapter of the Comprehensive Plan and/or the shoreline regulation in Chapters 83 and 141 of the Zoning Code require a hearing and approval by the State Department of Ecology along with coordination with that department.	

All dates are approximate and subject to change.
In Phase 2, some requests may be carried over to the following year for study and a final decision.

Phase 1 Fee	Phase 2 Fee
Decision whether to further study request	Study and decision on the request
The fee is due with the application submittal. Check with the Planning Department for the current fee schedule.	The fee is due before the first study session in Phase. Check with the Planning Department for the current fee schedule.

If the request is from a recognized City Neighborhood Association for an amendment to the general city-wide elements or to a neighborhood plan, the fees are waived. Fees are not waived for amendments that affect specific properties, including Comprehensive Plan, Zoning Code and / or Zoning Map changes.

VI. WHEN CAN THE APPLICANT AND THE PUBLIC PROVIDE INPUT IN THE PROCESS?

During both Phase 1 and Phase 2, the applicant and the public may provide oral comments at the study sessions and public hearings before the Planning Commission and Houghton Community Council. Written comments may be submitted for all study sessions and the public hearings.

When the City Council considers the requests in either Phase 1 or Phase 2, the applicant and public may provide oral comments on request at the beginning of their meeting under "Comments from the Audience" section of the agenda. Written comments may be submitted in advance of the meeting preferably at least 15 calendar days before the meeting so that the written comments can be included in the City Council meeting packet. No oral comments are taken at the City Council study session or when the City Council is deliberating its final decision on the amendments.

In addition to the public meetings, interested parties may contact the Planning and Building Department at 425-587-3600 to request information about the citizen amendment requests or they may come to City Hall to review the official files.

VII. WHAT CRITERIA ARE USED FOR THE THRESHOLD DETERMINATION IN PHASE 1?

The City shall use the following threshold review criteria, found in Section 140.20 of the Zoning Code, in selecting proposals for further consideration. Proposals must meet 1 and either 2 or 3:

1. The City has the resources, including staff and budget, necessary to review the proposal.
2. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.
3. **All of the following:**
    a. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; and
    b. The public interest would best be served by considering the proposal in the current year rather than delaying consideration to a later neighborhood plan review or plan amendment process; and
        1. The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two years); and
        2. The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two years). *See past and future neighborhood plan schedule attached.*

VIII. WHAT ARE THE CRITERIA USED TO APPROVE A REQUEST IN PHASE 2?

A. For a Comprehensive Plan Amendment, the City shall use the following criteria, found in Section 140.30 of the Zoning Code, in approving a request. Proposals must meet all for the following criteria:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with the other goals, policies and provision of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted Shoreline Master Program. (For properties or areas within 200 feet of Lake Washington or within wetlands associated with the lake, see Chapters 83 and 141 of the Zoning Code and the Shoreline Area Chapter of the Comprehensive Plan.)

B. For a Zoning Code Amendment, the City shall use the following criteria, found in Section 135.25 of the Zoning Code, in approving a request. Proposals must meet all of the following criteria:

1. The amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The amendment bears a substantial relation to public health, safety or welfare; and
3. The amendment is in the best interest of the residents of Kirkland.
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted Shoreline Master Program. (For properties or areas within 200 feet of Lake Washington or within wetlands associated with the lake, see Chapters 83 and 141 of the Zoning Code and the Shoreline Area Chapter of the Comprehensive Plan.)

C. For a Zoning Map Amendment, the City shall use the following criteria, found in Section 130.20 of the Zoning Code, in approving a request. Proposals must meet all of the following criteria:

1. Conditions have substantially changed since the property was given its present zoning or the proposal implements the policies of the Comprehensive Plan; and
2. The proposed rezone bears a substantial relationship to the public health, safety or welfare; and
3. The proposed rezone is in the best interest of the community of Kirkland.

APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP

I. CONTACT INFORMATION:

A. Applicant Name:

B. Mailing Address:

C. Telephone Number:

D. Email Address:

E Property Owner Name if different than applicant:

F. Mailing Address:

G: Telephone Number:

H. Email Address:

Note: If the applicant is the property owner or is representing the property owner, then the property owner must sign the last page. If the applicant is neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete the attached Affidavit of Service that this has been done.

Copies of staff reports and meeting agendas will be sent by email unless you request to the project planner that you want copies mailed to you.

II. FOR SITE SPECIFIC PROPOSAL:

A. Address of proposal (if vacant provide nearest street names):

B. King County Tax Parcel number(s):

C. Describe improvements on property if any:

D. Attach a map of site that includes adjacent street names:

E. Current Zoning on subject property:

F. Current land use designation & permitted density shown on appropriate neighborhood plan land use map:

III. FOR ALL PROPOSALS

A. Description of Proposal:

B. Description of the specific reasons for making the proposal:

C. Description of how the proposed amendment relates to the following criteria:

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process.

3. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan

IV. POPERTY OWNER'S SIGNATURE OR SERVICE OF AFFIDAVIT:

A. If the applicant is the property owner, or is a legal representative of the property owner, then the property owner must sign below.

ORIGINAL SIGNATURES ONLY - NO COPIES

Name - Signature:

Name - Print:

Property Owner or Legal Representative:

Date:

Address:

Telephone:

B. If the applicant is neither the property owner nor a legal representative of the property owner, then the affected property owner must be notified as follows: Send or hand-deliver a copy of this completed application to all affected property owners (Exhibit A or Exhibit B); and Complete the attached Affidavit of Service that confirms that a copy of the completed application form has been provided to all property owners. Submit the Affidavit of Service along with Exhibit A and/or Exhibit B with the application form and fee.

Attachments to include:

1. Affidavit of Service (available at the Development Services Counter)
2. Exhibit A (see requirements above)
3. Exhibit B (see requirements above)

Alternate Formats: People with disabilities may request materials in alternate formats.

Title VI: Kirkland's policy is to fully comply with Title VI of the Civil Rights Act by prohibiting discrimination against any person on the basis of race, color, national origin or sex in the provision of benefits and services resulting from its programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with the City.

To request an alternate format, file a complaint or for questions about Kirkland's Title VI Program, contact the Title VI Coordinator at 425.587.3011 (TTY Relay: 711) or titlevicoordinator@kirklandwa.gov.