



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: David Ramsay, City Manager
From: Eric Shields, Planning Director
Date: June 7, 2006
Subject: Zoning for Annexation

RECOMMENDATION

Review and discuss options for zoning in the potential annexation area.

BACKGROUND DISCUSSION

General Requirements. Prior to an annexation election, the City must adopt a proposed zoning ordinance that would apply upon annexation. The ballot proposition for annexation must refer to the zoning so that when voting on annexation, voters will also be voting on whether to accept the proposed zoning.

Prior to adopting the proposed zoning ordinance, the City Council is required to hold two public hearings at least thirty days apart. Although the zoning ordinance is not specifically required to be completed prior to consideration of the annexation by the Boundary Review Board, I would strongly recommend that this be done, as land use is a factor to be considered by the BRB in making its decision.

Annexation statutes do not discuss whether the City is required to address the annexation area within our Comprehensive Plan prior to the effective date of the annexation. The Growth Management Act, however, does require that cities prepare a Comprehensive Plan and adopt zoning that is consistent with the Plan. Kirkland's Comprehensive Plan contains a chapter addressing the Potential Annexation Area, but it is very out of date (most of the text and maps date to 1977). Consequently, it is advisable that the City at least prepare, concurrently with the zoning ordinance, a Comprehensive Plan land use map for the annexation area. A more thorough amendment of the Comprehensive Plan to address other issues would be necessary soon after annexation.

Zoning Options. Essentially, there are four options for the City to choose when preparing a proposed zoning ordinance:

1. Adopt the existing County zoning map and regulations. Under this option, the zoning following annexation would be exactly the same as prior to annexation. This would result in the City having

two completely different codes to administer.

2. Adopt a zoning map as similar as possible to the County zoning map using zoning designations and regulations of the Kirkland Zoning Code. The zoning map designations would convert the County zones into the closest equivalent zones in the Kirkland code. New development would be governed by the regulations of the Kirkland code.
3. As with option 2, the zoning map would convert King County zones into the closest equivalent Kirkland zones. However, under this option, minor amendments to the Kirkland code would be prepared to reflect key provisions of the County code. This is similar to what was done with the South Juanita and Rose Hill annexations in 1988. The annexation area was subject to the Kirkland Zoning Code, but new single family zones were established with height and setback rules similar to the King County code.
4. Undertake a comprehensive study to evaluate and designate new zoning districts and where appropriate new zoning regulations.

My preference would be option 3. Option 4 is problematic because it totally opens up and highly politicizes zoning issues. The more zoning regulations are opened up for change, the more potential there is for voters to be polarized by the changes and to base their annexation vote primarily on zoning issues. Option 4 also has the disadvantage of being very time consuming and staff intensive. Option 1 is the most zoning-neutral, but it has the disadvantage of requiring that Kirkland staff learn and administer a completely new code. It also would result in the City having two different codes.

Option 2 has the advantage of applying the Kirkland Code to zoning districts that remain generally the same following annexation. However, it does not provide a method to consider potentially important differences between the County and Kirkland codes. That is the advantage of Option 3. It is similar to Option 2, but allows for changes to our Zoning Code to bring regulations into greater conformance with the pre-annexation zoning. Under option 3 we could also consider other zoning changes, but we should be careful to avoid changes that would be controversial and potentially negatively affect the outcome of the annexation vote.

King County Comprehensive Plan and Zoning. The Kirkland Annexation Area is, of course, now governed by the King County Comprehensive Plan and Zoning Code, neither of which I am very familiar with, so I can only discuss them in a very general way. In this discussion I will focus on the mapped land use and zoning designations.

A copy of the King County Comprehensive Plan map is shown in attachment 1. As you can see, the vast majority of the PAA is mapped as Urban Residential, medium, 4-12 du/acre. Compared to the Kirkland Comprehensive Plan this category is very broad. As discussed further below it encompasses a number of more specific zones. Other land use designations include:

- Community Business Center – in Kingsgate and Juanita.
- Neighborhood Business Center – at two locations in Finn Hill
- Industrial – north of NE 124th St. and east of Totem Lake

- Urban Residential, high, > 12 du/acre – at scattered locations, many along NE 132nd St.
- King County Owned Open Space/ Recreation - at various locations
- Other Parks/ Wilderness – at various locations
- Greenbelt/ Urban Separator – near the far east boundary of Kingsgate.

A copy of the existing King County Zoning Map is shown in attachment 2. The zoning is consistent with the Comprehensive Plan, but there are significant differences, including:

- There are four zoning districts that are within the area designated by the Comprehensive Plan for Urban Residential, medium, 4-12 du/acre. All of these zones are defined by the allowable maximum dwelling units per acre, rather than by minimum lot size as is the case in Kirkland: The zones are:
 - R-4 – 4 du per acre
 - R-6 – 6 du per acre
 - R-8 – 8 du per acre
 - R-12 – 12 du per acre
- Areas designated by the Comprehensive plan for Urban Residential, high, >12 du/acre are variously zoned:
 - R-18 – Residential, 18 du per acre
 - R-24 – Residential, 24 du per acre
 - R-48 – Residential, 48 du per acre (note: The only properties with this zoning are located along NE 132nd St. near the Juanita Firs business district. The properties contain medical recovery facilities.)
- In Kingsgate, portions of the area designated by the Comprehensive Plan as Community Business Center are zoned R-18 (18 du per acre) or R-24 (24 du/acre). The core of the center is zoned CB - Community Business.
- In Finn Hill, portions of the designated Neighborhood Business Centers are zoned R-18 (18 du per acre) or R-24 (24 du/acre). The core of the centers are zoned NB - Neighborhood Business.
- The area at the southeast corner of Kingsgate is zoned I- Industrial.

Many of the County zones can be fairly easily translated into comparable Kirkland zoning classifications, for example:

- The R-6 zone translates into Kirkland's RSX 7.2 zone (which allows one unit per 7200 sq. ft. of lot area and equates to 6.05 units per acre).
- The R-8 zone roughly translates to Kirkland's RS-5.0 zone (which allows one unit per 5000 sq. ft. of lot area and equates to 8.7 units per acre).
- The R-12 zone translates into Kirkland's RM 3600 zone (which allows one unit per 3600 sq. ft. of lot area and equates 12.1 units per acre).
- The R-18 zone translates into Kirkland's RM 2.4 zone (which allows one unit per 2400 sq. ft. of lot area and equates one 18.15 units per acre).
- The R-24 zone translates into Kirkland's RM 1.8 zone (which allows one unit per 1800 sq. ft. of lot area and equates one 24.2 units per acre).
- The CB zone translates into Kirkland's BC (Community Business) zone.

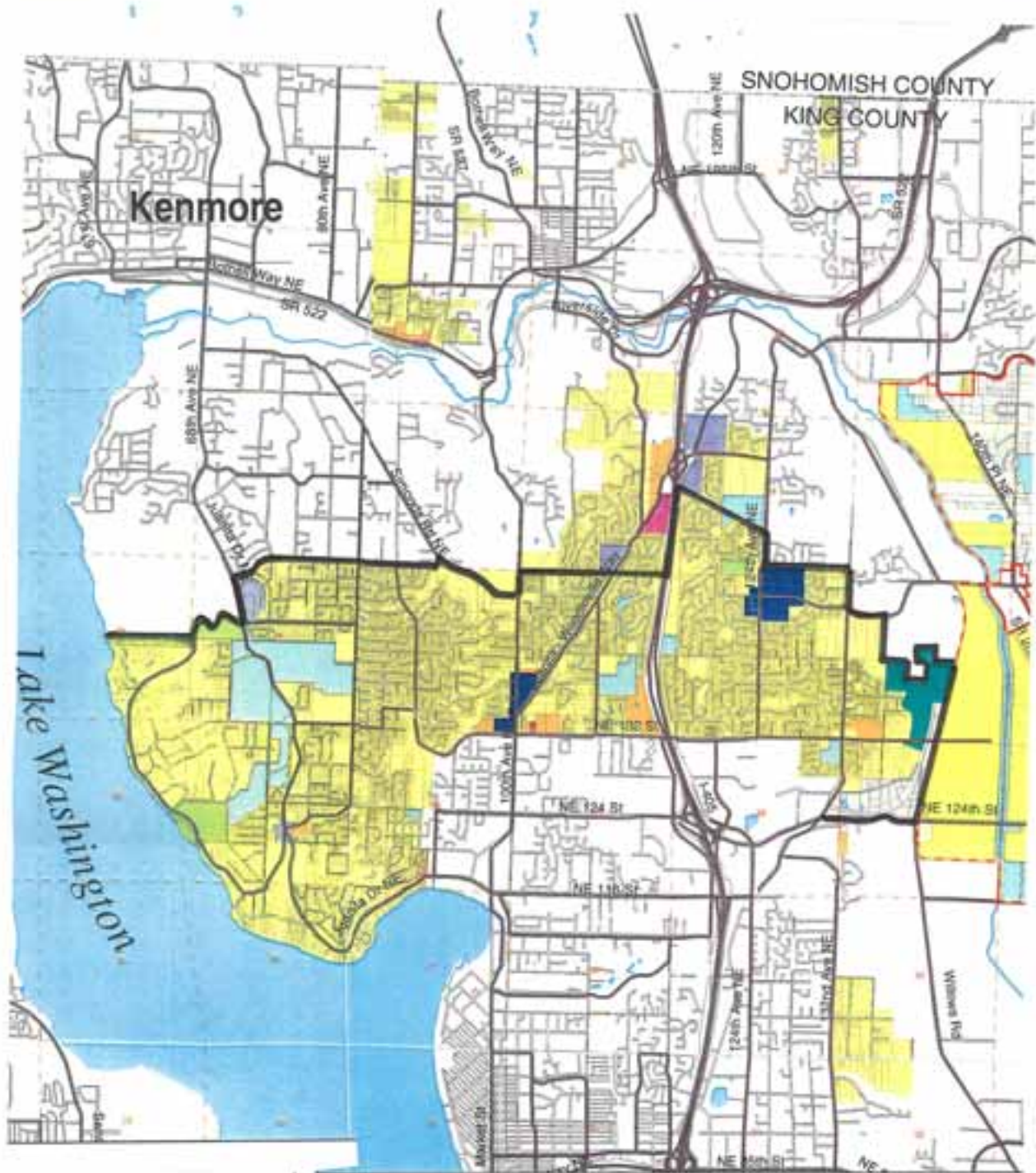
Other zones could be translated with some complications. Further study would be required:

- The R-4 zone does not have a close counterpart in Kirkland. Our RS 12.5 zone equates to 3.48 units per acre. The RS 8.5 zone equates to 5.12 units per acre. If neither of these zones is suitable, we could create a zone such as RS 10.5 (which equates to 4.15 units per acre).
- The R-48 zone is a high density zone that allows 48 units per acre, higher than any of our multi-family zones. The R-48 zone also allows other office related uses. As noted above, the sites zoned R-48 in the Kirkland PAA contain medical recovery centers, not residential uses. Consequently, an appropriate zoning for these properties would likely be the PR (Professional Office Residential) zone, but we would need to determine the appropriate residential density.
- On first blush, the NB zone would translate into Kirkland's BN (Neighborhood Business) zone. Our BN zone, however, may be significantly more restrictive, potentially making our BC zone a better fit.
- The I zone, located north of NE 124th St. at the southeast corner of Kingsgate may not be a good fit with Kirkland's LIT zone due the greater range of retail uses that may be allowed in the I zone. It may be that Kirkland's ILC (Industrial limited Commercial) works better.

Attachments:

1. King County Comprehensive Plan Map
2. King County Zoning Map

cc:



**KING COUNTY
COMPREHENSIVE
PLAN
LAND USE MAP
2004**

Township 26 Range 5

Includes Comprehensive
Plan Land Use changes
through Ordinance #15028
(October 2004)

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|-------------------------------------|---|
| Interropolitan Activity Center | Agriculture |
| Community Business Center | Mining |
| Neighborhood Business Center | Greenbelt/Urban Separators |
| Commercial Outside of Centers | King County Owned Open Space/Recreation |
| Urban Plan Development | Other Parks/Recreation |
| Urban Residential, high, < 1000sf | Interropolitan City |
| Urban Residential, medium, 4-1000sf | Urban Growth Area Boundary |
| Urban Residential, low, 1000sf | Agricultural Production District Boundary |
| Rural City Urban Growth Area | |
| Rural Town | |
| Rural Neighborhood | |
| Rural Residential, 1/2 to 3-1/2 ac | |
| Industrial | |
| Forestry | |

ATTACHMENT _____



