



## **CITY OF KIRKLAND**

**Planning and Community Development Department**  
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### **MEMORANDUM**

**To:** David Ramsay, City Manager

**From:** Teresa Swan, Senior Planner  
Eric Shields, Planning Director

**Date:** November 20, 2007

**Subject: STATUS OF ANNEXATION ZONING**

#### **I. INTRODUCTION**

If the Kirkland City Council decides to move forward with an annexation vote, the Council must adopt a Zoning Ordinance, applicable to the annexation area, that would be part of the annexation question on the election ballot. The ordinance would need to be adopted prior to proceeding to the King County Boundary Review Board.

The ordinance would include any changes to the Kirkland Zoning Code to reflect the new annexation zoning, a new zoning map for the area and, if needed, changes to the Subdivision Ordinance.

If the City Council would like to have the annexation question on the November 2008 ballot, two hearings held 30 days apart would need to be scheduled in mid January and mid February 2008 on the annexation zoning, and then the annexation application would need to be submitted to the King County Boundary Review Board in early March 2008. The Boundary Review Board process takes several months and then the King County Council must place the annexation on the election ballot. They are not in session during the month of August. This timeline is why the hearings on the annexation zoning would need to be held in the first part of 2008.

Should the City Council decide to move forward with the annexation vote, the Planning staff is ready to start preparing the draft zoning ordinance for the required hearings on the annexation zoning.

#### **II. PROCESS**

Over the past several months, the Planning Department has been comparing the King County Zoning Code to the Kirkland Zoning Code, speaking to various County Planning staff and doing field visits of the annexation area to see what uses exist and how neighborhoods have been developed (i.e., uses, building heights, signage). The Planning Department has determined that the County and City codes are very different. In addition, the GIS Department has been mapping existing lot sizes, potential scenarios for determining the appropriate minimum lot size standard for zoning, existing uses and preliminary sensitive

area information. Lastly, The Watershed Company has prepared a preliminary Annexation Drainage Basin Boundary Map for regulating wetlands and streams under the City's critical area ordinance.

The City has two types of zoning regulations: zone specific regulations found on individual use zone charts (e.g., RS, RSX, CBD) and general regulations found in various chapters following the use zone charts (e.g., wetlands and streams, tree management and landscaping, signage, required public improvements). The approach that staff has been taking is to make the zone-specific regulations similar to the current County regulations for each zone, but to apply the City's general regulations to the annexation, with a possible few exceptions. This is the same approach that the City took with the 1988 annexation.

On November 14, 2007, the Planning Department held an evening workshop with interested annexation residents on zoning issues that the Planning staff had identified. The purpose of the workshop was to do an overview of these zoning issues and then to break into small groups to begin obtaining their feedback on the issues and to hear about any other concerns. Follow-up evening workshops will be held on November 27 through 29, 2007 to continue obtaining their feedback. At the December 4, 2007 City Council study session, staff will provide the City Council with a summary of the residents' comments and concerns.

### III. KEY ZONING ISSUES

Below is a list of the key zoning issues that staff is presenting at the annexation zoning workshops. Staff will use the workshop responses to help in preparing the annexation zoning:

#### A. Zone Specific Regulations (use zone charts to be similar to the County regulations)

##### 1. RESIDENTIAL ZONES

- **Permitted Uses**

- Townhouses and apartments permitted outright in single family neighborhoods
  - County allows them
  - City does not allow them

Question: Should townhouses and apartments be allowed outright in single family zones?

- Commercial uses permitted in single family neighborhoods
  - County allows certain commercial uses (grocery stores, restaurants and office businesses) in residential zones through a public review process, although none exist in area today
  - City does not allow them

Question: Should commercial uses be allowed in single family zones?

- **Height of homes**

- County allows homes to be 35' high (3 stories) and increased to 45' (4 stories) with increased building setbacks
- City allows 25'-30' (2 stories) depending on neighborhood

Questions: What should be the height limit? Should the height be able to be increased?

- **Distance of home from back yard property line**

- County requires at least 5'
- City requires at least 10'

Question: What should be the minimum required rear yard setback?

- **Size of homes compared to size of lot/floor area ratio**

- City limits square footage of house to 50% of the square footage of the lot
- County does not limit size

Question: Should the floor area ratio provision apply to the annexation area?

- **Lot coverage**

- County allows the home, driveway, patio & other paved areas to cover a lot in the single family zones at 55% in the R-4 zone, 70% in the R-6 zone and 75% in the R-8 zone
- City allows 50% of lot to be covered

Question: What should be the maximum allowable lot coverage for each zone?

- **Residential density**

- Since 1995, County uses a units-per-acre standard that is calculated based on the gross lot area including all roadways, wetlands, streams and associated buffer areas. The single family zoning designations are R-1, R-4, R-6 and R-8 with the R-6 as the most common zone (e.g., R-6 = 6 units per acre). Minimum lot size is 2500 square feet in all of the zones. The result of this system is generally smaller lots comparable to the City's lot sizes.
- City uses only a minimum lot size standard. In some cases, access easements are not included in the lot size, and in all cases dedicated rights-of-way and wetland and stream areas are not included in the lot size. A portion of the buffer area is included. The minimum lot size standard varies by zoning area. The minimum lot size range for single family is from 5000 square feet to 35000 square feet with the most common at 7200 and 8500 square feet.
- Staff has developed 3 options (objective is to maintain current development potential for property owners as much as possible and use the same density system city wide if possible):
  - 1) Stay with the County system. This option continues the very small minimum lot size of 2500 square feet and results in two density systems in Kirkland.
  - 2) Stay with County system but increase the minimum lot size to 70% of the units-per-acre standard (based on past subdivisions in Kirkland where the maximum amount of land area remaining after right-of-way dedication was 70%). This option maintains the County's basic method of calculating density, but provides a more appropriate minimum lot size that would be more compatible with adjacent lots.
  - 3) Use only a minimum lot size standard at either 85% or 90% of the units-per-acre standard (% accounts for not including access easement or road dedication areas in the minimum lot size calculation - Kirkland's subdivisions of 2-3 lots generally lose no land area for access easements or roads, but 4 or more lot subdivisions lose up to

30% of land area in access easements or road dedications and those of 10 lots or more lose an average of 15% of land area in right-of-way dedications). This option would result in “winners and losers” because subdivisions with no dedication may gain lots and those with dedication would lose lots, and would result in the same density system used in Kirkland.

Question: Which option should be used?

## 2. COMMERCIAL ZONES

- **Auto and boat sales and leasing**

- County does not allow these uses in the annexation’s commercial areas
- City does allow them in most commercial areas

Question: Should auto and boat sales and leasing be allowed in the commercial areas?

- **Juanita Business District**

- County does not allow hotels and self storage uses
- City does allow them in most commercial areas

Question: Should hotels and self storage uses be allowed in the Juanita Business District?

- **Signs**

- County allows 15’ - 20’ high pole signs
- City allows 12’ high monument signs that have a base

Question: Do you have any concerns with the City’s sign regulations for commercial areas?

## **B. General Regulations** (apply City’s regulations with a few exceptions)

- **Garage setback from main house**

- City requires garages to be setback 5 feet from main house if garage exceeds 50% of front façade. With this provision, garages would have to be setback 25 feet from street if the main house is setback 20 feet from street.
- County requires that garages be setback 20 feet from the street, but the main house can be as close at 10 feet from the street.

Question: Should the garage setback provision apply to the annexation area?

- **Height of detached accessory dwelling units (ADUs)**

- City limits the height of detached dwelling units (typically built above a detached garage) to 25 feet in height.
- County allows structures containing the units to be the same height as the primary house.

Question: What should be the maximum allowable height for detached ADUs?

- **Size of vehicles parked in residential zones**

- City prohibits RVs, trucks and boats greater than 9' high and 22' wide in size parked for more than 48 hours (may go to 24 hours with current code amendments).
- County does not limit the parking of RV's, trucks and boats.

Question: Should the limitation on parking of vehicles apply to the annexation area?

- **Home occupations**

- County limits number of non resident employees to 1 person and customers must come by appointment (no limitation on number of customers).
- City limits number of non resident employees to 2 people and 6 customers per day with no more than 2 at a time.

Question: Do you have any concerns with the City's home occupation regulations?

- **Tree removal on lot with existing home**

- County allows any tree to be removed on the property, unless the trees are in a greenbelt, wetland/stream area or steep hillside.
- City allows up to 2 significant trees per year to be removed, but none in greenbelt or wetland/stream area. May not remove any trees if it would result in fewer than 2 trees remaining on the property or need to plant 2 new trees.
- For both the County and City, all hazardous and nuisance trees can be removed outside of greenbelts, wetland, stream and steep hillside areas. Within these sensitive areas, hazardous trees can be cut as snags or in some cases removed.

Question: Do you have any concerns with the City's tree removal regulations for existing homes?

- **Tree removal on lot with new home or major addition to home**

- County requires 10 significant trees or 5% of all trees to be saved, whichever is greater, excluding critical areas. Some trees can be counted as 2 tree credits if certain size and quality of tree are met.
- City requires significant trees in front, side and rear setback yards be kept, excluding diseased or hazardous trees. Also, a minimum tree density of 30 tree credits per acre must be provided on site. The number of tree credits assigned to each tree depends on the diameter of the tree. In most cases, tree density is met with existing trees on the site. If not, maybe one or two trees need to be planted on the property.

Question: Do you have any concerns with the City's tree removal regulations for new homes?

- **Holmes Point Disturbance and Significant Tree Retention Ordinance**

- County has a special ordinance for the Holmes Point area in Finn Hill that reduces the allowable lot coverage, requires 25% of the land kept undisturbed and limits tree removal. However, the ordinance does not require a minimum tree coverage on each lot as Kirkland does. Also, Kirkland's threshold of what is considered a significant tree is greater than the County's threshold.

Question: Do you have concerns about applying the City's tree management regulations to the Holmes Point area.

- **Wetland, Stream and Associated Buffers**

- County and the City use different rating systems, buffer standards for wetland and stream areas, and buffer reductions with mitigation.
- County's required buffer widths are generally greater than the City's standards because the County's standards reflect a wider range of wetland and stream area types covering both urban and rural environments.

Question: Do you have concerns about applying the City's wetland and stream regulations to the annexation area?