



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225
www.ci.kirkland.wa.us

MEMORANDUM

To: Kurt Triplett, City Manager

From: Eric Shields, Planning Director

Date: November 22, 2010

Subject: Interim Ordinance Eliminating the Review Process for "School Or Day Care Center" and "Government Facility/ Community Facility" Uses in the RSA Zone

RECOMMENDATION

Conduct a public hearing and adopt (renew) the proposed interim ordinance.

BACKGROUND DISCUSSION

On July 10, 2010, the City Council adopted an interim ordinance which temporarily eliminated the required Process IIA or IIB review process for "school or day care center" and "government facility/ community facility" uses in the RSA zone in the annexation area. Pursuant to state law, the interim ordinance is only effective for six months and is set to expire on January 7, 2011.

Temporary removal of the zoning permit review processes results in processing of permits using the same building permit review process as is now applicable in King County. This has allowed the Lake Washington School District to prepare building permit applications for the replacement of Sandburg and Keller Elementary Schools in anticipation of submitting those applications to the City of Kirkland prior to the effective date of the annexation. Renewal of the interim ordinance will allow the preparation and processing of the applications to continue through Kirkland. The ordinance will be effective only prior to the date of annexation, June 1, 2010.

ORDINANCE NO. 4275

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RENEWAL OF INTERIM OFFICIAL CONTROLS REGARDING THE ZONING REVIEW PROCESS FOR "SCHOOL OR DAY-CARE CENTER" AND "GOVERNMENT FACILITY/COMMUNITY FACILITY" USES IN RSA ZONE AS ADOPTED BY ORDINANCE NO. 4249.

WHEREAS, the City has the authority to adopt interim zoning regulations pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the Kirkland City Council at its July 6, 2010, Council meeting, after public hearing, determined that it was appropriate and desirable to modify the zoning review process in the RSA Zone to exempt "School or Day-Care Center" and "Government Facility/Community Facility" uses from Process IIA and Process IIB review; and

WHEREAS, the Kirkland City Council desires to extend the interim zoning ordinance for an additional six months; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing was held prior to the passage of this Ordinance;

NOW THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Kirkland City Council makes the following findings:

- a. The recitals set forth above are adopted as findings of fact.
- b. The Annexation Area is currently governed by King County. Under current King County regulations, no zoning review process is required for schools or government/community facilities.
- c. Eliminating the City's Process IIA and Process IIB zoning review of "School or Day Care Center" or "Government/Community Facility" uses in the RSA Zone will result in a review process similar to what currently exists under King County regulations.
- d. By having City staff review applications and administer permits for school and government facility projects, a more seamless transition between King County and City jurisdiction will occur when the annexation of the Annexation area takes effect.
- e. The Council finds that renewal or extension of Ordinance 4249 is necessary in order to prepare permanent regulations regarding homeless encampments.

Section 2. Ordinance 4249 is amended to renew its effect as an interim zoning ordinance for an additional six months. The interim zoning ordinance thereafter may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 3. Duration. This Ordinance shall be effective through May 31, 2011.

Section 4. Severability. 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 5. Houghton Community Council. To the extent the subject of this Ordinance, pursuant to Ordinance No. 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 passage of this Ordinance.

Section 6. 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 open meeting this ____ day of _____, 2010.

Signed in authentication thereof this ____ day of _____, 2010.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney