



CITY OF KIRKLAND

Planning and Community Development Department
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225

MEMORANDUM

To: David Ramsay, City Manager

From: Teresa J. Swan, Senior Planner
Eric Shields, AICP, Planning Director

Date: March 23, 2006

Subject: HEARING ON THE MORNING STAR ANNEXATION, FILE NO. ANN05-00001

RECOMMENDATION:

Hold hearing and adopt the attached ordinance approving the annexation.

BACKGROUND DISCUSSION:

On March 1, 2005, Michael Anderson sent in a request asking that the City consider the annexation of the Morning Star subdivision abutting the western city limits of Kirkland (see Enclosures 1 and 2). The 7.46 acre subdivision contains seven single family homes, one vacant parcel and two private tracts for vehicular access. The proposed annexation area is within the Kirkland Planning Area and Finn Hill Potential Annexation Area identified in the Comprehensive Plan (Figure I-2/page I-11). Access to the subdivision is from Kirkland through 93rd Ave NE. Fire and emergency services are currently provided by the City of Kirkland. Northshore Utility provides the area with water and sewer. Police protection would be the one new service that the City would need to provide.

On April 19, 2005, the Kirkland City Council voted to authorize circulation of an annexation petition with assumption of the City indebtedness by the annexed area and comparable zoning at RSX 7.2. RCW 35A.14.120 authorizes a legislative body to consider requiring the assumption of all or of any portion of existing city indebtedness by the area to be annexed.

On May 26, 2005, the City of Kirkland received a Direct Petition for Annexation signed by 7 of the 8 property owners within the Morning Star subdivision requesting annexation into the city. The owner of the vacant parcel did not sign the petition, possible because Michael Anderson did not have access to the ownership information for the property. The Petition for Annexation met the state law requirement of being signed by not less than 60% in value according to the assessed valuation for general taxation of the annexed area.

On December 30, 2005, the King County Boundary Review Board approved the annexation, subject to final approval by the Kirkland City Council.

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Pursuant to RCW 35A.14.140, the City Council must hold a public hearing on a direct petition annexation. Notice of the hearing has been published in the local paper, mailed to the eight property owners in the annexation area, including the owner of the vacant parcel, and posted in three locations within the annexation area as required by state law.

As provided in Kirkland Zoning Code Section 10.45, annexed property is classified as the same or comparable zoning as the property was zoned immediately prior to annexation. Current County zoning for the proposed annexation area is R-6 (residential at 6 dwelling units per acre). The most similar zoning category in Kirkland is RSX 7.2 (6-7 dwelling units per acre) which exists in the area directly to the east of the development (see Enclosure 3).

The effective date of the annexation has been set for May 29, 2006, because the State Department of Revenue must be notified at least 75 days in advance of the effective date of the annexation along with a copy of the pending ordinance. Staff mailed out the notice and pending ordinance to the Department of Revenue on March 15, 2006.

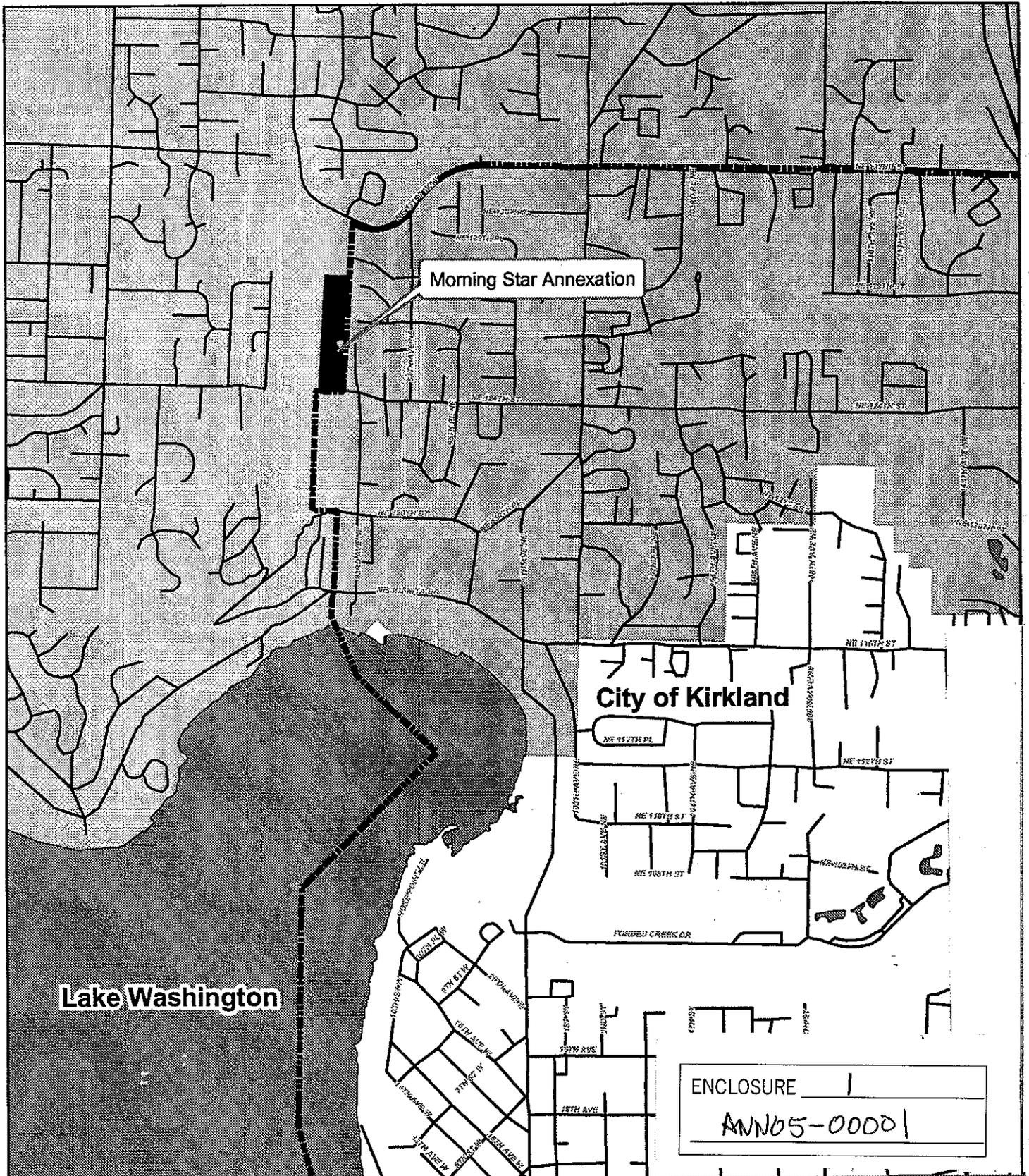
Enclosures:

1- Vicinity Map

2 –Morning Star Annexation

3 –Morning Star Annexation Zoning

Morning Star Annexation

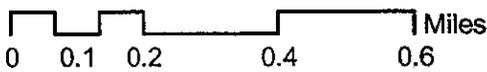


Lake Washington

Morning Star Annexation

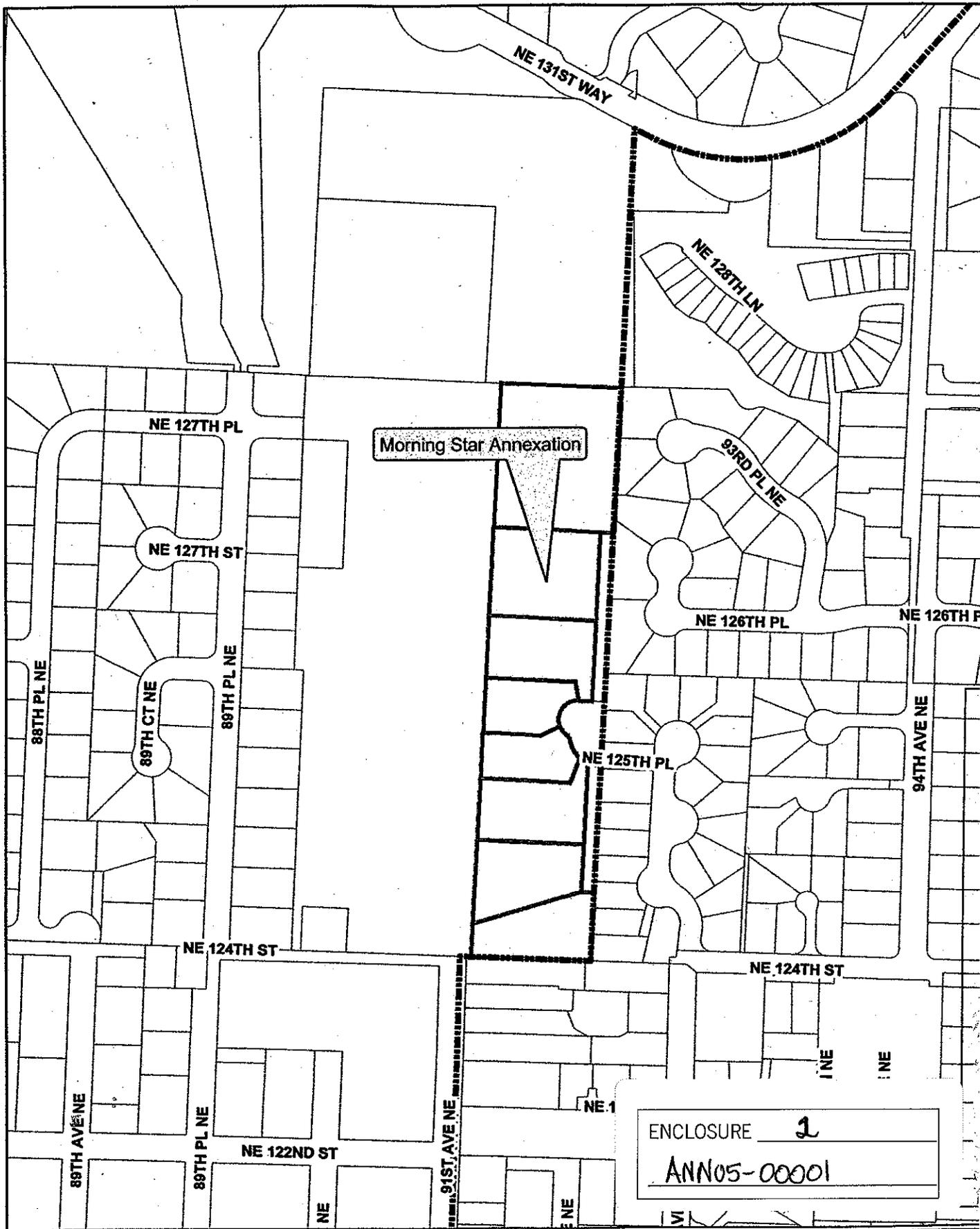
City of Kirkland

ENCLOSURE 1
ANN05-00001



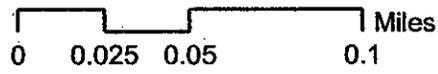
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-  Kirkland City Limits
-  Morning Star Annexation
-  Northshore Utility District
-  Streets



Morning Star Annexation

ENCLOSURE 1
ANN05-00001



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 Kirkland City Limits
 Morning Star Annexation

Morning Star Annexation Zoning

Morning Star Annexation

CITY OF KIRKLAND CORPORATE LIMITS

RUD Moonshadow

RSX 7.2

RSX 7.2

RSX 35

RSX 35

RSX 8.5

RM 3.6 (2)

- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

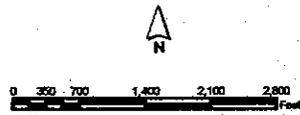
Single Family Residential	RS 35 / RSX 35 RS 25 / RSX 25 RS 15 / RSX 15 RS 5 / RSX 5	Planned Area Public Use Zone Light Industrial Technology Neighborhood Limited Commercial Neighborhood Business Community Business Central Business District Professional Office Jewish Synagogue District	PA LCT P SCB CB PO
Multi-Family Residential	RM 3.6 RM 2.6 RM 1.6 RM 0.6	Planned Area Planned Unit Development	PO
Warehouse District	WD 10 WD 5	PA (Light) Limited SCB Expansion LCT Adult Entertainment	SCB LCT
Professional Office Residential	PRO 10 PRO 5 PRO 2.5 PRO 1.25	Subject to Board/Commission or Ordinance No.	PO
Future Commercial	FC 10 FC 5	Neighborhood Business Area	PO

(1) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.

(2) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.

(3) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.

(4) Development proposed must be consistent with applicable neighborhood plan policies, specifically applicable to the property, contained in the Comprehensive Plan and approved through Planning Commission.



ENCLOSURE 3
ANN05-00001

ORDINANCE NO. 4048

AN ORDINANCE OF THE CITY OF KIRKLAND ANNEXING CERTAIN UNINCORPORATED TERRITORY KNOWN AS THE MORNING STAR ANNEXATION AREA; PROVIDING FOR THE ASSUMPTION OF THE EXISTING INDEBTEDNESS; AND ZONING SAID TERRITORY IN ACCORDANCE WITH SECTION 10.45 OF ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING CODE. (FILE ANN05-00001).

WHEREAS, having received a legally sufficient request to commence annexation proceedings, the City Council, in a regular public meeting on April 19, 2005, authorized circulation of an annexation petition, in an area known as the Morning Star Annexation Area, with assumption of indebtedness and adoption of comparable zoning at single family RSX 7.2; and

WHEREAS, a petition signed by owners of not less than sixty percent (60%) in value according to the assessed valuation for general taxation of the property described in said petition, was filed with the City and determined to be sufficient; and

WHEREAS, on December 30, 2005, the proposed annexation was approved by the King County Boundary Review Board; and

WHEREAS, pursuant to RCW 35A.14.130, a public hearing on the proposed annexation was duly noticed and held before the City Council on April 4, 2006; and

WHEREAS, the Morning Star Annexation Area is situated within the City of Kirkland's Urban Growth Area and designated as a potential annexation area; and

WHEREAS, the King County Comprehensive Plan/Countywide Planning Policies FW-13 and U-304 support city annexation of County territory within the designated potential annexation area; and

WHEREAS, fire and emergency services are currently provided to the Morning Star Annexation Area by the City of Kirkland and Kirkland police services are adequate and available to support the area upon annexation; and

WHEREAS, the Northshore Utility District currently provides, and will continue to provide, water and sewer service to the area; and

WHEREAS, the proposed annexation is consistent with the Growth Management Act which supports contiguous and orderly development and provision of urban services; and

WHEREAS, the City of Kirkland seeks to fulfill its obligations and responsibilities under the Growth Management Act through annexation of the Morning Star Annexation Area; and

WHEREAS, the Kirkland City Council finds the proposed annexation to be in the public interest.

NOW, THEREFORE, Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The unincorporated territory of King County known as the Morning Star Annexation Area, which is more particularly described in Section 4, is hereby annexed to and made a part of the City of Kirkland.

Section 2. Pursuant to the terms of the annexation petition, upon annexation said territory shall be assessed and taxed at the same rate and on the same basis as other property within the City of Kirkland, including assessments or taxes in payment of all or any portion of the outstanding voted indebtedness of the City as of the effective date of this annexation ordinance.

Section 3. Said territory shall be zoned in accordance with Section 10.45 of the Kirkland Zoning Code, Ordinance 3719 as amended, which provides that upon annexation to the City, property will be deemed to be zoned with a classification the same as, or as nearly comparable as possible, with the classification that the property was zoned immediately prior to annexation. Pursuant to said section of the Kirkland Zoning Code, the zoning for the annexed territory is hereby declared to be as set forth in this Section and the Director of the Department of Planning and Community Development is hereby directed to make the necessary modifications and extensions of the Zoning Map of the City of Kirkland to so reflect. The real property described in Section 4 shall, under the Zoning and Land Use Policies and Regulations of the City of Kirkland, be zoned single family residential RSX 7.2.

Section 4. The territory annexed to the City of Kirkland by this Ordinance is described as follows and as shown in Exhibit 1, a copy of which is attached hereto and incorporated by this reference as if set forth in full:

The east 275 feet of the southeast quarter of the northwest quarter of Section 30, Township 26 North, Range 5 East, W.M., situate in King County, Washington.

Section 5. The City Clerk is directed to file certified copies of this annexation ordinance with the King County Council. The Clerk is further directed to file a certificate of annexation with the State of Washington Office of Financial Management as directed by RCW 35A.14.700.

Section 6. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. This ordinance and annexation shall be effective on May 29, 2006.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2006.

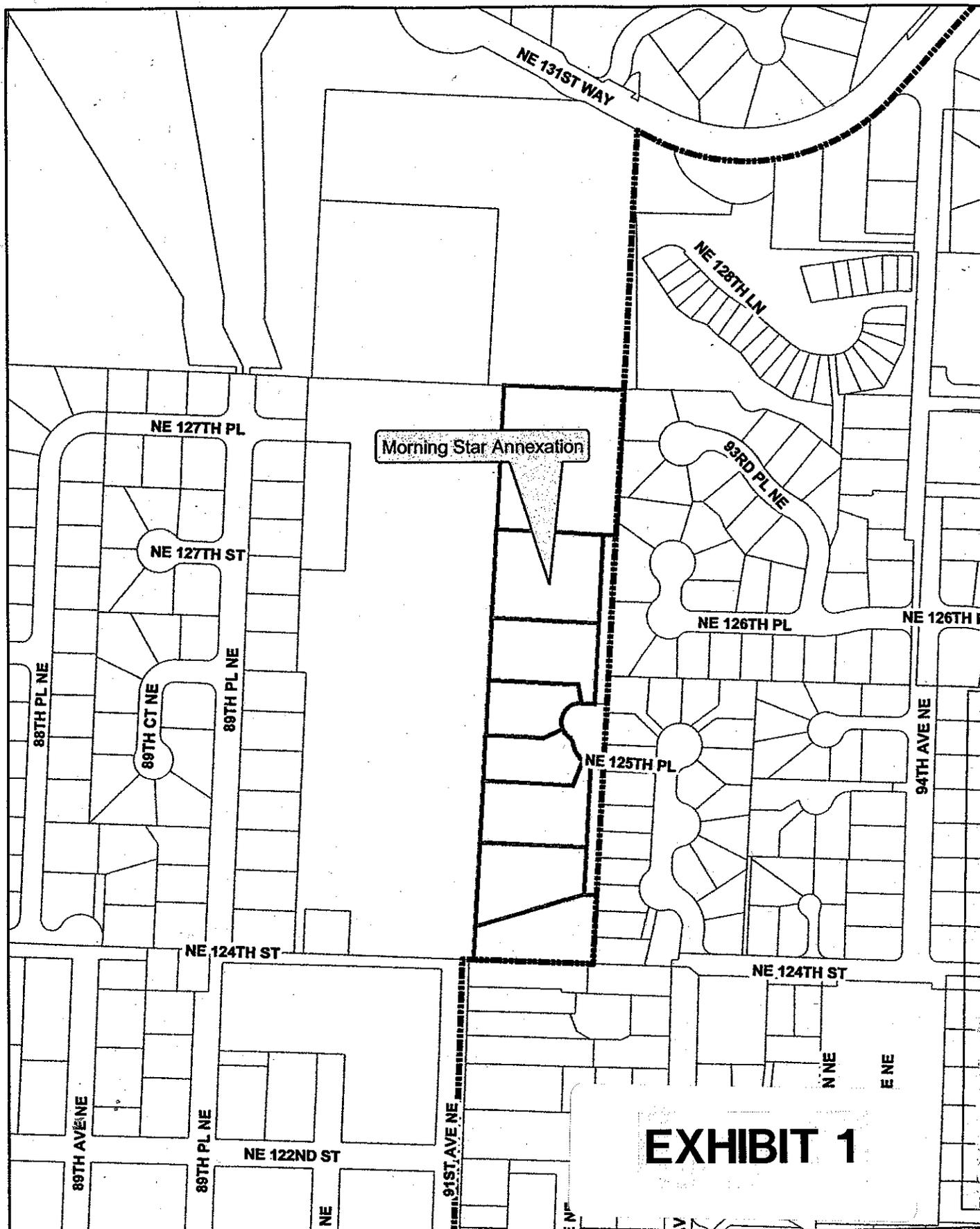
Mayor

ATTEST:

City Clerk

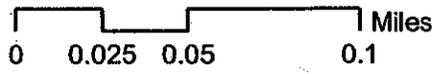
Approved as to Form:

City Attorney



Morning Star Annexation

EXHIBIT 1



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-  Kirkland City Limits
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