



CITY OF KIRKLAND

City Attorney's Office

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MEMORANDUM

To: David Ramsay, City Manager

From: Robin S. Jenkinson, City Attorney

Date: October 10, 2008

Subject: Interim Regulations for City Council Amendment Review Process

RECOMMENDATION:

The Council determine whether to pass the attached ordinance which would enable the Council to hold future public hearings to consider and decide on potential amendments to the Comprehensive Plan and/or Zoning Code related to Central Business District (CBD) Zones 1, 2, 3, 4, 6, 7, and 8 without receiving a recommendation and report from the Planning Commission.

BACKGROUND:

At its September 2 and September 16, 2008, meetings, the City Council discussed conducting the review of potential amendments to the Comprehensive Plan and/or Zoning Code, without receiving a report and recommendation from the Planning Commission. The attached ordinance provides that the City Council will hold the public hearing(s) on the potential amendments and that the procedures for the hearing(s), notification, staff report, publication, and effective date of any resulting ordinance would be the same as those in Kirkland Zoning Code Chapter 160 for Process IV.

At its meeting of October 7, 2008, the City Council conducted a public hearing on the previously adopted moratorium and the attached ordinance. Following the hearing, the City Council discussed adopting interim zoning regulations while it considered potential amendments to the Comprehensive Plan and/or Zoning Code, instead of extending the moratorium. The attached ordinance refers to CBD Zones 1, 2, 3, 4, 6, 7, and 8. Depending on whether the City Council decides to adopt interim regulations and the geographical scope of those regulations, the City Council may wish to amend the attached ordinance.

Under RCW 35A.63.220 and RCW 36.70A.390, the City Council must adopt findings of fact justifying its action adopting the interim regulations. Section 4 of the proposed ordinance includes findings of fact for the City Council's consideration. These were developed based upon City Council comments at the September 2 and 16, 2008, City Council meetings. The City Council may adopt, reject or supplement these findings or request that additional findings be prepared and returned at the Council's next regular meeting.

Please do not hesitate to contact me with any questions.

ORDINANCE 4143

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, ADOPTING INTERIM ZONING REGULATIONS FOR THE REVIEW PROCESS FOR CITY COUNCIL INITIATED AMENDMENTS TO THE COMPREHENSIVE PLAN AND/OR TEXT OF THE ZONING CODE IN CENTRAL BUSINESS DISTRICT (CBD) ZONES 1, 2, 3, 4, 6, 7, AND 8, INCLUDING AMENDMENTS TO KIRKLAND ZONING CODE CHAPTER 142, DESIGN REVIEW.

WHEREAS, on September 16, 2008, the City Council passed Ordinance 4139 establishing a moratorium on certain development applications in CBD Zones 1, 2, 3, 4, 6, 7, and 8 for the purpose of providing the City Council time to consider whether Comprehensive Plan and/or Zoning Code amendments related to Downtown development should be adopted; and

WHEREAS, due to the workload of the Planning Commission and the time sensitivity created by the contemporaneous moratorium, it would be beneficial to have the City Council conduct the review of any City Council initiated amendments to Comprehensive Plan and/or text of the Zoning Code without receiving a recommendation and report from the Planning Commission; and

WHEREAS, the City Council finds it in the public interest to adopt an interim zoning regulations which will enable the City Council to carefully and thoroughly review Council initiated amendments to the Comprehensive Plan and/or text of the Zoning Code;

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

WHEREAS, the City Council held a public hearing on October 7, 2008;

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

Section 1. As an interim zoning regulation, for amendments to the Comprehensive Plan initiated by the City Council for Central Business Zones (CBD) 1, 2, 3, 4, 6, 7, and 8, the City Council shall hold a public hearing using the process described in Kirkland Zoning Code (KZC) 160.40 for notice; KZC 160.45 for staff report; KZC 160.55, 160.65 and 160.70 for public hearing; and KZC 160.90 for publication and effect. The Planning Official shall notify the Planning Commission in writing about the proposed amendment to the Comprehensive Plan at least 14 days before the public hearing.

Section 2. As an interim zoning regulation, for amendments to the text of the Kirkland Zoning Code initiated by the City Council for CBD Zones 1, 2, 3, 4, 6, 7, and 8, including KZC Ch. 142, Design Review, the City Council shall hold a public hearing using the process described in KZC 160.40 for notice; KZC 160.45 for staff report; KZC 160.55, 160.65 and 160.70 for public hearing; and KZC 160.90 for publication and effect. The Planning Official shall notify the Planning Commission in writing about the proposed amendment to the text of the Zoning Code at least 14 days before the public hearing.

Section 3. Duration of Interim Regulations. The interim regulations imposed by this Ordinance shall continue in effect for a period of up to one hundred eighty (180) days from the effective date of this Ordinance, unless repealed, extended, or modified by the City Council.

Section 4. Findings of Fact.

- A. The recitals set forth on page 1 above are hereby adopted as findings of fact.
- B. Although decisions of the City Council on appeals of Design Review approvals for Downtown development reflect the meaning of the Comprehensive Plan, Zoning Code, and Design Review provisions as adopted by the City Council, property developers and City residents desire greater certainty concerning the meaning and application of the Comprehensive Plan, Zoning Code, and/or Design Review provisions regarding Downtown development.
- C. In order to provide for timely consideration and to avoid overburdening the Planning Commission; it is necessary to adopt interim regulations to provide a City Council review process for all City Council initiated amendments to the Comprehensive Plan and/or the text of the Zoning Code.

Section 5. Extensions. If a period of more than one hundred eighty (180) days is required to complete consideration of any changes to the Comprehensive Plan and/or Zoning Code, the City Council may adopt extensions of this interim ordinance after any required public hearing pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 6. 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 any other persons or circumstances shall not be affected.

Section 7. Effective Date. 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 _____, 2008.

Signed in authentication thereof this _____ day of _____, 2008.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney