

## **Appendix F**

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*Review and Evaluation Report of Kirkland's Comprehensive Plan  
and Development Regulations for Compliance with GMA and New  
State Laws, September 2002*

## CITY OF KIRKLAND

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# REVIEW AND EVALUATION REPORT OF KIRKLAND'S COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS FOR COMPLIANCE WITH GMA AND NEW STATE LAWS September 2002

The following is the City of Kirkland's "*Review and Evaluation Report*" to meet the requirements of the Washington State Office of Community Development (OCD) of assessing the Kirkland's Comprehensive Plan and development regulations for compliance with amendments to GMA and new land use laws since 1995.

## I. SUMMARY

The review and evaluation report concludes that the Comprehensive Plan and Zoning Code are in "good shape" for being in compliance with new state laws and amendments to the GMA with only a few needed amendments. The City will complete amendments to the Comprehensive Plan and Zoning Code by the end of 2003 bringing the documents in full compliance with the GMA.

The City's Storm Water Manual will be in compliance with state requirements when adopted in the spring 2003. The City's Shoreline Master Program is the only document in need of major review and amendment. This document is scheduled to be amended in 2003-2004.

Here is a brief summary of what needs to be amended:

### **A. Zoning Code (adopted August 2002)**

#### State mandated change:

- Include a process for siting secured community transitional facilities

### **B. Comprehensive Plan – (to be completed by end of 2003)**

#### State mandated changes:

- Add a definition for what constitutes an "emergency amendment"
- Add a definition of "essential government" facility

#### Other potential changes:

- Update the Community Profile information in the Introduction and the Community Profile Appendix
- Revisit the Vision Statement, the 13 Framework Goals, the Level of Service for all capital facilities and tasks listed in the Implementation Strategies Element for the new horizon year 2022
- Revised the Transportation Project List

- Amend the Natural Environment Element to reflect the Natural Resource Plan once adopted and add a seismic landslide map
- Amend the Land Use Element to reflect changes to the new Totem Lake Plan
- Amend the Housing Element to incorporate the Housing Task Force recommendations
- Make various housekeeping changes, including changes to the Appendices section
- Consider selective private requests that have a broad public policy benefit

**C. Storm Water Manual (to be completed by spring 2003)**

State mandated change:

- Adopt an updated storm water manual to meet the state requirements for protecting fish habitat under Endangered Species Act (ESA) and to be equivalent to the Department of Ecology's stormwater design manual

**D. Shoreline Master Program (scheduled for 2003-2004)**

State mandated changes:

- Amend the document to be consistent with adopted and pending state regulations and with the Comprehensive Plan and Zoning Code

## II. REVIEW AND EVALUATION REPORT

The review and evaluation report is divided into the following five sections:

- State Mandated Amendments
- City Initiated Changes to the Comprehensive Plan
- Selected Private Requests
- Environmental Assessment
- Public Participation

### A. STATE MANDATED AMENDMENTS

The State requires that the City prepare an evaluation report to review our plans and regulations for consistency with:

1. Changes to the Growth Management Act (1995-2001)
2. New laws, events or Endangered Species listings
3. Areas where local plans and regulations might need strengthening consistent with the GMA

The following analysis reviews our plans and regulations with the various topics and questions outlined in 2002 Update paper provided by the Washington State Office of Community Development (OCD):

#### **1. Changes to the Growth Management Act (1995-2001)**

##### **a. Best Available Science**

- *Has the City reviewed the critical areas ordinances to see if they incorporate the best available science and special consideration for anadromous fisheries as required in RCW 36.70A.172? **Yes, included in Chapter 90 of the Zoning Code.***
- *Did the City identify sources of best available science used to develop the critical areas regulations? **Yes, sources have been identified.***
- *Does the City's Comprehensive Plan have policies that give guidance to its critical areas regulations and are those policies based on best available science? **Yes, policies have been adopted.***

**Conclusion: The City has met the requirements for Best Available Science.** The City's critical areas ordinance (Chapter 90 of the Zoning Code) incorporates the best available science and special consideration for anadromous fisheries with identified sources used to develop the regulations. The

Natural Resource Element has policies, based on best available science, that give guidance to the critical areas regulations.

#### **b. Essential Public Facilities**

- *Has the City adopted a process for siting “secure community transition facilities” consistent with the statutory requirements and rules applicable to these facilities? **No, but a process will be adopted by fall 2002.***
- *Has the City adopted a process in its policies and regulations for identification and siting of transportation facilities of statewide or regional significance? **Yes, a process has been included.***

**Conclusion: The City will meet or already has met the requirements.** A process for the siting of secure community transition facilities will be provided in the Zoning Code by fall 2002 as part of the current Zoning Code Amendment project currently underway. Currently, the Zoning Code has a process for the siting of transportation facilities regulated as a “government facility” in the Use Zone Charts. Policies for siting of these facilities are provided in the Land Use Element, Goal LU-8 (pages VI-18 and 19) and Appendix A (page A-11).

#### **c. General Aviation Airports**

Not Applicable to Kirkland.

#### **d. Integrating Environmental review with the Permit Process**

- *Has the City adopted regulations that integrate the environmental review process with the permit process? **Yes, regulations were adopted.***

**Conclusion: The City has met this requirement.** The City’s adopted regulations (Zoning Code, Chapters 145-160, the SEPA Ordinance KMC Chapter 24 and the Subdivision Ordinance (KMC Chapter 22) integrate the environmental review process with the permit process. The changes were made in 1996 as part of amendments to meet the State regulatory reform requirements.

#### **e. Natural Resource Lands of Long-Term Commercial Significance**

Not Applicable in Kirkland.

#### **f. Shoreline Master Program**

- *Has the City reviewed its Shoreline Master Program for consistency with the other elements of the Comprehensive Plan and with the development regulations? **No, but scheduled to occur in 2003-2004.***
- *Is the City's "shoreline environment designations" consistent with the City's zoning? **Yes, done with adoption of the 1983 Zoning Code.***
- *Has the City made any revisions to the Shoreline Master Program using the new shoreline guidelines if applicable? **No, but scheduled to occur in 2003-2004.***

**Conclusion: The City has not met the first and third requirements, but the Shoreline Master Program update project is scheduled on the City's Planning work program for 2003-2004. The second requirement for "shoreline designations" consistent with the City's zoning regulations has been met.** The Shoreline Master Program update project is scheduled on the City's Planning Work Program to occur from fall 2003 through fall 2004 after completion of the Natural Resource Management Plan project. The City's zoning regulations along the shoreline were made consistent with the City's Shoreline Master Program with adoption of the Zoning Code in 1983.

#### **g. Transportation**

- *Has the City worked with the regional transportation planning organization to designate levels of service on highways that are not of statewide significance? **Yes, we have designated the LOS and have worked with the regional transportation organization.***
- *Has the City incorporated the levels of service set by Washington State Department of Transportation for highways of statewide significance and eliminated these highways from the City's concurrency management system? **Yes, we have included the LOS and the highways are not included in the concurrency management system.***
- *Does the City's plan include an inventory of state transportation facilities in the City's jurisdictional area? **Yes, we have an inventory.***
- *Has the City estimated the traffic impacts to state-owned facilities resulting from the City's land use assumptions? **Yes, we estimated the traffic for these facilities.***

**Conclusion: The City has met these requirements.** Appendix A (pages A-11 and A-12) of the Comprehensive Plan contain the Level of Service Standards (LOS) for highways of non-significance and for highways of statewide significance, and an inventory of state transportation facilities. Highways of statewide significance are not included in the City's road concurrency management system (Kirkland Municipal Code Chapter 24).

## **2. New Laws, Events or Endangered Species Listings**

### **a. Endangered Species Act (ESA)**

- *Have species listed under the ESA affected the City's land use assumptions, capital facilities planning permit process? If so, how? **Yes, the species are considered as part the Zoning Code Chapter 90 (critical areas ordinance) and SEPA review process.***
- *Are the requirements of the ESA 4(d) rule incorporated into the City's plans and regulations and critical areas ordinance? **Yes, as much as practical at this time.***
- *Will the City need new capital facilities, such as new infrastructure, water and wastewater utilities, to comply with ESA? **No new facilities are need.***
- *Will the City's stormwater regulations or clearing and grading ordinances need to be updated to protect fish habitat? **Yes, a stormwater design manual that is equivalent to the new Department of Ecology manual will be adopted by spring 2003.***

**Conclusion: The City has met the requirements for ESA and the City will adopt a stormwater design manual by spring 2003.** Species listed under ESA have affected the City's land use assumptions by limiting development and the siting of capital facilities in environmentally sensitive areas. The review processes of Chapter 90 in the Zoning Code and the SEPA process consider and protect the species listed under ESA. More is likely to be done once the Dept. of Ecology's Water Resource Inventory Area District 8 (WRIA 8) Conservation Plan (salmon recovery planning – a habitat protection and improvement effort) is done. The City will need to adopt a stormwater design manual that is equivalent to the new Dept. of Ecology manual. The manual is anticipated to be completed by spring 2003. Follow-up amendments to the Zoning Code and Kirkland Municipal Code may be needed based on the new stormwater design manual.

### **b. Natural Hazard Mitigation**

- *Has the City considered adopting a Natural Hazard Reduction Element in the City's Comprehensive Plan? **Yes, it is in the Natural Environment Element.***
- *Has the City used best available science to limit the siting of essential public facilities in known hazardous areas? **Yes, essential public facilities are limited, using best available science, similar to other development.***

**Conclusion: The City has met the requirements for Natural Hazard Mitigation.** Policies for Natural Hazard Reduction are included in the City's Natural Environment Element. Essential public

facilities are not exempt from meeting the critical areas ordinance (Zoning Code Chapter 90) or SEPA. These regulations use best available science practices.

### **3. Area Where Local Plans and Regulations Might Need Strengthening**

#### **a. Capital Facilities**

- *Has the City's concurrency ordinance or other mechanisms been effective in providing public facilities and services concurrent with development. **Yes, level of services standards are being met with new development.***
- *Does the City's plan identify lands useful for public purposes? **Yes, lands are identified.***

**Conclusion: The City has met the requirements.** Roads, water and sewer are the only capital facilities that must meet the concurrency test. The City's road concurrency ordinance, road impact fees and SEPA mitigation have been effective in providing road facilities concurrent with development. Water and sewer service must be in place with each new development. Institutions, parks, state, county and other public properties are designated on the Comprehensive Plan Land's Use map and on the Zoning Map.

#### **b. Critical Areas**

- *Does the City have policies in the Comprehensive Plan for identifying and protecting critical areas? **Yes, in the Natural Environment Element and in the Framework Goals.***
- *Do the City's development regulations protect critical areas? **Yes, the Zoning Code, Chapter 22.28 of the Subdivision Ordinance and the Shoreline Master Program protect critical areas.***

**Conclusion: The City has met the requirements.** Goals NE-1 through NE-4 and the supporting policies in the Natural Environment Element of the Comprehensive Plan support identifying and protecting critical areas. Chapter 22.28 of the Subdivision Ordinance requires preservation of critical areas. The Shoreline Master Program contains policies throughout to protect critical areas.

#### **c. Essential Public Facilities**

- *Does the City's plans and regulations provide for the identification and siting of essential public facilities? **Yes the City does have a process for siting of general essential public facilities and has established a process specifically for "secure community transitional facilities" in the Zoning Code.***

**Conclusion: The City has met the requirements, including for secure community transitional facilities.** The Land Use Element, Goal LU-8 and related policies (page VI-18) provides support and direction for the siting of essential public facilities. Institutions, state and county facilities, parks and other public properties are designated on the Comprehensive Plan's Land Use map and on the Zoning Map. Essential public facilities are permitted uses and regulated as governmental facilities or public utilities in the Zoning Code. In August 2002, the City adopted Ordinance 3853 creating a new Chapter 78 in the Zoning Code for the siting and review of secure community transitional facilities.

#### **d. Housing**

- *Does the Countywide policies and the City's plan have targets or objectives for providing affordable housing suited to the various income levels of people who live or work in the community? **Yes, both the Countrywide and the City's plans do.***
- *What strategy and mechanisms does the City have for achieving these targets? **The City has many strategies and mechanisms currently in place and more will be place with implementation of the City's Housing Strategy Plan.***
- *How has the City's plan and development regulations provided for group homes, foster care facilities, accessory dwelling units and manufactured housing in accordance with the GMA? **The Plan has goals and policies that support them and the Zoning Code allows them as diverse housing types.***
- *Does the City's plan include a housing inventory and analysis for future needs? **Yes, provided by A Regional Coalition for Housing (ARCH).***

**Conclusion: The City has met the requirements.**

The Countrywide policies and Goal H-2 in the Housing Element of the City's Comprehensive Plan set targets of 17% of growth in new households affordable to moderate-income households and 24% of growth in new household affordable to low-income households. The City has the goals and policies of the Comprehensive Plan and the strategies of the adopted Housing Strategy Plan to achieve these targets. Some strategies already in place include:

- smaller lots allowed in single-family areas
- existing non-conforming multi-family densities allowed to be maintained or redeveloped
- accessory dwelling units allowed in single family zones
- rounding up of multi-family units allowed at .66 or greater fraction
- manufactured housing allowed in single-family and multi-family areas
- increase density for affordable housing allowed through Planned Unit Development (PUD) process
- lot averaging and setback variations allowed in the Subdivision Ordinance

- exemption of affordable housing from impact fees
- City funding of affordable housing/special needs housing

In 2002-2003, the City will work to implement the recommendations of the adopted Housing Strategy Plan.

Policy H-2.2 in the Housing Element supports accessory dwelling units in single-family neighborhoods. Policies H-2.9 and H-2.10 in the Housing Element supports group homes or other housing options. Goal H-2 in the Housing Element supports a variety of housing types including manufactured housing. The Zoning Code outright allows group homes, foster care facilities and manufactured housing and has standards for accessory dwelling units.

The results of the 1994 ARCH Kirkland Housing Needs Analysis are included in the current Housing Element of the Comprehensive Plan on page VII-1. The City will request that ARCH provide the City with a new analysis for the 2002-2003 Comprehensive Plan Amendment project.

#### **e. Monitoring**

- *Does the City have a method for monitoring how well the Comprehensive Plan policies, development regulations, and other implementation techniques are achieving the Comprehensive Plan's goals and the goals of the GMA? **Yes, it does.***
- *Does the City's Comprehensive Plan and development regulations define a process for amending the plan? **Yes, it does.***
- *Does your plan define an "emergency" for the purpose of amending the City's plan or development regulations? **No, it does not.***
- *Is the plan amendment process coordinated among the county and cities within the City's county? **Yes, it does.***

**Conclusion: The City has met the requirements, except for defining an "emergency amendment."** The City monitors how well the Comprehensive Plan, development regulations and other implementation techniques by docketing needed changes, performing analysis and completing annual amendments to the Comprehensive Plan and Zoning Code and to related functional plans (every few years). The City keeps track of needed changes and on-going tasks in its Implementation Strategies Element of the Comprehensive Plan (pages XIV 1-8). The City sends a copy of proposed amendments to the State Office of Community Development, other state and regional agencies.

The City needs to make an amendment to the Plan Amendment section (page III-4) of the General Element of the Comprehensive Plan to discuss what is considered an emergency amendment.

#### **f. Population**

- *Does the Comprehensive Plan indicate the population for which it is planning and is this projection used consistently in the plan? **Yes, it does.***
- *Is the population growth projected in the Comprehensive Plan consistent with the Washington Office of Financial Management (OFM) forecast for our county or the county's sub-county allocation of that forecast? **Yes, it is.***

**Conclusion: The City has met the requirements.** The planning population for which it is planning is stated in Appendix Table B-1 on page B-1 of the Comprehensive Plan and is used consistently in the plan. The City's projected population growth is consistent with the Washington's OFM's forecast. The City will update the planning population for 2022 with the 2002-2003 Comprehensive Plan Amendment project.

#### **g. Public Participation**

- *Has the City established and distributed information on methods for citizens to participate in the land use planning and permit process? **Yes, it has.***

**Conclusion: The City has met the requirements.** The City uses a variety of methods to distribute information on how to participate, including: the City's web site and the "Neighborhood Hot Sheet," the City's cable channel, the "Neighborhood University" program, quarterly neighborhood meetings with the residents, City Council and staff, The Neighborhood Services Team, large wood notice boards, newspaper notices, the Planning Department's meeting calendars, direct mailings to local organizations, business and interest groups on certain projects, handouts and application forms for private requests. The City has a Neighborhood Services Coordinator whose responsibility is to work with the 13 neighborhood associations and the community.

#### **h. Subdivision Regulations**

- *Does the City's subdivision regulations encourage urban growth areas and discourage sprawl? **Yes, it does.***
- *Are the City's subdivision regulations consistent with supporting an efficient transportation system and other appropriate infrastructure? **Yes, it does.***
- *Are the City's subdivision regulations consistent with the Comprehensive Plan and the GMA? **Yes, it is.***

**Conclusion: The City has met the requirements.** The City is in the urban growth area so discouraging sprawl is not an issue. The subdivision regulations require right-of-way dedication and

utility and pedestrian connections. The subdivision regulations are consistent with the City's Comprehensive Plan and the GMA.

#### **i. Transportation**

- *What transportation demand strategies does the City have and have they been effective? **Strategies include Commute Trip Reduction programs, Transportation Management Plans (TMP), multi-modal facilities (transit center, bike lanes and pedestrian connections), Flexcar program, RideshareOnline (online carpool matching) promotions and promotional events to encourage people to bike/bus/walk to work and shopping. They have been somewhat effective.***
- *Has the City's designated levels of service for local arterials and, if applicable, transit routes? **Yes, it has.***
- *Does the City have an ordinance for transportation concurrency, consistent with RCW 36.70A.070(6)(b). **Yes, it has.***

**Conclusion: The City has met the requirements and the City will continue to promote, enhance and implement a variety of strategies.** The City has a variety of transportation demand strategies in place. The City works closely with METRO on the Commute Reduction Program (CTR) which requires that employers of 100 employees or more try to reduce drive alone commute trips. As an employer of over 100 staff, the City has its own program to encourage City employees to reduce drive-alone commuting: free bus passes, a financial incentive, lockers and showers, Flexcars for daytime errands, and a guaranteed taxi ride home in case of emergencies.

The City requires large developments to have active Transportation Management Plans to reduce drive alone trips to large employment sites; provides a variety of multi-modal facilities (transit center, expanding network of bike lanes, long-term bicycle lockers and pedestrian connections); is offering an incentive for citizens to find carpool partners via Rideshareonline.com; and has on-going promotional events to encourage people to bike/bus/walk to work, such as Walk Your Child to School Week. The City has a staff transportation coordinator who works closely with METRO to enhance and implement these strategies. The City has just updated its Non-Motorized Transportation Plan. The strategies have been somewhat effective.

The City will continue to do more to increase the HOV/SOV mode split and to use other modes of transportation. The City has planned HOV lanes on certain arterials. The City has just started the Flexcar program for workers and residents within the city limits and will begin working with METRO to sell blocks of bus passes to employers at a bulk rate discount. The City is in the process of working with Sound Transit on capital projects to improve bus access in the Totem Lake area and to build an improved downtown transit center.

#### **j. Urban Growth**

- *Does the City's urban growth area provide for achieving urban densities, services, and uses? **Yes, it does.***
- *Does the City's policies and regulations encourage urban growth in urban areas and reduce sprawl? **Yes, it does.** If so, is the City's urban growth area appropriately sized for the population projection within the planning period? **Yes, it does.***
- *Is there a coordinated approach to planning for the development in urban growth areas, especially among adjacent jurisdictions? **Yes, there is.***

**Conclusion: The City has met the requirements.** The Land Use Plan and Zoning Map provide for the densities, services and a variety of uses to meet the population and needs of an urban growth area. The City's policies and regulations encourage urban growth in Kirkland to reduce sprawl in the non-urban growth areas. The City's urban growth area is appropriately sized for the population projection within the planning period.

#### **k. Water Quality and Quantity**

- *Does the City have water rights to support the plan's projected 20-year growth or a strategy to obtain them? **City does not have water rights. The City contracts with the City of Seattle for water supply. The City is currently in the process of negotiating as part of the Cascade Water alliance a new long-term contract with the City of Seattle for water supply.***
- *Does the City's stormwater regulations incorporate the Dept of Ecology's manual for the region? **The current regulations meet and exceed the 1992 Dept. of Ecology's Stormwater Design Manual (City uses the 1998 King County Surface Water Design Manual). The City will be reviewing options for adopting a manual that is equivalent to the new DOE manual by spring 2003.***
- *Has the City implemented the stormwater, habitat, shellfish and on-site sewage programs of the 2000 Puget Sound Water Quality Management Plan (PSWQMP) through the Comprehensive Plan, the critical areas ordinance, the Zoning Code regulations and the Capital Facilities Element of the plan?*

#### **Stormwater**

**In progress.** The City is working towards implementation of stormwater elements of the 2000 PSWQMP. At present, the City has regulations and programs in place, but has not submitted for review by the Department of Ecology. The City is awaiting the Non-Point Discharge Elimination System (NPDES) Phase II general permit and further direction on ESA requirements (i.e. approval of

the Tri-County 4(d) proposal by National Marine Fisheries Service) before submitting in hopes that one application/submittal could be used for all three programs.

### **Shellfish**

Not applicable in Kirkland

### **On-site Sewage**

**This issue is regulated by King County Public Health.** However, the City has implemented an emergency sewer construction program as part of its CIP program to provide sewer service to those with failing septic systems. This will aid in King County's efforts to regulate septic systems in Kirkland.

### **Marine and Freshwater Habitat Protection**

**In progress.** The required local government elements of this part of PSWQMP are planning, acquisition and restoration, education, regulations, and incentives. The City is involved in many planning processes, including the WRIA 8 salmon recovery planning (a habitat protection and improvement effort), update of the Shoreline Master Program scheduled for fall 2003-Fall 2004, and production of the Natural Resources Management plan with a draft due fall 2002. The City has already acquired many of the valuable natural resource lands within the city, and continues to look for acquisition opportunities through the Parks Master Plan, the Surface Water Master Plan and other documents. Restoration projects are being completed as part of the Surface Water Capital Improvement Program (CIP). Public education is occurring on a small scale. Regulations in Chapter 90 of the Zoning Code were updated in April 2002, with additional updates scheduled for 2005. In summary, the City is well on the way to meeting the goals of the habitat protection portion of PSWMP.

**Conclusion: The City has either met the requirements or is in the process of meeting the requirements for water quality and quantity.**

## **B. CITY INITIATED CHANGES TO THE COMPREHENSIVE PLAN AND TO THE ZONING CODE**

Below is an analysis of each element of the Comprehensive Plan and what needs to be revised.

### **1. Introduction**

- Community Profile text
- Table I-1 Kirkland Growth Trends

Both the Community Profile text and Kirkland Growth Trends in Table I1 (page I-2) need to be updated to reflect the forecasted growth to the new horizon year 2022. The Community Profile text discusses past, present and future population, housing employment and land use conditions and trends which all need to be revised.

## **2. Vision/Framework Goals**

- Vision Statement
- 13 Framework Goals

Both the Vision Statement and Framework Goals were developed as part of the 1995 Comprehensive Plan looking at the horizon year 2010. These need to be revisited to reflect what the community would like to see happen for the 2022 horizon year.

Staff recommends a "community conversation" process to engage the community in discussions about the future of Kirkland. These conversations would be used to revisit the existing Vision Statement and Framework Goals.

## **3. General**

- Amendment Process
- Evaluation Criteria

In addition, the Amendment Process will need to be amended to meet the State requirement concerning what is an emergency amendment as discussed above in Section A.

The Evaluation Criteria section does not contain the threshold determination criteria that the Planning Department has been using for private amendment requests. These criteria should be added to the Amendment Process section. The Zoning Code, Chapter 140 contains one additional approval criteria not included in the Comprehensive Plan. The evaluation criteria for Plan Amendments should be made consistent between the Comprehensive Plan and Zoning Code.

## **4. Community Character**

- Community Character Goals and Policies

The goals and policies in the Community Character element may need to be amended in response to any changes to the Vision Statement and 13 Framework Goals and to reflect trends in the character of the city's population as summarized in the Community Profile report.

## **5. Natural Environment Element**

- Introduction
- The Natural Environment Concept
- Natural Environment Goals and Policies and Figure NE-1

The text in the three sections may need to be amended to reflect the Natural Resources Plan when adopted. For example, more discussion about tree preservation and tree management on public and private property is needed.

Figure NE-1, the sensitive areas map (page V-7) needs to be updated. A seismic, high-moderate landslide hazard map will be added to the element.

Additional amendments may need to occur to respond to new policies and regulations to meet the state requirements discussed above in Section A concerning ESA, stormwater and water quality and quantity.

## **6. Land Use Element**

- Land Use Map and Definitions
- Land Use Goals and Policies, and Figure LU-2

The Land Use Map and land use categories should be reviewed for possible amendments. Some of the data and information needs to be updated. The goals and policies need to be revisited, including LU-6 concerning employment (page VI-16). LU-5.3 needs to be amended to reflect the change in Totem Lake as an Urban Center rather than as a Regional Activity Area (page VI-13).

The concept of using the local Park & Ride lots for a mix of uses should be addressed in this element. The land use designation and zoning for the Park & Ride lots will need to be changed if the mix use concept is approved.

Figure LU-2 (page IV-12) should be amended to change the location and names of some of the commercial areas.

## **7. Housing Element**

- Introduction
- Housing Goals and Policies

The text, numbers and data need to be updated. The Housing Task Force recommendations found in the Housing Strategy Plan need to be incorporated into this element.

## **8. Economic Development Element**

- Introduction, existing conditions and future targets, trends and capacity
- Economic Development Goals and Policies and Table ED-3

The numbers and data need to be updated, including the employment targets. The goals and policies need to be revisited, including ED-2.3, ED-3.1, ED-4 and ED-7. Table ED-3 (page VIII-15) concerning the tax contribution by industry 1994-1996 needs to be revised.

## **9. Transportation Element**

- Introduction and Existing Conditions
- Transportation Goals and Policies and LOS and Maps/Figures/Tables

The numbers and data in the text need to be updated to reflect the 2022 horizon year. The Level of Service Standards (LOS) need to be assessed for the new horizon year. Most of the maps were updated with the 2001 Comprehensive Plan project, but they may need some revisions to reflect any new changes made to this element. Both Figure T-6, 2012 Transportation Project List Facility Plan, and Table T-5, Project Description for the Twenty-Year Project List, need to be revised to reflect the horizon year 2022.

#### **10. Parks, Recreation and Open Space Element**

- Park Goals and Policies and LOS

The Park Comprehensive Plan was updated in 2000 so no major change to this element is anticipated. However, the goals and policies need to be revisited if the Vision Statement and 13 Framework Goals are changed. The Level of Service Standards need to be reviewed for the horizon year 2022.

#### **11. Utilities Element**

- Utilities Goals and Policies and LOS

Some of the goals and policies and text may need to be amended to reflect changes to the state requirements for stormwater discussed in Section A. The Level of Service (LOS) will need to be reviewed for the horizon year 2022.

#### **12. Public Services Element**

- Public Service Goals and Policies and LOS

Some of the goals and policies should be revisited. The level of service standards (LOS) will need to be reviewed for the horizon year 2022.

#### **13. Capital Facilities Element**

- Introduction
- Capital Facilities Goals and Policies/LOS

The Introduction and goals and policies need to be reviewed for potential changes, including the section on Concurrency and on Potential Annexation Areas. The level of service standards (Tables CF-2 through CF-6) and the Capital Facility Plan projects (Tables CF-9 through CF-12) need to be revised for the new horizon year. Table CF-7 containing the list of Functional Plans needs to be revised to add the adopted Housing Strategy Plan and the Natural Resource Plan when adopted.

#### **14. Implementation Strategies Element**

The project list and ongoing tasks need to be updated to reflect completed projects and tasks and to add any new projects based on the revised goals and policies from the 2002-2003 Comprehensive Plan Amendment project. The project of updating the Neighborhood Plan maps needs to be added.

#### **Appendices**

- Appendix A - Plan Consistency
- Appendix B - Community Profile
- Appendix C – Historic Resources and Community Landmarks
- Appendix D – Level of Service Methodology
- Appendix E – Public Process
- Appendix F – Glossary

We may want to consider whether the discussion in *Appendix A* on plan consistency with the State, regional and King County regulations, goals and policies is appropriate to have in the Comprehensive Plan or if this analysis should be left to the evaluation report to the state.

In *Appendix B*, most of the tables, figures, maps and text need to be updated to reflect new information and changes since 1995. The Community Profile text will be revised to reflect new data and information from the new Community Profile report to be issued this summer.

*Appendix C* needs to be updated to include the Christian Science Church on Market Street as an historic structure and any other needed updates.

The discussion on LOS Methodology in *Appendix D* needs to be reviewed for consistency with changes in 2001 to LOS methodology in the Transportation Element.

The public process discussion in *Appendix E* needs to be revised to reflect the public process used for the 2002-2003 Comprehensive Plan Amendment project, the neighborhood plan update process and the bi-annual Comprehensive Plan Amendment updates.

The glossary in *Appendix F* needs to be updated to reflect the term “urban center” for the revised Totem Lake Plan. A definition of “essential government facility” should be added. All of the definitions need to be reviewed for consistency with the Zoning Code or other needed changes.

Design Principles in *Appendix I* should be reviewed to see if any changes need to be made.

### **C. SELECTED PRIVATE REQUESTS**

The City considers requests for private amendments to the Comprehensive Plan as part of its bi-annual amendment project. Criteria listed in the Comprehensive Plan and Zoning Code is used to evaluate whether the private requests should be considered. Last year as part of the 2001 Comprehensive Plan Amendment project, five out of the ten submitted private requests were accepted for consideration that resulted in eventual amendments to the Comprehensive Plan.

This is not a “normal” year to consider private requests. However, since the City is amending its Comprehensive Plan again this year to meet state mandated requirements, the City may want to consider a few selected private requests. Given the extensive scope of 2002-2003 Comprehensive Plan Amendment project and given that private requests are very time consuming and involve considerable neighborhood involvement, staff recommends that only selected private requests with broad public use or policy change be considered rather than site specific changes.

So far, the Planning Department has received inquires from seven private individuals to change the land use designation and zoning on properties in Kirkland. In the fall, the individuals who wish to request private amendments will be given an opportunity to present their proposals before the Planning Commission and Houghton Community Council. The Planning Commission and Houghton Community Council will then review these requests to see if any of the requests would fall into the category of broad public use or policy change for recommendation to the City Council to be included in the City’s 2002-2003 Comprehensive Plan Amendment project.

### **D. ENVIRONMENTAL ASSESSMENT**

An Environmental Impact Statement (EIS) was done for the 1995 Comprehensive Plan. A new EIS or an EIS addendum will be prepared to assess the impacts of the changes to the Comprehensive Plan for the new horizon year 2022. Since staff does not envision major changes to our goals and policies or our adopted level of service, the new EIS or EIS addendum will be limited in scope. The major focus will probably be on transportation impacts.

### **E. PUBLIC PARTICIPATION**

The public will have several opportunities to participate in the 2002-2003 Comprehensive Plan Amendment project. The City plans a city-wide “Community Conversation” event in September 2002, forums and/or workshops in spring 2003, public meetings and hearings before the Planning Commission, Houghton Community Council, Transportation Commission and Park Board and final review before the City Council in 2003. Various media and notices will be used to involve the community.



## CITY OF KIRKLAND

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### MEMORANDUM

**To:** Interested Parties

**From:** Patrice Tovar, AICP, Senior Planner

**Date:** March 26, 2004

**Subject:** COMPLIANCE WITH STATE REQUIREMENT TO UPDATE  
CRITICAL AREAS POLICIES AND REGULATIONS, Files and IV-02-  
1,#b and CC-95-104

The purpose of this memorandum is to document certain actions taken by the City of Kirkland to comply with Section 36.70A.130, Revised Code of Washington. The section requires that on or before December 1, 2004, Kirkland take action to review and, if needed, revise its comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of RCW 36.70A, commonly known as the Growth Management Act (GMA). For several years, the City has been taking actions to achieve compliance with this requirement. This memorandum will detail those actions that relate to critical areas.

#### COMPREHENSIVE PLAN

Kirkland's GMA Comprehensive Plan was adopted in 1995. Although the GMA does not require a comprehensive plan element for critical areas, Kirkland's 1995 plan included the Natural Environment Element which did provide goals and policies supporting the City's critical areas designations and regulations. In early 2000, as part of an annual comprehensive plan update, Kirkland updated the Natural Environment Element to more fully reflect GMA goals and requirements. Although further amendments were not needed to achieve compliance with the GMA, during 2003 and 2004, minor changes to the Natural Environment Element have again been undertaken to further emphasize the City's commitment to consideration of best available science and protection or enhancement the habitat of anadromous fish and to incorporate some key concepts from the City's Natural Resource Management Plan, which was adopted in August 2003. These amendments also include an updated version of Kirkland's Sensitive Areas Map, which serves as a guide to approximate locations of known critical areas and drainage basins.

## **REGULATIONS**

Kirkland worked for several years to comply with RCW 36.70A.130 well in advance of the 2004 deadline, as detailed in the following chronology:

- 1990** The GMA requires that **critical areas** be **designated and protected** by regulations at the outset of the City's GMA comprehensive planning process.
- 1992** Pursuant to GMA, Kirkland City Council adopts a **new critical areas inventory and** updates 9-year old critical areas **regulations**, intending to further revise the regulations after the GMA comprehensive plan is completed.
- 1995** Immediately following adoption of the new GMA-compliant comprehensive plan, the **critical areas update project begins**, pursuant to the GMA requirement to revisit and revise critical areas regulations, as necessary, to ensure consistency with the new comprehensive plan (RCW 36.70A.060(3)). As an initial step, in December a well-attended public workshop features a panel of experts offering diverse perspectives on critical areas issues, followed by questions and comments from the audience.

The **Washington State legislature amends the GMA** (at RCW 36.70A.172) to require that:

- Best available science be included in developing policies and development regulations to protect the functions and values of critical areas, and
- Special consideration be given to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

- 1996** The project is **temporarily halted** due to more pressing City priorities.
- 1997** City approval of some controversial new developments that involve wetlands sparks growing public concern about the adequacy of Kirkland's wetland regulations. In response, the **City Council adopts a moratorium** on private development proposals that would involve wetlands, minor lakes, streams, or their buffers.

**Work on the critical areas updates is resumed.** The City Council sponsors a series of events, coordinated by 1000 Friends of Washington, to provide a common basis of scientific knowledge to Kirkland public officials, staff, and all interested members of the public. The field trips and forums conducted by several qualified professionals culminate in a shared vision for **a new approach that would replace generic City-wide critical areas rules with detailed regulations tailored to preserve the particular functions and values of each of Kirkland's drainage basins.**

To ensure that a meaningful sample of majority public opinion is considered along with the input received from the minority that attend public meetings, a **telephone survey** regarding critical areas issues is conducted.

The City contracts with The Watershed Company to conduct an inventory of Kirkland's streams, wetlands and wildlife areas. For each of Kirkland's drainage basins, the study:

- Documents the locations, processes, functions, and relative value of the hydrologic critical areas; and
- Identifies threats to each as well as opportunities for enhancement.

*(The Watershed Company is an environmental consulting firm based in Kirkland that specializes in the restoration and management of streams, shorelines, and wetlands. See [www.watershedco.com](http://www.watershedco.com). A peer review of "Kirkland's Streams, Wetlands and Wildlife" was performed by Adolfson Associates, Inc. in early 1998.)*

**1998** In order to "**ground truth**" the scientific data, the draft inventory is mailed – along with questionnaires and other project information – directly to all owners of Kirkland property that includes or is in the vicinity of known sensitive areas. An impressive 31% responded with input by mail, e-mail, telephone, fax, individual appointment, or by attending public forums.

The **finished inventory** is *Kirkland's Streams, Wetlands, and Wildlife Study* (The Watershed Company, 1998). In the *City of Kirkland Sensitive Areas Recommendations Report* (Adolfson Associates, Inc., 1998) **best available science is applied** to the inventory in order to formulate recommendations to serve as the basis for the new policies and regulations.

It is anticipated that the amendment process for updating the critical areas policies and regulations will require several more months. Rather than continuing to extend the moratorium for that period, the **City Council adopts temporary regulations that utilize the newly completed scientific studies to maintain and enhance the functions and values of each of Kirkland's drainage basins** (see Ordinance 3658, Interim Sensitive Areas Regulations, adopted October 1998). This action serves the dual purpose of providing a more balanced approach than the moratorium, while providing an opportunity to test the interim rules before adopting final regulations. Wide-spread public support of the interim rules is confirmed by testimony received during the public hearing for the interim ordinance. The public record and the ordinance itself both cite the Adolfson Associates, Inc. analysis and The Watershed Company inventory as best available science bases for the rules.

**Public forums** are held in November to explain the scientific findings to the public and to receive public input regarding management of the natural environment in light of the findings. The forums further **inform the amendment**

**process** for the Natural Environment Element of the Comprehensive Plan as well as development regulations.

- 1999** The Kirkland Planning Commission and Houghton Community Council study the amendments for the comprehensive plan and development regulations at nine public meetings from February through September and hold **public hearings** in October.

The proposed amendments are supported by both the Planning Commission and the Houghton Community Council. Just prior to going to the City Council for adoption, however, the environmental analysis of the amendments, performed pursuant to the State Environmental Policy Act (SEPA) is appealed. In early December, the Hearing Examiner upholds the City's SEPA determination and denies the appeal. The delay caused by the appeal prevents the City Council from adopting the amendments before the end of the year. When the amendments are taken to the City Council in January, three of the seven City Council members are new.

- 2000** Although the amendments to the Natural Environment Element of the comprehensive plan are adopted early in 2000, adoption of the regulation amendments is postponed as the City Council decides to **study buffer widths further** to determine whether buffers for Type B streams (perennial, but fishless) should be narrower than indicated in the *Sensitive Areas Recommendations Report* (Adolfson Associates, Inc., 1998). The City engages three experts to independently study perennial, non-fish-bearing streams in Kirkland, apply best available science, and offer recommendations for buffers. The three experts conduct a field trip for the City Council, staff, and public, and then present their reports at a public City Council study session. The most conservative opinion matches that of the *City of Kirkland Sensitive Areas Recommendations Report* (Adolfson Associates, Inc., 1998). Another expert supports reduced buffer widths. The third expert maintains a position between the other two. The City Council tables further discussion of the issue.

- 2001** The City Council continues to extend the interim ordinance that was originally adopted in October 1998. At the same time, the City actively participates in the WRIA 8 watershed salmon conservation planning effort and anticipates that that process will yield additional watershed-specific information to perfect the critical areas amendments.

- 2002** In April, the **City Council adopts the CAO amendments** that effectively codify the interim ordinance with a few minor improvements. The buffer widths in the new CAO remain the same as those that were recommended in the *City of Kirkland Sensitive Areas Recommendations Report* (Adolfson Associates, Inc., 1998).

In September, the City prepares a *Review and Evaluation Report of Kirkland's Comprehensive Plan and Development Regulations for Compliance with GMA and New State Laws*. The report states that Kirkland has conducted the review required by RCW 36.70A.130 and lists the anticipated updates and timelines. With respect to critical areas, the report concludes that the City has met the requirements and no further amendments are needed. Notice of the report was widely distributed, and the report was reviewed by the Kirkland City Council and Planning Commission in public meetings and was sent to Washington State agencies.

- 2004** An **Environmental Impact Statement** (EIS) is prepared for the 2004 regulatory and comprehensive plan updates. The EIS includes the statement that Kirkland's review of the City's comprehensive plan and development regulations found them to be compliant with the Growth Management Act with regard to critical areas.

The record for public hearings before the Kirkland Planning Commission and Houghton Community Council held for the 2004 regulatory and comprehensive plan updates states that Kirkland's plan and development regulations are compliant with the Growth Management Act with respect to critical areas and includes this memorandum.

cc: Files IV-02-1,#b and CC-95-104