



**CITY OF KIRKLAND**  
**Planning and Building Department**  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Nick Cilluffo, Senior Planner  
Jeremy McMahan, Deputy Planning & Building Director  
Adam Weinstein, AICP, Planning & Building Director

**Date:** October 22, 2020

**Subject:** CODE AMENDMENTS TO STREAMLINE PUBLIC PROJECTS, FILE NO. CAM20-00334

### **Staff Recommendation**

Adopt enclosed ordinances amending various sections of the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC). The amendments relate to streamlining public projects and are consistent with direction provided to staff at the October 6, 2020 City Council meeting.

### **Background**

Public projects are those development and construction activities associated with the City's Capital Improvements Program; Parks, Recreation and Open Space (PROS) Plan, schools, and other public agency and utility projects implemented by non-City entities. City Council received a briefing on draft code amendments to streamline the permitting of these projects at their October 6, 2020 meeting. Project background, staff's analysis, and the Houghton Community Council (HCC) and Planning Commission (PC) recommendation are included in the [October 6, 2020 City Council Meeting Packet](#).

Following staff's presentation and consideration of the HCC/PC recommendation, City Council discussed the draft code amendments and expressed support for all the amendments as drafted by staff while clarifying that the Planning Director would make final decisions. City Council directed staff to prepare final amendments, with minor edits to items 1 and 4 below.

### **Proposed Code Amendments**

The following is a summary of the code amendments included in the attached ordinances, including the direction provided by City Council at the October 6, 2020 meeting. The precise code amendments can be seen in Section 1 of each attached ordinance.

1. Expedite the review of critical area exceptions for public projects (O-4739).

Code section	Amendments	City Council Direction
KZC 90.30 KZC 90.45 KZC 90.50	Change review process for Public Agency/Utility Exceptions from a Process I to an administrative review with Planning Director Decision.	City Council supported the reduction in review process but preferred to maintain an elevated level of decisional authority. The final code amendment establishes an administrative review with the Planning Director having final decision-making authority for Public Agency/Utility Exceptions.
KMC 5.74.070 (O-4741)	Associated with this new review process, a line item will be added to the Planning and Building Department fee schedule. The fee amount for these project types will remain the same – this simply amends the fee schedule to reflect the amended review process.	

2. Eliminate Design Review process for fire station development (O-4739).

Code section	Amendment	City Council Direction
KZC 142.15	Exempt fire stations from Design Review.	City Council supported the initial amendment, as drafted by staff, with no change.

3. Allow temporary government facility uses without requiring zoning permit review (O-4739).

Code section	Amendment	City Council Direction
KZC 115.139 (NEW)	Allow temporary government facilities under specific circumstances (i.e., public service provision or emergency response) without need for land use approval or application of development standards.	City Council supported the initial amendment, as drafted by staff, with no change.

4. Identify authority for approving temporary construction staging sites and clarify required site standards (O-4739).

Code section	Amendments	City Council Direction
KZC 115.138 (NEW)	Authorize the Director of Public Works to approve staging sites and specify site standards and time limitations.	City Council supported the initial amendment and requested a specific time limitation for the use of staging sites. The final code amendment requires staging activity to end upon project completion.

5. Clarify permit exemptions for Land Surface Modification within critical areas<sup>1</sup> (O-4740).

Code section	Amendment	Prior City Council Direction
KMC 29.12.010(e)	Clarify that geologically hazardous areas do not preclude the permit exemption for public projects within the right-of-way.	City Council supported the initial amendment, as drafted by staff, with no change.

**Temporary Facilities**

The Council also wanted to confirm that temporary facilities would not continue indefinitely. Below are ordinance excerpts that ensure temporary facilities will have limited duration.

*" a. When an interim facility is necessary to provide service during construction of a related permanent facility. The temporary government facility may be located and operated for a duration not to exceed the construction period of the permanent government facility.*

*b. When a temporary facility is necessary in response to an emergency proclamation. The temporary government facility may be located and operated for a duration not to exceed the emergency proclamation."*

**Code Amendment Process and Criteria**

Pursuant to KZC 160.60 and KZC 135.25, the City may amend the text of the Zoning Code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed Zoning Code amendments are consistent with the Comprehensive Plan, bear a substantial relation to public health, safety, or welfare, and are in the best interest of the residents of Kirkland because they are intended to clarify the existing regulations and make them more effective.

**Environmental Review**

The requirements of the State Environmental Policy Act of Chapter 43.21C RCW and Chapter 197-11 WAC have been met by issuance of a SEPA Addendum on August 27, 2020 to the 2035 Comprehensive Plan Environmental Impact Statement (EIS).

**Attachments:**

1. Ordinance 4739 (amends KZC)

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<sup>1</sup> This is a KMC amendment and was not reviewed by HCC/PC

2. Publication Summary O-4739
3. Ordinance 4740 (amends KMC Title 29)
4. Ordinance 4741 (amends KMC Title 5)

cc: File Number CAM20-00334