



CITY OF KIRKLAND

Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Planning Commission

From: Nick Cilluffo, Senior Planner
Jeremy McMahan, Deputy Planning & Building Director
Allison Zike, Deputy Planning & Building Director

Date: July 20, 2022

Subject: Houghton Community Council Sunsetting
Procedural and Regulatory Code Amendments, File No. CAM22-00322

Staff Recommendation

Review and discuss the required code amendments related to the sunsetting of the Houghton Community Municipal Corporation prior to a public hearing anticipated for August 25, 2022.

Background

On March 11, 2022, Governor Inslee signed into law House Bill (HB) 1769, which sunsets community municipal corporations in Washington state. The general effective date of HB 1769 was June 9, 2022. However, the new law section that provides for the sunsetting of these corporations became effective 30 days later, on July 9, 2022. The Houghton Community Municipal Corporation and its Houghton Community Council (HCC) was one of two existent community municipal corporations in Washington. The other was the East Bellevue Community Council in the City of Bellevue. See Attachment 1 for a map of the geographic area of the Houghton Community Municipal Corporation. On June 21, 2022, the Kirkland City Council adopted Ordinance O-4798, which amended Kirkland Municipal Code (KMC) Title 2, ending the term of existence of the Houghton Community Municipal Corporation and HCC on July 9, 2022.

Procedural

With the Community Municipal Corporation no longer in existence, the Kirkland Zoning Code (KZC) must be amended to remove references to any HCC involvement in legislative, quasi-judicial, and administrative procedures and decisions. These amendments are described below and detailed in the tables found in Attachment 2 and 3. Note that, while not subject to Planning Commission (PC) review, several municipal code amendments are also necessary to complete this task. The municipal code amendments are included in this memo for contextual purposes.

Regulatory

In addition to the procedural involvement of the HCC, many development regulations within the KZC are different between the former Houghton Community Municipal

Corporation jurisdictional area and the rest of the City. The differences in applicable regulations are the result of the HCC exercising their disapproval authority on numerous City ordinances or by codifying a specific exemption for the former-HCC jurisdictional area. The goal of these amendments is to eliminate these regulatory discrepancies and provide consistency between all neighborhoods within the City of Kirkland. Staff has confirmed this goal with City Council, which is also consistent with the intent of HB 1769 to promote equity and fairness in regulations citywide.

The regulatory discrepancies that currently exist are identified in Attachment 3. Eliminating these would create more housing choices in Kirkland, better facilitate construction of educational facilities, more effectively protect environmentally-sensitive areas such as wetlands, create more opportunities for renewable energy, and foster a more pedestrian-friendly environment that aligns with Comprehensive Plan goals for the community. There are likely no differences in the physical or community conditions of the Houghton Community Municipal Corporation geographic area that warrant the continuation of these regulatory differences.

Timing

As regulatory differences are eliminated, staff recognizes that in some important instances, property owners and developers may have invested time and money on projects based on these present differences. These investments should be a consideration when determining the appropriate effective date and interim phase of the proposed amendments.

Proposed Amendments

The proposed code amendments would eliminate references to the Houghton Community Municipal Corporation and Houghton Community Council throughout the KMC and KZC and would amend all current regulatory differences in the former-HCC area to be consistent with regulations applicable citywide.

Code Changes

The tables in Attachments 2 and 3 identify the proposed code amendments, arranged by topic. Attachment 2 shows the zoning code changes related to HCC Authority/Procedural Involvement, as well as related municipal code amendments for consideration by City Council. Attachment 3 shows the zoning code changes related to HCC Regulatory Differences.

Nonconformances Created

Through changing the regulations shown in Attachment 3, some number of properties and/or buildings will become nonconforming. This situation often occurs as regulations are adopted or amended and has already occurred in the remainder of the City outside of the Houghton Community Municipal Corporation. These instances are considered "legal nonconformances," which refers to situations where a property and/or building becomes nonconforming due to a change in regulation(s) but was otherwise fully compliant with the applicable codes at the time of approval/permitting. Legal nonconformances created by the proposed code amendments may persist and do not necessitate any action or correction by the owner. Chapter 162 of the KZC establishes

when, and under what circumstances, nonconforming aspects of a use or development must be brought into conformance with current regulations. The various subsections of KZC Chapter 162 set thresholds for when conformance is required, identify scenarios when nonconforming aspects of a building may be rebuilt (i.e., when improvements are damaged), and establish other special provisions relating to nonconformances. While the proposed code amendments will create legal nonconformances in the former Houghton Community Municipal Corporation area, staff does not anticipate any imminent or burdensome situations arising from the amendments. Because the existing nonconformance provisions in KZC Chapter 162 were established and reviewed as new regulations were adopted, staff does not believe any of the proposed amendments necessitate a change to the nonconformance provisions of KZC Chapter 162.

Effectiveness (date of full effect & interim phase)

The proposed code amendments in Attachment 3 will have implications for homeowners, builders, and developers. Most notably, the change to some low-density development regulations may affect applicants that are currently in the design phase or almost ready to submit building permits. Staff recognizes that applicants and their project teams need time to adjust designs and revise plans to comply with these amended regulations. To mitigate for the challenge this may present to applicants with projects that are in design phases, staff proposes a delayed effective date for the amendments. Staff believes an appropriate effective date for the regulatory amendments in Table 2 of Attachment 2 would be January 1, 2023, approximately three months after anticipated adoption by City Council. Additionally, applicants working on projects that will be submitted prior to the full effective date of the amendments should have the option to use the amended regulations prior to the effective date of the ordinance. This will provide flexibility for applicants in the interim to use the amended regulations if they so choose.

State Environmental Policy Act (SEPA)

To fulfill environmental review requirements, the proposed code amendments require the City to issue a SEPA addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Final Environmental Impact Statement. The SEPA addendum is under review as of the packet publication date. Staff anticipates issuance of the SEPA addendum prior to the public hearing date.

Next Steps

Following discussion and direction by the Planning Commission, staff will draft the necessary ordinance and return to the Planning Commission for a public hearing on August 25, 2022. The ordinance is tentatively scheduled for consideration by City Council on September 20, 2022.

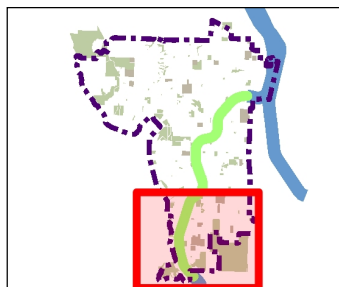
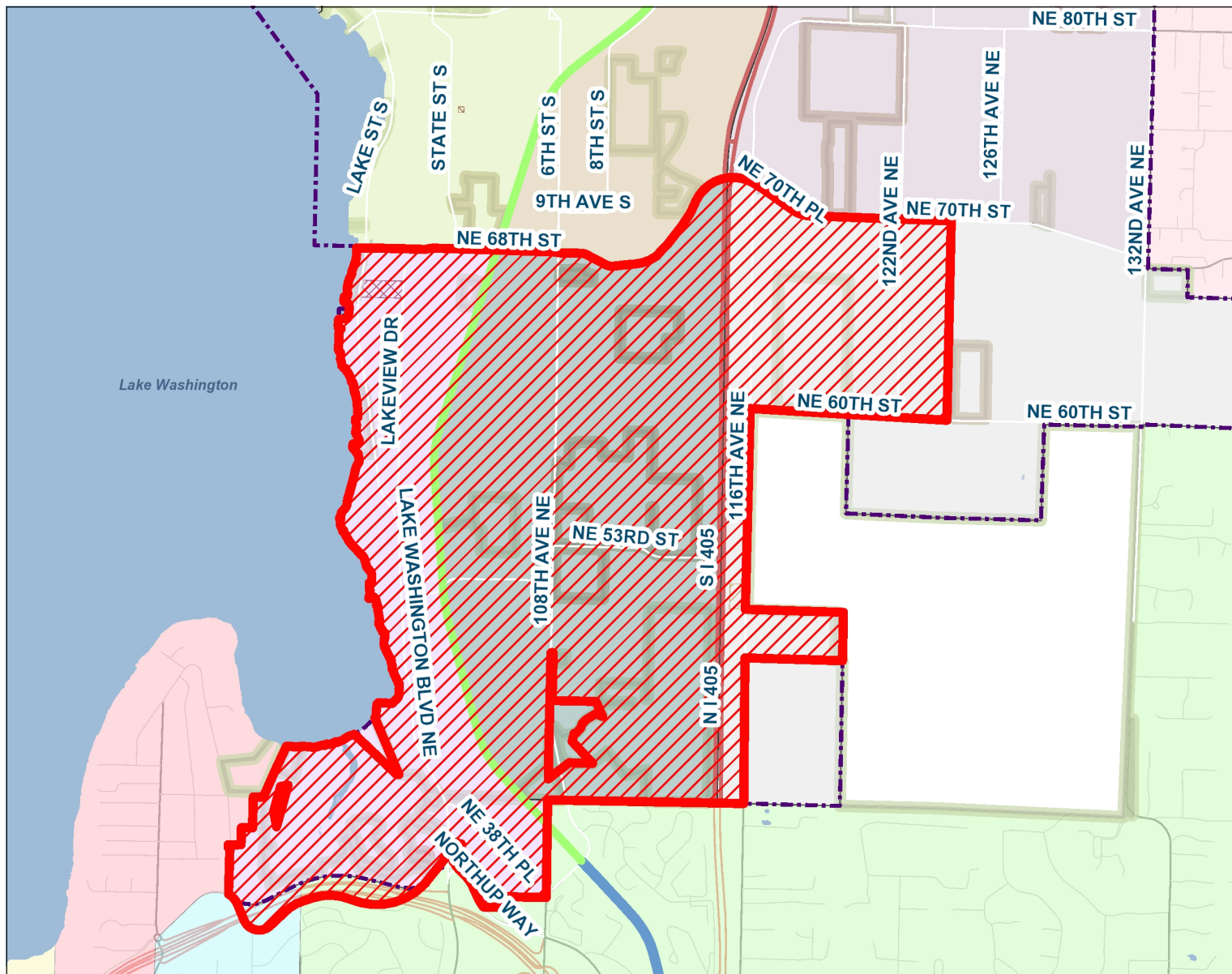
Attachment(s)

1. Map of the Houghton Community Municipal Corporation Geographic Area
2. Code Changes Related to HCC Authority/Procedural Involvement
3. Code Changes Related to HCC Regulatory Differences

cc: File Number CAM22-00322



Former Houghton Community Municipal Corporation



Legend

- Houghton CC Jurisdiction
- City Limits
- Cross Kirkland Corridor
- Regional Rail Corridor
- Major Streets**
 - Interstate
 - Major Roads
- Lakes**
 - Lakes
- Neighborhood**
 - Bridle Trails
 - Central Houghton
 - Everest
 - Finn Hill
 - Highlands
 - Juanita
 - Kingsgate
 - Lakeview
 - Market
 - Moss Bay
 - Norkirk
 - North Rose Hill
 - South Rose Hill
 - Totem Lake
- Parks
- Schools
- Overlay Zones**

1: 24,000



Notes

4,000.0 0 2,000.00 4,000.0Feet

NAD_1983_StatePlane_Washington_North_FIPS_4601_Feet

Produced by the City of Kirkland. © 2022 City of Kirkland, all rights reserved.
No warranties of any sort, including but not limited to accuracy, fitness, or merchantability, accompany this product.

HCC Procedural Authority/Involvement (Includes KMC and KZC)

This table reflects all of code sections that note a procedural involvement or jurisdictional authority of the Houghton Community Council. This includes when HCC shall receive notification of various land use proposal (both quasi-judicial and legislative), when HCC shall be involved in a public hearing, what circumstances trigger HCC disapproval authority, and other administrative responsibilities granted to the HCC. Each of these sections will be amended to omit the HCC from the specified procedures and remove all references to the HCC to reflect that its jurisdictional authority no longer exists.

Authority/Involvement	Code Reference	Specific Topic
HCC consultation/regulatory review	KMC 3.30.040(5)	Design guidelines
	KMC 112.40	Affordable housing
Relationship between HCC and PC	KMC 3.32.030	Communication and cooperation
Triggers IIB process due to location within the HCC jurisdiction	KZC 15.20 (PU-3)	Certain uses in low density zones (churches, community facilities, government facilities, and public utilities)
	KZC 115.107(3)	Electrical transmission lines
	KZC 45.60(2)(p)	Construction of the university clock tower
Triggers HCC hearing	KMC 22.26.500 (<i>entire section</i>)	Alterations/vacations of plats (quasi-judicial)
	KZC 45.50	Certain park developments
	KZC 140.35	Emergency Comp Plan amendments
Triggers HCC notification	KZC 45.60(3)(c)	University master plan modification
	KZC 127.42(3)(c)	Homeless encampments
	KZC 127.44(3)	
HCC involvement in quasi-judicial decisions	KZC 152.25(1)(h)	Process IIB
	KZC 152.100 (<i>entire section</i>)	
	KZC 152.105(3)	
	KZC 152.110	
HCC involvement in legislative decisions	KZC 135.30(2)	Moratoria and interim land use regs (legislative)
	KZC 160.25(2)(b)	Process IV
	KZC 160.25(2)(c)	
	KZC 160.25(3)	
	KZC 160.45(c)	
	KZC 160.50 (<i>entire section</i>)	
	KZC 160.55(2)	
	KZC 160.60(1)	
	KZC 160.65	
	KZC 160.70(1)	
	KZC 160.70(2)	
	KZC 160.75	

	KZC 160.80(1)	
	KZC 160.95 (entire section)	
	KZC 161.40(2)(c)	
	KZC 161.45 (<i>entire section</i>)	Process IVA
	KZC 161.55(2)(c)	
	KZC 161.95 (<i>entire section</i>)	
Granting of authority and responsibilities	KZC 165.05(2)	
	KZC 165.15 (<i>entire section</i>)	
	KZC 165.20 (<i>entire section</i>)	

HCC Regulatory Differences

This table shows all of the regulatory differences that currently exist between the former Houghton Community Municipal Corporation area and the rest of the City. The proposed amendments will strike the HCC's disapprovals throughout the KZC and apply the Citywide standard in all cases. This effectively brings the former Houghton Community Municipal Corporation area into consistency with the rest of the City.

REGULATION TOPIC	CODE REFERENCE	HCC CURRENT REGULATION MORE OR LESS RESTRICTIVE THAN CITYWIDE STANDARD?	RELATED ZONE OR LAND USE TYPE	APPLICABILITY OF CURRENT REGULATION IN THE FORMER HOUGHTON COMMUNITY MUNICIPAL CORPORATION AREA	EFFECT OF PROPOSED AMENDMENT WITHIN THE FORMER HOUGHTON COMMUNITY MUNICIPAL CORPORATION AREA (note: all changes would achieve regulatory consistency Citywide)
Garage Regulations	KZC 15.05.020.7	Less	Low-density zones	Single-family garages are not required to meet design standards that minimize the appearance of garages on the front façade. <i>(garage width and orientation standards apply elsewhere in the City)</i>	Requires certain garage design elements on single-family homes that reduces the appearance of garages viewed from the front and improves the pedestrian experience within residential neighborhoods.
	KZC 115.43	Less			
FAR	KZC 15.30 (DD-12)	Less	Low-density zones	Single-family and low-impact developments are not subject to Floor Area Ratio limitations. <i>(FAR of 50-60% typically applies to low-density zones elsewhere in the City)</i>	Sets a limit on home size in low-density zones relative to the subject lot size. Varies slightly by zone and/or development style (i.e., single-family, cottage, LID).
	KZC 114.15				
	KZC 115.42				
Density	KZC 20.10.010(4)	Less	Residential uses in both medium and high-density zones	Residential developments are not subject to a minimum density requirement. <i>(requires minimum 80% density elsewhere in City)</i>	Applies a minimum density requirement for multi-family developments. Would ensure housing availability is maintained or improved by preventing underdevelopment within medium- and high-density zones.
	KZC 25.10.010(2)				
School Heights	KZC 15.30 (DD-31)	More	School uses in residential, office, and commercial zones	School developments may not receive a criteria-based height bonus. <i>(5'-10' height bonus allowed elsewhere in the City when schools meet certain criteria)</i>	Allows for a height bonus (5'-10' depending on zone) for school developments that meet certain criteria. Will improve opportunity for schools to develop with greater capacity and with better amenities.
	KZC 20.30 (DD-32)				
	KZC 25.30 (DD-15)				
	KZC 30.30 (DD-31)				
	KZC 35.30 (DD-15)				

Solar Panel height	KZC 115.60(2)(a)(4)	More	Detached dwelling units	Solar panels on detached dwelling units may not exceed building height limits. <i>(6" additional height allowed for solar panels elsewhere in the City)</i>	Allows solar panels to exceed the maximum height by 6" on single-family homes that have flat roofs. Will improve the ability for green energy use (i.e., solar) in low-density residential developments.
Critical Areas	KZC 90.180	Less	Various	Reasonable Use Exception developments are not subject to structure size limitations. <i>(specific structure square footage limits apply elsewhere in the City)</i>	Provides better protection of critical areas by limiting structure size in order to minimize development impacts of sensitive sites while still allowing reasonable use of the properties.
Trees and Landscaping	KZC 95 <i>(entire chapter)</i>	Different		Property owners and development are subject to the former version of Chapter 95, a separate and different set of tree and landscape regulations. <i>(a separate version of KZC 95 applies elsewhere in the City with tree regulations that have been recently updated to provide more clarity and predictability on development projects, as well as improved tree retention standards)</i>	Applies the most current tree and landscaping code uniformly across the City to ensure all development are reviewed consistently with the most up-to-date code.
Affordable Housing	KZC 112.15(1)	Less	Commercial, high- and medium- density residential, and office zones	Multi-family developments are not required to provide a minimum number of affordable housing units. <i>(10% affordable housing requirement for developments of 4+ units elsewhere in the City, with few exceptions)</i>	Requires affordable housing units to be provided in multi-family developments of four units or more, with some exceptions, as applied throughout the City. Would ensure all neighborhoods have affordable housing units for 4+ unit multi-family developments and prevent inequities in housing between different neighborhoods.
Cottage, Carriage, and 2-3 Unit Homes	KZC 113 <i>(entire chapter)</i>	More		Property owners and development are subject to the former version of Chapter 113, which limits the flexibility of unit count, type, and size in cottage/carriage/2-3 unit home developments and requires a more stringent review process. <i>(a separate version of KZC 113 is applicable elsewhere in the City with standards and</i>	Provides greater flexibility for developers to build missing-middle housing types and removes procedural barriers to these development styles. Would improve the availability of missing-middle housing stock throughout the City.

				<i>processes that simplify the ability to develop these housing types)</i>	
Structures in Setbacks	KZC 115.115(3)(d)	Less	Low-density zones	Allows façade features (chimneys, bay windows, etc) within 3.5' of property line in SF zones. <i>(may not exceed 4' proximity to property lines elsewhere in City)</i>	Would reduce impact to neighboring properties by limiting allowable setback intrusions so that they are never closer than 4' to a property line.
	KZC 180, Plate 10				
	KZC 115.115(3)(n)	More	Residential zones	Does not allow covered entry porches in front setback. <i>(allowed 7' into front setback elsewhere in City)</i>	Allows structures within the front setback that are more welcoming and pedestrian-friendly.
Oversized vehicle, boat, and trailer parking	KZC 115.150(1)	Less	Residential zones	Allows boats of any size to be parked within the required front yard. <i>(limited elsewhere in the City to boats less than 16 feet long and less than a 5' gunwale)</i>	Would reduce impact to neighboring properties associated with oversized vehicles, boats, and RVs
	KZC 115.150(2)(a)			Allows parking of any size vehicle, boat, or trailer for up to 48 hours. <i>(limited to 24 hours elsewhere in the City)</i>	
Marijuana Business Locations	KZC 115.155	More	Any zone allowing retail uses	Prohibits marijuana retail businesses within 1,000 feet of childcare centers. <i>(allowed up to 100 feet elsewhere in City)</i>	Provides consistency across the City and improves equity by making all similar zones equally accessible to retail marijuana business.
Temporary Uses	KZC 127.25	More	Homeless encampments	Specifically requires a local church as sponsor for homeless encampments. <i>(sponsor may be any community organization elsewhere in City)</i>	Provides consistency across the City by applying the same standards to proposed homeless encampments regardless of location.

