

RESOLUTION NO. R- 3425

A RESOLUTION RELATING TO LOCAL GOVERNMENTAL COOPERATION, LAND USE, SERVICE DELIVERY, PUBLIC IMPROVEMENTS, AND ANNEXATION AND DIRECTING THE SIGNING OF THE ATTACHED INTERLOCAL URBAN AREA AGREEMENT WITH KING COUNTY

WHEREAS, within their respective jurisdictions, the County and the City each has responsibility and authority derived from the Washington State Constitution and State laws to plan for and regulate uses of land and resultant environmental impacts, and by law must consider the impacts of governmental actions on adjacent jurisdictions, and

WHEREAS, the County and the City recognize that planning and land use decisions can have extra-jurisdictional impacts and that intergovernmental cooperation is an effective way under existing law to deal with impacts and opportunities which spread across jurisdictional boundaries, and

WHEREAS, cooperative efforts can increase efficiency of government by minimizing conflicts and providing more mutually satisfactory land use and planning decisions, and

WHEREAS, the King County Comprehensive Plan policies PI-302 through PI-305 encourage interjurisdictional cooperation and the use of interlocal agreements to implement solutions to major planning issues, and

WHEREAS, pursuant to RCW chapter 39.34, the Interlocal Cooperation Act, the County and the City are each authorized to enter agreements for cooperative action, and

WHEREAS, the County and the City desire to jointly achieve the effective management of impacts associated with new development, the efficient provision of needed levels of urban service, the coordinated preparation of land use, functional and capital improvement plans, and the delineation of appropriate potential annexation areas, and

WHEREAS, the County and the City have each resolved to use standardized terminology in the development of an Interlocal Urban Area Planning Agreement, and

WHEREAS, the City, on July 20, 1987, held a public hearing to solicit input of all individuals and agencies that may potentially be affected by the substance of this Interlocal Planning Agreement, and

WHEREAS, the City Council, on July 20, 1987, adopted Resolution 3399 which articulated a preliminary City position relative to a variety of issues, and

WHEREAS, the City staff and the King County Executive staff subsequently negotiated a refined potential agreement for consideration by the legislative bodies of the City and the County, and

WHEREAS, the King County Executive has recommended to the County Council that they adopt the Agreement as described in Attachment "A",

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1: The City Manager is hereby directed to sign the Interlocal Urban Agreement contained in Attachment "A".

Section 2: The City administration is hereby directed to prepare for Council consideration such subsequent legislation as is necessary and appropriate to implement the agreement described in Attachment "A".

Section 3: When the agreement contained in Attachment A has been signed by Kirkland and King County, copies of same shall, pursuant to RCW Chapter 39.34, be filed with the Kirkland City Clerk, The King County Department of Elections and Records (Auditor), the Secretary of State for the State of Washington, and the Washington State Department of Community Development.

PASSED by majority vote of the Kirkland City Council in regular, open meeting on the 19th day of October, 1987.

SIGNED in authentication thereof on the 19th day of October, 1987.

Loris Cooper
Mayor

Attest:

Jarvis Henry
City Clerk

8378C/275A/JT:rk

ATTACHMENT AAN AGREEMENT FOR INTERJURISDICTIONAL COOPERATION BETWEEN
KING COUNTY AND KIRKLAND CONCERNING KIRKLAND'S PROPOSED ANNEXATION AREAS OF
LOWER JUANITA, NORTH ROSE HILL, AND SOUTH ROSE HILL

WHEREAS, Kirkland and King County cooperated with each other to determine which issues and programs are regional and, therefore, most effectively addressed or administered by King County, and which are local and, therefore, most effectively addressed or administered by Kirkland, and

WHEREAS, King County and Kirkland agree that identifying these issues and programs and assigning responsibility for addressing or administering them will lead to more efficient delivery of regional public services by King County and local public services by Kirkland, and

WHEREAS, King County and Kirkland agree that Kirkland's standards for such items as signs, billboards, clearing and grading would more effectively maintain the quality of life for residents of certain urban areas in unincorporated King County but adjacent to the City of Kirkland, and

WHEREAS, providing Kirkland with responsibility and authority to apply and enforce its standards in these urban areas is the most cost-efficient way to better serve these residents, and

WHEREAS, King County and Kirkland cooperated with each other to identify the issues and programs and public responsibilities which concern and affect both them and the residents of Lower Juanita, North Rose Hill, and South Rose Hill, and

WHEREAS, King County and Kirkland, acknowledge that it is the right and responsibility of the voters of Lower Juanita, North Rose Hill, and South Rose Hill to decide whether or not these areas shall be annexed into Kirkland, and

WHEREAS, King County and Kirkland have the responsibility of assuring residents in these areas optimal public services, programs, and facilities regardless of the voters' decision on annexation, and

WHEREAS, this agreement would be consistent with King County Comprehensive Plan Policy PI-303, and

WHEREAS, both King County and the City of Kirkland are authorized, pursuant to RCW Chapter 39.34, to enter into an interlocal governmental cooperative agreement of this nature;

NOW, THEREFORE, King County and Kirkland agree as follows:

SECTION I: DEFINITIONS

A. "Comparable Zones" means the following:

Comparable Zones

King County

Kirkland

SE (1.2 dwelling units/acre)	RSX 35 (1.2 dwelling units/acre)
RS 15,000 (2.9 dwelling units/acre)	RSX 12.5 (3.48 dwelling units/acre)
SR 9600 (4.5 dwelling units/acre)	RSX 8.5 (5.12 dwelling units/acre)
RS 7200 (6.05 dwelling units/acre)	RSX 7.2 (6.05 dwelling units/acre)
RT 3600 (12.1 dwelling units/acre)	RM 3.6 (12.1 dwelling units/acre)
RM 2400 (18.15 dwelling units/acre)	RM 2.4 (18.15 dwelling units/acre)
RM 1800 (24.2 dwelling units/acre)	RM 1.8 (24.2 dwelling units/acre)
RM 900 (48.4 dwelling units/acre)	PR 1.8 (24.2 dwelling units/acre)
BN	BN
BC	BCX
MP, ML	LI

B. "Development Permit Review" means the regulatory decision-making process used by a local government for review and approval of proposals which require one or more permit, certificate, or other written authorization from that local government, including land use, development, and construction projects. There are two classes of development permits subject to review:

1. "Class I Development Permits" means the following:

- a. Zoning reclassifications
- b. Preliminary subdivisions
- c. Preliminary planned unit developments
- d. Unclassified use and conditional use permits
- e. Process II or III zoning permits pursuant to Chapters 150, 152, and 155 of the Kirkland Zoning Code.
- f. Shoreline substantial development permits

2. "Class II Development Permits" means the following:

- a. Sign permits
- b. Building permits
- c. Grading or filling of 50 cubic yards or more
- d. Short subdivisions
- e. Cutting or clearing of significant trees or vegetation as defined by the City in Chapter 115.75, entitled "Land Surface Modification"
- f. Construction of any of the following:
 - i. More than 20 dwelling units
 - ii. Agricultural buildings of 30,000 square feet or more
 - iii. School, office, commercial, industrial, recreational (service and storage buildings of 12,000 square feet or more)

- iv. Parking lots for more than 40 automobiles
 - v. Filling, grading, or excavating of 500 cubic yards or more
 - g. Process I zoning permits pursuant to Chapter 145 of the Kirkland Zoning Code.
- C. "Development Standards" as used herein, means those officially adopted policies, rules, and regulations applicable to Class I development permits and Class II development permits, as set forth in the definition of "Development Permit Review."
- D. "Lower Juanita" means that area identified and legally described as the proposed Lower Juanita Annexation in Washington State Boundary Review Board for King County, File No. 1435, which legal description is incorporated by this reference herein.
- E. "South Rose Hill" means that area identified and legally described as South Rose Hill proposed annexation area in Washington State Boundary Review Board for King County, File No. 1434, which legal description is by this reference incorporated herein.
- F. "North Rose Hill" means that area identified and legally described as North Rose Hill proposed annexation area in Washington State Boundary Review Board for King County, File No. 1433, which legal description is by this reference incorporated herein.
- G. "Proposed Annexation Area" means the three geographic areas described in D, E, and F above.

SECTION II: LAND USE

- A. King County recognizes that Kirkland's Land Use Policies Plan is comparable to King County's Comprehensive Plan.
- B. Kirkland has, by Ordinances 3022 and 3055, created new commercial and residential zones (BCX and RSX) which correspond to the BC, SR, and RS zones now contained in the King County zoning code and map. Kirkland agrees to apply these and other comparable zones identified in the Definitions Section to its official zoning map in the event that these areas annex to the City.
- C. If these proposed annexation areas vote to annex to the City of Kirkland, there would be several months before the effective date of annexation. In order to provide a transition and avoid development activities inconsistent with the City of Kirkland's adopted standards, the King County Executive shall propose an ordinance which will adopt the City's BCX and RSX zone classifications to apply to corresponding BC, SR, and RS zones on the present King County zoning map.

SECTION III: DEVELOPMENT PERMIT REVIEW

- A. The King County Executive agrees to propose an ordinance which will:
1. Adopt Kirkland's officially adopted development standards in each proposed annexation area;
 2. Delegate to Kirkland responsibility and authority to receive, process, and enforce all Class II development permits processed by the City in each proposed annexation area; and
 3. Designates Kirkland the lead agency for SEPA review and any environmental impact statements which result from Class II development permits in each proposed annexation area.
 4. Provides specific requirements for indemnification, costs, third party liability, and defense that have been negotiated and agreed upon by all parties.
- B. Permits which have been filed in King County before the effective date of the ordinance may continue to be processed by the County. Subsequent to the effective date of any annexation, proponents may withdraw their application for a permit and apply to Kirkland if they so choose. Development and construction permits for land within the proposed annexation areas, that are processed and approved administratively after the effective date of the ordinance referenced in Section IIIA, shall be filed with the City of Kirkland and not King County.
- C. King County has responsibility and authority for all Class I Development permits;
- D. King County shall provide Kirkland notice of all the Class I development permits filed with them in each proposed annexation area and the opportunities for review and comment, staff consultation and participation in King County's SEPA process.
- E. For those proposed annexation areas which vote to be annexed into Kirkland on November 3, 1987, the provisions of this agreement relating to development permit review will expire on the date Kirkland officially assumes jurisdiction over those areas, unless specified as below. If any proposed annexation area does not vote to be annexed into Kirkland on November 3, 1987, the Kirkland City Council will decide by February 1, 1988 whether it wishes to resubmit the issue to the voters. In the event the City decides

to not resubmit the issue for a new election, the provisions of this section shall terminate the next day. If the City Council decides to resubmit the annexation proposal for a new election, the provisions of this section shall continue until: (1) a majority of those voting in that area again vote "No;" or (2) if a majority of the voters approves the annexation, until the effective date of annexation. Kirkland agrees that a second annexation election in any of these areas would occur no later than November 8, 1988.

SECTION IV: ROADS

- A. Federal funds have been granted to pay 80 percent of the cost of improving two roads in the proposed annexation areas. In keeping with standard practice and the recommendation of the King County Public Works Department, King County shall seek to transfer the responsibility and authority for administering these funds to Kirkland. Kirkland shall pay the remaining 20 percent of the improvements' cost, which constitutes the local match. The roads are:
 - 1. 116th Avenue Northeast (from Northeast 124th to Northeast 130th Streets);
 - 2. Northeast 124th Street (from 100th to 116th Avenues Northeast).
- B. King County shall support Kirkland's efforts to obtain federal or state funds to improve Juanita Drive (from 93rd to 98th Avenues Northeast) and Northeast 70th Street (from 116th to 132nd Avenues Northeast). Should Kirkland obtain these funds, it will pay the remaining 20 percent local match cost of improving this street.
- C. As part of a road mitigation program, King County may have required developers to pay a share of the cost of improving roadways within the proposed annexation areas. King County shall seek to transfer responsibility and authority for administering any of these agreements and collecting these funds to Kirkland.

SECTION V: PARKS AND OPEN SPACE TRACTS

- A. The 29-acre Juanita Beach Park is a regional park. Kirkland agrees that King County should retain ownership of and responsibility for maintaining this park.
- B. The 6-acre Mark Twain Park is a neighborhood park. King County shall seek to deed to Kirkland ownership of and responsibility for maintaining this park beginning January 1, 1989.
- C. King County shall seek to deed to Kirkland ownership of the 1-acre Tract A of Firwood Glen Plat following Kirkland's annexation of Rose Hill.

SECTION VI: WETLANDS

- A. The King County Executive shall propose an ordinance which will adopt the Kirkland Wetlands Regulations and, when so adopted, Kirkland shall apply its regulations to protect and preserve all wetlands in Lower Juanita, North Rose Hill, and South Rose Hill.
- B. Kirkland and King County shall cooperate with each other to protect and preserve any wetlands systems which are partially in the City and partially in the County.

SECTION VII: HISTORIC LANDMARKS

- A. Kirkland shall delegate to King County the responsibility and authority to designate historic landmarks in Lower Juanita, North Rose Hill, and South Rose Hill under the procedures of King County's Landmarks Preservation Ordinance for 12 months after the effective date of each area's annexation.
- B. Before this 12-month period ends, Kirkland agrees to initiate an amendment to its Historic Landmarks Zoning Chapter to allow the King County Landmarks Commission and any individual in the general public to nominate historic landmarks for preservation. The day after this 12-month period ends, the King County Landmarks Commission and citizens of the general public will officially become nominators of historic sites in the City.

SECTION VIII: UTILITIES AND PUBLIC SERVICES

- A. King County recongizes that one potential benefit of municipal annexations is the consolidation of local services under the cities, which could reduce the number of local governmental units in our region. Reducing the number of these units is advocated by numerous civic organizations because it can reduce costs and make government more accountable to the people. With these broad public policy goals in mind, King County has requested that Kirkland work with the County after Kirkland annexes these areas to expand their review of how local services are delivered and if changes in service delivery are feasible and in the public interest. King County's Parks, Planning and Resources Department and Kirkland's Planning and Community Development Department will prepare and submit a report answering these and related questions to the King County Council and Kirkland City Council by June 30, 1989.

- B. Fire Protection

Kirkland, through a contract with Fire District #41, provides fire protection services to the residents of each proposed annexation area. The City shall continue providing these services.

C. Police Protection

- 1. When it annexes each proposed annexation area, Kirkland shall provide police protection to the residents of Lower Juanita, North Rose Hill, and South Rose Hill.
- 2. Should North Rose Hill or both North Rose Hill and South Rose Hill be annexed by Kirkland, Kirkland and Redmond have agreed to negotiate with King County an amendment to the automatic aid agreement to provide police protection to the residents of any pockets of unincorporated King County lying between the two cities.
- 3. Should North Rose Hill be annexed into Kirkland, but South Rose Hill not, King County and Kirkland shall negotiate an agreement to provide emergency police protection to the residents of South Rose Hill. When signed, this agreement shall continue until: (1) the effective date of annexation of South Rose Hill; or (2) the South Rose Hill area votes against annexation for a second time. In the event that the City decides to resubmit the issue of annexation to the voters of South Rose Hill, the election will occur no later than November 8, 1988.

D. Sewer and Water Service

- 1. Kirkland's annexation of Lower Juanita will not affect the Northeast Lake Washington Water and Sewer District's provision of water and sewer service to Lower Juanita.
- 2. Kirkland's annexation of North Rose Hill and South Rose Hill will not affect Kirkland's provision of sewer service to South Rose Hill, the Rose Hill Sewer District's provision of sewer service to North Rose Hill, or the Rose Hill Water District's provision of water service to North Rose Hill and South Rose Hill.

E. Surface Water Management

- 1. King County shall meet with Kirkland's Public Works Department staff to review project design and shall complete construction of the Northeast 124th Street sedimentation basin as designed. Kirkland shall thereafter assume responsibility for maintaining that basin.
- 2. King County shall retain responsibility for updating the Juanita Creek Basin Plan. Kirkland shall assist the County by paying for a percentage of the basin plan update's cost. That percentage will be based on the percent of basin area within Kirkland. An interlocal agreement between King County and Kirkland at the beginning of the Juanita Creek Basin Plan Update will determine each jurisdiction's specific responsibilities and financial contribution.

3. Should North Rose Hill not be annexed into Kirkland, King County and Kirkland agree that each jurisdiction will seek the other's participation in their respective Forbes Creek Basin Plans.

SECTION IX: ADMINISTRATION OF THIS AGREEMENT

The responsibility for administering this interlocal agreement shall rest jointly with the King County Executive and the City Manager of Kirkland through their respective designees. Within ten (10) days of the signing of this agreement, the designees shall inform each other of the name and address to be used in correspondence regarding this agreement.

SECTION X: AMENDMENT

This agreement may be amended only by express written agreement of both Kirkland and King County pursuant to legislative action by each.

SECTION XI: DURATION AND TERMINATION

- A. On September 15, 1986, the King County Council adopted Ordinance No. 6614, which defines a potential annexation area as "an area outside city limits which the City and County mutually agree is logical to consider for potential annexation." Should Lower Juanita or North Rose Hill or South Rose Hill vote not to be annexed into Kirkland on November 3, 1987, King County and Kirkland agree that the area shall still be designated as a potential annexation area of the City of Kirkland.
- B. This agreement shall become effective on the date of its mutual adoption by Kirkland and King County. This agreement will remain in effect in each area which votes to be annexed into Kirkland on November 3, 1987, until that date on which Kirkland officially assumes jurisdiction, except that any ongoing commitments referenced elsewhere in this agreement shall continue as those sections so state.
- C. This agreement shall continue in force in each area which votes not to be annexed into Kirkland until the Kirkland City Council decides whether or not to resubmit the question of annexation to the voters of the area. The City Council will make that decision by February 1, 1988. If Kirkland resubmits the annexation proposal, the election will take place no later

than November 8, 1988, and this agreement will remain effective until either the voters of the area again defeat the proposal or Kirkland assumes jurisdiction over the area. If Kirkland's City Council decides to not resubmit the annexation proposal, this agreement shall immediately terminate.

KING COUNTY

CITY OF KIRKLAND

By Tim Hill, King County Executive

By Terry Ellis, Kirkland City Manager

By Doris Cooper, Mayor

APPROVED AS TO FORM:
OFFICE OF THE PROSECUTING ATTORNEY

ATTEST/AUTHENTICATED:

By _____

By Janice J. Perry, Kirkland City Clerk

APPROVED AS TO FORM:
CITY OF KIRKLAND CITY ATTORNEY

By _____

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