

ORDINANCE NO. 4181

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING ORDINANCE NO. 4156 TO ADD AMENDMENTS TO THE UTILITIES, PUBLIC SERVICES, AND CAPITAL FACILITIES ELEMENTS OF THE COMPREHENSIVE PLAN; ADD AMENDMENTS TO THE NORTH ROSE HILL, TOTEM LAKE NEIGHBORHOOD, AND NORTH SOUTH /JUANITA NEIGHBORHOOD PLANS; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON07-00001.

WHEREAS, the City Council in regular meeting on December 16, 2008, considered the report and recommendation of the Planning Commission and the Houghton Community Council on the 2007-2008 Comprehensive Plan Amendment Project; and

WHEREAS, on December 16, 2008, the City Council passed Ordinance No. No. 4156 amending certain portions of the Comprehensive Plan and Kirkland Zoning Map (Kirkland Department of Planning and Community Development File No. ZON07-00001); and

WHEREAS, certain proposed amendments to the Comprehensive Plan, included in the report and recommendation of the Planning Commission and Houghton Community Council, were inadvertently omitted from Ordinance No. 4156;

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

Section 1. Comprehensive Plan text, figures and tables amended: Ordinance No. 4156 is amended to add the following specific portions of the text figures and tables of the Comprehensive Plan:

- A. Utilities Element:
Figure U-6: Existing and Planned /Desired Fiber Optic Network as set forth in Exhibit A attached to this ordinance and incorporated by reference.
- B. Utilities Element
Table U-1: Water, Sewer and Surface Water Level of Service as set forth in Exhibit B attached to this ordinance and incorporated by reference.
- C. Public Services Element
Figure PS-1: Fire Response Times within 5.5 minutes as set forth in Exhibit C attached to this ordinance and incorporated by reference.

- D. Public Services Element**
Figure PS-2: Emergency Medical Services Response Times within 5 minutes as set forth in Exhibit D attached to this ordinance and incorporated by reference.
- E. Public Services Element**
Existing Conditions Solid Waste and Recycling Collection Narrative as set forth in Exhibit E attached to this ordinance and incorporated by reference.
- F. Capital Facilities Element**
Table CF-2: Sewer and Water Level of Service as set forth in Exhibit F attached to this ordinance and incorporated by reference.
- G. Capital Facilities Element**
Table CF-5: Six Year Public Facilities Level of Service as set forth in Exhibit G attached to this ordinance and incorporated by reference.
- H. Capital Facilities Element**
Table CF-6: Functional and Management Plans as set forth in Exhibit H attached to this ordinance and incorporated by reference.
- I. Capital Facilities Element**
Funding and Financial Feasibility Policies CF-5.2 narrative, CF-5.3 narrative, and CF-5.6 narrative as set forth in Exhibit I attached to this ordinance and incorporated by reference.
- J. North Rose Hill Neighborhood Plan**
Table NRH-1: North Rose Hill Street Connection Plan Description as set forth in Exhibit J attached to this ordinance and incorporated by reference.
- K. North Rose Hill Neighborhood Plan**
Figure NRH-10: North Rose Hill Urban Design as set forth in Exhibit K attached to this ordinance and incorporated by reference.
- L. Totem Lake Neighborhood Plan**
Economic Development Policy TL-3.2 as set forth in Exhibit L attached to this ordinance and incorporated by reference.
- M. North South /Juanita Neighborhood Plan**
Juanita Business District Parklands narrative as set forth in Exhibit M attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent that the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council as created by Ordinance 2001, the ordinance shall become effective within the Houghton community either upon approval of the Houghton Community Council, or upon failure of said community council to disapprove this ordinance within 60 days of its passage.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of March, 2009.

SIGNED IN AUTHENTICATION THEREOF this
3rd day of March, 2009.



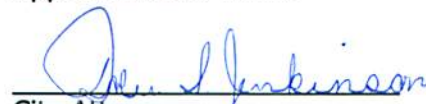
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4181

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING ORDINANCE NO. 4156 TO ADD AMENDMENTS TO THE UTILITIES, PUBLIC SERVICES, AND CAPITAL FACILITIES ELEMENTS OF THE COMPREHENSIVE PLAN; ADD AMENDMENTS TO THE NORTH ROSE HILL, TOTEM LAKE NEIGHBORHOOD, AND NORTH SOUTH /JUANITA NEIGHBORHOOD PLANS; AND APPROVE A SUMMARY FOR PUBLICATION, FILE NO ZON07-00001.

SECTION 1. Amends the Utilities, Public Services, and Capital Facilities, Elements; and the North Rose Hill, Totem Lake, and North and South Juanita Neighborhood Plans contained in the Comprehensive Plan as set forth in Exhibits A through M.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 3rd day of March, 2009.

I certify that the foregoing is a summary of Ordinance 4181 approved by the Kirkland City Council for summary publication.



City Clerk

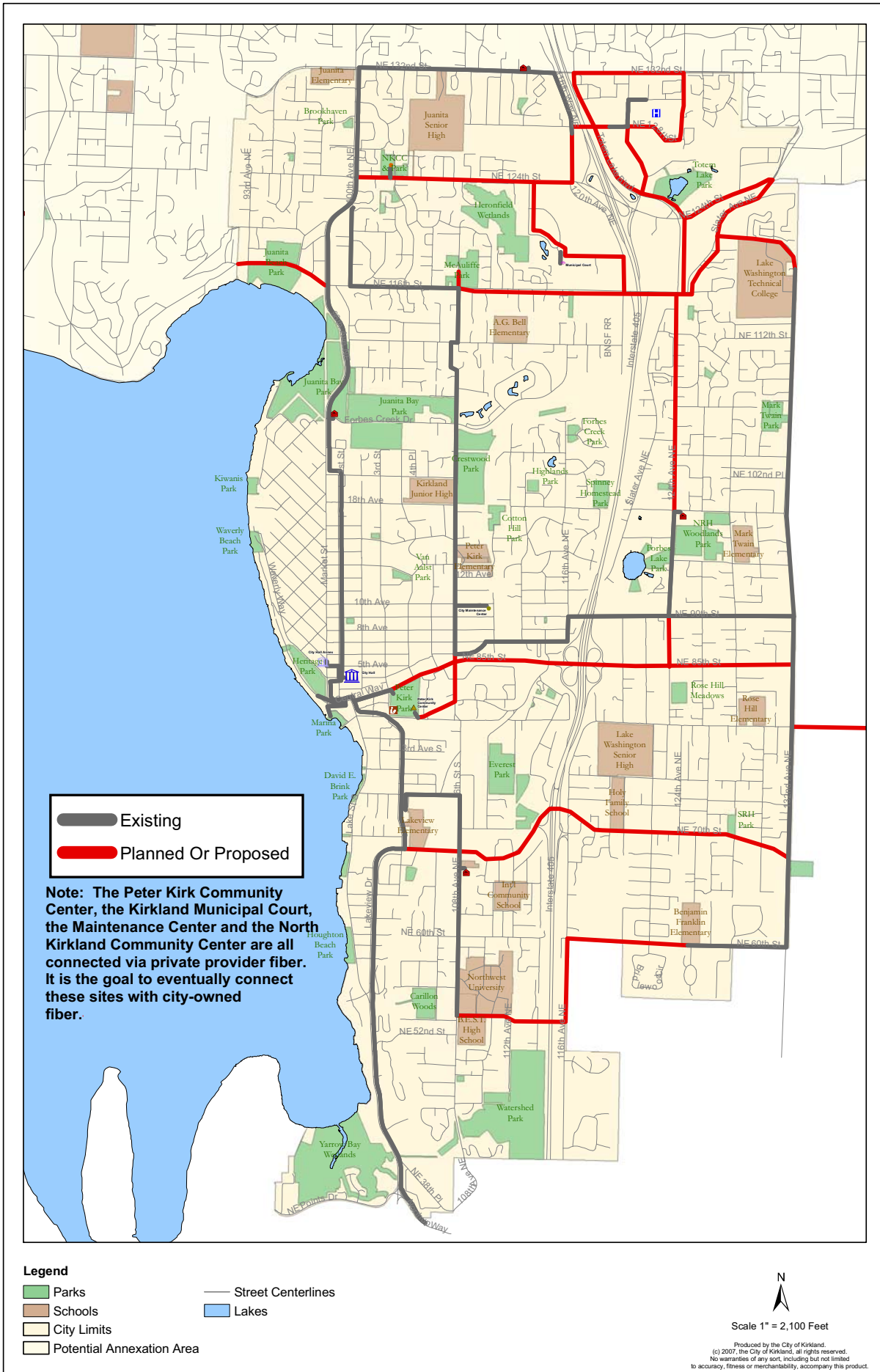


Figure U-6: Existing And Planned/Desired Fiber Optic Network

XI. UTILITIES

GENERAL

Policy U-1.3: Use the following level of service standards for determining the need for public sewer, water, and surface water facilities:

**Table U-1
Water, Sewer and Surface Water Level of Service**

Facility	Standard
Water distribution:	112 113 gallons/day/capita
Water storage:	362 gallons/capita plus 3.2 million gallons for fire storage 190 gal/capita (includes 1.5 MG for fire storage)
Sanitary sewer collection:	100 gallons/day/capita
Surface water management:	Convey, detain and treat stormwater runoff in a manner that provides adequate drainage for the appropriate storm to ensure safety, welfare, and convenience in developed areas while protecting the hydrologic regime and quality of water and fish/wildlife habitat in streams, lakes and wetland.

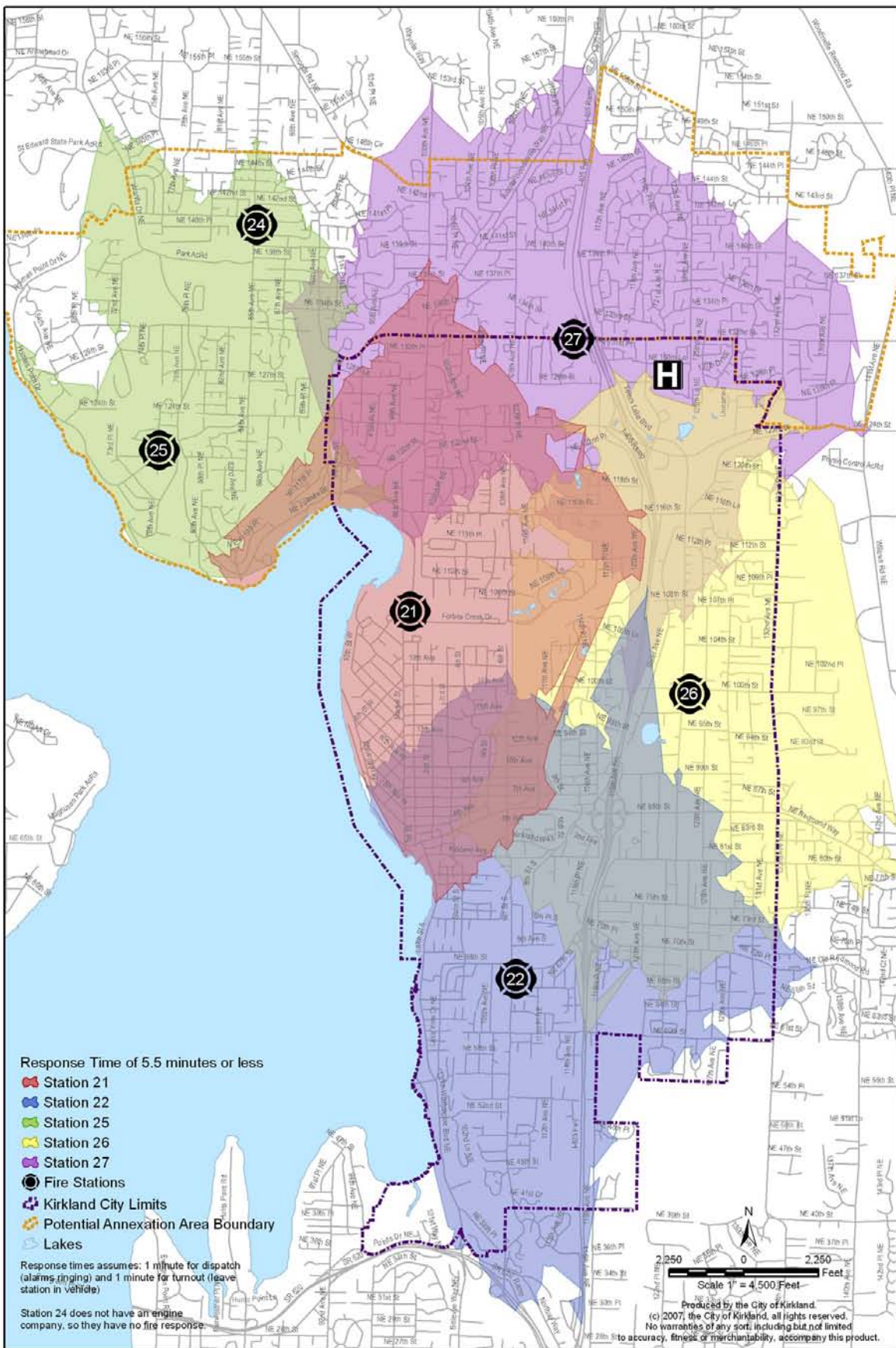


Figure PS-1: Fire Response Times within 5.5 minutes

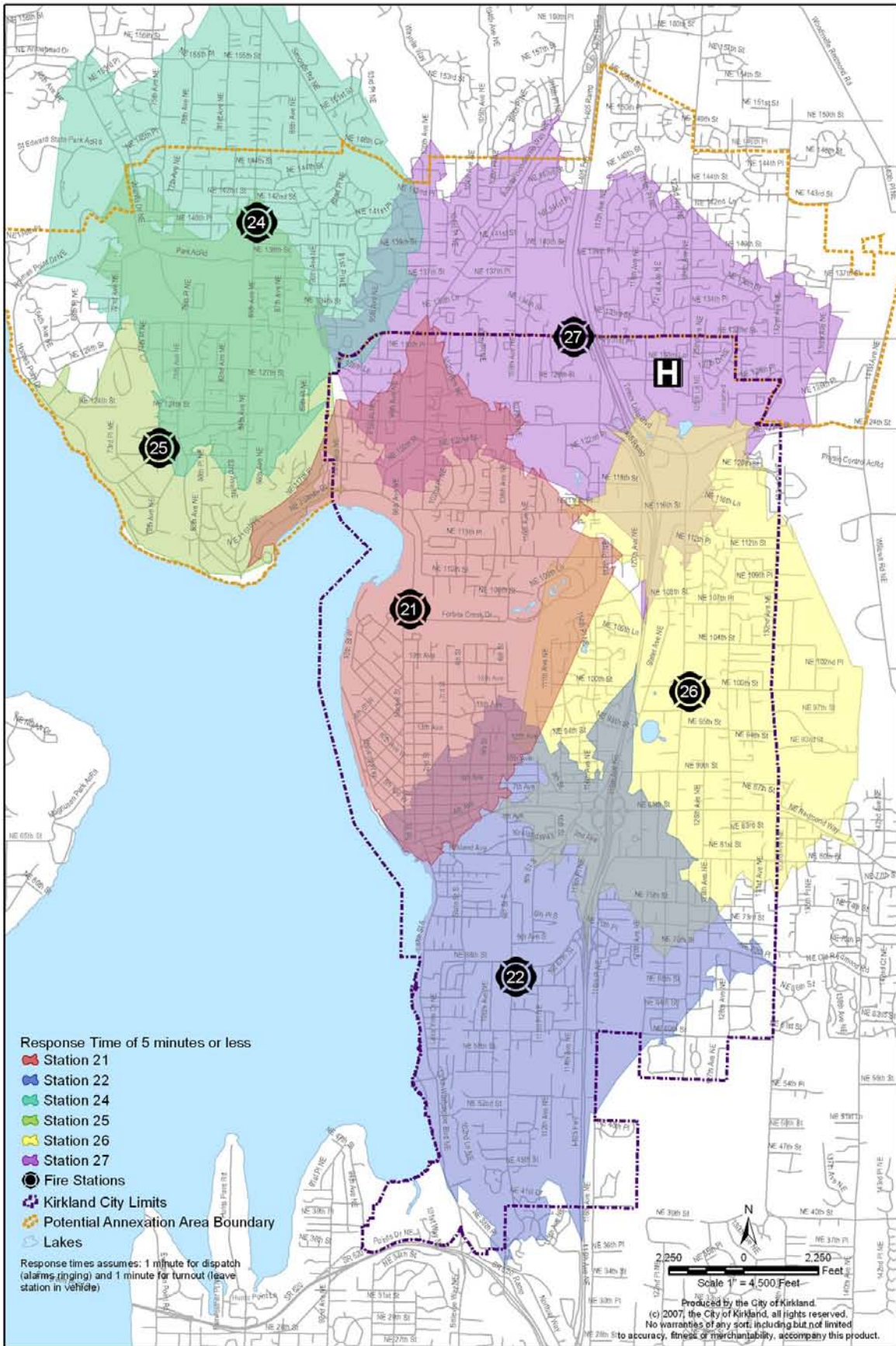


Figure PS-2: Emergency Medical Services Response Times within 5 minutes

XII.A PUBLIC SERVICES

EXISTING CONDITIONS

The City currently provides the following public services:

Fire Protection and Emergency Medical Services – The City provides emergency response to fire and medical emergencies, fire prevention, and public education and participates in regional specialized response for hazardous materials, technical rescue and paramedic services. The City has County and State mutual aid agreements for emergency response. Fire station locations and emergency fire response times are shown in Figure PS-1. Response times for emergency medical services are shown in Figure PS-2.

Police Protection – The City provides traffic investigation, enforcement, and education; parking enforcement; patrol response to citizen calls for service; criminal enforcement; K9; special response teams; crisis response team; conflict resolution; investigations; crime analysis; explorers; crime prevention; school resource officers; record keeping; jail services; internal and external training; and a 911 communications center that serves as the public safety answering point for police, fire, and medical emergencies. The department also has mutual aid agreements with every law enforcement agency in the State.

Solid Waste and Recycling Collection – The City contracts with Waste Management Sno-King to provide curbside solid waste and recycling collection to all single-family and multifamily residents and commercial customers. The County and the City have targeted to achieve specific waste reduction and recycling goals of 53 percent curbside recycling rate and solid waste reduction to 30.5 pounds per household per week by 2018. The city started one of the first residential foodwaste recycling programs followed by commercial organics recycling and business programs to encourage environmentally sound practices. The City will continue to work with its collection contractor to provide a comprehensive curbside recycling program for Kirkland residents and businesses.

XIII. CAPITAL FACILITIES

Sewer and Water Facilities

Policy CF-3.1:

Use the following level of service standards for determining the need for public sewer and water facilities:

**Table CF-2
Sewer and Water Level of Service**

Facility	Standard
Water distribution	112 <u>113</u> gallons/day/capita
Water storage	362 gallons/capita plus 3.2 million gallons for fire storage <u>190 gal/capita (includes 1.5 MG for fire storage)</u>
Sanitary sewer collection	100 gallons/day/capita

XIII. CAPITAL FACILITIES

OTHER PUBLIC FACILITIES

Policy CF-3.4: Use the following level of service standards to determine the need for public facilities:

**Table CF-5
Six-Year Public Facilities Level of Service
(Continued)**

Facility	Standard
Surface water management	Convey, detain and treat stormwater runoff to maintain water quality and preserve hydrologic system and fish/wildlife
Fire and EMS	Response times: <ul style="list-style-type: none"> • Emergency medical: 5 minutes to 90% of all incidents • Nonemergency medical: 10 minutes to 90% of all incidents • Fire suppression: 5.5 minutes to 90% of all incidents
Neighborhood parks	2.1 acres/1,000 persons
Community parks	2.1 acres/1,000 persons
Nature parks	5.7 acres/1,000 persons
Indoor <u>(Non-Athletic)</u> recreation space	700 sq. ft./1,000 persons
<u>Indoor (Athletic) Recreation Space</u>	<u>500 sq. ft./1,000 persons</u>
Bicycle facilities	46.2 miles
Pedestrian facilities	118 miles
Completion of bicycle network by 2022	64%
Completion of pedestrian network by 2022	72%

XIII. CAPITAL FACILITIES

Consistency with Other Plans

Goal CF-6: Ensure that the Capital Facilities Element is consistent with other City, local, regional, and State adopted plans.

The following documents have been reviewed and taken into consideration during the development of the Capital Facilities Element. These are considered to be “functional or management plans.” They are intended to be more detailed, often noting technical specifications and standards. They are designed to be an implementation tool rather than a policy-guiding document.

**Table CF-6
Functional and Management Plans**

City of Kirkland Fire Protection Master Plan
City of Kirkland Comprehensive Water Plan
City of Kirkland Comprehensive Sewer Plan
City of Kirkland 2006-2011 Capital Improvement Programs
Surface Water Master Plan
Nonmotorized Transportation Plan
Commuter Trip Reduction Basic Plan
Natural Resource Management Plan
Parks, Recreation and Open Space Plan
Downtown Strategic Plan
Housing Strategy Plan
King County Solid Waste Division Comprehensive Solid Waste Management Plan
Northshore Utility District Comprehensive Water Plan
Northshore Utility District Sewer and Water Plan Maps
Lake Washington School District Capital Facilities Plan

XIII. CAPITAL FACILITIES

Funding and Financial Feasibility

Policy CF-5.2:

Consider adjustments to the adopted levels of service, land use plan and/or revenue sources if funding is not available to finance capacity projects for capital facilities and utilities.

If projected funding is inadequate to finance needed capital facilities and utilities based on adopted level of service standards and forecasted growth, the City should make adjustments to one or more of the following:

- ◆ The level of service standard;
- ◆ The Land Use Element; and/or
- ◆ The sources of revenue.
- ◆ The timing of projects

If new development would cause levels of service to decline, the City may allow future development to use existing facilities (thus reducing levels of service), or reduce future development (in order to preserve levels of service), or increase revenue (in order to purchase facility level of service to match future development). Naturally, the City can use a combination of these three strategies.

Policy CF-5.3:

Use a variety of funding sources to finance facilities in the Capital Facilities Plan.

The City's first choice for financing future capital improvements is to continue using existing sources of revenue that are already available and being used for capital facilities. These sources may include the following:

- ◆ Gas Tax;
- ◆ Sales Tax;
- ◆ Utility Connection Charges;
- ◆ Utility Rates
- ◆ Real Estate Excise Tax;
- ◆ Interest Income;
- ◆ Debt;

- ◆ Impact Fee for Roads and Parks;
- ◆ Grants.

~~Only if~~ If these sources are inadequate ~~will~~ the City will need to explore the feasibility of additional revenues.

The second quarter percent real estate tax is limited by law to capital improvements for streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, sanitary sewer systems, and parks and recreational facilities (but not land acquisition for parks or recreational facilities). Local ordinance requires that the second quarter percent real estate tax must be used to fund ~~new transportation projects needed to meet the established LOS standards.~~

Impact fees are subject to a number of limitations in State law:

- ◆ Impact fees are authorized only for roads, parks, fire protection, and schools.
- ◆ There must be a balance between impact fees and other sources of public funds; the City cannot rely solely on impact fees.
- ◆ Impact fees can only be imposed for system improvements which:
 - (a) Reasonably relate to the new development;
 - (b) Do not exceed a proportionate share of the costs related to the new development;
 - (c) Are used to reasonably benefit the new development; and
 - (d) Are not for existing deficiencies.
- ◆ Impact fee rates must be adjusted to reflect the payment of other taxes, fees, and charges by the development that are used for the same system improvements as the impact fee.
- ◆ Impact fees may serve in lieu of some of the facilities required to be provided by developers.

Impact fees for roads have replaced, in most cases, mitigation fees and concomitant agreements collected under the State Environmental Policy Act (SEPA) to create a more simplified and predictable system.

Policy CF-5.6:

Arrange for alternative financial commitments in the event that revenues needed for concurrency are not received from other sources.

The concurrency facilities (water, sewer, and transportation) must be built, or else desirable development that is allowed in the Comprehensive Plan may be denied. If the City's other financing plans for these facilities do not succeed, the City must provide a financial safety net for these facilities. One ~~large~~ source of revenue funding that is available at the discretion of the City

| Council is councilmanic bonds or revenue bonds (for utilities). The only disadvantage of these bonds is that their repayment is from existing revenues (that are currently used for other purposes which will be underfunded by the diversion to repayment of councilmanic bonds).

Table NRH-1: North Rose Hill Street Connection Plan Description List

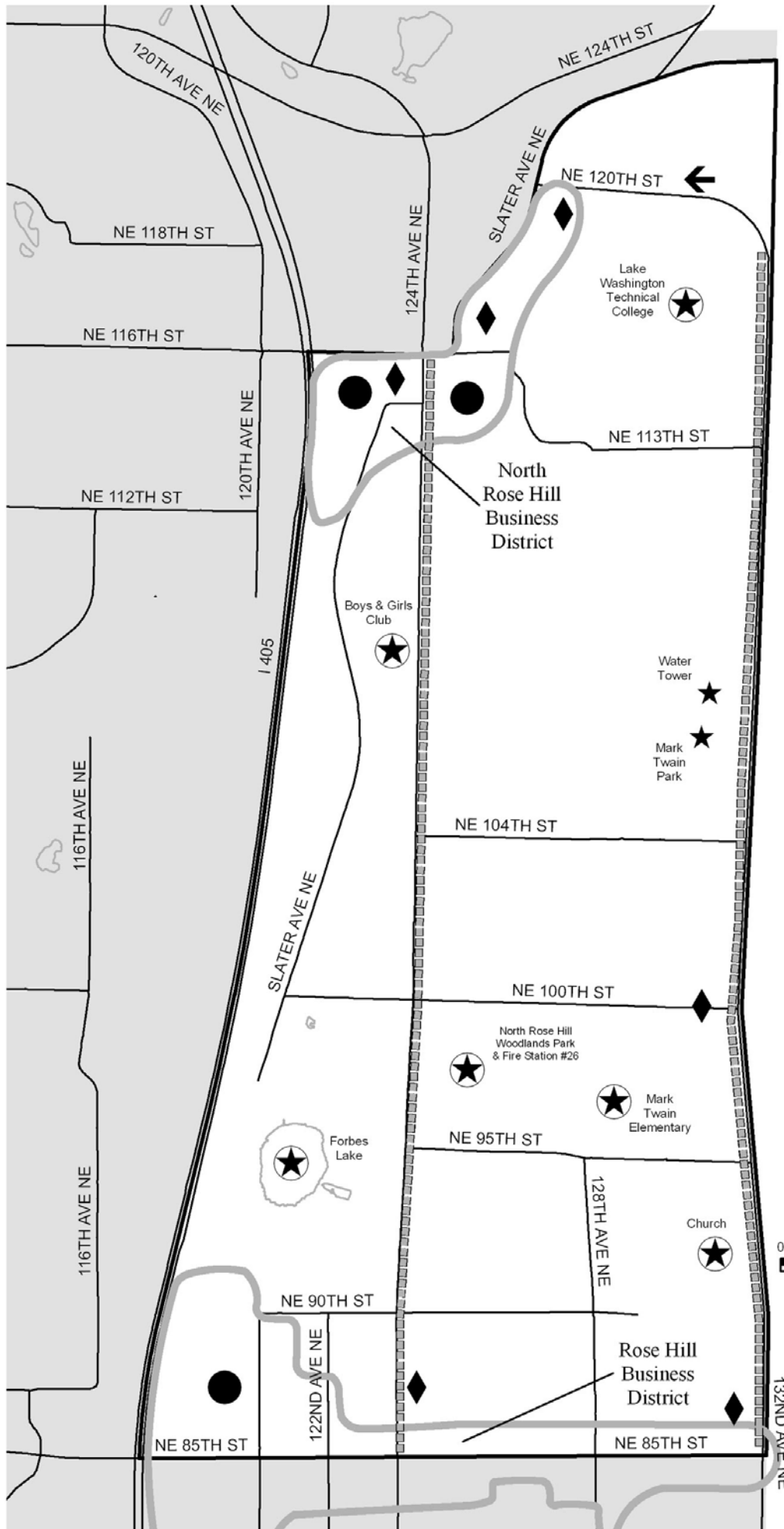
1. NE 88TH STREET BETWEEN 124TH AVENUE NE AND 126TH AVENUE NE
2. NE 108TH STREET BETWEEN SLATER AVENUE NE AND 123RD AVENUE NE
3. NE 105TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE
4. NE 103RD PLACE BETWEEN 132ND AVENUE NE AND EXISTING CUL-DE-SAC END
5. NE 101ST PLACE BETWEEN 131ST PLACE NE AND 132ND AVENUE NE
6. NE 97TH STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
Completed
7. NE 94TH STREET BETWEEN 125TH AVENUE NE AND 124TH AVENUE NE
8. 125TH AVENUE NE BETWEEN NE 91ST STREET AND NE 95TH STREET
9. 130TH AVENUE NE BETWEEN NE 87TH STREET AND NE 94TH STREET
10. NE 91ST STREET BETWEEN 130TH AVENUE NE AND 132ND AVENUE NE
11. NE 90TH STREET BETWEEN 128TH AVENUE NE AND 132ND AVENUE NE
12. 131ST AVENUE NE BETWEEN NE 90TH STREET AND NE 91ST STREET
13. 122ND AVENUE NE BETWEEN NE 90TH STREET AND NE 92ND STREET
14. 126TH PLACE NE BETWEEN NE 102ND PLACE AND NE 100TH PLACE Completed
15. NE 101ST PLACE BETWEEN 124TH AVENUE NE AND 125TH AVENUE NE
16. NE 116TH STREET BETWEEN 127TH AVENUE NE AND 132ND AVENUE NE
17. NE 109TH PLACE BETWEEN SLATER AVENUE AND 124TH AVENUE NE
Completed

North Rose Hill Neighborhood

Urban Design

Urban Design Features

- Activity Node
- ★ Landmark/Activity Node
- ★ Landmark
- ◆ Gateway
- ➔ View
- ▬▬▬ Landscape Median
- Business Districts



HV.H. TOTEM LAKE NEIGHBORHOOD PLAN

3. ECONOMIC DEVELOPMENT

Goal TL-3: Preserve and intensify commercial areas outside of Totem Center.

Policy TL-3.2:

Expand opportunities for office development south of NE 116th Street (districts TL ~~10A-10E~~ and TL 10D).

XV.I. NORTH SOUTH JUANITA NEIGHBORHOOD PLAN

PARKLANDS

A master plan for Juanita Beach Park was approved by the City Council in 2006 and incorporates the following components:

Vision Statement: Juanita Beach Park is a family friendly, multi-generational community park that fits the scale, character, and history of the park site and the surrounding neighborhood. The park provides waterfront access and a balanced mix of active and passive recreation opportunities while protecting and enhancing the natural environment.

Park Integration Goals:

- Link park to surrounding neighborhoods
- Unify north and south sides of the park
- Buffer parking lot views
- Encourage bike and pedestrian access

Recreation Goals:

- Create multi-use recreational facilities
- Provide recreation appropriate to the site character
- Balance development with environmental restoration and enhancement opportunities
- Balance active recreation and passive recreation activities

Environmental Stewardship Goals:

- Enhance Juanita Creek to create a healthy stream environment. (This could include the reach within the park and up-stream reaches)
- Create a salmon and wildlife friendly shoreline
- Enhance and restore wetlands
- Educate park visitors about habitat values
- Use low impact development and sustainability design principles

Community-Building Goals:

- Create community gathering areas

Aesthetic Goals:

- Buildings should not dominate the landscape
- Provide aesthetically pleasing night lighting
- Create naturalistic landforms
- Improve the visual quality of the shoreline
- Create framed views of the lake
- Incorporate art as an integrated element of landscape forms and built structures

Historical Resources Goals:

- Maintain and restore Forbes House and associated landscape
- Provide appropriate interpretation of area history

~~Any future master plan for Juanita Beach Park should incorporate:~~

- ~~(1) — Regional park facilities on the Lake Washington side of Juanita Drive, and neighborhood park facilities on the north side.~~
- ~~(2) — Parking away from the shoreline and located mostly on the north side of Juanita Drive. Existing lots should be removed from the south side of the park and replaced with a drop-off area and limited parking for special needs. An effective parking management system should be developed.~~
- ~~(3) — Signalization of 97th Avenue NE and Juanita Drive to ensure safe pedestrian and vehicular access.~~
- ~~(4) — Removal of the chain link fence along Juanita Drive and views opened up to the water. Security for the park should be seriously considered during the planning process.~~
- ~~(5) — An improved connection to Juanita Bay Park.~~
- ~~(6) — An enhanced and safe connection to the business district across 97th Avenue NE.~~
- ~~(7) — Consideration of a nonmotorized boat launch facility.~~
- ~~(8) — The Dorr Forbes House as the historical focal point for the neighborhood.~~