

March 18, 1992

INTRODUCED BY CYNTHIA SULLIVAN

PROPOSED NO. 92-204

MOTION NO. **8614**

A MOTION authorizing the King County Executive to execute an interlocal agreement with the City of Kirkland regarding the Proposed Northshore Community Plan Update.

WHEREAS, the City of Kirkland (the "City") cooperated with King County (the "County") in the development of the Proposed Northshore Community Plan Update; and

WHEREAS, the County and the City agree that interjurisdictional coordination can increase the efficiency of government by minimizing conflicts and providing mutually satisfactory land use and planning decisions; and

WHEREAS, both the County and the City are authorized, pursuant to R.C.W. Chapter 39.34, to enter into an interlocal cooperative agreement consistent with King County Comprehensive Plan policies PI-303 and PI-304;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

The King County executive is hereby authorized to execute the interlocal agreement, attached hereto as Attachment A, between King County and the City of Kirkland regarding the Proposed Northshore Community Plan Update.

PASSED this 27th day of April 19 92.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Cynthia Sullivan
VICE Chair

ATTEST:

Guadalupe P. P. P.
Clerk of the Council

IGL6/Kirk-MOT

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COOPERATIVE PLANNING AGREEMENT BETWEEN KING COUNTY AND KIRKLAND FOR THE
NORTHSHORE COMMUNITY PLANNING AREA

(Revised: April 22, 1992)

WHEREAS, within their own jurisdictions, King County (the "County") and the City of Kirkland (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 by law should consider the impacts of its actions on adjacent jurisdictions; and

WHEREAS, the 1990 State Growth Management Act directs the County and its municipalities to plan for new growth in coordination with cities; 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 cross 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, King County Comprehensive Plan policies PI-301 through PI-305 encourage interjurisdictional cooperation and the use of interlocal agreements to implement solutions to major planning issues; and

WHEREAS, the County and the City desire jointly to achieve 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 King County Executive transmitted in May of 1991 the Executive Proposed Northshore Community Plan Update to the King County Council for review and adoption; and

WHEREAS, the Northshore planning area is within the County's jurisdiction but is partly within the City's planning area as shown on Attachment 1; and

WHEREAS, consistent with the 1990 State Growth Management Act, the Proposed Northshore Community Plan Update delineates a Municipal Urban Growth Area for the City and provides policies and criteria for development, annexation and the provision of services within the City's Urban Growth Area;

NOW, THEREFORE, KING COUNTY AND KIRKLAND AGREE AS FOLLOWS:

I. INTRODUCTION

This Northshore Community Planning Area Agreement is envisioned as the first in a series of cooperative planning agreements between the County and the City. Subsequent agreements should be developed as an outcome of the County's and City's cooperation in updating the Northshore Community Plan (NSCP). These subsequent agreements would be intended to implement the policies, criteria and land use designations as adopted, and to provide detailed land use regulations and level of services standards as determined by the County and the City.

II. PURPOSES

The purposes of this agreement are to:

- A. Continue a cooperative relationship through which the County and the City can adopt and implement compatible land use policies, zoning, level of service and development standards within the Northshore planning area;
- B. Provide a means by which the County and the City will consider each other's plans, regulations and policies in land use development, capital improvement project planning and natural resource protection within the Northshore community planning area;
- C. Establish appropriate thresholds for each jurisdiction to review each other's development activity based on local and regional interest;
- D. Increase the efficiency and reduce the costs of planning for the area by limiting duplication of efforts by the two jurisdictions;
- E. Define the means by which the County will obtain the City's cooperation in achieving regional goals for: urban residential and employment densities; the provision of a full range of housing opportunities, including affordable housing; the protection of the environment, including natural resources, critical areas, sensitive areas, rural areas and open space; transportation; economic development; and historic preservation; and
- F. Provide a means for delineating the City's Municipal Service and Urban Growth Areas, with the understanding that such delineations should be reviewed for consistency with the County-wide designation of urban growth areas as required by the Growth Management Act.

III. DEFINITIONS

A. GEOGRAPHIC AREAS:

1. PLANNING AREA is that portion of the Northshore community planning area outside Kirkland's city limits for which the City prepares or assists the County in preparing land use policies as shown on the map attached hereto as Attachment 1.
2. MUNICIPAL SERVICE AREA is the area outside Kirkland's city limits which is the composite of the City's sewer, water and fire protection franchise areas, together with any areas for which the City has a contractual obligation to serve. Municipal Service Area includes those areas the City currently serves as well as those areas for which there are plans approved by King County for future service.
3. MUNICIPAL URBAN GROWTH AREA is an area outside Kirkland's city limits within the City's planning area which the County and the City agree is appropriate for urban growth and urban densities, and, per the 1990 State Growth Management Act (GMA) law will be logical to consider for annexation by the City. The Municipal Urban Growth Area (shown on Attachment 2) has been developed through a joint effort of County staff and City staff and may be modified based on subsequent regional decisions implementing the GMA. This effort has included a public hearing process to solicit the input of the general public, area residents, property owners and affected local governments. The Municipal Urban Growth Area will be considered for adoption by elected officials from both jurisdictions.

B. CODE or PLAN DEVELOPMENT is the preparation or major amendment of any of these land use regulations or planning documents:

1. LAND USE REGULATIONS: Ordinances which adopt or make major amendments to regulations controlling the development of land.
2. LAND USE PLANS: Planning documents which express goals, policies and plans for land uses, such as comprehensive or community plans.
3. FUNCTIONAL AND CAPITAL IMPROVEMENT PLANS: Plans for the provision of public facilities and services, such as comprehensive plans and water, sewer, transportation and open space plans.

C. PLAN PARTICIPATION is the involvement of the County or the City in developing the other jurisdiction's plans.

- D. CONSULTING AGENCY ensures that the other jurisdiction will be consulted through the State Environmental Policy Act (SEPA) process for review of development permits or public improvements in a timely manner.
- E. CONSULTING AGENCY NOTICE is written notification mailed through regular post or hand delivered from the County to the City, or vice versa, which is given in a manner consistent with ensuring timely exchange of information prior to the SEPA threshold determination. This notification shall consist of a site plan map and a description of the proposed action, SEPA environmental checklist, and a list of preliminary mitigation measures to offset impacts of development.
- F. CONSULTING AGENCY REVIEW AND COMMENT OPPORTUNITY is the provision of pertinent materials for another jurisdiction to review and comment on. The County and the City both understand that the opportunity for review and comment is within the timeframes the responsible jurisdiction establishes, provided the responsible jurisdiction makes the effort to provide a reasonable amount of time.
- G. STAFF CONSULTATION is a commitment to give the other jurisdiction an opportunity to ask questions and make comments at the staff level. The reviewing jurisdiction has the opportunity to request a meeting to get information and explanation and to indicate the relative compatibility of the action or plan being considered with its own plans and policies. This opportunity includes a commitment by the initiating jurisdiction to include in its pertinent staff report the reviewing jurisdiction's timely submitted written comments.

IV. DEVELOPMENT PERMIT AND PUBLIC IMPROVEMENT REVIEW

A. KING COUNTY'S RESPONSIBILITIES

Statement of intent: the intent of this section is to involve the City in the SEPA threshold determination stage of development permit and/or public improvement review in order to increase County officials' understanding of potential City concerns about the proposals.

- 1. In making SEPA threshold determinations for development permits or public improvements listed in this section in the PLANNING AREA shown on Attachment 1, the County agency making the determination shall provide the City with CONSULTING AGENCY NOTICE, REVIEW AND COMMENT OPPORTUNITY, and the opportunity for STAFF CONSULTATION before making a threshold determination. This notice shall be provided a minimum of fifteen (15) working days prior to the SEPA threshold determination. The City shall make comments back to the County agency no later than ten (10) working days after receiving the review material.

2. The following development permits or public improvements which are not categorically exempt from threshold determinations and EIS requirements under the County's environmental procedures are subject to this agreement:
 - a. Zoning reclassifications
 - b. Preliminary subdivisions
 - c. Preliminary planned unit developments
 - d. Master Planned Developments
 - e. Unclassified use and conditional use permits
 - f. Shoreline substantial development permits
 - g. Approval of school, office, commercial, industrial, recreational, service and storage buildings of 4,000 square feet or more; this threshold is appropriate to allow the City detailed review within its planning area.
 - h. Siting of facilities of regional significance including transit, transportation, surface water utilities, or other public facilities.
 - i. Road improvement projects.

B. KIRKLAND'S RESPONSIBILITIES

Statement of intent: The intent of this section is to offer the County the opportunity to review the City's SEPA threshold determinations in order to increase City officials' understanding of potential County concerns about the proposals.

1. In making SEPA threshold determinations for development permits or public improvements listed in this section, the City shall provide the King County Planning and Community Development Division with consulting agency notice, review and comment opportunity, and the opportunity for staff consultation. This notice shall be provided a minimum of fifteen (15) working days prior to the SEPA threshold determination. The County shall make comments back to the City no later than ten (10) working days after receiving the review material.

The City agrees to provide notice to the County for all development permits or public improvements in the South Juanita and Totem Lake neighborhoods and in any newly annexed areas in the City's urban growth area. For all other areas of the City, the City shall provide notice only for projects which are projected to generate a mutually determined number of vehicle trips.

2. The following permits are subject to this agreement:
 - a. Zoning reclassifications;
 - b. Process IIB and Process III development;
 - c. Approval of school, office, commercial, industrial, recreational, service and storage buildings of 12,000 square feet or more; this threshold is appropriate to allow the County to review proposals that may be of regional significance;
 - d. Siting of facilities of regional significance including transit, transportation, surface water, utility or other public facilities;
 - e. Road improvement projects affecting the County transportation system; and
 - f. Shoreline substantial development.

V. PLAN DEVELOPMENT

A. KING COUNTY'S RESPONSIBILITIES

Statement of intent: The intent of this section is to involve the City in the King County Council's review of the Executive Proposed NSCP Update in order to: (1) affirm the City's concurrence with the updated plan's policies and zoning; and (2) obtain the City's commitment to helping the County achieve regional policy goals in that part of the Northshore planning area which is the City's planning area.

1. County Planning and Community Development Division staff have coordinated with City planning staff on policies, land use designations and municipal urban growth boundaries in the Executive Proposed NSCP Update. The County agrees to:
 - a. Consider comments from the City on the Draft Environmental Impact Statement (DEIS) and capital improvement project recommendations of the Executive Proposed NSCP Update;
 - b. Work with the City to resolve outstanding issues related to the Proposed NSCP or the DEIS;
 - c. Encourage the City to adopt the policies and zoning of the NSCP Update, when adopted, for the Municipal Urban Growth Area.
 - d. Facilitate the development and adoption of an agreement addressing the policies, land use and zoning of each jurisdiction in the Municipal Urban Growth Area.

2. The County shall provide the City with the following additional opportunities to participate in the review of the Executive Proposed NSCP Update:
 - a. To comment on the Executive Proposed NSCP Update at the County Council's first public hearing to introduce that plan to the general public. This hearing was held on May 20, 1991.
 - b. To comment on proposed policies and area zoning at the County Council Committee meetings during which the proposed plan is reviewed. County Council staff and/or Planning and Community Development Division staff will inform the City's staff of the time, place and the agenda before each meeting.
 - c. To comment on the County Council Committee Recommended Northshore Community Plan Update and Area Zoning when the County Council holds its final public hearings on the plan.
3. The County shall continue work with the City and all other municipalities to implement the State Growth Management Act. In particular, urban development standards of the County and its cities shall be reviewed in order to determine what standards could be ultimately applied throughout municipal urban growth areas of unincorporated King County. When the recommendations or policies are completed, the policies and criteria of the NSCP Update related to municipal urban growth areas should be reevaluated for consistency with regional recommendations.
4. The County shall provide consulting agency review and comment opportunity when it initiates long-range planning for capital improvement projects, such as roads, that would affect the City.

B. KIRKLAND'S RESPONSIBILITIES

Statement of intent: The intent of this section is to ensure that cooperative land use planning between the City and the County will result in compatible plans and area zoning and the achievement of regional policy goals.

1. When it undertakes plan development, the City shall provide the County Planning and Community Development Division with agency notice, review and comment opportunity, and opportunities for staff consultation and plan participation.

- a. The City agrees to use its plans, policies, zoning and other regulatory controls to encourage citywide (and within urban growth areas) achievement of the County's regional density policies, King County Comprehensive Plan policies R-201 through R-209, as they may affect the City. These policies seek to achieve urban densities appropriate to support urban services for new development and redevelopment in urban areas that are served or can be served with urban services, and are free of physical constraints. These policies also encourage higher residential densities in urban areas with convenient access to transportation. These policies recognize existing development patterns and community character.
 - b. The City agrees to use its plans, policies, zoning and other regulatory controls to encourage citywide achievement of regional goals as outlined in the 1990 resolution of the Suburban Cities Association regarding priorities of the 1990 review of the King County Comprehensive Plan. This includes: urban residential and employment densities; the provision of a full range of housing opportunities, including affordable housing; environmental protection, including natural resources, critical areas, sensitive areas, rural areas and open space; transportation; economic development; and historic preservation. To the extent applicable, the City shall incorporate such goals where consistent with the City's plans and objectives.
2. During the King County Council review of the NSCP Update, the City shall:
- a. Advise the County about its plans, policies, zoning and other regulatory controls so that the adopted NSCP Update and the City's plans are as compatible as possible;
 - b. Provide the County data on existing conditions, growth and development trends within the City;
 - c. Work with the County and the City of Bothell to develop Kirkland Municipal Urban Growth Area designation; and
 - d. Consider adopting the policies and zoning of the adopted NSCP Update for the City's Municipal Urban Growth Area.
3. The City shall continue to work with the County and other municipalities through the Countywide Planning Process required by the State Growth Management Act to address the issue of consistent urban development and level of service standards for all urban areas.

4. The City shall provide consulting agency review and comment opportunity when it initiates long-range planning for capital improvements projects such as roads that would affect unincorporated King County or County service provision.

VI. CODE DEVELOPMENT

A. KING COUNTY'S RESPONSIBILITIES

1. When it undertakes code development of the codes listed in this section the County shall provide the City with agency notice and review and comment opportunity.
2. The codes subject to this agreement include:
 - a. Zoning code
 - b. Subdivision and short plats
 - c. Environmental regulations
 - d. Shoreline regulations
 - e. Development standards

B. KIRKLAND'S RESPONSIBILITIES

1. When it undertakes code development of the codes listed in this section the County shall provide the City with agency notice and review and comment opportunity.
2. The codes subject to this agreement include:
 - a. Zoning code
 - b. Subdivision and short plats
 - c. Environmental regulations
 - d. Shoreline regulations
 - e. Development standards

VII. MUNICIPAL SERVICE AREAS AND MUNICIPAL URBAN GROWTH AREAS

A. KING COUNTY'S RESPONSIBILITIES

1. The County and the City staff have consulted in developing the recommended Municipal Urban Growth Area shown on Attachment 2. This recommendation shall be advanced to the County and City elected officials for their review and consideration. The Municipal Urban Growth Area should be reviewed for consistency with the Countywide planning policies required by the State Growth Management Act, and for consistency with any future city limits created by the proposed Woodinville incorporation.

2. The County and the City should work towards the preparation of an interlocal agreement which will implement the policies and land use designations of the NSCP Update as adopted, as well as policies and land use designations adopted by the City for its Municipal Urban Growth Area.
3. The County will support annexations to the City within the adopted Municipal Urban Growth Area subject to an interlocal agreement to implement the policies, criteria and land use designations of the NSCP Update.

B. KIRKLAND'S RESPONSIBILITIES

1. The County and the City staffs have consulted in developing the recommendation for the City Municipal Urban Growth Area as shown on Attachment 2. The Municipal Urban Growth Area and related policies will guide municipal growth and service provision. The Municipal Urban Growth Area should be reviewed for consistency with the Countywide planning policies required by the State Growth Management Act, and for any future city limits created by the proposed Woodinville incorporation. This recommendation shall be advanced to the County and the City elected officials for their review and consideration, with any necessary modifications.
2. The County and the City should work towards the preparation of an interlocal agreement which will implement the policies and land use designation of the NSCP Update as adopted, as well as policies and land use designations adopted by the City for its Municipal Urban Growth Area.
3. The City agrees that it shall participate in the King County Council review of the NSCP Update to ensure that policies, criteria, land use designations and designations for the Municipal Urban Growth Area reflects the concerns of the City. The NSCP Update, when adopted, will guide the development of an interlocal agreement between the County and the City.

VIII. ADMINISTRATION OF THIS AGREEMENT

The responsibility for administering this Agreement shall rest jointly with the King County Executive and the Mayor of the City 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. The County and the City shall each be responsible for their own costs incurred pursuant to this Agreement unless some other contractual arrangements are made.

IX. DURATION, TERMINATION AND AMENDMENT

This agreement shall become effective on the date of its mutual adoption by the parties and shall remain in effect until terminated in writing after thirty (30) days notice by either party. This agreement may be amended only by express written agreement of both parties.

KING COUNTY

CITY OF KIRKLAND

Tim Hill
King County Executive

Terry Ellis
City Manager

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

King County Prosecuting Attorney

City Attorney