

# Homeless Encampment Ordinance Peer City Documents

City of Kirkland





## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

### MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields, Planning Director  
Nancy Cox, Development Review Manager  
**Date:** May 9, 2013  
**Subject:** Miscellaneous Code Amendments, File CAM13-00275

#### **RECOMMENDATION**

Staff recommends approval of Kirkland Municipal Code (KMC) and Kirkland Zoning Code (KZC) amendments. The Council may do so by adopting the enclosed ordinances.

#### **BACKGROUND DISCUSSION**

These amendments have been reviewed using the "Fast Track" code amendment process, Process IVA, pursuant to Chapter 161 KZC. Process IVA was adopted in 1997 to increase efficiency when enacting minor Zoning Code amendments. A roster of the proposed amendments was approved by the City Council on April 16, 2013 authorizing the review of the proposed amendments through Process IVA.

On April 30, 2013, as required by Chapter 161 KZC, a public hearing was held by the Planning Director on the proposed amendments. The Houghton Community Council chose not to hold a hearing. The staff report discussing the amendments may be found at the following link: <http://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/Staff+PL+DIR+Hearin+g+04302013.pdf> There was no testimony taken at the hearing.

The Planning Director recommends one change to the amendments last seen by the City Council:

Remove Item 9. from the amendment to the Scope and Exclusions section of the Sign Chapter, KZC 100.15. This addition is beyond the scope of the interpretation that is being incorporated into the code and contradicts an existing provision in the code found in KZC 100.115.

18	KZC 100.15, Signs, Scope and Exclusions	<u>8. Exterior signs or displays not visible from streets or ways open to the public. 9. Signs in the interior of a building more than three feet from the closest window or not facing a window.</u>
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The change is reflected in the ordinance for the Council's consideration.

KZC 161.85 allows the ordinances to be placed on the City Council consent calendar.

**DECISIONAL CRITERIA**

According to Chapter 161 KZC, a proposed amendment may be approved through Process IVA if it meets the decisional criteria established in the applicable provision of the Zoning Code. Sections 161.15 and 161.25 further establish that Process IVA is only to be used for Zoning Code amendments that:

- Are minor;
- Are not controversial;
- Do not need extensive policy study;
- Promote clarity, eliminate redundancy or correct inconsistencies.

**CONCLUSION**

The full text of the Zoning Code amendments is presented in Attachment A to the enclosed ordinance. Attachment A incorporates the change described previously in the memo. The full text of the Kirkland Municipal Code amendments is presented in the text of the enclosed ordinance. The proposed amendments satisfy the applicable decisional criteria and may be approved by adopting the enclosed ordinances.

ORDINANCE O-4408

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 15 – RS ZONE; CHAPTER 17 – RSX ZONE; CHAPTER 25 – PR AND PRA ZONES; CHAPTER 40 – BN AND BNA ZONES; CHAPTER 45 – BC, BC1 AND BC2 ZONES; CHAPTER 47 – BCX ZONE; CHAPTER 51 – MSC-1,4 ZONES; CHAPTER 55 – TL 4A, 4B, 4C, 5, 6A, AND 6B ZONES; CHAPTER 95 TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 100 – SIGNS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 118 – HAZARDOUS LIQUID PIPELINES; CHAPTER 127 – TEMPORARY USE; CHAPTER 145 – PROCESS I; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00275.

WHEREAS, the City Council has received a recommendation Kirkland Planning Director to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Director dated May 9, 2013, and bearing Kirkland Department of Planning and Community Development File No. CAM13-00275; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Director, following notice thereof as required by RCW 35A.63.070, on April 30, 2013, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Director;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as

set forth in Attachment A 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 the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect on July 22, 2013, after its passage by the Kirkland 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 \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

Attachment A

	CODE SECTION	AMENDMENT
1	KZC 5.10.100 Definitions	<u>Building Official</u> - " <del>Building Official</del> " as that term is defined in the <del>Uniform Building Code as adopted in KMC Title 21</del> <u>The Building Services Manager or his/her designee.</u>
2	KZC 5.10.110 Definitions	<u>Certificate of Occupancy</u> - " <del>Certificate of Occupancy,</del> " as that term <del>is defined used</del> in the <del>Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.</del>
3	KZC 5.10.210 Definitions	<u>Development Activity</u> - Any work, condition or activity which requires a permit or approval under this code or <del>the Uniform Building Code</del> <u>KMC Title 21, Buildings and Construction.</u>
4	KZC 5.10.720.1 Definitions	...Neither the <del>Burlington Northern</del> <u>Cross Kirkland Corridor</u> railbanked <del>rail corridor, the Eastside Rail Corridor, nor the I-405, nor SR-520</del> rights-of-way shall be considered front property lines.
5	KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which and</del> shall comply with <del>Special Rregulations-6</del> for <u>horses</u> <del>large domestic animals</del> in KZC 115.20.5.d(4) (chart).
6	KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	6. Residential lots in RSX <u>35</u> zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which and</del> shall comply with <del>Special Rregulations-6</del> for <u>horses</u> <del>large domestic animals</del> in KZC 115.20.5.d(4) (chart).
7	KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	Garages shall comply with the requirments of KZC 115.43, including required front yard. <del>These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</del>
8	KZC 25.08.3 General Regulation for PR, PRA Zones	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. ( <u>Does not apply to detached dwelling units</u> ).

Attachment A

9	KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	<del>1 per every 4 fixed seats</del> See <a href="#">KZC 105.25</a>
10	KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	<del>1 per every 4 fixed seats</del> See <a href="#">KZC 105.25</a>
11	KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	<del>1 per every 4 fixed seats</del> See <a href="#">KZC 105.25</a>
12	KZC 51.08.3, MSC-1, 4 Zones, General Regulation	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See <a href="#">KZC 115.30, Distance Between Structures/Adjacency to Institutional Use</a> , for further details. <u>(Does not apply to detached dwelling units).</u>
13	KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	<del>1 per every 4 fixed seats</del> See <a href="#">KZC 105.25</a>
14	KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	<del>1 per every 4 fixed seats</del> See <a href="#">KZC 105.25</a>
15	KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	<del>1 per every 4 fixed seats</del> See <a href="#">KZC 105.25</a>

Attachment A

16	KZC 95.23.4.b Tree Removal - Not Associated with Development Activity	<del>b. An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>
17	KZC 95.40.1.d., Required Landscaping	<del>d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington Northern Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor rights-of-way.</del>
18	KZC 100.15, Signs, Scope and Exclusions	<del>8. Exterior signs or displays not visible from streets or ways open to the public.</del>
19	KZC 100.50.1.a, Signs, Designated Corridors	<del>a. Market Street between Central Way and N.E. 106th StreetForbes Creek Drive.</del>
20	KZC 100.65.1, Signs,	1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building, parapet or similar architecture feature to which they are attached.
21	KZC 100.115, Signs, Temporary/Special Signs	Must remove <u>after being displayed 60 days or at end of use, event or condition, whichever comes first.</u>
22	KZC 115.07.10.c, Accessory Dwelling Units	<del>c. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>

Attachment A

23	KZC 115.80.2, Legal Building Site	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:</p> <p>a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or</p> <p>b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or</p> <p>c. <u>The lot size was approved pursuant to all applicable laws, ordinances and regulations; or</u></p> <p>ed. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</p>
24	KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review	<p><del>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
25	KZC 118.20, Hazardous Liquid Pipelines	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within <del>150</del>500 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>
26	KZC 127, Temporary Use	See following text of KZC Chapter 127 - Temporary Use

Attachment A

27	KZC 145.60.1.b., Process I Appeals	1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application <u>during the comment period established in the Notice of Application.</u>
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## Chapter 127 – TEMPORARY USE

(Only sections that are proposed for amendment are shown)

### 127.10 Process for Deciding Upon a Proposed Temporary Use

An application for a temporary use permit will be reviewed and decided upon by the Planning ~~Director~~Official.

### 127.42 Notice Requirements for Homeless Encampments in New Locations

1. Applicability - The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

#### 24. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

32. A Notice of Application for Homeless Encampment shall be provided prior to the Planning ~~Director's~~Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:

- a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the ~~Director's~~Official's decision.
- b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the ~~Director's~~Official's decision.
- c. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning ~~Director's~~Official's decision.
- d. The notice will be posted on the City's website.

43. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning ~~Director~~Official and appeal procedure and be distributed as required for notice of application within four business days after the decision.

### **127.44 Notice Requirements for Homeless Encampments at Repeat Locations**

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.
2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.
3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.

### **127.45 Appeals**

There is no administrative appeal of the Planning ~~Director's~~ Official's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

PUBLICATION SUMMARY  
OF ORDINANCE O-4408

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 15 – RS ZONE; CHAPTER 17 – RSX ZONE; CHAPTER 25 – PR AND PRA ZONES; CHAPTER 40 – BN AND BNA ZONES; CHAPTER 45 – BC, BC1 AND BC2 ZONES; CHAPTER 47 – BCX ZONE; CHAPTER 51 – MSC-1,4 ZONES; CHAPTER 55 – TL 4A, 4B, 4C, 5, 6A, AND 6B ZONES; CHAPTER 95 TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 100 – SIGNS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 117 – PERSONAL WIRELESS SERVICE FACILITIES; CHAPTER 118 – HAZARDOUS LIQUID PIPELINES; CHAPTER 127 – TEMPORARY USE; CHAPTER 145 – PROCESS I; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00275.

SECTION 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

SECTION 2. Addresses severability.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as July 22, 2013.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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City Clerk

ORDINANCE O-4409

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MINOR KIRKLAND MUNICIPAL CODE AMENDMENTS IN CONNECTION WITH ZONING AND LAND USE UPDATES AND AMENDING SECTIONS 1.12.050, 3.30.010, and 24.02.038 OF THE KIRKLAND MUNICIPAL CODE, FILE NO. CAM13-00275.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") subsection 1.12.050(e) is hereby amended to read as follows:

**1.12.050 Hearing before the hearing examiner.**

(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation ~~appeared~~ occurred and assessing the appropriate monetary penalty. The city will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

Section 2. KMC Section 3.30.010 is hereby amended to read as follows:

**3.30.010 Membership—Appointment—Compensation—Removal.**

The design review board shall be composed of seven appointed members. ~~In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues.~~ Members shall be appointed by a majority vote of the city council, without regard to political affiliation. The members of the DRB shall serve without compensation. Each member shall be appointed to a four-year term; provided, that as to the two positions added in 2003, one new member's initial term shall expire March 31, 2005, and the other new member's initial term shall expire March 31, 2007. Any vacancy shall be filled for the remainder of the unexpired term of the vacant position. When a member misses three or more consecutive meetings not excused by a majority vote of the DRB, the DRB will consider recommending removal of that member. The board shall recommend removal if the absences have negatively affected the board's abilities to perform its duties. The recommendation will be forwarded to city council. Members finding themselves unable to attend regular meetings are expected to tender their resignations. A member may be removed by a majority vote of the city council.

Section 3. KMC Section 24.02.038(e) is hereby amended to read as follows:

**24.02.038 SEPA policies.**

(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, ~~including the Shoreline Master Program~~), Title 25 (Concurrency Management), and Title 28 (Landmarks);

Section 4. 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 5. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2013.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney





KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
February 07, 2012

1. CALL TO ORDER

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

Members Absent: None.

3. STUDY SESSION

a. Downtown Parking Discussion

Joining Councilmembers at the table for this discussion were City Manager Kurt Triplett, Public Works Director Ray Steiger, Transportation Engineering Manager Dave Godfrey, Parking Advisory Board members Ken Dueker (via conference phone), Roxanne Louise, Vice Chair Jack Wherry, Chair A. Lienboonlertchai and police Lieutenant Mike Murray. Director of Finance and Administration Tracey Dunlap also contributed to the discussion.

4. EXECUTIVE SESSION

None.

5. HONORS AND PROCLAMATIONS

a. Kirkland History Month Proclamation

History Month Chair Mark Amick and Kirkland Heritage Society (KHS) President Loita Hawkinson were joined by KHS members Bob Burke and Nora Carlson in receiving the proclamation from Mayor McBride and Councilmember Sweet.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Clark Ellis  
Marlene Vacknitz  
Sheri Sanders  
Mike Nykreim  
Sonny Halbawy  
Georgine Foster  
Loita Hawkinson

c. Petitions

7. SPECIAL PRESENTATIONS

a. Frontier Donation Recognition

Frontier Communications Senior Vice President Rich Klena, Local Operations Manager Leo Church, and Construction Manager Craig Ortloff accepted the City's thanks and recognition for Frontier's donation of nearly \$61,000.

b. 2011 Eastside Month of Concern for the Hungry Results

Kirkland Alliance of Neighborhoods Chair Norm Storme and Teresa Andrade of Hopelink accepted certificates of appreciation.

8. CONSENT CALENDAR

a. Approval of Minutes: January 17, 2012

b. Audit of Accounts:

Payroll \$1,980,555.22  
Bills \$4,307,586.05  
run #1067 checks #531744 - 531753  
run #1068 checks #531754  
run #1069 checks #531782 - 531940  
run #1070 checks #531942 - 532094  
run #1071 checks #532095 - 532136  
run #1072 checks #532137 - 532262

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

(1) Elementary School Walk Route Enhancements, Pellco Construction,  
Mountlake Terrace, WA

- g. Approval of Agreements
- h. Other Items of Business

(1) Resolution R-4909, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF HARMON RIDGE BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB11-00001 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT."

(2) Ordinance O-4347, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REVISING THE TITLE OF KIRKLAND MUNICIPAL CODE CHAPTER 3.82 CURRENTLY ENTITLED "CODE OF ETHICS" TO "EMPLOYEE CODE OF ETHICS.""

(3) 120th Avenue NE Watermain Replacement - Approve Funding

Council approved the use of Water/Sewer Capital Reserve funds in the amount of \$272,000 to replace an existing watermain within 120th Avenue NE in the South Rose Hill Neighborhood.

Motion to Approve the Consent Calendar.

Moved by Councilmember Amy Walen, seconded by Councilmember Dave Asher  
Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

## 9. PUBLIC HEARINGS

None.

## 10. UNFINISHED BUSINESS

- a. Transit Oriented Development at the South Kirkland Park and Ride Update

Senior Planner Janice Coogan presented an update of activities in connection with the Transit Oriented Development project at the South Kirkland Park and Ride. She was joined by Gary Prince of King County Metro Transit, Gary Young of Polygon Northwest Company, Eric Evans of Imagine Housing and Mindy Black of Weber Thompson Architects.

- b. Ordinance O-4348 and its Summary, Relating to the Establishment of a New Chapter 3.14 in the Kirkland Municipal Code, Code of Ethics

Motion to Approve Ordinance O-4348 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS."

Moved by Councilmember Toby Nixon, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Deputy Mayor Doreen Marchione, Councilmember Amy Walen, Councilmember Penny Sweet, Councilmember Bob Sternoff, Mayor Joan McBride, Councilmember Dave Asher, and Councilmember Toby Nixon.

Motion to Amend the text of 0-4348, where currently Section 3.14.080, Subsection 4–Disposition references Subsection E to reference Subsection 5.

Moved by Councilmember Toby Nixon, seconded by Councilmember Dave Asher

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

c. 2012 Legislative Update 1

Intergovernmental Relations Manager Lorrie McKay provided a status report on the City's legislative agenda.

Motion to Agree to take no position on HB 2610, "Repealing Provisions Governing Community Municipal Corporations."

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Amy Walen

Vote: Motion carried 5-2

Yes: Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Penny Sweet, and Councilmember Amy Walen.

No: Councilmember Dave Asher, and Councilmember Bob Sternoff.

d. 2012 City Council Retreat Draft Agenda

Council provided additional feedback on the draft agenda.

11. NEW BUSINESS

- a. Ordinance O-4346 and its Summary, Relating to Planning Department Fees and Amending KMC 5.74.070 by Correcting Format/Typographical Errors, and Adding Clarifications, Adding an Affordable Housing Incentive Fee, Homeless Encampment with Modification Fee and Adding Fees for Integrated Development Plan Modifications, File MIS11-00023

Motion to Approve Ordinance O-4346 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, HOMELESS ENCAMPMENT WITH MODIFICATION FEE AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023."

Moved by Councilmember Penny Sweet, seconded by Councilmember Amy Walen

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan

McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

Development Review Manager Nancy Cox responded to Council questions.

Motion to Amend Ordinance O-4346 and its Summary, by not adding an additional modification fee to the base fee.

Moved by Councilmember Dave Asher, seconded by Councilmember Toby Nixon

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

b. Electronic Readerboard Signs at Middle Schools

Development Review Manager Nancy Cox responded to Council questions.

Motion to Consider Electronic Readerboard Signs at Middle Schools in the 2012 miscellaneous code amendment process.

Moved by Deputy Mayor Doreen Marchione, seconded by Councilmember Penny Sweet

Vote: Motion carried 7-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, Councilmember Penny Sweet, and Councilmember Amy Walen.

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding the Puget Sound Regional Council Executive Board meeting and 2012 non-motorized transportation project funding; Regional Transit Committee Meeting caucus activities; Suburban Cities Board Annual Retreat where Bob Sternoff was elected as the Vice President of the Board of Directors for Suburban Cities; Parks Funding Exploratory Committee; Association of Washington Cities Conference; Seattle/King County Coalition of Homelessness One Night Count; Jasper's Off-Leash Dog Park grand opening; Tourism Development Committee meeting; Emergency Medical Services advisory taskforce meeting; King County Subarea Boards joint meeting; request and agreement to post Council committee assignments on the City website; thanks to the City Manager and Fire Chief Nalder for working with the Finn Hill Neighborhood Alliance and the Reserve Firefighters Association regarding the Station 24 closure issues; upcoming Finn Hill fire station siting meeting at Finn Hill Junior High; participation in a State Supreme Court public hearing on court administrative records issue; request and agreement to research draft resolution related to public records requests; invitation to the Youth Eastside Services (YES) annual Invest in Youth breakfast on March 13; Boards and Commissions interview options; Mayor

requested and received approval to sign a letter endorsing the Washington Mayors Transportation Policies Principals; EnterpriseSeattle financial forecast; announcement that the City of Kirkland is once again a sponsor of the Bully Slam on March 10 at the Lake Washington High School Theatre; Councilmember Asher has been appointed to the Mental Illness and Drug Dependency Oversight Committee by the Suburban Cities Association.

b. City Manager

(1) Calendar Update

The August 21 council meeting and all August Council committee meetings have been cancelled.

City Manager Kurt Triplett requested and received approval from the council to move forward with a preliminary indication to King County that the City of Kirkland intends to explore withdrawing from its contract for animal control services.

13. ITEMS FROM THE AUDIENCE

14. ADJOURNMENT

The Kirkland City Council regular meeting of February 7, 2012 was adjourned at 10:00 p.m.

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City Clerk

Mayor



# CITY OF KIRKLAND

## CITY COUNCIL

Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher • Toby Nixon  
Bob Sternoff • Penny Sweet • Amy Walen • Kurt Triplett, City Manager

### *Vision Statement*

*Kirkland is an attractive, vibrant, and inviting place to live, work and visit.  
Our lakefront community is a destination for residents, employees and visitors.  
Kirkland is a community with a small-town feel, retaining its sense of history,  
while adjusting gracefully to changes in the twenty-first century.*

123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • [www.kirklandwa.gov](http://www.kirklandwa.gov)

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, January 17, 2012

#### 6:00 p.m. – Study Session – Peter Kirk Room

#### 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov), or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

**EXECUTIVE SESSIONS** may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION*, Peter Kirk Room
  - a. Recommended Changes to Draft Code of Ethics
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
  - a. Kirkland History Month Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Frontier Donation Recognition
  - b. 2011 Eastside Month of Concern for the Hungry Results

8. *CONSENT CALENDAR*

a. *Approval of Minutes:* January 3, 2012

b. *Audit of Accounts:*

Payroll \$

Bills \$

c. *General Correspondence*

d. *Claims*

e. *Award of Bids*

f. *Acceptance of Public Improvements and Establishing Lien Period*

g. *Approval of Agreements*

h. *Other Items of Business*

(1) Resolution R-4906, Authorizing the Duly-Appointed Administering Agency for a Regional Coalition for Housing (ARCH) to Execute All Documents Necessary to Enter into Agreements for the Funding of Affordable Housing Projects, as Recommended by the ARCH Executive Board, Utilizing Funds From the City's Housing Trust Fund

(2) ARCH 2012 Work Program and Administrative Budget

(3) Resolution R-4907, Authorizing the Director of Planning and Community Development to Enter into a Contract with Bayshore Vista, LLC, Regarding a Potential Multifamily Housing Property Tax Exemption and Approving the Issuance of a Conditional Certificate of Tax Exemption

(4) Resolution R-4908, Adopting Right-of-Way Acquisition and Relocation Policies and Procedures

(5) Surplus Vehicles/Equipment for Sale

(6) Report on Procurement Activities

9. *PUBLIC HEARINGS*

a. Ordinance O-4345 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Ordinance 3719 as Amended, the Kirkland Zoning Ordinance and Approving a Summary Ordinance for Publication, File No. ZON11-00045.

10. *UNFINISHED BUSINESS*

a. City Council Subcommittee Appointments

**QUASI-JUDICIAL MATTERS**

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

- b. Transit Oriented Development at the South Kirkland Park and Ride Update
- c. Transportation Benefit District Update

**NEW BUSINESS** consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

11. *NEW BUSINESS*

- a. Comments on National Pollutant Discharge Elimination System (NPDES) Western WA Phase II Municipal Stormwater Permit
- b. 2012 City Council Retreat Draft Agenda
- c. Ordinance O-4346 and its Summary, Relating to Planning Department Fees and Amending KMC 5.74.070 by Correcting Format/Typographical Errors, Adding Clarifications, Adding an Affordable Housing Incentive Fee, Homeless Encampment with Modification Fee and Adding Fees for Integrated Development Plan Modifications, File MIS11-00023

**ITEMS FROM THE AUDIENCE**

Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

12. *REPORTS*

- a. *City Council*
  - (1) Regional Issues
- b. *City Manager*
  - (1) Calendar Update

13. *ITEMS FROM THE AUDIENCE*

14. *ADJOURNMENT*





## **CITY OF KIRKLAND**

**Planning and Community Development Department**

**123 Fifth Avenue, Kirkland, WA 98033**

**425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, Planning Director  
Nancy Cox, Development Review Manager

**Date:** April 4, 2013

**Subject:** Roster of Code Amendments, File CAM13-00275

#### **RECOMMENDATION**

Staff recommends approval of the Revised Roster of proposed Kirkland Municipal Code (KMC) and Kirkland Zoning Code (KZC) amendments. Changes proposed by citizens and staff since the original roster was distributed are described and reflected in a Revised Roster in Exhibit 1.

#### **BACKGROUND DISCUSSION**

##### Process

In 1997, the City Council adopted the "fast track" Process IVA review process to allow the efficient review of minor Zoning Code amendments. Process IVA, codified in Chapter 161 KZC, is limited to the review of Zoning Code amendments which are not quasi-judicial, not controversial, and do not need extensive policy study. Amendments which promote clarity, eliminate redundancy or correct inconsistencies are eligible for review under this process.

The first step for the City Council is to authorize the proposed Process IVA roster for further consideration. The original roster summarizing the proposed amendments was created on March 15, 2013 (Exhibit 2) and was distributed to the City Council, the Planning Commission, the Houghton Community Council, neighborhood associations, the Chamber of Commerce and other parties. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster. Council approval of the Revised Roster (Exhibit 1) will authorize the Planning Director to conduct a public hearing on the proposed amendments.

A public hearing before the Planning Director is tentatively scheduled for April 30, 2013. After reviewing the original roster, the Houghton Community Council chose not to hold a hearing. The Planning Director's recommendation will be forwarded to the City Council for final action in May. The Houghton Community Council will take final action on the

Ordinance approved by the City Council.

Comments on the Original Roster (Exhibit 2)

Two of the amendments (# 8 and #21) address renaming the former Burlington Northern Railway corridor. A citizen pointed out that some of the corridor is owned by King County and it is not appropriate to call that segment the Cross Kirkland Corridor (Exhibit 4). Staff recommends revising the amendment to reflect this comment.

Three citizens commented on two amendments (#31 and #33) and propose that the amendments are controversial and require further citizen input and Council evaluation (Exhibits 5, 6 and 7). Staff recommends removing the two amendments from the Process IVA roster and referring them to future Process IV Code amendment projects.

After further consideration, Planning staff recommends deleting #4 because it is unnecessary; and editing #22 and #27 for clarification.

The Revised Roster in Exhibit 1 incorporates all of these changes.

Exhibits

- 1 Revised Roster dated April 4, 2013
- 2 Original Roster distributed March 15, 2013
- 3 Temporary Use Permit amendments
- 4 Comment from Johanna Palmer
- 5 Comments from Chuck Pilcher
- 6 Comment from Maureen Kelly
- 7 Comment from Karen Levenson

## PROCESS IV A CODE AMENDMENTS; Page 1

	CODE SECTION	REASON	DRAFT AMENDMENT
1	KMC 1.12.050.e Code Enforcement	Wording is unclear.	(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared occurred and assessing the appropriate monetary penalty. The city will carry out...
2	KMC 3.30.010 Design Review Board	Planning Director is no longer needed as a nonvoting member of the DRB in an advisory role. Staff provides this function.	The design review board shall be composed of seven appointed members. In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues. Members shall be appointed...
3	KMC 24.02.038 SEPA Policies	The SMP is no longer in Title 24. It is integrated into the Comprehensive Plan and Zoning Code and does not need to be referenced in the KMC as a SEPA policy.	(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, including the Shoreline Master Program), Title 25 (Concurrency Management), and Title 28 (Landmarks);
4	KZC 5.10.100 Definitions	Out of date reference.	<u>Building Official - "Building Official" as that term is defined in the Uniform Building Code as adopted in KMC Title 21 The Building Services Manager or his/her designee.</u>
5	KZC 5.10.110 Definitions	Out of date reference.	<u>Certificate of Occupancy - "Certificate of Occupancy," as that term is defined in the Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.</u>
6	KZC 5.10.210 Definitions	Out of date reference.	<u>Development Activity - Any work, condition or activity which requires a permit or approval under this code or the Uniform Building Code KMC Title 21, Buildings and Construction.</u>
7	KZC 5.10.720.1 Definitions	Out of date reference.	<u>...Neither the Burlington Northern Cross Kirkland Corridor railbanked rail corridor, the Eastside Rail Corridor, nor the I-405, nor SR-520 rights-of-way shall be considered front property lines.</u>
8	KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulations 6 for <u>horses large domestic animals</u> in KZC 115.20.5.d(4) (chart).

PROCESS IV A CODE AMENDMENTS; Page 2

9	KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which</del> shall comply with Special Regulations 6 for <del>horses</del> large domestic animals in KZC 115.20.5.d(4) (chart).
10	KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	There are no RSX zones in HCC jurisdiction.	Garages shall comply with the requirements of KZC 115.43, including required front yard. <del>These requirements are not effective within the</del> <del>approval jurisdiction of the Houghton Community Council.</del>
11	KZC 25.08.3 General Regulation for PR, PRA Zones	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to detached dwelling units).
12	KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>
13	KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>
14	KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>

15	KZC 51.08.3, MSC-1, 4 Zones, General Regulation	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to detached dwelling units).
16	KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
17	<del>KZC 55.39.090, TL 5</del> Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
18	KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
19	KZC 95.23.4.b Tree Removal - Not Associated with Development Activity	Make consistent with Planning Official appeals elsewhere in the code.	<del>b. An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>

PROCESS IVA CODE AMENDMENTS; Page 4

20	KZC 95.40.1.d., Required Landscaping	Out of date reference.	d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington-Northern Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor rights-of-way.
21	KZC 100.15, Signs, Scope and Exclusions	Codify common practice - exclude signs not visible from off-site from regulation. (From Interpretation 85-6, Part 2).	8. Exterior signs or displays not visible from streets or ways open to the public. 9. Signs in the interior of a building more than three feet from the closest window or not facing a window.
22	KZC 100.50.1.a, Signs, Designated Corridors	Out of date reference.	a. Market Street between Central Way and N.E. 106th Street/Forbes Creek Drive.
23	KZC 100.65.1, Signs,	Codify common practice. (From Interpretation 86-16).	1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building to which they are attached, unless on a parapet or similar architectural feature.
24	KZC 100.115, Signs, Temporary/Special Signs	Clarify permitted duration of display of a Temporary Commercial Sign. (From Interpretation 95-4 (Part 2)	Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.
25	KZC 115.07.10.c, Accessory Dwelling Units	Make consistent with Planning Official appeals elsewhere in the code.	c. Appeals. <del>An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>

<p>26</p>	<p>KZC 115.80.2, Legal building Site</p>	<p>Clarify that lot sizes can be varied per the existing provisions found in the subdivision ordinance.</p>	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:  a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or  b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or  c. <u>The lot size was approved pursuant to all applicable laws, ordinances and regulations; or</u>  <u>ed.</u> The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</p>
<p>27</p>	<p>KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>28</p>	<p>KZC 118.20, Hazardous Liquid Pipelines</p>	<p>Make consistent with high consequence land use regulations in 118.60.</p>	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within <del>150</del>500 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>

PROCESS IVA CODE AMENDMENTS; Page 6

29	KZC 127, Temporary Use	Streamline temporary use permit (TUP) process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's.	see Exhibit 3
30	KZC 145.60.1.b., Process I Appeals	Clarification.	1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application during the comment period established in the <u>Notice of Application</u> .

PROCESS IV A CODE AMENDMENTS; Page 1

Exh.

CODE SECTION	REASON	DRAFT AMENDMENT
1 KMC 1.12.050.e Code Enforcement	Wording is unclear.	(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared occurred and assessing the appropriate monetary penalty. The city will carry out...
2 KMC 3.30.010 Design Review Board	Planning Director is no longer needed as a nonvoting member of the DRB in an advisory role. Staff provides this function.	The design review board shall be composed of seven appointed members. In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues. Members shall be appointed...
3 KMC 24.02.038 SEPA Policies	The SMP is no longer in Title 24. It is integrated into the Comprehensive Plan and Zoning Code and does not need to be referenced in the KMC as a SEPA policy.	(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, including the Shoreline Master Program), Title 25 (Concurrency Management), and Title 28 (Landmarks);
4 KZC 5.10.020 Definitions	Clarification.	Adjoining - Property that touches or is directly across a street, other than a principal arterial, from the subject property. For the purposes of applying the regulations that limit the height and horizontal length of façade adjoining a low density zone, the regulations shall only apply within an area 100 feet of and parallel to the boundary line of a low density use in a low density zone (as shown on Plate 18).
5 KZC 5.10.100 Definitions	Out of date reference.	Building Official - "Building Official" as that term is defined in the Uniform Building Code as adopted in KMC Title 21 The Building Services Manager or his/her designee.
6 KZC 5.10.110 Definitions	Out of date reference.	Certificate of Occupancy - "Certificate of Occupancy," as that term is defined in the Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.
7 KZC 5.10.210 Definitions	Out of date reference.	Development Activity - Any work, condition or activity which requires a permit or approval under this code or the Uniform Building Code KMC Title 21, Buildings and Construction.

PROCESS IV A CODE AMENDMENTS; Page 2

Exhibit 2

8	KZC 5.10.720.1 Definitions	Out of date reference.	...Neither the <del>Burlington-Northern</del> Cross Kirkland Corridor railbanked rail corridor, nor the I-405, nor SR-520 rights-of-way shall be considered front property lines.
9	KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which</del> shall comply with Special Rregulations 6 for <del>horse</del> large domestic animals in KZC 115.20.5.d(4) <del>(chart)</del> .
10	KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which</del> shall comply with Special Rregulations 6 for <del>horse</del> large domestic animals in KZC 115.20.5.d(4) <del>(chart)</del> .
11	KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	There are no RSX zones in HCC jurisdiction.	Garages shall comply with the requirements of KZC 115.43, including required front yard. <del>These requirements are not effective within the</del> <del>disapproval jurisdiction of the Houghton Community Council.</del>
12	KZC 25.08.3 General Regulation for PR, PRA Zones	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. <del>(Does not apply to detached dwelling units).</del>
13	KZC 40.10.055, BIV, BVA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>
14	KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>

15	KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>
16	KZC 51.08.3, MSC-1, 4 Zones, General Regulation	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to detached dwelling units).
17	KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>
18	KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>
19	KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>

20	KZC 95.23.4.b Tree Removal - Not Associated with Development Activity	Make consistent with Planning Official appeals elsewhere in the code.	<p><del>b. An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
21	KZC 95.40.1.d., Required Landscaping	Out of date reference.	<p>d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington Northern Cross Kirkland Corridor railbanked rail corridor rights-of-way.</p>
22	KZC 100.15, Signs, Scope and Exclusions	Codify common practice - exclude signs not visible from off-site from regulation. (From Interpretation 85-6, Part 2).	<p>8. Sign message not visible from off-site.</p>
23	KZC 100.50.1.a, Signs, Designated Corridors	Out of date reference.	<p>a. Market Street between Central Way and N.E. 106th Street Forbes Creek Drive.</p>
24	KZC 100.65.1, Signs,	Codify common practice. (From Interpretation 86-16).	<p>1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building to which they are attached, unless on a parapet or similar architectural feature.</p>
25	KZC 100.115, Signs, Temporary/Special Signs	Clarify permitted duration of display of a Temporary Commercial Sign. (From Interpretation 95-4 (Part 2))	<p>Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.</p>

<p>26</p>	<p>KZC 115.07.10.c, Accessory Dwelling Units</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>c. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>27</p>	<p>KZC 115.80.2, Legal building Site</p>	<p>Clarify that lot sizes can be varied per the existing provisions found in the subdivision ordinance.</p>	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:  a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or  b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or  c. <u>The provisions addressing lot size, lot size averaging, and historic preservation contained in Chapter 22.28 KMC were utilized in the creation of the lot or parcel; or</u>  ed. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</p>

PROCESS IVA CODE AMENDMENTS; Page 6

Exhibit 2

28	KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review	Make consistent with Planning Official appeals elsewhere in the code.	<p><del>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
29	KZC 118.20, Hazardous Liquid Pipelines	Make consistent with high consequence land use regulations in 118.60.	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within 50500 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>
30	KZC 127, Temporary Use	Streamline temporary use permit (TUP) process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's.	see Exhibit 3
31	KZC 142.40.11.a, Design Review, Decision on the Appeal	Not relevant to DRB review.	<p>a. <u>Criteria</u> - Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, design guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.</p>
32	KZC 145.60.1.b., Process I Appeals	Clarification.	<p>1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application during the comment period established in the Notice of Application.</p>

33	KZC 170.50 Conflict of Provisions	Clarify that the Comprehensive Plan is not a regulation.	<p><u>Conflict of Provisions</u> - The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. If the provisions of this code conflict one (1) with another, or if a provision of this code conflicts with the provision of another ordinance of the City (<u>except the Comprehensive Plan unless incorporated by reference in the regulation</u>), the most restrictive provision or the provision imposing the highest standard prevails.</p>
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**PROCESS IVA CODE AMENDMENTS****Chapter 127 – TEMPORARY USE**

(Only sections that are proposed for amendment are shown)

**127.10 Process for Deciding Upon a Proposed Temporary Use**

An application for a temporary use permit will be reviewed and decided upon by the Planning ~~Director~~Official.

**127.42 Notice Requirements for Homeless Encampments in New Locations**

1. Applicability - The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

21. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

32. A Notice of Application for Homeless Encampment shall be provided prior to the Planning ~~Director's~~Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:

- a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the ~~Director's~~Official's decision.
- b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the ~~Director's~~Official's decision.
- c. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning ~~Director's~~Official's decision.
- d. The notice will be posted on the City's website.

43. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning ~~Director~~Official and appeal procedure and be distributed as required for notice of application within four business days after the decision.

#### **127.44 Notice Requirements for Homeless Encampments at Repeat Locations**

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.
2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.
3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.

#### **127.45 Appeals**

There is no administrative appeal of the Planning ~~Director's~~Official's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

**From:** [Johanna Palmer](#)  
**To:** [Nancy Cox](#)  
**Subject:** RE: Roster of Proposed Process IVA Code Amendments  
**Date:** Friday, March 15, 2013 2:25:45 PM

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Hello Nancy,

I have a question that relates to two of the proposed changes. They are KZC 95.40.1.d and 5.10.720.1. The change in wording does not include the former Burlington Northern right-of-way that is within the City of Kirkland boundaries but was not purchased as part of the CKC. This would be the portion East of 132<sup>nd</sup>/Slater.

I would think the standards and definitions should apply to the section controlled by King County.

Johanna Palmer

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**From:** Nancy Cox [mailto:[NCox@kirklandwa.gov](mailto:NCox@kirklandwa.gov)]  
**Sent:** Friday, March 15, 2013 2:05 PM  
**To:** Nancy Cox  
**Subject:** Roster of Proposed Process IVA Code Amendments

Dear City Council, Planning Commission, and Houghton Community Council members:

Attached is a roster of proposed Process IVA code amendments that amend a variety of Zoning Code provisions. The Process IVA code amendment process is an abbreviated process used for review of Zoning Code amendments which are not controversial and do not need extensive policy study. The roster also includes some Kirkland Municipal Code amendments.

The City Council is scheduled to review the roster at its regular meeting on April 16, 2013 (we are required to distribute it 30 days in advance). At that time, the City Council will decide whether all of the entries on the roster are appropriate for the abbreviated review. Once the roster is established, the Planning Director will hold a public hearing and make a final recommendation to the City Council on the amendments. The Houghton Community Council may elect to participate in a joint hearing with the Planning Director to take testimony on the proposed amendments.

The attached roster is also being distributed to the Neighborhood Associations and the Chamber of Commerce, and will be posted on the Planning Department's [webpage](#).

If you have any comments, please contact Nancy Cox by email at [ncox@kirklandwa.gov](mailto:ncox@kirklandwa.gov) or phone (425) 587-3228.

Thank you.

*Nancy Cox*  
Development Review Manager  
City of Kirkland Planning Department  
(425) 587-3228

**Prins Cowin**

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**From:** Chuck Pilcher <chuck@bourlandweb.com>  
**Sent:** Friday, March 15, 2013 4:58 PM  
**To:** City Council; Planning Commissioners  
**Cc:** Chuck Pilcher; Dione Godfrey; Atis Freimanis; Shawn Greene; Charles & Laura Loomis; Chuck Greene; Peter W. Powell; Karen Levenson; Robin Herberger; Maureen Kelly; Jack & Diane Rogers; Tom Grimm  
**Subject:** Abbreviated amendments, Process IV.A

Dear Council and Planning Commission:

Regarding the roster of proposed Process IV.A code amendments to amend a variety of Zoning Code provisions, I would ask that the following two items be removed from the list as inappropriate for the abbreviated review because they do not qualify as "not controversial." and require further citizen input and Council evaluation.

- 142.40.11 is controversial because it removes the Comp Plan as a criteria on which Design Review decisions can be appealed, while the Comp Plan is our overall vision for the City and should drive our Zoning Code and decisions related thereto.
- 170.50 is definitely controversial, again because it emasculates the Comp Plan as a guiding document for our zoning decisions. If the Zoning Code does not reflect our Comp Plan, then the Comp plan has no value.

Please remove these before your April 16, 2013 review.

Chuck Pilcher  
[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)  
 206-915-8593

<p>KZC 142.40.11.a, Design Review, Decision on the Appeal</p>	<p>Not relevant to DRB review.</p>	<p>a. <u>Criteria</u> - Unless substantial relevant was not considered by the Design Review Board shall be accorded may be reversed or modified if, after a light of the design regulations, design Plan, the hearing body or officer determined. Specific allowances established may not be appealed unless the Design exceptions to those allowances.</p>
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<p>KZC 170.50 Conflict of Provisions</p>	<p>Clarify that the Comprehensive Plan is not a regulation.</p>	<p><u>Conflict of Provisions</u> - The standards, the code are the minimum necessary for the welfare of the residents of Kirkland. If more rigorous or different standards, procedures become necessary. If the provision conflicts with another, or if a provision of this code conflicts with another ordinance of the City (<u>except those incorporated by reference in the regulations</u>) or the provision imposing the</p>
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## Prins Cowin

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**From:** Maureen Kelly <maureenkelly@outlook.com>  
**Sent:** Friday, March 15, 2013 5:22 PM  
**To:** City Council; Planning Commissioners  
**Cc:** 'Dione Godfrey'; 'Atis Freimanis'; 'Shawn Greene'; 'Charles & Laura Loomis'; 'Chuck Greene'; 'Chuck Pilcher'; 'Peter W. Powell'; 'Karen Levenson'; 'Robin Herberger'; 'Jack & Diane Rogers'; 'Tom Grimm'  
**Subject:** RE: Abbreviated amendments, Process IV.A

Dear Council and Planning Commission:

Regarding the roster of proposed Process IV.A code amendments to amend a variety of Zoning Code provisions, I would ask that the following two items be removed from the list as inappropriate for the abbreviated review because they do not qualify as "not controversial." and require further citizen input and Council evaluation.

142.40.11 is controversial because it removes the Comp Plan as a criteria on which Design Review decisions can be appealed, while the Comp Plan is our overall vision for the City and should drive our Zoning Code and decisions related thereto.

170.50 is definitely controversial, again because it emasculates the Comp Plan as a guiding document for our zoning decisions. If the Zoning Code does not reflect our Comp Plan, then the Comp plan has no value.

Please remove these before your April 16, 2013 review.

Maureen Kelly  
206 465 5550  
[maureenkelly@outlook.com](mailto:maureenkelly@outlook.com)

**Prins Cowin**

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**From:** uwkkg@aol.com  
**Sent:** Friday, March 15, 2013 5:55 PM  
**To:** maureenkelly@outlook.com; City Council; Planning Commissioners; Kurt Triplett; Joan McBride; Doreen Marchione; Penny Sweet; Amy Walen; Bob Sternoff; Dave Asher; Toby Nixon; Mike Miller; Jay Arnold; Jon Pascal; Byron Katsuyama; Andrew Held; Glenn Peterson; C Ray Allshouse  
**Cc:** Alohadione@comcast.net; freimanis@sbcglobal.net; shawn@czgreene.com; lauraloomis923@gmail.com; czg@czgreene.com; chuck@bourlandweb.com; pwpowell@powelldev.com; mediaworks1@frontier.com; jrogers407@comcast.net; grimm@ryanlaw.com  
**Subject:** Citizen comments re: Council Mtg & Abbreviated amendments, Process IV.A

Dear Council Members:

I want to "DITTO" all of Maureen's remarks.

I could retype her remarks or reformulate them so that you are reading something different, however, I think you get the point.

I also think you have some idea of how strongly the neighbors will feel about these items.

I am often amazed by the looseness with which our staff claims things are "not controversial." Have they been sleeping through recent controversies? Have they not heard how much the citizens value the Comprehensive Plan and the Neighborhood Plans (both of which they help create in order to help guide development in our city). Have they not heard this with every recent zoning change, PAR, etc?? If they haven't heard loud and clear that these are valued and extremely important, then what are we are paying them for? Warming a chair?

Thanks,  
 Karen Levenson  
 6620 Lake Washington Blvd NE, Kirkland, WA

-----Original Message-----

From: Maureen Kelly <maureenkelly@outlook.com>  
 To: 'Kirkland City Council' <citycouncil@kirklandwa.gov>; PlanningCommissioners <PlanningCommissioners@kirklandwa.gov>  
 Cc: 'Dione Godfrey' <Alohadione@comcast.net>; 'Atis Freimanis' <freimanis@sbcglobal.net>; 'Shawn Greene' <shawn@czgreene.com>; 'Charles & Laura Loomis' <lauraloomis923@gmail.com>; 'Chuck Greene' <czg@czgreene.com>; 'Chuck Pilcher' <chuck@bourlandweb.com>; 'Peter W. Powell' <pwpowell@powelldev.com>; 'Karen Levenson' <Uwkkg@aol.com>; 'Robin Herberger' <mediaworks1@frontier.com>; 'Jack & Diane Rogers' <jrogers407@comcast.net>; 'Tom Grimm' <grimm@ryanlaw.com>  
 Sent: Fri, Mar 15, 2013 5:20 pm  
 Subject: RE: Abbreviated amendments, Process IV.A

Dear Council and Planning Commission:

Regarding the roster of proposed Process IV.A code amendments to amend a variety of Zoning Code provisions, I would ask that the following two items be removed from the list as inappropriate for the abbreviated review because they do not qualify as "not controversial." and require further citizen input and Council evaluation.

142.40.11 is controversial because it removes the Comp Plan as a criteria on which Design Review decisions can be appealed, while the Comp Plan is our overall vision for the City and should drive our Zoning Code and decisions related thereto.

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Please remove these before your April 16, 2013 review.

Maureen Kelly  
206 465 5550  
[maureenkelly@outlook.com](mailto:maureenkelly@outlook.com)





**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, Planning Director  
Nancy Cox, Development Review Manager

**Date:** January 26, 2012

**Subject:** Land Use Permit Fee Schedule Changes

**RECOMMENDATION**

Staff recommends that the City Council approve Planning fee schedule changes by adopting an ordinance amending Chapter 5.74.070 of the Kirkland Municipal Code.

**BACKGROUND DISCUSSION**

Staff has notified the development community and homeless advocates about the changes noted below. Notices have been displayed on the counters at City Hall and posted on the developer's list serve. As of this date, we have not received any comments. We will report at the meeting if any are received.

The proposed changes to the fee schedule fall into the following categories:

Format/Typographical errors

- Move Noise Variance fee from Planning Director Decisions to Planning Official Decisions to more accurately reflect the decision-maker.
- Reformat "Other Process I" fees like the "Other Process IIA" and "Other IIB fees." This change makes the format of the fee schedule consistent.
- In the Process I Review list, move Home Occupation and Historic Residence Designation fees to be clear they are separate from Other Process I Fees.
- Add the Subdivision Alteration fee to the Process IIA list. Change the Subdivision Vacation or Alteration title under Process IIB to just Subdivision Vacation. These changes reflect the correct process for each.
- Delete any mention of Process III. Process III permits were deleted from the Zoning Code in 2011.

### Clarifications

- Add a note under Planning Official decisions that Public Works may have additional costs for parking modifications per KMC 5.74.040 (\$75.00 per hour). The City's Transportation Engineer reviews most all parking modifications already and this puts applicants on notice that there may be additional hourly charges.
- Add note that there is no fee for code enforcement hearings. The previous language, "No fee for appeals of Notice of Civil Infraction or Order to Cease Activity" is deleted because of code changes in 2011.

### Affordable Housing related

- Add a Planning Director Decision fee of \$1,049.00 for Additional Affordable Housing Incentive – Density Bonus. The current fee schedule does not have fees for Section 112.25.2 related to the Additional Affordable Housing Incentive – Density Bonus. This section allows an applicant to request more than the standard density bonus allowed and was changed from a Process IIA decision to a Planning Director decision when the code was amended to make the affordable housing incentives mandatory. A fee was not added to the fee schedule when the change was made which was an oversight. Staff is recommending the same fee as several other Planning Director decisions.

### Homeless Encampment related

- Add a Process I Review fee of \$424.00 for Homeless Encampment Temporary Use with Modifications. Homeless encampment applications that meet the code standards in Chapter 127 Temporary Use Permits have a discounted fee of \$212.00. KZC 127.43 requires a Process I permit if applicants seek to modify one of the code standards. A fee has never been established for this type of permit. Presuming a discounted fee is again appropriate; staff is recommending simply doubling the basic fee.

Integrated Development Plan (IDP) related – The IDP\* was incorporated into KZC Chapter 95 - Tree Management and Required Landscaping in 2010. The City has not seen interest in IDP's until recently from the development community. Now that they are being used, staff has become aware that there are gaps in the fee schedule.

- Clarify that there is no charge for a second pre-submittal meeting if it is for an IDP. Two pre-submittal meetings are generally required for an IDP project. The fee schedule should note that there is no charge for the second pre-submittal for an IDP.
- IDP modifications:
  - Add Planning Official fee of \$525.00 when minimum tree density credits are not decreased per KZC 95.30.6.b.1);
  - Add Planning Official fee of \$828.00 when requesting a decrease in the number of tree density credits per KZC 95.30.6.b.2);

January 26, 2012

- Add Hearing Examiner fee of \$1,049.00 per KZC 95.30.6.b.3).  
To consider modifications to an IDP after approval requires increasingly careful consideration as described in the code excerpt below. The proposed fees are reflective of the additional time required to consider the modification requests as the project progresses. Below is the section of the code addressing IDP modifications:

95.30.6.b. Modifications to Tree Retention Plan for Short Plats and Subdivisions.  
A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.

For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:

- 1) Modification – General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.
- 2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:
  - a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and
  - b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.
- 3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:
  - a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
  - b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;
  - c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;

January 26, 2012

- d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and
- e) Said comment period shall not be less than 14 calendar days.

\*An IDP is a copy of the plat map that includes the topography and the footprints of each home, and shows how each home will be accessed and served by utilities. The IDP also shows the tree retention plan information specified in Kirkland Zoning Code Chapter 95 (KZC 95.30) and includes an arborist report. Once approved along with the subdivision application:

1) the Land Surface Modification (LSM or grading) permit can authorize all of the site preparations including utility and road work, home site grading, and clearing of all trees approved for removal under the IDP;

2) the successive applications (i.e. demolition or building permit applications) can be reviewed faster through consolidation of Planning and Urban Forestry reviews; and

3) the LSM and building permit applications can be submitted prior to short plat or subdivision recording. Building permits can be issued once the short plat or subdivision is recorded.

cc: File MIS11-00023  
Alphabetical file

ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, HOMELESS ENCAMPMENT WITH MODIFICATION FEE AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The schedule contained in KMC 5.74.070 is hereby amended to read as follows:

**5.74.070 Fees charged by planning department.**  
 (a) The schedule below establishes fees charged by the planning department. The entire fee must be paid before the review or processing begins, except as otherwise specified.

FEE TYPE	FEE AMOUNT
<b>Preliminary Project Review</b>	
Pre-submittal Meeting, Integrated Development Plan, and/or Pre-design Conference Note: Fee subtracted from the application fee if the application is submitted within six months of the date of the preliminary project review meeting date. Credit does not apply to subsequent meetings related to the same project. <u>No charge for second pre-submittal meeting if for Integrated Development Plan.</u>	\$504.00
<b>Planning Official Decisions</b>	
Accessory Dwelling Unit (not required if reviewed concurrently with a building permit)	\$414.00
Personal Wireless Service Facility Planning Official Decision	\$8,352.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$828.00
Parking Modification ( <u>additional Public Works fees may be required per KMC 5.74.040</u> )	\$525.00
Sensitive Area Planning Official Decision	\$2,071.00
Administrative Design Review  If application involves new gross floor area (new buildings or additions to existing buildings)	\$2,071.00

No new gross floor area	\$0.00
Master Sign Plan Approval Modification	\$828.00
Off-Site Directional Sign Approval Modification	\$525.00
Design Review Approval Modification	\$1,049.00
Design Review Approval Extension	\$414.00
Historic Residence Alteration	\$828.00
Rooftop Appurtenance Modification	\$828.00
Multiple Private or ROW Tree Removal Permit	\$200.00
Forest Management Plan	\$300.00
Shoreline Area – Alternative Options for Tree Replacement or for Vegetation Compliance in Setback	\$200.00
Shoreline Substantial Development Exemption	\$200.00
<u>Noise Variance</u>	<u>\$525.00</u>
<u>Integrated Development Plan modification per KZC 95.30.6.b.1)</u>	<u>\$525.00</u>
<u>Integrated Development Plan modification per KZC 95.30.6.b.2)</u>	<u>\$828.00</u>
<b>Planning Director Decisions</b>	
Temporary Use Permit	\$212.00
Variance Exception	\$1,049.00
Off-Site Directional Sign	\$1,049.00
Master Sign Plan	\$2,927.00
Short Plat or Subdivision Approval Modification	\$828.00
Process I Approval Modification	\$828.00
Process IIA, IIB or III Approval Modification	\$1,049.00
Lot Line Alteration	\$1,049.00
Binding Site Plan	\$2,085.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,049.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$525.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$525.00
<del>Noise Variance</del>	<del>\$525.00</del>
<u>Additional Affordable Housing Incentive – Density Bonus</u>	<u>\$1,049.00</u>
<b>Process I Review</b>	
Short Subdivision	

Base Fee	\$4,141.00
Fee per lot	\$966.00
<b>Innovative Short Subdivision</b>	
Fixed Fee	\$6,764.00
Fee per lot	\$966.00
<b>Substantial Development Permit</b>	
Piers and Docks Associated with Multifamily Development and Marinas and Moorage Facilities Associated with Commercial Uses	\$10,436.00
Other Shoreline Improvements	\$4,473.00
<u>Historic Residence Designation</u>	<u>\$1,062.00</u>
<u>Home Occupation</u>	<u>\$1,062.00</u>
<u>Homeless Encampment Temporary Use with Modifications</u>	<u>\$424.00</u>
Personal Wireless Service Facility Process I Review	\$10,436.00
<b>Other Process I Review</b>	
<b>Residential</b>	
Base Fee	\$4,141.00
Fee per new residential unit	\$483.00
<b>Nonresidential</b>	
Base Fee	\$4,141.00
Fee per square foot new GFA	\$0.29
<b>Mixed Use</b>	
Base Fee	\$4,141.00
Fee per new unit	\$483.00
Fee per square foot new GFA	\$0.29
<u>Other Process I</u>	
Base Fee	<u>\$4,141.00</u>
Fee per new residential unit	<u>\$483.00</u>
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<b>Process IIA Review</b>	
<b>Preliminary Subdivision</b>	
Fixed Fee	\$8,711.00
Fee per lot	\$1,049.00

Innovative Preliminary Subdivision	
Fixed Fee	\$10,795.00
Fee per lot	\$1,049.00
<u>Subdivision Alteration</u>	<u>\$8,945.00</u>
Personal Wireless Service Facility Process IIA Review	\$20,210.00
Other IIA	
Base Fee	\$7,303.00
Fee per new residential unit	\$414.00
Fee per sq. ft. new non-residential GFA	\$0.41
<b>Process IIB &amp; <del>Process III</del> Review</b>	
<del>Subdivision Vacation or Alteration</del>	\$8,945.00
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Other IIB <del>or III</del>	
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Base Fee	\$11,265.00
Fee per new residential unit (including Short Subdivisions reviewed through <u>Process IIB per KMC 22.28.030</u> )	\$414.00
Fee per sq. ft. new non-residential GFA	\$0.41
<b><u>Hearing Examiner Review</u></b>	
<u>Integrated Development Plan Modification per KZC 95.30.6.b.3)</u>	<u>\$1,049.00</u>

<b>Design Board Review</b>	
Design Board Concept Review	\$1,427.00
Design Board Design Response Review	
Base Fee	\$4,371.00
Fee per new unit	\$201.00
Fee per sq. ft. new GFA	\$0.20
<b>State Environmental Policy Act (SEPA)</b>	
Review of Environmental Checklist	

Base Fee	\$552.00
Estimated Number of PM Peak Trips	
Less than 20 trips	\$903.00
21—50 trips	\$1,805.00
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Greater than 200 trips	\$7,221.00
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<b>Preparation of Environmental Impact Statement (EIS)</b>	
* The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the city will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the city an amount not less than \$5,000 to provide for the city's cost of review and processing an EIS. If the anticipated cost exceeds \$5,000, the city may require the applicant to deposit enough money to cover the anticipated cost.	
<b>Miscellaneous</b>	
Appeals and Challenges	
Appeals	\$207.00
Challenges	\$207.00
Note: No Fee for <del>appeals of Notice of Civil Infraction or Order to Cease Activity</del> <u>code enforcement hearings</u>	
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Greater than 200 trips	\$1,911.00
<b>Fees for Comprehensive Plan and Zoning Text Amendment Requests</b>	

Request for property-specific map change	
Initial request	\$319.00
If request is authorized by city council for review	\$319.00
Request for city-wide or neighborhood-wide policy change	No charge

**General Notes:**

1. Fee Reduction for Applications Processed Together: When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.
2. Projects with greater than 50 dwelling units or 50,000 sq. ft. nonresidential GFA: The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one-half.
3. Note for Sensitive Areas permits:
  - a. In cases where technical expertise is required, the Planning Official may require the applicant to fund such studies.
  - b. Voluntary wetland restoration and voluntary stream rehabilitation projects are not subject to fees.
4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.
5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.

(b) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased, by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

(c) MyBuildingPermit.com Surcharge. In addition to the fees listed in this section there shall be a one and three-tenths percent surcharge collected to pay for the city's MyBuildingPermit.com membership fees.

Exception: The MyBuildingPermit.com surcharge does not apply to the fees for comprehensive plan and zoning text amendment requests.

Section 2. This ordinance shall be in force and effect on March 1, 2012, after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

SECTION 1. Amends KMC 5.74.070 relating to Planning Department fees and adds an affordable housing incentive fee and fees for integrated development plan modifications.

SECTION 2. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as March 1, 2012, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields, Planning Director  
Nancy Cox, Development Review Manager  
**Date:** January 5, 2012  
**Subject:** Land Use Permit Fee Schedule Changes

**RECOMMENDATION**

Staff recommends that the City Council approve Planning Department fee schedule changes by adopting an ordinance amending Chapter 5.74.070 of the Kirkland Municipal Code.

**BACKGROUND DISCUSSION**

The proposed changes to the fee schedule fall into the following categories:

Format/Typographical errors

- Move Noise Variance fee from Planning Director Decisions to Planning Official Decisions to more accurately reflect the decision-maker.
- Reformat "Other Process I" fees like the "Other Process IIA" and "Other IIB fees." This change makes the format of the fee schedule consistent.
- In the Process I Review list, move Home Occupation and Historic Residence Designation fees to be clear they are separate from Other Process I Fees.
- Add the Subdivision Alteration fee to the Process IIA list. Change the Subdivision Vacation or Alteration title under Process IIB to just Subdivision Vacation. These changes reflect the correct process for each.
- Delete any mention of Process III. Process III permits were deleted from the Zoning Code in 2011.

Clarifications

- Add a note under Planning Official decisions that Public Works may have additional costs for parking modifications per KMC 5.74.040 (\$75.00 per hour). The City's Transportation Engineer reviews most all parking modifications already

and this puts applicants on notice that there may be additional hourly charges.

- Add a note that there is no fee for code enforcement hearings. The previous language, "No fee for appeals of Notice of Civil Infraction or Order to Cease Activity" is deleted because of code changes in 2011.

#### Affordable Housing related

- Add a Planning Director Decision fee of \$1,049.00 for Additional Affordable Housing Incentive – Density Bonus. The current fee schedule does not have fees for Section 112.25.2 related to the Additional Affordable Housing Incentive – Density Bonus. This section allows an applicant to request more than the standard density bonus allowed and was changed from a Process IIA decision to a Planning Director decision when the code was amended to make the affordable housing incentives mandatory. A fee was not added to the fee schedule when the change was made which was an oversight. Staff is recommending the same fee as several other Planning Director decisions.

#### Homeless Encampment related

- Add a Process I Review fee of \$424.00 for Homeless Encampment Temporary Use with Modifications. Homeless encampment applications that meet the code standards in Chapter 127 Temporary Use Permits have a discounted fee of \$212.00. KZC 127.43 requires a Process I permit if applicants seek to modify one of the code standards. A fee has never been established for this type of permit. Presuming a discounted fee is again appropriate; staff is recommending simply doubling the basic fee.

Integrated Development Plan (IDP) related – The IDP\* was incorporated into KZC Chapter 95 - Tree Management and Required Landscaping in 2010. The City has not seen interest in IDP's from the development community until recently. Now that they are being used, staff has become aware that there are gaps in the fee schedule.

- Clarify that there is no charge for a second pre-submittal meeting if it is for an IDP. Two pre-submittal meetings are generally required for an IDP project. The fee schedule should note that there is no charge for the second pre-submittal for an IDP.
- IDP modifications:
  - Add Planning Official fee of \$525.00 when minimum tree density credits are not decreased per KZC 95.30.6.b.1);
  - Add Planning Official fee of \$828.00 when requesting a decrease in the number of tree density credits per KZC 95.30.6.b.2);
  - Add Hearing Examiner fee of \$1,049.00 per KZC 95.30.6.b.3).

To consider modifications to an IDP after approval requires increasingly careful consideration as described in the code excerpt below. The proposed fees are

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reflective of the additional time required to consider the modification requests as the project progresses.

95.30.6.b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.

For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:

- 1) Modification – General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.
- 2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:
  - a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and
  - b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.
- 3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:
  - a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
  - b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;

January 5, 2012

- c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;
- d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and
- e) Said comment period shall not be less than 14 calendar days.

\*An IDP is a copy of the plat map that includes the topography and the footprints of each home, and shows how each home will be accessed and served by utilities. The IDP also shows the tree retention plan information specified in Kirkland Zoning Code Chapter 95 (KZC 95.30) and includes an arborist report. Once approved along with the short plat application:

1) the Land Surface Modification (LSM or grading) permit can authorize all of the site preparations including utility and road work, home site grading, and clearing of all trees approved for removal under the IDP;

2) the successive applications (i.e. demolition or building permit applications) can be reviewed faster through consolidation of Planning and Urban Forestry reviews; and

3) the LSM and building permit applications can be submitted prior to short plat or subdivision recording. Building permits can be issued once the short plat or subdivision records.

cc: File MIS11-00023  
Alphabetical file

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4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.
5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.

(b) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased, by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

(c) MyBuildingPermit.com Surcharge. In addition to the fees listed in this section there shall be a one and three-tenths percent surcharge collected to pay for the city's MyBuildingPermit.com membership fees.

Exception: The MyBuildingPermit.com surcharge does not apply to the fees for comprehensive plan and zoning text amendment requests.

Section 2. This ordinance shall be in force and effect on February 1, 2012, after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

SECTION 1. Amends KMC 5.74.070 relating to Planning Department fees and adds an affordable housing incentive fee and fees for integrated development plan modifications.

SECTION 2. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as February 1, 2012, 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 \_\_\_\_ day of \_\_\_\_\_, 2012.

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

\_\_\_\_\_  
City Clerk



**CITY OF KIRKLAND  
PLANNING & COMMUNITY DEVELOPMENT  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3225  
www.ci.kirkland.wa.us**

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**HOUGHTON COMMUNITY COUNCIL**

**A G E N D A**

**ROSE HILL ROOM**

7:00 PM

November 28, 2005

1. Call to Order and Roll Call
2. Reading and/or Approval of Minutes:
  - a. October 10, 2005
3. Announcement of Agenda
4. Council Member Reports and Comments
5. Work Program Review
6. Requests from the Audience - limited to 5 minutes
7. Hearings
  - A. 2005 Comprehensive Plan Amendments, File No. ZON05-00026 **20 Minutes**  
PURPOSE: Hold courtesy hearing on amendments  
ACTION: Make recommendation to the City Council  
STAFF CONTACT: Teresa Swan, Senior Planner, 425-587-3258 or tswan@ci.kirkland.wa.us
8. Unfinished Business
  - A. **Final Approval:** **15 Minutes**  
Chapter 110 Amendments, File No. ZON05-00013  
PURPOSE: Review City Council's action on amendments to Chapter 110  
ACTION: Adopt Resolution 2005-8 giving final approval to the amendments  
STAFF CONTACT: Rob Jammerman, Public Works Department, (425) 587 3845 or rjammerman@ci.kirkland.wa.us

B. **Final Approval:** **30 Minutes**

Zoning Code and Municipal Code Amendments for new Tree Management and Required Landscaping Regulations, RESOLUTION 2005-6 - File No. IV-03-101

PURPOSE: Review and take action Resolution 2005-6 to approve Ordinances No. 4010 and 4011

ACTION: Adopt Resolution 2005-6 amending KZC Chapters 1, 5, 85, 90, 95, 105, 115, and 162 and KMC Chapter 22

STAFF CONTACT: Elizabeth Walker, Urban Forester, 425-587-3261 or ewalker@ci.kirkland.wa.us

C. **Final Approval:** **5 Minutes**

Renewal of the Interim Private Tree Ordinance No. 3865, RESOLUTION 2005-7, File No. IV-03-101

PURPOSE: Review and take action Resolution 2005-7 to renew the interim tree regulations to be in effect until December 31, 2005.

ACTION: Adopt Resolution 2005-7.

STAFF CONTACT: Elizabeth Walker, Urban Forester, 425-587-3261 or ewalker@ci.kirkland.wa.us

9. New Business

A. Homeless Encampment Amendment, File No. ZON05-00028 **45 Minutes**

PURPOSE: Review issues and provide direction to staff

ACTION: None

STAFF CONTACT: Nancy Cox, Development Review Manager, 425-587-3228 ncox@ci.kirkland.wa.us

10. Administrative Reports and Community Council Discussion

A. Houghton Transfer Station Oct. 18, 2005 City Council packet

PURPOSE: Information only, no presentation

ACTION: None

STAFF CONTACT: Elaine Borjeson, Engineering Analyst Public Works Dept., or eborjeson@ci.kirkland.wa.us

11. Adjournment

Note: If you would like more information on an item on this agenda, please call the Planning Department at 425.587.3225. Please refer to the file number and the planner listed for that item.

The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425.587.3190, or for TTY Services call 425.587.3111 (by noon the work day prior to the meeting) if we can be of assistance. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Chairperson by raising your hand.

## **HOUGHTON COMMUNITY COUNCIL PUBLIC PARTICIPATION IN MEETINGS**

The Houghton Community Council is a body of seven elected officials who have authority over land use matters within the boundaries of the former Town of Houghton. The Community Council reviews proposals to revise the Comprehensive Plan and Zoning Code and certain quasi-judicial development permits. The Department of Planning and Community Development and other City departments provide staff support to the Community Council.

### **General**

The Community Council strongly encourages public input. At Community Council meetings, public comments may be provided as described below. Those wishing to speak to the Council are asked to observe the following rules:

- All comments must be provided from the podium.
- Speakers must state their full name and address.
- Comments should be brief and repetition should be avoided.

### **Requests from the Audience**

A time is scheduled near the beginning of each Community Council meeting for the public to address the Community Council about any issue that is not the subject of a hearing at the same meeting. Comments should generally be limited to 5 minutes in length.

### **Study Sessions**

The Community Council usually holds study sessions on Comprehensive Plan or Zoning Code amendments. These meetings provide an opportunity for the Commission to informally discuss the proposals and provide direction to staff. Time permitting, the Community Council may allow comments from the audience on the study topic.

### **Public Hearings on Plan or Code Amendments**

The Community Council may choose to hold a public hearing on Plan or Code amendments. The hearing provides a formal opportunity for anyone to state their opinions or provide information to the Community Council. In order to ensure a fair and orderly opportunity for everyone to speak the Council uses the following procedures:

- After the hearing is opened, the City staff will give a presentation that describes the proposal.
- If a private applicant initiated the proposal, he or she will be allowed to speak first.
- Any other person wanting to speak will be allowed to do so. Speakers will be asked to fill in a speaker sign in sheet, and state their name and address for the tape recording.
- After everyone has had a chance to speak, those wanting to offer a brief rebuttal of others' comments will be allowed to do so.
- Council members may ask questions of speakers during or after their comments.
- When the Council determines they have enough information, the hearing will be closed and the Council will prepare their recommendation to the Planning Commission.

### **Public Hearings on Quasi-Judicial Development Permits**

For quasi-judicial development permits, the Hearing Examiner conducts a Joint Public Hearing with the Community Council. The hearing procedures are the same as above except that anyone presenting oral testimony is required to take the oath of affirmation to present the truth. After the all testimony is taken and the hearing is closed, the Community Council opens a Special Meeting and prepares its recommendation to the Hearing Examiner.

### **Written and/or Oral Testimony**

The Community Council welcomes letters and other written testimony as a supplement to or in place of oral comments. The materials may be submitted to the Department of Planning and Community Development prior to a Council meeting, or directly to the Council at a meeting. It is necessary to either submit written or oral testimony to receive a copy of the Hearing Examiner's decision or to challenge his/her recommendation to the City Council. Petitions are not considered testimony.





HOUGHTON COMMUNITY COUNCIL  
Special Joint Meeting With Planning Director  
January 10, 2006

**1. Call to Order and Roll Call 7:03 p.m.**

- Members Present: Chair Rick Whitney, Hugh Givens, Bill Goggins, Betsy Pringle, and Elsie Weber. Absent/Excused: David Hess, James Nickle
- City Staff present: Eric Shields, Nancy Cox, Jon Regala; Robin Jenkinson, City Attorney; Kathi Anderson, City Clerk; Lynn Stokesbary, Assistant City Manager; Lt. Hamilton, PD.
- Consultant Michael Bergstrom

**2. Oath of Office**

City Clerk Anderson administered the oath of office for each Councilmember.

**3. Election of Officers**

Chair announced election of officers. Ms. Pringle nominated Hugh Givens who declined; she nominated Rick Whitney as Chair. Nominations closed. Passed unanimously. Ms. Weber nominated Bill Goggins for Vice Chair. Nominations closed by acclamation. Passed unanimously.

**4. Reading and/or Approval of Minutes:**

- a. November 28, 2005 – It was moved and seconded that Council dispense with reading of the minutes. Passed unanimously. Corrections were noted:
  - Page 3, top, make the following edit: In the case of a veto, the HCC is required to write Council a letter listing what revisions they require.
  - Page 3 at the end of the bulleted items, add: Houghton Community Council offered to provide a subcommittee to meet with members of the Kirkland City Council to resolve differences.

It was moved and seconded by that minutes are approved as revised. Passed unanimously.

**5. Announcement of Agenda**

Chair announced the agenda.

**6. Council Member Reports and Comments**

Ms. Weber mentioned that a neighborhood meeting was planned for the Yarrow Bay Marina office redevelopment on January 11.

**7. Work Program Review**

**8. Requests from the Audience**

- **Don Goodwin**, resident of Tent City 4, Temple B'nai Torah Bellevue – favors Staff regulations for legislation; has had a good relationship with the City of Kirkland.

- **Leo Rhodes**, resident of Tent City 4, Temple B'nai Torah Bellevue – the City of Kirkland has been very supportive and he thinks that the proposed legislation is great.
- **Tom Sherrard**, 558 20<sup>th</sup> Avenue, Kirkland – when Tent City 4 was at his Methodist Church, it was a very positive experience; wants Council to consider the ordinance as proposed.
- **Naomi Lombard**, 10917 NE 66<sup>th</sup> Pl, Kirkland – her church Kirkland Congregational hosted Tent City 4 and it was a very positive experience; she supports the 90-day limit of the encampment.

Ms. Cox interjected that copies of all e-mails received on this subject have been distributed to everyone present.

- **James Kimbrough**, 12224 NE 8<sup>th</sup> St, Bellevue – was the Tent City point person for his Woodinville church. He said that residents of Tent City take the Code of Conduct seriously; some residents of Tent City were asked to leave when the rules were broken.
- **Margaret Schwender**, 6556 116<sup>th</sup> Pl NE, Kirkland – supports helping the homeless and is active in this endeavor. She supports the 90-day stay limitation and the proposed ordinance.
- **Scott St Clair**, 11704 NE 148<sup>th</sup> Pl, Kirkland – submitted information (Exhibit I) about court documents that recount Tent City law violations; supports solutions to homelessness other than tent cities; wants more regulation of tent city activities.

There being no further testimony, Chair closed audience participation on the homeless issue.

## **9. Special Joint Hearing with Planning Director 7:31 p.m.**

### **A. Chapter 117 Kirkland Zoning Code – Personal Wireless Service Facilities (PWSF) Regulations – File No. IV-03-13**

Mr. Bergstrom gave a presentation as set forth in his December 27, 2005 memo to Eric Shields. The industry has had the last three weeks to review this information and raise questions that have not been brought to Staff as of yet. The memo shows a summary of other entities' regulations and also had attached photos of various PWSF. Mr. Bergstrom reviewed the 16 issues discussed in the memo. He said that the overriding concern is that the community's priorities be reflected in the ordinance.

Ms. Pringle wanted clarification that all of the required information would be obtained from future applicants. Mr. Bergstrom said it would. He also explained about the use of "cubic" and "square" feet. He said that this is a holdover from the existing Code that uses cubic feet in residential zones and square feet in non-residential zones and "it works".

On a question from Mr. Goggins, Mr. Bergstrom stated he will write a clarification of pole diameter restrictions. There was brief discussion on this issue. On Mr. Shields' question, Mr. Bergstrom clarified height limitations in residential zones. Mr. Shields spoke to the issue written as "modification of standards", that should read "exceptions to standards." Mr. Bergstrom will clarify that issue in the draft.

Council raised the question of protection in an area immediately adjacent to residential zone. Mr. Bergstrom stated that the review process requires notice to properties that touch within a 300' radius of the external property boundaries of the proposed construction site.

Mr. Shields observed that Council was beginning to get into discussion of the matter. The Chair called for public testimony.

- **Gary Abrahams**, 655 Crocket St, Unit B-107, Seattle feels staff and consultant has done a great job trying to make the Code better. He suggested some rewording for clarity. He wants the door left open for rooftop antennas.

As there were no further comments from the audience, Chair closed the hearing as to public comment.

Deliberations are continued to Council's regular meeting of January 23 to allow Mr. Bergstrom to take into consideration the input from the public.

Council discussion with Mr. Bergstrom ensued. View blockage and the increased pole diameter issue were discussed as to ADA accessibility and aesthetic value.

## **10. Unfinished Business**

### **A. Homeless Encampment Zoning Code Amendments to Chapter 127, File ZON05-00028**

Ms. Weber reported that she was contacted by three Kirkland residents who are in favor of the regulations for Tent City 4. The Chair observed that there was correspondence from these residents in the packet. Ms. Cox said she has received 29 e-mails that she distributed to Council members along with a matrix of information from other jurisdictions.

Ms. Pringle moved to recommend draft code amendments presented by Staff, seconded by Mr. Givens. Further discussion ensued.

There was discussion regarding the fact that only churches have hosted tent cities to date. Ms. Weber recommends putting a limit on how many tent cities are allowed in Kirkland at one time. Ms. Jenkinson said that there is no guidance in Washington State as to how a court would consider that kind of limitation. Council discussion continued. On request of the Planning Commission, Ms. Cox contacted Kirkland Interfaith Network and Hopelink regarding the ordinance; she has not had a response to date.

Mr. Goggins favors eliminating other community organizations as sponsors [other than churches] and limit encampments to 60 or 62 days as with any other temporary-use permit. Ms. Pringle favors 90 or 92 days duration every 12 months. The comment was made that the "safe" record for Tent City is a relatively short history. Lt. Hamilton answered questions as did Ms. Cox and Ms. Jenkinson.

There was a call for the question. The following amendment was proposed:

- **Eliminate community organizations other than churches as sponsors for Tent City encampments**

Council voted to amend the draft, with Ms. Weber opposing.

**MOTION: Recommend adoption of Staff's Draft code amendment on Homeless Encampments as amended: passed unanimously.**

**11. New Business 8:52 p.m.**

None.

**12. Administrative Reports and Community Council Discussion**

None

**13. Adjournment 8:52 p.m.**

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Rick Whitney, Chair

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Eric Shields, Planning Director  
Department of Planning and Community Development

Recording Secretary: Marlene Eisele



HOUGHTON COMMUNITY COUNCIL  
February 27, 2006

**1. Call to Order and Roll Call – 7:01 p.m.**

- Members Present: Chair Rick Whitney, Hugh Givens, Bill Goggins, David Hess, James Nickle, and Elsie Weber
- Absent/Excused: Betsy Pringle
- City Staff present: Paul Stewart, Nancy Cox

**2. Reading and/or Approval of Minutes:**

1. December 19, 2005 Approved as corrected:
  - P. 1: "...by the Chair, ~~High~~ Hugh Givens." (first line)
  - P. 2: "John ~~Capler~~ Kappler, 5025..." (first line)
  - P. 3: "...found in the ~~top lot of~~ Tot Lot near the church..." (fourth paragraph)
2. January 10, 2006 Approved as read
3. January 23, 2006 Approved as read with correction of formatting at the top of Page 1 after "Absent/excused: Hugh Givens" [return to new line]

**3. Announcement of Agenda**

Chair announced the agenda.

**4. Council Member Reports and Comments**

Chair regrettably reported that Joan McBride's 22-year-old daughter passed away. The service is Saturday at 4:00 p.m. at the Congregational Church. Joan McBride formerly served on this Council and is currently a member of the City Council.

**5. Work Program Review**

None.

**6. Requests from the Audience**

None.

**7. Hearings**

None.

**8. Unfinished Business**

**A. Final Approval: Homeless Encampment Zoning Code Amendments, – File No. ZON05-00028**

PURPOSE: Review City Council's action on amendments to Chapter 127

Chair reported that the City Council approved this code amendment without incorporating Houghton Community Council's recommendation and added the Planning Commission's recommendation limiting animals in the encampment to service animals. Ms. Cox answered questions as to Planning Commission's action and also as to Bellevue's lawsuit. There was discussion. Mr. Goggins disagreed that sponsorship of homeless encampments be opened to organizations in addition to churches. Mr. Nickle supported Mr. Goggins' position. Ms. Weber agreed with the Planning Commission position not to limit the sponsors to churches. Mr. Givens feels that that the Planning Commission should pay attention to what Houghton Community

Council wants and supports limiting sponsorship to churches. Ms. Cox reported that the Planning Commission discussed this Council's position extensively and she reviewed the Planning Commission's rationale supporting their decision not to limit the sponsors of homeless encampments to churches.

There was discussion about the Resolution before the Council. It was reworded to disapprove Ordinance No. 4040, and acted upon as follows:

**MOTION: On motion of Mr. Goggins, second by Mr. Nickle, Council approved Resolution 2006-1 which disapproves Ordinance No. 4040 adopted by the Kirkland City Council on February 21, 2006 relating to Land Use and amending Chapter 127 of the Kirkland Zoning Code.**

Voting Yes: Messrs. Goggins, Nickle, Givens, Whitney.

Voting No: Ms. Weber.

Abstaining: Mr. Hess.

Mr. Stewart and Ms. Cox advised that, with this action, there are now no codified standards regarding homeless encampments in the Houghton jurisdiction.

#### **9. New Business**

- A. Item: Innovative Housing Evaluation, File No. ZON06-00004  
PURPOSE: Review anticipated innovative housing evaluation process.

Mr. Stewart referred to Staff's February 16, 2006 memo to Council regarding Innovative Housing. He commented that an intern with the City who was a graduate student worked on this project for her degree and did a comprehensive evaluation of innovative housing and prepared a report. He invited Council's comments and observations. Council commented that it was an excellent report. There was a discussion on whether affordable housing will be considered. Mr. Stewart indicated that it will be considered as part of the process. Mr. Stewart said a tour could be arranged of the demonstration projects in Danielson Grove or Kirkland Bungalows, if Council so desired.

#### **10. Administrative Reports and Community Council Discussion**

None

#### **11. Adjournment – 7:35 p.m.**

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Rick Whitney, Chair

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Eric Shields, Planning Director  
Department of Planning and Community Development

RECORDING SECRETARY: Marlene Eisele



## HOUGHTON COMMUNITY COUNCIL

March 27, 2006

### 1. Call to Order and Roll Call 7:00 p.m.

- Members Present: Chair Rick Whitney, Hugh Givens, David Hess, James Nickle, and Elsie Weber
- Absent/Excused: Betsy Pringle, Bill Goggins
- Staff present: Dawn Nelson, Nancy Cox, Desiree Goble

### 2. Announcement of Agenda

Chair announced the agenda.

### 3. PUBLIC HEARING: Hindle-Rohde Reasonable Use, 96XX 38<sup>th</sup> Avenue NE, File No. ZON05-00011

- Chair read a statement regarding the Fairness Doctrine. There were no objections to participation of members of Houghton Community Council in this hearing. The Public Hearing on the Hindle-Rohde Reasonable Use Permit application ensued. *See March 27, 2006 minutes of Hearing Examiner – Joint Hearing with Houghton Community Council.*

### 4. Reading and/or Approval of Minutes:

#### a. February 27, 2006

It was moved and seconded to dispense with the reading of the minutes; minutes were approved as written.

### 5. Council Member Reports and Comments

Mr. Hess said he will miss the next two meetings.

### 6. Work Program Review

None.

### 7. Requests from the Audience

None.

### 8. Unfinished Business

#### A. Hindle-Rohde Reasonable Use, File No. ZON05-00011A.     Hindle-Rohde Reasonable Use

Discussion ensued regarding the Public Hearing that just occurred. Staff answered questions posed by Council. Chair wants a landscaping plan to mitigate the reduced front yard setback, similar to the property at Kirkland Avenue and 6<sup>th</sup>. Staff clarified that the project Mr. Givens refers to is a Planned Unit Development and some landscaping was required but most of the landscaping done there was at the developer's own behest. It was emphasized that site-specific landscaping plans are not typically required for single-family developments.

**MOTION:** It was moved by Mr. Givens and seconded by Ms. Weber to recommend approval on the zoning permit application with additional provision that the 5' setbacks be landscaped with superior landscape design intended to mitigate and soften the impact of the reduced front yard setback. There was discussion. Motion carried unanimously.

#### B. Final Action: Homeless Encampment Zoning Code Amendments to Chapter 127 Temporary Use Permits – FILE NO.: ZON05-00028

Ms. Cox advised that on March 21, 2006 Kirkland City Council, by a vote of 6-1, passed Ordinance 4047, requiring sponsorship for homeless encampments by churches only within the Houghton Neighborhood.

**MOTION:** Ms. Weber moved and Mr. Hess seconded to approve Resolution 2006-3. There was discussion. Motion carried unanimously.

**C. Final Approval: Amendments to Chapter 117 KZC – Personal Wireless Service Facilities.**

Mr. Bergstrom explained to Council that the ordinance was adopted by City Council exactly as was recommended by this Council.

**MOTION:** Ms. Weber moved to pass Resolution 2006-2 approving Ordinance 4045, seconded by Mr. Hess. The motion carried unanimously.

Council thanked Mr. Bergstrom for his good work on this Amendment.

**9. New Business**

**A. Single-Family Floor Area Ratio (FAR) Regulations - FILE NO.: ZON05-00019**

Mr. Bergstrom gave background on this issue. He said City Council has asked Staff to look at the question of whether FAR regulations are working and, if not, what should be done about it. It was determined by City Council that some changes should be made and Mr. Bergstrom asked if this Council wanted to be involved in this effort. There was Council discussion and they expressed interest regarding being involved. Mr. Bergstrom will keep this Council in the loop.

**10. Administrative Reports and Community Council Discussion**

None.

**11. Adjournment 9:37 p.m.**

Moved by Mr. Givens, seconded by Ms. Weber and passed unanimously, the meeting was adjourned.

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Rick Whitney, Chair

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Nancy Cox, Development Review Manager  
Department of Planning and Community Development

RECORDING SECRETARY: Marlene Eisele

# HOUGHTON COMMUNITY COUNCIL MEETING MINUTES - NOVEMBER 28, 2005

## CALL TO ORDER

The meeting was called to order at 7:00 p.m. by the Chair, Hugh Givens. Members Present: Bill Goggins, David Hess, Betsy Pringle, Elsie Weber, Rick Whitney. Absent/Excused: James Nickel.

Elaine Borjeson, Nancy Cox, Rob Jammerman, Paul Stewart, Teresa Swan and Elizabeth Walker represented the Department of Planning and Community Development.

## APPROVAL OF MINUTES

It was moved and seconded to waive the reading of the October 10, 2005 Houghton Community Council meeting. Motion carried (6-0).

It was moved and seconded to approve the minutes of the October 10, 2004 Houghton Community Council meeting as presented. Motion carried (6-0).

## ANNOUNCEMENT OF AGENDA

The Chair reviewed the agenda.

COUNCIL MEMBER REPORTS AND COMMENTS: None

WORK PROGRAM REVIEW: None

## REQUESTS FROM THE AUDIENCE

John Kaplan, 5025 112<sup>th</sup> Avenue NE, Kirkland, spoke regarding the tree ordinance. He is concerned about the current tree regulations. Who has the ultimate authority about what can be done on private property needs to be addressed and defined. Ordinances should be created that protect or restore views in potential view areas. This does not mean that all trees should be cut down, but enhanced where possible. Many people live in Kirkland because of the views. Many views are now blocked due to lack of tree regulations. He said the regulations need to be reworked.

Norman Krilloff, 4545 112<sup>th</sup> Avenue NE, Kirkland, spoke about the tree ordinance. He wrote to the HCC regarding views and specifics on the ordinance before this meeting. He wrote the letter at this late date because he had the belief that there was no chance of his letter affecting the ordinance. He is a 31-year resident of Houghton and his lot has 150 trees on it. He added many of those trees himself. He agreed with the previous speaker that the policy is poorly written and property owners should decide if they do or don't want trees on their properties. It seems that one person in City Hall is controlling what can be done on private lots. He said the ordinance needs to be better thought out.

Al Schaffer, 4559 112<sup>th</sup> Avenue NE, Kirkland, spoke about the tree ordinance. He has lived in Kirkland for 50 years. On the surface, the ordinance seems positive, but trees have their place and they can be enhancements or a detriment to a property. The ordinance does not observe the difference, it is not reasoned or balanced, and it does not take into account each individual property. The Planning Department ignores what would be detrimental to its own goals. He quoted text from the ordinance and argued that the ordinance is built on half-truths. It does not

## HOUGHTON COMMUNITY COUNCIL MEETING MINUTES - NOVEMBER 28, 2005

serve the residents well, but only serves the planners who manipulate a pliable Council. Decisions regarding trees should be left to landowners, and this ordinance deserves a veto.

Russ Peterson, 4719 112<sup>th</sup> Avenue NE, Kirkland, spoke about the tree ordinance. He moved here in 1955 and has seen the properties around him develop while his property is under the ordinance that states he cannot remove trees. Because of this, he has little view and feels he is being held responsible for "upholding the forest." He said he should not suffer economic impact because of the opinion of one person in City Hall. The HCC has always been a good advocate for property owners and he appreciates the discussions the HCC has had and the time it has spent on this issue. He asked the HCC not to approve this ordinance.

### HEARINGS

#### a. 2005 Comprehensive Plan Amendments, File No. ZON05-00026

Ms. Swan explained the purpose of the hearing as an opportunity to obtain comments from the public. She gave an overview of the changes to the amendments which included minor revisions to the tables and charts to reflect the changes to the recently adopted CIP and to clarify two policies surrounding transportation issues.

One council member asked why the road project on the CIP at Central Way and Park Place is noted as privately funded. Ms. Swan responded that the owners of the Park Place Mall and possibly the owners of the old hardware site will be funding the addition of a traffic light at that location because their developments necessitate the need for the traffic improvement rather than general city-wide traffic...

**It was moved by Ms. Weber and seconded by Mr. Hess, to approve the Draft of the 2005 Comprehensive Plan Amendments, File No. ZON05-00026. Motion carried (6-0).**

### UNFINISHED BUSINESS

#### a. Final Approval: Chapter 110 Amendments, File No. ZON05-00013

Mr. Jammerman presented an overview of the key issues surrounding the street improvement regulations via a PowerPoint presentation. He explained that the HCC was to review the City Council's action on amendments to Chapter 110 and adopt Resolution 2005-8, giving final approval to the amendments.

The HCC asked Mr. Jammerman clarifying questions regarding the amendments and there was a brief discussion of the amendments with staff members.

**It was moved by Mr. Hess and seconded by Mr. Whitney to adopt the four ordinances as presented by Mr. Jammerman. Motion carried (6-0).**

#### b. Zoning Code and Municipal Code Amendments for New Tree Management and Required Landscaping Regulations, Resolution 2005-6 – File No. IV-03-101

Elizabeth Walker, Urban Forester, spoke about the code amendments. She explained that the City Council has approved the original code language rather than the proposed language that Chair Hugh Givens provided. If HCC disagrees with Council's decision to approve the original

## HOUGHTON COMMUNITY COUNCIL MEETING MINUTES - NOVEMBER 28, 2005

code language, HCC has 60 days to veto it. In the case of a veto, the HCC is required to write Council a letter listing what revisions they require.

The HCC discussed the code language with Ms. Walker. Highlights of the discussion included:

- Definition and implications of the two-year "Sunset" clause.
- A review of the language Mr. Givens proposed.
- What constitutes "reasonable" or "unreasonable" requirements in the tree regulations.
- What constitutes minor or major adjustments on the part of the property owner.
- Potential financial impacts regarding view retention and reversal of floor plans
- The rights of property owners to remove trees they themselves have planted.
- The definition of "Type 1" trees, their location in required yard, and landscaping requirements.
- The level of final authority given to the planning director, the accountability of the director to work in good faith with the property owners, and the potential lack of balance in decisions made.
- The risk of land being clear cut due to property owner abuse of unspecified code language.
- The reality that no matter what the code language states, some people will be negatively affected.

**Motion by Mr. Whitney and second by Mr. Goggins, to propose to the City Council on behalf of the Houghton Community Council that the ordinance be reviewed in two years and that language is added stating that the Planning Official and applicant will work in good faith to find reasonable solutions. Motion carried (3-2) with Ms. Pringle and Ms. Weber opposed and Mr. Givens abstained.**

**c. Final Approval: Renewal of the Interim Private Tree Ordinance No. 3865, Resolution 2005-7, File No. IV-03-101**

Ms. Walker explained that the HCC is requested to adopt Resolution 2005-7 that would renew the interim tree regulations through December 31<sup>st</sup>, 2005.

**Motion by Mr. Goggins and second by Ms. Weber to approve Resolution 2005-7, adopting the renewal of the Interim Private Tree Ordinance as presented by Ms. Walker. Motion carried (4-2).**

### **NEW BUSINESS**

**a. Homeless Encampment Amendment, File No. ZONO500028**

Nancy Cox reviewed the issues surrounding this amendment and asked the HCC to provide direction to staff. She gave a PowerPoint presentation that included information on Tent City 4, the Temporary Use Permit (TUP) Regulations and process, interim zoning regulations, and the pros and cons of tent cities.

The HCC asked clarifying questions of Ms. Cox surrounding the issue of homelessness, and current statistics.

Highlights of discussion included the following topics:

## HOUGHTON COMMUNITY COUNCIL MEETING MINUTES - NOVEMBER 28, 2005

- The implications of tent cities being located on public versus private property.
- The concern that no other entity receives the same consideration as churches.
- The chance that property values could go down for private citizens if tent cities locate in the same place year after year.
- Safety concerns and regulation enforcement for current and future tent cities.
- Setback requirements for residential homes as opposed to industrial or commercial properties.
- The length of stay and permit regulations that other cities have adopted as well as the reasoning behind them and legal problems that have arisen.

### **ADMINISTRATIVE REPORTS AND COMMUNITY COUNCIL DISCUSSION**

- a. **Houghton Transfer Station October 18, 2005 City Council Packet:** Informational only

### **ADJOURNMENT**

The meeting was adjourned at 10:10 p.m.

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Hugh Givens, Chair, Houghton Community Council

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Paul Stewart, Deputy Director  
Department of Planning and Community Development

Recording Secretary: Susan Hayden  
PROFESSIONAL OFFICE SERVICES

PROCESS IVA CODE AMENDMENTS; Page 1

CODE SECTION	REASON	DRAFT AMENDMENT
KMC 1.12.050.e Code Enforcement	Wording is unclear.	(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared <u>occurred</u> and assessing the appropriate monetary penalty. The city will carry out...
KMC 3.30.010 Design Review Board	Planning Director is no longer needed as a nonvoting member of the DRB in an advisory role. Staff provides this function.	The design review board shall be composed of seven appointed members. <del>In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues.</del> Members shall be appointed...
KMC 24.02.038 SEPA Policies	The SMP is no longer in Title 24. It is integrated into the Comprehensive Plan and Zoning Code and does not need to be referenced in the KMC as a SEPA policy.	(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, including the Shoreline Master Program), Title 25 (Concurrency Management), and Title 28 (Landmarks);
KZC 5.10.020 Definitions	Clarification.	<u>Adjoining</u> - Property that touches or is directly across a street, other than a principal arterial, from the subject property. For the purposes of applying the regulations that limit the height and horizontal length of façade adjoining a low density zone, the regulations shall only apply within an area 100 feet of and parallel to the boundary line of a <u>low density use in a low density zone</u> (as shown on Plate 18).
KZC 5.10.100 Definitions	Out of date reference.	<u>Building Official</u> - <del>"Building Official"</del> as that term is defined in the Uniform Building Code as adopted in KMC Title 21. <del>The Building Services Manager or his/her designee.</del>
KZC 5.10.110 Definitions	Out of date reference.	<u>Certificate of Occupancy</u> - "Certificate of Occupancy," as that term is defined in the Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.
KZC 5.10.210 Definitions	Out of date reference.	<u>Development Activity</u> - Any work, condition or activity which requires a permit or approval under this code or the Uniform Building Code <u>KMC Title 21, Buildings and Construction.</u>

PROCESS IVA CODE AMENDMENTS; Page 2

KZC 5.10.720.1 Definitions	Out of date reference.	...Neither the <u>Burlington-Northern</u> <u>Cross Kirkland Corridor</u> <u>railbanked rail corridor</u> , <u>nor the I-405</u> , <u>nor SR-520</u> <u>rights-of-way</u> shall be considered <u>front property lines</u> .
KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <u>which shall comply with Special Regulations 6 for horse</u> <u>large domestic animals</u> in KZC 115.20.5.d(4) <del>(chart)</del> .
KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <u>which shall comply with Special Regulations 6 for horse</u> <u>large domestic animals</u> in KZC 115.20.5.d(4) <del>(chart)</del> .
KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	There are no RSX zones in HCC jurisdiction.	Garages shall comply with the requirements of KZC 115.43, including required front yard. <del>These requirements are not effective within the</del> <del>disapproval jurisdiction of the Houghton Community Council.</del>
KZC 25.08.3 General Regulation for PR, PRA Zones	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. <u>(Does not apply to detached dwelling units).</u>
KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats</del> See <u>KZC 105.25</u>
KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats</del> See <u>KZC 105.25</u>

<p>KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column</p>	<p>Correction as a result of a recent code amendment.</p>	<p><del>1 per every 4 fixed seats</del> See <u>KZC 105.25</u></p>
<p>KZC 51.08.3, MSC-1, 4 Zones, General Regulation</p>	<p>Clarify that horizontal façade regulations are not applicable to detached dwelling units.</p>	<p>3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to detached dwelling units).</p>
<p>KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column</p>	<p>Correction as a result of a recent code amendment.</p>	<p><del>1 per every 4 fixed seats</del> See <u>KZC 105.25</u></p>
<p>KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column</p>	<p>Correction as a result of a recent code amendment.</p>	<p><del>1 per every 4 fixed seats</del> See <u>KZC 105.25</u></p>
<p>KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column</p>	<p>Correction as a result of a recent code amendment.</p>	<p><del>1 per every 4 fixed seats</del> See <u>KZC 105.25</u></p>

<p>KZC 95.23.4.b Tree Removal - Not Associated with Development Activity</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>b. An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>KZC 95.40.1.d., Required Landscaping</p>	<p>Out of date reference.</p>	<p>d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington-Northern Cross Kirkland Corridor railbanked rail corridor rights-of-way.</p>
<p>KZC 100.15, Signs, Scope and Exclusions</p>	<p>Codify common practice - exclude signs not visible from off-site from regulation. (From Interpretation 85-6, Part 2).</p>	<p>8. Sign message not visible from off-site.</p>
<p>KZC 100.50.1.a, Signs, Designated Corridors</p>	<p>Out of date reference.</p>	<p>a. Market Street between Central Way and N.E. 106th Street Forbes Creek Drive.</p>
<p>KZC 100.65.1, Signs,</p>	<p>Codify common practice. (From Interpretation 86-16).</p>	<p>1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building to which they are attached, unless on a parapet or similar architectural feature.</p>
<p>KZC 100.115, Signs, Temporary/Special Signs</p>	<p>Clarify permitted duration of display of a Temporary Commercial Sign. (From Interpretation 95-4 (Part 2))</p>	<p>Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.</p>

<p>KZC 115.07.10.c, Accessory Dwelling Units</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>c. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>KZC 115.80.2, Legal building Site</p>	<p>Clarify that lot sizes can be varied per the existing provisions found in the subdivision ordinance.</p>	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:</p> <ul style="list-style-type: none"> <li>a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or</li> <li>b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or</li> <li>c. <u>The provisions addressing lot size, lot size averaging, and historic preservation contained in Chapter 22.28 KMC were utilized in the creation of the lot or parcel; or</u></li> </ul> <p>The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</p>

PROCESS IVA CODE AMENDMENTS; Page 6

<p>KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>KZC 118.20, Hazardous Liquid Pipelines</p>	<p>Make consistent with high consequence land use regulations in 118.60.</p>	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within 150500 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>
<p>KZC 127, Temporary Use</p>	<p>Streamline temporary use permit (TUP) process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's.</p>	<p>see below</p>
<p>KZC 142.40.11.a, Design Review, Decision on the Appeal</p>	<p>Not relevant to DRB review.</p>	<p>a. <u>Criteria</u> - Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, design guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.</p>
<p>KZC 145.60.1.b., Process I Appeals</p>	<p>Clarification.</p>	<p>1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application during the comment period established in the Notice of Application.</p>

<p>KZC 170.50 Conflict of Provisions</p>	<p>Clarify that the Comprehensive Plan is not a regulation.</p>	<p><u>Conflict of Provisions</u> - The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. If the provisions of this code conflict one (1) with another, or if a provision of this code conflicts with the provision of another ordinance of the City (<u>except the Comprehensive Plan unless incorporated by reference in the regulation</u>), the most restrictive provision or the provision imposing the highest standard prevails.</p>
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## PROCESS IVA CODE AMENDMENTS

### Chapter 127 – TEMPORARY USE

(Only sections that are proposed for amendment are shown)

#### 127.10 Process for Deciding Upon a Proposed Temporary Use

An application for a temporary use permit will be reviewed and decided upon by the Planning ~~Director~~Official.

#### 127.42 Notice Requirements for Homeless Encampments in New Locations

1. Applicability - The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

##### 21. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

32. A Notice of Application for Homeless Encampment shall be provided prior to the Planning ~~Director's~~Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:

- a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the ~~Director's~~Official's decision.
- b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the ~~Director's~~Official's decision.
- c. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning ~~Director's~~Official's decision.
- d. The notice will be posted on the City's website.

43. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning ~~Director~~Official and appeal procedure and be distributed as required for notice of application within four business days after the decision.

#### **127.44 Notice Requirements for Homeless Encampments at Repeat Locations**

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.
2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.
3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.

#### **127.45 Appeals**

There is no administrative appeal of the Planning ~~Director's~~Official's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.



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Agenda 01.17.12

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**KIRKLAND CITY COUNCIL MEETING**  
**City Council Chambers**  
**Tuesday, January 17, 2012**  
**6:00 p.m. - Study Session - Peter Kirk Room**  
**7:30 p.m. – Regular Meeting**

[To download the full council E-Packet 17MB click here.](#)  
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[www.kirklandwa.gov/depart/council/agendas/agenda011712.htm](http://www.kirklandwa.gov/depart/council/agendas/agenda011712.htm)

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. STUDY SESSION, Peter Kirk Room**
  - a. [Recommended Changes to Draft Code of Ethics](#)
- 4. EXECUTIVE SESSION**
- 5. HONORS AND PROCLAMATIONS**
  - a. [Kirkland History Month Proclamation](#)
- 6. COMMUNICATIONS**
  - a. Announcements
  - b. Items from the Audience
  - c. Petitions
- 7. SPECIAL PRESENTATIONS**
  - a. [Frontier Donation Recognition](#)
  - b. [2011 Eastside Month of Concern for the Hungry Results](#)
- 8. CONSENT CALENDAR**
  - a. Approval of Minutes: [January 3, 2012](#)
  - b. Audit of Accounts:
    - Payroll \$
    - Bills \$
  - c. General Correspondence



- d. Claims
- e. Award of Bids
- f. Acceptance of Public Improvements and Establishing Lien Period
- g. Approval of Agreements
- h. Other Items of Business

(1) Resolution R-4906, Authorizing the Duly-Appointed Administering Agency for A Regional Coalition for Housing (ARCH) to Execute All Documents Necessary to Enter into Agreements for the Funding of Affordable Housing Projects, as Recommended by the ARCH Executive Board, Utilizing Funds From the City's Housing Trust Fund

(2) ARCH 2012 Work Program and Administrative Budget

(3) Resolution R-4907, Authorizing the Director of Planning and Community Development to Enter into a Contract with Bayshore Vista, LLC, Regarding a Potential Multifamily Housing Property Tax Exemption and Approving the Issuance of a Conditional Certificate of Tax Exemption

(4) Resolution R-4908, Adopting Right-of-Way Acquisition and Relocation Policies and Procedures

(5) Surplus Vehicles/Equipment for Sale

(6) Report on Procurement Activities

## 9. PUBLIC HEARINGS

- a. Ordinance O-4345 and its Summary, Relating to Zoning, Planning, and Land Use and Amending Ordinance 3719 as Amended, the Kirkland Zoning Ordinance and Approving a Summary Ordinance for Publication, File No. ZON11-00045

## 10. UNFINISHED BUSINESS

- a. City Council Subcommittee Appointments
- b. Transit Oriented Development at the South Kirkland Park and Ride Update
- c. Transportation Benefit District Update

## 11. NEW BUSINESS

- a. Comments on National Pollutant Discharge Elimination System (NPDES) Western WA Phase II Municipal Stormwater Permit
- b. 2012 City Council Retreat Draft Agenda



c. Ordinance O-4346 and its Summary, Relating to Planning Department Fees and Amending KMC 5.74.070 by Correcting Format/Typographical Errors, Adding Clarifications, Adding an Affordable Housing Incentive Fee, Homeless Encampment with Modification Fee and Adding Fees for Integrated Development Plan Modifications, File MIS11-00023

## 12. REPORTS

- a. City Council
  - (1) Regional Issues
- b. City Manager
  - (1) Calendar Update

## 13. ITEMS FROM THE AUDIENCE

## 14. ADJOURNMENT

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**KIRKLAND CITY COUNCIL MEETING**  
**City Council Chambers**  
**Tuesday, February 7, 2012**  
**6:00 p.m. - Study Session - Peter Kirk Room**  
**7:30 p.m. – Regular Meeting**

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **STUDY SESSION, Peter Kirk Room**
  - a. [Downtown Parking Discussion](#)
4. **EXECUTIVE SESSION**
5. **HONORS AND PROCLAMATIONS**
  - a. [Kirkland History Month Proclamation](#)
6. **COMMUNICATIONS**
  - a. Announcements
  - b. Items from the Audience
  - c. Petitions
7. **SPECIAL PRESENTATIONS**
  - a. [Frontier Donation Recognition](#)
  - b. [2011 Eastside Month of Concern for the Hungry Results](#)
8. **CONSENT CALENDAR**
  - a. Approval of Minutes: [January 17, 2012](#)
  - b. Audit of Accounts:
    - Payroll \$
    - Bills \$
  - c. General Correspondence



- d. Claims
- e. Award of Bids
- f. Acceptance of Public Improvements and Establishing Lien Period
  - (1) Elementary School Walk Route Enhancements, Pellco Construction, Mountlake Terrace, WA
- g. Approval of Agreements
- h. Other Items of Business
  - (1) Resolution R-4909, Approving the Subdivision and Final Plat of Harmon Ridge Being Department of Planning and Community Development File No. FSB11-00001 and Setting Forth Conditions to Which Such Subdivision and Final Plat Shall be Subject.
  - (2) Ordinance O-4347, Relating to Revising the Title of Kirkland Municipal Code Chapter 3.82 Currently Entitled "Code of Ethics" to "Employee Code of Ethics."
  - (3) 120th Avenue NE Watermain Replacement - Approve Funding

## **9. PUBLIC HEARINGS**

## **10. UNFINISHED BUSINESS**

- a. Transit Oriented Development at the South Kirkland Park and Ride Update
- b. Ordinance O-4348 and its Summary, Relating to the Establishment of a New Chapter 3.14 in the Kirkland Municipal Code, Code of Ethics
- c. 2012 Legislative Update 1
- d. 2012 City Council Retreat Draft Agenda

## **11. NEW BUSINESS**

- a. Ordinance O-4346 and its Summary, Relating to Planning Department Fees and Amending KMC 5.74.070 by Correcting Format/Typographical Errors and Adding Clarifications, Adding an Affordable Housing Incentive Fee, Homeless Encampment with Modification Fee and Adding Fees for Integrated Development Plan Modifications, File MIS11-00023
- b. Electronic Readerboard Signs at Middle Schools

## **12. REPORTS**

- a. City Council
  - (1) Regional Issues
- b. City Manager



(1) Calendar Update

**13. ITEMS FROM THE AUDIENCE**

**14. ADJOURNMENT**

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# CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

Effective: January 1, 2013

\*All permits will be assessed a 1.3% MyBuildingPermit.com surcharge beginning January 1, 2011, unless otherwise noted.

	<b>FEE AMOUNT</b>
<b>Preliminary Project Review</b>	\$518.00
Pre-submittal Meeting, Integrated Development Plan, and /or Pre-design Conference Note: Fee refunded upon request if the application is submitted within six months of the preliminary project review meeting date. Credit does not apply to subsequent meetings related to the same project. No charge for second pre-submittal meeting if for Integrated Development Plan.	

<b>Planning Official Decisions</b>	
Accessory Dwelling Unit ( <i>not required if reviewed concurrently with a building permit</i> )	\$425.00
Personal Wireless Service Facility Planning Official Decision	\$8,578.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$850.00
Parking Modification (additional Public Works fees may be required per KMC 5.74.040)	\$539.00
Sensitive Area Planning Official Decision	\$2,127.00
Administrative Design Review If application involves new gross floor area (new buildings or additions to existing buildings) No new gross floor area	\$2,127.00 \$0.00
Master Sign Plan Approval Modification	\$850.00
Off-Site Directional Sign Approval Modification	\$539.00
Design Review Approval Modification	\$1,077.00
Design Review Approval Extension	\$425.00
Historic Residence Alteration	\$850.00
Rooftop Appurtenance Modification	\$850.00
Multiple Private or ROW Tree Removal Permit	\$205.00
Forest Management Plan	\$308.00
Shoreline Area - Alternative Options for Tree Replacement or Vegetation Compliance in Setback	\$205.00
Shoreline Substantial Development Exemption	\$205.00
Noise Variance	\$539.00
Integrated Development Plan Modification per KZC 95.30.6.b.1	\$539.00
Integrated Development Plan Modification per KZC 95.30.6.b.2	\$850.00
Temporary Use Permit	\$218.00

<b>Planning Director Decisions</b>	
Variance Exception	\$1,077.00
Off-Site Directional Sign	\$1,077.00
Master Sign Plan	\$3,006.00
Short Plat or Subdivision Approval Modification	\$850.00
Process I Approval Modification	\$850.00
Process IIA, IIB or III Approval Modification	\$1,077.00
Lot Line Alteration	\$1,077.00
Binding Site Plan	\$2,141.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,077.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$539.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$539.00
Additional Affordable Housing Incentive – Density Bonus	\$1,077.00

<b>Process I Review</b>	
Short Subdivision Base Fee Fee per lot	\$3,273.00 \$992.00
Innovative Short Subdivision Base Fee Fee per lot	\$6,947.00 \$992.00
Substantial Development Permit Piers and Docks Associated with Multifamily Developments and Marinas and Moorage Facilities Associated with Commercial Uses Other Shoreline Improvements	\$10,718.00 \$4,594.00
Historic Residence Designation	\$1,091.00
Home Occupation	\$1,091.00
Homeless Encampment Temporary Use with Modifications	\$218.00
Personal Wireless Service Facility Process I Review	\$10,718.00
Other Process I	



# CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

**Effective: January 1, 2013**

*\*All permits will be assessed a 1.3% MyBuildingPermit.com surcharge beginning January 1, 2011, unless otherwise noted.*

	<b>FEE AMOUNT</b>
Base Fee	\$4,253.00
Fee per new residential unit	\$496.00
Fee per sq. ft. new non-residential GFA	\$0.30
<b>Process IIA Review</b>	
Preliminary Subdivision	
Base Fee	\$8,946.00
Fee per lot	\$1,077.00
Innovative Preliminary Subdivision	
Base Fee	\$11,086.00
Fee per lot	\$1,077.00
Subdivision Alteration	\$9,187.00
Personal Wireless Service Facility Process IIA Review	\$20,756.00
Other IIA	
Base Fee	\$7,500.00
Fee per new residential unit	\$425.00
Fee per sq. ft. new non-residential GFA	\$0.42
<b>Process IIB Review</b>	
Subdivision Vacation	\$9,187.00
Historic Landmark Overlay or Equestrian Overlay	\$1,077.00
Personal Wireless Service Facility Process IIB Review	\$29,943.00
Other IIB	
Base Fee	\$11,569.00
Fee per new residential unit (including Short Subdivisions reviewed through Process IIB per KMC 22.28.030)	\$425.00
Fee per sq. ft. new non-residential GFA	\$0.42
<b>Hearing Examiner Review</b>	
Integrated Development Plan Modification per KZC 95.30.6.b.3	\$1,077.00
<b>Design Board Review</b>	
Design Board Concept Review	\$1,466.00
Design Board Design Response Review	
Base Fee	\$4,489.00
Fee per new unit	\$206.00
Fee per sq. ft. new GFA	\$0.21
<b>State Environmental Policy Act (SEPA)</b>	
Review of Environmental Checklist	
Base Fee	\$567.00
Estimated Number of PM Peak Trips	
Less than 20 trips	\$927.00
21-50 trips	\$1,854.00
51-200 trips	\$3,707.00
Greater than 200 trips	\$7,416.00
Applications involving sensitive areas (streams and/or wetlands only)	\$567.00
Preparation of Environmental Impact Statement (EIS)	
* The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance #2473, as amended, establishes the procedures that the City will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the City an amount not less than \$5,000 to provide for the City's cost of review and processing an EIS. If the anticipated cost exceeds \$5,000, the City may require the applicant to deposit enough money to cover the anticipated cost.	



## CITY OF KIRKLAND LAND USE PERMIT FEE SCHEDULE

**Effective: January 1, 2013**

*\*All permits will be assessed a 1.3% MyBuildingPermit.com surcharge beginning January 1, 2011, unless otherwise noted.*

<b>Miscellaneous</b>	
Appeals and Challenges	
Appeals	\$213.00
Challenges	\$213.00
<i>Note: No Fee for code enforcement hearings.</i>	

Sidewalk Café Permits	
Base Fee	\$672.00
Fee per sq. ft. of cafe area	\$0.75
Short Subdivision Recording Review	
<small>(the fee is required for all short plats that were approved by King County and for short plats applied for in Kirkland after October 13, 2012)</small>	\$980.00
Street Vacation	
Base Fee	\$8,578.00
Fee per sq. ft. of street	\$0.42
Final Subdivision	
Base Fee	\$2,127.00
Fee per lot	\$213.00
Review of Concurrence Application - Estimated Number of PM Peak Trips	
Less than 20 trips	\$545.00
21-50 trips	\$763.00
51-200 trips	\$1,527.00
Greater than 200 trips	\$1,963.00

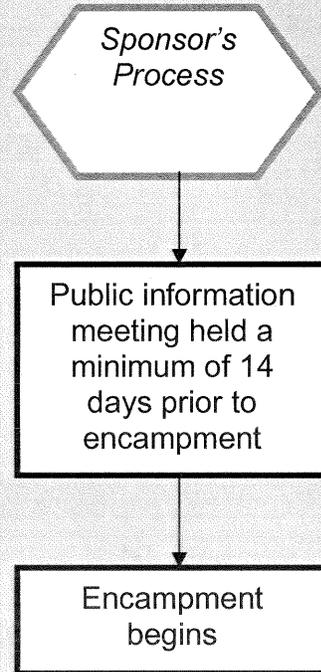
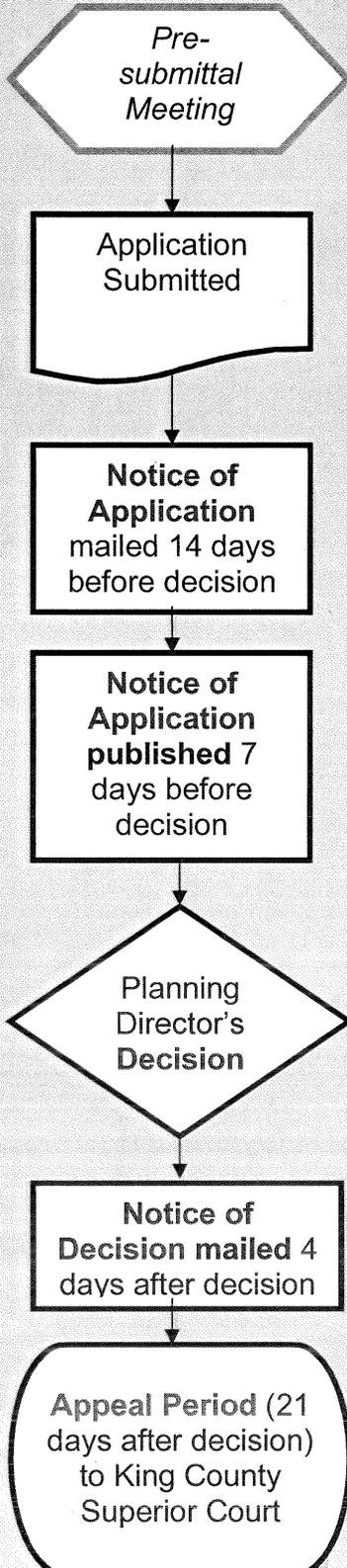
<b>Fees for Comprehensive Plan and Zoning Text Amendment Requests</b>	
<i>◆ Comprehensive Plan &amp; Zoning Text Amendment Requests are not subject to the MyBuildingPermit.com surcharge.</i>	
Request for property specific map change	
Initial request	\$328.00
If request is authorized by City Council for review	\$328.00
Request for city-wide or neighborhood-wide policy change	No charge

<b>General Notes:</b>
<ol style="list-style-type: none"> <li>1. <b>Fee Reduction for Applications Processed Together:</b> When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.</li> <li>2. <b>Projects with greater than 50 dwelling units or 50,000 sq. ft. non-residential GFA:</b> The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one half.</li> <li>3. <b>Note for Sensitive Areas permits:</b> <ol style="list-style-type: none"> <li>a. In cases where technical expertise is required, the Planning Official may require the applicant to fund such studies.</li> <li>b. Voluntary wetland restoration &amp; voluntary stream rehabilitation projects are not subject to fees.</li> </ol> </li> <li>4. <b>Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code:</b> The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.</li> <li>5. <b>Note for Historic Residence permits:</b> An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.</li> </ol>





# HOMELESS ENCAMPMENT TEMPORARY USE PERMIT *Application Process*







## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033

425-587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

### CITY OF KIRKLAND NOTICE OF APPLICATION TENT CITY 4, CASE NO. ZON12-01082

**PROPOSAL:** Temporary Use Permit for St. John Vianney Catholic Church and Share/Wheel to temporarily host Tent City 4 from October 13, 2012 to January 12, 2013. The application was submitted to the City on September 7, 2012.

**LOCATION:** 12600 84<sup>th</sup> Avenue NE.

**NEIGHBORHOOD:** Finn Hill

**REVIEW PROCESS:** The decision on this application will be made by the Planning Director. The Director will receive a report from the Planning Department staff making a recommendation on the application. The decision will be based on whether the application complies with Kirkland's Zoning Code and other applicable codes.

#### TENT CITY STANDARDS:

- A. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. *Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.*
- B. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- C. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
- D. Exterior lighting must be directed downward and contained within the homeless encampment.
- E. The maximum number of residents within a homeless encampment is 100.
- F. Parking for five vehicles shall be provided.
- G. A transportation plan is required which shall include provision of transit services.
- H. The homeless encampment shall be located within one-half mile of transit service.
- I. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- J. No animals shall be permitted in encampments except for service animals.
- K. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:
  - 1) No drugs or alcohol.
  - 2) No weapons.
  - 3) No violence.
  - 4) No open flames.
  - 5) No loitering in the surrounding neighborhood.
  - 6) Quiet hours.
- L. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.
- M. The managing agency shall take all reasonable and legal steps to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- N. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

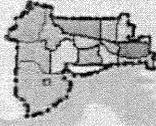
**APPEALS:** There is no administrative appeal for the Planning Director's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land decision use for the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

**FOR MORE INFORMATION:** For more information about this application, please contact project planner Sean LeRoy, City of Kirkland Planning Department at 425-587-3260 or [sleroy@kirklandwa.gov](mailto:sleroy@kirklandwa.gov). Additional information is available at <http://www.kirklandwa.gov/depart/Planning/Development/TC4.htm>. Application materials are contained in the official file available in the Planning Department, 123 5<sup>th</sup> Ave., Kirkland, 8 a.m.–5 p.m. Monday – Friday.

Publishing Date: September 27, 2012



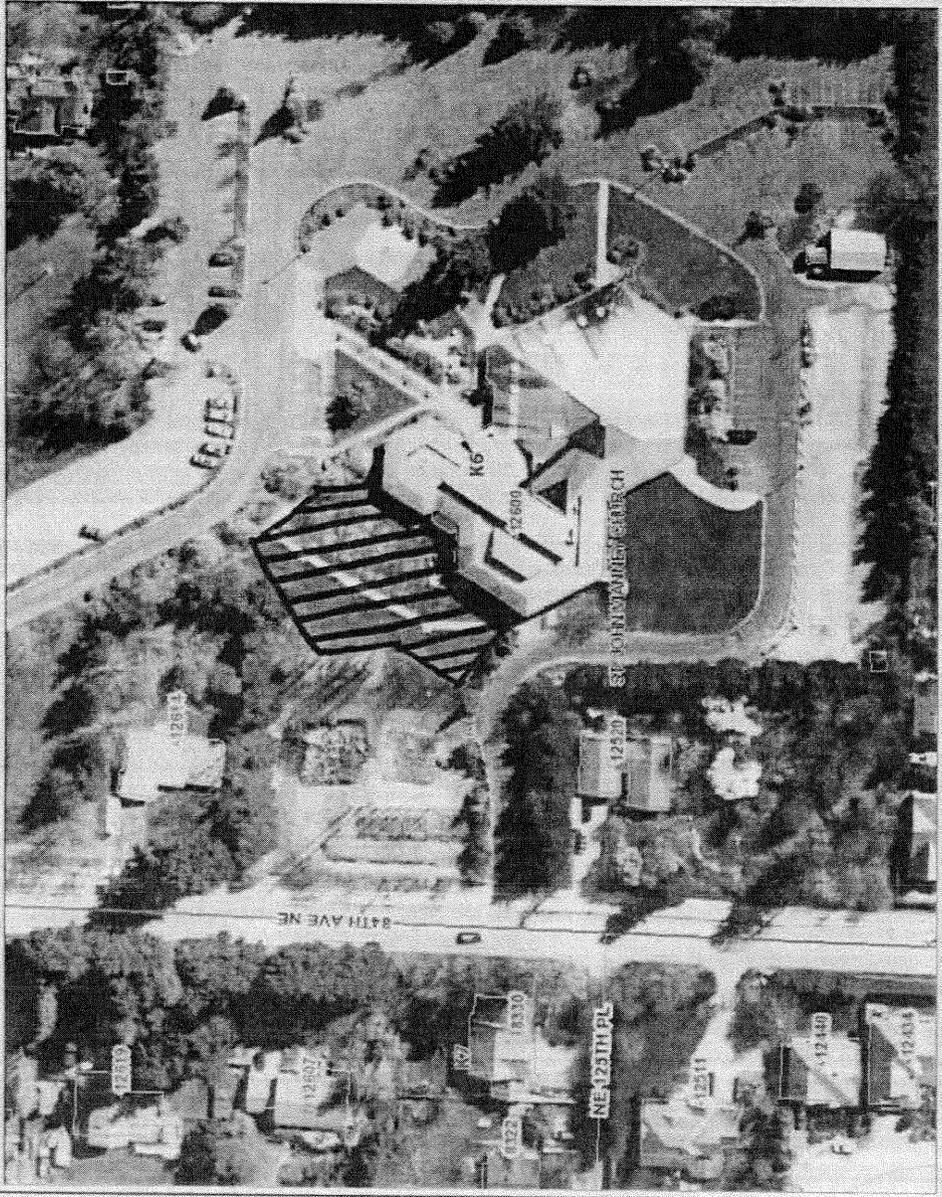
GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



Legend

- Address
- City Limits
- Grid
- QQ Grid
- Streets
- ComPlace Names
- Buildings
- Parks
- Schools
- z\_image09
- Red\_Band\_1
- Green\_Band\_2
- Blue\_Band\_3

1:1,152



0.0 0.02 0.04 Miles

NAD, 1983 StatePlane, Washington North, FIPS 4801, Feet  
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Notes

Enter Map Description

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587-3235**  
**www.kirklandwa.us**

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**ADVISORY REPORT**  
**FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Eric R. Shields, AICP, Planning Director  
**From:** Nancy C. Cox, AICP, Development Review Manager  
**Date:** April 23, 2013  
**File:** MISCELLANEOUS MUNICIPAL AND ZONING CODE AMENDMENTS,  
FILE NO. CAM13-00275

**Hearing Date and Place:** 9:00 AM  
April 30, 2013  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

**I. INTRODUCTION**

**A. APPLICATION**

1. Applicant: City of Kirkland
2. Proposal Summary: Minor amendments to Zoning Code text to promote clarity, eliminate redundancy, and/or correct inconsistencies. In addition, three sections in the Kirkland Municipal Code are proposed to be amended.
3. Areas Affected: The amendments would apply city-wide.
4. Review Process: Process IVA. Planning Director conducts public hearing and makes recommendation to City Council.

**B. RECOMMENDATION**

Staff recommends that the Planning Director conduct a public hearing and forward a recommendation to the City Council. Staff recommends approval of the proposed amendments.

**II. PROPOSAL**

Miscellaneous Municipal Code (KMC) and Zoning Code (KZC) text amendments to promote clarity, eliminate redundancy and correct inconsistencies are proposed. The following code sections would be affected (see Attachment 1 for the complete roster of amendments):

**CODE SECTION**

KMC 1.12.050.e Code Enforcement – *correct typo*

KMC 3.30.010 Design Review Board – *remove Planning Director as non-voting member*

KMC 24.02.038 SEPA Policies – *remove SMP as a separate SEPA policy; it is now part of the Comprehensive Plan and Zoning Code*

KZC 5.10.100 Definitions – *Remove out of date reference to Uniform Building Code (UBC)*

KZC 5.10.110 Definitions - *Remove out of date reference to UBC*

KZC 5.10.210 Definitions - *Remove out of date reference to UBC*

KZC 5.10.720.1 Definitions - *Remove out of date reference to Burlington Northern*

KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit – *Correction as a result of a recent code amendment*

- KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit - *Correction as a result of a recent code amendment*
- KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit – *Remove reference to Houghton Community Council, no RSX zones in HCC jurisdiction*
- KZC 25.08.3 General Regulation for PR, PRA Zones – *Clarify that horizontal façade regulations are not applicable to detached dwelling units*
- KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 51.08.3, MSC-1, 4 Zones, General Regulation – *Clarify that horizontal façade regulations are not applicable to detached dwelling units*
- KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 95.23.4.b Tree Removal - Not Associated with Development Activity – *Make appeals section consistent with Planning Official appeals elsewhere in the code*
- KZC 95.40.1.d., Required Landscaping - *Remove out of date reference to Burlington Northern*
- KZC 100.15, Signs, Scope and Exclusions – *Codify common practice; exclude signs not visible from off-site from regulation*
- KZC 100.50.1.a, Signs, Designated Corridors – *Remove out of date reference*
- KZC 100.65.1, Signs, - *Codify common practice to allow signs mounted on a parapet or similar architectural feature*
- KZC 100.115, Signs, Temporary/Special Signs – *Clarify permitted duration of display of a Temporary Commercial sign*
- KZC 115.07.10.c, Accessory Dwelling Units - *Make appeals section consistent with Planning Official appeals elsewhere in the code*
- KZC 115.80.2, Legal building Site – *Clarify that lot sizes can be varied per existing code provisions*
- KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review - *Make appeals section consistent with Planning Official appeals elsewhere in the code*
- KZC 118.20, Hazardous Liquid Pipelines – *Make consistent with high consequence land use regulations in 118.60*
- KZC 127, Temporary Use – *Streamline temporary use permit process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's*
- KZC 145.60.1.b., Process I Appeals – *Clarify who may appeal*

### **III. BACKGROUND DISCUSSION**

#### **A. PROCESS IVA OVERVIEW**

The City Council established Process IVA in 1997 to increase efficiency when enacting minor Zoning Code amendments. It is intended for the review of amendments which are not quasi-judicial, are not controversial, and do not need extensive policy study. Minor amendments which promote clarity, eliminate redundancy or correct inconsistencies qualify for review under this process.

Process IVA requires public notice, opportunity for public comment, and a public hearing. Prior to the public hearing, the Planning Department compiles a "roster" of amendments for review through Process IVA and forwards that roster to the City Council. Council approval authorizes the Planning Director to conduct the public

hearing on the amendments. Following the hearing, the Planning Director forwards a recommendation to the City Council.

The amendments proposed under File CAM13-00275 would apply city-wide, and therefore are within the disapproval jurisdiction of the Houghton Community Council. After reviewing the roster, the Houghton Community Council chose not to participate in the public hearing with the Planning Director. However, they are copied on the staff report and will take final action after the City Council action.

## **B. HISTORY**

1. The Planning Department maintains a list of potential amendments to the Zoning Code and other development regulations. The Department periodically reviews the list to determine which of the amendments are appropriate for review through Process IVA. Amendments that are not suitable for Process IVA are reviewed through Process IV, in which the Planning Commission, rather than the Planning Director, conducts the public hearing.
2. On March 15, 2013 the Department created a roster summarizing this year's Process IVA proposed amendments. The roster was distributed to the City Council, Planning Commission, Houghton Community Council, Kirkland Neighborhood Associations and Kirkland Chamber of Commerce as required by Chapter 161 KZC. The roster was modified as a result of citizen and staff comments. See the City Council packet from April 16, 2013. [http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/041613/11b\\_NewBusiness.pdf](http://www.kirklandwa.gov/Assets/City+Council/Council+Packets/041613/11b_NewBusiness.pdf)
3. On April 16, 2013 the roster was presented to the City Council. Councilmember Toby Nixon provided some feedback on Item 23 that has been incorporated. The Council approved the roster as modified, authorizing the proposal to proceed to a public hearing. The roster dated April 23, 2013 in Attachment 1 incorporates all of the comments to date.

## **C. PUBLIC COMMENT**

Any written comments received after this report is distributed and prior to the public hearing will be available for consideration at the hearing. Additional opportunity for public comment will occur at the hearing.

## **D. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

An EIS Addendum was issued on April 22, 2013 (see Attachment 3). The requirements of SEPA have been fulfilled for this proposal.

## **E. APPROVAL CRITERIA**

According to KZC 161.15 and 161.25, Zoning Code amendments may be approved through process IVA if those amendments:

1. Are minor.
2. Are not controversial.
3. Do not need extensive policy study.
4. Promote clarity, eliminate redundancy, or correct inconsistencies.

If the Planning Director concludes that the proposed amendments satisfy these criteria, he should recommend approval to the City Council of all proposed amendments. If the Director concludes that some of the proposed amendments satisfy these criteria and others do not, he should recommend approval only of those amendments which satisfy the criteria.

The roster includes a column explaining the reason for the amendment such as "wording is unclear," "out of date reference," "correction as a result of a recent code

amendment," or for clarification and consistency reasons. All reasons meet the approval criteria and intent of Chapter 161.

**IV. APPENDICES**

Attachments 1 – 3 are attached.

1. Roster April 23, 2013
2. Temporary Use Permit, KZC Chapter 127, proposed amended language
3. EIS Addendum issued April 22, 2013

Cc: Houghton Community Council

CODE SECTION	REASON	DRAFT AMENDMENT
1 KMC 1.12.050.e Code Enforcement	Wording is unclear.	(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared <u>occurred</u> and assessing the appropriate monetary penalty. The city will carry out...
2 KMC 3.30.010 Design Review Board	Planning Director is no longer needed as a nonvoting member of the DRB in an advisory role. Staff provides this function.	The design review board shall be composed of seven appointed members. <del>In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues.</del> Members shall be appointed...
3 KMC 24.02.038 SEPA Policies	The SMP is no longer in Title 24. It is integrated into the Comprehensive Plan and Zoning Code and does not need to be referenced in the KMC as a SEPA policy.	(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, including the Shoreline Master Program), Title 25 (Concurrency Management), and Title 28 (Landmarks);
4 KZC 5.10.100 Definitions	Out of date reference.	<del>Building Official - "Building Official" as that term is defined in the Uniform Building Code as adopted in KMC Title 21</del> The Building Services Manager or <del>his</del> her designee.
5 KZC 5.10.110 Definitions	Out of date reference.	Certificate of Occupancy - "Certificate of Occupancy," as that term is defined in the Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.
6 KZC 5.10.210 Definitions	Out of date reference.	Development Activity - Any work, condition or activity which requires a permit or approval under this code or the Uniform Building Code KMC Title 21, Buildings and Construction.
7 KZC 5.10.720.1 Definitions	Out of date reference.	...Neither the Burlington-Northern Cross Kirkland Corridor railbanked rail corridor, the Eastside Rail Corridor, nor the I-405, nor SR-520 rights-of-way shall be considered front property lines.
8 KZC 15.10.10 Special Regulation 6, RS Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which</del> and shall comply with Special Regulations <del>6</del> for <del>horse</del> large domestic animals in KZC 11.5.20.5.d(4) <del>(chart)</del> .

9	KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulations 6 for horses large domestic animals in KZC 115.20.5.d(4) (chart).
10	KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	There are no RSX zones in HCC jurisdiction.	Garages shall comply with the requirements of KZC 115.43, including required front yard. <del>These requirements are not effective within the jurisdiction of the Houghton Community Council.</del>
11	KZC 25.08.3 General Regulation for PR, PRA Zones	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to detached dwelling units).
12	KZC 40.10.055, BIV, BIVA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>
13	KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>
14	KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats See KZC 105.25</del>

15	KZC 51.08.3, MSC-1, 4 Zones, General Regulation	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. <u>(Does not apply to detached dwelling units).</u>
16	KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
17	<del>Column B</del> KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
18	KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
19	KZC 95.23.4.b Tree Removal - Not Associated with Development Activity	Make consistent with Planning Official appeals elsewhere in the code.	b. <del>An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>

20	KZC 95.40.1.d., Required Landscaping	Out of date reference.	d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington-Northern Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor rights-of-way.
21	KZC 100.15, Signs, Scope and Exclusions	Codify common practice - exclude signs not visible from off-site from regulation. (From Interpretation 85-6, Part 2).	8. Exterior signs or displays not visible from streets or ways open to the public. 9. Signs in the interior of a building more than three feet from the closest window or not facing a window.
22	KZC 100.50.1.a, Signs, Designated Corridors	Out of date reference.	a. Market Street between Central Way and N.E. 106th Street Forbes Creek Drive.
23	KZC 100.65.1, Signs,	Codify common practice. (From Interpretation 86-16).	1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building, parapet or similar architecture feature to which they are attached.
24	KZC 100.115, Signs, Temporary/Special Signs	Clarify permitted duration of display of a Temporary Commercial Sign. (From Interpretation 95-4 (Part 2)	Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.
25	KZC 115.07.10.c, Accessory Dwelling Units	Make consistent with Planning Official appeals elsewhere in the code.	c. Appeals. <del>An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>

<p>26</p>	<p>KZC 115.80.2, Legal building Site</p>	<p>Clarify that lot sizes can be varied per existing code provisions.</p>	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:  a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or  b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or  c. <u>The lot size was approved pursuant to all applicable laws, ordinances and regulations; or</u>  <u>ed.</u> The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</p>
<p>27</p>	<p>KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>28</p>	<p>KZC 118.20, Hazardous Liquid Pipelines</p>	<p>Make consistent with high consequence land use regulations in 118.60.</p>	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within <u>150500</u> feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>

29	KZC 127, Temporary Use	Streamline temporary use permit (TUP) process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's.	see Attachment 2
30	KZC 145.60.1.b., Process I Appeals	Clarification.	1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application during the comment period established in the <u>Notice of Application</u> .

## PROCESS IVA CODE AMENDMENTS

### Chapter 127 – TEMPORARY USE

(Only sections that are proposed for amendment are shown)

#### 127.10 Process for Deciding Upon a Proposed Temporary Use

An application for a temporary use permit will be reviewed and decided upon by the Planning ~~Director~~Official.

#### 127.42 Notice Requirements for Homeless Encampments in New Locations

1. Applicability - The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

##### 21. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

32. A Notice of Application for Homeless Encampment shall be provided prior to the Planning ~~Director's~~Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:

- a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the ~~Director's~~Official's decision.
- b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the ~~Director's~~Official's decision.
- c. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning ~~Director's~~Official's decision.
- d. The notice will be posted on the City's website.

43. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning Director~~Official~~ and appeal procedure and be distributed as required for notice of application within four business days after the decision.

#### **127.44 Notice Requirements for Homeless Encampments at Repeat Locations**

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.
2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.
3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.

#### **127.45 Appeals**

There is no administrative appeal of the Planning Director's~~Official's~~ decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

## Fact Sheet

<b>Action Sponsor and Lead Agency</b>	City of Kirkland Department of Planning and Community Development
<b>Proposed Action</b>	Legislative adoption of Miscellaneous Kirkland Municipal Code and Zoning Code amendments pursuant to Chapter 161 KZC (Process IVA).
<b>Responsible Official</b>	 <hr style="width: 25%; margin-left: 0;"/> <b>Eric R. Shields, AICP</b> <b>Planning Director</b>
<b>Contact Person</b>	Nancy Cox, City of Kirkland (425) 587- 3228.
<b>Required Approvals</b>	Adoption by Kirkland City Council Approval by Houghton Community Council for amendments within its jurisdiction.
<b>Location of Background Data</b>	File CAM13-00275 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
<b>Date of Issuance</b>	<b>April 23, 2013</b>

## City of Kirkland

### Process IVA Miscellaneous Kirkland Municipal Code and Zoning Code

**EIS Addendum dated April 23, 2013**

**File No. CAM13-00275**

#### **I. Background**

The City of Kirkland proposes to amend the Kirkland Municipal Code and Kirkland Zoning Code. The amendment will be reviewed using the Chapter 161 KZC, Process IVA with adoption by City Council and final action by the Houghton Community Council for the amendments that are within their jurisdiction.

This Environmental Impact Statement (EIS) Addendum is intended to fulfill the environmental requirements pursuant to the State Environmental Policy Act (SEPA) for the proposed Zoning Code amendment.

#### **II. EIS Addendum**

According to the SEPA Rules, an EIS addendum provides additional analysis and/or information about a proposal or alternatives where their significant environmental impacts have been disclosed and identified in a previous environmental document (WAC 197-11-600(2)). An addendum is appropriate when the impacts of the new proposal are the same general types as those identified in the prior document, and when the new analysis does not substantially change the analysis of significant impacts and alternatives in the prior environmental document (WAC 197-11-600(4)(c), -625 and -706).

The City published the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. This EIS addressed the 2004 Comprehensive Plan, Zoning Code and Zoning Map updates required by the Washington State Growth Management Act (GMA). Elements of the environment addressed in this EIS include population and employment growth, earth resources, air quality, water resources, plants and animals, energy, environmental health (noise, hazardous materials), land use, socioeconomics, aesthetics, parks/recreation, transportation, and public services/utilities.

This addendum to the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* is being issued pursuant to WAC 197-11-625 to meet the City's SEPA responsibilities. The EIS evaluated plan alternatives and impacts that encompass the same general policy direction, land use pattern, and environmental impacts that are expected to be associated with the proposed

Municipal Code and Zoning Code amendments discussed herein. While the specific location, precise magnitude, or timing of some impacts may vary from those estimated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*, they are still within the range of what was evaluated and disclosed there. No new significant impacts have been identified.

### **III. Non-Project Action**

Decisions on the adoption or amendment of zoning ordinances are referred to in the SEPA rules as “non-project actions” (WAC 197-11-704(2)(b)). The purpose of an EIS in analyzing a non-project action is to help the public and decision-makers identify and evaluate the environmental effects of alternative policies, implementation approaches, and similar choices related to future growth. While plans and regulations do not directly result in alteration of the physical environment, they do provide a framework within which future growth and development – and resulting environmental impacts – will occur. Both the adoption of the Comprehensive Plan evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* and eventual action on the are “non-project actions”.

### **IV. Environmental Analysis**

The *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update* evaluated the environmental impacts associated with adoption of proposed policies and land use designations. The plan’s policies are intended to accomplish responsibilities mandated by the Washington State Growth Management Act (GMA), and to mitigate the impacts of future growth. In general, environmental impacts associated with the proposed Zoning Code amendment are similar in magnitude to the potential impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*. As this proposal is consistent with the policies and designations of the Comprehensive Plan and the environmental impacts disclosed in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*, no additional or new significant impacts beyond those identified in the EIS for the Comprehensive Plan are anticipated.

### **V. Description of the Proposed Amendments**

The proposal would modify, add and delete several provisions of the Kirkland Municipal and Kirkland Zoning Codes. The following code sections will be affected:

#### CODE SECTION

KMC 1.12.050.e Code Enforcement – *correct typo*

- KMC 3.30.010 Design Review Board – *remove Planning Director as non-voting member*
- KMC 24.02.038 SEPA Policies – *remove SMP as a separate SEPA policy; it is now part of the Comprehensive Plan and Zoning Code*
- KZC 5.10.100 Definitions – *Remove out of date reference to Uniform Building Code*
- KZC 5.10.110 Definitions - *Remove out of date reference to UBC*
- KZC 5.10.210 Definitions - *Remove out of date reference to UBC*
- KZC 5.10.720.1 Definitions - *Remove out of date reference to Burlington Northern*
- KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit – *Correction as a result of a recent code amendment*
- KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit - *Correction as a result of a recent code amendment*
- KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit – *Remove reference to Houghton Community Council, no RSX zones in HCC jurisdiction*
- KZC 25.08.3 General Regulation for PR, PRA Zones – *Clarify that horizontal façade regulations are not applicable to detached dwelling units*
- KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 51.08.3, MSC-1, 4 Zones, General Regulation – *Clarify that horizontal façade regulations are not applicable to detached dwelling units*
- KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces column - *Correction as a result of a recent code amendment*
- KZC 95.23.4.b Tree Removal - Not Associated with Development Activity – *Make appeals section consistent with Planning Official appeals elsewhere in the code*
- KZC 95.40.1.d., Required Landscaping - *Remove out of date reference to Burlington Northern*

- KZC 100.15, Signs, Scope and Exclusions – *Codify common practice; to exclude signs not visible from off-site from regulation*
- KZC 100.50.1.a, Signs, Designated Corridors – *Remove out of date reference*
- KZC 100.65.1, Signs, - *Codify common practice to allow signs mounted on a parapet or similar architectural feature*
- KZC 100.115, Signs, Temporary/Special Signs – *Clarify permitted duration of display of a Temporary Commercial sign*
- KZC 115.07.10.c, Accessory Dwelling Units - *Make appeals section consistent with Planning Official appeals elsewhere in the code*
- KZC 115.80.2, Legal building Site – *Clarify that lot sizes can be varied per existing code provisions*
- KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review - *Make appeals section consistent with Planning Official appeals elsewhere in the code*
- KZC 118.20, Hazardous Liquid Pipelines – *Make consistent with high consequence land use regulations in 118.60*
- KZC 127, Temporary Use – *Streamline temporary use permit process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's*
- KZC 145.60.1.b., Process I Appeals – *Clarify who may appeal*

## **VI. Public Involvement**

The Planning Director will hold a public hearing on April 30, 2013 at 9 AM in the City Council chamber. Public notice of the amendment and the public hearing is being provided in accordance with State law. The City Council will take final action on the proposal on May 21, 2013. The Houghton Community Council will take final action in May, 2013 as the amendments are within their jurisdiction. All dates are subject to change.

## **VII. Conclusion**

This EIS Addendum fulfills the environmental review requirements for the proposed KMC and KZC amendments. The impacts of the proposal are within the range of impacts disclosed and evaluated in the *City of Kirkland 2004 Draft and Final Comprehensive Plan 10-year Update*; no new significant impacts have been identified. Therefore, issuance of this EIS Addendum is the appropriate course of action.

Attachment: Roster of proposed amendments as approved by the Kirkland City Council on April 16, 2013



CODE SECTION	REASON	DRAFT AMENDMENT
1 KMC 1.12.050.e Code Enforcement	Wording is unclear.	(e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation <u>appeared</u> occurred and assessing the appropriate monetary penalty. The city will carry out...
2 KMC 3.30.010 Design Review Board	Planning Director is no longer needed as a nonvoting member of the DRB in an advisory role. Staff provides this function.	The design review board shall be composed of seven appointed members. <del>In addition, the director of planning and community development shall sit on the design review board ("DRB") as a nonvoting member for purposes of advising the board on regulatory and urban design issues.</del> Members shall be appointed...
3 KMC 24.02.038 SEPA Policies	The SMP is no longer in Title 24. It is integrated into the Comprehensive Plan and Zoning Code and does not need to be referenced in the KMC as a SEPA policy.	(e) The Kirkland Municipal Code (KMC), including but not limited to Title 15 (Water and Sewage), Title 19 (Streets and Sidewalks), Title 21 (Buildings and Construction), Title 22 (Subdivisions), Title 24 (Environmental Procedures, including the Shoreline Master Program), Title 25 (Concurrency Management), and Title 28 (Landmarks);
4 KZC 5.10.100 Definitions	Out of date reference.	<u>Building Official</u> - <u>"Building Official"</u> as that term is defined in the <u>Uniform Building Code as adopted in KMC Title 21</u> <del>The Building Services Manager or his/her designee.</del>
5 KZC 5.10.110 Definitions	Out of date reference.	<u>Certificate of Occupancy</u> - <u>"Certificate of Occupancy,"</u> as that term is defined in the <u>Uniform Building Code as adopted in KMC Title Chapter 21.06, Construction Administration Code.</u>
6 KZC 5.10.210 Definitions	Out of date reference.	<u>Development Activity</u> - Any work, condition or activity which requires a permit or approval under this code or the <u>Uniform Building Code KMC Title 21, Buildings and Construction.</u>
7 KZC 5.10.720.1 Definitions	Out of date reference.	...Neither the <u>Burlington Northern Cross Kirkland Corridor railbanked rail corridor, the Eastside Rail Corridor, nor the I-405, nor SR-520 rights-of-way shall be considered front property lines.</u>
8 KZC 15.10.10 Special Regulation 6. RS Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <del>which shall comply with Special Regulations 6 for horses/large domestic animals in KZC 115.20.5.d(4) (chart).</del>

9	KZC 17.10.010 Special Regulation 6. RSX Zone, Detached Dwelling Unit	Correction as a result of a recent code amendment.	6. Residential lots in RSX <u>35</u> zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, <u>which</u> shall comply with <u>Special Regulations 6</u> for <u>horses</u> <u>large domestic animals</u> in KZC <u>115.20.5.d(4)</u> <u>(chart)</u> .
10	KZC 17.10.010 Special Regulation 7. RSX Zone, Detached Dwelling Unit	There are no RSX zones in HCC jurisdiction.	Garages shall comply with the requirements of KZC 115.43, including required front yard. <del>These requirements are not effective within the</del> <del>disapproval jurisdiction of the Houghton Community Council.</del>
11	KZC 25.08.3 General Regulation for PR, PRA Zones	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. <u>(Does not apply to detached dwelling units).</u>
12	KZC 40.10.055, BN, BNA Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
13	KZC 45.10.090, BC, BC 1 & BC 2 Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces <del>column</del>	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>
14	KZC 47.10.090, BCX Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces <del>column</del>	Correction as a result of a recent code amendment.	<del>1</del> per every 4 fixed seats See <u>KZC 105.25</u>

15	KZC 51.08.3, MSC-1, 4 Zones, General Regulation	Clarify that horizontal façade regulations are not applicable to detached dwelling units.	3. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal façade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to detached dwelling units).
16	KZC 55.33.080, TL 4A, 4B, 4C Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>
17	KZC 55.39.090, TL 5 Zone, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>
18	KZC 55.45.080, TL 6A, 6B Zones, Entertainment, Cultural and/or Recreational Facility - Required Parking Spaces	Correction as a result of a recent code amendment.	1 per every 4 fixed seats See <u>KZC 105.25</u>
19	KZC 95.23.4.b Tree Removal - Not Associated with Development Activity	Make consistent with Planning Official appeals elsewhere in the code.	b. An applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the City within 14 calendar days following the date of distribution of a City's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the City made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, the Hearing Examiner may affirm, reverse or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

20	KZC 95.40.1.d., Required Landscaping	Out of date reference.	d. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, and SR-520 rights-of-way, and the Burlington-Northern Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor rights-of-way.
21	KZC 100.15, Signs, Scope and Exclusions	Codify common practice - exclude signs not visible from off-site from regulation. (From Interpretation 85-6, Part 2).	8. Exterior signs or displays not visible from streets or ways open to the public. 9. Signs in the interior of a building more than three feet from the closest window or not facing a window.
22	KZC 100.50.1.a, Signs, Designated Corridors	Out of date reference.	a. Market Street between Central Way and N.E. 106th Street Forbes Creek Drive.
23	KZC 100.65.1, Signs,	Codify common practice. (From Interpretation 86-16).	1. Wall-Mounted and Marquee Signs: Shall not project above the roofline of the building, parapet or similar architecture feature to which they are attached.
24	KZC 100.115, Signs, Temporary/Special Signs	Clarify permitted duration of display of a Temporary Commercial Sign. (From Interpretation 95-4 (Part 2))	Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.
25	KZC 115.07.10.c, Accessory Dwelling Units	Make consistent with Planning Official appeals elsewhere in the code.	c. Appeals. <del>An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 14 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del>

<p>26</p>	<p>KZC 115.80.2, Legal building Site</p>	<p>Clarify that lot sizes can be varied per existing code provisions.</p>	<p>2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:  a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or  b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or  c. <u>The lot size was approved pursuant to all applicable laws, ordinances and regulations; or</u>  <u>eq. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right of way subsequent to May 17, 1972.</u></p>
<p>27</p>	<p>KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review</p>	<p>Make consistent with Planning Official appeals elsewhere in the code.</p>	<p><del>1. An applicant may appeal a Planning Official decision to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 14 days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.</del></p>
<p>28</p>	<p>KZC 118.20, Hazardous Liquid Pipelines</p>	<p>Make consistent with high consequence land use regulations in 118.60.</p>	<p><u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within <del>150</del>500 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.</p>

29	KZC 127, Temporary Use	Streamline temporary use permit (TUP) process for homeless encampments at repeat locations. Change from Planning Director to Planning Official as decision-maker for TUP's.	see Attachment 2
30	KZC 145.60.1.1.b., Process I Appeals	Clarification.	1. <u>Who May Appeal</u> - The decision of the Planning Director may be appealed by: a. The applicant, or b. Any person who submitted written comments or information to the Planning Director on the application during the comment period established in the <u>Notice of Application</u> .

## PROCESS IVA CODE AMENDMENTS

### Chapter 127 – TEMPORARY USE

(Only sections that are proposed for amendment are shown)

#### 127.10 Process for Deciding Upon a Proposed Temporary Use

An application for a temporary use permit will be reviewed and decided upon by the Planning ~~Director~~Official.

#### 127.42 Notice Requirements for Homeless Encampments in New Locations

1. Applicability - The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

##### 21. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

32. A Notice of Application for Homeless Encampment shall be provided prior to the Planning ~~Director's~~Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning Department shall distribute this notice as follows:

- a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the ~~Director's~~Official's decision.
- b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the ~~Director's~~Official's decision.
- c. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning ~~Director's~~Official's decision.
- d. The notice will be posted on the City's website.

43. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning ~~Director~~Official and appeal procedure and be distributed as required for notice of application within four business days after the decision.

#### **127.44 Notice Requirements for Homeless Encampments at Repeat Locations**

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.
2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.
3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.

#### **127.45 Appeals**

There is no administrative appeal of the Planning ~~Director's~~Official's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.



## **CITY OF KIRKLAND**

**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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### **TIMELINE FOR TENT CITY 4 and HOMELESS ENCAMPMENT REGULATIONS IN KIRKLAND**

Feb. 2005 – May 2005

TC4 located at Kirkland Congregational United Church of Christ, 106 Fifth Ave.

April 2005

Interim Regulations adopted

May 2005 – Aug. 2005

Located at Lake Washington United Methodist Church at 7525 132<sup>nd</sup> Ave. NE

Feb. 2006

Temporary Use (KZC Chapter 127) code amendments adopted

Nov. 2007 – Feb. 2008

Located at Holy Spirit Lutheran Church at 10021 NE 124<sup>th</sup> St.

Feb. 2008 – May 2008

Located at Kirkland Congregational United Church of Christ, 106 Fifth Ave.

Aug. 2009 – Oct. 2009

Located at Holy Spirit Lutheran Church at 10021 NE 124<sup>th</sup> St.

April 2010 – July 2010

Located at Lake Washington United Methodist Church at 7525 132<sup>nd</sup> Ave. NE

January 2011 – April 2011

Located at Kirkland Congregational United Church of Christ, 106 Fifth Ave.





## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587-3225  
www.ci.kirkland.wa.us

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### ADVISORY REPORT FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

**To:** Eric R. Shields, AICP, Planning Director  
**From:** Sean LeRoy, Project Planner  
**Date:** January 10, 2012  
**File:** **ZON11-00044 – TEMPORARY USE PERMIT FOR TENT CITY 4  
HOLY SPIRIT LUTHERAN CHURCH & SHARE/WHEEL**

#### I. INTRODUCTION

##### A. APPLICATION

1. Applicants: Holy Spirit Lutheran Church and SHARE/WHEEL
2. Site Location: 10021 NE 124<sup>th</sup> Street (see Attachment 1)
3. Request: Temporary Use Permit (TUP) to locate a homeless encampment called Tent City 4 (TC4) within an existing parking lot and grassy area east and south of the existing Holy Spirit Lutheran Church building for a period of 92 days from January 21, 2012 to April 21, 2012. The maximum capacity of TC4 is 100 people.

The request is to allow a food service area tent, community area, security tent, storage tent and sleeping tents along with a portable shower, portable toilets, and garbage dumpsters. A six-foot tall sight obscuring fabric fence is proposed twenty feet from the NE 124<sup>th</sup> Street property line that extends from the existing wood fence at the east property line to the western extent of the existing parking lot, wrapping back towards the Church. The site plan is found in Attachment 2.

See Attachment 3 for the co-applicants' description of the project which includes an operational overview, utilities, food, security, TC4 code of conduct, and transportation.

4. Review Process: A TUP is requested per Kirkland Zoning Code (KZC) Chapter 127. A decision is made by the Planning Director.

##### B. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I recommend approval of this application with the site plan and project description submitted by the co-applicants in Attachments 2 and 3, subject to the following conditions:

1. SHARE/WHEEL'S TC4 shall be limited to the maximum duration allowed by KZC Section 127.30.2.b which is 92 days. Based on a move in date of January 21, 2012, TC4 should leave the Church property by April 21, 2012.
2. The following performance and development standards pursuant to KZC Section 127.25 must be met by SHARE/WHEEL'S TC4:

**a. Health and Safety**

- (1) SHARE/WHEEL'S TC4 shall permit daily inspections by Seattle/King County Public Health to check compliance with the standards for homeless encampments.
- (2) SHARE/WHEEL'S TC4 shall comply with Washington State and City Codes including those concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, and fire resistant materials.
- (3) SHARE/WHEEL'S TC4 shall permit frequent inspections by City inspectors to check compliance with the standards for homeless encampments and shall implement all directives from the inspectors within a specified time period.
- (4) SHARE/WHEEL'S TC4 shall prohibit littering at the encampment and shall regularly conduct litter clean-up patrols in the immediate vicinity of the encampment.
- (5) Open Flames are not permitted.

**b. Conduct and Security**

- (1) The TC4 residents shall adhere to the "Code of Conduct" submitted as part of the application to this TUP (see Attachment 3).
- (2) No animals shall be permitted in TC4 except for service animals.
- (3) SHARE/WHEEL is responsible for enforcing the Code of Conduct.
- (4) Quiet hours at TC4 shall be between 9:00 PM and 8:00 AM. During this time, activities in TC4 shall be limited to prevent disturbance to surrounding residential properties.
- (5) SHARE/WHEEL'S TC4 shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements of the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- (6) SHARE/WHEEL'S TC4 shall immediately contact the City of Kirkland Police Department if the reason for rejection or ejection of an individual from the encampment is for an active warrant or a match on the sex offender check, or if in the opinion of the

encampment, the rejected/ejected person is a potential threat to the community.

Other individuals who are turned away from camp shall be handled as follows: 1) SHARE/WHEEL'S TC4 security workers shall walk the individual to the bus stop and wait with them until the bus arrives; or 2) a camp vehicle shall be used to drive the individual to the closest available bus service; or 3) a taxi or volunteer driver shall be called and TC4 security workers shall be available to wait with the person. Taxi vouchers shall be available from SHARE/WHEEL when buses are not operating.

- (7) SHARE/WHEEL'S TC4 shall not register children under 18 to stay overnight at the homeless encampment. If a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay at the homeless encampment, SHARE/WHEEL shall immediately contact Child Protective Services, and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).
- (8) SHARE/WHEEL may be contacted at (206) 448-7889 for complaints regarding TC4.

**c. Parking and Transportation**

- (1) The total number of vehicles associated with SHARE/WHEEL'S TC4 shall not exceed five vehicles and shall be parked in the Church's parking lot as identified on the site plan (see Attachment 2).
- (2) All TC4 residents shall be provided with bus tickets as needed.

**d. General Standards**

- (1) The encampment shall be located at least 20 feet from property lines abutting residential uses.
- (2) A sight-obscuring fence shall be required as shown in Attachment 2 and described in Section II.D.1.a below. If, after installation, the proposed double-layered fabric fence does not obscure views of TC 4 and/or does not hold up in inclement weather, the applicant shall work with City to install a replacement fence that meets City standards.
- (3) Any exterior lighting shall be directed downward and contained within the homeless encampment.
- (4) The maximum number of residents is 100.

3. The City may void this permit pursuant to KZC Section 170.50 if there are repeated violations of any aspect, including conditions of approval or performance and development standards, of the permit.

4. At least by the end of the TUP period (April 21, 2012), the site shall be returned to its original condition by the co-applicants. The co-applicants shall reimburse the City for any expenses incurred by the City in abating the temporary use (see Attachment 4).
5. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Fire and Building Code. It is the responsibility of the co-applicants to ensure compliance with the various provisions contained in these ordinances. Attachment 5, Development Standards, is provided in this report to familiarize the co-applicants with some of the additional development regulations.

## II. **FINDINGS OF FACT AND CONCLUSIONS**

### A. **SITE DESCRIPTION**

1. Site Development and Zoning
  - a. Facts:
    - (1) Size: The size of the area proposed to be occupied by SHARE/WHEEL'S TC4 is approximately 25,843 square feet or 0.59 acres (includes setback areas). The Church property is 108,206 square feet or 2.48 acres in size. Attachment 6 contains the property survey.
    - (2) Land Use: Church. In addition, the parking lot west of the Church building serves as a King County METRO Park and Ride.
    - (3) Zoning: RM 3.6 (multi-family zone)
    - (4) Terrain and Vegetation: The area in which TC 4 is being located contains a surface parking lot, lawn area. This area ranges from being generally flat to having a slight slope in the areas of the proposed tents. There are several significant trees adjacent to the east property line and they are not proposed to be disturbed with the placement of the tents.
  - b. Conclusions: The area of the encampment is a small fraction (approximately 24%) of the total site area of the church. There will be little site disturbance because the tents and other TC 4 structures and uses will be placed in vacant areas of the property.
2. Neighboring Development and Zoning
  - a. Facts:

*North* – RM 3.6 – NE 124<sup>th</sup> Street. Bowie Place Condominiums  
*East* – RM 3.6 – Cobblestone Condominiums  
*South* – RM 2.4 – Cedar Mills Condominiums  
*West* – RM 1.8 – 100<sup>th</sup> Avenue NE; Hampton Park Condominiums

- b. Conclusion: The Church and encampment site is bordered on all sides by medium and high density residential uses. TC 4 should be subject to the requirements for temporary uses found in KZC Chapter 127. Section II.D below contains an analysis of the City's requirements and the proposed encampment.

**B. HISTORY**

SHARE/WHEEL'S TC4 current proposal marks the eighth such request Citywide, though at various locations, since 2005. The current proposal would mark the third stay at Holy Spirit Lutheran Church, with the first being in 2007. In each of the prior seven proposals, a Temporary Use Permit was approved by the Planning Director.

**C. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

1. Fact: This application is exempt from SEPA per WAC 197-11 800(1) Minor construction.
2. Conclusion: The applicant and City have met the requirements of SEPA.

**D. APPROVAL CRITERIA**

1. Section 127.20 – Criteria for Granting a Temporary Use Permit

The City may grant a temporary use permit only if it finds that:

- The proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity; and
- The proposed temporary use is compatible with existing land use in the immediate vicinity; and
- The proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

- a. Facts:

- (1) Materially Detrimental: The proposal includes operational guidelines that speak to the conduct and governance of the residents as well as health and safety issues. SHARE/WHEEL'S TC4 has a Code of Conduct with which it pledges to comply. It has two security workers on-duty at all times that check visitors at the entrance to the camp. The security workers patrol the camp and the surrounding area. An Executive Committee (the internal governing committee for TC4) member is also on-duty at all times.

The security of surrounding properties and residents or visitors is the responsibility of the Kirkland Police Department and King County Sheriff. The law enforcement community has a joint response agreement in effect and routinely responds to requests from neighboring jurisdictions. The City has designated a Fire/Building Inspector to make frequent visits to TC4 to check-in and confirm compliance with permit conditions and standards. ID checks are conducted and logs of individuals are maintained by the encampment. KZC Section 170.50 addresses what the City should do if there are repeated violations of any aspect of a permit approved by the City.

- (2) Compatibility: The encampment has fairly generous setbacks from surrounding condominium developments, the closest being 20 feet along the east and south property lines. Along the north property line, TC4 is situated over 100 feet from the property line of the condominium complex to the north and over 150 feet from the nearest condominium units, due to the width the NE 124<sup>th</sup> Street right-of-way. To the west, TC4 is separated by approximately 270 feet (at its nearest point) from the condominium complex to the west due to the width of 100<sup>th</sup> Avenue NE and primarily interior placement of the TC 4 on the Church property. TC4 has established a quiet time from 9:00 PM to 8:00 AM.

SHARE/WHEEL staff and TC4 residents have stated that concerns from neighbors may be called in to SHARE/WHEEL at any time and a response will be provided as soon as possible.

An existing 6-foot tall wood fence is located along the east and along a portion of the south property lines. A 6-foot tall sight obscuring double-layered fabric fence is proposed at the northern most point of the encampment, wrapping back towards the Church. This fence will contain a gate to allow for access to portable waste facilities. Metal posts with wood slats are proposed to hold up the fabric fence and are to be spaced 4 to 6 feet apart to prevent sagging. The proposed set-up will make it easy to visually gauge the allowed footprint for TC 4 tents and other improvements.

- (3) Not Otherwise Allowable: Temporary housing or camps are not listed as allowed uses within any zone in Kirkland. KZC Section 5.780 defines a Residential Use as, "Developments in which persons sleep and prepare food, other than developments used for transient occupancy."

b. Conclusions: The application complies with the criteria for a TUP provided that the following actions are taken:

- (1) SHARE/WHEEL's TC 4 should check identification of incoming residents and provide the information to the King County Sheriff's Office or the City in order to check for warrants and sex offender status.

- (2) SHARE/WHEEL's TC 4 should contact the Kirkland Police Department if there is a rejection of an individual from the encampment that is a potential threat to the community. Other persons who are not accepted should be escorted to a bus stop by TC 4 security or provided a ride from a volunteer or taxi. Taxi vouchers should be made available in situations when buses are not operating.
- (3) The City should continue to have a Fire/Building inspector or other City official make frequent visits to the site to check for compliance with permit conditions.
- (4) SHARE/WHEEL's TC 4 should be held to the same standard as other residents or visitors in Kirkland in terms of their behavior in public areas.
- (5) Children, whether or not accompanied by parents or guardians, should not be allowed to stay overnight at TC 4. Child Protective Services should be immediately notified if children try to enter or accompany adults entering TC 4.
- (6) Litter should be patrolled and cleaned up as necessary by SHARE/WHEEL's TC 4.
- (7) The City should void the TUP if there are any repeated violations of the conditions of approval.
- (8) Quiet hours should be observed by the encampment residents between the hours of 9:00 PM and 8:00 AM every day.
- (9) A sturdy, six foot tall, sight-obscuring fence should be provided for separation and privacy as proposed.

2. KZC Section 127.25.2 Dimensional Requirements and Development and Performance Standards for homeless encampments

- a. Facts: KZC Section 127.25.2 standards for homeless encampments are listed below:
  - (1) An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. *Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.*
  - (2) The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
  - (3) Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.

- (4) Exterior lighting must be directed downward and contained within the homeless encampment.
- (5) The maximum number of residents within a homeless encampment is 100.
- (6) Parking for five vehicles shall be provided.
- (7) A transportation plan is required which shall include provision of transit services.
- (8) The homeless encampment shall be located within one-half mile of transit service.
- (9) No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- (10) No animals shall be permitted in encampments except for service animals.
- (11) A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:
  - a) No drugs or alcohol.
  - b) No weapons.
  - c) No violence.
  - d) No open flames.
  - e) No loitering in the surrounding neighborhood.
  - f) Quiet hours.
- (12) The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.
- (13) The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- (14) The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

The applicant has submitted a written response to the above listed standards (see Attachment 3).

- b. Conclusions: Based on a review of the applicant's proposal, Staff has determined that the applicant's proposal is consistent with the required standards found in KZC Section 127.25. Therefore, the TUP should be

contingent on the applicant following through on the proposal so that the standards in KZC Section 127.25 are met.

3. KZC Section 127.30 Frequency and Duration of Temporary Use

- a. Facts: KZC Section 127.30.1 states that the City may not grant a temporary use permit at the same site more frequently than once in every 365-day period. The City may only grant a temporary use permit for a specified period of time, not to exceed 60 days. For homeless encampments, the time period cannot exceed 92 days.

The applicant is proposing to host TC4 for a period of 92 days from January 21, 2012 to April 21, 2012.

- b. Conclusions: The City may approve a TUP for TC4 at the Holy Spirit Lutheran Church for up to 92 days. The applicants proposed dates for TC4 is consistent with this code requirement.

4. KZC Section 17.35 Removal of Temporary Use

- a. Facts: Section 127.35 requires the City to designate a deadline for removal of the temporary use and to ensure that if the use is not removed, the applicant will pay 100% of the cost for the City to remove the temporary use.

As part of the application materials, the City received a signed and notarized agreement 'Temporary Use Permit' which specifies an agreement for the removal of a temporary use.

- b. Conclusions: The application complies with KZC Section 127.35.

**E. DEVELOPMENT REVIEW**

1. Fact: Additional comments and requirements placed on the project are found as development standards listed in Attachment 5.
2. Conclusion: The applicant should follow the requirements in Attachment 5.

**III. APPEALS**

There is no administrative appeal of the Planning Director's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

**IV. APPENDICES**

Attachments 1 through 7 are attached.

1. Vicinity Map
2. Site Plan
3. Project Description
4. Temporary Use Agreement
5. Development Standards
6. Property Survey
7. Applicant Response to Criteria

**Review by Planning Director:**

I concur  I do not concur

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



January 12, 2012

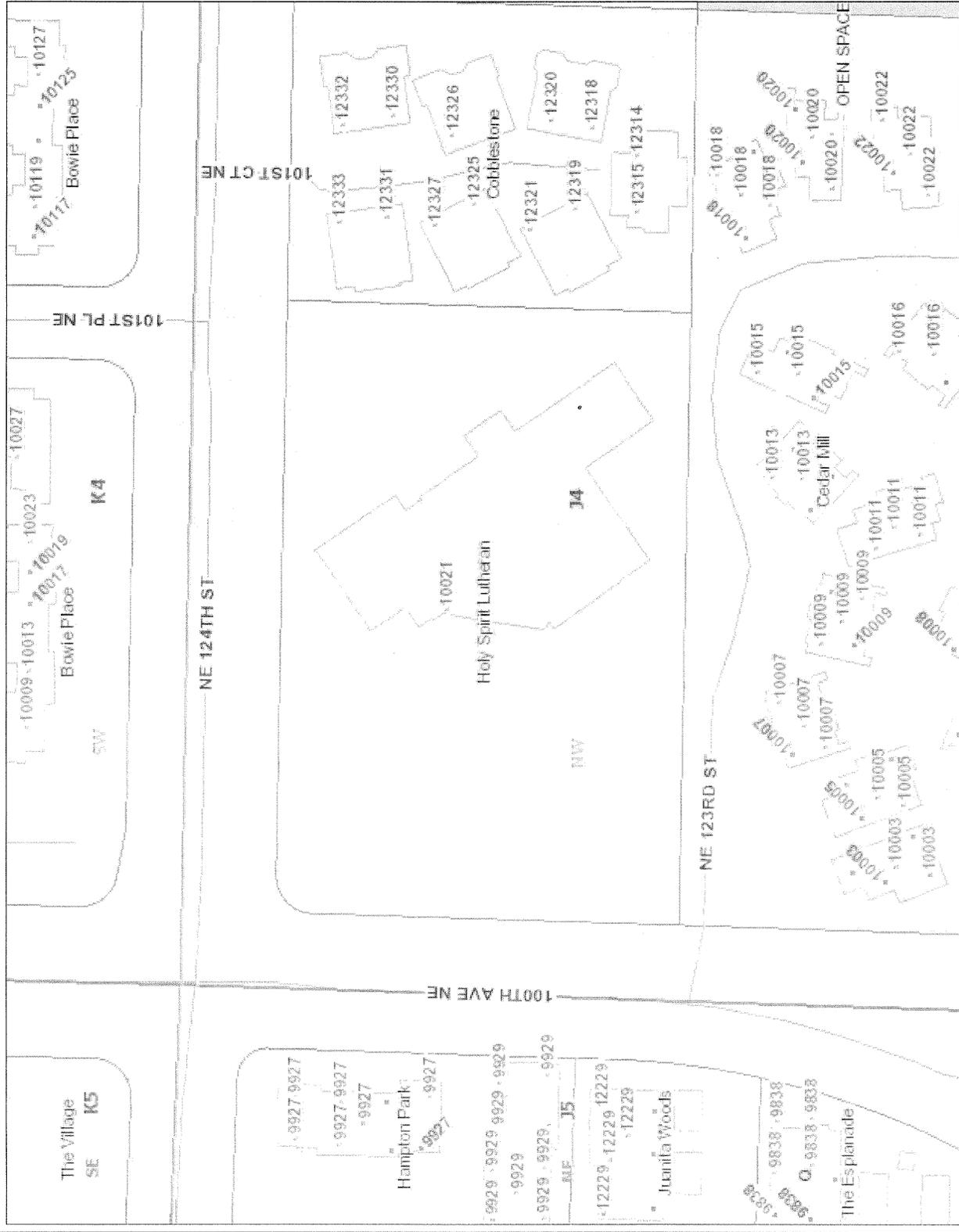
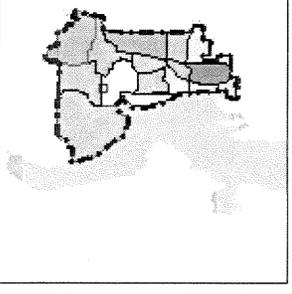
Eric R. Shields, AICP, Planning Director

Date

CC:

Pete Schnebele, Holy Spirit Lutheran Church, 10021 NE 124<sup>th</sup> Street, Kirkland, WA 98034  
Scott Morrow, SHARE/WHEEL, PO Box 2548, Seattle, WA 98111

# GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



- Legend**
- Address
  - City Limits
  - Grid
  - QQ Grid
  - Streets
  - Parcels
  - ComPlace Names
  - Buildings
  - Lakes
  - Parks
  - Schools

1: 1,155



**Notes**  
Enter Map Description

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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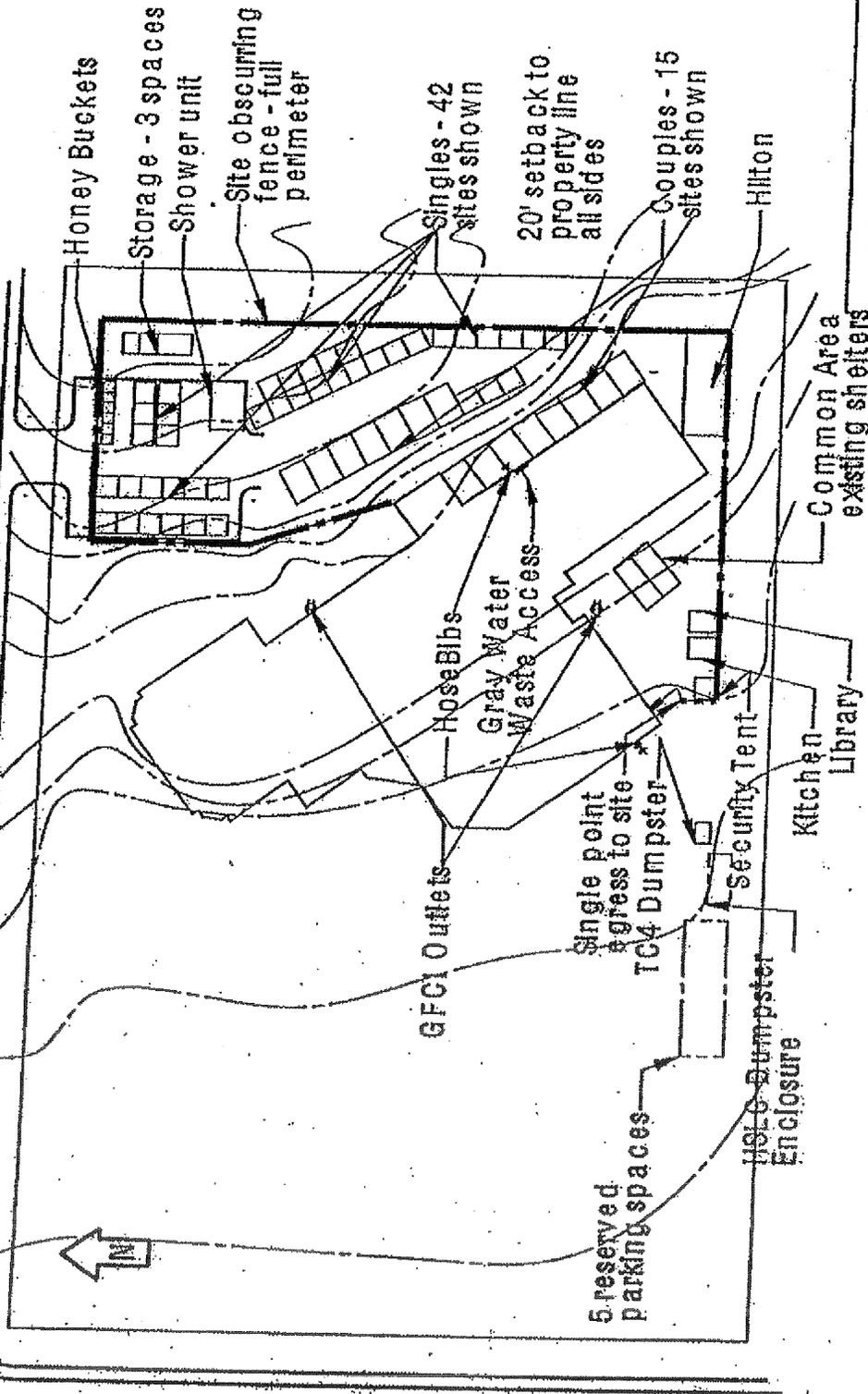
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NE 124th St.

100th Ave NE



Holy Spirit LC	
Tent City 4	
Site Plan	
SIZE DWG. NO.	REV
A	A
SCALE: 1:1	WEIGHT:
SHEET 1 OF 1	

Holy Spirit Lutheran Church  
 Site Plan for TC4 placement  
 11/2007 - 2/2008  
 Scale 1"=60'

Attachment 2

1  
2  
3  
4  
5



PERFORMANCE STANDARDS—HOMELESS ENCAMPMENTS **Attachment 2**  
KIRKLAND ZONING CODE 127.25

**1. Definitions**

no response required

**2. Standards – Please describe how the application complies with each standard by filling in the blanks below:**

- 2.a. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.**

Holy Spirit Lutheran Church is applying for this Temporary Use Permit as the sponsoring organization along with SHARE/WHEEL which will serve as the managing agency for Tent City4. Holy Spirit Lutheran Church would like to invite Tent City4 to stay on its grounds from January 21, 2012 and April 21, 2012.

- 2.b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.**

We have planned the camp layout carefully to leave 20 feet between our property line and Tent City structures and residents. See attached camp layout.

- 2.c. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.**

There is a solid fence on the east and most of the south sides and of the property and the west side of the camp will be hidden by our building. For the privacy and comfort of Tent City resident's and our neighbors Tent City's portable site-obscuring fencing will be used to obscure the encampment from view on the north end of the property.

- 2.d. Exterior lighting must be directed downward and contained within the homeless encampment.**

No exterior lighting is planned.

**2.e. The maximum number of residents within a homeless encampment is 100.**

Tent City4 will maintain a camp of 100 or fewer residents. Those seeking shelter above this number after the buses stop running will be allowed to stay until the buses start running or day break. Every effort will be made to try and find appropriate shelter elsewhere for these individuals. Bus tickets maybe used for residents being barred from the camp and people who would like to have joined the camp but were turned away.

**2.f. Parking for five vehicles shall be provided.**

We have made arrangements for 5 vehicles to park in our parking lot. These parking spots will be marked as reserved for Tent City 4.

**2.g. A transportation plan is required which shall include provision of transit services.**

Holy Spirit Lutheran Church serves as a Park and Ride and is ideally suited to offer excellent access to transit to the residents of Tent City4. The following Metro buses stop within one block of the Church: #234, #235, #244, #260 and #935. See attached map of transit routes. These routes connect with many other bus routes at busy Park and Rides on the Eastside and in downtown Seattle. The buses run everyday of the week including Sundays and Holidays.

Holy Spirit Lutheran Church already has a parking agreement in place with the Community Center on 124<sup>th</sup> Street. When our parking lot is filled, our members park at the Community Center and walk to Church on side walks and cross the street at a lighted cross walk. We will continue to offer shuttle service from the Community Center to the church on Sundays which are expected to be very busy, such as Easter.

**2.h. The homeless encampment shall be located within one-half mile of transit services.**

Two bus stops are located within a block of the Church.

**2.i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.**

No children will be registered at the camp or become residents. Those under 18 will be turned away, except under exigent circumstances. Child Protective Services will be called within one working day of arrival.

**2.j. No animals shall be permitted in encampments except for service animals.**

Only service animals are allowed in Tent City4.

- 2.k. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum: 1) no drugs or alcohol 2) no weapons 3) no violence 4) no open flames 5) no loitering in the surrounding neighborhood 6) quite hours.**

Every member of Tent City4 is required to live by the Code of Conduct which is strictly enforced. The code reads as follows:

We, the people of SHARE/WHEEL, In order to keep a more harmonious community, ask that you observe the following Code of Conduct: SHARE/WHEEL's Tent City4 is a drug and alcohol free zone. Those caught drinking or using drugs will be asked to leave. Sobriety is required. No weapons are allowed. Knives over 3 ½ inches must be checked in. Violence will not be tolerated. Please attempt to resolve any conflict in a creative and nonviolent manner. Degrading ethnic, racist, sexist or homophobic remarks are not acceptable. No physical punishment, verbal abuse or intimidation will be tolerated. We are a community. Please respect the rights and privacy of your fellow citizens. No men in the women's tents. No women in the men's tents. No open flames. No loitering or disturbing neighbors. No trespassing. Attendance of at least one of the several community meetings held through the week is required. Days and times will be posted so that you may work it into your schedule. If these rules are not respected and enforced, Tent City4 may be permanently closed.

The camp also enforces a quiet time 9:00 PM to 8:00 AM.

- 2.l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.**

Drinking water shall be provided by using the Church's water supply. Sufficient porta-potties are provided by SHARE/WHEEL and serviced three times per week along with a wash station for hand washing and wastewater. Tent City 4 owns a shower. SHARE/WHEEL provides a dumpster which is emptied twice a week. Electricity is required only for nighttime light for the security tent and several small appliances such as a coffee pot, microwave, television and shower. The camp will access Church electricity. No electricity is allowed in the sleeping tents.

- 2.m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.**

Two security workers will be on duty at all times, and will check in all visitors at the camp's sole entrance. They will patrol the grounds in the camp, and the surrounding neighborhood. An executive Committee Member will also be on duty at all times. Security workers and the executive committee are responsible for ensuring that the Code of Conduct is upheld.

The Kirkland Police will be informed of all individuals barred or turned away from Tent City4 who appear likely to not leave the neighborhood peacefully, or who show the potential of loitering in the neighborhood.

Tent City4 will cooperate fully in any and all criminal investigations.

Neither Tent City4, at it previous locations, nor Tent City3, since its inception in March of 2000, has ever been materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity, in any way.

- 2n. **The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.**

**Inspectors will be welcome at anytime.**



# TEMPORARY USE PERMIT

File Number: ZON11-0004  
 Parcel: 292-605-9047  
 Issued to: Holy Spirit Lutheran Church / Shiro Wheel  
 For: Tent City 4

Finding that the proposed Temporary Use:

1. Will not be materially detrimental to the public welfare; or injurious to the property or improvements in the vicinity; and
2. Will be compatible with existing land use in the immediate vicinity; and
3. Is not otherwise allowable in the zone in which it is proposed.

The City of Kirkland approves the Temporary Use for the period beginning on Jan 21, 2012 and expiring on April 21, 2012 and subject to the following conditions:

1. See conditions set forth in ZON11-0004
- 2.
- 3.

The City shall not grant another Temporary Use Permit to this user for 365 days following the above expiration date.

Eric Shields, Planning Director Date: 1/16/12

The decision of the Planning Director may be appealed using the appeal provision, as applicable, or Process I Zoning Code Sections 145.60 through 145.110.

### AGREEMENT FOR REMOVAL OF TEMPORARY USE

(Record after 69 days if temporary use is not removed.)

Parcel Data File: 292-605-9047

THE UNDERSIGNED acknowledge that application has been made to the City of Kirkland for:

Project Name: Tent City 4

Project Address: 10024 NE 124<sup>B</sup> ST

for the proposed development of the hereinafter described real property.

THE UNDERSIGNED warrant to the City of Kirkland that they are all the owners of the real property hereinafter described with full power to enter into agreements and/or covenants which will run with the land.

Start-up Date of Temporary Use: Jan 21, 2012

Expiration Date of Temporary Use: April 21, 2012

To insure actual removal of the temporary use Permit No. ZON11-0004 should said temporary use and all physical evidence of said use not be removed by the applicant within 92 calendar days after the first day of operation of the temporary use, THE UNDERSIGNED agree to pay for 100 percent of the City's cost to remove said temporary use, plus all administrative and attorneys' fees associated with its removal.

THE UNDERSIGNED agree to be responsible for the full performance of this agreement and agree that any of the above-described costs to the City which are unpaid for seven days after the temporary use has been removed shall be a lien upon the real property hereinafter described. This agreement is binding upon all the owners of the real property hereinafter described and their heirs, successors and assigns, and runs with the land described as follows:

DATED at Kirkland, this 11<sup>th</sup> day of JANUARY, 2012.

**(Corporations Only)**

OWNER(S) OF REAL PROPERTY

Holy Spirit Lutheran Church  
(Name of Corporation)

Mary Alice Burleigh  
By President

By Secretary



**(Corporations Only)**

STATE OF WASHINGTON

County of King

) SS.

On this 11<sup>th</sup> day of JANUARY, 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared

MARY ALICE BURLEIGH and to

me known to be the individual(s) described herein and who executed the Temporary Use Permit and acknowledged that

as SHE signed the same free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year first above written.

[Signature]  
Notary's Signature

CHRISTIAN P. GEITZ  
Print Notary's Name

Notary Public in and for the State of Washington, Residing at:  
KING COUNTY

My commission expires: 4/1/2013

The foregoing Agreement is accepted by the City of Kirkland this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CITY OF KIRKLAND

BY: \_\_\_\_\_

ZON11-00044                      Holy Spirit Lutheran Church                      January 12, 2012  
Temporary Use Permit to host Tent City 4 from January 21, 2012 to April 21, 2012

**\*\*\*FIRE DEPARTMENT CONDITIONS\*\*\***

- 1 - An approved certification regarding flame retardancy or resistiveness of the tent material shall be retained and displayed in the tent.
- 2 - Smoking shall not be permitted in the tent. Approved "NO SMOKING" signs shall be conspicuously posted.
- 3 - One fire extinguisher, minimum rating 2A10BC, shall be provided in the tent.
- 4 - A minimum of two exits shall be provided from the tent. The required minimum clear width of exits and aisles shall be maintained.
- 5 - The minimum distance from the tent for the parking of automobiles or other internal combustion engines shall be 30 feet and shall be roped off.

**\*\*\*BUILDING DEPARTMENT CONDITIONS\*\*\***

- 1 - Maintain exit egress from the church at all times. Two exit gates are required from the fenced enclosure at least 1/2 the diagonal distance apart from each other. Gates to be out-swinging and shall be readily openable from the egress side without the use of a key or special knowledge or effort.
- 2 - Shower waste water must drain to sanitary sewer (not storm).
- 3 - Maintain access for the general public to the accessible routes of travel.
- 4 - No open flames allowed in or near any of the temporary membrane structures (tents).



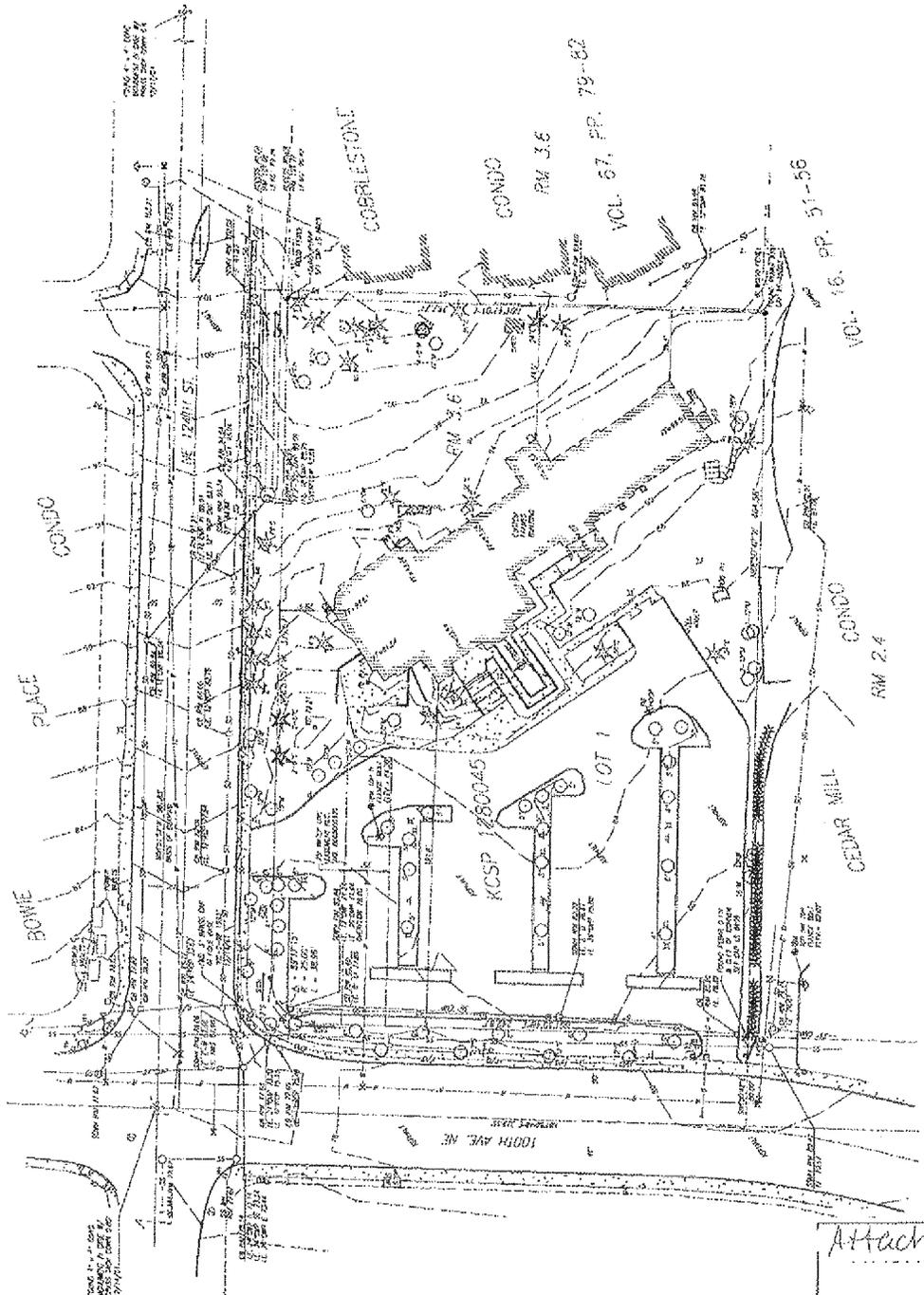


**BASE OF SURVEY** - BEARS BEARS ON EACH END OF THE TRAIL

**NOTES:**

1. THIS SURVEY IS A RE-SURVEY OF THE TRAIL AND ADJACENT AREAS.
2. THE TRAIL IS LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, T12N, R10E, S12E.
3. THE TRAIL IS 12 FEET WIDE AND IS BOUNDARY BY THE TRAIL.
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- LEGEND**
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PROJECT	BOUNDARY AND TOPOGRAPHIC SURVEY
CLIENT	HOLY SPIRIT LUTHERAN CHURCH, 1714 THE DISTANCE, 10027 NE 124TH STREET, KAPLAN, WA 98034
DATE	10/16/2019
BY	JIM HARRIS, ASSOCIATE SURVEYOR
SCALE	AS SHOWN
NO. OF SHEETS	16
SHEET NO.	6
DATE OF SURVEY	10/16/2019
DATE OF PLOTTING	10/16/2019
DATE OF PRINTING	10/16/2019

Attachment 6



**Holy Spirit Lutheran Church and SHARE / WHEEL  
TUP Application Addendum**

**CRITERIA SHEET  
FOR A TEMPORARY USE PERMIT (SECTION 127.20)  
PLANNING DIRECTOR DECISION**

- 1. Explain how the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.**

Tent City4 has an excellent record of safety in previous neighborhoods. We firmly believe that hosting the encampment will not have material detrimental effects on public welfare. The area directly surrounding Holy Spirit Lutheran Church is composed of high-density residential housing. The up to 100 residents of Tent City will not significantly affect the neighborhood's density and will hardly be noticed. After their stay everyone and everything brought to the property by and for Tent City4 will be removed, returning the property to its previous state.

Many men and women are homeless in King County nightly. There aren't nearly enough shelter beds, so the majority of these homeless people sleep outside, alone and in danger. Consequently, many people die outside or by violence in King County every year.

Our community's Ten Year Plan to End Homelessness created and implemented by the King County Committee to End Homelessness "recognizes that people experiencing homelessness are at immediate personal risk and have a basic right to safety, as do all members of our community. Interim survival mechanisms – services focused on keeping people alive – that respect the rights of all community members and neighborhoods are necessary until such time that affordable permanent housing is available to all."

Tent City4 is an interim survival mechanism that helps keep some of these people, who would otherwise be at great risk, to stay together and be safe. It allows its participants to store their belongings while away from camp at work and appointments, and allows participants to return at hours convenient to their jobs and appointment schedules. Not only do these members of the public benefit from Tent City4 but the public at large benefits by these residents being safe and secure.

**2. Explain how the proposed temporary use is compatible with existing land use in the immediate vicinity.**

Our site is zoned for a church, and this mission is well within the normal activities of a place of worship, therefore allowable in the zone where it is proposed. Holy Spirit Lutheran Church offers services and support to many vulnerable people on our grounds. We host a community supper every Tuesday for people living in transitional housing (KITH) and we host meetings for Alcoholics Anonymous and many other groups working to make themselves stronger. We hosted the Hopelink Food Bank for nine years. It was a disappointment to us that Hopelink outgrew our site. Outside our grounds, we anticipate only normal foot traffic to and from bus stops and local area businesses; therefore significant impact on these areas is not anticipated. We also believe that because of the dense housing in our area that the residents of Tent City4 will make only a minor impact on the neighborhood.

**3. Explain how the proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.**

We actually believe that because our property is zoned for a church, and because housing the homeless and serving the poor is a traditional and sacred duty of churches, that hosting Tent City4 is allowable in within our zoning. Holy Spirit Lutheran Church has a long-standing, core mission of sheltering and caring for poor and homeless people in our community. We practice this daily in supporting a number of groups which help individuals and the community grow stronger. We are long-term members of the Kirkland Interfaith Network (KIN), Kirkland Interfaith Transitions in Housing (KITH) and the Compass Housing Alliance, we host dinner every Tuesday for residence of KITH in our building and we hosted the Hopelink food bank for nine years before they out grew our space. On a long-term and ongoing basis we donate our time, treasure and talents to organizations such as the Woman's Day Center in Bellevue, Sophia's Way (the Eastside's women's shelter), Eastside Domestic Violence Program's transitional housing and Eastside Habitat for Humanity. Without waiving our constitutional right to practice our religion we are applying for this permit with SHARE and WHEEL in order to work cooperatively with the City of Kirkland and our neighbors.



**CITY OF KIRKLAND  
PLANNING AND COMMUNITY DEVELOPMENT  
123 Fifth Avenue, Kirkland, WA 98033  
425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)**

**TEMPORARY USE PERMIT APPLICATION**

This permit application packet is designed to obtain all the information necessary to allow the City to make a well informed decision on your application. Please refer to the attached application checklist to determine the materials which must be submitted to complete your application. All application materials are public information.

Your application will be evaluated on the basis of the information you provide, the criteria listed in the pertinent section of the Zoning Code, the Kirkland Comprehensive Plan, other City regulatory ordinances, inspection of the property, as well as public comments.

**YOU ARE ENCOURAGED TO MEET WITH A PLANNER FROM THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT PRIOR TO AND DURING PROJECT DESIGN TO DISCUSS PROJECT COMPLIANCE WITH CITY REGULATIONS. YOU MUST MEET WITH A PLANNER TO OBTAIN GUIDANCE ON THE APPLICATION MATERIALS YOU MUST SUBMIT.**

Copies of City documents such as the Comprehensive Plan and Zoning Ordinance are available online at [www.kirklandwa.gov](http://www.kirklandwa.gov), and in the Department of Planning and Community Development in City Hall, 123 Fifth Avenue; and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527-6831.

**NOTE:** Information provided by the Department of Planning and Community Development represents a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary zoning permit, the role and the authority of the City staff is advisory only. A final decision on such a permit can only be made, after public comment and/or a public hearing by the Planning Director, Hearing Examiner, or City Council, depending upon the type of permit.



**CITY OF KIRKLAND  
PLANNING & COMMUNITY DEVELOPMENT  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033  
425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)**

**APPLICATION CHECKLIST:  
TEMPORARY USE PERMIT  
(Allow 4 – 6 weeks permit processing time)**

The following is a list of materials which must be submitted in order to have a complete application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Department of Planning and Community Development if you have questions. Please do not turn in your application until all materials which apply to your proposal have been checked off. NOTE: A pre-submittal meeting – new locations only – must be applied for prior to the timeframe noted above.

**RETURN THIS CHECKLIST WITH APPLICATION**

Applicant  
To check if  
Submitted

**Pre-Submittal Meeting**

A meeting with a planner may be required within the three months immediately prior to submittal.

**Application**

A completed application form and supporting affidavits.

A statement describing how the application specifically complies with applicable criteria set forth in the Zoning Code.

A COMPLETED Agreement for Removal of Temporary Use (contact the Planning & Community Development Department prior to submittal for this document)

**Fees**

A check to the City of Kirkland for the filing fee.

**Plans**

Applicant  
To check if  
Submitted

Three (3) copies of dimensioned site plans showing:

- a. Property dimensions
- b. Location and dimensions of proposed encampment (and related facilities) and required parking areas.
- c. Lot size
- d. Dimension and location of required setbacks.
- e. Location and screening of dumpsters
- f. Existing structures proposed to remain on property.
- G. Names of adjacent rights-of-ways.
- H. Existing water courses and bodies, fire hydrants, utility lines (including location of nearest utility poles and fire hydrants), structures and other relevant man-made or natural features.

**Other**

Additional information required for Homeless Encampment applications:

- a. Response to Performance Standards requirements in KZC 127.25.
- b. Date and location of Public Meeting (see KZC 127.42) (New locations only)
- c. Name, location and address of subsequent encampment.



**CITY OF KIRKLAND  
PLANNING & COMMUNITY DEVELOPMENT  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033  
425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)**

**APPLICATION FORM: HOMELESS ENCAMPMENT TEMPORARY USE PERMIT**

PROCESS: PLANNING OFFICIAL DECISION

SPONSOR CONTACT:

Applicant's name: \_\_\_\_\_ Daytime  
phone: \_\_\_\_\_

Applicant's mailing address: \_\_\_\_\_  
\_\_\_\_\_

Applicant's email address: \_\_\_\_\_

**Note: If applicant is not property owner, he/she must be authorized as agent (see page 2)**

MANAGING AGENCY CONTACT:

Applicant's e-mail address: \_\_\_\_\_

Applicant's name: \_\_\_\_\_ Daytime  
phone: \_\_\_\_\_

Applicant's address: \_\_\_\_\_  
\_\_\_\_\_

Applicant's e-mail address: \_\_\_\_\_

A COPY OF THE STAFF REPORT AND THE NOTICE OF DECISION WILL BE MAILED TO THE APPLICANTS.

(1) Property address (if vacant, indicate lot or tax number, access street and nearest intersection):

\_\_\_\_\_  
\_\_\_\_\_

(2) Tax parcel number: \_\_\_\_\_

(3) The property is zoned: \_\_\_\_\_ and is presently used as:

\_\_\_\_\_

(4) Describe permit application, start and end dates, and the nature of project: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) Is this a new or repeat location? \_\_\_\_\_

FOR NEW LOCATIONS ONLY

(6) Have you met with a planner prior to submitting your application? YES \_\_\_ NO \_\_\_

Name of planner: \_\_\_\_\_ Date of pre-submittal meeting: \_\_\_\_\_

**APPLICATION FORM: TEMPORARY USE PERMIT  
STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT**

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 3 of this application, and designate \_\_\_\_\_ to act as our agent with respect to this application.

**AUTHORITY TO ENTER PROPERTY**

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

**HOLD HARMLESS AGREEMENT -- READ CAREFULLY BEFORE SIGNING**

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Applicant	Property Owner #1
Signature: _____	Signature: _____
Name: _____	Name: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____
Agent (Other than Applicant)	Property Owner # 2
Signature: _____	Signature: _____
Name: _____	Name: _____
Address: _____ _____	Address: _____ _____
Telephone: _____	Telephone: _____

City of Kirkland  
Department of Planning and Community Development

**APPLICATION FORM: TEMPORARY USE PERMIT**

EXHIBIT A: LEGAL DESCRIPTION

**CRITERIA SHEET  
FOR A TEMPORARY USE PERMIT (SECTION 127.20)  
PLANNING DIRECTOR DECISION**

1. Explain how the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.
2. Explain how the proposed temporary use is compatible with existing land use in the immediate vicinity.
3. Explain how the proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

RESPONSE

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PERFORMANCE STANDARDS – HOMELESS ENCAMPMENTS  
KIRKLAND ZONING CODE 127.25

The following definitions and standards apply to homeless encampments:

- 1. Definitions
  - a. Homeless Encampment – A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
  - b. Managing Agency – An organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.
  - c. Sponsor – An entity that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing agency.
  
- 2. Standards – Please describe how the application complies with each standard by filling in the blanks below:
  - a. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.  
  

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  - b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.  
  

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  - c. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.  
  

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  - d. Exterior lighting must be directed downward and contained within the homeless encampment.  
  

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  - e. The maximum number of residents within a homeless encampment is 100.

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f. Parking for five vehicles shall be provided.

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g. A transportation plan is required which shall include provision of transit services.

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h. The homeless encampment shall be located within one-half mile of transit service.

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i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.

---

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j. No animals shall be permitted in encampments except for service animals.

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k. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:

- 1) No drugs or alcohol
  - 2) No weapons
  - 3) No violence
  - 4) No open flames
  - 5) No loitering in the surrounding neighborhood
  - 6) Quiet hours
- 
- 

l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

---

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m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.

---

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n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

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### **OTHER REQUIRED INFORMATION**

1. (New locations only) What is the date and time of the public meeting?

---

2. (All encampments) Where will the encampment move after this location?

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## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033

425-587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

### CITY OF KIRKLAND NOTICE OF APPLICATION TENT CITY 4, CASE NO. ZON13-00355

**PROPOSAL:** Temporary Use Permit for Kirkland Congregational Church and SHARE/wheel to temporarily host Tent City 4 from April 13, 2013 to July 13, 2013. The application was submitted to the City on March 15, 2013.

**LOCATION:** 106 5<sup>th</sup> Avenue.

**NEIGHBORHOOD:** Norkirk

**REVIEW PROCESS:** The decision on this application will be made by the Planning Director. The Director will receive a report from the Planning Department staff making a recommendation on the application. The decision will be based on whether the application complies with Kirkland's Zoning Code and other applicable codes.

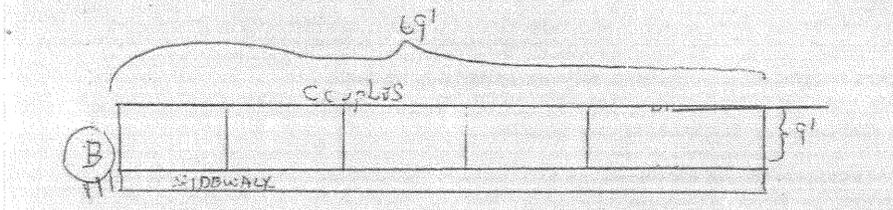
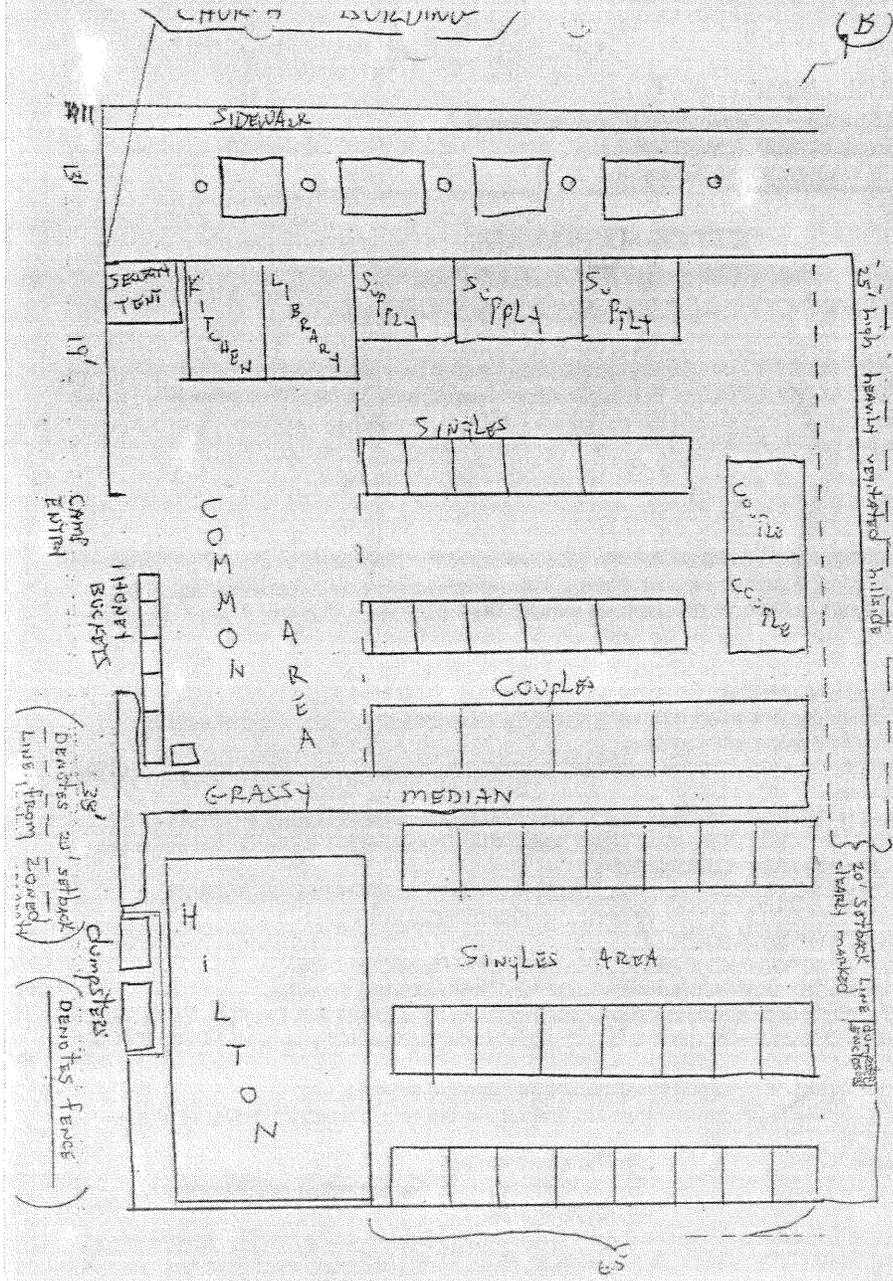
#### HOMELESS ENCAMPMENT STANDARDS:

- A. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency.
- B. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- C. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
- D. Exterior lighting must be directed downward and contained within the homeless encampment.
- E. The maximum number of residents within a homeless encampment is 100.
- F. Parking for five vehicles shall be provided.
- G. A transportation plan is required which shall include provision of transit services.
- H. The homeless encampment shall be located within one-half mile of transit service.
- I. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- J. No animals shall be permitted in encampments except for service animals.
- K. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:
  - 1) No drugs or alcohol.
  - 2) No weapons.
  - 3) No violence.
  - 4) No open flames.
  - 5) No loitering in the surrounding neighborhood.
  - 6) Quiet hours.
- L. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.
- M. The managing agency shall take all reasonable and legal steps to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- N. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

**APPEALS:** There is no administrative appeal for the Planning Director's decision for a temporary use permit. The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 35.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land decision use for the City. For more information on the judicial process for land use decision, see Chapter 36.70C RCW.

**FOR MORE INFORMATION:** For more information about this application, please contact project planner Sean LeRoy, City of Kirkland Planning Department at 425-587-3260 or [sleroy@kirklandwa.gov](mailto:sleroy@kirklandwa.gov). Additional information is available at <http://www.kirklandwa.gov/depart/Planning/Development/TC4.htm>. Application materials are contained in the official file available in the Planning Department, 123 5<sup>th</sup> Ave., Kirkland, 8 a.m. – 5 p.m. Monday – Friday.

Publishing Date: March 28, 2013



20' HIGH HEAVILY VENTILATED HALLIDE  
 RESIDENTIAL ZONE  
 20' SETBACK LINE (PARTIALLY CLEARLY MARKED)

