



**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 IVA 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 <del>appeared</del> <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, <del>including the Shoreline Master Program</del> ), Title 25 (Concurrency Management), and Title 28 (Landmarks);
4	KZC 5.10.100 Definitions	Out of date reference.	<del>Building Official</del> - " <del>Building Official</del> " as that term is defined in the Uniform Building Code as adopted in KMC Title 21 <u>The Building Services Manager or his/her designee.</u>
5	KZC 5.10.110 Definitions	Out of date reference.	<del>Certificate of Occupancy</del> - " <del>Certificate of Occupancy,</del> " as that term is <del>defined</del> <u>used</u> 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.	<del>Development Activity</del> - Any work, condition or activity which requires a permit or approval under this code or the <del>Uniform Building Code</del> <u>KMC Title 21, Buildings and Construction.</u>
7	KZC 5.10.720.1 Definitions	Out of date reference.	<del>...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.</del>
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> <u>and</u> shall comply with <del>Special Rregulations</del> <u>6</u> for <del>horses</del> <u>large domestic animals</u> in KZC 115.20.5.d(4) <del>(chart)</del> .

## PROCESS IVA 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 <del>35</del> 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> <u>and</u> shall comply with <del>Special Rregulations-6</del> for <del>horses</del> <u>large domestic animals</u> in KZC <del>115.20.5.d(4)</del> <del>(chart)</del> .
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 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>
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 <del>column</del>	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats</del> See KZC 105.25
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 per every 4 fixed seats</del> See KZC 105.25
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 per every 4 fixed seats</del> See KZC 105.25

## PROCESS IVA CODE AMENDMENTS; Page 3

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 column	Correction as a result of a recent code amendment.	<del>1 per every 4 fixed seats</del> See KZC 105.25
17	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.	<del>1 per every 4 fixed seats</del> See KZC 105.25
18	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.	<del>1 per every 4 fixed seats</del> See KZC 105.25
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 <del>Burlington Northern</del> 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 <del>Forbes Creek Drive.</del>
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, <u>unless on a parapet or similar architectural feature.</u>
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 <u>after being displayed 60 days or at end of use, event or condition, whichever comes first.</u>
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>

**PROCESS IVA CODE AMENDMENTS; Page 5**

26	KZC 115.80.2, Legal building Site	Clarify that lot sizes can be varied per the existing provisions found in the subdivision ordinance.	<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><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>
27	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>
28	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 <del>150</del><u>500</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 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 Notice of Application.

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4	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 <u>a low density use in a low density zone</u> (as shown on Plate 18).
5	KZC 5.10.100 Definitions	Out of date reference.	<u>Building Official</u> - <del>"Building Official" as that term is defined in the Uniform Building Code as adopted in KMC Title 21</del> <u>The Building Services Manager or his/her designee.</u>
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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).	<u>8. Sign message not visible from off-site.</u>
23	KZC 100.50.1.a, Signs, Designated Corridors	Out of date reference.	<del>a. Market Street between Central Way and N.E. 106th Street</del> <u>Forbes Creek Drive.</u>
24	KZC 100.65.1, Signs,	Codify common practice. (From Interpretation 86-16).	<u>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.</u>
25	KZC 100.115, Signs, Temporary/Special Signs	Clarify permitted duration of display of a Temporary Commercial Sign. (From Interpretation 95-4 (Part 2))	<u>Must remove after being displayed 60 days or at end of use, event or condition, whichever comes first.</u>

<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>  <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>

28	KZC 117.95, Personal Wireless Service Facilities, Appeals and Judicial Review	Make consistent with Planning Official appeals elsewhere in the code.	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.
29	KZC 118.20, Hazardous Liquid Pipelines	Make consistent with high consequence land use regulations in 118.60.	<u>Applicability</u> The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within <del>150</del> <u>500</u> feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348.
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.	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 <del>design regulations, design guidelines, and Comprehensive Plan,</del> 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.
32	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 <u>during the comment period established in the Notice of Application.</u>

<p>33</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.

**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 Revi Design Review Board shall be accorded may be reversed or modified if, after a light of the <del>design regulations, design ( Plan,</del> the hearing body or officer deterr made. Specific allowances established may not be appealed unless the Desigr 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, or processes become necessary. If the provision conflicts with another, or if a provision of this code conflicts with another ordinance of the City (<u>except as provided in the regulation incorporated by reference in the regulation imposing the provision or the provision imposing the</u></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:** Alohadiene@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](mailto:maureenkelly@outlook.com)>  
 To: 'Kirkland City Council' <[citycouncil@kirklandwa.gov](mailto:citycouncil@kirklandwa.gov)>; PlanningCommissioners <[PlanningCommissioners@kirklandwa.gov](mailto:PlanningCommissioners@kirklandwa.gov)>  
 Cc: 'Dione Godfrey' <[Alohadiene@comcast.net](mailto:Alohadiene@comcast.net)>; 'Atis Freimanis' <[freimanis@sbcglobal.net](mailto:freimanis@sbcglobal.net)>; 'Shawn Greene' <[shawn@czgreene.com](mailto:shawn@czgreene.com)>; 'Charles & Laura Loomis' <[lauraloomis923@gmail.com](mailto:lauraloomis923@gmail.com)>; 'Chuck Greene' <[czg@czgreene.com](mailto:czg@czgreene.com)>; 'Chuck Pilcher' <[chuck@bourlandweb.com](mailto:chuck@bourlandweb.com)>; 'Peter W. Powell' <[pwpowell@powelldev.com](mailto:pwpowell@powelldev.com)>; 'Karen Levenson' <[Uwkkg@aol.com](mailto:Uwkkg@aol.com)>; 'Robin Herberger' <[mediaworks1@frontier.com](mailto:mediaworks1@frontier.com)>; 'Jack & Diane Rogers' <[jrogers407@comcast.net](mailto:jrogers407@comcast.net)>; 'Tom Grimm' <[grimm@ryanlaw.com](mailto: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.

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