



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

ADVISORY REPORT
FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

To: Eric R. Shields, AICP, Planning Director
Houghton Community Council

From: Nancy C. Cox, AICP, Development Review Manager

Date: March 16, 2009

File: FAST-TRACK ZONING CODE AMENDMENTS, FILE NO. ZON09-00002

Hearing Date and Place: 7:00 PM
March 23, 2009
City Hall Council Chamber
123 Fifth Avenue, Kirkland

I. INTRODUCTION

A. APPLICATION

1. Applicant: City of Kirkland
2. Proposal Summary: Minor amendments are proposed to the Zoning Code text to promote clarity, eliminate redundancy, and/or correct inconsistencies. In addition, one section in the Kirkland Municipal Code is 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. Houghton Community Council may conduct optional public hearing.

B. RECOMMENDATIONS

Staff recommends that the Planning Director and Houghton Community Council conduct a joint public hearing and forward a recommendation to the City Council. We recommend approval of the proposed fast track zoning Code amendments.

II. PROPOSAL

Miscellaneous zoning text amendments to promote clarity, eliminate redundancy and correct inconsistencies are proposed. Portions of the following Zoning Code chapters would be affected:

Ch 1 – User Guide	Ch 117 – Personal Wireless Facilities
Ch 5 – Definitions	Ch 142 – Design Review
Ch 17 - Single Family Residential Annexation (RSX) Zones	Ch 127 – Temporary Use
Ch 20 – Multifamily Residential (RM) Zones	Ch 145 – Process I
Ch 45 – Community Business (BC) Zones	Ch 150 – Process IIA
Ch 47 – Community Business Annexation	Ch 152 – Process IIB

(BCX) Zone	
Ch 48 – Light Industrial Technology (LIT) Zones	Ch 155 – Process III
Ch 49 – Park Zone	Ch 160 – Process IV
Ch 95 – Tree Management and Required Landscaping	Ch 161 – Process IVA
Ch 100 – Signs	Ch 162 – Nonconformance
Ch 115 – Miscellaneous Use Development and Performance Standards	Ch 175 – Bonds

In addition, one Kirkland Municipal Code chapter would be affected:

KMC 24.02 SEPA Procedures and Policies

Attachment 2 consists of a “roster” summarizing the proposed text amendments. Attachment 3 contains the complete content of the proposed text amendments.

When reviewing the proposed amendments, staff recommends that the Planning Director and Community Council review Attachments 2 and 3 in a side-by-side fashion. However, for the amendments that affect multiple chapters relating to electronic readerboards for the high schools and fire stations, and to public notice, see Sections A and B below:

A. ELECTRONIC READERBOARDS

1. Between May and July, 2008, the City received correspondence from Juanita and Lake Washington High Schools’ principals, PTSA’s, and/or student bodies requesting electronic readerboard signs to enhance communication with the community (see Attachment 4). The City Council reviewed the letters at a regular meeting in July 2008 and the matter was referred to the Planning Department for a code amendment. Both high schools are in the RSX zone. The code language related to this request is in Chapter 17.

2. The Fire Department has brought forward a request for similar signs at the three fire stations within the City Limits:
 Station 21 9816 Forbes Creek Drive - P Zone
 Station 22 6602 108th Avenue NE – RM 5.0 Zone
 Station 26 9930 124th Avenue NE – RSX 7.2 Zone
 (note that Station 27 on NE 132nd Street is part of the project, but outside of the City’s jurisdiction).
 The purpose of the fire station readerboards is to enable communication before, during and after a disaster. During non-emergency times the signs may be used to increase public awareness, provide information about community events and neighborhood meetings, provide warnings about road closures, etc. A proposed design of the sign is in Attachment 5. The code language related to this request is in Chapters 17, 20 and 49.

B. PUBLIC NOTICE

Staff is proposing code amendments to various “Process” chapters in the zoning code and one section in the Kirkland Municipal Code. The purpose of the amendments is twofold: 1) to save money (by publishing summaries rather than complete notices, conserving staff time through the use of email rather than postal mail and not posting paper notices on public notice signs); and 2) to stay current with technology advancements (such as increased use of links to City web sites which can provide more information). The goal is to provide notice that is equal to or better than our current notice. The proposed amendments:

- Clarify through the definition of “distribute” that notices and reports may be by postal mail or email or provided by informing persons about a link to a City website.
- Specify that summary notices, rather than the complete notice, may be published in the official paper of the City, distributed, or posted on official notification boards of the City.
- Clarify that standards and procedures for public notice signs exist. The Planning Department already has standards and procedures that describe the format, location (placement) and timing of the signs. The Planning Department will update these administrative standards and procedures such that paper notices will no longer be posted on the signs. Instead, a simple City web site link for accessing updated notices unique to the project will be painted on the signs by applicants. The Planning Department phone number is painted on the sign as well for those without computer access.
- Specify that notices will be posted on the City’s web site.

The amendments related to public notice are in Chapter 5, 127, 142, 145, 150, 152, 155, 160, and 161.

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 ZON09-00002 would apply city-wide, and therefore are within the disapproval jurisdiction of the Houghton Community Council. For that reason, the public hearing conducted by the Planning Director will be held jointly with the Houghton Community Council.

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 January 15, 2009 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. This roster is in Attachment 1.
3. On February 17, 2009 the roster was presented to the City Council. The Council modified the roster slightly and approved it as modified, authorizing the proposal to proceed to a public hearing. The roster is in Attachment 2.

4. The following roster items were modified by the Council:
- Amendments to 60.180 and 60.180.010 (PLA 16) were deleted.
 - An amendment to KZC 100.55 (signs) was added.
 - Changes to 105.103.2.a (parking) were deleted.
 - An amendment to 115.08 (ADU height) was deleted.
 - Amendments to 115.45 (recycling) were retained.
 - Amendments to provide for consistent language regarding participation in appeals between the process chapters were added.
 - Amendments to KMC 24.02 (SEPA) were added.

C. PUBLIC COMMENT

Public comment on the roster in Attachment 1 included an email from Andy Held (Attachment 6). The Bridle Trails Neighborhood reviewed the amendment to KZC 162.35 had submitted the email in Attachment 7. 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 March 9, 2009 (see Attachment 8). 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.

IV. APPENDICES

Attachments 1 – 8 are attached.

1. January 15, 2009 Roster
2. Roster as modified by City Council February 17, 2009
3. Process IVA Zoning Code Amendments – March 13, 2009
4. Correspondence from Lake Washington and Juanita High Schools
5. Possible Fire Station sign
6. Comments from an email from Andy Held dated 1/15/09
7. Email from Lorraine Trosper dated 3/5/09
8. EIS Addendum issued 3/9/09

Cc: Andy Held
Lorraine Trosper
Maxine Keesling, 15241 NE 153rd St., Woodinville, WA 98072
Sherri Sanders, LWSD
Helen Ahrens-Byington, Kirkland Fire
John MacGillivray, Public Works
Michael Cogle, Parks

FILE NO. ZON09-00002
ROSTER OF PROPOSED FAST TRACK AMENDMENTS
JANUARY 15, 2009

Chapter 1 - User Guide

- 1.05 How To Use This Code - Eliminate the listing of zones shown on zoning map.

Chapter 5 - Definitions

- 5.10.145 Commercial Zones - Add TL 4C
- 5.10.____ High Density Use - Create a new definition for High Density Use that correlates with the Low Density Use and Medium Density Use definitions.
- 5.10.485 Low Density Use - Fix overlap; a detached dwelling unit on 5,000 - 7,199 sq. ft. lot is in both the Low and Medium Density Use definitions.
- 5.10.515 Medium Density Use - Fix overlap; a detached dwelling unit on 5,000 - 7,199 sq. ft. lot is in both the Low and Medium Density Use definitions.
- 5.10.960 Use Zone - Clarify that the Use Zones are the designations shown on the Zoning Map without listing them.

Chapter 17 - Single Family Residential Annexation (RSX) Zones

- 17.10.020 Church - Addition to Special Regulation 2 to mirror the same RS zone regulation.
- 17.10.030 School or Day-Care Center - Addition to Special Regulation 2 to mirror the same RS zone regulation.

Chapter 45 - Community Business (BC) Zones

- 45.130 School or Day-Care Center - Change to front setback to mirror the same BCX zone regulation.
- 45.150 Assisted Living Facility - Change to allow lobby on ground floor like in Stacked Dwelling Unit use listing.
- 45.160 Convalescent Center or Nursing Home - Change to front setback to mirror the same BCX zone regulation.

Chapter 47 - Community Business Annexation (BCX) Zone

- 47.08 General Regulations - Delete No. 3; the area referred to is already zoned JBD.

- 47.10.150 Assisted Living Facility - Change to allow lobby on the ground floor like in the Stacked Dwelling Unit use listing. Add density requirement to mirror the same BC zone regulation.

Chapter 48 - Light Industrial Technology (LIT) Zones

- 48.15.220 Commercial Recreation Area and Use - Delete this section; the area referred to is already zoned TL 10C, 10D and 10E.

Chapter 60 - PLA 16

- 60.180 General Regulations - Delete Numbers 2 and 3; they are no longer relevant.
- 60.180.010 Detached Dwelling Unit - Delete regulation limiting the number of horses; this is already regulated by Section 115.20.

Chapter 95 - Tree management and Required Landscaping

- 95.10 Definitions - Clarify that a “Qualified Professional” for tree removals in critical areas must have Tree Risk Assessor certification.
- 95.35.2.b Tree Plan and Retention Requirements - Clarify that for a Tree Plan 1 - Major that a “report” is required instead of an “assessment.”
- 95.35.3.c Tree Plan Review Procedure and Appeals - Clarify that an email date may start the appeal period if email is being used.

Various Chapters

Revisions to allow electronic reader boards at schools and fire stations.

Chapter 105 - Parking Areas, Vehicle and Pedestrian Access, and Related Improvements

- 105.103.2.a Modifications - Authority to Grant and Duration - Clarify that the Planning Official should approve modifications of this chapter for Design Review applications.

Chapter 115 - Miscellaneous Use Development and Performance Standards

- 115.07.11.c Accessory Dwelling Units - Preexisting Units - Delete; this section is no longer applicable because it is out-of-date.
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only) - Allow height for a detached ADU above a garage to match the underlying zone. Reorganize the section for clarity and add reference to Section 115.07.

- 115.43 Garage Setback Requirements for Detached Dwelling units in Low Density Zones -There are two Section 115.43's in the code with different effective dates. Delete the first section with the effective date that has passed.
- 115.45 Garbage and Recycling Receptacles -Placement and Screening - Amendments to require adequate space for garbage and recycling containers in new development. Also addresses location and screening.

Chapter 117 - Personal Wireless Service Facilities

Add a new section to require or allow the City to attain a performance bond prior to issuance of the permit similar to other chapters.

Chapters 142-161- Process Chapters

- Various Delete an outdated requirement for bonds to be submitted to ensure proper maintenance and removal of public notice signs.
- Various Allow for the publication of all notices by summary in the official newspaper or in full on the City website, or both.
- Various Allow for the distribution of a summary notice of decision rather than the full decision and for distribution by email as an alternative to postal mail.
- Various Change to post only the first notice (i.e. Notice of Application) per application per public notice sign.
- Various Allow for email notification and distribution of staff reports.

Chapter 162 - Nonconformance

Add a new nonconformance regulation to assure that substandard paddocks do not have to be brought into conformance even when new septic systems are installed.

Chapter 175 - Bonds

- 175.25 Supplemental Administrative Costs - Delete the \$100 minimum cash deposit and state that the minimum amount will be administratively set and updated.

Chapter 180 - Plates

- Plates 1,2, 3,4,8A Clarify encroachment of posts into parking stalls in garages.

FILE NO. ZON09-00002
ROSTER OF PROPOSED FAST TRACK AMENDMENTS
JANUARY 15, 2009
(As modified by City Council on February 17, 2009)

Kirkland Zoning Code

Chapter 1 - User Guide

- 1.05 How To Use This Code - Eliminate the listing of zones shown on zoning map.

Chapter 5 - Definitions

- 5.10.145 Commercial Zones - Add TL 4C
- 5.10.____ High Density Use - Create a new definition for High Density Use that correlates with the Low Density Use and Medium Density Use definitions.
- 5.10.485 Low Density Use - Fix overlap; a detached dwelling unit on 5,000 - 7,199 sq. ft. lot is in both the Low and Medium Density Use definitions.
- 5.10.515 Medium Density Use - Fix overlap; a detached dwelling unit on 5,000 - 7,199 sq. ft. lot is in both the Low and Medium Density Use definitions.
- 5.10.960 Use Zone - Clarify that the Use Zones are the designations shown on the Zoning Map without listing them.

Chapter 17 - Single Family Residential Annexation (RSX) Zones

- 17.10.020 Church - Addition to Special Regulation 2 to mirror the same RS zone regulation.
- 17.10.030 School or Day-Care Center - Addition to Special Regulation 2 to mirror the same RS zone regulation.

Chapter 45 - Community Business (BC) Zones

- 45.130 School or Day-Care Center - Change to front setback to mirror the same BCX zone regulation.
- 45.150 Assisted Living Facility - Change to allow lobby on ground floor like in Stacked Dwelling Unit use listing.
- 45.160 Convalescent Center or Nursing Home - Change to front setback to mirror the same BCX zone regulation.

Chapter 47 - Community Business Annexation (BCX) Zone

- 47.08 General Regulations - Delete No. 3; the area referred to is already zoned JBD.
- 47.10.150 Assisted Living Facility - Change to allow lobby on the ground floor like in the Stacked Dwelling Unit use listing. Add density requirement to mirror the same BC zone regulation.

Chapter 48 - Light Industrial Technology (LIT) Zones

- 48.15.220 Commercial Recreation Area and Use - Delete this section; the area referred to is already zoned TL 10C, 10D and 10E.

Chapter 95 - Tree management and Required Landscaping

- 95.10 Definitions - Clarify that a “Qualified Professional” for tree removals in critical areas must have Tree Risk Assessor certification.
- 95.35.2.b Tree Plan and Retention Requirements - Clarify that for a Tree Plan 1 - Major that a “report” is required instead of an “assessment.”
- 95.35.3.c Tree Plan Review Procedure and Appeals - Clarify that an email date may start the appeal period if email is being used.

Chapter 100 - Signs

- 100.55 Development Containing Uses in More Than One Sign Category - Clarify that in commercial/residential mixed use projects commercial would be regulated by the commercial “sign category” while residential uses would be regulated by the residential category. Currently, the sign category for the predominant use governs both uses.

Various Chapters

Revisions to allow electronic reader boards at two high schools (JHS & LWHS) and three fire stations.

Chapter 115 - Miscellaneous Use Development and Performance Standards

- 115.07.11.c Accessory Dwelling Units - Preexisting Units - Delete; this section is no longer applicable because it is out-of-date.
- 115.43 Garage Setback Requirements for Detached Dwelling units in Low Density Zones - There are two Section 115.43’s in the code with different effective dates. Delete the first section with the effective date that has passed.
- 115.45 Garbage and Recycling Receptacles -Placement and Screening - Amendments to require adequate space for garbage and recycling containers in new development.

Chapter 117 - Personal Wireless Service Facilities

Add a new section to require or allow the City to attain a performance bond prior to issuance of the permit similar to other chapters.

Chapters 142-161- Process Chapters

- Various Delete an outdated requirement for bonds to be submitted to ensure proper maintenance and removal of public notice signs.
- Various Allow for the publication of all notices by summary in the official newspaper or in full on the City website, or both.
- Various Allow for the distribution of a summary notice of decision rather than the full decision and for distribution by email as an alternative to postal mail.
- Various Change to post only the first notice (i.e. Notice of Application) per application per public notice sign.
- Various Allow for email notification and distribution of staff reports.
- Various Use consistent language regarding participation in appeals between the process chapters.

Chapter 162 - Nonconformance

- 162.____ Add a new nonconformance regulation to assure that substandard paddocks do not have to be brought into conformance even when new septic systems are installed.

Chapter 175 - Bonds

- 175.25 Supplemental Administrative Costs - Delete the \$100 minimum cash deposit and state that the minimum amount will be administratively set and updated.

Chapter 180 - Plates

- Plates 1,2, 3,4,8A Clarify encroachment of posts into parking stalls in garages.

Kirkland Municipal Code

- KMC 24.02 SEPA Procedures and Policies - Ensure that posting, noticing and mailing is consistent with same for underlying permit.

**Process IVA Zoning Code Amendments – March 13, 2009
File No. ZON09-00002**

Chapter 1 – User Guide

1.05

How To Use This Code

This code has been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that piece of property. Follow the step-by-step procedure laid out below to find applicable regulations.

1. Find the subject property on the Zoning Map. The subject property will be located within a use zone such as RS 7.2, for example, within one of the following use zones sequentially listed:

RS	CBD-3	RH-2C	TL-1B	TL-10C
RSX	CBD-4	RH-3	TL-2	TL-10D
RM	CBD-5	RH-4	TL-3A	TL-10E
PR	CBD-6	RH-5A	TL-3B	TL-11
PO	CBD-7	RH-5B	TL-3C	PLA-1
WD-I	CBD-8	RH-5C	TL-3D	PLA-2
WD-II	JBD-1	RH-7	TL-4A	PLA-3
WD-III	JBD-2	RH-8	TL-4B	PLA-5
FC-III	JBD-3	NRH1A	TL-4C	PLA-6
BN	JBD-4	NRH1B	TL-5	PLA-7
BC	JBD-5	NRH2	TL-6A	PLA-9
BCX	JBD-6	NRH3	TL-6B	PLA-14
LIF	RH-1A	NRH4	TL-7	PLA-15
P	RH-1B	NRH5	TL-8	PLA-16
CBD-1	RH-2A	NRH6	TL-10A	PLA-17
CBD-2	RH-2B	TL-1A	TL-10B	PLA-17A

Chapter 5 – Definitions (Note: Only definitions for which changes are proposed are included below. All other definitions in Chapter 5 of the Kirkland Zoning Code remain unchanged).

5.10 Definitions

- .145 Commercial Zones – The following zones: BN; BC; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; and TL 8.
- .223 Distribute – To provide notice and information or the location of notice and information to persons via postal mail or electronically.
- .361 High Density Use – Detached, attached, or stacked dwelling units on a subject property which contains less than 3,600 square feet per unit.
- .485 Low Density Use – A detached dwelling unit on a subject property that contains at least 5,000 square feet and attached or stacked dwelling units on a subject property which contains at least 7,200 square feet per unit.
- .515 Medium Density Use – Detached dwelling units on a subject property that contains at least 3,600 square feet per unit but not more than 4,999 square feet per unit and Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.
- ~~.757-728~~ Readerboard – A sign or part of a sign specifically designed to allow for the convenient display of temporary messages without alteration of the sign field, and on which the letters are readily replaceable such that the copy can be changed from time to time at will, either by hand or through electronic programming. (*renumber only*)
- .960 Use Zone – The zoning designations on the Zoning Map such as RS 7.2, for example, as follows:

RS-35	LIT	RH-5B	TL-10E
RSX-35		RH-5C	TL-11
RS-12.5	P	RH-7	
RSX-12.5		RH-8	PLA-1
RS-8.5	CBD-1		PLA-2
RSX-8.5	CBD-2	NRH-1A	PLA-3A
RS-7.2	CBD-3	NRH-1B	PLA-3B
RS-6.3	CBD-4	NRH-2	PLA-5A
RS-5.0	CBD-5	NRH-3	PLA-5B
RSX-5.0	CBD-6	NRH-4	PLA-5C
	CBD-7	NRH-5	PLA-5D
RM-5.0	CBD-8	NRH-6	PLA-5E
RM-3.6			PLA-6A
RM-2.4	MSC-1	TL-1A	PLA-6B
RM-1.8	MSC-2	TL-1B	PLA-6C
	MSC-3	TL-2	PLA-6D

WD-I	MSC-4		PLA-6E
WD-II		TL-3A	PLA-6F
WD-III	JBD-1	TL-3B	PLA-6G
	JBD-2	TL-3C	PLA-6H
PR-8.5	JBD-3	TL-3D	PLA-6I
PR-5.0	JBD-4	TL-4A	PLA-6J
PR-3.6	JBD-5	TL-4B	PLA-6K
PR-2.4	JBD-6	TL-4C	PLA-7A
PR-1.8		TL-5	PLA-7B
	RH-1A	TL-6A	PLA-7C
PO	RH-1B	TL-6B	PLA-9
	RH-2A	TL-7	PLA-15A
FC-III	RH-2B	TL-8	PLA-15B
	RH-2C	TL-10A	PLA-16
BN	RH-3	TL-10B	PLA-17
BC	RH-4	TL-10C	PLA-17A
BCX	RH-5A	TL-10D	

Chapter 17 – Single Family Residential Annexation (RSX) Zones (see Attachment A).

17.10.020 Church – Amend Use Zone Chart Special Regulation 2 as follows:

2. Minimum lot size is as follows:
 - a. In RSX 35 zones, the minimum lot size is 35,000 square feet.
 - b. In RSX 12.5 zones, the minimum lot size is 12,500 square feet.
 - c. In RSX 8.5 zones, the minimum lot size is 8,500 square feet.
 - d. In RSX 7.2 zones, the minimum lot size is 7,200 square feet.
 - e. In RSX 5.0 zones the minimum lot size is 5,000 square feet.

17.10.030 School or Day-Care Center – Amend Use Zone Chart Special Regulations 2 and 9 as follows:

2. Minimum lot size is as follows:
 - a. In RSX 35 zones, the minimum lot size is 35,000 square feet.
 - b. In RSX 12.5 zones, the minimum lot size is 12,500 square feet.
 - c. In RSX 8.5 zones, the minimum lot size is 8,500 square feet.
 - d. In RSX 7.2 zones, the minimum lot size is 7,200 square feet.
 - e. In RSX 5.0 zones the minimum lot size is 5,000 square feet.

9. Electrical signs shall not be permitted except at Lake Washington and Juanita High Schools. One pedestal sign with a readerboard having electronic programming is allowed at each high school only if:
 - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;

- b. The electronic readerboard is no more than 50% of the sign area;
- c. Moving graphics and text or video are not part of the sign;
- d. The signs shall not change displays or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
- e. The copy is monochrome amber or red;
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
- g. The readerboard is turned off between 10 PM and 6 AM;
- h. It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions on the display of the sign.

17.10.080 Government Facility Community Facility – Add a new Special Regulation 4.

- 4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
 - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50% of the sign area;
 - c. Moving graphics and text or video are not part of the sign;
 - d. The signs shall not change displays or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The copy is monochrome amber or red;
 - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - g. The readerboard is turned off between 10 PM and 6 AM except during an emergency;
 - h. It is located to have the least impact on surrounding residential properties.

If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions on the display of the sign.

Chapter 20 – Multifamily Residential (RM) Zones

20.10.110 Government Facility Community Facility – Add a new Special Regulation 4.

- 4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
 - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50% of the sign area;
 - c. Moving graphics and text or video are not part of the sign;

- d. The signs shall not change displays or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The copy is monochrome amber or red;
 - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - g. The readerboard is turned off between 10 PM and 6 AM except during an emergency;
 - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions on the display of the sign.

Chapter 45 – Community Business (BC) Zones

- 45.10.130 School or Day-Care Center - Amend the Use Zone Chart to change Required Yards – Front from 30’ to 20’ (see Attachment A).
- 45.10.150 Assisted Living Facility –Delete Use Zone Chart Special Regulation 3. *(This is a clean-up amendment – there is no density in a BC zone.)*
 - ~~3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 ½ times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:

 - a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by permitted multifamily development.~~
 - 34. *(no change) (Although noted in the roster, no amendment will be made to Special Regulation 4 at this time.)*
 - ~~45.~~ *(no change)*
- 45.10.160 Convalescent Center or Nursing Home - Amend the Use Zone Chart to change Required Yards – Front from 30’ to 20’ (see Attachment B).

Chapter 47 – Community Business Annexation (BCX) Zone

- 47.08 GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:
 - 1. *(No change)*
 - 2. *(No change)*
 - ~~3. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:~~

- a. ~~Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern.~~
- b. ~~Must provide public pedestrian access from the right of way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the Public Pedestrian Access and Public Use areas.~~
- c. ~~A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.~~

34. (No change)

45. (No change)

56. (No change)

47.10.150 Assisted Living Facility

(Although noted in the roster, no amendments will be made to KZC 47.10.150 Special Regulations at this time.)

Chapter 48 – Light Industrial Technology (LIT) Zones

48.15.220 Commercial Recreation Area and Use – delete this use listing entirely (see Attachment C).

Chapter 49 – Park Zone

49.15.030 Government Facility Community Facility – Add a new Special Regulation 2.

- 2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
 - a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50% of the sign area;
 - c. Moving graphics and text or video are not part of the sign;
 - d. The signs shall not change displays or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The copy is monochrome amber or red;

- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - g. The readerboard is turned off between 10 PM and 6 AM except during an emergency;
 - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions on the display of the sign.

Chapter 95 – Tree Management and Required Landscaping

95.10

Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

Caliper – Limit of Disturbance (no change)

Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists and for Forest Management Plans may be a certified forester by the Society of American Foresters. A qualified professional must possess the ability to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. In addition, arborists making recommendations for tree removals within critical areas must have Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the ISA or equivalent qualifications. For Forest Management Plans, the qualified professional must have the ability to assess wooded sites and prescribe measures for forest health and safety.

Significant Tree – Windfirm (no change)

95.35.2.b Tree Plan and Retention Requirements. (no change)

- 1) Tree Plan I. Tree Plan I is required for a development permit or land surface modification resulting in site disturbance for one or two attached, detached, or stacked dwelling units.
 - a) (no change)
 - b) Tree Plan Requirements. The tree plan shall include the following:
 - i.-v. (no change)
 - vi. For Tree Plan I – Major, assessment a report by a qualified professional shall be required if any significant trees are in required yards or within 10 feet of any side property line on the subject property.
 - c), d), e) (no change)

2)-5) (no change)

- 95.35.3.c With respect to Level IV and Level V Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 calendar days following ~~the postmark date of~~ distribution of a Planning Official'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 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.

Chapter 100 – Signs

100.55

Development Containing Uses in More Than One Sign Category

If the subject property contains a mix of commercial and residential uses, the residential uses must comply with Sign Category A and the commercial uses must comply with the sign category assigned to the commercial uses that predominate on the subject property. Within mixed use projects, residential uses may have electrical signs (except on designated corridors) only if the electrical signs are attached to areas of the building associated with the commercial uses.

In all other cases, if the subject property contains uses assigned to different sign categories, the signs for the entire development must comply with the sign category assigned to the uses that predominate on the subject property.

Chapter 115 – Miscellaneous Use Development and Performance Standards

Sections:

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
- 115.23 Common Recreational Space Requirements for Certain Residential Uses
- 115.25 Development Activities and Heavy Equipment Operation – Limitations On
- 115.30 Distance Between Structures/Adjacency to Institutional Use
- 115.35 Erosion and Sedimentation Regulation
- 115.40 Fences
- 115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones
- 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
- 115.45 Garbage and Recycling Receptacles and Enclosures – Storage space, Placement and Screening

- 115.47 Loading and Service Areas Placement and Screening
- 115.50 Glare Regulation
- 115.55 Heat Regulation
- 115.59 Height Regulations – Calculating Average Building Elevation (ABE)
- 115.60 Height Regulations – Exceptions
- 115.65 Home Occupations
- 115.70 Junk and Junk Yards Prohibited
- 115.80 Legal Building Site
- 115.85 Lighting Regulations
- 115.90 Calculating Lot Coverage
- 115.95 Noise Regulations
- 115.100 Odor
- 115.105 Outdoor Use, Activity and Storage
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.138 Temporary Storage Containers
- 115.140 Temporary Trailers for Construction and Real Estate Sales Offices
- 115.142 Transit Shelters and Centers, Public
- 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as a subordinate to a single-family dwelling; provided, that the following criteria are met:

1. – 10. *(no change)*

11. Permitting

a. *(no change)*

b. *(no change)*

~~c. — Preexisting Units — That portion of a single family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:~~

~~1) — An application for an accessory dwelling permit is filed by December 31, 1997;~~

~~2) — The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in subsection (7) of this section.~~

~~cd. *(no change)*~~

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones
(no amendment necessary - already deleted by Code Publishing 1/09)

115.45

Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening

1. Purpose and Intent – The purpose of these regulations is to ensure the provision of areas for the collection, storage, loading and pickup of garbage and recyclable materials by requiring that adequate and convenient space is functionally located at all new projects, except as exempted in 115.45.5.
- 2 Storage Space – Space provided for garbage and recycling receptacles shall comply with Public Works Pre-approved Plans and Policies.
- 3~~1~~. Placement – Garbage and recycling receptacles must comply with the following:
 - a. Be set back a minimum of five feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines; or
 - b. Comply with the setbacks established for the use with which they are associated;
 - c. Be located outside landscape buffers required by Chapter 95 KZC;
 - d. Be located to minimize visibility from any street, pedestrian walkway, or public park; and
 - e. Be located to provide convenient and safe access for residents, service vehicles and employees.
- 4~~2~~. Screening – Garbage and recycling receptacles must be screened from view from the street and from adjacent properties by a solid screening enclosure. The screening shall meet or exceed the standards established in the Public Works Pre-approved Plans and Policies.
- 5~~3~~. Exemptions –
 - a. Garbage receptacles for detached Detached dwelling units, two/three-unit homesduplexes, moorage facilities, parks, and construction sites are exempt from the placement and screening requirements of this section.
 - b. A Public Works official may approve an exemption to the requirements of this section if the applicant proposes alternative, workable measures that meet the intent of this section.

Chapter 117 - Personal Wireless Facilities

Sections:

117.05 User Guide

117.10 Policy Statement

- 117.15 Definitions
- 117.20 Applicability
- 117.25 Exemptions
- 117.30 Prohibited Devices
- 117.35 Permit Required
- 117.40 Application Review Process
- 117.45 Pre-Submittal Meeting
- 117.50 Application Requirements
- 117.55 Determination of Application Completeness
- 117.60 Third Party Review
- 117.65 PWSF Standards
- 117.70 Equipment Structure Standards
- 117.75 Screening
- 117.80 Departures from Chapter Provisions
- 117.85 Nonuse/Abandonment
- 117.90 Removal from City Property – When Required
- 117.95 Appeals and Judicial Review
- 117.100 Lapse of Approval
- 117.105 Complete Compliance Required
- 117.110 Time Limit
- 117.115 Compliance with Other City Codes
- 117.120 Conflict
- 117.125 Violations and City Remedies
- 117.130 Bonds

117.130 Bonds

The Planning Official may require a bond under chapter 175 KZC to ensure compliance with any aspect of this chapter.

Chapter 127 – Temporary Use

127.42 Notice Requirements for Homeless Encampments

1. *(no change)*
2. A Notice of Application for Homeless Encampment shall be provided prior to the Planning Director'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. ~~A copy of the~~The notice, or summary thereof, will be published in the official newspaper of the City at least seven calendar days prior to the Planning Director's decision.

- b. ~~A copy of the~~The notice, or summary thereof, will be distributed mailed 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 Planning Director's decision.
 - c. If located within the jurisdiction of the Houghton Community Council, a ~~copy of the~~ notice shall be distributed mailed to the members of the Community Council at least 14 calendar days prior to the Planning Director's decision.
 - d. The notice will be posted on the City's web site.
3. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning Director and appeal procedure and be distributed mailed as required for notice of application within four business days after the decision.

Chapter 142 – Design Review

142.35

Design Board Review (D.B.R.) Process

1.-7. *(no change)*

8. Public Notice

a. *(no change)*

b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:

1) By distributing mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.

2) By publishing~~Publish~~ once in the official newspaper of the City.

3) By erecting a public notice sign(s) conspicuously on or near the subject property. Post conspicuously on the subject property on a public notice sign.~~The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs necessary for implementation of this section.~~

4) By posting the notice on the City's web site.

9.-10. *(no change)*

142.40

Appeals of Design Review Board Decisions

1.-4. *(no change)*

5. Notice

a. *(no change)*

b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall ~~distribute send a copy or a summary of~~ this notice, or a summary thereof, to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.

6.-7. *(no change)*

8. Staff Report on the Appeal

a. *(no change)*

b. Distribution – At least seven calendar days before the hearing, the Planning Official shall ~~distribute copies of~~ the staff report to the hearing body or officer, the appellant, and the applicant.

9.-11. *(no change)*

Chapter 145 – Process I

145.22

Notice of Application and Comment Period

1. *(no change)*

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) ~~A copy of the~~ The notice, or summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

2) ~~A copy of the~~ The notice, or summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

3) ~~A copy of the~~ The notice, or a summary thereof, including a vicinity map, will be ~~distributed~~ mailed to the residents of each piece of adjoining property adjacent to or directly across the street from the

~~subject property, using mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City.~~

~~4) The notice will be posted on the City's web site.~~

- b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall erect a public notice sign(s) conspicuously on or near the subject property. The Department of Planning and Community Development is authorized to develop the standards and procedures for the public notice sign(s) necessary for implementation of this section.

~~provide for and erect public notice signs as follows:~~

- ~~1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.~~
- ~~2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.~~
- ~~3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.~~
- ~~4) The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~
- ~~5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.~~

145.45 Planning Director's Decision

1.-4. (no change)

5. Notice of Decision – Within four business days after the Planning Director's written decision is issued, the Planning Official shall distribute mail a copy of the decision or summary thereof, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, to the following persons:

a. The applicant.

- b. Each person who submitted written comments or information on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.
- c. Each person who has requested notice of the decision.

~~The decision shall be posted on the City's web site. In addition, within four business days after the Planning Director's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice sign erected under KZC 145.22(2)(b).~~

6. *(no change)*

145.70 Participation in the Appeal

Only those persons entitled to appeal the decision under KZC 145.60 may participate in the appeal; provided, that the applicant may submit a written response to an appeal filed by an appellant, regardless of whether the applicant filed an appeal. These persons may participate in either or both of the following ways:

1.-2. *(no change)*

145.80 Staff Report on the Appeal

1. *(no change)*

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute ~~copies of the staff report to the following persons~~ as follows:

- a. ~~A copy will be sent to the~~The Hearing Examiner.
- b. ~~A copy will be sent to the~~The applicant.
- c. ~~A copy will be sent to the~~The person who filed the appeal.
- d. ~~A copy will be sent to any~~Any person who received a ~~copy of the~~ Director's decision.

145.105 Decision on the Appeal

1.-2. *(no change)*

3. Notice of Decision – Within four business days after it is issued, the Hearing Examiner shall distribute mail a copy of his/her decision or summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:

- a. The applicant.
- b. The person who filed the appeal.
- c. All other persons who participated in the appeal.
- d. Each person who has requested notice of the decision.

~~The decision shall be posted on the City's web site. In addition, within four calendar days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 145.22(2)(b).~~

Chapter 150 – Process IIA

150.22 Notice of Application

1. *(no change)*
2. Distribution
 - a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:
 - 1) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the owners of all property within 300 feet of any boundary of the subject property.
 - 2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - 3) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
 - 4) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
 - 5) ~~A copy of the~~The notice will be distributed sent to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.
 - 6) The notice will be posted on the City's web site.

- b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall erect a public notice sign(s) conspicuously on or near the subject property. The Department of Planning and Community Development is authorized to develop the standards and procedures for the public notice sign(s) necessary for implementation of this section.

~~provide for and erect public notice signs as follows:~~

- ~~1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.~~
- ~~2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.~~
- ~~3) One sign shall be erected on or near the subject property facing each public right of way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.~~
- ~~4) The applicant shall post a bond pursuant to Chapter 175-KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~
- ~~5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.~~

150.30

Notice of Hearing

1. *(no change)*
2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:
 - a. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the owners of all property within 300 feet of any boundary of the subject property.
 - b. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

- c. ~~A copy of the~~The notice or a summary thereof will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- d. ~~A copy of the~~The notice or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
- e. The notice will be posted on the City's web site.~~A copy of the notice will be posted on each of the public notice signs erected under KZC 150.22(2).~~

3. *(no change)*

150.35

Staff Report

1. *(no change)*

- 2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report to the following persons as follows:
 - a. ~~A copy will be sent to the~~The Hearing Examiner.
 - b. ~~copy will be sent to the~~The applicant.

150.65

Hearing Examiner's Decision

1.-5. *(no change)*

- 6. Notice of Decision – Within four business days after the Hearing Examiner's written decision is issued, the Planning Official shall distribute mail a copy of the decision, or summary thereof, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter to the following parties:
 - a. The applicant.
 - b. Each person who submitted written or oral testimony to the Hearing Examiner on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.
 - c. Each person who has requested notice of the decision.

~~The decision shall be posted on the City's web site. In addition, within four business days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice sign erected under KZC 150.22(2)(b).~~

7. *(no change)*

150.85

Notice of Consideration of the Appeal

1. *(no change)*
2. Distribution – At least 14 calendar days before the City Council consideration of the appeal, the Planning Official shall distribute send a copy or a summary of this notice, or a summary thereof, to each person entitled to appeal the decision under KZC 150.80(1).

150.100

Staff Report on the Appeal

1. *(no change)*
2. Distribution – The Planning Official shall distribute copies of the staff report as follows:
 - a. Prior to the City Council's consideration of the appeal, the staff report a copy will be distributed sent to each member of the City Council.
 - b. At least seven calendar days before the City Council's consideration of the appeal, the staff report a copy will be distributed sent to:
 - 1) The applicant;
 - 2) The person who filed the appeal; and
 - 3) ~~A copy will be sent to any~~Any person who received a copy of the Hearing Examiner's decision.

150.125

Decision on the Appeal

Within 60 calendar days of the date the letter of appeal was filed under KZC 150.80 and after considering all arguments within the scope of the appeal submitted by persons entitled to participate in the appeal, City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

- 1.-3. *(no change)*
4. Notice of Decision
 - a. *(no change)*
 - b. Distribution – Within four business days after the City Council's decision is made, the Planning Official shall distribute mail a copy of the decision, or summary thereof, along with a summary of any threshold determination under SEPA to the following persons:

- 1) The applicant.
- 2) The person who filed the appeal.
- 3) Each person who submitted written or oral comments to the City Council.
- 4) Each person who has requested notices of the decision.

~~The decision shall be posted on the City's web site. In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 150.22(2)(b).~~

5. *(no change)*

Chapter 152 – Process IIB

152.22

Notice of Application

1. *(no change)*

2. Distribution

- a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

- 1) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the owners of all property within 300 feet of any boundary of the subject property.
- 2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the residents of each piece of property adjacent to or directly across the street from the subject property.
- 3) ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- 4) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
- 5) ~~A copy of the~~The notice, or a summary thereof, will be distributed sent to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's web site.

- b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall erect a public notice sign(s) conspicuously on or near the subject property. The Department of Planning and Community Development is authorized to develop the standards and procedures for the public notice sign(s) necessary for implementation of this section.

~~provide for and erect public notice signs as follows:~~

- ~~1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.~~
- ~~2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.~~
- ~~3) One sign shall be erected on or near the subject property facing each public right of way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.~~
- ~~4) The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the signs.~~
- ~~5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.~~

152.30

Notice of Hearing

1. *(no change)*
2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:
 - a. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the owners of all property within 300 feet of any boundary of the subject property.
 - b. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

- c. ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- d. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
- e. The notice will be posted on the City's web site.~~A copy of the notice will be posted on each of the public notice signs erected under KZC 152.22(2).~~

3. *(no change)*

152.35

Staff Report

- 1. *(no change)*
- 2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report to the following persons as follows:
 - a. ~~A copy will be sent to the~~The Hearing Examiner.
 - b. ~~A copy will be sent to the~~The applicant.

152.75

Distribution of Hearing Examiner's Recommendation

The Planning Official shall distribute ~~copies of~~ the recommendation of the Hearing Examiner as follows:

1.-2. *(no change)*

152.105

Notice of Decision

- 1. *(no change)*
- 2. Distribution – Except as provided in subsection (3) of this section, within four business days after the City Council's decision is made, the Planning Official shall distribute mail a copy of the decision, or summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:
 - a. The applicant.
 - b. Each person who submitted written or oral comments or testimony on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.
 - c. Each person who has requested notice of the decision.

~~The decision shall be posted on the City's web site. In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 152.22(2)(b).~~

3. *(no change)*

Chapter 155 - Process III

155.22

Notice of Application

1. *(no change)*

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the owners of all property within 300 feet of any boundary of the subject property.

2) ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) ~~A copy of the~~The notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) ~~A copy of the~~The notice, including a vicinity map, will be posted on each of the official notification boards of the City.

5) ~~A copy of the~~The notice will be distributed sent to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's web site.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall erect a public notice sign(s) conspicuously on or near the subject property. The Department of Planning and Community Development is authorized to develop the standards and procedures for the public notice sign(s) necessary for implementation of this section.

provide for and erect public notice signs as follows:

- ~~1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.~~
- ~~2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.~~
- ~~3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.~~
- ~~4) The applicant shall post a bond pursuant to Chapter 175-KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.~~
- ~~5) The signs shall be removed within seven calendar days after the final decision of the City on the application.~~

155.30

Notice of Hearing

1. *(no change)*
2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:
 - a. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the owners of all property within 300 feet of any boundary of the subject property.
 - b. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be distributed ~~sent~~ to the residents of each piece of property adjacent to or directly across the street from the subject property.
 - c. ~~A copy of the~~The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
 - d. ~~A copy of the~~The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

- e. ~~The notice will be posted on the City's web site. A copy of the notice will be posted on each of the public notice signs erected under KZC 155.22(2).~~

3. *(no change)*

155.35

Staff Report

1. *(no change)*

2. Distribution in General – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report to the following as follows:

- a. ~~A copy will be sent to each~~ Each member of the Planning Commission.
- b. ~~A copy will be sent to the~~ The applicant.

155.75

Distribution of Planning Commission's Report Recommendation

The Planning Official shall distribute ~~copies~~ of the report of the Planning Commission as follows:

1. Within four business days following the date the Planning Commission issues its written recommendation, ~~the report a copy~~ will be distributed sent to the applicant, and to any persons who submitted written or oral testimony to the Planning Commission on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.
2. Prior to the meeting where City Council considers the application, ~~the report a copy~~ will be distributed sent to each member of City Council. The Planning Official shall include the following material with the copy of the Planning Commission report distributed sent to each City Council member:

a.-b. *(no change)*

155.105

Notice of Decision

1. *(no change)*

2. Distribution – Except as provided in subsection (3) of this section, within four business days after the City Council's decision is made, the Planning Official shall distributemail a copy of the decision, or summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:

- a. The applicant.

- b. Each person who submitted written or oral comments or testimony on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.
- c. Each person who has requested notice of the decision.

~~The decision shall be posted on the City's web site. In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 155.22(2)(b).~~

- 3. *(no change)*

Chapter 160 – Process IV

160.40

Notice

- 1. *(no change)*
- 2. Distribution

a. The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

- 1) ~~A copy of the~~The notice will be published in the official newspaper of the City.
- 2) ~~A copy of the~~The notice will be posted on each of the official notification boards of the City.
- 3) The notice will be posted on the City's web site.

b. Public Notice Signs – If the proposal is to reclassify land on the Zoning Map, the applicant or, in the case of City-initiated proposals, the City shall provide for and erect public notice signs at least 14 calendar days before the public hearing, ~~as follows:~~ The Department of Planning and Community Development is authorized to develop the standards and procedures for the public notice sign(s) necessary for implementation of this section.

- 1) ~~The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.~~
- 2) ~~The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.~~

- ~~3) For City initiated proposals that involve multiple properties, one public notice sign shall be placed on an adjacent public right of way for properties that include up to 10 lots. For multiple properties that include more than 10 lots, a minimum of two such signs shall be placed. The Department of Planning and Community Development shall approve the location of each sign.~~
- ~~4) For all other proposals, one sign shall be erected on or near the subject property facing each public right of way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.~~
- ~~5) The signs shall be removed within seven calendar days after the final public hearing.~~

160.45

Staff Report

1. *(no change)*
2. Distribution – The Planning Official shall distribute the staff report to the following parties as follows:
 - a. ~~A copy will be sent to each~~ Each member of the Planning Commission prior to the hearing.
 - b. ~~A copy will be sent promptly to any~~ Any person requesting it.
 - c. If applicable, a ~~copy will be sent~~ to each member of the Houghton Community Council prior to their proceedings on the proposal.

160.85

Planning Commission Report to City Council

1. General – The Planning Official shall prepare a Planning Commission report ~~on the proposal~~ containing a ~~copy~~ of the proposal, along with any explanatory information, and the Planning Commission recommendation, if any, on the proposal.
2. *(no change)*
3. Distribution – The Planning Official shall distribute ~~promptly send a copy~~ of the Planning Commission report to any person requesting it.
- 4.-5. *(no change)*

Chapter 161 – Process IVA

161.45

Staff Report

1. *(no change)*
2. Distribution – The Planning Official shall distribute the staff report to the following persons as follows:
 - a. ~~A copy will be given to the~~The Planning Director prior to the hearing.
 - b. ~~A copy will be sent promptly to any~~Any person requesting it.
 - c. If applicable, ~~a copy will be sent to each member of the Houghton Community Council.~~

Chapter 162 - Nonconformance

162.35

Certain Nonconformances Specifically Regulated

1.-11. *(no change)*

12. Nonconforming Paddock Areas

a. Paddock areas as required under KZC 115.20 must be brought into conformance if a proposed alteration or replacement of an existing dwelling unit on the subject property in any 12-month period exceeds 50% of the replacement cost of that dwelling unit.

b. See KZC 162.45, Prohibition on Increasing Nonconformance, for proposed modifications, alterations, or replacements of any other improvements on the subject property.

13-12. Any Other Nonconformance *(no change)*

Chapter 175 - Bonds

175.25

Supplemental Administrative Costs

In addition to the bond and any consultation fees under KZC 175.20, the applicant shall post a cash deposit with the City equal to the following percentages of the amount of the bond:

Amount of Bond

Up to \$20,000
\$20,001 to \$50,000

Amount of Cash Deposit

5% of the bond (Minimum ~~\$100.00~~)
4% of the bond

\$50,001 to \$100,000	3% of the bond
\$100,001 and up	2-1/2% of the bond

This cash deposit will be used to cover the City's actual expenses of administering, and if necessary, using the proceeds of the bond. The minimum amount of the cash deposit will be administratively set and updated.

Chapter 180 – Plates

No amendment will be made to the parking Plates 1, 2, 3, 4 and 8A at this time.

KMC 24.02 SEPA Procedures and Policies

24.02.045 Definitions and abbreviations.

(a) In addition to those definitions contained within WAC 197-11-220 and WAC 197-11-700 through 197-11-799, when used in this chapter, the following terms shall have the following meanings unless the context indicates otherwise:

(1)–(4) *(no change)*

(5) “Distribute” means to provide notice and information or the location of notice and information to persons via postal mail or electronically.

~~(5)~~(6) “Improvement” means any structure or manmade feature.

~~(6)~~(7) “Recognized historical significance” means listed in the state or national register of historic places, designation as an historic landmark overlay zone, inclusion in the list of Historic Resources and Community Landmarks, Table CC-1 in the Comprehensive Plan.

(b) *(no change)*

24.02.160 Public notice.

(a) Whenever the city issues a DNS under WAC 197-11-340(2), or DS under WAC 197-11-360(3), the city shall give public notice by publishing notice, or summary thereof, in a newspaper of general circulation in the city where the proposal is located.

(b) Whenever the city issues a mitigated DNS for a site-specific proposal requiring installation of a public notice sign for the underlying permit, the city shall give public notice by publishing notice, or summary thereof, in a newspaper of general circulation in the city where the proposal is located, by posting notice on the City's web site ~~public notice sign for the underlying permit~~, and by distributing ~~mailing~~ notice to those receiving ~~mailed~~ notice of the underlying permit.

(c) The responsible official may require notice by alternative methods, as specified in WAC 197-11-510, if deemed necessary to provide public notice of impending action.

(d) Whenever the city issues a draft EIS or SEIS under WAC 197-11-455(5) or WAC 197-11-620, notice of availability of those documents shall be given by:

- (1) Posting the property for site-specific proposals, pursuant to the guidelines in (b) above; and
- (2) Publishing notice, or summary thereof, in a newspaper of general circulation in the city; and
- (3) ~~Distributing~~ Mailing notice for site specific proposals, pursuant to the guidelines in (b) above.

24.02.230 Administrative appeals.

- (a) – (f) *(no change)*
- (g) Procedures for the Appeal.
 - (1) Notice of the Appeal Hearing.
 - (A) *(no change)*
 - (B) Distribution. At least fourteen calendar days before the hearing on the appeal, the planning official shall ~~distributesend~~ a copy of this notice to each person who received a copy of the threshold determination and any person who appealed the threshold determination.
 - (C) The notice of appeal may be combined with the hearing notice for the underlying project permit, if applicable.
 - (2) *(no change)*
 - (3) Staff Report on the Appeal.
 - (A) *(no change)*
 - (B) *(no change)*
 - (C) Distribution. At least seven calendar days before the hearing, the planning official shall distribute ~~copies of~~ the staff report as follows:
 - (i) ~~A copy will be sent to~~ To the hearing body hearing the appeal as specified under subsection (f) above.
 - (ii) ~~A copy will be sent to~~ To the applicant.
 - (iii) ~~Copies will be sent to~~ To the persons who filed appeals.
 - (4)-(6) *(no change)*
 - (h) Decision on the Appeal.
 - (1) *(no change)*
 - (2) Issuance of Written Decision. Within eight calendar days after the public hearing, the hearing body shall issue a written decision on the appeal. Within four business days after it is issued, the hearing body shall distribute the decision as follows:
 - (A) ~~A copy will be mailed to~~ To the applicant.
 - (B) ~~A copy will be mailed to~~ To the person who filed the appeal.
 - (C) ~~A copy will be mailed to~~ To all other persons or agencies who participated in the appeal.
 - (i) *(no change)*

ATTACHMENTS

- A. KZC 45.10.130 (showing proposed changes)
- B. KZC 45.10.160 (showing proposed changes)
- C. KZC 48.15.220 (showing proposed changes)

Section 45.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 45.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	School or Day-Care Center	None	None	30' 20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-School or Mini-Day-Care											<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

ATTACHMENT A
 ZON 09-00002, Attach. 3



USE ZONE CHART

Section 45.10		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				
USE	REGULATIONS		Front	Side	Rear						
.150	Assisted Living Facility	None	None	Same as the regulations for the ground floor use. See Spec. Reg. 4.					A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met: <ol style="list-style-type: none"> a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 3. This use may not be located on the ground floor of a structure. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.160	Convalescent Center or Nursing Home		30' 20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility		20'					A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility							C See Spec. Reg. 1			

ATTACHMENT B
 ZONING CODE, Attach. 3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 48.15	USE ↓	REGULATIONS ↓	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)							Lot Coverage	Height of Structure
					Front	Side	Rear						
220	Commercial Recreation Area and Use	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. The use shall be conducted within a wholly-enclosed building. The building housing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 	

ATTACHMENT C
 ZON 09-0002, Attach. 3

Lake Washington High School
Lake Washington School District No. 414
12033 N.E. 80th Street
Kirkland, Washington 98033
Telephone (425) 828-3371

Brad Malloy
Principal
Doug Wenk
Associate Principal
Neil Ballard-Jones
Assistant Principal



May 16, 2008

To: City of Kirkland

To Whom it May Concern:

I am writing on behalf of our students, staff, district and community who would like to have an electronic reader board as part of our new high school. We are asking for an exception to the City of Kirkland's ordinance against electronic reader boards because of the need to have a more effective way to communicate with all members of our Kirkland community.

Currently we have a reader board that is changed manually by students using ladders in all kinds of inclement weather. Students have to leave class in order to do this and it takes up to thirty minutes each time it is done, losing valuable instruction time. This takes a huge amount of effort for something that could be done very easily with an electronic board from within the school. Because of the difficulty of a manual reader board, we cannot inform the community in a timely manner of events we would like to invite them to attend.

Redmond High School has an electronic board that is not offensive to their neighborhood. We would be seeking a similar board to enhance the property and bring our school and community current with the times.

We are kindly requesting that you consider granting LWHS a waiver to this ordinance so that we can begin life in our new building with an electronic reader board that we all could be proud of. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Brad Malloy". The signature is written in a cursive style with a large initial 'B'.

Brad Malloy

Principal, Lake Washington High School



Lake Washington High School
Lake Washington School District No. 414
12033 N.E. 80th Street
Kirkland, Washington 98033
Telephone (425) 828-3371

Brad Malloy
Principal
Doug Wenk
Associate Principal
Neil Ballard-Jones
Assistant Principal

May 16th, 2008

To Whom It May Concern,

For thousands of years the billboard has been commonly used. In that time, people have discovered antiseptic, created the computer, and traveled into space. The point is this; with all of these technological advances the billboard itself has undergone many beneficial alterations. Living in the twenty-first century, we have the huge advantage of the electronic billboard.

We are the Junior Class Leadership Officers of Lake Washington High School. We are writing to you today to ask for your permission for an electronic reader-board. An electronic reader-board would benefit us in many ways.

First, here at LWHS we are struggling with getting the word out to the entire student body. The current reader-board is very hard to update and we cannot fit very much information on it. We spend at least one day a week updating the reader-board. This one day a week is very crucial time that could be put toward much better use.

Second, electronic reader-boards look more professional and classy. This would be the finishing touch on the brand new school that is currently under construction. Thirdly, the school is a big part of the community. Community outreach is very important to us here at LWHS, and the reader-board is our face to the community. When we hold events that involve the community it is very hard to gain public relations with those outside of the school. Non-electronic reader-boards are dull, and no one reads them as they pass by. I know Redmond High School has an electronic reader-board, and every time I pass RHS I read their board, even though I don't go to their school.

We strongly feel that the benefits of the reader-board will overshadow any negative aspects that may arise.

Thank you for your time and consideration.

Sincerely,

Junior Class Leadership Officers

May 13, 2008

Brad Malloy

Principal

Doug Wenk

Associate Principal

Neil Ballard-Jones

Assistant Principal



Lake Washington High School
Lake Washington School District No. 414
12033 N.E. 80th Street
Kirkland, Washington 98033
Telephone (425) 828-3371

June 4, 2008

To Whom It May Concern,

As you know, Lake Washington High School is undergoing major construction from now until 2011. The new school plan is amazing, updating our learning environment into the twenty-first century. Along with this, we are hoping to have a new, electronic reader board.

An electronic reader board will be easier for leadership students to update, giving them more time to do other important duties. It will set the impression of Lake Washington High School to visitors and the surrounding community. The reader board will allow for upcoming events to be easily promoted to our Lake Washington community and will set a positive impression for students, parents, community members and visitors as they enter LW. Events that can be easily promoted and communicated to our community, will allow for more turn-out and community involvement in Lake Washington High School activities. For example, this year, the senior class held an auction and had difficulty promoting the auction to the community. With an electronic reader board, the promotion of this activity would have been much more effective and more successful.

Communication is vital as we relay information to our Lake Washington High School families and community. An electronic reader board will make this possible in the most effective manner. We hope you will allow for an electronic reader board on 80th street.

Sincerely,

Lake Washington High School's Senior Class Officers



Lake Washington
School District No. 414

RECEIVED

JUN 27 2008

AM _____ PM _____
PLANNING DEPARTMENT
BY _____

Gary Moed- Principal

Juanita High School

10601 N.E. 132nd Street • Kirkland, WA 98034

Office: (425) 823-7600 • Fax: (425) 823-7637

gmoed@lwsd.org

June 26, 2008

Kirkland City Council
Kirkland, WA

Dear Ladies and Gentlemen:

We are requesting a modification to your Zoning and Signage ordinance to allow Juanita High School to acquire an electronic reader board. This acquisition would allow us to enhance our communication and partnership with the large number of students, families and community members that we serve throughout the City of Kirkland.

Whether we are sharing information about the schedule for student final examinations or the schedule for community swim time in our pool, an electronic reader board would allow for information to be conveyed in a way that will support our ongoing goal of and commitment to a partnership with our community.

High schools are an important part of communities and information is the means by which we stay in touch with community we serve. Having a means to convey information about topics that impact the children and adults within our community would provide additional means for us to meet an important goal.

With this letter I am indicating my support for allowing us to begin the process of acquiring an electronic reader board and would be happy to speak further in connection with this topic at the appropriate venue.

Thank you for your consideration.

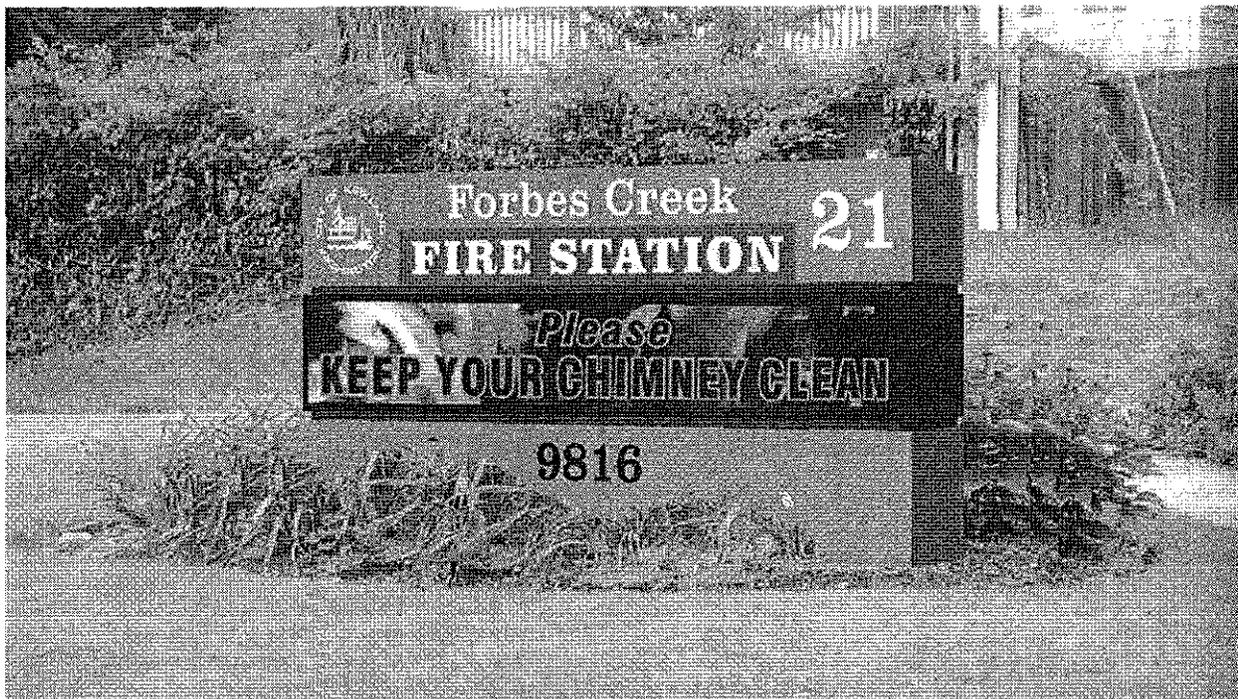
Sincerely,

Gary Moed
Principal
Juanita High School

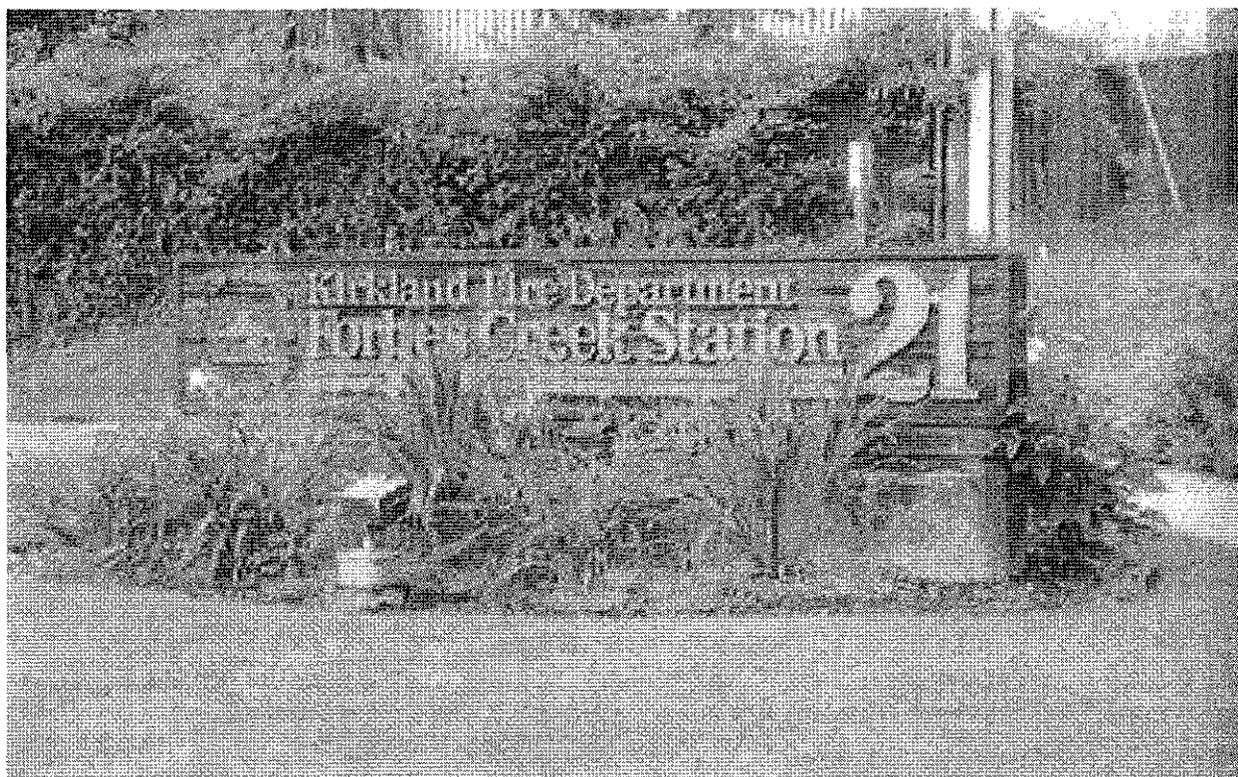
Lea Aemisegger
PTSA President
Juanita High School

cc Steve Cole, LWSD
Eric Shields, City of Kirkland

SAMPLE

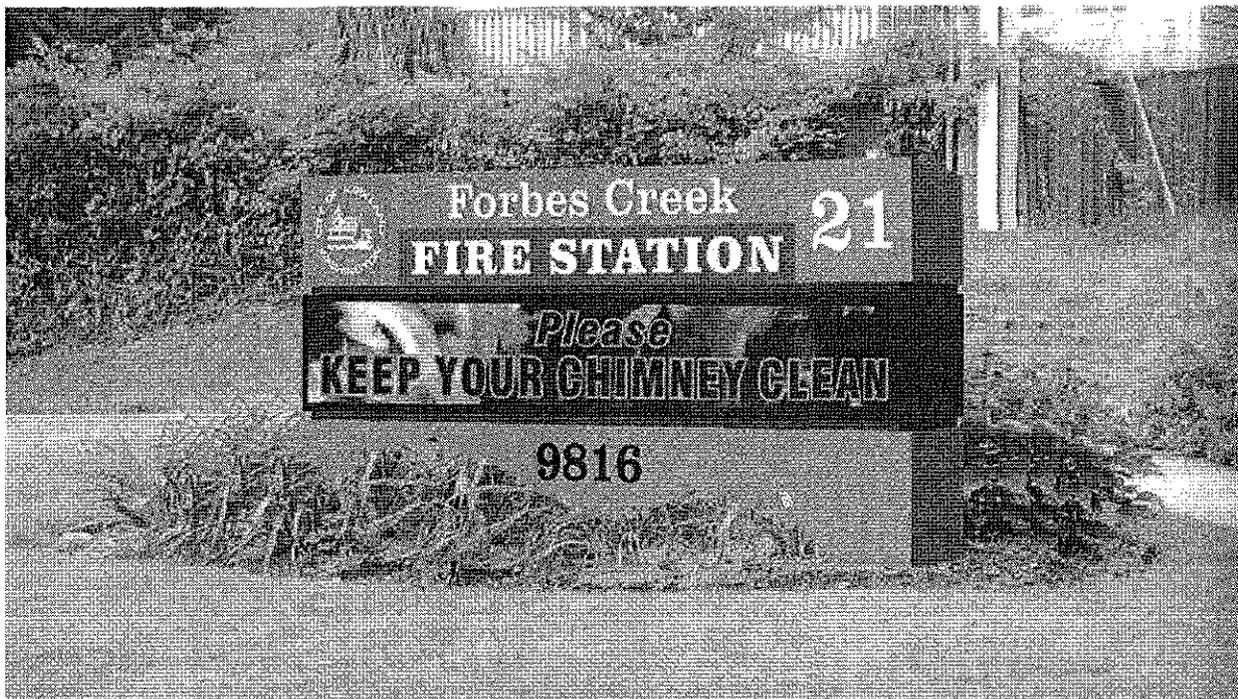


SAMPLE



EXISTING

SAMPLE



SAMPLE



EXISTING

COMMENTS FROM ANDY HELD (ATTACHMENT TO EMAIL DATED 1/15/09)

- 60.180 General Regulations - Delete Numbers 2 and 3; they are no longer relevant.
Both of these are still relevant, IMO. #2: Several landowners are considering large covered arenas as accessory structures. This regulation would limit the size of these structures. #3: If other permitted uses (e.g. church, school, etc., were built in PLA16, these requirement would apply.
- 60.180.010 Detached Dwelling Unit - Delete regulation limiting the number of horses; this is already regulated by Section 115.20.Nope. The language in 1150.20 spec regulation 6 only makes sense WITH the language in 60.180.010. 60.180.010 is the only place that establishes the max number of horses. 115.20 then establishes the rules for additional horses. 115.20 specifically states that the ch 115.20 rules for max animals does not apply. A bigger change could be made, or this could just be left alone.
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only) - Allow height for a detached ADU above a garage to match the underlying zone. Reorganize the section for clarity and add reference to Section 115.07. The intent is to match what height of the underlying zone? The primary residence? This is not a simple 'clean-up' edit, but a significant change which would apply to all the RSX zones. It should not be included in this group of edits.

Chapter 162 - Nonconformance

Add a new nonconformance regulation to assure that substandard paddocks do not have to be brought into conformance even when new septic systems are installed. Is this specific to the Bridle View annexation? It seems overly general in that case.

From: [Joan Lieberman-Brill](#)
To: [Nancy Cox](#);
Subject: FW: proposed nonconforming paddock regulation
Date: Tuesday, March 10, 2009 12:54:48 PM

From: Ltrosperss@aol.com [mailto:Ltrosperss@aol.com]
Sent: Thursday, March 05, 2009 3:43 PM
To: Joan Lieberman-Brill
Cc: thesimeceks@comcast.net
Subject: Re: proposed nonconforming paddock regulation

Joan

I have checked with appropriate persons in our Bridle Trails neighborhood (members of our former Advisory Committee on equestrian land use matters) and we see no problem with the subject regulation.

Jeanette Simicek, our Neighborhood Association president, asked that I respond.

Thank you for keeping us advised on such matters.

Lorraine

A Good Credit Score is 700 or Above. [See yours in just 2 easy steps!](#)

Fact Sheet

Action Sponsor and Lead Agency	City of Kirkland Department of Planning and Community Development
Proposed Action	Legislative adoption of "Fast Track" Zoning Code Amendments pursuant to Chapter 161 KZC (Process IVA).
Responsible Official	<hr/> Eric R. Shields, AICP Planning Director
Contact Person	Nancy Cox, AICP, City of Kirkland (425) 587-3228.
Required Approvals	Adoption by Kirkland City Council Approval by Houghton Community Council for amendments within its jurisdiction.
Location of Background Data	File ZON09-00002 City of Kirkland Department of Planning and Community Development 123 Fifth Avenue Kirkland, WA 98033
Date of Issuance	March 9, 2009

City of Kirkland

Process IVA "Fast Track" Zoning Code Amendments

EIS Addendum dated March 9, 2009

File No. ZON09-00002

I. Background

The City of Kirkland proposes amend several provisions of the Kirkland Zoning Code (KZC). The nature of the proposed amendments is such that they qualify for review under Chapter 161 KZC, Process IVA. Process IVA is an abbreviated process used for proposals "which are not controversial and do not need extensive policy study." (KZC 161.15). The process is intended for the review of zoning code amendments which "promote clarity, eliminate redundancy, or correct inconsistencies" (KZC 161.25.1). Amendments are also proposed to a Kirkland Municipal Code (KMC) section (the local SEPA ordinance) to ensure consistency with notice changes proposed in the Zoning Code amendments.

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 Zoning code amendment 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 current Zoning Code amendment 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 Zoning Code Amendment

The proposal would modify, add, and delete several provisions of the Zoning Code. The following chapters will be affected:

- Ch 1 – User Guide
- Ch 5 – Definitions
- Ch 17 - Single Family Residential Annexation (RSX) Zones
- Ch 20 – Multifamily Residential (RM) Zones
- Ch 45 – Community Business (BC) Zones
- Ch 47 – Community Business Annexation (BCX) Zone
- Ch 48 – Light Industrial Technology (LIT) Zones
- Ch 49 – Park Zone
- Ch 95 – Tree Management and Required Landscaping
- Ch 100 – Signs
- Ch 115 – Miscellaneous Use Development and Performance Standards

- Ch 117 – Personal Wireless Facilities
- Ch 127 – Temporary Use
- Ch 142 – Design Review
- Ch 145 – Process I
- Ch 150 – Process IIA
- Ch 152 – Process IIB
- Ch 155 – Process III
- Ch 160 – Process IV
- Ch 161 – Process IVA
- Ch 162 – Nonconformance
- Ch 175 – Bonds

KMC 24.02 SEPA Procedures and Policies

VI. Public Involvement

The Planning Director and Houghton Community Council will hold a joint public hearing on March 23, 2009. Public notice of the amendment and the public hearing and meeting is being provided in accordance with State and local law. The City Council and Houghton Community Council will take final action on the proposal in April. All dates are subject to change.

VII. Conclusion

This EIS Addendum fulfills the environmental review requirements for the proposed Zoning Code 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