



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
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## **MEMORANDUM**

**To:** Houghton Community Council

**From:** Eric R. Shields, AICP, Director  
Nancy Cox, AICP, Development Review Manager  
Tony Leavitt, Associate Planner

**Date:** April 19, 2010

**Subject:** Northwest University Athletic Field Use

### **RECOMMENDATION**

None - status report only.

### **BACKGROUND DISCUSSION**

In April of 2009, the City approved a Change of Use Zoning Permit to allow Northwest University to occupy the former Seattle Seahawks Facility for administrative and faculty offices, meeting rooms, and storage. The application stated that the former practice fields would be used exclusively by Northwest University athletic practices and intramural activities. The change of use approval was subject to that limitation.

On March 16, 2010; City staff (Tony Leavitt) received an email from a neighbor about the fields being used by lacrosse teams for practices and games. She referenced the Change of Use Permit and the public hearing where it was stated by the applicant that the fields would be used exclusively by Northwest University. On that same day, Staff contacted the neighbor to inform her that Staff would look into the matter.

Additionally, Staff contacted Dan Neary at Northwest University to find out additional information about the lacrosse teams using the field. Mr. Neary informed Staff that the fields were being used by Kirkland Youth Lacrosse for games and practices. He stated that he did not believe that a special permit was required and that allowing the fields to be used by outside organizations was within the University's rights.

After reviewing the zoning permit file (including the applicant's project summary and memos) and the Joint Public Hearing Examiner minutes and audio recording from February 23, 2009; Staff concluded that the use of the fields by an outside organization did not comply with the Change of Use Permit Approval. Staff contacted the neighbor on March 29 to inform her of our conclusion and to see if the neighbors would be willing to meet to discuss the matter.

On March 31<sup>st</sup>, City Staff (Tony Leavitt & Eric Shields) met with three neighbors to discuss their issues and to see if there was a way to mediate their concerns. At the meeting, the neighbors described in more detail the noise (including whistles, crowd noise, airhorns, etc), garbage accumulation within the landscape buffer area and on the fields, and participants urinating near their properties. At the conclusion of the meeting, the neighbors told Staff that they were not interested in mediation and asked about the formal complaint process. Staff provided the neighbors with the details and forms. After the meeting, the neighbors each filled out the City's Complaint Investigation Request forms that were submitted to the City.

The University has provided the attached letter in response to the situation.

The City issued a Notice of Violation on April 19, 2010 in response to the complaints about the non-permitted use of the fields.

Staff will provide further updates at the meeting.

ATTACHMENT  
Letter from NWU

Cc: Dan Neary, NWU

April 16, 2010

Nancy Cox, Development Review Manager  
City of Kirkland Planning Department  
123 Fifth Avenue  
Kirkland, Washington 98033

Dear Nancy,

Thank you for your invitation to attend this month's meeting of the Houghton Community Council in order to discuss the complaints related to Northwest University entering into an agreement to allow Kirkland Youth Lacrosse use of our athletic fields. We agreed to host practices and games for no more than twenty hours each week at rates similar to those charged by local parks departments.

Unfortunately, my schedule cannot accommodate the Council's meeting this month due to meetings that I must attend in Vancouver that week. It is my hope that this letter will address the Council's questions and concerns.

As I stated in a recent email to the Planning Department, I am embarrassed that all this has escalated to this level of concern, consuming the resources of the Planning Department and now the Houghton Community Council. I am sorry for my errors in this regard.

You can certainly imagine, given the severe shortage of field space in Kirkland and our surrounding communities, that we have a steady stream of inquiries related to outside groups using our athletic fields. We simply refused most of these requests since they came with the expectation of hundreds of guests and we understood that our current zoning provisions, under our approved master plan, does not accommodate these sorts of uses by outside organizations. I approved this partnership with Kirkland Youth Lacrosse since it appeared to be incidental use that fell within the parameters of the approved master plan, specifically that we have the flexibility to rent portions of our campus to outside organizations as long as we anticipate fewer than 100 guests and do not anticipate significant impacts on our neighborhood related to traffic and parking.

Coinciding with the current complaints, the Planning Department has clarified your position that we do not have that flexibility to rent to outside groups when it comes to our athletic fields. With this clarified understanding, we are working to end the use by Kirkland Youth Lacrosse and have informed them that our current zoning provisions will not allow us to accommodate them in the future.

Working with the code compliance officer, Judd Tuberg, we have obtained a copy of the materials from the file associated with the formal complaints. It is our hope that we can begin to address a number of the specific items in the complaints and thus benefit from some patience so that Kirkland Youth Lacrosse can finish their season on June 12. Since there is no other field space in the region

available to accommodate their current schedule, we are hoping that these steps will help us help these children. It appears that the specifics of the complaints can be summarized along the lines of the following six items:

1. Excessive and continuous noise (whistles, air horns, yelling, cheering, etc.) – Kirkland Youth Lacrosse (KYL) has agreed to eliminate the use of air horns and much of the use of whistles. While their regulations specify the use of these instruments, they believe that they can take these steps in these special circumstances. They cannot completely eliminate the use of whistles for reasons of safety.
2. Garbage accumulating in landscape buffers – Our agreement with KYL included provisions that they would tend to their own trash; we are working with them to increase their efforts in this regard. It appears that some portion of the trash has more to do with the University's use of the fields, as well as the unauthorized use of the fields by members of the community. University personnel are working to attend to the tidiness of the fields as well as the landscape buffers.
3. Participants urinating in the landscape buffers – Our agreement with KYL provides for use of the restrooms in our building adjacent to the fields (the former Seahawks training and headquarters building). When we first became aware that young boys were opting to use the landscape buffer, rather than the restrooms, we reminded KYL that this was inappropriate. They have agreed to be more diligent about directing their participants to the restrooms that we continue to provide.
4. Early Saturday morning starts – Our agreement with KYL provided for starts no earlier than 9:00. We are now aware that they have used the fields, in some instances, as early as 8:00. We have worked with KYL and they will not allow this to happen again as they finish their season. We have made arrangements for University personnel to better monitor weekend field use.
5. Reports of KYL using all three of our athletic fields – We have determined that KYL has consistently limited their use to our one artificial turf field. It appears that those filing the complaints may have confused University use, or possibly even unauthorized use by members of the community, that was concurrent to KYL's use.
6. Branches trimmed to install temporary fencing that were left in the landscape buffer – It appears that only a small portion of trimmings in the landscape buffer were related to use by KYL. We do not believe that the University's landscapers have left trimmings in the buffer. We have had reports of others (unauthorized) trimming inside the buffer and possibly dumping in the buffer; we are investigating and will continue to work to keep the landscape buffer in order.

Again, it is our hope that these steps will afford us some patience so that we can allow these children to finish their season on June 12.

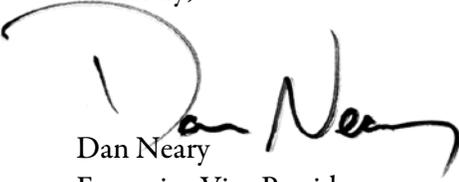
I hope that this letter will help the Council address their questions and concerns.

On a *going forward* basis, I would welcome an opportunity in the coming months to discuss future long range plans that would allow the University to partner with our community. I know that the

Council has expressed interest in helping us think through how future master plan revisions could provide ways for the University to help organizations like Kirkland Youth Lacrosse.

Thank you for your consideration and ongoing help.

Sincerely,

A handwritten signature in black ink that reads "Dan Neary". The signature is fluid and cursive, with a large initial "D" and "N".

Dan Neary  
Executive Vice President

cc: Eric Shields, Planning Director, City of Kirkland  
Tony Leavitt, Associate Planner, City of Kirkland  
Judd Tuberg, Code Compliance Officer, City of Kirkland  
Steve Sankey, Director for Campus Planning and Construction, Northwest University  
Steve Lytle, Kirkland Youth Lacrosse