



## **MEMORANDUM**

**Date:** December 5, 2012

**To:** Planning Commission

**From:** Paul Stewart, AICP, Deputy Planning Director  
Eric Shields, AICP, Planning Director

**Subject:** Planning Commission Retreat

### **Introduction**

The Planning Commission's retreat is scheduled for December 13 from 6:00-9:00 pm in the Houghton Room. After entering the front entrance foyer at City Hall, the Houghton Room is down the hall to the right. Dinner will be served at 6:00 with the retreat starting at 6:30 pm.

The retreat is a chance to step back and look at the previous year's projects and accomplishments and look forward to 2013 and beyond to identify and prioritize tasks that the Planning Commission and staff will undertake. The proposed work program establishes these tasks as well as the schedule and staffing levels. The main focus of the retreat will be on the Planning Work Program – particularly the GMA required Comprehensive Plan update.

This year the retreat will cover the following topics:

- Brief review of 2012 projects and accomplishments
- Review of the Central Houghton/Everest Business District process
- Review and discussion on the draft 2013-2015 Planning Work Program
- Discussion on the Comprehensive Plan update
- Review of the proposed list of miscellaneous Zoning Code amendments
- Discussion on the Rules of Procedure on public comments after the public hearing is closed

The retreat is also an opportunity to discuss other Commission items of interest or to raise discussion topics for the joint City Council/Planning Commission meeting currently scheduled for February 19, 2013.

### **Review of 2012 Projects (See Attachment 1)**

#### 2012 Projects

In 2012, the Planning Commission met 24 times (same as 2011) including a joint study session with the City Council. Four of those meetings were joint meetings of hearings with the Houghton Community Council (HCC). On several occasions, the Chair or Vice

Chair also appeared at City Council meetings on behalf of the Commission to transmit the Commission's recommendation and respond to Council questions. The Commission completed work on the following projects:

- Green Codes
- 2012 Miscellaneous Code Amendments
- Commercial Code Amendments
- Totem Lake Code Amendments
- Residential Suites Code Amendments
- 2012 City Initiated Comprehensive Plan Amendments
- Howard and Parker Private Amendment Requests

The City Council is scheduled to take final action on December 11 on the 2012 Comprehensive Plan amendments including the city-initiated amendments, the commercial codes and the private amendment requests.

How do Commissioners feel about the resulting products or review processes concerning these projects? Are there things that went particularly well or what could we have done better that we can keep in mind for future projects.

#### Houghton/Everest Plan

In mid-2012, the City began work on the Houghton/Everest Neighborhood Center (Central Houghton Business District). Study sessions with the Planning Commission and HCC started in July. A joint meeting with the HCC occurred in September. By late October it was evident that there were considerable concerns from area residents on the appropriateness of the proposed changes and the compressed schedule. A more comprehensive, extensive effort would have required additional resources, staffing and time that wasn't available given the pending effort to begin the update on the Comprehensive Plan in 2013.

Staff, the HCC and the Planning Commission recommended that further work on the plan and zoning be deferred until sometime after the completion of the Comprehensive Plan update. The City Council concurred and the Planning Work Program was amended by the City Council on October 16, 2012 to remove that task from the work program.

At the November 15 meeting, the Commission expressed an interest in a review or debriefing of that process and lessons learned. Attachment 2 is a memo from Angela Ruggeri, Senior Planner and project manager on that task, outlining some staff perspectives as a starting point for discussion at the retreat.

#### **Planning Work Program (Attachment 3)**

##### Overview of Proposed 2013-2015 Planning Work Program

The Planning Work Program sets forth the major long range planning tasks and projects as well as the staffing levels and schedule. Staffing levels are noted as FTE's or "full time equivalent" employees. The major focus for the Planning Department for the next two years will be on the GMA required 10-year Comprehensive Plan update. At this

point staffing levels and assignments for the update are tentative. Additional discussion on this effort is noted in the next section.

The work program shows nine major long range planning categories with individual tasks within each category. Attachment 3 is the Proposed 2013-2015 Planning Work Program. (Note: Attachment 4 is the currently adopted work program as amended and approved by the City Council on October 16, 2012.

The Commission should review the proposed work program at the retreat and provide direction to staff. Staff will bring back a final proposed work program at one of the January meetings for review and recommendation by the Planning Commission. The Planning Commission's recommendation will then be transmitted to the City Council at **joint meeting currently scheduled for February 19, 2013** (please note the date on your calendars). The joint meeting is a study session that typically begins at 6:00 pm. Along with the work program, the joint meeting is also an opportunity for the Commission to discuss other items of interest – however, it is anticipated that the majority of the meeting will be devoted to the Comprehensive Plan update.

#### GMA Comprehensive Plan Update – Task 1.0 (See Attachment 5)

As noted previously, the 10-year update to the Comprehensive Plan will be the primary focus for staff, the Planning Commission and City Council over the next two years. The City undertook major updates in 1995 and 2005. The next update will be looking to a future planning horizon year of 2035.

The Growth Management Act requires all cities in King County and the county to update their plans by June 30, 2015. The City's target is to complete the update by December, 2014. The work program show this update beginning in full in 2013, however some preliminary work has already begun.

Staff has identified the following topics to be addressed in the update:

- New vision statement
- Extensive community outreach and involvement
- Data collection and GIS mapping
- Revised land use and capacity analysis
- New Environmental Impact Statement
- Incorporation of the Kingsgate (Evergreen Hill), North Juanita and Finn Hill areas into the Comprehensive Plan
- New transportation master plan
- A focus on the Totem Lake Urban Center
- Revised level of service standards for capital facilities
- Updated Capital Facilities and Transportation Elements
- Review and revisions to other chapters as appropriate (Housing, Economic Development, etc.)

In 2010, the Growth Management Planning Council allocated new housing and employment targets to all the cities and King County through the countywide planning process. As part of the plan update, Kirkland will need to determine how and where to

accommodate these targets in the Land Use Plan. Staff has already begun to look at our current capacity to accommodate these targets.

As a result, a revised long range transportation master plan would need to be considered looking at a new horizon year of 2035. Based on the additional population as a result of annexation and new housing and employment targets, the City will need to revise its level of service standards for capital facilities (parks, transportation, etc.). This has to occur before the city updates its impact fee rate study.

Early on, staff will begin to review the general elements (land use, housing, economic development etc.) to determine the extent of needed revisions. Some elements may need minor updates while others need more substantive discussion.

Attachment 5 is a preliminary listing of the major components of the plan update and a starting point for discussion at the retreat. Staff will begin drafting a more detailed work program with work tasks, schedule and staffing following the retreat to be discussed further in January and for consideration at the joint meeting of the City Council and Planning Commission on February 19. In addition, the plan update process will be on the City Council's agenda for their retreat meeting on February 8<sup>th</sup>.

The first step is to develop the overall scope, schedule and tasks for the update process. This also means determining staff assignments and forming a cross-departmental team.

Initial tasks include data collection and analysis, mapping and the preparation of a *Community Profile* to give us an overall picture of our demographics and characteristics and set the basis for the plan update. We will need to look at forecasts of population and employment, our land capacity analysis (where we can accommodate growth) and our housing and job targets. Between 2006 and 2032 Kirkland is expected to have the land use capacity to accommodate 8,570 new households and 20,850 new jobs.

Of particular interest is evaluating density and land use along transit corridors/centers; perhaps looking at land use from a watershed basin perspective; and conducting a housing needs assessment.

As part of the work program and scope, staff will be developing an extensive and comprehensive public outreach strategy and program. Marilynne Beard, Deputy City Manager will be working with staff, the Commission and the community on this effort. As part of this program we will likely undertake a "visioning" exercise. This is an opportunity for the entire city to be involved in helping describe and determine the community's desires and values and what kind of city we want to be. Marilynne will be at the retreat to provide an overview of various public involvement strategies.

As part of our outreach strategy, we anticipate the need for education and information sharing. Comprehensive planning is a complicated endeavor. Informational materials and messaging will be essential for the community in order to get a basic understanding of the Growth Management Act, the Comprehensive Plan and Zoning. In addition,

innovative planning principles such as smart growth, new urbanism, and walkable communities need to be explored and explained.

As part of the plan update, the City will prepare an Environmental Impact Statement (EIS). The purpose of an EIS is to assist the public and decision-makers in considering future decisions on goals, policies and regulations as part of the plan update and to identify potential impacts from selected alternatives. The EIS provides direction and support for more specific future actions such as capital improvements, subarea plans and implementing regulations. Since this task will utilize professional consulting services, staff will need to prepare a Request for Proposals, select a consultant and develop a contract and scope of services.

The plan update will include a citywide Transportation Master Plan. The master plan will consist of a citywide network, a 20-year project list, project prioritization methods, an evaluation of levels of service for various modes and suggested goals, policies and strategies. The relationship of land use and transportation is essential to the planning process and outcome. The Planning Commission and Transportation Commission will need to work closely together on this effort.

In addition to transportation, the City will need to review and update all of its level of service standards for capital facilities and public services. This is necessary for a variety of reasons – a new horizon year, the recent annexation, and revised capital funding and budget considerations.

The results of these efforts will be suggested amendments or revisions to the goals, policies and text of the Comprehensive Plan elements with final review by the Planning Commission, Houghton Community Council and City Council. It will be important as this process progresses that the Planning Commission and HCC check in with the City Council over the course of the plan update.

#### Private Amendment Requests (PAR's) – Task 2.0

Task 2.1 is the MRM Private Amendment Request. MRM Kirkland, LLC (434 Kirkland Way) has requested to change Comprehensive Plan and zoning for a mixed use (retail/office; retail/office/multi-family; or retail/multifamily and increase the allowed height. This was scheduled to be reviewed in 2012, but MRM agreed to postpone it to 2013.

December 1 was the deadline for submitting private amendment request applications. Every two years application are accepted for a threshold review determination by the Planning Commission and City Council to determine which, if any, applications are to be further studied. The city received the following applications:  
Evergreen Health Medical Center (13014 120 Ave. NE). Request is to add properties owned by Evergreen Health north of the hospital into the Evergreen campus master plan and to have consistent zoning.

- Evergreen Health Medical Center (11800 NE 128<sup>th</sup> Street). Request to include the Evergreen Health Plaza Building in their master plan.
- Chaffey Building Group (Approximately 14467 Simonds Rd. NE – 95<sup>th</sup> Ave. NE and Simonds Road). Request to change the Comprehensive Plan and zoning from RSA 4 to higher density.
- Mark Colon (11451 98<sup>th</sup> Ave. NE). Request to change Comprehensive Plan and Zoning Regulation to allow a drive through facility.
- JayMarc Homes (4626, 4630, 4646, 4602 and 4608 116<sup>th</sup> Ave. NE). Request from five property owners to change zoning from RS 35 (1 unit per 35,000 square feet) to RS 12.5 (3.4 units per acre) in order to subdivide the properties.

The work program shows a threshold review occurring in the first few months of 2013 with further study of selected PAR's to be considered in the latter part of 2013 or 2014.

#### Economic Development (Task 3.0)

These tasks focus on the Totem Lake Urban Center. Task 3.1 consists of an evaluation of the potential of transfer of development rights program (TDR) in Totem Lake and Task 3.2 is an analysis of potential infrastructure financing tools to support future growth.

King County created a program in 1999 to direct development away from rural and resource lands into urban areas. The program allows property owners in these areas (sending areas) to sell development rights to property owners in urban growth areas (receiving areas). King County and the cities of Issaquah, Bellevue, Seattle and Redmond have TDR programs in place. TDR programs are authorized through state legislation.

In September, 2012 Kirkland entered into an agreement with King County to develop a County-to-City TDR program for the Totem Lake Urban Center. The project would also evaluate a variety of infrastructure financing tools to pay for the capital needs and amenities to support the increased growth as a result of TDRs.

The project is funded through a grant from EPA (\$50,000 through King County) and city funds \$34,500. City funding is a combination of \$9,500 from current economic development funds and \$25,000 in a proposed service package in the 2013-2014 budget.

The City is preparing an RFP for consulting services to include:

- A general **market analysis** to determine the likely future demand for certain development types in the Totem Lake Urban Center (e.g. residential, commercial, office, retail, high-tech, etc.) and to look at the appropriate TDR commodity to incentivize the purchase of a TDR credit (e.g. additional height, floor area, etc.)

- An **economic analysis** to determine the TDR transfer or exchange rate and the potential market for TDRs.
- An assessment of the feasibility of local **infrastructure financing tools** to apply in Totem Lake such as the Landscape Conservation and Local Infrastructure Program (LCLIP) and Local Revitalization Program (LRF) or other funding sources.

A report will be prepared by the consultant along with recommendation along with a draft TDR interlocal agreement and ordinance for consideration by the City Council. The project is expected to be completed by the end of 2013 and will be used by the City to guide potential amendments to the Comprehensive Plan and Totem Lake Plan.

#### Zoning Code Amendments - Task 4.0 (See Attachment 6)

Each year staff proposes a bundle of possible code amendments. A listing of the potential amendments is noted in Attachment 6. In 2012, staff is proposing several sets of amendments. The amendments are arranged by groups (A through I):

- Group A: This would occur in the first of the year. The amendments in this group are minor amendments that would be reviewed under the fast track procedures – Process IVA. These do not involve substantive issues and are not reviewed by the Planning Commission.
- Group B: (Commercial Codes – Phase 2): These are amendments that were lower priority and deferred for future consideration as part of the 2011-2012 Commercial Codes project. Some of these items would extend the recently adopted regulations to additional zones while others would consider additional topics. These amendments could be reviewed in the first half of 2013.
- Group C: These are more substantive amendments and include mostly moderate and major issues. These follow Process IV whereby the Planning Commission conducts the study sessions and the public hearing prior to making a recommendation to the City Council. These amendments would be reviewed in the middle or the second half of 2013.

Of particular interest in this group are two issues. The chair of the Planning Commission has suggested we look at alternatives to the floor area ratio standards for single family housing. This would be a major task involving extensive community discussion.

A second issue is to clarify the process by which private citizens may request Zoning Code text and regulation changes (e.g. residential suites). Chapter 135 of the Zoning Code states that they should follow the same process as private amendment requests outlined in Chapter 140 – that is, there should be a threshold review discussion prior to processing the code revision. However, Chapter 140 also states that amendments may be City initiated; and in practice, people interested in amendments have asked the staff, City Council or Planning

Commission to initiate the amendments. Some amendments are easily incorporated in the list of code amendments to be considered annually. Other, more substantive amendments, may require more substantial effort and could affect the work program and Planning Commission schedule.

- Group D: (Parking): This group includes a review of various City parking standards. One impetus is the upcoming completion of King County Metro's Right Size Parking study (<http://metro.kingcounty.gov/up/projects/right-size-parking>). In collaboration with numerous public and private partners, including the City of Kirkland, the County has conducted the most comprehensive study of actual parking demand in the region. That data and predictive modeling will be publicly available through a web based tool in early 2013. Staff hopes to coordinate a demonstration for the Planning Commission with Metro. These amendments would be reviewed later in 2013.
- Groups E-I: These are proposed issues to be considered at a future date.

#### Subarea Plans – Cross Kirkland Corridor (Task 5.0)

The only subarea plan noted on the work program is the Cross Kirkland Corridor Plan. This effort is being managed by Public Works but involves a cross-departmental team (including Planning staff). It is expected this project will be completed in 2014.

#### Housing (Task 6.0)

Housing preservation would entail an inventory of potential properties, contacting property owners to gauge interest and exploring options for preservation of existing housing. This has been on the work program as a place-keeper until resources are available for this effort.

There are a number of on-going staff efforts on housing including working with ARCH (A Regional Coalition for Housing) on the Housing Trust Fund, funding programs, and education.

#### Natural Environment/Sustainability (Task 7.0)

These tasks consist of a variety of sustainability and environmental stewardship efforts. The City has completed a draft Urban Forestry Management Plan that is out for public comment and will be finalized and implemented in 2013 and beyond.

Following the Comprehensive Plan update, the City will need to update its Critical Area Regulations (wetlands, streams, etc.) – primarily in Chapter 90 of the Zoning Code.

In 2003 the City adopted a Natural Resources Management Plan. The City has in place a "Green Team" consisting of representatives from several City departments that meet on a monthly basis to coordinate stewardship and sustainability activities and programs and implement the plan. Currently the Green is forming a sub-committee to consider legislative environmental issues at the state level.

Over the past year the team has defined its role and mission/vision. The Green Team has representation on the King County Climate Change Collaborative of which Kirkland is a founding member. This Collaboration will help Kirkland further implement actions identified in the Climate Action Plan that was adopted by the City Council in April 2009. Further, the Green Team is using a performance based protocol to address and prioritize actions to help achieve the City Council's nine Environmental Goals.

**Rules of Procedure (See Attachment 7)**

This topic was scheduled in September but due to the lateness of the meeting and some absent members it was deferred. Attachment 7 is the September memo that explains the issue. The issue is whether it is appropriate to allow for or consider comments from the audience at a subsequent meeting after the public hearing has been closed by the Commission. The Commission should review the Rules (Section 9.B.) and provide direction to staff. If a change is proposed, staff would bring back the revisions to a meeting in January or adoption.

Attachments

1. 2012 Planning Commission Meeting Topics
2. Memo on Houghton/Everest Neighborhood Center Plan process
3. Proposed 2013-2015 Planning Work Program
4. Current Adopted 2012-2014 Planning Work Program
5. GMA Comprehensive Plan Components
6. List of Potential Zoning Code Amendments
7. Memo on Rules of Procedure – Public Comment



# Planning Commission Agenda Topics for 2012

Meeting Date	Topic	Meeting Type
January 12 Joint Meeting with HCC	<ul style="list-style-type: none"> <li>Green Codes</li> </ul>	Hearing
January 12	<ul style="list-style-type: none"> <li>Totem Lake Zoning</li> <li>2012 Miscellaneous Zoning Code Amendments</li> <li>BN Zone Moratorium</li> </ul>	Study Session Study Session Study Session
January 26	<ul style="list-style-type: none"> <li>Planning Work Program</li> </ul>	Retreat
February 9	<ul style="list-style-type: none"> <li>Green Codes</li> <li>Commercial Code Amendments</li> </ul>	Study Session Study Session
February 23	<ul style="list-style-type: none"> <li>Commercial Code Amendments</li> </ul>	Study Session
March 8	<ul style="list-style-type: none"> <li>Commercial Code Amendments</li> <li>2012 Miscellaneous Zoning Code Amendments</li> <li>Planning Work Program</li> </ul>	Study Session Study Session Study Session
March 22	<ul style="list-style-type: none"> <li>Totem Lake Code Amendments</li> </ul>	Study Session
April 3 Joint Meeting with City Council	<ul style="list-style-type: none"> <li>Green Codes</li> <li>Commercial Codes Briefing</li> </ul>	Study Session Study Session
April 26	<ul style="list-style-type: none"> <li>2012 Miscellaneous Zoning Code Amendments</li> </ul>	Study Session
May 10	<ul style="list-style-type: none"> <li>2012 Miscellaneous Zoning Code Amendments</li> </ul>	Study Session
May 24	<ul style="list-style-type: none"> <li>Totem Lake Zoning Code Amendments</li> </ul>	Hearing
May 31	<ul style="list-style-type: none"> <li>Commercial Zoning Code Amendments</li> </ul>	Study Session
June 14 Joint Meeting with HCC	<ul style="list-style-type: none"> <li>2012 Miscellaneous Zoning Code Amendments</li> </ul>	Hearing & Study Session
June 28	<ul style="list-style-type: none"> <li>Commercial Code Amendments</li> </ul>	Hearing
July 12	<ul style="list-style-type: none"> <li>2012 Miscellaneous Zoning Code Amendments</li> </ul>	Study Session
July 19	<ul style="list-style-type: none"> <li>Commercial Code Amendments</li> <li>Houghton/Everest Neighborhood Center</li> </ul>	Study Session Study Session
August 9	<ul style="list-style-type: none"> <li>Houghton/Everest Neighborhood Center</li> </ul>	Study Session
August 23	<ul style="list-style-type: none"> <li>Residential Suites Zoning Code Amendment</li> </ul>	Study Session
September 13 Joint Meeting with HCC	<ul style="list-style-type: none"> <li>Houghton/Everest Neighborhood Center</li> </ul>	Study Session
September 27	<ul style="list-style-type: none"> <li>2012 City Initiated Comprehensive Plan Amendments</li> <li>Parker Private Amendment Request</li> <li>Howard Private Amendment Request</li> <li>Houghton/Everest Neighborhood Center</li> </ul>	Study Session Study Session Study Session Study Session
October 4	<ul style="list-style-type: none"> <li>Residential Suites Zoning Code Amendment</li> </ul>	Hearing
October 25	<ul style="list-style-type: none"> <li>Howard Private Amendment Request</li> <li>Parker Private Amendment Request</li> </ul>	Study Session Study Session
November 8 Joint Meeting with HCC	<ul style="list-style-type: none"> <li>2012 Comprehensive Plan Amendments</li> </ul>	Hearing
November 15	<ul style="list-style-type: none"> <li>Howard Private Amendment Request</li> <li>Parker Private Amendment Request</li> </ul>	Hearing Hearing





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## MEMORANDUM

**Date:** December 6, 2012

**To:** Planning Commission

**From:** Angela Ruggeri, AICP, Senior Planner  
 Paul Stewart, AICP, Deputy Planning Director

**Subject:** Houghton/Everest Neighborhood Center – Lessons Learned

The City Council directed staff and the Planning Commission to complete work on the Houghton/Everest Neighborhood Center as part of the 2012 Work Program. The policy work for the Central Houghton half of the neighborhood center was included in the Central Houghton Neighborhood Plan that was completed in 2011. The Everest Neighborhood Plan has not been updated since the late 1980's.

The project originally had a 6 month timeline. After hearing the concerns of residents in both the Everest and Central Houghton Neighborhoods, the City Council decided it was best to complete the required update to the City's Comprehensive Plan prior to conducting any subarea planning such as the Houghton/Everest Neighborhood Center Plan.

A discussion of "Lessons Learned" from this process is included below.

### **Public Notice:**

Staff began the process by e-mailing the Central Houghton and Everest Neighborhood Group chairs to ask for suggestions on getting the word out to their neighborhoods. Planning Commission meeting packet notices were also sent to the chairs and to KAN. An information letter was mailed to all property owners, residents and business owners in the study area during the summer. We also put up public notice signs, and a webpage and listserv were started in September. We held an open house and a series of neighborhood meetings to discuss people's concerns in addition to the regular Planning Commission and Houghton Community Council meetings on the topic.

### **Lessons Learned:**

Start early, tell everyone and make sure the neighborhood receives the notices!!

We made the assumption that informing the Neighborhood Associations would get the word out. Since we did this in the summer, it was slow to happen and didn't reach many people. Also, there are some neighborhood groups (like Everest) that weren't very active.

A postcard to all residents announcing the project should be sent at the very start. People may or may not take notice, but at least we will be sure that all have been notified. We used to do this for neighborhood projects but had to stop because of budget constraints. In hindsight, it is worth the cost.

Our noticing process was well beyond code requirements and did eventually reach the concerned group of residents.

### **Public Participation:**

Staff has found over the years that there is not much public participation unless there is a specific project and citizens are concerned about it. We will be working on new ways to get people involved as part of our overall Comprehensive Plan update process that will begin in 2013.

Lessons Learned: If citizens think something is going to be built, they are more likely to be involved (the conceptual drawings are what ultimately captured citizen interest).

Comprehensive Plan changes and even changes to the Zoning Code do not usually catch most citizens' interest. We did hear at the neighborhood meetings for the Houghton/Everest Neighborhood Center that people wanted to participate, but many didn't want to come to a lot of meetings. Others said the meetings were a good way to get the discussion going.

Another lesson is to allow adequate time to involve people from the beginning of the process. In this case, we assumed that the policies adopted in the Central Houghton Neighborhood Plan were an agreed upon starting point for the whole business district. In hindsight, we needed to take more time to involve all stakeholders and more or less restart the visioning for the business district before proceeding ahead with regulations.

### **Graphics:**

The City hired Makers, an urban design consulting firm to develop conceptual drawings to represent the ideas discussed for the neighborhood center. Many citizens thought that a developer was planning to build what was shown in the drawings. They did not believe that the drawings were conceptual even when staff explained that they were.

Lessons Learned: Conceptual drawings get people involved, but can have negative impacts.

Drawings are easier for most people to interpret than a written description of a predicted result. The problem in this case was that people did not understand that the drawings were conceptual and were distrustful of staff's intentions. Maybe if there had

been a number of meetings before the drawings were released, there would have been a better understanding of how the drawings were to be used.

**Business Districts Located in Multiple Neighborhoods:**

Houghton/Everest Neighborhood Center is located in two neighborhoods. In the past, we have done the neighborhood plans and the business district plan, as well as the applicable zoning changes all at the same time. Since Central Houghton and Lakeview neighborhoods were done together, and Everest was not included, it was decided to wait on the Houghton/Everest Neighborhood Center zoning changes. Then there was a decision by the City Council not to do more neighborhood plans.

Lessons Learned: Complete business district plans and zoning at the time that the neighborhood plans for the neighborhoods where the business district is located are done.

We did the Central Houghton and Lakeview Neighborhood Plans together because of their proximity to one another. It made sense at the time, but now it seems we should have also included Everest and the neighborhood center. This would have meant a change in the allocation of staff time and resources which may have caused other problems, however.

Alternatively, do the business district plan separately from either neighborhood plan. This would allow participants from both neighborhoods to be involved from the beginning to the same degree.

**Neighborhood Plans:**

The City Council made a decision to defer work on neighborhood plans, and to focus on business districts when reviewing the 2012 Work Plan. This contributed to the decision to work on the Houghton/Everest Neighborhood Center this year. We will be looking for ways to deal with the neighborhood plans in the future as part of the Comprehensive Plan update that will begin in 2013.

Lessons Learned: The neighborhood plans are important to the neighborhoods.

We have found that a neighborhood plan takes approximately 2 years to complete. We will be considering ways to do this faster and better in the future, but it should be recognized that citizens consider these plans important.







## ADOPTED 2012 – 2014 PLANNING WORK PROGRAM: LONG RANGE TASKS Adopted October 16, 2012

TAS K	PROJECT MANAGER	2012 STAFF	2012												2013				2014			
			J	F	M	A	M	J	J	A	S	O	N	D	1st	2nd	3rd	4th	1st	2nd	3rd	4th
<b>POLICIES, PLANS &amp; REGULATIONS</b>																						
<b>1.0</b>	<b>2012 Comp Plan &amp; PAR's</b>		<b>1.1 FTE</b>																			
1.1	• Annual Comp Plan Update	Brill																				
1.2	• Howard PAR																					
1.3	• MRM PAR	Ruggeri																				
1.4	• Assoc. Earth Sciences PAR	Ruggeri																				
<b>2.0 GMA Comp Plan Update</b>																						
2.1	• Community Profile																					
2.2	• LU Capacity Analysis																					
2.3	• Scoping & Visioning																					
2.4	• SEPA/EIS																					
2.5	• Plan Update Work																					
<b>3.0 Economic Development</b>																						
3.1	• Totem Lake Amendments	Collins																				
3.2	• Commercial Codes	McMahan																				
3.3	• Totem Lake TDR Analysis/LLA	Collins																				
3.4	• Infrastructure Financing Tools	Finance/Wolfe																				
3.5	• Totem Lake Plan Update	Collins																				
<b>4.0 Subarea Plans</b>																						
4.1	• Neighborhood Plan Assessment																					
4.2	• Houghton/Everest Bus Dist																					
4.3	• Cross Kirkland Corridor																					
<b>5.0 Misc. Code Amendments</b>																						
5.1	• Misc. Code Amendments	Brill																				
5.2	• Traffic Impact Standards	Swan/Godfrey																				
5.3	• Collective Gardens																					
5.4	• Sign Regulations																					
<b>6.0 Housing</b>																						
6.1	• Housing Preservation																					
6.2	• Affordable Housing Strategies																					
<b>7.0 Natural Env./Sustainability</b>																						
7.1	• LID/Green Codes & Programs	Barnes																				
7.2	• Urban Forestry/Mgmt Plan	Powers																				
7.3	• Critical Area Regulations																					
7.4	• Green Team	Barnes/Stewart																				
<b>8.0 Database Management</b>																						
8.0	Database Management	Goble																				
<b>9.0 Regional Coordination</b>																						
9.0	Regional Coordination	Shields																				
	<i>Planning Commission Tasks</i>																					
	<i>Other Tasks</i>																					



<b>GMA Comprehensive Plan update – Major Components</b>
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- **Develop scope, schedule, staffing and resources (long range staff & interdepartmental team)**
- **Determine Data Needs & Mapping (examples)**
  - **Update Community Profile**
  - **Population & employment forecasts**
  - **Capacity analysis based on current zoning/land use**
  - **GIS Mapping (some examples)**
    - **Housing, population and employment along transit corridors**
    - **Existing land use**
    - **Employment by type**
    - **Housing affordability**
    - **Redevelopment potential**
    - **Watershed basin/land use analysis**
  - **Housing needs assessment**
- **Develop community outreach strategies and program**
- **Visioning exercise**
- **GMA/Planning education, materials and messaging (why are we doing this)**
- **Review of current elements to scope what needs updating**
- **Preparation of EIS including scoping, RPF process, and scope of services**
- **Transportation Master Plan**
- **Review and update level of service standards for capital facilities and services (e.g. transportation, parks, etc.)**
- **Discuss neighborhood plan approaches**
- **Prepare amendments**
- **Review by PC, HCC and CC – study sessions, public hearing, adoption**



SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	POLICY LEVEL	HCC ?
			A			<b>2013 MISCELLANEOUS - PROCESS IVA</b>		
KMC 1.12.50.e.	NCC	06/21/12	A	2013	Municipal Code	Change violation" appeared" to violation "occurred."	0_None	Yes
KZC ....	ERS	10/25/10	A	2013	Multiple Zones	Correct special regulations for mini- schools and mini-day care centers that reference out of date state statutes. Do as charts are updated.	0_None	Yes
KZC 5. ....	JSM	07/23/12	A	2013	Ch 5 – Definitions	Delete references to UBC or change to Title 21, IRC or IBC. E.g. 5.10.210	0_None	Yes
KZC 15.10.10..	JLB	11/14/12	A	2013	Ch 15 - SF Residential	Correct references to equestrian regulations in special reg. 5 for RS and RSX zones	0_None	No
KZC 25.10.20..	TJS	06/30/10	A	2013	Ch 25 – PR & PRA Zones	Eliminate special reg. 6 for detached, attached & stacked units. It's not applicable anywhere.	0_None	Yes
118.20...	ERS	09/04/12	A	2013	Ch 118 - Hazard pipelines	Make chapter applicable within 500' (rather than 150" to match high consequence use regs.	0_None	No
KZC 115....	ERS	09/04/12	A	2013	Ch 5 & Ch 115	Clarify that adjoining measured from property line of low density use in low density zone.	0_None	Yes
KZC 170.50...	ERS	09/25/12	A	2013	Ch 170 - Code Enforce	Clarify that Comp. Plan is not a development regulation	0_None	Yes
KZC 115.20.1	JLB	10/25/12	A	2013	CH 115 - Miscellaneous	Delete statement about height being same as in underlying zone. Unnecessary and confusing.	0_None	Yes
KZC 5.10.7.20.	ERS	10/26/12	A	2013	Ch 5 - Definitions	Change Burlington Northern ROW to Cross Kirkland Corridor. Check other sections too.	0_None	Yes
KZC 3.30.10..	ERS	10/02/12	A	2013	Title 3 Admin & Personell	Eliminate Planning Director as member of the DRB	0_None	No
KZC 115.125...	TJS	10/04/12	A	2013	Ch 115 – Miscellaneous	Clarify role of subdivision ordinance in determining lot size.	0_None	Yes
KZC . . . .	NCC	11/08/12	A	2013	Multiple zones	Delete reference to HCC in zones not in Houghton:17.10.010, 60.77.010, 60.67.010, 60.182.010.	0_None	No
KZC 30.25.10..	TJS	10/25/12	A	2013	Ch 30 - Waterfront Dist.	Clarify special regulation 5b for WDII regarding north property line yard.	0_None	No
KZC 100.50...		06/30/10	A	2013	Ch 100 – Signs	Change 'NE 106th Street' to 'Forbes Creek Drive' (.SUPdegrave 4/12/05)	0_None	Yes
40....	JLB	12/04/12	A	2013	Multiple Zones	BN & BC zones add reference to Chapter 105 for entertainment uses. Also TL 4,5 & 6	0_None	Yes
			A	2013	Ch 100 – Signs	Interp 83-18. Dual RE and Const. sign regulated based on predominant message.	1_Minor	Yes
KZC 100....		06/30/10	A	2013	Ch 100 – Signs	Interp 85-6. Center ID sign must exclusively ID development - no tenant names. Signs not seen off site are excluded	1_Minor	Yes
KZC 100....		06/30/10	A	2013	Ch 100 – Signs	Interp.85-8. Accent neon lights not signage. Only portions of lighted awnings containing written or graphic messaes counted as signage.	1_Minor	Yes
KZC 100.85.2..		06/30/10	A	2013	Ch 100 – Signs	Interp. 86-13. True holiday regs. exempted. lems only which call attention to business not exempt.	1_Minor	Yes
KZC 100.65...		06/30/10	A	2013	Ch 100 – Signs	Interp 86-16. Signs may be above roof line if on a parapet.	1_Minor	Yes
KZC 100....		06/30/10	A	2013	Ch 100 – Signs	Interp 86-17-100. Temp. commercial signs only OK when for permitted temporary activities. Permaent signs may not be made of temporary material.	1_Minor	Yes
KZC 100....			A	2013	Ch 100 – Signs	Interp. 88-19. Off site RE signs may be in ROW if they don't obstruct peds or vehicles.	1_Minor	Yes
KZC 100....			A	2013	Ch 100 – Signs	Interp. 90- 3. Major nonconform. signs must be removed when underground tanks removed.	1_Minor	Yes
KZC 100.115...		06/30/10	A	2013	Ch 100 – Signs	Interp. 92-4. Fuel price signs may be > 20' if they use allotment from permitted isgn area.	1_Minor	Yes
KZC 100....			A	2013	Ch 100 – Signs	Interp. 94-1. Changing message centers limited to time & temp. unless approved in master plan.	1_Minor	Yes
KZC 100....		06/30/10	A	2013	Ch 100 – Signs	Interp 95-3. Colors and patterns associated with business counted as sign area.	1_Minor	Yes
KZC 100.115...		06/30/10	A	2013	Ch 100 – Signs	Interp 95-4- Temp. commercial sigs may not have name od business unless permanent sign not yet installed. Signs may be up for maximum of 60 days or end of event whichever 1st.	1_Minor	Yes
KZC 95.23.4.b.	DRN	07/19/12	A	2013	Ch 95– Trees/Landscape	Change appeals to follow Process I appeals process (per similar situations).	1_Minor	Yes
KZC 48.15...	TJS	09/25/12	A	2013	Ch 48 - LIT zone	Add schools as permitted use per interpretation 09-2	1_Minor	No
KZC 115....	NCC	06/30/10	A	2013	Ch 115 – Miscellaneous	Prohibit living in RVs	1_Minor	Yes

SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	POLICY LEVEL	HCC ?
			<b>B</b>			<b>2013 COMMERCIAL ZONES</b>		
KZC 115.23.1..	ERS	10/25/10	<b>B</b>	2013	Multiple Zones	Revise regulations fo ground floor uses consistent with recent revisions for BN and BC zones.	3_Major	Yes
KZC 25.10.50.80.	ERS	06/30/10	<b>B</b>	2013	Multiple Zones	In commercial/ mixed use zones (including RM), setbacks, buffers & min. lot size are often different for different uses. Makes it difficult to change use in existing buildings.	2_Moderate	Yes
KZC 25.10.60..	ERS	12/06/11	<b>B</b>	2013	Ch 25 – PR & PRA Zones	Clarify permitted retail uses. May also apply to RM zone	1_Minor	Yes
KZC ....	ERS	10/25/10	<b>B</b>	2013	Multiple Zones	Correct special regs. in commercial zones for mini- schools and mini-day care centers that reference out of date state statutes.	0_None	Yes
KZC 45....		06/30/10	<b>B</b>	2013	Ch 45- BC & 1 & 2 Zones	Consider deleting storage services and auto sales from BC zone or require retail frontage?	2_Moderate	Yes
			<b>C</b>			<b>2013 MISCELLANEOUS PROCESS IV</b>		
KZC 115....	JSM	06/30/10	<b>C</b>	2013	Ch 115 – Miscellaneous	Allow averaging of lot coverage & shared common open space in zero lot lione MF projects	2_Moderate	Yes
KZC 135....	PDS	06/30/10	<b>C</b>	2013	Ch 135 – ZC Text Amend	Clarify what constitutes City initiated KZC amendment.	2_Moderate	Yes
KZC 70....	JSM	10/30/12	<b>C</b>	2013	CH 70- Holmes Pt Overlay	Allow clustering/ aggregation of undisturbed area in short plats and subdivisions	2_Moderate	No
KZC 115.125...	ERS	07/13/12	<b>C</b>	2013	Ch 115 – Miscellaneous	Restore King Co. rules for rounding of units in RSA zones. Consider allowing in other RS zones	2_Moderate	Yes
KZC 115.3...	ERS	06/30/10	<b>C</b>	2013	Ch 115 – Miscellaneous	Amend horizontal façade regs. Either: eliminate entirely, revise dimensions, don't apply across ROW, or add flexibility.	2_Moderate	Yes
KZC 115.43...	ERS	03/01/12	<b>C</b>	2013	Ch 115 – Miscellaneous	Eliminate or simplify garage setback regulations.	2_Moderate	Yes
	PES	12/05/12	<b>C</b>	2013	Ch 114 - Low Impact Dev.	Allow lots with LID standards to be part of a conventional subdivision.	2_Moderate	
KZC 127.25...	NCC	11/27/12	<b>C</b>	2013	CH 127 - Temporary Uses	Simplify regulaions for homeless encampments and allow temporary homeless shelters.	2_Moderate	Yes
KZC 115.42...	ERS	04/01/12	<b>C</b>	2013	Ch 115 – Miscellaneous	Eliminate single family FAR or consider alternatives.	3_Major	Yes
KZC 115.23...	ERS	06/30/10	<b>C</b>	2013	Ch 115 – Miscellaneous	Eliminate or revise MF common open space requirements (also see interpretation).	3_Major	Yes
			<b>D</b>			<b>2013 PARKING</b>		
KZC ....	ERS	09/20/12	<b>D</b>	2013	Multiple Zones	Amend MF parking requirements based on "right size parking" study.	3_Major	Yes
KZC 105.103.3.c.	JLS	01/01/12	<b>D</b>	2013	Ch 105 – Parking/ Ped	Consider removing the public notice for parking modifications.	2_Moderate	Yes
KZC ....	JLS	06/21/12	<b>D</b>	2013	Multiple Zones	Should parking requirement for restaurant and retail be the same to allow flexible use of space?	3_Major	Yes
KZC 105.60...	TJS	07/28/11	<b>D</b>	2013	Ch 105 – Parking/Ped	Clarify whether posts within garages are allowed to encroach into parking stalls.	2_Moderate	No
KZC 105.18.1.d.	ERS	06/30/10	<b>D</b>	2013	Ch 105 – Parking/ Ped	Clarify or limit the requirement to provide pedestrian connections to all adjacent properties, or provide a modification option.	2_Moderate	Yes
KZC 115.115.5.b.d	ERS	06/30/10	<b>E</b>	2013	Ch 115 – Miscellaneous	Restrictions on parking in front yards are different for different uses. Why should office and MF be different in same zones? (ES email 08/02/06)	1_Minor	Yes
			<b>E</b>			<b>MISCELLANEOUS - POTENTIAL IN FUTURE YEARS</b>		
KZC 22.28.80.b.		06/30/10	<b>E</b>	TBD	Title 22 Subdivisions	Consider allowing subdivided lots be able to be accessed from an easement across another lot even if that lot would otherwise become nonconforming in area (8/11/04 SC email)	2_Moderate	Yes
KZC ....	ERS	11/04/10	<b>E</b>	TBD	Multiple Zones	Review the process for zoning decisions (e.g. I, IIA, etc.) & reduce where appropriate.	2_Moderate	Yes
KZC 115.85.2..		06/30/10	<b>E</b>	TBD	Ch 115 – Miscellaneous	Review/ revise Rose Hill Business District lighting standards and consider city-wide.	2_Moderate	Yes
KZC 115.7...	ERS	06/30/10	<b>E</b>	2013	Ch 115 – Miscellaneous	Clarify whether ADUs are allowed in detached units within condominium plats.	2_Moderate	Yes
KZC 115.90...	DMG	11/21/12	<b>E</b>	2013	Ch 115 – Miscellaneous	Limit exception for area under eaves and cantilevers	2_Moderate	Yes
KZC 142.35.3.c.	JGR	07/21/10	<b>E</b>	TBD	Design Guidelines	Update design guidelines. May need new guidelines for residential, mixed-use, &/or retail dvlpmnt	3_Major	Yes
KZC ....		06/30/10	<b>B</b>	2013	Multiple Zones	Use consistent terminology to regulate gas stations and auto repair. Where auto sales allowed use combined use listing.	0_None	Yes
KZC ....	ERS	10/25/10	<b>B</b>	2013	Multiple Zones	Correct special regs. for mini- schools & day care centers referencing out of date state statutes.	0_None	Yes

SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	POLICY LEVEL	HCC ?
			F			<b>CRITICAL AREAS UPDATE</b>		
KZC 90.30...	SMG	02/08/11	F	2015	Ch 90 – Drainage Basins	Add definitions for "bulkhead" and "rock toe" in streams.	1_Minor	Yes
KZC 90....		06/30/10	F	2015	Ch 90 – Drainage Basins	If improved environment conditions are created that result in greater buffer requirements on neighboring properties, could those greater requirements be reduced?	3_Major	Yes
KZC 90....	DMG	06/30/10	F	2015	Ch 90 – Drainage Basins	Review and Reduce approval processes consistent with reasonable use level of decision	2_Moderate	Yes
KZC 90....		06/30/10	F	2015	Ch 90 – Drainage Basins	Eliminate definitions that are common with definitions applicable throughout entire code	1_Minor	Yes
KZC 90....		06/30/10	F	2015	Ch 90 – Drainage Basins	Allow reduced setbacks with minimal process where necessary to reduce wetland/ stream impacts.	3_Major	Yes
KZC 90.140.5..		06/30/10	F	2015	Ch 90 – Drainage Basins	Add criterion limiting disturbance of Type 1 wetlands (suggested by Council member)	3_Major	Yes
KZC 90.140.6..		06/30/10	F	2015	Ch 90 – Drainage Basins	Allow modification of garage width standards with reasonable use permit.	2_Moderate	Yes
KZC 90.140.8..		06/30/10	F	2015	Ch 90 – Drainage Basins	Eliminate or revise so lapse date is same as for underlying review process (Process I or IIA)	1_Minor	Yes
KZC 90.20.5..		06/30/10	F	2015	Ch 90 – Drainage Basins	Clarify "normal or routine maintenance or repair." See e-mail from Desiree 12/10	2_Moderate	Yes
KZC 90.45.3..		06/30/10	F	2015	Ch 90 – Drainage Basins	Allow stormwater outfalls to extend into wetlands	2_Moderate	Yes
KZC 90.55.4..		06/30/10	F	2015	Ch 90 – Drainage Basins	Allow off-site mitigation in another drainage basin for essential public facilities	3_Major	Yes
KZC 90.20.4..		12/08/10	F	2015	Ch 90 – Drainage Basins	Exempt electrical and other utility lines connecting existing lines in sensitive areas & buffers.	2_Moderate	Yes
KZC 90....		12/08/10	F	2015	Ch 90 – Drainage Basins	Codify Int. 08-4	1_Minor	Yes
KZC 90.90.1..	WDB	07/01/10	F	2015	Ch 90 – Drainage Basins	Clarify where stream buffer is measured from (2.5 storm line?)	1_Minor	Yes
KZC 90. ....	TJS	09/01/11	F	2015	Ch 90 – Drainage Basins	Incorporate adequate provisions to qualify for FEMA/ESA Biological Opinion Option 2	2_Moderate	Yes
KZC 90....	ERS		F	2015	Ch 90 – Drainage Basins	Consider extending the lapse of approval for reasonable use permits	1_Minor	Yes
KZC ....			G			<b>SIGN CODE</b>		
KZC 5.10.550..		06/30/10	G	TBD	Ch 5 – Definitions	Clarify "multi-use complex" for consistency w/ 100.4.3.b. Delete requirement for exterior entrance	1_Minor	Yes
KZC 100.15.1..	ERS	01/14/11	G	TBD	Ch 100 – Signs	Do not exempt public service government signs from all provisions of chapter 100 - for example electronic readerboard signs.	1_Minor	Yes
KZC 100.115...		06/30/10	G	TBD	Ch 100 – Signs	Amend temporary off-site sign regs. Don't regulate by message per Supreme Ct case. Regulate RE signs same as others - restricting location, number, hours. Consider political & public event signs.	2_Moderate	Yes
KZC 162.35.5.b.	DBC	06/30/10	G	TBD	Ch 100 – Signs	Minor nonconforming signs - Is a new sign a 'structural alteration'? Is a new, less nonconforming sign permitted? Delete 'minor' in first paragraph b.3.	2_Moderate	Yes
KZC 100....		06/30/10	G	TBD	Ch 100 – Signs	Create criteria to allow for deviations from sign code to be reviewed at a planner level.	2_Moderate	Yes
KZC 100....		06/30/10	G	TBD	Ch 100 – Signs	Reduce height of monument signs. Liberalize dimensions for sign base.	2_Moderate	Yes
KZC 100....		06/30/10	G	TBD	Ch 100 – Signs	Increase signage for larger sites?	2_Moderate	Yes
KZC 100....		06/30/10	G	TBD	Ch 100 – Signs	Allow reduced setback for ground mounted signs subject to criteria	2_Moderate	Yes
KZC 100.115...	ERS	06/30/10	G	TBD	Ch 100 – Signs	Under marquee signs - allow larger & allow for sign category A & probably B (8/11/04 ES email)	2_Moderate	Yes
KZC 100.35.3.c.	JGR	06/30/10	G	TBD	Ch 100 – Signs	Allow for two monument signs along streets with long frontage and more than one entrance	2_Moderate	Yes
KZC 100.52. ...		06/30/10	G	TBD	Ch 100 – Signs	Prohibit cabinet signs in other business districts (citizen suggestion). Also for consistency with design guidelines/regulations?	2_Moderate	Yes
KZC 162.35.5..		06/30/10	G	TBD	Ch 100 – Signs	Major nonconforming signs & amortization (billboards). Need to address constitutional issues.	2_Moderate	Yes
KZC 162.35.5.a.1		06/30/10	G	TBD	Ch 100 – Signs	Make cabinet signs in CBD and JBD major nonconforming	2_Moderate	Yes

SECTION NUMBER	PLANNER	DATE ADDED	GROUP	REVIEW YEAR	CATEGORY	DESCRIPTION OF PROPOSED AMENDMENT	POLICY LEVEL	HCC ?
			<b>H</b>			<b>NONCONFORMANCE REGULATIONS</b>		
KZC 5.10.570..	DMG	06/30/10	<b>H</b>	TBD	Ch 5 – Definitions	City owned property should comply with the non-conformance provisions of the code and if we should amend the code to correct this issue?	2_Moderate	Yes
KZC 162....		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Int. 83-11 (may also affect 115.80) - Nonconforming lots held in common ownership	2_Moderate	Yes
KZC 162.30...		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Damaged improvements - What happens if damage exceeds 50%? Conflict with 162.35.7. Can damaged improvement be reconstructed under repair and maintenance clause?	2_Moderate	Yes
KZC 162.35.2.a.	JSM	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Look at definition of 'use' (e.g. office use)	2_Moderate	Yes
KZC 162.35.2.b.1		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Be less restrictive on structural alterations for nonconforming uses. See 'master list' for more info.	2_Moderate	Yes
KZC 162.35.2.b.2		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Int. 85-4 - clarify time to cease use. Provide reasonable time to seek new tenant per case law	2_Moderate	Yes
KZC 162.35.2.b.3	PDS	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Develop criteria for allowing change of nonconforming use. Alternatively, consider not allowing change of nonconforming use. (8/10/04 PS email). Group with 162.9 and 10.	2_Moderate	Yes
KZC 162.35.3..		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Clarify criteria for structure expansion: measured by all structures on property per Int. 90-4	2_Moderate	Yes
KZC 162.35.5.d.		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Delete 10 years time period and replace with Director discretion with criteria	2_Moderate	Yes
KZC 162.35.7..	AAR	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Do not limit structural alterations as we do now. When can windows and doors be installed without a variance (see Angela's email) (maintenance and repair)	2_Moderate	Yes
KZC 162.35.8.a.		06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Clarify improvement that 50% replacement threshold applies: the improvement to which alteration is being done per Int. 85-4	2_Moderate	Yes
KMC 162.60...	DRN	06/30/10	<b>H</b>	TBD	Ch 162 - Nonconform.	Clarify continued provisions...also 162.90 and 162.135 (per 9/20/05 email from Dawn)	2_Moderate	Yes
			<b>I</b>			<b>NEIGHBORHOOD PLAN ISSUES</b>		
KZC 45..08		02/01/11	<b>I</b>	TBD	Ch 45– BC & 1 & 2 Zones	JUANITA: Increase allowable height in BC 1 zone as per BC 2 zone.	2_Moderate	No
#REF!		06/30/10	<b>I</b>	TBD	Ch 47 –BCX Zone	BRIDLE TRAILS: Rename BCX zone to Bridle Trails Business District Zone	0_None	No
48....		06/30/10	<b>I</b>	TBD	Ch 48- LIT Zone	NORKIRK: Delete auto sales in neighborhood unless requires a Comprehensive Plan amendment	2_Moderate	No



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

**Date:** September 5, 2012  
**To:** Planning Commission  
**From:** Paul Stewart, Deputy Planning Director  
**Subject:** Rules of Procedure – Public Comments following a Public Hearing

**Recommendation**

Planning Commission review the Rules of Procedure regarding comments from the public after the Planning Commission has closed the public hearing and provide direction on any proposed revisions.

**Background**

The Planning Commission requested that the Rules of Procedure be reviewed regarding comments from the audience after the public hearing has been closed. The Section in question is Section 9 of the rules governing the procedure for public hearings (See Attached Rules of Procedure).

The issue is whether or not the Commission could take additional public comment on a legislative item under the "Comments From the Audience" portion of the Commission's agenda at a subsequent meeting after the Commission has closed the public comment portion of the hearing and prior to making a recommendation to the City Council.

In several cases, the Commission held the public hearing, closed it after all public comments and then at a future meeting deliberated and made a recommendation. The Planning Commission has not previously allowed additional public comment after the closing of the public hearing. The exception to this is when the Commission has, on occasion, established a limited time (usually 1-2 weeks) to submit written comments following the public hearing.

Section 9 of the adopted Rules of Procedure for Public Hearings addresses the protocol for public hearings and Section 9.B. discusses the public comment portion of the hearing (highlighted in yellow).

- Section 9. Rules of Procedure for Public Hearings:
- A. *Presentation at the Hearing.*

1. The Chair shall declare the Public Hearing open before the staff presentation is given. After the staff presentation and after everyone has had the opportunity to speak, the Chair shall announce that the hearing continues to remain open, but only for the benefit of the Planning Commission members who may seek further information during their deliberation. Reopening the hearing to give persons an opportunity to speak shall require a motion and a vote. If the hearing is reopened, the Commission may limit the topics to be addressed.
  2. Nature of Presentation:
    - a. Written Comments. Any person wishing to comment on an application may do so by submitting his/her written comments to the Department of Planning and Community Development before the hearing or the Chair during the hearing. These comments will become part of the official record and shall be considered by the Planning Commission in its action.
    - b. Oral Comments. The Chair shall permit any person to make a brief oral presentation at the hearing. Comments are limited to three minutes per speaker unless otherwise authorized by the Chair. The speaker shall first give his/her name and address.
  3. Questions from the Planning Commission. Members may question a speaker on any matter related to his/her comments.
  4. Questions from the Speaker. All comments and questions shall be directed to the chair.
- B. *Planning Commission Deliberation.* After all speakers have been heard, the Planning Commission shall close the public comment portion of the hearing, consider all the information and deliberate on the matter. This deliberation shall include:
1. The information submitted;
  2. The written comments received;
  3. Any presentation and discussion made at the hearing; and
  4. The staff report.
- C. *Planning Commission Recommendation.* After discussion and deliberation, the Commission shall make a recommendation to the City Council by a motion and approval of a majority of those

members present. Once a motion for recommendation has been passed, the Chair shall declare the public hearing closed.

- D. *Continuance.* The Planning Commission may continue the matter by an affirmative vote of a majority of the members present on a motion to continue to a specific date.

Zoning Code Section 160 outlines the process (Process IV) the City follows for legislative actions (code and plan amendments). Sections 160.70 to 160.80 are the sections that describe public comments and participation at the public hearing. The Rules of Procedure were based on these code provisions.

### **160.70 Public Comments and Participation at the Hearing**

Any interested person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the Planning Commission and, if applicable, the Houghton Community Council, either by delivering these comments to the Planning Department prior to the hearing or by giving them directly to the Planning Commission or Community Council at the hearing.
2. By appearing in person, or through a representative, at the hearing and making oral comments. The Planning Commission and the Houghton Community Council may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

### **160.75 Continuation of the Hearing**

The Planning Commission and Houghton Community Council may for any reason continue the hearing on the proposal. If, during the hearing, the Commission or Community Council announces the time and place of the next public hearing on the proposal, no further notice of that hearing need be given.

### **160.80 Planning Commission Action**

1. General – Following the public hearing, the Planning Commission shall consider the proposal in light of all of the information submitted to it including the recommendation, if any, of the Houghton Community Council. The Planning Commission may modify the proposal in any way.
2. Modifications Requiring a Rehearing – If, following the public hearing, the Planning Commission fundamentally modifies the proposal, the Planning Commission shall hold a public hearing on the proposal as modified under the provisions of this chapter.

The purpose of the public hearing is the formal opportunity for anyone to state their opinions or provide information to the Commission. Public hearings require legal notice as to the time and place so that all interested parties have the opportunity to present their comments to the Commission. The notice must be sent out at least 14 calendar

days before the public hearing and the notice must contain a statement of "the right of any person to submit written comments to the Planning Commission and to appear at the public hearing before the Planning Commission to give comments orally" (Sec. 160.40.f KZC).

Following the public hearing, the Commission can then consider all comments prior to deliberating and making a recommendation. The Zoning Code and the adopted Rules of Procedure seem to indicate that once the public hearing is closed, public comment would not be appropriate. If there is interest in additional public comment the Commission has the opportunity to continue the public hearing provided the time and place are announced.

If the Commission wanted to accept comments after the public hearing is closed, the Commission could have some discretion on this to allow public comment under "Comments From the Audience" but would need to clarify the rules of procedure. Legislative actions are not as prescriptive as quasi-judicial items that have specified legal procedures that need to be followed. The concern with this approach would be that interested parties would not be aware that additional comments are being accepted and would be unable to respond or that some parties would wait until after the public hearing is closed before weighing in just prior to the Commission making a recommendation.

### **Options**

Staff has outlined three options for the Commission:

- No change to the Rules of Procedure
- Revise the Rules to clarify that once the public hearing is closed additional public comments would not be taken unless the public hearing is reopened and noticed.
- Revise the Rules to clarify that public comment can be accepted under the "Public Comments" item on the agenda.