



**CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225
www.kirklandwa.gov**

TEMPORARY USE PERMIT APPLICATION

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

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

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

Copies of City documents such as the Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, and Shoreline Master Program are available at the Department of Planning and Community Development in City Hall, 123 Fifth Avenue; and the Kirkland Public Library, 308 Kirkland Avenue. To purchase the Comprehensive Plan or Zoning Ordinance, call Code Publishing Company at (206) 527 6851. The City ordinances can also be found on-line at www.kirklandwa.gov.

As a result of your application, you may be required to make improvements, such as sidewalks, curbs, street trees, or utilities undergrounding within the rights-of-way abutting your property. Please refer to Chapter 110 of the Zoning Ordinance and/or consult with a planner to determine if this is the case.

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



**APPLICATION CHECKLIST:
TEMPORARY USE PERMIT**

The following is a list of materials which must be submitted in order to have a complete application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Department of Planning and Community Development if you have questions. Please do not turn in your application until all materials which apply to your proposal have been checked off.

RETURN THIS CHECKLIST WITH APPLICATION

Applicant
To check if
Submitted

Pre-Submittal Meeting

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

Application

A completed application form and supporting affidavits.

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

A COMPLETED Agreement for Removal of Temporary Use

Fees

A check to the City of Kirkland for the filing fee and, if applicable, Environmental Checklist fee (fee schedule is attached).

Plans

Applicant
To check if
Submitted

Five (5) copies of dimensioned site plans showing:

- a. Property survey showing property dimensions, and any existing structures which are proposed to remain on the property and names of adjacent rights-of-way. (Check with Department of Planning and Community Development to see if survey is required for your permit request.)
- b. Existing water courses and bodies, fire hydrants utility lines (including location of nearest utility poles and fire hydrants), structures, rockeries, roadways and other relevant man-made or natural features
- c. Location and dimensions of proposed structure(s), parking areas (include degree of angle for parking stall design), driveways and roadways
- d. Lot size and lot coverage calculations.
- e. Dimensions of required yards
- f. Locations and screening of dumpsters

Other

Additional information required for Homeless Encampment applications:

- a. Response to Performance Standards requirements in KZC 127.25.
- b. Date and location of Public Meeting (see KZC 127.42)



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APPLICATION FORM: TEMPORARY USE PERMIT

PROCESS: PLANNING DIRECTOR DECISION

PRIMARY CONTACT:

Applicant's name: _____ Daytime phone: _____
 Applicant's mailing address: _____

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

SECONDARY CONTACT:

Applicant's e-mail address: _____
 Property Owner's name: _____ Daytime phone: _____
 Owner's address: _____

 Owner's e-mail address: _____

A COPY OF THE STAFF REPORT, MEETING AGENDAS AND THE NOTICE OF DECISION WILL BE MAILED TO THE APPLICANT. **PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER:** **YES___ NO___**

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

(2) Tax parcel number: _____

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

(4) Describe permit application and the nature of project (attach additional pages if necessary): _____

(5) Have there been any previous zoning permits for the subject property? _____ If so, what is the Department of Planning and Community Development file number? _____

(6) Have you met with a planner prior to submitting your application? YES___ NO___
 Name of planner: _____ Date of pre-submittal meeting: _____

If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.

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

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

AUTHORITY TO ENTER PROPERTY

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

HOLD HARMLESS AGREEMENT – READ CAREFULLY BEFORE SIGNING

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

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

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

APPLICATION FORM: TEMPORARY USE PERMIT

EXHIBIT A: LEGAL DESCRIPTION

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

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

RESPONSE

**PERFORMANCE STANDARDS – HOMELESS ENCAMPMENTS
KIRKLAND ZONING CODE 127.25**

The following definitions and standards apply to homeless encampments:

1. Definitions

- a. Homeless Encampment – A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
- b. Managing Agency – An organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.
- c. Sponsor – An entity that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing agency.

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

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

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

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

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

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

f. Parking for five vehicles shall be provided.

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

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

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

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

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

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

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

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