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# CITY OF KIRKLAND

## CITY COUNCIL



Joan McBride, Mayor • Doreen Marchione, Deputy Mayor • Dave Asher • Toby Nixon  
Bob Sternoff • Penny Sweet • Amy Walen • Kurt Triplett, City Manager

### *Vision Statement*

*Kirkland is an attractive, vibrant, and inviting place to live, work and visit.  
Our lakefront community is a destination for residents, employees and visitors.  
Kirkland is a community with a small-town feel, retaining its sense of history,  
while adjusting gracefully to changes in the twenty-first century.*

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123 Fifth Avenue • Kirkland, Washington 98033-6189 • 425.587.3000 • [www.kirklandwa.gov](http://www.kirklandwa.gov)

### AGENDA

#### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, February 7, 2012

#### 6:00 p.m. – Study Session – Peter Kirk Room

#### 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov) or at the Public Resource Area at City Hall on the Friday afternoon prior to the City Council meeting. Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

1. *CALL TO ORDER*
2. *ROLL CALL*
3. *STUDY SESSION, Peter Kirk Room*
  - a. Downtown Parking Discussion
4. *EXECUTIVE SESSION*
5. *HONORS AND PROCLAMATIONS*
  - a. Kirkland History Month Proclamation
6. *COMMUNICATIONS*
  - a. *Announcements*
  - b. *Items from the Audience*
  - c. *Petitions*
7. *SPECIAL PRESENTATIONS*
  - a. Frontier Donation Recognition
  - b. 2011 Eastside Month of Concern for the Hungry Results

**EXECUTIVE SESSIONS** may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

**QUASI-JUDICIAL MATTERS**

Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

**NEW BUSINESS** consists of items which have not previously been reviewed by the Council, and which may require discussion and policy direction from the Council.

*8. CONSENT CALENDAR*

*a. Approval of Minutes: January 17, 2012*

*b. Audit of Accounts:*  
*Payroll \$*  
*Bills \$*

*c. General Correspondence*

*d. Claims*

*e. Award of Bids*

*f. Acceptance of Public Improvements and Establishing Lien Period*

(1) Elementary School Walk Route Enhancements, Pellco Construction, Mountlake Terrace, WA

*g. Approval of Agreements*

*h. Other Items of Business*

(1) Resolution R-4909, Approving the Subdivision and Final Plat of Harmon Ridge Being Department of Planning and Community Development File No. FSB11-00001 and Setting Forth Conditions to Which Such Subdivision and Final Plat Shall Be Subject

(2) Ordinance O-4347, Relating to Revising the Title of Kirkland Municipal Code Chapter 3.82 Currently Entitled "Code of Ethics" to "Employee Code of Ethics."

(3) 120<sup>th</sup> Avenue NE Watermain Replacement – Approve Funding

*9. PUBLIC HEARINGS*

*10. UNFINISHED BUSINESS*

*a. Transit Oriented Development at the South Kirkland Park and Ride Update*

*b. Ordinance O-4348 and its Summary, Relating to the Establishment of a New Chapter 3.14 in the Kirkland Municipal Code, Code of Ethics*

*c. 2012 Legislative Update 1*

*d. 2012 City Council Retreat Draft Agenda*

*11. NEW BUSINESS*

*a. Ordinance O-4346 and its Summary, Relating to Planning Department Fees and Amending KMC 5.74.070 by Correcting Format/Typographical Errors, and Adding Clarifications, Adding an Affordable Housing Incentive Fee,*

Homeless Encampment with Modification Fee and Adding Fees for Integrated Development Plan Modifications, File MIS11-00023

*b. Electronic Readerboard Signs at Middle Schools*

**ITEMS FROM THE AUDIENCE**

Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

*12. REPORTS*

*a. City Council*

(1) Regional Issues

*b. City Manager*

(1) Calendar Update

*13. ITEMS FROM THE AUDIENCE*

*14. ADJOURNMENT*



**CITY OF KIRKLAND**  
Department of Public Works  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
www.kirklandwa.gov

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Parking Advisory Board

**Date:** January 26, 2012

**Subject:** Downtown Parking Study Session between Council and Parking Advisory Board

### RECOMMENDATION:

It is recommended that the City Council consider and discuss the Parking Advisory Board (PAB) proposal for adding pay parking from 9:00 AM to 5:00 PM at the Marina Park and Lake and Central parking lots; this would result in pay parking in the two lots from 9:00 AM to 9:00 PM with no time limits. It is further recommended that Council consider and discuss potential changes to the use of the city parking garage. Staff will be seeking direction at the end of the study session as to whether the Council wishes for the PAB to bring their proposal back to Council at a future meeting for approval.

### BACKGROUND DISCUSSION:

The key parking issue in downtown Kirkland has historically been characterized by most observers as a shortage of parking supply. However previous studies of parking in the Downtown and the PAB have concluded the importance of better managing existing parking supply, maintaining existing facilities, and the need for revenues from pay parking if new supply is to be added.

The PAB believes that adding pay parking from 9:00 AM to 5:00 PM at Marina Park and the Lake and Central parking lots (Figure 1) will best address a set of long standing parking issues. This potential change would extend the existing pay parking time frame (now 5:00 PM to 9:00 PM) and would result in pay parking in the two lots from 9:00 AM to 9:00 PM with no time limits.

This memo addresses the PAB proposal to extend the hours for pay parking in City operated parking lots downtown. It begins with a description of four long standing issues identified by the PAB. Following a description of the issues, other variations of solutions are identified and described along with a description of the variations considered by the PAB. This is followed by a revenue/cost section and conclusions. Important additional background material can be found in Attachment 1 to this memo. This background is helpful in providing City Council an overview of past activities and some of the thinking that has led to the recommendations in this memo. Attachment 2 summarizes findings from the summer/fall 2011 parking survey.



Figure 1. Downtown Kirkland (vicinity of Lake and Central and Marina Park parking lots)

***Issues identified by PAB***

***Issue 1.*** During evenings and seasonally at other times, parking demand is greater than 85%, and yet a funding strategy for additional supply has not been formalized.

During most evenings and seasonally during other times of the day, demand at one or both of the Marina Park and Lake and Central parking lots exceeds 85% occupancy. Table 1 shows occupancy data for the Marina Park and Lake and Central lots during times when parking is free.

Lot	Time period	
	9:00-11:30 AM	12:00 – 4:00 PM
Marina Park	51%	92%
Lake and Central	59%	86%

*(Occupancy percentage is based on data obtained from Parking enforcement’s use of Optical License Plate Reader using an average of 13 AM and 23 PM observations during the period Nov 25, 2011 to Jan 11, 2012)*

Table 1. Parking occupancies in two downtown lots (during free parking period)

Table 2 shows occupancy at the same lots from the 5:00 to 9:00 PM period when parking is priced at \$1/hour. On-street parking in the downtown core sees similar occupancy patterns<sup>1</sup>. The non-permit areas of the Library garage also exceed capacity during certain times of the year. Public parking can almost always be found at the Park and Main lot and on-street outside the downtown core.

Lot	5:00 PM to 9:00 PM
Marina Park	60%
Lake and Central	99%

*(Occupancy percentage is based on data obtained from pay station revenues during the period Jan 2011 to Dec 2011)*

Table 2. Parking occupancies in two downtown lots when parking is priced

The Parking Guidelines adopted by the City Council in 2004 (KMC 3.40.060) establish that when parking occupancy exceeds 85%, the City will evaluate and implement steps to better manage parking.

Stakeholder processes both in 2008 and 2011 solicited how best to add new parking supply and identified two conclusions: 1) additional dedicated public parking is best added by partnering with private development (i.e. paying developers to add stalls for public use as they construct their project) and 2) the most likely source for public revenue would be from pay parking. Last summer's parking survey results showed that 55% of the respondents approve of the use of parking revenue to help fund new supply. More information about the 2011 parking survey is presented later in this memo.

*Issue 2. Confusion on the part of parkers about regulations and signage resulted in complaints and dissatisfied customers.*

Parking is available at the Park and Main lot from 9:00 AM to 9:00 PM at \$1/hour with no time limits. The current PAB proposal would operate the Lake and Central and Marina Park lots in the same manner. This recommendation is designed to maximize consistency across pay lots and provide a simple, clear message. The PAB feels that parking rules should be consistent across facilities in order to provide clear guidance to all parkers. This desire is in contrast with the need to modify regulations to meet market conditions which vary from location to location.

Both the Marina Park lot and the Lake and Central lot currently require pay parking at all stalls between 5:00 PM and 9:00 PM. During other hours, parking is free with a maximum 3 hour stay. To communicate this requirement, signage has been designed and placed throughout the parking lots (Figure 2). Given the dynamics of the requirement, it has proven difficult to design clear and concise signs that provide this message to parkers.

Many of the parking complaints received by the City regard these signs and the confusion that arises from their message. Most complaints involve a parker receiving a ticket and feeling that the sign led them to believe that parking was free. Results from the parking survey showed that although respondents tended to agree with the statement "Parking rules and signs are

<sup>1</sup> Prior to December 2010 utilization manual studies were carried out quarterly at both lots and on-street. These studies were ended due to staff and budget reductions.

clear”, the additional comments portion of the survey indicated that confusing signing was a frequent complaint.



Figure 2. Current signage indicating free and pay parking during different times of the day

Removing time limits on the existing signs would also provide clarity and simplicity thereby allowing customers the maximum flexibility in extending their stay in Downtown Kirkland.

*Issue 3. Facilities, particularly the library garage, are not maintained to a level that patrons feel are a clean, safe, and welcoming environment. Capital equipment, such as pay stations, are not funded to a level to provide for future replacement.*

The minimal provision of lighting, cleanliness, safety measures, and security have been long standing issues with regard to the library garage. In particular, the garage elevator has been site of many offensive and malicious acts and of the residue that such acts produce. For many visitors, the library garage is where Kirkland makes its first and lasting impression. Adequate resources are not being dedicated to the upkeep of the library garage in order to maintain a more acceptable level of service. The recent parking survey indicated that 43% of the respondents supported the use of revenue for maintaining parking facilities. A predictable and future maintenance need is the scheduled replacement of pay stations when they reach the end of their useful life.

*Issue 4. Employees regularly use parking that should be available for customers, and there is an under-utilization of the employee parking areas of the library garage.*

Previous efforts at limiting employee parking have relied on regulatory approaches such as the Park Smart program. Implementing pay parking would allow a market based approach to limiting employee parking in the two lots closest to the downtown core. The PAB believes that the market rate of daytime parking in the downtown Kirkland is less than \$1/hour and that it would be unlikely that employees would be willing to pay the \$8 or \$9 per day to park when free parking is readily available within a short walk.

On June 1, 1998, the City implemented Park Smart, designed to provide downtown employees a parking place in the library garage in exchange for prohibiting parking by employees in the downtown core. In 2005, Council revised the Park Smart ordinance at the recommendation of the PAB. One of the changes made was to require employers to register their employees with the Park Smart program in order to receive a business license. This led to increased compliance with the business community however also lead to additional City staff work in order to

administer the program. With City budget reductions made in 2011, the elimination of staff to administer the Park Smart registration efforts were made in the Finance and Police departments, and participation is no longer a requirement in order to obtain a business license. Public Works took over a much reduced program where free permits for the library garage are offered to downtown employees but on a voluntary basis. The Park Smart ordinance is still valid however is not being actively enforced.

To be clear, even during Park Smart's peak "success period" there were known situations of abuse, particularly in the evenings. However the program provided a strong incentive for business to participate and for employees not to park in stalls intended for customers and downtown users. Today, it is known and license surveys confirm that there are many employees using the Marina Park lot during their work hours. One PAB member works adjacent to the lot and has personally documented the situation. It can most clearly be seen by observing the occupancy of the Marina Lot after office employees arrive but before retail stores open. Employees move their vehicles once or twice throughout the day and are not subject to violation since the City does not have a "moving-to-evade" ordinance (i.e. there is no penalty to move from one stall to another as long as time limits are observed). This shift of employee parking from other locations, many likely from the library garage parking lot where Park Smart permits are used, has also had a secondary impact to public perception of downtown parking.

### *More Effective Use of the Library Garage*

There are two types of stalls in the library garage: one type is for permit parking only -- these stalls are specifically reserved for those who have permits from the Park Smart program. The second type is stalls with a four-hour time limit open to the general public. Time limit stalls are intended to serve the other garage users such as those visiting the library, pool, Peter Kirk Park or other destinations downtown. The 340 stalls are arranged in the garage as follows:

Garage Level	Number of Permit stalls	Number of four hour stalls	Total
Lower level	148	0	<b>148</b>
Ramp between levels	35	0	<b>35</b>
Upper level	34	122	<b>156</b>
<b>Total</b>	<b>217</b>	<b>122</b>	<b>339</b>

Table 3. Current distribution of parking stall types in the Library Garage.

Weekdays and Saturdays after 6:00 PM, all stalls are open to all parkers. During the day on Saturday, permit restrictions are not enforced, and there is no enforcement of time limits or permit requirements on Sundays.

In the past, adjustments have been made to the balance of permit and four-hour stalls in the garage. In 2008, changes were made to allow more permit stalls since occupancy rates of those dedicated to permits were at or near 100% during certain times of the day. Now, with the 2011 changes to the Park Smart program, there has been less demand for the employee permit stalls. During 2011, users of the park facilities, in particular those who use Peter Kirk Pool during the day, have complained that the four-hour stalls are full and that the permit stalls are being underutilized.

As an option to remedy this situation, and instead of attempting to repeatedly rebalance the allocation between permit and four-hour stalls, the PAB recommends allowing some of the stalls to be designated as dual use. Signage similar to that shown in Figure 3 would be posted with the intention of allowing some of the parking supply to “float” between four-hour and permit stalls as needed; these stalls would be available for either of the major garage user types on a first come, first serve basis.



Figure 3. Example of sign for shared use stalls in the library garage.

The PAB recommends converting a total of approximately 50 permit only stalls to dual use stalls. Only stalls that are located on the ramp between levels and those first encountered in the lower level would be converted. This would maintain an area for permit parking in the lower level, a four-hour area in the upper level and create a dual use area in the middle of the garage. Changes in parking behavior caused by implementation of pay parking at the other parking lots will be monitored and may cause the need for a different deployment of shared use stalls in the future.

### *Options for addressing issues*

Although the PAB has ultimately concluded with adding pay parking from 9:00 AM to 5:00 PM at the Marina Park and Lake and Central parking lots in order to best address the issues, several variations on the recommendation were considered as described below.

- A. Begin pay parking at 11:00 AM instead of 9:00 AM. This would better match the lower utilization seen during this time of day and allow two additional hours for free parking during which customers might run brief errands.

*Considerations: This idea was not selected primarily for reasons of promoting consistency and clarity. If combined with elimination of time limits, there will be confusion with signing designed to explain that pay parking begins at 11:00 AM. On street parking time limits begin at 9:00. Also, employee parking often takes place before 9:00 and beginning pay parking earlier would discourage employees from parking in the lots for a few hours.*

- B. Retain the 3 hour time limits. This would encourage turnover of parking stalls.

*Considerations: Occupancy data shows that whether or not parking is free or priced and whether or not there is a time limit, the average parker's stay is about 2 hours. Since there is no time limit at the Park and Main, elimination of time limits promotes consistency across lots.*

- C. Make the first hour of parking free. This would help address the concern of some downtown merchants that pay parking is impractical for those customers who need to make a short stop or visit. All pay parking would be free for the first hour. All parkers would still have to go to the pay station and get a receipt to display on their dashboard, but if they wanted an hour or less of time they would not be charged.

*Considerations: Although initially attractive, a first hour free provision would lead to confusion. It is not hard to imagine parkers hearing that Kirkland did not charge for the first hour of parking and walking away from their vehicle only to return (less than an*

*hour later) and find a ticket for not displaying a receipt. Applying a first hour free policy will also reduce revenue. Past pay parking behavior would have to be further analyzed to refine for this reduction, but first estimates are a reduction in revenue of 40% to 50%.*

### *Revenue and Costs projections*

Additional annual net revenue from adding pay parking can be estimated by multiplying the number of stall revenue hours per year by the rate per hour and then by a utilization factor which describes how busy the stalls are and then reducing that amount to account for credit card fees. The PAB estimates that the additional revenue from this proposal is on the order of \$100,000/year.<sup>2</sup>

Current net revenue from pay parking is approximately \$130,000/year. Approximately \$50,000 of this is designated for future expenses such as additional parking supply, and the remainder is used to meet current expenses. Since existing pay stations are in place for existing evening parking, there would be no need to install additional pay stations. New signage would be necessary, and this cost is estimated to be approximately \$3500 for signs and labor to install them.

If Council chooses to proceed with the recommendation, the PAB will return to Council with a more complete analysis on how new revenue could be used to partner with developers to provide new supply, and the maintenance needs that could be addressed from the new revenue stream.

### *Conclusions*

After much discussion, analysis, and various stakeholders' input, the PAB believes that all day pay parking in the two public lots is the next appropriate step to improve parking management in Kirkland's downtown. Pay parking is considered both a management strategy and a revenue generating tool, however the PAB's primary interest for moving to more pay parking is as a management tool. It provides a market based approach to reducing long term employee parking problems and will thereby make more (existing) stalls available at the times when occupancy currently exceeds 85%. These benefits coupled with the removal of time limits will make it possible to provide one simple, clear set of rules across all three municipal parking lots. The revenue that is generated can be used to upgrade maintenance at existing facilities and eventually be available for a strategy to fund more parking supply.

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<sup>2</sup> 164 parking stalls x 8 hours x 304 days/year = \$398,848/year x 30% average occupancy = \$119,654/year x (1-12%) to account for credit card fees and operational costs = \$105,295/year, rounded to \$100,000/year.

**ATTACHMENT 1**  
**Parking in Downtown Kirkland**  
**Parking Advisory Board**  
**February 2012**

**Background**

The Downtown Kirkland Parking Study and Plan of October 2003 called for effective management of parking to support and facilitate a long-term strategic vision for downtown. It called for a market-based approach to management of parking. The Study provides a guide to maximizing the City's existing parking resources in conjunction with adding new parking supply that is coordinated with new development.

The report also recommended formation of the Parking Advisory Board to help implement the parking component of the downtown strategic plan. Since its creation the PAB has been working on improved management of parking and has explored various ways of adding new supply. In the 2005-2006 periods the PAB focus was to earmark new parking revenue for new supply. Next, the PAB examined the cost of building a parking structure with ground floor commercial, but the lack of a suitable site for a free standing garage stymied that effort. The desire for parking that is more integrated with development led the PAB to investigate with stakeholders the notion of the development of a contingency financing plan so that the City could be ready to partner with a developer. This approach floundered due to the lack of support of property owners for an assessment of benefited properties. However, this resistance may be lessened if a specific development is proposed. However, this investigation did result in the realization that financing of new parking supply will require funding from three sources: parking revenue from users, assessment of benefited properties within walking distance, and city general funds that reflect broader benefits of access to public facilities in the downtown.

The PAB favors partnering with a developer, but has not been able to prepare a readiness plan to do so. Downtown stakeholders were reluctant to develop a downtown improvement plan that involved a financial commitment in the flexible form of a Transportation Improvement District that could fund parking and other downtown improvements from a mix of general revenue, parking revenue, and assessment of benefited properties. Consequently, the public is not immediately ready to participate if and when a developer steps up.

Meanwhile, the PAB has been able to add new parking supply in the form of a leasing a surface lot at the Antique Mall site. However, this is not a permanent solution to the deficiency of parking supply. If this parcel is privately developed this new public supply may be lost.

A parking "rule of thumb" is parking ought to be priced at a level to create 85% utilization, leaving 15% available for arriving customers. Since Kirkland does not charge market rates for parking, we have hours that exceed 85% utilization. But we also have many hours of less than 85% utilization for which any price is too high. We realize parking peaks are during lunch, evening and are seasonally driven. On warm summer days all lot are full. On rainy winter days there is plenty of parking available. This suggests variable pricing, but we do not have a well developed parking marketplace that would warrant varying parking price by demand. So we are

not ready for variable pricing, but we are ready for a nominal price to better manage our parking.

**Parking for Public Uses.** There are many public properties that contribute to the parking deficiency. These properties include Heritage Hall, the Marina Park, Lee Johnson field, the recent expansion of the Library, the swimming pool, Kirkland Performance Center, the Community Center and the Teen Center. If a parking ratio of spaces per floor area, per seat of performance or stadia, per acre of park use were applied the public spaces, we could estimate the number of spaces of parking that would be required. This would yield a number that would exceed half of the capacity of the Library garage and half of the Marina Park lot, which mitigates some of this public parking demand. The difference is a parking deficiency due to public uses. This implies a public responsibility for part of the downtown parking supply deficiency.

**Parking Supply as Impacted by "Grandfathering".** There is a deficiency in private parking supply in downtown Kirkland. While downtown Kirkland is pedestrian friendly, businesses decry the lack of convenient parking for their customers. Most of downtown Kirkland developed prior to the advent of strip malls wherein parking for patrons is provided on site. Most downtown land parcels are small and completely occupied by one or two story buildings. This legacy of small buildings on small parcels makes redevelopment difficult. Even if redevelopment were to occur, it is unlikely that the private parking deficiency would be reduced.

Redevelopment of legacy buildings is unlikely to reduce this deficiency in private parking supply because existing floor area is grandfathered from having to provide parking. Even if redeveloped, the amount of current floor area is exempt from parking requirements. Developers would have to replace current off-street parking spaces and provide parking for additional floor area, but not for the redevelopment of current space. New parking spaces that would occur in the redevelopment process will serve new floor area, not current floor area. So, it is unlikely that the current deficiency in private parking supply will be reduced by redevelopment.

**Shared Parking.** The PAB recommends that remaining opportunity sites (U. S. Bank, Antique Mall, Eagles, and Kirkland Square) not be redeveloped as residential over commercial, but as office over commercial, so that shared parking can be achieved. This should not be viewed as a mandate; instead incentives may be needed to encourage developers to build office over retail. Incentives may take the form of public participation in shared parking, density bonuses, impact fee reductions, etc.

### **Existing Situation**

The Background section indicates adding parking supply is not likely in the near term to solve downtown's parking problem. Consequently, the variations we presented deal with better management of the current supply of parking. Nevertheless, there are some longer range issues that we will continue to monitor.

With the addition of 89 spaces at Park & Main (leased at the Antique Mall site), the PAB is confident that supply is sufficient to manage the current demand, characterized by the current depressed economy. However, this is not a permanent solution. The economy will improve and new development will occur, and the Park & Main site will be redeveloped. Consequently, we will continue to investigate new parking supply options.

Additional analysis of parking occupancy using parking revenue data will sharpen our knowledge as to extent of the parking deficiency in terms of the number of hours and days per year. This will provide guidance as to assessing parking supply and demand.

Further analysis of parking demand and supply may be needed, particularly with respect to various build-out scenarios for downtown. This will need to be coordinated with the timing of build out of the Kirkland Park Place redevelopment.

The PAB will continue to examine the public and private cost responsibility for financing new parking supply. This is complicated by options for locating the supply and the extent to which it is free standing or integrated with a development project.

The PAB has concluded that a "build it (parking) and they will come" approach is not a viable economic development strategy for downtown Kirkland. Rather, public participation in an integrated development project is more appropriate.

The parking requirement for the redevelopment of Park Place is based on pricing of parking there. If we do not charge for parking downtown, their workers will spill over to downtown parking spaces and the library garage. Surveys of downtown users find little consensus to guide us. People want free parking and more parking, and are frustrated with the time it takes to find available parking.

### **Listening to Users**

The most recent survey, (see Attachment 2) taken this summer finds there is support for building more parking and for "first hour free". Respondents do not find the parking signs and rules confusing.

Slicing and dicing these responses in more detail show that 33% of on-street parkers spent more than 6 minutes searching. After 5 PM that jumps to 40%.

An earlier study that used stated preference methods to assess use of a parking garage highlighted the differences of respondents. Two distinct types of parkers were identified. The preferences of older and higher income persons are quite different from younger and lower income persons.

Some principal findings were that charging for on-street parking will cause spillover into neighborhoods and cause some persons to go to destinations other than downtown. However, women and older persons are less sensitive to parking charges and seem more willing to pay for convenience and for parking availability, while younger persons are more sensitive to parking charges and are more willing to walk and avoid parking charges.

Similarly, free parking in a new parking garage is highly desired. Women are less likely to park in a parking garage than are men. The location of a new parking garage is quite important. A long walk distance will detract from its desirability.

The analysis shows why people are more inclined to drive and search for parking than they are to park farther and walk. A 1200-foot walk is equal to a parking cost of \$0.95 while a search time of five minutes is equal to a parking cost of \$0.45. Although walking 1200 feet takes nearly five minutes, it is perceived as twice as costly as a search time of 5 minutes.

**ATTACHMENT 2****Parking Survey Summary  
Summer/Fall 2011**

In the Summer and Fall of 2011, the Parking Advisory Board fielded a survey of parkers in downtown Kirkland. Board members and staff passed surveys out to parkers and a web-based version of the survey was also available. Respondents could complete the survey on site or return it postage paid later. A total of 315 surveys were completed. The survey is shown in Figure 3 below. Responses to the survey are summarized in the table below.

Some key findings:

- There is support for building more parking stalls and support for the "first hour free".
- Respondents did not report finding the parking signs and rules confusing, but inconsistency and confusion were cited in the additional comments area of the survey.
- Most people surveyed come to downtown to dine for lunch or dinner;
- Respondents often reported finding parking in the parking lots in less than 6 minutes and within 3 blocks of their destination.

<u>Responses</u>	<u>Agree</u>	<u>Disagree</u>	<u>Neutral/No opinion</u>
• I CAN FIND AN EMPTY STALL QUICKLY	25%	54%	21%
• PEOPLE STAY TOO LONG	8%	24%	68%
• PARKING RULES/SIGNS ARE CLEAR	55%	29%	16%
• TOO MUCH ENFORCEMENT	30%	22%	48%
• TOO LITTLE ENFORCEMENT	4%	43%	54%
• EMPLOYEES USE TOO MANY STALLS	18%	12%	70%
• THERE IS ENOUGH MONTHLY PARKING	8%	13%	79%
• Which idea would most help to meet parking objectives	<u>Top responses</u>		
✓ Build more parking stalls		44%	
✓ When parking is pay, make the first hour free		43%	
✓ Continue pay parking from 5-9 pm		31%	
✓ Extend free parking throughout the day		28%	
• WHAT SHOULD REVENUE BE USED FOR			
✓ Help fund some new parking supply		55%	
✓ Parking lot maintenance		43%	
✓ General City expenses		38%	
• PURPOSE OF TRIP:	DINING	44%	
	PERSONAL SERVICES	15%	
	SHOPPING	12%	
• MOST PARKED:	PARKING LOTS	46%	
	ON-STREET	32%	
	LIBRARY GARAGE	12%	

- WHEN:
 

AFTER 5PM	34%
BETWEEN NOON – 5PM	31%
BEFORE NOON	28%
  
- SIGNS HELPED MAKE YOUR PARKING DECISIONS 50%
  
- DID YOU UNDERSTAND THE PAY PARKING SIGNS 67%

Top responses

- HOW LONG TO FIND A SPACE:
 

0 – 3 MINS	39%
3 – 6 MINS	31%
6+ MINS	24%
  
- HOW CLOSE TO DESTINATION:
 

2 – 3 BLOCKS	37%
0 – 1 BLOCK	31%
4 – 5 BLOCKS	15%

Feedback "Other" comments

- Parking is not consistent and too confusing 29%
- Need to build more supply 15%
- Need/keep free parking 13%

Mail-in responses came from

Lake & Central	37%
Lakeshore Plaza	36%
Wednesday Markets	17%





**CITY OF KIRKLAND**

**City Manager's Office**

**123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**

**[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Marie Stake, Communications Program Manager

**Date:** January 31, 2012

**Subject:** "Kirkland History Month" Proclamation

RECOMMENDATION:

Council authorizes the Mayor to sign the Kirkland History Month Proclamation.

BACKGROUND DISCUSSION:

The Kirkland Heritage Society (KHS) has long coordinated the recognition of Peter Kirk, primarily by asking the City of Kirkland to proclaim a week containing February 15, the birth date of Peter Kirk, as Founders Week. This year, the KHS has asked the City to proclaim the entire month of February as "Kirkland History Month" as a way to honor Kirkland's rich history, its founders, and to recognize the "new" history of Kirkland from members of the recently annexed Finn Hill, North Juanita, and Kingsgate neighborhoods.

It is anticipated that Mark Amick, Chair, History Month Committee and Loita Hawkinson, President, Kirkland Heritage Society will be present at the February 7 Council meeting to receive the proclamation.

For historical information on Kirkland, visit the KHS website at [www.kirklandheritage.org](http://www.kirklandheritage.org).



## A PROCLAMATION OF THE CITY OF KIRKLAND

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### Proclaiming February 2012 as “Kirkland History Month” in the City of Kirkland, Washington

**WHEREAS**, the City of Kirkland has traditionally celebrated its rich history with the recognition of Peter Kirk’s birth date on February 15 by proclaiming Founder’s Week in the month of February; and

**WHEREAS**, the Kirkland Heritage Society has raised public awareness of Kirkland’s history by collecting, preserving, exhibiting, and sharing all aspects of the history and heritage of Kirkland and its people; and

**WHEREAS**, the Kirkland Heritage Society has been able to expand the scope of recognizing Kirkland’s past to include downtown and the Juanita and Lakeview Neighborhoods thanks to a grant from 4Culture, the cultural services agency for King County; and

**WHEREAS**, with the annexation of the Finn Hill, North Juanita, and Kingsgate neighborhoods in 2011, Kirkland’s history of these areas has been integrated into the Kirkland Heritage Society’s programs and outreach; and

**WHEREAS**, as part of Kirkland History Month, local businesses will display informational signs at their businesses describing the historical importance of their sites;

**NOW, THEREFORE, I**, Joan McBride, Mayor of the City of Kirkland, do hereby proclaim the month of February 2012 as “Kirkland History Month” in Kirkland, Washington and urge all citizens of Kirkland to honor the memory of those who helped form our City, to learn about Kirkland’s cultural and historic past, and to share memories, photographs, and stories to keep Kirkland’s history alive.

Signed this 7<sup>th</sup> day of February, 2012

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Joan McBride, Mayor



**CITY OF KIRKLAND**  
Department of Parks & Community Services  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
www.kirklandwa.gov

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Jennifer Schroder, Director  
Jason Filan, Park Operations Manager

**Date:** January 26, 2012

**Subject:** Frontier Communications Donation

**RECOMMENDATION:**

For Council to thank Frontier Communication for donating to the City of Kirkland the outdated copper phone lines that existed under the causeway at Juanita Bay Park, valued at \$60,982.86.

**BACKGROUND DISCUSSION:**

Over the past 50 years, gains in technology and the modes of transmitting information have made the old copper phone lines underneath the causeway at Juanita Bay Park obsolete. With an interest in removing the outdated infrastructure from the wetland area, staff pursued permission from Frontier Communications to recycle the copper cable.

Frontier agreed that it would be good for the ecology of Juanita Bay to remove the cables from the wetland area and authorized the City to remove the cable.

The City was issued a Hydraulic Project Approval by Washington Department of Fish and Wildlife on October 3, 2011, and removal was completed in mid-October. 39,232 pounds of copper cable were removed and sold to the highest bidder.

Per the agreement with Frontier, the value of the donated copper, nearly \$61,000, will be put toward funding installation of a picnic shelter at newly renovated Juanita Beach Park.

Senior Vice President Richard Klena will attend the Council's February 7<sup>th</sup> meeting to represent Frontier Communications.



**CITY OF KIRKLAND**  
Department of Parks & Community Services  
505 Market Street, Suite A, Kirkland, WA 98033 425.587.3300  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** Regi Schubiger, Youth Services Coordinator  
Kari Page, Neighborhood Services Coordinator  
Jennifer Schroder, Director Parks and Community Services

**Date:** January 25, 2012

**Subject:** Eastside Month of Concern for the Hungry Results

The 2011 Eastside Month of Concern for the Hungry, "Share What You Can" campaign collected more than 90,000 pounds of food and \$15,000 in cash donations during the month-long drive. Neighborhood associations, community leaders, faith organizations, local grocery stores, businesses, hospitals and schools organized local efforts by hosting food drives and fundraising events in their city from September 24 through October 22. The cities of Bellevue, Kirkland, Issaquah, Mercer Island, Redmond, and Sammamish participated in the Month of Concern for the Hungry as a collaborative initiative among public and non-profit human service agencies spearheaded by the Eastside Human Service Forum.

The emphasis for the month-long drive was to "Share What You Can" and fill food bank shelves with non-perishable food items before the holidays. Eastside Month of Concern for the Hungry was a community-wide effort benefitting local area food banks, including Hopelink, Emergency Feeding Program, ARAS Foundation, Issaquah Food Bank, Mercer Island Food Pantry, and Renewal Food program.

This year has been especially challenging for food banks in our community due to recent, unexpected federal cuts to food programs in King County. This, coupled with the increased demand in clients needing food assistance, has created added challenges for food bank providers. Emergency Feeding Program Operations Director, Brian Anderson noted how much the effort has grown in three short years. "As other sources of support have been eroding, grassroots efforts like this - people coming together to help other people - are so vitally important. And so very effective. The amount of food collected this year is incredibly impressive - food that will go right to work helping feed the increasing number of households in our community who struggle to keep adequate nutritious food on the family table. This year's response truly makes me proud to be an Eastsider."

We would like to ask the Mayor to present certificates of appreciation to both Hopelink and Emergency Feeding Program for their support and efforts during the drive.



KIRKLAND CITY COUNCIL REGULAR MEETING MINUTES  
January 17, 2012

1. CALL TO ORDER

Due to the inclement weather, items that were numbered as 5.a., 7.a., 7.b., 10.b., and 11.c. on the original published agenda have been postponed until February 7, 2012.

2. ROLL CALL

ROLL CALL:

Members Present: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, and Councilmember Penny Sweet.

Members Absent: Councilmember Amy Walen.

Councilmember Walen was absent/excused as she was out of town.

3. STUDY SESSION

a. Recommended Changes to Draft Code of Ethics

Joining Councilmembers for this discussion were City Manager Kurt Triplett, Executive Director of Seattle Ethics and Elections Commission Wayne Barnett, and City Attorney Robin Jenkinson.

4. EXECUTIVE SESSION

a. Labor Relations

Mayor McBride announced at 7 p.m. that Council was entering into executive session to discuss labor relations and that Council would return to its regular meeting at 7:30 p.m. City Attorney Robin Jenkinson was also in attendance.

5. HONORS AND PROCLAMATIONS

None.

6. COMMUNICATIONS

a. Announcements

b. Items from the Audience

Ann Levine  
Karina O'Malley  
Mark Eliassen

c. Petitions

7. SPECIAL PRESENTATIONS

None.

8. CONSENT CALENDAR

a. Approval of Minutes: January 3, 2012

b. Audit of Accounts:

Payroll: \$2,142,734.49  
Accounts Payable: \$1,747,409.03  
run #1064 check #531490  
run #1065 checks #531520 - 531634  
run #1066 checks #531635 - 531738

c. General Correspondence

d. Claims

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Resolution R-4906, entitled "A RESOLUTION AUTHORIZING THE DULY-APPOINTED ADMINISTERING AGENCY FOR A REGIONAL COALITION FOR HOUSING (ARCH) TO EXECUTE ALL DOCUMENTS NECESSARY TO ENTER INTO AGREEMENTS FOR THE FUNDING OF AFFORDABLE HOUSING PROJECTS, AS RECOMMENDED BY THE ARCH EXECUTIVE BOARD, UTILIZING FUNDS FROM THE CITY'S HOUSING TRUST FUND."

(2) ARCH 2012 Work Program and Administrative Budget

(3) Resolution R-4907, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO ENTER INTO A CONTRACT WITH BAYSHORE VISTA, LLC, REGARDING A POTENTIAL MULTIFAMILY HOUSING PROPERTY TAX EXEMPTION AND APPROVING THE ISSUANCE OF A CONDITIONAL CERTIFICATE OF TAX EXEMPTION."

(4) Resolution R-4908, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING RIGHT-OF-WAY ACQUISITION AND RELOCATION POLICIES AND PROCEDURES."

## (5) Surplus Vehicles/Equipment for Sale

Vehicle	Year	Make	VIN/Serial Number	License #	Mileage
C-04X	1999	Ford Taurus SE	1FAFP52U4XG247029	26138D	32,448
PU-04X	1995	Ford F350 Utility Truck	2FDKF37H8SCA61415	16992D	68,873
PU-85	2001	GMC Sonoma Ext. Cab	1GTCS19W318213015	32440D	64,549
PU-14X	1991	Toyota Pickup	JT4RN81P3M5121360	10715D	113,764
T05-06	2005	Honda ST1300P Motorcycle	JH2SC51755M300231	2182EX	40,042

## (6) Report on Procurement Activities

Motion to Approve the Consent Calendar.

Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 6-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, and Councilmember Penny Sweet.

## 9. PUBLIC HEARINGS

Ordinance O-4345 and its Summary, Relating to Zoning, Planning and Land Use and Amending Ordinance 3719 as Amended, the Kirkland Zoning Ordinance and Approving a Summary Ordinance for Publication, File No. ZON11-00045.

Mayor McBride described the parameters of the hearing and opened it. Director of Planning and Community Development Eric Shields reviewed the issues related to the proposed amendments in the ordinance. Testimony was provided by Dan Krehbiel, Dave Kessler, Mark Eliassen, Jerry O'Neill; No further testimony was offered and the Mayor closed the hearing. Disclosures were made by Mayor McBride and Councilmember Sternoff regarding their residencies in the affected area.

Motion to Approve Ordinance O-4345 and its Summary, entitled "AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00045."

Moved by Councilmember Penny Sweet, seconded by Deputy Mayor Doreen Marchione

Vote: Motion carried 6-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, and Councilmember Penny Sweet.

## 10. UNFINISHED BUSINESS

a. City Council Subcommittee Appointments

b. Transportation Benefit District Update

Public Works Director Ray Steiger presented an update of activities and recent community outreach in connection with the proposed Transportation Benefit District and responded to Council questions and comment.

11. NEW BUSINESS

a. Comments on National Pollutant Discharge Elimination System (NPDES) Western WA Phase II Municipal Stormwater Permit

Motion to Approve the draft letter.

Moved by Councilmember Bob Sternoff, seconded by Councilmember Dave Asher

Vote: Motion carried 6-0

Yes: Councilmember Dave Asher, Deputy Mayor Doreen Marchione, Mayor Joan McBride, Councilmember Toby Nixon, Councilmember Bob Sternoff, and Councilmember Penny Sweet.

b. 2012 City Council Retreat Draft Agenda

12. REPORTS

a. City Council

(1) Regional Issues

Councilmembers shared information regarding a recent Suburban Cities Association Public Issues Committee meeting.

b. City Manager

(1) Calendar Update

13. ITEMS FROM THE AUDIENCE

None.

14. ADJOURNMENT

The Kirkland City Council regular meeting of January 17, 2012 was adjourned at 9:07 p.m.

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City Clerk

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Mayor



**CITY OF KIRKLAND**  
Department of Finance and Administration  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3100  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## MEMORANDUM

**To:** Kurt Triplett, City Manager  
**From:** Kathi Anderson, City Clerk  
**Date:** January 26, 2012  
**Subject:** CLAIM(S) FOR DAMAGES

### RECOMMENDATION

It is recommended that the City Council acknowledge receipt of the following Claim(s) for Damages and refer each claim to the proper department (risk management section) for disposition.

### POLICY IMPLICATIONS

This is consistent with City policy and procedure and is in accordance with the requirements of state law (RCW 35.31.040).

### BACKGROUND DISCUSSION

The City has received the following Claim(s) for Damages from:

- (1) Pearl Storino  
375 Kirkland Avenue #302  
Kirkland, WA 98033

**Amount:** Unspecified Amount

**Nature of Claim:** Claimant states injury resulted from tripping on an uneven sidewalk.

- (2) Albert Todd  
1823 3<sup>rd</sup> Street  
Kirkland, WA 98033

**Amount:** Unspecified Amount

**Nature of Claim:** Claimant states injury resulted from tripping on a pipe protruding from the sidewalk.

**Note:** Names of claimants are no longer listed on the Agenda since names are listed in the memo.



**CITY OF KIRKLAND**  
**Department of Public Works**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3800**  
**[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** David Snider, P.E., Capital Projects Manager  
Ray Steiger, P.E., Public Works Director

**Date:** January 26, 2012

**Subject:** ELEMENTARY SCHOOL WALK ROUTE ENHANCEMENTS  
ACCEPT WORK

**RECOMMENDATION:**

It is recommended that City Council accept the work on the Elementary School Walk Route Enhancements, as completed by Pellco Construction, Mountlake Terrace, Washington, and establish the statutory lien period.

**BACKGROUND:**

The Elementary School Walk Route Enhancements consisted of constructing missing segments of sidewalk on designated school walk routes for each of seven public elementary schools located in Kirkland (Attachment A). In addition to the construction of new sidewalks, the Project also involves an educational and incentive element for children and parents to promote walking and biking to school as well as the purchase of a portable radar speed limit board to be used for enforcement of the speed limit in school zones. The goal of the Project is to promote pedestrian safety, decrease traffic speeds near schools, and to increase the number of children walking and biking to and from school.

In June 2009, the City was selected to receive State funding through the Safe Routes to School Grant Program. The City was awarded \$498,000 in grant funds. Through the Capital Improvement Program (CIP), City Council approved an additional \$700,000 of City funds for a total Project budget of \$1,198,000 (Attachment B).

At their regular meeting of May 17, 2011, City Council awarded the construction contract to Pellco Construction in the amount of \$610,092. The work began on June 20<sup>th</sup> and was substantially complete in November, 2011. The total amount paid to the contractor was \$602,651 and included four change orders totaling \$10,739; the overall reduction in the contract amount came as a result of material quantity reductions during construction.

With the completion of these elementary school walk routes and others that were identified by the 2001 School Walk Route Advisory Committee (Attachment C), nearly 90% of the identified routes have been completed. Two more improvements, NE 68<sup>th</sup> at 108<sup>th</sup> Avenue NE signal improvements (LV3f) and NE 100<sup>th</sup> Street sidewalk improvements (PK6) have received external grant funding and are scheduled to be completed in 2012.



The Safe Routes to School Grant also has an identified amount of \$34,000 for education and outreach with an incentive element to promote walking and biking to school, and it also covered the cost of purchasing a radar board for enforcement of the speed limit in school zones. To date, \$13,500 has been spent on the purchase of a new trailer mounted radar board together with an additional \$7,000 on staff time for public education and enforcement. The Police Department will maintain efforts on the enforcement element of the Grant funds while Public Works staff continues to work with the school principals on a new round of outreach, education, and incentives for walking to school this spring.

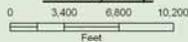
The City remains eligible for the entire grant amount of \$498,000; all residual City funds will be returned to REET II, as the original City funding source and will be programmed into future CIP projects.

Attachments: (3)

# CNM 0067 | Elementary School Walk Route Enhancements



Vicinity Map



JUANITA



A.G. BELL



PETER KIRK



LAKEVIEW



MARK TWAIN



BEN FRANKLIN



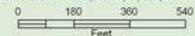
ROSE HILL

**Map Legend**

- School Walk Routes
- Existing Sidewalk or Path
- Fire Station
- Building Footprint
- Tax Parcel Boundary
- Street Centerline
- Pavement Edge
- Park
- School



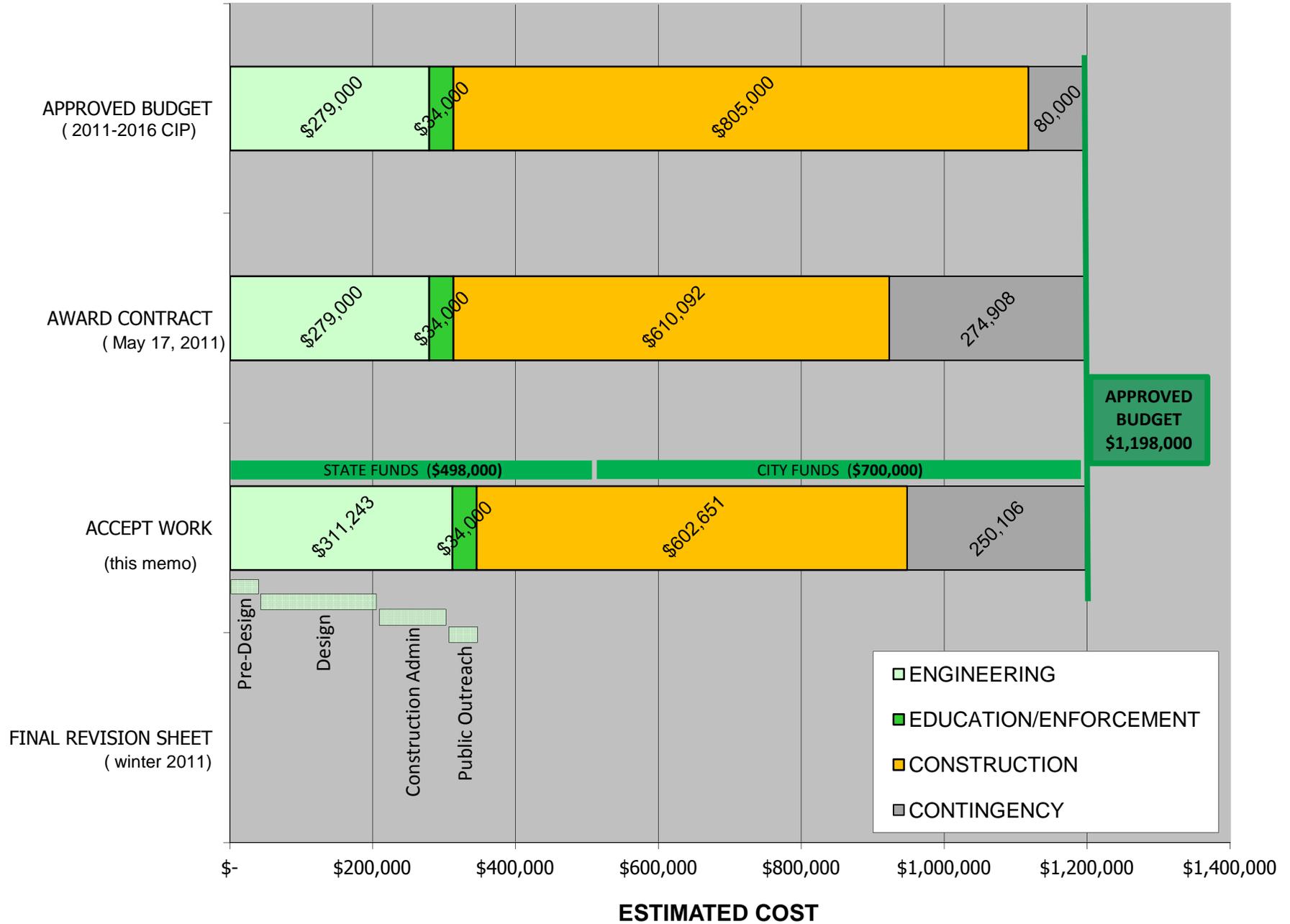
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**ELEMENTARY SCHOOL WALK ROUTE ENHANCEMENTS  
(CNM -0067)  
PROJECT BUDGET REPORT**

**Attachment B**

**PHASE**



- ENGINEERING
- EDUCATION/ENFORCEMENT
- CONSTRUCTION
- CONTINGENCY

Original School Walk Route Committee Projects (2001)

ID	DESCRIPTION	COMMENTS	TOTAL ESTIMATED COST (2001)	OTHERS ADDED OR GRANTS SCORED	TOTAL EXPENDITURES	Completed	Year Completed (or anticipated)	CIP Project
J1	Approximately 900 feet of pathway along the south side of NE 128th St between 94th Ave NE and approximately 98th Ave NE; pathway could be constructed by narrowing current roadway with new or extruded curbing, filling the created area and paving with asphalt.	2002 overlay project; will look at adding extruded curbing to contract as a fall back	\$ 99,000		\$ 953,000	✓	2002 (all schedules)	CNM-0039
J2	Approximately 900 feet of raised or separated pathway along the east side of 94th Ave NE from approximately NE 124th Street to NE 128th St. NE	need add1 r-o-w?	\$ 226,200				unfunded	TBD
J3a	Refurbish 124th St crossings	Crosswalks are in exc. Condition; will revisit and do with annual striping program	\$ 1,000			✓	2002	2002 striping
J3b	No school signs	Will review during inventory of schools	\$ -				NA	NA
	Sidewalk on the west side of 97th PL NE, from NE 128th St to NE 129th PL.	2010-2011 SRTS grant program		\$ 111,553	\$ 1,198,000	✓	2011 (all schedules)	CNM-0067
AGB1	Pathway/sidewalk along south side of NE 112th Street between 112th Ave NE and approximately 115th Ave NE adjacent to the school.	funded CIP 2001-2 project; \$1,062,000	\$ 350,000			✓	2002	CNM-0039
AGB2	Sidewalk/pathway along 108th Ave NE from NE 116th st to NE 112th St (request from LWSK 4/12/00)	west side (some exist slw & xwalk @ 116th)	\$ 266,900				unfunded	TBD
	Sidewalk on east side of 110th Ave NE from NE 116th St south to the end of the cul-de-sac which is the back entrance to A.G. Bell.	2010-2011 SRTS grant program		\$ 106,576		✓	2011	CNM-0067
MT1	Improve facilities along 132nd Ave between NE 95th St and NE 104th St (improvements could include: signage, speed bumps, traffic calming, lighting at crosswalk)	exist. ACP path w/ extruded curb	\$ 50,000				unfunded	CST-0056
MT2	Sidewalk improvements along NE 95th Street between 124th Ave NE and 130th Ave NE (These improvements are currently funded in the 2001 CIP and are in process)	funded CIP 2001-2 project; \$461,000	\$ 314,000		\$ 503,000	✓	2003	CNM-0003
MT3	Pathway/improvements along the south side of 104th Street between 132nd Ave NE and existing improvements; remove existing vegetation that blocks walking on shoulder	Ultimately concrete, but use asphalt for now	\$ 92,500				unfunded	CNM-0061
MT4	Sidewalk improvements along west side of 130th Ave NE from NE 100th Street to NE 95th Street (currently funded in the CIP)	2010-2011 SRTS grant program	\$ -	\$ 104,404		✓	2011	CNM-0067
MT5	Intersection improvements at 128th Ave NE and NE 107th Place	assume 50' of concrete curb, gutter, and "bump-out landings" at each corner	\$ 58,000			✓	2002	CNM-0039
MT6	Sidewalk on 126th Ave NE from NE 85th St to NE 95th St (approximately 2500' request from LWSK 4/12/00)		\$ 571,300				unfunded	TBD
PK1	Sidewalk improvements along 110th Ave NE between existing improvements at 97th Ave NE and the back entrance to the School at the BNSFR crossing (area includes concomitant agreement properties)	concomitant needs to be pursued; remaining issues with BNSFR crossing	\$ 25,000		\$ 25,000	✓	2002	concomitant
PK2	Sidewalk along west side of 6th Street between 8th Ave and 12th Ave		\$ 195,000			✓	2002	CNM-0039
PK3	95th/97th /112th Ave Intersection improvements (traffic calming, circle, sight distance, 5-way stop??)	assume 50' of concrete curb, gutter, and "bump-out landings" at each corner	\$ 43,500		\$ 15,000	✓	~2003	neighborhood traffic calming
PK4	Sidewalk along south side of 13th Ave from Van Aalst Park to the school entrance (currently funded in the CIP)		\$ 144,000		\$ 191,000	✓	2005	CNM-0040
PK5	Sidewalk along south side of 12th Ave between 6th St and back entrance to the School at the BNSFR crossing (this is not currently a LWSK identified walk route)		\$ 275,500		\$ 472,000	✓	2011	CNM-0066
PK6	Sidewalk along NE 100th Street between 116th Ave NE and 112th Ave NE	receipt of 2012 TIB grant pending; design is complete, construction in 2012	\$ 188,500		\$ 540,000		2012	CNM-0034
PK7	Improvements to gravel pathway along 116th Ave from approximately NE 95th Street to NE 97th Street by addition of curbing or protection from vehicles		\$ 4,500		\$ 4,500	✓	2010	CNM-0044
PK8	Sidewalk along south side of NE 95th St from 116th Ave NE to 112th Ave NE		\$ 353,800				unfunded	CNM-0045
PK9	Sidewalk along 116th Ave from approximately NE 87th Street to NE 100th Street		\$ 812,000		\$ 837,000	✓	2010	CNM-0044
PK10	Sidewalk along 13th Ave from 3rd St to 4th St at Van Aalst Park (this is not currently a LWSK identified walk route)		\$ 118,500		\$ 118,500	✓	2005??	CNM-0040
PK11	Sidewalk along 111th Ave from NE 104th St to NE 100th St (this is not currently a LWSK identified walk route)		\$ 284,200				unfunded	TBD
	Sidewalk on west side of 6th St, between 13th Ave and 15th Ave	2010-2011 SRTS grant program		\$ 99,948		✓	2011	CNM-0067
RH1	Install concrete sidewalk along east side of 126th Ave NE from NE 80th St to existing sidewalk at Mormon Church (some existing area is subject to concomitant agreement)		\$ 72,500			✓	2002	CNM-0039
RH1	Install "modified" sidewalk along west side of 130th Ave NE from NE 80th St to NE 78th St/flashing crosswalks 75th St/132nd Ave	modified eliminates planter strip...minimal cost impact	\$ 182,700			✓	2002	CNM-0039
RH1	Install gravel path/shoulder between Mormon Church improvements on 126th Ave to NE 73rd St.	assumes no extruded curbing associated	\$ 26,250			✓	2002	CNM-0039
RH2	Install concrete sidewalk along south side of NE 80th St between 125th Lane NE to 130th Ave NE (include bikelane along this section); design would include raised or striped brick crosswalk at 128th, bump outs at 128th, add textured granite slabs	2010-2011 SRTS grant program	\$ 406,000	\$ 172,049		✓	2011	CNM-0067
RH3a	Pathway/Sidewalk along north side of NE 73rd St from 132nd Ave NE to 130th Ave NE	explore three options	\$ 233,100		\$ 588,000	✓	2009	CNM-0052
RH3b	Flashing crosswalk at intersection of NE 75th St and 132nd Ave NE	on current list of proposed flashing crosswalks	\$ 30,000		\$ 35,000	✓	2011	2011 Crosswalk
RH3c	Covered bus stops at 120th Ave (Metro Transit)/ NE 80th St		\$ 5,000				unfunded	KC Metro
LV1	Install sidewalk along north side of NE 64th Street between 103rd and Lakeview drive (if gravel or asphalt used, install curbing to prevent parking).	include improvements to steps	\$ 37,500			✓	2002	CNM-0039
LV1	6400 - 6500 Lakeview Drive - install sidewalks on east side of Lakeview including the corner of NE 64th St/Lakeview Drive.	replacing broken sections and landings with 2001 overlay project	\$ -		\$ -	✓	2001	2001 overlay
LV2a	Repair and complete sections of sidewalk on both sides of 103rd Ave NE EAST	significant (special) trees would be affected by repair; need to have buy-off with neighborhood association	\$ 37,500		\$ 5,000	✓	2005	rubber sidewalk
LV2b	(Above) WEST	significant (special) trees would be affected by repair; need to have buy-off with neighborhood association	\$ 18,750		\$ 5,000	✓	2005	rubber sidewalk
LV3a	Look at sight distance for crosswalks at 106th/NE 68th	maybe VERIFY; however sight dist appears much more than adequate	\$ -					NA
LV3b	a speed hump with a crosswalk painted on top at 7th Ave S crossing at 4th St S (similar to that on 6th Street in front of Peter Kirk School	this location needs markings; will add in 2001; overlay scheduled for 2002	\$ -					
LV3c	Add crosswalks at NE 60th and 106th to guide walkers to the sidewalks	2001 PM?; check with Godfrey; this request was also submitted by Houghton Community Council	\$ 500					
LV3d	Paint crosswalk on 108th Ave at NE 61st as indicated on walk route map	1) there is no "61st St" on 108th; 2) exist flashing xwalk at 60th; 3) exist xwalk in 6200 block	\$ 500					

ID	DESCRIPTION	COMMENTS	TOTAL ESTIMATED COST (2001)	OTHERS ADDED OR GRANTS SCORED	TOTAL EXPENDITURES	Completed	Year Completed (or anticipated)	CIP Project
LV3e	Trim vegetation from the sidewalk along Lakeview Drive along curve between 64th and State	street dept request?	\$ -					property owner
LV3f	Improve signal timing at 108th and 68th to favor school children/pedestrians	being incorporated to current 108th and 68th Signal improvements	\$ -		\$ -		2012	CTR-0085
LV3g	Install "No free right turns in school zones" signs at signalized intersections	concurrent with right turn lane at NE 68th St/State St	\$ -		\$ 500	√	2003	CTR-0061
LV3h	More effective school crossing sign on BNSFRR at NE 68th St (request from LWSD 4/12/00)	more effective than big yellow sign with flashing lights?	\$ -		\$ 15,000	√	~2008	completed
	Sidewalk on east side of 103rd Ave NE @ NE 65th St, which will eliminate the gap between NE 64th st and NE 67th St.	2010-2011 SRTS grant program		\$ 66,972		√	2011	CNM-0067
BF1	Eliminate parking at entrance to 60th in front of school to improve sight/distance issue	will require school sign-off and parent notification	\$ 500		\$ 500	√	2002	CNM-0039
BF2	Provide wider parking to serve GTE vaults @ 60th /122nd to keep repair vehicles off gravel pathway	will require keystone wall	\$ 4,500		\$ 4,500	√	2002	CNM-0039
BF3	Curbing and landings at corner of 122nd/NE 60th	will expand 122nd overlay project to include extruded asphalt curb and landings	\$ -		\$ 12,000	√	2002	CNM-0039
BF4a	Sidewalks both sides of NE 60th St between 116th Ave NE and 132nd Ave NE (NORTH) request from LWSD on 4/12/00	equestrian issues with concrete; need Bridle Trails buy-off	\$ 1,450,000			√	2011	Central Park Tennis Club
BF4b	(Above) SOUTH request from LWSD on 4/12/00	equestrian issues with concrete; need Bridle Trails buy-off	\$ 1,392,000				will not be done per Bridle Trails	NA
BF5a	Where is the "school zone"?	inventory	\$ -					NA
BF5b	Post "double fines" in school zone	inventory	\$ -					NA
BF5c	Explore obtaining easements through NE 61st @ 124th Ave		\$ 46,000				NA	NA
	Sidewalk on the east side of 125th Ave from approximately 100' south of NE 65th Ct to southerly property line of 6547 125th, and from southerly property line of 6916 125th Ave north to NE 70th St. Includes new crosswalk locations and markings on 122nd Ave NE @ NE 61st St & NE 62nd St.	2010-2011 SRTS grant program		\$ 72,981		√	2011	CNM-0067
	<b>Sub-Total improvements (identified by SWRC)</b>		\$ 8,416,700					
	<b>less NE 60th Street (equestrian routes and community feedback)</b>		\$ 5,574,700	\$ 734,483				
	<b>Total</b>			\$ 6,309,183	\$ 5,522,500		88%	



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Eric Shields, AICP, Planning Director  
Susan Lauinger, Project Planner

**Date:** February 7<sup>th</sup>, 2012

**Subject:** Harmon Ridge Final Subdivision, File No. FSB11-00001

### **RECOMMENDATION**

Approve with conditions the Final Subdivision for the Harmon Ridge Plat. The City Council may do so by adopting the enclosed resolution.

### **BACKGROUND DISCUSSION**

The Preliminary Subdivision was heard by the Kirkland Hearing Examiner on November 20<sup>th</sup>, 2007. The Hearing Examiner approved the project with conditions on November 24<sup>th</sup>, 2007.

The proposal includes the following elements:

- Subdivision of 2.6 acres into 12 lots for single-family residences within an RSX 7.2 zone in the South Rose Hill Neighborhood.
- Access is to be provided by a 30 foot wide, dedicated public right of way called NE 84<sup>th</sup> Street.
- A SEPA determination of Non-Significance was issued on July 11, 2008 and the project passed the concurrency test for traffic on November 9, 2007.
- The utilities and road are already underway, and the applicant has not requested modifications from the conditions of approval.

The Planning Director recommends approval of the final subdivision with the conditions as set forth in the preliminary plat, which are standard plat conditions.

### **ATTACHMENTS**

Planning Director Recommendation with Attachments  
City Council Resolution



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM  
ADVISORY REPORT  
FINDINGS, CONCLUSION, AND RECOMMENDATIONS**

**To:** Eric R. Shields, AICP, Planning Director  
**From:** Susan Lauinger, Project Planner  
**Date:** January 23, 2012  
**File:** FSB11-00001; HARMON RIDGE 12-LOT PLAT

**I. RECOMMENDATION**

Recommend approval of the final subdivision application for Harmon Ridge 12-Lot Plat subject to the following conditions:

- A. The application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, Building and Fire Code, and Subdivision Ordinance. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
- B. Prior to recording of the final plat mylar with King County, the applicant shall:
  - 1. Submit a title report no more than 30 days old from the date the final plat mylar was signed by the owners. The title report shall reflect that all taxes and assessments for the subject property have been paid.

**II. BACKGROUND**

- A. The applicant is Laurel Hill Partners, LLC.
- B. The site includes four parcels in common ownership and had three homes on the parcels, which are now demolished. The addresses for the previous parcels were: 8333 and 8325 132<sup>nd</sup> Ave and 12873 NE 84<sup>th</sup> Street (see Attachment 1 for the vicinity map).
- C. This is a final subdivision application to approve a 12-lot subdivision on a 2.46 acre site (see Attachment 2 for the plat plans). The Preliminary Subdivision, File no. PSB08-00001, was approved by the Hearing Examiner on November 24<sup>th</sup>, 2008.

**III. HISTORY**

The Preliminary Subdivision Proposal was heard by the Kirkland Hearing Examiner on November 20<sup>th</sup>, 2008 as an open record public hearing, and was subsequently approved on November 24<sup>th</sup>, 2008. A concurrency test was passed for traffic on November 9<sup>th</sup> 2007. A Determination of Non-Significance (DNS) was issued on July 11<sup>th</sup> 2008, which satisfies the State Environmental Policy Act (SEPA) requirements. The preliminary subdivision application included the following general elements:

- A. Subdivide 4 parcels totaling 2.46 acres into 12 new lots for single family residences. The zoning designation is RSX 7.2 in the South Rose Hill Neighborhood; the minimum lot size in this zone is 7,200 square feet. The 12 new lots all meet the minimum lot size and are roughly the same shape and size.
- B. Primary access to the lots will be taken from a dedicated public right of way called NE 84<sup>th</sup> Street. This new public road stretches to the end of the subdivision, but will not be a through road to the other side of NE 84<sup>th</sup> Street. Through the analysis done for the preliminary plat, the Public Works Department determined that a through road would not be in the best interest of the public because a vehicular connection would promote cut-through traffic through the neighborhood to bypass NE 85<sup>th</sup> Street. There will be a turnaround at the end of the new road through the plat for better vehicular circulation within the plat, and bollards will be placed at the end of the street that will allow emergency access. Additionally, standard curb, gutter sidewalk and planter strip were required along the new road and shared access driveways were required to reduce the number of curb cuts. A pedestrian easement was also required at the end of the new section of NE 84<sup>th</sup> Street.
- C. The three comment letters received during the public comment period on the preliminary plat concentrated mostly on traffic issues and increase in density, the need for affordable housing within the neighborhood instead of large houses, and trees and vegetative buffers. No members of the public spoke at the hearing.

#### **IV. ANALYSIS**

- A. Section 22.16.080 of the Kirkland Municipal Code discusses the conditions under which the final plat may be approved by the City Council. These conditions are as follows:
  - 1. Consistency with the preliminary plat, except for minor modifications; and
  - 2. Consistency with the provisions of the Subdivision Ordinance and RCW 58.17.

The applicant has complied with all of the conditions that were placed on the preliminary subdivision application (File No.PSB08-00001) by the Hearing Examiner, except for those that must be accomplished prior to recording as listed in I.B. above.
- B. The applicant has not proposed any modifications from the preliminary plat approval. See attachment 3 for a link to the preliminary plat approval.

#### **V. CHALLENGE, JUDICIAL REVIEW, AND LAPSE OF APPROVAL**

- A. Section 22.16.070 of the Kirkland Municipal Code states that any person who disagrees with the report of the Planning Director may file a written challenge to City Council by delivering it to the City Clerk no later than the close of business of the evening City Council first considers the final plat.
- B. Section 22.16.110 of the Subdivision Ordinance allows the action of the City in granting or denying this final plat to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

- C. Section 22.16.130 of the Kirkland Municipal Code requires that the final plat be submitted to the City for recording with King County within four (4) years of the date of approval of the preliminary plat, unless specifically extended in the decision on the plat, or the decision becomes void: provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat.

**VI. APPENDICES**

Attachments 1 and 2 are attached.

- 1. Vicinity Map
- 2. Final plat plan

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Review by Planning Director:

I concur \_\_\_\_\_x\_\_\_\_\_ I do not concur \_\_\_\_\_

Comments: \_\_\_\_\_

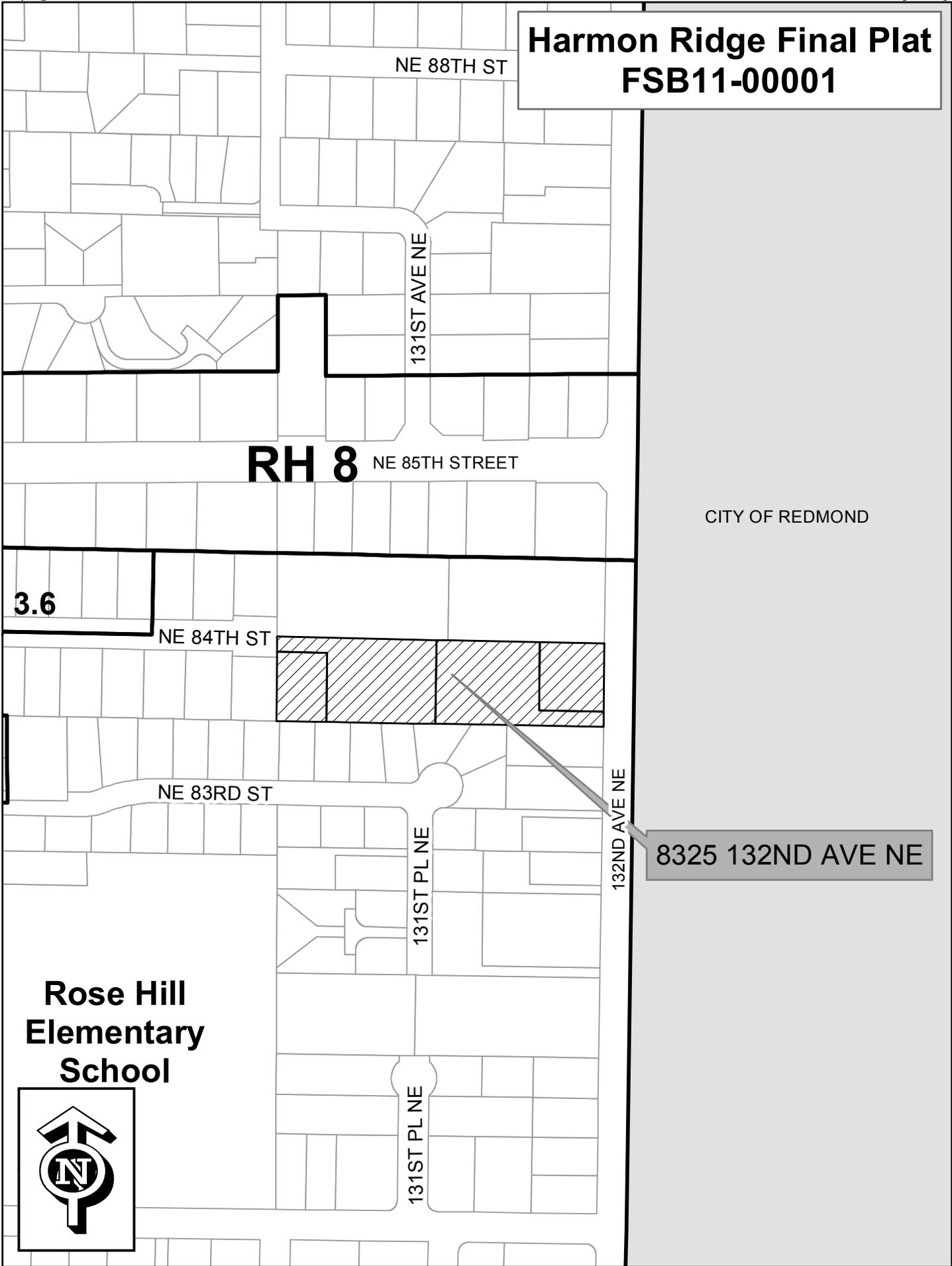


Eric R. Shields, AICP

January 25, 2012  
Date

cc: Applicant  
File

# Harmon Ridge Final Plat FSB11-00001



CITY OF REDMOND

8325 132ND AVE NE

**Rose Hill  
Elementary  
School**



# HARMON RIDGE

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

VOL. PG.

### DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF INTEREST IN THE LAND HEREBY SUBDIVIDED, HEREBY DECLARE THIS PLAT TO BE THE GRAPHIC REPRESENTATION OF THE SUBDIVISION MADE HEREBY, AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS AND AVENUES NOT SHOWN AS PRIVATE HEREON AND DEDICATE THE USE THEREOF FOR ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES, AND ALSO THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON THE LOTS AND TRACTS SHOWN THEREON IN THE ORIGINAL REASONABLE GRADING OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE EASEMENTS AND TRACTS SHOWN ON THIS PLAT FOR ALL PUBLIC PURPOSES AS INDICATED THEREON, INCLUDING BUT NOT LIMITED TO PARKS, OPEN SPACE, UTILITIES AND DRAINAGE UNLESS SUCH EASEMENTS OR TRACTS ARE SPECIFICALLY IDENTIFIED ON THIS PLAT AS BEING DEDICATED OR CONVEYED TO A PERSON OR ENTITY OTHER THAN THE PUBLIC, IN WHICH CASE WE DO HEREBY DEDICATE SUCH STREETS, EASEMENTS, OR TRACTS TO THE PERSON OR ENTITY IDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, WAIVE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS AND ANY PERSON OR ENTITY DERIVING TITLE FROM THE UNDERSIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF KIRKLAND, ITS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE ESTABLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS WITHIN THIS SUBDIVISION OTHER THAN CLAIMS RESULTING FROM INADEQUATE MAINTENANCE BY THE CITY OF KIRKLAND.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HEREBY SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDEMNIFY AND HOLD KING COUNTY, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM ANY DAMAGE, INCLUDING ANY COSTS OF DEFENSE CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT, CONSTRUCTION OR MAINTENANCE OF THE ROADS WITHIN THIS SUBDIVISION. PROVIDED, THIS WAIVER AND INDEMNIFICATION SHALL NOT BE CONSTRUED AS RELEASING THE CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS, FROM LIABILITY FOR DAMAGES, INCLUDING THE COST OF DEFENSE, RESULTING IN WHOLE OR IN PART FROM THE NEGLIGENCE OF THE CITY OF KIRKLAND, ITS SUCCESSORS OR ASSIGNS.

THIS SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNERS.

IN WITNESS WHEREOF, WE HAVE SET OUR HANDS AND SEALS.

LAUREL HILL PARTNERS, LLC  
A WASHINGTON LIMITED LIABILITY COMPANY

BY:  
ITS:

### ACKNOWLEDGMENTS

STATE OF WASHINGTON }  
  } SS  
COUNTY OF KING      }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT \_\_\_\_\_ IS THE PERSON WHO APPEARED BEFORE ME, AND ON OATH STATED THAT HE/SHE WAS AUTHORIZED TO EXECUTE THIS INSTRUMENT, AND ACKNOWLEDGED IT AS THE \_\_\_\_\_ OF LAUREL HILL PARTNERS, LLC, A WASHINGTON LIMITED LIABILITY COMPANY, TO BE THE FREE AND VOLUNTARY ACT OF SUCH ENTITY FOR THE USES AND PURPOSES MENTIONED IN THIS INSTRUMENT.

DATED: \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON

MY COMMISSION EXPIRES \_\_\_\_\_

RESIDING AT \_\_\_\_\_

### LEGAL DESCRIPTION

PARCEL A:

THE EAST 158 FEET OF THAT PORTION OF THE EAST HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING NORTH OF THE SOUTH 30 FEET;

EXCEPT THAT PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF 132ND AVENUE N.E.

PARCEL B:

THE EAST HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 316 FEET THEREOF; AND

EXCEPT THAT PORTION OF EAST 158 FEET LYING NORTH OF THE SOUTH 30 FEET THEREOF; AND

EXCEPT THAT PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF 132ND AVENUE N.E.

PARCEL C:

THE WEST 316 FEET OF THE EAST HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF THE WEST 100 FEET LYING SOUTH OF THE NORTH 30 FEET THEREOF.

PARCEL D:

THE WEST 100 FEET OF THE EAST HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCEPT THE NORTH 30 FEET THEREOF.

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT OF HARMON RIDGE IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.; THAT ALL COURSES AND DISTANCES ARE SHOWN CORRECTLY THEREON; THAT THE MONUMENTS WILL BE SET AND THE LOT AND BLOCK CORNERS WILL BE STAKED CORRECTLY ON THE GROUND, AS SHOWN HEREIN, AS CONSTRUCTION IS COMPLETED AND THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF THE PLATTING REGULATIONS.

KENNETH WILLIAM SHIPLEY  
PROFESSIONAL LAND SURVEYOR  
CERTIFICATE NO. 38488  
STATE OF WASHINGTON  
CORE DESIGN, INC.  
14711 N.E. 29TH PLACE, SUITE #101  
BELLEVUE, WA 98007  
PHONE NO. (425) 885-7877

DATE



### CITY OF KIRKLAND APPROVALS

APPROVED BY THE KIRKLAND CITY COUNCIL THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

ATTEST: \_\_\_\_\_

#### CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

EXAMINED, REVIEWED AND APPROVED BY THE CITY OF KIRKLAND PURSUANT TO THE SUBDIVISION PROVISIONS OF TITLE 22 (LAND SUBDIVISION) KIRKLAND MUNICIPAL CODE THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

DIRECTOR, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

#### DEPARTMENT OF PUBLIC WORKS

EXAMINED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

CITY ENGINEER (DIRECTOR)

#### CITY TREASURER CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO DELINQUENT LOCAL IMPROVEMENT ASSESSMENTS AND THAT ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS OR FOR OTHER PUBLIC USE ARE PAID IN FULL THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

TREASURER, CITY OF KIRKLAND

### CITY OF KIRKLAND FINANCE DIRECTOR CERTIFICATE

I HEREBY CERTIFY THAT ALL PROPERTY TAXES ARE PAID, THAT THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION AND THAT ALL SPECIAL ASSESSMENTS CERTIFIED TO THIS OFFICE FOR COLLECTION ON ANY OF THE PROPERTY HEREIN CONTAINED, DEDICATED AS STREETS, ALLEYS OR FOR ANY OTHER PUBLIC USE, ARE PAID IN FULL.

THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

MANAGER, FINANCE DIVISION

### KING COUNTY DEPARTMENT OF ASSESSMENTS

EXAMINED AND APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_

ASSESSOR \_\_\_\_\_ DEPUTY KING COUNTY ASSESSOR

ACCOUNT NOS. 042505-9027; 042505-9039; 042505-9038; 042505-9055

### RECORDING CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF THE CITY OF KIRKLAND THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT \_\_\_ MINUTES PAST \_\_\_ M. AND RECORDED IN VOLUME \_\_\_\_\_ OF PLATS, PAGE(S) \_\_\_\_\_ RECORDS OF KING COUNTY, WASHINGTON. DIVISION OF RECORDS AND ELECTIONS

MANAGER

SUPERINTENDENT OF RECORDS

# HARMON RIDGE

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

### EASEMENT PROVISIONS

1. A PRIVATE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO PUGET SOUND ENERGY, QWEST, COMCAST, (OTHER PRIVATE UTILITIES), THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, UNDER AND UPON THE EXTERIOR 15.00 FEET (WIDTH VARIES WITHIN LOTS 1, 10 AND 11, AS SHOWN ON SHEET 3), PARALLEL WITH AND ADJOINING THE PUBLIC STREET FRONTAGE, OF ALL LOTS AND AS SHOWN ACROSS LOT 12, THE EASEMENT IS RESERVED AND GRANTED IN ORDER TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND PIPE, CONDUIT, CABLES, WIRES, VAULTS AND PEDESTALS WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, TELECOMMUNICATIONS, DATA TRANSMISSION, STREET LIGHTS AND UTILITY SERVICE TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS AND TRACTS AT ALL TIMES FOR THE PURPOSES HEREIN STATED. THE EASEMENT ENTERED UPON FOR THESE PURPOSES SHALL BE RESTORED AS NEAR AS POSSIBLE TO ITS ORIGINAL CONDITION. NO LINES OR WIRES FOR TRANSMISSION OF ELECTRIC CURRENT, OR FOR TELEPHONE, CABLE TELEVISION, TELECOMMUNICATIONS OR DATA TRANSMISSION USES SHALL BE PLACED OR PERMITTED TO BE PLACED WITHIN THIS EASEMENT UNLESS THE SAME SHALL BE UNDERGROUND. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN THE EASEMENT WITHOUT PERMISSION FROM EASEMENT OWNERS.
2. A PUBLIC SIDEWALK AND PUBLIC UTILITY EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND UNDER AND UPON THE EXTERIOR 15.00 FEET (WIDTH VARIES WITHIN LOTS 1, 10 AND 11, AS SHOWN ON SHEET 3), PARALLEL WITH AND ADJOINING THE PUBLIC STREET FRONTAGE, OF LOTS 1 THROUGH 11, TOGETHER WITH THE NORTHERLY PORTION OF LOT 12 AS SHOWN ON SHEET 3, FOR PUBLIC SIDEWALK AND UTILITY PURPOSES. THE CITY OF KIRKLAND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC SIDEWALK AND UTILITY FACILITIES WITHIN SAID EASEMENT AS DEFINED BY THE KIRKLAND MUNICIPAL CODE.
3. THE PUBLIC EMERGENCY VEHICULAR ACCESS AND PUBLIC PEDESTRIAN ACCESS EASEMENT SHOWN ACROSS LOT 12 IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF KIRKLAND FOR PUBLIC EMERGENCY VEHICULAR ACCESS AND PUBLIC PEDESTRIAN ACCESS PURPOSES. THE CITY OF KIRKLAND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PUBLIC EMERGENCY VEHICULAR ACCESS AND PUBLIC PEDESTRIAN ACCESS FACILITIES WITHIN SAID EASEMENT.
4. THE PRIVATE DRAINAGE EASEMENT SHOWN ACROSS LOTS 2 AND 3 IS TO THE BENEFIT OF LOTS 1 THROUGH 3. THE OWNERS OF SAID BENEFITED LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES FOR WHICH THEY HAVE BENEFIT OF USE AND SHALL SHARE EQUALLY IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
5. THE 8-FOOT WIDE PRIVATE DRAINAGE EASEMENT SHOWN ACROSS LOT 4 IS TO THE BENEFIT OF LOTS 4 AND 5. THE OWNERS OF SAID BENEFITED LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES FOR WHICH THEY HAVE BENEFIT OF USE AND SHALL SHARE EQUALLY IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
6. THE 10-FOOT WIDE PRIVATE DRAINAGE EASEMENT SHOWN ACROSS LOTS 7 AND 8 IS TO THE BENEFIT OF LOTS 6 THROUGH 8. THE OWNERS OF SAID BENEFITED LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES FOR WHICH THEY HAVE BENEFIT OF USE AND SHALL SHARE EQUALLY IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
7. THE 10-FOOT WIDE PRIVATE DRAINAGE EASEMENT SHOWN ACROSS LOTS 9 THROUGH 11 IS TO THE BENEFIT OF LOTS 9 THROUGH 12. THE OWNERS OF SAID BENEFITED LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES FOR WHICH THEY HAVE BENEFIT OF USE AND SHALL SHARE EQUALLY IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE DRAINAGE FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
8. THE PRIVATE SANITARY SEWER EASEMENT SHOWN ACROSS LOTS 7 AND 8 IS TO THE BENEFIT OF LOTS 8 AND 9. THE OWNERS OF SAID BENEFITED LOTS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THAT PORTION OF THE PRIVATE SANITARY SEWER FACILITIES FOR WHICH THEY HAVE BENEFIT OF USE AND SHALL SHARE EQUALLY IN THE MAINTENANCE OF THAT PORTION OF THE PRIVATE SANITARY SEWER FACILITIES USED IN COMMON WITHIN SAID EASEMENT.
9. THE PRIVATE WATERLINE EASEMENT SHOWN ACROSS LOT 8 IS TO THE BENEFIT OF LOT 9. THE OWNERS OF SAID LOT 9 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE PRIVATE WATER FACILITIES FOR WHICH THEY HAVE BENEFIT OF USE WITHIN SAID EASEMENT.

### NOTES & RESTRICTIONS

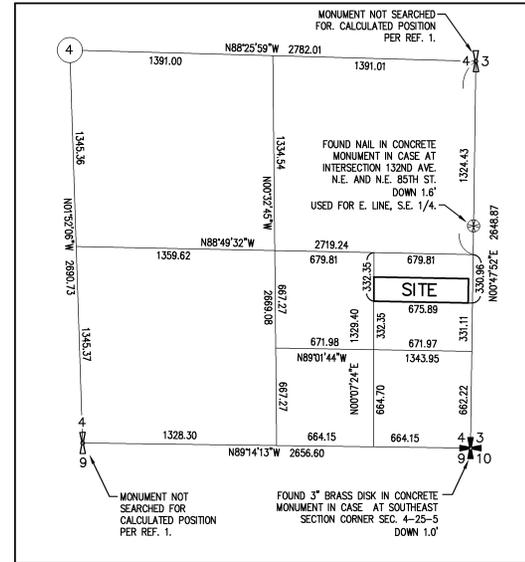
1. THIS SITE IS SUBJECT TO MATTERS DISCLOSED BY PHYSICAL INSPECTION OF THE PROPERTY ON JULY 20, 2007 AS FOLLOWS:  
 LOCATION OF 6' WOOD FENCE, 4'-5' WIRE FENCE, AND 6' CHAIN LINK FENCE IN RELATION TO THE NORTH LINE, AND ANY ADVERSE RIGHTS STEMMING THEREFROM.  
 LOCATION OF 3' AND 6' WOOD FENCES IN RELATION TO THE WEST LINE, AND ANY ADVERSE RIGHTS STEMMING THEREFROM.  
 LOCATION OF 5' CHAIN LINK FENCE AND 6' WOOD FENCE IN RELATION TO THE SOUTH LINE, AND ANY ADVERSE RIGHTS STEMMING THEREFROM.  
 ANY LOSS OR DAMAGE RESULTING FROM THE ENCROACHMENT OF STRUCTURES, PERIMETER FENCES, PERIMETER WALLS AND PLANTINGS OF ANY NATURE ONTO OR OFF FROM PORTIONS OF THE NORTH, WEST, AND SOUTH LINES PORTIONS OF SAID PREMISES. OUR INSPECTOR COULD NOT LOCATE THESE PORTIONS DUE TO DENSE VEGETATION OBSTRUCTING ACCESS.
2. THIS SITE IS SUBJECT TO AN INTEGRATED DEVELOPMENT PLAN AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF, BETWEEN LAUREL HILL PARTNERS, LLC AND THE CITY OF KIRKLAND AS DISCLOSED BY INSTRUMENT RECORDED UNDER KING COUNTY RECORDING NO. 20111004000653.
3. ADDRESSING SHALL BE IN ACCORDANCE WITH KIRKLAND BUILDING DIVISION POLICY MANUAL NUMBER 9.001, ASSIGNMENT OF STREET NUMBERS AND ROAD SIGNAGE.
4. NO DIRECT ACCESS TO 132ND AVENUE NORTHEAST WILL BE PERMITTED FROM ANY LOT WITHIN THIS PLAT.

### UTILITY MAINTENANCE NOTE

EACH PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE SANITARY SEWER OR STORM WATER STUB FROM THE POINT OF USE ON THEIR OWN PROPERTY TO THE POINT OF CONNECTION IN THE CITY SANITARY SEWER MAIN OR STORM WATER MAIN. ANY PORTION OF A SANITARY SEWER OR SURFACE WATER STUB, WHICH JOINTLY SERVES MORE THAN ONE PROPERTY, SHALL BE JOINTLY MAINTAINED AND REPAIRED BY THE PROPERTY OWNERS SHARING SUCH STUB. THE JOINT USE AND MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.

### PUBLIC RIGHT-OF-WAY SIDEWALK AND VEGETATION MAINTENANCE

EACH PROPERTY OWNERS SHALL BE RESPONSIBLE FOR KEEPING THE SIDEWALK ABUTTING THE SUBJECT PROPERTY CLEAN AND LITTER FREE. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR THE MAINTENANCE OF THE VEGETATION WITHIN THE ADJUTING LANDSCAPE STRIP. THE MAINTENANCE SHALL "RUN WITH THE LAND" AND WILL BE BINDING ON ALL PROPERTY OWNERS WITHIN THIS SUBDIVISION, INCLUDING THEIR HEIRS, SUCCESSORS AND ASSIGNS.



**SUBDIVISION DETAIL**  
1"=600'

### SURVEY NOTES

1. ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM CHICAGO TITLE INSURANCE COMPANY PLAT CERTIFICATE, ORDER NO. 1323966, DATED JUNE 16, 2011. IN PREPARING THIS MAP, CORE DESIGN, INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH NOR IS CORE DESIGN, INC. AWARE OF ANY TITLE ISSUES AFFECTING THE SURVEYED PROPERTY OTHER THAN THOSE SHOWN ON THE MAP AND DISCLOSED BY THE REFERENCED CHICAGO TITLE CERTIFICATE. CORE DESIGN, INC. HAS RELIED WHOLLY ON CHICAGO TITLE'S REPRESENTATIONS OF THE TITLE'S CONDITION TO PREPARE THIS SURVEY AND THEREFORE CORE DESIGN, INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.
2. THIS SURVEY REPRESENTS VISIBLE PHYSICAL IMPROVEMENT CONDITIONS EXISTING ON NOVEMBER 1, 2007. ALL SURVEY CONTROL INDICATED AS "FOUND" WAS RECOVERED FOR THIS PROJECT IN OCTOBER, 2007.
3. PROPERTY AREA = 107,293± SQUARE FEET (2.4631± ACRES).
4. ALL DISTANCES ARE IN FEET.
5. THIS IS A FIELD TRAVERSE SURVEY. A SOKKIA FIVE SECOND COMBINED ELECTRONIC TOTAL STATION WAS USED TO MEASURE THE ANGULAR AND DISTANCE RELATIONSHIPS BETWEEN THE CONTROLLING MONUMENTATION AS SHOWN. CLOSURE RATIOS OF THE TRAVERSE MET OR EXCEEDED THOSE SPECIFIED IN WAC 332-150-090. ALL MEASURING INSTRUMENTS AND EQUIPMENT ARE MAINTAINED IN ADJUSTMENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
6. SECTION SUBDIVISION PER KING COUNTY AERIAL SURVEY (KCAS), SEE THIS SHEET FOR SUBDIVISION DETAIL.

### BASIS OF BEARINGS

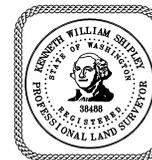
N00°47'52"E, BETWEEN MONUMENTS FOUND IN PLACE ALONG THE CENTERLINE OF 132ND AVENUE N.E., PER KING COUNTY AERIAL SURVEY (AS SHOWN ON REF1)

### REFERENCES

RECORD OF SURVEY FOR JOHN E. HARMON, PERFORMED BY MERIWETHER LEACHMAN ASSOCIATES, INC., RECORDED JANUARY 27, 1988, UNDER KING COUNTY RECORDING NO. 8801279001 (REF1)

### LEGEND

- FOUND SURVEY MONUMENT AS NOTED
- FOUND SECTION CORNER MONUMENT AS NOTED
- QUARTER SECTION MONUMENT (CALCULATED POSITION)



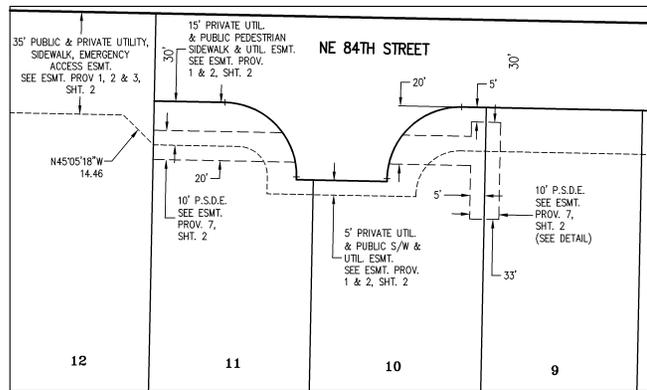
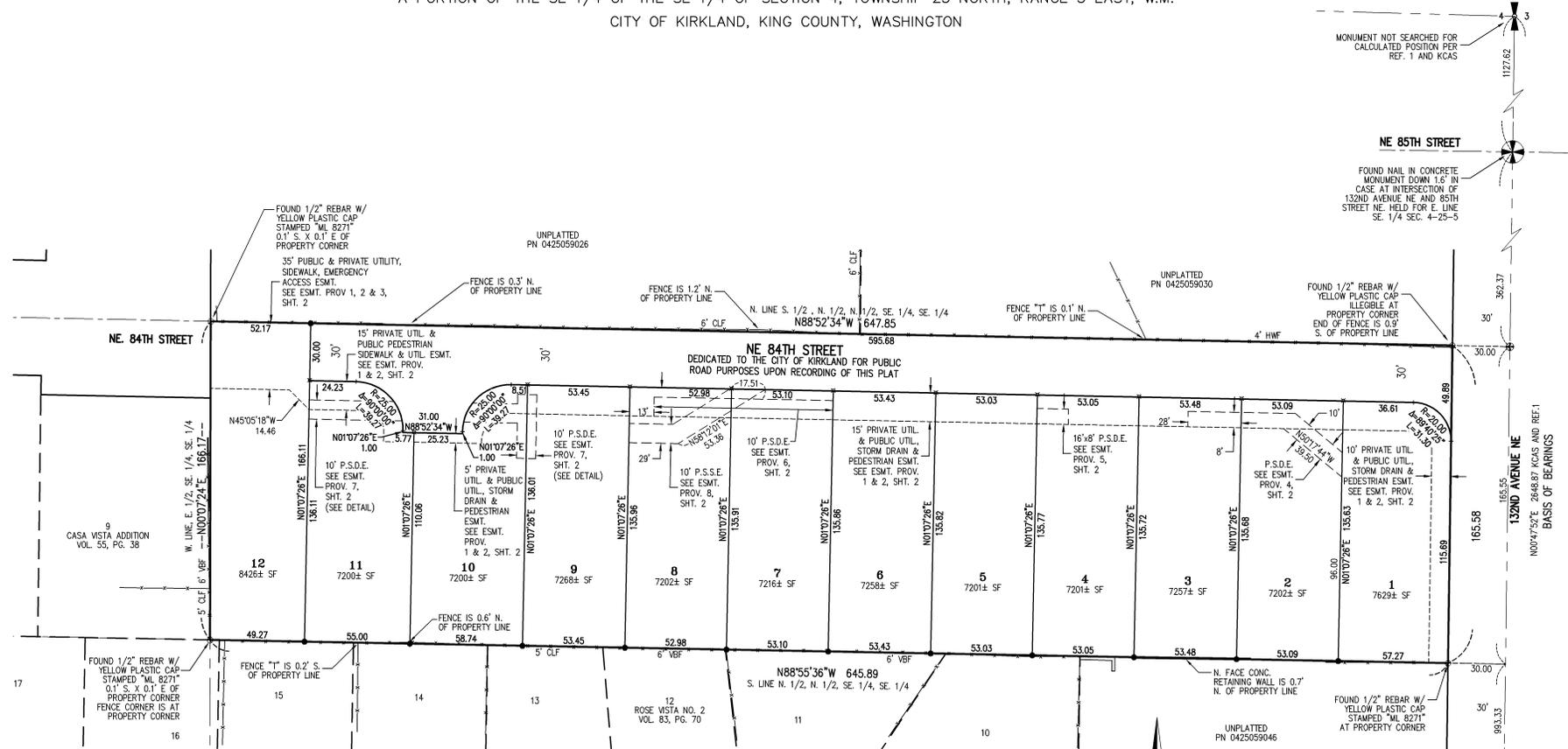
ENGINEERING · PLANNING · SURVEYING  
**JOB NO. 07085**

14711 NE 29th Place Suite 101  
Bellevue, Washington 98007  
425.885.7877 Fax 425.885.7963

# HARMON RIDGE

A PORTION OF THE SE 1/4 OF THE SE 1/4 OF SECTION 4, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.  
CITY OF KIRKLAND, KING COUNTY, WASHINGTON

VOL. PG.



**DETAIL**  
1"=30'

**REFERENCES**

RECORD OF SURVEY FOR JOHN E. HARMON, PERFORMED BY MERIWETHER LEACHMAN ASSOCIATES, INC., RECORDED JANUARY 27, 1986, UNDER KING COUNTY RECORDING NO. 8801279001 (REF1)

**LEGEND**

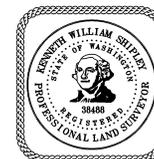
- SET 1/2" REBAR W/YELLOW PLASTIC CAP "CORE 38488"
- FOUND CORNER MARKER AS NOTED
- ⊕ SET STANDARD CITY OF KIRKLAND CONCRETE MONUMENT IN CASE
- ✕ SET TACK IN LEAD W/SHINER "CORE 38488" ON PROPERTY LINE EXTENDED IN LIEU OF FRONT CORNER, AT 0.25' OFFSET, UNLESS SHOWN OTHERWISE.
- VBF VERTICAL BOARD FENCE
- CLF CHAIN LINK FENCE
- HWF HOG WIRE FENCE
- ℙ PROPERTY LINE
- P.S.S.E. PRIVATE SANITARY SEWER EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT

**BASIS OF BEARINGS**

N00°47'52"E, BETWEEN MONUMENTS FOUND IN PLACE ALONG THE CENTERLINE OF 132ND AVENUE N.E., PER KING COUNTY AERIAL SURVEY (AS SHOWN ON REF1)



SCALE: 1" = 40'



14711 NE 29th Place Suite 101  
Bellevue, Washington 98007  
425.885.7877 Fax 425.885.7963

ENGINEERING · PLANNING · SURVEYING  
**JOB NO. 07085**

RESOLUTION R-4909

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE SUBDIVISION AND FINAL PLAT OF HARMON RIDGE BEING DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. FSB11-00001 AND SETTING FORTH CONDITIONS TO WHICH SUCH SUBDIVISION AND FINAL PLAT SHALL BE SUBJECT.

WHEREAS, a subdivision and preliminary plat of 12 LOTS was approved by the Hearing Examiner on NOVEMBER 24<sup>TH</sup>, 2008; and

WHEREAS, thereafter the Department of Planning and Community Development received an application for approval of subdivision and final plat, said application having been made by LAUREL HILL PARTNERS, LLC, the owner of the real property described in said application, which property is within a Residential Single Family RSX 7.2 zone; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, a concurrency application has been submitted to the City of Kirkland, reviewed by the responsible Public Works official, the concurrency test has been passed, and a concurrency test notice issued; and

WHEREAS, pursuant to the State Environmental Policy Act, RCW 43.21C and the Administrative Guideline and local ordinance adopted to implement it, an environmental checklist has been submitted to the City of Kirkland, reviewed by the responsible official of the City of Kirkland, and a negative determination reached; and

WHEREAS, said environmental checklist and determination have been made available and accompanied the application throughout the entire review process; and

WHEREAS, the Director of the Department of Planning and Community Development did make certain Findings, Conclusions and Recommendations and did recommend approval of the subdivision and the final plat, subject to specific conditions set forth in said recommendation.

WHEREAS, the City Council, in regular meeting, did consider the environmental documents received from the responsible official, together with the recommendation of the Planning Commission, and

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Findings, Conclusions and Recommendations of the Director of the Department of Planning and Community Development, filed in Department of Planning and Community Development File No. PSB08-00001 & FSB11-00001, are hereby adopted by the Kirkland City Council as though fully set forth herein.

Section 2. Approval of the subdivision and the final plat of HARMON RIDGE is subject to the applicant's compliance with the conditions set forth in the recommendations hereinabove adopted by the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with all federal, state or local statutes, ordinances or regulations applicable to this subdivision, other than as expressly set forth herein.

Section 4. A copy of this resolution, along with the Findings, Conclusions and Recommendations hereinabove adopted shall be delivered to the applicant.

Section 5. A completed copy of this resolution, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk



## **CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Robin Jenkinson, City Attorney

**Date:** January 26, 2012

**Subject:** Changing Title of Chapter 3.82 KMC to "Employee Code of Ethics"

#### **RECOMMENDATION:**

The City Council approve the attached ordinance and change the title of Chapter 3.82 of the Kirkland Municipal Code from "Code of Ethics" to "Employee Code of Ethics."

#### **BACKGROUND DISCUSSION:**

It is anticipated that the City Council will establish a new Chapter 3.14 in the Kirkland Municipal Code ("KMC") entitled "Code of Ethics." This Code of Ethics would apply to the City Council and Council appointed boards and commissions.

The existing Chapter 3.82 KMC, "Code of Ethics," applies only to City employees. To clarify the limited scope of Chapter 3.82 KMC, it is recommended that the title of Chapter 3.82 be changed to "Employee Code of Ethics."

ORDINANCE O-4347

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO REVISING THE TITLE OF KIRKLAND MUNICIPAL CODE CHAPTER 3.82 CURRENTLY ENTITLED "CODE OF ETHICS" TO "EMPLOYEE CODE OF ETHICS."

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Chapter 3.82 is hereby amended to read as follows:

**Chapter 3.82**  
**EMPLOYEE CODE OF ETHICS**

Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney



## MEMORANDUM

**To:** Kurt Triplett, City Manager

**From:** David Snider, P.E., Capital Projects Manager  
Ray Steiger, P.E., Public Works Director

**Date:** January 26, 2012

**Subject:** 120<sup>th</sup> AVENUE NE WATERMAIN REPLACEMENT – APPROVE FUNDING

### **RECOMMENDATION:**

It is recommended that City Council approve the use of Water/Sewer Construction Reserve funds in the amount of \$272,000 to replace an existing watermain within 120<sup>th</sup> Avenue NE in the South Rose Hill Neighborhood.

### **BACKGROUND DISCUSSION:**

On November 14, 2011, Kirkland water division maintenance employees reported to the scene of a watermain break on 120<sup>th</sup> Avenue NE, south of its intersection with NE 70<sup>th</sup> Street (Attachment A). The watermain broke at 10:30 p.m., and City crews worked during the night and throughout the following day to repair the main and restore 120<sup>th</sup> Avenue NE into a drivable condition. City crews also spent considerable time cleaning mud and debris from nearby residences directly affected by the watermain break; to date, no property damage claims have been received, as City crews did an outstanding job of minimizing impacts to nearby residents and cleaning up the surrounding area. It is estimated that approximately 120,000 gallons of water were lost; the total cost to return the watermain and surrounding area to usable service was approximately \$7,800.

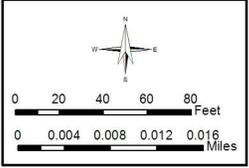
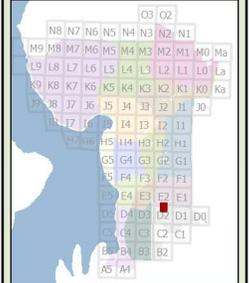
The existing watermain is 6" diameter asbestos cement (AC) pipe that is nearly 50-years old. The current Comprehensive Water System Plan identifies this section of watermain as one needing an upgrade to 8" diameter ductile iron watermain with a "yet-to-be-determined" date in the future. Given the recent break and the current patched condition of the residential street however, staff is recommending City Council approve funding for replacement of the existing watermain during the 2012 construction season. Due to the severity of the damage caused by the watermain break, staff is also recommending a full reconstruction and resurfacing of approximately 400-feet of 120<sup>th</sup> Avenue NE that was damaged by gushing water. The estimated total project cost is \$272,000, including \$130,000 for the watermain replacement, \$51,000 for the reconstruction and resurfacing of the roadway, a 10% construction contingency (\$18,000), and \$73,000 in engineering, public outreach and construction administration costs (Attachment B).

With City Council's approval of the use of funding from the Water/Sewer Construction Reserve (Attachment C), the project's design efforts will begin immediately. Once the design is complete, staff will advertise for contractor bids and return to City Council with the bid results and a project funding update prior to making a recommendation for contract award. To take advantage of the best possible pricing for restoring the paved surface, staff will include the street as a separate schedule within the Annual Street Overlay Program, using the approved Water/Sewer Construction Reserve funds to repay the Overlay Program.

Attachments: (3)

E-page 46  
**City of Kirkland**  
**120th Ave NE**  
**Water Main**  
**Replacement**  
**Project**

- Hydrants
- Existing Water Main
- Buildings
- Road
- Overpass
- Parks
- Schools
- Parcels
- Railroads
- Major Streets
- Streets
- City Limits
- COK Grid
- Lakes



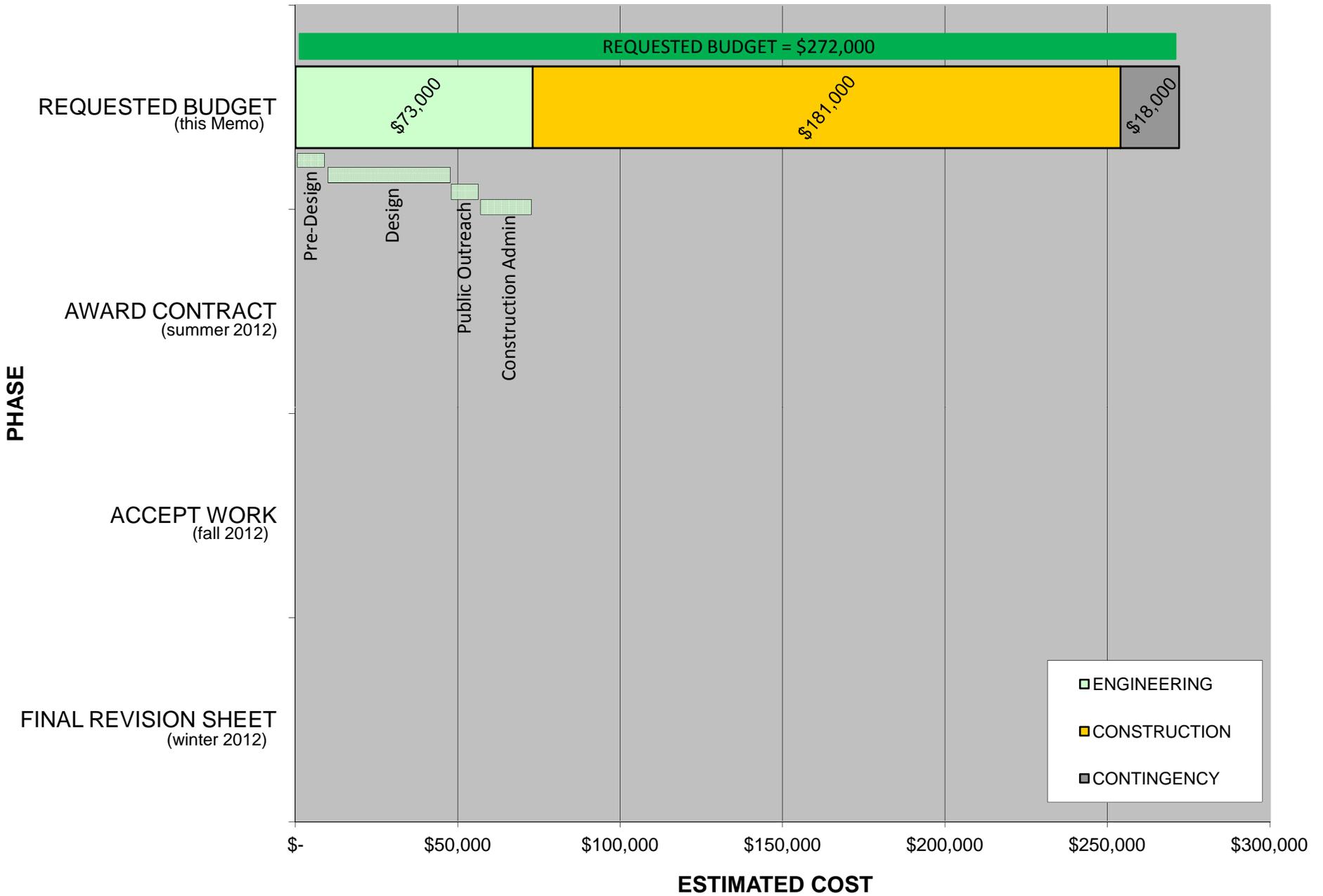
Produced by the City of Kirkland.  
 © 2012, the City of Kirkland, all rights reserved. No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

Author:  
 Name: Attach A - Vicinity MapV2  
 Date Saved: 1/25/2012 12:38:53 PM



**120th Avenue NE Watermain Replacement  
CWA 0144 000  
Project Budget Report**

**Attachment B**



**FISCAL NOTE**

Source of Request							
Ray Steiger, Public Work Director							
Description of Request							
Request for funding of \$272,000 from the Water/Sewer Capital Reserve to cover expected costs to replace the broken watermain and repair road damage on 120th Ave NE/NE 70th Street. Staff recommends replacing the watermain since it is almost 50 years old. The project will include repairing the roadway damaged by the watermain break.							
Legality/City Policy Basis							
Fiscal Impact							
<b>One-time use of \$272,000 of the Water/Sewer Capital Reserve.</b> The reserve is able to fully fund this request.							
Recommended Funding Source(s)							
<b>Reserve</b>	Description	2012 Est End Balance	Prior Auth. 2011-12 Uses	Prior Auth. 2011-12 Additions	Amount This Request	Revised 2012 End Balance	2012 Target
		5,964,079	100,000	0	272,000	5,592,079	N/A
	2011-12 Prior Authorized Use of this reserve: \$100,000 for City participation in NE 116th Street Interchange WSDOT project						
<b>Revenue/Exp Savings</b>							
<b>Other Source</b>							
Other Information							

Prepared By	Neil Kruse, Senior Financial Analyst	Date	January 23, 2012
-------------	--------------------------------------	------	------------------



**CITY OF KIRKLAND**  
Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

---

**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Janice Coogan, Senior Planner  
Paul Stewart, AICP, Deputy Director  
Eric R. Shields, AICP, Planning Director

**Date:** January 20, 2012

**Subject:** **STATUS OF THE TRANSIT ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE**

**RECOMMENDATION**

City Council receives a briefing on the status of the proposed Transit Oriented Development at the King County Metro South Kirkland Park and Ride property at NE 38<sup>th</sup> Pl and 108<sup>th</sup> Avenue NE.

**BACKGROUND DISCUSSION**

At the December Housing Committee meeting, staff provided an update on the status of the South Kirkland Park and Ride project. The Housing Committee requested that the full Council receive a briefing. Staff and the project team also provided an update to the Houghton Community Council on January 23<sup>rd</sup>.

Following an extensive process to request proposals for a developer of the site, King County selected Polygon Northwest and Imagine Housing (formerly St. Andrews Housing) as the developers for the site. Over the past several months Kirkland, Bellevue, King County and ARCH staff have been closely coordinating on the project and meeting with the developers on the proposed development. At the February 7<sup>th</sup> meeting staff will present an update to the Council and a representative from the project team will describe the project.

This memo provides an overview of the proposal by King County Metro for a mixed use Transit Oriented Development (TOD) at the South Kirkland Park and Ride property. The Design Review Board (DRB) held a Conceptual Design Conference for the project on January 9<sup>th</sup>. A Design Response Conference is scheduled for February 13, 2012 (also March 19<sup>th</sup> if needed) before the DRB.

The jurisdictional boundary between the City of Kirkland and Bellevue divides the property diagonally in half (Kirkland on the west/Bellevue on the east) (see Attachment 1, vicinity map). Policies in the Lakeview Neighborhood Plan within the Comprehensive Plan and Zoning Code regulations for YBD 1 support redevelopment of the property as a mixed use TOD.

**Project Description**

On the Kirkland portion of the property, the proposal includes two separate buildings with affordable and market rate housing and ground floor commercial uses over a shared parking

garage. Metro King County proposes a new Park and Ride transit facility including changes to the parking lot and waiting areas and construction of an above ground parking garage (on the Bellevue parcel) for transit users.

The three major project components are described in more detail below and in Attachment 2:

### **King County Metro parking garage and upgraded transit facility-**

- **Parking garage-** A three story, 530 stall open air parking structure for transit riders is proposed in the northeast corner of the property. This location is preferred over earlier options, which located the garage on the Kirkland portion of the site, in order to better screen the garage on two sides by the hillside. In addition, this allows the parking garage to be built in the first phase which reduces the need for off-site replacement parking during construction of the housing units. It does, however, require close coordination with Bellevue on permitting and phasing.

With the anticipated increased demand in parking stalls as a result of SR 520 tolling, the feasibility of a fourth story is being explored. Rooftop parking would be part of either option.

- **Transit and Surface Parking Lot Improvements-** The park and ride transit facility includes changes to the transit circulation, waiting areas and restriping of the existing parking lot to achieve 323 parking stalls.

The combined surface parking lot and parking garage will expand the number of parking stalls for a total of 853 parking stalls for exclusive use of Metro park and ride users.

**Affordable Housing Building-** Along NE 38<sup>th</sup> Place, a four story building with approximately 58 affordable housing units will be constructed. The building will be owned and managed by Imagine Housing. The units will be apartments affordable for households with a range of 30-60% of area median income. 29 units will serve households earning 30% or less of median income, 15 units will serve households earning 40% of median income, and 14 units will serve households earning 60% of the median income. Funding for the project comes from a variety of resources including Kirkland's contribution to ARCH.

**Mixed Use Market Rate Housing and Commercial Building-** Also along NE 38<sup>th</sup> Place will be a five story mixed use building containing approximately 177 apartments and 6,000 - 8,000 sq. ft. of commercial space.

Both buildings will be located above a two level parking garage podium containing 256 stalls shared by all uses within the buildings.

**Pedestrian and Open Space Amenities-** NE 38<sup>th</sup> Place is designated as a pedestrian oriented street requiring wide sidewalks with street trees and decorative lighting and an

active pedestrian oriented building façades. Direct pedestrian access from the street through the two buildings to the transit facility is planned. Open space will be provided along the pedestrian corridor between the two residential buildings. A gateway plaza is proposed at the southeast corner of the property at one of the entrances to the park and ride facility. A future connection to the Eastside Rail corridor for bikes and pedestrians is shown but unfunded as part of this project.

**Green Building Techniques-** The market rate mixed use building will target LEED Homes/Multi family Gold Level Certification. The affordable housing building will target the Evergreen Sustainable Development Standard. Both buildings will contain a percentage of green roof. The project team is working with the City of Kirkland "Green Building Team" to explore green building techniques that can be incorporated into the project.

### **Project Team**

As a result of the RFQ/RFP process, Polygon Northwest was selected by King County Metro as the lead developer for the project. Gary Young, Vice President with Polygon is the project manager. Polygon will develop the market rate and commercial portion of the project. The affordable housing portion of the project will be developed by Imagine Housing, a non-profit affordable housing developer located in Kirkland. Eric Evans is the Director of Housing Development for Imagine Housing. Both entities have built projects in Kirkland and are familiar with our procedures. Weber Thompson is the lead architect for the project and SMR Architects will design the affordable housing component.

### **Permit Process and Coordination**

Because the proposed project involves the Cities of Bellevue, Kirkland, King County Metro, Imagine Housing and ARCH, close permit coordination will be essential. The Metro parking garage is scheduled for completion in 2013. State and federal funding demand a quick timeline to meet the scheduled completion of the affordable units by the end of 2014. Staff is committed to making sure we can meet these timelines.

Staff from the cities, organizations, agencies and the developer, meet on a regular basis to coordinate environmental review and development permit requirements. The permit review process will be conducted separately within each city and include design review, compliance with SEPA and NEPA, and land surface modification and building permits. King County Metro plans on selling portions of the property to the two developers and therefore the lot lines are proposed to be reconfigured, which will require some form of platting mechanism.

### **Public Outreach**

To keep the public informed of the status of the proposed project a webpage is available through the Planning Department webpage at

<http://www.kirklandwa.gov/depart/Planning/Development/TOD.htm>

A list serv is available for people to sign up to receive announcements of upcoming meetings. A

public open house jointly sponsored by the project team will be held on February 2, 2012, 7:00-9:00 pm at the Yarrow Bay Office Park, One North Building, Room 110. All DRB meetings are open to the public. Public comments will be received as part of the Design Review process.

ATTACHMENTS

1. Vicinity Map
2. Conceptual Plans

cc: Gary Young, Polygon NW  
Mindy Black, Weber Thompson Architects  
Holly Smith, Polygon NW  
Eric Evans, Imagine Housing  
Paul Hanson, SMR Architects  
Arthur Sullivan, ARCH  
Michael Paine, City of Bellevue  
Toni Pratt, City of Bellevue  
Sally Nichols, City of Bellevue

# SOUTH KIRKLAND PARK & RIDE TRANSIT ORIENTED DEVELOPMENT CDC11-00003

**PR 8.5**

**RS 12.5**

**YBD 2**

**PUD  
Yarrow Bay  
Office Complex**

**PUD  
Linbrook**

**YBD 3**

**3801 108TH AVE NE**

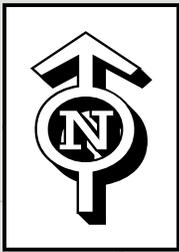
**City of Bellevue**

**NORTHUP WAY**

**NE 38TH PL**

**108TH AVE NE**

**THURUP WAY**





# KIRKLAND TOD

City Council Briefing

~~JANUARY 17, 2012~~

February 7, 2012



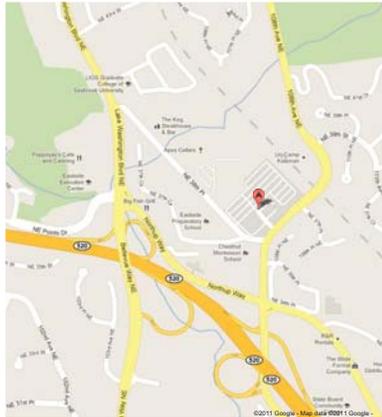
## PROJECT DESCRIPTION

The South Kirkland Park and Ride site is located at the southernmost end of the City, at the intersection of 108th Avenue NE and NE 38th Place. The property is about seven acres in size, with approximately equal portions of the site lying within the cities of Kirkland and Bellevue. It is bordered by NE 38th Place to the West, 108th Avenue NE to the South, the Rail Corridor to the East and the PACCAR Office complex to the North.

### PARK AND RIDE FACILITY

The proposed project concept consists of a 530 stall, three story, above-grade parking garage on the Bellevue parcel, improvements to the surface lot to achieve an additional 323 stalls, improvements to the transit facilities to improve bus loading and waiting areas, an affordable housing multi-family building containing approximately 58 units and a market rate mixed-use building containing approximately 177 apartment units and approximately 8,000 square feet of retail space. An optional 4th floor and additional parking stalls is being considered by Metro and will be confirmed in February. The freestanding parking garage combined with the 323 surface stalls will provide a total of 853 parking stalls for exclusive use of Metro park and ride users. This concept allows Metro to manage its own parking independently, simplifying the overall parking management strategy and reducing potential use conflicts.

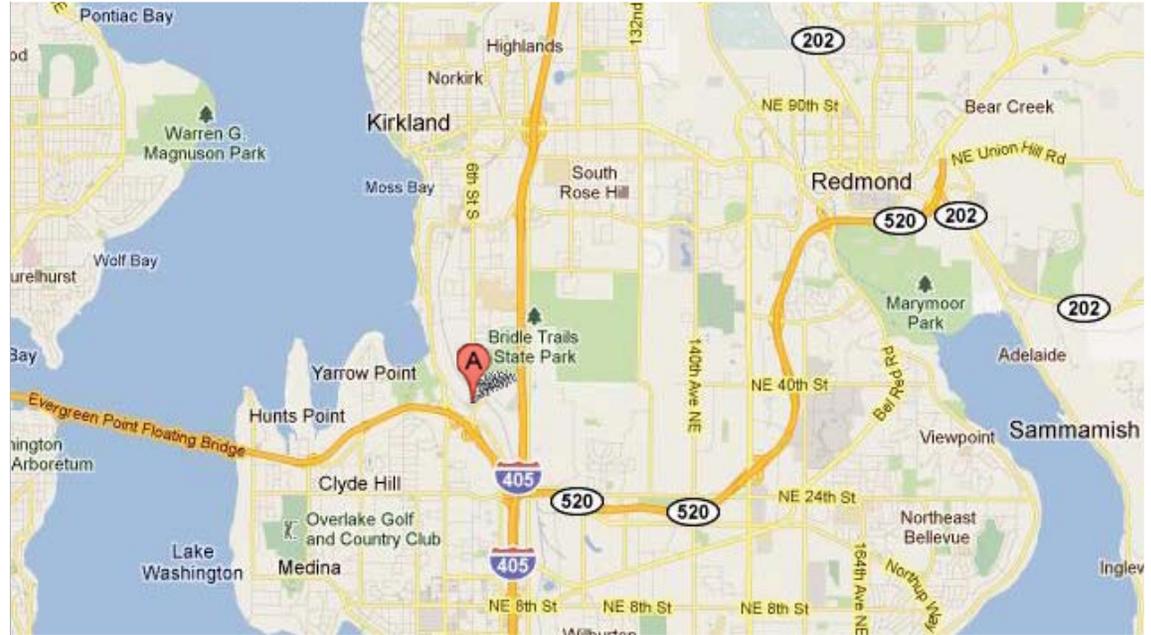
**Entitlement:** October 2012  
**Construction:** 6 months  
**Occupancy:** March 2013



### MARKET-RATE APARTMENTS, MIXED-USE BUILDING

Apartment units in the five floor market-rate, mixed-use building will contain a mix of studio, one bedroom and two bedroom units targeting a wide tenant demographic. The commercial space will target tenant uses such as a coffee shop, café, dry cleaner, and/or bike shop that will serve the park and ride users as well as the residential tenants. The market-rate, mixed-use building, including its two levels of sub-grade parking and commercial areas, will target LEED Homes / Multi-family Gold Level Certification while the above-grade parking structure will target Gold Level on the King County Sustainable Infrastructure Scorecard. Below the affordable housing building and the mixed use building there are two levels of parking below-grade for 256 stalls.

**Entitlement:** December 2012  
**Construction:** March 2013  
**Occupancy:** October 2014



### AFFORDABLE HOUSING BUILDING

The 58 apartment residences in the four floor affordable housing building are being designed to complement the market-rate, mixed-use building and complete the transit orientated development campus. The affordable housing structure is anticipated to be supported by a variety of funding vehicles including CDBG, HOME and Section 8 and tax credit resources; the building will target the Evergreen Sustainable Development Standard. Consistent with market demand and the market-rate, mixed-use building, the affordable building residences will include a mix of studio, 1 bedroom, 2 bedroom and 3 bedroom residences. Of the 58 residences, 29 of the apartments have been allocated to serve individuals and households who earn 30% of the area median income with the remaining residences equally proportioned to individuals and households earning 40% and 60% of the area median income. In addition to a green roof top garden, the affordable housing building anticipates a variety of community amenity spaces for the residents to enjoy.

**Entitlement:** December 2012  
**Construction:** March 2013  
**Occupancy:** June 2014

SITE PLAN



- Buildings
- Seat Walls
- Bus Shelters
- Canopies









## PREFERRED MASSING OPTION

The primary goal of this option focuses on locating the commercial uses so they better address grade along the adjacent right-of-ways, connecting the open space of the market rate apartment building courtyard to the gateway corner and minimizing construction impact to and the visual impact of the transit parking garage and surface lot. The commercial use will be distributed between the transit plaza at 108th Avenue NE as well as along the NE 38th Place frontage activating both street frontages and a variety of public plazas. The transit parking garage is able to be better hidden against the steep slope along 108th Avenue NE, as well as act as a screen to the surface lot.



Campus plan



Site Section

**CITY OF KIRKLAND**

City Attorney's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3030

[www.kirklandwa.gov](http://www.kirklandwa.gov)**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Robin Jenkinson, City Attorney

**Date:** January 26, 2012

**Subject:** CODE OF ETHICS

**RECOMMENDATION:**

The City Council approves the attached ordinance and adopts the proposed Code of Ethics for the City Council and members of Council appointed boards and commissions ("Officials").

**BACKGROUND DISCUSSION:**

At its Study Session of January 17, 2012, the City Council received a presentation from Wayne Barnett, Executive Director of the Seattle Ethics and Elections Commission, on recommended changes to the draft Code of Ethics. Mr. Barnett conducted a review of the draft Code of Ethics as one of his responsibilities under an agreement entered between the City and the Seattle Ethics and Election Commission for the administration of the Code of Ethics.

As recommended by Mr. Barnett, the Code of Ethics is divided into two sections: the first is Section 3.14.030, "Prohibited Conduct." These are enforceable rules and would prohibit Officials from: (1) participating in decisions in which they or someone close to them have a financial interest, (2) misusing their position or public resources for private gain, (3) representing others before their own body (except members of the Council, members may not represent others before any City body), (4) soliciting charitable contributions from City employees, (5) accepting certain gifts and favors, and (6) sharing confidential information. It would also require disclosure of information before participating in a decision when that information would cause a reasonable person to question the official's judgment.

Second is Section 3.14.050 of the proposed Code of Ethics, "Ethical Standards." These standards are broader in scope covering public service values that are subjective and somewhat aspirational. These general ethical standards will not be enforced under the Code of Ethics, because they are difficult to define concretely enough to be enforced. However, these standards are established by the City Council as a statement of what should be expected and aspired to in the City.

The balance of the Code of Ethics deals with the administration of the Code. These provisions contain necessary information about filing an ethics complaint, the powers and responsibilities of the Ethics Officer and Hearing Examiner, and enforcement of the Code.

Based upon Council comments, several changes have been made to the draft Code of Ethics that the Council reviewed at the January 17, 2012, Study Session. These changes are shown in "tracked" or "redlined" format in the version attached to this memorandum.

At its Study Session, the Council discussed taking up all of the ethical standards in Section 3.14.050 for further review at a future meeting. Interest was also expressed in discussing whether inducing others to violate the Code of Ethics and/or intentionally destroying public records should be included as violations of the Code of Ethics.

Assuming that the Council concurs with the changes, staff is recommending that the Council adopts the Code of Ethics.

ATTACHMENT A

Chapter 3.14

CODE OF ETHICS

**3.14.010 - POLICY**

(a) *Purpose.* The Kirkland City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This ~~policy~~ Code of Ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) *Intent.* The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence ~~for integrity~~. In keeping with the City of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) public officials be independent, impartial and fair in their judgment and actions;
- (3) public office be used for the public good, not for personal gain; and
- (4) public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

**3.14.020 - DEFINITIONS**

(a) **"Official"** means a member of the City Council or a member of Council-appointed City boards and commissions and other Council-appointed task groups or committees, including youth members.

(b) **"Relative"** means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in law, brother- or sister-in law.

**3.14.030 - PROHIBITED CONDUCT**

(a) *Conflicts of Interest.* In order to ensure their independence and impartiality on behalf of the common good, Officials shall not participate in government decisions in which any of the following has a financial interest: (i) the Official, (ii) a Relative, (iii) an individual with whom ~~they- the Official~~ resides, or (iv) an entity that ~~they- the Official~~ serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (i) to decisions regarding taxes or fees, (ii) if the financial interest is shared with more than ten percent of the City's population, or (iii) if the financial interest exists solely because of the ~~official's~~ Official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) *Appearance of Conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the Official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing paragraph, or (2) a transaction or activity engaged in by the Official, the Official shall make a public, written

disclosure of the facts giving rise to the appearance of a conflict before participating in the matter-.

(c) *Misuse of Public Position or Resources.* Except for infrequent use at little or no cost to the City, Officials shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for other than a City purpose.

(d) *Representation of Third Parties.* Except in the course of official duties, Officials shall not appear on behalf of the financial interests of third parties before the bodies on which the Officials serve or in interaction with assigned staff. However, the members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

(e) *Solicitations of Charitable Contributions.* No Official may make direct personal solicitations for charitable contributions from City employees.

(f) *Gifts and Favors.* Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the Official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Kirkland Municipal Code 3.80.140.

(g) *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a City purpose. “Confidential Information” means (i) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (ii) information made confidential by law.

### **3.14.040 – FINANCIAL DISCLOSURE STATEMENTS**

All Officials, except members of the City Council, shall file a City of Kirkland Disclosure Statement annually. In accordance with Chapter 42.17 RCW, members of the Kirkland City Council shall ~~also~~ disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, “Personal Financial Affairs Statement.” Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable City of Kirkland Disclosure Statement within ten days of appointment.

### **3.14.050 – ETHICAL STANDARDS**

In addition to Section 33.14.030 of the Code of Ethics, which shall be administered by the Ethics Officer, Officials are also encouraged to comply with the following standards:

(1) *Compliance with other laws.* Officials shall comply with ~~the Federal, State and City~~ laws ~~of the nation, the State of Washington and the City of Kirkland~~ in the performance of their public duties. These laws include, but are not limited to: the United States and Washington constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and City ordinances and policies. See Appendix A. As required by RCW 42.17.750, no Official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any City employee. Except under limited circumstances described in RCW 42.17.130, no Official may use or authorize the use of the

facilities of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) *Personal integrity.* The professional and personal conduct of Officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, Officials shall not directly or indirectly induce, encourage or aid anyone to violate the Code of Ethics and it is incumbent upon Officials to make a good faith effort to address apparent violations of this Code of Ethics.

(3) *Working for the Common Good.* Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the ~~Kirkland~~ City Council, boards and commissions. Officials need to be mindful that making special requests of staff – even when the response does not benefit the Official personally, puts staff in an awkward position.

(4) *Respect for Process.* Officials shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

(5) *Commitment to Transparency.* Transparency, openness, and accountability are fundamental values of the City ~~of Kirkland~~ – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of City government that are prepared, possessed, used or retained by any Official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from City staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the City Public Records Officer (the City Clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the Public Records Officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility for the Public Records Officer, together with the City Attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; Officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) *Conduct of Public Meetings.* Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) *Decisions Based on Merit.* Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) *Ex parte Communications.* In quasi-judicial matters, Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or

boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) *Attendance.* As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) *Nepotism.* The City Council will not appoint Relatives of City Council Members to boards or commissions or other appointed positions.

(11) *Advocacy.* When acting in an official capacity as a City ~~of Kirkland~~ Official representing ~~the City-Kirkland~~, Officials shall represent the official policies or positions of the City Council, board or commission to the best of their ability when the City Council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during Council meetings, board/commission meetings, or other official City meetings. However, this does not preclude Officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) *Policy Role of Officials.* Officials shall respect and adhere to the council-manager structure of Kirkland City government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by ~~state~~ State law, Officials shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

#### APPENDIX A

Ch. 9A.72 RCW	Perjury and interference with official proceedings
RCW 35A.12.060	Vacancy for nonattendance
Ch. 35A. 13 RCW	Council-manager plan of government
RCW 35A.13.020	Incompatible offices
Ch. 40.14 RCW	Preservation and destruction of public records
RCW 42.17.130	Use of public office or agency facilities in campaigns – prohibition - exceptions
RCW 42.17.750	Solicitation of contributions by public officials or employees
Ch. 42.23 RCW	Code of ethics for municipal officers – contract interests
Ch. 42.36 RCW	Appearance of fairness doctrine - limitations
Ch. 42.56 RCW	Public records act
KMC 3.80.140	Kirkland code on acceptance of gifts
Ch. 3.12 KMC	Limitations on campaign contribution

### **3.14.060 – ETHICS OFFICER**

(a) The City Council creates the position of Ethics Officer. The City Manager will contract with one or more agencies to fill this position. The Ethics Officer will provide for annual review of the Code of Ethics, review of training materials provided for education regarding the Code of Ethics, and advisory opinions concerning the Code of Ethics. The Ethics Officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The Ethics Officer, in addition to other duties, may recommend changes or additions to this Code of Ethics to the City Council. The Ethics Officer shall provide input into and review the training materials and program developed for this Code of Ethics.

### **3.14.070 – ADVISORY OPINIONS**

(a) Upon request of any Official, the Ethics Officer shall render written advisory opinions concerning the applicability of Sections ~~33.14.030~~ and ~~43.14.040~~ of this Code to hypothetical circumstances and/or situations solely related to the persons making the request. The Ethics Officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the Public Disclosure Commission, the City Public Records Officer, etc.

(b) Upon request of any Official, the Ethics Officer may also render written advisory opinions concerning the applicability of the Code of Ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The Ethics Officer will endeavor to respond to requests for advisory opinions within forty-five (45) days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the Ethics Officer shall not be found to violate this Code of Ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the Ethics Office issues an advisory opinion that the described conduct would not violate the Code of Ethics, and the person's conduct is consistent with the advisory opinion. The Ethics Officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the Ethics Officer's authority, the remainder of the opinion shall remain intact.

### **3.14.080 – COMPLAINTS, INVESTIGATIONS, HEARINGS AND ENFORCEMENT**

The Ethics Officer shall resolve inadvertent and minor violations of the Code of Ethics informally and may resolve inadvertent or minor violations informally, unless the Ethics Officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the Ethics Officer may initiate an action in accordance with this section.

#### **(1) COMPLAINT PROCESS**

(A) *Complaint Requirements – Service.* Any person may submit a written complaint to the Ethics Officer alleging one or more violations of this Code of Ethics by an Official. The complaint must set forth specific facts with enough precision and detail for the Ethics Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

(B) *Finding of Sufficiency.* The Ethics Officer shall make a determination of sufficiency within thirty (30) days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section ~~33.14.030~~ or ~~43.14.040~~ of this Code. The Ethics Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics Officer shall investigate the complaint as set forth below.

(C) *Dismissal.* The Ethics Officer shall dismiss the complaint if the Ethics Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) *Notice.* Notice of action by the Ethics Officer shall be provided as follows:

1. Notice of a finding of insufficiency or dismissal of a complaint by the Ethics Officer shall be sent to the person who made the complaint and the person complained against within seven (7) days of the decision by the Ethics Officer. A finding of insufficiency or dismissal of a complaint by the Ethics Officer is final and binding, and no administrative or other legal appeal is available through the Ethics Officer.

2. Within seven (7) days of the Ethics Officer rendering a finding of sufficiency, the City Clerk shall send notice to the person who made the complaint and the person complained against, of the Ethics Officer's determination. If, after investigation, the Ethics Officer has reason to believe that a material violation of Section 3.14.030 or 3.14.040 has occurred, the City Clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty (30) days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) *Stipulations.* At any time after a complaint has been filed with the Ethics Officer, the Ethics Officer may seek and make recommendations that the City Council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics Officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the City Council for action.

#### (2) CONDUCT OF HEARINGS

(A) All hearings on complaints found to be sufficient by the Ethics Officer shall be conducted by the Hearing Examiner. The hearing shall be informal, meaning that the Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Hearing Examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Hearing Examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Hearing Examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided that the Hearing Examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be mailed-sent to the person who made the complaint and to the person complained. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the Ethics Officer and City Council.

#### (3) CITY COUNCIL ACTION

Final City Council action to decide upon stipulations and recommendations from the Ethics Officer and findings, conclusions, and recommendations from the Hearing Examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the City Council, ~~that member will not participate in any executive session unless requested and shall not vote on any matter involving the member.~~ Deliberations by the Council may be in executive session. The however, upon request of the person-member of the Council against whom the complaint was made, will not participate in any executive session and shall not vote on any matter involving

him or herself. However, upon request of the member of the Council against whom the complaint was made, a public hearing or public meeting before the Council will be held on the issue of penalties.

(4) DISPOSITION

In the event the Hearing Examiner~~s~~ finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in Subsection E below.

(A) *Dismissal.* Dismissal of the complaint without penalties.

(B) *Referral.* A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) *Admonition.* An admonition shall be an oral non-public statement made by the Mayor, or his/her designee, or if the complaint is against the Mayor, the Deputy Mayor or his/her designee to the Official.

(D) *Reprimand.* A reprimand shall be administered to the Official by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor.

(E) *Censure.* A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or if the complaint is against the Mayor, the Deputy Mayor. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least twenty (20) calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the Official appears as required.

(F) *Removal.* Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a City board or commission or other task group or committee, appointed by the City Council, the City ~~e~~Council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) *Civil Penalties.* The City Council may assess a civil penalty of up to One Thousand Dollar (\$1,000.00) or three (3) times the economic value of anything received in violation of this Code of Ethics or three times (3) the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund.

(H) *Contract void.* As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers – contract interests," is void.

(I) *Other penalties.* The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the City for any regional or multi-jurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.

(5) REVIEW OF CIVIL PENALTIES

If the City Council orders an n person-Official to pay a civil penalty, the person-Official may seek a writ of review from the superior court pursuant to Ch. 7.16 RCW, within thirty (30) days of the City Council's order.

(6) PROTECTION AGAINST RETALIATION

Neither the City nor any Official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the Ethics Officer.

(7) PUBLIC RECORDS

Records filed with the Ethics Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), ~~identifying details identity information~~ may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The City shall release copies of any written reports resulting from an investigation of a sustained complaint, any Hearing Examiner orders, and any written censures or reprimands issued by the City Council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) LIBERAL CONSTRUCTION – LIMITATION PERIOD – EFFECTIVE DATE

(A) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this Code of Ethics must be commenced within three years from the date of violation.

(C) This Code of Ethics shall take effect \_\_\_\_\_.

ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

WHEREAS, the citizens and business of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS, adopting a Code of Ethics for members of the City Council and the City's boards and commissions will promote public confidence in the integrity of local government and fair operation; and

WHEREAS, the Code of Ethics will provide the basis for education and training for City officials both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The Code of Ethics is established as Chapter 3.14 of the Kirkland Municipal Code as set forth in the attached Exhibit "A."

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

## EXHIBIT A

### Chapter 3.14 CODE OF ETHICS

#### **3.14.010 - POLICY**

(a) *Purpose.* The Kirkland City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) *Intent.* The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the City of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

- (1) public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
- (2) public officials be independent, impartial and fair in their judgment and actions;
- (3) public office be used for the public good, not for personal gain; and
- (4) public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

#### **3.14.020 - DEFINITIONS**

(a) **"Official"** means a member of the City Council or a member of Council-appointed City boards and commissions and other Council-appointed task groups or committees, including youth members.

(b) **"Relative"** means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law.

#### **3.14.030 - PROHIBITED CONDUCT**

(a) *Conflicts of Interest.* In order to ensure their independence and impartiality on behalf of the common good, Officials shall not participate in government decisions in which any of the following has a financial interest: (i) the Official, (ii) a Relative, (iii) an individual with whom the Official resides, or (iv) an entity that the Official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (i) to decisions regarding taxes or fees, (ii) if the financial interest is shared with more than ten percent of the City's population, or (iii) if the financial interest exists solely because of the Official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) *Appearance of Conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the Official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing paragraph, or (2) a transaction or activity engaged in by the Official, the Official shall make a public, written

disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) *Misuse of Public Position or Resources.* Except for infrequent use at little or no cost to the City, Officials shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for other than a City purpose.

(d) *Representation of Third Parties.* Except in the course of official duties, Officials shall not appear on behalf of the financial interests of third parties before the bodies on which the Officials serve or in interaction with assigned staff. However, the members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

(e) *Solicitations of Charitable Contributions.* No Official may make direct personal solicitations for charitable contributions from City employees.

(f) *Gifts and Favors.* Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the Official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Kirkland Municipal Code 3.80.140.

(g) *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a City purpose. "Confidential Information" means (i) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (ii) information made confidential by law.

### **3.14.040 – FINANCIAL DISCLOSURE STATEMENTS**

All Officials, except members of the City Council, shall file a City of Kirkland Disclosure Statement annually. In accordance with Chapter 42.17 RCW, members of the Kirkland City Council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable City of Kirkland Disclosure Statement within ten days of appointment.

### **3.14.050 – ETHICAL STANDARDS**

In addition to Section 3.14.030 of the Code of Ethics, which shall be administered by the Ethics Officer, Officials are also encouraged to comply with the following standards:

(1) *Compliance with other laws.* Officials shall comply with Federal, State and City laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and City ordinances and policies. See Appendix A. As required by RCW 42.17.750, no Official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any City employee. Except under limited circumstances described in RCW 42.17.130, no Official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any

person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) *Personal integrity.* The professional and personal conduct of Officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, Officials shall not directly or indirectly induce, encourage or aid anyone to violate the Code of Ethics and it is incumbent upon Officials to make a good faith effort to address apparent violations of this Code of Ethics.

(3) *Working for the Common Good.* Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council, boards and commissions. Officials need to be mindful that making special requests of staff – even when the response does not benefit the Official personally, puts staff in an awkward position.

(4) *Respect for Process.* Officials shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

(5) *Commitment to Transparency.* Transparency, openness, and accountability are fundamental values of the City – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of City government that are prepared, possessed, used or retained by any Official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from City staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the City Public Records Officer (the City Clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the Public Records Officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility for the Public Records Officer, together with the City Attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; Officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) *Conduct of Public Meetings.* Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) *Decisions Based on Merit.* Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) *Ex parte Communications.* In quasi-judicial matters, Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) *Attendance.* As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) *Nepotism.* The City Council will not appoint Relatives of City Council Members to boards or commissions or other appointed positions.

(11) *Advocacy.* When acting in an official capacity as a City Official representing the City, Officials shall represent the official policies or positions of the City Council, board or commission to the best of their ability when the City Council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during Council meetings, board/commission meetings, or other official City meetings. However, this does not preclude Officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) *Policy Role of Officials.* Officials shall respect and adhere to the council-manager structure of Kirkland City government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by State law, Officials shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

#### APPENDIX A

Ch. 9A.72 RCW	Perjury and interference with official proceedings
RCW 35A.12.060	Vacancy for nonattendance
Ch. 35A. 13 RCW	Council-manager plan of government
RCW 35A.13.020	Incompatible offices
Ch. 40.14 RCW	Preservation and destruction of public records
RCW 42.17.130	Use of public office or agency facilities in campaigns – prohibition - exceptions
RCW 42.17.750	Solicitation of contributions by public officials or employees
Ch. 42.23 RCW	Code of ethics for municipal officers – contract interests
Ch. 42.36 RCW	Appearance of fairness doctrine - limitations
Ch. 42.56 RCW	Public records act
KMC 3.80.140	Kirkland code on acceptance of gifts
Ch. 3.12 KMC	Limitations on campaign contribution

### 3.14.060 – ETHICS OFFICER

(a) The City Council creates the position of Ethics Officer. The City Manager will contract with one or more agencies to fill this position. The Ethics Officer will provide for annual review of the Code of Ethics, review of training materials provided for education regarding the Code of Ethics, and advisory opinions concerning the Code of Ethics. The Ethics Officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The Ethics Officer, in addition to other duties, may recommend changes or additions to this Code of Ethics to the City Council. The Ethics Officer shall provide input into and review the training materials and program developed for this Code of Ethics.

### 3.14.070 – ADVISORY OPINIONS

(a) Upon request of any Official, the Ethics Officer shall render written advisory opinions concerning the applicability of Sections 3.14.030 and 3.14.040 of this Code to hypothetical circumstances and/or situations solely related to the persons making the request. The Ethics Officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the Public Disclosure Commission, the City Public Records Officer, etc.

(b) Upon request of any Official, the Ethics Officer may also render written advisory opinions concerning the applicability of the Code of Ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The Ethics Officer will endeavor to respond to requests for advisory opinions within forty-five (45) days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the Ethics Officer shall not be found to violate this Code of Ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the Ethics Office issues an advisory opinion that the described conduct would not violate the Code of Ethics, and the person's conduct is consistent with the advisory opinion. The Ethics Officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the Ethics Officer's authority, the remainder of the opinion shall remain intact.

### 3.14.080 – COMPLAINTS, INVESTIGATIONS, HEARINGS AND ENFORCEMENT

The Ethics Officer shall resolve inadvertent and minor violations of the Code of Ethics informally and may resolve inadvertent or minor violations informally, unless the Ethics Officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the Ethics Officer may initiate an action in accordance with this section.

#### (1) COMPLAINT PROCESS

(A) *Complaint Requirements – Service.* Any person may submit a written complaint to the Ethics Officer alleging one or more violations of this Code of Ethics by an Official. The complaint must set forth specific facts with enough precision and detail for the Ethics Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

(B) *Finding of Sufficiency.* The Ethics Officer shall make a determination of sufficiency within thirty (30) days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section 3.14.030 or 3.14.040 of this Code. The Ethics Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics Officer shall investigate the complaint as set forth below.

(C) *Dismissal.* The Ethics Officer shall dismiss the complaint if the Ethics Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) *Notice.* Notice of action by the Ethics Officer shall be provided as follows:

1. Notice of a finding of insufficiency or dismissal of a complaint by the Ethics Officer shall be sent to the person who made the complaint and the person complained against within seven (7) days of the decision by the Ethics Officer. A finding of insufficiency or dismissal of a

complaint by the Ethics Officer is final and binding, and no administrative or other legal appeal is available through the Ethics Officer.

2. Within seven (7) days of the Ethics Officer rendering a finding of sufficiency, the City Clerk shall send notice to the person who made the complaint and the person complained against, of the Ethics Officer's determination. If, after investigation, the Ethics Officer has reason to believe that a material violation of Section 3.14.030 or 3.14.040 has occurred, the City Clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty (30) days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) *Stipulations.* At any time after a complaint has been filed with the Ethics Officer, the Ethics Officer may seek and make recommendations that the City Council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics Officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the City Council for action.

#### (2) CONDUCT OF HEARINGS

(A) All hearings on complaints found to be sufficient by the Ethics Officer shall be conducted by the Hearing Examiner. The hearing shall be informal, meaning that the Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Hearing Examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Hearing Examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Hearing Examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided that the Hearing Examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the Ethics Officer and City Council.

#### (3) CITY COUNCIL ACTION

Final City Council action to decide upon stipulations and recommendations from the Ethics Officer and findings, conclusions, and recommendations from the Hearing Examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the City Council, deliberations by the Council may be in executive session. The member of the Council against whom the complaint was made, will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the Council against whom the complaint was made, a public hearing or public meeting before the Council will be held on the issue of penalties.

#### (4) DISPOSITION

In the event the Hearing Examiner finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in Subsection E below.

(A) *Dismissal*. Dismissal of the complaint without penalties.

(B) *Referral*. A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) *Admonition*. An admonition shall be an oral non-public statement made by the Mayor, or his/her designee, or if the complaint is against the Mayor, the Deputy Mayor or his/her designee to the Official.

(D) *Reprimand*. A reprimand shall be administered to the Official by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor.

(E) *Censure*. A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or if the complaint is against the Mayor, the Deputy Mayor. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least twenty (20) calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the Official appears as required.

(F) *Removal*. Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a City board or commission or other task group or committee, appointed by the City Council, the City Council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) *Civil Penalties*. The City Council may assess a civil penalty of up to One Thousand Dollar (\$1,000.00) or three (3) times the economic value of anything received in violation of this Code of Ethics or three times (3) the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund.

(H) *Contract void*. As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers – contract interests," is void.

(I) *Other penalties*. The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the City for any regional or multi-jurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.

#### (5) REVIEW OF CIVIL PENALTIES

If the City Council orders an Official to pay a civil penalty, the Official may seek a writ of review from the superior court pursuant to Ch. 7.16 RCW, within thirty (30) days of the City Council's order.

#### (6) PROTECTION AGAINST RETALIATION

Neither the City nor any Official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment,

intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the Ethics Officer.

(7) PUBLIC RECORDS

Records filed with the Ethics Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The City shall release copies of any written reports resulting from an investigation of a sustained complaint, any Hearing Examiner orders, and any written censures or reprimands issued by the City Council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) LIBERAL CONSTRUCTION – LIMITATION PERIOD – EFFECTIVE DATE

(A) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this Code of Ethics must be commenced within three years from the date of violation.

(C) This Code of Ethics shall take effect \_\_\_\_\_.

PUBLICATION SUMMARY  
OF ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

SECTION 1. Establishes a new Chapter 3.14 entitled "Code of Ethics."

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Lorrie McKay, Intergovernmental Relations Manager  
**Date:** January 27, 2012  
**Subject:** 2012 LEGISLATIVE UPDATE No. 1

**RECOMMENDATION:**

Council should receive its first update on the 2012 legislative session.

**BACKGROUND DISCUSSION:**

The 2012 State Legislative Session opened on Monday, January 9 and at the writing of this memo, is completing its third week. The 2012 Session is a short session, lasting only nine weeks and is scheduled to conclude on March 8, 2012.

As of January 30, the cutoff calendar for the 2012 regular session had not yet been approved. However, unofficial session planners suggest that the last day to read in committee reports in the house of origin, except fiscal committees and Senate Ways and Means and Transportation committees appears to be Friday, February 3. The last day to read in committee reports from House fiscal committees and Senate Ways and Means and Transportation committees appears to be Tuesday, February 7. And February 14 appears to be the last day to consider bills in their house of origin.

This is an update on the City's legislative interests as of January 27.

**COUNCIL LEGISLATIVE SUBCOMMITTEE:**

The Council's Legislative Subcommittee meets weekly on Friday's at 3pm (Mayor McBride, Deputy Mayor Marchione and Council Member Asher).

The Council's Legislative Subcommittee met on January 27 to discuss the status of the city's 2012 legislative priorities (Attachment A), other bills of interest to the City (Attachment B), as well as the recent AWC 2012 Legislative Action Conference held on January 25 and 26 in Olympia.

**Week 1 (1/9 – 1/15)**

The focus in week 1 had several tracks.

1. Remain focused on the status of proposed cuts to the Annexation Sales Tax Credit (ASTC) and continue to identify avenues to communicate the impacts to Kirkland. Identify allies to add the preservation of the ASTC to their legislative agendas.
2. Identify legislative advocates and vehicles for Kirkland's jobs and transportation related projects (Attachment C).
3. Finalize bill language and identify sponsors for Kirkland's Fire Benefit Charge bill (Attachment D) and Fire Hydrant bill.
4. Identify status and strategies for moving the bill exempting cities from impact fees for low-income housing.
5. Staff analysis of proposed legislation introduced that the city may have interest in.

**Week 2 (1/16 – 1/22)**

The primary focus in week 2 of the session, the week of the snowstorm, was to continue analysis of proposed legislation introduced that the city may have interest in. In addition, staff identified materials needed for hearing scheduled on priority bills for the following week, as well as materials for the upcoming AWC Legislative Action Conference and Lobby Day.

**Week 3 (1/23 – 1/29)**

Staff focus in week 2 was on the ground in Olympia. Mayor McBride participated in a “Mayors’ Transportation Forum” hosted by Mayor McGinn, Mayor Priest and Mayor Strickland. Mayor McBride also testified in support of HB 2641, an Omnibus Cost Savings bill sponsored by Representative Springer. Mayor McBride, Deputy Mayor Marchione and Councilmembers Walen, Sweet and Nixon all participated in the AWC’s Legislative Action Conference on Wednesday. Further, Mayor McBride and Councilmembers Sweet and Nixon met with nearly every member of the 45<sup>th</sup>, 48<sup>th</sup>, 32<sup>nd</sup> and the 1<sup>st</sup> advocating for the City’s legislative priorities.

**2011 LEGISLATIVE PRIORITIES:**

A detailed matrix tracking the status (as of January 27) of Kirkland’s legislative priorities is attached to this memorandum. Below is an at a glance summary:

<b>2012 Legislative Priority</b>	<b>Bill Number</b>	<b>Hearing Status</b>
State Annexation Sales Tax Credit	HB 2146	1/9 - retained in House Ways and Means
Oppose new mandates and cost shifting		See bill tracker – monitoring status of all bills.
Financial assistance for the construction of the Public Safety Building	<i>Several vehicles</i>	
Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses	<i>Several vehicles</i>	
Transfer fire hydrant-related costs from the City’s General Fund to other more appropriate sources	HB 2591	1/25 – 1:30PM Heard in Local Government
Financing options to support public/private partnerships (including flexibility in the use of existing tax sources)	HB 1881 (AWC) SB 5705	1/9 –Retained in present status
Amend RCW 82.02.060 to eliminate cities’ obligation to pay impact fees when exempting low-income housing from impact fee requirements.	HB 1398 SB 5524	1/20 – Placed on third reading by Rules Committee
Allow cities the same Fire Benefit Charge authority that fire districts receive under RCW 52.18.010.	HB 2615	1/25 – 1:30PM Heard Local Government 1/31 – 10 AM scheduled for Executive Session
State funding mitigation to communities impacted by diversion caused by tolling of state facilities.	<i>Several vehicles</i>	

**HEARINGS AND CORRESPONDENCE:**

Bill	Cmte	Dt/Time	City Rep.	SME
<a href="#">HB 2641</a> Omnibus Cost Savings bill	LG	1/24 10am	Mayor McBride	
<a href="#">HB 2591</a> Transfer fire hydrant-related costs	LG	1/25 1:30pm	Kurt Triplett	
<a href="#">HB 2615</a> Fire Benefit Charge authority	LG	1/25 1:30pm	Kurt Triplett	

Cmte (Committee) Legend

LG = House Committee on Local Government

**BILL TRACKING:**

Waypoint Consulting is tracking other bills of interest to the City. To date, Waypoint has identified over 160 bills as having potential impact on or interest to the City of Kirkland and has sought the City's analysis and position on these bills. City staff are actively reviewing these bills, measuring them against our 2012 legislative agenda and providing recommended positions to the Legislative Subcommittee A bill tracker from January 27 is attached to this memorandum.

Legislative Committee Highlighted Bills - Cost Savings; Transportation Funding; Tax Simplification and Community Municipal Corporations

1. [HB 2641](#) - Reducing nontax administration costs associated with the conduct of city and county operations (Omnibus Cost Savings bill).
2. [HB 2660](#) / SB 6455- Addressing Transportation Revenue (Governor's related information in Attachment E)
3. [HB 2490](#) - Improving the business climate in this state by simplifying state and local tax and licensing systems
4. [HB 2610](#) - Repealing provisions governing community municipal corporations

Matrices updated February 3, for both Kirkland's legislative priorities and an updated bill tracker will be emailed to Council in advance of the meeting on February 7

**LATE BREAKING NEWS ON FIRE HYDRANTS**

Last week the State Supreme Court issued a decision on a Tacoma case related to charging for fire hydrants. Attorneys from cities around the state (including our own City Attorney) and from water and sewer utilities are analyzing the impacts of this decision. Preliminary analysis indicates that the decision says that utility districts are responsible for paying for the cost of fire hydrants when they provide service to a city. If this analysis holds, it most likely means that Kirkland would not have to pay for fire hydrant costs for the Northshore Utility District. If so, the main reason for the bill may be rendered moot. Regardless of the ultimate outcome of the issue, the Supreme Court decision has introduced sufficient complexity that action on Kirkland's fire hydrant bills has been suspended.

Attachments: Status of city's 2012 legislative priorities  
List of bills the City is tracking and positions  
Discussion Paper on Kirkland Projects  
Discussion Paper on Fire Benefit Charge authority bill  
Governor's Transportation Critical Needs

## City of Kirkland Legislative Priorities and Status: 2012 Legislative Session

## Attachment A

Updated 1.27.12

	Legislative Priority	Bill #	Prime Sponsor	Status
	State Annexation Sales Tax Credit	HB 2146	Hunter/Gov	1/9 - By resolution, reintroduced & retained in present position
1	Oppose new mandates and cost shifting			See bill tracker – monitoring status of all bills.
2	Financial assistance for the construction of the Public Safety Building			
3	Preserve all options for future use of the BNSF corridor and state financial assistance to implement multiple uses	HB 2190 SB 5992		1/9 – Read into Transportation 1/9 - By resolution, reintroduced & retained in present status
4	Transfer fire hydrant-related costs from the City's General Fund to other more appropriate sources	HB 2591	Rep. Eddy Sen. Hill	1/25 – 1:30PM Heard in Local Government 1/31 - Scheduled for Executive Session in Local Government.
5	Financing options to support public/private partnerships (including flexibility in the use of existing tax sources)	HB 1881 (AWC) SB 5705	Rep. Springer Sen. Kilmer	1/9 - By resolution, reintroduced & retained in present status 1/9 - By resolution, reintroduced & retained in present status
6	Amend RCW 82.02.060 to eliminate cities' obligation to pay impact fees when exempting low-income housing from impact fee requirements.	HB 1398 SB 5524	Rep. Fitzgibbon <i>(Sen White)</i>	1/20 – Placed on third reading by Rules Committee 1/9 - By resolution, reintroduced & retained in present status
7	Allow cities the same Fire Benefit Charge authority that fire districts receive under RCW 52.18.010.	HB 2615	Rep. Goodman Sen. McAulliffe	1/25 – 1:30PM Heard in Local Government 1/31 - Scheduled for Executive Session in Local Government.
8	State funding mitigation to communities impacted by diversion caused by tolling of state facilities	HB 2190 SB 5992		1/9 – Referred into Transportation 1/9 - By resolution, reintroduced & retained in present status

Bill	Title	Position	Status
<i>Support</i>			
<a href="#">HB 1018</a>	Bicyclists and motorists	2011 - Support	
<a href="#">HB 1033</a>	Court actions/RCW 42.566.550	2011 - Support	
<a href="#">HB 1234</a>	Security alarms, crime watch	2011 - Support	1/16 - Passed (90 yeas, 0 nays, 8 excused). 1/17 GOTRE
<a href="#">HB 1377</a>	Interest arbitration panels	2011 - Support	
<a href="#">HB 1398</a>	<b>Low income housing/fee ex.</b>	<b>2011 - Support</b>	1/20 Placed on 3rd reading by Rules
<a href="#">HB 1469</a>	Landscape conservation	2011 - Support	1/12 Referred to W&M.
<a href="#">HB 1598</a>	Additional REET authority	2011 - Support	
<a href="#">HB 1735</a>	Clean water jobs	2011 - Support	
<a href="#">HB 1881</a>	<b>Community redevelopment financing - TIF</b>	<b>2011 - Support</b>	
<a href="#">HB 2128</a>	Clarifies sales tax exemption for local phone srvc	Support	
<a href="#">HB 2162</a>	Appeal and permit procedures under SMA	Support w/concerns	1/27 - Scheduled for Exec Session LG.
<a href="#">HB 2191</a>	Police Dogs	Support	1/27 - Scheduled for Exec Session PS&EP.
<a href="#">HB 2201</a>	Use and governance of hearing examiners	Support	1/25 - Exec Action LG
<a href="#">HB 2216</a>	Vehicular homicide & assault	Support	1/18 - Hearing in Judiciary. 1/30 Scheduled for Exec Sess
<a href="#">HB 2253</a>	Modernizing the functionality of the state environmental policy act	Support	1/13 - Hearing in Environment. 1/27 - Schedule Exec
<a href="#">HB 2302</a>	Being under the influence w/ child in the vehicle	Support	1/19 - Exec Action Judiciary. 1/24 - Referred to GAO
<a href="#">HB 2417</a>	Increasing \$ amount for construction of a dock that doesn't qualify as a substantial development under SMA	Support	1/26 - Placed on 2nd Reading by Rules
<a href="#">HB 2465</a>	Modifying the property tax revenue limit	Support	1/26 - Referred to HWM
<a href="#">HB 2591</a>	<b>Regulating fire hydrant services provided by local governments</b>	<b>Support</b>	1/25 - Heard in LG. 1/31 Scheduled for Exec Session
<a href="#">HB 2615</a>	<b>Authorizing benefit charges for the enhancement of fire protection services</b>	<b>Support</b>	1/25 - Heard in LG. 1/31 Scheduled for Exec Session
<i>Neutral</i>			
<a href="#">HB 1230</a>	Public Safety Authorities	2011 - Neutral	
<a href="#">HB 1702</a>	impact fees/convenants	2011 - Neutral	1/20 - Placed on 3rd reading by Rules
<a href="#">HB 1812</a>	Relating to community municipal corporations	2011 - Neutral	1/12 Referred to LG.
<a href="#">HB 1462</a>	Affordable housing	Neutral	
<a href="#">HB 2178</a>	Intrastate mutual aid system	Neutral	
<a href="#">HB 2179</a>	Liquor license objections	Neutral	1/17-Hearing in LG 10am.
<a href="#">HB 2183</a>	Mobile home property tax	Neutral	
<a href="#">HB 2194</a>	Manu & Mobile Home landlords	Neutral	1/23 - Passed 94 yeas, 1 nay, 3 excused. 1/24 ref FIHI
<a href="#">HB 2260</a>	Increasing the penalties for littering	Neutral	1/27 - Scheduled Exec Session Environment
<a href="#">HB 2307</a>	Claims against the state & governmental entities arising out of tortious conduct	Neutral	
<a href="#">HB 2134</a>	Reimbursing CJ training commission for training \$	Neutral	
<a href="#">HB 1474</a>	Electronic filing & disclosure of campaign finance	Neutral	1/12 Exec Action SGTA. 2/2 - Hearing GGAO
<a href="#">HB 1920</a>	Creating a county utility tax option	Neutral	
<a href="#">HB 2290</a>	Limiting the number of tax rate changes	Neutral	
<a href="#">HB 2295</a>	Regarding the Discover Pass	Neutral	2/2 - Hearing in GGAO
<a href="#">HB 2307</a>	Claims against the state and governmental entities arising out of tortious conduct	Neutral	
<a href="#">HB 2458</a>	Concerning existing authority to impose a sales & use tax for PFD's by providing flexibility in the submittal of the sales & use tax to voters by distressed PFD's	Neutral	1/24 - Hearing HWM
<a href="#">HB 2487</a>	Clarifying procedures for appealing the adoption of a local SMP	Neutral	1/27 - Hearing in LG
<i>Oppose</i>			
<a href="#">HB 2146</a>	<b>Reducing certain local sales &amp; use tax provsns</b>	<b>2012 - Oppose</b>	
<a href="#">HB 1082</a>	Shoreline & growth mngmnt acts	2011 - Oppose	
<a href="#">HB 1088</a>	Cty/city moratoria authority	2011 - Oppose	
<a href="#">HB 1300</a>	Public Records copying costs	2011 - Oppose	
<a href="#">HB 2140</a>	Concerning liquor revenue	Oppose	
<a href="#">HB 2143</a>	Modifying community supervision provisions	Oppose	1/11 Heard W&M.
<a href="#">HB 2144</a>	Modifying offender release provisions	Oppose	1/11 Heard W&M.
<a href="#">HB 2403</a>	Exempting industrial development sites from specified land use regulations	Oppose	1/13 - Read Environment
<a href="#">HB 2480</a>	Regulating the documents used in complying with the growth management act	Oppose	1/16 - Referred to LG
<a href="#">HB 2490</a>	Simplifying state & local tax & licensing systems	Oppose	1/16 - Referred to HWM
<i>Undecided</i>			
<a href="#">HB 2610</a>	Repealing provisions governing community municipal corporations	No staff recommendation	1/24 - Hearing in LG 10 AM 1/31 - Scheduled for Exec Session

Bill	Title	Position	Status
<i>Support</i>			
<a href="#">SB 5022</a>	Court actions/42.56.550	2011 - Support	
<a href="#">SB 5143</a>	Annexation/fire prot. Dists.	2011 - Support	
<a href="#">SB 5154</a>	Modifying vehicle prowling prov	2011 - Support	1/25 - Moved to Rules White sheet
<a href="#">SB 5198</a>	Utility services joint mgmt.	2011 - Support	
<a href="#">SB 5243</a>	Growth mgmt/local progress	2011 - Support	
<a href="#">SB 5244</a>	security alarms, crime watch	2011 - Support	1/13 - Rules for 2nd reading
<b><a href="#">SB 5360</a></b>	<b>Cities &amp; towns fiscal relief</b>	<b>2011 - Support</b>	
<a href="#">SB 5420</a>	Intrastate mutual aid system	2011 - Support	
<b><a href="#">SB 5524</a></b>	<b>Low-income housing/fee exemptio</b>	<b>2011 - Support</b>	
<a href="#">SB 5604</a>	Clean water jobs	2011 - Support	
<b><a href="#">SB 5705</a></b>	<b>Community redev financing - TIF</b>	<b>2011 - Support</b>	
<a href="#">SB 5755</a>	Additional REET authority	2011 - Support	
<a href="#">SB 6001</a>	Extend time to enforce civil judgments for damages caused by impaired drivers	Support	
<a href="#">SB 6008</a>	Criminal street gangs	Support	
<a href="#">SB 6109</a>	Exempting video & audio recordings of closed executive session mtgs from public inspection	Support	1/31 - Scheduled for hearing GOTRE
<a href="#">SB 6146</a>	Clarifying restrictions on the use of the PRA for purpose of obtaining records for commercial or	Support	1/31 - Scheduled for hearing GOTRE
<a href="#">SB 5922</a>	Concerning taxpayer accountability by requiring a net benefit to the state in order to claim the benefit of a tax expenditure	Support	
<a href="#">SB 6130</a>	Modernizing the functionality of the state environmental policy act	Support	1/17 - Hearing Environment
<a href="#">SB 6140</a>	Concerning local economic development financing	Support	1/18 - Hearing EDTI
<a href="#">SB 6190</a>	The designation of urban growth areas	Support	1/30 - Hearing GOTRE
<a href="#">SB 6192</a>	Defining sprawl and low-density sprawl under the growth management act	Support	1/30 - Hearing GOTRE
<i>Neutral</i>			
<a href="#">SB 5607</a>	impact fees/covenants	2011 - Neutral	
<a href="#">SB 5155</a>	Public safety authorities	2011 - Neutral	
<a href="#">SB 5188</a>	Traffic control signals	Neutral	1/25 - Passed to Rules 2nd Reading
<a href="#">SB 5214</a>	Affordable housing	Neutral	
<a href="#">SB 5441</a>	Creating a county utility tax option	Neutral	
<a href="#">SB 6188</a>	Clarifying procedures for appealing the adoption of a local SMP	Neutral	1/25 - Heard ENRMW
<a href="#">SB 6187</a>	Claims against state & governmental entities arising out of tortious conduct	Neutral	1/25 - Heard Judiciary
<i>Oppose</i>			
<a href="#">SB 5013</a>	Land use permit process	2011 - Oppose	
<a href="#">SB 5995</a>	Urban growth area boundaries	Oppose	1/30 - Scheduled exec sess GOTRE
<a href="#">SB 6176</a>	Simplifying state & local tax & licensing systems	Oppose	
<i>Undecided</i>			
<a href="#">SJR 8218</a>	limit certain initiatives placed on ballot		1/9 read GOTRE. 12/15 prefled

**CITY OF KIRKLAND**

City Manager's Office

123 Fifth Avenue, Kirkland, WA 98033 425.587.3001

[www.kirklandwa.gov](http://www.kirklandwa.gov)

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**Job Creation Projects in the City of Kirkland****BNSF Interim Trail - \$3 million**

Kirkland needs \$3 million dollars for the development of an interim trail along the BNSF Eastside Rail Corridor in Kirkland. Kirkland would be grateful to receive any amount of assistance from the State on this project.

The Kirkland segment runs from the S. Kirkland Park and Ride just off SR 520 up to Totem Lake just off 405 near Sound Transit HOV ramps and a Metro Transit Center and Evergreen Hospital (which employs 3000 people.) The Kirkland City Council will be purchasing the Kirkland segment of the corridor at the December 12<sup>th</sup> Council meeting for 5 million dollars (our local match!) but does not have development money. This purchase is of particular interest to Google, which has approx. 1000 employees in Kirkland in buildings that are right on the current rail line. Google is evaluating its next expansion and has said that Kirkland is in the running for some of that expansion, although the competition is nationwide. Google could bring as many as 1000 to 5000 new jobs into Kirkland and Washington State if it ultimately decides to expand here. These are all high paying engineering and computer programming jobs, not temporary or contract workers. Google has told Kirkland that purchase and development of the corridor into a regional trail that links to Seattle and other parts of the region is a strong incentive for Google to remain and expand. They will be making their expansion decisions in the next few months. In addition the interim trail would extend up into the Totem Lake Business District. The TLBD is a designated urban center and is slotted under Kirkland's comprehensive plan to accommodate thousands of new jobs and thousands more in residential density. The TLBD currently provides substantial sales tax to the City and the State and a new mall is slated for development there in the next few years. This year Kirkland asked the Urban Land Institute (ULI) to evaluate the TLBD and recommend specific actions the City could take to "make it pop." The ULI top recommendation was to develop the BNSF corridor into a regional trail through the TLBD and turn Totem Lake into a destination park. ULI believes this would have an instant catalyzing affect on jobs and housing coming to the area. \$3 million dollars would allow the City to build 5.5 miles of interim, hard packed gravel trail along the entire length of the Kirkland segment within the next two years. This trail creates a strong opportunity to land Google expansion for Kirkland and the state and will also bring jobs and economic vitality to the TLBD which will benefit the city and the state.

**South Kirkland Park and Ride Parking Structure Expansion - \$6 million**

The second project is \$6 million dollars to add additional floors to a parking garage that will be built at the South Kirkland Park and Ride. Kirkland would be grateful to receive any amount of assistance from the State on this project.

The current project will be adding 200 more parking stalls to the existing P & R as part of a transit oriented development that contains both market rate, affordable and homeless transitional housing. The project will be permitted next year and completed by 2013. \$6 million will allow the project to add additional floors without slowing down the project. More construction jobs will be created instantly for this nearly shovel ready project and hundreds of new stalls will be created which will benefit Kirkland, Bellevue and the state as the S. Kirkland P & R is overflowing with cars

that stop there to catch buses into Seattle across the SR520 bridge. This will help mitigate the impact of tolling on Kirkland caused by the traffic diversion that will occur when tolling starts. This project is a partnership between King County Metro (who owns the land), Polygon and Imagine Housing, with Kirkland and Bellevue as the permitting entities.

**6<sup>th</sup> & Central Project – \$3.2 million:** Jobs Created: Short-Term 60, Long-Term over 7300

The total cost for the 6<sup>th</sup> & Central Project is \$3,200,000. Kirkland would be grateful to receive any amount of assistance from the State on this project.

Central Way corridor (NE 85<sup>th</sup> Street to the east, formerly known as State Route 908) provides access to and from Interstate 405 (I-405), the City of Redmond, and Downtown Kirkland. The district adjacent to the project area is designated as Kirkland's primary downtown employment center. Requested funding will create a "Gateway" to the Kirkland Downtown core and will complete intersection improvements at 6<sup>th</sup> Street & Central Way, and at 4<sup>th</sup> Avenue & 6<sup>th</sup> Street. The proposed Project is also adjacent to the Parkplace Mall and surrounding commercial area. Significant redevelopment of the Parkplace Mall and commercial area is currently proceeding through the City's permitting process. The redevelopment proposal includes 1.8 M square feet of office, retail, and hotel use (an increase of 1.5 M sq ft over existing) and creates more than 7300 long term new jobs. The Central Way corridor is congested especially during peak hours and during events taking place in the Downtown area. The continued reliable and safe operation of the Central Way corridor concurrent with the ongoing redevelopment is critical to the success of Downtown Kirkland.

Project components include:

- a traffic signal upgrade at 4<sup>th</sup> Ave & 6<sup>th</sup> St to increase capacity and improve traffic flow;
- a traffic signal expansion at 6<sup>th</sup> St & Central Way that includes an additional dedicated left turn and receiving travel lanes, and the installation of a signal head on a ready-to-receive mast arm to improve traffic flow and provide direct access to Parkplace;
- a traffic signal revisions at 6<sup>th</sup> St & Central Way including removal of unprotected right turn, installation of bulb-outs, and lighting improvements to address pedestrian crossing safety and improve pedestrian access to the Kirkland Transit Center;
- an additional 300 linear feet of 11-foot wide travel lane and 5-foot bike lanes with new detection for improved transportation network and connection with retail redevelopment (Parkplace), and adjacent Kirkland Transit Center;
- an additional 300 lineal feet of 8-foot wide pedestrian facilities and lighting enhancements to address pedestrian safety and access to Downtown;
- installation of ITS (Intelligent Transportation Systems) facilities to help maintain traffic flow and access to I-405, the City of Redmond, and Downtown Kirkland;
- a signature "Gateway" to clearly identify the Downtown boundary and alert drivers to slow down as they enter the Downtown core.

This project helps provide the transportation infrastructure necessary to support further density in the downtown which will spur development and foster growth in the vicinity.



**CITY OF KIRKLAND**  
City Manager's Office  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3001  
www.kirklandwa.gov

January 24, 2012

## Authorizing benefit charges for the enhancement of fire protection services HB 2615 Background and Frequently Asked Questions

### **What is the problem?**

Fire Districts currently have a voter-approved fee authority for fire and EMS services that cities do not have. It is a tool both Districts and cities should have to maintain fire and EMS protection services when areas transition, particularly on the borders of jurisdictions where mutual aid is essential. When cities annex the service areas of Fire Districts that have imposed the fire benefit charge, that revenue is lost and fire service to the area can be significantly diminished. The City of Kirkland is a prime example. When Kirkland added more than 31,000 new residents on June 1, 2011 by annexing the Juanita, Finn Hill, and Kingsgate areas, it took over a portion of Woodinville Fire and Rescue (WFR) which had a voter-approved benefit charge in place. Over the last seven months of 2011, WFR collected approximately \$500,000 in benefit charge fees in the area that is now Kirkland. But because WFR no longer served that area, that revenue was used to provide fire service elsewhere in WFR's service area. In fact, WFR closed down a fire station right on the border of the new Kirkland and response times to the Kingsgate area have been impacted. Because Kirkland (as a city) could not collect a benefit charge, it was unable to completely offset the closure, even though the city added nine new firefighters and has approximated the fire and EMS services in the area.

If Kirkland had the fire benefit charge tool, it could ask its voters whether they wanted enhanced fire and EMS protection services as a user fee rather than as an additional property tax.

### **What Would House Bill 2615 do?**

HB 2615 is modeled after the state authority that Fire Districts currently have. The bill authorizes cities to ask the voters if they would like to impose a fire benefit charge within the city boundary.

This bill requires 60% voter approval and also requires that fire service be enhanced by the imposition of the benefit charge. No supplantation of fire service is allowed under the bill. The charge expires after six years and must be reauthorized by the voters to continue.

This actually a stricter standard than the benefit charge Fire Districts have, which does not require enhanced services, but can be used to maintain service.

An exemption specifically cited for affordable and low-income housing properties will likely be included and Kirkland supports that exemption.

### **What Benefits Would HB 2615 Provide for Cities?**

Protecting public safety is one of the most basic missions of any jurisdiction. Authorizing cities to impose a voter-approved fire benefit charge would simply allow cities to have another tool to use to provide critical fire and EMS services.

**Where Would Kirkland Enhance?**

If Kirkland were to receive this tool, we would focus enhanced services on the borders of our city, which would benefit both Kirkland and the neighboring jurisdiction. The likely immediate enhancements would be in the Kingsgate area where WFR closed down the station, which would also benefit the cities of Woodinville, Bothell and Redmond. Kirkland would also focus on more service to northern Finn Hill, which would also benefit Bothell and Kenmore.

**Who would use this?**

Cities that either have annexed, or are about to annex portions of Fire Districts that currently impose fire benefit charges.

**CITY OF KIRKLAND CONTACTS:**

[Kurt Triplett](#), City Manager, 425-587-3020

[Lorrie McKay](#), Intergovernmental Relations Manager, 425-587-3009



# GOVERNOR CHRIS GREGOIRE

2012 Policy Brief

www.governor.wa.gov

January 2012

## ADDRESSING CRITICAL NEEDS: PRESERVING THE INTEGRITY OF WASHINGTON'S TRANSPORTATION SYSTEM

Last year, Governor Gregoire convened the Connecting Washington Task Force. Its charge was to create a 10-year plan to maintain and improve the state's transportation system for consideration during the 2012 legislative session. Among its findings were that our transportation system faces enormous challenges in such measures as an increase in number of vehicle miles traveled and in public transit and ferry ridership. Connecting Washington recommended a \$21 billion investment.

Washington's transportation system is the lifeblood of our economy. Its scope is as wide as it is vital:

### Freight

- Freight-dependent businesses represent 44 percent of the state's jobs
- Companies move \$37 billion worth of freight on Washington roadways hourly

### Highways

- 18,500 state highway lane miles
- 87 million vehicle-miles per day driven
- More than 3,600 bridges and structures

### Ferries

- 22.3 million passengers per year
- 22 vessels, 19 terminals
- 900 total sailings per day

### Passenger rail

- More than 750,000 passengers per year

### Freight rail

- 3,600 miles of operated public and private freight railroads move 103 million tons of freight

### Transit

- Commute programs support more than 810,000 workers statewide, which cuts 170 million vehicle miles traveled per year
- 2,400 vans form the largest public fleet in the nation



Without funding for maintenance, we face such consequences as elimination of five ferry routes and reductions on two others. We risk further deterioration of state highways, leading to hazardous conditions. And we risk compromising bridge safety and triggering freight-restricting weight limits.

At the same time that population pressures and economic growth are placing greater demands on our transportation system, our purchasing power to maintain and improve the system is diminishing. This was caused by Initiative 695, which reduced the revenue collected through the Motor Vehicle Excise Tax by more than \$750 million annually. Passage of I-695 also cut state support for the ferries. Today, the ferry system is more dependent on passenger fares and transfers from other state transportation funds for its operating costs. With the loss of the Motor Vehicle Excise Tax, nearly 75 percent of the funding for local transit agencies now comes from the sales tax, which is especially volatile during periods of economic uncertainty.

**Although voters have passed two fuel tax increases, these funds have been exhausted:**

- » The 2003 Nickel Package passed by the voters is committed for paying off the bonds sold to fund 160 completed transportation projects.
- » The 2005 Transportation Partnership Package is also fully committed for paying off the bonds sold to fund 261 additional projects with a 9½ cent increase.
- » Neither initiative provided funds for maintenance.

**Compounding this situation are these factors:**

- » The Department of Transportation does not have a source of funds that can be used to preserve the state's highways and bridges, and maintain ferry service at current levels.
- » Counties lack the resources to maintain county roads, fix unsound bridges and address stormwater problems.
- » Cities cannot keep up with street, pavement and bridge repairs.
- » Public transit systems are being forced to cut service just as demand is rising.



**WE MUST ADDRESS TRANSPORTATION MAINTENANCE**

Tough times notwithstanding, Governor Gregoire believes we must at least maintain our transportation system. The health of our economy depends upon the ability of businesses to move freight and the ability of their employees to get to and from work. The Governor recommends that the Legislature make at minimum the following base investments so we continue to move passengers safely and goods efficiently to market:

- » **State operations and maintenance** to maintain 90 percent of state highway pavement in fair or good condition, operate ferry service and preserve bridges to avoid weight or traffic limitations – \$2.67 billion
- » **Grant funding for cities and counties** to address critical pavement and bridge structure needs – \$310 million
- » **Grant funding for transit** to mitigate potential service cuts to passengers that would affect their ability to get to work, school and other destinations – \$150 million
- » **Stormwater retrofit projects** to prevent polluted stormwater from reaching Puget Sound – \$250 million
- » **Washington State Patrol** to prevent the elimination of up to 12 percent of the trooper workforce that keeps our highways safe – \$200 million
- » **Passenger rail** to help operate service on Amtrak trains – \$100 million

To fund these investments, Governor Gregoire recommends the Legislature take the following actions:

- » Impose an oil barrel fee of \$1.50. The \$2.75 billion raised would be dedicated to operations, maintenance of the state transportation system and stormwater retrofits.
- » Impose a fee of \$100 on each electric vehicle. Because electric vehicles owners do not pay gas tax, they contribute little to the maintenance of our roads. The \$10 million raised would be spent on operations and maintenance; \$1.5 million would be invested in a pilot project to identify an equitable way to raise revenue from electric vehicle operators.
- » Impose an additional 15 percent increase on the heavy commercial vehicle combined license fee. This increase mitigates the erosion of the existing fee caused by inflation. The \$177 million raised would be invested in pavement preservation.
- » Impose an additional \$15 base passenger vehicle weight fee. The \$760 million raised would be directed to the Washington State Patrol, public transit, passenger rail service and local governments.
- » Impose a \$5 fee on each studded tire sold. Studded tires damage Washington roads. The \$7.5 million raised would be dedicated to highway and road maintenance.
- » Either allow local governments the option, through councilmatic approval, to impose a 1 percent increase in the Motor Vehicle Excise Tax, with proceeds to be dedicated to local road and transit needs, **or** allow transportation benefit districts the option, through councilmatic approval, to adopt up to a \$40 vehicle license fee for local road and transit needs.

If passed by the Legislature, the Governor's proposal is estimated to create an average of 5,500 direct, indirect and induced jobs annually over a 10-year period. The larger effect of this investment, however, would be to keep today's transportation system intact, which benefits our communities and our economy.



In the future, our children and our communities will face these and other vital transportation needs. We must continue to work together to find ways to fund these important improvement projects. Investing in our transportation infrastructure will create jobs and build the future prosperity of Washington.



## **CITY OF KIRKLAND**

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000  
www.kirklandwa.gov

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### **MEMORANDUM**

**To:** City Council  
**From:** Kurt Triplett, City Manager  
**Date:** January 31, 2012  
**Subject:** FINAL 2012 CITY COUNCIL RETREAT PLANNING

#### **RECOMMENDATION:**

City Council provides final direction on topics for the upcoming 2012 Council retreat.

#### **BACKGROUND DISCUSSION:**

The annual Council retreat will be held on Friday, March 23 and Saturday March 24. Traditionally the Council retreat dedicates significant amounts of time to three or four major topics of discussion. At the January 17<sup>th</sup> Council meeting the City Manager provided the following suggested retreat topics:

- Discussion of a Transportation Benefit District (TBD) or 2012 roads ballot measure
- Discussion of a 2012 Parks ballot measure
- Financial update
- Briefing on enhanced public engagement efforts in 2012 for 2013-2014 budget
- 2013-2014 budget priorities and themes
- Council brainstorming session
- Potential Council tour:
  - to tour roads for maintenance needs
  - park facilities to identify park needs
  - Kirkland Segment of the Eastside Rail Corridor

Since the January 17<sup>th</sup> meeting individual Councilmembers have met with or provided feedback to the City Manager about changes or additional topics to be discussed at the retreat. Those suggestions are listed below.

**Councilmember suggested topics:**

Councilmembers concurred with:

- Discussion of a Transportation Benefit District (TBD) or 2012 roads ballot measure
- Discussion of a 2012 Parks ballot measure
- Financial update
- Briefing on enhanced public engagement efforts in 2012 for 2013-2014 budget
- 2013-2014 budget priorities and themes

In addition, Councilmembers have suggested the following:

- *Review the Mission, Vision and Value Statements for the City.* Since the Council has recently reviewed and adopted the City Goals, it has been suggested that 2012 would be a good time to review and update the Mission, Vision and Values to ensure they are up to date and consistent with the Goals.
- *Improving Customer Service in Kirkland*
- *Reviewing Kirkland tax and fee structures for competitiveness and equity*
- *Focusing on jobs and economic development and remaining "nimble" to seize opportunities while preserving community trust*
- *Communications Training and Team Building.* Members who attended the AWC event in Olympia learned that the Redmond City Council and Mayor had recently done some communications training that they felt was helpful. Several Kirkland Councilmembers have suggested doing similar team building given that three new Councilmembers were elected in November of 2009 and a new member joined the Council in January of 2012.

There did not seem to be a great deal of interest in spending Council retreat time on touring. That does create the possibility of using Saturday for communications and team building.

Some of these other suggested topics could also be discussed under a "Council brainstorming" session and then referred to Council subcommittees for additional work throughout the year.

Staff is seeking direction from the full Council on final retreat topics at the February 7<sup>th</sup> Council meeting. After approval, staff will complete specific retreat planning and logistics and report back to the Council at the February 21<sup>st</sup> Council meeting.



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields, Planning Director  
Nancy Cox, Development Review Manager  
**Date:** January 26, 2012  
**Subject:** Land Use Permit Fee Schedule Changes

**RECOMMENDATION**

Staff recommends that the City Council approve Planning fee schedule changes by adopting an ordinance amending Chapter 5.74.070 of the Kirkland Municipal Code.

**BACKGROUND DISCUSSION**

Staff has notified the development community and homeless advocates about the changes noted below. Notices have been displayed on the counters at City Hall and posted on the developer's list serve. As of this date, we have not received any comments. We will report at the meeting if any are received.

The proposed changes to the fee schedule fall into the following categories:

Format/Typographical errors

- Move Noise Variance fee from Planning Director Decisions to Planning Official Decisions to more accurately reflect the decision-maker.
- Reformat "Other Process I" fees like the "Other Process IIA" and "Other IIB fees." This change makes the format of the fee schedule consistent.
- In the Process I Review list, move Home Occupation and Historic Residence Designation fees to be clear they are separate from Other Process I Fees.
- Add the Subdivision Alteration fee to the Process IIA list. Change the Subdivision Vacation or Alteration title under Process IIB to just Subdivision Vacation. These changes reflect the correct process for each.
- Delete any mention of Process III. Process III permits were deleted from the Zoning Code in 2011.

Clarifications

- Add a note under Planning Official decisions that Public Works may have additional costs for parking modifications per KMC 5.74.040 (\$75.00 per hour). The City's Transportation Engineer reviews most all parking modifications already and this puts applicants on notice that there may be additional hourly charges.
- Add note that there is no fee for code enforcement hearings. The previous language, "No fee for appeals of Notice of Civil Infraction or Order to Cease Activity" is deleted because of code changes in 2011.

Affordable Housing related

- Add a Planning Director Decision fee of \$1,049.00 for Additional Affordable Housing Incentive – Density Bonus. The current fee schedule does not have fees for Section 112.25.2 related to the Additional Affordable Housing Incentive – Density Bonus. This section allows an applicant to request more than the standard density bonus allowed and was changed from a Process IIA decision to a Planning Director decision when the code was amended to make the affordable housing incentives mandatory. A fee was not added to the fee schedule when the change was made which was an oversight. Staff is recommending the same fee as several other Planning Director decisions.

Homeless Encampment related

- Add a Process I Review fee of \$424.00 for Homeless Encampment Temporary Use with Modifications. Homeless encampment applications that meet the code standards in Chapter 127 Temporary Use Permits have a discounted fee of \$212.00. KZC 127.43 requires a Process I permit if applicants seek to modify one of the code standards. A fee has never been established for this type of permit. Presuming a discounted fee is again appropriate; staff is recommending simply doubling the basic fee.

Integrated Development Plan (IDP) related – The IDP\* was incorporated into KZC Chapter 95 - Tree Management and Required Landscaping in 2010. The City has not seen interest in IDP's until recently from the development community. Now that they are being used, staff has become aware that there are gaps in the fee schedule.

- Clarify that there is no charge for a second pre-submittal meeting if it is for an IDP. Two pre-submittal meetings are generally required for an IDP project. The fee schedule should note that there is no charge for the second pre-submittal for an IDP.
- IDP modifications:
  - Add Planning Official fee of \$525.00 when minimum tree density credits are not decreased per KZC 95.30.6.b.1);
  - Add Planning Official fee of \$828.00 when requesting a decrease in the number of tree density credits per KZC 95.30.6.b.2);

January 26, 2012

- Add Hearing Examiner fee of \$1,049.00 per KZC 95.30.6.b.3). To consider modifications to an IDP after approval requires increasingly careful consideration as described in the code excerpt below. The proposed fees are reflective of the additional time required to consider the modification requests as the project progresses. Below is the section of the code addressing IDP modifications:

95.30.6.b. Modifications to Tree Retention Plan for Short Plats and Subdivisions.

A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.

For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:

- 1) Modification – General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.
- 2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:
  - a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and
  - b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.
- 3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:
  - a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;
  - b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;
  - c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;

Memo to Kurt Triplett

January 26, 2012

- d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and
- e) Said comment period shall not be less than 14 calendar days.

\*An IDP is a copy of the plat map that includes the topography and the footprints of each home, and shows how each home will be accessed and served by utilities. The IDP also shows the tree retention plan information specified in Kirkland Zoning Code Chapter 95 (KZC 95.30) and includes an arborist report. Once approved along with the subdivision application:

1) the Land Surface Modification (LSM or grading) permit can authorize all of the site preparations including utility and road work, home site grading, and clearing of all trees approved for removal under the IDP;

2) the successive applications (i.e. demolition or building permit applications) can be reviewed faster through consolidation of Planning and Urban Forestry reviews; and

3) the LSM and building permit applications can be submitted prior to short plat or subdivision recording. Building permits can be issued once the short plat or subdivision is recorded.

cc: File MIS11-00023  
Alphabetical file

ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, HOMELESS ENCAMPMENT WITH MODIFICATION FEE AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

The City Council of the City of Kirkland do ordain as follows:

Section 1. The schedule contained in KMC 5.74.070 is hereby amended to read as follows:

**5.74.070 Fees charged by planning department.**  
 (a) The schedule below establishes fees charged by the planning department. The entire fee must be paid before the review or processing begins, except as otherwise specified.

FEE TYPE	FEE AMOUNT
<b>Preliminary Project Review</b>	
Pre-submittal Meeting, Integrated Development Plan, and/or Pre-design Conference Note: Fee subtracted from the application fee if the application is submitted within six months of the date of the preliminary project review meeting date. Credit does not apply to subsequent meetings related to the same project. <u>No charge for second pre-submittal meeting if for Integrated Development Plan.</u>	\$504.00
<b>Planning Official Decisions</b>	
Accessory Dwelling Unit (not required if reviewed concurrently with a building permit)	\$414.00
Personal Wireless Service Facility Planning Official Decision	\$8,352.00
Personal Wireless Service Facility Subsequent or Minor Modification	\$828.00
Parking Modification ( <u>additional Public Works fees may be required per KMC 5.74.040</u> )	\$525.00
Sensitive Area Planning Official Decision	\$2,071.00
Administrative Design Review If application involves new gross floor area (new buildings or additions to existing buildings)	\$2,071.00

No new gross floor area	\$0.00
Master Sign Plan Approval Modification	\$828.00
Off-Site Directional Sign Approval Modification	\$525.00
Design Review Approval Modification	\$1,049.00
Design Review Approval Extension	\$414.00
Historic Residence Alteration	\$828.00
Rooftop Appurtenance Modification	\$828.00
Multiple Private or ROW Tree Removal Permit	\$200.00
Forest Management Plan	\$300.00
Shoreline Area – Alternative Options for Tree Replacement or for Vegetation Compliance in Setback	\$200.00
Shoreline Substantial Development Exemption	\$200.00
<u>Noise Variance</u>	<u>\$525.00</u>
<u>Integrated Development Plan modification per KZC 95.30.6.b.1)</u>	<u>\$525.00</u>
<u>Integrated Development Plan modification per KZC 95.30.6.b.2)</u>	<u>\$828.00</u>
<b>Planning Director Decisions</b>	
Temporary Use Permit	\$212.00
Variance Exception	\$1,049.00
Off-Site Directional Sign	\$1,049.00
Master Sign Plan	\$2,927.00
Short Plat or Subdivision Approval Modification	\$828.00
Process I Approval Modification	\$828.00
Process IIA, IIB or III Approval Modification	\$1,049.00
Lot Line Alteration	\$1,049.00
Binding Site Plan	\$2,085.00
Multifamily Housing Property Tax Exemption Conditional Certificate	\$1,049.00
Multifamily Housing Property Tax Exemption Contract Amendment	\$525.00
Multifamily Housing Property Tax Exemption Conditional Certificate Extension	\$525.00
<del>Noise Variance</del>	<del>\$525.00</del>
<u>Additional Affordable Housing Incentive – Density Bonus</u>	<u>\$1,049.00</u>
<b>Process I Review</b>	
Short Subdivision	

Base Fee	\$4,141.00
Fee per lot	\$966.00
<b>Innovative Short Subdivision</b>	
Fixed Fee	\$6,764.00
Fee per lot	\$966.00
<b>Substantial Development Permit</b>	
Piers and Docks Associated with Multifamily Development and Marinas and Moorage Facilities Associated with Commercial Uses	\$10,436.00
Other Shoreline Improvements	\$4,473.00
<u>Historic Residence Designation</u>	<u>\$1,062.00</u>
<u>Home Occupation</u>	<u>\$1,062.00</u>
<u>Homeless Encampment Temporary Use with Modifications</u>	<u>\$424.00</u>
Personal Wireless Service Facility Process I Review	\$10,436.00
<b>Other Process I Review</b>	
<b>Residential</b>	
Base Fee	\$4,141.00
Fee per new residential unit	\$483.00
<b>Nonresidential</b>	
Base Fee	\$4,141.00
Fee per square foot new GFA	\$0.29
<b>Mixed Use</b>	
Base Fee	\$4,141.00
Fee per new unit	\$483.00
Fee per square foot new GFA	\$0.29
<u>Other Process I</u>	
Base Fee	<u>\$4,141.00</u>
Fee per new residential unit	<u>\$483.00</u>
Fee per sq. ft. new non-residential GFA	<u>\$0.29</u>
<del>Home Occupation</del>	<del>\$1,062.00</del>
<del>Historic Residence Designation</del>	<del>\$1,062.00</del>
<b>Process IIA Review</b>	
<b>Preliminary Subdivision</b>	
Fixed Fee	\$8,711.00
Fee per lot	\$1,049.00

Innovative Preliminary Subdivision	
Fixed Fee	\$10,795.00
Fee per lot	\$1,049.00
<u>Subdivision Alteration</u>	<u>\$8,945.00</u>
Personal Wireless Service Facility Process IIA Review	\$20,210.00
Other IIA	
Base Fee	\$7,303.00
Fee per new residential unit	\$414.00
Fee per sq. ft. new non-residential GFA	\$0.41
<b>Process IIB &amp; <del>Process III</del> Review</b>	
<del>Subdivision Vacation or Alteration</del>	<del>\$8,945.00</del>
Historic Landmark Overlay or Equestrian Overlay	\$1,049.00
Personal Wireless Service Facility Process IIB Review	\$29,156.00
Other IIB <del>or III</del>	
Residential (including Short Subdivisions reviewed through Process IIB per Section <u>22.28.030</u> )	
Base Fee	\$11,265.00
Fee per new residential unit (including Short Subdivisions reviewed through <u>Process IIB per KMC 22.28.030</u> )	\$414.00
Fee per sq. ft. new non-residential GFA	\$0.41
<b><u>Hearing Examiner Review</u></b>	
<u>Integrated Development Plan Modification per KZC 95.30.6.b.3)</u>	<u>\$1,049.00</u>

<b>Design Board Review</b>	
Design Board Concept Review	\$1,427.00
Design Board Design Response Review	
Base Fee	\$4,371.00
Fee per new unit	\$201.00
Fee per sq. ft. new GFA	\$0.20
<b>State Environmental Policy Act (SEPA)</b>	
Review of Environmental Checklist	

Base Fee	\$552.00
Estimated Number of PM Peak Trips	
Less than 20 trips	\$903.00
21—50 trips	\$1,805.00
51—200 trips	\$3,610.00
Greater than 200 trips	\$7,221.00
Applications involving sensitive areas (streams and/or wetlands only)	\$552.00
<b>Preparation of Environmental Impact Statement (EIS)</b>	
* The cost of preparing an EIS is the sole responsibility of the applicant. Kirkland Ordinance No. 2473, as amended, establishes the procedures that the city will use to charge for preparation and distribution of a draft and final EIS. The applicant is required to deposit with the city an amount not less than \$5,000 to provide for the city's cost of review and processing an EIS. If the anticipated cost exceeds \$5,000, the city may require the applicant to deposit enough money to cover the anticipated cost.	
<b>Miscellaneous</b>	
Appeals and Challenges	
Appeals	\$207.00
Challenges	\$207.00
Note: No Fee for <del>appeals of Notice of Civil Infraction or Order to Cease Activity</del> <u>code enforcement hearings</u>	
Sidewalk Cafe Permits	
Fixed Fee	\$654.00
Fee per sq. ft. of cafe area	\$0.73
Street Vacation	
Fixed Fee	\$8,352.00
Fee per sq. ft. of street	\$0.41
Final Subdivision	
Fixed Fee	\$2,071.00
Fee per lot	\$207.00
Review of Concurrency Application—Estimated Number of PM Peak Trips	
Less than 20 trips	\$531.00
21—50 trips	\$743.00
51—200 trips	\$1,487.00
Greater than 200 trips	\$1,911.00
<b>Fees for Comprehensive Plan and Zoning Text Amendment Requests</b>	

Request for property-specific map change	
Initial request	\$319.00
If request is authorized by city council for review	\$319.00
Request for city-wide or neighborhood-wide policy change	No charge
<b>General Notes:</b>	
<p>1. Fee Reduction for Applications Processed Together: When two or more applications are processed together, the full amount will be charged for the application with the highest fee. The fee for the other application(s) will be calculated at 50% of the listed amount.</p> <p>2. Projects with greater than 50 dwelling units or 50,000 sq. ft. nonresidential GFA: The per unit and per sq. ft. fee for all units above 50 and all GFA above 50,000 sq. ft. shall be reduced by one-half.</p> <p>3. Note for Sensitive Areas permits:</p> <p>a. In cases where technical expertise is required, the Planning Official may require the applicant to fund such studies.</p> <p>b. Voluntary wetland restoration and voluntary stream rehabilitation projects are not subject to fees.</p> <p>4. Construction of affordable housing units pursuant to Chapter 112 of the Kirkland Zoning Code: The fee per new unit and fee per square foot new GFA shall be waived for the bonus or additional units or floor area being developed.</p> <p>5. Note for Historic Residence permits: An additional fee shall be required for consulting services in connection with designation and alteration of historic residences.</p>	

(b) The director is authorized to interpret the provisions of this chapter and may issue rules for its administration. This includes, but is not limited to, correcting errors and omissions and adjusting fees to match the scope of the project. The fees established here will be reviewed annually, and, effective January 1st of each year, may be administratively increased or decreased, by an adjustment to reflect the current published annual change in the Seattle Consumer Price Index for Wage Earners and Clerical Workers as needed in order to maintain the cost recovery objectives established by the city council.

(c) MyBuildingPermit.com Surcharge. In addition to the fees listed in this section there shall be a one and three-tenths percent surcharge collected to pay for the city's MyBuildingPermit.com membership fees.

Exception: The MyBuildingPermit.com surcharge does not apply to the fees for comprehensive plan and zoning text amendment requests.

Section 2. This ordinance shall be in force and effect on March 1, 2012, after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE O-4346

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING DEPARTMENT FEES AND AMENDING KMC 5.74.070 BY CORRECTING FORMAT/TYPOGRAPHICAL ERRORS, ADDING CLARIFICATIONS, ADDING AN AFFORDABLE HOUSING INCENTIVE FEE, AND ADDING FEES FOR INTEGRATED DEVELOPMENT PLAN MODIFICATIONS. FILE MIS11-00023.

SECTION 1. Amends KMC 5.74.070 relating to Planning Department fees and adds an affordable housing incentive fee and fees for integrated development plan modifications.

SECTION 2. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as March 1, 2012, after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
City Clerk

**CITY OF KIRKLAND**

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033  
425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Eric Shields, Planning Director  
Nancy Cox, Development Review Manager  
**Date:** January 23, 2012  
**Subject:** Electronic Readerboard Signs at Schools

**RECOMMENDATION**

Consider the request of Forest Miller, Director of Facilities for the Lake Washington School District, asking that zoning regulations be revised to allow electronic readerboard signs at junior high/ middle schools and high schools in Kirkland.

Provide direction to staff on whether such revisions should be considered in the current group of miscellaneous code amendments.

**BACKGROUND DISCUSSION**

Electronic readerboard signs are now allowed only at two high schools: Lake Washington and Juanita, both of which are in the RSX zone. The signs must comply with the following regulations:

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 percent of the sign area;*
  - c. *Moving graphics and text or video are not part of the sign;*
  - d. *The electronic readerboard does not change text and/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 electronic readerboard displays messages regarding public service announcements or school events only;*
  - 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 electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m.;*
  - 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.*

Mr. Miller's letter requests that readerboard signs be allowed at all junior high/ middle schools and high schools. The letter also lists specific schools, but two schools are missing: International Community School and Northstar. It's not clear at this time if those schools are intended to be within the scope of the request. I have asked Mr. Miller for clarification, but as of this writing I have not received a reply.

The Planning Department recently started discussions with the Planning Commission and Houghton Community Council about a new group of miscellaneous zoning code amendments. If the City Council is interested in considering Mr. Miller's request, the proposal could be reviewed as part of that group. The scope of the amendments would involve broadening the number of schools and zoning districts where electronic readerboard signs are allowed consistent with the above regulations. In addition, consideration should be given to whether any additional restrictions would be appropriate given the specific locations of the other schools. We expect that the Planning Commission and Houghton Community Council will forward to the City Council their recommendations on the proposed amendments by June.

Attachment:

1. Letter from Forrest Miller and Finn Hill Junior High.

cc: Forest Miller, Director of Facilities, Lake Washington School District



RECEIVED  
DEC 13 2011

Support Service Center

15212 NE 95<sup>TH</sup> Street • Redmond, WA 98062

Office: (425) 936-1100 • Fax: (425) 883-8387

www.lwsd.org

December 9, 2011

AM PM  
PLANNING DEPARTMENT  
BY \_\_\_\_\_

Eric R. Shields, AICP  
Planning Director  
City of Kirkland  
Planning and Community Development  
123 Fifth Avenue  
Kirkland, WA 98033

Dear Mr. Shields,

Currently the City of Kirkland (City) signage code allows for electronic readerboard signage at High Schools in the City. The School District very much appreciates the City's code modifications for electronic readerboards at Lake Washington High School and Juanita High School.

I am writing this letter on behalf of the Lake Washington School District (District) to request expanding the signage code variance or code amendment to include electronic readerboard signage at all the District's secondary school sites. The District is not requesting a change to any other condition within the ordinance.

The schools included in the District request would be both junior high schools (to become middle schools in the fall of 2012) and high schools within the City. They are: Finn Hill Junior High School (i.e. Finn Hill Middle School in Fall 2012); Kamiakin Junior High School (i.e. Kamiakin Middle School in Fall 2012); Kirkland Junior High School (i.e. Kirkland Middle School in Fall 2012); and, BEST High School.

As well as being educational facilities, our junior high schools are heavily used public facilities which regularly communicate community events. An electronic readerboard allows schools to provide information more effectively about events to parents and community members.

Finn Hill Junior High was recently modernized, and the school is ready to update their old, pole-mounted readerboard. They would strongly prefer to install an electronic display board, partly to save valuable staff and student time required to manually change letters on a static board. The District supports their desire for an electronic reader board.

Letters of support for the sign code change from the principal, students and PTSA are attached.

Thank you for your consideration of this request.

Sincerely,

Forrest W. Miller, CFM, REFP, EFM  
Director of Facilities  
Lake Washington School District



**Lake Washington**  
School District No. 414

Kirkland City Council  
123 5th Avenue  
Kirkland WA, 98033

Dear Council Members:

On behalf of the students, their parents, teachers, and staff of Finn Hill Junior High School, and the surrounding community, I would like to request a sign code amendment to allow an electronic readerboard to be installed and used at the southeast corner of the new Finn Hill Junior High campus. I envision that the readerboard at Finn Hill Junior High School would provide two unique functions for the Finn Hill community: expanding communication that will enhance the educational opportunities for all community members; and building community through offers of involvement in the activities of Finn Hill.

Schools strive to educate individuals on a daily basis and a readerboard would help extend that mission beyond the classroom. The new Finn Hill Junior High campus contains several unique features that, when shared with community, could provide a daily educational experience for all that drive or walk by and pause to read the readerboard messages. Messages will range from providing time and weather information (direct from Finn Hill Junior High's new weather station), to energy usage information (that will be closely and uniquely monitored in the new building) to information about upcoming school events. The readerboard could also provide information to the community in the event of an emergency (using the guidelines set forth during the April 5, 2011 Kirkland City Council meeting). Schools also celebrate the achievements of students, teachers, and staff, however, those achievements often are unacknowledged by the greater community. A readerboard would provide the opportunity for the entire community to participate in the successes of our students and staff.

Schools provide public spaces for community building and a readerboard would be a key component to welcoming the community to campus events. Each year, Finn Hill hosts a variety of events that would be enhanced by community attendance. Concerts, plays, open houses, and meetings are just a sampling of the events that are available to the general community. In the past, it has been challenging to involve community members who may not have school-aged children in these events. A readerboard would enhance community building by inviting the entire community to partake of these events. Finn Hill Junior High has always provided the community with access to its many facilities and now would like the opportunity to extend and enhance its educational mission to keep all of the Finn Hill community informed and involved.

The new Finn Hill Junior High School has much to offer and a readerboard provides the link between the school and the Finn Hill community. Students, community members, and neighbors of Finn Hill Junior High have professed their support for the installation of a readerboard on the campus (as evidenced by the attached letters). I hope that you agree that the installation of a readerboard on the Finn Hill Junior High campus will enhance the education opportunities of our surrounding community and increase our opportunities to develop links with the greater community.

Sincerely

Victor J. Scarpelli, Jr.  
Principal  
Finn Hill Junior High & Environmental Adventure School  
Kirkland, Washington

Victor J. Scarpelli - Principal  
Dana Greenberg - Assistant Principal

**Finn Hill Junior High School**  
8040 N.E. 132nd Street • Kirkland, WA 98034-2522

Office: (425) 936-2340 • Fax: (425) 814-2955

vscarpelli@lwdsd.org

dgreenberg@lwdsd.org



# Finn Hill Jr. High School

8040 NE 132<sup>nd</sup> ST • Kirkland, WA 98034

Phone: 425-936-2340 ~ Fax: 425-814-2955

[www.lwsd.org/fhjh](http://www.lwsd.org/fhjh)

May 10, 2011

Dear City of Kirkland,

In August, Finn Hill Jr High School (FHJH) will start a new school year with a brand new building and with the transfer to this new building we are requesting that the City of Kirkland approval a new electronic school reader board. As you know, communication is vital part of any business setting or interpersonal relationship. The same is true for a public school. One mission of the FHJH Parent-Teacher-Student Association (PTSA) is to help facilitate a strong relationship of communication between our school, our families, and the community we serve. Communication is an essential part of any relationship. FHJH and our PTSA strive to keep everyone aware, updated, and informed in a timely manner.

As representatives of the FHJH PTSA we ask that you grant the approval of the installation of an electronic reader board so we can continue to improve communication. The proposed electronic reader board could be updated from the school office to announce many activities on a daily basis to students, parents and the community as they walk or drive by. With the existing free standing reader board, messages about school activities and events are currently conveyed by individual letters slipped into slots using a long pole or by climbing a ladder. This method is not conducive to frequent updates, especially when letters disappear from theft or being blown out of the railing. A limited amount of space is available for messages making it hard to convey all of the pertinent information. Changing the current reader board in the rain or even snow is challenging and the messaging is limited. The advantages of an electronic reader board are efficiency, safety and visibility. Messages can be changed quickly and updated often. Staff and volunteers would not need to climb a ladder to change messages. Messages can be displayed prominently at a key spot on the school property for the whole community to read.

We are aware that that the City of Kirkland has approved four Kirkland Fire Stations to use electronic reader boards to improve communications between city officials and the public during emergencies or disasters. We on Finn Hill do not have much access to this type of communication and would feel we too could do this if our reader board was approved. We are located on 84<sup>th</sup> Avenue NE which is a very busy and well traveled road. Lake Washington School District prides itself in emergency preparation and could easily use a school electronic reader board to get information out to the Finn Hill Community in a time of disaster.

Schools depend on reader boards for communication. On April 21, 2009, the City Council adopted Ordinance 4193 which approved electronic reader board signs at Lake Washington and Juanita High School. By approving this request from Lake Washington and Juanita High School, can we assume the City Council understands the importance of schools having electronic reader boards to communicate?

We are requesting at this time the approval of FHJH to install an electronic reader board under the same ordinance so we can continue to improve communication with our community.

Sincerely,

*Jodi Linstead* *Marlene Vacknitz*  
 Jodi Linstead and Marlene Vacknitz  
 PTSA Co-Presidents  
 Finn Hill Jr High School



Lake Washington  
School District No. 414

Victor J. Scarpelli - Principal  
Dana Greenberg - Assistant Principal

**Finn Hill Junior High School**  
8040 N.E. 132nd Street • Kirkland, WA 98034-2522  
Office: (425) 936-2340 • Fax: (425) 814-2955  
vscarpelli@lwsd.org  
dgreenberg@lwsd.org

Dear City of Kirkland,

Imagine that someone fell off their ladder while trying to change the letters on our current reader board. It would be tragic if they got hurt and the school would be responsible for them. Here at Finn Hill Junior High, we need an electric reader board, because at night, you can't read a non-electric reader board, reader boards are helpful and informative, and changing the letters on a non-electric reader board can be dangerous. For these reasons, Finn Hill Junior High should get an electric reader board.

First of all, at night, you can't exactly read a reader board. This is due to the lack of light, which defeats the purpose of having a reader board at all. With an electric reader board, the message will be visible at night, due to the illuminated display. You might not think people would be outside in the dark to see it, but many people go on walks, bike rides, or are looking out their car window. We should have an electric reader board because it would be readable in the dark. We would also be able to control the hours that the reader board is on and we could accommodate the community needs with the new technology that reader boards now come equipped with.

Secondly, reader boards are informative and helpful. You might be thinking we should just get rid of our current reader board and not get a new one, because they sound like they're dangerous and hard to see. There is, however, a purpose to having one. Many students don't remember to tell their parents what's going on at school, so some of those parents stay up-to-date purely based off of reading the school reader board. It's important that parents always know what's going on with school events, because if they don't, they could easily miss a fund raiser that could improve the school. We need an electric reader board so everyone can stay informed with school events.

Finally, it's dangerous to change the letters on non-electric reader boards. You would hope that the person changing the letters on the reader board doesn't lose their balance, but accidents do happen and the person could fall off their ladder. This would be bad for the school and obviously the person who fell off the ladder. The school could lose a lot of money in a lawsuit, plus it could acquire an un-fitting reputation. For this reason, we need an electric reader board.

It's plainly seen that we need an electric reader board. Normal reader boards aren't readable in the dark, reader boards are helpful and informative, and changing the letters on a non-electric reader board is dangerous. Some people would argue that the energy bill for the electric reader board would be too expensive, but keeping people safe and informed is definitely worth the cost of a power bill. For all of these reasons, Finn Hill Junior High needs an electric reader board.

Sincerely,

*Peyton Mash*

Peyton Mash  
8<sup>th</sup> Grade Student  
Finn Hill Junior High



Lake Washington  
School District No. 414

Victor J. Scarpelli - Principal  
Dana Greenberg - Assistant Principal

**Finn Hill Junior High School**  
8040 N.E. 132nd Street • Kirkland, WA 98034-2522  
Office: (425) 936-2340 • Fax: (425) 814-2955  
vscarpelli@lwsd.org  
dgreenberg@lwsd.org

Dear City of Kirkland,

As A.S.B. Officers, we like to communicate with the public as a whole. At our school we have many public events such as the Pasta Dinner and PTSA Auction. If we do not communicate with the public about these events, we will not be able to raise money. The community plays a big part in our school and we would like to keep it that way as we enter our new school building. This reader board will communicate to people so they know we care about the students and staff here at Finn Hill Jr. High.

With this new reader board comes new electronic technology and with this new technology our school will be more efficient. With our busy schedule we don't have time to send out multiple flyers every week. The reader board would make the secretary at this schools' job much more efficient and easier. This school needs ways to be more time efficient to have a working environment in our new school. Electric technology will make our school as affective as possible for our office staff and community announcements.

All in all, the Finn Hill community needs an electronic reader board. If we do not have a reader board, it will be hard to communicate with everyone and will sometimes cause confusion. We don't want that at our school. This will also make our lives more efficient and easy. So please Kirkland allow us the opportunity to acquire an electronic reader board, because as you can see, we need it!

Thank you for your time,

Finn Hill Junior High -A.S.B. Officers

*Victoria Vacknitz*  
Tori Vacknitz

*Rachel Blanch*  
Rachel Blanch

*Tina Overby*  
Tina Overby

*McCormick Clemensen*  
McCormick Clemensen

*Justine Lewis*  
Justine Lewis



**Lake Washington**  
School District No. 414

Victor J. Scarpelli - Principal  
Dana Greenberg - Assistant Principal

**Finn Hill Junior High School**  
8040 N.E. 132nd Street • Kirkland, WA 98034-2522  
Office: (425) 936-2340 • Fax: (425) 814-2955  
vscarpelli@lwsd.org  
dgreenberg@lwsd.org

Dear City of Kirkland,

As Finn Hill Junior High leadership students we feel inclined to bring the issue of an electronic reader board to your attention. We strongly believe it would be a beneficial addition not only to Finn Hill but to parent's staff members and people of our community. The junior high staff and parents will be able to see what events are going on at school because the reader board we currently have is hard to see in our Washingtonian weather and we all know how unpredictable the weather can be sometimes.

It would be beneficial to our community because they will be able to see what events are going on after school so they can drive more cautious around the school areas that are not marked to have slow speed limits in. If we got a new reader board it would bring up students spirit in the school because it shows that if you pursue something and want something bad enough and you work for it then you are able to attain said goal. So in conclusion if we get a new reader board it would benefit Finn Hill, the community around us, parents, and staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Bister', written over a horizontal line.

Jordan Bister  
9<sup>th</sup> Grade Student  
Finn Hill Junior High